



ELECTRONIC DETERMINATION BUSINESS PAPER

LOCAL PLANNING PANEL MEETING

**Wednesday 25 May 2022
at 4:00pm**



TABLE OF CONTENTS

ITEMS

Item 4	LPP26/22 DA/700/2021 - Construction of a Dwelling House - 14A Nancy Place, Galston	1
Item 5	LPP28/22 DA/1309/2021 - Alterations and Additions to Asquith Leagues Club (Magpies Waitara) - 11-37 Alexandria Parade, Waitara	50
Item 6	LPP30/22 DA/1234/2021 - Construction of 5 Storey Residential Flat Building containing 29 Apartments over Basement Parking - 36A & 38 Park Avenue, Waitara	145
Item 7	LPP31/22 Reporting Development Applications for Determination by the Hornsby Local Planning Panel over 180 Days	245

4 DA/700/2021 - CONSTRUCTION OF A DWELLING HOUSE - 14A NANCY PLACE, GALSTON

EXECUTIVE SUMMARY

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: Mr James Robert Martin and Mrs Brigid Aquilina Martin

Owner: Mr James Robert Martin and Mrs Brigid Aquilina Martin

Estimated Value: \$486,681

Ward: A Ward

- 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 proposal complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2013.
- A total of 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.

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 LPP Report No. LPP26/22.

ASSESSMENT

In accordance with the referral criteria and procedural requirements for Independent Hearing and Assessment Panels, the assessment of the development application has been referred to an independent town planning consultant as the proposed development is located on land owned by a Council staff member. The report by Landmark Planning is held at Attachment 1 of this report.

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 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, Landmark Planning

CASSANDRA WILLIAMS
Major Development Manager - Development
Assessments
Planning and Compliance Division

ROD PICKLES
Manager - Development Assessments
Planning and Compliance Division

Attachments:

1.  Locality Plan
2.  Consultant Report

-
3.   Architectural Plans
 4.   Stormwater Plan
 5.   Landscape Plan

File Reference: DA/700/2021

Document Number: D08387769

ITEM 4

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
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	
C1	Coversheet & Notes	Nastasi & Associates	18/6/21	

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

Supporting Documentation

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.
 - (ii) Prior to the issue of the first Construction Certificate where the development is for building work.
 - (iii) Prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work.
 - (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.
 - 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.
 - 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 and match into the 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**ITEM 4****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.
 - 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.
- 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.
 - 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.
 - 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). (HDCP 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

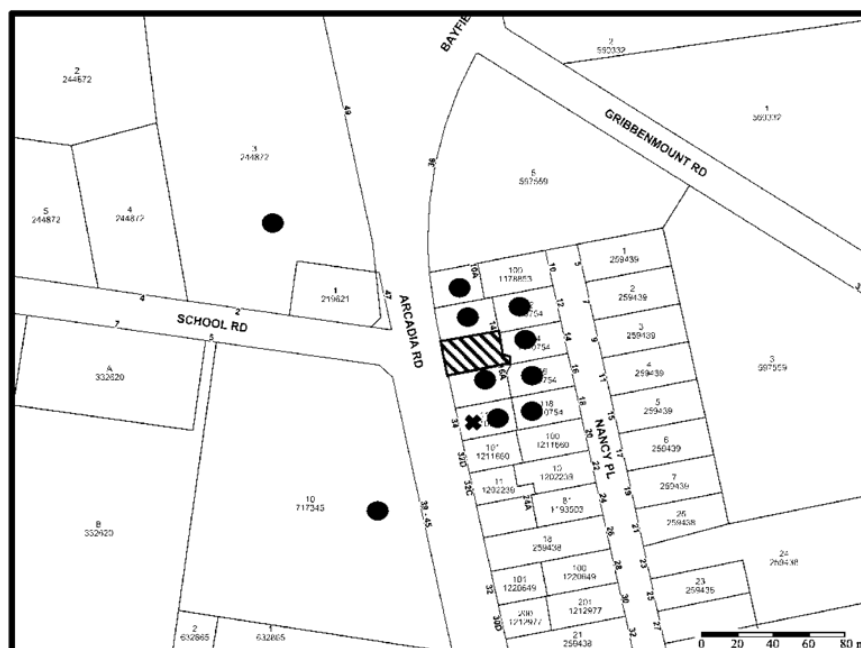
www.safework.nsw.gov.au

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.

ITEM 4



LOCALITY PLAN

DA/700/2021

No. 14A Nancy Road Galston

ATTACHMENT 1 - ITEM 4

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)			

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

The proposal would have a minor positive impact on the local economy in conjunction with other new low density residential development in the locality by generating an increase in demand for local services.

4. SITE SUITABILITY

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

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

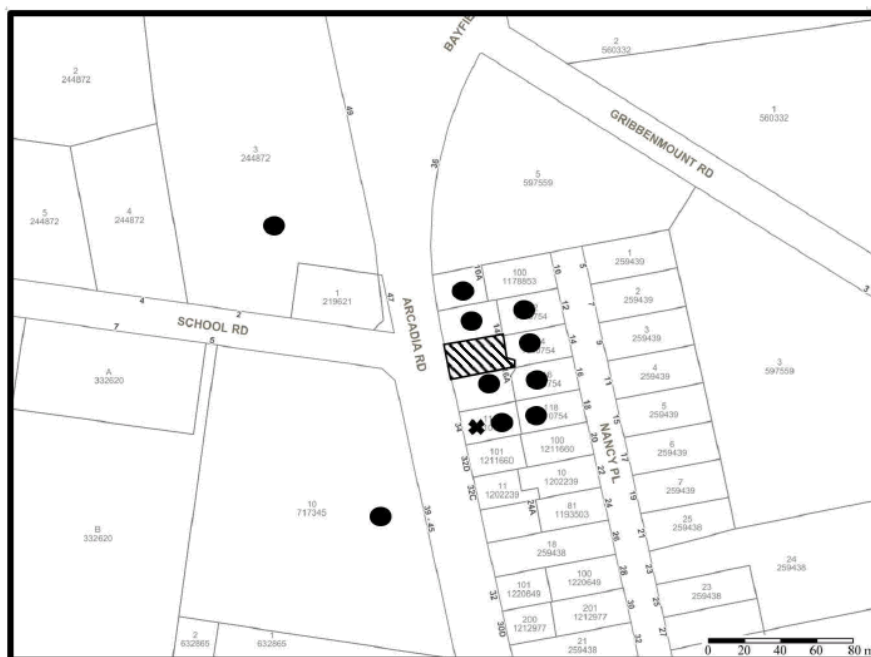
5. PUBLIC PARTICIPATION

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

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

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 21 July 2021 to 12 August 2021 in accordance with the Notification and Exhibition requirements of the Community Participation Plan. During this period, Council received one(1) submission. The map below illustrates the location of the nearby landowner who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED		PROPERTY SUBJECT OF DEVELOPMENT	
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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.

Donna Clarke – Landmark Planning Pty Ltd

Page 12

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

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). (HDCP 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

Donna Clarke – Landmark Planning Pty Ltd

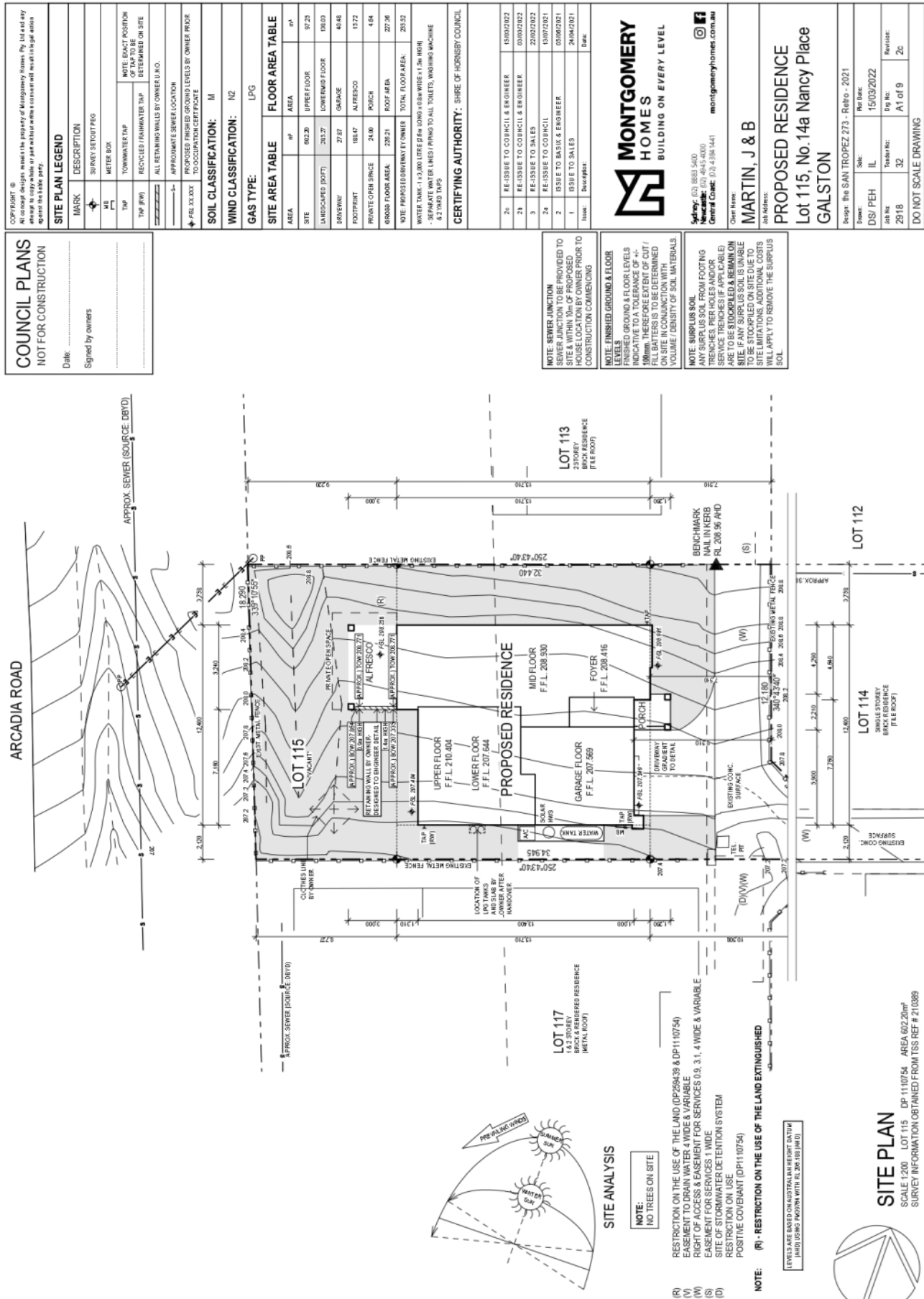
Page 21

www.adfa.org.auwww.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.



ATTACHMENT 3 - ITEM 4

ATTACHMENT 3 - ITEM 4

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ATTACHMENT 3 - ITEM 4

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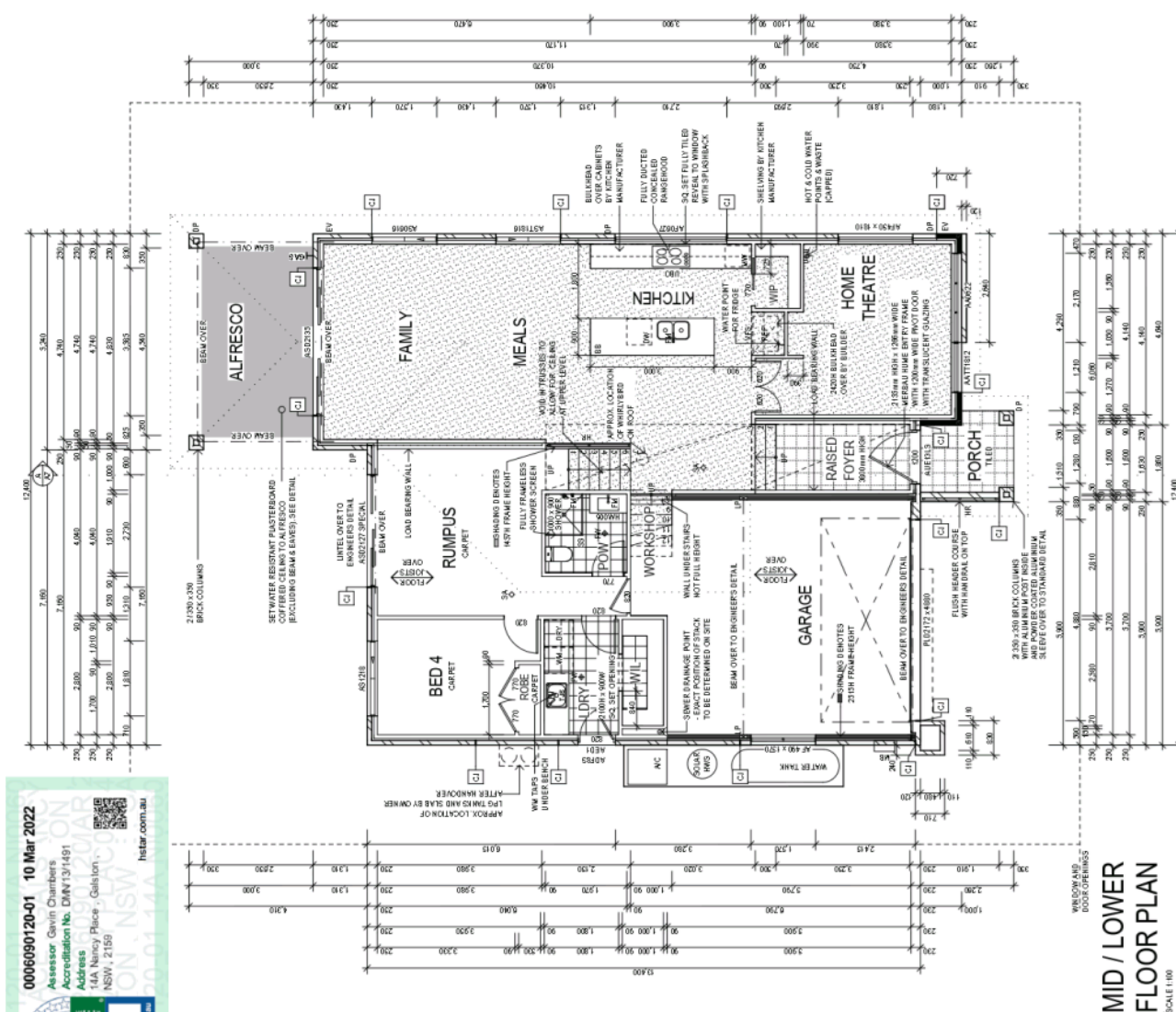
Assessor Gavin Chambers
Accreditation No. DAN/13/1491

Address
144, Ninety Place, Gullston,
NSW, 2159

QR Code

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5.4
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COUNCIL PLANS
NOT FOR CONSTRUCTION

Date: _____
Signed by owners: _____

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reproduction or copying without prior written consent will result in legal action
being taken under copyright law.

ELEVATION / SECTION LEGEND

MARK	DESCRIPTION
GENERAL	
AC	AIR-CONDITIONING UNIT
CB	CABLE CONDUIT BOX
C	CONTROL UNIT
CU	CONTROL UNIT
D.E.B.	DROPPED EDGE BEAM
E	ENTRANCE
FC	FIBRE CEMENT
FL	FINISHED FLOOR LEVEL
FTL	FINISHED FLOOR LEVEL
FGL	FINISHED GROUND LEVEL
HWS	HOT WATER SYSTEM
HPWS	HOT WATER PUMP NOT WATER SYSTEM
MB	METER BOX

LEVEL OF EXTERNAL FINISH

EXTERNAL WALLS
(NOTE: SEE ELEVATIONS FOR APPLICABLE FINISH)

- FACE BRICKWORK
- MOROKA BAG & PAINT
- RENDER

PLEASE NOTE:
SILL ANGLE WILL VARY ANGLE OF SILL IS SUBJECT TO WINDOW HEIGHT AND GAUGE OF BRICKWORK

ROOF CLADDING

- TILES
- COLORBOND

2c	RE-ISSUE TO COUNCIL & ENGINEER	15/03/2022
2d	RE-ISSUE TO COUNCIL & ENGINEER	03/03/2022
3	RE-ISSUE TO SALES	22/02/2022
2d	RE-ISSUE TO COUNCIL	15/07/2021
2	ISSUE TO BAKK & ENGINEER	05/06/2021
1	ISSUE TO SALES	24/04/2021

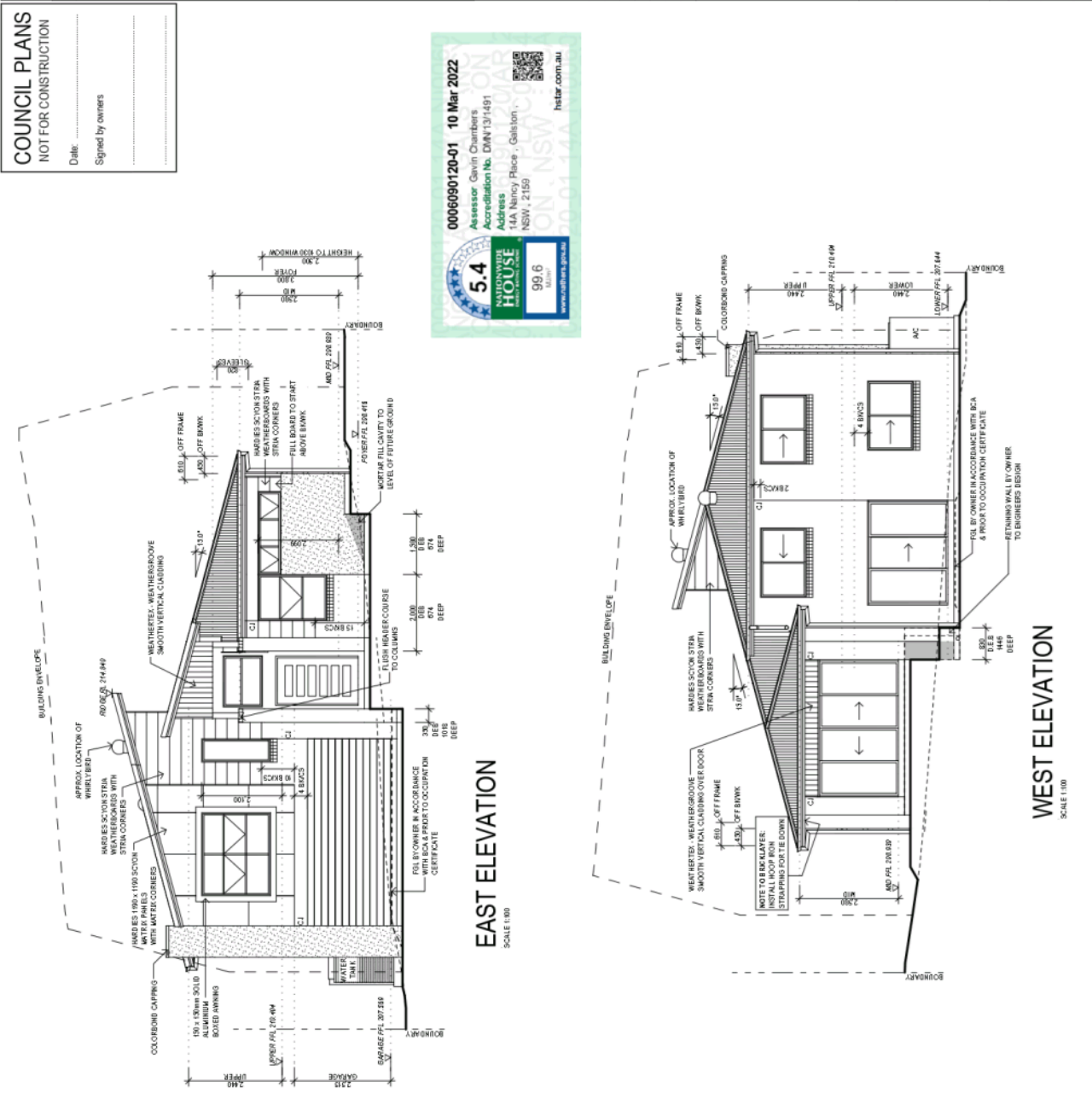
Issue: _____ Date: _____

MONTGOMERY HOMES
BUILDING ON EVERY LEVEL

Sydney: (02) 8855 5400
Melbourne: (03) 4394 1441
Central Coast: (02) 4394 1441
montgomeryhomes.com.au

Client Name: _____
Job Address: _____
MARTIN, J & B
PROPOSED RESIDENCE
Lot 115, No. 14a Nancy Place
GALSTON

Design: the SANTROPEZ 273 - Refno - 2021
Drawn: _____ Scale: _____ Not Date: _____
DS/PEH IL 15/03/2022
Job No: _____ Tender No: _____
2818 32 A5 of 9
2c
DO NOT SCALE DRAWING



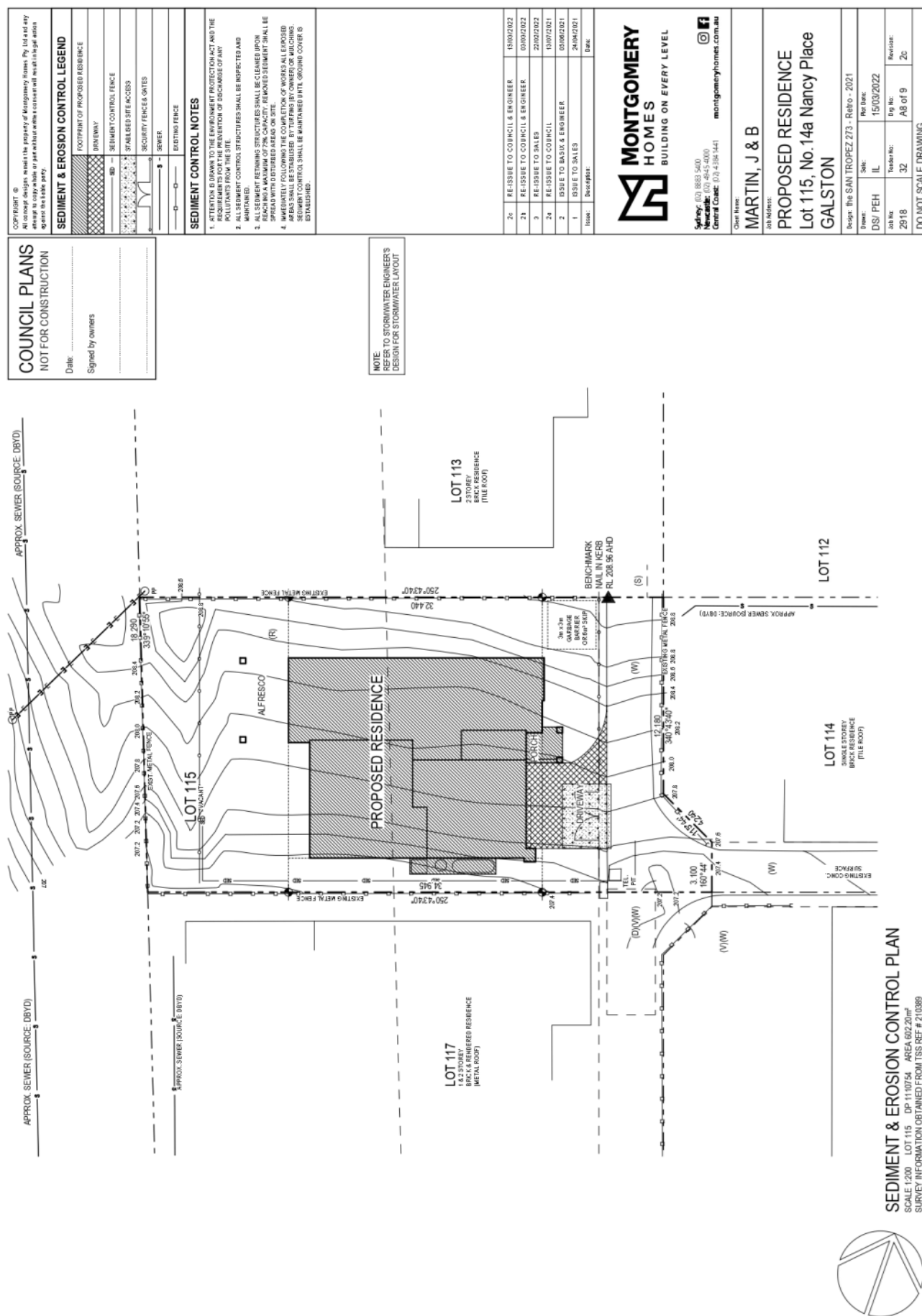
ATTACHMENT 3 - ITEM 4

ATTACHMENT 3 - ITEM 4

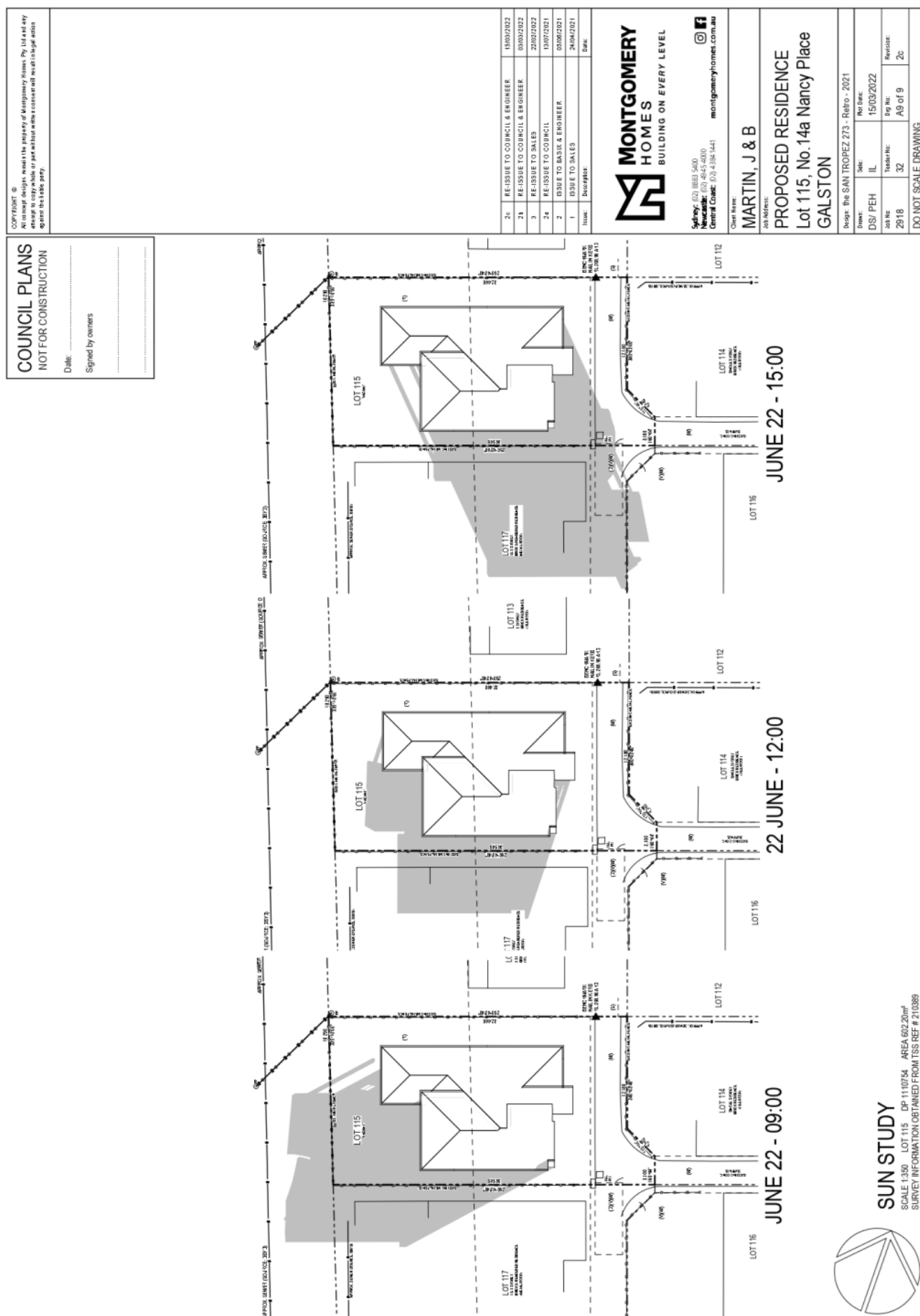
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ATTACHMENT 3 - ITEM 4



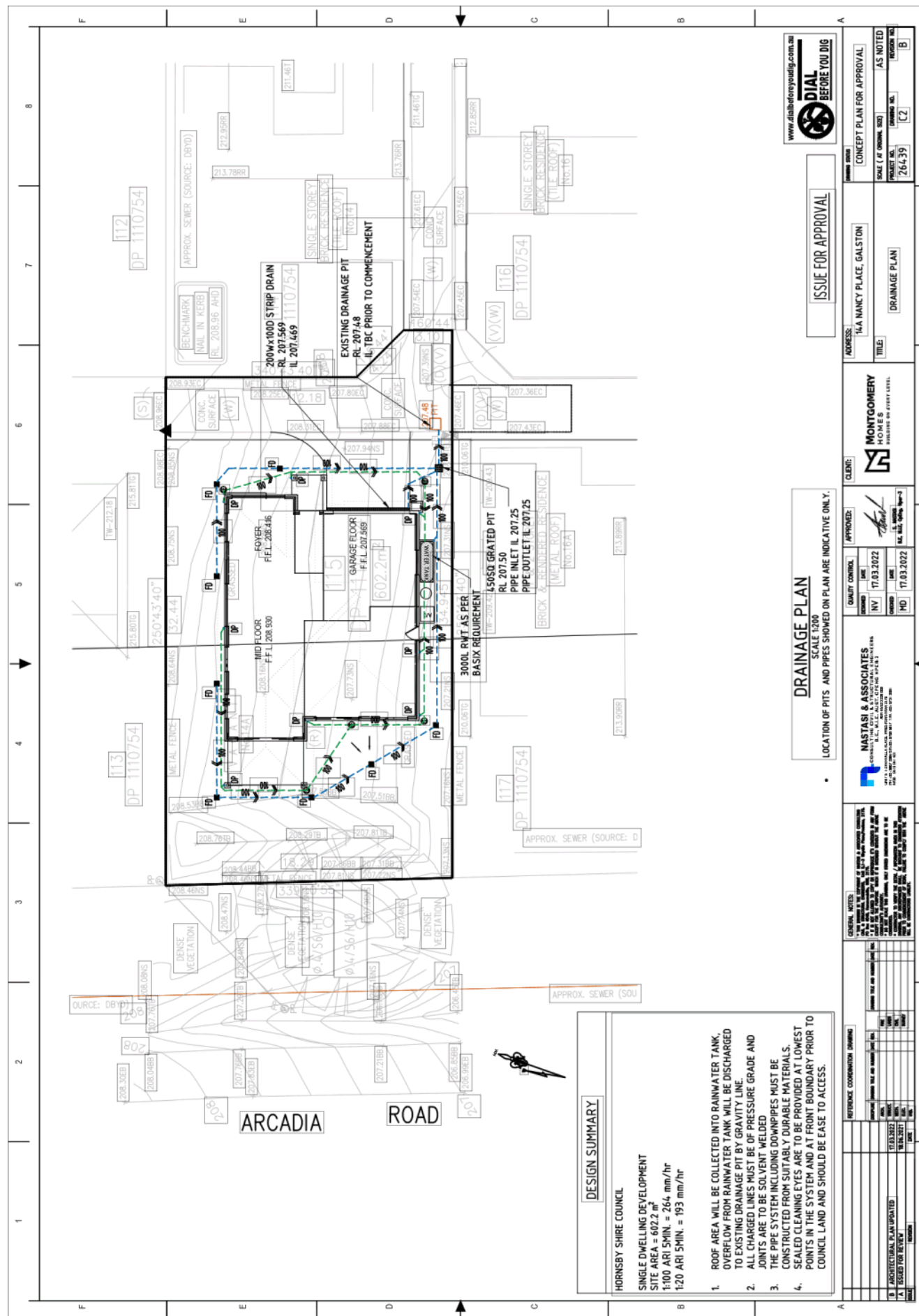
ATTACHMENT 3 - ITEM 4



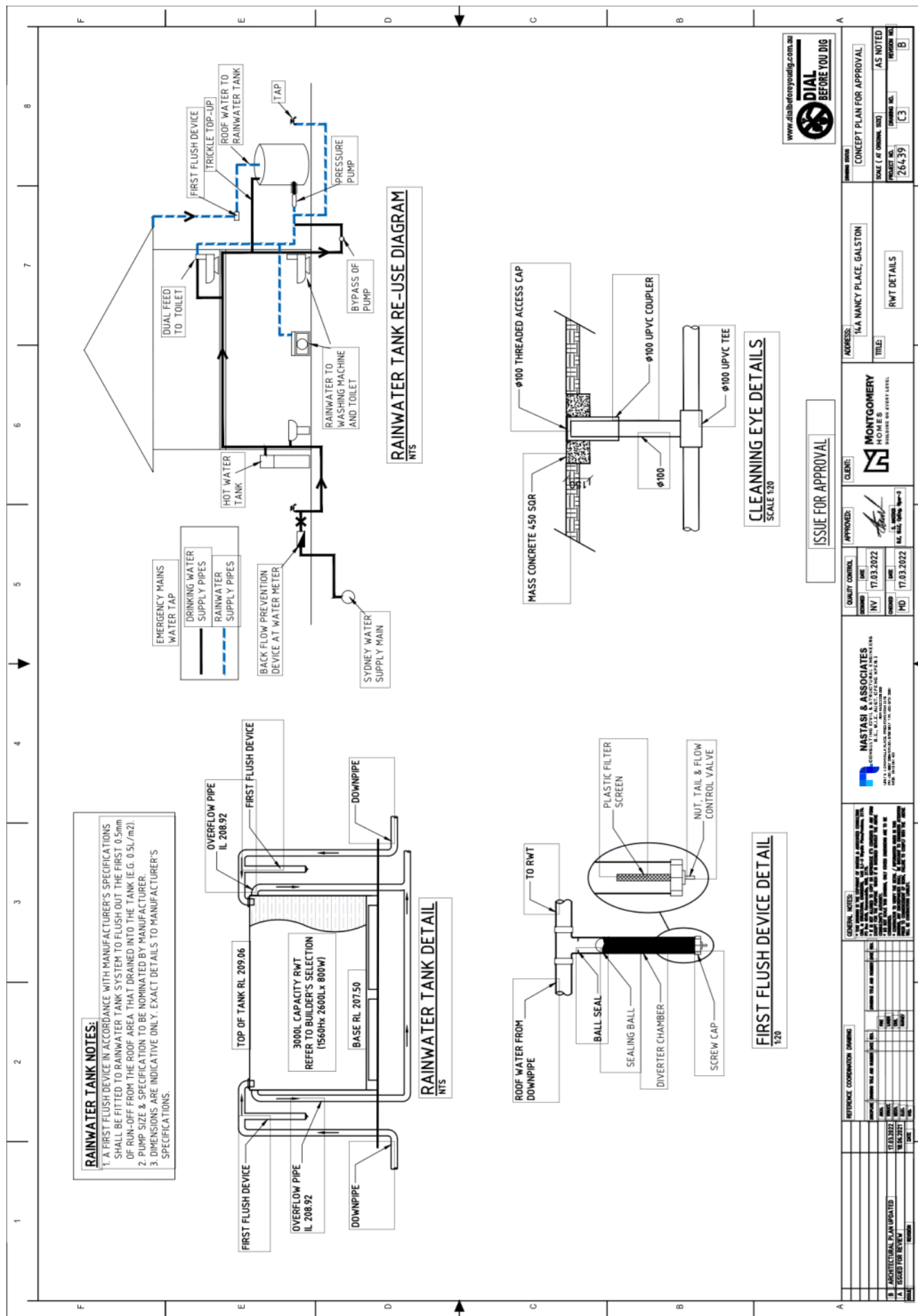
ATTACHMENT 3 - ITEM 4

ATTACHMENT 4 - ITEM 4

Local Planning Panel meeting 25 May 2022 Business Paper Page 44



ATTACHMENT 4 - ITEM 4



ATTACHMENT 4 - ITEM 4





NASTASI & ASSOCIATES
Consulting Engineers

Sydney – Gold Coast - Brisbane
Residential, Commercial, Industrial, Infrastructure
Structural, Civil, Stormwater, Geotechnical, Survey, Site Services

17th March 2022

Job No. 26439

Montgomery Homes,
Suite 17, 26 Park Road
Vineyard NSW 2765

Attention: Doug Sasse

Re: Lot 115 No. 14A Nancy Place, Galston

This is to confirm that Nastasi & Associates undertook Hydraulic/Storm water design for the abovementioned property.

We hereby certify that the following design (Job No; 26439 – Issue B – Sheet C1 to C4 Dated 17.03.2022) has been undertaken in accordance with Hornsby Shire DCP, Development Design Specification 0074 - Stormwater Drainage Design.

All work is to be carried out in accordance with AS 3500 Plumbing and Drainage Code.

Should you have any further queries please do not hesitate in contacting the undersigned.

SIGNED

SAM NASTASI – B.E M.I.E AUST CpEng Nper-3,

Accredited Certifier (Structural & Civil) No BPB0289

Board of Professional Engineers (QLDS) RPEQ – 14906


Registered Building Practitioner (VIC) RBP No EC40769

ABN 45 533 226 008 EMAIL sam@nastasiassociates.com.au
Unit 5, 1-3 Whyalla Place, PRESTONS NSW 2170 P.O. Box 6048 HAMMONDVILLE NSW 2170
PH (02) 9607 2864 OR (02) 9731 2864 FAX (02) 9731 2081 MOB 0419 041 401

ATTACHMENT 4 - ITEM 4

Note:
Landscape Contractor shall undertake minor earthworks after handover by builder as required to achieve maximum gradient to all lawn and mulched areas of 1:50, and 1:4 to all garden areas. Should retaining walls be required to achieve these falls they shall be designed by an engineer and be a maximum height compliant with council and/or developer policies.



<div>Project</div> <div>MONTGOMERY HOMES</div>	<div>Notes</div> <div>1. All dimensions and levels shall be verified by Contractor on site prior to commencement of work. 2. Do not scale from drawings. 3. If in doubt contact Landscape Architect. 4. This design is copyright and shall not be copied, utilised or reproduced in any way without prior written permission of A Total Concept Landscape Architects. 5. This plan has been prepared for D.A purposes only. 6. All Building Works shall be installed to Structural Engineers detail.</div>	<div>Revision</div> <div>A</div>	<div>Description</div> <div>ARCHITECTURAL AMENDMENT</div>	<div>Date</div> <div>29.03.2022</div>	<div>DRAWING</div> <div>LANDSCAPE PLAN</div> <div>ADDRESS</div> <div>14A NANCY PLACE, GALSTON</div>
		<div>CLIENTS</div> <div>JAMES & BRIGID MARTIN</div>	<div>DATE #</div> <div>16/05/21</div> <div>SCALE (B.A.)</div> <div>1:1000</div> <div>DRAWING</div> <div>D.C.</div> <div>CHECK</div> <div>J.C.</div> <div>PROJECT #</div> <div></div> <div><div>atc</div><div>A Total Concept Landscape Architects & Swimming Pool Designers</div><div>40 DUNDAS STREET, SYDNEY NSW 2008</div><div>Tel: 02 9557 5522 Fax: 02 9557 5523</div></div>	<div>DWG #</div> <div>L/01</div> <div></div>	

5 DA/1309/2021 - ALTERATIONS AND ADDITIONS TO ASQUITH LEAGUES CLUB (MAGPIES WAITARA) - 11-37 ALEXANDRIA PARADE, WAITARA

EXECUTIVE SUMMARY

- DA No:** DA/1309/2021 (Lodged on 8 December 2021)
- Description:** Alterations and additions to the Asquith Leagues Club (Magpies Waitara) comprising the construction of outdoor garden terraces, an outdoor gaming area and indoor bar
- Property:** Lot 100 DP 848501, No. 11-37 Alexandria Parade, Waitara
- Applicant:** Asquith Rugby League Club Ltd (Andrew Veldon)
- Owner:** Asquith Rugby League Club Ltd
- Estimated Value:** \$1,800,000
- Ward:** B
- The proposal does not comply with the Hornsby Local Environmental Plan 2013 with regard to Clause 4.4 Floor Space Ratio development standard. The applicant has made a submission in accordance with Clause 4.6 'Exceptions to development standards' of the HLEP to contravene the development standard. The submission is considered well founded and is supported.
 - One submission has been received in respect of the application.
 - The application is required to be determined by the Hornsby Local Planning Panel as the proposal would contravene the HLEP development standard for Floor Space Ratio by more than 10 percent.
 - It is recommended that the application be approved.

RECOMMENDATION

THAT the Hornsby Shire Local Planning Panel assume the concurrence of the Secretary of the Department of Planning and Environment pursuant to Clause 4.6 of the Hornsby Local Environmental Plan 2013 and approve Development Application No. DA/1309/2021 for alterations and additions to the Asquith Leagues Club (Magpies Waitara) at Lot 100 DP 848501, No. 11-37 Alexandria Parade Waitara subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP28/22.

BACKGROUND

Site History

On 15 November 1962, Council approved Development Application for the establishment of a Recreation and Social Club on the site subject to the conditions in Certificate of Consent No. 241.

On 22 September 1994, Development Application No. 10/1994 was approved for alterations and additions to Asquith Rugby Leagues Club.

On 15 November 1996, Section 96 modification of Development Application No. 10/1994 was approved for alterations and additions to Asquith Rugby Leagues Club.

On 14 July 1999, Development Application No. 387/1999 was approved for the erection of two illuminated wall signs.

On 20 March 2002, Development Application No. 2516/2001 was approved for alterations and additions to the existing Asquith Leagues Club building. The application included a parking study and approval was granted for 96 parking spaces in conjunction with the additions to the club.

On 12 November 2002, Development Application No. 446/2001 was approved for erection of a temporary display unit on top of the roof of the Asquith Leagues Club.

On 7 January 2003, Development Application No. 32/2003 was approved for the erection of illuminated advertising sign.

On 22 December 2005, Development Application No. 2074/2005 was approved for extension and internal modification of the existing club.

On 6 June 2007, Development Application No. 1713/2006 was approved as a deferred commencement for alterations and additions to the existing club building.

On 14 May 2014, Council approved Development Application No. DA/1408/2013 for alterations and additions to the existing Asquith Leagues Club building including two new pavilions and an alfresco gaming area.

Application History

On 7 January 2022, Council requested additional information/ amended plans to address concerns relating to operational waste management, acoustic management and earthworks.

On 4 February 2022, Council received the requested additional information.

On 24 February 2022, Council raised concerns on acoustic grounds with the practicality of the proposed management of the outdoor terraces between 10:00PM and Midnight, whereby it was proposed to reduce the number of patrons from 150 patrons to 75 patrons from 10:00PM. It was not understood how the club planned to advise some groups to leave the outdoor spaces, whilst allowing others to remain in these areas after 10:00PM. Amendments to the Acoustic Assessment and Plan of Management were requested in this regard.

On 26 March 2022, Council received the requested amended plans/ documentation.

On 20 April 2022, Council requested further amendments to the submitted Plan of Management to provide a complaints handling procedure, to provide detail on the management of patron arrivals and departures including restrictions on points of access after 10:00PM and to include detail relating to the closure of the doors between the terraces and internal areas. The amended Plan of Management dated 20 April 2022 was received by Council on 21 April 2022.

On 4 May 2022, Council received an amended Plan of Management (dated 4 May 2022) and addendum to the submitted Acoustic Assessment (dated 4 May 2022).

SITE

The subject site is known as No. 11-37 Alexandria Parade, Waitara and is occupied by a registered club, Asquith Leagues Club, also known as Magpies Waitara. The property is located at the intersection of Alexandria Parade and Waitara Avenue.

The property is a gently sloping allotment of land having a constant fall from the front boundary with Alexandria Parade (RL 180.8) through to the rear northern boundary (RL 175). Asquith Leagues Club is a part one, two and three storey building and is accompanied by a free standing two storey heritage listed mixed use building to its south-east.

The club essentially occupies a single level which corresponds with the footpath level in Alexandria Parade. The lower level of the building comprises of a basement carpark together with an ancillary space containing a loading dock, store rooms, keg room and a players lounge area. The upper most level of the building contains administration space including the General Managers office and a board room. The main club level provides for a range of services and facilities typical of most registered clubs and includes, gaming areas, lounge areas, an Irish themed bar, a bistro, café, function rooms, an enclosed terrace area and ancillary spaces such as toilets and storage areas. The existing club facility is designed to accommodate a maximum population of 1,300 patrons.

The site is included as Heritage Item No. 773 - Shop in Schedule 5 Environmental Heritage of the HLEP. It is noted that the heritage listing is limited to the significance of the 1920s two storey brick shop on the site. The site is also in the vicinity of a heritage listed item (Item No. 772), namely the 'street trees' along Alexandria Parade.

The area surrounding the subject site is mixed in its composition reflective of the various zonings and land uses which apply upon the surrounding sites. It is also located within an area which is undergoing significant transition. In this regard, the subject site is located directly opposite Waitara Railway Station and is part of a small business precinct which currently comprises a gymnasium, a beauty salon, the leagues club and a corner store (now a commercial premises). The land surrounding this business lands precinct is zoned R4 High Density Residential permitting high density housing and the majority of the surrounding sites have accordingly been developed with 8-10 storey residential flat buildings.

The existing hours of operation of the Magpies Waitara club are:

Monday to Thursday	10:00AM - 1:00AM
Friday to Saturday	10:00AM - 2:00AM
Sunday	10:00AM - 1:00AM

The site is not subject to any restrictions or easements.

PROPOSAL

The application seeks approval for the carrying out of alterations and additions to the Asquith Leagues Club (Magpies Waitara). The proposed works provide for the construction of outdoor garden terraces with outdoor gaming area and indoor bar.

The existing easternmost driveway accessed from Alexandria Parade and the 3 associated parking spaces will be demolished as part of the subject application. The existing porte-cochere along Alexandria Parade and the vehicular access fronting Waitara Avenue is proposed to be retained.

Outdoor garden terraces are proposed towards the southeast corner of the site and would be bounded by a 2.1m high timber slatted fence along the Alexandria Parade frontage with artificial grass provided to the outdoor area. An acoustic wall is proposed along the eastern elevation of the garden terrace. The garden terrace comprises 3 areas, being an at grade area with artificial turf, an open terrace comprising the northeast portion with concrete slab and the terrace adjacent to the main club with a new steel frame and acrylic roof over.

The existing bar (Shamrock Inn) within the southeast corner of the existing Club is proposed to be altered to create an indoor garden bar and outdoor gaming area to connect to the outdoor garden terraces.

The proposed hours of operation of the indoor Garden Bar and outdoor Gaming area are:

Monday to Thursday	10:00AM - 1:00AM
Friday to Saturday	10:00AM - 2:00AM
Sunday	10:00AM - 1:00AM

The proposed hours of operation of the outdoor Garden Terraces are:

Monday to Sunday	10:00AM - Midnight
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Between 10:00AM to Midnight daily, the following patron limits will be enforced to ensure acoustic compliance:

- Garden Terrace 1 - 40 patrons
- Garden Terrace 2 - 30 patrons
- Garden Terrace 3 - 80 patrons

The application does not seek to increase the number of patrons within the registered club.

The application does not propose the removal of any trees to facilitate the proposed works. In addition, the application does not propose any additional business identification signage.

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 proposed development would be consistent with the Greater Sydney Region Plan - A Metropolis of Three Cities and North District Plan, by providing additional services to support a growing population.

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 B2 Local Centre under the HLEP. The objectives of the B2 zone are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

The proposed development is defined as a ‘registered club’ and is permissible in the zone with Council’s consent.

2.1.2 Height of Buildings

Clause 4.3 of the HLEP provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 8.5m. The proposed development would have a maximum height of 7.3m and complies with this provision.

2.1.3 Floor Space Ratio

Clause 4.4(2) of the HLEP provides that the floor space ratio (FSR) on any land is not to exceed the maximum shown for the land on the Floor Space Ratio Map. The maximum permissible FSR for the precinct in accordance with the map is 0.5:1.

The existing development has a FSR of 0.72:1. The proposal would result in a minor reduction to the floor area resulting in a FSR of 0.71:1, representing a 42% variation to the development standard.

The application is accompanied by a submission pursuant to Clause 4.6 of the HLEP to contravene the Floor Space Ratio development standard, which is discussed below in Section 2.1.4 of this report.

2.1.4 Exceptions to Development Standards

The application has been assessed against the requirements of Clause 4.6 of the HLEP. This clause provides flexibility in the application of the development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary, and it can be demonstrated that sufficient environmental planning grounds are present to justify contravening a development standard.

The application seeks to contravene Clause 4.4 of the HLEP as the proposed development would have an FSR of 0.71:1 (42% contravention), which exceeds the maximum 0.5:1 Floor Space Ratio development standard.

The objective of Clause 4.4 Floor Space Ratio of the HLEP is as follows:

to permit development of a bulk and scale that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.

The applicant has made a submission in support of the contravention to the development standard in accordance with Clause 4.6 of the HLEP. Clause 4.6 provides that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *That there are sufficient environmental planning grounds to justify contravening the development standard.*

Council must be satisfied that the written request provided by the applicant under Clause 4.6 addresses both the unreasonable and unnecessary test and demonstrates sufficient environmental planning grounds to justify contravening the development standard. These matters are discussed below.

2.1.4.1 Unreasonable or Unnecessary

There are five common methods by which an applicant can demonstrate that compliance with a development standard is unreasonable or unnecessary in the circumstances of the development. Initially proposed for objections under clause 6 of SEPP 1 in the decision of *Wehbe v Pittwater Council [2007] NSWLEC 827* Pearson C summarised and applied these methods to written requests made under Clause 4.6 in *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009* [61-62]. These five methods are generally as follows:

- The objectives of the development standard are achieved notwithstanding non-compliance with the standard.
- The underlying objective or purpose is not relevant to the development.
- That the objective would be defeated or thwarted if compliance were required.
- That the development standard has been virtually abandoned or destroyed by the Council's own actions in departing from the standard.
- The zoning of the land is unreasonable or inappropriate.

It is not required to demonstrate that a development meets multiple methods as listed above, and the satisfaction of one can be adequate to demonstrate that the development standard is unreasonable or unnecessary.

The written request prepared by Minto Planning Services provides justification for the contravention of the FSR development standard by seeking to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the development, summarised as follows:

It is my opinion that compliance with the requirements of Clause 4.4 is both unreasonable and unnecessary in the circumstances of this case for the reason that the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

In addition to the above it is submitted that:

- *The existing FSR for the site is 0.72:1 and which is to be reduced by the proposal to 0.7:1.*
- *The FSR control of 0.5:1 is not compatible with the floor area achieved by the existing surrounding developments which comprise large residential flat buildings ranging from 8-10 storeys in height.*
- *The proposal will not result in any impacts upon adjoining properties.*

On the basis of the above it is my opinion that the objectives of the standard are achieved notwithstanding non-compliance with the standard and accordingly strict compliance would be unreasonable.

With respect to the objective of Clause 4.4 of the HLEP, Council is satisfied that the proposal is consistent with the objective as the bulk and scale of the development would remain consistent with the existing development as evidenced through the proposed reduction in FSR, and the compliance of the development with the HDCP setback, height and commercial hierarchy provisions.

Council's assessment has determined that the objectives of the development standard are achieved notwithstanding non-compliance with the standard. Accordingly, the written request adequately demonstrates that compliance with the Floor Space Ratio development standard is unreasonable and unnecessary in this instance.

2.1.4.2 Environmental Planning Grounds Clause - 4.6(3)(b)

In addition to demonstrating that compliance is unreasonable or unnecessary, Clause 4.6(3)(b) of the HLEP requires that there be sufficient environmental planning grounds to justify contravening the development standard. In demonstrating that sufficient environmental planning grounds exist, it must be demonstrated that the planning grounds are particular to the circumstances of the development on the subject site (summarised from *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 [60]).

In demonstrating the environmental planning grounds the written request states:

It is considered that a contravention of the development standard is justified on environmental planning grounds given that:

- *The existing FSR of the site currently exceeds 0.5:1, being 0.72:1 and is proposed to be reduced to 0.71:1 as part of this proposal.*
- *The proposal will allow for the provision of improved facilities and amenity for the patrons of the Asquith Leagues Club and will improve the presentation to the Alexandria Street frontage in a manner which does not result in any detrimental impacts.*

Council considers that the environmental planning grounds stated within the written request are sufficient with respect to Clause 4.6(3)(b) and that the stated grounds are specific to the proposed development and the circumstances of the development site. It is therefore considered that the written request adequately demonstrates compliance with the clause and is acceptable in this regard.

In demonstrating the unreasonable and unnecessary test, the applicant further established satisfactory environmental planning grounds with respect to the site and the surrounding constraints.

2.1.4.3 Public Interest and Clause - 4.6(4)

Clause 4.6(4) states that development consent must not be granted for development that contravenes a development standard unless:

- (a) *The consent authority is satisfied that -*
 - (i) *The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *The concurrence of the Planning Secretary has been obtained.*

With regard to part (a)(i), the written request is considered to adequately address the matter required to be demonstrated as outlined above.

With regard to part (a)(ii), the proposed development is considered to be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

With regard to (b), on 21 February 2018, the Secretary of the Department of Planning and Environment issued a Notice ('the Notice') under cl. 64 of the *Environmental Planning and Assessment Regulation 2000*. The Secretary's concurrence may not be assumed by a delegate of council if:

- The development contravenes a numerical standard by greater than 10%.
- The variation is to a non-numerical standard.

Local Planning Panels constituted under the *Environmental Planning and Assessment Act 1979* exercise consent authority functions on behalf of a Council and are not delegates of Council. Therefore, Local Planning Panels may determine a development application notwithstanding, a numerical non-compliance in excess of 10%.

Accordingly, it is considered that the written request satisfactorily responds to the relevant matters required to be addressed under Clause 4.6 and that the Panel, as consent authority, may rely upon the written request and grant development consent to the development application. Should the Panel resolve to approve the application, it should also provide a statement in the reasons for approval that it has satisfied itself of the matters in Clause 4.6(4).

2.1.5 Heritage Conservation

Clause 5.10 of the HLEP sets out heritage conservation provisions for Hornsby Shire.

The site is included as Heritage Item No. 773 - Shop in Schedule 5 Environmental Heritage of the HLEP. It is noted that the heritage listing is limited to the significance of the 1920s two storey brick

shop on the site. The site is also in the vicinity of a heritage listed item (Item No. 772), namely the 'street trees' along Alexandria Parade.

The proposal has been assessed with regards to the material submitted with the application, a Heritage Impact Statement by John Oultram Heritage and Design, and the heritage requirements of Part 9 Heritage of the HDCP and the HLEP.

The proposed works would provide outdoor garden terraces, an outdoor gaming room and garden bar towards the southeast corner of the site in the location of the existing driveway access off Alexandria Parade. While all works would be wholly within the curtilage of the Magpies Club footprint, some of the works would impact the exterior fabric of the shop. These works include proposed Garden Terrace 1 which would directly adjoin the western exterior wall of the 1920s shop, espalier type plantings to the lower section of western exterior wall of the shop, and a masonry acoustic wall with climbing plants both sides to screen the proposed Garden Terrace 2.

Works to enable the new outdoor areas include demolition of the eastern driveway access from Alexandria Parade.

There are no heritage objections to the form of the proposed development as it would have no direct impact on the significance of the heritage shop or change its form or impact the presentation to the street of its primary elevations. There are some heritage concerns, however, about the potential long-term inadvertent fabric integrity impacts of new structures directly abutting the shop wall, the fixing method of the proposed espalier plantings and structural integrity impacts that may be associated with demolition and construction activity.

Conditions are recommended to ensure that the proposed espalier planting will not damage or degrade brickwork or mortar or include fixings that would allow water penetration, to ensure no accidental damage to the heritage item as a result of demolition or construction works, and to ensure the direct abutment of new structures along the western exterior wall of the shop does not result in inadvertent long-term fabric degradation.

The proposal would not impact the significance of heritage items in the vicinity.

2.1.6 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 application has been supported by Site Management and Cut & Fill Plans prepared by Architectem dated 2 February 2022 (DA06a). The plan indicates that a total of 20m³ of excavation would be required to facilitate the proposed terraces and between 0m-1000mm of fill would be required beneath the southern part of Terrace 2. The earthworks are considered minor given the scale of development. Council's environmental protection assessment raises no concerns with the proposed earthworks, subject to the implementation of a Construction Management Plan (CMP) prior to the issue of a Construction Certificate.

Adjacent properties would be unaffected by the proposal with regard to stormwater flows and soil stability.

The proposal is considered acceptable with regard to Clause 6.2 Earthworks of the HLEP.

2.2 Adopted State Environmental Planning Policies

On 1 March 2022, the following State Environmental Planning Policies (SEPPs) were gazetted.

- State Environmental Planning Policy (Primary Production) 2021
- State Environmental Planning Policy (Resources and Energy) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021

These SEPPs now form matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. However general savings provisions apply to development applications that have been made but not yet determined, on or before the commencement date.

As this development application was lodged on 8 December 2021, this development application is considered to have been made prior to the commencement date of the SEPPs. The existing legislation in force at time of lodgement of the development application, prevails to be extent of any inconsistency.

Notwithstanding, the approval of the development application would not adversely affect the objectives of the newly adopted SEPPs and is considered to be consistent with this policy.

2.3 State Environmental Planning Policy No. 55 Remediation of Land

The application has been assessed against the requirements of State Environmental Planning Policy No. 55 Remediation of Land under which consent must not be granted to the carrying out of any development on land unless the consent authority has considered whether the land is contaminated or requires remediation for the proposed use.

Should the land be contaminated Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

An examination of Council's records and aerial photography has determined that the site has been historically used for commercial purposes. It is not likely that the site has experienced any significant contamination, and further assessment under SEPP 55 is not required.

2.4 State Environmental Planning Policy (Infrastructure) 2007

The application has been assessed against the requirements of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP). This Policy contains State-wide planning controls for developments adjoining busy roads and railways and traffic generating development. The following matters are required to be considered pursuant to ISEPP.

2.4.1 Development Adjacent to Rail Corridors

Clause 85(1) of the ISEPP requires the consent authority to take into consideration any potential impacts of development adjacent to a rail corridor, including impacts to rail safety and operation.

The application was referred to Sydney Trains for comment pursuant to Clause 85(2) of the ISEPP. No concerns have been raised by Sydney Trains to the proposed development, subject to conditions requiring that the development comply with the deemed-to-satisfy provisions in the Department of Planning's document titled "*Development Near Rail Corridors and Busy Roads- Interim Guidelines*" and that prior to the issue of a Construction Certificate the applicant provide structural details that the concrete slab or footings will be protected by a vapour barrier membrane.

The proposal complies with the requirements of ISEPP.

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 HDCP prescribes works that can be undertaken with or without consent to trees and objectives for tree preservation.

There are no trees affected by the proposed development and no further consideration is required under the Vegetation SEPP.

2.6 Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River

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

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

2.7 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:

Hornsby Development Control Plan 2013
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Control	Proposal	Requirement	Compliance
Height	6m	8.5m	Yes
Number of Storeys	2/3 Storeys + Basement	2 Storeys + Basement	Unchanged
FSR			
- Existing	0.72:1	0.5:1	No
- Proposed	0.71:1	0.5:1	No
Setbacks			
- Alexandria Parade	600mm	0m	Yes
- Waitara Avenue	5.65m	0m	Yes
- Western Setback	11m	0m	Yes
- Northern Setback	35m	1m	Yes
Car Parking			
- Car spaces	90 spaces	Car Parking Assessment	See Section 2.8.2
- Motorcycle Parking	6 spaces	2 spaces	Yes
- Accessible Spaces	1 space	1 space	Yes

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

2.8.1 Commercial Centres Hierarchy

The *HDCP* defines the Waitara Avenue commercial centre as a 'small village' within the broader commercial centre hierarchy. The *HDCP* acknowledges that development should reinforce the commercial centre hierarchy, with the hierarchy comprising a top-down order being the major centre (Hornsby Town Centre), town centre (Epping), villages, small villages and neighbourhood centres.

The *HDCP* describes small villages as:

The smaller local centres known as Villages and Small Villages are identified in the commercial centres hierarchy. These centres should be the preferred location for small and medium scale commercial/retail uses that serve the local community and only have limited office and bulky good retail functions.

It is acknowledged that the Floor Space Ratio (FSR) of the proposed development would be 0.71:1, with the existing development having an FSR of 0.72:1. The proposed development would result in negligible alterations to the bulk and scale and floor area of the existing registered club and it is considered that the development would remain consistent with the expectation for the scale of 'small villages' within the broader commercial centre hierarchy.

The proposal is deemed acceptable with regard to the commercial centre hierarchy provisions of the HDCP.

2.8.2 Transport and Parking

Car Parking

The HDCP states that a Car Parking Demand Assessment should be provided for land uses not specified in Table 1C.2.1(d). As registered clubs are not specified in Table 1C.2.1(d) and the HDCP does not stipulate parking rates for the land use, the application has been accompanied by a Traffic Impact Assessment prepared by Bitzios Consulting dated 30 November 2021.

As the application does not propose to increase the patron capacity of the venue, the submitted Traffic Impact Assessment has not deemed it necessary to provide additional parking spaces. The proposal intends to remove 3 parking spaces to facilitate the construction of Garden Terrace 3 and construct 2 additional parking spaces within the basement car park, resulting in a net loss of 1 parking space (90 proposed spaces). Patronage surveys were undertaken on Friday 5 April 2019 between 4PM and 9PM. The results of the survey provided findings of:

- 30% of patrons did not use a car to travel to Magpies Waitara.
- 44% of people travelling by car were passengers, giving an average vehicle occupancy rate of 1.79 people per vehicle.
- 15% of patrons walked to the site.
- An average of 57% of drivers parked in the Magpies Waitara Car Park.
- The next highest parking area was Alexandria Parade, which experienced significant usage changes between 6PM-7PM, when commuters using the train arrive back to their car and depart.
- 24% of patrons visited facilities other than Magpies Waitara during their trip that evening.

The Traffic Impact Assessment notes that there was moderate rain on the evening of the patronage survey which would increase the likelihood of people driving to the premises.

In addition to the patronage surveys, parking surveys between the hours of 4PM-9PM were also undertaken on Friday 5th April 2019. The parking surveys indicated that there was still some availability of parking in both the Magpies Waitara car park as well as significant spare capacity in surrounding parking areas such as Alexandria Parade and Waitara Avenue.

Council's parking assessment concurs with the findings of the submitted Traffic Impact Assessment and raises no concerns to the proposal on parking grounds.

Traffic Generation

The Traffic Impact Assessment indicates that a trip generation assessment was undertaken using Roads and Maritime Services *Guide to Traffic Generating Developments*. The proposed development consists of a terrace/bar/café and can be classified as a restaurant, which generates peak hour

vehicle trips of 5 trips per 100m² of Gross Floor Area (GFA). It is noted that the outdoor Garden Terraces do not contribute to GFA and that the proposed development would result in a 19m² decrease in GFA. The Traffic Impact Assessment has calculated that a total decrease of 1 trip in the peak hour would occur as a result of the proposed development. Notwithstanding, as the club is not proposing to increase the number of patrons, the Traffic Impact Assessment anticipates that there would not be an increase in trips.

Council's traffic assessment concurs with the traffic generation conclusions of the submitted Traffic Impact Assessment.

Access

The existing easternmost driveway accessed from Alexandria Parade is proposed to be demolished as part of the subject application. The porte-cochere along Alexandria Parade and the vehicular access to the carpark fronting Waitara Avenue is proposed to be retained.

The existing vehicular access fronting Waitara Avenue supports simultaneous vehicle ingress and egress and is considered acceptable on vehicle movement grounds.

2.8.3 Accessible Design

The application has been supported by an Access Assessment prepared by Funktion dated 24 November 2021.

The HDCP requires that all new building work should comply with the accessibility provisions of the Building Code of Australia (BCA) and the Disability (Access to Premises - Buildings) Standards 2010 and provide continuous unobstructed paths of travel from public footpaths, accessible car parking, and set down areas to public building entrances.

To meet the Access to Premises Standards Part 2.1 and BCA D3.2, accessible paths of travel are available from the front boundary, connecting to the principal pedestrian entrance of the building via a proposed new kerb ramp and the existing external pathway. To comply with the requirements of the Premises Standards and BCA part D3.1, provision for continuous accessible paths of travel meeting the functional requirements of AS1428.1 (2009) has been made throughout the new building work from the principal entrance via the provision of circulation space at accessways and doors and ramp access linking to the garden terraces.

Existing accessible parking is available in the undercover carpark, located in close proximity to the lift.

Council's access assessment concurs with the conclusions of the Access Report that the access provisions for people with physical and sensory disabilities in the proposed development complies with the accessibility requirements of the BCA and the Disability (Access to Premises - Buildings) Standards 2010.

2.8.4 Waste Management

Demolition and Construction Waste

A Waste Management Plan has been submitted in accordance with Council's guidelines to address demolition and construction waste. The Waste Management Plan estimates that a total of 114 tonnes of waste would be generated during works. Council's waste management assessment raises no concerns to the proposed waste volumes, subject to a recommended condition under Schedule 1 requiring that the disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the *Protection of Environment Operations Act 1997*.

Ongoing Waste

The application does not seek to increase the number of patrons permitted within the venue. As it is anticipated that the ongoing waste volumes would remain largely unaltered, it is determined that the existing waste/ recycling commercial waste contractor would be capable of maintaining appropriate service to the premises.

The submitted Operational Waste Management Plan indicates that the proposed landscaped area within Garden Terrace 3 would generate an additional 1m³ of green waste per month. Council raises no concerns to the negligible increase in green waste.

2.8.5 Noise and Vibration

A submission has been received stating that the proposed outdoor terraces should be closed at 10:00PM and raises concerns regarding how these areas will be monitored.

The application has been supported by an Acoustic Assessment prepared by Renzo Tonin & Associates.

Council's acoustic assessment raised concerns with the original iteration of the Plan of Management (dated 15 November 2021) and Section 6.1 of the original Acoustic Assessment (dated 26 November 2021) whereby the proponent sought to reduce the patronage of the outdoor terraces to 50% after 10:00PM Monday to Sunday on acoustic attenuation grounds. An excerpt of the original Plan of Management relating to maximum patron numbers within the garden terraces is provided as follows:

Between 10am to 10pm daily, the following patron limits will be enforced:

- Garden Terrace 1 - 44
- Garden Terrace 2 & 3 - 106

Between 10pm to 12am each night, the following patron limits will be enforced:

- Garden Terrace 1 - 22
- Garden Terrace 2 & 3 - 53

Council considers that removing some patrons from the outdoor terraces after 10:00PM would be impractical to achieve and manage. It was not understood how the club intended to advise some groups to leave the outdoor spaces, whilst allowing others to remain in these areas after 10:00PM. In response to the concerns raised by Council, an amended Plan of Management and Acoustic Assessment (dated 25 March 2022) was received amending the maximum patron numbers within the garden terraces as follows:

Between 10am to 12am daily, the following patron limits will be enforced:

- Garden Terrace 1 - 40
- Garden Terrace 2 - 30
- Garden Terrace 3 - 80

In summary, the amended Plan of Management has abandoned the original proposed arrangement for the reduction in patronage after 10:00PM. In its place, the amended Plan of Management seeks to allow for the operation of the outdoor terraces up to maximum capacity for the full duration of its operating hours between 10:00AM to Midnight.

The application as amended proposes the following operating hours:

The proposed hours of operation of the indoor Garden Bar and outdoor Gaming area are:

Monday to Thursday	10:00AM - 1:00AM
Friday to Saturday	10:00AM - 2:00AM
Sunday	10:00AM - 1:00AM

The proposed hours of operation of the outdoor Garden Terraces are:

Monday to Sunday	10:00AM - Midnight
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The existing hours of operation of the Magpies Waitara club are:

Monday to Thursday	10:00AM - 1:00AM
Friday to Saturday	10:00AM - 2:00AM
Sunday	10:00AM - 1:00AM

In addition to the amended terrace capacity recommendations, the acoustic attenuation recommendations under Section 7.1 of the amended Acoustic Assessment are summarised as follows:

- Both doors to the Bar from Terrace 1 open up to 10:00PM and then set to automatically close;
Council Clarification: The amended Plan of Management indicates that prior to 10:00PM the doors will remain open. At 10:00PM the doors will be closed by staff and will remain unlocked. Patrons within the outdoor terraces after 10:00PM will be required to open the doors manually, at which point the doors will automatically close as they are fitted with automatic door closers.
- From 12:00AM to 2:00AM, the internal Garden Bar and Gaming Room are operating with all three outdoor Terraces not operating and both doors to Terrace 1 from the Bar remain permanently closed.
- The two proposed jet fans located in the Lower Ground Floor carpark will only be operational between 10:00AM to 10:00PM. A timer is recommended to be installed to the units to ensure that the fans do not turn on during the night-time period.
- The proposed entry doors, glazing, roof and louvres are to be constructed in accordance with the criteria under Section 4.2 of the Acoustic Assessment;
- No louvres are to be built on the eastern facade of the Gaming Room. The facade must have a minimum transmission loss of RW 27;
- A solid noise wall is to be built near the eastern boundary of the site, connecting the eastern facade of the Pavilion building with the western facade of the Heritage Shop, to provide acoustic shielding to the nearest receiver location. The noise wall is to extend up to the top of the existing sandstone cladding and up to the base of the clerestory roof light following the south-east ridge line of the pavilion roof, with an RL of 186.39 metres (approximately 7.3m above existing ground level). Similarly, the partition dividing Terrace 1 and Existing Terrace on the western side of the Pavilion should be extended up to the base of the clerestory roof light (RL186.39).

Council understands that the submitted Bar & Garden Terraces Detail Plan indicates the provision of three doors between the Garden bar and Terrace 1. Clarification was sought from the author of the amended Acoustic Assessment which references that “both doors to the Bar from Terrace 1 open up

to 10:00PM and then set to automatically close". Written clarification has been received acknowledging that all doors between the Garden bar and Terrace 1 after 10:00PM are to be subject to automatic closure. Council raises no objections in this regard.

As the venue operates until after 10:00PM each day, the recommendation within the Acoustic Assessment to cease operation of the proposed jet fans in the basement carpark after 10:00PM is required to be considered on air pollution grounds. Section 3.2 of this report addresses this consideration and deems it necessary to require the continual operation of the jet fans between 10:00AM to 2:00AM to ensure that air pollution levels within the carpark would not exceed the limits set within Australian Standard AS1668.2. As a result, Council requested the proponent undertake a revised acoustic assessment under the supposition that the jet fans would remain operational for the entirety of the clubs operating hours (10:00AM to 2:00AM). In response to Council's concerns, the applicant submitted an addendum to the Acoustic Assessment (dated 4 May 2022) which determined that the continual use of the jet fans between 10:00AM to 2:00AM comply with the NSW Environmental Protection Authority (EPA)'s Noise Policy for Industry with no acoustic mitigation measure required. Council's Environmental Protection assessment concurs with the findings of the addendum letter and raises no concerns in this regard.

More broadly, Council's acoustic assessment concurs with the methodology and findings of the noise assessment in the amended Acoustic Assessment, in addition to the recommendations under Section 7.1 of the amended Acoustic Assessment and amended Plan of Management. Council also concurs with the submitted Acoustic Assessment that the design satisfies all relevant noises criteria and the proposal as amended is considered acceptable in this regard. Conditions have been recommended under Schedule 1 requiring that the Plan of Management and acoustic recommendations be enforced.

The proposal is deemed acceptable pursuant to the noise and vibration requirements of the HDCP, subject to conditions.

2.8.6 Landscaping

The application has been supported by a Landscape Plan prepared by iScape Landscape Architecture dated November 2021.

The application proposes the planting of 83 shrubs/ small trees with a mature height of between 400mm-2m to the perimeter of Garden Terrace 3, including the planting of a climbing plant in the form of Boston Ivy to both sides of the heritage listed shop.

It is proposed to provide a synthetic grass floor covering throughout Garden Terrace 3.

It is considered that the proposed landscaping would provide considerable amenity and privacy to the patrons utilising the outdoor terraces. In addition, the proposed orange Jasmine trees coupled with the proposed slatted fence along the Alexandria Parade boundary would be of significant visual improvement when compared to the existing hardstand area and driveway along Alexandria Parade.

It is also considered that the proposed Boston Ivy climbers to the eastern wall of the heritage listed shop fronting Waitara Avenue would provide an improvement to the streetscape along Waitara Avenue.

The proposal is deemed acceptable with regard to the landscaping provisions of the HDCP.

2.8.7 Floor Space Ratio

The maximum permissible FSR for the precinct in accordance with the HLEP map is 0.5:1. The existing development achieves an FSR of 0.72:1. The proposal would reduce the FSR on the site and result in an FSR of 0.71:1.

As addressed under Section 2.1.4 of this report, Council considers that the environmental planning grounds stated within the submitted Clause 4.6 request are sufficient and that the stated grounds are specific to the proposed development and the circumstances of the development site.

The proposal is deemed acceptable with regard to the bulk and scale provisions of the HDCP.

2.8.8 Privacy

The HDCP stipulates that for development at the interface of a commercial area and a residential zone, views from the commercial area to the horizon should be encouraged rather than downward onto residential areas.

A rail corridor including Waitara Railway Station is located to the southern side of Alexandria Parade. The proposed development would have obstructed views to the railway line and the business zone approximately 70m to the south of the subject site. Council raises no privacy concerns in this regard.

The finished floor level (FFL) of proposed Garden Terrace 1 is RL 181.29. Views from Garden Terrace 1 to the adjoining residential development across Waitara Avenue at No. 47-49 Alexandria Parade would be entirely obstructed by the existing two storey heritage listed shop and a proposed solid masonry wall. The masonry wall is proposed along the eastern elevation of Garden Terrace 2 and would achieve a height of 3.2m above the FFL of Garden Terrace 1.

The FFL of proposed Garden Terrace 2 would be RL 180.97. Similarly, views from Garden Terrace 1 to the adjoining residential development to the east would be obstructed by the existing shop and the proposed solid masonry wall. The masonry wall would achieve a height of 3.5m above the FFL of Garden Terrace 2.

As demonstrated on the submitted Bar & Garden Terraces Detail Plan (DA03b), views from Garden Terrace 3 to the adjoining residential development across Waitara Avenue at No. 47-49 Alexandria Parade would be entirely screened by the heritage listed shop and no privacy concerns are raised in this regard.

It is noted that the proposed terraces would be located approximately 50m south of the Residential Flat Buildings at Nos. 5-9 and No. 18 Waitara Avenue and would be adequately separated to maintain visual privacy to these adjoining properties.

The proposal is deemed acceptable with respect to the privacy requirements of the HDCP.

2.8.9 Crime Prevention

The HDCP stipulates that development should be designed to reduce crime risk and minimise opportunities for crime.

The application was referred to the NSW Police for comment with regard to crime prevention, public nuisance and noise management.

The NSW Police raised concerns with the original iteration of the Plan of Management (dated 15 November 2021) whereby the proponent sought to reduce the patronage of the outdoor terraces to 50% after 10:00PM Monday to Sunday on acoustic attenuation grounds.

It was determined by the NSW Police that removing some patrons, potentially intoxicated, from the outdoor terraces after 10:00PM would be near impossible to achieve and manage. It was not

understood how the club intended to advise some groups to leave the outdoor spaces, whilst allowing others to remain in these areas after 10:00PM. In response to the joint concerns raised by Council and NSW Police, an amended Plan of Management was received (dated 20 April 2022) amending the maximum patron numbers.

In summary, the amended Plan of Management has abandoned the original proposed arrangement for the reduction in patronage after 10:00PM. In its place, the amended Plan of Management seeks to allow for the operation of the outdoor terraces up to maximum capacity for the full duration of its operating hours between 10:00AM to Midnight. As discussed under Section 2.8.5 of this report, additional physical acoustic mitigation measures have been recommended to facilitate greater patronage within the terraces between 10:00PM to Midnight, Monday to Sunday.

The NSW Police have reviewed the proposal as amended and raise no objections in this regard.

Council's assessment concurs with the findings of the NSW Police and deems that the proposal as amended meets the crime prevention provisions of the HDCP.

2.9 Section 7.12 Development 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 and does not involve the provision of additional Gross Floor Area (GFA). 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 application does not propose the removal of any trees to facilitate the proposed works.

A stand of shrubs abutting the western wall of the heritage listed shop would be required to be removed to enable the provision of synthetic grass within Garden Terrace 3. These shrubs achieve a height of less than 3m and accordingly are exempt from the vegetation preservation provisions of the HDCP. In addition, Council's tree assessment has determined that the proposed development would not pose any impact to trees proposed to be retained within the subject site or adjoining sites.

The proposal is deemed acceptable with regard to the tree and vegetation preservation provisions of the HDCP.

3.1.2 Stormwater Management

The application has been supported by Stormwater Plans prepared by ROC Engineering Design dated 19 November 2021.

The existing development drains via gravity to Council's stormwater infrastructure along Waitara Avenue. The application proposes to construct additional pits and pipes within the south-eastern corner of the site to connect to the existing on-site stormwater system.

Council's stormwater engineering assessment raises no objections to the proposed method of stormwater disposal.

3.2 Mechanical Ventilation

The application has been supported by a letter prepared by Richard Duggan Pty Ltd Consulting Mechanical HVAC Engineers dated 17 November 2021.

The existing carpark is partially below ground level at the front of the building (facing Alexandria Parade) and at ground level at the rear of the site. The existing carpark is provided with natural ventilation in general accordance with the requirements of Australian Standard AS1668.2 and the submitted engineering assessment indicates this is providing good natural airflow and therefore good air quality within the carpark.

The proposed new works would result in an area of the carpark currently open to the sky being built over, thus reducing the natural ventilation in the southeast corner of the carpark. As this will reduce natural ventilation air movement in this corner of the carpark, it is proposed to install high level axial 'jet fans' to provide air movement in this corner of the carpark. The submitted engineering assessment indicates that full details of the carpark jet fans will be documented as part of the construction certificate application. Accordingly, a condition has been recommended under Schedule 1 requiring that these details be submitted prior to the issue of a Construction Certificate.

Discussions with Richard Duggan of Richard Duggan Pty Ltd have revealed that the proposed jet fans would likely be required to be operational for the entirety of the operating hours of the venue (10:00AM to 2:00AM) to ensure that air pollution levels within the carpark would not exceed the limits set within Australian Standard AS1668.2.

Section 2.8.5 of this report addresses the use of the proposed jet fans with regard to noise generation.

3.3 Social Impacts

The social impacts of the development on the local and broader community have been considered with specific reference to the potential employment generation within the venue and during construction. This is consistent with the State Government's Greater Sydney Region Plan - A Metropolis of Three Cities which identifies the need to provide an additional 689,000 new jobs by 2031.

There would be a number of multiplier effects that the development would provide throughout the local and regional economies. These multiplier effects would result from the sourcing of goods and services from suppliers as well as the increased consumption generated by the increase of employment in the area. The venue is likely to provide employment opportunities to younger age groups, which typically have higher unemployment rates within the region.

3.4 Economic Impacts

The proposal maintains the economic viability of the existing registered club development while catering for the needs of the increasing population in the Waitara commercial precinct and satisfying the additional demands created by recently rezoned high-density residential development in the locality. The venue would continue in its role as a small village with broadened and improved services and facilities.

The proposal is acceptable having regard to its economic impact on the locality.

4. SITE SUITABILITY

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

The site is a gently sloping allotment having a constant fall from the front boundary with Alexandria Parade (RL 180.8) through to the rear northern boundary (RL 175). The site is not mapped as bushfire prone or flood prone and is not burdened by any easements or restrictions.

The site includes a heritage listed (Item No. 773) two storey brick shop to the south-eastern corner of the site. Council's heritage assessment has determined that the proposed development would not pose a detrimental impact to the shop, subject to conditions.

The operation of the existing registered club has demonstrated the ability of the site as capable of accommodating the existing use and built form. The proposed development would not result in any bulk and scale or capacity changes and the site is considered to be capable of accommodating the proposed development. The scale of the proposed development is consistent with the capability of the site and is considered acceptable.

5. PUBLIC PARTICIPATION



Section 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 between 9 December 2021 and 24 January 2022 in accordance with the Hornsby Community Engagement Plan. During this period, Council received 1 submission. The proposal as amended was renotified to adjoining and nearby landowners between 14 February 2022 and 8 March 2022. No submissions were received during the renotification period. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED		PROPERTY SUBJECT OF DEVELOPMENT	
1 SUBMISSION RECEIVED OUT OF MAP RANGE				

One submission objected to the development, generally on the grounds that the proposed outdoor terraces should be closed at 10:00PM and raises concerns regarding how these areas will be monitored.

The merits of the matters raised in the submission have been addressed in the body of the report.

5.2 Public Agencies

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

5.2.1 Sydney Trains

No concerns have been raised by Sydney Trains to the proposed development, subject to conditions including that the development comply with the deemed-to-satisfy provisions in the Department of Planning's document titled *Development Near Rail Corridors and Busy Roads- Interim Guidelines*.

5.2.2 NSW Police

The NSW Police have reviewed the proposal as amended and raise no objections.

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 alterations and additions to the Asquith Leagues Club (Magpies Waitara) comprising the construction of outdoor garden terraces, an outdoor gaming area and indoor bar.

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 1 submission 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 request under Clause 4.6 of Hornsby Local Environmental Plan 2013 to contravene the ‘Floor Space Ratio’ development standard is well founded. Strict compliance with the development standard is considered unreasonable and unnecessary in the circumstances of the case and sufficient environmental planning grounds have been submitted to justify the contravention to the development standard.
- 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, amenity, privacy, heritage conservation or traffic generation.

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 Thomas Dales.

CASSANDRA WILLIAMS
Major Development Manager - Development
Assessments
Planning and Compliance Division

ROD PICKLES
Manager - Development Assessments
Planning and Compliance Division

Attachments:

1. [!\[\]\(9a53fe79a03d38d8322f7a2c5a875b36_img.jpg\) !\[\]\(01f19d40f03100aa8a158c4891453b0d_img.jpg\)](#) Locality Plan
2. [!\[\]\(e08cd99387e13601e6c12f535030ab90_img.jpg\) !\[\]\(e3c5fe615c12e7c56b62fb195faeae4a_img.jpg\)](#) Architectural Plans
3. [!\[\]\(6aec4d00b96dc4cf314c28b4f6a2f794_img.jpg\) !\[\]\(db4fca45ba492d982942ae181ae25056_img.jpg\)](#) Lower Ground Floor Plan
4. [!\[\]\(b4e236ae5d411cc2ae5909119861eea0_img.jpg\) !\[\]\(cf802c7d1a1dfce2d0b5f3c92e8b8373_img.jpg\)](#) Landscape Plan
5. [!\[\]\(03fba7b7d3d9e564b85c4bda6f40be3d_img.jpg\) !\[\]\(02e39d679605e66c69682f6f56a2a647_img.jpg\)](#) Clause 4.6
6. [!\[\]\(6023b91d626f9053421f90fb1c873add_img.jpg\) !\[\]\(a23a77f696780844c37c598194f3ff2e_img.jpg\)](#) Acoustic Report
7. [!\[\]\(4d4a7fb2b016318f48d41219b64b5084_img.jpg\) !\[\]\(31ed83ae2047c0cf7cd7cb75f5c821b4_img.jpg\)](#) Acoustic Addendum Letter
8. [!\[\]\(66e89fa83768188a9bea43a8ae4efcba_img.jpg\) !\[\]\(5f355a1a4fba49635a6d255ce7c4b861_img.jpg\)](#) Plan of Management

File Reference: DA/1309/2021

Document Number: D08394439

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.

ITEM 5**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
DA01b	Proposed Site Plan & Roof Plan	Achitectem	24.3.22	
DA02a	Proposed Lower Ground Floor Plan	Achitectem	24.11.21	
DA03b	Proposed Ground Floor Plan	Achitectem	24.3.22	
DA04b	Sections & Elevations	Achitectem	24.3.22	
DA06a	Site Management & Cut & Fill Plans	Achitectem	4.2.22	
C01, Rev 1	LG Plan - Stormwater Plan	ROC Engineering Design	19.11.21	
C02, Rev 1	Ground Plan - Stormwater Plan	ROC Engineering Design	19.11.21	
C04, Rev 1	Details - Stormwater Plan	ROC Engineering Design	19.11.21	
198.21/423	Landscape Plan	iScape Landscape Architecture	Nov 2021	
408	External Colour Schedule	Achitectem	30.11.21	

Supporting Documents

Document Title	Prepared by	Dated	Council Reference
Plan of Management	Magpies Waitara	4.5.22	D08401022

Document Title	Prepared by	Dated	Council Reference
Acoustic Assessment	Renzo Tonin & Associates	25.3.22	D08377338
Acoustic Addendum Letter	Renzo Tonin & Associates	4.5.22	D08401024
BCA Report	Group DLA	30.11.21	D08311401
Access Report	Access Review	24.11.21	D08311398
Waste Management Plan	Magpies Waitara	26.11.21	D08311397
Traffic Impact Assessment	Bitzios Consulting	30.11.21	D08311396
Heritage Impact Assessment	John Oultram Heritage & Design	Nov 2021	D08311375

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) A separate Subdivision Works Certificate must be obtained from Council for all works within the public road reserve under S138 of the *Roads Act*.
- c) The Construction Certificate plans must not be inconsistent with the Development Consent plans.

3. 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*, **\$18,000** must be paid towards the provision, extension or augmentation of public amenities or public services, based on development costs of **\$1,800,000**.
- b) The value of this contribution is current as of 3 May 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.
- (ii) Prior to the issue of the first Construction Certificate where the development is for building work.
- (iii) Prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work.
- (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: In accordance with Ministerial Directions, the payment of contribution fees for development with a cost of works of over \$10 million can be deferred to prior to Occupation Certificate.

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.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

4. Heritage Listed Shop

Prior to the issue of a Construction Certificate, a report or certification from a practicing structural engineer or architect experienced in dealing with heritage buildings must be submitted to Council and must:

- a) Explain how the structural and fabric integrity of the shop at No. 37 Alexandria Parade is to be retained, supported and not undermined or adversely impacted by the approved development works and long-term direct abutment of another structure;
- b) The report must include, but need not be limited to, considerations of construction vibration or other construction impacts, undermining, rising damp, water penetration or damp build-up between walls, and upkeep access; and
- c) Design and technical specifications for the attachment of the espalier planting along the western exterior wall of the shop at No. 37 Alexandria Parade is to be prepared by a suitably qualified heritage specialist and submitted to Council's satisfaction.
- d) Satisfaction of this condition shall be confirmed by written advice by Council prior to issue of the construction certificate.

Note: The information must be sent to devmail@hornsby.nsw.gov.au and marked to the attention of Council's Strategic Land Use Planning Team and reference the DA and condition number.

5. Mechanical Ventilation

- a) Engineering Plans of the carpark jet fans are to be submitted with the application for the Construction Certificate.

- b) Certification is to be provided by a suitably qualified HVAC engineer certifying that the mechanical ventilation within the basement complies with Australian Standard AS 1668.2 during the entirety of the operational hours of the venue, being 10:00AM to 2:00AM. The certificate is to be provided as part of the application for the Construction Certificate.

6. 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.

7. 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.

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

9. Vehicular Crossing

A separate application under the *Local Government Act 1993* and the *Roads Act 1993* must be submitted to Council for the removal of the redundant crossing. The kerb and gutter 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) Any redundant crossings must be replaced with integral kerb and gutter;
- b) The footway area must be restored by turfing;
- c) Any public adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

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.

10. Mechanical Equipment

Prior to the issue of the Construction Certificate, a mechanical plant noise assessment must be undertaken by a suitably qualified Acoustic Consultant and a report certifying that the

operation of the jet fans will not exceed 36dB(A) at any boundary upon installation, must be submitted to the Principal Certifying Authority.

11. 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 via Council's Online Services Portal for review and written 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 Pedestrian Access Management Plan (PAMP) detailing how pedestrian movements will be changed and managed during various stages of development, particularly during any partial or total closure of footpaths.
 - c) 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 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.
 - iii) 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.

Note: The CMP must be lodged via Council's Online Services Portal at: <https://hornsbyprd-pwy-epw.cloud.infor.com/ePathway/Production/Web/Default.aspx> and by selecting the following menu options: Applications > New Applications > Under 'Application Types': Management Plans.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

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.
 - 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.
- 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.
 - 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*.

15. 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.

16. 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

17. 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.

18. 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.

19. 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*.

20. 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.

21. 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.

22. 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.

23. Waste Management

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

24. Waste Management Details

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) All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it
- e) 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
- f) 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
- g) 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.

25. Landfill

- a) Prior to fill material being imported to the site, a Waste Classification Certificate shall be obtained from a suitably qualified environmental consultant confirming the fill wholly consists of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material approved under the NSW Environment Protection Authority's Resource Recovery Orders and Exemptions.
- b) The required Waste Classification Certificate must be obtained by the Principal Contractor prior to fill being imported to the site and made available to Council at its request

26. Excavated Material

Any/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.

27. Compliance with Construction Management Plan

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

28. Maintenance of Public Footpaths

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

29. Unexpected Finds

Should the presence of asbestos or soil contamination, not recognised during the application process be identified during any stage of works, the applicant must immediately notify the PCA and Council.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

30. Damage to Council Assets

To protect public property and infrastructure, any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with 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.

31. Fire Safety Statement - Final

In accordance with the *Environmental Planning & 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.

32. Food Safety

The fit out and operation of that part of the building to be used for the manufacture, preparation or storage of food must be in accordance with Australian Standard AS4674-2004 Design and fit out of food premises, the *Food Act 2003*, the *Food Regulation 2015* and the Food Standards Code developed by Food Standards Australia New Zealand. Food Standards 3.2.2 and 3.2.2 are mandatory for all food businesses.

Note: Walls are to be of solid construction.

33. Food Premises Compliance

- a) 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 AS4674-2004 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 3.2.2 and 3.2.3 are mandatory for all food businesses.

Note: Walls are to be of solid construction.

- b) Prior to the commencement of the business, the operator is required to contact Council's Public Health Team to arrange for a Health Officer to carry out an inspection of the premises to ensure compliance with the Australian Standard AS4674-2004 Design and fit out of food premises, the *Food Act 2003*, *Food Regulation 2015* and the Australia New Zealand Food Standards Codes.

Note: Council's Public Health team can be contacted on 02 9847 6014

34. Grease Trap & Dry Basket Arrestor Installation

An application must be submitted to *Sydney Water* for the installation of a grease trap and dry basket arrestor (floor and sink) in accordance with the '*Guidelines for the On-Site Pre-Treatment of Trade Wastewater Discharges – Sydney Water (May 2004)*'.

35. 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*.

36. Planter Boxes / On Slab planting

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

37. Completion of landscaping

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

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

38. Waste Management Details

The following waste management requirements must be complied with:

- a) A report must be prepared by an appropriately qualified person, certifying the following:
 - i) A comparison of the estimated quantities of each demolition and construction waste type against the actual quantities of each waste type.

Note: Explanations of any deviations to the approved Waste Management Plan is required to be included in this report
 - ii) That at least 60% of the waste generated during the demolition and construction phase of the development was reused or recycled.

Note: If the 60% diversion from landfill cannot be achieved in the Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed to implement the approved Waste Management Plan. The Report must be based on documentary evidence such as tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures etc. which are to be attached to the report.
 - iii) All demolition and construction waste was taken to site(s) that were lawfully permitted to accept that waste.

39. 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.

40. Asbestos Clearance Certificate

Should any asbestos be encountered during demolition or construction works, a licenced asbestos assessor is required to provide a Clearance Certificate to the Certifier prior to the

issue of an Occupation Certificate, certifying that the asbestos has been removed and appropriately disposed of, and the site is now suitable for its approved use.

41. Acoustic Treatment and Certification

- a) Acoustic treatment must be installed for the proposed development in accordance with the Acoustic Assessment, prepared by Renzo Tonin & Associates, dated 25/3/22, reference T,161-02F02 Rev 6 (TRIM: D08377338).
- b) A solid acoustic barrier must be constructed in accordance with the Noise Wall specifications detailed in Section 7.3 of the Acoustic Assessment, prepared by Renzo Tonin & Associates, dated 25/3/22, reference T,161-02F02 Rev 6 (TRIM: D08377338).
- c) A noise limited audio device which prevents background music from exceeding a uniform sound pressure level of 65dBA (or 70dB(a) when measured at 1m from the speaker) must be installed in all areas where amplified music is played in accordance with the Acoustic Assessment, prepared by Renzo Tonin & Associates, dated 25/3/22, reference T,161-02F02 Rev 6 (TRIM: D08377338).
- d) Automatic closing mechanisms must be installed on both doors between the Bar and Terrace 1.
- e) The development must be constructed in accordance with the building envelope construction elements detailed in Section 4.2 of the Acoustic Assessment, prepared by Renzo Tonin & Associates, dated 25/3/22, reference T,161-02F02 Rev 6 (TRIM: D08377338).
- f) On completion of all works and prior to the issue of an Occupation Certificate, the certifier is to be provided with a certificate from a qualified acoustic consultant certifying that all acoustic works have been completed in accordance with the recommendations contained within the Acoustic Assessment, prepared by Renzo Tonin & Associates, dated 25/3/22, reference T,161-02F02 Rev 6 (TRIM: D08377338) and this consent.

OPERATIONAL CONDITIONS

42. Hours of Operation

- a) The hours of operation of the indoor Garden Bar and outdoor Gaming area are restricted to those times listed below:

Monday to Thursday	10:00AM to 1:00AM
Friday to Saturday	10:00AM to 2:00AM
Sunday	10:00AM to 1:00AM
- b) The hours of operation of the outdoor Garden Terraces are restricted to those times listed below:

Monday to Sunday	10:00AM to Midnight
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43. 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.

44. Landscape Establishment

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

45. Waste Collection

- 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) Waste collection services must not take place between 8PM and 6AM weekdays or 8PM and 8AM on weekends and public holidays.

Note: Time-of-day service restrictions apply to commercial developments located near residential areas.

- c) All commercial tenant(s) must have a sufficient number of bins to contain the volume of waste and recycling expected to be generated between collection services.
- d) If the sum of meat, seafood and poultry waste generated per day is at least 50 litres, then waste collections must take place daily.

46. Noise - Operational

- a) All noise generated by the development (with the exception of carpark jet fans) must be attenuated to prevent levels of noise being emitted to adjacent premises which possess tonal, beating and similar characteristics or which exceeds the Project Noise Goals detailed in the Acoustic Assessment prepared by Renzo Tonin & Associates, dated 25/3/22, reference T,161-02F02 Rev 6 (TRIM: D08377338) at all times.
- b) The level of total continuous noise emanating from the operation of the carpark jet fans (LA10) (measured for at least 15 minutes) in or on the above premises, must not exceed 34dB(A) when measured at all property boundaries.
- c) An acoustic assessment is to be undertaken by a suitably qualified environmental consultant 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)*. The assessment must be held on site for review by Council if necessary. Should the assessment find that noise from the premises exceeds the Project Noise Goals detailed in the Acoustic Assessment prepared by Renzo Tonin & Associates, dated 25/3/22, reference T,161-02F02 Rev 6 (TRIM: D08377338), appropriate measures must be employed to rectify excessive noise.

47. Compliance with Acoustic Assessment

The development must be operated in accordance with the recommendations contained in the Acoustic Assessment prepared by Renzo Tonin & Associates, dated 25/3/22, reference T,161-02F02 Rev 6 (TRIM: D08377338) at all times.

48. Compliance with Plan of Management

The development must be operated in accordance with the Garden Bar and Terraces - Plan of Management, prepared by Asquith Rugby League Club Limited, dated 20/4/22, (TRIM: D08394067) at all times, unless otherwise approved in writing by Council.

CONDITIONS OF CONCURRENCE - SYDNEY TRAINS

The following conditions of consent are from the nominated State Agency pursuant to Section 4.13 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

49. Sydney Trains 1

The proposed development is to comply with the deemed-to-satisfy provisions in the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

50. Sydney Trains 2

Prior to the issue of a Construction Certificate the Applicant is to provide structural details that the concrete slab or footings will be protected by a vapour barrier membrane. A copy of this detail is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

51. Sydney Trains 3

During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

- 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

A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation protected under the Hornsby Development Control Plan 2013 without the authority conferred by a development consent or a permit granted by Council.

Notes: A tree is defined as a long lived, woody perennial plant with one or relatively few main stems with the potential to grow to a height greater than three metres (3M). (HDGP 1B.6.1.c).

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

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

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.

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

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

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.

Advertising Signage - Separate DA Required

This consent does not permit the erection or display of any advertising signs. Most advertising signs or structures require development consent. Applicants should make separate enquiries with Council prior to erecting or displaying any advertising signage.

ITEM 5



LOCALITY PLAN

DA/1309/2021

No. 11-37 Alexandria Parade, Waitara

ATTACHMENT 1 - ITEM 5



LOCATION PLAN
NTS



DRAWING LIST

DA01	SITE & ROOF PLAN
DA02	PROPOSED LOWER GROUND FLOOR PLAN
DA03	PROPOSED GROUND FLOOR PLAN
DA04	PROPOSED ELEVATIONS & SECTIONS
EX01	EXISTING SITE PLAN
EX02	EXISTING FLOOR PLANS

SITE AREA	4223.0m ²	
GFA	EXISTING	PROPOSED
LG Floor	186.0m ²	186.0m ²
G Floor	2,475.5m ²	2,456.5m ²
1st Floor	155.0m ²	155.0m ²
Shop	210.0m ²	210.0m ²
TOTAL	3,026.5m ²	3,007.5m ²
FSR	0.72 : 1	0.71 : 1



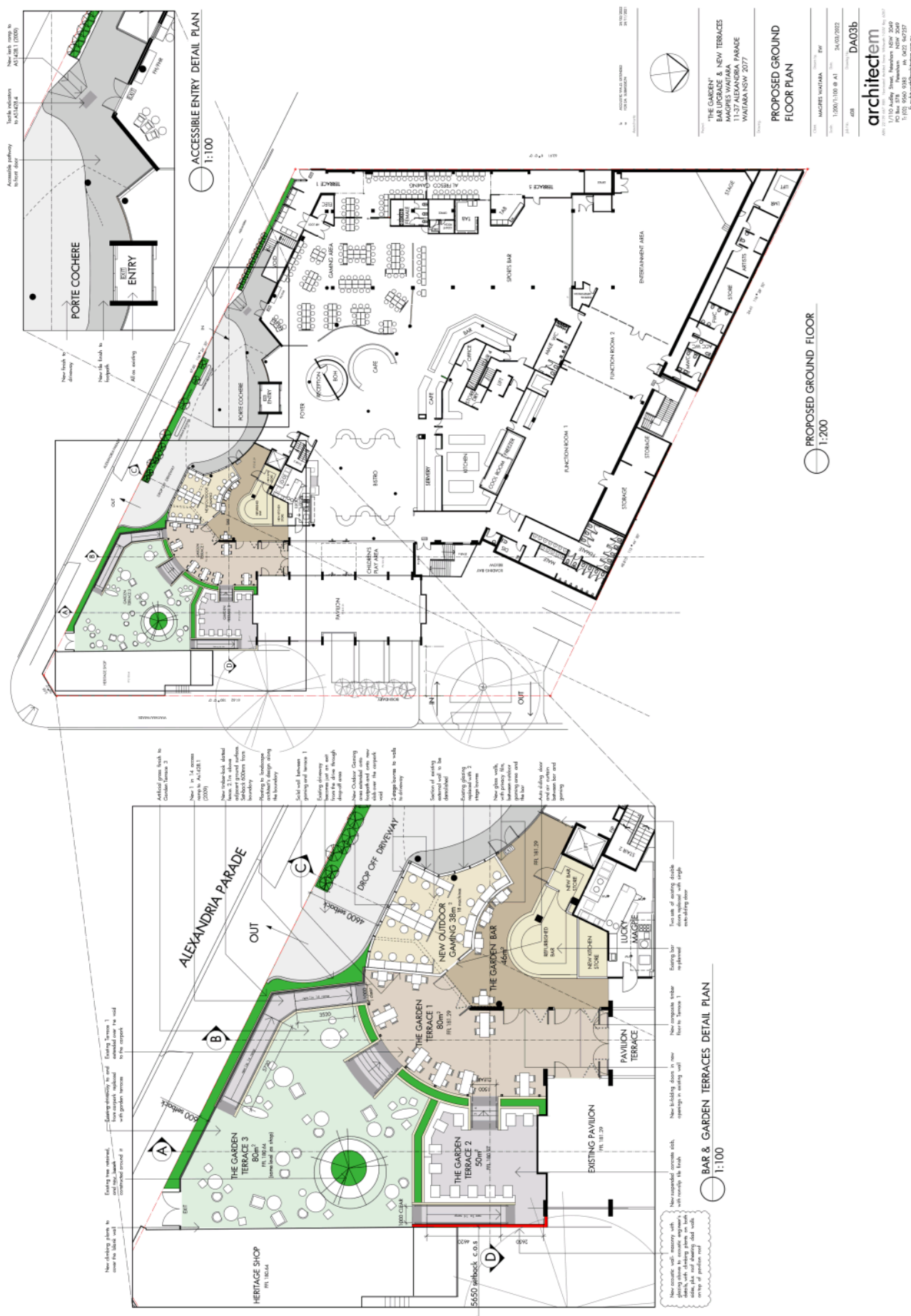
THE GARDEN
BALUPGRADE & NEW TERRACES
ANGEL'S WATARA PARADE
WATARA NSW 2077

PROPOSED
SITE & ROOF PLAN

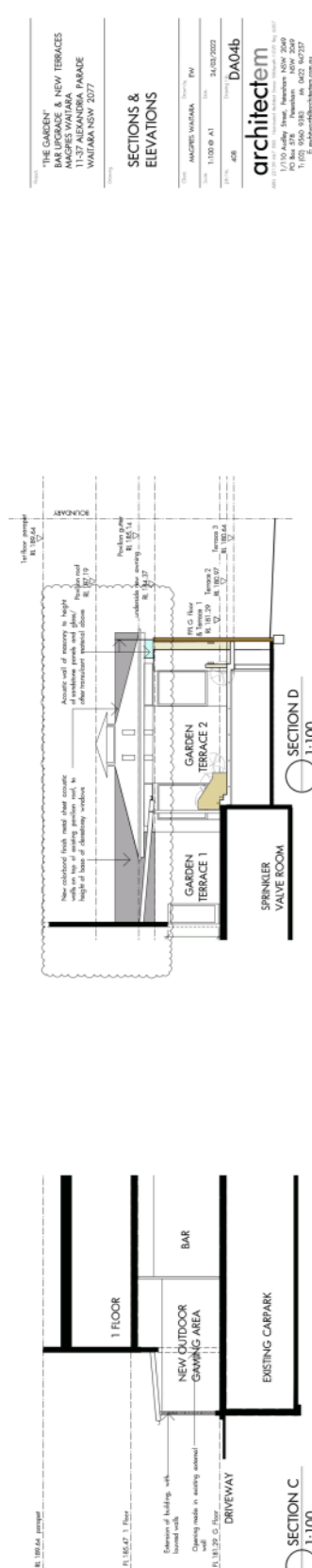
ANGEL'S WATARA
1/110 Orara St, Watara NSW 2077
T: 02 9350 1300
E: info@angel'sdesign.com.au

DA01b
architectem

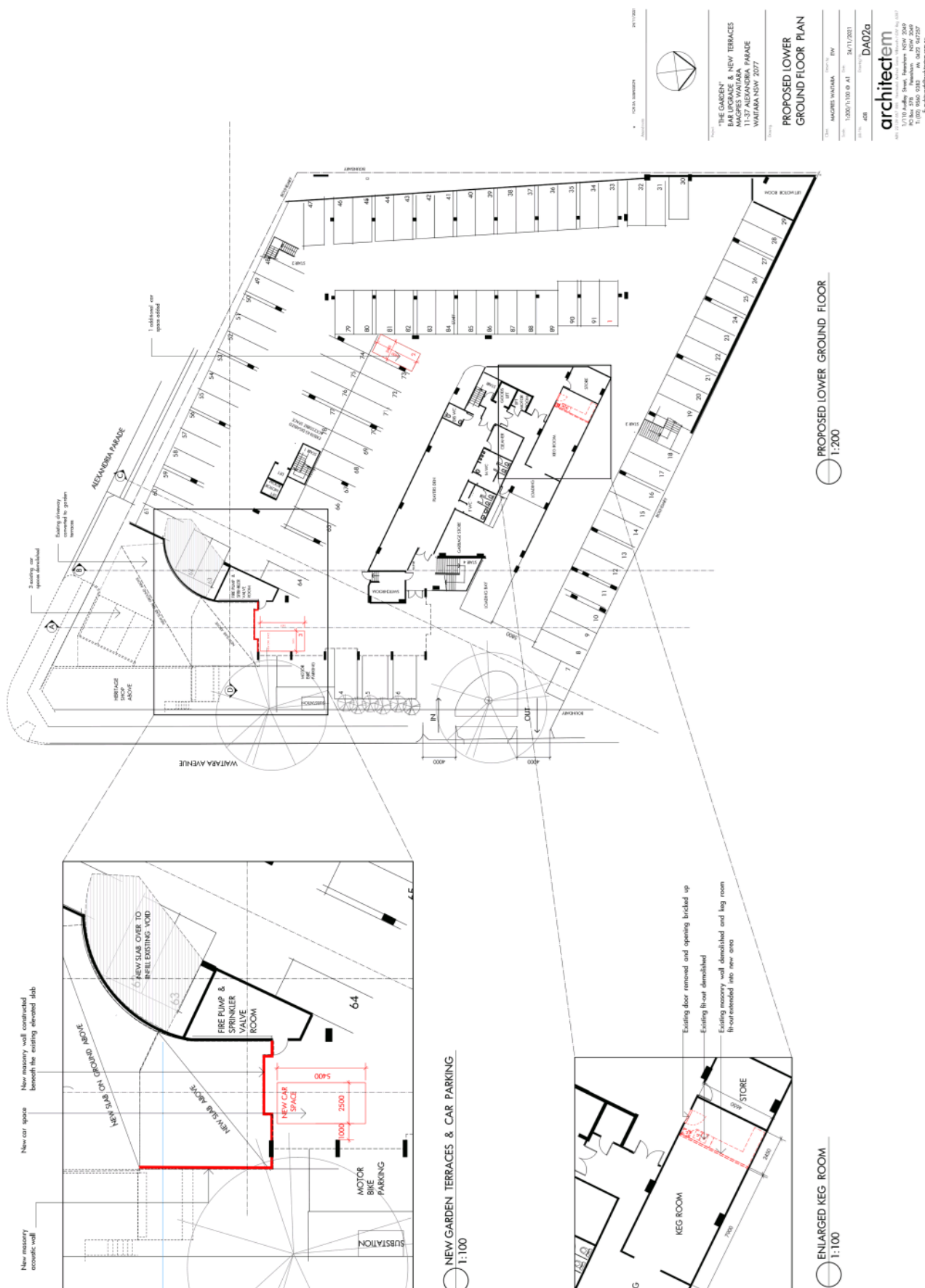
ATTACHMENT 2 - ITEM 5



ATTACHMENT 2 - ITEM 5



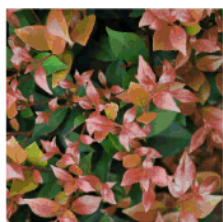
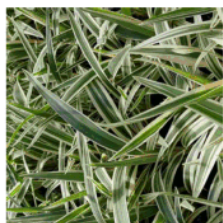
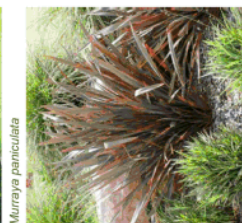
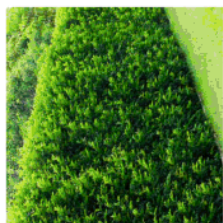
ATTACHMENT 2 - ITEM 5



ATTACHMENT 3 - ITEM 5

LEGEND

	EXISTING TREES TO BE RETAINED
	PROPOSED FEATURE SHRUBS
	MASS PLANTING OF NATIVE GRASSES
	TILES TO ARCHITECTS DETAILS
	SYNTHETIC GRASS
	TERRACE
	BRICK GARDEN EDGING



SCHEDULE OF PLANT MATERIAL

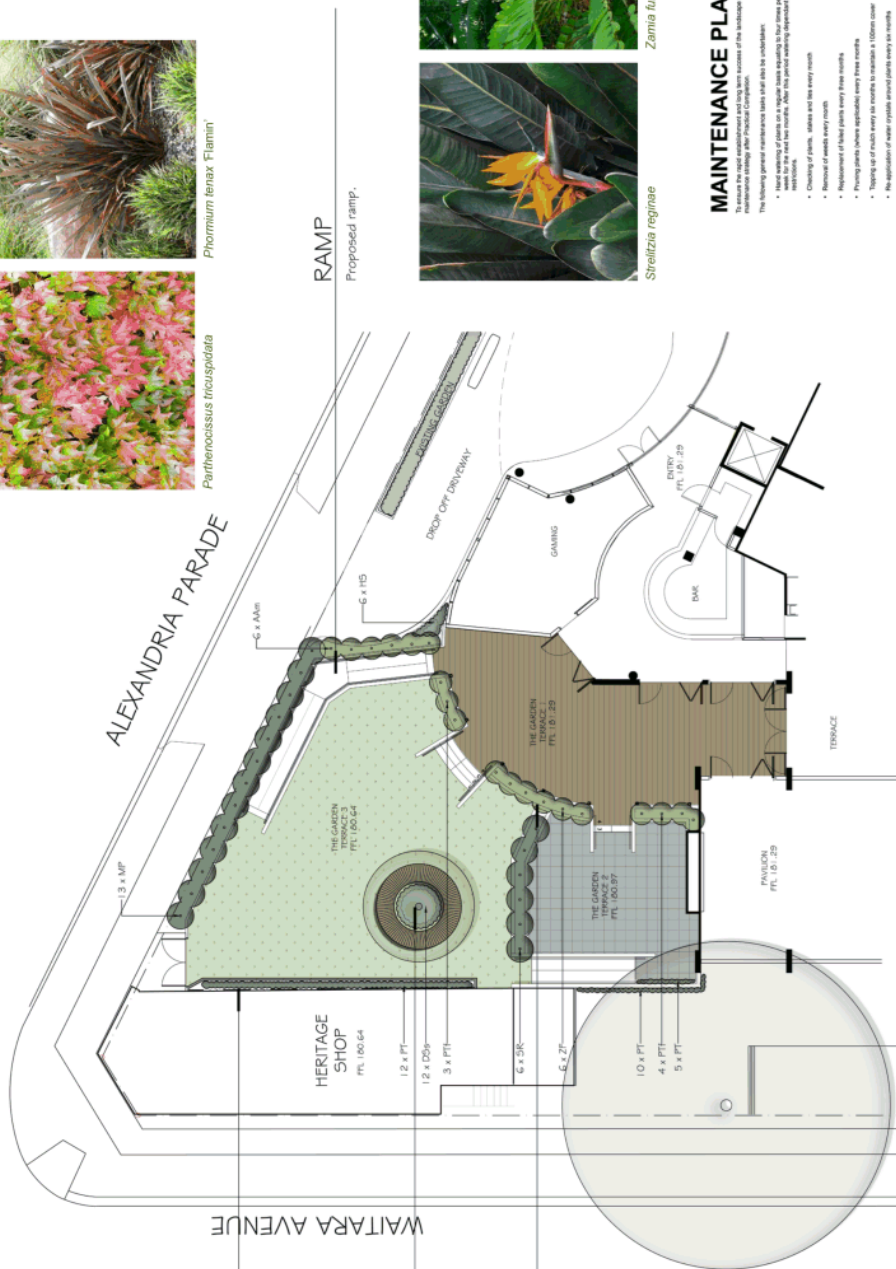
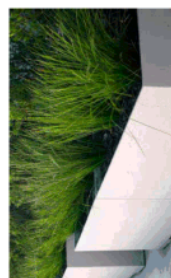
CODE	BOTANICAL NAME	COMMON NAME	QUANTITY	MATURE HEIGHT	CONTAINER	STAKES
AKM	Acmena smithii 'Alym Magic'	Deer Lill Pill	6	1m	200mm	-
DSB	Dianella 'Silver Streak'	Silver Streak Dianella	12	0.4m	140mm	-
HS	Hibbertia scandens	Guinea Flower	6	0.4m	140mm	-
PT	Parthenocissus tricuspidata	Boston Ivy	27	10m	200mm	-
PT1	Phormium tenax 'Flamingo'	Red NZ Flax	7	1m	140mm	-
PT2	Phormium tenax 'Flamingo'	Red NZ Flax	6	1.5m	200mm	-
ZF	Zamia furfuracea	Cardinal Palm	6	1m	200mm	-



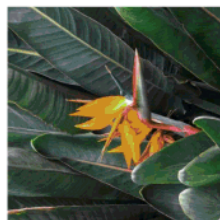
CLIMBING PLANTS
Boston Ivy climber proposed to cover blank wall.

EXISTING TREE
Existing tree to be retained and protected during construction. Trees to be topped and bench seat around it.

PLANTERS
Proposed custom shrub planters atop suspended concrete slab.



Strelitzia reginae



Zamia furfuracea

MAINTENANCE PLAN

To ensure the most appropriate and long term success of the landscape with the client shall undertake an ongoing maintenance plan for the garden. The following general maintenance tasks shall be undertaken:

- New seedlings of plants in a regular shade watering for four times per week for the first month and then once per week for the next four months. After the period watering dependent on weather conditions & subject to water.
- Checking of plants, stakes and ties every month.
- Removal of weeds every month.
- Replacement of dead plants every three months.
- Pruning plants where appropriate every three months.
- Topping up of mulch every six months to maintain a 100mm cover.
- No application of water outside around plants every six months.
- Applying soil every six months and applying fertilizer in accordance with the recommendations of the soil analysis.

scale

office	18/03/23	scale	@ A1
modified	new	date	November 2021
project	28	job.dwg no.	1:200 @ A3
client	28	no. in set	ONE
designer	28	designed by	ONE
drawn by	28	drawn by	ONE

discap
LANDSCAPE ARCHITECTURE

MAGPIES WAITARA BEER GARDEN

MAGPIES

ATTACHMENT 4 - ITEM 5



**Clause 4.6 - Exceptions to Development Standards - Floor Space Ratio
Asquith Leagues Club Ltd
11-37 Alexandria Parade, Waitara**

The site is subject to a maximum FSR control of 0.5:1 (2,111.5m²). The existing development currently has an FSR of 0.72:1 (3,026.5m²) and which is to be reduced by the proposal to 0.71:1 (3,007.5m²).

The proposal, despite providing for a reduction in the overall FSR for the site, results in a technical non-compliance. Accordingly, this Clause 4.6 variation is provided on a precautionary basis.

It is submitted that the requirements of Clause 4.4 of the LEP are development standards and that any variation of those requirements requires the preparation of a submission pursuant to Clause 4.6 of the LEP.

The following assessment of the proposed variation against the requirements of Clause 4.6 is therefore provided.

1. What are the objectives of Clause 4.6 and is the proposal consistent with them.

The objectives of Clause 4.6 of the LEP are:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

It is my opinion, as is demonstrated by the responses to the questions below, that the proposed variation is consistent with the objectives of this clause.

2. Is the standard to be varied a Development Standard to which Clause 4.6 applies.

Clause 4.4 is contained within Part 4 of the LEP and which is titled Principal Development Standards. It is also considered that the wording of Clause 4.4 satisfies the definition of a development standard as determined by the Land & Environment Court of NSW.

On this basis it is considered that the proposal is a development standard for which Clause 4.6 applies.

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3. Is compliance with the development standard unreasonable or unnecessary in the circumstances of this case.

In *Wehbe v Pittwater Council* [2007] NSWLEC 827, Preston CJ set out five justifications to demonstrate that compliance with a development standard is unreasonable or unnecessary. These include:

- The objectives of the development standard are achieved notwithstanding non-compliance with the standard.
- The underlying objective or purpose of the standard is not relevant to the development.
- The underlying objective or purpose would be defeated or thwarted if compliance was required.
- The standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and/or
- The zoning of the land was unreasonable or inappropriate such that the standards for that zoning are also unreasonable or unnecessary.

It is my opinion that compliance with the requirements of Clause 4.4 is both unreasonable and unnecessary in the circumstances of this case for the reason that the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

In addition to the above it is submitted that:

- The existing FSR for the site is 0.72:1 and which is to be reduced by the proposal to 0.7:1.
- The FSR control of 0.5:1 is not compatible with the floor area achieved by the existing surrounding developments which comprise large residential flat buildings ranging from 8-10 storeys in height.
- The proposal will not result in any impacts upon adjoining properties.

On the basis of the above it is my opinion that the objectives of the standard are achieved notwithstanding non-compliance with the standard and accordingly strict compliance would be unreasonable.

4. Are there sufficient environmental planning grounds to justify contravening the development standard.

It is considered that a contravention of the development standard is justified on environmental planning grounds given that:

- The existing FSR of the site currently exceeds 0.5:1, being 0.72:1 and is proposed to be reduced to 0.71:1 as part of this proposal.
- The proposal will allow for the provision of improved facilities and amenity for the patrons of the Asquith Leagues Club and will improve the presentation to the Alexandria Street frontage in a manner which does not result in any detrimental impacts.

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5. Is the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The proposed development is in my opinion in the public interest because it is compliant with the zone objectives and the objectives of the particular standard.

In this regard the proposal is considered to be consistent with the objective of the B2 - Local centre zone as detailed below.

The objectives of the B2 - Local Centre zone are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

It is considered that the proposal is consistent with the objectives of this zone for the following reasons:

- The proposal seeks to improve the services and facilities provided to patrons of the existing registered club.
- The club provides a range of facilities and services for the area's population including social interaction, cheap meals and entertainment.
- The existing club provides for existing employment opportunities and which will be expanded as a result of the proposed works.
- The subject site is located opposite Waitara Railway Station and is within walking distance of the Hornsby Town Centre.

In relation to the applicable objective of Clause 4.4 of the LEP the following assessment is provided:

(1) The objectives of this clause are as follows:

- (a) to permit development of a bulk and scale that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.*

The proposal provides for the carrying out of alterations and additions to the existing Asquith Leagues Club. The proposal will result in a reduction in the site's overall FSR with the proposed additions to be built over an

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existing paved car park area and therefore not resulting in an increase in the sites built upon area.

The proposed additions are also provided with appropriate setbacks from the site boundaries and are of a height, bulk and scale which is in keeping with the character of the locality.

The subject site is located directly opposite Waitara Railway Station and is well served by public transport as well as being within walking distance of the Hornsby Town Centre and residential precincts.

The proposal is therefore considered to be consistent with this objective.

The proposal therefore in my opinion is consistent with the applicable objectives of both Clause 4.4 and the B2 - Local Centres Zone.

6. Whether contravention of the development standard raises any matter of significance for state or regional environmental planning.

It is my opinion that contravention of the standard does not raise any matters of significance for State or Regional environmental planning.

7. What is the public benefit of maintaining the development standard.

It is my opinion that there is no public benefit in maintaining the development standard in this instance given the particular site circumstances, the absence of any unreasonable detrimental impacts and the public benefit that arises from the provision of improved club facilities upon the site.

Conclusion

It is therefore my opinion based upon the content of this submission that a variation of the maximum floor space ratio requirements of Clause 4.4 of the Hornsby Local Environmental Plan 2013 is appropriate in this instance.



Andrew Minto
Graduate Diploma (Urban & Regional Planning), Associate Diploma (Health & Building Surveying). MPlA.
MINTO PLANNING SERVICES PTY LTD
30th November 2021



Acoustics
Vibration
Structural Dynamics

ATTACHMENT 6 - ITEM 5

MAGPIES WAITARA, WAITARA

Acoustic Assessment for DA

25 March 2022

Magpies Waitara C/- Architectem

TM161-02F02 Acoustic Assessment for DA (r6)



Sydney Melbourne Brisbane Gold Coast Kuwait Singapore
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RENZO TONIN & ASSOCIATES

25 MARCH 2022

Document details

Detail	Reference
Doc reference:	TM161-02F02 Acoustic Assessment for DA (r6)
Prepared for:	Magpies Waitara C/- Architectem
Address:	1/110 Audley Street Petersham NSW 2049
Attention:	Emma Whitworth

MAGPIES WAITARA C/- ARCHITECTEM
TM161-02F02 ACOUSTIC ASSESSMENT FOR DA (R6)

ii

MAGPIES WAITARA, WAITARA
ACOUSTIC ASSESSMENT FOR DA

RENZO TONIN & ASSOCIATES

25 MARCH 2022

Document control

Date	Revision history	Non-issued revision	Issued revision	Prepared	Instructed	Reviewed / Authorised
24.11.2021	DRAFT report issued to client for review and comment/s	0	1	R. Victoria	D. Suwandi	H. Pearce
26.11.2021	Updated per client's comments	-	2	R. Victoria	D. Suwandi	H. Pearce
28.01.2022	Updated per client's comments	-	3	R. Victoria/ S. Khan	-	D. Suwandi
01.02.2022	Updated per client's comments	-	4	R. Victoria/ S. Khan	-	D. Suwandi
24.03.2022	Report updated to address Council's RFI with respect to 100% patron capacity in the outdoor terraces	-	5	S. Khan	-	D. Suwandi
25.03.2022	Report updated with final drawings	-	6	D. Suwandi	-	-

File Path: R:\AssocSydProjects\TM151-TM200\TM161 ds Magpies Waitara, Waitara\1 Docs\2 Report\TM161-02F02 Acoustic Assessment for DA (r6).docx

Important Disclaimers:

The work presented in this document was carried out in accordance with the Renzo Tonin & Associates Quality Assurance System, which is based on Australian/New Zealand Standard AS/NZS ISO 9001.

This document is issued subject to review and authorisation by the suitably qualified and experienced person named in the last column above. If no name appears, this document shall be considered as preliminary or draft only and no reliance shall be placed upon it other than for information to be verified later.

This document is prepared for the particular requirements of our Client referred to above in the 'Document details' which are based on a specific brief with limitations as agreed to with the Client. It is not intended for and should not be relied upon by a third party and no responsibility is undertaken to any third party without prior consent provided by Renzo Tonin & Associates. The information herein should not be reproduced, presented, or reviewed except in full. Prior to passing on to a third party, the Client is to fully inform the third party of the specific brief and limitations associated with the commission.

In preparing this report, we have relied upon, and presumed accurate, any information (or confirmation of the absence thereof) provided by the Client and/or from other sources. Except as otherwise stated in the report, we have not attempted to verify the accuracy or completeness of any such information. If the information is subsequently determined to be false, inaccurate, or incomplete then it is possible that our observations and conclusions as expressed in this report may change.

We have derived data in this report from information sourced from the Client (if any) and/or available in the public domain at the time or times outlined in this report. The passage of time, manifestation of latent conditions or impacts of future events may require further examination and re-evaluation of the data, findings, observations, and conclusions expressed in this report.

We have prepared this report in accordance with the usual care and thoroughness of the consulting profession, for the sole purpose described above and by reference to applicable standards, guidelines, procedures, and practices at the date of issue of this report. For the reasons outlined above, however, no other warranty or guarantee, whether expressed or implied, is made as to the data, observations and findings expressed in this report, to the extent permitted by law.

The information contained herein is for the purpose of acoustics only. No claims are made, and no liability is accepted in respect of design and construction issues falling outside of the specialist field of acoustics engineering including and not limited to structural integrity, fire rating, architectural buildability, and fit-for-purpose, waterproofing and the like. Supplementary professional advice should be sought in respect of these issues.

External cladding disclaimer: No claims are made, and no liability is accepted in respect of any external wall and/or roof systems (eg. facade / cladding materials, insulation etc) that are: (a) not compliant with or do not conform to any relevant non-acoustic legislation, regulation, standard, instructions, or Building Codes; or (b) installed, applied, specified, or utilised in such a manner that is not compliant with or does not conform to any relevant non-acoustic legislation, regulation, standard, instructions or Building Codes.

RENZO TONIN & ASSOCIATES

25 MARCH 2022

Contents

1	Introduction	1
2	Project Description	2
2.1	Site description and development overview	2
2.2	Acoustic aspects	3
2.3	Acoustic assessment methodology	4
2.4	Reference material	4
3	Project noise goals	5
3.1	Applicable noise criteria	5
3.1.1	Hornsby Shire Council	5
3.1.2	Liquor and Gaming NSW	5
3.2	Assessment locations	6
3.3	Existing noise environment	7
3.3.1	Noise measurement location	7
3.3.2	Long-term noise measurement results	7
3.4	Project noise goals	9
3.4.1	Operational noise	9
4	Licensed premises noise emission assessment	11
4.1	Noise sources	11
4.2	Building envelope	12
4.3	Prediction methodology	12
4.4	Noise prediction results & assessment	12
5	Mechanical plant noise assessment	15
5.1	Noise sources	15
5.2	Noise prediction results & assessment	15
6	Sleep disturbance	16
6.1	Noise sources	17
6.2	Noise prediction results	17
7	Recommendations	18
7.1	Operational management	18
7.2	Building envelope	18
7.3	Noise wall	18
8	Acoustic risk assessment	20
9	Conclusion	21
APPENDIX A	Glossary of terminology	22
APPENDIX B	Long-term noise monitoring methodology	24
B.1	Noise monitoring equipment	24

RENZO TONIN & ASSOCIATES

25 MARCH 2022

B.2	Meteorology during monitoring	24
B.3	Noise vs time graphs	24
APPENDIX C	Long-term noise monitoring results	25

List of tables

Table 1:	Assessment locations	6
Table 2:	Noise monitoring location	7
Table 3:	Long-term noise monitoring results	8
Table 4:	L&GNSW noise goals, L_{10}	9
Table 5:	Hornsby Council - Guidelines for Noise and Vibration - noise goals, $L_{Aeq,15min}$	10
Table 6:	Source noise levels for licensed premises assessment	11
Table 7:	Building envelope acoustic performance	12
Table 8:	Predicted noise level assessment, L_{10}	13
Table 9:	Predicted noise level assessment, $L_{Aeq,15min}$	13
Table 10:	Source noise levels for licensed premises assessment	15
Table 11:	Predicted noise level assessment, $L_{Aeq,15min}$	15
Table 12:	Sleep disturbance criteria	16
Table 13:	Sound power levels	17
Table 14:	Sleep disturbance assessment	17

List of figures

Figure 1:	Subject site and noise monitoring locations	2
Figure 2:	Proposed alterations and additions	3
Figure 3:	Layout of noise walls	19
Figure 4:	Extent of noise wall	19

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TM161-02F02 ACOUSTIC ASSESSMENT FOR DA (R6)

V

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ACOUSTIC ASSESSMENT FOR DA

RENZO TONIN & ASSOCIATES

25 MARCH 2022

1 Introduction

Renzo Tonin & Associates was engaged to undertake an operational noise assessment to support the Development Application (DA) for the proposed alterations and additions at the Magpies Waitara Club, 11-37 Alexandria Parade, Waitara.

The proposed changes to the development, shown in Figure 2, are as follows:

- Alteration of the main building to accommodate a new Gaming Room with capacity for 17 machines.
- Interior fit out works of the existing Bar to accommodate the new Gaming Room.
- Expansion of existing outdoor Terrace 1 and the addition of outdoor Terrace 2 and Terrace 3, to be located between Terrace 1 and the existing Heritage Shop. The work requires leveling off the ground which is currently a driveway ramp to the lower-level carpark at the rear of the site. Vehicles will continue to access the lower-level carpark via the existing driveway (to be retained) off Waitara Ave. Note that this will not result in an increase in noise from vehicles being driven on site as vehicles end up joining the same path of travel into the lower-level carpark (they will drive on the site for a shorter period).
- Installation of two jet fans in the Lower Ground Floor car park which will only operate between 10:00am and 10:00pm. They will be set on a timer to not operate outside peak traffic movements.

No changes are proposed to the existing trading hours of the licensed premises which are as follows:

- Sunday - Thursday 10:00am - 1:00am
- Friday - Saturday 10:00am - 2:00am

The new/amended outdoor Terraces 1, 2, and 3 are proposed to operate until 12:00am midnight, Monday to Sunday.

The main sources of noise associated with these changes will be the noise breakout from the internal Bar and the new Gaming Room, outdoor patron, and music noise from the expanded and new Terrace areas as well as the noise emission from the new jet fans. This report quantifies noise emissions from activities associated with the proposal and assesses operational noise on nearby sensitive receivers in accordance with the noise requirements presented in Section 3.1. The licensed premises will be retaining existing plant and equipment, which was previously approved and already operational, with the exception of the two new jet fans.

APPENDIX A contains a glossary of acoustic terms used in this report.

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25 MARCH 2022

2 Project Description

2.1 Site description and development overview

The site is located on the intersection of Alexandria Parade and Waitara Avenue. It is bound to the south and east by the two roads respectively, to north by a 7-storey residential building, and to the west by a 2-storey commercial building. Across the street on Waitara Avenue are 3-storey residential flat buildings, and on the other side of Alexandria Parade is Waitara Station and the rail corridor.

The proposed development involves fit-out works on the existing Shamrock Inn at the front of the club to add a new Gaming Room, expand the existing outdoor terrace and add two new outdoor terraces adjacent to the existing Heritage Shop, as well as two new jet fans in the existing lower ground floor car park. Figure 1 below presents the subject site location.

Figure 1: Subject site and noise monitoring locations



MAGPIES WAITARA C/- ARCHITECTEM
TM161-02F02 ACOUSTIC ASSESSMENT FOR DA (R6)

2

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ACOUSTIC ASSESSMENT FOR DA

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25 MARCH 2022

Figure 2: Proposed alterations and additions



2.2 Acoustic aspects

Based on the proposed design and operational parameters, the following aspects are deemed to require acoustic assessment:

- Noise breakout from internal areas (patron and background music played through the in-house system) of the Bar, and Gaming Room
- Noise from patrons and music in the outdoor terraces
- Noise emission from the two new jet fans

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TM161-02F02 ACOUSTIC ASSESSMENT FOR DA (R6)

3

MAGPIES WAITARA, WAITARA
ACOUSTIC ASSESSMENT FOR DA

RENZO TONIN & ASSOCIATES

25 MARCH 2022

2.3 Acoustic assessment methodology

In order to assess the potential noise impact from the proposal, the following methodology was used:

- Identify nearest most potentially affected receiver locations to the subject site
- Determine existing background noise levels at the nearest most potentially affected receiver locations
- Use measured background noise levels to establish noise goals in accordance with the relevant noise criteria
- Using predictive noise modelling, determine the extent of noise impact from the proposal at nearby residential premises
- Identify if noise emission from the area under investigation may exceed the relevant criteria, and
- Where noise emission from the area under investigation may exceed the relevant criteria, provide recommendations to reduce noise impacts from the site.

2.4 Reference material

The following documentation has been referenced for this report:

- Architectural drawing set prepared by Architectem dated 24 November 2021. The following drawings have been revised accordingly during the design iteration process:
 - DA01b Revised Site plan dated 24 March 2022
 - DA03b Revised Proposed G floor Plan dated 24 March 2022
 - DA04b Revised Elevations and Sections dated 24 March 2022
- Jetvent Car Park Fans - JV Series technical data provided by Architectem on 19 January 2022 [ref: Car park fans].

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25 MARCH 2022

3 Project noise goals

3.1 Applicable noise criteria

3.1.1 Hornsby Shire Council

Hornsby Shire Council (Council) has required through its Hornsby Development Control Plan (DCP) 2013 that applications for noise generating developments should be accompanied by an acoustic report to minimise the impacts on noise sensitive receivers and to comply with relevant State Government and Council guidelines. The DCP further refers to Council's Policy and Guidelines for Noise and Vibration document.

The document presents noise control guidelines for noise generating developments such as licensed premises, which recommends the following:

The $L_{A,eq}$ noise level emitted from the licensed premises when measured at the boundary of the most affected residence, should not exceed the background noise level up to midnight and should not exceed a level 5 dBA below the background level after midnight when measured at any bedroom window.

Noise associated with patron departure, particularly after 10.00 pm should be given due consideration by management. Points of access and egress should be restricted wherever possible to minimise adverse impact upon noise sensitive receivers. Noise emissions from carparking facilities shall be monitored by management to ensure patrons arrive and/or depart in the quietest manner possible.

The document also requires the acoustic report to cover the following:

In the case of a licensed premises, details of access and egress arrangements in use after 10.00 pm. In addition, the applicant shall supply a statement detailing the means by which noise associated with patron arrival and departure is proposed to be controlled.

Patron arrival and departure will be through the entrance and will be managed by the club in accordance with Plan of Management (PoM). No change is proposed to the access/egress location. Patron access/egress will be via the main entrance on Alexandria Parade.

3.1.2 Liquor and Gaming NSW

Noise emission from licensed premises in NSW, such as restaurants, bars, and clubs, should aim to comply with the standard noise criteria set by Liquor and Gaming NSW (L&GNSW). The L&GNSW criteria applies to all noise emission associated with activities from the licensed area of the premises, including music and patron noise, but excludes mechanical services equipment.

RENZO TONIN & ASSOCIATES

25 MARCH 2022

L&GNSW, through the Liquor Act 2007, is the regulatory authority that deals with noise pollution issues pertaining to licensed premises. L&GNSW recommends the use of their standard noise criteria when assessing noise impact from licensed premises and when determining the occurrence of noise nuisance and annoyance. Noise emissions are assessed in terms of the following 'Standard Noise Condition':

"The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in an Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7:00am and 12:00 midnight at the boundary of any affected residence.*

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in an Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence.*

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.

Interior noise levels which still exceed safe hearing levels are in no way supported or condoned by the NSW Office of Liquor, Gaming and Racing.

This is a minimum standard. In some instances, the Board may specify a time earlier than midnight in respect of the above condition.

**For the purposes of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises."*

For the assessment of inaudibility Renzo Tonin and Associates adopt a design criterion of 10dB below the background noise level in each octave band for intermittent noise sources such as patrons and music. For steady state sources such as mechanical plant, a design criterion of 5dB below the background level in each octave band is adopted.

3.2 Assessment locations

The identified assessment locations are outlined in Table 1 below and shown in Figure 1 above.

Table 1: Assessment locations

ID	Address	Description
R1	49 Alexandria Parade, Waitara	Three-storey residential building on the other side of Waitara Avenue.
R2	5-9 Waitara Avenue, Waitara	Seven-storey residential building on the rear of the site.

3.3 Existing noise environment

As the noise environment of an area almost always varies over time, background and ambient noise levels need to be determined for the operational times of the proposed development. For example, in a suburban or urban area, the noise environment is typically at its minimum at 3:00am in the morning and at its maximum during the morning and afternoon traffic peak hours. The NSW Environment Protection Authority (EPA)'s relevant noise policy outlines the following standard time periods over which the background and ambient noise levels are to be determined:

- Day: 07:00-18:00 Monday to Saturday and 08:00-18:00 Sundays & Public Holidays
- Evening: 18:00-22:00 Monday to Sunday & Public Holidays
- Night: 22:00-07:00 Monday to Saturday and 22:00-08:00 Sundays & Public Holidays

3.3.1 Noise measurement location

Noise measurements are ideally carried out at the nearest or most potentially affected locations surrounding a development. An alternative, representative location should be established in the case of access restrictions or where a safe and secure location cannot be identified. Furthermore, representative locations may be established in the case of multiple receivers as it is usually impractical to carry out measurements at all locations surrounding a site.

The locations at which long-term measurements were undertaken is outlined in Table 2 and shown in Figure 1.

Table 2: Noise monitoring location

ID	Address	Description
Long-term noise monitoring		
L1	Heritage Shop, 11-37 Alexandria Parade, Waitara	The noise monitor was located on the Level 1 of the eastern facade of the Heritage Shop facing Waitara Avenue. It is exposed to local traffic and train pass-by. The measured background noise levels are deemed representative for assessment locations R1 from an external perspective.
L2	5-8 Waitara Avenue, Waitara	The noise monitor was located on the Level 1 balcony of the building facing Waitara Avenue. It exposed to the local traffic, and a nearby transformer unit on the street. The measured background noise levels are deemed representative for assessment locations R2 from an external perspective.

3.3.2 Long-term noise measurement results

Long-term noise monitoring was carried out from Friday, 15 to Monday 25, October 2021. The long-term noise monitoring methodology is detailed in APPENDIX B, and noise level-vs-time graphs of the data are included in APPENDIX C.

RENZO TONIN & ASSOCIATES

25 MARCH 2022

Table 3 presents the representative background L_{90} and ambient L_{eq} noise levels for each assessment period, determined in accordance with the NSW EPA Noise Policy for Industry (NPfI). Whilst daytime noise levels are included in the following table, the majority of the daytime periods were affected by construction noise from 18 Waitara Avenue and further assessments will be based on the evening and night-time data, which was not construction noise affected. Based on previous projects, evening and night-time noise levels are typically quieter than the daytime period and will therefore be the more stringent criteria.

Table 3: Long-term noise monitoring results

Descriptor	Period	Overall dB(A)	Octave band centre frequency - Hz (L _{z10})								
			31.5	63	125	250	500	1k	2k	4k	8k
L1 - Heritage Shop Level 1 window, facing Waitara Avenue											
L ₉₀ Background Noise Levels	Day ²	54 ³	56	59	55	53	50	48	44	37	27
	10:00 - 18:00 ^{1,2}	52	56	58	54	52	49	48	43	36	26
	Evening	46 ³	49	48	46	46	42	41	35	25	18
	22:00 - 24:00 ¹	39	44	43	42	38	36	35	30	20	16
	24:00 - 02:00 ¹	36	41	39	40	37	33	31	27	20	16
	Night	36	40	40	41	36	33	31	27	20	16
L _{Aeq,period} Ambient Noise Levels	Day	63	68	68	61	60	60	58	56	52	46
	Evening	55	63	61	56	54	52	51	47	40	33
	Night	51	59	57	51	49	48	47	44	38	32
L2 - 5-8 Waitara Avenue Level 1 balcony, facing Waitara Avenue											
L ₉₀ Background Noise Levels	Day ²	59 ³	62	59	61	58	55	52	47	42	31
	10:00 - 18:00 ^{1,2}	55	61	56	59	56	52	50	45	39	29
	Evening	47 ³	47	45	49	47	43	42	37	29	20
	22:00 - 24:00 ¹	41	43	38	43	39	37	37	34	26	16
	24:00 - 02:00 ¹	40	39	36	42	37	35	35	34	25	15
	Night	41 ³	39	36	41	37	35	35	34	25	15
L _{Aeq,period} Ambient Noise Levels	Day	69 ³	70	70	66	64	65	63	61	57	51
	Evening	53	61	55	55	52	48	49	45	39	32
	Night	53	60	56	54	50	49	48	46	42	35

Notes: Day: 07:00-18:00 Monday to Saturday and 08:00-18:00 Sundays & Public Holidays

Evening: 18:00-22:00 Monday to Sunday & Public Holidays

Night: 22:00-07:00 Monday to Saturday and 22:00-08:00 Sundays & Public Holidays

[^] As required by the NPfI, the external ambient noise levels presented are free-field noise levels, ie. no facade reflections.

[^] Background spectrum data is taken as the median of the daily background noise spectrum.

1. Additional time periods have been included to cover the proposed operating hours and relevant periods in the criteria.
2. Day time levels are affected by construction noise on 18 Waitara Avenue.
3. The broadband background noise levels have been calculated by statistical analysis of the long-term unattended noise monitoring in accordance with the guidance provided in the NPfI.
4. The background noise spectrum has been calculated using the same process (as the NPfI RBL calculation) for each 1/1 octave band centre frequency and given the L_{90} across all frequencies does not occur simultaneously, the broadband sum of this spectrum is lower than the period L_{90} .

RENZO TONIN & ASSOCIATES

25 MARCH 2022

3.4 Project noise goals

3.4.1 Operational noise

The octave band noise goals for operational noise at the identified receivers set out in Table 5 below have been established from measured noise levels set out in Sections 3.3.2 and the L&GNSW criteria presented in Section 3.1. Given the construction noise impacts on the daytime period data, it shall be excluded from further assessment. Based on previous projects, evening and night-time noise levels are typically quieter than the daytime period and will therefore be the more stringent criteria.

Table 4: L&GNSW noise goals, L_{10}

Assessment period		Octave band centre frequency - Hz								
		31.5	63	125	250	500	1k	2k	4k	8k
Locations R1										
18:00 - 22:00 ¹	Background, L _{Z90}	49	48	46	46	42	41	35	25	18
	Noise goals, L _{Z10}	54	53	51	51	47	46	40	30	23
22:00 - 24:00 ¹	Background, L _{Z90}	44	43	42	38	36	35	30	20	16
	Noise goals, L _{Z10}	49	48	47	43	41	40	35	25	21
24:00 - 02:00 (inaudibility) ²	Background, L _{Z90}	41	39	40	37	33	31	27	20	16
	Noise goals, L _{Z10}	48 ³	29	30	27	23	21	17	10	7 ³
Locations R2										
18:00 - 22:00 ¹	Background, L _{Z90}	47	45	49	47	43	42	37	29	20
	Noise goals, L _{Z10}	52	50	54	52	48	47	42	34	25
22:00 - 24:00 ¹	Background, L _{Z90}	43	38	43	39	37	37	34	26	16
	Noise goals, L _{Z10}	48	43	48	44	42	42	39	31	21
24:00 - 02:00 (inaudibility) ²	Background, L _{Z90}	39	36	42	37	35	35	34	25	15
	Noise goals, L _{Z10}	48 ³	26	32	27	25	25	24	15	7 ³

Note:

1. Based on the "background + 5 dB" criteria of the L&GNSW.
2. Based on the inaudibility criteria which is more stringent than the "background + 0 dB" of the L&GNSW. Renzo Tonin & Associates adopts a "background - 10 dB" criteria to assess inaudibility.
3. Threshold of hearing in accordance with AS3657.1, taken as the lowest third octave level for the respective octave band.

The proposed development must also comply with the broadband noise criteria from Council's Policy and Guidelines for Noise and Vibration document which is based on the L_{Aeq} noise descriptor. The following table presents the project broadband noise goals.

RENZO TONIN & ASSOCIATES

25 MARCH 2022

Table 5: Hornsby Council - Guidelines for Noise and Vibration - noise goals, $L_{Aeq,15min}$

Assessment period	Background L_{A90}	Noise goals, $L_{Aeq,15min}$
Locations R1		
18:00 - 22:00 ¹	46	46
22:00 - 24:00 ¹	39	39
24:00 - 02:00 ²	36	31
Locations R2		
18:00 - 22:00	47	47
22:00 - 24:00	41	41
24:00 - 02:00	40	35

Notes:

1. Based on the "background + 0 dB" criteria of Council's document.
2. Based on the "background - 5 dB" criteria of Council's document.

4 Licensed premises noise emission assessment

4.1 Noise sources

The source noise levels used for the predictions, presented in Table 6, were obtained from our library database and measurements of similar types of development.

Table 6: Source noise levels for licensed premises assessment

Area	Applicable noise source	Overall dB(A)	Octave band centre frequency - Hz (dBZ)								
			31.5	63	125	250	500	1k	2k	4k	8k
Bar	Internal patrons with low background music (Reverberant L_p L_{10}) ¹	84	70	72	72	73	81	81	77	70	68
Gaming Room	Internal patrons with gaming machine noise (Reverberant L_p L_{10}) ²	75	61	61	66	70	75	69	65	60	54
Outdoor Terrace	Loud male voice (L_W per person) ³	82	-	-	64	73	80	79	74	68	59
Outdoor Terrace	Raised male voice (L_W per person) ³	72	-	-	62	67	72	66	62	57	51
Outdoor Terrace	Background music, L_p L_{10}	81	59	80	90	81	77	73	71	72	67

Notes:

1. Measured from similar spaces of similar developments.
2. Spatial L_p considered occurring at each facade element for the purpose of external noise predictions.
3. Handbook of Acoustical Measurements and Noise Control, Third Edition, Cyril M. Harris.

The following scenarios were considered with respect to the proposed trading hours:

- 18:00 to 24:00 - All indoor areas of the Bar and Gaming Room are operating with the windows open (entry doors on either side of the bar set to automatically closed from 10:00pm onwards) and indoor areas of the existing Pavilion are operating with closed fixed windows. All three outdoor Terraces are at full capacity with 150 patrons broken down to the following:
 - Terrace 1 - 40 Patrons
 - Terrace 2 - 30 Patrons
 - Terrace 3 - 80 Patrons
 - Music noise assumed to be background only (comfortable to talk over), uniform sound pressure level of 65dB(A) L_{10} (or 70dB(A) L_{10} at 1m from the speaker)
- 24:00 to 02:00 am - All indoor areas of the Bar and Gaming Room are operating with the windows and entry doors on either side of the bar set to automatically closed, and indoor areas of the existing Pavilion are operating with closed fixed windows. All three outdoor Terraces are closed and not operating.

In assessing the noise from the outdoor Terrace areas, it is assumed that 1 in 2 patrons are talking at the same time, with 90% speaking with a Raised voice and 10% speaking with a Loud voice.

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25 MARCH 2022

From 12:00am midnight to 02:00am, noise emission from the use of the new Gaming Room is assessed to 10dB below the project noise emission goal for the site, so that its use does not result in an increase in cumulative noise emissions to neighbours. As such, a screening test of 10 dB less than the inaudibility noise goal is adopted for the gaming room in isolation (ie. background minus 20dB contribution).

A noise wall was also proposed and considered in the assessment to provide acoustic screening between the outdoor terraces to the residential receivers on the other side of Waitara Avenue (R1). Details of the noise walls are discussed in Section 7.3.

4.2 Building envelope

The following assumptions regarding the acoustic performance of the building envelope design have been made for the assessment.

Table 7: Building envelope acoustic performance

Area	Construction element	Acoustic rating R_w assumed	Indicative construction
Bar and Pavilion	Glazed facade (fixed)	R_w 27	Min. 6mm thick glass in aluminium frame
	Entry door	R_w 27	Min. 6mm thick glass in aluminium frame with acoustic seals
	Roof	R_w 27	Pitched metal roof with raked timber cladded ceiling
Gaming Room	Glazed facade (fixed)	R_w 27	Min. 6mm thick glass in aluminium frame
	Entry door	R_w 27	Min. 6mm thick glass in aluminium frame with acoustic seals
	Louvres	R_w 0	Non-acoustic weatherproof louvres

The east facade of the Gaming Room facing the terrace is proposed to be solid and shall not have any louvres. It shall have a transmission loss of at least R_w 27.

4.3 Prediction methodology

The noise predictions were based upon the architectural drawing set out in Section 2.4, and carried out in accordance with ISO9613 as implemented by CadnaA computer modelling program. The software considers sound radiation patterns, acoustic shielding and potential reflections from intervening building elements, and noise attenuation due to distance.

4.4 Noise prediction results & assessment

Table 8 summarises the results of the noise assessment, presenting the predicted noise emission levels at the identified assessment locations against the established noise goals. Building levels nominated below are assessed to be the worst affected level of the development.

RENZO TONIN & ASSOCIATES

25 MARCH 2022

Table 8: Predicted noise level assessment, L_{10}

Time of day	Assessment Scenario	Description	Octave band centre frequency - Hz (L _{Z10})								
			31.5	63	125	250	500	1k	2k	4k	8k
Locations R1 - Level 2, 49 Alexandria Parade, Waitara											
18:00 - 22:00	All indoor areas operating and three outdoor Terraces at full capacity with 150 patrons	Predicted noise levels	28	35	43	36	39	34	28	20	12
		Noise goal BG + 5	54	53	51	51	47	46	40	30	23
Predicted noise levels		28	35	43	36	39	34	28	20	12	
Noise goal BG +5		49	48	47	43	41	40	35	25	21	
24:00 - 02:00	Noise contribution from the new Gaming Room	Predicted noise levels	15	12	14	14	16 ¹	8	4	0	0
		BG – 20 screening test	21	19	20	17	13	11	7	0	0
Location R2 - Level 7, 5-9 Waitara Avenue, Waitara											
18:00 - 22:00	All indoor areas operating and three outdoor Terraces at full capacity with 150 patrons	Predicted noise levels	26	33	42	38	42	38	33	27	17
		Noise goal BG + 5	52	50	54	52	48	47	42	34	25
Predicted noise levels		26	33	42	38	42	38	33	27	17	
Noise goal BG + 5		48	43	48	44	42	42	39	31	21	
24:00 - 02:00	Noise contribution from the new Gaming Room	Predicted noise levels	16	14	16	16	19 ¹	12	7	1	0
		BG – 20 screening test	19	16	22	17	15	15	14	5	0

Note:

1. Exceedances are highlighted in bold.

For the outdoor gaming area, a minor exceedance of up to 4 dB is predicted at 500 Hz for the 24:00 to 02:00 time period at R1 and R2. These exceedances are considered minor and do not warrant additional treatment, given that the difference to the cumulative level would be approximately 1dB which is not perceptible to the average listener.

Table 9: Predicted noise level assessment, $L_{Aeq,15min}$

Time of Day	Assessment scenario	Description	L _{Aeq}
Locations R1 - Level 2, 49 Alexandria Parade, Waitara			
18:00 - 22:00	All indoor areas operating and three outdoor Terraces at full capacity with 150 patrons	Predicted noise levels	36
		Noise goal BG + 0	46
22:00 - 24:00		Predicted noise levels	36
		Noise goal BG + 0	39
24:00 – 02:00	Noise contribution from the new Gaming Room	Predicted noise levels	13
		Noise goal BG – 5 – 10	21
Locations R2 - Level 7, 5-9 Waitara Avenue, Waitara			
18:00 - 22:00	All indoor areas operating and three outdoor Terraces at full capacity with 150 patrons	Predicted noise levels	39
		Noise goal BG + 0	47
22:00 - 24:00		Predicted noise levels	39
		Noise goal BG + 0	41
24:00 – 02:00	Noise contribution from the new Gaming Room	Predicted noise levels	16
		Noise goal BG – 5 – 10	25

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25 MARCH 2022

Time of Day	Assessment scenario	Description	L _{Aeq}
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Notes:

1. Exceedances are highlighted in bold.
2. The predicted L_{Aeq} values are calculated using the formula $L_{Aeq} = L_{A10} - 3dB$

Noise emissions from the proposed alterations and additions are predicted to comply with the Council requirements of BG + 0 up to midnight and BG – 5 thereafter.

Provided that the recommendations described in Section 7 are effectively implemented, the proposed use of the development is deemed acceptable for use during the above hours of operation.

5 Mechanical plant noise assessment

5.1 Noise sources

The source noise levels used for the predictions, presented in Table 10, were obtained from Fantech Jetvent Car Park Fans - JV Series technical data and noise level sheet provided by Architectem on 19 January 2022 [ref: Car park fans].

Table 10: Source noise levels for licensed premises assessment

Area	Applicable noise source	Overall dB(A) @3m	Octave band centre frequency - Hz (dBZ)								
			31.5	63	125	250	500	1k	2k	4k	8k
Car Park	Fantech R-CPA-400-4-3 L _w re 1pW ¹	54	-	73	89	72	70	58	56	55	53

5.2 Noise prediction results & assessment

Table 11 summarises the results of the mechanical plant noise assessment, presenting the predicted noise emission levels at the identified assessment locations against the established noise goals as set out in Table 5. Building levels nominated below are assessed to be the worst affected level of the development.

Table 11: Predicted noise level assessment, L_{Aeq,15min}

Time of Day	Assessment scenario	Description	L _{Aeq, 15min}
Locations R1 - Level 2, 49 Alexandria Parade, Waitara			
18:00 - 22:00	Two new jet fans operating in the existing Lower Ground Floor carpark	Predicted noise level	34
		Noise goal	46
Locations R2 - Level 7, 5-9 Waitara Avenue, Waitara			
18:00 - 22:00	Two new jet fans operating in the existing Lower Ground Floor carpark	Predicted noise level	32
		Noise goal	47

The proposed operation time for the two new jet fans is between 10:00am and 10:00pm only. As the background noise level during the daytime is likely to be higher, predicted noise compliance during the evening period (6:00pm to 10:00pm) will mean that the daytime noise goal will be readily achievable.

The noise emissions from the proposed mechanical plant are predicted to comply with the Council requirements of BG + 0dB for the proposed operational time period of 10:00am to 10:00pm.

RENZO TONIN & ASSOCIATES

25 MARCH 2022

6 Sleep disturbance

Noise emanating from the project has been assessed for its potential to disturb sleep. The NSW NPfI includes guidance on assessing the likelihood of noise from a premise during the night-time period disturbing sleeping residents:

The potential for sleep disturbance from maximum noise level events from premises during the night-time period needs to be considered. Sleep disturbance is considered to be both awakenings and disturbance to sleep stages.

Where the subject development/premises night-time noise levels at a residential location exceed:

- *L_{Aeq,15min} 40dB(A) or the prevailing RBL plus 5dB, whichever is the greater, and/or*
- *L_{AFmax} 52dB(A) or the prevailing RBL plus 15dB, whichever is greater,*

a detailed maximum noise level event assessment should be undertaken.

The detailed assessment should cover maximum noise level, the extent to which the maximum noise level exceeds the rating background noise level, and the number of times this happens during the night-time period. Some guidance on possible impact is contained in the review of research results in the NSW Road Noise Policy.

...

Maximum noise level assessments should be based on the L_{AFmax} descriptor on an event basis under 'fast' time response.

The detailed assessment should consider all feasible and reasonable noise mitigation measures with a goal of achieving the above trigger levels.

The sleep disturbance criteria employed for this assessment are summarized in Table 12 below.

Table 12: Sleep disturbance criteria

Receiver ID	Address	Sleep disturbance criteria, 10pm - 7am	
		L _{Aeq,15min}	L _{AFmax}
R1	49 Alexandria Parade, Waitara	36 + 5 = 41	(36 + 15 = 51) 52
R2	5-9 Waitara Avenue, Waitara	41 + 5 = 46	41 + 15 = 56

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25 MARCH 2022

6.1 Noise sources

Sleep disturbance would most potentially be caused by a single event of a patron shouting within the outdoor Beer Garden which would potentially generate relatively high LAFmax noise levels. A reference sound power level of a male shouting was used for the purpose of this assessment and is presented in Table 13 below.

Table 13: Sound power levels

Activity	Sound power level re 1pW
	LAFmax
Male shouting* from the outdoor Beer Garden	96

Note: * Source reference - Handbook of Acoustical Measurements and Noise Control, Third Edition, Cyril M. Harris

6.2 Noise prediction results

Predicted noise levels are presented in Table 14 below.

Table 14: Sleep disturbance assessment

Receiver ID	Address	Sleep disturbance criteria, 10pm - 7am	
			LAFmax
R1	49 Alexandria Parade, Waitara	Predicted noise level	48
		Noise goal	52
R2	5-9 Waitara Avenue, Waitara	Predicted noise level	53
		Noise goal	56

Noise levels are predicted to comply with sleep disturbance criteria between 10:00pm and 2:00am.

RENZO TONIN & ASSOCIATES

25 MARCH 2022

7 Recommendations

Noise levels experienced at all the identified receiver locations are predicted to comply with the noise goals of all assessment periods and scenarios associated with the proposed alterations and additions, with the following recommendations.

7.1 Operational management

Outdoor Terraces 1, 2 and 3 are allowed to operate with 40, 30, and 80 patrons respectively until 12:00am midnight with both doors to the Bar from Terrace 1 open up to 10:00pm and then set to automatically close.

From 12:00am midnight to 2:00am, internal Bar and Gaming Room are operating with all three outdoor Terraces not operating and both doors to Terrace 1 from the Bar remain closed.

The two new jet fans located in the Lower Ground Floor carpark will only be operational between 10:00am and 10:00pm. A timer shall be installed to the units to ensure that the fans do not accidentally come on during the night-time period.

7.2 Building envelope

The building envelope construction as set out in Section 4.2 are to be provided as a minimum.

No louvres are to be built on the eastern facade of the Gaming Room. The facade shall have a minimum transmission loss of R_w 27.

7.3 Noise wall

A solid noise wall is to be built near the eastern boundary of the site, connecting the eastern facade of the Pavilion building with the western facade of the Heritage Shop, to provide acoustic shielding to the nearest receiver location. The noise wall is to be built to extend up to the top of the existing sandstone cladding and on top of that a wall clad with matching roof sheeting continued up to the base of the clerestory roof light following the south-east ridge line of the pavilion roof, with an RL of 186.39 metres. The noise wall is to be constructed from a durable material with sufficient mass (minimum density 20kg/m²) to prevent direct noise transmission, eg. masonry, fibrous-cement, lapped and capped timber fence, glass, etc. and shall be built continuous with no gaps.

Similarly, the partition dividing Terrace 1 and Existing Terrace on the western side of the Pavilion should be extended up to the base of the clerestory roof light (RL186.39) with a wall clad with matching roof sheeting. Figure 3 and Figure 4 below present the layout and extent of the noise walls respectively.

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25 MARCH 2022

Figure 3: Layout of noise walls

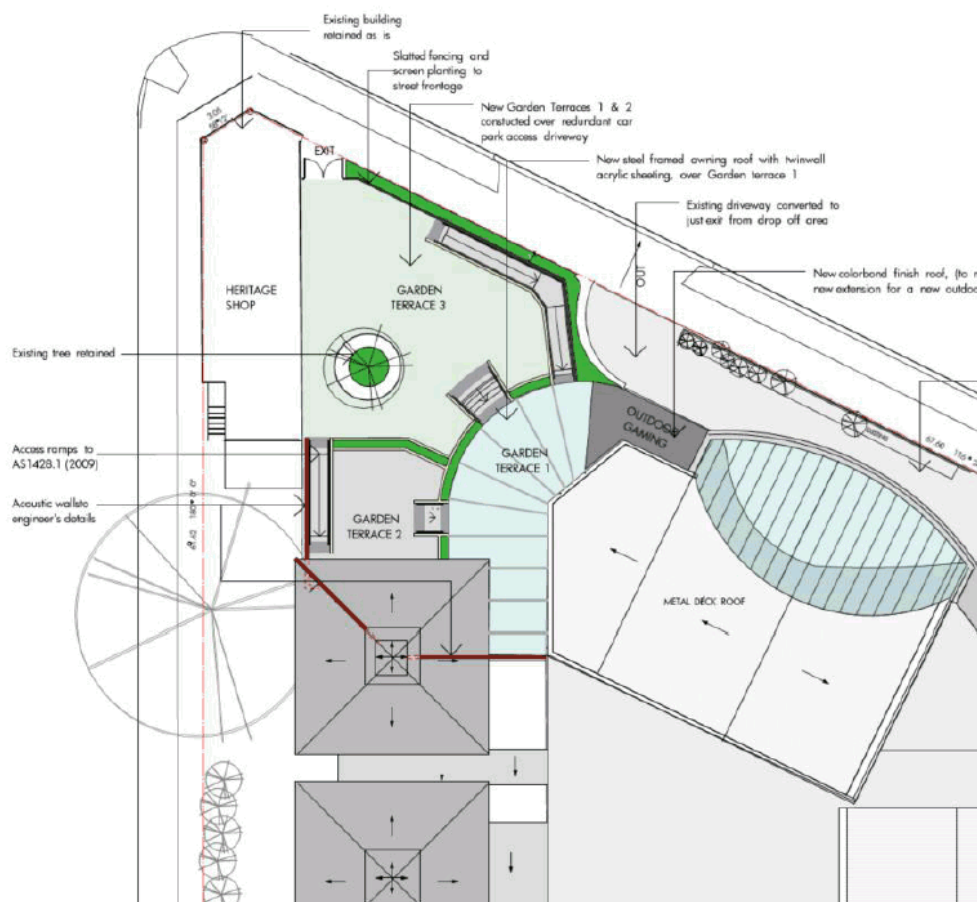
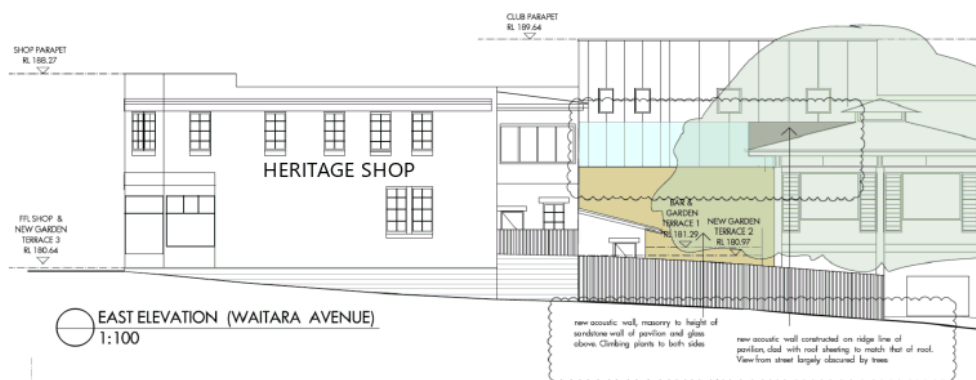


Figure 4: Extent of noise wall

MAGPIES WAITARA C/- ARCHITECTEM
TM161-02F02 ACOUSTIC ASSESSMENT FOR DA (R6)

19

MAGPIES WAITARA, WAITARA
ACOUSTIC ASSESSMENT FOR DA

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25 MARCH 2022

8 Acoustic risk assessment

Risk management is an integral part of good management practice. Australian/New Zealand Standard AS/NZS 4360:2004 "Risk management" has become part of our company's culture and as a consequence it permeates all aspects of the company's work and is actively promoted to our clients.

The risk management process can be applied to any situation where an undesired or unexpected outcome could be significant or where opportunities are identified. Our clients need to know about possible outcomes and the steps that can be taken to control any adverse impact.

There is an opportunity in the design process for the client to actively participate in risk management by providing input into risk reduction strategy. For example, the client may need to know that some aspects of risk reduction could involve passing those risks on to other entities in a better position to treat those risks. Some aspects of risk reduction may involve additional cost or time consequences. On the other hand, there may also be opportunities to avoid or avert risk at no cost to the client by rescheduling processes so that key information becomes available at a critical time.

When the client is properly informed, this supports better decision making by contributing a greater insight into risks and their impacts. It is recommended that the client seek to understand the potential risk during the detailed design phase of the development.

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25 MARCH 2022

9 Conclusion

Renzo Tonin & Associates has completed an assessment of operational for the proposed alterations and additions at Magpies Waitara Club, 11-37 Alexandria Parade, Waitara. The main aspects with regards to acoustics relate to noise emissions from music and patrons in the outdoor areas as well as music, patrons, and gaming machines in the internal areas, and two new jet fans in the car park.

The proposed works have been assessed against all relevant noise criteria with project specific noise goals established in Section 3.4. With the adoption of the assumed parameters and recommended measures set out in Section 7, the design satisfies the relevant noise criteria.

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25 MARCH 2022

APPENDIX A Glossary of terminology

The following is a brief description of the technical terms used to describe noise to assist in understanding the technical issues presented.

Adverse weather	Weather effects that enhance noise (that is, wind and temperature inversions) that occur at a site for a significant period of time (that is, wind occurring more than 30% of the time in any assessment period in any season and/or temperature inversions occurring more than 30% of the nights in winter).
Ambient noise	The all-encompassing noise associated within a given environment at a given time, usually composed of sound from all sources near and far.
Assessment period	The period in a day over which assessments are made.
Assessment point	A point at which noise measurements are taken or estimated. A point at which noise measurements are taken or estimated.
Background noise	Background noise is the term used to describe the underlying level of noise present in the ambient noise, measured in the absence of the noise under investigation, when extraneous noise is removed. It is described as the average of the minimum noise levels measured on a sound level meter and is measured statistically as the A-weighted noise level exceeded for ninety percent of a sample period. This is represented as the L90 noise level (see below).
Decibel [dB]	The units that sound is measured in. The following are examples of the decibel readings of everyday sounds: 0dB The faintest sound we can hear 30dB A quiet library or in a quiet location in the country 45dB Typical office space. Ambience in the city at night 60dB CBD mall at lunch time 70dB The sound of a car passing on the street 80dB Loud music played at home 90dB The sound of a truck passing on the street 100dB The sound of a rock band 115dB Limit of sound permitted in industry 120dB Deafening
dB(A)	A-weighted decibels. The A-weighting noise filter simulates the response of the human ear at relatively low levels, where the ear is not as effective in hearing low frequency sounds as it is in hearing high frequency sounds. That is, low frequency sounds of the same dB level are not heard as loud as high frequency sounds. The sound level meter replicates the human response of the ear by using an electronic filter which is called the "A" filter. A sound level measured with this filter switched on is denoted as dB(A). Practically all noise is measured using the A filter.
dB(C)	C-weighted decibels. The C-weighting noise filter simulates the response of the human ear at relatively high levels, where the human ear is nearly equally effective at hearing from mid-low frequency (63Hz) to mid-high frequency (4kHz) but is less effective outside these frequencies.
Frequency	Frequency is synonymous to pitch. Sounds have a pitch which is peculiar to the nature of the sound generator. For example, the sound of a tiny bell has a high pitch, and the sound of a bass drum has a low pitch. Frequency or pitch can be measured on a scale in units of Hertz or Hz.
Impulsive noise	Having a high peak of short duration or a sequence of such peaks. A sequence of impulses in rapid succession is termed repetitive impulsive noise.
Intermittent noise	The level suddenly drops to that of the background noise several times during the period of observation. The time during which the noise remains at levels different from that of the ambient is one second or more.
L _{Max}	The maximum sound pressure level measured over a given period.
L _{Min}	The minimum sound pressure level measured over a given period.

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25 MARCH 2022

L ₁	The sound pressure level that is exceeded for 1% of the time for which the given sound is measured.
L ₁₀	The sound pressure level that is exceeded for 10% of the time for which the given sound is measured.
L ₉₀	The level of noise exceeded for 90% of the time. The bottom 10% of the sample is the L90 noise level expressed in units of dB(A).
L _{eq}	The "equivalent noise level" is the summation of noise events and integrated over a selected period of time.
Reflection	Sound wave changed in direction of propagation due to a solid object obscuring its path.
SEL	Sound Exposure Level (SEL) is the constant sound level which, if maintained for a period of 1 second would have the same acoustic energy as the measured noise event. SEL noise measurements are useful as they can be converted to obtain L _{eq} sound levels over any period of time and can be used for predicting noise at various locations.
Sound	A fluctuation of air pressure which is propagated as a wave through air.
Sound absorption	The ability of a material to absorb sound energy through its conversion into thermal energy.
Sound level meter	An instrument consisting of a microphone, amplifier and indicating device, having a declared performance, and designed to measure sound pressure levels.
Sound pressure level	The level of noise, usually expressed in decibels, as measured by a standard sound level meter with a microphone.
Sound power level	Ten times the logarithm to the base 10 of the ratio of the sound power of the source to the reference sound power.
Tonal noise	Containing a prominent frequency and characterised by a definite pitch.

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25 MARCH 2022

APPENDIX B Long-term noise monitoring methodology

B.1 Noise monitoring equipment

A long-term unattended noise monitor consists of a sound level meter housed inside a weather resistant enclosure. Noise levels are monitored continuously with statistical data stored in memory for every 15-minute period.

Long term noise monitoring was conducted using the following instrumentation:

Description	Type	Octave band data	Logger location
RTA06 (NTi Audio XL2, with low noise microphone)	Type 1	1/1	L1 and L2

Note: All meters comply with AS IEC 61672.1 2004 "Electroacoustics - Sound Level Meters" and designated either Type 1 or Type 2 as per table and are suitable for field use.

The equipment was calibrated prior and subsequent to the measurement period using a Brüel & Kjær Type 4230 calibrator. No significant drift in calibration was observed.

B.2 Meteorology during monitoring

Measurements affected by extraneous noise, wind (greater than 5m/s) or rain were excluded from the recorded data in accordance with the NSW NPfI. Determination of extraneous meteorological conditions was based on data provided by the Bureau of Meteorology (BOM), for a location considered representative of the noise monitoring location(s). However, the data was adjusted to account for the height difference between the BOM weather station, where wind speed and direction is recorded at a height of 10m above ground level, and the microphone location, which is typically 1.5m above ground level (and less than 3m). The correction factor applied to the data is based on Table C.1 of ISO 4354:2009 'Wind actions on structures'.

B.3 Noise vs time graphs

Noise almost always varies with time. Noise environments can be described using various descriptors to show how a noise ranges about a level. In this report, noise values measured or referred to include the L_{10} , L_{90} , and L_{eq} levels. The statistical descriptors L_{10} and L_{90} measure the noise level exceeded for 10% and 90% of the sample measurement time. The L_{eq} level is the equivalent continuous noise level, or the level averaged on an equal energy basis. Measurement sample periods are usually ten to fifteen minutes. The Noise -vs- Time graphs representing measured noise levels, as presented in this report, illustrate these concepts for the broadband dB(A) results.

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25 MARCH 2022

APPENDIX C Long-term noise monitoring results

ATTACHMENT 6 - ITEM 5

MAGPIES WAITARA C/- ARCHITECTEM
TM161-02F02 ACOUSTIC ASSESSMENT FOR DA (R6)

25

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ACOUSTIC ASSESSMENT FOR DA



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L1

Background & Ambient Noise Monitoring Results - NSW 'Noise Policy for Industry', 2017

Periods with insufficient results excluded	L _{A90} Background Noise Levels ⁴			L _{Aeq} Ambient Noise Levels		
Date	Day ¹	Evening ²	Night ³	Day ¹	Evening ²	Night ³
Friday-15-October-2021	-	46	37	-	56	52
Saturday-16-October-2021	54	46	36	65	56	51
Sunday-17-October-2021	46	45	38	56	54	52
Monday-18-October-2021	54	45	37	63	54	51
Tuesday-19-October-2021	56	47	36	64	57	52
Wednesday-20-October-2021	55	46	36	65	55	50
Thursday-21-October-2021	55	46	37	64	56	52
Friday-22-October-2021	55	46	36	64	56	50
Saturday-23-October-2021	50	-	36	62	-	50
Sunday-24-October-2021	51	45	36	59	54	52
Monday-25-October-2021	-	-	-	-	-	-
Representative Weekday⁵	55	46	37	64	56	51
Representative Weekend⁵	50	45	36	62	55	52
Representative Week⁵	54	46	36	63	55	51

Notes

1. Day is 7:00am to 6:00pm on all days except Sundays and Public Holidays when it is 8:00am to 6:00pm 2. Evening is 6:00pm to 10:00pm
3. Night is the remaining periods 4. Assessment Background Level (ABL) for individual days 5. Rating Background Level (RBL) for L_{A90} and logarithmic average for L_{Aeq} 6. Leq is calculated in the free field. 2.5dB is subtracted from results if logger is placed at façade 7. Number in brackets represents the measured (actual) RBL value, which is below the minimum policy value of 30 dB(A) during the evening or night period or 35 dB(A) during the day period.

L1

Road / Rail Noise Monitoring Results (at one metre from façade)

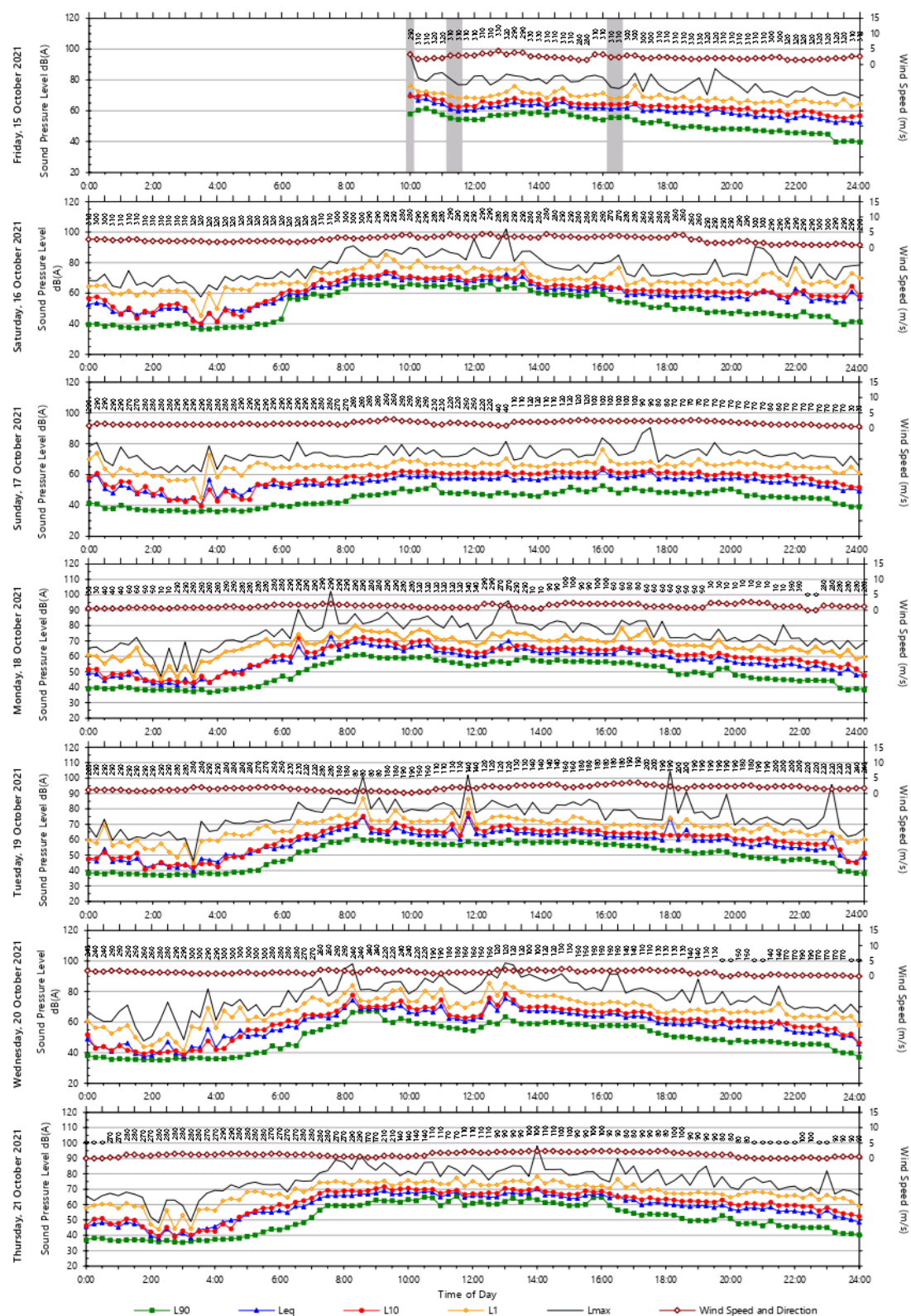
Periods with insufficient results excluded	L _{Aeq} Noise Levels		L _{Aeq 1hr} Noise Levels			
Date	Day ¹	Night ²	Day - Up ⁴	Day - Low ⁵	Night - Up ⁴	Night - Low ⁵
Friday-15-October-2021	-	54	-	-	56	47
Saturday-16-October-2021	67	54	70	58	57	48
Sunday-17-October-2021	58	55	59	55	58	44
Monday-18-October-2021	64	53	68	56	56	45
Tuesday-19-October-2021	66	54	70	58	59	43
Wednesday-20-October-2021	67	53	70	57	56	43
Thursday-21-October-2021	65	54	68	58	57	44
Friday-22-October-2021	66	53	69	58	56	46
Saturday-23-October-2021	-	52	-	-	55	44
Sunday-24-October-2021	60	55	63	56	57	42
Monday-25-October-2021	-	-	-	-	-	-
Representative Weekday³	66	54	69	58	56	44
Representative Weekend³	60	54	63	56	57	44
Representative Week³	65	54	68	58	56	44

Notes

1. Day is 7:00am to 10:00pm 2. Night is 10:00pm to 7:00am 3. Median of daily L_{Aeq}
4. Upper 10th percentile L_{Aeq 1hr} 5. Lower 10th percentile L_{Aeq 1hr}
6. Values are calculated at the façade. 2.5dB is added to results if logger is placed in the free field

Unattended Monitoring Results

Location: L1



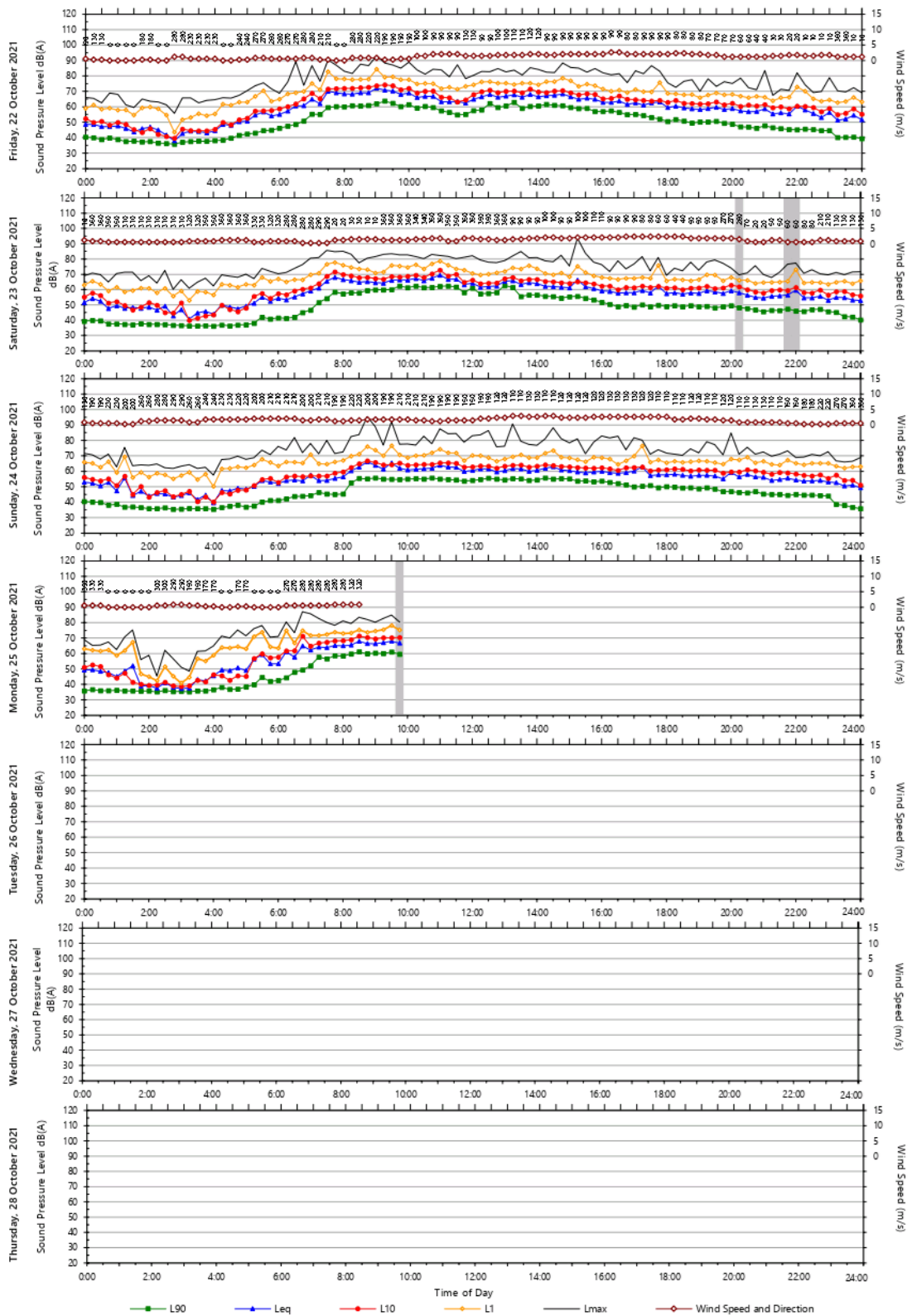
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Template: QTE-26 Logger Graphs Program (r38)

ATTACHMENT 6 - ITEM 5

Unattended Monitoring Results

Location: L1



Data File: 2021-10-15_SLM_000_123_Rpt_Report.txt

Template: QTE-26 Logger Graphs Program (r38)

ATTACHMENT 6 - ITEM 5



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L2

Background & Ambient Noise Monitoring Results - NSW 'Noise Policy for Industry', 2017

Periods with insufficient results excluded	L _{A90} Background Noise Levels ⁴			L _{Aeq} Ambient Noise Levels		
Date	Day ¹	Evening ²	Night ³	Day ¹	Evening ²	Night ³
Friday-15-October-2021	-	47	41	-	53	57
Saturday-16-October-2021	58	47	40	74	53	48
Sunday-17-October-2021	46	48	41	53	52	52
Monday-18-October-2021	59	47	41	64	52	50
Tuesday-19-October-2021	58	48	40	64	54	52
Wednesday-20-October-2021	59	47	41	65	52	53
Thursday-21-October-2021	59	46	41	72	53	53
Friday-22-October-2021	59	47	42	66	53	48
Saturday-23-October-2021	50	-	41	67	-	48
Sunday-24-October-2021	50	46	41	63	51	52
Monday-25-October-2021	-	-	-	-	-	-
Representative Weekday⁵	59	47	41	67	53	53
Representative Weekend⁵	50	47	41	69	52	50
Representative Week⁵	58	47	41	68	53	52

Notes

1. Day is 7:00am to 6:00pm on all days except Sundays and Public Holidays when it is 8:00am to 6:00pm 2. Evening is 6:00pm to 10:00pm
3. Night is the remaining periods 4. Assessment Background Level (ABL) for individual days 5. Rating Background Level (RBL) for L_{A90} and logarithmic average for L_{Aeq} 6. Leq is calculated in the free field. 2.5dB is subtracted from results if logger is placed at façade 7. Number in brackets represents the measured (actual) RBL value, which is below the minimum policy value of 30 dB(A) during the evening or night period or 35 dB(A) during the day period.

L2

Road / Rail Noise Monitoring Results (at one metre from façade)

Periods with insufficient results excluded	L _{Aeq} Noise Levels		L _{Aeq 1hr} Noise Levels			
Date	Day ¹	Night ²	Day - Up ⁴	Day - Low ⁵	Night - Up ⁴	Night - Low ⁵
Friday-15-October-2021	-	60	-	-	56	45
Saturday-16-October-2021	75	50	79	55	52	45
Sunday-17-October-2021	55	55	56	53	60	44
Monday-18-October-2021	65	53	68	54	53	44
Tuesday-19-October-2021	66	54	68	56	55	43
Wednesday-20-October-2021	66	56	69	54	54	44
Thursday-21-October-2021	73	55	77	54	54	44
Friday-22-October-2021	67	51	70	55	54	45
Saturday-23-October-2021	-	49	-	-	52	44
Sunday-24-October-2021	64	54	67	54	54	43
Monday-25-October-2021	-	-	-	-	-	-
Representative Weekday³	66	55	69	54	54	44
Representative Weekend³	64	52	67	54	53	44
Representative Week³	66	54	68	54	54	44

Notes

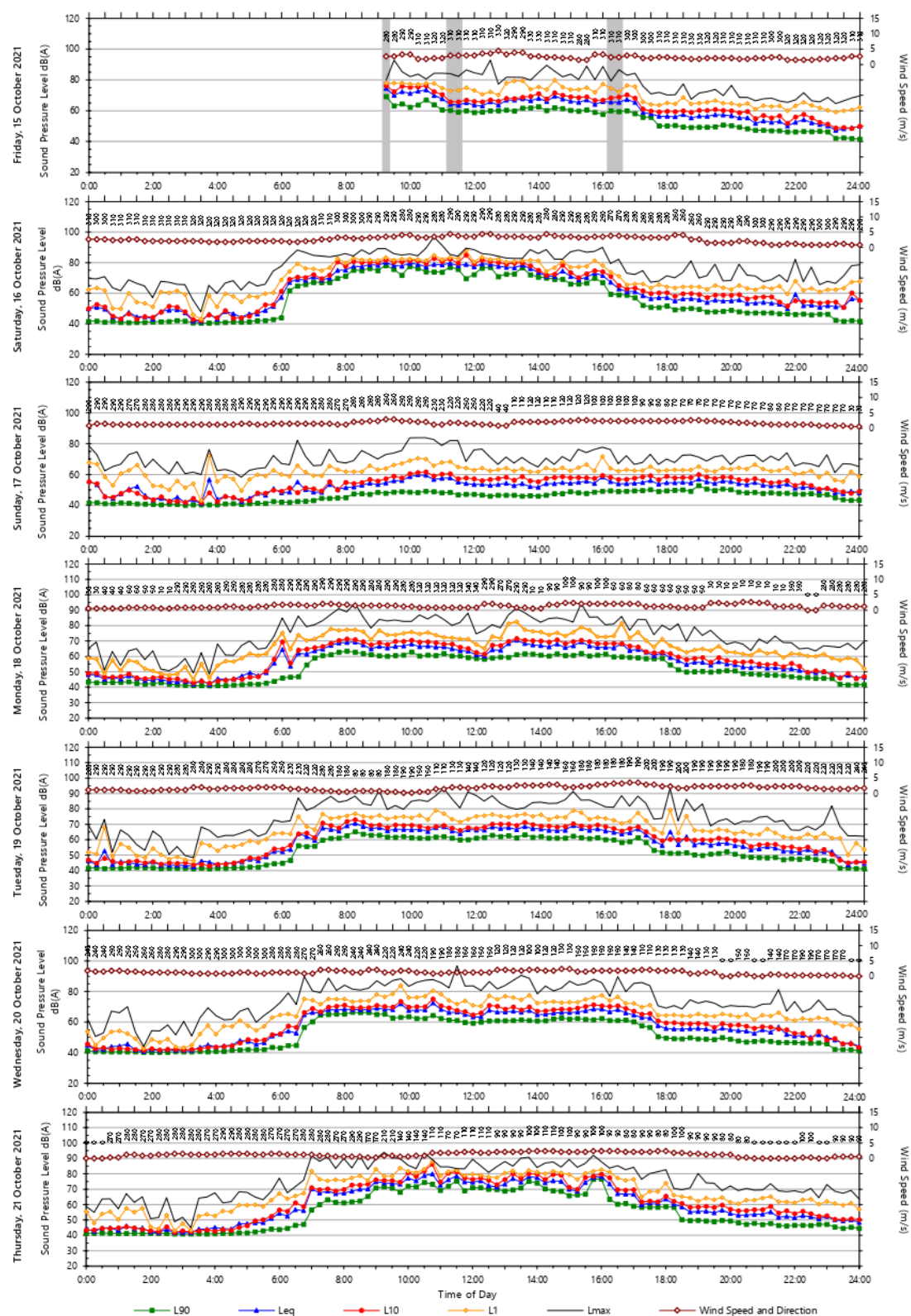
1. Day is 7:00am to 10:00pm 2. Night is 10:00pm to 7:00am 3. Median of daily L_{Aeq}
4. Upper 10th percentile L_{Aeq 1hr} 5. Lower 10th percentile L_{Aeq 1hr}
6. Values are calculated at the façade. 2.5dB is added to results if logger is placed in the free field

QTE-26 Logger Graphs Program (r38)

TM161-01L01 Magpies Waitara Unit 7 Balcony (r0)

Unattended Monitoring Results

Location: L2



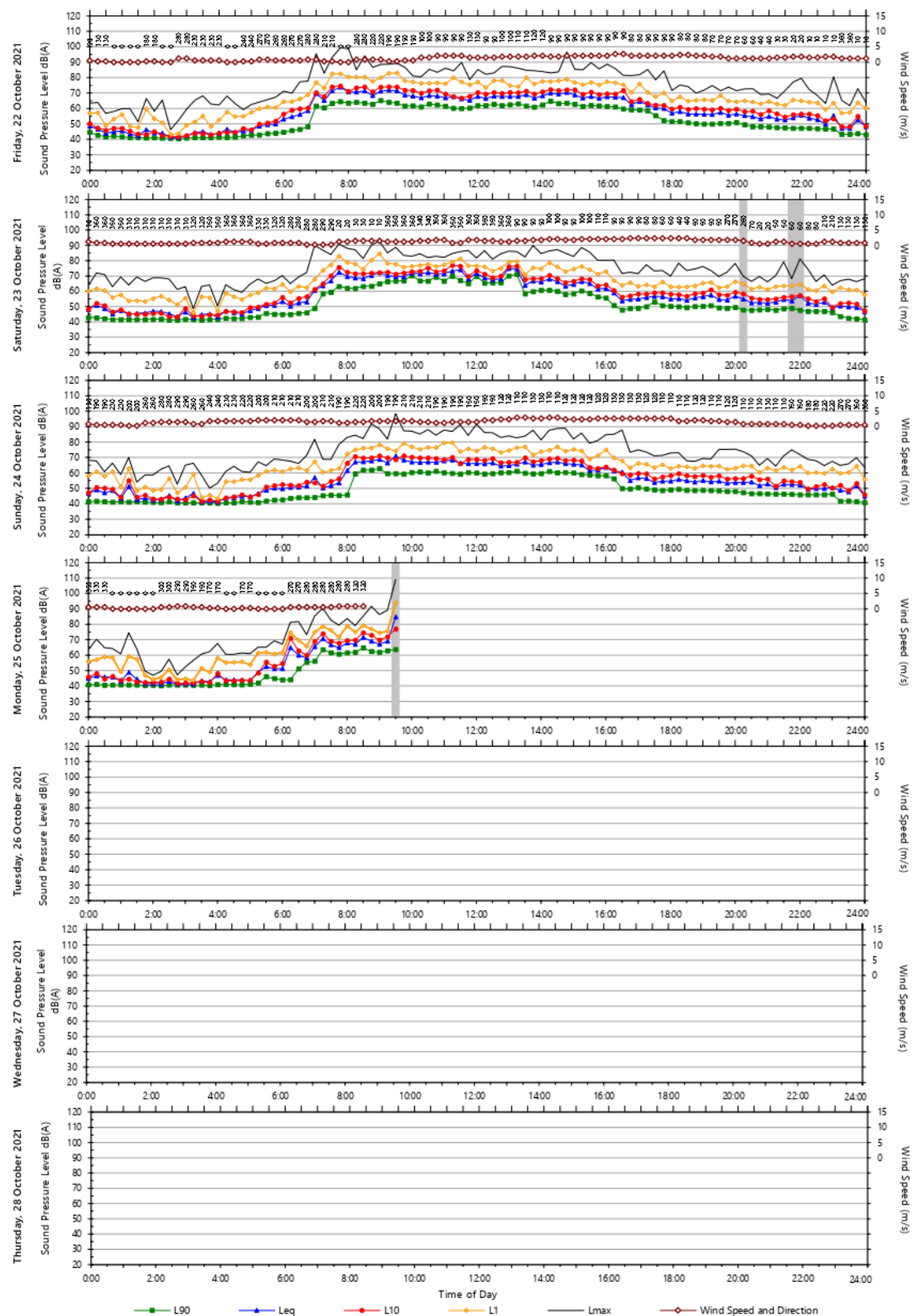
Data File: 2021-10-15_SLM_001_123_Rpt_Report.txt

Template: QTE-26 Logger Graphs Program (r38)

ATTACHMENT 6 - ITEM 5

Unattended Monitoring Results

Location: L2



Data File: 2021-10-15_SLM_001_123_Rpt_Report.txt

Template: QTE-26 Logger Graphs Program (r38)

ATTACHMENT 6 - ITEM 5



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4 May 2022

TM161-01F03 Acoustic Assessment for DA - Acoustic Letter (r0)

Emma Whitworth
Magpies Waitara C/- Architectem
1/110 Audley Street
Petersham NSW 2049

Dear Madam

Magpies Waitara, Waitara - Acoustic Assessment for DA - Addendum for mechanical plant noise assessment

Renzo Tonin & Associates was engaged to undertake an operational noise assessment to support the Development Application (DA) for the proposed alterations and additions at the Magpies Waitara Club, 11-37 Alexandria Parade, Waitara.

Following the submission of the Acoustic Assessment for DA report [ref: TM161-02F02 Acoustic Assessment for DA (r6), dated 25 March 2022] (Acoustic Report) and review by Hornsby Shire Council, it was determined that the proposed carpark jet fans (see Section 5 of the Acoustic Report) are required to run until 2:00am.

Referring to the predicted noise levels in Table 11 and the established noise goals in Table 5 of the Acoustic Report, the noise emissions from the proposed mechanical plant are predicted to comply at Location R2 for all time periods (up to 2:00am) and Location R1 up to 12:00am midnight. An exceedance of 3dB is predicted at Location R1 during the 12:00am midnight to 2:00am period.

Council has agreed in its email to Emma Whitworth dated 3 May 2022 that the carpark fans are not viewed as a part of the licensed premises, the criteria used in the Acoustic Report are more stringent than Council's guidelines and therefore, the noise associated with the mechanical services shall instead be assessed against the NSW Environmental Protection Authority (EPA)'s Noise Policy for Industry (NPfi).

NSW EPA's NPfi

The assessment procedure has two components:

- Controlling intrusive noise impacts in the short-term for residences; and
- Maintaining noise level amenity for residences and other land uses.



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RENZO TONIN & ASSOCIATES

4 MAY 2022

In accordance with the NPfI, noise impact should be assessed against the project noise trigger level which is the lower value of the project intrusiveness noise levels and project amenity noise levels.

Project intrusive noise levels

According to the NPfI, the intrusiveness of a noise source may generally be considered acceptable if the equivalent continuous (energy-average) A-weighted level of noise from the source (represented by the $L_{Aeq,15min}$ descriptor) does not exceed the background noise level measured in the absence of the source by more than 5dB(A). The project intrusiveness noise level, which is only applicable to residential receivers, is determined as follows:

$$L_{Aeq,15minute} \text{ Intrusiveness noise level} = \text{Rating Background Level ('RBL')} \text{ plus } 5\text{dB(A)}$$

Based on the background noise monitoring results and the proposed operating hours of the Club, the intrusiveness noise levels for residential receivers are reproduced in Table 1 below.

Table 1: Intrusiveness noise levels

Receiver	Intrusiveness noise level, $L_{Aeq,15min}$		
	Day	Evening	Night
Location R1	54 + 5 = 59	46 + 5 = 51	36 + 5 = 41
Location R2	59 + 5 = 64	47 + 5 = 52	41 + 5 = 46

Notes: Day: 7:00 to 18:00 Monday to Saturday and 8:00 to 18:00 Sundays & Public Holidays
Evening: 18:00 to 22:00 Monday to Sunday & Public Holidays
Night: 22:00 to 7:00 Monday to Saturday and 22:00 to 8:00 Sundays & Public Holidays

Amenity noise levels

The project amenity noise levels for different time periods of day are determined in accordance with Section 2.4 of the NPfI. The NPfI recommends amenity noise levels ($L_{Aeq,period}$) for various receivers including residential, commercial, industrial receivers and sensitive receivers such as schools, hotels, hospitals, churches and parks. These "recommended amenity noise levels" represent the objective for total industrial noise experienced at receiver location. However, when assessing a single industrial development and its impact on an area, "project amenity noise levels" apply.

The recommended amenity noise levels applicable for the subject area are reproduced in Table 2 below.

Table 2: Amenity noise levels (Table 2.2 NPfI)

Receiver	Noise amenity area	Time of day	Recommended amenity noise level $L_{Aeq, dB(A)}$
Residential	Suburban	Day	55
		Evening	45
		Night	40

Note: The recommended amenity noise levels refer only to noise from industrial sources. However, they refer to noise from all such sources at the receiver location, and not only noise due to a specific project under consideration. The levels represent outdoor levels except where otherwise stated.

MAGPIES WAITARA C/- ARCHITECTEM
TM161-01F03 ACOUSTIC ASSESSMENT FOR DA - ACOUSTIC LETTER
(R0)

2

MAGPIES WAITARA, WAITARA
ACOUSTIC ASSESSMENT FOR DA - ADDENDUM FOR MECHANICAL
PLANT NOISE ASSESSMENT

RENZO TONIN & ASSOCIATES

4 MAY 2022

To ensure that the total industrial noise level (existing plus new) remain within the recommended amenity noise levels for an area, the project amenity noise level that applies for each new industrial noise source is determined as follows:

$$L_{Aeq,period} \text{ Project amenity noise level} = L_{Aeq,period} \text{ Recommended amenity noise level} - 5dB(A)$$

Furthermore, given that the intrusiveness noise level is based on a 15 minute assessment period and the project amenity noise level is based on day, evening and night assessment periods, the NPfI provides the following guidance on adjusting the $L_{Aeq,period}$ level to a representative $L_{Aeq,15minute}$ level in order to standardise the time periods.

$$L_{Aeq,15minute} = L_{Aeq,period} + 3dB(A)$$

The project amenity noise levels ($L_{Aeq, 15min}$) applied for this project are reproduced in Table 3 below, based on a 'suburban' noise amenity area.

Table 3: Project amenity noise levels

Type of receiver	Noise amenity area	Time of dDay	Recommended noise level, dB(A)	
			$L_{Aeq, Period}$	$L_{Aeq, 15min}$
Residence	Suburban	Day	55 – 5 = 50	50 + 3 = 53
		Evening	45 – 5 = 40	40 + 3 = 43
		Night	40 – 5 = 35	35 + 3 = 38

- Notes:
1. Daytime 7.00 am to 6.00 pm; Evening 6.00 pm to 10.00 pm; Night-time 10.00 pm to 7.00 am.
 2. On Sundays and Public Holidays, Daytime 8.00 am - 6.00 pm; Evening 6.00 pm - 10.00 pm; Night-time 10.00 pm - 8.00 am.
 3. The L_{Aeq} index corresponds to the level of noise equivalent to the energy average of noise levels occurring over a measurement period.

Project noise trigger levels

In accordance with the NPfI the project noise trigger levels, which are the lower (ie. more stringent) value of the project intrusiveness noise level and project amenity noise level, have been determined as shown in Table 4 below.

Table 4: Project noise trigger levels

Receiver Location	$L_{Aeq, 15min}$ Project noise trigger levels, dB(A)		
	Day	Evening	Night
R1	53	43	38
R2	53	43	38

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4 MAY 2022

Mechanical plant noise assessment

Table 5 summarises the results of the mechanical plant noise assessment, presenting the predicted noise emission levels at the identified assessment locations against the established noise goals as set out in Table 4 above. Building levels nominated below are assessed to be the worst affected level of the development.

Table 5: Predicted noise level assessment, $L_{Aeq,15min}$

Time of Day	Assessment scenario	Description	L _{Aeq, 15min}
Locations R1 - Level 2, 49 Alexandria Parade, Waitara			
Night	Two new jet fans operating in the existing Lower Ground Floor carpark	Predicted noise level	34
		Noise goal	38
Locations R2 - Level 7, 5-9 Waitara Avenue, Waitara			
Night	Two new jet fans operating in the existing Lower Ground Floor carpark	Predicted noise level	32
		Noise goal	38

Note: Night: 22:00 to 7:00 Monday to Saturday and 22:00 to 8:00 Sundays & Public Holidays

The noise emissions from the use of the jet fans until 2:00am are predicted to comply with Council's advised requirement to assess against the NSW EPA's NPfI with no acoustic mitigation measure required.

Regards,



David Suwandi
Principal Engineer
David.Suwandi@renzotonin.com.au



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4 May, 2022

The Garden Bar & Terraces - Plan of Management

The intended use of the building or space

The space will be utilised by existing patrons as an additional outdoor seating area for patrons to relax and socialise with family & friends and will be serviced with a re-designed bar. New outdoor gaming area included.

Hours of Operation

The Garden Bar and Gaming area will operate daily from 10am and will close Sunday-Thursday 1am and Friday-Saturday 2am.

The Garden Terrace areas will be open daily from 10am to 12am.

Number of people

Between 10am to 12am daily, the following patron limits will be enforced:

Garden Terrace 1 – 40, Garden Terrace 2 – 30 & Garden Terrace 3 – 80.

Patron Arrival/Departure

All patrons arriving and departing will be via the Club's Reception area which is also serviced by a lift from the car park. This area is staffed throughout the Club's trading with all patrons required to provide membership or identification to enter the venue. The Club also provides a free taxi butler service so patrons are able to book a taxi before leaving the venue to leave in a quiet and orderly manner. Members also have access to the Club's Uber for Members program. Patrons will be encouraged to remain indoors until their taxi/uber arrives.

Staff/Security to monitor entry/exit points and car park to ensure patrons do not crowd or loiter in the vicinity unnecessarily and will be requested to move on to avoid any disturbance.

External signage at all entry/exit points and in car park to be installed requesting patrons to leave the premises in a quiet and orderly manner to avoid disturbing our neighbours.

Limit/controls on noise generation/venue limits

Staff/Security will monitor patron limits throughout trade and should numbers be approaching capacity limit then contingency controls will be implemented whereas security will divert patrons from entering the Garden Terraces and move to the Pavilion area or to another location within the venue.

Both bi-folding doors to the Bar from Garden Terrace 1 will be closed at 10pm daily and the operable leaf in each, which will provide access to the terrace, will be fitted with door closers that don't hold have a hold open function, so will automatically close after anyone goes in or out. Staff/Security will monitor doors until 12am at which time all Garden terraces will be closed and doors locked.

At 11.30pm daily, staff/security will notify patrons in all three Garden Terraces that the area will be closing at 12am and request patrons relocate indoors to the Pavilion or another location within the venue. All doors from the bar to Garden Terrace 1 will remain closed from midnight until 10am daily.

The exhaust jet fans in the car park will only operate when required between the hours of 10am until 2am.

Complaints handling procedures

If a member of the community wishes to lodge a complaint regarding any adverse impact from the use of the Club's facilities. The following avenues to lodge their complaint will be available.

- a. The complainant can contact the venue on 9487 1066 between the hours of 8am to 1am (Sunday-Thursday) and 8am to 2am (Friday-Saturday). Phones are staffed whilst the Club is trading. The matter will be directed to the Duty Manager to liaise with the complainant, identify their concerns and if required action the matter urgently.
- b. Should the complainant not wish to contact the venue or at a later stage, they will be able to email info@magpieswaitara.com.au detailing their concerns including date, time of the alleged incident. The Club will acknowledge the complainant's email and investigate immediately as a matter of urgency and notify of any remedy action.

All complaints will be lodged in the Club's electronic incident register which automatically notifies Senior Management of all complaints received. Each report to detail the complaint made, time and date taken, if action taken or the need to follow up.

The complaints register will be held on site at all times and will be made available to Council and the Police on request.

Security and Safety

Security guards will conduct their duties within The Garden at peak times to ensure good order and safety of the patrons in attendance. CCTV is currently installed and operational (24/7) in the Club with additional cameras to be installed throughout The Garden Bar, Gaming and Terraces (24/7).

Responsible Service of Alcohol

The Club has a responsible service of alcohol policy in which all staff adhere to and apply which can be found on our Club's website www.magpieswaitara.com.au. An incident register is maintained for all RSA matters and available to view upon requests by Police and local licensing command.

Management Plan – Review and Updating Procedure

The management plan will be reviewed regularly and adjusted as required. Notification of changes will be made via the Club's Member noticeboard located in the Reception area and website.

All enquiries with regards to the Club's management plan should be directed to the Chief Executive Officer on 94871066 or email info@magpieswaitara.com.au

Should you require any additional information, please do not hesitate to contact the Chief Executive Officer.

6 DA/1234/2021 - CONSTRUCTION OF 5 STOREY RESIDENTIAL FLAT BUILDING CONTAINING 29 APARTMENTS OVER BASEMENT PARKING - 36A & 38 PARK AVENUE, WAITARA

EXECUTIVE SUMMARY

DA No: DA/1234/2021 (Lodged on 18 November 2021)

Description: Demolition of the existing buildings and structures and the construction of a 5 storey residential flat building containing 29 apartments over 2 levels of basement parking, landscaping, site works and amalgamation of allotments

Property: Lots 4 & 5 DP 306280, No. 36A & 38 Park Avenue, Waitara

Applicant: Inca Group

Owner: Mrs Po Ling Chow, Mr Chun Hay Chow and Mr Zhi Ming Yang

Estimated Value: \$9,884,917.00

Ward: B Ward

- The proposal does not comply with the height of buildings development standard contained within Clause 4.3 of the Hornsby Local Environmental Plan 2013. The applicant has made a submission in accordance with Clause 4.6 'Exceptions to development standards' of the Hornsby Local Environmental Plan 2013. The submission is considered well founded and is supported.
- A total of 4 submissions have been received in respect of the application.
- The application is required to be determined by the Hornsby Shire Council Local Planning Panel as State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development applies.
- It is recommended that the application be approved.

RECOMMENDATION

THAT the Hornsby Shire Local Planning Panel assume the concurrence of the Secretary of the Department of Planning and Environment pursuant to Clause 4.6 of the Hornsby Local Environmental Plan 2013 and approve Development Application No. DA/1234/2021 for the demolition of the existing buildings and structures and the construction of a 5-storey residential flat building containing 29 apartments over 2 levels of basement parking, landscaping, site works and amalgamation of allotments at Lots 4 & 5, DP 306280, No. 36A & 38 Park Avenue, Waitara subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP30/22.

BACKGROUND

The development site does not have any history of relevance to the proposed development.

APPLICATION HISTORY

The applicant submitted the development application on 18 November 2021.

Council completed a preliminary assessment of the application which included a review of the development by Council's Design Excellence Panel on 16 December 2021.

Following the completion of the Design Excellence Panel assessment, and Council's preliminary review, a request for additional information and amended detail was sent to the applicant on 16 February 2022. The request sought changes in relation to:

- Design Excellence Matters, including redesign of the landscaping at the front of the site, internal unit design, lobby design changes and amendments to the rear private open space.
- Waste handling on site, including waste facilities on each floor of the building and basement waste areas.
- The supplied Construction Management Plan.
- Further detail regarding the contamination sampling on site, to demonstrate compliance with the requirements of State Environmental Planning Policy No. 55 Remediation of Land.

On 6 March 2022, the applicant supplied the requested amended detail. Council undertook an additional assessment and sought further plan amendments. The further amendments centred on amended waste detail, amendments to the proposed landscape design and further justification with respect to the proposed lobby design and layout of internal units.

On 28 April 2022, the applicant supplied the additional requested detail. This amended information forms the basis for the assessment contained within this planning report.

SITE

The site comprises two allotments located on the eastern side of Park Road Waitara, being Nos. 36A and 38 Park Avenue. The allotments currently contain single dwelling houses and associated outbuildings.

To the north and east of the site is previously approved high density residential development comprising 5-storey residential flat buildings. To the south of the site are single dwelling houses and associated low density development on unamalgamated allotments. To the east of the site is Mark Taylor Oval, Waitara Park and associated recreational facilities.

The site is located within the 'Balmoral Street Waitara High Density Precinct' as defined by the Hornsby Development Control Plan 2013. The precinct is characterised by 5-storey residential flat buildings within landscaped settings.

The site experiences a fall of approximately 2 metres towards the front boundary of the site.

The site is not flood or bushfire prone and 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. Environmental Heritage Item No. 783, 'Waitara Park' is located to the west of the site.

PROPOSAL

The development application proposes the demolition of existing structures and construction of a 5-storey residential flat building comprising 29 units.

Demolition would remove all built structures on the site, including the existing dwelling houses, garages and outbuildings.

The subsequent construction of the residential flat building would contain two basement levels, with space for 50 car parking spaces, storage areas for units, and building services including waste storage areas, plant and equipment rooms.

The ground floor of the development would comprise vegetated front setback, private courtyard areas for ground level units and a rear private open space area comprising garden areas, lawn, BBQ and seating facilities.

Floors 2, 3, 4 and 5 would be residential in nature with a total of 29 apartments provided across all floors of the development. Unit mix would include 6x 1-bedroom apartments, 11x 2-bedroom apartments and 12x 3-bedroom apartments.

11 trees would be removed by the proposed development.

The development would drain stormwater to the Park Avenue Street drainage system via on site detention.



Figure 1: Photomontage of proposed residential flat building.

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).

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

2.1.1 Land Use Zones and Permissibility

The subject land is zoned R4 (High Density Residential) under the HLEP. The objectives of the R4 zone are:

- *To provide for the housing needs of the community within a high-density residential environment.*
- *To promote a variety of housing types within a high-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 'residential flat building' under the HLEP and is permissible in the zone with Council's consent.

2.1.2 Height of Buildings

Clause 4.3 of the HLEP provides that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 16.5 metres.

The building proposes a maximum height of 17.4 metres, a contravention of 5.4% which does not comply with the height of building development standard. The applicant has submitted a written

request to contravene the development standard pursuant to Clause 4.6 of the HLEP. This written request is discussed in detail below.

2.1.3 Exceptions to Development Standards

The applicant submitted a written request to contravene the height of building development standard contained within Clause 4.3 of the HLEP. The following diagrams demonstrate the extent of the non-compliant building portions, as demonstrated by the blue dashed line at 16.5 metres above existing ground level:

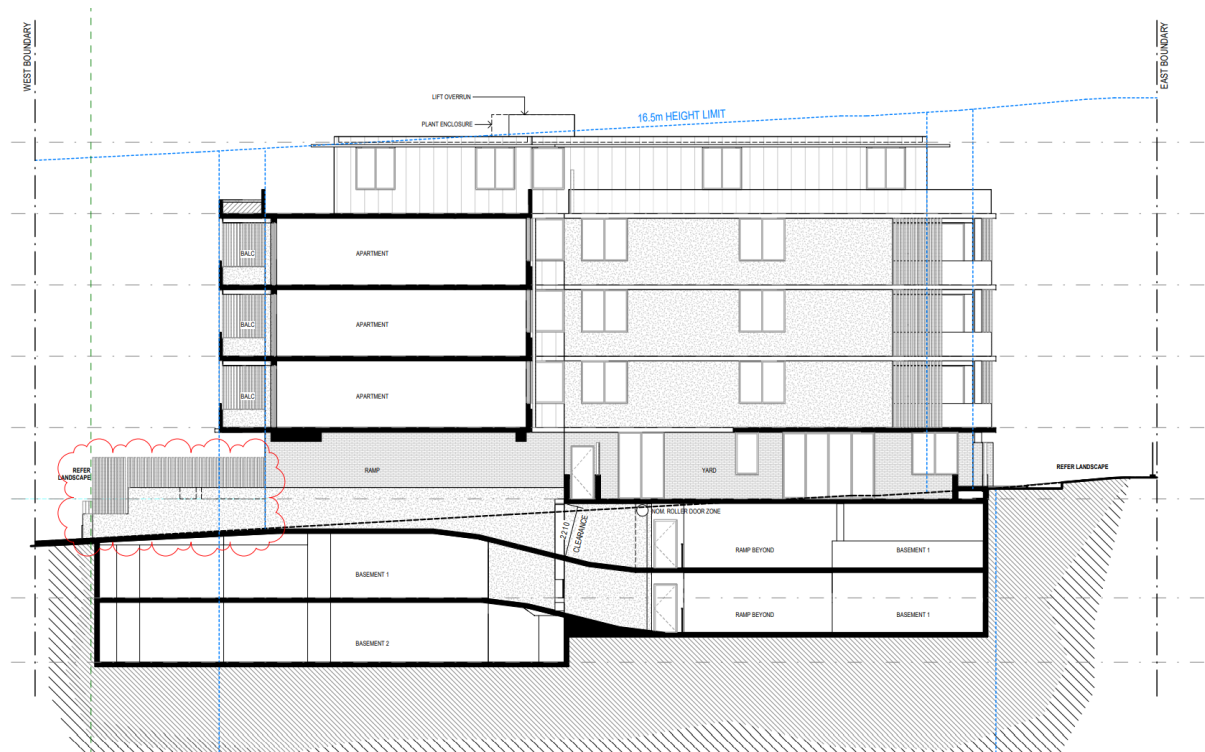


Figure 2: Section plan demonstrating over height building portion.

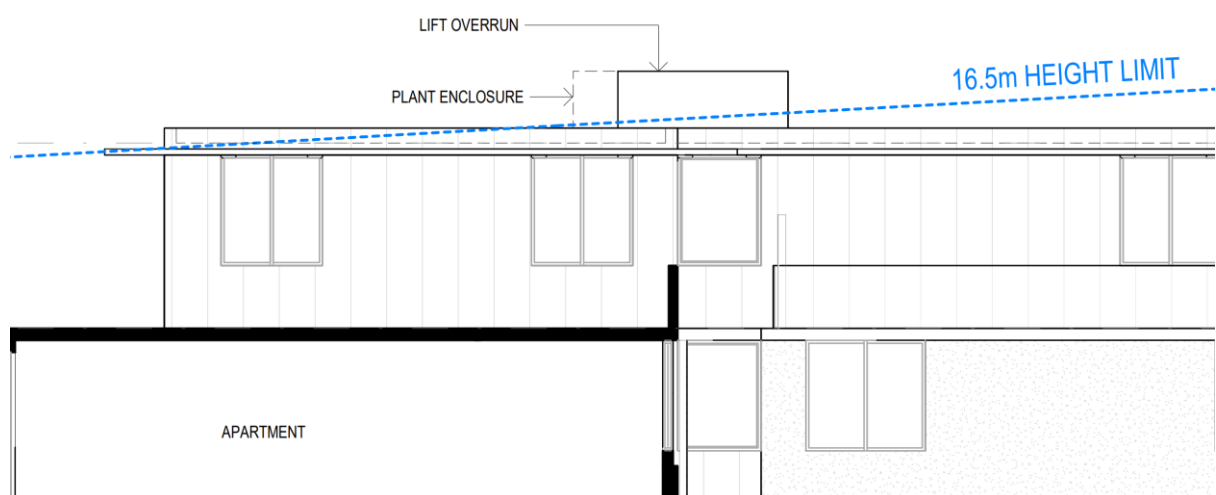


Figure 3: Study of over height building portion.

As demonstrated in the figures above, the lift overrun, plant enclosure and western section of the Level 5 roof exceed the 16.5 metre height limitation.

The application has been assessed against the requirements of Clause 4.6 of the HLEP. This clause provides flexibility in the application of the development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tender to hinder the attainment of the objectives of the zone. In particular, Clause 4.6 provides criteria that must be satisfied prior to a consent authority granting consent to development that contravenes a development standard. The criteria provided under Clause 4.6(3) are as follows:

- (a) *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and;*
- (b) *That there are sufficient environmental planning grounds to justify contravening the development standard.*

A discussion regarding the criteria provided at Clause 4.6(3), with respect to the development application is provided below.

2.1.3.1 Unreasonable or Unnecessary Clause 4.6(3)(a)

There are five common methods by which an applicant can demonstrate that compliance with a development standards is unreasonable or unnecessary in the circumstances of the development. Initially proposed for objections under clause 6 of SEPP 1 in the decision of *Wehbe v Pittwater Council* [2007] NSWLEC 827 Pearson C summarised and applied these methods to written requests made under Clause 4.6 in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 [61-62]. These five methods are generally as follows:

- The objectives of the development standard are achieved notwithstanding non-compliance with the standard.
- The underlying objective or purpose is not relevant to the development.
- That the objective would be defeated or thwarted if compliance was required.
- That the development standard has been virtually abandoned or destroyed by the Council's own actions in departing from the standard.
- The zoning of the land is unreasonable or inappropriate.

It is not required to demonstrate that a development meets multiple methods as listed above, and the satisfaction of one can be adequate to demonstrate that the development standard is unreasonable or unnecessary.

The written request prepared by Planning Ingenuity, provides a detailed assessment of the proposal with respect to the development standard sought to be contravened. The written request argues that the objectives of the development standard are achieved notwithstanding non-compliance with the standard in Part 4, providing reasoning as follows:

The sole objective of Clause 4.3(1) of HLEP 2013 provides:

- (a) *to permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.*

The construction of Clause 4.3(a) of HLEP 2013 requires a consideration of the site constraints, development potential and infrastructure capacity of the locality to establish a height that is "appropriate". There is no definition of the terms "site constraints", "development potential" and "infrastructure capacity" under HLEP 2013. Accordingly, these terms are subjective.

*In terms of “**site constraints**”, the subject site has site specific constraints with regard to topography, with a slope from east (rear) to west (front) of approximately 2.2m with the eastern side of the building being compliant or below the 16.5m height limit, while the western side and lift overrun results in the variation. As illustrated in the proposed section at Figure 14 above, the non-compliance is minor and the vast majority of the building sits below the 16.5m height limit. The variation enables the building to minimise excavation and ensure that all habitable spaces are above the existing natural ground level, thus better responding to the natural topography of the site.*

*In terms of the “**development potential**”... “the proposed development is generally consistent with the applicable controls and objectives in the HDCP 2013. Importantly, despite the height variation that is sought, the proposal provides a five storey residential flat building with a recessed fifth storey. This results in a scale and form that is anticipated by the DCP controls and compatible with other recently approved and/or constructed developments in the locality. The non-compliant parts of the development relate only to the lift overrun and hot water plant which are centrally located and occupy 15sqm (or less than 1% of the site area) and small parts of the roof on the western side of the building due to the topography difference. No habitable space or GFA is located above the 16.5m height limit and thus the proposed height variation does not result in any additional floor space or dwellings over and above a height compliant scheme.*

Therefore, despite the height variation, the development provides a “development potential” (density and intensity of development) that is anticipated by the applicable planning controls.

*In terms of “**infrastructure capacity**”, insisting on compliance with the height of buildings development standard will not alter the number of apartments provided in the proposed development nor reduce the amount of habitable floor space.*

Therefore, the impacts on the local road network, essential services such as electricity and water, access to shops, public transport and local facilities and other similar services will not be significantly different if the height variation is permitted. It is therefore considered that the variation to the height limit is considered “appropriate” or not antipathetic to this objective.

Council concurs that the objectives of Clause 4.3 of the HLEP are “to permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.”

With reference to the reasoning provided by the applicant above, Council does not object to the conclusion that the proposed concept application meets the objectives of Clause 4.3. In reaching this conclusion the following points are noted:

- The proposed building design responds to the topography of the site and the reasonable requirement to provide level floor plates, in a manner that reduces the need for excessive excavation.
- The site achieves the desired development potential for the site, being a 5-storey residential flat building.
- The proposed development would have negligible impact on the infrastructure capacity of the locality and would assist in reinforcing the adjoining high density residential precinct.

For the reasons provided within the applicant’s written request and the matters outlined above, it is considered that the written request to contravene the height of building standard adequately demonstrates that the objectives of the height of buildings development standard contained within Clause 4.3 of the HLEP are achieved, notwithstanding non-compliance with the standard.

2.1.3.2 Environmental Planning Grounds - Clause 4.6(3)(b)

In addition to demonstrating that compliance is unreasonable or unnecessary, Clause 4.6(3)(b) requires that there are sufficient environmental planning grounds to justify contravening the development standard. In demonstrating that sufficient environmental planning grounds exist it must be demonstrated that the planning grounds are particular to the circumstances of the development on the subject site (summarised from *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 [60]).

The applicant provided the following planning grounds for the contravention of the development standard:

- *The extent of the additional height creates no significant adverse additional overshadowing impacts to adjoining properties when compared to a compliant building envelope. This is detailed in the hourly shadow diagrams provided with this submission that illustrate the level of overshadowing as a result of the height variation. It is concluded the height breach will not result in any adverse loss of solar access to surrounding properties over and above what would be caused by a height compliant building and continues to provide sufficient solar access. That is, the extent of additional overshadowing from the additional height would be insignificant and would not be noticeable to the owners of surrounding properties;*
- *The height breach does not result in any adverse additional privacy impacts. The extent of privacy impacts caused by the height breach will have no greater impact on the privacy to the adjoining properties when compared to the approved built form. The extent of the variation is limited to the upper portion of the proposed development, including the roof and rooftop structures. No windows or openings are located above the 16.5m height limit and thus no part of the building that breaches the height limit will have an undue impact on privacy when compared to a fully compliant development. As such, the loss of privacy caused by the non-compliant elements would be insignificant or nil; and*
- *The height breach will not result in any significant view loss. No significant views have been identified in the locality and the height breach is minor and likely not perceivable from neighbouring properties when compared to a fully compliant development. Therefore, the impact on outlook and extent of view loss caused by the non-compliant elements would be insignificant or nil.*

Council's review of the environmental planning grounds presented by the applicant raises no points of contention, and it is considered that the written request provides sufficient environmental planning grounds and a reasonable built environment outcome, both within the subject site, and to the adjoining residential development.

As it is considered that the written request demonstrates sufficient environmental planning grounds specific to the development site, no further justification is considered necessary as sound environmental planning grounds for the non-compliance have been established.

Council is therefore satisfied that Clause 4.6(3) of the HLEP is adequately addressed.

2.1.3.3 Public Interest and Clause 4.6(4)

Clause 4.6(4) states that development consent must not be granted for development that contravenes a development standard unless:

- (a) *The consent authority is satisfied that:*

- (i) *The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *The concurrence of the Planning Secretary has been obtained*

With regard to (a)(i), the written request is considered to adequately address the matters required to be demonstrated as outlined above.

With regard to part (ii), the proposed development is considered to be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

With regard to (b), on 21 February 2018, the Secretary of the Department of Planning and Environment issued a Notice ('the Notice') under cl. 64 of the Environmental Planning and Assessment Regulation 2000. The Secretary's concurrence may not be assumed by a delegate of council if:

- The development contravenes a numerical standard by greater than 10%.
- The variation is to a non-numerical standard.

Local Planning Panels constituted under the *Environmental Planning and Assessment Act 1979* exercise consent authority functions on behalf of a Council and are not delegates of Council. Therefore, Local Planning Panels may determine a development application notwithstanding, a numerical non-compliance in excess of 10%.

Therefore, the exceedance of the height of buildings development standard is supported in this instance.

2.1.4 Heritage Conservation

The objective of Clause 5.10 of the HLEP is:

- (a) *to conserve the environmental heritage of Hornsby.*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.*
- (c) *to conserve archaeological sites.*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Whilst the site is not located in a heritage conservation area, it is adjacent to environmental heritage item 783, 'Waitara Park', an environmental heritage item as identified by Schedule 5 of the HLEP.

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 environmental heritage items preserve the scenic and remnant environmental landscape elements of the Waitara area. The proposal would have negligible impact on the adjoining item and would not adversely impact the continued heritage value of the Waitara Park.

2.1.5 Earthworks

Clause 6.2 of the HLEP states that consent is required for proposed earthworks on site. Prior to 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 proposal involves excavation for two basement levels to a depth of 7.2-9.3 metres below existing ground level, as detailed in the supplied Geotechnical Investigation Report, prepared by eiAustralia. 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	The proposed excavation on site would have negligible impact on any drainage patterns in the locality. Soil stability would be unimpacted upon completion of the proposed works, as basement walls would retain soils.
(b) The effect of the development on the likely future use or redevelopment of the land	The proposed excavation is required to facilitate the use of the site as high density residential development.
(c) The quality of the fill or the soil to be excavated, or both	Appropriate conditions are recommended in Schedule 1 of this report for the classification of all excavated material prior to disposal off site. Any material imported to the site will be conditioned to comprise of virgin excavated natural material only.
(d) The effect of the development on the existing and likely amenity of adjoining properties	Amenity impacts as a result of the excavation would largely be confined to the construction period. Appropriate conditions of development consent are recommended in Schedule 1 of this report to control amenity impacts during construction. Post construction, during the buildings operation phase, negligible impacts are expected as a result of the proposed excavation.
(e) The source of any fill material and the destination of any excavated material	Appropriate conditions are recommended in Schedule 1 of this report for the classification of all excavated material prior to disposal off site. Any material imported to the site will be conditioned to comprise of virgin excavated natural material only.
(f) The likelihood of disturbing relics	Council has no records that would indicate that relics are likely to be discovered on the subject site.
(g) The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area	The development site is not in close proximity to any waterway, drinking water catchment or environmentally sensitive area.
(h) Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the	Appropriate measures to avoid, minimise and mitigate the impacts of the excavation are recommended as

development	conditions in Schedule 1 of this report.
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2.1.6 Design Excellence

Clause 6.8 of the HLEP provides considerations for the delivery of the highest standard of architectural and urban design. The development application was referred to Council's Design Excellence Panel (DEP) on 16 December 2021 for review. The Panel reviewed the proposed development and concluded the following:

The Panel advises that this is a reasonably well considered and presented scheme and that the project has the potential to achieve design excellence however needs to successfully address several issues as outlined in the above report.

Some of the key considerations for the applicant are:

1. *To delete the stairs at the front and to reconfigure the floor levels in order to provide level access from Park Avenue.*
2. *To improve the design of the lift lobby area.*
3. *To improve the layout and design of the common open space at the rear.*
4. *To improve the internal layout of the units with reference to the ADG part 4D.*
5. *To ensure areas of COS and DSZ are calculated correctly.*
6. *To use the front setback area as private open space.*

Council provided the detailed DEP assessment of the proposal to the applicant for consideration and the applicant supplied amended plan and further detail regarding the key considerations outlined above. Council reviewed the further detail provided by the applicant and requested further justification where the amended plans elected not to incorporate key considerations. The applicant provided further amended plans and design details outlining how they had considered the matters raised and why they had elected not to incorporate some of the suggestions of the DEP.

As the DEP identified that the key considerations were a prerequisite to achieving design excellence, a review of the additional detail provided by the applicant for each of the six considerations is provided below:

Consideration 1 - To delete the stairs at the front and to reconfigure the floor levels in order to provide level access from Park Avenue

With regard to Consideration 1, the DEP relatively provided the following:

With regard to the street character, the applicant should consider changing the entry sequence such that the ground floor is level with the footpath and not elevated even though the adjacent buildings have adopted that approach. This would enhance the street environment by providing level access and street activation making the front setback area private with private entrances.

In response the applicant provided further detail on why the design choice to have the street entrance elevated was the preferred option. Justification included:

- Topographical fall across the site
- The desire to avoid a stepped floor plate, with a higher and lower portion on each residential floor

- Design guidance of the ADG which provides raised entrances as a desirable outcome in Objective 4L-2 for privacy and amenity for ground floor apartments
- The existence of numerous examples of development on Park Avenue with a similar raised ground floor, including No. 40, Nos. 42-44 and Nos. 18-20 Park Avenue
- The proposed front landscape treatment which provides a series of planters to soften the visual impact of the elevation change between the ground floor and the street level

Council's assessment of the applicant's further consideration of the ground floor entrance considers that the applicant has incorporated aspects of the DEP design consideration, including providing private open space in the front setback for ground floor units, separate access to Unit G05 and amended landscaping plan to better integrate the change in levels when compared to other examples on Park Avenue.

Consideration 2 - To improve the design of the lift lobby area

The DEP relevantly provided:

"The lobby arrangement has the potential to create a strong visual link between the street and the rear COS, however the dog-leg design currently shown does not allow this. The lobby alignment should be reconsidered" and "The lobby, while it is acknowledged as a secured space, has potential CPTED issues with the dog-leg arrangement allowing concealment around corners."

In response, the applicant provided additional detail in regard to the ground floor lobby design which detailed:

- The lobby if provided in a linear fashion would create oversized units to the north and undersized units to the south
- The lobby would have negligible security and safety concerns as it would be a secured area only accessible by residents and guests
- Wayfinding signage can be provided as required to indicate the location of front exit, lifts and communal open space
- The lobby design is compliant with ADG Objectives 3G-1 and 3G-2

Council's review of the additional provided material identifies that the floor plates as currently proposed restrict the lobby design in a manner that requires a dog leg to be included. The lift shaft provided centrally in the building further defines the ground floor lobby design. Whilst it is considered that it would be possible to design a viable building with a linear lobby design, it is not considered that the proposed dog-leg lobby would prevent the building from achieving an adequate level of design excellence. The proposed dog-leg lobby would adequately function to provide access to the streetscape, rear POS and lift core and can be designed in a manner that allows adequate security, wayfinding and pedestrian connection.

Council further notes that a Crime Risk Assessment Report, from the NSW Police Force, was submitted to support the development. The report did not identify the dog-leg lobby as being a crime risk.

Consideration 3 - To improve the layout and design of the common open space at the rear

The DEP recommended changes to the rear private open space, including:

- The height differences between, and close proximity of the POS to the COS, creates privacy concerns which are not acceptable
- The sitting area under the pergola is directly adjacent to several bedrooms which again creates privacy concerns
- There is a predominance of seating areas. While these are acceptable, perhaps they could be reduced, or be re-arranged to allow the lawn to be more usable for a kick-around/ moderately active space

The applicant provided amended plans that adequately address the concerns of the panel and no objections are raised to the communal open space design.

Consideration 4 - To improve the internal layout of the units with reference to the ADG part 4D

The DEP considered that internal Unit layout could be improved via the reduction of bedrooms directly accessing living areas. In response to this concern the applicant updated a number of Unit layouts to reduce instances of this occurring. Some units retain bedrooms accessing living areas; however it is not considered that these would be unacceptable as they are in the minority of cases and bedrooms are located within units to permit solar access and ventilation, which is considered to be a more desirable outcome.

Consideration 5 - To ensure areas of COS and DSZ are calculated correctly

Communal Open Space and Deep Soil Zones are correctly calculated in discussed in the body of this report.

Consideration 6 - To use the front setback area as private open space

The applicant originally provided landscaping plans that included Communal Open Space in the front setback of the development. On review of these spaces, it was considered that they would have limited functionality and would likely be underutilised. The DEP panel suggested that these areas could be better served as part of private open space (POS) for ground floor units. The applicant amended the plans accordingly and submitted amended landscape detail which transferred these areas into private open space for Units G01 and G05.

However, in order for an acceptable level of security to be provided for these newly created POS areas, the applicant introduced excessively large fencing elements that dominated the front setback areas.

Council reviewed the amended plans and recommended that the fenced areas be reduced in scope to allow for deep soil areas to be provided in front of the private courtyards, to provide screening and reduce the overall need for front fencing. The applicant provided amended detail to this effect which Council deems acceptable.

As detailed above, the application has undergone a detailed design review with the objective of ensuring an adequate level of design excellence. Council considers that the considerations provided by the DEP have been adequately addressed and the development as proposed is consistent with the requirements of Clause 6.8 of the HLEP.

2.2 Consolidated State Environmental Planning Policies

On 1 March 2022, the following State Environmental Planning Policies (SEPPS) were gazetted.

- State Environmental Planning Policy (Primary Production) 2021

- State Environmental Planning Policy (Resources and Energy) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021

These SEPPs now form matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. However, general savings provisions apply to development applications that have been made but not yet determined, on or before the commencement date.

As this development application was lodged on 18 November 2021, this development application is considered to have been made prior to the commencement date of the SEPPs. SEPP (Resilience and Hazards), SEPP (Biodiversity and Conservation), SEPP (Transport and Infrastructure) have been considered as matters for consideration under S4.15 of the *EP&A Act 1979*. However, the existing legislation in force at time of lodgement of the development application, prevails to be extent of any inconsistency.

2.3 State Environmental Planning Policy No. 55 Remediation of Land

The application has been assessed against the requirements of State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55) under which consent must not be granted to the carrying out of any development on land unless the consent authority has considered whether the land is contaminated or requires remediation for the proposed use.

Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

An examination of Council's records and aerial photography has determined that the site has been historically used for commercial and residential purposes. Appropriate conditions of development consent have been recommended in Schedule 1 of this report, including the implementation of an unexpected finds protocol, to ensure that if unexpected contamination is detected on site, appropriate mitigation measures are undertaken.

2.4 State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development

The Policy provides for design principles to improve the design quality of residential flat development and for consistency in planning controls across the State.

The SEPP adopts the Apartment Design Guide which prevails in the event of any inconsistency with a Development Control Plan. The SEPP includes objectives to meet housing and population targets, affordable housing and to facilitate timely and efficient assessment of development applications. The SEPP makes further provision for design review panels; includes additional provisions for the determination of development applications and for standards for car parking, visual privacy, solar and daylight access, common circulation and spaces, apartment size and layout, ceiling heights, private

open space and balconies, natural ventilation and storage, which cannot be used as grounds for refusal of development consent.

Design Quality Principles

The applicant submitted a "Design Verification Statement" prepared by a qualified Architect stating how the proposed development achieves the design principles of *SEPP 65*. The design principles of *SEPP 65* as listed in Schedule 1 are addressed in the table below:

SEPP 65 - Schedule 1 Assessment	
Principle	Compliance
1. CONTEXT AND NEIGHBOURHOOD CHARACTER	Yes
Comment: <p>The site is located within a precinct planned for five storey residential flat buildings in close proximity to Waitara Railway Station. The desired future character of the area, as outlined in the Hornsby Development Control Plan 2013, is that of a locality characterised by residential flat buildings of 5-storeys in height in landscape settings with underground car parking. Development should seek to complement and enhance the adjacent public domain environment and building footprints by maintaining landscape corridors around and through development sites.</p> <p>The proposed development appropriately responds to the context of the site by proposing a development with an appropriate height, bulk and landscaping treatment for the constraints of the site. The ground level would appropriately integrate with the existing public domain and sufficient landscaping is provided adjacent to side boundaries to ensure green links through the site.</p>	
2. BUILT FORM AND SCALE	Yes
Comment: <p>Despite the height noncompliance, it is considered that the proposed development achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. The building presents as articulated and of appropriate proportions and materiality. The proposal would contribute to the character of the streetscape and would offer residents a high level of amenity.</p>	
3. DENSITY	Yes
Comment: <p>The HLEP does not incorporate floor space ratio requirements for the site. The density of the development is governed by the height of the building and the required setbacks. The proposed density is considered to be sustainable as it responds to the regional context, availability of infrastructure, public transport, community facilities and environmental quality and is acceptable in terms of density despite non-compliant setback distances (discussed in further detail in the body of this report).</p>	
4. SUSTAINABILITY	Yes
Comment: <p>The development is supported by a BASIX certificate that demonstrates compliance with BASIX requirements. In addition, native landscaping is proposed on the site, with permeable paving and rain garden areas to reduce stormwater runoff. Solar access is provided to all units to reduce the</p>	

requirements for artificial lighting during the day, with living areas and bedrooms provided adjacent to building facades. Cross ventilation is also provided at minimum required levels to reduce the requirement for air conditioning.	
5. LANDSCAPE	Yes
Comment: Landscaping is provided within side setback areas, with provision for deep soil and planted garden beds. Landscaping elements are used to soften the level changes at the site frontage, which would assist in integrating the development into the Park Avenue streetscape.	
6. AMENITY	Yes
Comment: The proposed units are designed with appropriate room dimensions and layout to maximise amenity for future residents. The proposal incorporates good design in terms of achieving natural ventilation, solar access and acoustic privacy. All units incorporate balconies accessible from living areas and privacy has been achieved through appropriate design and orientation of balconies and living areas.	
7. SAFETY	Yes
Comment: The design orientates the balconies and windows of individual apartments towards the street, rear and side boundaries, providing passive surveillance of the public domain and communal open space areas. Both the pedestrian and vehicular entry points are secured and visibly prominent on Park Avenue. The development would be capable of compliance with Crime Prevention Through Environmental Design Principles (CPTED).	
8. SOCIAL DIMENSIONS AND HOUSING AFFORDABILITY	Yes
Comment: The proposal incorporates a range of unit sizes to cater for different budgets and housing needs. The development complies with the housing choice requirements of the HDCP by providing a component of adaptable housing and a mix of 1, 2 and 3 bedroom dwellings. The proposal responds to the social context in terms of providing a range of dwelling sizes with good access to social facilities and services as the site is located in close proximity to Waitara Railway Station and shopping precincts including Westfield.	
10. AESTHETICS	Yes
Comment: The architectural treatment of the building incorporates indentations and projections in the exterior walls with balcony projections to articulate the facades. The articulation of the building, composition of building elements, textures, materials and colours would achieve a built form generally consistent with the design principles contained within the Apartment Design Guide and the HDCP.	

Clause 30(2) of SEPP 65 provides that development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to the design quality principles. As outlined in the table above, it is considered that that proposed development demonstrates adequate regard to the design quality principles.

2.5 Apartment Design Guide

SEPP 65 also requires consideration of the Apartment Design Guide, NSW Department of Planning and Environment 2015 (ADG). The Guide includes development controls and best practice benchmarks for achieving the design principles of SEPP 65. The following table sets out the proposal's compliance with the ADG:

Apartment Design Guide			
Control	Proposal	Requirement	Compliance
Deep Soil Zone (3E)	23.6%	7% of site area	Yes
Communal Open Space (3D)	15%	25% of site area	No
Solar Access (Communal open space areas) (3D-1)	>50% Solar Access	50% direct sunlight access for 2 hours	Yes
Building Separation (3F-1)	9m between habitable rooms to the north. Closest window to southern boundary 4.5 metres, which would not hinder future compliance of adjoining RFB building.	9m Between habitable windows and balconies 4.5m between Non-habitable rooms	Yes
Solar Access (Living rooms and private open space areas) (4A-1)	>70% for Units (21/29) >50% COS coverage for 2 hours	2 hours for 70% of units 2 hours for 50% of COS	
No Solar Access allowable for units (4A-1)	4/29 (13.7%)	15% of units (max)	Yes
Natural Cross Ventilation (4B)	>60% (18/29)	60%	Yes
Minimum Dwelling Size (4D-1)	1 br - 50.6m ² 2 br - 80.1m ² 3 br - 98.6m ²	Studio - 35m ² 1 br - 50m ² 2 br - 70m ² 3 br - 90m ² + 5m ² for additional bathrooms +12m ² for 4 th and additional bedrooms	Yes Yes Yes Yes

Habitable room depth (4D-2)	9m	2.5x Ceiling height 8m from a window (max)(open plan layouts)	No
Minimum Ceiling Height (4C-1)	2.8	2.7m (habitable rooms) 2.4m (non-habitable rooms)	Yes
Minimum Balcony Size (4E-1)	- 1 br 8.8m ² 2 br 12.4m ² 3br 12.2m ²	Studio Apartment -4m ² 1 bedroom 8m ² 2m depth 2 bedroom 10m ² 2m depth 3 bedroom 12m ² 2m depth	Yes
Maximum Number of Units on a Single Level (4F-1)	7 units	8 units off a circulation core	Yes
Car Parking (3J-1)	49 in basement	38 - As per RMS Guide	Yes
Total Storage Area (4G-1)	Compliant - storage provided in Units and within Basement.	Studio 4m ³ (Min) 1 bed - 6m ³ (Min) 2 bed - 8m ³ (Min) 3 bed - 10m ³ (Min) Minimum of 50% accessible from within apartments	Yes

As detailed in the above table, the proposed development contains generally complies with the numerical requirements of the Apartment Design Guide (ADG) with the exception of communal open space area and habitable room depth. Below is a brief discussion regarding the relevant development controls and best practice guidelines with respect to areas of non-compliance.

2.5.1 Communal Open Space

Objective 3D-1 of the ADG is for “*An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping*”. The design criteria for objective 3D-1 is that *Communal open space has a minimum area equal to 25% of the site and Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)*.

The proposed development provides a communal open space (COS) area at the rear of the development site which has an area equal to 15% which does not comply with the 25% site area prescription.

In support of this non-compliance the following points are noted:

- The site is directly opposite Waitara Park, which provides approximately 4 hectares of recreation area.
- The communal open space provided on site offer a decent level of amenity, with facilities for BBQs, gatherings, seated areas and grassed recreation space.

- Ground floor units all benefit from private open space areas, which would reduce the reliance on the communal open space.
- The applicant originally proposed to utilise front setback areas as further communal open space. However, on design excellence review, it was considered that these areas would be poorly used, as they offered little privacy or amenity. It was determined that the front setback areas would be better suited to landscaping in preference to grassed communal open space.
- Further COS could be provided on site; however this would be located in side setback areas or on the rooftop of the building. Neither of these options are preferred as locating COS in the side setback areas would create likely unused linear spaces with privacy impacts to ground floor units. It would also reduce landscaping opportunities in setback areas. Providing further COS at the rooftop would cause the building to further breach the height limit, which is considered unnecessary, given the existence of Waitara Park adjoining the site.

Despite the numerical non-compliance, it is considered that the provided open space at the rear of the site would be of a suitable design to service future residents, with a variety of recreation options. Existing park infrastructure in the locality would be able to service any numerical shortfall in COS.

2.5.2 Habitable Room Depth

Objective 4D-2 of the ADG provides that in open plan layouts, habitable room depth is to be no more than 8m from a window. The proposed RFB contains a number of units which have habitable room depths of 9m from a window. In support of this non-compliance the following points are noted:

- In all instances of this non-compliance, the variation occurs in open plan living areas that open onto a residential balcony. The open plan living areas are therefore serviced by large, floor to ceiling windows with large openable portions. Sufficient light and ventilation would be available for these rooms to allow for an adequate level of environmental performance.

For the reasons outlined above, no objections are raised in regard to the proposed room depths.

2.5.3 Facades

Objective 4M-1 of the ADG is for “*Building facades provide visual interest along the street while respecting the character of the area*”.

Council referred the application to the Design Excellence Panel (DEP) in accordance with the design requirements of both the ADG and the Hornsby Development Control Plan 2013.

The DEP provided wide ranging review of the proposal, including providing comment on the building facades. The DEP considered that “*The building form, detail and articulation as proposed is, generally, superior to that of existing developments in the precinct*” and that “*The project suits the desired future character of the neighbourhood.*”

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

The application has been assessed against the requirements of State Environmental Planning Policy (BASIX) 2004 which seeks to encourage sustainable residential development.

The proposal includes a BASIX certificate in accordance with the requirements of the SEPP including the list of commitments to be complied with at the construction stage and during the use of the premises. The BASIX certificate achieves the minimum scores for thermal comfort, water and energy.

The proposal is acceptable in this regard.

2.7 **State Environmental 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 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. The application proposes the removal of 11 trees from the site, which is considered acceptable as these trees are either exempt species under Table 1B.6(s) of the HDCP, of low retention value or unsuitable for retention on the site.

Section 3.1.1 of this report addresses proposed tree removal and replacement planting across the site.

2.8 **Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River**

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

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

2.9 **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.

2.10 **Hornsby Development Control Plan 2013**

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

Hornsby Development Control Plan 2013			
Control	Proposal	Requirement	Compliance
Site Width	34.75m	30m	Yes
Height	5 storeys	5 storeys	Yes

ITEM 6

	17.4m (inc. lift overrun)	16.5m	No
Lowest Residential Floor Above Natural Ground Level	1.4m	1.5m (max)	Yes
Maximum Floorplate Dimension	28.4m (N/S) 25.1m (E/W)	35m 35m	Yes Yes
Building Indentation	No building indentation	4m x 4m	No
Front Setback	10m to 8.0m 8m 40% frontage ground floor only	10m 8m < 1/3 building length	No
Side Setback (Northern)	4.5m - 6m less than 6m for approx. 60% of façade	6m 4.5m < 1/3 building length	No
Side Setback (Southern)	1.5m roof over basement, 4.5-6m southern building façade. Approx. 35% of faced setback 4.5 metres	6m 4.5m < 1/3 building length	No
Rear Setback	10m to 8m (80m = to 20% building length) 7m (balconies)	10m 8m < 1/3 building length 7m (balconies)	Yes Yes Yes
Top Storey Setback from Ground Floor	3m	3m	Yes
Basement Ramp Setback	2m	2m	Yes
Deep Soil Landscaped Areas	8m front 4m northern side, 4m southern side sides 7m min rear	8m front 4m sides 7m rear	Yes Yes Yes
Communal Open Space with Minimum Dimensions 4m	>50m ² 15%	50m ² (min) 25%	Yes No
Solar Access	>70%	70%	Yes
Housing Choice	10% of each type	10% of each type (min)	Yes
Adaptable Units	10%	10%	Yes

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

2.10.1 Site Requirements

Part 3.3.3 of the HDCP prescribes the minimum site requirements for RFB developments. These site requirements include a minimum width of 30m, lot consolidation, limited driveway crossovers and avoidance of the creation of isolated sites.

With respect to the subject site, the site has a minimum site width of 34.75m, would have a single driveway crossover and would consolidate two allotments into one. The proposed development site would therefore meet the site requirements of Part 3.3.3.

With regard to avoiding isolated sites, the proposed development would not cause any adjoining allotment to become isolated. Allotments to the north of the site have previously been developed and therefore cannot be isolated. With regard to allotments to the south, being Nos. 22-36 Park Avenue that have not yet been consolidated, it is noted that Nos. 22-32 have been approved for development under DA/65/2019. The remaining allotments, Nos. 34, 34A and 36 Park Avenue have the potential to be isolated. No development applications have been approved for the remaining three allotments, and as such, it is possible that 34-36 can consolidate into a development site. The consolidated site would have a site width of 30.8 metres and would allow for the construction of a residential flat building on a similar orientation as the previously approved development for Nos. 40-42A Park Avenue, as illustrated in Figure 4 below.

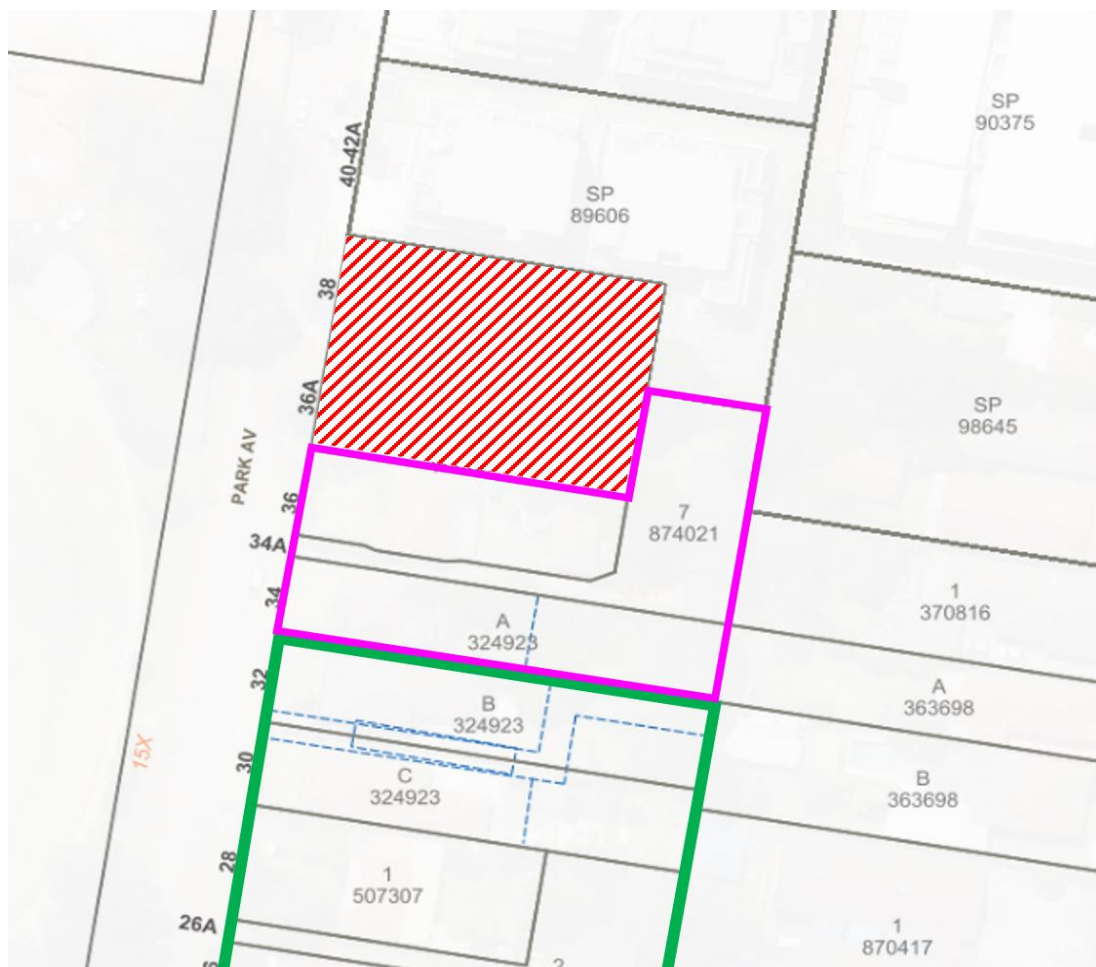


Figure 4: Potential future development site from the amalgamation of 34,34A and 36 shown in pink. Allotments involved in DA/65/2019 encircled in green, with the subject site shown hatched.

2.10.2 Height

The proposed development does not comply with the height requirements within the HLEP as discussed in the body of this report.

As detailed in this report, the proposed building height is considered to be acceptable with respect to the constraints of the site, the development potential, infrastructure capacity and surrounding development.

2.10.3 Setbacks

The desired outcomes of Part 3.4.5 Setbacks of the HDCP is for:

- *Well-articulated building forms that are set back to incorporate landscaping, open space and separation between buildings.*
- *Developments which have coordinated basement and services located to minimise loss of landscaped open space and reduction of deep soil zones.*
- *Setbacks that preserve and protect existing trees around the perimeter of sites and provide effective deep soil areas that are able to create a garden setting, including substantial tree canopy to all sides of the building.*

As detailed in the above table, the proposed development does not comply with the setback controls provided in the HDCP. A discussion on non-compliant setback distances is provided in the below table:

Boundary Setback	Assessment
Northern - Side Boundary setback requirement: <ul style="list-style-type: none"> • 6m, which can be reduced to 3m for a maximum of 1/3 of the building width 	Compliant at ground level. Levels 1, 2 and 3 provide articulated facades setback at 5m for 36% (10m), 6m for 36% (10m) and 4.5m for 28% (8m). Level 4 compliant. Numerical non-compliance described above supported as: <ul style="list-style-type: none"> • Building achieves compliance with ADG separation requirements, is well articulated, does not generate any privacy impacts or sunlight access loss as a result of the proposed setback and does not impact on landscaping provision in side setback areas.
Eastern - Rear Boundary	Compliant for all building floors.
Southern - Side Boundary setback requirement: <ul style="list-style-type: none"> • 6m, which can be reduced to 3m for a maximum of 1/3 of the building width 	1.5m side setback to roof over basement entry at ground level, 4.5-6m southern building façade. Approx. 35% of façade setback 4.5 metres. Numerical non-compliance described above

	<p>supported as:</p> <ul style="list-style-type: none"> Setback largely compliant for all floors with minor numerical noncompliance with 1/3 provision. Non-compliance with 1/3 allowable portion is offset by setback at 4.5 metres rather than 3m. Proposed setbacks permit the construction of a future RFB to the south of the site at compliant ADG building separation requirements. Ground level roof over basement entry required to be setback at distance proposed to provide adequate coverage to basement entry. Proposed setback does not generate any privacy impacts or sunlight access loss as a result of the minor numerical non-compliance.
<p>Western - Front boundary setback requirement:</p> <ul style="list-style-type: none"> 9m, which can be reduced to 6m for a maximum of 1/3 of the building width 	<p>Front setback provided at 10m to 8.0m with 8m provided for 40% frontage on ground floor only. Numerical non-compliance described above supported as:</p> <ul style="list-style-type: none"> Minor non-compliance on ground floor only would have negligible impact on streetscape appearance and would be indiscernible upon building completion and establishment of landscaping.
<p>Basement Setback requirements:</p> <ul style="list-style-type: none"> 8m to front boundary, 7m to rear boundary and 4m to side boundaries to allow for deep soil landscaping. 	<p>Basement is compliant on all elevations with the exception of:</p> <ul style="list-style-type: none"> The southern side setback, which is provided at 2m setback. The HDCP provides that basement ramps can be provided at a 2m setback to the side boundary. The proposal utilises this concession and returns to a compliant 4m setback as soon as the basement ramp turns north into the basement. The basement setback 2.7 metres from the front boundary underneath the driveway entrance on basement level 1. No objections are raised to this setback noncompliance, as the area cannot be used for deep soil due to the driveway located above.

For the reasons outlined in the table above, no objections are raised to the proposed building setbacks.

2.10.4 Built Form and Separation

Part 3.4.6 of the HDCP prescribes that buildings with a depth of greater than 25 metres should incorporate a distinct indentation of 4x4 metres in building facades to create the impression of two distinct building pavilions.

The proposed RFB has a building depth of 28.4 metres and does not provide the required 4x4 articulation. Despite the numerical non-compliance, the DEP considered that the RFB has a building form, detail and articulation that is generally superior to that of the existing precinct. The requirement for a compliant indentation was not raised, as sufficient articulation was provided in the design to break up building form and mass.

2.10.5 Landscaping

The HDCP prescribes deep soil landscape area within all boundary setbacks, to allow for the growth of canopy trees in the front and rear of the site, as well as feature trees in side setbacks. Landscaping should integrate the built form with the existing vegetated locality and be 8m wide in front setbacks, 4m wide in side setbacks and 7m wide in the rear.

The proposed development provides 6m deep landscaped area in the site frontage, 3-4 metres of landscaping in the northern and southern side setbacks and 7 metres at the rear of the site.

With reference to the proposed landscaping in the front setback, the landscaping is provided as deep soil zones, with a terraced design and feature canopy trees to integrate the development into the streetscape. The applicant has provided space for bin storage, letterboxes and hydrants (no electrical substation is required) which do not impact on the overall landscape design.

With reference to the side setbacks, the applicant has provided for amenity trees, and deep soil zones, with garden beds and permeable / planting paving areas. The landscaped side areas achieve the intent of the HDCP despite minor numerical non-compliances which are primarily the result of the need to provide ground level useable POS for ground level units.

No objections are raised to the proposed landscaping design.

2.10.6 Open Space

As discussed in the body of this report, the proposed development does not meet the minimum 25% site area COS requirements. The HDCP mirrors the ADG in terms of required site area. This aspect is discussed in Part 2.4.1 of this report.

2.10.7 Privacy and Security

The proposed development provides a reasonable level of privacy, by orientating the vast majority of units towards the front and rear boundaries of the site. Windows located on the northern facade are high set to minimise opportunities for direct views into neighbouring apartments and balconies that have a side facing aspect are provided with privacy screening.

Three balconies are provided on the northern elevation that would be orientated towards the side boundary. These balconies would be setback at 6 metres to the northern side boundary and provide a 12-metre setback to southern facing windows of the adjoining RFB on Nos. 40-42A Park Avenue. This separation exceeds minimum ADG requirements and the HDCP does not set a distance separation

requirement. As there is no other feasible location for the north facing balconies, no objections are raised to their inclusion.

In terms of building security, the proposed development clearly defines between the public and private realms, with a clear entry point to the building. As discussed in this report, the proposed lobby would have sightlines to the street and rear private open space, despite the dogleg design. Wayfinding signage is proposed to be located in the lobby area. The design of the building provides for a secure internal space as well as basement area. Conditions relating to security measures, including CCTV installation and secure building access are recommended in Schedule 1 of this report.

2.10.8 Vehicular Access and Parking

The HDCP has a residential parking requirement of 0.75 spaces/ dwelling for 0-1-bedroom units, 1 space/ dwelling for 2-bedroom units and 1.5 spaces/ bedroom for 3 or more bedroom units, and 1 visitor space per 7 dwellings where the development is <800 metres from a railway station.

In accordance with the DCP there is a requirement for 38 parking spaces, being 34 residential and 4 visitor parking spaces. 48 parking spaces, being 44 residential and 4 visitor parking spaces have been provided and are shown on the drawings.

Residential parking spaces are to be secure spaces with access controlled by card or numeric pad. Visitors must be able to access the visitor parking spaces in the basement car park at all times.

Hornsby DCP 2013 requires that at least one third of adaptable units (i.e. 10% of all units) are to be provided with a parking space designed for people with a disability. Therefore 3 parking spaces designed for people with disabilities are required. Four accessible parking spaces have been provided.

Provision for 1 motorcycle parking space, and 9 bicycle spaces is also provided in the basement.

Access to the development would be facilitated via two-way driveway from Park Avenue. No objections are raised to the proposed driveway design or car parking provision.

2.10.9 Waste Management

Council's waste management team assessed the development application and identified that the proposed development did not provide adequate waste facilities on each floor of the development.

Specifically, it was noted that no provision was provided for recycling bins or any future provision for required FOGO bins. The proposed development incorporates a waste chute, with residents required to undertake a trip to the basement to deposit recycling materials. Council's review of the proposed waste management arrangement noted that the proposed set up was unacceptable and would lead to the waste chute being utilised for all waste types.

Consequently, to ensure that adequate space is provided on each residential floor for a recycling bin and a future FOGO bin, an amended plan condition is recommended in Schedule 1 of this report for the installation of a bin room in each lobby area. Sufficient space would be available in the comms room adjacent to the bin chute.

2.11 Section 7.11 Contributions Plans

Hornsby Shire Council Section 7.11 Contributions Plan 2020-2030 applies to the development as it would result in an additional 29 residential dwellings in lieu of the 2 existing residences. Accordingly, the requirement for a monetary Section 7.11 contribution is recommended as a condition of consent.

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 proposed development would necessitate the removal of 11 trees from the site. All trees proposed to be removed from the site are identified as having a low retention value, with the exception of one tree which is identified as having a moderate low retention value, as described within the supplied Arboricultural Impact Assessment Report, prepared by Dr. Treegood to support the application.

Three trees located within close proximity to the development, two being located on the road reserve, and a third being located at the rear of the site, have been proposed for retention. The proposed works would be capable of retaining the three trees and conditions of development consent for the installation of tree protection fencing and monitoring by an arborist throughout construction are proposed in Schedule 1 of this report.

To offset tree loss on the subject site, the applicant proposes the planting of 16 trees of various sizes as depicted on the supplied landscape plans. Trees to be replanted include trees on the subject site as well as trees within the road reserve. No objection is raised to the proposed tree removal, as trees to be removed are not identified as being worthy of retention and appropriate replanting will occur on site to maintain local canopy cover.

3.1.2 Stormwater Management

The supplied stormwater diagrams, prepared by SGC engineering indicate that stormwater would be collected on the subject site, with disposal at the Park Avenue street drainage system, via on site detention.

Council's, engineering review raises no objection to the proposed stormwater disposal method, subject to appropriate conditions recommended in Schedule 1 of this report.

3.1.3 Traffic

A traffic and parking assessment has been submitted with the proposal, prepared by SGC engineering.

The report outlined a net traffic generation of an additional six vehicle movements per hour during peak hour. Although peak hour traffic generation may appear to be negligible when compared with the traffic volumes on the adjacent road network for this development alone, the cumulative traffic impacts of all sites earmarked for redevelopment in the precinct will be significant. The cumulative impact has been considered in the strategic transport model for the housing strategy and appropriate conditions have been recommended in Schedule 1 of the payment of contributions to upgrade the local road network.

The above mentioned contributions would ensure long term stability of the road network. The proposal in of itself would not cause any unacceptable impact from the additional vehicle movement increase to the site.

3.2 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.

3.3 Economic Impacts

The proposed development would have a positive economic impact by creating housing within a pre-defined high density precinct. This will have flow on effects including demand for goods and services in the local area, in a locality that is highly serviced and well located within existing public transport networks.

4. SITE SUITABILITY

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

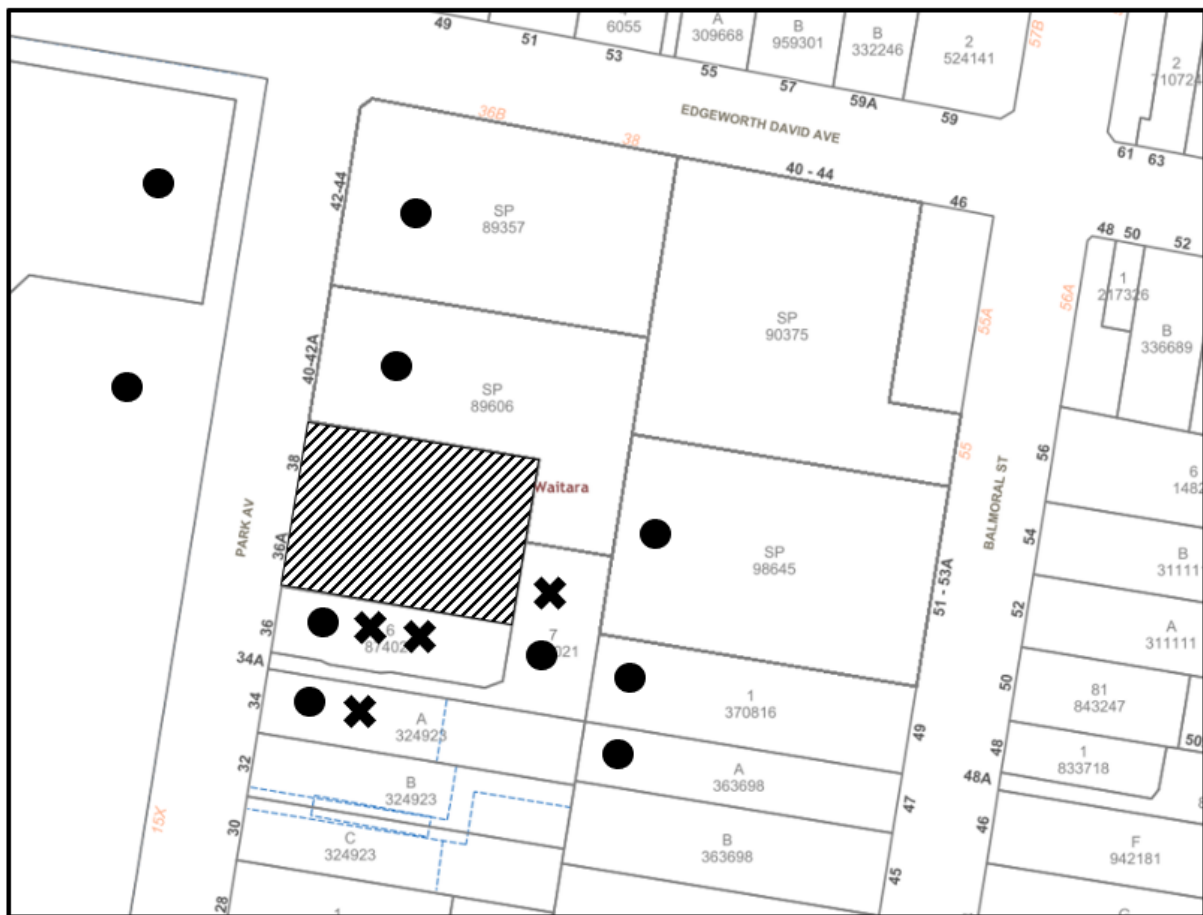
The subject site has not been identified as bushfire prone or flood prone land. The site is considered to be capable of accommodating the proposed development. The scale of the proposed development is consistent with the capability of the site and is considered acceptable.

5. PUBLIC PARTICIPATION


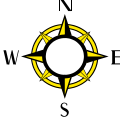
Section 4.15(1)(d) of the Act requires Council to consider *"any submissions made in accordance with this Act"*.

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 24 November 2021 and 16 December 2021 in accordance with the Hornsby Community Engagement Plan. During this period, Council received four submissions, two of which were identical form letters. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED		PROPERTY SUBJECT OF DEVELOPMENT	
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All submissions received objected to the development, generally on the grounds that the development would result in:

- Site isolation
- Inappropriate setbacks
- Shadowing impacts to adjoining southern allotments
- Inappropriate building height

The merits of the matters raised in community submissions have been addressed in the body of the report with the exception of the following:

5.1.1 Shadowing Impacts to Southern Allotments

Submissions raised concerns that the proposed development would overshadow adjoining southern properties, particularly No. 36 Park Avenue.

In addressing this concern, it is noted that Part 3.4.11 Sunlight and Ventilation provides solar access controls for buildings within five storey precincts. Part 3.4.11 Sunlight Access does not prescribe any

solar access requirements for adjoining developments. Objective 3B-2 of the ADG seeks to minimise overshadowing to neighbouring properties in mid-winter and provides design guidance on achieving this goal.

It is also noted that Part 3.4.11 of the HDCP provides the following with respect to as yet undeveloped allotments within high density zones:

As the 5 storey buildings are being constructed within a redevelopment precinct, the level of sunlight access required needs to take into account the overshadowing that will occur in this precinct from approved developments on adjacent sites and if no adjacent application is approved, a compliant development envelope on a neighbouring site. So, for example, this may require the proposed residential flat building envelope to comprise larger units on the lower levels that will be subject to overshadowing, with smaller units on upper levels that enjoy improved sunlight access.

It is noted that the above note does not provide for any sunlight access requirements to undeveloped adjoining allotments.

The supplied shadow diagrams indicate that the proposed development would primarily overshadow No. 36 Park Avenue, the access handle of No. 34A Park Avenue and No. 34 Park Avenue. No. 36 would be most impacted by overshadowing, with shadowing of 100% of the rear POS area between 9am to 3pm and overshadowing of most of the dwelling during the assessment period.

With respect to the impacts identified above, it is noted that the shadowing primarily results from the location of the proposed residential flat building to the north of No. 36 Park Avenue. The overshadowing impact is not dissimilar to any other developments along Park Avenue, as the allotments are arranged in a north-south orientation, following Park Avenue.

In addition to the above, it is noted that the design of the proposal, including any over height building portion, does not exacerbate overshadowing impacts.

As the HDCP provides solar access controls for developed sites only, and the adjoining site is not yet developed, it is considered that the overshadowing impacts are consistent with Council's controls. It is also noted that the strategic intent for the subject site, being the development of high density housing, would not be possible if solar access was required to be preserved to adjoining low density allotments.

5.2 Public Agencies

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

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 demolition of the existing buildings and structures and the construction of a 5-storey residential flat building containing 29 apartments over 2 levels of basement parking, landscaping, site works and amalgamation of allotments.

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 unique 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 request under Clause 4.6 of Hornsby Local Environmental Plan 2013 to contravene the 'Height of buildings' development standard is well founded. Strict compliance with the development standard is considered unreasonable and unnecessary in the circumstances of the case and sufficient environmental planning grounds have been submitted to justify the contravention to the development standard.
- The proposed development complies with the relevant 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 Ben Jones

CASSANDRA WILLIAMS
Major Development Manager - Development
Assessments
Planning and Compliance Division

ROD PICKLES
Manager - Development Assessments
Planning and Compliance Division

Attachments:

1.   Locality Plan
2.   Architectural Plans

File Reference: DA/1234/2021

Document Number: D08397161

ITEM 6

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
A101 Issue A	Site Plan and Analysis	A+ Design Group	03/11/2021	
A201 Issue E	Plan - Basement 2	A+ Design Group	03/11/2022	
A202 Issue G	Plan Basement 1	A+ Design Group	20/04/2022	
A203 Issue G	Plan - Ground	A+ Design Group	20/04/2022	
A204 Issue F	Plan - Level 1	A+ Design Group	20/04/2022	
A205 Issue F	Plan - Level 2	A+ Design Group	20/04/2022	
A206 Issue F	Plan - Level 3	A+ Design Group	20/04/2022	
A207 Issue E	Plan - Level 4	A+ Design Group	03/11/2021	
A208 Issue E	Plan - Roof	A+ Design Group	03/11/2021	
A301 Issue D	Elevation - West (Park Ave)	A+ Design Group	20/04/2022	
A303 Issue D	Elevation - North	A+ Design Group	20/04/2022	
A304 Issue D	Elevation - South	A+ Design Group	20/04/2022	
A302 Issue B	Elevation - East	A+ Design Group	3/11/2021	
A401 Issue G	Section - East West	A+ Design Group	20/04/2022	
A402 Issue E	Section - East West	A+ Design Group	20/04/2022	
A403 Issue D	Section - North South	A+ Design Group	03/11/2021	
A501 Issue C	Plan - Adaptable Unit - Type 1	A+ Design Group	03/11/2021	
A601 Issue A	Schedule - Materials and Finishes	A+ Design Group	03/11/2021	
LS-101 Issue D	Tree Management Plan	Green Plan	21/04/2022	

Plan No.	Plan Title	Drawn by	Dated	Council Reference
LS -201 Issue A	Landscape Finishes Concept	Green Plan	03/11/2021	
LS -301 Issue E	Landscape Concept Plan	Green Plan	21/04/2022	
LS-401 Issue C	Landscape Planting Plan	Green Plan	21/04/2022	
LS-402 Issue B	Planting Schedule	Green Plan	03/11/2021	
LS-403 Issue A	Landscape Details Typical Construction	Green Plan	03/11/2021	
SW200 Rev. A	Stormwater Concept Design Basement 2 Floor Plan	SGC	13/09/2021	
SW201 Rev. A	Stormwater Concept Design Ground Floor Plan	SGC	13/09/2021	
SW202 Rev. A	Stormwater Concept Design Roof Plan	SGC	13/09/2021	
SW300 Rev. A	Stormwater Concept Design Details Sheet	SGC	13/09/2021	
SW400 Rev. A	Erosion and Sediment Control Plan and Details	SGC	13/09/2021	

Supporting Documentation:

Document Title	Prepared by	Dated	Council Reference
BASIX Certificate No. 1250145M	Senica Consultancy Group	02/12/2021	D08299847
Crime Risk Assessment Report	NSW Police Force	22/10/2021	D08299851
Geotechnical Investigation	EI Australia	16/09/2021	D08299858
Traffic Management Plan	SGC	27/10/2021	D08299869
Water Cycle Management Statement	SGC	3/11/2021	D08299871
Statement of Compliance Access for People with a Disability	Accessible Building Solutions	2/11/2021	D08299873
Arborist Report	Dr. Treegood	Nov 2021	D08299875
Site Waste Management Report	Senica	27/04/2022	D08397496
Construction and Traffic Management Plan	Loka Consulting Engineers	9/03/2022	D08384330

2. Amendment of Plans

The approved plans are to be amended as follows:

- a) There must be a waste facility (a garbage chute, plus 1 x 240L recycling bin & 1 x 240L future FOGO bin in a cupboard or small room) on each residential level of each lift core of each building. Each waste facility must:

- i) Be accessible by persons with a disability after the garbage chute, recycling bin and FOGO bin are installed.
- ii) Comfortably house the required garbage chute and 240L recycling bin and 240L FOGO bin.
- iii) Have door(s) wide enough and positioned so that the 240L recycling bin and 240L FOGO bin can fit through with ease.
- iv) Allow sufficient additional space for forced ventilation achieving negative air pressure within the cupboard/room.

Note: 240L bins are 600mm wide, 750mm deep, 1100mm high. To allow for ease around the bin an additional 75mm is recommended. These dimensions do not include wall thickness, door thickness, ventilation ducting etc, which must be added. The chute system supplier must be consulted for chute space requirements. AS1428.1 requires at least 800mm clear doorway opening for wheelchair access.

- b) The interim waste holding area at ground level must demonstrate the capability of holding 15 x 240L recycle bins plus 3 x 660L general waste bins simultaneously with sufficient aisle space to access and manoeuvre bins.
- c) The interim waste holding area must include sealed and impervious surfaces, robust door(s), adequate lighting and ventilation, and must be lockable.

Note: 660L bins are 1370mm wide, 850mm deep, 1250mm high. 240L bins are 600mm wide, 750mm deep, 1100mm high.

- c) Demonstrate the location of the lockable storage area where motorised bin carting equipment will be stored.
- d) Further details are to be provided regarding the waste management of the development. These details are to form an addendum to WMP and must be submitted in accordance with the provisions of Council's Development Control Plan and prior to the issue of the Construction Certificate. These details are to include:
 - i) Update bin allocations and service frequency (Note: 3 x 660L garbage bins collected twice weekly, 15 x 240L recycling bins collected weekly, 5 x 240L FOGO bins collected weekly).
 - ii) Update 'Garbage Transport' section to include the required waste facilities on each level and how this will be managed by future caretakers.
 - iii) The site is to employ the use of motorised bin carting equipment for moving bins from the basement to the temporary bin holding area at the ground floor. Include details of the lockable storage location where this equipment will be stored.
- e) These amended plans must be submitted with the application for the Construction Certificate.

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

4. Removal of Trees

- a) This development consent permits the removal of trees numbered 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12 as identified on page 9 contained in the Arboricultural Impact Assessment prepared by Dr Treegood dated 24/11/2021.
- b) No consent is granted for the removal of trees numbered 8 and 13 as these trees contribute to the established landscape amenity of the area/streetscape.

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 (HDCP).

5. Section 7.11 Development Contributions

In accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act 1979* and the *Hornsby Shire Council Section 7.11 Development Contributions Plan 2020-2030*, the following monetary contributions must be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

Description	Contribution (4)
Roads	\$27,515.90
Open Space and Recreation	\$295,720.60
Community Facilities	\$182,137.10
Plan Preparation and Administration	\$2,526.85
TOTAL	\$507,900.45

being for 6x single bedroom units, 11x two bedroom units, 12x three bedrooms units and a credit for the 2 existing dwellings.

- a) The value of this contribution is current as at 3 May 2021. If the contribution is not paid within the financial quarter that this condition was generated, the contribution payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 7.11 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

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

Where:

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

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

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

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

- b) The monetary contribution must be paid to Council:
- i) Prior to the issue of the Subdivision Certificate where the development is for subdivision.
 - ii) Prior to the issue of the first Construction Certificate where the development is for building work.
 - iii) Prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work.
 - 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: In accordance with Ministerial Directions, the payment of contribution fees for development with a cost of works of over \$10 million can be deferred to prior to Occupation Certificate.

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

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

6. Building Code of Australia

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*.

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.

- 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.
 - 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. 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.

10. 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 directly to Council's street drainage system.

11. On Site Stormwater Detention - Water Saving Urban Design

An on-site stormwater detention and water quality 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 21.9 cubic metres, and a maximum discharge (when full) of 17.0 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.
- d) A water quality system is to be incorporated in the stormwater design.
- e) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

12. Waste Management Details

The following waste management requirements must be complied with:

- a) General
 - i) 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.
- ii) The approved on-going waste management system must not be amended without the written consent of Council.
 - iii) Details of all changes to the waste management plans (including but not limited to, the chute system, bin storage/ chute service rooms, bin carting paths, bulky waste storage) must be submitted to Council's waste team (which can be contacted via devmail@hornsby.nsw.gov.au) for approval prior to the issue of a Construction Certificate.
- b) No steps/ bin and waste carting routes
- i) There must be no steps along any bin carting route. Ramps and service lifts are acceptable.

Note: bin carting routes include, but are not limited to, from the bin storage rooms to the ground level temporary bin holding bay, from the ground level bin storage/holding bay to the kerbside.
 - ii) For all bin carting routes, the path must be smooth hard surface. (Concrete pavement for example is acceptable, but pebbles, stepping stones, grass etc is not acceptable).
 - iii) A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that the bin carting route from the ground level bin temporary bin holding bay to the parked waste collection vehicle has been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines and including the following requirements:
 - a. Must be smooth hard surface.
 - b. Must be sufficiently wide to hold all serviceable bins and provide aisle space for manoeuvring bins out and in (including through any gates or doors).
 - c. Must be devoid of steps.
 - d. Must have a gradient no steeper than 1:14 for 240L bins and 1:20 for 660L or 1100L bins.
 - iv) A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that the waste carting route from each dwelling to the bulky waste storage area has been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines and including the following requirements:
 - a. The route is direct, does not cross into a private lot, and is wholly within property boundaries (does not include the public footpath or road).
 - b. The route is as short as possible and does not exceed 30m walking distance.

- c. The route is an accessible path of travel for persons with a disability in accordance with AS1428 Design and Access for Mobility.
- c) Bin storage
 - i) 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:
 - a. The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting.
 - b. 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.
 - c. The ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned.
 - d. The room is to be provided with artificial light controllable within the room and adequate forced ventilation.
 - e. The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
 - f. The doors are to be robust and lockable, with door openings suitable for manoeuvring the required bins through. The doors must be able to be opened from inside the room without a key.
 - g. Comfortably house the required number of bins (15 x 240 L recycling bins, 5 x 240L FOGO bins, 3 x 660L garbage bins) with every bin being accessible (no stacking of bins 2 or more deep).
 - h. The chute service room must have sufficient space to comfortably house the required volume handling equipment and to load/unload bins from this equipment, and sufficient space to store the spare garbage bins for that building and to access and manoeuvre the bins. The doors to the chute service rooms must be wide enough and positioned to fit the 660L bins through.
- d) Bin holding area
 - i) A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that the bin holding bay at ground level has been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines and specifically the following requirements:
 - a. The bin bay must be no further than 5 metres walking distance from the front boundary.
 - b. There must be no step(s) between the bin bay and the driveway.

- c. The bin carting route from the bin holding bay to the street must not exceed a gradient of 1:14 and must be no less than 2.0m wide and must not include any steps.
- d. The bin holding bays must be integrated into the overall design of the development and landscaping to minimise impact on the streetscape, and include screening to a height of no less than 1.5 m.
- e. The internal dimensions of the ground level bin holding bay must be suitable to accommodate all serviceable bins on site, being 15 x 240L recycle bins, 5 x 240L FOGO bins and 3 x 660L general waste bins. Internal dimensions do not include wall thickness, support columns, ventilation shafts etc for which additional space must be allowed with consideration of the bin layout.

Note: a 240 L recycling bin is 600 mm wide by 750 mm deep; allow for 75 mm ease around the bin to avoid damage to walls etc from scraping.

- e) Waste facility on every floor
 - i) There must be a waste facility (a garbage chute, plus 1 x 240L recycling bin & 1 x 240L future FOGO bin in a cupboard or small room) on each residential level of each lift core of each building. Each waste facility must:
 - a. Be accessible by persons with a disability after the garbage chute, recycling bin and FOGO bin are installed.
 - b. Comfortably house the required garbage chute and 240 L recycling bin and 240L FOGO bin.
 - c. Have door(s) wide enough and positioned so that the 240 L recycling bin and 240L FOGO bin can fit through with ease.

Note: 240L bins are 600mm wide, 750mm deep, 1100mm high. To allow for ease around the bin an additional 75mm is recommended. These dimensions do not include wall thickness, door thickness, ventilation ducting etc, which must be added. The chute system supplier must be consulted for chute space requirements. AS1428.1 requires at least 800mm clear doorway opening for wheelchair access.

- f) Chute system
 - i) A design certificate and detailed plans are to accompany any Construction Certificate application, which confirms that the waste chute system for each building can be constructed to satisfy the manufacturer's standard installation guidelines, the Waste Minimisation and Management Guidelines and specifically the following requirements:
 - a. Chutes, service openings and charging devices are constructed of metal or a smooth faced surface which is fire resistant and of impervious material.
 - b. Chute is cylindrical in section, vertical and without bends as it passes through the floors.

- c. Chutes must terminate in the waste storage room and discharge into a waste bin.
- d. The chute system must comply with the manufacturers technical specifications and operational limitations.
- e. The gradient of each chute must be no less than the minimum gradient recommended by the chute manufacturer.
- f. Each chute system must include volume handling equipment to automatically change the bin under the chute when it becomes full and thereby provide a minimum 3 days bin capacity under the chute.
- g. The required volume handling equipment for each chute system must not include compaction.
- h. The chute service rooms must have sufficient space to comfortably house the required volume handling equipment and to load/unload bins from this equipment, and sufficient space to store the spare garbage and recycling bins for that building and to access and manoeuvre the bins.

Note: The required volume handling equipment is: 3 x 660L general waste bins, linear or carousel under the garbage chute.

Note: The minimum required spare bins is: 1 x 660L general waste:

Note: 660L bins are 1370mm wide, 850mm deep, 1250mm high. Recommended allowance of 75mm between bins for ease of manoeuvring and to avoid damage to walls and doors from bins scraping against them.

13. 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) The driveway grade must not exceed 5 percent for the first 6m inside the property boundary and any changes in grade must not exceed 8 percent.

14. 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) The existing footpath being removed.
- b) Pouring of the concrete footpath to the full frontage of the subject site.
- c) The land adjoining the footpath to be fully turfed.

- d) Segmental block paving to be constructed along the full width of the footway over the full frontage to the site, including the planting of street trees in suitable grates or bays in the footway area.
- e) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

15. 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) Kerb, gutter and road pavement to be constructed across the frontage of site. The existing kerb and gutter is to be removed and reconstructed.
- b) A concrete footpath to be constructed within the road verge with the remaining area turfed.
- c) The existing road pavement to be saw cut a minimum of 500 mm from the existing edge of the bitumen and reconstructed.
- d) Engineering plans are to be submitted to Hornsby Shire Council for approval prior to the commencement of any works with Park Avenue.

16. 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 via Council's Online Services Portal for review and written 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.
- 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 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 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 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.
- xvi) 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 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 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.

- c) 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.
 - iii) Location of dedicated material storage space on site outside of TPZ's and SRZ's for retained trees.
- d) 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.
- e) Identification of approved sediment and erosion control measures.
- f) The CMP must detail the contact information for developers, builder, private certifier and any emergency details during and outside work hours.

Note: The CMP must be lodged via Council's Online Services Portal at: <https://hornsbyprd-pwy-epw.cloud.infor.com/ePathway/Production/Web/Default.aspx> and by selecting the following menu options: Applications > New Applications > Under 'Application Types': Management Plans.

17. 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.

18. Utility Services

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

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

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

20. Dilapidation Report

- a) Prior to the commencement of any works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a 'Dilapidation Report' detailing the structural condition of the adjoining properties:
 - i) 36 Park Avenue (Lot 6 DP 874021)
 - ii) 34A Park Avenue (Lot 7 DP 874021)
 - iii) 40-42 Park Avenue (SP 89606)
- b) The report must include a photographic survey of the adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a chartered structural/geotechnical engineer. A copy of the dilapidation report must be submitted to Council.
- c) In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principle Certifying Authority.

Note: This documentation is for record keeping purposes only and can be made available to an applicant or affected property owner should it be requested to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible

21. Accessible Units

- a) A minimum of 10% of all units must be designed to be adaptable units.
- b) A minimum of 20% of all units must be Universal Design housing in accordance with the Livable Housing Guidelines (2012) silver level design features.
- c) The details of all accessible units and details of adaptable units must be provided with the Construction Certificate Plans.

22. Services

To provide a development that enhances the visual quality of the public domain, the following must be indicated on the Construction Certificate drawings:

- a) Heating, Ventilation and Air Conditioning (HVAC) must be grouped within designated areas in the basement and roof. No air conditioning units are permitted on private balconies.
- b) Wall-mounted equipment and associated pipework must be concealed into wall cabinets and duct.
- c) Letter boxes must be located perpendicular to the road.
- d) Powerlines must be undergrounded on the road reserve at the front of the site. The above details must be detailed and provided with the Construction Certificate Plans.

23. Fencing Details

The following fencing details must be provided on the construction certificate drawings:

- a) Within street setbacks, front fences are not permitted unless shown on the approved landscape plans. Planting at grade, or low walls screened by planting and/ or planter boxes are permitted at the interface between the private and public domain land.
- b) Enclosure of private courtyards within the front setbacks must achieve at least 50 percent transparency and be a maximum height of 1.5m above the adjacent communal space.
- c) Side and rear boundary fences should be a maximum of 1.8 metres high, sited behind the front building line. The above details must be detailed and provided with the Construction Certificate Plans.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
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24. 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.
 - 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.

25. 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.
- 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.

26. 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.
 - ii) Be a temporary chemical closet approved under the *Local Government Act 1993*.
 - iii) Have an on-site effluent disposal system approved under the *Local Government Act 1993*.

27. 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.

28. Installation of Tree Protection Measures

- a) Trees to be retained and numbered 8 and 13 as identified on the Tree Location Plan prepared by Dr Treegood dated 24/11/2021 must have tree protection measures for the ground, trunk and canopy installed by the project arborist as follows:
 - i) For the duration of demolition works, in accordance with the Tree Protection Plan for prepared by Dr Treegood dated 24/11/2021.
 - ii) For the duration of construction works, in accordance with Tree Protection Plan prepared by Dr Treegood dated 24/11/2021.
- b) Tree protection fencing for the trees to be retained numbered 8 and 13 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.
- f) All tree protection zones must have a layer of wood-chip mulch at a depth of between 150mm and 300mm.

29. Waste Management Details

Prior to the commencement of any works, the on-going waste collection service must be cancelled and the bins retrieved by the waste collection service provider.

Note: For residential properties, Council is the waste collection service provider.

30. 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

31. Construction Work Hours

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

32. 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.
- 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*.

- 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.

33. 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*.

34. Street Sweeping

- a) During works and until exposed ground surfaces across the site have been stabilised, street sweeping must be undertaken along Park Avenue following sediment tracking from the site.
- b) The street cleaning service must utilise a 'scrub and dry' method and be undertaken for the full extent of any sediment tracking.

35. 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.

36. 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 numbered 8 and 13 on the approved plans.

37. Maintaining Tree Protection Measures

Tree Protection Measures must be maintained by the project arborist in accordance with this consent for the duration of works.

38. Approved Works within Tree Protection Zone incursions

- 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) Approved excavations within the Tree Protection Zone of trees to be retained numbered 13 not associated with installation of services must be undertaken as follows:
 - i) Excavations associated with the basement and building footprint and within the Tree Protection Zone of trees numbered 13 must be overseen by the AQF 5 project arborist for the first 1m undertaken manually to locate roots and allow for pruning in accordance with condition No. 7a (i) and (ii).
- c) No changes of grade within the Tree Protection Zone of trees to be retained are permitted.
- d) To minimise impacts within the Tree Protection Zone (TPZ) of trees, 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.
- e) Where scaffolding is required, ground protection must be installed beneath the scaffolding in the following order:
 - i) Installation of scaffold boarding above the woodchip and geotextile fabric.

39. Compliance with Construction Management Plan

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

40. Council Property

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

41. 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.

42. Landfill

- a) Prior to fill material being imported to the site, a Waste Classification Certificate shall be obtained from a suitably qualified environmental consultant confirming the fill wholly consists of Virgin Excavated Natural Material (VENM) as defined in Schedule

1 of the *Protection of the Environment Operations Act 1997* or a material approved under the NSW Environment Protection Authority's Resource Recovery Orders and Exemptions.

- b) The required Waste Classification Certificate must be obtained by the Principal Contractor prior to fill being imported to the site and made available to Council at its request.

43. 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.

44. 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.

45. Waste Management Details

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) All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it
- e) 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

- f) 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
- g) 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.
- h) A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority:
 - i) Prior to the pouring of the concrete on the ground level, certifying that: the ground level bin storage/holding bay is at the same level as the driveway (no steps).

46. Maintenance of public footpaths

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

47. Unexpected Finds

Should the presence of asbestos or soil contamination, not recognised during the application process be identified during any stage of works, the applicant must immediately notify the PCA and Council.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

48. Fulfilment of BASIX Commitments

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

49. 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.

50. 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.

51. Asbestos Clearance Certificate

Should any asbestos be encountered during demolition or construction works, a licenced asbestos assessor is required to provide a Clearance Certificate to the Certifier prior to the issue of an Occupation Certificate, certifying that the asbestos has been removed and appropriately disposed of, and the site is now suitable for its approved use.

52. Unit Numbering

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

53. 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.

54. 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 have been satisfactorily completed in accordance with the approved landscape plans.

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.

55. Planter Boxes / On slab Planting

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

56. Planting Street Trees

A minimum of 2x *Leptospermum confertus* Brush Box trees are required to be planted to the front verge which comprise a 200 litre pot size, in mulched beds with staking and ties for a 24 month period of establishment.

57. 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.

58. Waste Management Details

The following waste management requirements must be complied with:

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

Note: Waste and recycling management facilities includes everything required for on-going waste management on the site. For example the bin storage areas, bulky waste storage area, bin collection area, waste collection vehicle access, doors wide enough to fit the bin through, accessibility, bin carting routes etc.

- b) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, all external works including but not limited to the vehicular crossover and footpath, must be completed. For staged occupation (where the Occupation Certificate will be limited to a portion of the development):

- i) Prior to the issue of the occupation certificate or the use commencing, whichever is earlier, for each stage of the development the waste management system (including but not limited to the bin storage room, bin holding bay, the road/accessway and vehicular crossover, loading bay and truck turning area) for that stage, must be completed.

- ii) Once a stage has been occupied or the use has commenced, whichever is earlier, the road, vehicular crossover, accessway, loading bay and turning areas used by the waste collection vehicle to service that stage, must be maintained in a condition acceptable to Council during all subsequent construction stages.

- c) A report must be prepared by an appropriately qualified person, certifying the following:

- i) A comparison of the estimated quantities of each demolition and construction waste type against the actual quantities of each waste type.

Note: Explanations of any deviations to the approved Waste Management Plan is required to be included in this report

- ii) That at least 60% of the waste generated during the demolition and construction phase of the development was reused or recycled.

Note: If the 60% diversion from landfill cannot be achieved in the Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed to implement the approved Waste Management Plan. The Report must be based on documentary evidence such as tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures etc. which are to be attached to the report.

- iii) All demolition and construction waste was taken to site(s) that were lawfully permitted to accept that waste.
- d) The bin carting routes must be devoid of any steps and must be wholly within the site.
Note: Ramps between different levels are acceptable. The use of the public footpath is not acceptable.
- e) Every kitchen must be provided with an indoor waste/recycling cupboard for the interim storage of waste with two separate 15-20 litre containers installed, one each for general waste and recyclable materials.
- f) There must be a dedicated communal bulky waste storage area of at least 8 square metres.
- g) All lockable doors and gates, both pedestrian and vehicular, that are required to be opened by Council's waste collection contractor in the provision of waste collection services, must be able to be opened using a pin code. That is, locks requiring keys, remote controls, key fobs etc are not acceptable.
- h) The bin storage and chute service rooms at the basement level 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.
- i) The bin storage room(s) at the basement level must comfortably house all of the bins required to be stored there.
- j) The temporary bin holding bay at the ground level must include sealed and impervious surfaces, robust door(s), adequate lighting and ventilation, and must be lockable. The walls must be finished with smooth faced non-absorbent material capable of being cleaned. The temporary bin holding bay must include water or a hose for cleaning, and graded floors draining to garden or lawn (not stormwater or sewer) if unroofed or draining to sewer (not stormwater) if roofed.
- k) The waste facility rooms/cupboards (housing the garbage chute and the recycling bin and FOGO bin) at each residential level of each lift core of each building must include sealed and impervious surfaces, adequate lighting and forced ventilation.
- l) There must be a waste facility (a garbage chute and a 240L recycling bin and a 240L FOGO bin in a cupboard or small room) on each residential level of each lift core of each building. Each waste facility must:
 - i) Be accessible by persons with a disability after the garbage chute and recycling bin are installed.
 - ii) Comfortably house the required garbage chute and 240 L recycling bin and 240L FOGO bin.
 - iii) Have door(s) wide enough and positioned so that the 240 L recycling bin and the 240L FOGO bin can fit through with ease.
 - iv) Include sealed and impervious surface, adequate lighting and ventilation.
- m) A motorised bin cart, trolley or similar equipment must be provided to enable the site caretaker to safely cart the bins around the site. This equipment must be suitable for the ramp grades along the bin carting route and the approved bin sizes.

- n) Lockable storage space must be provided for all equipment required for the operation of the waste management system, the motorised bin carting equipment.
- o) Each garbage chute must be fitted with automatic waste volume handling equipment that automatically changes the bin under the chute when it becomes full, thereby providing no less than 3 days bin capacity under the chute. Access to the automatic waste volume handling equipment by unauthorised persons (including residents and waste collectors) must be prevented. The automatic waste volume handling equipment on the chute system must not include compaction.

59. External Lighting

- a) To protect the amenity of adjacent premises, all external lighting must be designed and installed in accordance with Australian Standard AS4282 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 Certificate.

60. Water Saving Urban Design

A Water Saving Urban Design (WSUD) is to be constructed generally in accordance with the engineering report and plans prepared SGC Civil Engineers. The Water Quality Targets as detailed within the report and Hornsby Development Control Plan 2013 are to be achieved in the design and supported by a MUSIC model.

61. Creation of Easements

The following easements are to be created on the title of the property in accordance with under s88B of the *Conveyancing Act 1919*:

- a) The creation of an appropriate *"Positive Covenant"* and *"Restriction as to User"* over the constructed on-site detention/water quality 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 and water quality system, 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, discharge rates and water quality targets have been constructed and met 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.

62. Retaining Walls

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

63. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road pavement, kerb & gutter, public drainage systems, driveways and on-site detention system. The plan(s) must be accompanied by a certificate from a registered surveyor certifying that all pipelines and associated structures lie wholly within any relevant easements.

64. Construction of Engineering Works.

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

65. Consolidation of Allotments

All allotments the subject of this consent must be consolidated into one allotment.

Note: The applicant is recommended to submit the plan of subdivision to consolidate allotments to the NSW Department of Lands at least 4-6 weeks prior to seeking an occupation certificate.

66. 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.

67. Provision for National Broadband Network (NBN)

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

68. Safety and Security

This site must include the following elements:

- a) An intercom system must be installed at gate locations to ensure screening of persons entering the units.
- b) The entry doors to the pedestrian foyer is to be constructed of safety rated glass to enable residents a clear line of site before entering or exiting the residential apartments.
- c) Wayfinding signage is to be provided within the ground floor lobby indicating the direction of the front entrance, rear communal open space and lift.
- d) Lighting is to be provided to pathways, building foyer entries, driveways and common external spaces.
- e) Security gate access is to be provided to the car parking areas allowing residents only access to private car spaces.

- f) CCTV cameras must be installed at the entry and exit points to the building (including the front entrance and basement entry and the around the mailbox.
- g) The communal open spaces within the site must be illuminated with high luminance by motion sensor lighting.
- h) The driveway and basement car parking must be illuminated with low luminance at all times.
- i) Storage cages provided within basements must have floor to ceiling non transparent mesh material (or other suitable non transparent material) attached to the inside of the cages to prevent views into storage cage areas.
- j) Security deadlocks are to be provided to each apartment door.
- k) Peep holes are to be provided to individual apartment doors to promote resident safety.

69. Replacement Tree Requirements

- a) The trees approved for removal under this consent, must be offset through replacement planting of a minimum of 10 trees.
- b) All replacement plantings must be species selected from the '*Trees Indigenous to Hornsby Shire (as of 1 September 2011)*' document available for viewing on the Hornsby Council's website <http://www.hornsby.nsw.gov.au/environment/flora-and-fauna/tree-management/indigenous-trees>.
- c) The location and size of tree replacement planting must comply with the following:
 - i) All replacement trees must be located in either front or rear setbacks and planted 4 metres or greater from the foundation walls of the approved development.
 - ii) The pot size of the replacement trees must be a minimum 45 litres.
 - iii) All replacement trees must be a minimum of 3 metres in height.
 - iv) All replacement trees must have the potential to reach a mature height greater than 10 metres.
 - v) A minimum of 2x *Leptospermum confertus* Brush Box trees are required to be planted to the front verge which comprise a 200 litre pot size, in mulched beds with staking and ties for a 24 month period of establishment.

70. Final Certification

- a) The AQF 5 Project arborist must submit to the Principal Certifying Authority a certificate that includes the following:
- b) All tree protection requirements complied with the as approved tree protection plan for the duration of demolition and/or construction works and.
- c) All completed works relating to tree protection and maintenance have been carried out in compliance with the conditions of consent and approved plans.
- d) Dates, times and reasons for all site attendance.
- e) All works undertaken to maintain the health of retained trees.

- f) Details of tree protection zone maintenance for the duration of works.
- g) A statement to confirm that tree replacement planting meets NATSPEC guidelines and the approved landscape plan.

Note: Copies of monitoring documentation may be requested throughout DA process.

OPERATIONAL CONDITIONS

71. Fire Safety Statement - Annual

On at least one occasion in every 12 month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' to each essential service installed in the building.

72. Landscape Establishment

- a) The landscape works including landscaping within private courtyards along the boundary areas must be maintained into the future to ensure the establishment and successful growth of plant material to meet the intent of the landscape design. This must include but not be limited to watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.
- b) Those areas of private open space that are located on the ground floor are to be managed by the owner's corporation, and provide for the exclusive use of the adjoining units.
- c) The landscaping of the vehicle access must not restrict sight distance to pedestrians and cyclists travelling along the Hannah Street footpath.

73. Noise - Plant and Machinery

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.

An acoustic assessment is to be undertaken by a suitably qualified environmental consultant 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)*. The assessment must be held on site for review by Council if necessary. 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.

74. Waste Management

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

- a) The approved Waste Management Plan is to be implemented throughout the ongoing use of the development.
- b) The development must operate in full compliance with Council's waste management collection requirements.

- c) There must be a sufficient number of bins on site to contain the volume of waste and recycling expected to be generated between collection services. There must be a sufficient number of rotational bins on site for there to be a garbage bin under each chute and a recycling bin in each bin cupboard on each residential level on collection days.
- d) A site caretaker must be employed and be responsible for:
 - i) moving bins where and when necessary, washing bins and maintaining waste storage areas and signage, ensuring the chute systems and related devices are regularly checked and maintained in effective and efficient working order. Maintaining and checking all waste management equipment (e.g. bin cart/tug), managing the bulky item storage area, arranging the prompt removal of dumped rubbish, arranging for shopping trolleys to be promptly returned to the local shopping centre(s), ensuring recycling bins are free of contamination (which includes but is not limited to garbage, plastic bags, clothing, etc.), addressing overflowing bins and pest infestations, liaising with Council on waste matters and ensuring all residents are informed and kept up to date on the use of the waste management system. The site caretaker must be employed for a sufficient number of hours each week to allow all waste management responsibilities to be carried out to a satisfactory standard.
 - ii) Bins must not be permanently stored in the ground level temporary bin holding area. All mobile garbage bins that are placed in the ground level temporary bin holding area for collection must be taken back to their bin storage room on the same day of service.

Note: bins are to be placed in the holding area the day before the collection day, then returned to the basement bin storage rooms promptly after servicing.

- e) No waste storage containers are to be located or placed outside of the approved waste storage area at any time except for collection purposes.
- f) 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. Signage is also to be provided in locally appropriate culturally and linguistically diverse (CALD) community languages.

Note: Council may be able to assist with signage.

- g) Where the development incorporates strata title subdivision, the by-laws are to clearly set out the management responsibilities for the developments waste management system.
- h) Where the waste management system includes a chute system, there needs to be a contingency plan to allow for the continual disposal and collection of waste if the chute cannot be operated.

- i) All equipment required in the operation of the approved waste management system must be regularly checked and maintained in effective and efficient working order in accordance with the manufacturers instructions by trained service technicians.

75. Car Parking

- a) Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- b) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted.
- d) All vehicular entry on to the site and egress from the site shall be made in a forward direction.
- e) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.
- f) A minimum of 4 visitor car spaces must be provided in the basement car park and visitors must be able to access the visitor parking spaces via keypad or intercom system. These spaces are not to be used by residents as storage or parking spaces. 1 visitor parking space is permitted to double as a car wash bay.

- 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 1992

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.

Unit Numbering (Strata Units)

All units are to be numbered consecutively commencing at No1. The strata plan lot number is to coincide with the unit number. E.g. Unit 1 = Lot 1.

ITEM 6

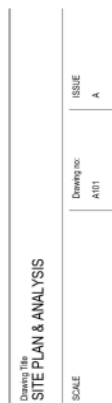


LOCALITY PLAN

DA/1234/2021

36A – 38 Park Avenue

ATTACHMENT 1 - ITEM 6



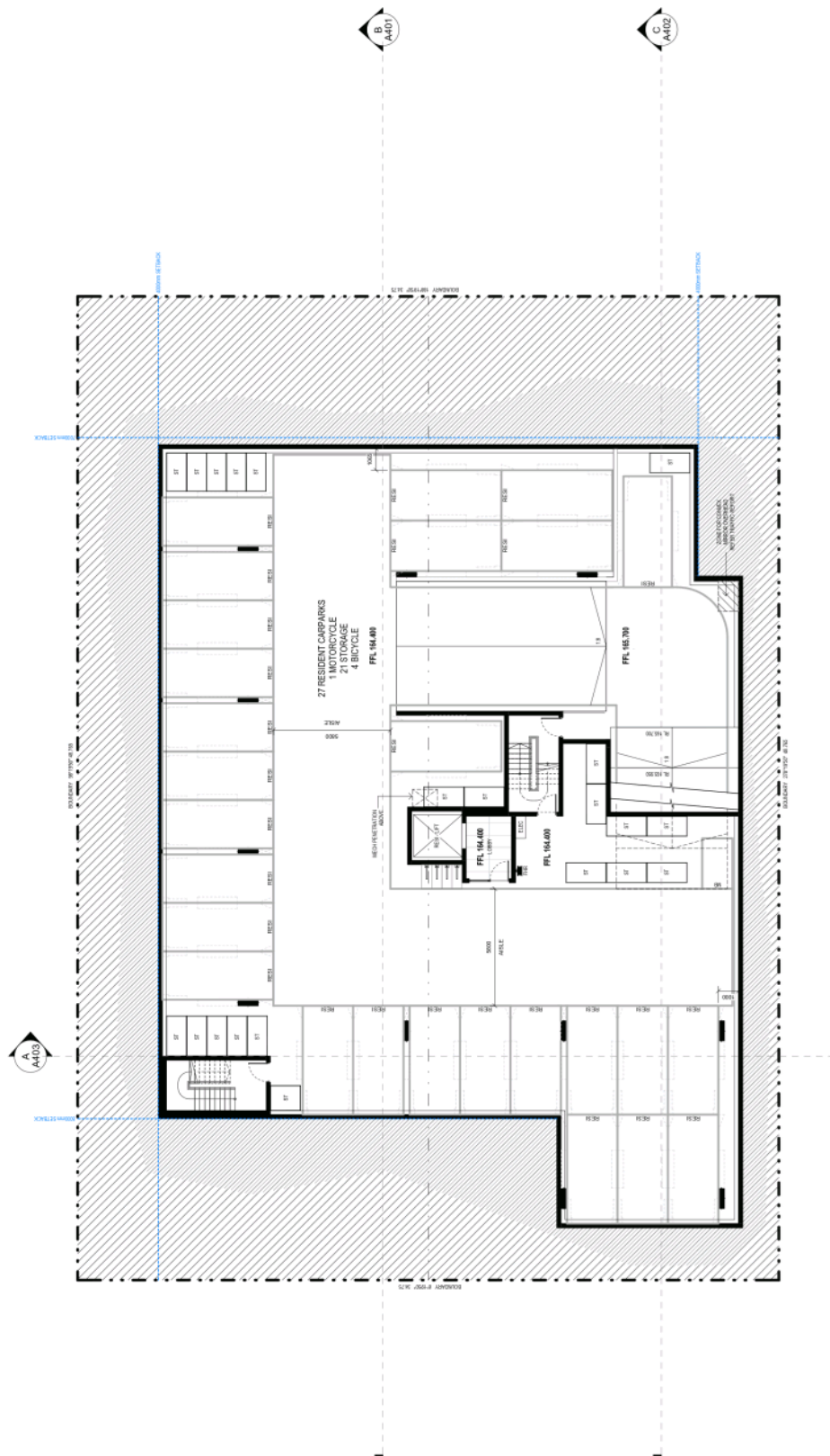
Project Name	36a - 38 Park Ave, Waitara
Client Name	Inca Property Group

Rev	Description	Date
A	ISSUE FOR DA	03/11/2021

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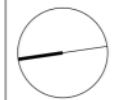
ATTACHMENT 2 - ITEM 6



Rev	Description	Date
A	PRELIMINARY ISSUE	11/08/2021
B	PRELIMINARY ISSUE	30/08/2021
C	ISSUE FOR COORDINATION	02/09/2021
D	ISSUE FOR COORDINATION	08/10/2021
E	ISSUE FOR UAT	03/11/2021

Project Name
36a - 38 Park Ave, Waitara

Client Name
Inca Property Group



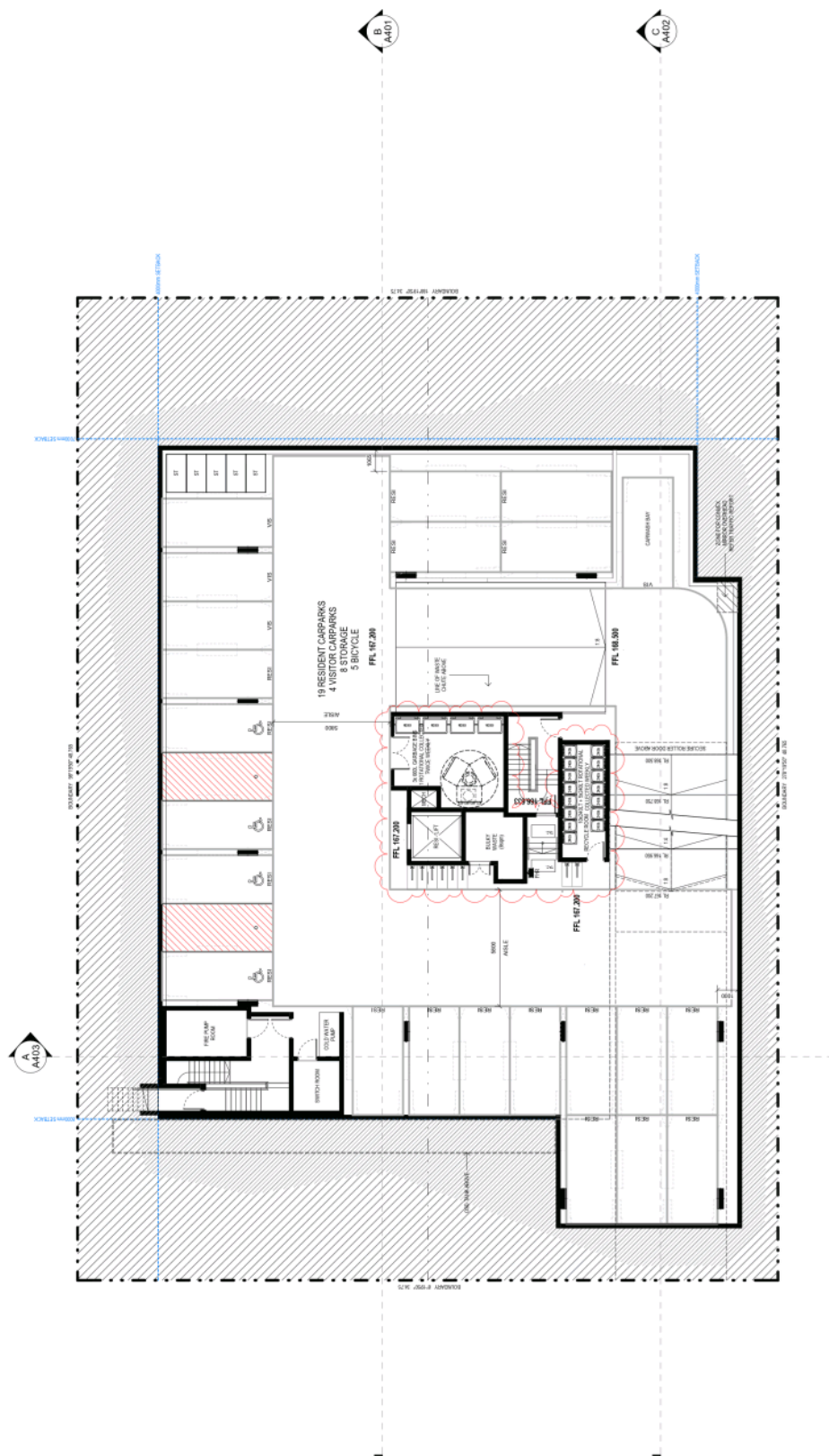
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Drawing no.
A201

ISSUE
E

ATTACHMENT 2 - ITEM 6



Drawing Title
PLAN - BASEMENT 1

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Drawing no.
A402

ISSUE
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Project Name
36a - 38 Park Ave, Waitara

Client Name
Inca Property Group

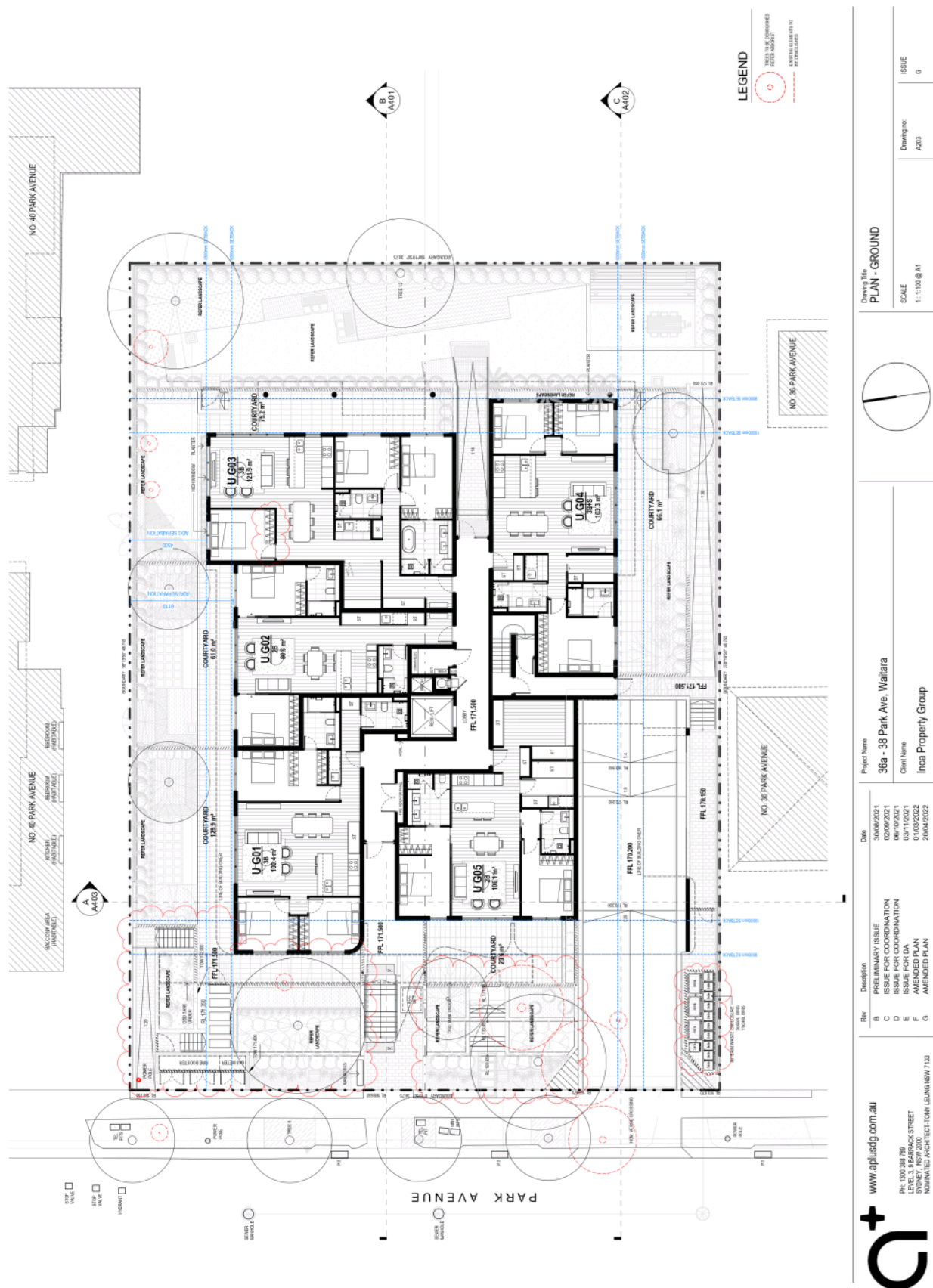
Date
30/08/2021
02/09/2021
09/10/2021
15/10/2021
01/03/2022
20/04/2022

Description
PRELIMINARY ISSUE
ISSUE FOR COORDINATION
ISSUE FOR COORDINATION
AMENDED PLAN
AMENDED PLAN

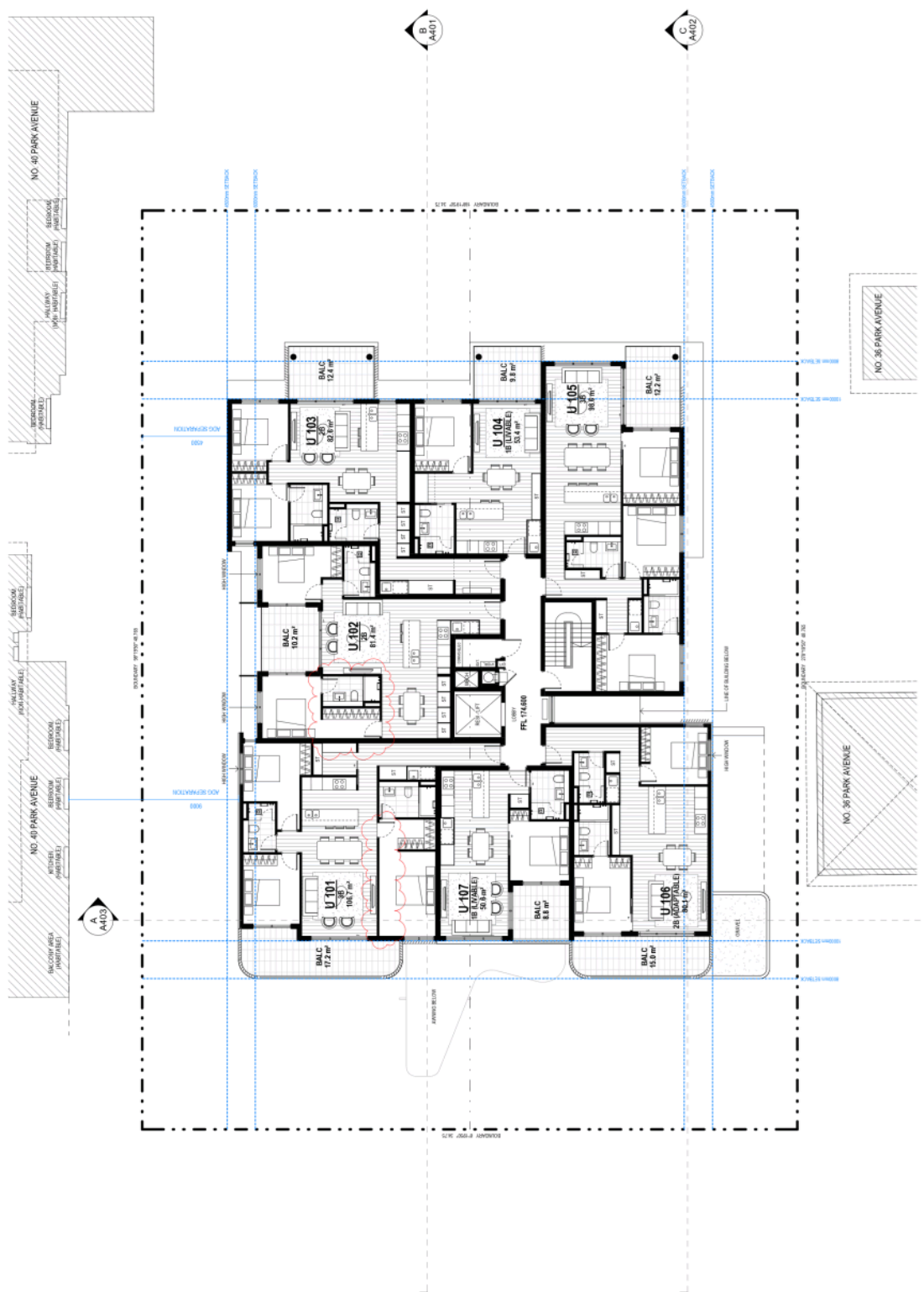
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PH: 1300 368 789
LEVEL 3, 9 BARBARA STREET
SYDNEY NSW 2000
REGISTERED ARCHITECT (NSW) 1133



ATTACHMENT 2 - ITEM 6



ATTACHMENT 2 - ITEM 6

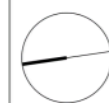


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LEVEL 3, 9 BARACK STREET
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REGISTERED ARCHITECT (NSW) 1133

Rev	Description
A	PRELIMINARY ISSUE
B	PRELIMINARY ISSUE
C	ISSUE FOR COORDINATION
D	ISSUE FOR COORDINATION
E	ISSUE FOR COORDINATION
F	AMENDED PLAN

Date	Project Name
11/08/2021	36a - 38 Park Ave, Waitara
30/08/2021	
02/09/2021	
05/10/2021	
09/11/2021	
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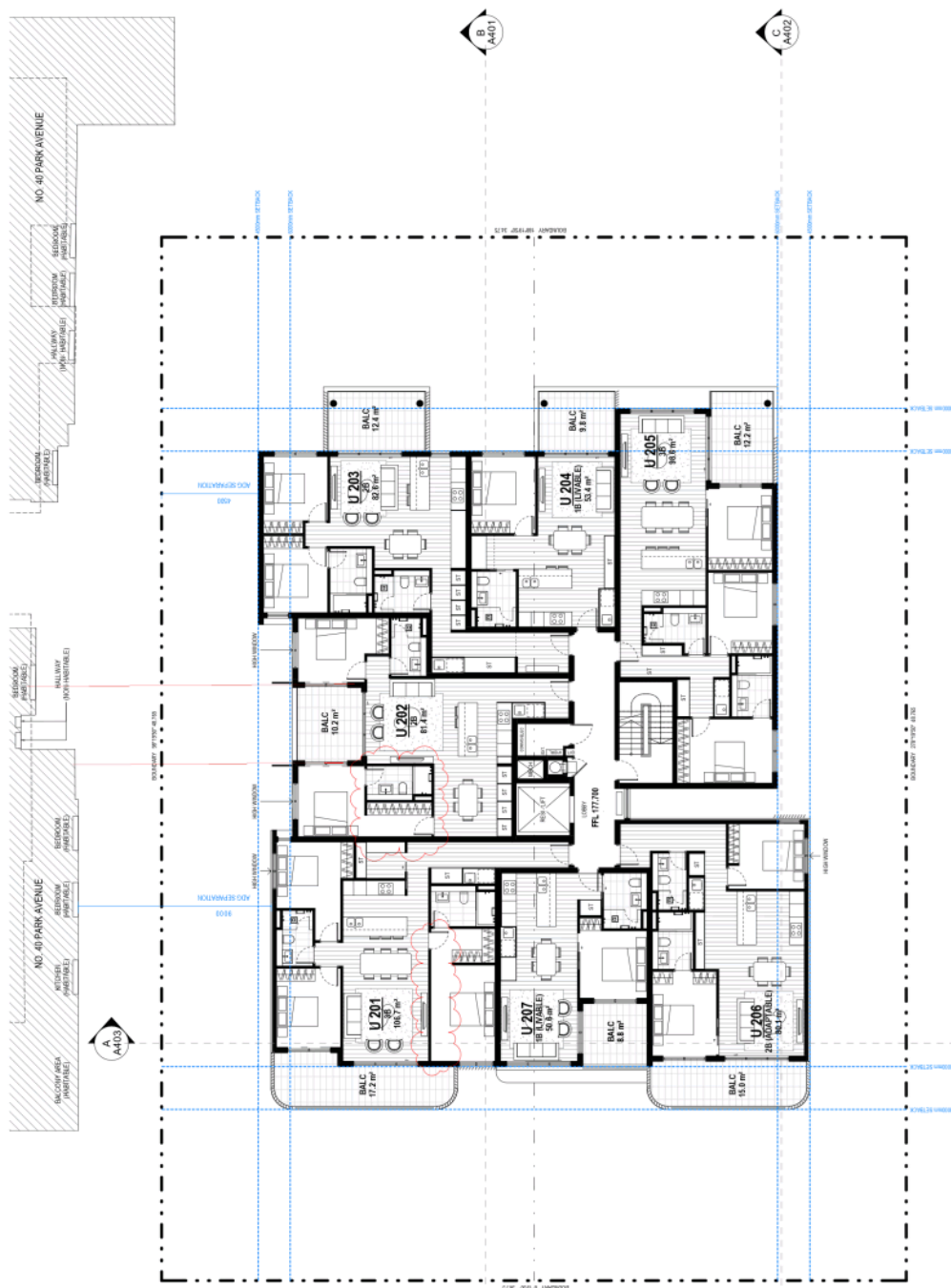
Client Name
Inca Property Group



Drawing Title
PLAN - LEVEL 1

SCALE	Drawing no.	ISSUE
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ATTACHMENT 2 - ITEM 6



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Rev Description

A PRELIMINARY ISSUE
B PRELIMINARY ISSUE
C ISSUE FOR COORDINATION
D ISSUE FOR COORDINATION
E ISSUE FOR COORDINATION
F AMENDED PLAN

Date

11/08/2021
30/08/2021
02/09/2021
09/10/2021
20/04/2022

Project Name

36a - 38 Park Ave, Waitara

Client Name

Inca Property Group

Drawing Title

PLAN - LEVEL 2

Scale

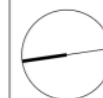
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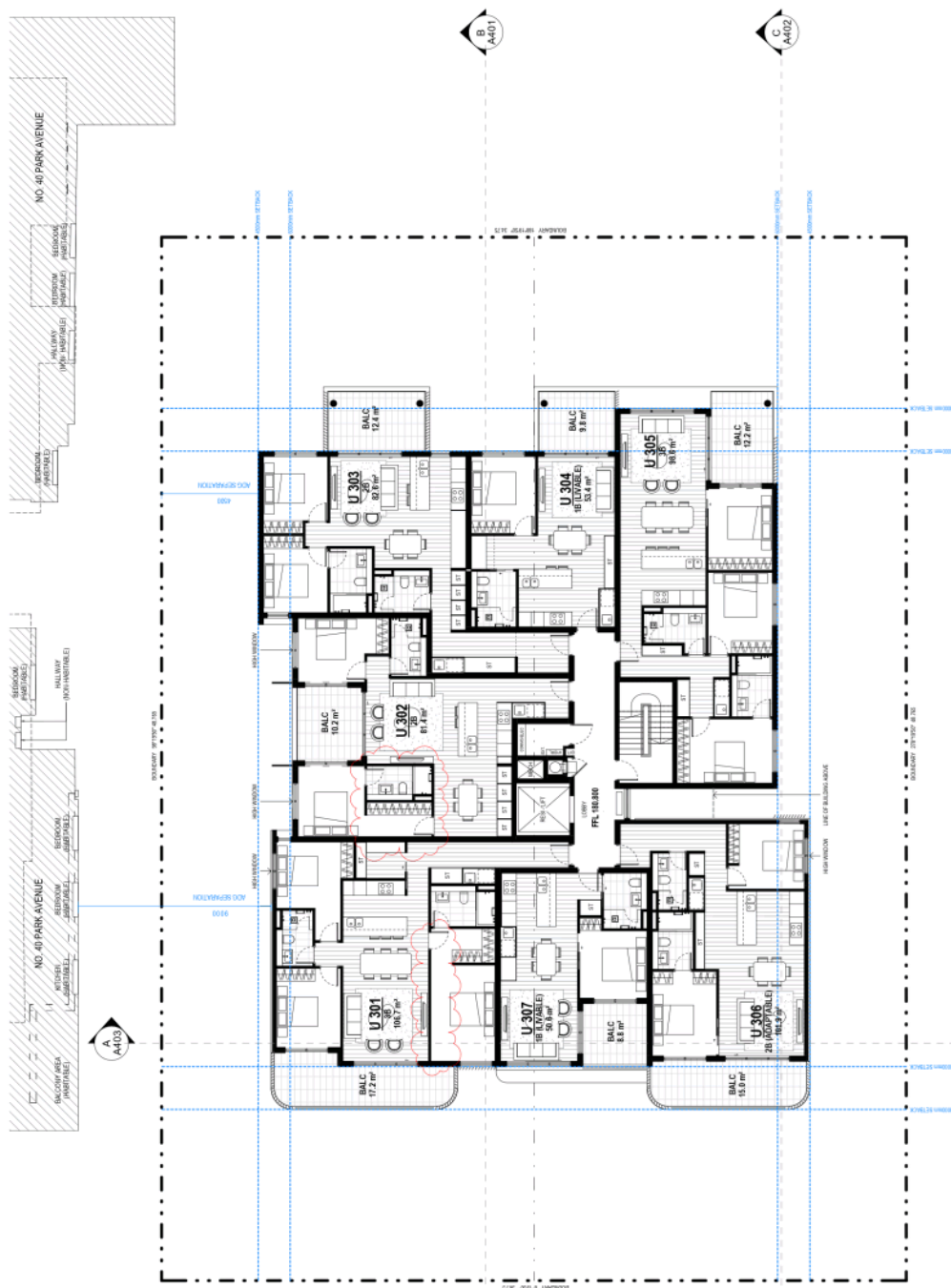
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Issue

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ATTACHMENT 2 - ITEM 6

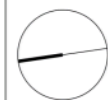


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Rev Description
 A PRELIMINARY ISSUE
 B PRELIMINARY ISSUE
 C ISSUE FOR COORDINATION
 D ISSUE FOR COORDINATION
 E ISSUE FOR COORDINATION
 F AMENDED PLAN

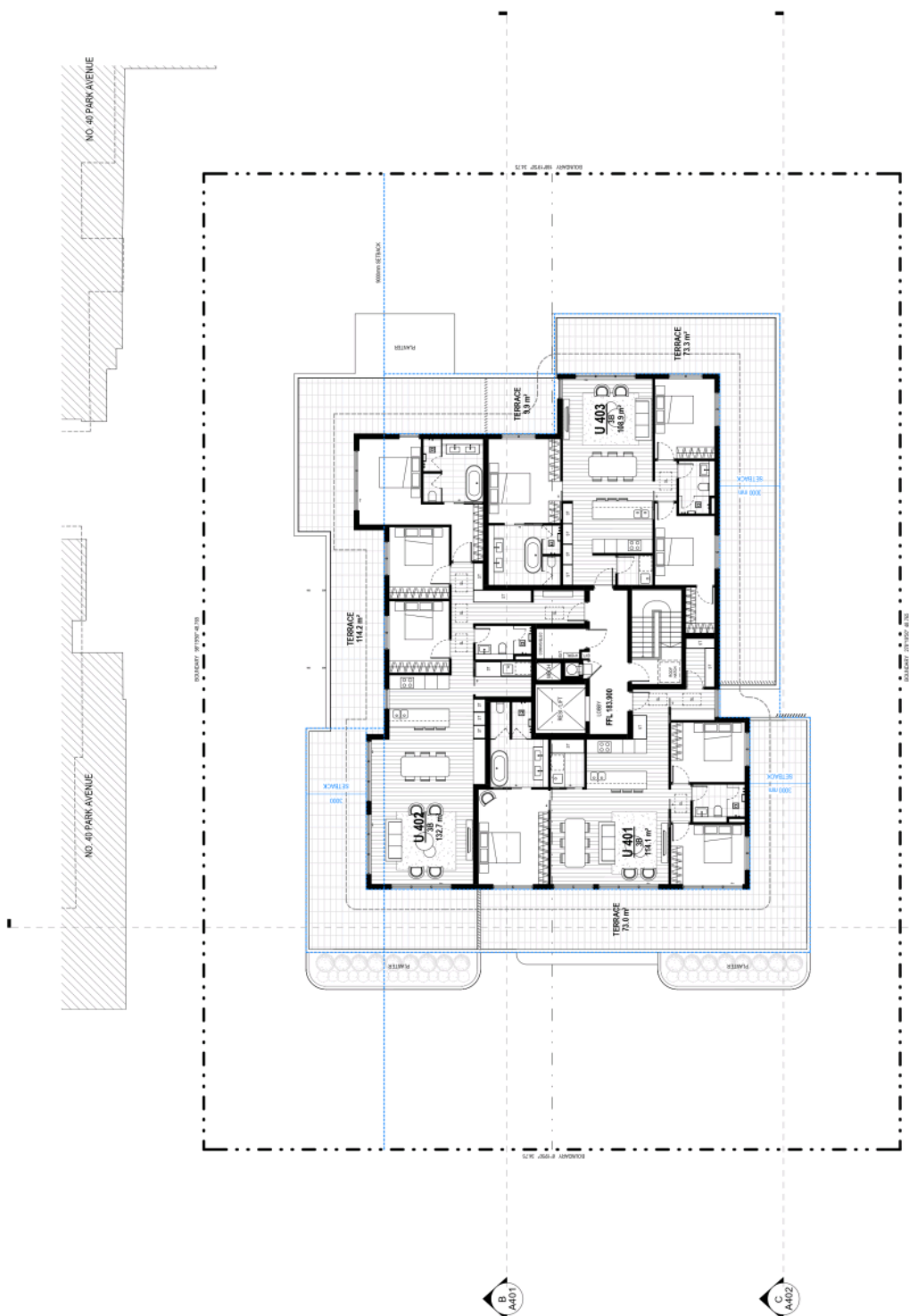
Date
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 30/08/2021
 02/09/2021
 05/10/2021
 09/11/2021
 20/04/2022

Project Name
 36a - 38 Park Ave, Waitara
 Client Name
 Inca Property Group



Drawing Title
 PLAN - LEVEL 3
 SCALE
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 Drawing no.
 A206
 ISSUE
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ATTACHMENT 2 - ITEM 6

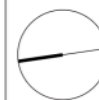


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LEVEL 3, 9 BARRACK STREET
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STANDARD PRACTICE TOWN PLANNING 7133

Rev	Description	Date
A	PRELIMINARY ISSUE	11/08/2021
B	PRELIMINARY ISSUE	30/08/2021
C	ISSUE FOR COORDINATION	02/09/2021
D	ISSUE FOR COORDINATION	08/10/2021
E	ISSUE FOR COORDINATION	03/11/2021

Project Name
36a - 38 Park Ave, Waitara
Client Name
Inca Property Group



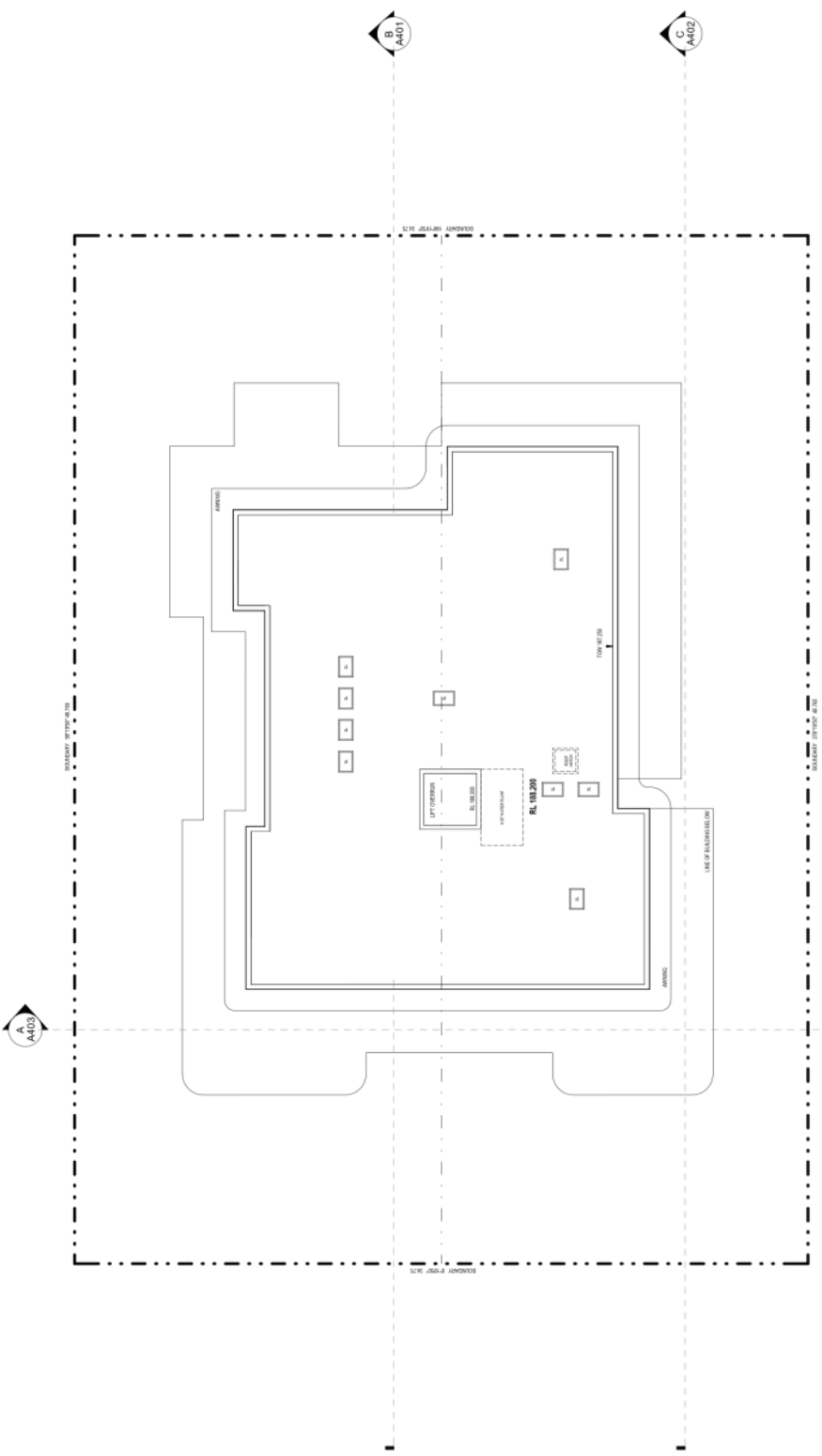
Drawing Title
PLAN - LEVEL 4

SCALE
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Drawing no.
A207

ISSUE
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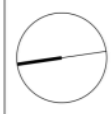
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PH: 1300 368 789
LEVEL 3, 8 BARACK STREET
SYDNEY NSW 2000
REGISTERED PROFESSIONAL ENGINEER 1133

Rev	Description	Date
A	PRELIMINARY ISSUE	11/08/2021
B	PRELIMINARY ISSUE	30/08/2021
C	ISSUE FOR COORDINATION	02/09/2021
D	ISSUE FOR COORDINATION	08/10/2021
E	ISSUE FOR UAT	05/11/2021

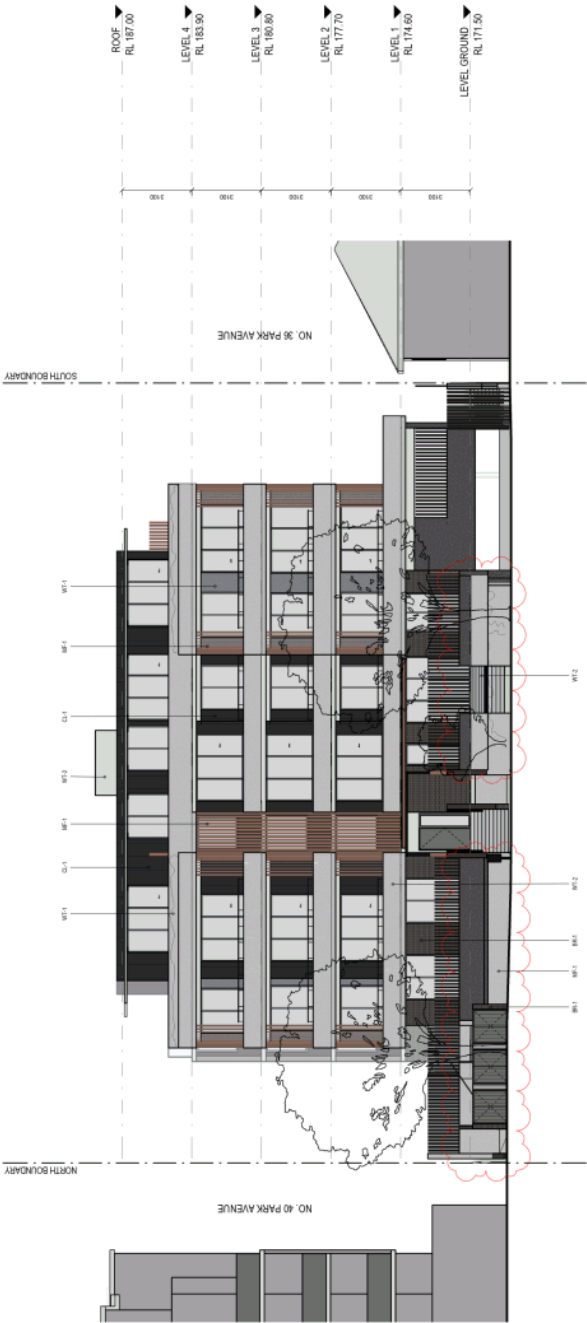
Project Name
36a - 38 Park Ave, Waitara
Client Name
Inca Property Group



Drawing Title
PLAN - ROOF
SCALE
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Drawing no.
A208
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ATTACHMENT 2 - ITEM 6





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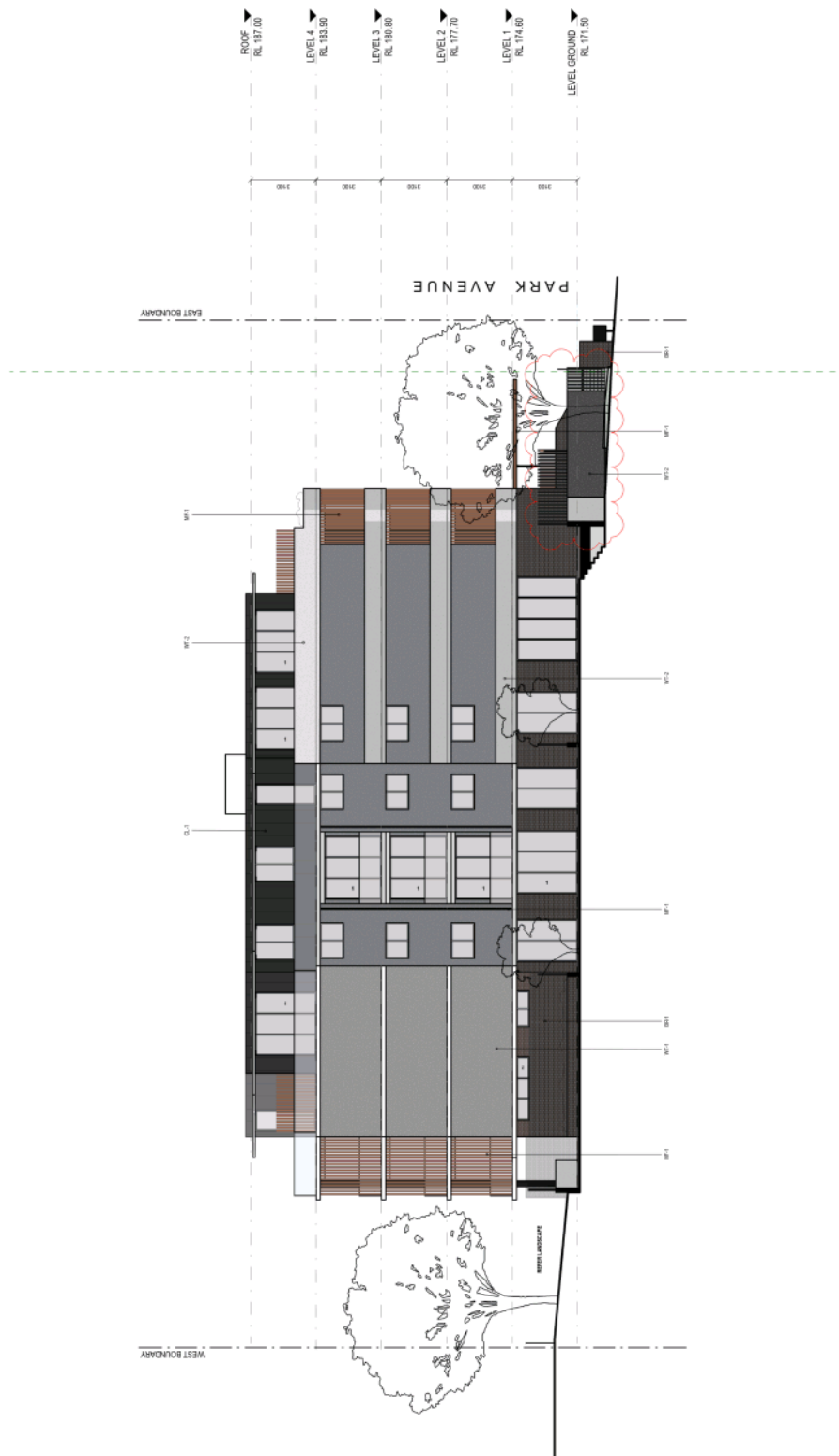
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LEVEL 3, 9 BARRACK STREET
SYDNEY NSW 2000
REGISTERED ARCHITECT (NSW) 15163

Rev	Description	Date
A	ISSUE FOR COORDINATION	06/10/2021
B	ISSUE FOR DA	03/11/2021
C	AMENDED PLAN	01/03/2022
D	AMENDED PLAN	25/04/2022

Project Name	36a - 38 Park Ave, Waitara
Client Name	Inca Property Group

Drawing Title	ELEVATION - WEST (PARK AVE)
SCALE	1:100 @ A1
Drawing no.	AD1
ISSUE	D

ATTACHMENT 2 - ITEM 6



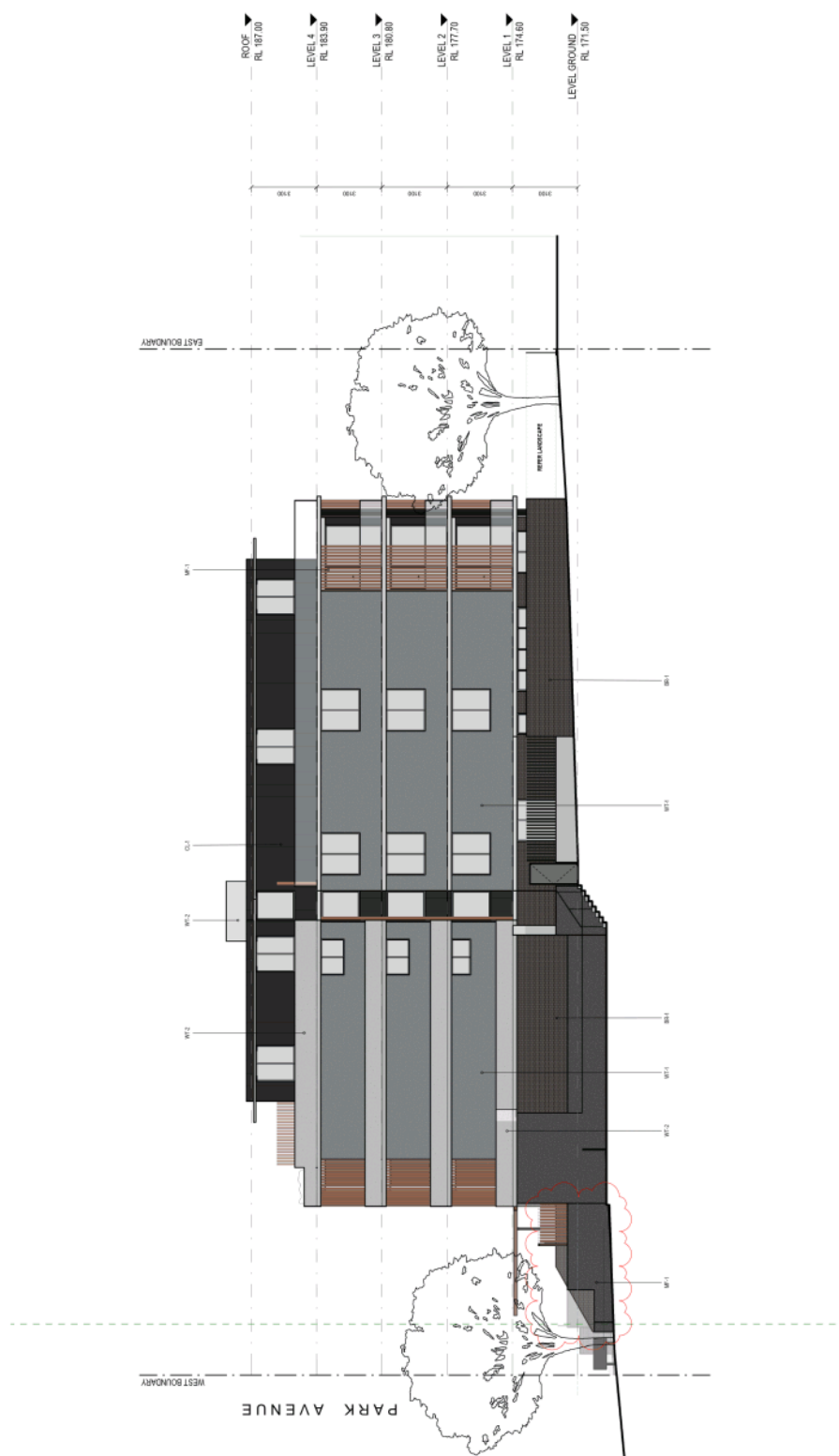
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 HORNBY NORTH ELECTIONS 1133

Rev	Description	Date
A	ISSUE FOR COORDINATION	06/10/2021
B	ISSUE FOR DA	03/11/2021
C	AMENDED PLAN	01/03/2022
D	AMENDED PLAN	20/04/2022

Project Name
36a - 38 Park Ave, Waitara
 Client Name
Inca Property Group

Drawing Title
ELEVATION - NORTH
 SCALE
 1:100 @ A1
 Drawing no.
 A03
 ISSUE
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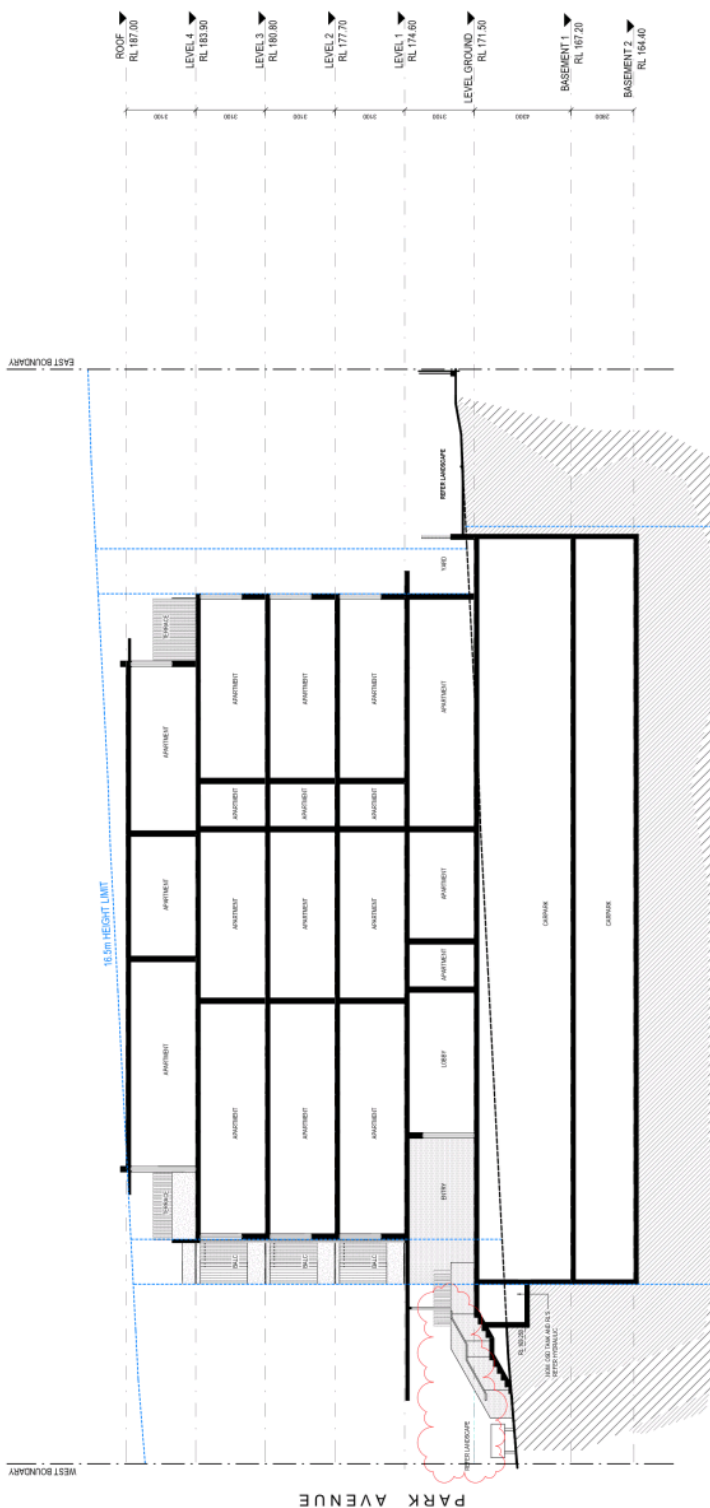
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ATTACHMENT 2 - ITEM 6





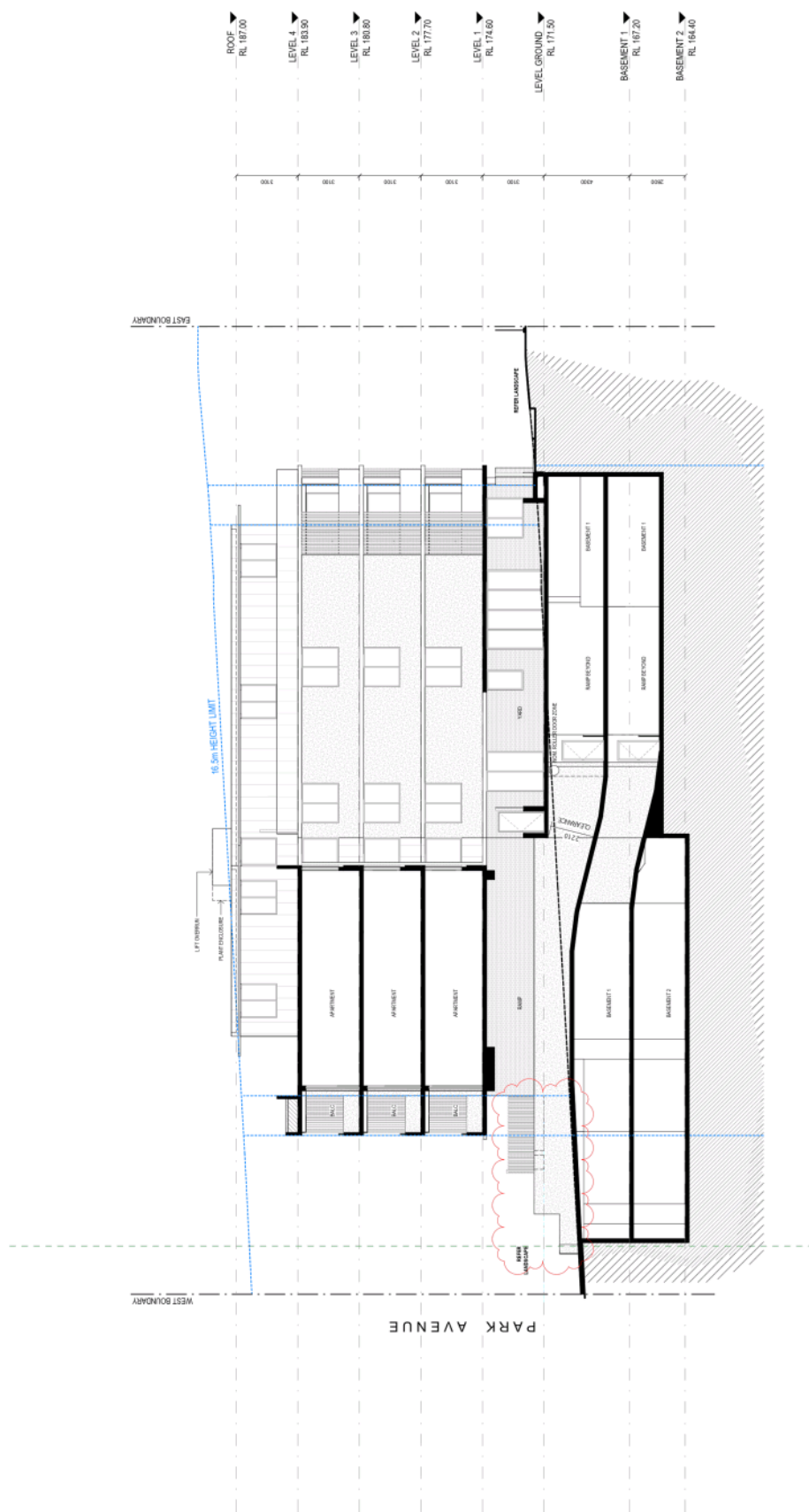
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 SYDNEY NSW 2000
 SUBMITTED FOR RECT-TOWN/ENGL NSW 713

Rev	Description	Date	Project Name	Client Name	Scale	Drawing no.	Issue
B	PRELIMINARY ISSUE	30/08/2021	36a - 38 Park Ave, Waitara	Inca Property Group	1:50 @ A1	A401	0
C	ISSUE FOR COORDINATION	02/09/2021					
D	ISSUE FOR COORDINATION	09/10/2021					
E	ISSUE FOR COORDINATION	01/11/2021					
F	AMENDED PLAN	01/03/2022					
G	AMENDED PLAN	20/04/2022					

Drawing Title

SECTION - EAST WEST

ATTACHMENT 2 - ITEM 6



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SYDNEY NSW 2009
STANDARD PRACTICE/COM/LENS NEW 1/13

Rev Description

A ISSUE FOR COORDINATION
B ISSUE FOR COORDINATION
C ISSUE FOR DA
D AMENDED PLAN
E AMENDED PLAN

Date

02/09/2021
09/10/2021
09/11/2021
11/03/2022
20/04/2022

Project Name

36a - 38 Park Ave, Waitara

Client Name

Inca Property Group

Drawing Title

SECTION - EAST WEST

Scale

1:100 @ A1

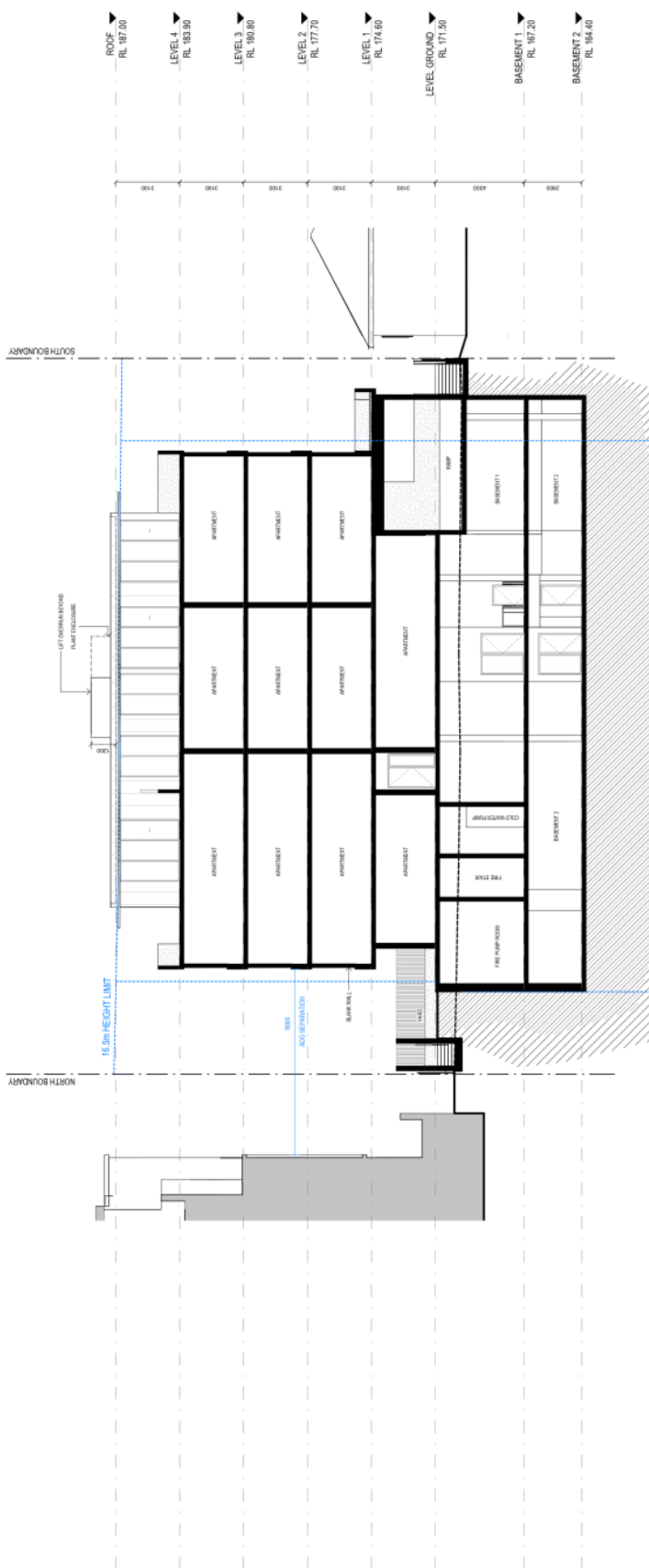
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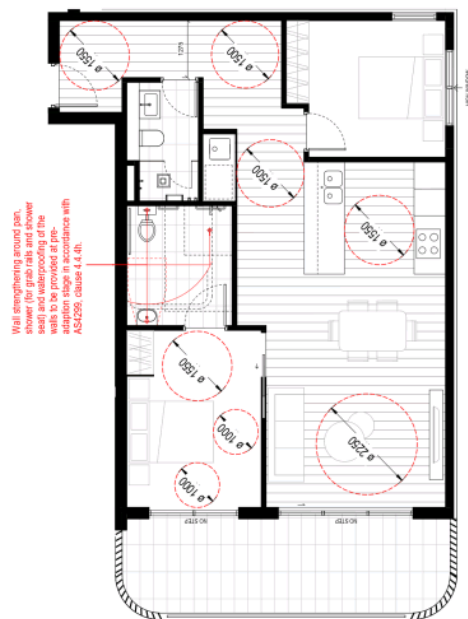
Issue

E

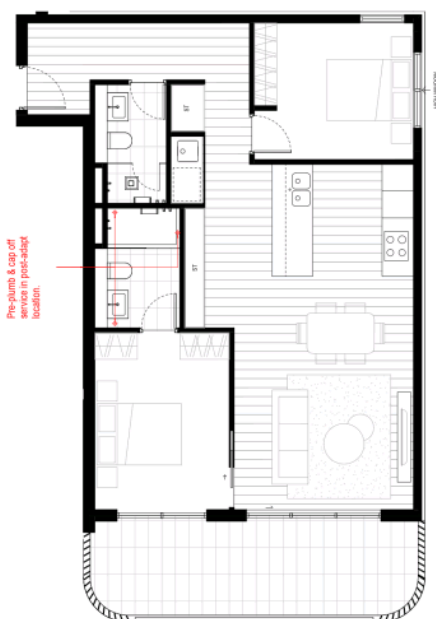
ATTACHMENT 2 - ITEM 6



ATTACHMENT 2 - ITEM 6



ADAPTABLE - POST ADAPTATION



ADAPTABLE - PRE ADAPTATION

LIVABLE UNITS

ADG REQUIREMENT: 20% OF UNITS
6 UNITS

PROPOSED: MIN 20% OF UNITS
6 UNITS
(COMPLIANT)

ADAPTABLE UNITS

CLAUSE 1C.22-F
HORNSBY DEVELOPMENT CONTROL PLAN 2013
(8 AUGUST 2021 AMENDMENT)

DCP REQUIREMENT: 10% OF UNITS
3 UNITS

PROPOSED: 10% OF UNITS
3 UNITS
(COMPLIANT)

TYPE	UNIT	ADAPTABLE	LIVABLE
3B	U 001		
2B	U 002		
3B	U 003		
3B+S	U 004		
2B	U 005		
3B	U 006		
2B	U 007		
2B	U 008		
2B	U 009		
2B	U 010		
2B	U 011		
2B	U 012		
2B	U 013		
1B (LIVABLE)	U 014		LIVABLE
3B	U 015		
2B	U 016	ADAPTABLE	
1B (LIVABLE)	U 017		LIVABLE
3B	U 018		
2B	U 019		
2B	U 020		
1B (LIVABLE)	U 021		LIVABLE
3B	U 022		
2B	U 023		
1B (LIVABLE)	U 024		LIVABLE
3B	U 025		
2B	U 026	ADAPTABLE	
1B (LIVABLE)	U 027		LIVABLE
3B	U 028		
2B	U 029		
2B	U 030		
1B (LIVABLE)	U 031		LIVABLE
3B	U 032		
2B	U 033		
1B (LIVABLE)	U 034		LIVABLE
3B	U 035		
2B	U 036		
1B (LIVABLE)	U 037		LIVABLE
3B	U 038		
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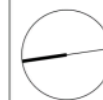
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REGISTERED ARCHITECT (NSW) 15163

Rev Description Date
A PRELIMINARY ISSUE 30/08/2021
B ISSUE FOR COORDINATION 02/09/2021
C ISSUE FOR DA 03/11/2021

Project Name
36a - 38 Park Ave, Waitara

Client Name
Inca Property Group



Drawing Title
PLAN - ADAPTABLE UNIT - TYPE 1

SCALE 1:150 @ A1
Drawing no: A01
ISSUE C

ATTACHMENT 2 - ITEM 6

BR-1

**BRICK**

'BOWRAL BLUE'
BY BOWRAL BRICKS
OR SIMILAR

SEEN ON:
• GROUND LEVEL BUILDING MASS
• LANDSCAPE ELEMENTS

WT-1

**HEBEL PLASTER**

PAINTED FINISH ON HEBEL PLASTER RENDER
(CHARCOAL GREY COLOUR)
OR SIMILAR

SEEN ON:
• PRIMARY BUILDING MASS (LEVELS 1-3)

WT-2

**HEBEL PLASTER**

PAINTED FINISH ON HEBEL PLASTER RENDER
(OFF-WHITE OR DULUX MONUMENT GREY COLOUR)
OR SIMILAR

SEEN ON:
• BALCONY BALUSTRADE 'BANDS'
• LANDSCAPE ELEMENTS AND WALLS
• REFER ELEVATIONS -

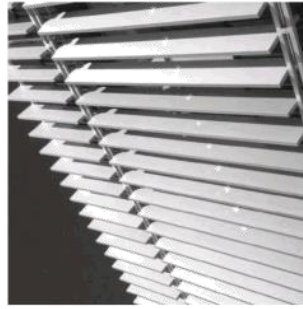
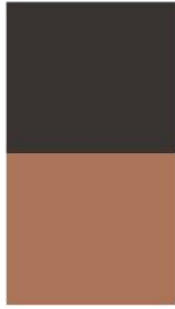
CL-1

**FIBRE CEMENT CLADDING**

OVERLAND RANGE
BY CEMATEL
(CRADLE - RUGGED FINISH)
OR SIMILAR

SEEN ON:
• DENTED AREAS (LEVEL 1-3)
• LEVEL 4 BUILDING MASS

MF-1

**METAL ELEMENTS AND FENCING**

POWDERCOATED METAL SCREENING
(DULUX COPPER COIN PEARL OR
DULUX MONUMENT GREY)
OR SIMILAR

SEEN ON:
• PRIVACY SCREEN
• BALCONY BALUSTRADE & DOOR FRAMES
• FLASHING AT TOP SPECIFIED WALLS
• REFER ELEVATIONS -



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SYDNEY NSW 2000
REGISTERED ARCHITECT/DESIGNER (NSW) T133

Rev Description Date
A ISSUE FOR DA 03/11/2021

Project Name
36a - 38 Park Ave, Waitara

Client Name
Inca Property Group

Drawing Title
SCHEDULE - MATERIALS & FINISHES

SCALE
1:100 @ A1

Drawing no.
A001

ISSUE
A

ATTACHMENT 2 - ITEM 6



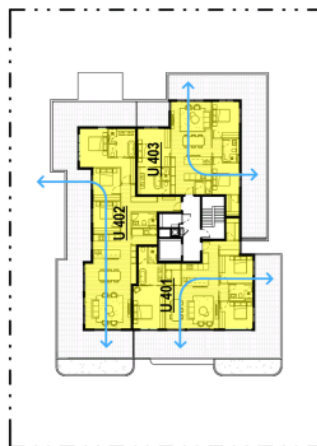
LEVEL 2



LEVEL 1



LEVEL GROUND



LEVEL 4



LEVEL 3

SOLAR ACCESS

OBJECTIVE 4A-1 APARTMENT DESIGN GUIDE

TO OPTIMIZE THE NUMBER OF APARTMENTS RECEIVING SUNLIGHT TO HABITABLE ROOMS, PRIMARY WINDOWS AND PRIVATE OPEN SPACE.

REQUIREMENT (OBJ. 4A-1) APARTMENT DESIGN GUIDE

AT LEAST 70% OF UNITS SHOULD COMPLY WITH REQUIREMENT.

REQUIRED:
TOTAL DWELLINGS: 29
DWELLINGS (70%): 21

PROPOSED:
21 OF 29 DWELLINGS ACHIEVE SOLAR ACCESS.
(72% COMPLIANT)

CROSS VENTILATION

OBJECTIVE 4B-1 APARTMENT DESIGN GUIDE

ALL HABITABLE ROOMS ARE NATURALLY VENTILATED.

REQUIREMENT (OBJ. 4B-1) APARTMENT DESIGN GUIDE

AT LEAST 60% OF UNITS IN THE FIRST NINE STOREYS OF THE BUILDING SHOULD COMPLY WITH REQUIREMENT.

REQUIRED:
TOTAL DWELLINGS: 29
DWELLINGS (60%): 18

PROPOSED:
18 OF 29 DWELLINGS ACHIEVE CROSS VENTILATION.
(62% COMPLIANT)



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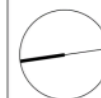
PH: 1300 368 789
LEVEL 3, 4 BARACK STREET
SYDNEY NSW 2000
NARRATED FOR ECT-20W1 LEADING NSW 7133

Date
03/11/2021

Project Name
36a - 38 Park Ave, Waitara

Client Name
Inca Property Group

Rev Description
A ISSUE FOR DA



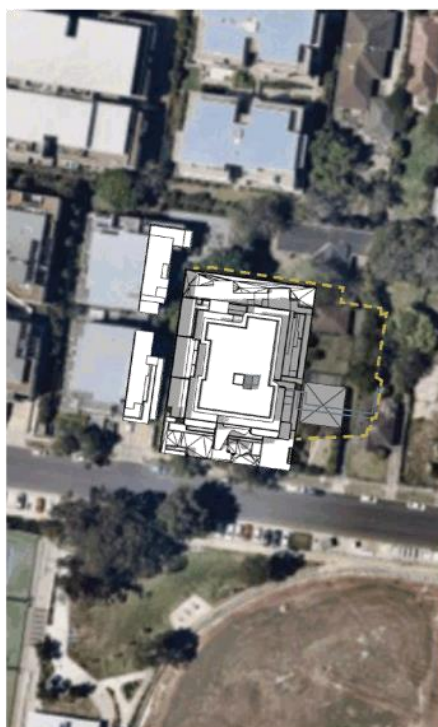
Drawing Title
DIAGRAMS - CROSS VENTILATION & SOLAR ACCESS

SCALE
Drawing no:
A/01 ISSUE
A

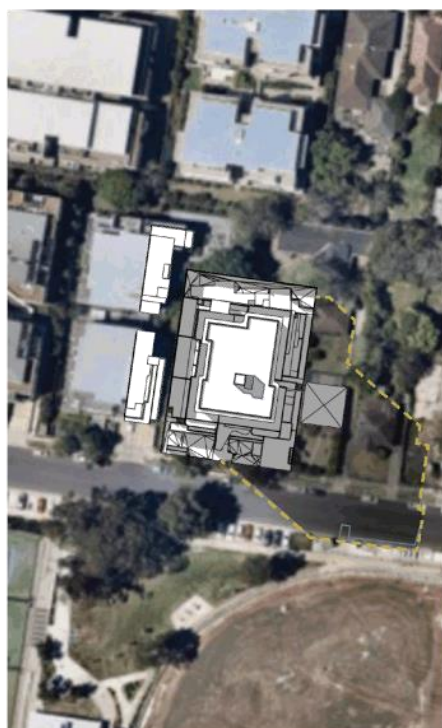
ATTACHMENT 2 - ITEM 6



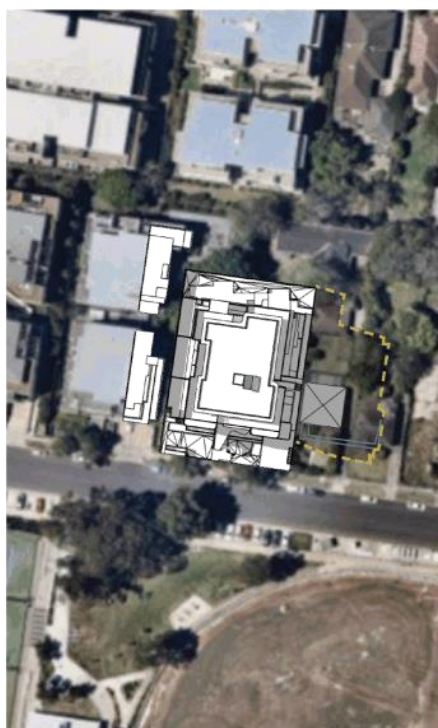
JUNE 21st - PROPOSED BUILDING - 10PM



JUNE 21st - PROPOSED BUILDING - 12PM



JUNE 21st - PROPOSED BUILDING - 9AM



JUNE 21st - PROPOSED BUILDING - 11AM

LEGEND

— OUTLINE OF SHADOW CAST BY PROPOSED BUILDING
— OUTLINE OF SHADOW CAST BY EXISTING BUILDINGS
— SHADOW CAST BY PROPOSED BUILDING AT 10PM

	Project Name	36a - 38 Park Ave, Waitara	Project No.	ad1053
	Client Name	Inca Property Group	Issue	A
	Rev	A	Scale	1:1 @ A1
	Description	ISSUE FOR DA	Date	2018.08.20
	www.aplusedg.com.au		Drawing no.	A102
	PH: 1300 368 789 LEVEL 3, 4 BARBARA STREET SYDNEY NSW 2000 SUNSHINE PAVILION TOWER 1/133		Issue	A

Q+

ATTACHMENT 2 - ITEM 6



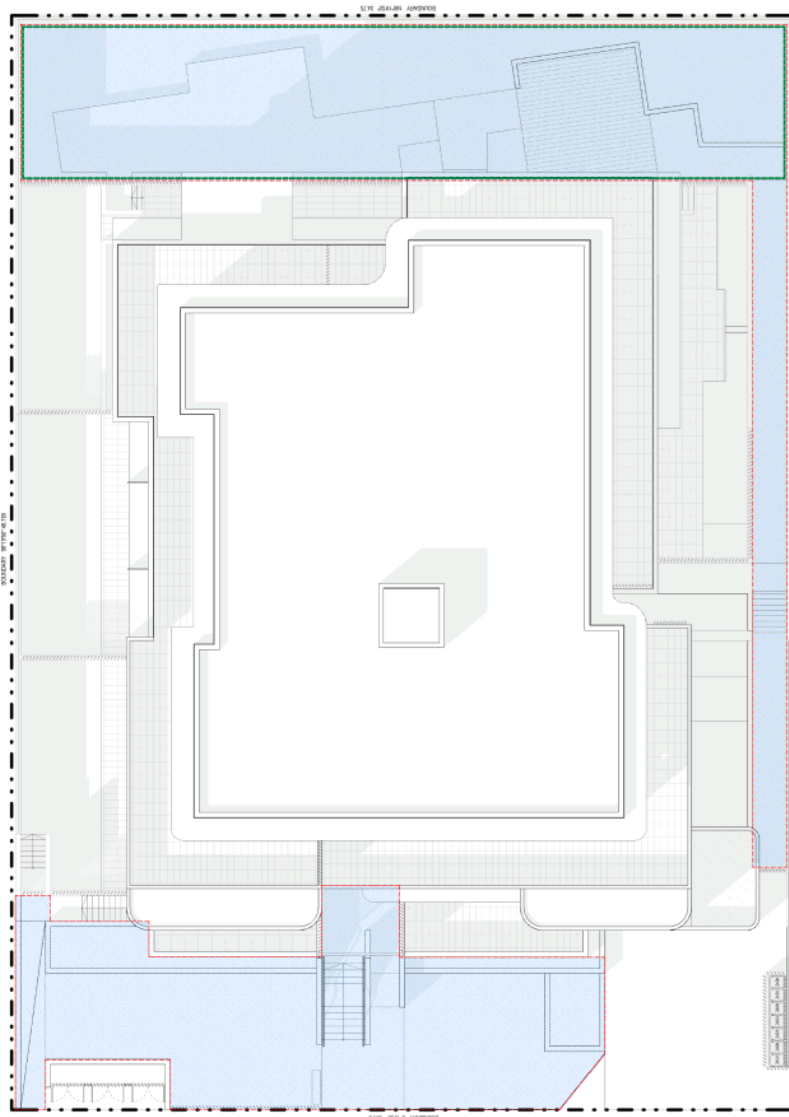
LEGEND

OUTLINE OF SHADOW CAST BY
PROPOSED BUILDING

OUTLINE OF SHADOW CAST BY
BUILDING SPECIFICALLY NOTED
IN COURT REPORT

<div><div></div><div>+</div><div>G</div></div>	<div>www.aplusedg.com.au</div> <div>PH: 1300 368 789</div> <div>LEVEL 3, 8 BARRACK STREET</div> <div>SUNSHINE MOUNTAIN VIC 3088</div> <div>SUNSHINE MOUNTAIN VIC 3088</div>	Rev	Description	Date	Project Name	<div></div>	Drawing Title	Project No.
		A	ISSUE FOR DA	03/11/2021	38a - 38 Park Ave, Wallara		DIAGRAMS - SHADOW ANALYSIS - 21st JUNE	
					Client Name	SCALE	Drawing no.	ISSUE
					Inca Property Group	1:1 @ A1	A103	A

ATTACHMENT 2 - ITEM 6



COMMUNAL OPEN SPACE

OBJECTIVE 3D-1

APARTMENT DESIGN GUIDE

AN ADEQUATE AREA OF COMMUNAL OPEN SPACE IS PROVIDED TO ENHANCE RESIDENTIAL AMENITY AND TO PROVIDE OPPORTUNITIES FOR LANDSCAPING.

DESIGN CRITERIA:

1. COMMUNAL OPEN SPACE HAS A MINIMUM AREA EQUAL TO 25% OF THE SITE.
2. DEVELOPMENTS ACHIEVE A MINIMUM OF 50% DIRECT SUNLIGHT TO THE PRINCIPAL USABLE PART OF THE COMMUNAL OPEN SPACE FOR A MINIMUM OF 2 HOURS BETWEEN 9AM AND 3PM.

REQUIRED:

SITE AREA: 1694m²
SITE AREA (25%): 423.5m²

PROPOSED:

TOTAL AREA: 468m²
(COMPLIANT)

DEEP SOIL AREA

REQUIRED:

SITE AREA: 1694m²
SITE AREA (7%): 118.6m²

PROPOSED:

REAR COS PORTION: 228.8m²
(COMPLIANT)



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NARRATED PHOTOGRAPHY LEUNG NEW T133

Rev Description Date

A

ISSUE FOR COORDINATION

02/09/2021

Project Name
36a - 38 Park Ave, Waitara

Client Name
Inca Property Group



Drawing Title
DIAGRAMS - COMMUNAL OPEN SPACE

SCALE
1:100 @ A1

Drawing no.
A/04

ISSUE
B

ATTACHMENT 2 - ITEM 6

COMPLIANCE TABLE

LEVEL	UNIT NUMBER	UNIT TYPE	INTERNAL AREA (m ²)	MIN. REQUIRED POS (m ²)	POS TYPE	PROPOSED POS (m ²)	INT. STORAGE (m ²)	CP STORAGE (m ²)
LEVEL GROUND	U 601	3B	100.4	12	YARD	66	5	5
LEVEL GROUND	U 602	2B	80.6	10	YARD	61	7	5
LEVEL GROUND	U 603	3B	121.9	12	YARD	75	6	5
LEVEL GROUND	U 604	3B+S	103.3	12	YARD	66	5	5
LEVEL GROUND	U 605	2B	106.1	10	COURT	24	16	5
LEVEL 1	U 101	3B	106.7	12	BALC	17	7	5
LEVEL 1	U 102	2B	82	10	BALC	10	6	5
LEVEL 1	U 103	2B	82.6	10	BALC	12	9	5
LEVEL 1	U 104	1B (LIVABLE)	53.4	8	BALC	10	3	5
LEVEL 1	U 105	3B	98.6	12	BALC	12	5	5
LEVEL 1	U 106	2B	80.1	10	BALC	15	5	5
LEVEL 1	U 107	1B (LIVABLE)	50.6	8	BALC	9	4	5
LEVEL 2	U 201	3B	106.7	12	BALC	17	7	5
LEVEL 2	U 202	2B	82	10	BALC	10	6	5
LEVEL 2	U 203	2B	82.6	10	BALC	12	9	5
LEVEL 2	U 204	1B (LIVABLE)	53.4	8	BALC	10	3	5
LEVEL 2	U 205	3B	98.6	10	BALC	15	5	5
LEVEL 2	U 206	2B	80.1	8	BALC	9	5	5
LEVEL 2	U 207	1B (LIVABLE)	50.6	12	BALC	12	4	5
LEVEL 3	U 301	3B	106.7	12	BALC	17	7	5
LEVEL 3	U 302	2B	82	10	BALC	10	6	5
LEVEL 3	U 303	2B	82.6	10	BALC	12	9	5
LEVEL 3	U 304	1B (LIVABLE)	53.4	8	BALC	10	3	5
LEVEL 3	U 305	3B	98.6	10	BALC	15	5	5
LEVEL 3	U 306	2B	101.9	8	BALC	9	5	5
LEVEL 3	U 307	1B (LIVABLE)	50.6	12	BALC	12	4	5
LEVEL 4	U 401	3B	114.1	12	TERRACE	73	9	5
LEVEL 4	U 402	3B	132.7	12	TERRACE	114	11	5
LEVEL 4	U 403	3B	108.9	12	TERRACE	83	5	5
SUMMARY	29 DWELLINGS							
COMPLIANCE		1B 2B 3B	6 DWELLINGS 11 DWELLINGS 12 DWELLINGS	AS PER ADG REQUIREMENT. ALL INTERNAL UNIT AREAS DO COMPLY.	AS PER ADG REQUIREMENT. ALL PRIVATE OPEN SPACE AREAS DO COMPLY.	AS PER ADG REQUIREMENT. ALL PROVIDED STORAGE DOES COMPLY.		

"1" For further detail refer to drawings A6.01 for Adaptable Unit.

"2" For further detail refer to drawings A7.01 for Cross Ventilation & Solar Access.

"3" At least 50% of the required storage is provided within the apartment.



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A ISSUE FOR DA

Date
03/11/2021

Project Name
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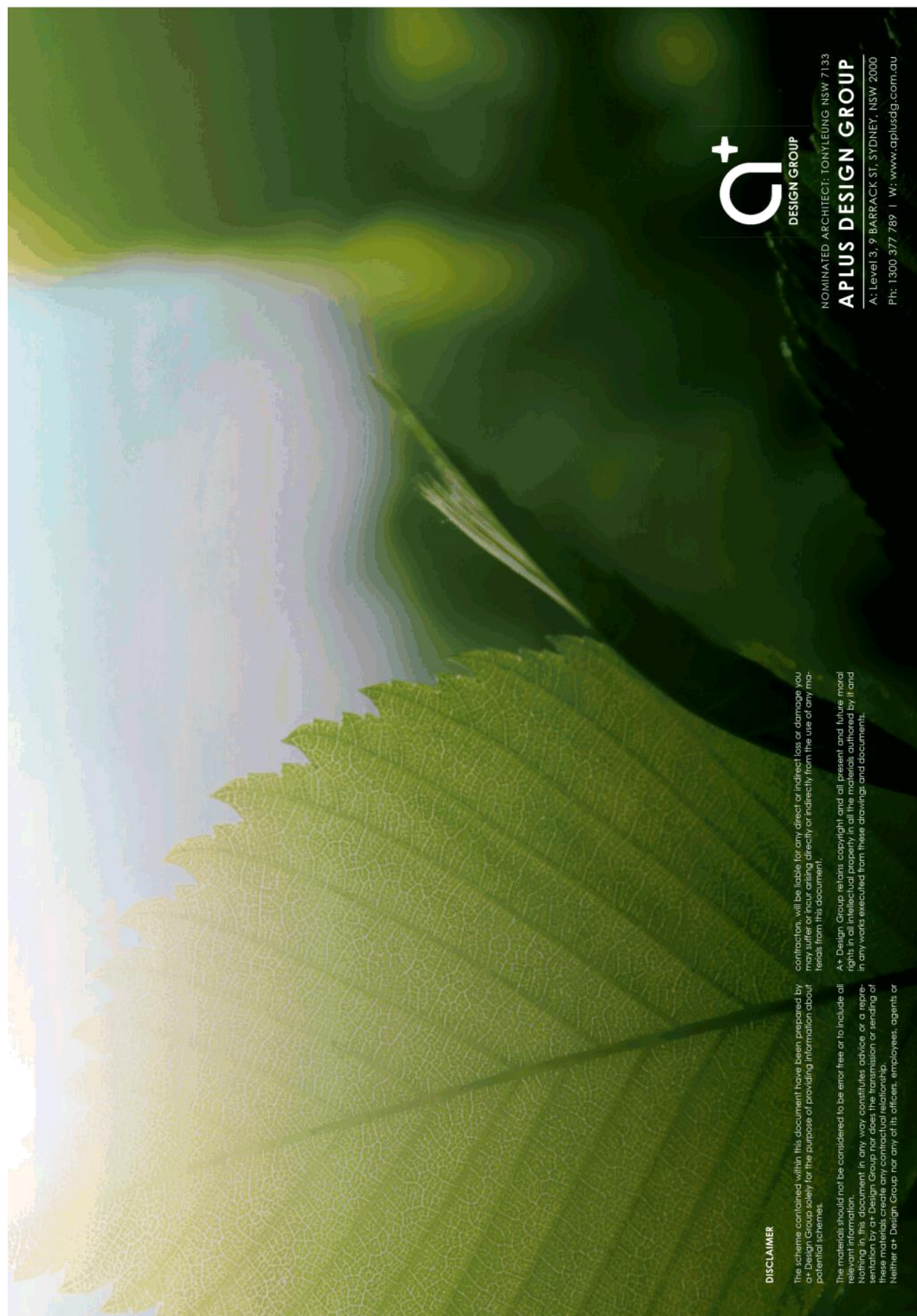
Client Name
Inca Property Group

Drawing Title
COMPLIANCE TABLE

SCALE
Drawing to:
A15

ISSUE
A

ATTACHMENT 2 - ITEM 6



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DESIGN GROUP

NOMINATED ARCHITECT: TONYLEUNG NSW 7133

APLUS DESIGN GROUP

A: Level 3, 9 BARRACK ST. SYDNEY, NSW 2000

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ATTACHMENT 2 - ITEM 6

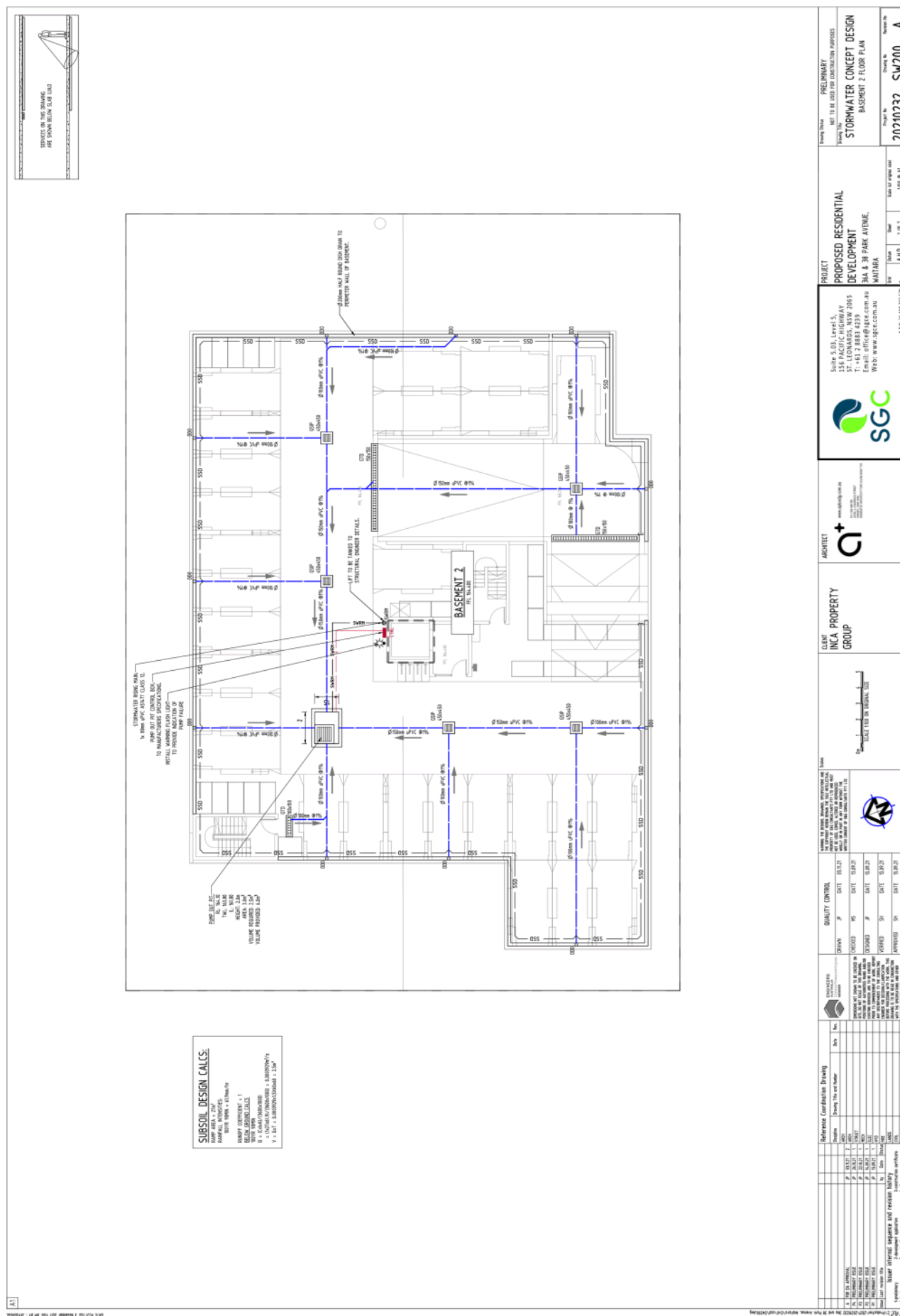
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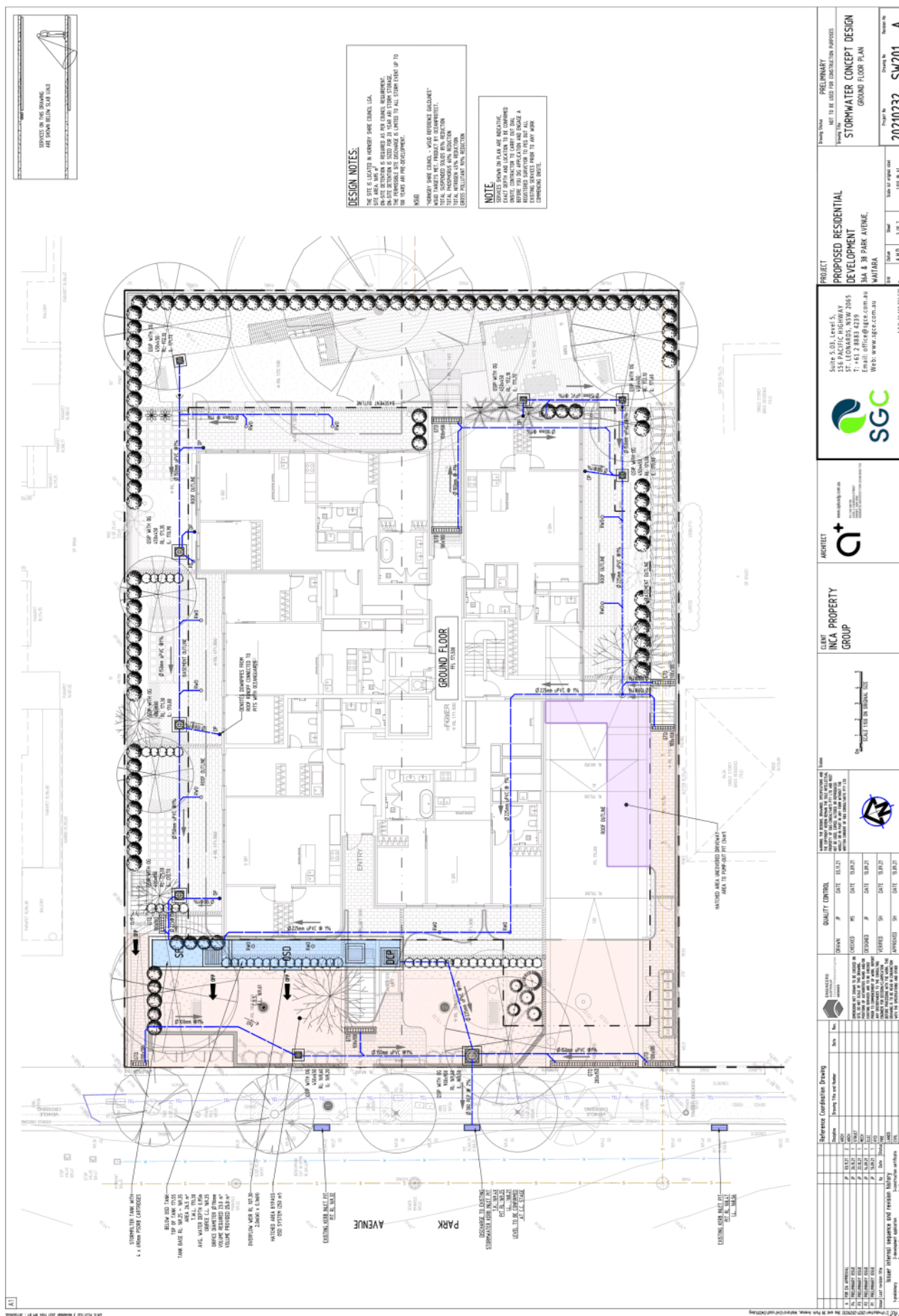
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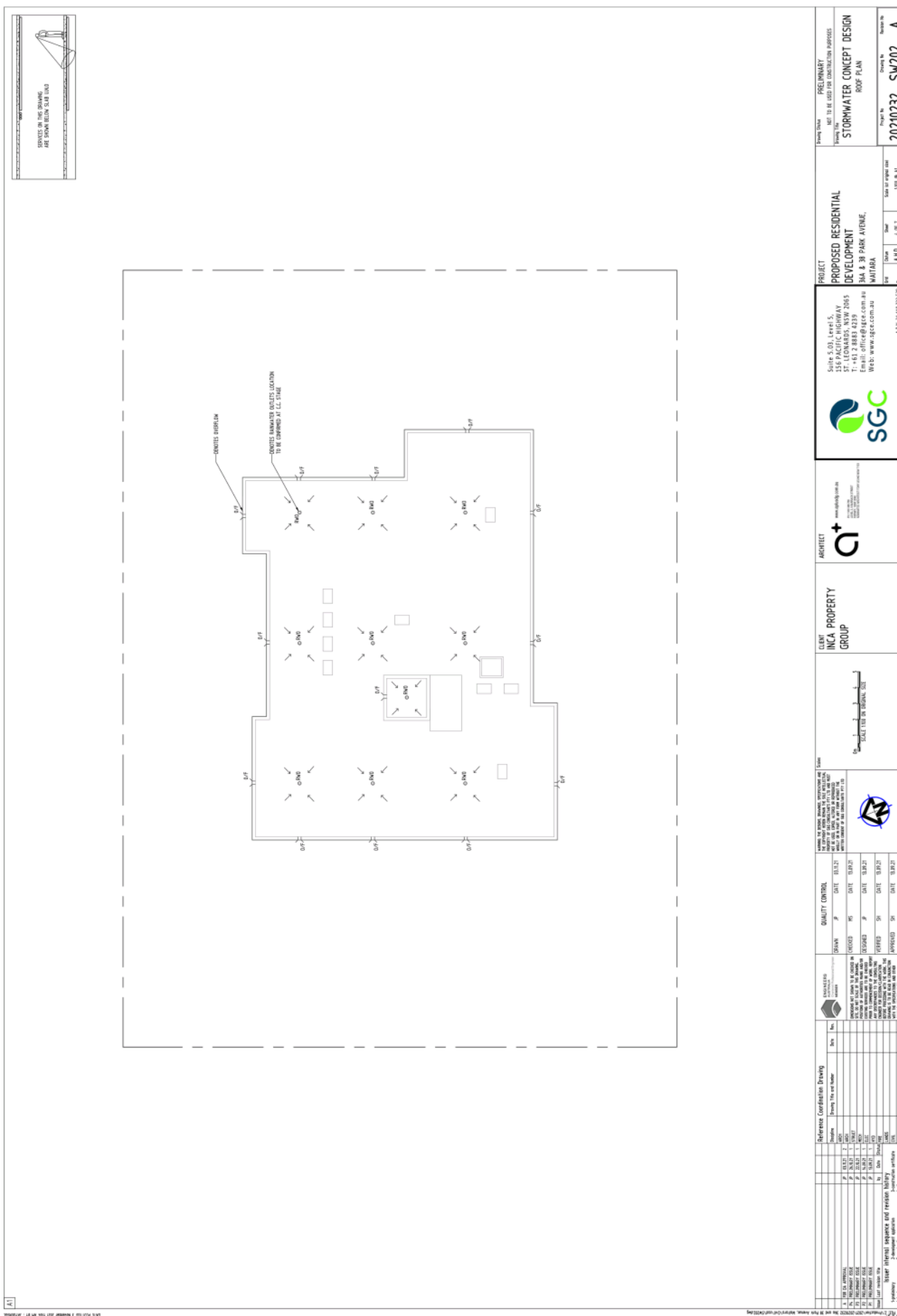
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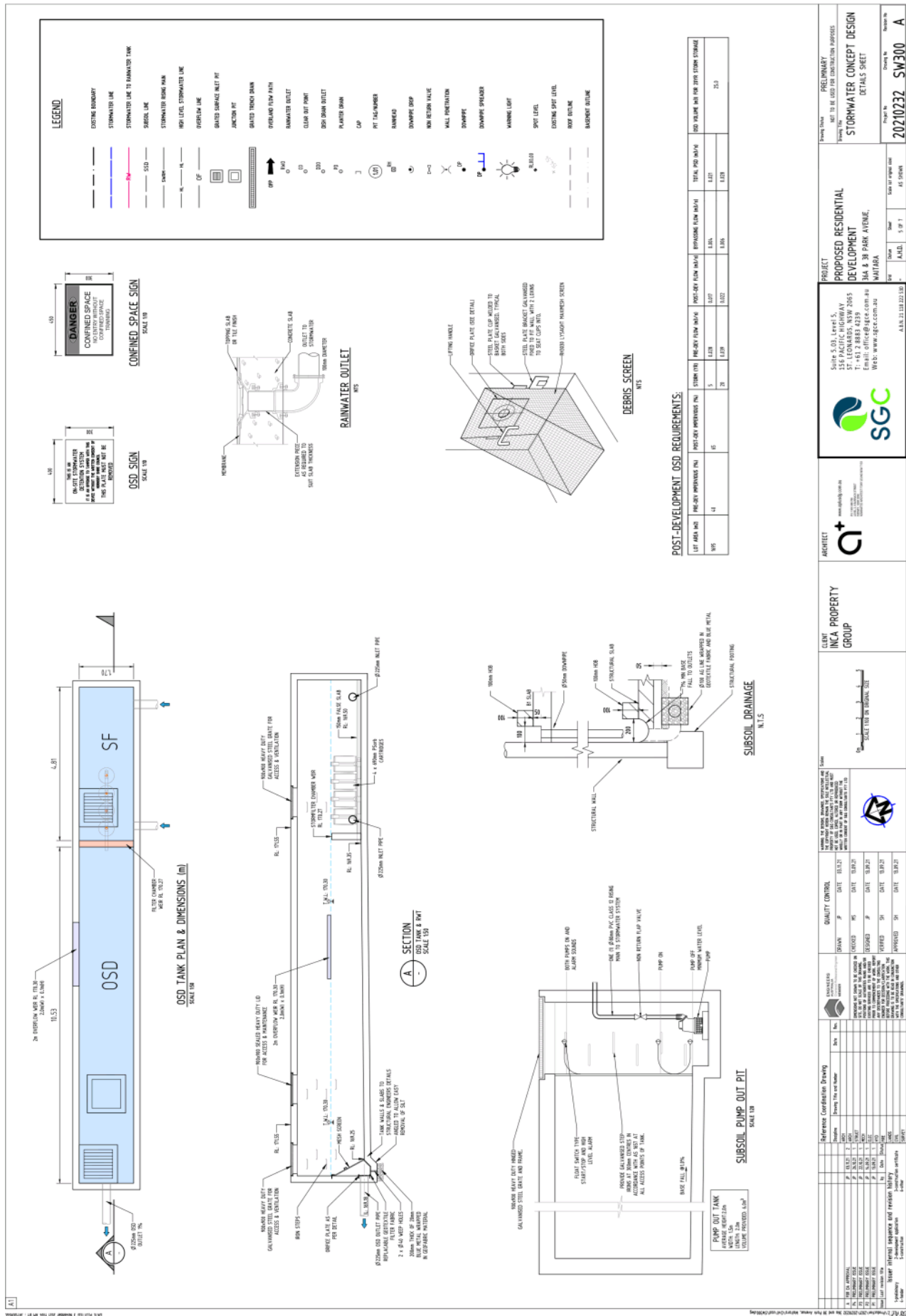
ATTACHMENT 2 - ITEM 6



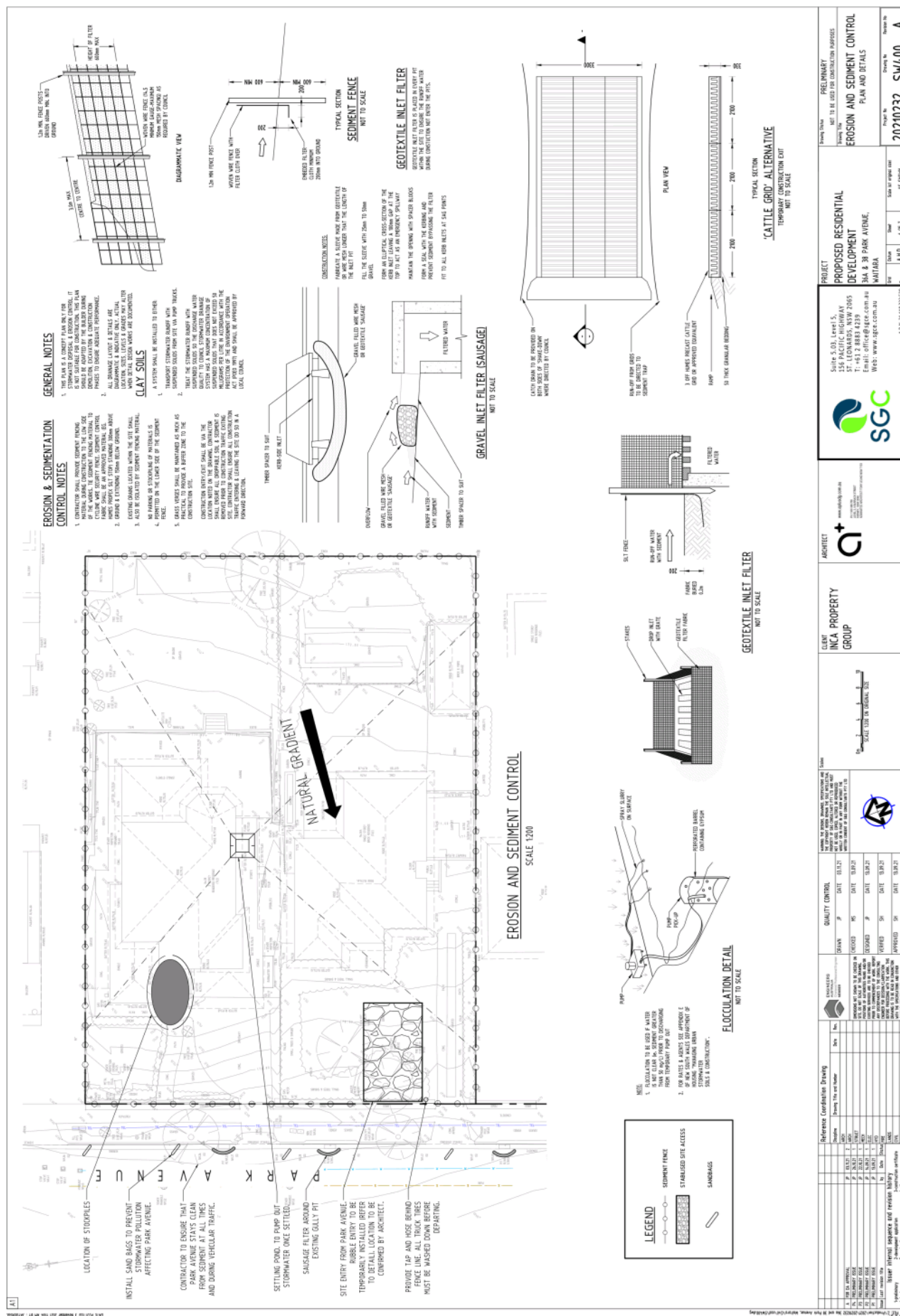


ATTACHMENT 2 - ITEM 6

ATTACHMENT 2 - ITEM 6



ATTACHMENT 2 - ITEM 6



**7 REPORTING DEVELOPMENT APPLICATIONS FOR DETERMINATION BY THE HORNSBY
LOCAL PLANNING PANEL OVER 180 DAYS**

EXECUTIVE SUMMARY

- In accordance with the Local Planning Panels Directions - Operational Procedures, Council is required to monitor development applications to be determined by the Panel that may be experiencing unreasonable delays of over 180 days from lodgement.
- A list of out outstanding development applications in excess of 180 calendar days from lodgement is attached for the Hornsby Local Planning Panel's advice.

RECOMMENDATION

THAT the contents of LPP Report No. LPP31/22 be received and noted.

PURPOSE

The purpose of this report is to advise the Hornsby Local Planning Panel of development applications required to be determined by the Panel that are over 180 calendar days from lodgement.

DISCUSSION

In 2019 the NSW Productivity Commission conducted a review of the Independent Planning Commission (IPC). The review recommended several actions to streamline processes to optimise efficiency, output and performance.

The planning panel changes were implemented on 1 August 2020 to incorporate a number of the NSW Productivity Commission 's recommendations to the way Local Planning Panels work to make them more efficient and to improve the assessment and determination times of development applications and maintain panel oversight of sensitive and contentious applications.

These changes were made as part of the Planning Acceleration Program to support the State's immediate and long-term economic recovery from the COVID-19 crisis.

The changes will speed up panel determinations by:

1. Reducing the need to conduct public panel meetings for non-contentious matters by applying a '10-or-more' objection trigger for public meetings.
2. Reducing the amount of modifications going to panels.
3. Obliging panel chairs to more actively manage development applications (DAs) coming to the panels to reduce panel deferrals and assessment timeframes.
4. Allowing chairs to bring forward determination on DAs that are experiencing unreasonable delays of over 180 days from lodgement.
5. Introducing panel performance measures.

The Local Planning Panels Directions - Operational Procedures has been amended to:

- Require panels to make determinations within two weeks of being provided an assessment report.
- Require panels to hold a public meeting only where the Development Application has attracted 10 or more unique submissions by way of objection.
- Allow, at the Chair's discretion, applicants to attend a briefing, along with council staff, to explain complex matters or present confidential or commercially sensitive material.
- Oblige panel chairs to work with council to ensure key issues are addressed during assessment in order to minimise deferrals by the panels at determination stage.
- Require the panels to provide reasons for deferring a decision and set timeframes in which any additional information must be provided in order to finalise the determination.
- Give panel chairs the ability to require council to report a DA to the panel within four weeks for determination if the application has experienced unreasonable delays in excess of 180 calendar days from lodgement.

In accordance with Point 6 of the Local Planning Panels Directions - Operational Procedures, attached is a list of development applications required to be determined by the Panel that are over 180 calendar days from lodgement.

CONCLUSION

Council is required to monitor development applications to be determined by the Panel that are over 180 calendar days from lodgement. This report provides advice to the Local Planning Panel on DAs that are experiencing unreasonable delays of over 180 days from lodgement.

RESPONSIBLE OFFICER


The officer responsible for the preparation of this report is the Major Development Manager, Cassandra Williams.

JAMES FARRINGTON

Director - Planning and Compliance

Planning and Compliance Division

Attachments:

1.  All development applications over 180 days

File Reference: F2013/00295-003

Document Number: D08402564

List of development applications required to be determined by the LPP that are over 180 calendar days from lodgement

DA No.	Proposal	Address	Ward	Reason	Est. Date to LPP	Advice to Chair	No. Days at 25/5
DA/416/2020	10-12 storey mixed use building accommodating retail tenancies at the ground floor, commercial tenancies at first floor, a RACF on Levels 3-11, residential apartment on Level 12 and strata subdivision	228-234 Pacific Highway Hornsby	B	>10% contravention of height & FSR development standard	June	TfNSW have provided concurrence. PDU have been assisting Council in expediting Sydney Trains concurrence to enable reporting to the June meeting.	723
DA/1146/2020	Torrens title subdivision of 1 into 10	90-92 Franklin Road Cherrybrook	C	VPA	Sept	Report to be prepared for Revised VPA to be referred to Council.	520
DA/1022/2021	Torrens title subdivision of 1 lot into 64	36-56 David Road Castle Hill	C	VPA	Sept	Meeting to be held with applicant to discuss terms of VPA.	237
DA/1037/2021	Demolition of part of the existing building, car parking and trees; reconstruction of part of the building for the purpose of a new pub for two hundred patrons, on-site landscaping and business identification signage	206-212 Pennant Hills Road Thornleigh	B	New Pub, sensitive development	June	Under assessment	242
DA/1244/2021	Demolition of existing structures and construction of seniors living development comprising 33 self-contained dwellings	15B-21 Penrhyn Ave, Beecroft and 579 Pennant Hills Road, West Pennant Hills	C	>10 submissions	August	Additional information under review by internal branches & referred to Design Excellence Panel for advice.	189

ATTACHMENT 1 - ITEM 7