



SUPPLEMENTARY BUSINESS PAPER

LOCAL PLANNING PANEL MEETING

**Wednesday 30 November 2022
at 4:00pm**



TABLE OF CONTENTS

SUPPLEMENTARY ITEMS

Item 1	LM14/22 DA/431/2022 - Demolition of Structures and Torrens Title Subdivision of Two Lots into 6 Lots - 127 & 127A Boundary Road, NORTH EPPING	1
Item 2	LM14/22 DA/514/2022 - Torrens Title Subdivision of One Lot into Four and Construction of a Driveway, Drainage Works and Road Widening as Staged Development - Includes Demolition of Existing Dwelling House and Carport - 263 Malton Road, NORTH EPPING NSW 2121	21
Item 3	LM12/22 DA/1244/2021 - Senior Living Development Comprising 30 Self-Contained Dwellings - 15B, 17, 19, 19A & 21 Penrhyn Avenue, Beecroft and 579 Pennant Hills Road, West Pennant Hills	42

ITEM 1 LPP62/22 - DA/431/2022 - Demolition of Structures and Torrens Title Subdivision of 2 Lots into 6 - 127 & 127A Boundary Road, North Epping

Additional information with **NO CHANGE** to Recommendation

1. SUBMISSION OF LETTER AGREEING TO VOLUNTARY PLANNING AGREEMENT

In a recent Land and Environment Court decision of *L & G Management Pty Ltd v Council of the City of Sydney [2021]* NSWLEC 149 before Duggen J, the Court ruled that land can only be dedicated to Council where it forms part of Council's Section 7.11 Contributions Plan or as part of a Planning Agreement under Section 7.4 of the Environmental Planning and Assessment Act 1979.

In the case of the subject site, Walker Place is not included in the Hornsby Shire Council Section 7.11 Development Contributions Plan 2020-2030 for the purpose of road widening and dedication of land. Therefore, to enable the power for the Hornsby Local Planning Panel to determine the application, Council requested a letter to be submitted by the Applicant agreeing to a Voluntary Planning Agreement (VPA) for dedication of the land for road widening in Walker Place free of cost (Attachment 1).

To reflect the VPA agreement, condition No. 7 has been included as a condition of consent to Schedule 1 (Attachment 2) to ensure a VPA is prepared and submitted to Council for agreement prior to the issue of a Subdivision Works Certificate.

RECOMMENDATION

THAT 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/431/2022 for the demolition of structures, Torrens title subdivision of 2 lots into 6 lots and road widening as a staged development at Lots O & N DP 28986, Nos. 127 & 127A Boundary Road, North Epping, subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP62/22.





PREVIOUS ITEMS

LPP62/22 - DA/431/2022 - Demolition of Structures and Torrens Title Subdivision of 2 Lots into 6 - 127 & 127A Boundary Road, North Epping - Local Planning Panel - 30 Nov 2022 4:00pm

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

ROD PICKLES
Manager - Development Assessments
Planning and Compliance Division

Attachments:

1.   VPA Agreement Letter
2.   Amended Schedule 1

File Reference: DA/431/2022
Document Number: D08543890

29 November 2022

Madeleine Bayman
Senior Town Planner
Development Assessments
Hornsby Shire Council

Re: 127 & 127a Boundary Road, North Epping

Dear Madeleine,

We refer to council's email dated 29 November 2022.

We confirm as developer we will enter into a mutually agreed planning agreement to achieve the dedication of land for road widening at no cost to council.

We will agree to a condition to this effect should the matter be approved at the Local Planning Panel meeting tomorrow.

Your Sincerely



Katrina Collins ATF CK Family Trust No. 2
Owner

ATTACHMENT 1 - ITEM 1

LM13/2022

Item 1 – LPP62/22 – DA/431/2022 – Demolition of Structure and Torrens Title Subdivision of 2 Lots into 6 – 217 & 127A Boundary Road, North Epping

SCHEDULE 1

CONDITIONS APPLICABLE TO BOTH STAGES

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:

Approved Plans

Plan No.	Plan Title	Drawn by	Dated	Council Reference
P00430-SK001 Rev D	Lot Layout	Group Development Services Pty Ltd	28/9/22	
P00430-SK002 Rev A	Lot Layout	Group Development Services Pty Ltd	28/9/22	
P00430-SK003 Rev A	Lot Layout	Group Development Services Pty Ltd	28/9/22	
P00430-SK004 Rev D	Lot Layout - Constraints	Group Development Services Pty Ltd	28/9/22	
001 Rev C	Cover Sheet	Group Development Services Pty Ltd	12/10/22	
002 Rev C	Site Locality Plan	Group Development Services Pty Ltd	12/10/22	
100 Rev C	Plan of Subdivision	Group Development Services Pty Ltd	12/10/22	
200 Rev C	Road Layout Plan	Group Development Services Pty Ltd	12/10/22	
210 Rev C	Road Details	Group Development Services Pty Ltd	12/10/22	
300 Rev C	Stormwater Drainage Plan	Group Development Services Pty Ltd	12/10/22	

Plan No.	Plan Title	Drawn by	Dated	Council Reference
301 Rev C	Stormwater Catchment Plan	Group Development Services Pty Ltd	12/10/22	
302 Rev C	Stormwater Longitudinal Sections	Group Development Services Pty Ltd	12/10/22	
500 Rev C	Vehicle Turning Movements	Group Development Services Pty Ltd	12/10/22	
600 Rev C	Tree Removal Plan	Group Development Services Pty Ltd	12/10/22	
601 Rev C	Tree Protection Details	Group Development Services Pty Ltd	12/10/22	
602 Rev C	Demolition Plan	Group Development Services Pty Ltd	12/10/22	
700 Rev C	Soil and Water Management Plan	Group Development Services Pty Ltd	12/10/22	
701 Rev C	Soil and Water Management Details	Group Development Services Pty Ltd	12/10/22	
Section 7.5, Page 24, Map B of the AIA	Tree Management Plan	McArdle Arboricultural Consultancy	17/10/22	

Supporting Documentation

Document Title	Prepared by	Dated	Council Reference
Waste Management Plan	Unknown	Undated	D08401631
Arboricultural Impact Assessment	McArdle Arboricultural Consultancy	17/10/22	D08514503
VPA Agreement Letter	Katrina Collins ATF CK Family Trust No. 2	29/11/22	D08544439

2. Construction Certificate

- a) A Subdivision Works Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any subdivision works under this consent.
- b) A separate Section 138 Roads Act Approval must be obtained from Council for all works within the public road reserve.
- c) The Subdivision Works Certificate plans must be consistent with the Development Consent plans.

3. Section 7.11 Development Contributions

- a) In accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act 1979* and the *Hornsby Shire Council Section 7.11 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	\$5,826.35
Open Space and Recreation	\$45,655.80
Community Facilities	\$28,119.80
Plan Preparation and Administration	\$398.00
TOTAL	\$79,999.95

being for an additional 4 lots.

- b) The value of this contribution is current as of 7 November 2022. 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:

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

Where:

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

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

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

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

- c) The monetary contribution must be paid to Council:
- i) Prior to the issue of the Subdivision Certificate where the development is for subdivision.
 - 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.

4. 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 the PCA with the application for the construction certificate.

5. Removal of Trees

- a) This development consent permits the removal of trees numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, 11a, 11b, 11c, 12, 13, 14, 15, 28, 31 and 32 as identified in the approved Tree Management Plan within the Arborist Impact Assessment (AIA) prepared by McArdle Arboricultural Consultancy, dated 17 October 2022.
- b) No consent is granted for the removal of trees numbered 16, 17, 19, 20, 21, 22, 23, 24a, 24b, 25, 26, 27, 29, and 30 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).

6. Tree Pruning

This development consent does not permit the pruning of any trees.

Note: The pruning 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).

REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

7. Voluntary Planning Agreement

Pursuant to section 7.4 of the *Environmental Planning and Assessment Act 1979*, the applicant must prepare and enter into a Voluntary Planning Agreement (VPA) with Hornsby Shire Council for dedication of the land to Council for road widening. The terms of the VPA must include but not be limited to the following:

- a) The Applicant agrees to dedicate the land for road widening to Council free of cost as per the VPA agreement letter prepared by Katrina Collins ATF CK Family Trust No. 2, dated 29/11/22.
- b) The Applicant agrees to pay all costs (including Council's costs) associated with the preparation, public notification, legal costs and administration costs of the VPA.

8. Utility Services

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

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

9. Construction Management Plan (CMP)

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

<https://www.hornsby.nsw.gov.au/property/build/applicationforms> for review and approval according to the following requirements:

- a) The CMP must detail the contact information for developers, builder, private certifier and any emergency details during and outside work hours.
- b) 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.
- 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 – ‘*The Demolition of Structures*’, and the *Protection of the Environment Operations (Waste) Regulation 2005*.
 - iii) General construction waste details including construction waste skip bin locations and litter management for workers.
- d) A Tree Protection Plan (TPP) prepared by an AQF 5 Arborist in accordance with any approved Arboricultural Impact Assessment and tree location plans, detailing the following:
- i) A site plan showing tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and specific details of tree protection measures inclusive of distances (in metres) measured from tree trunks.
 - ii) Construction methodology to avoid damage to trees proposed to be retained during construction works.
 - iii) Specifications on tree protection materials used and methods within the TPZ or SRZ.
 - iv) Location of dedicated material storage space on site outside of TPZ’s and SRZ’s for retained trees.
- e) A Construction Noise and Vibration Management Plan (CNMP) which includes:
- i) Existing noise and vibration levels within the proximity of the proposed development site.

- ii) Details of the extent of rock breaking or rock sawing works forming part of the proposed development works.
- iii) The maximum level of noise and vibration predicted to be emitted during each stage of construction.
- iv) The duration of each stage of works where the maximum level of noise and vibration are predicted to be emitted for.
- v) Details of mitigation measures, inclusive of respite periods, that will meet acoustic standards and guidelines at each stage of works.
- vi) Details of a complaints handling process for the surrounding neighbourhood for each stage of works.
- f) Identification of approved sediment and erosion control measures.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

10. 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.

11. 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.

12. 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*.

13. 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.

14. Installation of Tree Protection Measures

- a) Trees to be retained and numbered 16, 17, 19, 20, 21, 22, 23, 24a, 24b, 25, 26, 27, 29, and 30 as identified on the approved Tree Management Plan of the Arboricultural Impact Assessment (AIA) provided by McArdle Arboricultural Consultancy dated 17 October 2022 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 Management Plans prepared by the McArdle Arboricultural Consultancy.
 - ii) For the duration of construction works, in accordance with the Tree Management Plans prepared by the McArdle Arboricultural Consultancy.
- b) Tree protection fencing for the trees to be retained numbered 16, 17, 19, 20, 21, 22, 23, 24a, 24b, 25, 26, 27, 29, and 30 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) Tree crown protection measures are required and must be installed by the AQF 5 project arborist.
- e) The circumference of the trunk(s) must be wrapped in hessian material to provide cushioning for the installation of timber planks.
- f) Timber planks (50 x100mm) must be spaced at 100mm intervals and must be attached using adjustable ratchet straps.
- g) All tree protection zones must have a layer of wood-chip mulch at a depth of between 150mm and 300mm.
- h) Where wood-chip mulch is permitted by Council instead of tree protection fencing within the tree protection zones, the wood-chip must be covered with a layer of geotextile fabric and rumble boards.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION
15. Road Opening Permit

A road opening permit shall be obtained from the Council to permit a person to dig into Council assets, such as roads, footpaths and nature strips. The applicable fees for the restoration of any public asset by Council shall be at the applicant's full expense.

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. 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 contains 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.

18. 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*.

19. 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.

20. 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.

21. Landfill not Permitted

The importation of fill material associated with earthworks, or structural or engineering works, is not permitted as part of this consent.

22. Waste Management

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

23. 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.

24. 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

25. 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 16, 17, 19, 20, 21, 22, 23, 24a, 24b, 25, 26, 27, 29, and 30 on the approved plans.

26. Maintaining Tree Protection Measures

Tree Protection Measures must be maintained by the project arborist in accordance with Condition No. 14 of this consent for the duration of works.

27. 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 40 mm.
- b) The new driveway must be constructed using the following process:
 - i) To minimise soil compaction the proposed driveway must be built above grade using sensitive construction techniques in the form of piers or screw pilings.
 - ii) To minimise soil compaction all imported material in the vicinity of the replacement driveway must be distributed by hand.

- c) Approved excavations within the Tree Protection Zone of trees to be retained not associated with installation of services must be undertaken as follows:
 - i) Excavations for the construction and/or installation of the driveway in the Tree Protection Zone of trees to be retained on the approved plans must be supervised by the project arborist for the first 1 metre undertaken manually to locate roots and allow for pruning in accordance with Condition No. 27a).
- d) Grade changes in the form of filling, are permissible outside the Structural Root Zone in conjunction with piers.
- e) Where scaffolding is required, ground protection must be installed beneath the scaffolding in the following order:
 - i) Installation of a 100mm deep layer of woodchip.
 - ii) Installation of geotextile fabric ground covering.
 - iii) Installation of scaffold boarding above the woodchip and geotextile fabric.

REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

28. 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.

29. 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.

30. 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.

31. Boundary Fencing

- a) The exact location, design and costing for the erection of boundary fencing are to be the subject of negotiation and agreement in accordance with the relevant requirements of the *Dividing Fences Act 1991*.
- b) Fencing must be erected along all property boundaries behind the front building alignment to a height of 1.8 metres.

Note: Alternative fencing may be erected subject to the written consent of the adjoining property owner(s).

32. Replacement Tree Requirements

- a) The trees approved for removal under this consent, being trees numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, 11a, 11b, 11c, 12, 13, 14, 15, 28, 31 and 32 must be offset through replacement planting of a minimum of 19 trees. The replacement trees are to be wholly contained within the proposed lots and located:
 - i) With a minimum of two (2) per lot within the front setback of each proposed lot in the final subdivision.
 - ii) In the rear of the lots along the eastern boundary.
 - iii) With a minimum of five (5) replacement trees within the handle of residue Lot 1 and Lot 204.
- 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 indicative building envelopes.
 - 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 when planted.
 - iv) All replacement trees must have the potential to reach a mature height greater than 10 metres.

33. Final Certification

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

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

ADDITIONAL CONDITIONS APPLICABLE TO STAGE 1 – TORRENS TITLE SUBDIVISION OF TWO LOT INTO THREE LOTS

REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

34. Stormwater Drainage

The stormwater drainage system for the development must be designed in accordance with Project No. P00430 Drawing No. 300, 301 & 302 Revision C dated 12.10.2022 by Group Development Services Pty Ltd, AUS-SPEC Specifications

(www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements:

- a) Connected to an existing Council piped drainage system with the following requirements:
- b) Council's drainage system be piped to contain the 20 year *Average Recurrence Interval* storm event with an overland flow provided above it.
- c) An inter-allotment stormwater drainage system to service the proposed subdivision with pits being cast in situ or pre cast concrete pits being used.

35. Public Road and Drainage Works

A separate Section 138 Roads Act Approval must be obtained from Council for all works within the public road reserve. 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) A Design Certifications Report Checklist in Annexure A and the civil design drawings shall be prepared in accordance with Annexure B – Minimum Drafting Guidelines in the Hornsby Council AUS SPEC Specifications.
- b) The extension of the existing public drainage system from the intersection with Boundary Road to the property frontage of proposed Lot 101 in Walker Place with a minimum 375 diameter RCP.
- c) Kerb and gutter across the frontage of development site in Walker Place with a minimum half road pavement construction together with drainage and turfed nature strip and kerb ramp.
- d) The road pavement shall be designed with a width measured from the existing kerb alignment shall be a minimum 7.5m.
- e) The existing road pavement to be saw cut a minimum of 500 mm from the existing edge of the bitumen and reconstructed.
- f) The submission of a compaction certificate from a geotechnical engineer for any fill within road reserves, and all road sub-grade and road pavement materials.

36. Footpath

A concrete footpath must be designed along the western side of Walker Place in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements:

- a) Pouring of the concrete footpath on the western side of Walker Place for the full length of the frontage of the subject site up to Boundary Road.
- b) The land adjoining the footpath to be fully turfed.
- c) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

Note: The plans of the footpath must be submitted and approved by Council's Manager Traffic and Road Safety prior to the issue of a Construction Certificate. Please submit this information to TrafficEngineering&RoadSafety@hornsby.nsw.gov.au for approval.

37. Parking Restrictions

Subject to consideration and approval by the Hornsby Local Traffic Committee, "No Parking" restrictions be posted along the eastern side of the widened road (development side). Written evidence is to be provided to Council of the decision of the Hornsby Local Traffic Committee prior to the issue of a Construction Certificate.

REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

38. Dedication of Public Road

All proposed public roads, as detailed on the approved plans Plan No. P00430-SK002 Revision A dated 28-09-2022 by Group Development Services Pty Ltd must be dedicated to Council as a 'public road' at no cost.

39. Creation of Easements

The following matter(s) must be nominated on the plan of subdivision under s88B of the *Conveyancing Act 1919*:

- a) The creation of a "*Positive Covenant*" over the proposed Lot 101 & 102 requiring that any future development is to provide a minimum 5,000 litre rainwater tank to be connected to all toilets, laundry use and irrigation purposes or provide a raingarden with a minimum filter area of 6m² to meet the water quality targets outlined in the Hornsby DCP 2013.
- b) The creation of a "*Positive Covenant*" over the proposed Lot 101 & 102 requiring that any future development is to provide an on-site detention system. The on-site detention system is to have a storage capacity of 5 cubic metres and a maximum discharge of 8 litres per second into Council's drainage system in accordance with Council's prescribed wording.
- c) "*Restriction on the Use of Land*" over residue Lot 1 to prohibit vehicular access from Boundary Road, with all vehicular access required via Walker Place.

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

40. 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 inter-allotment drainage 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. The location of all necessary service conduits provided to facilitate the proposed subdivision shall be clearly indicated on the works as executed plan.

ADDITIONAL CONDITIONS APPLICABLE TO STAGE 2 – DEMOLITION OF THE EXISTING DWELLING AND TORRENS TITLE SUBDIVISION OF PROPOSED RESIDUE LOT 1 INTO FOUR LOTS

REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE**41. Subdivision – Lodgement of Plan**

Evidence that a plan of subdivision creating the proposed lots in Stage 1 has been registered with the *NSW Department of Lands* must be submitted to Council or the Principal Certifying Authority.

42. Stormwater Drainage

The stormwater drainage system for the development must be designed in accordance with Project No. P00430 Drawing No. 300, 301 & 302 Revision C dated 12.10.2022 by Group Development Services Pty Ltd, AUS-SPEC Specifications

(www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements:

- a) Connected to an existing Council piped drainage system with the following requirements:
- b) Council's drainage system be piped to contain the 20 year *Average Recurrence Interval* storm event with an overland flow provided above it.
- c) An inter-allotment stormwater drainage system to service the proposed subdivision with pits being cast in situ or pre cast concrete pits being used.

REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**43. Creation of Easements**

The following matter(s) must be nominated on the plan of subdivision under s88B of the *Conveyancing Act 1919*:

- a) The creation of a "*Positive Covenant*" over the proposed Lot 201, 202, 203 & 204 requiring that any future development is to provide a minimum 5,000 litre rainwater tank to be connected to all toilets, laundry use and irrigation purposes or provide a raingarden with a minimum filter area of 6m² to meet the water quality targets outlined in the Hornsby DCP 2013.
- b) The creation of a "*Positive Covenant*" over the proposed Lot 201, 202, 203 & 204 requiring that any future development is to provide an on-site detention system. The on-site detention system is to have a storage capacity of 5 cubic metres and a maximum discharge of 8 litres per second into Council's drainage system in accordance with Council's prescribed wording.
- c) "*Restriction on the Use of Land*" over Lot 204 to prohibit vehicular access from Boundary Road, with all vehicular access required via Walker Place.

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

44. 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 inter-allotment drainage 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. The location of all necessary service conduits provided to facilitate the proposed subdivision shall be clearly indicated on the works as executed plan.

- 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.

Subdivision Certificate Requirements

A subdivision certificate application is required to be lodged with Council containing the following information:

- A surveyor's certificate certifying that all structures within the subject land comply with the development consent in regard to the setbacks from the new boundaries.
- A surveyor's certificate certifying that all services, drainage lines or access are located wholly within the property boundaries. Where services encroach over the new boundaries, easements are to be created.
- Certification that the requirements of relevant utility authorities have been met.
- A surveyor's certificate certifying finished ground levels are in accordance with the approved plans.

Note: Council will not issue a subdivision certificate until all conditions of the development consent have been completed.

Fees and Charges – Subdivision

All fees payable to Council as part of any construction, compliance or subdivision certificate or inspection associated with the development (including the registration of privately issued certificates) are required to be paid in full prior to the issue of the subdivision certificate. Any additional Council inspections beyond the scope of any compliance certificate required to verify compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

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).

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.

House Numbering

The house numbering for this subdivision shall be:

Lot	Street Number	Street Name	Street Type	Locality
Lot 101	13	Walker	Place	North Epping
Lot 102	11	Walker	Place	North Epping
Lot 1	127	Boundary	Road	North Epping
Lot 201	9	Walker	Place	North Epping
Lot 202	7	Malton	Road	North Epping
Lot 203	5	Walker	Place	North Epping
Lot 204	3	Walker	Place	North Epping

**ITEM 2 LPP63/22 - DA/514/2022 - Torrens Title Subdivision of 1 Lot into 4 and Road Widening
- 263 Malton Road, North Epping**

Additional information with **NO CHANGE** to Recommendation

1. SUBMISSION OF LETTER AGREEING TO VOLUNTARY PLANNING AGREEMENT

In a recent Land and Environment Court decision of *L & G Management Pty Ltd v Council of the City of Sydney [2021]* NSWLEC 149 before Duggen J, the Court ruled that land can only be dedicated to Council where it forms part of Council's Section 7.11 Contributions Plan or as part of a Planning Agreement under Section 7.4 of the *Environmental Planning and Assessment Act 1979*.

In the case of the subject site, Walker Place is not included in the Hornsby Shire Council Section 7.11 Development Contributions Plan 2020-2030 for the purpose of road widening and dedication of land. Therefore, to enable the power for the Hornsby Local Planning Panel to determine the application, Council requested a letter to be submitted by the Applicant agreeing to a Voluntary Planning Agreement (VPA) for dedication of the land for road widening in Walker Place free of cost (Attachment 1).

To reflect the VPA agreement, condition No. 7 has been added as a condition of consent to Schedule 1 (Attachment 2) to ensure a VPA is prepared and submitted to Council for agreement prior to the issue of a Subdivision Works Certificate.





RECOMMENDATION

THAT Development Application No. DA/514/2022 for demolition of existing dwelling house and carport, Torrens title subdivision of 1 lot into 4, construction of a driveway, drainage works and road widening as a staged development at Lot M DP 28986, No.263 Malton Road, North Epping be approved subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP63/22.

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

ROD PICKLES
Manager - Development Assessments
Planning and Compliance Division

Attachments:

1.   VPA Agreement Letter
2.   Amended Schedule 1

File Reference: DA/514/2022

Document Number: D08543893

Suzanne Neil
263 Malton Road
North Epping, 2121

[REDACTED]

Tuesday November 29, 2022

To
Madeleine Bayman
Senior Town Planner
Development Assessments
Hornsby Shire Council
Email: mbayman@hornsby.nsw.gov.au

To Dear Madeleine,

As discussed this morning, I Suzanne Neil, the owner of the property – 263 Malton Road, North Epping and developer, agree to submitting a Voluntary Planning Agreement for dedication of land for road widening in Walker Place, North Epping at no charge to Hornsby Shire Council.

This will form part of the conditions of the DA approval for the property 263 Malton Rd, North Epping.

This land is that shown in our development application to be used to complete part of the road in Walker Place, as well as completing the head of the cul de sac.

Kind regards,

[REDACTED]

Suzanne Neil

ATTACHMENT 1 - ITEM 2

LM14/2022

Item 2 – LPP63/22 – DA/514/2022 – Torrens Title Subdivision of 1 Lot into 4 and Road Widening – 263 Malton Road, North Epping

SCHEDULE 1

CONDITIONS APPLICABLE TO BOTH STAGES

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
2753-3	Plan showing Proposed Subdivision of Lot M in DP 28986, Plan of Survey, Concept Drainage & Road Design, and Sediment & Control Plan	Warren Eldridge	9/9/22	
-	Tree Protection Map	Hornsby Council	Undated	

Supporting Documentation

Document Title	Prepared by	Dated	Council Reference
Waste Management Plan	Warren Eldridge & Associates	10/3/22	D08412020
Arboricultural Impact Assessment	Redgum Horticultural	4/2/22	D08412033
VPA Agreement Letter	Sue Neil	29/11/22	D08544335

2. Construction Certificate

LM14/2022

- a) A Subdivision Works Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any subdivision works under this consent.
- b) A separate Section 138 *Roads Act 1993* Approval must be obtained from Council for all works within the public road reserve.
- c) The Subdivision Works Certificate plans must be consistent with the Development Consent plans.

3. Section 7.11 Development Contributions

- a) In accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act 1979* and the *Hornsby Shire Council Section 7.11 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	\$4,369.75
Open Space and Recreation	\$34,241.85
Community Facilities	\$21,089.85
Plan Preparation and Administration	\$298.50
TOTAL	\$59,999.95

being for the addition of three(3) lots.

- b) The value of this contribution is current as of 7 November 2022. 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:

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

Where:

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

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

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

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

- c) The monetary contribution must be paid to Council:
 - i) Prior to the issue of the Subdivision Certificate where the development is for subdivision.
 - ii) Prior to the issue of the first Construction Certificate where the development is for building work.

LM14/2022

- 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.

4. 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.
- a) Details of the appointed project arborist must be submitted to the PCA with the application for the construction certificate.

5. Removal of Trees

- a) This development consent permits the removal of trees numbered 5-9 (inclusive) and 21 as identified in the Survey of Subject Trees, Appendix C, page 18 of the Arboricultural Impact Assessment (AIA) provided by Redgum Horticultural, dated 04 February 2022.
- b) No consent is granted for the removal of tree(s) numbered 1-4 (inclusive) and 10-20 (inclusive) 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 (HDGP).

6. Tree Pruning

This development consent does not permit the pruning of any trees.

Note: The pruning 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 (HDGP).

REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

LM14/2022

7. Voluntary Planning Agreement

Pursuant to section 7.4 of the *Environmental Planning and Assessment Act 1979*, the applicant must prepare and enter into a Voluntary Planning Agreement (VPA) with Hornsby Shire Council for dedication of the land to Council for road widening. The terms of the VPA must include but not be limited to the following:

- a) The Applicant agrees to dedicate the land for road widening to Council free of cost as per the VPA agreement letter prepared by Sue Neil, dated 29/11/22.
- b) The Applicant agrees to pay all costs (including Council's costs) associated with the preparation, public notification, legal costs and administration costs of the VPA.

8. Utility Services

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

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

9. Construction Management Plan (CMP)

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

<https://www.hornsby.nsw.gov.au/property/build/applicationforms> for review and approval according to the following requirements:

- a) The CMP must detail the contact information for developers, builder, private certifier and any emergency details during and outside work hours.
- b) 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.

LM14/2022

- 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.
- c) A Construction Waste Management Plan detailing the following:

ATTACHMENT 2 - ITEM 2

LM14/2022

- 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 Australian Standard AS2601-2001 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.
- 4) 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:
 - iv) 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.
 - v) Construction methodology to avoid damage to trees proposed to be retained during construction works.
 - vi) Specifications on tree protection materials used and methods within the TPZ or SRZ.
 - vii) 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, which 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.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

10. 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:

LM14/2022

- 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.

11. 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.

12. 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*.

13. 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.

LM14/2022

ATTACHMENT 2 - ITEM 2**14. Installation of Tree Protection Measures**

- a) Trees to be retained and numbered 1-4 (inclusive) and 10-20 (inclusive) as identified on the Survey of Subject Trees, Appendix C, page 18 of the Arboricultural Impact Assessment (AIA) provided by Redgum Horticultural dated 04 February 2022 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 Map prepared by the Tree Management Team dated 10 June 2022.
 - ii) For the duration of construction works, in accordance Tree Protection Map prepared by the Tree Management Team dated 10 June 2022.
- b) Tree protection fencing for the trees to be retained numbered 1, 4 and 10-20 inclusive 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) Tree crown protection measures are required and must be installed by the AQF 5 project arborist.
- e) The circumference of the trunk(s) must be wrapped in hessian material to provide cushioning for the installation of timber planks.
- f) Timber planks (50 x100mm) must be spaced at 100mm intervals and must be attached using adjustable ratchet straps.
- g) All tree protection zones must have a layer of wood-chip mulch at a depth of between 150mm and 300mm.
- h) Where wood-chip mulch is permitted by Council instead of tree protection fencing within the tree protection zones, the wood-chip must be covered with a layer of geotextile fabric and rumble boards.

REQUIREMENTS DURING CONSTRUCTION

15. Road Opening Permit

A road opening permit shall be obtained from the Council to permit a person to dig into Council assets, such as roads, footpaths and nature strips. The applicable fees for the restoration of any public asset by Council shall be at the applicant's full expense.

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. Demolition

LM14/2022

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.

18. 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*.

19. 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.

20. 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.

21. Landfill not Permitted

The importation of fill material associated with earthworks, or structural or engineering works, is not permitted as part of this consent.

22. Waste Management

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

23. 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.

24. Prohibited Actions Within the Fenced Tree Protection Zone

LM14/2022

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

25. 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 1, 4 and 10-20 on the approved plans.

26. Maintaining Tree Protection Measures

Tree Protection Measures must be maintained by the project arborist in accordance with Condition No. 14 of this consent for the duration of works.

27. 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 40 mm.
- b) The new driveway must be constructed using the following process:
 - i) To minimise soil compaction the proposed driveway must be built above grade using sensitive construction techniques in the form of piers or screw pilings.
 - ii) To minimise soil compaction all imported material in the vicinity of the replacement driveway must be distributed by hand.
- c) Approved excavations within the Tree Protection Zone of trees to be retained numbered 4 not associated with installation of services must be undertaken as follows:
 - i) Excavations for the construction and/or installation of the driveway in the Tree Protection Zone of trees to be retained numbered 4 on the approved plans must be supervised by the project arborist for the first 1 metre undertaken manually to locate roots and allow for pruning in accordance with Condition No. 27a).

LM14/2022

- d) Grade changes in the form of filling, are permissible outside the Structural Root Zone in conjunction with piers.
- e) Where scaffolding is required, ground protection must be installed beneath the scaffolding in the following order:
 - i) Installation of a 100mm deep layer of woodchip.
 - ii) Installation of geotextile fabric ground covering.
 - iii) Installation of scaffold boarding above the woodchip and geotextile fabric.

REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE
28. 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.

29. 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.

30. 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.

31. Boundary Fencing

- a) The exact location, design and costing for the erection of boundary fencing are to be the subject of negotiation and agreement in accordance with the relevant requirements of the *Dividing Fences Act 1991*.
- b) Fencing must be erected along all property boundaries behind the front building alignment to a height of 1.8 metres.

Note: Alternative fencing may be erected subject to the written consent of the adjoining property owner(s).

32. Replacement Tree Requirements

- a) The trees approved for removal under this consent, being trees numbered 5-9 (inclusive) and 21 must be offset through replacement planting of a minimum of 4 trees.

LM14/2022

ATTACHMENT 2 - ITEM 2

- 2) 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>
- b) 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 indicative building envelopes.
 - 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 when planted.
 - iv) All replacement trees must have the potential to reach a mature height greater than 10 metres.

33. Final Certification

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

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

ADDITIONAL CONDITIONS APPLICABLE TO STAGE 1 – TORRENS TITLE SUBDIVISION OF ONE LOT INTO TWO LOTS

REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

34. Road Works

A separate Section 138 Roads Act Approval must be obtained from Council for all works within the public road reserve. 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 and gutter across the frontage of development site in Walker Place with a minimum half road pavement construction together with drainage and turfed nature strip.

LM14/2022

- b) The cul-de-sac in Walker Place shall be designed with a minimum 8.5m radius to provide sufficient turning area for a Council garbage truck.
- c) A Design Certifications Report Checklist in Annexure A and the civil design drawings shall be prepared in accordance with Annexure B - Minimum Drafting Guidelines in the Hornsby Council AUS SPEC Specifications.
- d) The existing road pavement to be saw cut a minimum of 500 mm from the existing edge of the bitumen and reconstructed.
- e) The submission of a compaction certificate from a geotechnical engineer for any fill within road reserves, and all road sub-grade and road pavement materials.

35. Footpath

A concrete footpath must be designed along the western side of Walker Place in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements:

- a) Pouring of the concrete footpath on the western side of Walker Place.
- b) The land adjoining the footpath to be fully turfed.
- c) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

Note: The plans of the footpath must be submitted and approved by Council's Manager Traffic and Road Safety prior to the issue of a Construction Certificate. Please submit this information to TrafficEngineering&RoadSafety@hornsby.nsw.gov.au for approval.

36. Parking Restrictions

Subject to consideration and approval by the Hornsby Local Traffic Committee, "No Parking" restrictions be posted along the eastern side of the widened road and cul-de-sac (development side). Written evidence is to be provided to Council of the decision of the Hornsby Local Traffic Committee prior to the issue of a Construction Certificate.

REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

37. Dedication of Public Road

All proposed public roads, as detailed on the approved plans Plan No. 2753-3 dated 09-09-2022 by Warren Eldridge Surveyors must be dedicated to Council as a 'public road' at no cost.

38. Creation of Easements

The following matter(s) must be nominated on the plan of subdivision under s88B of the *Conveyancing Act 1919*:

- a) The creation of a "Positive Covenant" over the proposed Lot 20 requiring that any future development is to provide a minimum 5,000 litre rainwater tank to be connected to all toilets, laundry use and irrigation purposes or provide a raingarden with a minimum filter area of 6m² to meet the water quality targets outlined in the Hornsby DCP 2013.

LM14/2022

- b) The creation of a *"Positive Covenant"* over the proposed Lot 20 requiring that any future development is to provide an on-site detention system. The on-site detention system is to have a storage capacity of 5 cubic metres and a maximum discharge of 8 litres per second into Council's drainage system in accordance with Council's prescribed wording.
- c) *"Restriction on the Use of Land"* over Proposed Lots 19 (residue) and 20 that restricts use of the land or built form development on the land until such time the widening and dedication of Walker Place has occurred under the adjoining DA/431/2022.

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

39. 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 inter-allotment drainage 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. The location of all necessary service conduits provided to facilitate the proposed subdivision shall be clearly indicated on the works as executed plan.

ADDITIONAL CONDITIONS APPLICABLE TO STAGE 2 – DEMOLITION OF THE EXISTING DWELLING AND TORRENS TITLE SUBDIVISION OF PROPOSED LOT 19 INTO THREE LOTS

REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

40. Subdivision - Lodgement of Plan

Evidence that a plan of subdivision creating the proposed lots in Stage 1 has been registered with the *NSW Department of Lands* must be submitted to Council or the Principal Certifying Authority.

41. 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 Plan No. 2753-3 dated 10.03.2022 by Warren Eldridge Surveyors and the following requirements:

- a) Connected directly to Council's kerb and gutter in Malton Road via a 200 x 100 Galvanised Steel RHS.
- b) An inter-allotment stormwater drainage system to service the proposed subdivision with pits being cast in situ or pre cast concrete pits being used.

42. On Site Stormwater Detention

An on-site stormwater detention system must be designed by a chartered civil engineer and constructed in accordance with the following requirements:

- a) Have a capacity of not less than 15 cubic metres, and a maximum discharge (when full) of 24 litres per second.

LM14/2022

- 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) Where above ground and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs must be installed.
- e) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

43. Creation of Easements

The following matter(s) must be nominated on the plan of subdivision under s88B of the *Conveyancing Act 1919*:

- a) An inter-allotment drainage easement(s) over each of the burdened lots.
- b) The creation of an appropriate "*Positive Covenant*" and "*Restriction as to User*" over the constructed on-site detention/retention systems and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title.
- c) To register the OSD easement, the restriction on the use of land "*works-as-executed*" details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on-site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the "*works-as-executed*" plan and supported by calculations.
- d) The creation of a "*Positive Covenant*" over the proposed Lot 21, 22 and 23 requiring that any future development is to provide a minimum 5,000 litre rainwater tank to be connected to all toilets, laundry use and irrigation purposes or provide a raingarden with a minimum filter area of 6m² to meet the water quality targets outlined in the Hornsby DCP 2013.
- e) "*Restriction on the Use of Land*" over Proposed Lots 21 and 23 that restricts use of the land or built form development on the land until such time the widening and dedication of Walker Place has occurred under the adjoining DA/431/2022.

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

44. 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 inter-allotment drainage 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

LM14/2022

relevant easements. The location of all necessary service conduits provided to facilitate the proposed subdivision shall be clearly indicated on the works as executed plan.

- 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.

Subdivision Certificate Requirements

A subdivision certificate application is required to be lodged with Council containing the following information:

- A surveyor's certificate certifying that all structures within the subject land comply with the development consent in regard to the setbacks from the new boundaries.
- A surveyor's certificate certifying that all services, drainage lines or access are located wholly within the property boundaries. Where services encroach over the new boundaries, easements are to be created.
- Certification that the requirements of relevant utility authorities have been met.
- A surveyor's certificate certifying finished ground levels are in accordance with the approved plans.

Note: Council will not issue a subdivision certificate until all conditions of the development consent have been completed.

Note: At the present time Hornsby Shire Council is the only authority that can be appointed as a PCA for subdivision works within the Shire.

Fees and Charges – Subdivision

All fees payable to Council as part of any construction, compliance or subdivision certificate or inspection associated with the development (including the registration of privately issued certificates) are required to be paid in full prior to the issue of the subdivision certificate. Any additional Council inspections beyond the scope of any compliance certificate required to verify compliance with the terms

LM14/2022

of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

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).

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.

House Numbering

The house numbering for this subdivision shall be:

Lot	Street Number	Street Name	Street Type	Locality
Lot 19	263	Malton	Road	North Epping
Lot 20	15	Walker	Place	North Epping
Lot 21	17	Walker	Place	North Epping
Lot 22	263	Malton	Road	North Epping

LM14/2022

Lot 23	19	Walker	Place	North Epping
--------	----	--------	-------	--------------

ATTACHMENT 2 - ITEM 2

ITEM 3 **LPP61/22** - DA/1244/2021 - Seniors Living Development Comprising 30 Self-Contained Dwellings - 15B, 17, 19, 19A & 21 Penrhyn Avenue, Beecroft and 579 Pennant Hills Road, West Pennant Hills

Additional information with NO CHANGE to Recommendation

Clarification has been sought with regards to Clause 40(4) of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (SEPP HSPD) and the 3-storey element of the centrally located Apartment Block.

These matters are addressed below.

1. CLAUSE 40 - DEVELOPMENT STANDARDS

Clause 40(4) specifies height requirements in zones where residential flat buildings are not permitted. A residential flat building is defined as a building containing two or more self-contained dwellings. Residential flat buildings are prohibited in the R2 Low density residential zone; however, the proposal complies in terms of the requirements of SEPP HSPD detailed as follows:

40 Development standards—minimum sizes and building height

- (1) **General** *A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.*
- (2) **Site size** *The size of the site must be at least 1,000 square metres*
- (3) **Site frontage** *The site frontage must be at least 20 metres wide measured at the building line.*
- (4) **Height in zones where residential flat buildings are not permitted** *If the development is proposed in a residential zone where residential flat buildings are not permitted—*
 - (a) *the height of all buildings in the proposed development must be 8 metres or less, and*
Note—
Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).
 - (b) *a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and*

Note—

The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.

(c) *a building located in the rear 25% area of the site must not exceed 1 storey in height.*

With respect to Clause 40(2) and (3), the proposal satisfies the requirements with a site area of 7,907.6m² and a site frontage of approximately 40m to Penrhyn Avenue.

With respect to Clause 40(4)(a), the proposal complies with the height requirements of SEPP HSPD, whereby, the non-discretionary height standard of 8m to the ceiling with which the proposal complies, prevails over any inconsistency with the 8.5m height standard contained in HLEP. This was confirmed in judgements in the Court of Appeal in *Hastings Point Progress Association Inc v Tweed Shire Council* and the Land and Environment Court of NSW in *Eastern Suburbs Leagues Club Ltd v Waverley Council*. This is further reinforced by:

- Section 3.28(1)(a) of the Act which identified that in the event of an inconsistency between environmental planning instruments and unless otherwise provided, there is a general presumption that a SEPP prevails over a local environmental plan made before or after the policy; and

Clause 5(3) of SEPP HSPD which details the following: *“If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency.”*

With respect to Clause 40(4)(b), all buildings adjacent to a boundary would be no more than 2 storeys in height. The only building considered to have a 3 storey element is the central apartment block (Units 15-22, circled in Figure 1 below) due to the basement level being more than 1m above ground level. This matter is addressed in Section 2 below.

With respect to Clause 40(4)(c), all buildings within the rear 25% of the site (Units 25, 26, 29 and 30, highlighted in yellow on Figure 1) do not exceed 1 storey in height.

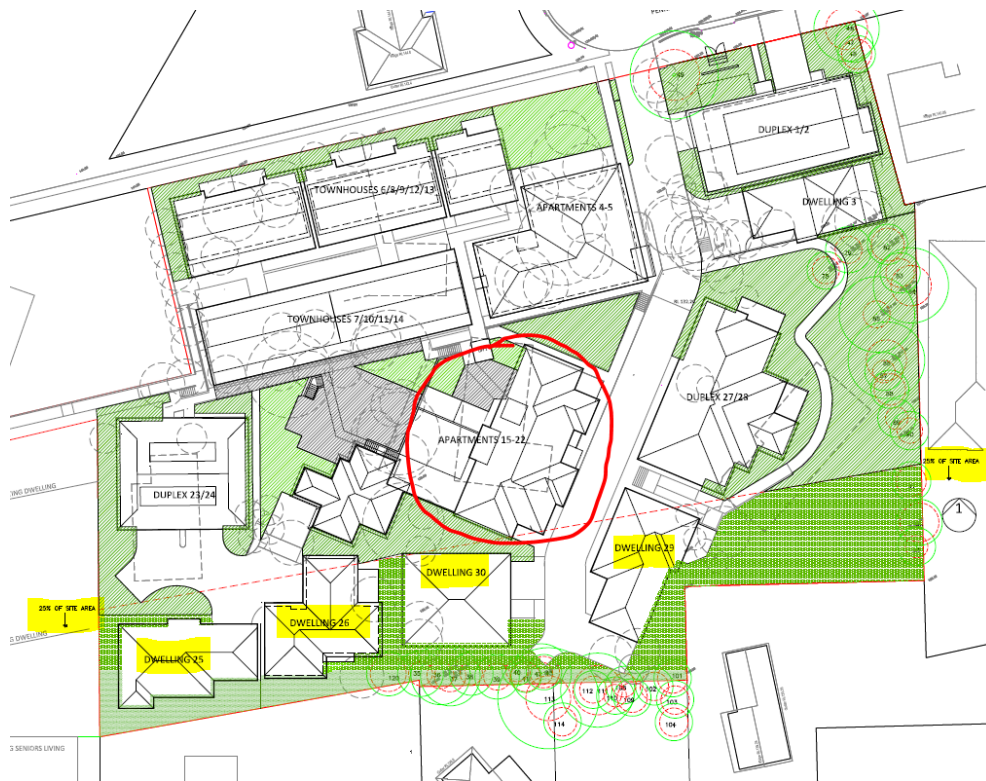


Figure 1: Site + Roof Plan, prepared by Peter Brooks, 03/11/22

2. CENTRAL APARTMENT BLOCK - 3-STOREY ELEMENT

Clause 50 of SEPP HSPD includes non-discretionary development standards whereby compliance cannot be used to refuse development consent. Section 2.2.14 of LPP61/22 report outlines that the proposal generally complies with these standards. The following minor variation is discussed below:

50 Standards that cannot be used to refuse development consent for self-contained dwellings

A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds—

- (a) *building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),*

The basement of the central apartment block (refer to red circled building in Figure 1) along its access driveway would be at RL 135.00 and this wall is on the existing RL 133.00 contour (this contour is shown in grey on all plans and the level noted at the boundary of the site.) The basement is therefore 2m above natural ground and is counted as a storey (refer to area marked in red in Figure 2 below). The ceiling of the top units along this wall is at RL 140.70 and is 7.7m above existing ground thus complying with Clause 40(4)(a) of the SEPP.

In line with the above, a portion of central apartment block would be 3 storeys in height. In support of this non-compliance, the proposal remains compliant with the height requirements of SEPP HSPD and the 3 storey element would be limited to the centre of the site, having minimal amenity impacts to adjoining neighbours and is considered acceptable in this regard.

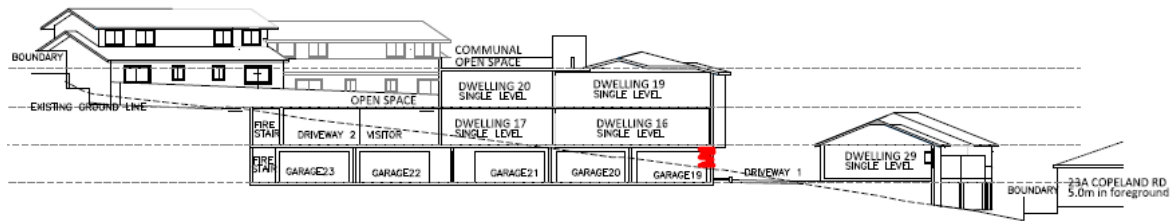


Figure 2: Section, prepared by Peter Brooks, 03/11/22

CONCLUSION

The above information supports the assessment of the proposed development under LPP Report No. LPP61/22 and there is no change to the recommendation.

RECOMMENDATION

THAT Development Application No. DA/1244/2021 for demolition of existing structures, construction of a Seniors living development comprising 30 self-contained dwellings, associated civil/site works, landscape works and lot consolidation at Nos. 15B, 17, 19, 19A & 21 Penrhyn Avenue, Beecroft and 579 Pennant Hills Road, West Pennant Hills be approved, subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP61/22.

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

ROD PICKLES
Manager - Development Assessments
Planning and Compliance Division

Attachments:

There are no attachments for this report.

File Reference: DA/1244/2021
Document Number: D08543840



DETERMINATION BUSINESS PAPER

LOCAL PLANNING PANEL MEETING

**Wednesday 30 November 2022
at 4:00pm**



TABLE OF CONTENTS

ITEMS

Item 5	LPP70/22 DA/987/2022 - Alterations and Additions to Existing Dwelling and New Swimming Pool - 19 Marcella Street, North Epping	1
Item 6	LPP68/22 DA/787/2022 - Alterations and Additions to Existing Dwelling and New Swimming Pool - 3 Butterfield Street, Thornleigh	49
Item 7	LPP71/22 DA/742/2021 - Section 8.2 Application - Construction of a Dwelling House - 15 Pomona Street, Pennant Hills	89
Item 8	LPP72/22 Report on Heritage Conservation Management Plan for DA/667/2022.....	131
Item 9	LPP65/22 DA/667/2022 - Mixed Use Development Comprising Shop Top Housing and Residential Flat Building - 370 Pennant Hills Road, Pennant Hills	203

5 DA/987/2022 - ALTERATIONS AND ADDITIONS TO EXISTING DWELLING AND NEW SWIMMING POOL - 19 MARCELLA STREET, NORTH EPPING

EXECUTIVE SUMMARY

DA No: DA/987/2022 (Lodged on 15 September 2022)

Description: Alterations and additions to an existing dwelling, including new first floor addition and construction of a swimming pool

Property: Lot 3 DP 231814, No. 19 Marcella Street, North Epping

Applicant: Mr Andrew Grieve

Owner: Mrs Fiona Maria McKinnon & Mr Jonathon Lee McKinnon

Estimated Value: \$356,900

Ward: C Ward

- The application involves alterations and additions to a dwelling house and construction of a swimming pool.
- The proposal does not comply with the Hornsby Local Environmental Plan 2013 with regard to Clause 4.3 'Height of buildings'. The applicant has made a submission in accordance with Clause 4.6 'Exceptions to development standards' of the Hornsby Local Environmental Plan 2013 to contravene the height of buildings development standard. The submission is considered well founded and is supported.
- A total of 1 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 Hornsby Local Environmental Plan 2013 development standard for maximum height of buildings by more than 10 percent.
- It is recommended that the application be approved.

RECOMMENDATION

THAT the Hornsby 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/987/2022 for alterations and additions to existing dwelling and construction of a swimming pool at Lot 3 DP 231814, No. 19 Marcella Street, North Epping subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP 70/22.

BACKGROUND

On 18 July 2014, a Complying Development Certificate (CDP/841/2014) was approved for residential alterations and additions (SEPP Controls) comprising construction of a rear timber deck, timber pergola, replacement of front balustrade, demolition of laundry and minor internal works to doors.

SITE

The development site comprises a single 746.1m² allotment on the north-eastern side of Marcella Street. The site currently contains a one and two storey dwelling house. The existing garage and worksite on the ground floor contribute to the two storey element of the site. The site is used for residential purposes.

The site experiences a gentle 2 metre fall from the rear north-eastern boundary to the street. The site is not bushfire or flood prone. No trees are proposed to be removed to facilitate development works.

The surrounding locality is dominated by one and two storey dwelling houses. All dwelling houses in the vicinity to the subject site contain either an attached carport or attached garage. Notably, previous excavation works to facilitate the driveway development for the subject site result in a level driveway access opposed to adjoining properties that slope upwards to the dwelling.

The site does not contain a heritage listed item, is not in a heritage conservation area and is not in the vicinity of a heritage conservation item. The site does not contain ecologically endangered communities, and is not burdened by an easement.

PROPOSAL

The proposal seeks consent for the following works:

- New first floor addition with two bedrooms, ensuite, sitting area and associated stairwell
- Rear ground floor minor extension towards property rear for a renovated kitchen area
- Replacement of existing pergola roof to gable roof
- Construction of an inground swimming pool at the rear of the property

All proposed works would be located within the building footprint of the existing dwelling house, excluding the in-ground swimming pool.

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 over 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 a mix of housing types 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 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 ‘dwelling house’ and is permissible in the R2 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 proposal has a maximum height of 9.86m and does not comply with this provision.

The application is supported by a written request pursuant to Clause 4.6 of the HLEP to contravene the maximum height of building development standard, which is discussed in Section 2.1.3 of this report.

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 written request prepared by John G. Bourke of Homeplan Project Design Resources, describes the extent of the contravention as follows:

This request is for variation to the 8.5m maximum height standard prescribed in the LEP. The existing residence is primarily in a single storey form with undercroft garage and workshop which responds to the slop of the site. Due to the slope of the land (from north rear down to street frontage, the existing garage and workshop is constructed under the residence and extends back under the residence to a maximum depth of about 1.8m into the ground. We understand Council interprets existing ground level as including the floor of garage/workshop, so while the majority of the roof above the new upper floor is below the maximum 8.5m height limit, the area of roof immediately above the garage and workshop, in a footprint to match, is non-compliant with the height limit.

The figure below demonstrates the limited area of roof exceeding the height limit. Possible alternatives have been considered to meet the height standard, including a very low pitch roof, or a low pitch 'cut-out' section of roof following the position of basement garage below, but both would be awkward and out of character and create a poorly articulated residential addition. Due to the slope of site and existing placement of the home, it is also considered larger ground floor alterations would provide worse amenity and landscaping.

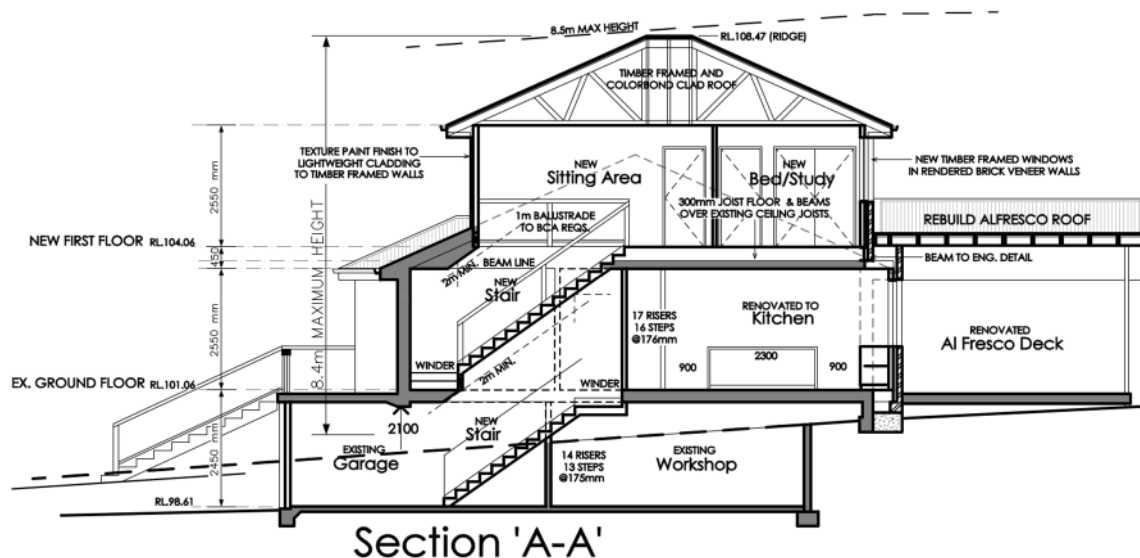


Figure 1: Section showing building height notations (maximum 8.3m from ground level, maximum 9.86m when measured from basement floor level)

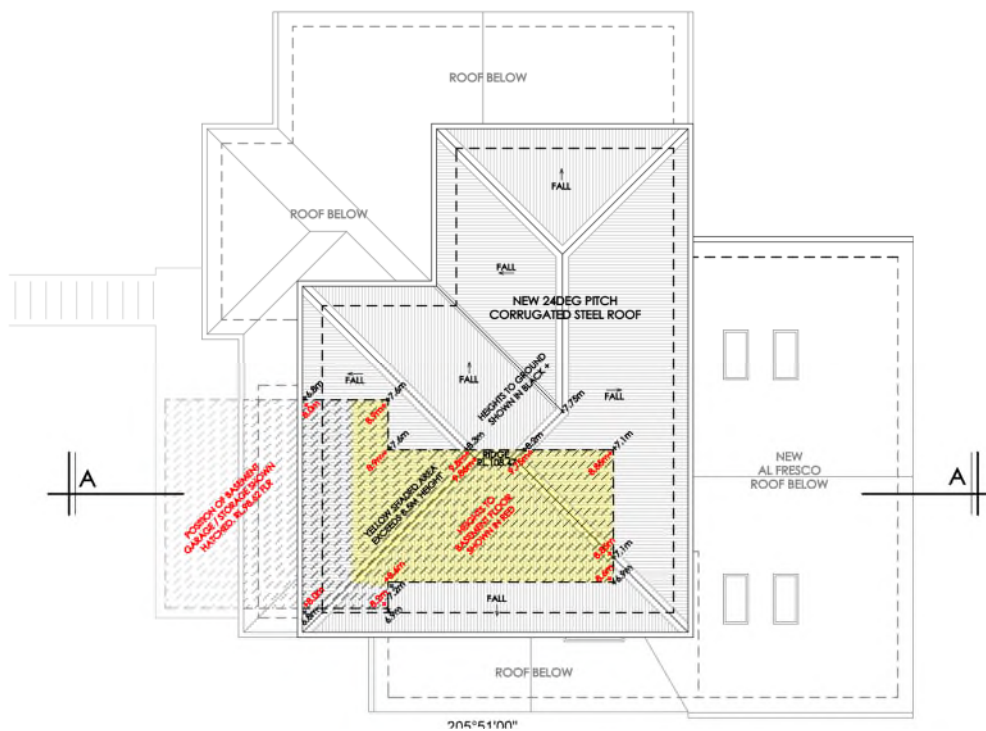


Figure 2: Roof plan showing building height notations (maximum 8.3m from ground level, maximum 9.86m when measured from basement floor level)

Figures 1 and 2 depict the extend of the non-compliance. The proposal is for a maximum height of building of 9.86m. While the height of building from existing ground levels is a maximum of 8.3m, where the existing excavated garage and storage area floor level are located the height is greater – indicated with yellow shading. Measuring from the existing excavated garage and storage area results in a maximum proposed height of 9.86m, which equates to a 16.0% variation to the 8.5m development standard. However, the majority of the proposed new upper floor roof is within the development standard.

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. These criteria demonstrated 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 Homeplan Project Design Resources, dated October 2022 provides a detailed assessment of the proposal with respect to the development standard sought to be contravened. The written request provides reasoning on all five of the *Wehbe* tests, however, Council is of the opinion that the justification provided for the first test, being “*The objectives of the development standard are achieved notwithstanding non-compliance with the standard*” is the most appropriate reasoning provided. Justification provided under the remaining four *Wehbe* tests are noted, however they are considered to be supporting arguments, that do not meet the required level of justification to support contravention of the ‘height of buildings’ development standard.

The reasoning provided within the written request to demonstrate that the objectives of the development standard are achieved notwithstanding non-compliance with the standard are as follows:

The relevant objective underpinning the building height development standard is:

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

The additional height proposed (above the existing building) contributes to the delivery of a high-quality development on this site. The zoning of the site and surrounding industrial lands includes land of relatively steep topography that may be considered in some respects unsuitable for industrial development. Consequently, a number of industrial complexes in the locality have been approved by Council in contravention of the current LEP height standard. The proposed building works are consistent with the height and scale of the building constructed immediately adjoining the site to the west.

The existing dwelling is constructed at 7.62 metres height. The minor additional breach in height at small elements of the building is considered acceptable in the circumstances and in the context of the surrounding development.

The lateral expansion of the building to achieve Council's maximum permitted height would involve major reconstruction to allow for necessary construction machinery to access the rear of the site.

The objectives of the standard can be achieved, notwithstanding the additional height, and that a superior development outcome would result.

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

- The only area of non-compliance with the height is a portion of the roof which follows the footprint of the undercroft garage and workshop. This ground floor garage and workshop does not dominate the building façade, and would generate negligible impacts to the streetscape and amenity accordingly.
- The additional floor space assists in achieving the envisioned development potential for the site and brings the development closer to the maximum permissible floor area. Placing this additional floor space within the building envelope would assist in protecting the remnant vegetation on site.
- The locality of the area is characterised by dwellings between one and three storeys. A development of such nature would not result in adverse impacts to the building character of the North Epping area, nor set precedent to permit unreasonable development.
- Dwelling houses in the locality comprise largely of attached garages and carports. These dwelling houses however slope upwards to the property unlike the subject site that has reduced gradient. Accordingly, the site is constrained by previous excavation works to facilitate development of the ground floor garage and workshop area resulting in surrounding land of the ground floor either being partially or fully underground, or the portion of land that serves as the access driveway.
- Alternative low pitched roof form, or 'cut-out' portion of the roof, which could provide a compliant design solution have been considered and dismissed as the building form and appearance would be poor and detrimental to the location and streetscape. The proposed design and form fits comfortably into the streetscape and is not more bulky or large in scale. With an articulated form stepping away from the street the proposed design provides a good transition and match to adjacent homes.
- The maximum proposed ridge level of the subject site is 108.47 metres ASL, which is 0.49 metres lower than the dwelling house at adjoining property to the east No. 21 Marcella Street at 108.96 metres ASL. The adjoining property to the east No. 17 Marcella Street has a maximum height of 106.93 metres ASL, which is a minor difference of 1.54 metres which would not be considered uncommon or unreasonable between dwelling houses in the locality.
- Positioning the first-floor addition at the alternate portion of the dwelling would be unfeasible as the associated stairway required would involve major internal reconfiguration of existing bedrooms rather than positioning it in an open living space.
- Facilitating lateral extension of the existing first floor would prove highly complex as access for required construction machinery would be extremely limited.
- There would be negligible adverse impacts to solar access, view loss and privacy.

For the reasons outlined above, it is considered that the written request to contravene the height of buildings development standard adequately demonstrates that the objectives of the development standard contained within Clause 4.3 of the HLEP are achieved, notwithstanding contravention of the development 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 potential for negative town planning and urban outcomes that may arise from strict compliance with the requirement are negligible when considering the context of the site with surrounding development.*
- *The unique qualities of the site and the proposed alterations and additions will maintain and enhance these and the character of the locality.*
- *The extent of the non-compliance is minor in the context of the existing built form.*
- *The non-compliance arises solely from the existing, non-visible, undercroft garage and storage spaces. Using floor levels in this vicinity to limit roof form immediately above, rather than the natural ground levels and trend of contours is unreasonable when these levels have no impact on actual building form.*
- *Alternative fully compliant roof responses to the portion of undercroft garage and workshop would provide for a poor design solution not in keeping with the existing character or contributing positively to streetscape. - The request for a 16% variation to maximum height – which only affects a portion of the roof area – does not impact on full compliance with the other LEP controls and DCP guidelines.*
- *All other controls that limit bulk scale including floor area, area of landscaping and maximum site coverage are met – indicating that the proposed alterations maintain a reasonable low-density form.*
- *The proposal is consistent with the objectives of the clause 4.3 height standard in the LEP.*
- *The requested variation to the maximum height standard will have no adverse impact on adjoining residents in relation to overshadowing, views or privacy.*
- *The variation results from particulars of the existing dwelling and site contours and would not establish a precedent for other unjustified non-compliances.*
- *The proposed variation to the height standard does not conflict with any matters of State or regional environmental planning significance, nor does it conflict with any State Planning Policies or Ministerial directives. The significance of the non-compliance is acceptable in the context of the overall development of the broader Hornsby area.*
- *The public benefit would be best served by approval of this application, despite the height variation proposed as doing so provides for a higher quality design outcome which responds suitably to the natural site levels.*
- *The additional height is a negligible issue within the context of the greater planning benefit, including opportunities for the protection and enhancement of local values and provision of high-quality residential development that would result from the minor variation to the height standard.*

In this regard, there are sufficient environmental planning grounds specific to this site to justify the proposed departure from the development standard.

The underlying objective of the height standard is to minimise potential adverse environmental impacts of development of the site on the surrounding area.

Although the proposal breaches the height of buildings control, the development achieves appropriate building envelopes and separation to the adjacent dwelling houses. It is also worth noting that the development does comply with solar access, site coverage and other similar requirements adopted by Council.

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.

Council is therefore satisfied that Clause 4.6(3)(b) 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 part (a)(i), the written request is considered to adequately address the matters 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 under clause 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

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 application proposes excavation associated with the proposed inground swimming pool. At its deepest point, the excavation would be 1 metre below the existing ground level.

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	A stormwater concept plan provided by the applicant details that stormwater generated by the proposed development would be disposed via a sewer as shown on the Stormwater Concept Plan.
(b) The effect of the development on the likely future use or redevelopment of the land	Proposed excavation of the pool development is ancillary to the dwelling house. The dwelling house is existing and to remain in its original footprint. There is ample space in alternate locations of the rear yard to enable potential future development.
(c) The quality of the fill or the soil to be excavated, or both	An examination of Council's records and aerial photography has determined that the site has been historically used for residential purposes. It is not likely that the site has experienced any significant contamination, and further assessment
(d) The effect of the development on the existing and likely amenity of adjoining properties	Excavation works to facilitate development of a swimming pool would generate negligible amenity impacts to adjoining properties. There would be no change from the existing impacts to proposed amenity impacts as the footprint of the proposed pool is within the principle private open space of the subject site.
(e) The source of any fill material and the destination of any excavated material	A suitable condition of consent has been recommended requiring 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 <i>Waste Classification Guidelines</i> and Protection of the Environment Operations (Waste) Regulation 2014 prior to disposal to a licensed waste management facility.

(f) The likelihood of disturbing relics	Council has no record of any historical items or events of note on the subject site, of either Aboriginal or European Heritage. It is therefore considered that the proposed works are unlikely to disturb any relics.
(g) The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area	There is no drinking water catchment within close proximity to the site. (Further discussion regarding environmental impact is contained within the body of this report)
(h) Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development	Appropriate measures have been included as conditions of consent in Schedule 1 of this report to avoid, minimise and mitigate the impacts of the development.

2.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The application has been assessed against the requirements of Chapters 2 and 10 of State Environmental Planning Policy (Biodiversity and Conservation) 2021.

2.2.1 Chapter 2 Vegetation in Non-Rural Areas

Chapter 2 of this policy aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.

Part 2.3 of the policy 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.

Section 3.1.1 of this report provides an assessment in accordance with Part 1B.6.1 of the HDCP.

2.2.2 Chapter 10 Sydney Harbour Catchment

The site is located within the catchment of Sydney Harbour. The aim of this chapter is to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained. This chapter provides general planning considerations and strategies to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained.

The plan addresses matters related to biodiversity, ecology and environment protection; public access to, and use of, foreshores and waterways; maintenance of a working harbour; interrelationship of waterway and foreshore uses; foreshore and waterways scenic quality; maintenance, protection and enhancement of views and boat storage facilities.

Subject to the implementation of sediment and erosion control measures and stormwater management to protect water quality, the proposal would have minimal potential to impact on the Sydney Harbour Catchment and would comply with the requirements of chapter 10 of the Biodiversity and Conservation SEPP.

2.3 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.

2.4 State Environmental Planning Policy (Resilience and Hazards) 2021

The application has been assessed against the requirements of Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021.

2.4.1 Chapter 4 Remediation of Land

Section 4.6 of the Resilience and Hazard SEPP states that 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 residential purposes. It is not likely that the site has experienced any significant contamination, and further assessment under chapter 4 of the Resilience and Hazards SEPP is not required.

2.5 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.

2.6 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	746.1m ²	N/A	N/A
Building Height	9.86m	8.5m	No
No. storeys	2	max. 2 + attic	Yes
Site Coverage	22.9%	max 50%	Yes
Floor Area	204.9m ²	380m ²	Yes
Setbacks			
- <i>Front (south-west)</i>	8.7m	6m	Yes
- <i>Side (north-west)</i>			
<i>Ground floor dwelling</i>	900mm	900mm	Yes
<i>Ground floor rainwater tank</i>	0mm	900mm	No
<i>First floor</i>	3.9m	1.5m	Yes
- <i>Side (south-east)</i>			
<i>Ground floor dwelling</i>	950mm	900mm	Yes
<i>First floor</i>	3m	1.5m	Yes
- <i>Rear (north-east)</i>			
<i>Ground floor</i>	14.9m	3m	Yes
<i>First floor</i>	21m	8m	Yes
Landscaped Area (% of lot size)	403.1m ²	min 223.8m ²	Yes
Private Open Space			
- <i>minimum area</i>	>24m ²	24m ²	Yes
- <i>minimum dimension</i>	>3m ²	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 with the exception of building height. A brief discussion on compliance with relevant performance requirements and Part 1C General Controls is provided below.

2.6.1 Height of Building

The development does not comply with the 8.5m height of buildings prescriptive measure. This aspect of the development is discussed in detail in Section 2.1.3 of this report.

2.6.2 Setbacks

The development complies with all setbacks with the exception of the proposed rainwater tank associated with the proposed swimming pool. As this would not create adverse impacts to any vegetation or raise acoustic or amenity concerns, Council raises no objection to the position of the rainwater tank.

2.6.3 Sunlight Access

The desired outcome of Part 3.1.5 Sunlight of the HDCP is development designed to provide reasonable sunlight to sensitive areas. The first floor addition of the dwelling would not generate any adverse impacts to the subject site or adjoining properties with respect to sunlight access as shown from the provided shadow diagram.

2.6.4 Privacy

The application complies with the desired outcome and all prescriptive measures of Part 3.1.6 Privacy of the HDCP. Both proposed windows facing adjoining property No. 21 Marcella Street on the south-eastern and north-western elevations have a sill height of 1.6 metres. There are no proposed windows on the north-western side elevation.

All proposed windows on the first floor addition facing the property rear would not serve living or entertaining rooms of the dwelling. All windows would comply with all prescriptive measures of privacy of the HDCP. No proposed living spaces of the dwelling would overlook the private open space of adjoining dwellings.

The proposed pool coping would be elevated 900mm from existing ground level, which does not comply with the 600mm prescriptive measure. In support of this non-compliance, this area would serve as a passive space used for pool maintenance and access rather than entertainment. This area of the pool would also be screened by existing dense vegetation screening views to the adjoining dwelling No. 17 Marcella Street, North Epping.

2.7 Section 7.12 Contributions Plans

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

No trees would be adversely impacted to facilitate development works. A palm tree in the adjoining property would be retained and protected by a boundary fence. Minor vegetation removal of a shrub would be required to facilitate development of the swimming pool. No tree protection measures would be required.

3.1.2 Stormwater Management

The application proposes to dispose of stormwater generated by the first floor addition by connecting to the existing stormwater system of the dwelling house that drains stormwater directly to the street. Stormwater generated by the proposed pool would be connected to the sewer.

3.2 Built Environment

3.2.1 Built Form

As discussed in Part 2.1.3 of this report, the proposed built form on the subject site is appropriate with regard to the existing dwelling house or swimming pool, and the one and two storey residential dwelling developments in the surrounding locality. No objections are raised to the built form of the proposed alterations and additions.

3.3 Social Impacts

The proposed alterations and additions to existing residence, including new first floor and swimming pool would not have any adverse social impacts to the locality.

3.4 Economic Impacts

The proposed alterations and additions to existing residence, including new first floor and swimming pool would not have any adverse economic impacts to 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”*.

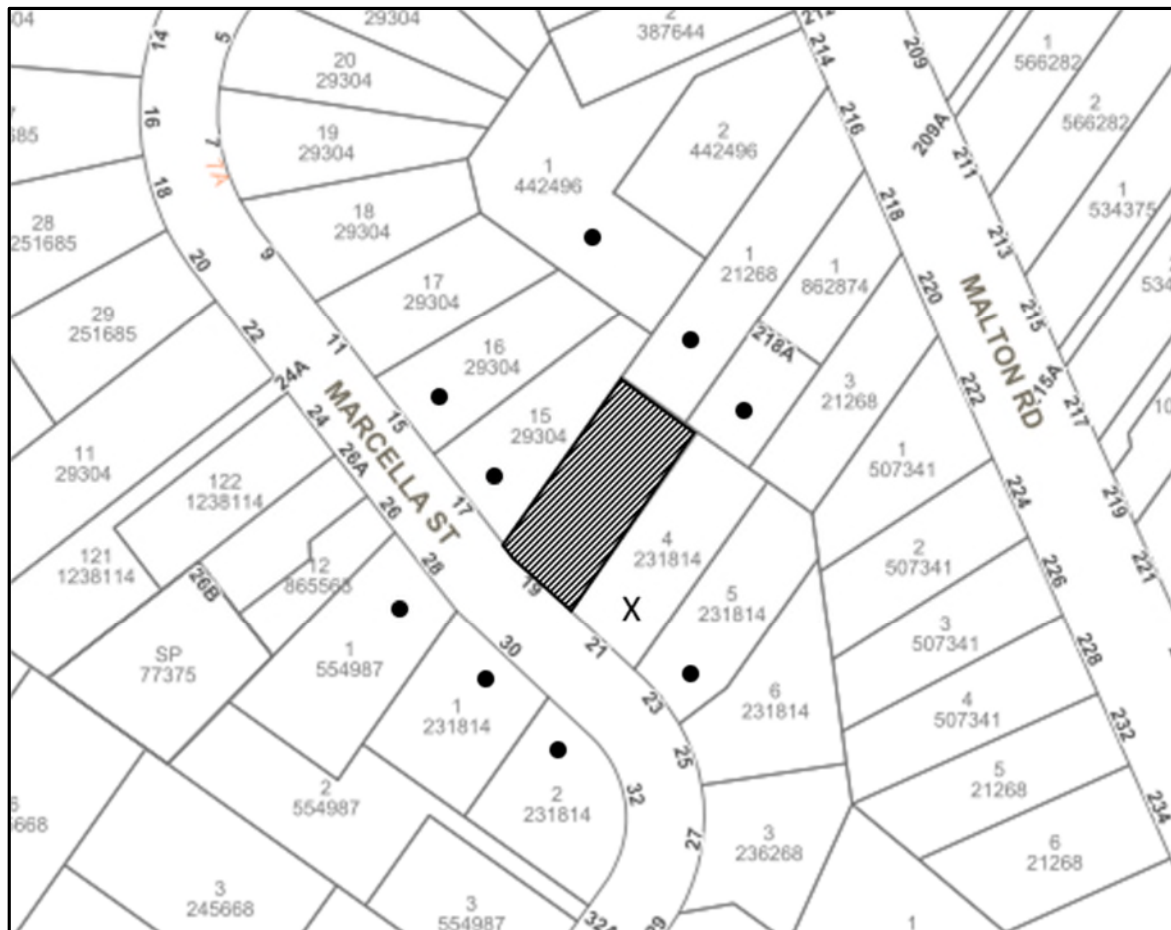
The subject site has not been identified as bushfire prone or flood prone land. The site is considered to be capable of accommodating the proposed development. The scale of the proposed development is consistent with the capability of the site, the surrounding R2 zoned residential development and on balance, 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 26 September 2022 and 10 October 2022 in accordance with the Hornsby Community Engagement Plan. During this period, Council received one submission. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

<ul style="list-style-type: none"> PROPERTIES NOTIFIED 	<p>X SUBMISSIONS RECEIVED</p>		<p>PROPERTY SUBJECT OF DEVELOPMENT</p>	
-----------------------------------------------------------------------	--------------------------------------	-------------------------------------------------------------------------------------	----------------------------------------	---------------------------------------------------------------------------------------

One submission objected to the development, generally on the grounds that the south-eastern and north-eastern elevated windows of the proposed first floor addition development would generate adverse privacy impacts

The merits of the matters raised in community submissions have been addressed in the body of the report in Section 2.6.3 of the report.

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 alterations and additions to existing residence, including new first floor and swimming pool.

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 submission during the public notification period. The matters raised have been addressed in the body of the report in Section 5.1.

Having regard to the circumstances of the case, approval/refusal 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 Clause 4.3 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 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, 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 Sophie Valentine.

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. Clause 4.6
3. Architectural Plans
4. Shadow Diagram
5. Stormwater Concept Plan

File Reference: DA/987/2022

Document Number: D08509983

ITEM 5

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
44501	Site Plan	Homeplan Architects	September 2022	
44502	Basement Plan	Homeplan Architects	September 2022	
44503	Ground Floor Plan	Homeplan Architects	September 2022	
44504	New First Floor Plan	Homeplan Architects	September 2022	
44505	Elevations (1 of 2)	Homeplan Architects	September 2022	
44506 Rev A	Elevations (2 of 2)	Homeplan Architects	September 2022	
44507	Section & Notes	Homeplan Architects	September 2022	
44514	New Roof Plan	Homeplan Architects	October 2022	
44508	Existing Basement Plan	Homeplan Architects	September 2022	
44509	Existing Floor Plan	Homeplan Architects	September 2022	
44510	Existing Roof Plan	Homeplan Architects	September 2022	
44515 Rev A	Stormwater Concept Plan	Homeplan Architects	October 2022	
44513 Rev A	Shadow Diagrams	Homeplan Architects	October 2022	

Supporting Documentation

Document Title	Prepared by	Dated	Council Reference
BASIX Certificate No. A470468	Homeplan Project Design Resources	14 September 2022	D08495965
Waste Management Plan	Homeplan Architects	13 September 2022	D08495993

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. 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*, **\$3,569.00** must be paid towards the provision, extension or augmentation of public amenities or public services, based on development costs of **\$356,900.00**.
- b) The value of this contribution is current as of 4 November 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:

$$\begin{aligned} \$C_{PY} &= \frac{\$C_{DC} \times CPI_{PY}}{CPI_{DC}} \end{aligned}$$

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.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

4. Building Code of Australia

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

5. 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.

6. 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.

7. 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.

8. Stormwater Drainage – Dwellings

The stormwater drainage system for the development must be designed for an average recurrence interval (ARI) of 20 years and be gravity drained to the existing internal drainage system.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

9. 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.

10. 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.

11. 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*.

12. 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.

REQUIREMENTS DURING CONSTRUCTION**13. 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.

14. 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.

15. 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*.

16. 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.

17. 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.

18. 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.

19. Survey Report

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

Prior to the pouring of concrete at each level of the building certifying that:

- a) The building, retaining walls and the like have been correctly positioned on the site.
- b) The finished floor level(s) are in accordance with the approved plans.

20. Waste Management

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

21. 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**22. Fulfilment of BASIX Commitments**

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

23. 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.

OPERATIONAL CONDITIONS**24. Swimming Pool Requirements**

The construction and operation of the swimming pool must comply with the provisions of the *Swimming Pool Act 1992*, the *Swimming Pool Regulation 2008*, Australian Standard AS1926.1-3 *Swimming Pool Safety* and the following requirements:

- a) All waste water from the pool's filtration system must be piped to *Sydney Water's* sewer system. In the event that *Sydney Water's* sewer system is not accessible, a filtration system that does not require backwashing must be installed.
- b) The filtration motor and pump, or spa heater and blower unit must be housed in a soundproofed structure. Sound from the equipment must not exceed 5(dBA) above ambient noise levels at any residential property boundary.
- c) A certificate shall be provided to the certifying authority upon installation of any swimming pool reticulation system verifying design and installation in accordance with *Australian Standard AS1926.3 Water recirculation systems*.

- 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 2021, 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

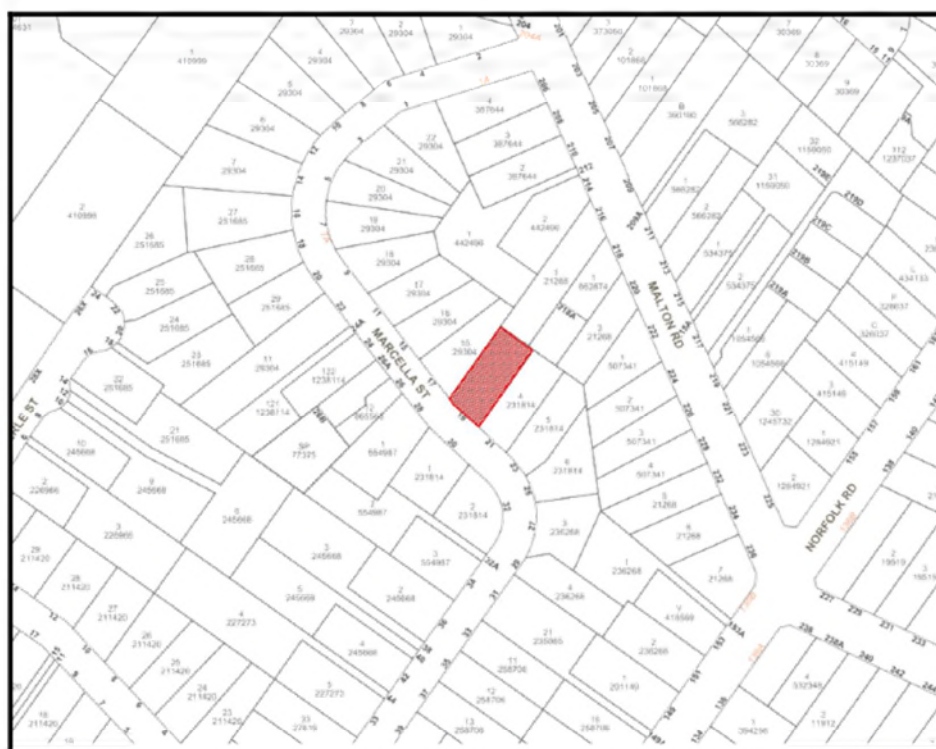
Should asbestos or asbestos products be encountered during demolition or construction works, you are advised to seek advice and information prior to disturbing this material. It is recommended that a contractor holding an asbestos-handling permit (issued by *SafeWork NSW*) be engaged to manage the proper 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.



LOCALITY PLAN

DA/987/2022

No. 19 Marcella Street, North Epping

ATTACHMENT 1 - ITEM 5

**CLAUSE 4.6 VARIATION REQUEST
RELATING TO HEIGHT**

**TO ACCOMPANY DEVELOPMENT APPLICATION
FOR PROPOSED ALTERATIONS AND ADDITIONS
TO EXISTING RESIDENCE**

AT

**19 MARCELLA STREET [LOT 3, DP. 231814]
NORTH EPPING NSW 2121**

FOR

J & F McKINNON

October, 2022
Ref: McKinnon 4.6 Submission2.doc



HOMEPLAN PROJECT DESIGN RESOURCES

Architects, Neighbourhood Planners, Civic Designers, Project Managers, Landscape Design, Pematiculture Design

Unit 20, 22 Hudson Ave
CASTLE HILL 2154

Phone: (02) 8850 7688

Fax: (02) 8850 7699

JOHN G. BOURKE B.A.RCH (HONS), DIP. CD. (HONS), A.S.T.C. (HONS), G.C.U.R.P. (HONS), P.D.C. A.R.A.I.A.

Clause 4.6 Variation Request

Alterations & Additions to Existing Residence at 19 Marcella St, North Epping

01: INTRODUCTION

- 1.1 This is a written request to seek an exception to a development standard by way of a Clause 4.6 submission about maximum height requirement of the Hornsby LEP 2013 (HLEP2013).
- 1.2 This submission accompanies a development application submitted to Hornsby Shire Council for alterations and additions to an existing residence. The proposed alterations and additions include new first floor level addition of bedrooms and sitting area, renovated al fresco and small ground floor addition. An existing basement garage and storage area is located under the existing ground floor.
- 1.3 The development application assessment for this project is being carried out by Hornsby Shire Council.
- 1.4 The site is located to the North Eastern side of Marcella and has a site width of 18m, a frontage of 18.3m and an area of 752m². Existing floor space is measured at 141m² and the proposal is for an addition of 77m². Existing maximum height is 5.9m above ground or 7.4m from existing basement floor (as requested by Council).
- 1.5 The Hornsby Local Environment Plan 2013 (HLEP2013) states in Part 4 Section 4.3(2) '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' which prescribes a maximum building height of 8.5 metres for No. 19 Marcella Street, North Epping.
- 1.6 Council guidelines in the DCP define '*building height*' (or *height of building*) as the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like, and a 'basement' is termed by Section 3.1.1 of the HDCP as the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).
Under these DCP definitions Council defines the existing single storey dwelling with basement garage as not being a 'basement' and that height needs to be calculated from the existing excavated garage and storage area floor level.
- 1.7 While the proposed new floor provides a maximum height (as noted on the drawings) of 8.4m, when measured as advised by Council, from the basement floor level, the proposed alterations and additions provide a maximum 9.86m height – which is a 16% variation from the HLEP2013 height control. Therefore a 16% variation to the floor space control is sought in accordance with clause 4.6 of HLEP2013. We provide this submission to address the technical variation to the LEP when height is defined by Council from the DCP.
- 1.8 This statement has been prepared in accordance with the NSW Department of Planning and Environment guidelines and demonstrates that compliance with the height development standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify variation of the standard.

JOHN G. BOURKE B.A.RCH (Hons), DIP.C.D.(Hons), A.S.T.C.(Hons), G.C.U.R.P.(Hons), P.D.C., A.R.A.I.A.

02: HORNSBY LEP 2013 CLAUSE 4.6

2.1 Clause 4.6 Exceptions to Development standards reflects the content of the standard instrument and requires:

- (1) *The objectives of this clause are as follows—*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *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.*
- (4) *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 Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Planning Secretary must consider—*
 - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—*
 - (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note— When this Plan was made it did not include of these zones.

- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*
 - (a) *a development standard for complying development,*
 - (b) *a development standard that arises, under the regulations under the Act, in connection with a*

JOHN G. BOURKE B.A.R.C.H (Hons), D.I.P.C.D.(Hons), A.S.T.C.(Hons), G.C.U.R.P.(Hons), P.D.C., A.R.A.I.A.

Clause 4.6 Variation RequestAlterations & Additions to Existing Residence at 19 Marcella St, North Epping

commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
(c) clause 5.4.

(8A) This clause does not allow development consent to be granted for development that would contravene clause 4.4 for a building on land in Zone B2 Local Centre within the Epping Town Centre, identified as "Area 9" on the Floor Space Ratio Map for the following purposes—

- (a) boarding houses,
- (b) group homes,
- (c) hostels,
- (d) shop top housing,
- (e) tourist and visitor accommodation
- (f) a mixed-use development comprising a combination of uses specified in paragraphs (a)–(e).

(8B) Subclause (8A) and this subclause are repealed at the beginning of 31 July 2024.

03: STRUCTURE OF CLAUSE 4.6 SUBMISSIONS

3.1 In *Brigham (Brigham v Canterbury-Bankstown Council* [2018] NSWLEC 1406) the Senior Commissioner Dixon emphasised that a 4.6 Request should have the following features:

- it should address each element of clause 4.6(3) in the order that it is read. This checklist approach helps to avoid legal error and ensure that all relevant subclauses are referred to in the written document
- it must make specific reference to the particular subclause being addressed, rather than using a general topic heading
- it should not paraphrase but rather, use the precise wording from the relevant clause when addressing particular considerations in respect of the development
- it should be direct and to the point. The request should not include discussions of irrelevant matters such as the historical case law or comments by a commissioner or judge.

JOHN G. BOURKE B.A.RCH (Hons), DIP.C.D.(Hons), A.S.T.C.(Hons), G.C.U.R.P.(Hons), P.D.C., A.R.A.I.A.

04: GROUNDS FOR VARIATION

4.1 This section responds to the questions provided in Appendix 3 of the NSW Planning & Infrastructure 'guide for varying development standards.'

4.2 What is the name of the environmental planning instrument that applies to the land?

Hornsby Local Environmental Plan 2013

4.3 What is the zoning of the land?

The subject site is zoned R2:Low Density Residential

4.4 What are the objectives of the zone?

- 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.

Comment:

We submit that proposed alterations and additions meet the objectives of the Zone R2 Low Density Residential. The proposed alterations and additions will improve the living amenity for the residents, provide much needed additional space within the home and provide for their housing needs while maintaining the low-density residential character of the area.

We submit that the proposed alterations and additions meet all the other controls in relation to bulk and scale including FSR, landscaped area and maximum site coverage, thus clearly demonstrating that this is a reasonable development with bulk and scale conforming to the R2 zoning context.

We submit that there are no statutory zoning or zone objectives that preclude the granting of approval to the proposed development.

4.5 What is the development standard being varied?

Building Height – 8.5m maximum

Comment:

Development standards has the following definition under Section 4(1) of the EP&A Act:

“development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

(amongst others)

(c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,

4.6 Under what clause is the development standard listed in the environmental planning instrument?

Clause 4.3 Height of buildings' of the Hornsby Local Environmental Plan 2013

JOHN G. BOURKE B.A.RCH (Hons), DIP.C.D.(Hons), A.S.T.C.(Hons), G.C.U.R.P.(Hons), P.D.C., A.R.A.I.A.

4.7 What are the objectives of the development standard?

The objectives of this clause are as follows—

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

Comment:

This request is for variation to the 8.5m maximum height standard prescribed in the LEP. The existing residence is primarily in a single storey form with undercroft garage and workshop which responds to the slop of the site. Due to the slope of the land (from north rear down to street frontage, the existing garage and workshop is constructed under the residence and extends back under the residence to a maximum depth of about 1.8m into the ground. We understand Council interprets existing ground level as including the floor of garage/workshop, so while the majority of the roof above the new upper floor is below the maximum 8.5m height limit, the area of roof immediately above the garage and workshop, in a footprint to match, is non-compliant with the height limit

The figure below demonstrates the limited area of roof exceeding the height limit. Possible alternatives have been considered to meet the height standard, including a very low pitch roof, or a low pitch 'cut-out' section of roof following the position of basement garage below, but both would be awkward and out of character and create a poorly articulated residential addition. Due to the slope of site and existing placement of the home, it is also considered larger ground floor alterations would provide worse amenity and landscaping.

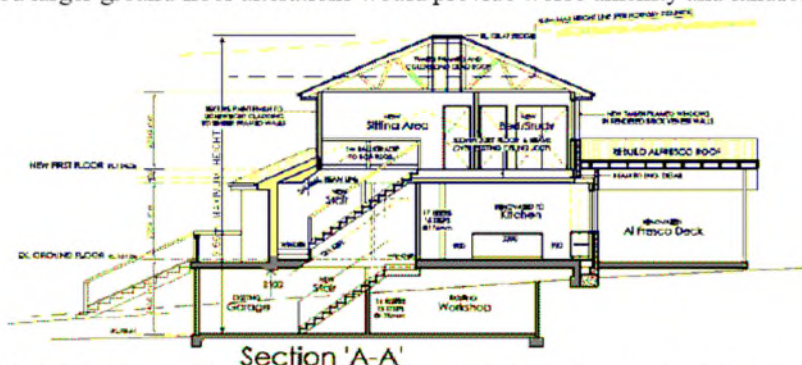


Figure 1: Section showing building height notations (maximum 8.3m from ground level, maximum 9.86m where measured from basement floor level)

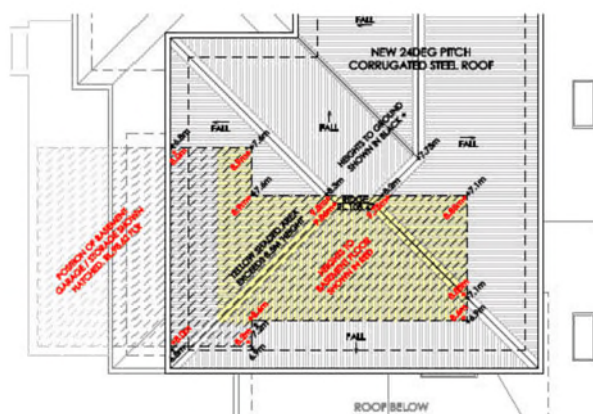


Figure 2: Roof plan showing building height notations (maximum 8.3m from ground level, maximum 9.86m where measured from basement floor level)

JOHN G. BOURKE B.A.RCH (Hons), DIP.C.D.(Hons), A.S.T.C.(Hons), G.C.U.R.P.(Hons), P.D.C., A.R.A.I.A.

Figures 1 and 2 depict the extend of the non-compliance. The proposal is for a maximum height of building of 9.86m. While the height of building from existing ground levels is a maximum of 8.3m, where the existing excavated garage and storage area floor level are located the height is greater – indicated with yellow shading. Measuring from the existing excavated garage and storage area results in a maximum proposed height of 9.86m, which equates to a 16.0% variation to the 8.5m development standard. However, the majority of the proposed new upper floor roof is within the development standard.

The proposed new alterations and additions have been designed to provide improved resident amenity within the potential of the site, while maintaining a residential scale that is appropriate to the low-density area. The proposed design also carefully responds to the existing residence with an in-character building form that will sit comfortable in the existing streetscape. The proposal also conforms comfortably with all other controls that limit bulk and scale including FSR, landscaped area and site coverage – thus supporting our submission that is a modest development.

Due to the slope of the site towards the street and the existing undercroft garage and garage door, the proposed new work is visible from the street and forms part of the streetscape, but is well articulated and designed for match the existing character of the home, with the new upper floor addition provided with matching windows, articulated walls and pitched roof form. Removal of the area of height non-compliance over the undercroft garage and workshop area would have no effective improvement to the reasonable overshadowing effect – as it would be unchanged by reducing a central portion of the pitched roof.

In relation to streetscape we submit that the proposal is reasonable. Adjacent homes on either side are two storey in form, but with driveways which slope up from the street to ground floor garages. By contrast number 19 has an existing undercroft garage and near level driveway access. The proposed height (maximum ridge at RL.108.47) is below number 21 at RL.108.96 and provides are reasonable step corresponding to the sloping ground contours to number 17.

We submit that the small area of addition height contributes to the delivery of a high quality and better designed residence on the site. Possible variations to the design discussed above which would provide a complying solution would only serve to create a dysfunctional or out of character building form on this sloping site. As designed the proposal provides for orderly development.

The proposal is for alterations and additions and is not anticipated to generate additional vehicle or pedestrian traffic to the street. The site is well serviced with public infrastructure including electricity, water, sewer, and the proposal will not have undue impact on any of these.

We submit that proposed alterations and additions meet the objectives of the Zone R2 Low Density Residential within the constraints of the site, and that the additional height proposed provides for a superior design response worthy of approval.

What is the numeric value of the development standard in the environmental planning instrument?

Maximum Building Height 8.5m – From natural ground level

JOHN G. BOURKE B.A.RCH (Hons), DIP.C.D.(Hons), A.S.T.C.(Hons), G.C.U.R.P.(Hons), P.D.C., A.R.A.I.A.

Refer figure below for extract of the height of building map from the HLEP2013.

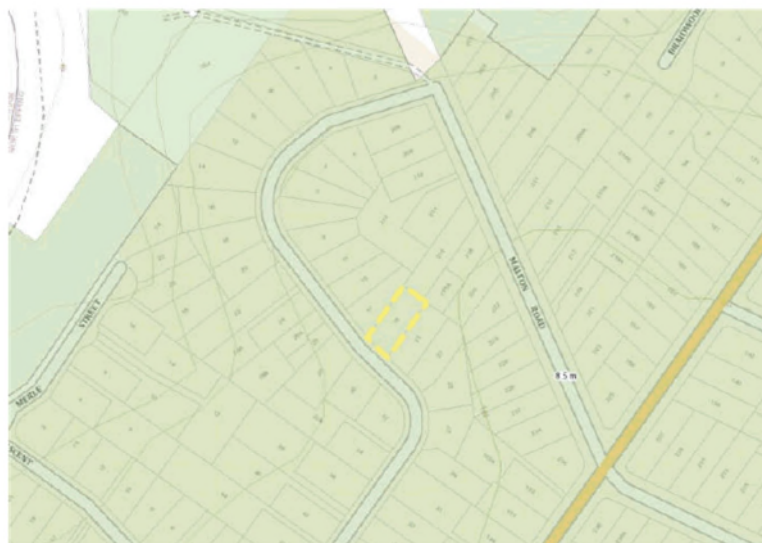


Figure 3: HLEP2013 Height of Buildings Map (8.5m)

- 4.8 **What is the proposed numeric value of the development standard in your development application?**

9.86m

- 4.9 **What is the percentage variation (between your proposal and the environmental planning instrument)?**

16%

- 4.10 **How is strict compliance with the development standard unreasonable or unnecessary in this particular case?**

As outlined above, we submit that these proposed alterations and additions are reasonable and in keeping with the existing home character, the established form and density of the local vicinity, and in keeping with the low-density character of the zoning. The proposed design also meets the other relevant planning controls from the LEP and guidelines from the DCP – as detailed in the Statement of Environmental Effects.

The only area of non-compliance with the height is a portion of the roof which follows the footprint of the undercroft garage and workshop. This undercroft is clearly not visible so has no apparent impact on apparent building height.

Alternative low pitched roof form, or 'cut-out' portion of the roof, which could provide a compliant design solution have been considered and dismissed as the building form and appearance would be poor and detrimental to the location and streetscape. The proposed design and form fits comfortably into the streetscape and is not more bulky or large in scale. With an articulated form stepping away from the street the proposed design provides a good transition and match to adjacent homes.

JOHN G. BOURKE B.A.RCH (Hons), DIP.C.D.(Hons), A.S.T.C.(Hons), G.C.U.R.P.(Hons), P.D.C., A.R.A.I.A.

Assessment of the impact of the additional area of roof height – located towards the centre portion of the proposed roof – indicates that it will not create any adverse environmental or amenity impacts. In particular:

- No view loss – no views or view corridors impacted
- No impact on privacy – roof form only variation to height standard, above not visible undercroft garage and workshop area
- No additional adverse solar access impacts – with the additional height located to the centre of the proposed roof shadows no increase in shadow affect is caused

We therefore submit that the proposed variation will have negligible adverse impact over a strictly compliance solution. Thus strict compliance with the development standard is unreasonable and unnecessary.

Rather, the proposed alterations design provides for better designed solution that is in character with existing development and conforming to the existing streetscape.

4.11 How would strict compliance hinder the attainment of the objects specified in Section 1.3(a) and (c)?

- 1.3 (a) To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources.*
1.3 (c) To promote the orderly and economic use and development of land.

Comment:

We submit that the proposed alterations are well designed and provide for orderly development, improved housing and maintain local character and quality of the built environment. Strict compliance in this situation – where a previously excavated garage/workshop area which is not visible, is used to define height rather than original natural ground level – would hinder providing a good design solution.

4.12 Is the development standard a performance-based control? Give details

We submit that this standard is not a performance based control, particularly where the entire area of technical non-compliance is caused by defining non-visible undercroft spaces as natural ground level. In a practical or visible performance sense the proposed alterations reflect an 8.5m height above ground form. The proposed design is well articulated and steps back above the existing residence to ensure compliance with the natural ground line and natural contours in the vicinity.

4.13 Would strict compliance with the standard, in your particular case, be unreasonable or unnecessary? Why?

Please refer to points 10, 11 and 12 above.

4.14 Are there sufficient environmental planning grounds to justify contravening the development standard? Give details

Yes, clause 4.6 of the LEP provides for a development standard to be varied providing there

JOHN G. BOURKE B.A.RCH (Hons), DIP.C.D.(Hons), A.S.T.C.(Hons), G.C.U.R.P.(Hons), P.D.C., A.R.A.I.A.

Clause 4.6 Variation RequestAlterations & Additions to Existing Residence at 19 Marcella St, North Epping

are sufficient and compelling arguments based on sound planning rationale provided. Such grounds must be particular to this proposed development. We submit this is the case with the following:

- The non-compliance arises solely from the existing, non-visible, undercroft garage and storage spaces. Using floor levels in this vicinity to limit roof form immediately above, rather than the natural ground levels and trend of contours is unreasonable when these levels have no impact on actual building form.
- Alternative fully compliant roof responses to the portion of undercroft garage and workshop would provide for a poor design solution not in keeping with the existing character or contributing positively to streetscape.
- The request for a 16% variation to maximum height – which only affects a portion of the roof area – does not impact on full compliance with the other LEP controls and DCP guidelines.
- All other controls that limit bulk scale including FSR, area of landscaping and maximum site coverage are met – indicating that the proposed alterations maintain a reasonable low-density form.
- The proposal is consistent with the objectives of the clause 4.3 height standard in the LEP.
- The requested variation to the maximum height standard will have no adverse impact on adjoining residents in relation to overshadowing, views or privacy.
- The variation results from particulars of the existing dwelling and site contours and would not establish a precedent for other unjustified non-compliances.
- The proposed variation to the height standard does not conflict with any matters of State or regional environmental planning significance, nor does it conflict with any State Planning Policies or Ministerial directives. The significance of the non-compliance is acceptable in the context of the overall development of the broader Hornsby area.
- The public benefit would be best served by approval of this application, despite the height variation proposed as doing so provides for a higher quality design outcome which responds suitably to the natural site levels.

JOHN G. BOURKE B.A.RCH (Hons), DIP.C.D.(Hons), A.S.T.C.(Hons), G.C.U.R.P.(Hons), P.D.C., A.R.A.I.A.

Clause 4.6 Variation RequestAlterations & Additions to Existing Residence at 19 Marcella St, North Epping**05: CONCLUSION**

- 5.1 We submit that the proposed non-compliance to the maximum height standard of the HLEP2013 is considered acceptable based on the planning rationale in the variation request.
- 5.2 We submit that this requested variation does not
- hinder the attainment of objectives of 1.3(a) and (c) of the Environmental Planning and Assessment Act 1979
 - raise any significant matters in relation to State or Regional Planning
 - create any unreasonable precedent
 - have any unreasonable impact on the amenity of adjoining properties
- 5.3 We submit that the on planning grounds that proposed alterations and additions are capable of achieving relevant planning LEP and DCP objectives, notwithstanding the minor height variation requested. As presented here, we submit it is unreasonable and unnecessary to Council to insist on compliance with the 8.5m maximum height standard - measured from existing excavated spaces in this instance.

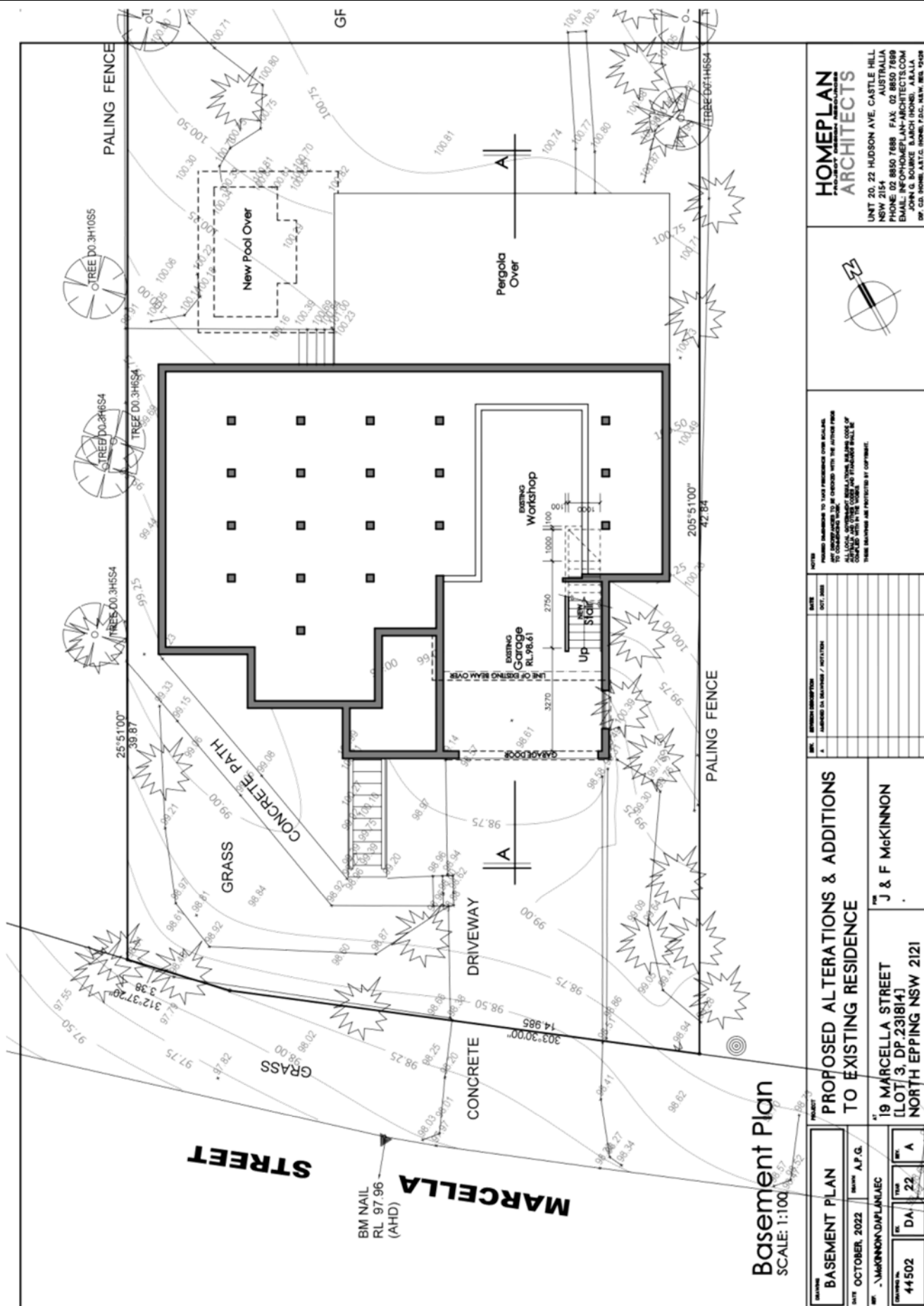


Andrew Grieve b.Arch (hons)
PROJECT ARCHITECT

Date: 17 October 2022

JOHN G. BOURKE B.ARCH (Hons), DIP.C.D.(Hons), A.S.T.C.(Hons), G.C.U.R.P.(Hons), P.D.C., A.R.A.I.A.





ATTACHMENT 3 - ITEM 5



HOMEPLAN
"A NO-LEAD, NO-PAINT, NO-URANIUM
ARCHITECTS"

UNIT 20, 22 HUDSON AVE, CASTLE HILL,
NSW 2154 AUSTRALIA
PHONE: 02 8850 7688 FAX: 02 8850 7689
EMAIL: INFO@HOMEPLAN-ARCHITECTS.COM
JOHN G. BOURKE BARCH (HONS), ARAJA
DP, CD, HONS, ASTC, HONS, P.D.C., NSW, REG. 12408



0178

PLEASE MAKE SURE TO TAKE PRECEDENCE OVER SCALES.
AND BECAUSE TO BE CHECKED WITH THE AUTHOR PAGE
TO CONSIDER WORK.

ALL LOCAL, STATEMENT, REGULATIONS, MANUSCRIPTS, CODES OF
ALPHABET AND OTHER CODES AND STANDARDS SHALL BE
COMPLETED WITH IN THE WORKS.

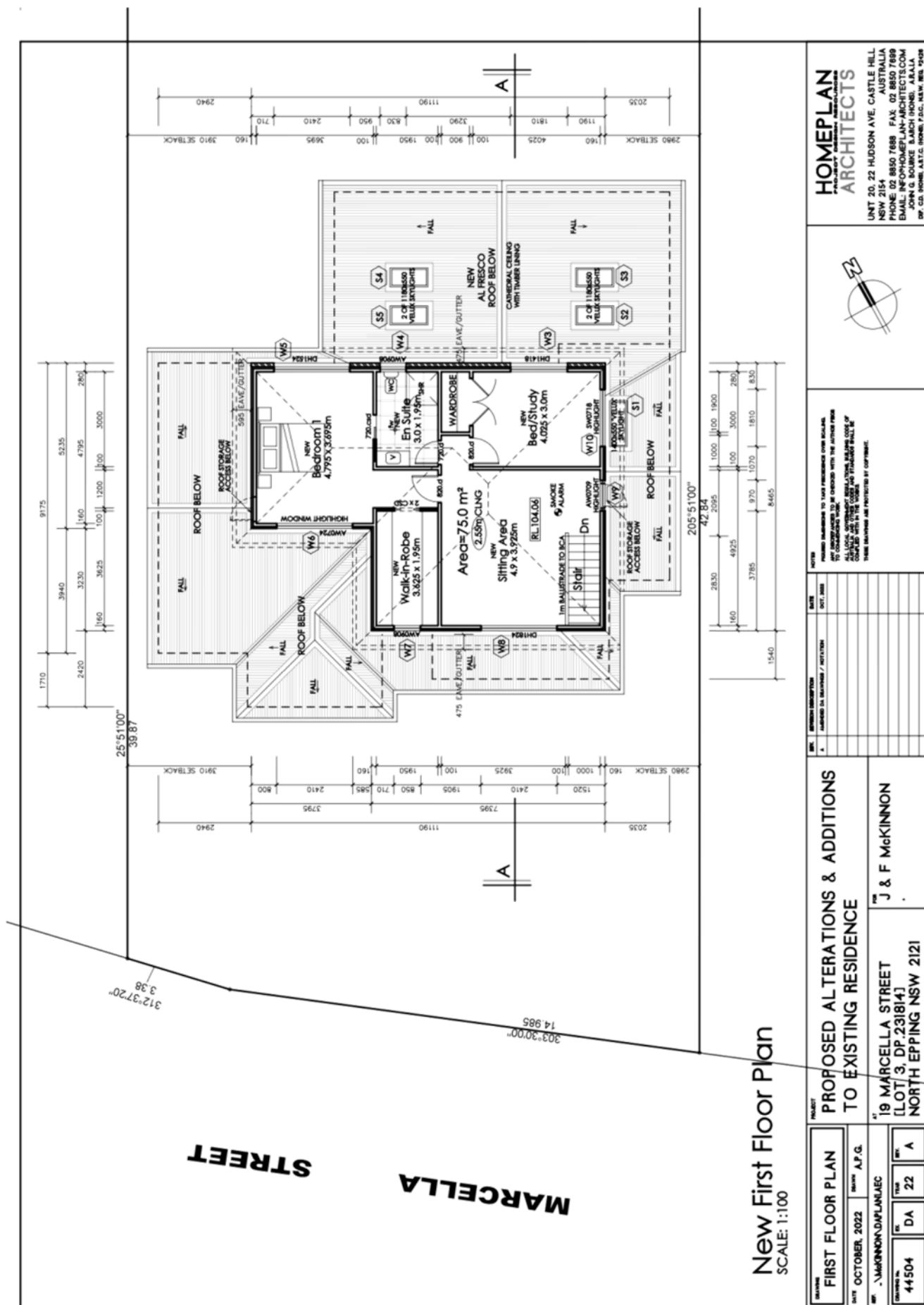
THESE MANUSCRIPTS ARE PROTECTED BY COPYRIGHT.

[illegible]

19 MARCELLA STREET [LOT 3, DP 231814] [NOT EP'ING NSW 2121]	FOR J & F MCKINNON
-------------------------------------------------------------------	--------------------

ST 19 MARCELLA STREET
[LOT/ 3, DP.231814]
NORTH EPPING NSW 2121

ATTACHMENT 3 - ITEM 5



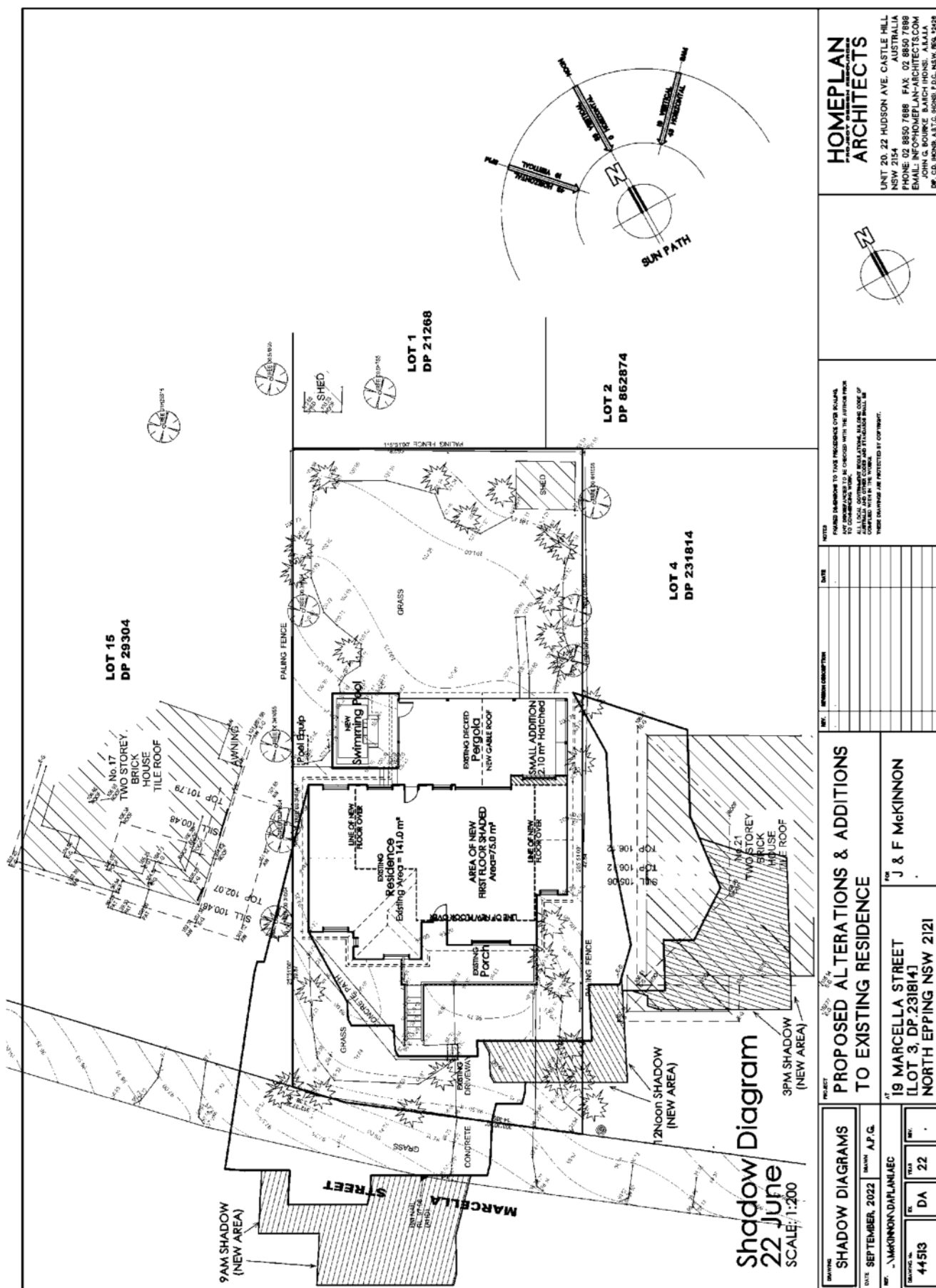
ATTACHMENT 3 - ITEM 5



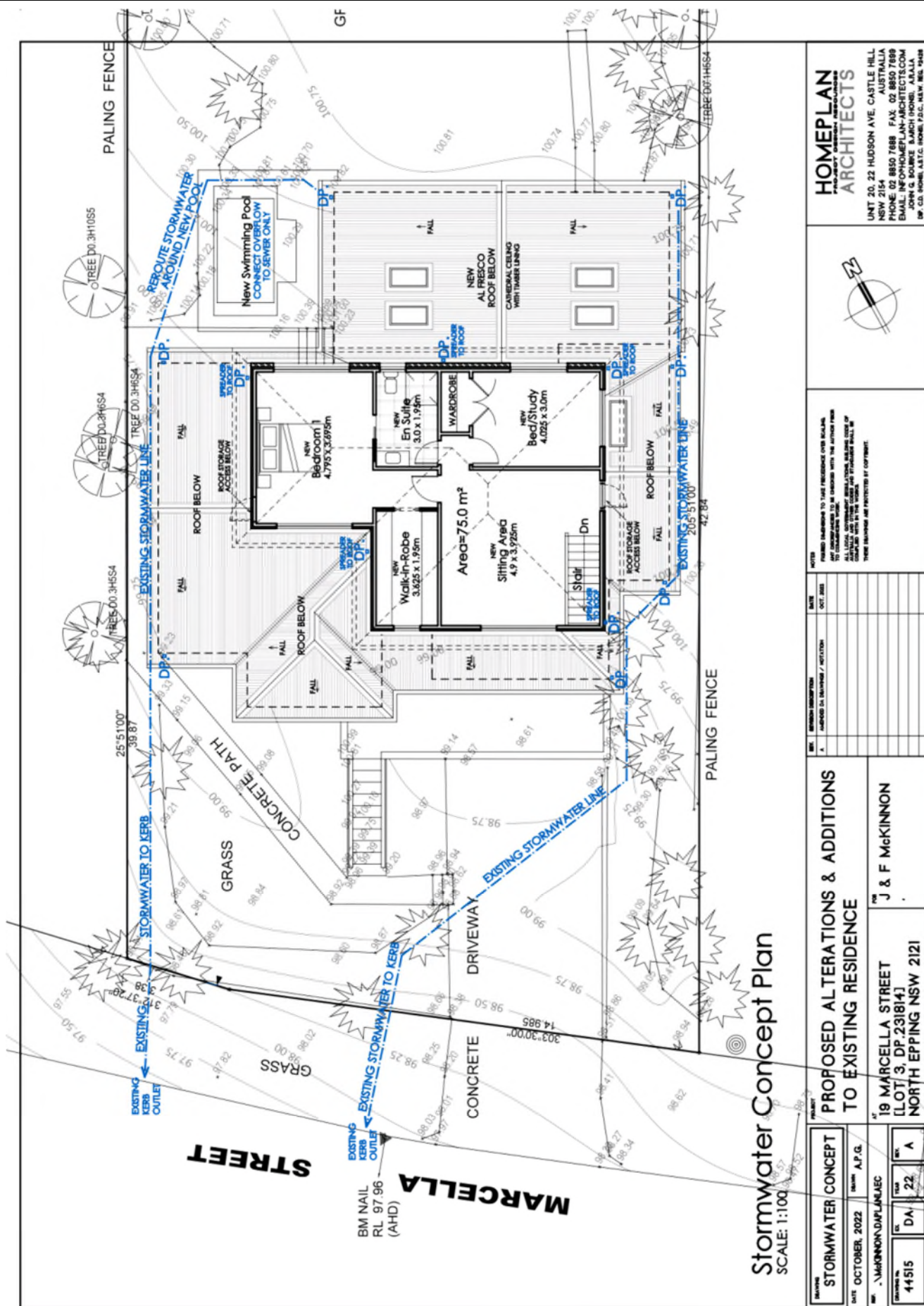








ATTACHMENT 4 - ITEM 5



ATTACHMENT 5 - ITEM 5

6 DA/787/2022 - ALTERATIONS AND ADDITIONS TO EXISTING DWELLING AND NEW SWIMMING POOL - 3 BUTTERFIELD STREET, THORNLEIGH

EXECUTIVE SUMMARY

DA No: DA/787/2022 (Lodged on 1 August 2022)

Description: Alterations and additions to existing dwelling, including first floor addition and construction of a swimming pool

Property: Lot 1 DP 539226, No. 3 Butterfield Street, Thornleigh

Applicant: Mr R J Hale

Owner: Mrs Belinda Lee Boutsikakis & Mr Costa Boutsikakis

Estimated Value: \$320,000

Ward: B Ward

- The application involves alterations and additions to a dwelling house and construction of a swimming pool.
- The proposal does not comply with the Hornsby Shire Local Environment Plan 2013 with regard to Clause 4.3 'Height of Buildings'. The applicant has made a submission in accordance with Clause 4.6 'Exceptions to development standards' of the Hornsby Shire Local Environmental Plan 2013 to contravene the height of buildings development standard. The submission is considered well founded and is supported.
- No submissions have been received in respect of the application.
- The application is required to be determined by the Hornsby Council Local Planning Panel as the proposal would contravene the Hornsby Shire Local Environment Plan 2013 development standard for maximum height of buildings by more than 10 percent.
- It is recommended that the application be approved.

RECOMMENDATION

THAT the Hornsby 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/787/2022 for alterations and additions to existing dwelling and construction of a swimming pool at Lot 1 DP 539226, No. 3 Butterfield Street, Thornleigh subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP 68/22.

BACKGROUND

The subject site has historically been used for residential purposes. Development Application No. 1111-71 for a double garage under brick veneer dwelling was approved on 18 May, 1971.

SITE

The 803.0m² site is located on the western side of Butterfield Street and contains a part one and part two storey residential dwelling.

The site experiences a 6m fall from the north-eastern rear boundary towards the street. Accordingly, stormwater from the site is drained directly to the street.

The rear portion of the site is mapped as containing Blackbutt Gully Forest. The site is in close proximity to Environmental heritage item Trees No. 709, located on the south-eastern side of Hillmont Avenue. The site is also in close proximity to heritage item No. A68 Lane Cove National Park. The site does not contain a heritage listed item and is not within a heritage conservation area.

The site is not burdened by an easement. No trees are proposed to be removed to facilitate development. The site surrounds contains dense vegetation directly adjacent Lane Cove National Park.

The surrounding locality is characterised by one, two and three storey dwelling houses with ample front setbacks and attached garages. The street serves local residential traffic for residential purposes as a cul-de-sac directly adjacent The Comenarra Parkway.

The properties on the same side of Butterfield Street north-east of the site experience similar slope. No. 5 Butterfield Street directly adjacent the subject site contains an attached garage of similar nature to the subject site, with the surrounding ground floor land as subfloor partially underground due to similar topography constraints. No. 1 Butterfield Street directly adjacent the development site contains two storeys of similar size, however, is not constrained by sloped topography.

The dwelling house of No. 3 Butterfield has been constructed as a predominantly split level with respect to the sloped topography of the property, minimising the need for additional excavation. The attached garage is the only element of the existing dwelling house contributing to a two storey structure.

PROPOSAL

The application proposes alterations and additions to the existing split-level and two storey dwelling and constructions of an inground swimming pool. The proposed scope of works for the dwelling are as follows:

- *Ground Floor*
 - Merging of existing Bedroom 2 and Bedroom 3 to create a rumpus room and internal staircase leading up towards the proposed first floor addition, including the addition of an external aluminium Bi-fold door and steps.
 - Reconfiguration of existing Laundry, including blocking a portion of the existing external door to create a new window opening.
 - Construction of a new wall between the existing Lounge Room and Sitting/Dining Room.
 - Installation of new skylights to the lounge and kitchen areas.

- *Proposed First Floor*
 - Internal alterations including converting existing bathroom into an en-suite and converting the existing WC into a powder room.
 - A first-floor addition to the existing dwelling which includes two bedrooms with built-in robes, one bathroom and one study.
 - The removal of existing cement roof tiles to be replaced by Colorbond sheet metal roof.
 - The removal of existing guttering to be replaced by Colorbond gutters to match the new metal roof.

No trees would be removed to facilitate the development. Minor excavation works are required to facilitate construction of the swimming pool.

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 over 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 over 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 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 alterations and addition to a 'dwelling house', is permissible in the zone with Council's consent and would meet the objectives of the zone by providing for the housing needs of the community within a low-density residential environment.

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 proposal has a maximum height of 9.56m and does not comply with this provision.

The application is supported by a submission pursuant to Clause 4.6 of the HLEP to contravene the maximum height of buildings development standard, which is discussed below in Section 2.1.3 of this report.

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 written request prepared by Rodney Hale of Buena Vista Home Designs, describes the extent of the contravention as follows:

The proposed first floor addition development results in small portion of the addition breaching the Council's 8.5m maximum building height. This breach occurs at the south-western corner of the proposed addition, when measured directly from the existing sub-floor level. The submitted drawing number DA-09 (Building Height Sections), details the extent of the proposed area that breaches the Council's maximum building height. The non-compliance in building height is depicted on Drawing Section C-C, which indicates the highest maximum proposed height at 9.56m, which is a height increase of 12.47%.



Figure 1: South-eastern elevation of the proposed first floor addition

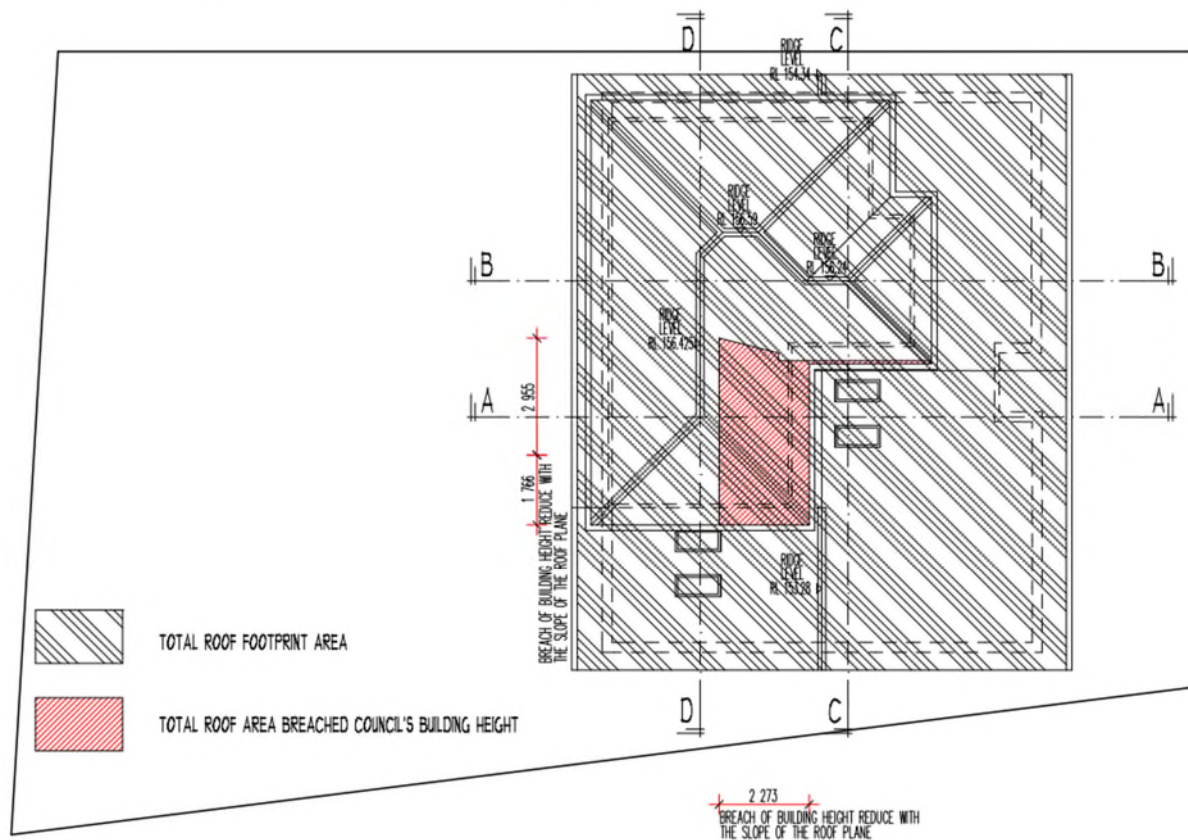


Figure 2: Proposed area of non-compliance to HLEP 8.5 metre maximum building height.

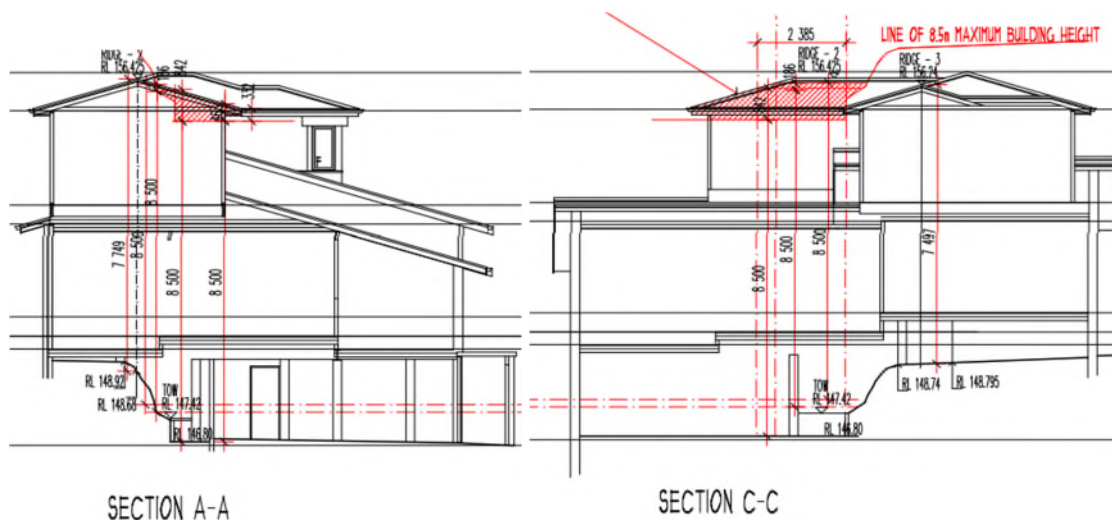


Figure 3: Section A-A and Section C-C depicting areas of non-compliance to the HLEP 8.5 metre building height limit.

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. These criteria demonstrated 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 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 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 Buena Vista Home Designs, dated 4 November 2022 provides a detailed assessment of the proposal with respect to the development standard sought to be contravened. The request argues that:

- *Extension of the existing dwelling first floor at the rear of the property would require retaining walls and extensive excavation works. There would be encroachment onto ecologically endangered tree species (Blackbutt Gully Forest).*
- *Facilitating construction would be unfeasible as there is no access to the rear of the property for heavy machinery.*
- *The overland and subsoil drainage would be compromised by development towards the property rear.*
- *The neighbouring property No. 5 Butterfield roof RLs are 154.71 metres ASL, opposed to the subject site proposing a maximum roof RL of 156.59 metre, equating a height difference of 1.88 metres.*
- *Development is unfeasible on the ground floor, constituted by the ground floor located partially underground. Development to extend this level would require extensive excavation works to the dwelling house.*
- *Overall visual appearance would align with the existing character and streetscape of the Thornleigh area. Construction of a flat roof would enable compliance to the 8.5 metre LEP maximum building height limit, however this would not align with the surrounding character of pitched roofs.*
- *No privacy impacts would be created as a result of the development.*

The reasoning provided within the written request to demonstrate that the objectives of the development standard are achieved notwithstanding non-compliance with the standard are as follows:

The relevant objective underpinning the building height development standard is:

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

The relatively modest additional height proposed above the existing dwelling contributes to the delivery of appropriate residential planning. The zoning of the site and surrounding residential lands includes land of somewhat steep topography. The proposed building works are consistent with the height and scale of the building constructed immediately adjoining the site to the west.

The minor additional breach in height at small elements of the building is considered acceptable in the circumstances and in the context of the surrounding development.

The lateral expansion of the building to achieve the councils floor space expectations for residential development of the site will impact adversely on the endangered ecological community situated upon the site and the additional height responds to the ecological constraints on the site. The natural topography of the site will result in unreasonable impacts by way of excavation should the additional floor space be provided outside the existing building envelope.

The objectives of the standard can be achieved, notwithstanding the additional height, and that a superior development outcome would result.

With reference to the reasoning provided by the applicant above, Council does not object to the conclusion that the proposed additions meet the objectives of Clause 4.3.

In reaching this conclusion the following points are noted:

- Overall visual appearance would align with the existing character and streetscape of the Thornleigh area. Construction of a flat roof would enable compliance to the 8.5 metre LEP maximum building height limit, however this would not fit in with the surrounding character of pitched roofs.
- No privacy impacts would be created as a result of the development.
- The overall extent of non-compliance of the first-floor addition is minor relative to the development proposed. The development has taken into consideration sloped topography of the site, and accordingly proposed the first floor addition towards the northern aspect with respect to constraints of construction in the rear yard as detailed above.
- Construction of a first floor addition opposed to lateral expansion of the existing first floor would provide a better outcome than compliance with the 8.5m height limit of the HLEP.

For the reasons 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:

- *Overall visual appearance of the first floor addition structure will blended-in comfortably with the existing dwelling and will have little to none negative impact to the streetscaped.*
- *Overall setbacks from the street front boundary and the side boundary together with portion of the first-floor addition contained within the existing roof space will reduce the bulkiness or imposing to the surrounding properties.*
- *The dwelling would largely appear as a 2 storey dwelling-house throughout.*
- *Privacy impacts of adjoining properties would not be compromise by the non-compliance of the proposal.*

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.

Council is therefore satisfied that Clause 4.6(3)(b) 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 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 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 Clause 4.3 Height of Buildings development standard is supported in this instance.

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. The site is however located adjacent to environmental heritage items No. 709 'Trees' at 22-56 Hillmont Avenue, and heritage item No. A68 'Lane Cove National Park 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 Thornleigh area. The proposal would have negligible impact on these items and would not adversely impact the continued heritage value of the Trees at Nos. 22-56 Hillmont Avenue or Lane Cove National Park.

The proposal meets the relevant objectives of Clause 5.10 of the HLEP and the desired outcome of Part 9.4.1 Development in the Vicinity of Heritage Items and is considered acceptable.

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. These matters are addressed 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	A stormwater concept plan provided by the applicant details that stormwater generated by the proposed development would be disposed via the existing stormwater drainage system by draining to the street.
(b) The effect of the development on the likely future use or redevelopment of the land	Proposed excavation of the pool development is ancillary to the dwelling house. The dwelling house is existing and to remain in its original footprint. Redevelopment of the land is not proposed as the dwelling house facilitates the primary use of residency.
(c) The quality of the fill or the soil to be excavated, or both	An examination of Council's records and aerial photography has determined that the site has been historically used for residential purposes. It is not likely that the site has experienced any significant contamination, and further assessment
(d) The effect of the development on the existing and likely amenity of adjoining properties	Excavation works to facilitate development of a swimming pool would generate negligible amenity impacts to adjoining properties. There would be no change from the existing impacts to proposed amenity impacts as the footprint of the proposed pool is within the principle private open space of the subject site.
(e) The source of any fill material and the destination of any excavated material	A suitable condition of consent has been recommended requiring 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 <i>Waste Classification Guidelines</i> and Protection of the Environment Operations (Waste) Regulation 2014 prior to disposal to a licensed waste management facility.
(f) The likelihood of disturbing relics	Council has no record of any historical items or events of note on the subject site, of either Aboriginal or European Heritage. It is therefore considered that the proposed works are unlikely to disturb any relics.
(g) The proximity to, and potential for adverse impacts on, any waterway, drinking water	There is no drinking water catchment within close proximity to the site.

catchment or environmentally sensitive area	
(h) Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development	Appropriate measures have been included as conditions of development consent in Schedule 1 of this report to avoid, minimise and mitigate the impacts of the development.

2.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The application has been assessed against the requirements of chapter 2 and 10 of State Environmental Planning Policy (Biodiversity and Conservation) 2021.

2.2.1 Chapter 2 Vegetation in Non-Rural Areas

Chapter 2 of this policy aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.

Part 2.3 of the policy 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.

Section 3.1.1 of this report provides an assessment in accordance with Part 1B.6.1 of the HDCP.

2.2.2 Chapter 10 Sydney Harbour Catchment

The site is located within the catchment of Sydney Harbour. The aim of this chapter is to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained. This chapter provides general planning considerations and strategies to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained.

The plan addresses matters related to biodiversity, ecology and environment protection; public access to, and use of, foreshores and waterways; maintenance of a working harbour; interrelationship of waterway and foreshore uses; foreshore and waterways scenic quality; maintenance, protection and enhancement of views and boat storage facilities.

Subject to the implementation of sediment and erosion control measures and stormwater management to protect water quality, the proposal would have minimal potential to impact on the Sydney Harbour Catchment and would comply with the requirements of chapter 10 of the Biodiversity and Conservation SEPP.

2.3 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 (A380041_2) 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.

2.4 State Environmental Planning Policy (Resilience and Hazards) 2021

The application has been assessed against the requirements of Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021.

2.4.1 Chapter 4 Remediation of Land

Section 4.6 of the Resilience and Hazard SEPP states that 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 residential purposes. It is not likely that the site has experienced any significant contamination, and further assessment under chapter 4 of the Resilience and Hazards SEPP is not required.

2.5 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.

2.6 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	803.0m ²	N/A	N/A
Building Height	8.5m	8.5m	Yes
No. storeys	2	max. 2 + attic	Yes

Site Coverage	Unchanged	50%	Yes
Floor Area	233m ²	380m ²	Yes
Setbacks			
- <i>Front (South-Eastern)</i>	Unchanged	6m	Yes
- <i>Side (North-Eastern)</i>			
• <i>Ground floor</i>	1.66m	900mm	Yes
• <i>First floor</i>	1.66m	1.5m	Yes
- <i>Side (South-Western)</i>			
• <i>Ground floor</i>	475mm	900mm	No
• <i>First floor</i>	5.8m	1.5m	Yes
- <i>Rear (North-Western)</i>			
• <i>Ground floor</i>	6.1m	3m	Yes
<i>First floor</i>	14.0m	8m	Yes
Landscaped Area (30% of lot size)	390.4m ²	240.9m ²	Yes
Private Open Space			
- <i>minimum area</i>	>24m ²	24m ²	Yes
- <i>minimum dimension</i>	>3m	3m	Yes
Car Parking	Unchanged	2 spaces	Yes

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

2.6.1 Height of Building

The development does not comply with the 8.5m height of buildings prescriptive measure of Part 3.1.1 of the HDCP. This aspect of the development is discussed in detail in Section 2.1 of this report.

2.6.2 Setbacks

The desired outcomes of Part 3.1.2 Setbacks of the HDCP are to encourage “*setbacks that are compatible with adjacent development and compliment the streetscape*” and “*setbacks that allow for canopy trees to be retained and planted along the rear property boundaries*”.

These desired outcomes are supported by the prescriptive measure which states “*The minimum setback of all buildings and structures to the boundaries of the site should comply with Table 3.1.2(a)*” which prescribes a minimum side boundary setback of 0.9m for up to 1 storey elements.

The application proposes a setback of the south-western side boundary of 475mm for the pool coping which does not comply with the 900mm prescriptive measure.

In support of the 425mm encroachment, the following is noted:

- An existing timber fence and dense vegetation in No. 31 The Commenara Parkway adjacent the boundary of No. 3 Butterfield Street would address potential privacy and acoustic concerns. Compliance to *Australian Standard AS1926.1-3 Swimming Pool Safety* would require the boundary fence to be 1.8 metres in height.
- The proposed development site within the property is relatively level comparative to the remainder of the private open space within the site which is limited by steep topography and rock areas.
- The development of the pool elsewhere within the property would require further excavation than the existing levels proposed.
- The development of the pool elsewhere behind the building line of the property would likely encroach further into areas mapped by Council as containing ecologically endangered community species (Blackbutt Gully Forest).
- The footprint of the proposed pool is to utilise a portion of the existing deck, thus limiting the reduction of landscaped area within the property.

The proposal meets the desired outcomes of Part 3.1.2 Setbacks of the HDCP and is considered acceptable, subject to conditions.

2.6.3 Sunlight Access

The application provided a shadow diagram of the proposed first floor addition in accordance with Part 3.1.5 Sunlight Access of the HDCP. The subject site and adjoining properties would continue to receive the required minimum amount of sunlight in the private open space. No concerns have been raised with respect to sunlight access.

2.6.4 Privacy

The application has been assessed against Section 3.1.6 Privacy of the HDCP. No privacy concerns were raised regarding the proposed development with respect to the desired outcome and all prescriptive measures of the Part 3.1.6 of the HDCP. Existing dense vegetation and a boundary fence provides additional screening to all adjoining properties

2.6.5 Earthworks

The extent of earthworks proposed is addressed in Section 2.1.7 of the report. The earthworks proposed are to facilitate construction of the proposed swimming pool. No concerns have been raised with respect to earthworks.

2.6.6 Heritage

Potential heritage concerns with respect to the proposed development are addressed in Section 2.1.6. No heritage concerns are raised regarding the proposed development.

2.7 Section 7.12 Contributions Plans

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 proposal does not require the removal of trees. However, it is noted that Tree 7 is located 4m from the development site and 5.2m from the proposed excavation works. Tree 7 has a height of 17m, a diameter of 0.4m and a spread of 3m, which would require a TPZ of 4m. Whilst there would be a minor encroachment into the TPZ of T7, this is considered acceptable subject to conditions.

Suitable conditions have been recommended in Schedule 1 of this report regarding tree protection measures.

The proposal meets the prescriptive measures of Part 1B.6.1 Tree Preservation of the HDCP and is considered acceptable, subject to conditions.

3.1.2 Stormwater Management

Stormwater from the proposed first floor will be drained via gravity and connect with the existing stormwater drainage system. The proposed first floor will not create additional stormwater to the drainage system.

The proposal meets the desired outcomes of Part 1C 1.2 Stormwater Management of the HDCP and is considered acceptable.

3.2 Built Environment

3.2.1 Built Form

As discussed in Section 2.1 of this report, the proposed built form on the subject site is appropriate with regard to the existing dwelling house and the residential development in the surrounding locality. No objections are raised to the built form of the proposed first floor addition or in-ground swimming pool.

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.

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 site is considered to be capable of accommodating the proposed development as discussed in the body of this assessment report. The scale of the proposed development is consistent with the capability of the site, the surrounding residential development and on balance, is considered acceptable. A discussion on the site's bushfire risk as it applies to the development site is provided below.

4.1 Bushfire Risk

The land is identified as being subject to bushfire risk, with a Bushfire Attack Level (BAL) rating of BAL-12.5 and the application is supported by a Bushfire Assessment Report prepared by Building Code & Bushfire Hazard Solutions Pty Ltd, dated 8 June 2022.

Suitable conditions have been recommended in Schedule 1 of this report to address the required bushfire protection measures.

The proposal meets the desired outcomes of Part 1C.3.1 Bushfire of the HDCP and is considered acceptable, subject to conditions.

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 11 August 2022 and 25 August 2022 in accordance with the Hornsby Community Engagement Plan. During this period, Council received no submissions. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

<ul style="list-style-type: none"> PROPERTIES NOTIFIED 	<p>X SUBMISSIONS RECEIVED</p>		<p>PROPERTY SUBJECT OF DEVELOPMENT</p>	
-----------------------------------------------------------------------	-------------------------------	-------------------------------------------------------------------------------------	----------------------------------------	---------------------------------------------------------------------------------------

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 alterations and additions to dwelling including first floor addition and construction of a swimming pool

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 no submissions during the public notification period.

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 Clause 4.3 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 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, 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 Sophie Valentine.

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. Clause 4.6
3. Architectural Plans
4. Proposed Floor plans
5. Building Height Sections

File Reference: DA/787/2022
Document Number: D08509931

SCHEDULE 1**ITEM 6****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
01, Rev B	Proposed Site Plans	Buenavista Home Designs	June 2021	
02, Rev C	Proposed Floor Plans & BASIX Commitments	Buenavista Home Designs	June 2021	
03, Rev B	Architectural Plans	Buenavista Home Designs	June 2021	
04, Rev B	Survey-Site Analysis Plan	Buenavista Home Designs	June 2021	

Supporting Documentation

Document Title	Prepared by	Dated	Council Reference
Waste Management Plan	Buenavista Home Designs	6 June 2022	D08462890
Bushfire Assessment Report	Building Code & Bushfire Hazard Solutions	8 June 2022	D08462875
BASIX Certificate A380041_02	Frys Energywise	7 July 2022	D08462874

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.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**3. 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.

4. 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.

5. 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.

6. Sydney Water – Approval

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

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

7. Design and Construction - Bushfire Attack Category

New construction must comply with the current Australian Standard AS3959 Construction of Buildings in Bush Fire-prone Areas Section 3 and 5 and Planning for Bushfire Protection 2019.

Note: Further information concerning planning for bush fire protection can be found at: www.rfs.nsw.gov.au.

8. Stormwater Drainage – Dwellings

The stormwater drainage system for the development must be designed for an average recurrence interval (ARI) of 20 years and be gravity drained to the existing internal drainage system.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

9. 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.

10. 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.

11. 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*.

12. 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.

13. Installation of Tree Protection Measures

- a) Tree No. 7 to be retained must have tree protection measures for the ground, trunk and canopy installed in accordance with Australian Standard AS4687-2007 Temporary fencing and hoardings.
- b) Tree protection fencing for tree to be retained numbered 7 must be installed 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 installation of all required tree protection fencing must have a TPZ radius as listed in the Table below:

Tree number	TPZ radius from centre of tree
7	4 metres

- e) The circumference of the trunk(s) must be wrapped in hessian material to provide cushioning for the installation of timber planks.
- f) Timber planks (50 x100mm) must be spaced at 100mm intervals and must be attached using adjustable ratchet straps.

14. Bushfire Management – Protection Zones

At the commencement of building works the entire property must be managed as an Inner Protection Area (IPA) as outlined within Appendix 4 of Planning for Bush Fire Protection 2019 and the NSW Rural Fire Service's document *Standards for asset protection zones*.

Note: Further information concerning planning for bush fire protection can be found at: www.rfs.nsw.gov.au.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

15. 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.

16. 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.

17. 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.

18. Waste Management

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

19. 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

20. Approved Works within Tree Protection Zone Incursions

- a) Approved excavations within the Tree Protection Zone of trees to be retained numbered 7 not associated with installation of services must be undertaken as follows:
 - i) Excavations associated within the Tree Protection Zone of trees numbered 7 must be overseen by the AQF 5 project arborist for the first 1 metre undertaken manually to locate roots and allow for pruning.
 - ii) Excavations for the construction within the Tree Protection Zone of trees to be retained numbered 7 on the approved plans must be supervised by the project arborist for the first 1.000 metre undertaken manually to locate roots and allow for pruning.
- b) Grade changes in the form of cutting are permissible outside the Structural Root Zone to a depth of 1 metre.
- c) To minimise impacts within the Tree Protection Zone (TPZ) of trees numbered 7 on the approved plans, the installation of services must be undertaken as follows:
 - i) The installation of any underground services which either enter or transect the designated TPZ must be undertaken manually.
- d) Where scaffolding is required, ground protection must be installed beneath the scaffolding in the following order:
 - i) Installation of a 100mm deep layer of woodchip.
 - ii) Installation of geotextile fabric ground covering.
 - iii) Installation of scaffold boarding above the woodchip and geotextile fabric.

21. 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

22. Fulfilment of BASIX Commitments

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

23. 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.

24. Smoke Alarms – Dwelling Additions

To warn the occupants of the development in the event of a fire, hard wired and interconnected smoke alarms (interconnected where there is a requirement for more than one smoke alarm) shall be provided to all building levels of the existing building and proposed additions in accordance with the requirements of the National Construction Code - Building Code of Australia and Australian Standard AS3786-2014 Smoke Alarms.

OPERATIONAL CONDITIONS

25. Swimming Pool Requirements

The construction and operation of the swimming pool must comply with the provisions of the *Swimming Pool Act 1992*, the *Swimming Pool Regulation 2008*, Australian Standard AS1926.1-3 Swimming Pool Safety and the following requirements:

- a) All waste water from the pool's filtration system must be piped to *Sydney Water's* sewer system. In the event that *Sydney Water's* sewer system is not accessible, a filtration system that does not require backwashing must be installed.
- b) The filtration motor and pump, or spa heater and blower unit must be housed in a soundproofed structure. Sound from the equipment must not exceed 5(dBA) above ambient noise levels at any residential property boundary.
- c) The swimming pool must be located a minimum of 6 metres from any existing wastewater disposal area as outlined in the "Environment & Health Protection Guidelines – Onsite Sewage Management for Single Households (1998)".
- d) The applicant must participate in the 'Static Water Supply Project' initiative of the NSW Fire Brigade, to make available the water in the swimming pool for use as a static water supply for fire fighting purposes by the NSW Fire Brigade or the NSW Rural Fire Service.
- e) A certificate shall be provided to the certifying authority upon installation of any swimming pool reticulation system verifying design and installation in accordance with Australian Standard AS1926.3 Water recirculation systems.

Note: On completion of the swimming pool, the applicant is to contact the local NSW Fire Brigade Station or NSW Rural Fire Service Station to arrange the installation of a static water supply identification plate.

26. Landscaping

Landscaping must comply with the principles of Appendix 4 of Planning for Bush Fire Protection 2019 and Section 3.7 Landscaping under Planning for Bushfire Protection.

27. Bush Fire Survival Plan

Occupants of the subject building must complete and implement a Bush Fire Survival Plan as directed by the associated Bushfire Assessment Report dated 8 June 2022.

- END OF CONDITIONS -

ITEM 6**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 2021, 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.



LOCALITY PLAN

DA/787/2022

No. 3 Butterfield Street, Thornleigh

ATTACHMENT 1 - ITEM 6



EXCEPTIONS TO DEVELOPMENT STANDARDS STATEMENT

FOR

PROPOSED ALTERATIONS AND ADDITIONS

AT

**3 BUTTERFIELD STREET,
THORNLEIGH NSW 2120**

LOT 1 DP 539226

PREPARED FOR:

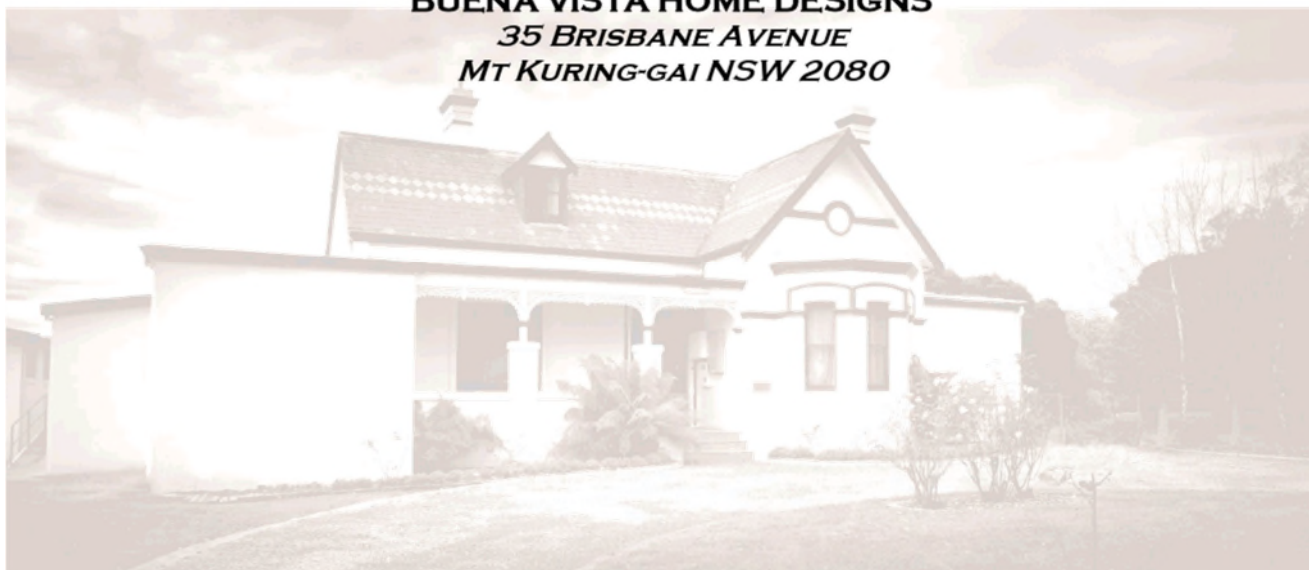
MR & MRS BOUTSIKAKIS

HORNSBY SHIRE COUNCIL

4TH NOVEMBER 2022

BY

**BUENA VISTA HOME DESIGNS
35 BRISBANE AVENUE
MT KURING-GAI NSW 2080**





Clause 4.6 – Exceptions to Development Standards –Height of Buildings

The proposed first floor addition development results in small portion of the addition breaching the Council's 8.5m maximum building height. This breach occurs at the South Western corner of the proposed addition, when measured directly from the existing sub-floor level.

The submitted drawing number DA-09 (*Building Height Sections*), details the extent of the proposed area that breaches the Council's maximum building height.

The non-compliance in building height is depicted on Drawing *Section C-C*, which indicates the highest maximum proposed height at 9.56m, which is a height increase of 12.47%.

4.6 Exceptions to Development Standards

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

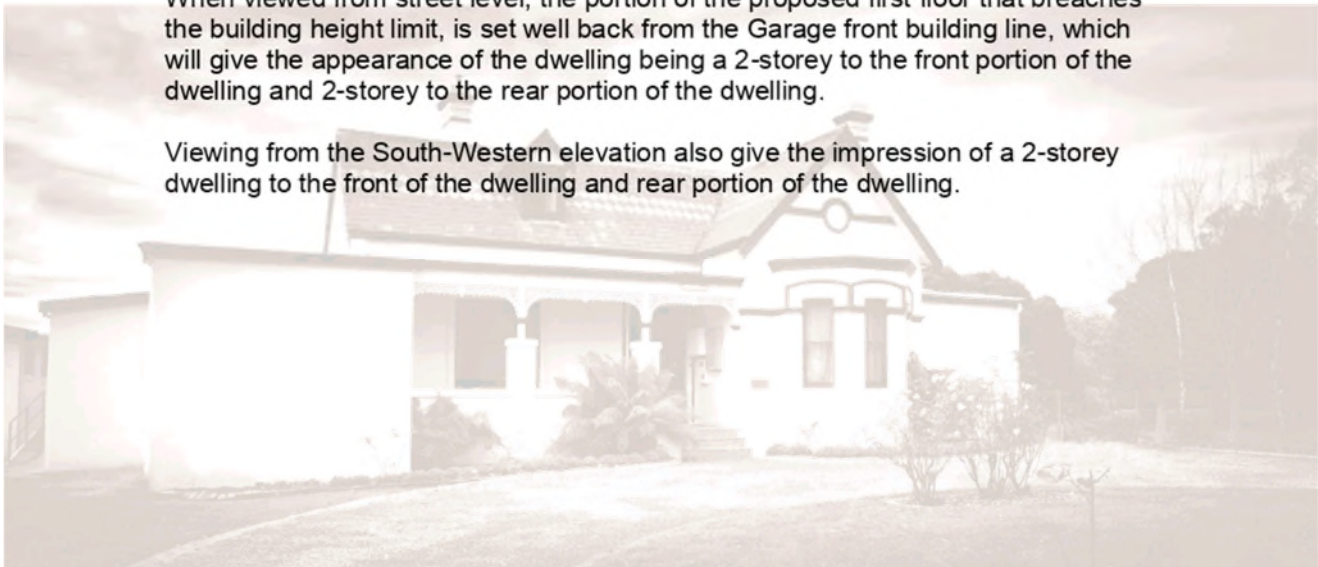
- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

In this instance, the portion of the proposed first floor addition that exceeds the Council's maximum building height, will not appear to be overbearing when viewed from the street level, due to the large setback between the front street boundary and the proposed first floor addition.

In addition, the proposed first floor addition has been designed to sit well back from the ground floor front building line, resulting in a large portion of the proposed first-floor externals to be integrated into the existing ground floor roof area, minimising the bulk of the proposed structure when viewed from the street.

When viewed from street level, the portion of the proposed first floor that breaches the building height limit, is set well back from the Garage front building line, which will give the appearance of the dwelling being a 2-storey to the front portion of the dwelling and 2-storey to the rear portion of the dwelling.

Viewing from the South-Western elevation also give the impression of a 2-storey dwelling to the front of the dwelling and rear portion of the dwelling.





As demonstrated above, the proposed variation will be consistent with the objectives of this Clause.

- (2) - Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

The proposed variation is consistent with the objectives of this clause.

- (3) - 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.

It has been demonstrated that the proposed first floor addition (South-Western corner) exceeds the Council's maximum building height, largely due to the existing excavated portion of the subfloor area which created this non-compliance issue.

The proposed first floor addition is designed to provide the growing family a functional space with the intent to minimise the overall impacts to the streetscaped by containing bottom portion of the addition within the existing roof space, together with the step back from the front building to create an appearance of the dwelling being a 2 storey.

The extent of the non-compliance is minor and will have very little to none negative impact on the character of the streetscaped and will fit into the existing surrounding development in the street. The dwelling structures at No. 7 and 9 Butterfield are both built substantially closer to the front boundary than the existing dwelling structure at No.5 Butterfield and these other two structures are 2 and 3 storeys at the front building lines – exhibiting large bulk and scape to the streetscape.

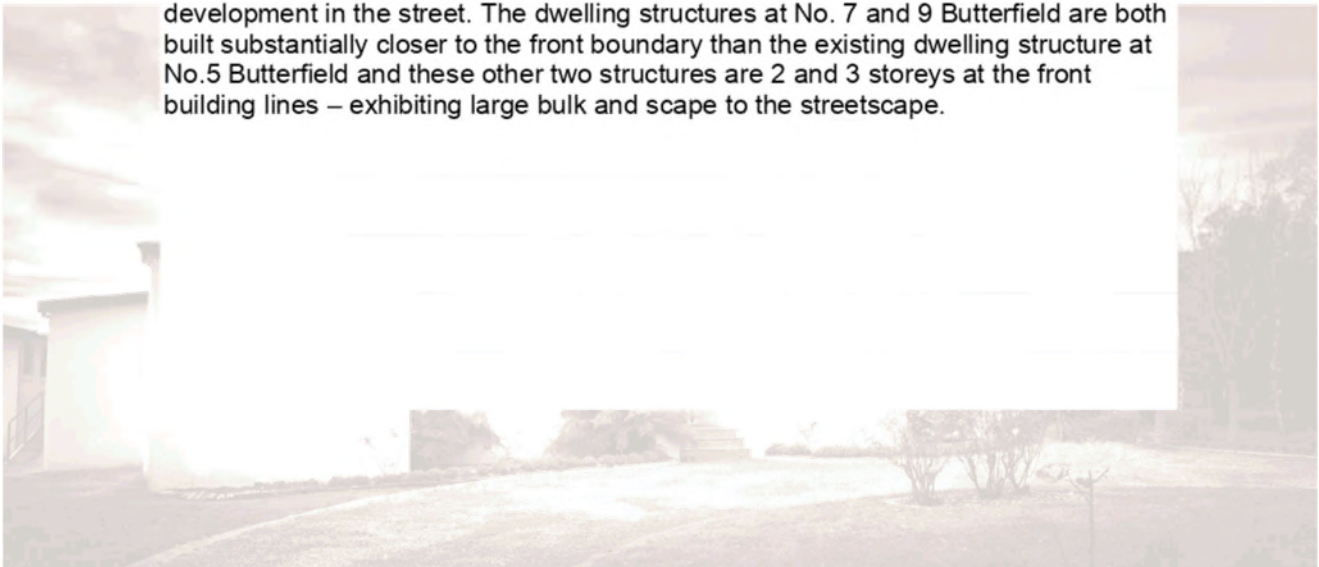




Plate 1 – Street view of No. 9 Butterfield – 3 Storeys

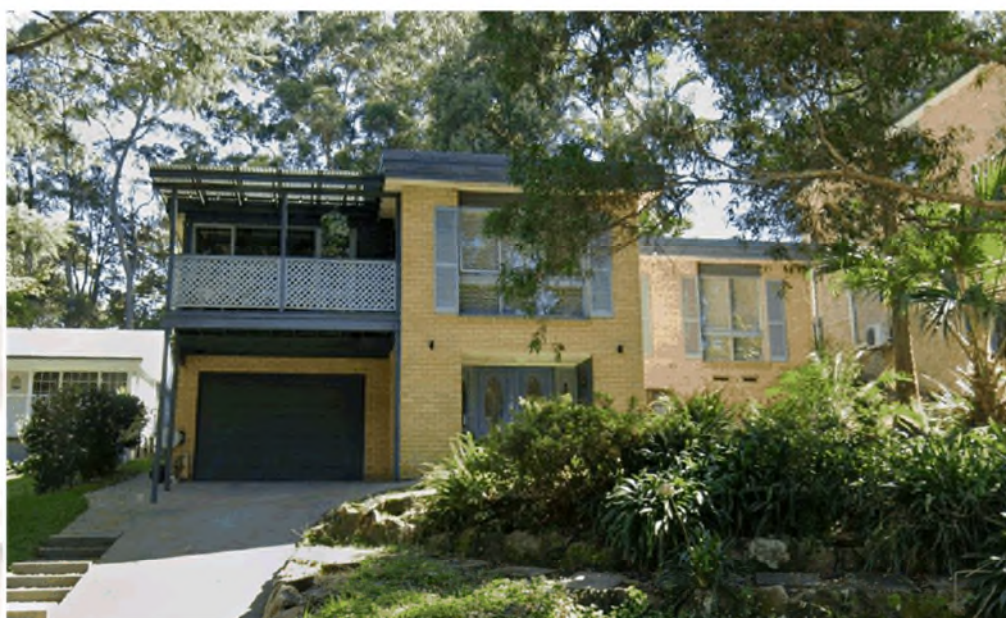


Plate 2 – Street view of No. 7 Butterfield – 2 Storeys

ATTACHMENT 2 - ITEM 6



The proposed first floor addition will be the optimal development approach for this site, due to the topography and ecological constraints of the existing site.

The option of a ground floor addition would be difficult to construct, as there is no access to the rear of the property for heavy machinery to carry out major excavation works to achieve a level building platform.

The excavated platform would require retaining walls and would impact ecologically endangered trees (*Blackbutt Gully Forest*) located in the rear of the property, thus hindering a ground floor addition.

The other issue with major excavation and retaining walls, would be controlling the overland and subsoil water flow from No. 5 Butterfield and rear properties to the West (being on the higher sides). This would need substantial drainage works to control this issue and with the location may have health issues down the road for the owners of the subject property.



Plate 3 – View across the rear Private Open Space

The property to the North of the subject property (No. 5 Butterfield), has an existing ridge height of R.L. 154.71 and the front building setback is forward of the subject property, resulting in the neighbouring ridge being located close to the front building line of the subject property. Also, the floor level of this neighbouring dwelling is elevated above the subject property due to the topography.



The subject property's building line is setback and due to the topography, the existing dwelling's floor is still lower than the adjoining property to the North. The result of the topography and relative levels, the proposed ridge height of the proposed first floor will be R.L. 156.59, which will be only 1.88 metres higher than the adjoining Northern property's ridge height.

It is our opinion that the proposed addition will not result in unreasonable impacts upon the adjoining properties or the character of the surrounding due to the non-compliance.

Therefore, it is unreasonable and unnecessary to adhere to the strict compliance of the standard in this instance.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

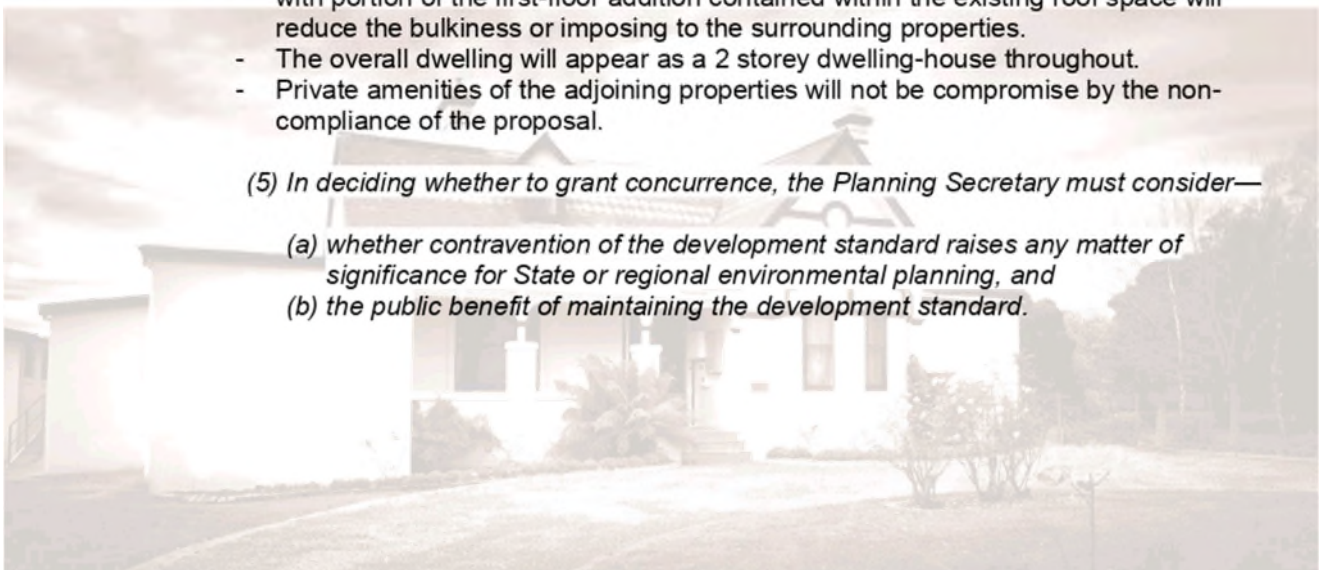
- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within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

It is considered that a contravention of the development standard is justified on environmental planning grounds for the following reasons: -

- Overall visual appearance of the first floor addition structure will blended-in comfortably with the existing dwelling and will have little to none negative impact to the streetscaped.
- Overall setbacks from the street front boundary and the side boundary together with portion of the first-floor addition contained within the existing roof space will reduce the bulkiness or imposing to the surrounding properties.
- The overall dwelling will appear as a 2 storey dwelling-house throughout.
- Private amenities of the adjoining properties will not be compromise by the non-compliance of the proposal.

(5) In deciding whether to grant concurrence, the Planning Secretary must consider—

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard.*





It is in our opinion that contravention of the development standard does not raise any matter of significance for state or regional environmental planning.

It is in our opinion that there is no public benefit of maintaining the development standard in this case.

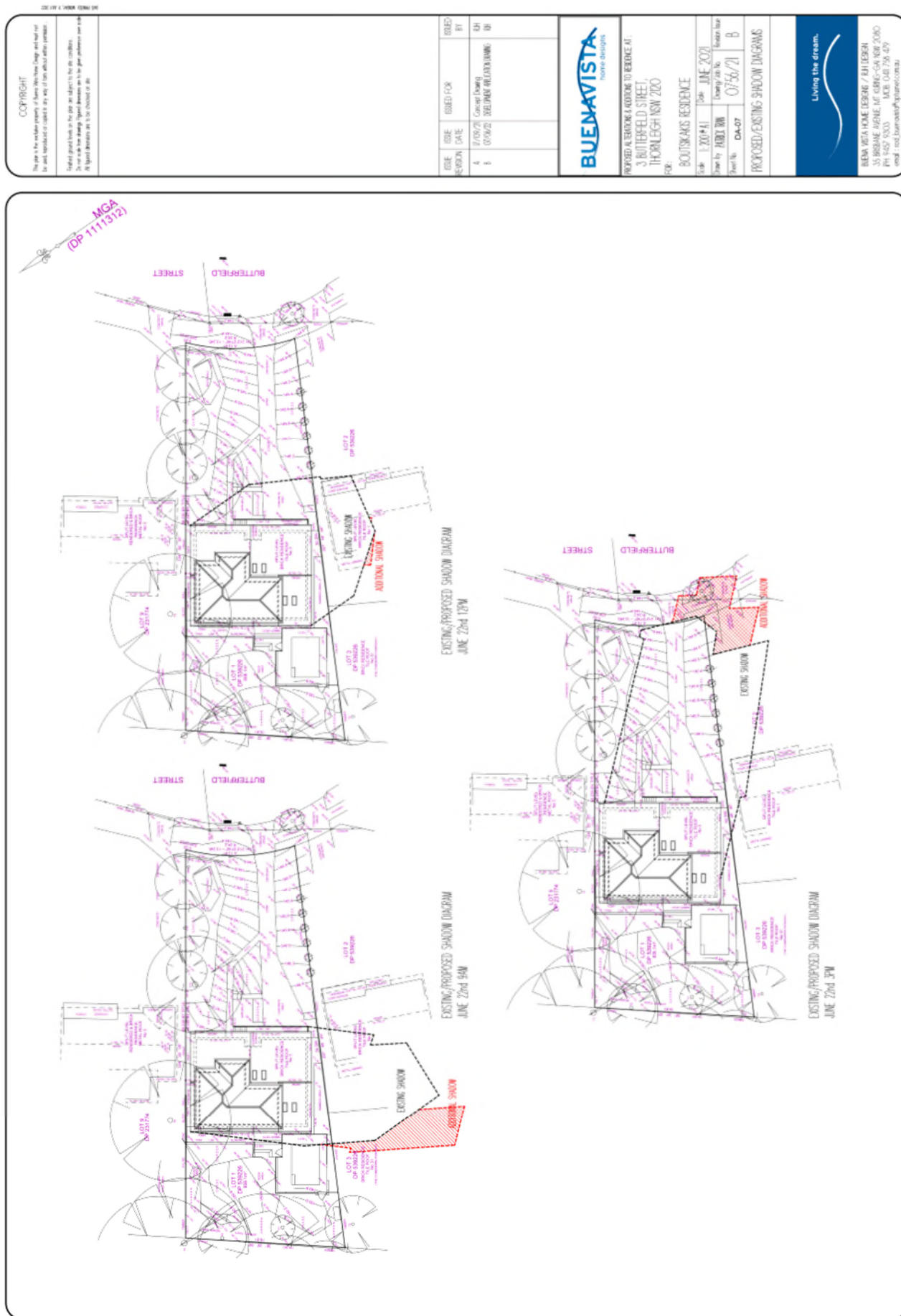
Conclusion

Based upon the contents provided above, we believed that the Exception to development standards variation of the building height requirements is appropriate in this instance.

A handwritten signature in blue ink, appearing to read "Rodney Hale", is positioned above the printed name.

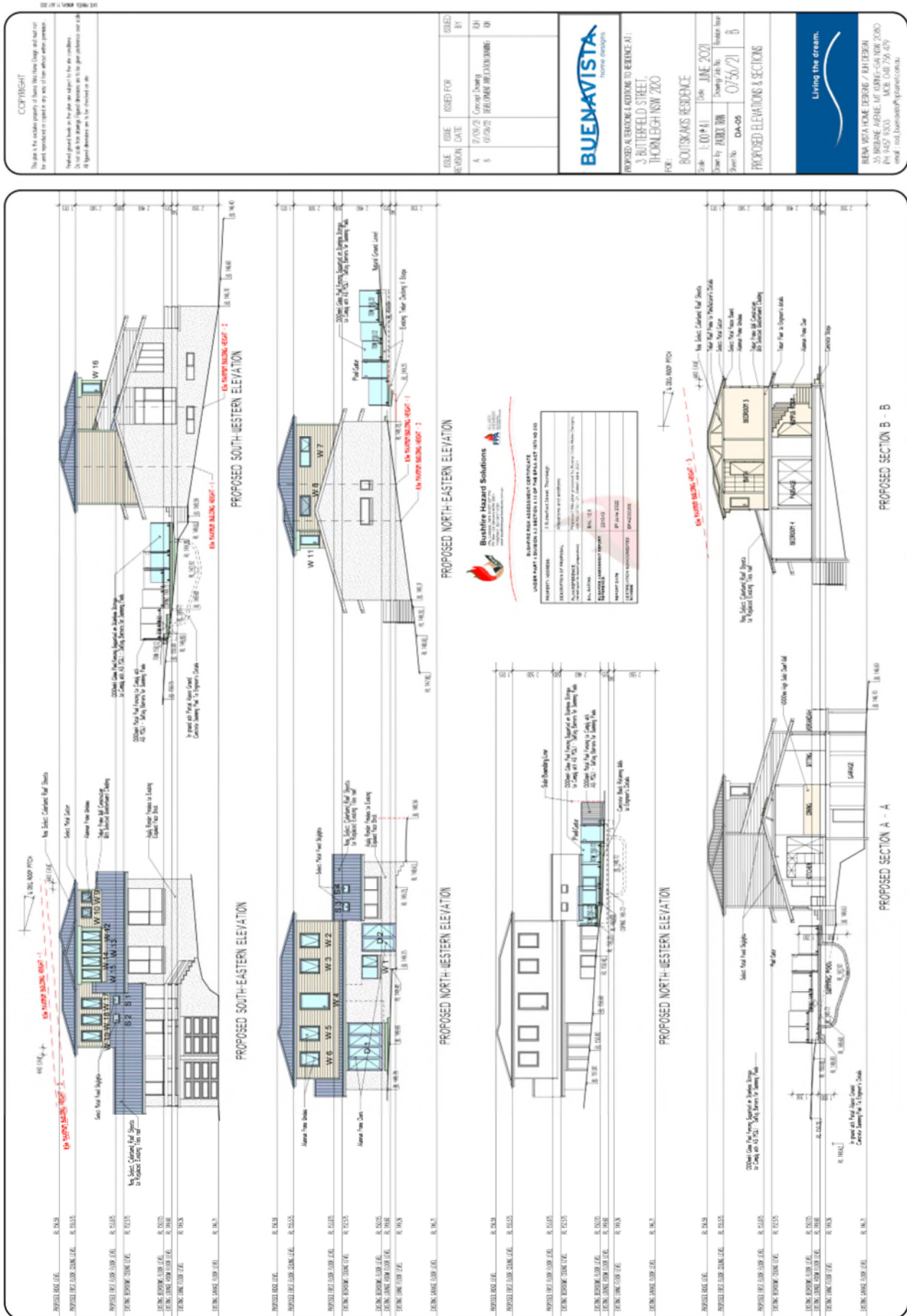
Rodney Hale
Buena Vista Home Designs





ATTACHMENT 3 - ITEM 6

ATTACHMENT 3 - ITEM 6



ATTACHMENT 3 - ITEM 6



ATTACHMENT 4 - ITEM 6

COPIRIGHT

The plans for the building project are the property of the architect and shall not be used for any other project without the written consent of the architect.

Project Name: **BUENAVISTA**

Project Address: **3 BUTTERFIELD STREET, THORNLEIGH NSW 2020**

Project Description: **PROPOSED FLOOR PLANS AND CONSTRUCTION DETAILS**

Project Status: **PROPOSED**

Project Date: **2020**

Project Drawn By: **ARCHITECT**

Project Checked By: **ARCHITECT**

Project Approved By: **ARCHITECT**

Project Contact: **ARCHITECT**

Project Phone: **ARCHITECT**

Project Email: **ARCHITECT**

Project Website: **ARCHITECT**

Project Social Media: **ARCHITECT**

Project Notes: **ARCHITECT**

COLOUR LEGEND

PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING
PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING
PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING
PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING
PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING
PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING
PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING
PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING
PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING
PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING	PROPOSED ROOFING

WINDOWS AND DOOR SCHEDULE

Window/Door	Material	Size	Notes
W1	Aluminum	1200 x 1500	Double Glazed
W2	Aluminum	1200 x 1500	Double Glazed
W3	Aluminum	1200 x 1500	Double Glazed
W4	Aluminum	1200 x 1500	Double Glazed
W5	Aluminum	1200 x 1500	Double Glazed
W6	Aluminum	1200 x 1500	Double Glazed
W7	Aluminum	1200 x 1500	Double Glazed
W8	Aluminum	1200 x 1500	Double Glazed
W9	Aluminum	1200 x 1500	Double Glazed
W10	Aluminum	1200 x 1500	Double Glazed
W11	Aluminum	1200 x 1500	Double Glazed
W12	Aluminum	1200 x 1500	Double Glazed
W13	Aluminum	1200 x 1500	Double Glazed
W14	Aluminum	1200 x 1500	Double Glazed
W15	Aluminum	1200 x 1500	Double Glazed
W16	Aluminum	1200 x 1500	Double Glazed
W17	Aluminum	1200 x 1500	Double Glazed
W18	Aluminum	1200 x 1500	Double Glazed
W19	Aluminum	1200 x 1500	Double Glazed
D1	Aluminum	1200 x 1500	Double Glazed
D2	Aluminum	1200 x 1500	Double Glazed

SKYLIGHTS SCHEDULE

Skylight	Material	Size	Notes
S1	Aluminum	1200 x 1500	Double Glazed
S2	Aluminum	1200 x 1500	Double Glazed
S3	Aluminum	1200 x 1500	Double Glazed
S4	Aluminum	1200 x 1500	Double Glazed

PROPOSED FIRST FLOOR PLAN

PROPOSED ROOF PLAN

PROPOSED GROUND FLOOR PLAN

EXISTING GROUND FLOOR PLAN

GENERAL CONSTRUCTION NOTES

1. All construction shall be in accordance with the Australian Standard AS/NZS 1170.1.
2. All construction shall be in accordance with the Australian Standard AS/NZS 1170.2.
3. All construction shall be in accordance with the Australian Standard AS/NZS 1170.3.
4. All construction shall be in accordance with the Australian Standard AS/NZS 1170.4.
5. All construction shall be in accordance with the Australian Standard AS/NZS 1170.5.
6. All construction shall be in accordance with the Australian Standard AS/NZS 1170.6.
7. All construction shall be in accordance with the Australian Standard AS/NZS 1170.7.
8. All construction shall be in accordance with the Australian Standard AS/NZS 1170.8.
9. All construction shall be in accordance with the Australian Standard AS/NZS 1170.9.
10. All construction shall be in accordance with the Australian Standard AS/NZS 1170.10.

BUENAVISTA

3 BUTTERFIELD STREET, THORNLEIGH NSW 2020

PROPOSED FLOOR PLANS AND CONSTRUCTION DETAILS

ARCHITECT: [Name]

DATE: [Date]

SCALE: [Scale]

PROJECT: [Project Name]

CLIENT: [Client Name]

CONTACT: [Contact Info]

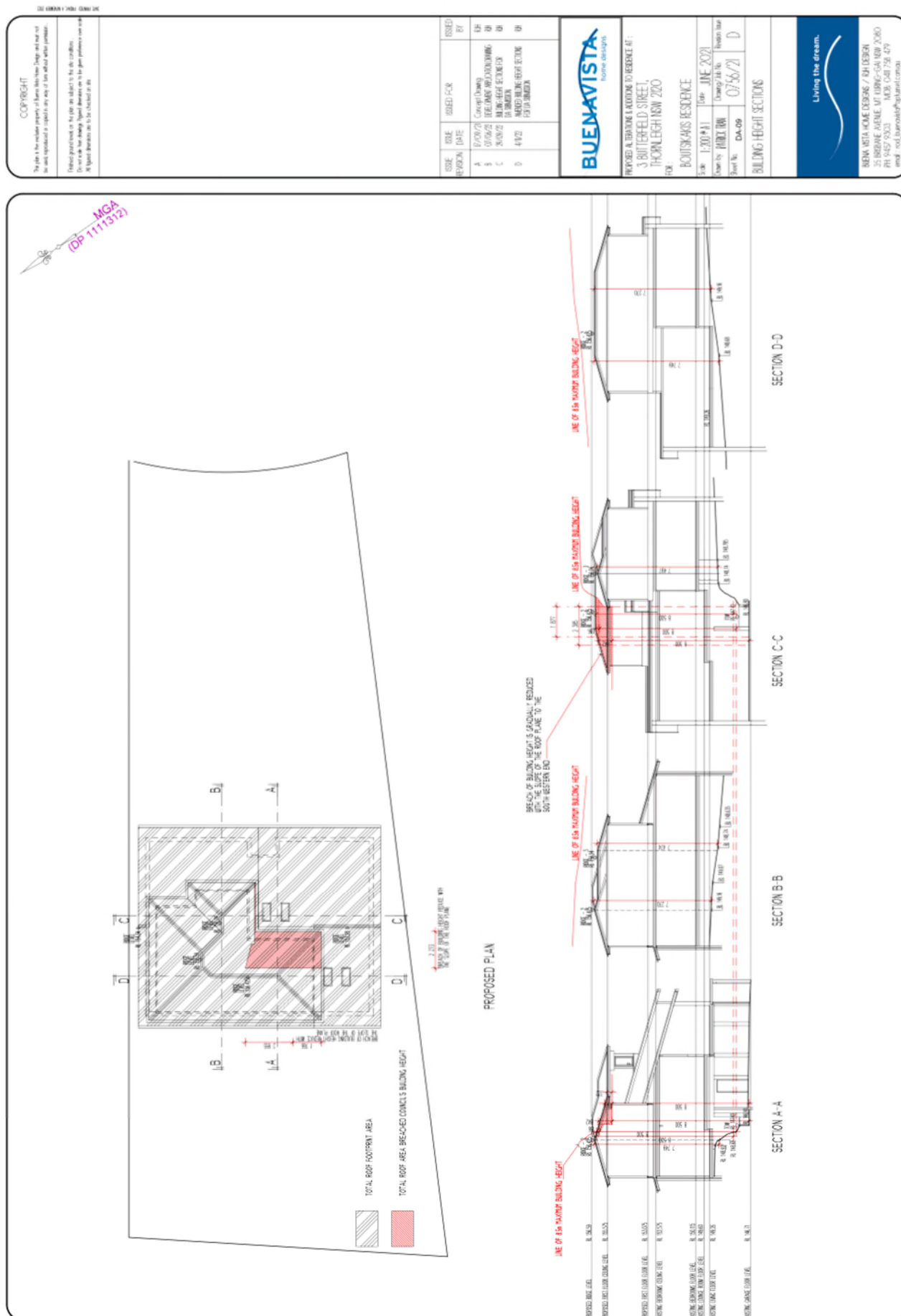
WEBSITE: [Website]

PHONE: [Phone Number]

EMAIL: [Email Address]

SOCIAL MEDIA: [Social Media Links]

NOTES: [Additional Notes]



ATTACHMENT 5 - ITEM 6

**7 DA/742/2021 - SECTION 8.2 APPLICATION - CONSTRUCTION OF A DWELLING HOUSE -
15 POMONA STREET, PENNANT HILLS**

EXECUTIVE SUMMARY

DA No: DA/742/2021 (Lodged on 19 September 2022)

Description: Section 8.2 review for construction of a dwelling house

Property: Lot 75 DP 660810, No. 15 Pomona Street, Pennant Hills

Applicant: Mr Mohit Sahni

Owner: Mr Mohit Sahni

Estimated Value: \$688,000

Ward: B Ward

- The application involves the construction of a dwelling house.
- The proposal complies with the relevant development standards of the Hornsby local Environmental Plan 2013 but does not satisfy the prescriptive measures of the Hornsby Development Control Plan 2013 with respect to Earthworks and Slope, Privacy and Stormwater Management.
- A total of 3 submissions have been received in respect of the Section 8.2 application.
- The application is required to be determined by the Hornsby Council Local Planning Panel as the original application DA/742/2021 was refused by the Hornsby Council Local Planning Panel on 23 February 2022.
- It is recommended that the application be refused.

RECOMMENDATION

THAT Council refuse the section 8.2 review of Development Application No. DA/742/2021 for construction of a dwelling house at Lot 75 DP 660810, No. 15 Pomona Street, Pennant Hills subject to the reasons detailed in Schedule 1 of LPP Report No. LPP71/22.

BACKGROUND

On 21 November 2018, Council approved DA/677/2018 for the Torrens title subdivision of one allotment into two lots and the demolition of a garage, subject to a deferred commencement condition. The consent would not be operative until the applicant registered and created an Easement to Drain Water over the downstream property at SP 40249 (No. 18-22 Paling Street, Thornleigh. The subject site, No. 15A Pomona Street, was created through this subdivision.

On 2 May 2019, the applicant informed Council that the required Easement to Drain Water was registered as per the deferred commencement condition for DA/677/2018.

On 3 May 2019, Council informed the applicant that the consent for DA/677/2018 was operative and could be acted upon.

On 13 November 2019, Council approved Subdivision Construction Certificate No. SCC/32/2019 for subdivision works associated with DA/677/2018.

The subject site was created through the subdivision approved by Council under DA/677/2018. However, at the time of this assessment, the subdivision has yet to be registered with NSW Land Registry Services.

On 13 May 2020, Council issued pre-lodgement written advice under PL/28/2020 for the construction of a two-storey dwelling on the subject site.

On 26 July 2021, Development Application No. DA/742/2021 for construction of a dwelling house on proposed Lot 2 was lodged.

On 23 February 2022, the Hornsby Local Planning Panel refused Development Application No. DA/742/2021 for construction of a dwelling house on proposed Lot 2 on the following grounds:

1. *The proposal is unsatisfactory in respect to Section 4.15(a)(i) of the Environmental Planning and Assessment Act 1979 as the development is not consistent with the aims of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and does not seek to appropriately protect the biodiversity and amenity values of trees.*
2. *The proposal is unsatisfactory in respect to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposal does not comply with the desired outcome and the prescriptive measures of Hornsby Development Control Plan 2013 (HDCP) as follows:*
 - a) *The proposal does not comply with the prescriptive measures within Part 3.1.1 Scale of the HDCP with regard to maximum floor area of a dwelling house.*
 - b) *The proposal does not comply with the prescriptive measures within Part 1C.1.4 Earthworks and Slope of the HDCP referring to the siting of development on areas of land presenting the least topographic constraints.*
 - c) *The proposal does not satisfy the desired outcomes of Part 3.1.6 Privacy of the HDCP referring to the provision of reasonable privacy to adjacent properties.*
3. *The proposal is unsatisfactory in respect to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal would have detrimental environmental impacts on the natural environment in the locality.*
4. *The proposal is unsatisfactory in respect to Section 4.15(1)(a)(d) and (e) of the Environmental Planning and Assessment Act 1979, as the proposal would not be in the public interest.*

On 19 September 2022, the applicant requested a Section 8.2(1)(a) review of the determination of DA/742/2021. Amended plans were submitted as part of the Section 8.2(1)(a) review, which are the subject of this report.

On 4 October 2022, DA/677/2018/A was lodged to relocate the approved drainage easement from the north-western side boundary to the south-eastern side boundary. This application is currently under assessment at the time of writing this report.

SITE

The 597.4m² (592.6m² excluding access) battle-axe site is located on the north-eastern side of Pomona Street, Pennant Hills and is currently vacant. The site falls 8.8m from the south-west (front) to the north-east (rear).

The Pomona Street streetscape is characterised by primarily single storey dwelling houses in a landscaped setting reflective of a low-density residential area.

The site is not bushfire prone. The site is subject to overland flows at the rear.

The site is to be burdened by a variable width Right of Access and Easement for Services, a 1m wide Easement to Drain Water and a Positive Covenant.

The site is listed as heritage item No. 656 - House under Schedule 5 of the Hornsby Local Environmental Plan 2013 and described as a good example of a small brick Federation cottage in good condition and virtually unaltered.

The site is also in the vicinity of the following local heritage items:

- Item No. 655 - House at No. 12-14 Pomona Street
- Item No. 657 - House at No. 17 Pomona Street
- Item No. 658 - House at No. 22 Pomona Street
- Item No. 659 - House at No. 23 Pomona Street

The site is not located in a heritage conservation area.

PROPOSAL

The Section 8.2(1)(a) review seeks approval for the construction of a dwelling house.

The lower ground floor level would comprise of two bedrooms, a laundry, bathroom, rumpus room and attached deck.

The ground floor level would comprise of a double carport, three bedrooms, a walk in wardrobe, an ensuite, bathroom, study, lounge room, kitchen with butler's pantry, dining room, internal stairwell, living room and covered balcony.

Six trees are proposed to be removed.

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 over 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 over 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 Environmental Planning and Assessment Act 1979 - Section 8.2 Review

Section 8.2 of the *Environmental Planning and Assessment Act 1979* (the Act) permits an applicant to request a review of a determination by a Council or Local Planning Panel.

Clause 8.10 of the Act states that:

An appeal under this Division (except by an objector) may be made only within the following periods after the relevant date (being the date the decision appealed against is notified or registered on the NSW planning portal or the date of deemed refusal under section 8.11)—

- (a) *6 months after the relevant date, if the relevant date occurs after the prescribed period, or*
- (b) *12 months after the relevant date, if the relevant date occurs—*
 - (i) *during the prescribed period, or*
 - (ii) *during the 6-month period immediately before the prescribed period.*

Clause 8.10(3) states that, *in this section – 'prescribed period' means the period commencing on 25 March 2020 and ending on 25 March 2022.*

As the application was refused on 23 February 2022, during the prescribed period, this review application must be determined within 12 months from the date of determination.

Therefore, this review application must be determined by 23 February 2023.

Section 8.4 of the Act allows the consent authority to change the original determination.

In addressing the reasons for refusal outlined in the background section of this report, the applicant has submitted amended plans and amended documentation which have made the following changes:

- Retained trees 4 and 5
- Increased the rear setback from 9m to 10.155m
- Reduced the depth of cut and fill
- Reduced the required excavation from 41m³ to 9m³
- Relocated the stormwater easement through DA/677/2018/A
- Reduced the length of the first-floor level deck

An assessment of the amended proposal is provided below.

2.2 Hornsby Local Environmental Plan 2013

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

2.2.1 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 R2 zone with Council's consent.

2.2.2 Height of Buildings

Clause 4.3 of the HLEP provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 8.5m. The proposal has a maximum height of 8.3m and does comply with this provision.

2.2.3 Heritage Conservation

Clause 5.10 of the HLEP sets out the heritage conservation provisions for Hornsby Shire. The proposal has been considered with regard to the heritage requirements of the HLEP, the HDCP and the documentation submitted with the application.

The property is listed as Heritage Item No. 656 ("House" of local significance) under the provisions of Schedule 5 of the HLEP. The existing dwelling is described as a good example of a small brick Federation cottage in good condition and virtually unaltered.

This item is identified as identical to dwellings in the vicinity which are also heritage listed, located at No. 17 Pomona Street (Item No. 657 - House) and No. 23 Pomona Street (No. 659 - House). Other heritage items in the vicinity include No. 655 (House) at No. 12-14 Pomona Street and No. 658 (House) at No. 22 Pomona Street.

The new dwelling is to be located on the vacant allotment located at the rear of a heritage listed dwelling at No.15 Pomona Street, Pennant Hills created under DA/677/2018. Council's heritage assessment raised no objection to the subdivision proposal on heritage grounds which resulted in the creation of the subject lot.

A detailed discussion of the proposed new dwelling with respect to the heritage requirements of the Hornsby Development Control Plan 2013 is provided in Section XXX of the report.

2.2.4 Earthworks

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

An assessment is provided below in accordance with Clause 6.2 of the HLEP.

- (a) *The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development.*

Comment: The proposed earthworks and retaining walls are unlikely to have a detrimental effect on the drainage patterns given that stormwater from the property would still flow towards the north-eastern downstream properties.

A 1m-wide Easement to Drain Water burdens the rear adjoining property, at No. 18-22 Paling Street, Thornleigh to the benefit of the subject site.

A Landslip Risk Assessment Report prepared by BMB Engineers dated October 2020 states that the subject site possesses a 'very low' to 'low' risk level for landslides. The Report concludes that an increase of risk to the stability of the site is unlikely during the construction of the proposed dwelling house subject to the implementation of the geotechnical recommendations for earthworks and retaining walls. Should the application be approved, these recommendations would be included in the conditions of consent.

- (b) *The effect of the development on the likely future use or redevelopment of the land.*

Comment: The earthworks would not likely restrict future use or redevelopment of the land.

- (c) *The quality of the fill or the soil to be excavated, or both,*

Comment: Whilst it is not anticipated that fill would be imported to facilitate the proposed works. Should the application be supported a condition would be recommended that any and all imported fill must be classified by a suitably qualified person as consisting wholly of virgin excavated natural material (VENM).

Should the application be approved, a condition would be recommended that any and all excavated material removed from the site must be classified by a suitably qualified person and disposed of at an approved waste management facility.

- (d) *The effect of the development on the existing and likely amenity of adjoining properties.*

Comment: Should the application be approved; conditions would be recommended to limit amenity impacts during the construction period.

- (e) *The source of any fill material and the destination of any excavated material.*

Comment: Should the application be approved; a condition would be recommended that any and all imported fill must be classified by a suitably qualified person as consisting wholly of virgin excavated natural material (VENM).

Likewise, a condition would be recommended that any and all excavated material removed from the site must be classified by a suitably qualified person and disposed of at an approved waste management facility.

(f) *The likelihood of disturbing relics.*

Comment: Council records do not show the property as being host to any relics.

(g) *The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area.*

Comment: The proposed works would not be located in proximity to any environmentally sensitive area. Subject to appropriate erosion and sediment conditions, it is considered that any adverse impacts can be mitigated.

(h) *Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment: Conditions would be recommended that erosion and sediment controls be in place prior to the commencement of any works.

In summary, the proposal is acceptable with respect to Clause 6.2 of the HLEP.

2.3 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (NSW Housing Code) provides exempt and complying development codes that have State-wide application.

The Policy also identifies types of development that are of minimal environmental impact that may be carried out without the need for development consent and types of complying development (including dwelling houses) that may be carried out in accordance with a complying development certificate.

The proposed development cannot be approved as Complying Development as the site is identified as a heritage item and the development would require the removal of trees.

2.4 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.

2.5 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The application has been assessed against the requirements of chapter 2 and 10 of State Environmental Planning Policy (Biodiversity and Conservation) 2021.

2.5.1 Chapter 2 Vegetation in Non-Rural Areas

Chapter 2 of this policy aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.

Part 2.3 of the policy 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.

Section 3.1.1 of this report provides an assessment in accordance with Part 1B.6.1 of the HDCP.

2.5.2 Chapter 10 Sydney Harbour Catchment

The site is located within the catchment of Sydney Harbour. The aim of this chapter is to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained. This chapter provides general planning considerations and strategies to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained.

The plan addresses matters related to biodiversity, ecology and environment protection; public access to, and use of, foreshores and waterways; maintenance of a working harbour; interrelationship of waterway and foreshore uses; foreshore and waterways scenic quality; maintenance, protection and enhancement of views and boat storage facilities.

Subject to the implementation of sediment and erosion control measures and stormwater management to protect water quality, the proposal would have minimal potential to impact on the Sydney Harbour Catchment and would comply with the requirements of chapter 10 of the Biodiversity and Conservation SEPP.

2.6 State Environmental Planning Policy (Resilience and Hazards) 2021

The application has been assessed against the requirements of chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021.

2.6.1 Chapter 4 Remediation of Land

Section 4.6 of the Resilience and Hazard SEPP states that 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 residential purposes. It is not likely that the site has experienced any significant contamination, and further assessment under chapter 4 of the Resilience and Hazards SEPP is not required.

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	Original	8.2 review	Requirement	Complies
Site Area (excluding access)	592.6m ²	unchanged	N/A	N/A
Building Height	8.4m	8.3m	8.5m	Yes
No. storeys	2	2	max. 2 + attic	Yes
Site Coverage	41.3%	38%	50%	Yes
Floor Area	360.3m ²	309m ²	330m ²	Yes
Setbacks				
- Side (south-west)				
Ground floor	1.5m	1.58m	0.9m	Yes
- Side (north-west)				
Lower Ground floor	1.7m	1.5m	0.9m	Yes
Ground floor	1.7m	1.5m	1.5m	Yes
- Side (south-east)				
Lower Ground floor	1.5m	1.6m	0.9m	Yes
Ground floor	1.5m	1.6m	1.5m	Yes
- Rear				
Lower Ground floor	9m	10.155m	3m	Yes
Ground floor	9m	10.155m	8m	Yes
Landscaped Area (% of lot size)	34%	44%	20%	Yes

Private Open Space				
- <i>minimum area</i>	>24m ²	19m ²	24m ²	No
- <i>minimum dimension</i>	>3m	3m	3m	Yes
Car Parking	2 spaces	2 spaces	2 spaces	Yes

As detailed in the above table, the proposed development does not comply with the prescriptive measures for private open space within the HDCP. A discussion on this non-compliance and compliance and with relevant performance requirements and Part 1C General Controls is provided below.

2.8.1 Scale

The desired outcome of Part 3.1.1 Scale of the HDCP is to encourage “*development with a height, bulk and scale that is compatible with a low-density residential environment*”.

As detailed in the above table, the original application did not comply with the maximum floor area prescriptive measure.

This review application includes amended plans which has reduced the proposed floor area to 309m² which complies with the 330m² prescriptive measure.

The proposed development complies with respect to building height, floor area, site coverage and landscaping.

Further discussion on the suitability of the design with respect to the topography of the site is discussed further in Section 2.8.5 of this report.

2.8.2 Open Space

The desired outcomes of Part 3.1.4 Open Space of the HDCP encourages “*private open space that functions as an extension to the dwelling house*.”

This is supported by the prescriptive measures set out in table 3.1.4(a) of the HDCP which prescribes a minimum principal private open space (POS) area of 24m² and that the POS be directly accessible from the living area of the dwelling.

The application has reduced the size of the balconies to limit privacy impacts to adjoining properties, in doing so the provided POS within each deck is 19m² which does not comply with the 24m² prescriptive measure.

Notwithstanding this, it is noted that there is sufficient space within the rear yard to provide the required private open space which is accessed from the rear balcony.

The proposed development complies with the desired outcomes of Part 3.1.4 Open Space of the HDCP and is considered acceptable.

2.8.3 Sunlight Access

The desired outcomes of Part 3.1.5 Sunlight Access of the HDCP is to encourage “*dwelling houses designed to provide solar access to open space areas*” and “*development designed to provide reasonable sunlight to adjacent properties*”.

This is supported by the prescriptive measure 3.1.5(a) requiring *“50 per cent of the principal private open space of the subject site to receive at least 3 hours of unobstructed sunlight access between 9am and 3pm”* during the day of the winter solstice and prescriptive measure 3.1.5(b) requiring *“50 per cent of the principal private open space on any adjoining property to receive at least 3 hours of unobstructed sunlight access between 9am and 3pm.”*

An assessment of the shadow diagrams provided by the applicant illustrate that the subject site and the adjoining properties neighbour, No. 9 and 17A Pomona Street, would still receive at least 3 hours of unobstructed sunlight access to 50 per cent of their private open space between 9am and 3pm on the day of the winter solstice.

The proposal meets the desired outcomes of Part 3.1.5 Sunlight Access of the HDCP and is considered acceptable.

2.8.4 Privacy

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

This is supported by the prescriptive measures that state that:

- a) *“Living and entertaining areas of dwelling houses should be located on the ground floor and oriented 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.*
 - *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 two balconies along the rear of the dwelling house which would be elevated 1.6 metres and 4.8 metres above the existing ground level which does not comply with the 600mm prescriptive measure.

With respect to the ground floor level balcony, the applicant has proposed 1.8-metre-high privacy screens along the north-eastern and south-western elevations to reduce the privacy impacts to adjoining properties. This balcony would also be setback 10.155m from the rear setback.

While the proposed balcony complies with the rear setback and would be greater than 9m from the rear boundary, the slope of the land would allow residents standing on the proposed balconies to directly overlook into the private open space of the rear adjacent property which is a townhouse development at No. 18-22 Paling Street.

The lower-level balcony does not propose any privacy screens along the side boundaries. It is noted that the landscape plan provides screen planting along the north-eastern side boundary.

A submission raised concerns to the proposed landscaping along the north-eastern boundary as the applicant has lodged an amendment to DA/677/2018 to modify the stormwater plan to divert to a drainage easement along the north-eastern boundary. The objector outlines that any landscaping along the north-eastern boundary would be impeded by the drainage easement.

Council acknowledges that landscaping within a drainage easement is not appropriate and further notes that landscaping is not a sufficient measure to reduce the privacy impacts to adjoining properties.

The proposal in its current design would have detrimental amenity impacts to the adjoining property No. 17A Pomona Street by allowing overlooking the private open space of the neighbouring property.

It is noted that a dwelling house designed and located within the indicative building envelope depicted in DA/677/2018 would be more suitable to the subject site and reduce amenity impacts to adjoining properties by locating the building away from the rear of the site.

The proposal does not meet the desired outcome of Part 3.1.6 Privacy of the HDCP and is not considered acceptable.

2.8.5 Heritage

Part 9 of the HDCP applies to Aboriginal cultural heritage, listed heritage items, heritage conservation areas and places in the vicinity of heritage items and heritage conservation areas.

Council's heritage assessment of the proposed new dwelling is provided below.

2.8.5.1 New Dwelling House

Part 9.2.1 of the HDCP prescribes that works to heritage items retain the significance of the item and minimise impacts on the setting of the item.

The proposed dwelling house has a sympathetic pitched roof form and would be approximately 13m from rear of the Federation cottage and downslope of the heritage item. The front of the dwelling house and garage is single storey and has an overall ridge height of RL152.742, which is below that of the Federation dwelling.

The location of the dwelling house on the lower slopes of the site enables it to be largely screened from the street and maintain the setting of the listed Federation cottage at the street frontage. Whilst the dwelling is contemporary with a metal roof, the proposal would have minimal impact on the setting of the heritage item at No. 15 Pomona Street.

2.8.5.2 Landscaping/Trees

Part 9.2.3 of the HDCP prescribes that trees, gardens and landscapes listed or contribute to an item's significance be conserved.

The site does not contain any significant gardens, vegetation or trees that contribute to the item's individual significance. The site contains some mature remnant native and exotic trees at the rear of the site retained under the subdivision approval. The proposed dwelling requires the majority of trees on the site to be removed and Council's assessment regarding tree removal is discussed in detail in Section 3.1.1 of this report.

2.8.5.3 Development in the Vicinity of Heritage

Part 9.4.1 of the HDCP includes measures to maintain and respect the setting and significance of heritage items in the vicinity of the site. A number of measures prescribed include the design and siting of new work being sympathetic to the primary characteristics and heritage values.

The proposal would have minimal impact on the setting and significance of the heritage items in the vicinity due to the location of the proposed dwelling house down slope below and at the rear of the existing heritage item. Public domain views of the item would not be affected.

In summary, the proposed dwelling house, whilst contemporary in design, is well separated and located away from the existing heritage item at No. 15 Pomona Street that enables the significance and setting of the item and items in the vicinity to be maintained.

The proposal satisfies the heritage conservation requirements of the HLEP and the HDCP and no objections are raised on heritage grounds.

2.8.6 Earthworks and Slope

The desired outcomes of Part 1C.1.4 Earthworks and Slope of the HDCP are to encourage *“development that is designed to respect the natural landform characteristics and protects the stability of land”* and *“development that limits landform modification to maintain the amenity of adjoining properties and streetscape character”*.

These outcomes are supported by prescriptive measure 1C.1.4(a) which states that *“development should be sited on the area of land presenting the least topographic constraints and away from ridge lines”*.

During the original assessment, Council requested the applicant consider redesigning the dwelling house to use the existing cleared and level southern area of the battle-axe allotment. The ‘Potential Site Usage Plan’ submitted with DA/677/2018 demonstrated that a 200m² indicative building envelope could be accommodated in this area. Additionally, it was requested that the applicant employ a stepped design to respond to the slope of the land. A stepped design would lessen the perceived bulk of the dwelling when viewed from adjoining properties and would reduce the elevation of any living and entertaining areas located to the rear of the building.

The original application was subsequently refused on the grounds that the proposed development did not respond to the topography of the land.

The plans provided with this review application marginally increases the rear boundary setback however, the proposed dwelling house is not located within the 200m² indicative building envelope assessed under DA/677/2018.

The applicant has provided a minor step-down design within the ground floor level of approximately 0.5m which is considered minor and insignificant with respect to reducing the bulk and scale of the development.

The architectural plans submitted with the application illustrate that the proposed dwelling house would have a ground floor level elevated up to 4.5m and a lower ground floor level elevated up to 1.5m above existing ground level due to the significant slope of the land towards the rear of the site.

These elevated floor levels substantiate the concerns received from submissions stating that the proposal does not respond to the slope of the land and is inconsistent with the management of residential amenity by way of its bulk and privacy impacts.

The proposed architectural plans have reduced the proposed excavation from 41m³ to 9m³ which has not allowed the building to be stepped down within the existing topography which increases the bulk and scale of the development when viewed from adjoining properties.

In its current form, the proposal does not demonstrate a design which respects the natural landform characteristics of the land and does not maintain the amenity of adjoining properties. As such, the proposal does not satisfy the desired outcomes of part 1C.1.4 Earthworks and Slope of the HDCP and cannot be supported.

2.9 Section 7.12 Contributions Plans

The Hornsby Shire Council Section 7.12 Contributions Plan 2019-2029 does not apply to the development as the land on which the development is to be carried out is subject to monetary contributions applied under DA/677/2018.

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 subdivision application DA/677/2018 approved the removal of trees numbered T13, T14, T15, T16 and T17 and required the retention of trees numbered T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, T11 and T12.

The original application proposed the removal of 7 trees numbered T2, T4, T5, T7, T8, T9 and T10 within the subject site to facilitate the proposed development while retaining tree T3. This application was subsequently refused as the application failed to protect and retain sufficient trees within the subject site.

This review application proposed to remove six trees numbered T1, T6, T7, T8, T9 and T10 while retaining trees numbered T3, T4 and T5.

The trees to be removed are identified in the Arboricultural Impact Assessment (AIA) report prepared by Michael Shaw Consulting Arborist dated 15 August 2022 as the following, T1 (Box Elder), (T6 (Deodar Cedar), T7 (Cypress), T8 (Trident Maple), T9 (Crepe Myrtle) and T10 (Trident Maple).

The 3 trees to be retained are identified as T3 (Brush box), T4 (Cypress) and T5 (Jacaranda).

A redesign of the proposed dwelling house to be located within the indicative building footprint assessed during the subdivision application (DA/677/2018) would reduce the required tree loss and allow for the retention of trees T6, T7, T8 and T9 through the use of tree sensitive construction methods.

A submission has been received raising concern regarding the protection and retention of trees T11 and T12 located on the adjacent property No. 9 Pomona Street. The tree removal plan provided in the architectural plans indicate that these trees would be *‘trimmed back and protected’*. However it is unclear in the arborist report the extent tree required to be trimmed. Insufficient information has been provided to determine the impacts to trees T11 and T12 with respect to pruning of these trees.

Council does not support the number of trees to be removed to facilitate the proposed dwelling house as it is considered that amended designs can retain additional trees within the subject site.

3.1.2 Stormwater Management

Roof water collected from the proposed dwelling house is to be connected to an underground rainwater tank having a capacity of 3,000 litres in accordance with BASIX requirements. Overflow from the rainwater tank would be connected to an OSD system then onwards to an inter-allotment drainage easement.

3.2 Built Environment

3.2.1 Built Form

The proposed built form does not respond to the topography of the site. Furthermore, the applicant has not reasonably addressed the reasons for refusal in the original application with respect to the proposed dwelling house on a sloping site.

3.2.2 Traffic

The proposed dwelling house accommodates 2 car parking spaces which complies with Council's off-street parking requirements for residential developments. Swept path diagrams within the architectural plans demonstrate that vehicles can enter and exit the property in a forward direction.

3.3 Social Impacts

The proposed dwelling house would make a positive social contribution by providing for the housing needs of the community within a low-density residential environment. However, as evidenced by the number of objections received and Council's unresolved concerns regarding building scale, privacy and tree preservation, the proposal in its current form would be detrimental to the residential amenity of immediate properties.

3.4 Economic Impacts

Should the application be approved, 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 site is flood prone and bushfire prone as discussed below:

4.1 Flooding

Council's records indicate that a portion of the site, along the rear boundary, is subject to an overland flow path running north-west to south-east towards Scout Creek.

The architectural plans provided indicate that the rear of the site would remain unaltered.

Council's engineering assessment has determined that it would be highly unlikely that the overland flow path would affect the proposed dwelling house as the finished lower ground floor level (RL144.765 AHD) is 4m above existing ground levels at the rear boundary (RL 140 AHD).

4.2 Bushfire Risk

The application includes a Bushfire Assessment Statement prepared by Building Code & Bushfire Hazard Solutions dated 7 November 2020.

The Statement concludes that the subject site benefits from an available asset protection zone (APZ) of more than 100m to the east which separates it from the identified hazard vegetation associated with Scout Creek and is considered to have a bushfire attack level rating of BAL-LOW. Consequently, there is insufficient risk to warrant specific construction requirements.

Council raises no objections to the conclusions of the report.

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 20 September 2022 and 11 October 2022 in accordance with the Hornsby Community Engagement Plan. During this period, Council received 3 submissions. 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	
-----------------------	------------------------	-------------------------------------------------------------------------------------	---------------------------------	---------------------------------------------------------------------------------------

Three submissions objected to the development, generally on the grounds that the development would result in:

- Development that is excessive in bulk and scale
- Unacceptable privacy and amenity concerns
- Validity of DA/742/2021
- Impacts to trees 11 and 12
- Relocation of Stormwater reducing opportunity

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 Validity of DA/742/2021

The submission raised concerns that if DA/742/2021 was approved it would allow two dwellings on one residential allotment.

It is noted that the subject site was created through the subdivision approved by Council under DA/677/2018. However, at the time of this assessment, the subdivision has yet to be registered with NSW Land Registry Services.

In response to this submission, it is noted that if this application were to be approved, it would be approved as a deferred commencement to ensure construction of the proposed dwelling house could not occur until the new lot was registered with NSW Land Registry Services.

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 not satisfactorily addressed Council’s criteria and would not 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 not be in the public interest.

CONCLUSION

The application proposes the construction of a dwelling house.

The development fails to meet the desired outcomes of Council’s planning controls and is unsatisfactory having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Council received two 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, refusal of the application is recommended.

The reasons for this decision are:

- The proposal does not meet the desired outcomes of Part 1C.1.4 Earthworks and Slope of the Hornsby Development Control Plan 2013 as it has not been designed to respect the natural landform characteristics of the land nor to maintain the amenity of adjoining properties.
- The proposal does not meet the desired outcomes of Part 3.1.6 Privacy of the Hornsby Development Control Plan 2013 as it has not been designed to provide reasonable privacy to adjoining properties.

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 Tim Buwalda.

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/742/2021
Document Number: D08509988

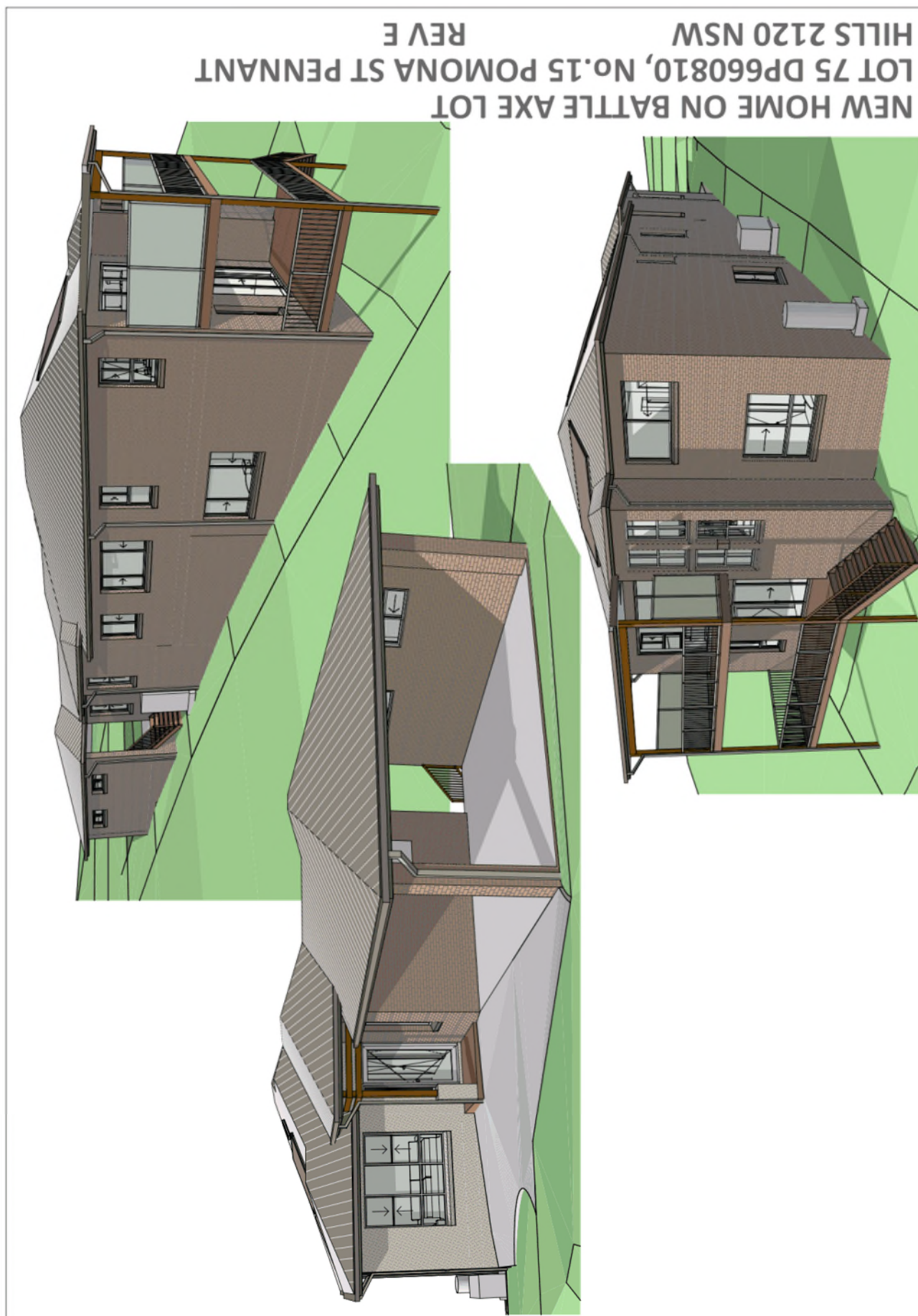
SCHEDULE 1

1. The proposal is unsatisfactory in respect to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, as the proposal does not comply with the desired outcome and the prescriptive measures of Hornsby Development Control Plan 2013 (HDCP) as follows:
 - a) The proposal does not comply with the prescriptive measures within Part 1C.1.4 Earthworks and Slope of the HDCP referring to the siting of development on areas of land presenting the least topographic constraints.
 - b) The proposal does not satisfy the desired outcomes of Part 3.1.6 Privacy of the HDCP referring to the provision of reasonable privacy to adjacent properties.
2. The proposal is unsatisfactory in respect to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as the proposal would have detrimental environmental impacts on the natural environment in the locality.
3. The proposal is unsatisfactory in respect to Section 4.15(1)(a)(d) and (e) of the *Environmental Planning and Assessment Act 1979*, as the proposal would not be in the public interest.

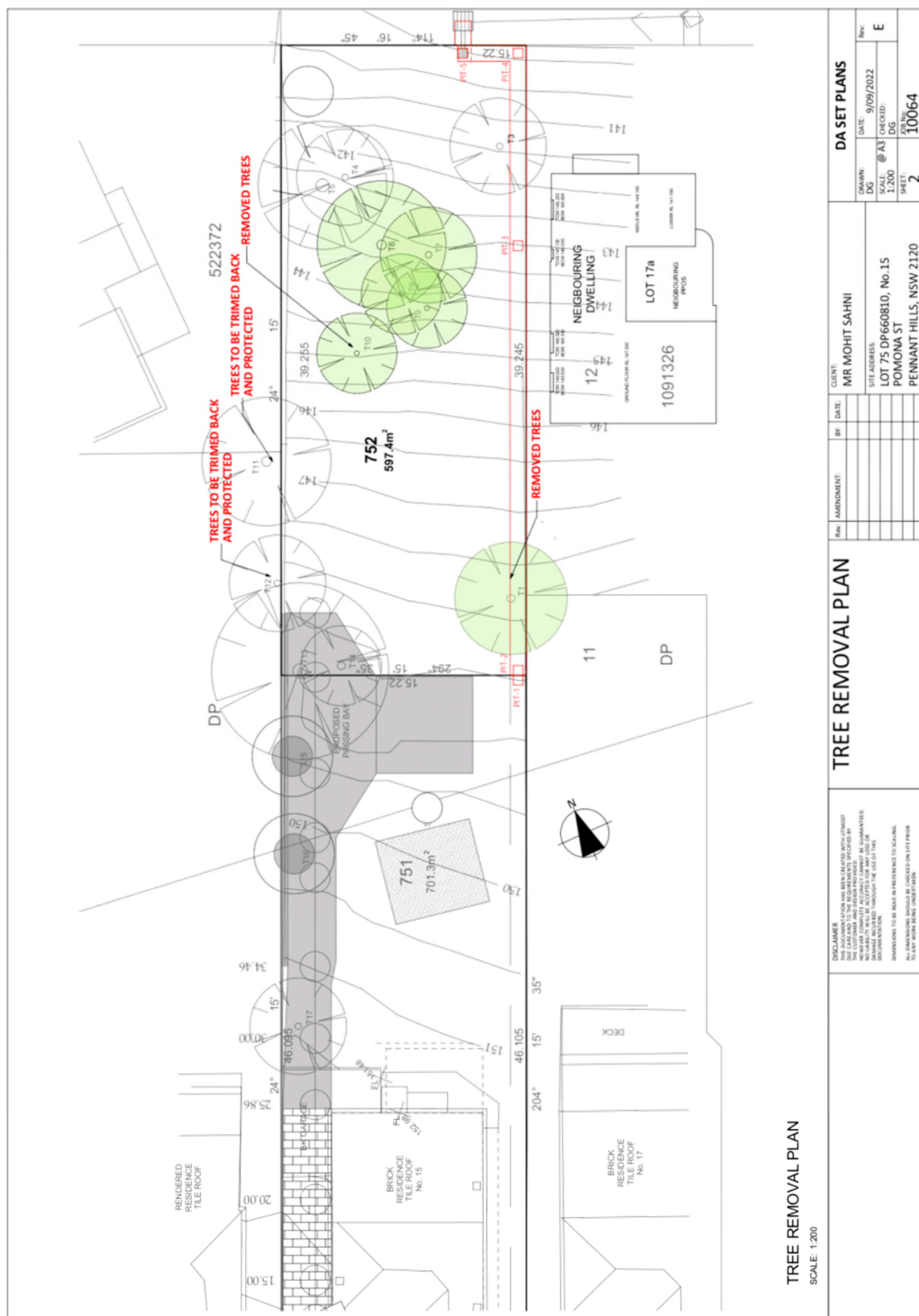
- END OF REASONS FOR REFUSAL -

ITEM 7

ATTACHMENT 1 - ITEM 7**LOCALITY PLAN****DA/721/2021****No. 15 Pomona Street Pennant Hills**

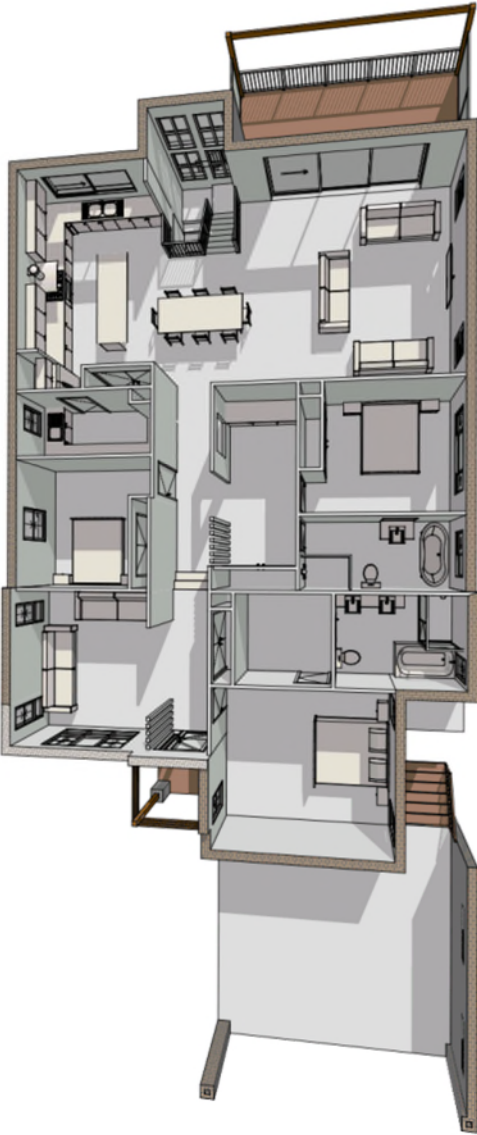


ATTACHMENT 2 - ITEM 7




ATTACHMENT 2 - ITEM 7





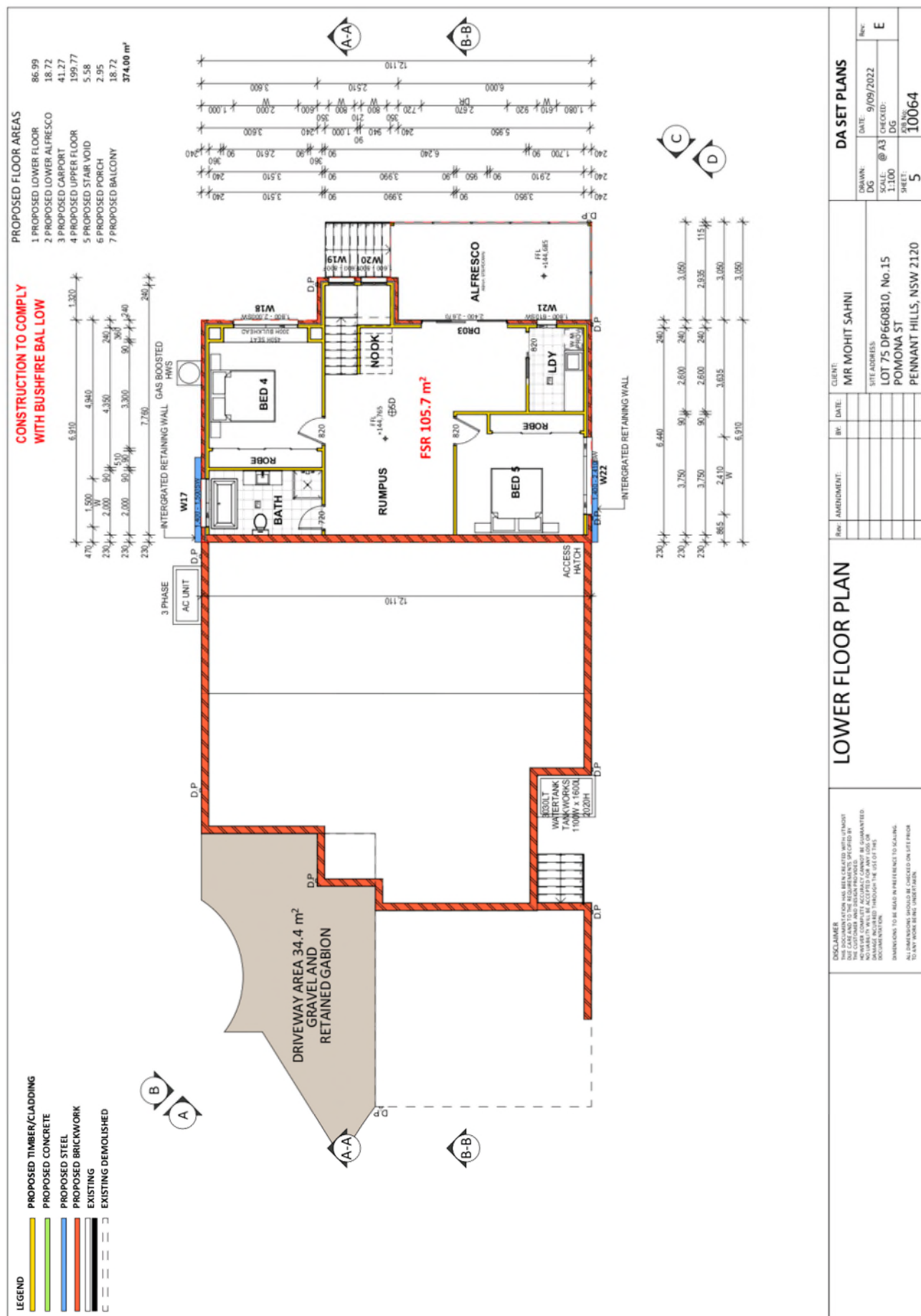
UPPER FLOOR 3D PLAN
SCALE: 1:200



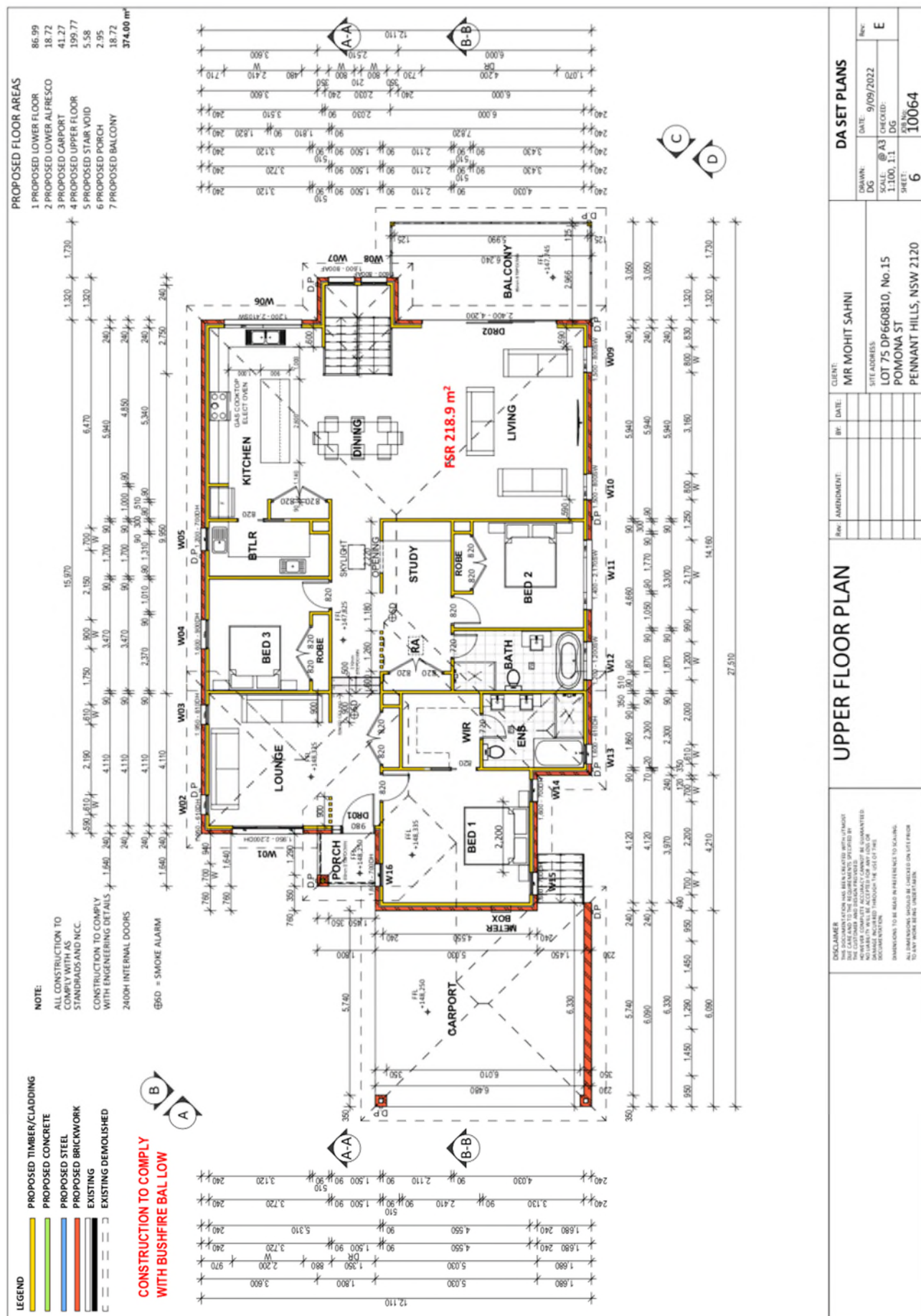
LOWER FLOOR 3D PLAN
SCALE: 1:200

3D PLANS		Rev	AMENDMENT	BY	DATE	CLIENT	DA SET PLANS			
<p>DISCLAIMER</p> <p>THIS DOCUMENTATION HAS BEEN PREPARED WITH CARE AND TO THE BEST OF OUR KNOWLEDGE AND BELIEF. HOWEVER, THE ACCURACY OF THE INFORMATION CONTAINED HEREIN IS NOT GUARANTEED. THE CLIENT ACCEPTS THAT THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE CLIENT ACCEPTS THAT THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE CLIENT ACCEPTS THAT THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE.</p> <p>ALL DIMENSIONS SHOULD BE CHECKED ON SITE PRIOR TO ANY WORK BEING UNDERTAKEN.</p>						MR MOHIT SAHNI	DRAWN: DG	DATE: 9/09/2022	Rev: E	
						LOT 75 DP660810, No.15	SCALE: @ A3	CHECKED: DG		
						POMONA ST	1:200			
						PENNANT HILLS, NSW 2120				
							SHEET: 4	10064		

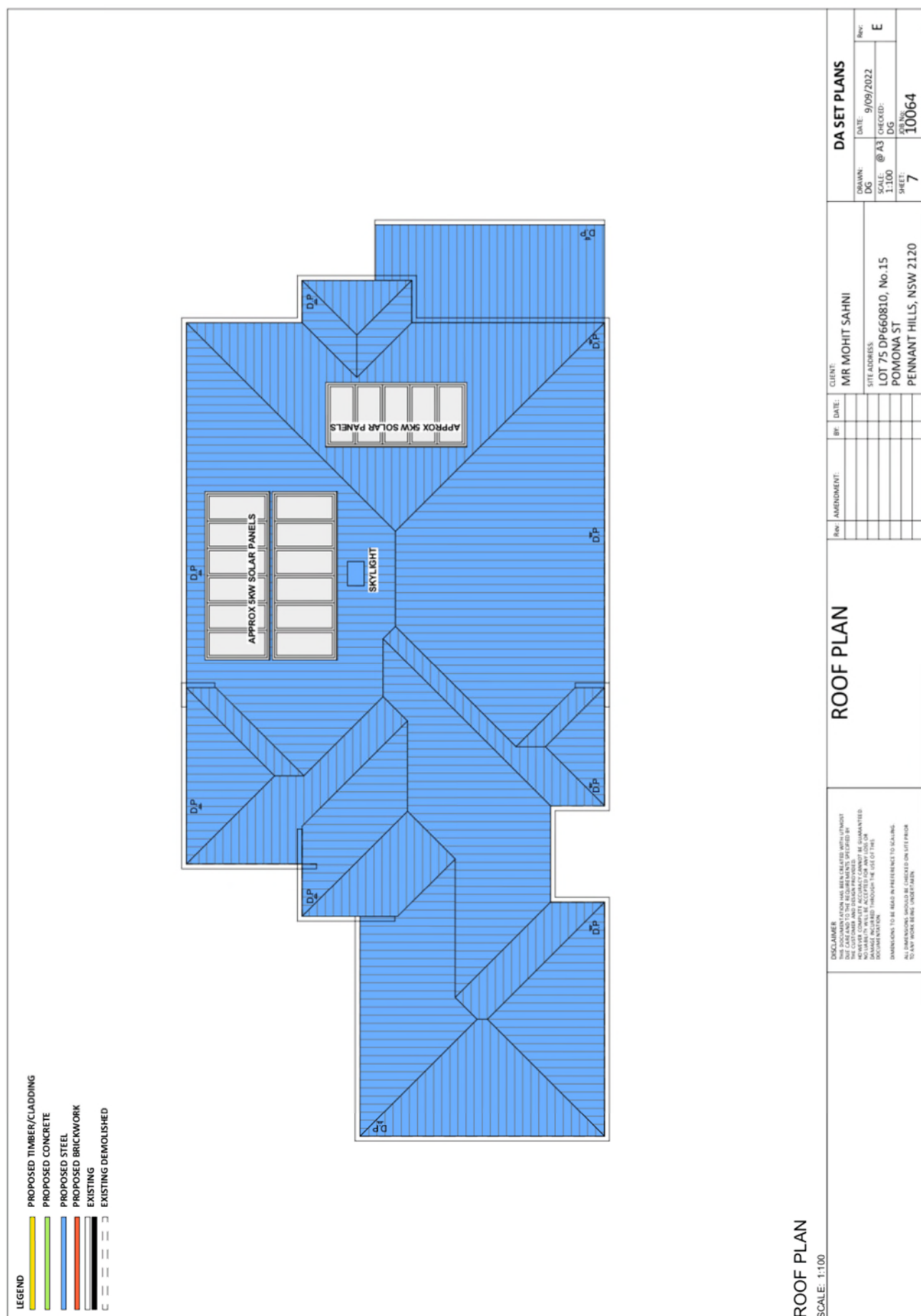
ATTACHMENT 2 - ITEM 7



ATTACHMENT 2 - ITEM 7

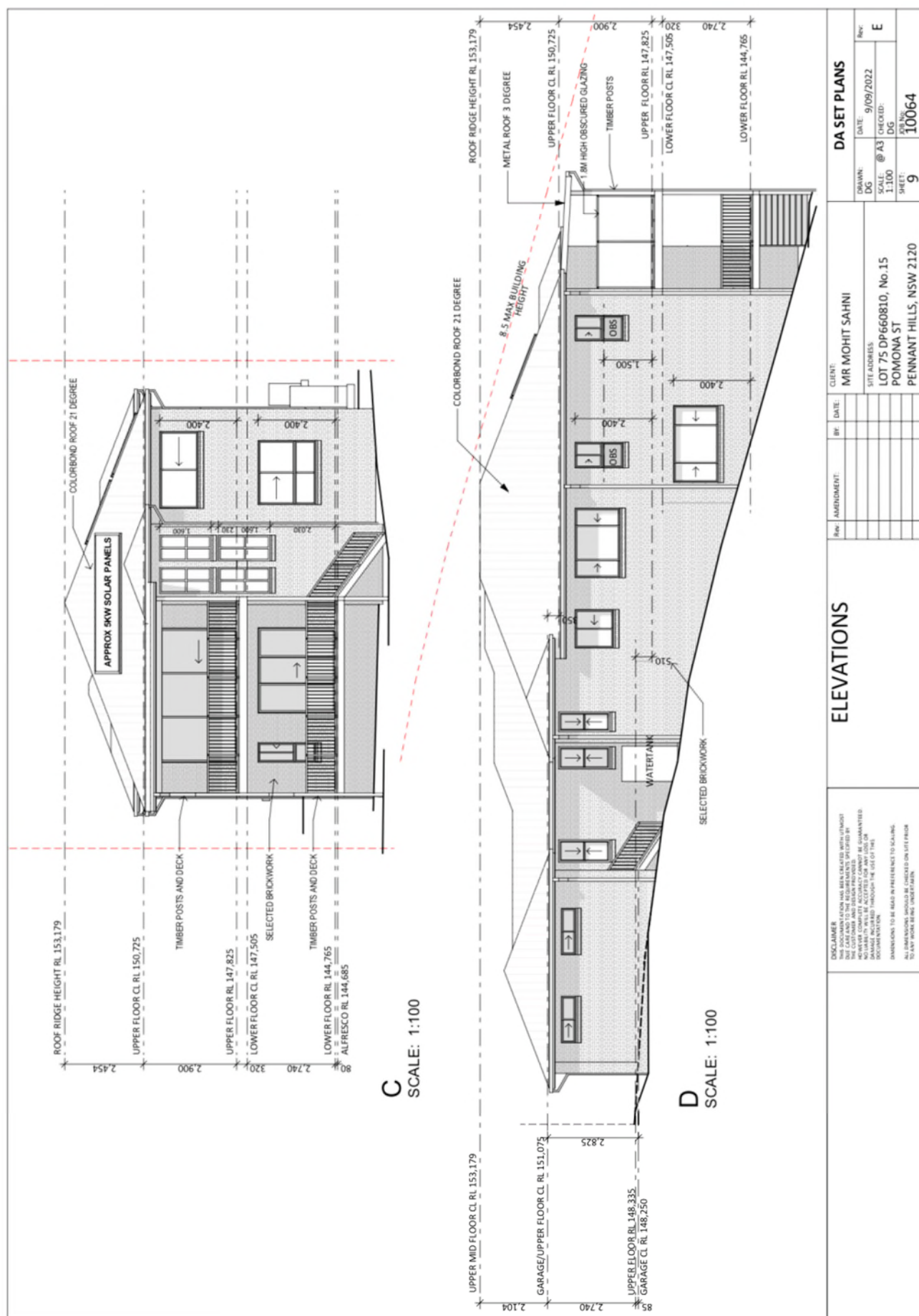


ATTACHMENT 2 - ITEM 7

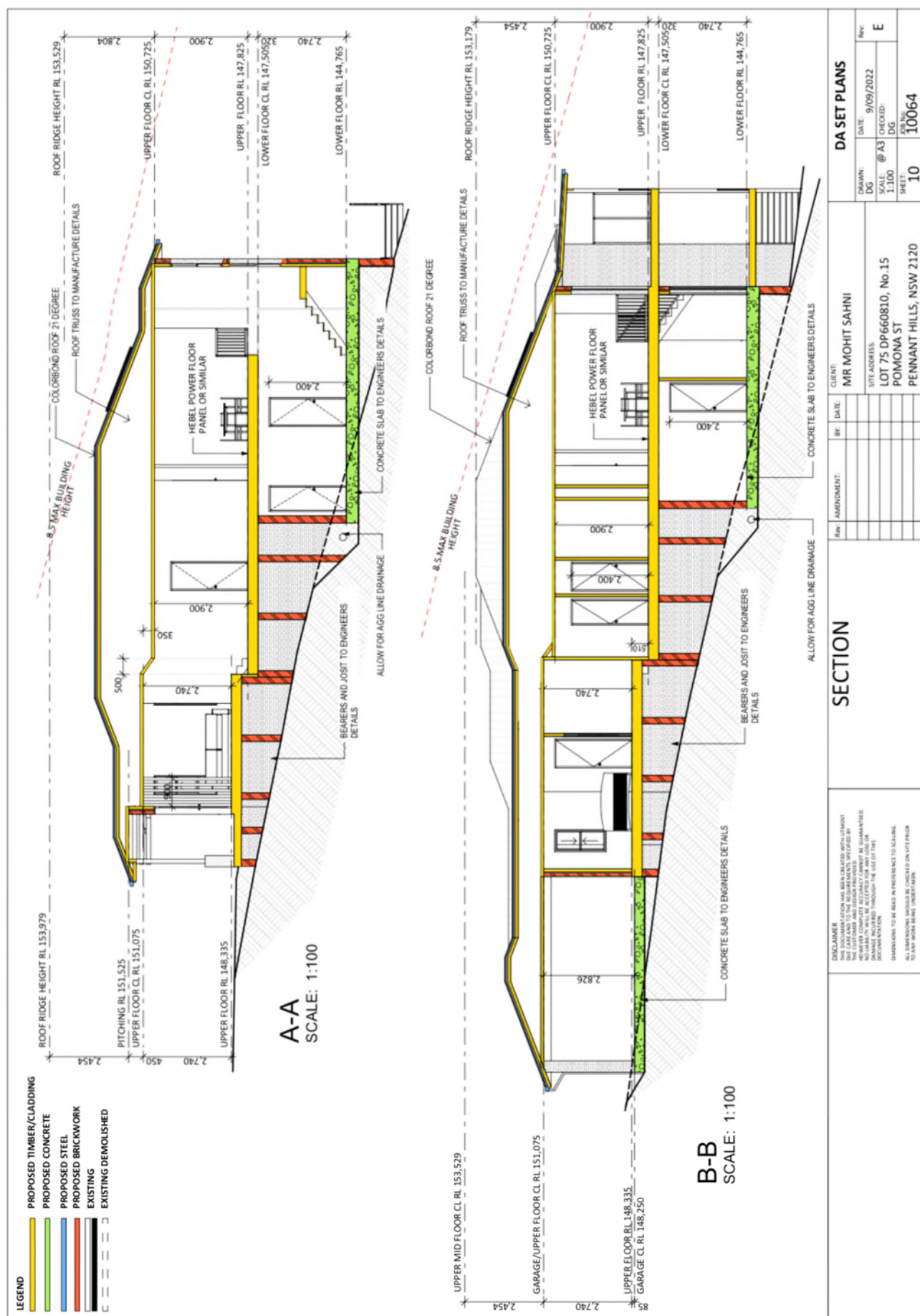


ATTACHMENT 2 - ITEM 7





ATTACHMENT 2 - ITEM 7



ATTACHMENT 2 - ITEM 7

NOTE:
REFER TO GLAZING TYPE AND OTHER REQUIREMENTS

WINDOW/DOOR LIST

WINDOW/ DOOR	DR01	DR02	DR03	W01	W02	W03	W04	W05	W06	W07	W08	W09	W10
ELEVATION													
WIDTH	980	4,200	2,670	2,200	610	610	900	700	2,410	800	800	800	800
HEIGHT	2,400	2,400	2,400	1,950	1,950	1,950	1,600	1,200	1,200	1,600	1,600	1,500	1,500
AREA	2.35	10.08	6.41	4.29	1.19	1.19	1.44	0.84	2.89	1.28	1.28	1.20	1.20

WINDOW/DOOR LIST

WINDOW/ DOOR	W11	W12	W13	W14	W15	W16	W17	W18	W19	W20	W21	W22	W23	W24
ELEVATION														
WIDTH	2,170	1,200	610	700	700	700	1,500	2,000	800	800	610	2,410	1,450	1,450
HEIGHT	1,400	1,200	1,600	1,600	1,600	1,600	1,400	1,800	1,600	1,600	1,800	1,400	450	450
AREA	3.04	1.44	0.98	1.12	1.12	1.12	2.10	3.60	1.28	1.28	1.10	3.37	0.65	0.65

SKYLIGHTS LIST

WINDOW/ DOOR	SKY 01
PLAN	
HEIGHT x WIDTH	750 x 550
AREA	0.41

DISCLAIMER
THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE INFORMATION IS PROVIDED AS IS, WITHOUT WARRANTY OF ANY KIND, INCLUDING MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THE INFORMATION IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ISSUING AUTHORITY.

WINDOW/DOOR SCHEDULE

CLIENT: MR MOHIT SAHNI
SITE ADDRESS: LOT 75 DP660810, No.15 POMONA ST PENNANT HILLS, NSW 2120

DA SET PLANS
DRAWN: DG
DATE: 9/09/2022
CHECKED: E
SCALE: @A3
SHEET: 11
JOB NO: 10064

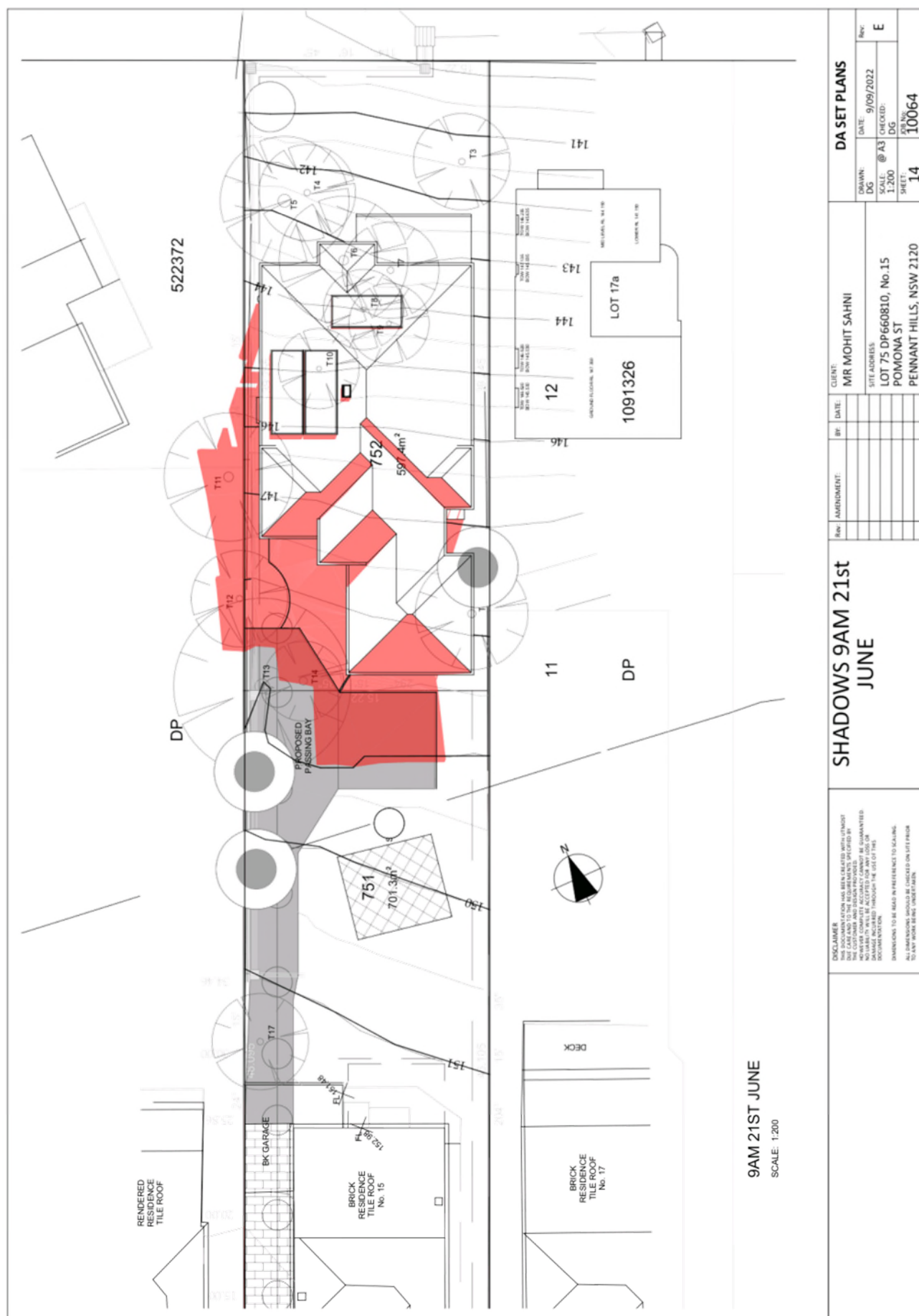
ATTACHMENT 2 - ITEM 7

המחלקה לבריאות הציבור

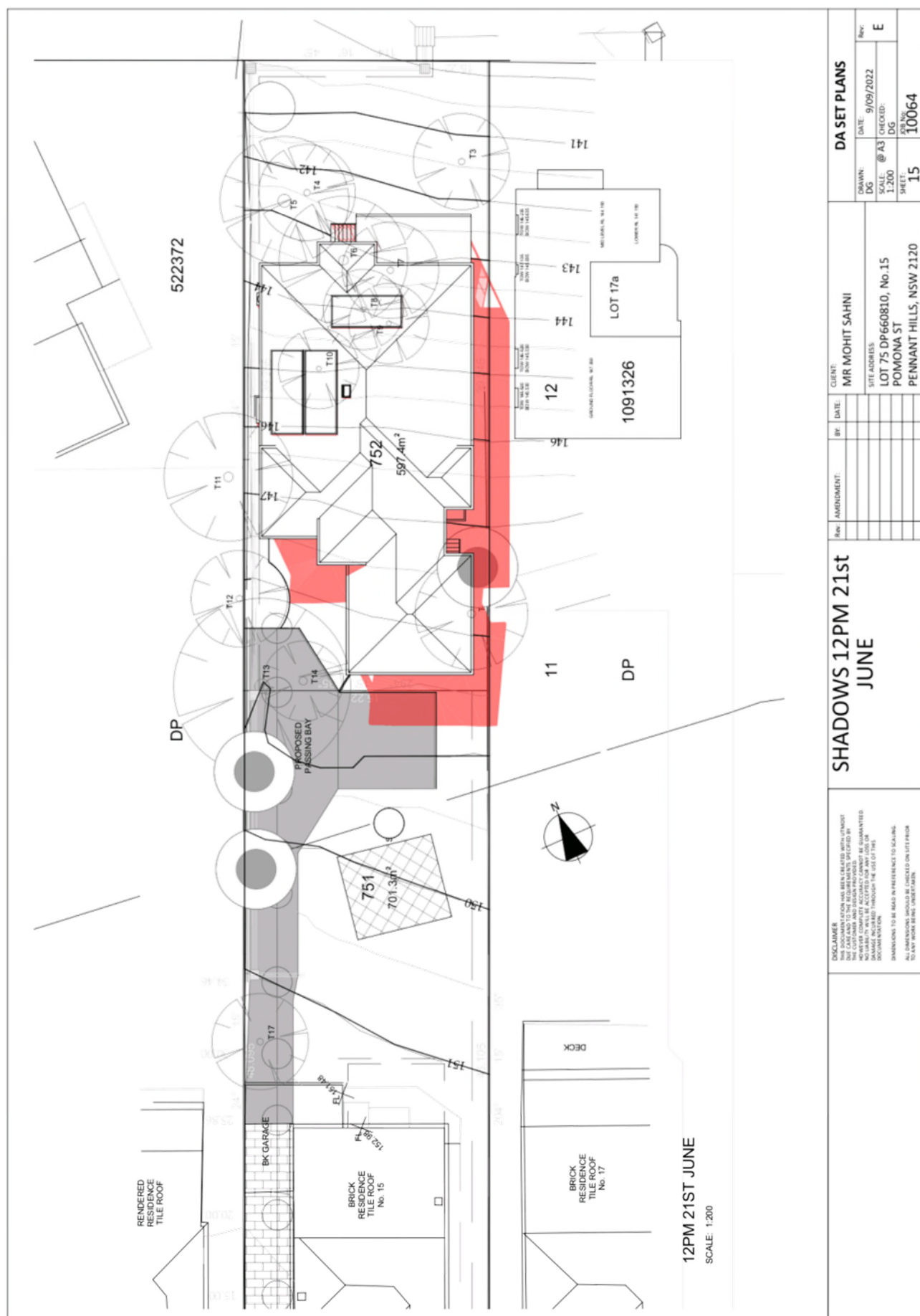
Business Paper Page 121



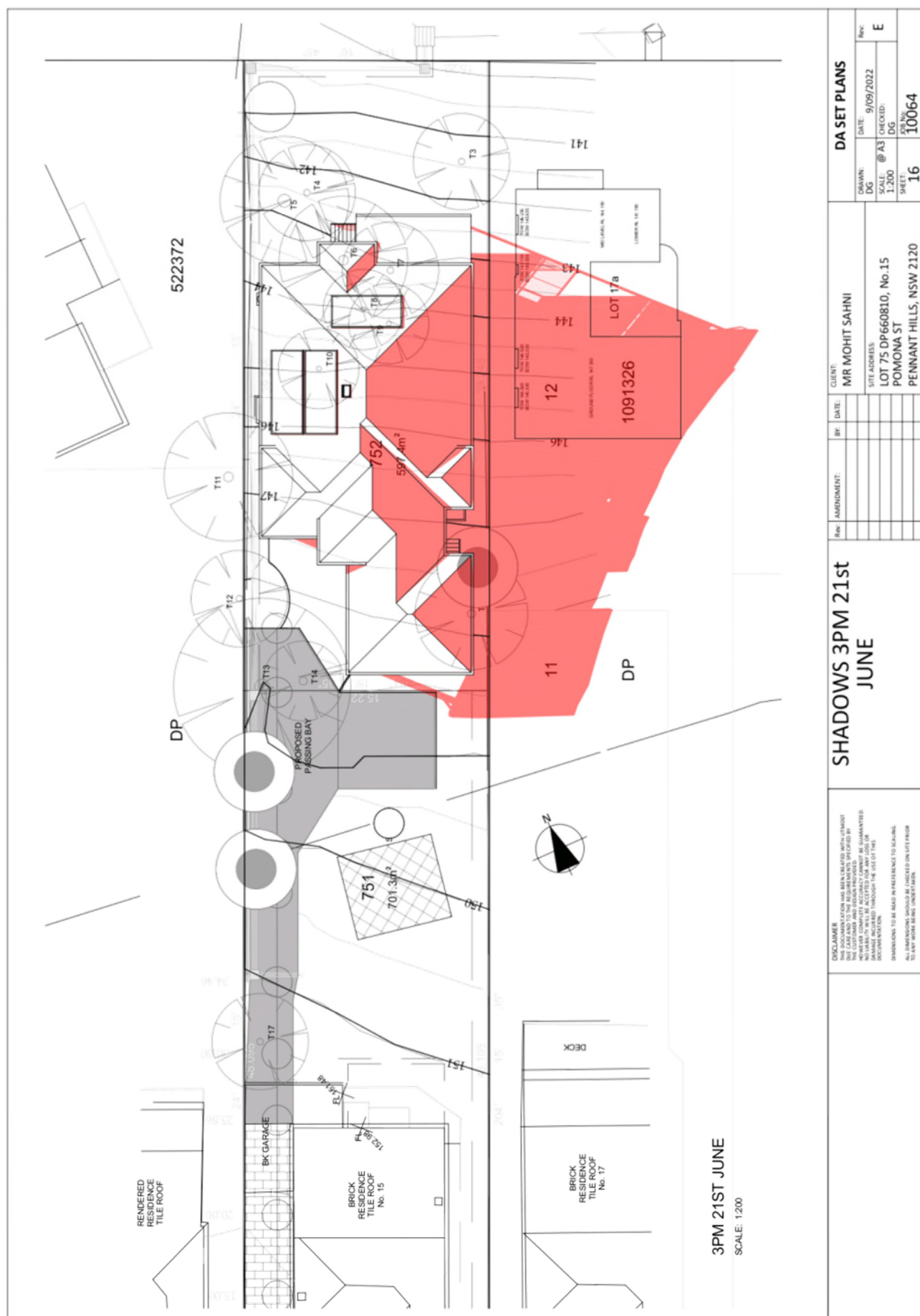
ATTACHMENT 2 - ITEM 7



ATTACHMENT 2 - ITEM 7

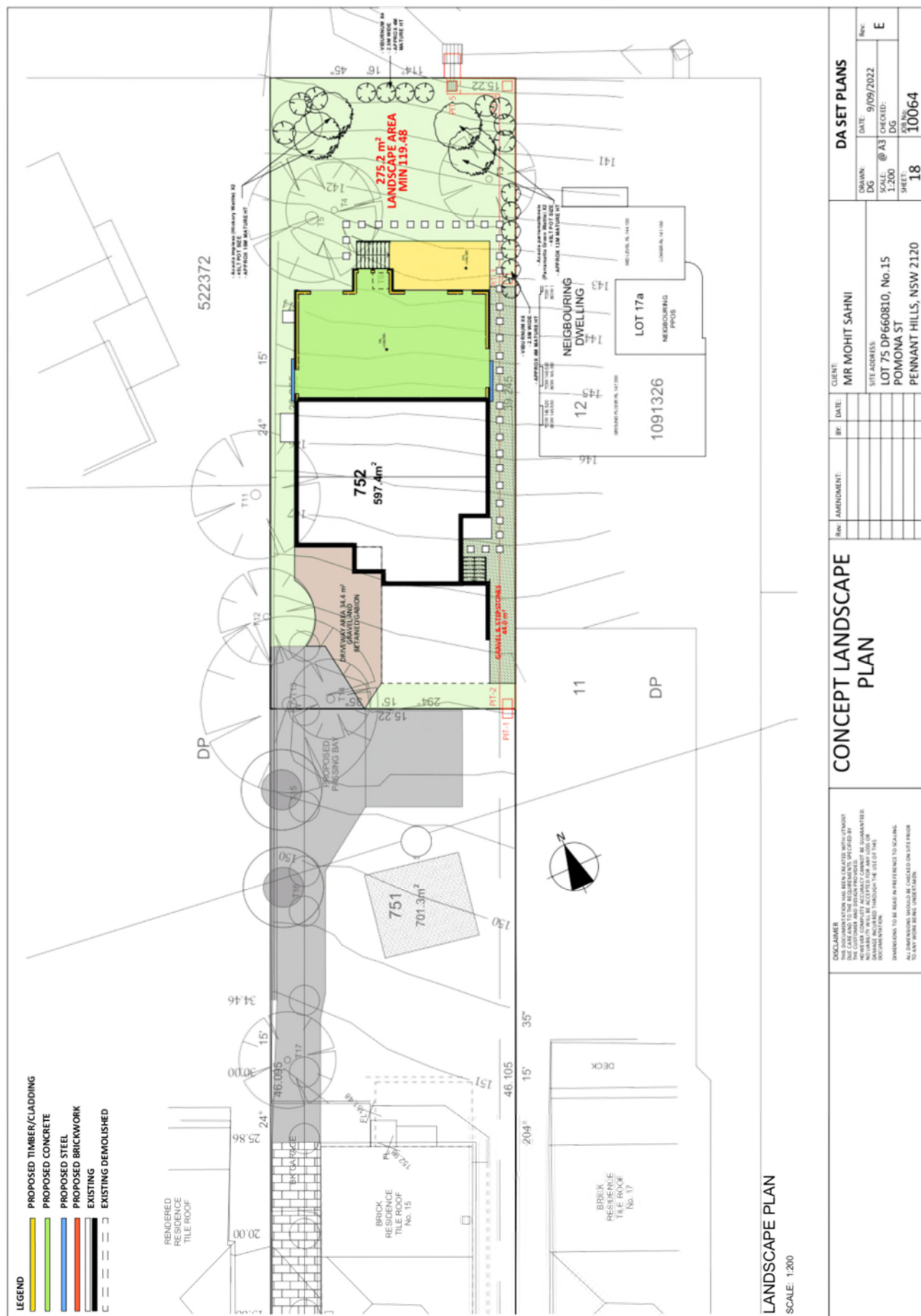


ATTACHMENT 2 - ITEM 7

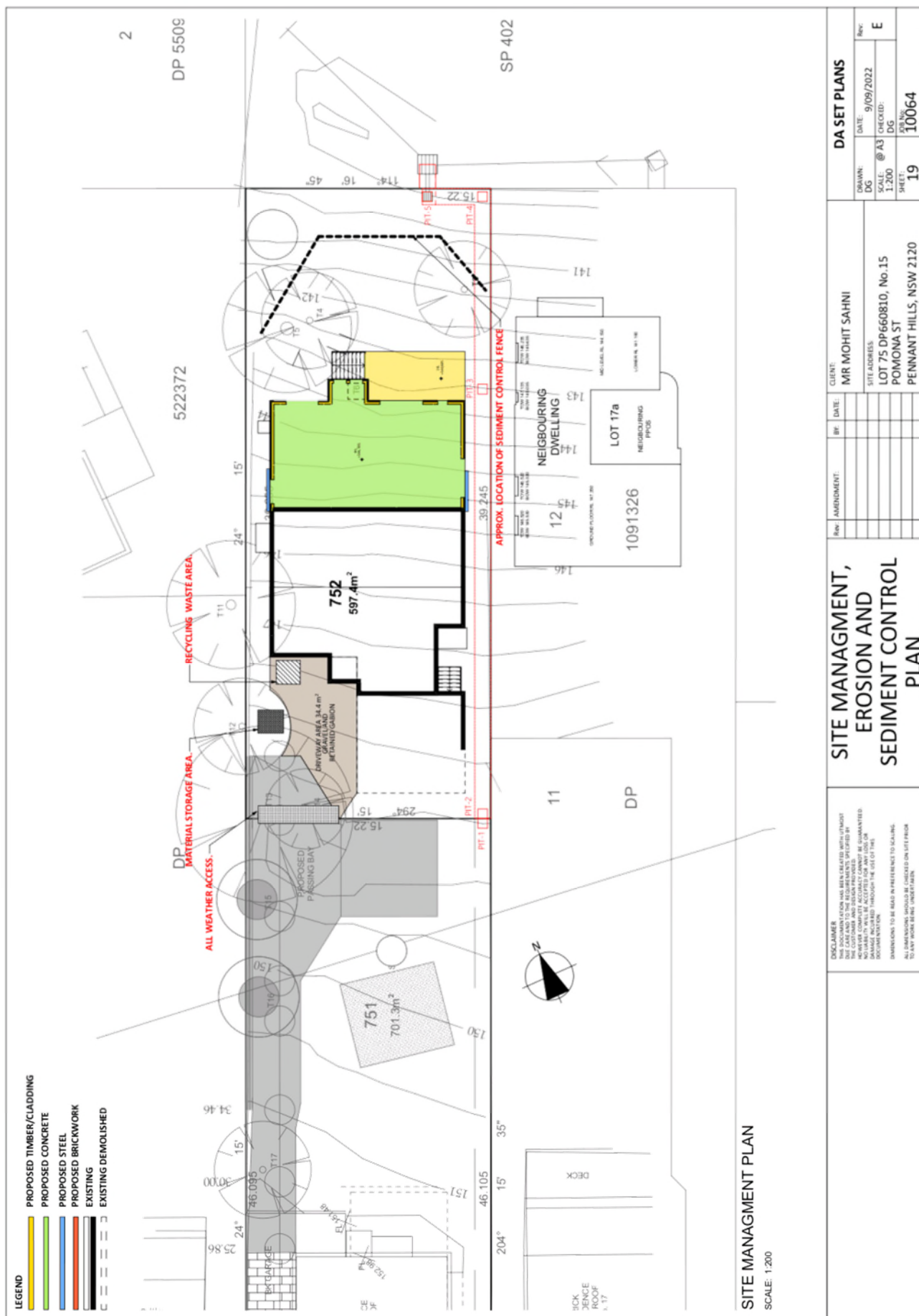


ATTACHMENT 2 - ITEM 7





ATTACHMENT 2 - ITEM 7



ATTACHMENT 2 - ITEM 7



8 REPORT ON HERITAGE CONSERVATION MANAGEMENT PLAN FOR DA/667/2022

EXECUTIVE SUMMARY

- In accordance with Clause 5.10(10) of the Hornsby Local Environmental Plan 2013 it is considered that the submitted Heritage Conservation Management Plan is consistent with and satisfies the requirements and thresholds of the clause.
- The application is required to be determined by the Hornsby Council Local Planning Panel as the panel is the consent authority for the determination of DA/667/2022.
- It is recommended that the Panel endorse the recommendations of this report.

RECOMMENDATION

THAT:

1. The Hornsby Local Planning Panel approve the conservation management plan (CMP) titled Conservation Management Plan 370 Pennant Hills Road, Pennant Hills Issue D, prepared by GBA Heritage, dated July 2022 for the purpose of satisfying the '*heritage management document that has been approved by the consent authority*' threshold requirement of Clause 5.10(10)(b) of the Hornsby Local Environmental Plan 2013.
2. The Panel as the consent authority approve the Conservation Management Plan prior to determining Development Application No. 667/2022.

PURPOSE

The purpose of this report is to seek the Local Planning Panels approval of the Heritage Conservation Management Plan submitted in conjunction with Development Application No. DA/667/2022 for demolition of the rear addition and garage and construction of a mixed use shop top housing development comprising 7 residential units and 2 commercial tenancies at Pt Lot 23, DP 11134, No. 370 Pennant Hills Road, Pennant Hills, from the Hornsby Local Planning Panel.

BACKGROUND

On 28 June 2022, Development Application No. DA/667/2022 for demolition of the rear addition and garage and construction of a mixed use shop top housing development comprising 7 residential units and 2 commercial tenancies at Pt Lot 23, DP 11134, No. 370 Pennant Hills Road, Pennant Hills.

DA/667/2022 seeks to utilise the provision of Clause 5.10(10) of the Hornsby Local Environmental Plan 2013 regarding land use permissibility.

DISCUSSION

The Conservation Management Plan (CMP) submitted in conjunction with DA/667/2022 has been assessed having regard to the provisions of Clause 5.10 of the Hornsby Local Environmental Plan 2013 (HLEP), which sets out heritage conservation provisions for Hornsby Shire.

DA/667/2022 relies on Clause 5.10(10) of the HLEP to permit the proposed rear stand-alone residential flat building, a prohibited land use in the B6 Enterprise corridor zone.

Clause 5.10(10) is a heritage incentive provision that permits development that is not otherwise permissible by the HLEP, if the development will facilitate the conservation of a heritage item on the relevant land and meet other specified requirements. The clause provides that the consent authority may grant consent to development that is otherwise prohibited if it is satisfied that the proposed development meets all subclauses of Clause 5.10(10) of the HLEP:

- (10) **Conservation incentives** *The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—*
- (a) *the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
 - (b) *the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
 - (c) *the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
 - (d) *the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
 - (e) *the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

1.1 Clause 5(10)(10)(b) - Approval of a Heritage Management Document

GBA Heritage's CMP was submitted to support development application No. DA667/2022.

The CMP is evaluated in Table 1 for overall consistency with the key CMP best practice indicators identified in the Heritage Council of NSW's *Statement of best practice for conservation management plans* (2021). The indicators in the Statement have been paraphrased for the purposes of this report.

Table 1: Evaluation of the submitted 'Conservation Management Plan 370 Pennant Hills Road, Pennant Hills' prepared by GBA Heritage, dated July 2022

Indicator: A best practice CMP is based on the Australia ICOMOS Burra Charter

Indicator: A best practice CMP flows from evidence to analysis, to the statement of significance, to constraints and opportunities, to the conservation management policies and actions.

The Introduction to the CMP (1.3 Methodology and Structure) indicates that it has been prepared in accordance with the guidelines contained in *The Conservation Management Plan*, by James Semple Kerr, and *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance*, 2013. The guideline documents provide definitions, principles, and processes for managing and conserving items of cultural significance.

The CMP provides: a history of the site and Bank building and a physical description/condition assessment of the interior and exterior Bank building and the site overall (evidence); an assessment of significance of the Bank building as whole, its elements and other features on the site, identification of constraints and opportunities such as building condition and owner's and legislative requirements (analysis); policies based on significance and a heritage maintenance strategy (policies and actions).

Comment: The CMP reflects the sequence of processes established in the Burra Charter to manage places of cultural significance - understand significance, develop policy and manage according to policy. As it is based on the Burra Charter, and is a well-researched, comprehensive and detailed document, the CMP appropriately establishes flow and nexus between its evidence, analysis, policies sections and its recommendations.

Indicator: The CMP will include an understanding of the heritage significance of the item

Part 4 of the CMP establishes the heritage significance of the property as a whole and its parts. The assessment is based on detailed historical research and fabric survey, a curtilage analysis, an evaluation of the integrity and condition of the Bank building (identified in Part 3.5 of the CMP), a comparative analysis with similar buildings and a significance assessment according to the NSW Heritage Office *Assessing Heritage Significance* criteria.

Building and site elements are individually graded as high, moderate or little heritage significance (Table 4.1) based on historical research and fabric survey and the contribution the element makes to the overall significance of the item. No elements are graded as exceptional. The CMP illustrates the grading in plans and elevations and itemises grading in the schedules of individual elements in Tables 4.2 and 4.3. The ground floor banking chamber interior is assessed as having little significance except for the original brick walls as no evidence of the banking chamber layout or features remain.

The visual curtilage analysis in the CMP identifies that the three street facades of the two-storey section of the Bank building are considered to be the primary, high significance facades, and views to

them are to be retained.

The updated Statement of Significance in the CMP determines that the Bank building is primarily of heritage significance for its historical and aesthetic values and its role in the community, that buildings of its type are rare in Pennant Hills and that it is of local significance.

Comment: The CMP comprehensively establishes and documents a clear understanding of the heritage significance of the item as a whole and its individual elements.

Indicator: A best practice CMP identifies key issues and opportunities and discusses constraints.

Part 5 of the CMP outlines constraints, opportunities and issues arising from the established significance of the place, the practice requirements of the Burra Charter, the statutory and non-statutory listings that apply, the physical condition of site fabric and the owner's requirements.

Issues arising from significance include the need to retain all significant facades and elements, interpretation of social significance and owner requirements including the need to consider the contemporary regulatory and market environment and the related expectations for safety, functionality and amenity. With regards to change of use, Policy 6.2.5 of the CMP specifies that *Conservation of the site should be in the form of on-going or new compatible uses for the site, which respect the scale, form and internal configuration of the heritage building, with minimal changes to the structure, significant fabric or spaces and the external envelope. The change of use should have no adverse heritage impact on the subject site.*

Comment: The CMP outlines constraints and opportunities, but as it has been written to guide and inform a specific redevelopment scenario, it does not explore alternative adaptive re-use opportunities to any substantial degree. Notwithstanding this scope limit, the CMP appropriately identifies the constraints and opportunities related to heritage significance and heritage best practice that would apply to the site in any redevelopment context.

Indicator: The CMP will include a set of policies to care for and manage this significance

Indicator: The CMP will include guidance on managing the item in accordance with the policies

Part 6 of the CMP establishes conservation policies and explains how the Bank building and individual elements at the site can be managed according to each policy. The policies are based on the Statement of Significance and the grading of contributory elements and include principles for reuse, new design and managing building interiors and exteriors. Policies for conservation and maintenance require preparing a schedule of conservation works and a heritage maintenance schedule and there are policies for Code compliance, access, signage, colour and services.

Policy 6.5.1 - Focusing of change - applies to building elements of high significance and establishes that future changes should be focused on areas or components which provide a lesser contribution to the overall significance and are, therefore, less sensitive to change. Policy 6.5.2 reinforces this by establishing that any work which affects fabric, spaces or relationships with a high assessed heritage value should be confined to preservation, restoration, reconstruction and adaptation as defined in The Burra Charter.

Comment: The CMP includes appropriate principles and policies to manage change and care for the former Bank building and site elements based on the heritage significance of the site as a whole and

the identified significance of individual elements.

Indicator: Maintenance plans should include a policy framework and maintenance plans and schedules should identify tasks or actions including urgent works, timing, frequency, priority/staging and responsibilities.

A heritage maintenance schedule is included in the CMP as Appendix 1 and a separate Schedule of Conservation Works is in Appendix 12 of the SEE. The maintenance schedule applies to elements at the site graded as high or medium heritage significance and it establishes yearly, 5 yearly and 10 yearly routine inspection and maintenance requirements.

The Schedule of Conservation Works covers conservation philosophy and approach, protective works, new work affecting heritage fabric and make good works, and includes requirements for professional supervision during development by an Appointed Heritage Consultant (AHC). Section 4 details new or repair works to heritage fabric based on condition, integrity and significance.

Comment: The CMP includes a brief maintenance schedule including works needed in Year 1 and the separate Schedule of Conservation Works specifies detailed conservation works applicable to the current proposal that could also apply to an alternative adaptive re-use development. Both documents are based on the CMP and its policies and are appropriate to guide decisions affecting heritage fabric.

The CMP is a comprehensive document that has been prepared in accordance with applicable heritage management document guidelines and standards. It appropriately identifies that its main objective is to 'develop strategies and guidelines prior to any future upgrading of the existing heritage building and the site for continued use', complies with accepted industry content and format guidelines and best practice, and details the significance of the site and its elements.

The CMP includes clear and relevant policies, strategies and actions to maintain that significance within a development context. The policies are reflected in the Heritage Maintenance Schedule (CMP Appendix 1) and in the works, actions and responsibilities identified in the Schedule of Conservation Works (SEE Appendix 12).

Council's heritage assessment supports the approval of the conservation management plan by GBA Heritage titled Conservation Management Plan 370 Pennant Hills Road, Pennant Hills Issue D, dated July 2022 for the purpose of satisfying the 'heritage management document that has been approved by the consent authority' threshold requirement of Clause 5(10)(10)(b) of the HLEP by the Hornsby Local Planning Panel as the consent authority.

1.2 Clauses 5.10(10) (a), (b) (c), (d) and (e) of the HLEP

Table 2 assesses the proposal against each sub-clause of Clause 5(10)(10) of the HLEP.

Table 2: Assessment against Heritage Incentive Clause 5(10)(10) of the HLEP	
(a)	<i>The conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</i>
Table 6 of the SEE and Section 6.5.2 of the HIS identify that the proposed residential flat building (the non-permitted use) would introduce a revenue stream that would facilitate the short term and long-term conservation of the former Bank building as specified in the Maintenance Schedule in the CMP and the	

Schedule of Conservation Works.

Comment: The submitted documents do not examine the feasibility of alternative revenue streams that may not require a non-permitted use to achieve the short term and long-term conservation and maintenance of the former Bank building. Notwithstanding that development alternatives are not provided, it could be argued that the nexus between the proposal and the conservation and maintenance of the item is already partly satisfied by the completion of the CMP, the heritage maintenance schedule, and the Schedule of Conservation Works, each prepared to guide and inform the scope and form of the proposal.

To reinforce and ensure a nexus between the non-permitted use and the short and long-term conservation of the heritage item, a condition of consent is recommended to require that applicable maintenance and all required conservation works are appropriately undertaken and completed to the satisfaction of a conservation architect, prior to the granting of any occupation certificate in whole or part for the former Bank building or for the residential flat building.

Provided the recommended condition is applied to any approval for the development under DA/667/2022, it is considered that the submitted CMP satisfies Clause 5.10(10)(a) of the HLEP.

(b) The proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

Table 6.1 of the HIS assessed the proposal against the relevant conservation policies of the CMP. The table indicates that most works comply, or substantially comply with the CMP. With regards to change of use, the HIS concludes that the proposal complies with Policy 6.2.5 of the CMP as the rear RFB is a use compatible with the original and ongoing partly residential use of the site, the Bank building will remain part of the commercial corridor along Pennant Hills Road, and the separate new building will be sympathetic to the Bank building, with all significant views remaining.

Comment: Review of the plans submitted with the application, the SEE, HIS, Maintenance Schedule and Schedule of Conservation Works, indicates that the proposed development is in accordance with the identified heritage significance assessments and policies the CMP, which is recommended for approval by the Consent Authority in Part 9 of this report.

Consequently, it is considered that the submitted CMP satisfies Clause 5.10(10)(b) of the HLEP.

(c) The consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

The Schedule of Conservation Works submitted with the proposal includes sections that cover conservation philosophy and approach, protective works, new work affecting heritage fabric and make good works, and includes requirements for professional supervision during development by an Appointed Heritage Consultant (AHC). Section 4 details new or repair works to heritage fabric based on condition, integrity and significance.

Comment: To ensure all necessary conservation work identified in the CMP and Schedule of Conservation Works is carried out, a condition of consent is recommended to require that applicable maintenance and all required conservation works are appropriately undertaken and completed to the satisfaction of a conservation architect, prior to the granting of any occupation certificate in whole or part for the former Bank building or for the residential flat building.

Provided the recommended condition is applied to any approval for the development under

DA/667/2022, it is considered that the submitted CMP satisfies Clause 5.10(10)(c) of the HLEP.

(d) *The proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance,*

Section 6.2 of the HIS assesses the heritage impact of the proposal. It identifies that other than conservation works, no changes are proposed to the original primary facades (south, east and north-east) of the Bank building with minor external additions mostly to the rear commercial entry. Intrusive elements such as illuminated signage and rooftop mechanical equipment would be removed, and internal alterations to original interior fabric limited to the partial reconfiguration of the first-floor residential apartment.

The HIS concludes that the rear RFB would have no adverse impact on the significance of the site or its setting as the new building will be lower in height and set behind the former Bank building, will allow the rear of the bank to remain visible and will not obstruct significant views to or from it. The HIS further concludes that the new building reflects the scale, verticality, solid to void ratio, materiality and detailing of the former Bank, that its highly articulated facades reduce its perceived mass, and that it will not dominate the Bank building.

Comment: While some site elements including the rear garage (of Moderate heritage significance) would be removed, some alterations to the Bank building made and a new building constructed to its rear, the conclusions of the HIS are generally agreed. The proposal includes the conservation of the Bank building which is a positive impact, and the location, form and design detail of new elements are sensitive to it and would have minimal adverse impact on its overall significance.

To ensure the identified conservation works are prioritised, a condition of consent is recommended to require that applicable maintenance and all required conservation works are appropriately undertaken and completed to the satisfaction of a conservation architect, prior to the granting of any occupation certificate in whole or part for the former Bank building or for the residential flat building.

Provided the recommended condition is applied to any approval for the development under DA/667/2022, it is considered that the submitted CMP satisfies Clause 5.10(10)(d).

(e) *The proposed development would not have any significant adverse effect on the amenity of the surrounding area*

The surrounding area is characterised by low-scale inter-war and post-war commercial retail and commercial development with some recent high-rise residential and commercial buildings on the opposite side of Pennant Hills Road. Fisher Avenue includes part of the local retail precinct. The site does not adjoin any existing residential uses and the submitted documentation does not identify any overshadowing or amenity impacts.

Comment: The proposed rear 3 storey RFB is commensurate in scale, form and materials to the existing former Bank building and many nearby buildings in the surrounding area. It would have no adverse visual impact on the amenity of the surrounding area and as a stand-alone structure, set back from the rear of the bank, it is unlikely to visually detract from bank's contribution to the vicinity or local amenity. The proposed development will have no adverse visual or heritage impact on any other heritage items

It is considered that the proposed development would satisfy HLEP Clause 5.10(10)(e) with regards to

the visual amenity of the surrounding area.

An evaluation of the proposal with regards to HLEP Clause 5(10)(10), indicates that it meets and is consistent with the requirements and thresholds of each sub-clause, provided a condition of consent is imposed to secure the nexus between the proposed non-permitted use and the short and long-term conservation of the heritage item. A condition that requires that applicable maintenance and all required conservation works are appropriately undertaken and completed to the satisfaction of a conservation architect, prior to the granting of any occupation certificate for DA/667/2022 for the former Bank building or for the residential flat building, is recommended.

Provided the recommendation is applied to any approval, it is considered that the submitted CMP would satisfy Clause 5.10(10) of the HLEP.

CONCLUSION

Council's heritage assessment concluded that the submitted conservation management plan titled 'Conservation Management Plan 370 Pennant Hills Road, Pennant Hills' Issue D, prepared by GBA Heritage, dated July 2022 satisfactorily addresses the requirements of Clause 5.10(10) of the Hornsby Local Environmental Plan 2013.

Having regard to the circumstances of the case, approval is sought from the Hornsby Local Planning Panel for the purpose of satisfying the '*heritage management document that has been approved by the consent authority*' threshold requirement of Clause 5.10(10)(b) of the Hornsby Local Environmental Plan 2013. To enable the determination of DA/667/2022.

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. Conservation Management Plan Report

File Reference: DA/667/2022
Document Number: D08525835

GBA
Heritage

ATTACHMENT 1 - ITEM 8

CONSERVATION MANAGEMENT PLAN

370 Pennant Hills Road, Pennant Hills

Issue D, July 2022



370 PENNANT HILLS ROAD, PENNANT HILLS			
ISSUE	DESCRIPTION	DATE	ISSUED BY
A	Draft for review	8/12/21	DM
B	Revised draft	27/5/22	DM
C	Issued for Submission	2/6/22	DM
D	Revised for Submission	8/7/22	DM

GBA Heritage Pty Ltd
Level 1, 71 York Street
Sydney NSW 2000, Australia
T: (61) 2 9299 8600
F: (61) 2 9299 8711
E: gba@gbaheritage.com
W: www.gbaheritage.com
ABN: 56 073 802 730
ACN: 073 802 730
Nominated Architect: Graham Leslie Brooks - NSW Architects Registration 3836

CONTENTS

1.0	INTRODUCTION	5
1.1	REPORT OVERVIEW	5
1.2	REPORT OBJECTIVES	5
1.3	METHODOLOGY AND STRUCTURE	5
1.4	SITE IDENTIFICATION	6
1.5	ACKNOWLEDGEMENT OF COUNTRY	6
1.6	REPORT LIMITATIONS	6
1.7	AUTHORSHIP	6
1.8	COPYRIGHT	6
2.0	HISTORICAL SUMMARY	7
2.1	BRIEF HISTORY OF THE LOCALITY	7
2.2	EARLY OWNERSHIP OF THE SITE	8
2.3	BANK OF NSW, PENNANT HILLS	9
2.4	SITE DEVELOPMENT	12
3.0	SITE DESCRIPTION	16
3.1	INTRODUCTION	16
3.2	URBAN CONTEXT	16
3.3	THE BUILDING EXTERIOR	17
3.4	THE BUILDING INTERIOR	24
3.5	INTEGRITY	33
3.6	CONDITION	33
4.0	HERITAGE SIGNIFICANCE	34
4.1	INTRODUCTION	34
4.2	ESTABLISHED SIGNIFICANCE	34
4.3	COMPARATIVE ANALYSIS	34
4.4	ANALYSIS OF CULTURAL SIGNIFICANCE	37
4.5	REVISED STATEMENT OF SIGNIFICANCE	38
4.6	GRADING OF SIGNIFICANCE	38
4.7	ARCHAEOLOGICAL POTENTIAL	44
4.8	CURTILAGE ANALYSIS	44
5.0	CONSTRAINTS AND OPPORTUNITIES	46
5.1	INTRODUCTION	46
5.2	ISSUES ARISING FROM THE STATEMENTS OF SIGNIFICANCE	46
5.3	HERITAGE MANAGEMENT FRAMEWORK	46
5.4	OTHER RELEVANT STATUTORY REQUIREMENTS	48
5.5	OTHER RELEVANT GUIDELINES	48
5.6	PHYSICAL CONDITION	49
5.7	OWNER'S REQUIREMENTS	49
5.8	OPPORTUNITIES	49

6.0	CONSERVATION POLICIES	50
6.1	INTRODUCTION	50
6.2	PRINCIPAL CONSERVATION POLICIES	50
6.3	APPLICATION OF THE BURRA CHARTER	51
6.4	PRINCIPLES FOR REUSE	51
6.5	TREATMENT OF BUILDING ELEMENTS	52
6.6	EXTERIOR ELEMENTS	52
6.7	INTERIOR ELEMENTS	53
6.8	PRINCIPLES FOR DESIGN OF NEW ELEMENTS	53
6.9	SERVICES	54
6.10	COLOUR	54
6.11	CODE COMPLIANCE	54
6.12	ACCESS	54
6.13	SIGNAGE	54
6.14	HERITAGE CONSERVATION AND MAINTENANCE	55
6.15	REVIEW OF THE CONSERVATION MANAGEMENT PLAN	55
7.0	IMPLEMENTING THE PLAN	56
7.1	INTRODUCTION	56
7.2	MANAGEMENT PRINCIPLES	56
7.3	OBTAINING DEVELOPMENT CONSENT	56
7.4	CONSERVATION SCHEDULE OF WORKS	56
7.5	HERITAGE MAINTENANCE SCHEDULE	56
8.0	BIBLIOGRAPHY	57
	APPENDIX 1: HERITAGE MAINTENANCE SCHEDULE	58
	APPENDIX 2: 1963 DRAWINGS	60

ATTACHMENT 1 - ITEM 8

1.0

INTRODUCTION

1.1 REPORT OVERVIEW

This Conservation Management Plan (CMP) for the property at 370 Pennant Hills Road, Pennant Hills, has been prepared to accompany a development application for the site. The proposal includes conservation works and minor alterations to the heritage listed former bank building and addition of a new residential building at the rear (north-western) part of the site, requiring consent for 'residential' rather than 'shop top' use of that part of the site, based on compliance with Section 5.10(10) of the *Hornsby LEP 2013*.

1.2 REPORT OBJECTIVES

The main objective of this CMP is to develop strategies and guidelines prior to any future upgrading of the existing heritage building and the site for continued use. It establishes the heritage significance of the property, identifies the original features and surviving fabric, and recommends appropriate policies to conserve these in any future plans to upgrade the building.

1.3 METHODOLOGY AND STRUCTURE

This CMP has been prepared in accordance with the guidelines contained in *The Conservation Management Plan*, by James Semple Kerr, and *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance*, 2013, also known by its more common title *The Burra Charter*. The *Burra Charter 2013* and *The Australian Natural Heritage Charter 2002* both provide definitions, principles and processes, for the conservation of items of cultural significance.

This CMP also follows guidelines set out in the *NSW Heritage Manual*. The aim of these documents is to assist with the identification of items of heritage significance. This assessment assists in providing guidance on substance, structure and methodology for the writing of effective conservation management plans.

This CMP is divided into sections, dealing with the history of the building and its immediate area, the physical description of the building, the assessment of the building's significance, options for ongoing use of the building including constraints and opportunities, and a heritage maintenance strategy.



Figure 1.1
Location map with subject site shaded blue. North is to the top.
Source: NSW Spatial Services SDX Maps



Figure 1.2
Aerial view of vicinity, with subject site indicated by arrow. North is to the top.
Source: NSW Spatial Services SDX Maps

1.4 SITE IDENTIFICATION

The subject site is located on the north side of Pennant Hills Road, Pennant Hills, on the western corner with Fisher Avenue. It is described by NSW Land Registry Services (LRS) as Lot 23, DP 11134.

1.5 ACKNOWLEDGEMENT OF COUNTRY

While this report is limited to the analysis of European cultural heritage values, GBA Heritage acknowledges the traditional Darug and GuriNgai custodians of the land including the subject site, and pays its respects to Elders past, present and emerging.

1.6 REPORT LIMITATIONS

Recommendations have been made on the basis of documentary evidence viewed and inspection of the existing fabric.

Archaeological assessment of the subject site is outside the scope of this CMP.

The roof and sub-floor spaces of the subject building were not investigated. Access to the Westpac Archives was limited due to the Covid pandemic.

1.7 AUTHORSHIP

This report has been prepared by Dov Midalia, Associate, and reviewed by Graham Brooks, Director, of GBA Heritage. Unless otherwise noted, all of the photographs in this report are by GBA Heritage.

1.8 COPYRIGHT

Copyright of this report remains with GBA Heritage.

2.0

HISTORICAL SUMMARY

2.1 BRIEF HISTORY OF THE LOCALITY

Archaeological evidence suggests that First Nation people have occupied the Hills region for millennia. The area was a rich hunting and gathering ground for its traditional inhabitants: yams grew along the river banks and possums and gliders were common in the woodlands.

At the time of European settlement the Hornsby plateau formed a lush, heavily wooded highland rich in vegetation, wildlife and fresh water, with creeks flowing down many of the valleys and ravines to Middle Harbour or Lane Cove River. While sustaining a rich indigenous culture, this complex terrain presented a daunting prospect to early explorers and settlers, who turned westwards towards Parramatta instead.¹ In the early 19th Century the area attracted itinerant timber-getters rather than farmers or graziers. Bullock-drawn drays and jinkers (logs mounted on wheels) were a common sight, moving timber to Lane Cove River for transport to Sydney and use as building lumber, fencing, shingles or firewood.² The largely untamed wilderness provided refuge for escaped convicts and illicit activities such as cock fights and prize fights. Stolen booty and illegal liquor stills were cached in its thickets and caves, and bushrangers were still active in the vicinity in the 1820s.

Once the tall timber began to run out, the land, now partly cleared, criss-crossed with (albeit rough) roads and more amenable to settlement, transport and the law, began to be subdivided for sale as farms and orchards,³ taking advantage of the area's rich soil, abundant water and basic transport lines to Sydney. Further clearing took place but sufficient bushland and stands of larger trees remained to continue attracting nature lovers, bushwalkers and artists from the city.⁴

The Hornsby area was known as Jack's Island before officially becoming Hornsby at the turn of the century, possibly due to the popularity of that name among its residents and its being an 'island' of settlement surrounded by bush. In 1838 there were only four

¹ Proudfoot (1), p.6

² Edwards and Rowland

³ Ku-ring-gai Historical Society

⁴ Proudfoot (1), p.5



Figure 2.1
Blisset's sawmill, corner of Pennant Hills Road and Cardinal Avenue, West Pennant Hills, c.1918
Source: Hornsby Shire Council, item 2780

houses in the parish of South Colah. Land being sold at Pennant Hills in the second half of the 19th Century consisted primarily of small farms, often including orchards, rather than purely residential lots.⁵

Road access remained minimal for many decades; contact with Sydney was almost exclusively by water as the main roads were still in effect bullock tracks. A track cut from Port Jackson along the high ridge towards Hornsby by Lt. Henry Ball in 1789 probably followed an Aboriginal trail.⁶ Initially known as Hunters Hill Road, then Pennant Hills Road, Gordon Road, and Lane Cove Road, in 1931 it became the Pacific Highway. The present Pennant Hills Road was surveyed by government surveyor James Meehan in order to connect Ermington Wharf to a sawmill established by Governor Macquarie at Pennant Hills in 1816.

In 1861 Parliament was finally persuaded to allocate money for road improvement⁷ but while developers agreed to provide free or low-priced land for a North Shore railway line, farmers and orchardists resisted, as they would still have to move their produce to stations along unimproved tracks. Only in 1881 was it decided to build the line. Pennant Hills and Hornsby Stations were opened in 1886-87, the Hornsby to St Leonards line opened in 1891 and the connection to Milson's Point in 1893.

By this time, Sydney was showing the classic symptoms of rapid urbanisation – air pollution, poor sanitation, cramped living conditions – and as the economic depression of the 1890s struck, crime rates rose and health declined, culminating in an outbreak of Plague

⁵ For example, flyers for '13 Valuable Farms, Pennant Hills', 1850s, National Library of Australia, call no. MAP F 354, and 'Farms near the Public School', 1880, Hornsby Shire Council, item 6087.

⁶ Witham, p.38

⁷ Witham, p.38

in 1900. In contrast, the North Shore seemed to offer 'a relatively pristine area, elevated, graced with surviving stands of the old highland forests, clear of air and free from pollution... There were fine bushland views from its elevated ridges, cool breezes in summer,' and good soil where fine, European-style gardens could be established.⁸ In effect the North Shore became what Ebenezer Howard, the great advocate of the Garden Suburb, called a 'country magnet' for better-off urban refugees.

Consequently, land values around Hornsby, once a workers' town of railway employees, shopkeepers and publicans, soared. Advertisements for residential sites emphasised the area's 'most salubrious climate': 'The advantages of this famous District as a Sanatorium are equal to those of the Blue Mountains' while being closer to the city.⁹ By the first decade of the 20th Century the land boom had extended to Pennant Hills.

2.2 EARLY OWNERSHIP OF THE SITE

In 1830, Police Constables John Thorn and Samuel Horne shot the bushranger John McNamara and captured his accomplice near the intersection of Pennant Hills and Windsor Roads, and were rewarded with grants of land.¹⁰ Thorn's grant of 640 acres (portion 27 of the South Colah parish) was only confirmed in 1838, after his death, and the land was re-granted in 1840 to his son, George Henry Thorn, who named the estate Thornleigh. Samuel Horne's land, further to the north-east, eventually became Hornsby.

In 1856 George Thorn subdivided his estate into twenty farms, all of which were purchased by James Zadok Bellamy, a grazier on a 60 acre grant in the South Colah parish.¹¹ Upon his death in 1875 the estate was divided among his five children, with his daughter Martha inheriting the portion including the subject site. In 1888 the land was on sold to William Joyce Hobbs and then to Thomas and Thomasine Fisher, who named their house 'Hillcrest'. In 1890 their son Robert inherited the land, which he used at least in part for orchards. In 1892 much of Bellamy's land, not including 'Mr R Fisher's Orchard & Paddock', was subdivided and sold.

Robert Fisher subdivided and sold part of his portion in 1911. He died in 1919 and in 1921 Ada Fisher, presumed to be his wife or daughter, subdivided the remainder, with the subject site becoming lot 23. The subdivisions were marketed as the Hillcrest Estate



Figure 2.2
Excerpt from South Colah parish map, 1883, with John Thorn's grant shaded in yellow and approximate location of subject site indicated by red circle. Samuel Horne's grant is at top right.
Source: NSW Land Registry Services, file 14034101.jp2



Figure 2.3
Title plan for property transferred to Thomasine Fisher in 1888 and to Robert Fisher in 1890, with approximate location of subject site indicated by the ellipse.
Source: NSW Land Registry Services, Torrens title Vol. 1266, Folio 7



Figure 2.4
Flyer for Bellamy Estate, 1892. Robert Fisher's property, marked 'Mr R Fisher, Orchard & Paddock', is shaded yellow and the approximate location of subject site is indicated by the red circle.
Source: National Library of Australia, call no. MAP LFSP 2082, Folder 131

⁸ Proudfoot (2), p.58

⁹ Flyer for Hornsby Junction, National Library of Australia, call no. MAP LFSP 1069, Folder 72

¹⁰ Oiliff, p.21

¹¹ 'James Zadok Bellamy', *Australian Royalty*, <https://australianroyalty.net.au/tree/purnellmccord.ged/individual/I44714/James-Zadok-Bellamy>

and in 1926 lot 23 was one of several bought by Arthur James Savage, a butcher. In 1929 the lot was purchased by the Bank of New South Wales.

2.3 BANK OF NSW, PENNANT HILLS

By this time the Bank had been operating an Agency in Pennant Hills for seven years, servicing local farmers and a few businesses. By 1929 demand had expanded, and the Bank found 'the prospects for this District [to be] very encouraging', with the number of poultry farmers increasing, orchardists reporting a positive outlook, demand for farmlets rising and subdivisions being successfully sold. 'Generally', the Bank concluded, 'conditions are bright', and it was decided to convert the Agency to a Branch. The branch - the first bank in Pennant Hills - operated in rented premises until 1938 and remained busy throughout the Depression, but only in 1937 was it decided to construct purpose-built premises.

The new Pennant Hills Branch building was erected in 1938. The architects or designers have not been identified, but a contemporaneous and almost identical Bank of NSW building in an unidentified location (see Figure 2.6) indicates either a strong corporate design template or an ongoing association between the Bank of NSW and a particular designer or company.¹²

Following the opening of its new premises the Bank reported the construction of many new cottages in the area, high rental demand and an imminent good season for orchardists, market gardeners and poultry farmers. 'Business', it predicted, 'will continue to show steady improvement'.¹³



Figure 2.6
Bank of NSW building in unidentified location (photographed for *The Builder*, 1937)
Source: State Library of NSW, call no. Home and Away - 14937

¹² It has been suggested that Spencer Hanson & Partners, who designed alterations for the building in 1963, also designed the original building. However, Albert Hanson only graduated in 1938 (*Construction*, 14.9.49, p.3) and did not enter into partnership with Raymond Spencer until 1954 (*SMH*, 18.5.54, p.10).

¹³ Westpac Archives



Figure 2.5
Flyer for auction of second subdivision of Hillcrest Estate, 1921, with subject site shaded in yellow.
Source: NSW Land Registry Services, file no. 14040903.jp2



Figure 2.7
Aerial view, 1943, showing subject site. North is to the top.
Source: NSW Spatial Services SIX Maps



Figure 2.8
 'Preparing Pennant Hills Road for concreting, 1929. Fisher Ave on right'. View west along Pennant Hills Road with subject site indicated by arrow.
 Source: Hornsby Shire Council, item 2782



Figure 2.9
 View west along Pennant Hills Road, c.1950s, with subject site at centre.
 Source: Westpac Archives



Figure 2.10

The Bank building in 1939, just after completion. The garden and brick fence at far left were replaced by a stairwell addition c.1964, and the trees behind the building were replaced by a carpark in the 1970s.

Source: Westpac Archives

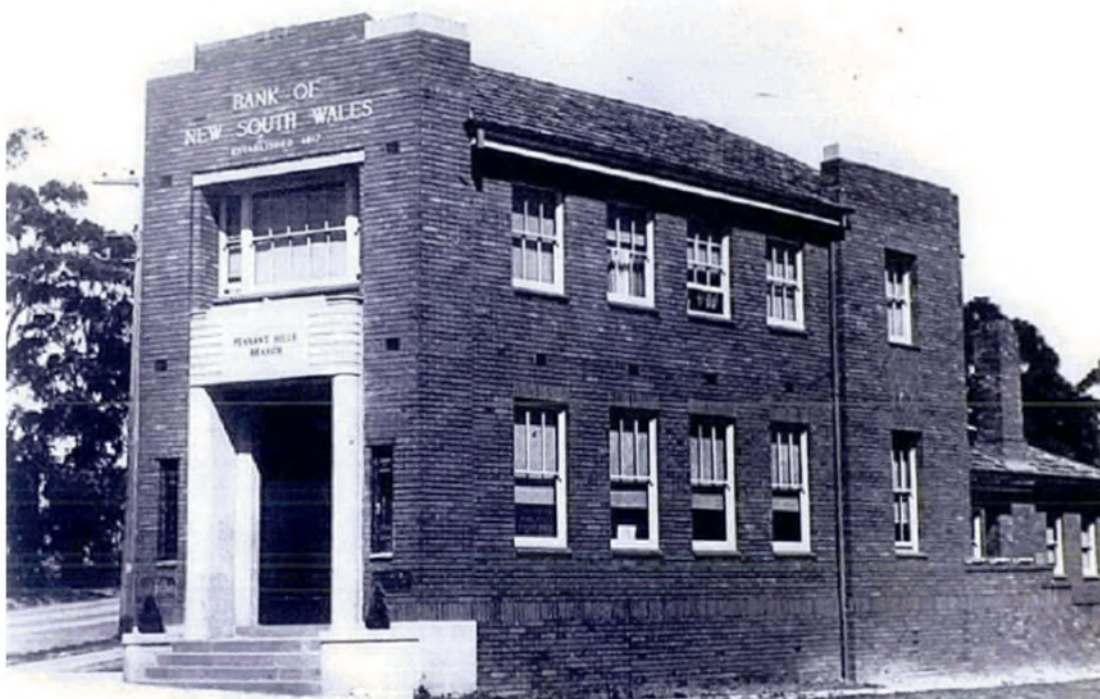


Figure 2.11

View from Fisher Avenue, 1939, showing single storey rear section before demolition of the chimney and external wall c.1964.

Source: Westpac Archives

2.4 SITE DEVELOPMENT

A photograph taken at the time of the site's acquisition by the Bank of NSW in 1929, shows it as apparently untouched bushland.

The new one- and two-storey brick and tile building housed the banking facilities on the ground floor and the bank manager's apartment on the first floor, accessed by an internal stair. Other than minor repairs and maintenance, and minor changes to the ground floor office layout, until 1964 few alterations were made to the original building.¹⁴

The 1963 drawings by the architects Spencer Hanson & Partners (Figures 2.12-2.13 and A2.1-A2.5 in Appendix 2) show significant alterations, as summarised in Table 2.1.

At some time after these alterations, part of the new strongroom roof was enclosed with a brick-walled, flat metal roofed addition enclosing the stairwell leading to the upstairs apartment.

Undated plans in the Westpac Archives suggest that until approximately 1973, the rear half of the site was in effect the manager's back yard, with trees, a clothes hoist and an incinerator, before being converted to the current carpark.

In 1982 the Bank of NSW merged with the Commercial Bank of Australia to form Westpac, which saw new signage and an ATM added to the bank exterior (see Figure 2.14). The latter required modification of the 1964 stairwell's south wall and lower stairs. Counters and partitioning in the banking chamber were also altered.¹⁵ In 1988 Hornsby Shire Council resumed a small area at the northern corner of the site bounding on Fisher Avenue and the northern laneway.

Following various acquisitions and mergers by Westpac in the late 1990s, the bank undertook a reorganization, including the shedding of up to 3,000 jobs.¹⁶ The Pennant Hills branch was closed and the building sold. The current owner acquired the site in 2003, and the Ground Floor was reconfigured and refitted as a kitchen showroom.¹⁷ In 2007 the Ground Floor was divided into two and use of the rear section changed to 'educational' to accommodate the current tenant.¹⁸

In 2013 Hornsby Shire Council approved the construction of a two storey (plus basement) residential building abutting the rear of the former bank building and effectively occupying the rest of the site. The development did not proceed.

TABLE 2.1 : MAIN ALTERATIONS

1964
Exterior
<ul style="list-style-type: none"> Remove two sets of Ground Floor rear steps Remove wall and gate at north-east corner Remove chimney at rear on west side Remove lean-to roof at south-east corner Construct new Manager's office at rear on Fisher Ave side Construct new brick strongroom (current Music Room in rear tenancy) with new external front and rear stairs to strongroom roof and thence to Manager's apartment Replace eastern window in Manager's apartment with new entrance door
Interior - Ground Floor
<ul style="list-style-type: none"> Remove various brick office walls and counters Remove chimney at rear on west side Remove internal stair to Manager's apartment Construct new brick strong room on east side Construct new female toilets and locker room Construct new partitioning and service counter
Interior - First Floor
<ul style="list-style-type: none"> Alter floor of, and doors to, enclosed terrace at south-west corner to create dining room Remove internal stairs, replace with WC Refit kitchen (since divided to create bathroom)
Undated
<ul style="list-style-type: none"> Enclosure of part of rear First Floor terrace
1970s
<ul style="list-style-type: none"> Construction of carpark
1980s
<ul style="list-style-type: none"> Installation of Westpac external signage and ATM Replacement of external doorway in south stairwell wall with current inset porch Modification of counters and partitions in banking chamber
2000s
<ul style="list-style-type: none"> Reconfiguration of ground floor as showroom Replacement of ATM with glazed door Installation of external business identification signage (authorisation refused by Council in 2004) 2005: tiles to front steps replaced by granite 2007: Ground Floor tenancy divided into two and use of rear section changed to 'educational'.

¹⁴ NBRS & Partners

¹⁵ Hornsby Shire Council, DA/194/1984, BA/1397/1985, BA/380/1988

¹⁶ Funding Universe

¹⁷ Hornsby Shire Council, DA/2443/2003, DA/2443/2003/A

¹⁸ Ibid, DA/199/2007

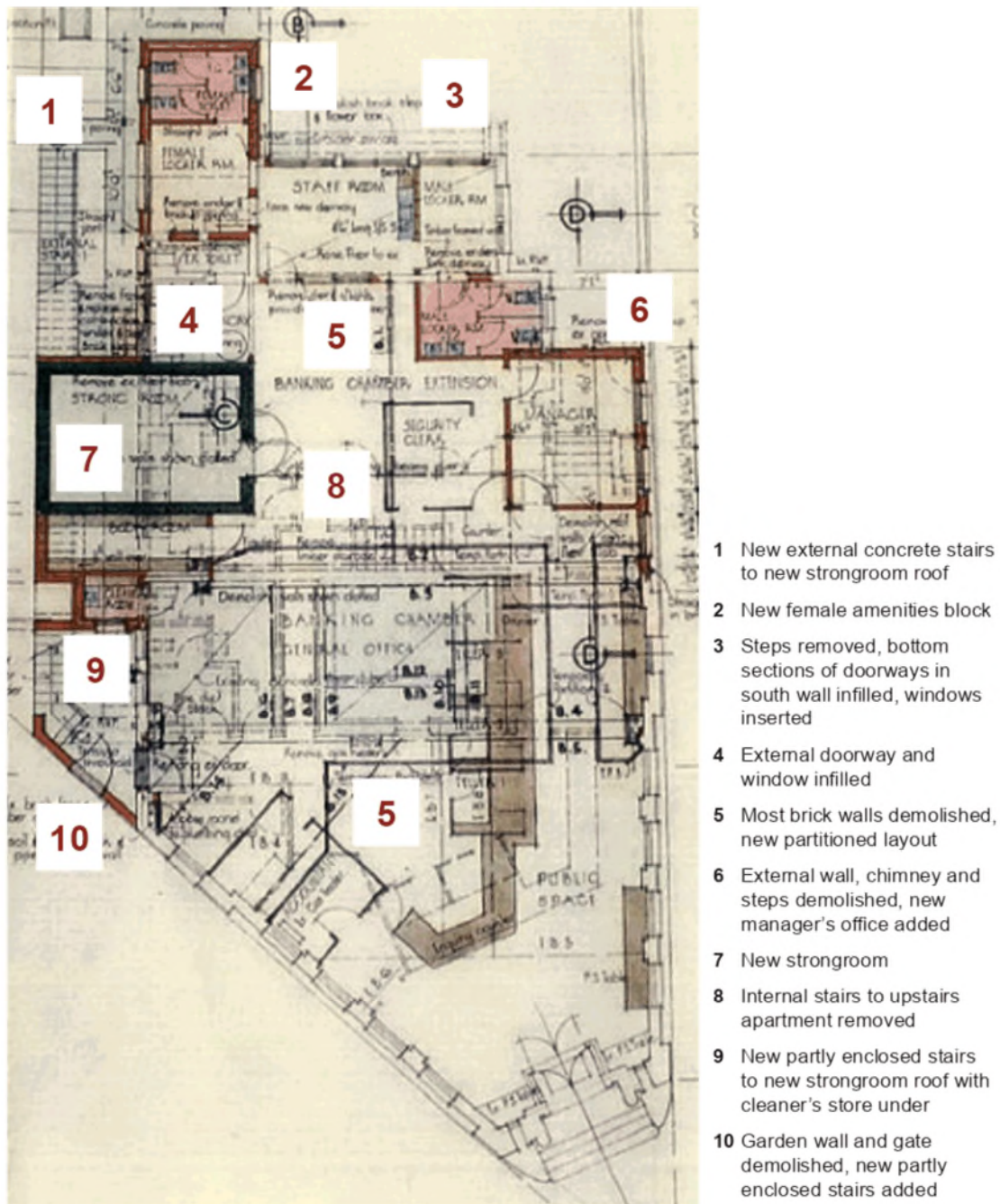


Figure 2.12
Ground Floor plan showing additions and alterations, 1963, by Spencer Hanson & Partners Architects
Source: Westpac Archives

ATTACHMENT 1 - ITEM 8

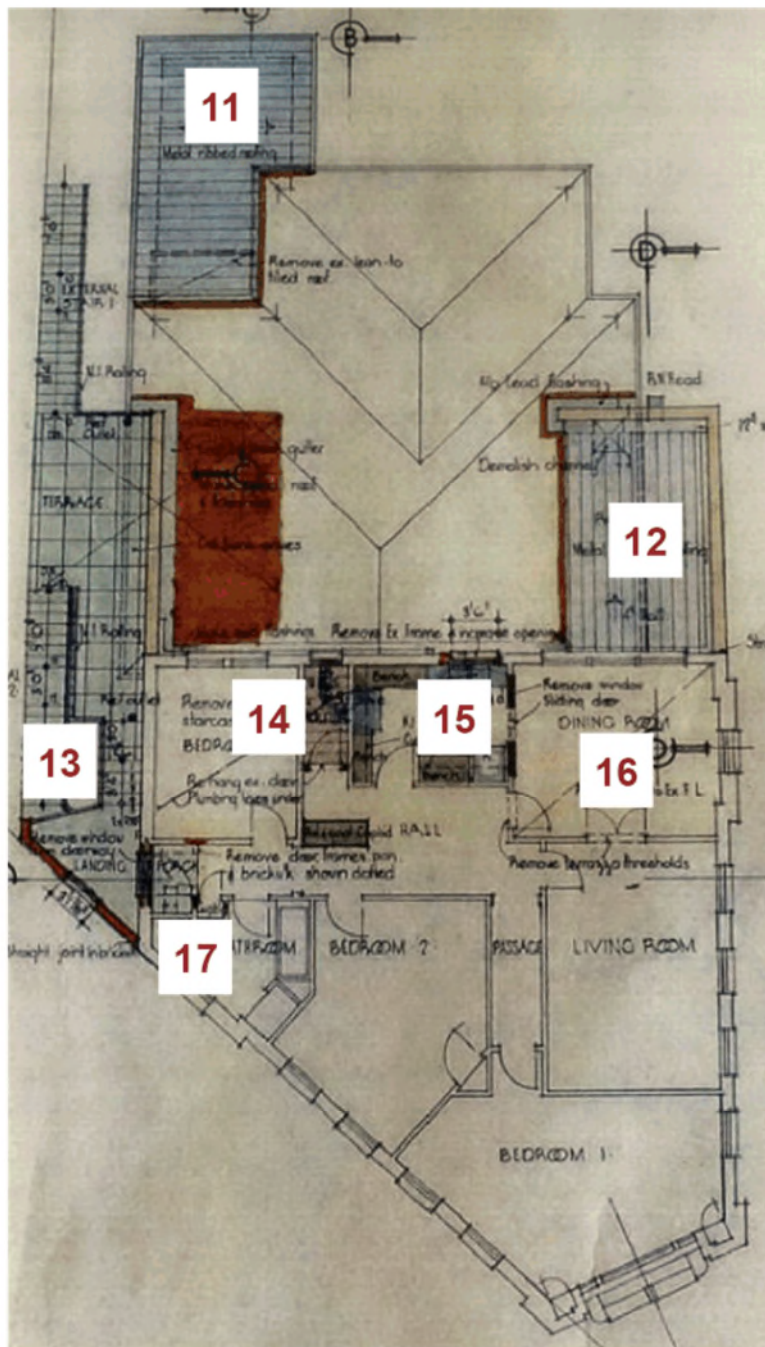


Figure 2.13

First Floor plan showing additions and alterations, 1963, by Spencer Hanson & Partners Architects

Source: Westpac Archives

- 11 Roof of new female amenities block
- 12 Roof of new manager's office
- 13 New stairs from new strongroom roof to upstairs apartment
- 14 Internal stairs removed, converted to WC
- 15 Kitchen refitted
- 16 Enclosed terrace converted to Dining Room: kitchen door and window removed, terrazzo thresholds removed, floor raised
- 17 WC removed including west wall and doorway, east window replaced by new front door off new landing



Figure 2.14
The Bank c.1990s (top) and detail showing ATM in western stairwell addition.
Source: Westpac Archives

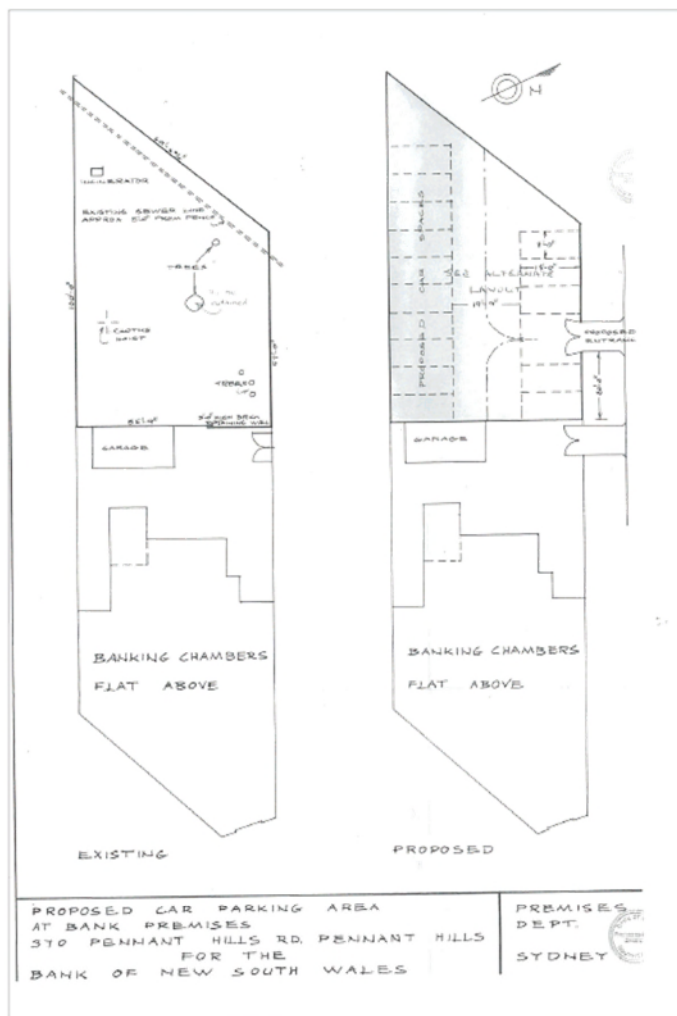


Figure 2.15
Undated plan showing then existing rear yard and proposed carpark. The outline of the Bank building suggests this postdates the c.1964 additions.
Source: Westpac Archives

3.0

SITE DESCRIPTION

3.1 INTRODUCTION

This section describes the building and its context, and makes use of the historical evidence outlined in the previous section to understand the physical changes that have taken place.

For the purposes of this report the building is divided into four zones:

- The 1964 stairwell;
- The main ground floor tenancy at the front, used as a kitchen showroom;
- A rear ground floor tenancy used as a musical therapy studio; and
- An upstairs residential unit with four bedrooms.

3.2 URBAN CONTEXT

The subject site is located in Pennant Hills on the North Shore and sited on the intersection of Pennant Hills Road, a busy six-lane traffic artery, and Fisher Avenue, a relatively quiet suburban street. Pennant Hills road in this vicinity is characterised on the north side by low-scale interwar and postwar commercial development (including the subject building), and on the south side by large high-rise residential and commercial buildings. Fisher Avenue partly bounds onto the Pennant Hills shopping precinct and, further north, features both single storey residences and contemporary multi-storey apartment buildings.



Figure 3.1
View west along Pennant Hills Road, with subject site at right.



Figure 3.2
View north-west along Fisher Avenue, with subject site at left.



Figure 3.3
View west along Pennant Hills Road, with subject site at centre right.
Source: Google Streetview 23.11.21

The subject site is bounded by low-scale shops to the west and, across a laneway to the north, a community centre. Directly across Fisher Avenue are low-scale shops along Pennant Hills Road and, behind them, a large carpark with some trees.

The subject site includes the former Bank building in the south half, a freestanding garage and in the north half a bitumen-paved carpark. The original driveway to the garage and a recent entrance to the carpark both open off Fisher Avenue.

The Bank occupies a prominent corner position as approached from the east, in which direction the main entrance faces, though when approached from the west the Bank's modest south facade blends into the continuous wall of adjacent shops.

3.3 THE BUILDING EXTERIOR

The building is a face brick and Marseilles tile structure with flat metal roofed additions at the rear and west sides. The south half of the building has two storeys and is in a modest Inter-War Georgian Revival style, with regularly spaced timber double hung windows and a generally symmetrical presentation to the south-east, where the splayed corner entrance is located. The corner facade and sections of wall at either end of the street facades rise to form parapets, with the tiled roof falling to external gutters between them.

The splayed entrance facade includes minor Art Deco decorative elements including scalloped or patterned door and window lintels on the entrance facade, ornate grilles in the narrow openings to either side of the entrance and in the transom window, some brickwork at the top of the entrance parapet and decorative concrete elements atop the parapet.

The two storey section of the building has a complex roof plan and structure, with three ridges, three hips and three internal planes falling to a box gutter (see Figure 3.4). The north, rear half of the building is single storey, with more conventional hipped roofs, little decoration and a less formal presentation.

Generally the brick facades are in stretcher bond with soldier courses over windows and at the tops of the two storey walls. The original timber double hung windows appear to have been retained throughout the original building, though glazing varies from clear to reinforced to obscure glass. Ground floor windows have either external or internal security bars, and timber elements within the window reveals on the Pennant Hills Road facade ground level suggest external secondary glazing may have at one time been fitted (there is now internal secondary glazing in such windows).

Unsympathetic illuminated business identification signage has been placed on all street facades, covering the original signage above the entrance.



Figure 3.4
Aerial view of two storey section of the subject building, showing the complex structure. North is to the top.
Source: NSW Spatial Services, SIX Maps

The existing original garage located in the middle of the site behind the main building is a simple rectangular structure of similar design and materiality to the main building, but with no decorative elements. A small raised and paved 'back yard' area is fenced off with a contemporary metal fence, and a timber ramp and concrete steps lead to the rear tenancy entrance.

The original brick eastern boundary wall extends from the original rear facade to the garage driveway and features a stepped down transition from the two storey building, with a soldier course continuing the ground floor level soldier course in the building's east facade. On the north side of the driveway entrance is a matching brick pier.

Clearly evident later additions include the 1964 rear female facilities block, the manager's office on the east side and the stairwell structure on the west side, all of which have flat metal roofs and are clearly separated from the original building by vertical joint lines in the brickwork. Some care has been taken to match the style of the manager's office to that of the original building, using parapets topped with soldier courses to conceal the metal roof and either reusing or copying original timber double-hung windows. Rear eaves soffits appear to have all been altered to match those installed with the 1964 additions. The rear concrete steps added in 1964 remain intact, as does the mechanical ventilation plant on the roof of the rear addition. In the street entrance porch to the western stairwell, the opening once housing an ATM has been converted to a doorway.

*

The photographs on the following pages indicate the nature of the building's exterior and context.

ATTACHMENT 1 - ITEM 8

**STREET VIEWS**

- 3.5 View south-east along Fisher Avenue with typical local apartment building on right and subject site indicated by arrow
- 3.6 View south-east along Fisher Avenue with subject site at centre left
- 3.7 View south from Fisher Avenue showing subject site and commercial buildings beyond
- 3.8 View south-east from laneway showing rear carpark with subject building beyond
- 3.9 View west from Fisher Avenue showing carpark and buildings beyond
- 3.10 View north-west along Fisher Avenue showing subject site at left

**ENTRY FACADE**

- 3.11 Splayed east facade showing several original elements; handrails are not original
- 3.12 Front entrance showing original decorative transom grille and lintel; doors and light fitting are not original
- 3.13 Opening adjacent to entrance showing original metal grille
- 3.14 Portico element above entrance, largely covered by contemporary signage
- 3.15 Non-original signage to either side of doors
- 3.16 Decorative lintel and brickwork
- 3.17 Original steps, with chipped non-original granite surface
- 3.18 Non-original flag and mast

ATTACHMENT 1 - ITEM 8

**SOUTH FACADE**

- 3.19** South facade seen from Pennant Hills Road, showing tenant signage; 1964 stairwell structure is left of dashed line
- 3.20** Non-original porch showing original side entry to bank (right) with original terazzo door sill (arrow) and non-original door into stairwell (left: prior location of ATM)
- 3.21** Vertical joint between original building (right) and 1964 stairwell; note different brickwork at ground level
- 3.22** Vertical joint between original building (right) and 1964 stairwell; note change in parapet height
- 3.23** Detail of joint, showing light mortar filler, pulled away due to movement; note angled original bricks on right
- 3.24** Typical ground floor window with internal security bars and timber elements fixed to reveals, possibly for secondary glazing
- 3.25** Damaged sill, typical condition of exterior timberwork
- 3.26** Evidence of Westpac sign fixture (see Figure 2.20)
- 3.27** Old service penetration, ivy

ATTACHMENT 1 - ITEM 8

**NORTH-EAST FACADE**

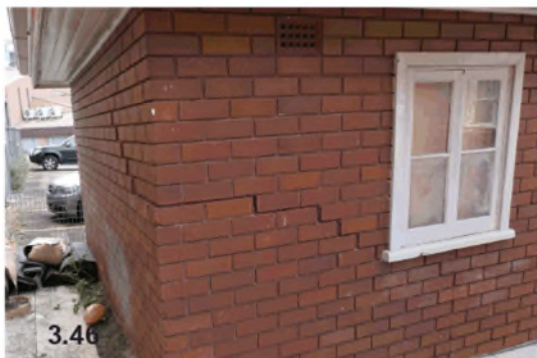
- 3.28** North-east facade seen from Fisher Avenue with tenant signage; 1964 manager's office is right of the dashed line
- 3.29** View south from Fisher Avenue
- 3.30** Original boundary wall
- 3.31** Original vehicle entrance off Fisher Avenue, with original brick pier and non-original gates.
- 3.32** Detail showing joint between original building (left) and 1964 manager's office
- 3.33** Original decorative parapet capping and non-original rainwater head and downpipe
- 3.34** Cracked and bowed boundary wall

ATTACHMENT 1 - ITEM 8

**NORTH-WEST FACADE**

- 3.35** North-west facade seen from rear carpark
- 3.36** Non-original ramp to rear tenancy, non-original windows and infill wall on left and non-original eaves soffits
- 3.37** Female facilities block, 1964; original wall is right of the dashed line
- 3.38** Section of original wall showing infilled doorway and windows, south-west wall of female facilities block
- 3.39** Rear stairs, 1964
- 3.40** View north-west from first floor rear terrace, showing original tiled roof at right
- 3.41** View south-east to 1964 strongroom wall with original concrete ramp, landing and terrazzo door sill (arrow).
- 3.42** Vertical joint between original wall (right) and 1964 female facilities block
- 3.43** Driveway to original garage, with non-original fence and retaining wall

ATTACHMENT 1 - ITEM 8



REAR

- 3.44 North-east facade of original garage
- 3.45 North-west facade of original garage
- 3.46 South corner of garage, showing significant cracking
- 3.47 Rear entrance to stairwell off rear terrace
- 3.48 Intrusive mechanical ventilation plant and ducts installed 1964
- 3.49 Rear upstairs terrace and air-conditioning unit

3.4 THE BUILDING INTERIOR

3.4.1 Ground Floor

FRONT TENANCY

The front tenancy is entered via the original Bank entrance, takes up most of the ground level and is occupied by a kitchen showroom fitted out in contemporary style. Virtually no evidence of the original layout remains visible, as all original internal walls and original or 1964 partitioning, counters, stairs, etc have been removed. New partitioning and displays cover most of the inside face of the external walls, including some windows; suspended ceilings and new flooring have been installed throughout.

Original timber windows appear to have been retained; internal secondary glazing has been installed on the Pennant Hills Road side.

REAR TENANCY

The rear tenancy is entered off Fisher Avenue via the rear yard, the 'front room' being part of the 1964 female facilities addition, reached via concrete steps or a timber access ramp. The part of the building has seen considerable change with the 1964 addition of the new strongroom, parts of whose walls remain, and the female facilities block.

The space comprises two music rooms, two staff rooms (one mainly for storage), an entrance/waiting room and a bathroom. Generally walls are either plastered brick or stud walls, with new plasterboard ceilings and carpeted floors throughout. It is thought that the sole original window is that in the east wall of the north Music Room, all others dating to the 1964 alterations.

Small kitchenettes have been installed in two rooms and a pair of double doors in the south Staff Room wall reflect the onetime connection between the two ground floor tenancies. Ducts for the mechanical ventilation system installed on the roof of the 1964 female facilities block are either exposed or housed in bulkheads.

*

The photographs on this and following pages indicate the nature of the Ground Floor interior.

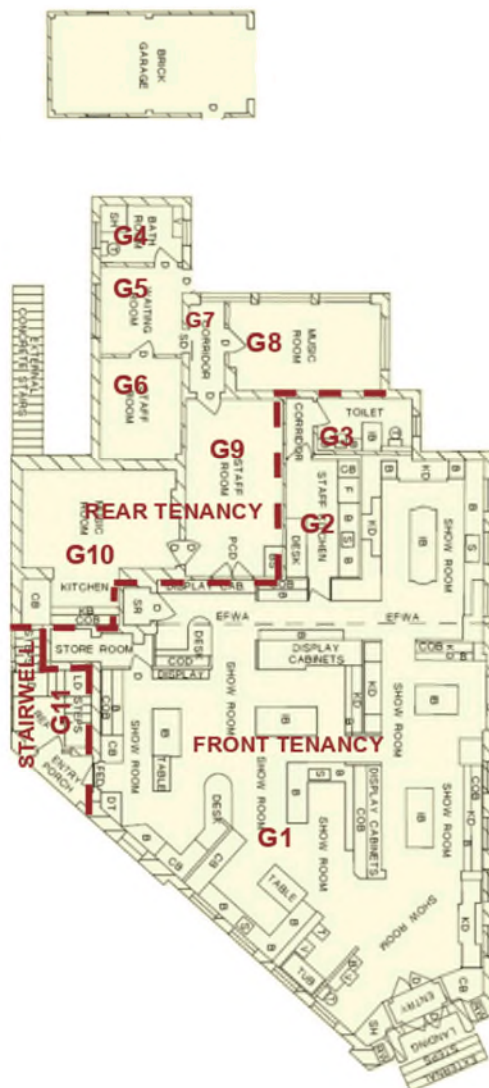
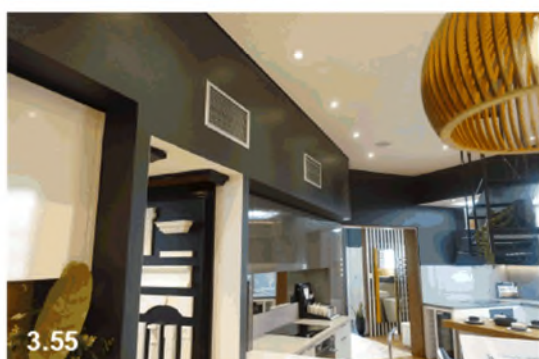


Figure 3.50

Existing ground floor plan, with dashed line indicating divisions between tenancies and stairwell. North is to the top. Rooms are numbered for reference purposes within this report only.

Source: Geometra Consulting

ATTACHMENT 1 - ITEM 8

**GROUND FLOOR : FRONT TENANCY**

3.51 Entrance area (G1)

3.52 Looking north-west from entrance (G1)

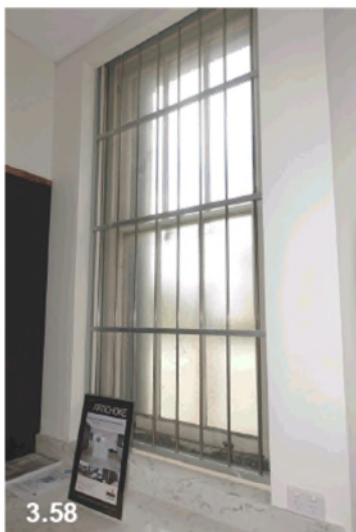
3.53 Looking south-east towards entrance (G1)

3.54-56 Typical showroom areas (G1)

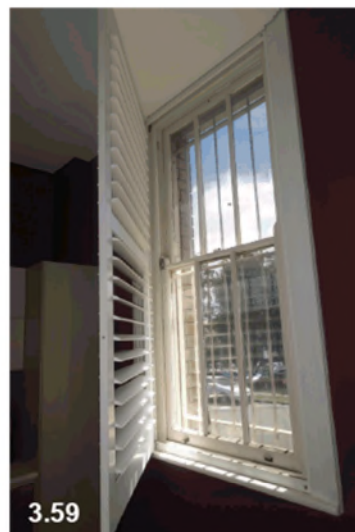
ATTACHMENT 1 - ITEM 8



3.57



3.58



3.59



3.60



3.61



3.62



3.63

GROUND FLOOR : FRONT TENANCY

3.57 Bathroom (G2)

3.58 Window with obscure glass and internal security bars (G1)

3.59 Window with external security bars and internal shutter (G1)

GROUND FLOOR : REAR TENANCY

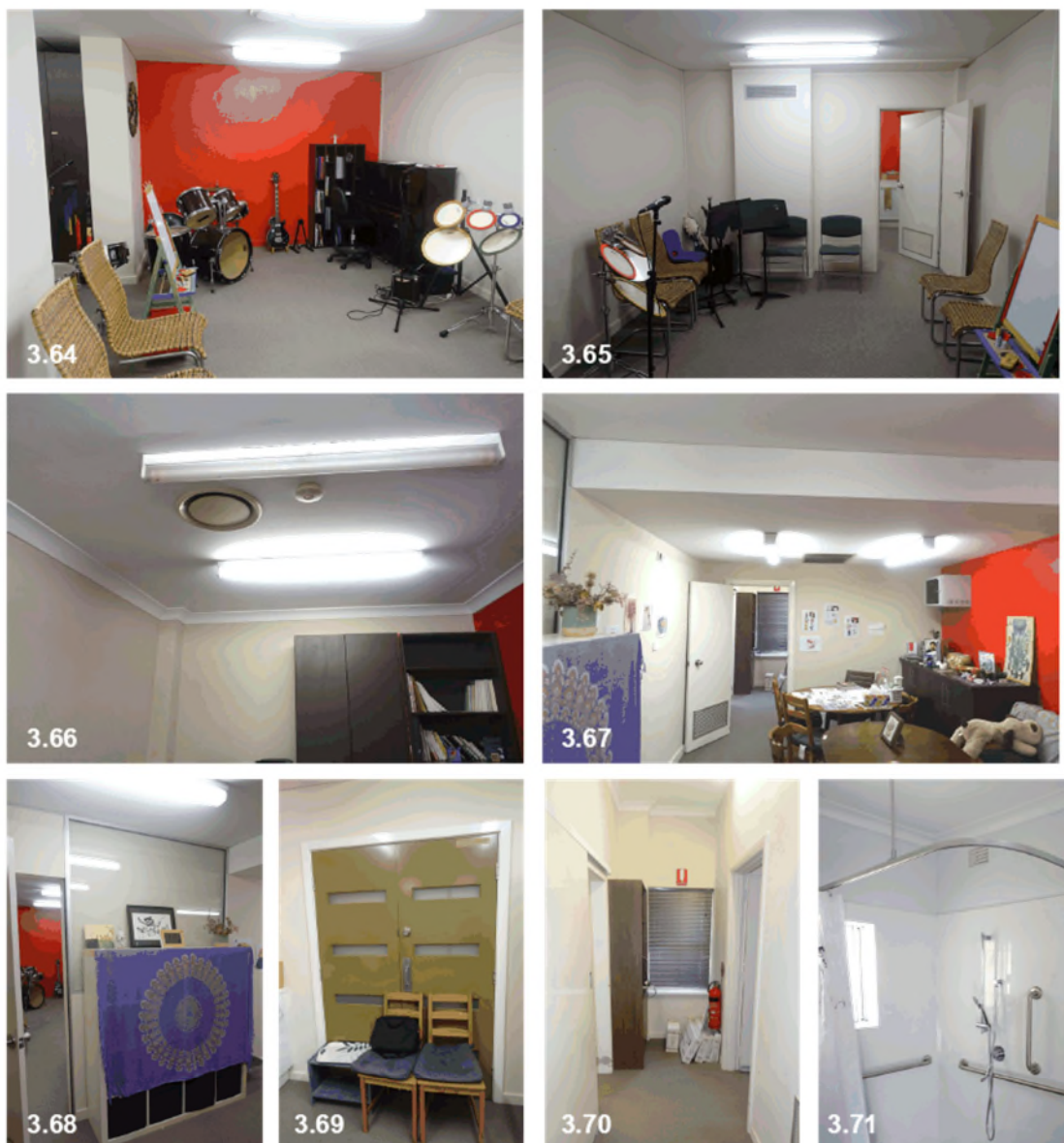
3.60 Entry/waiting room (G5)

3.61 Partition between G5 and G6

3.62 Music Room, (G8)

3.63 Non-original windows in north-west wall of Music Room (G8)

ATTACHMENT 1 - ITEM 8

**GROUND FLOOR : REAR TENANCY**

3.64-65 Music Room (G10); erstwhile c.1964 strongroom

3.67-69 Staff room (G6)

3.70 Passage (G7)

3.71 Bathroom (G4)

3.4.2 First Floor

The first floor comprises the original bank manager's apartment, which was modified in 1964 as described in Section 2.4.

The apartment comprises four bedrooms, a living room, kitchen, a small bathroom, a toilet and a combined bathroom/laundry/toilet. Small original cupboards occupy irregular corners created by the angular layout, reflecting the irregular corner site.

Walls are painted plasterboard and the timber floors are generally carpeted. There are new ceilings and cornices throughout but the timber double-hung windows, two- or three-panel doors, door hardware, frames, architraves, picture rails and skirting are generally original, in a simple Inter-War style. Floors are timber with carpet or tile finishes.

Doorways have highlights with the exception of the current toilet (F2), which used to be the internal stairwell, the combined bathroom/laundry/toilet (F7) and the front door. Timber windows facing onto Pennant Hills Road have internal secondary glazing; those opening onto Fisher Avenue do not. Bathroom and kitchen fittings are contemporary. Light fixtures are generally contemporary downlights.

3.4.3 Stairwell

The 1964 stairwell extends from Ground to First floor levels and is accessed from either Pennant Hills Road or the rear of the property.

Front access is into a small lobby and up stairs to a landing on the 1964 strongroom roof, part of which is now the external rear terrace. Rear access also leads to that terrace and into the enclosed stairwell via a contemporary aluminium door and window unit. From this level two short flights of stairs rise to a small landing at the apartment door.

Walls are painted plastered brick and floors are carpeted concrete. A small landing in the Ground Floor lobby features steel pipe handrails and balustrading which is thought to date to alterations 1980s when an ATM was installed.

*

The photographs on the following pages indicate the nature of the building interior. Access to the Garage interior was unavailable.

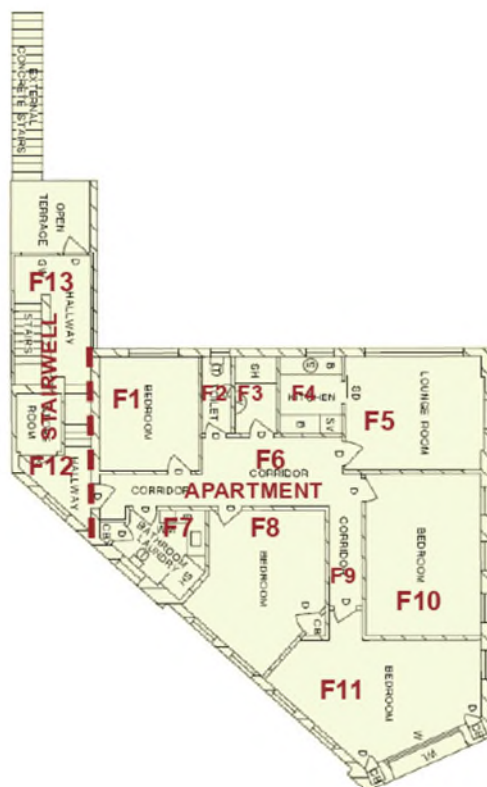
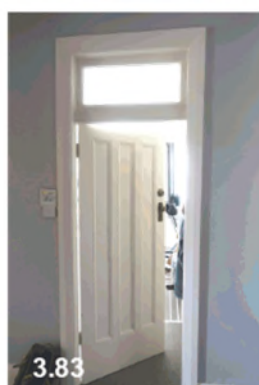
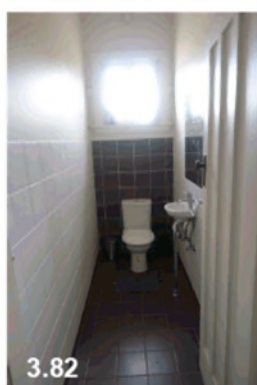
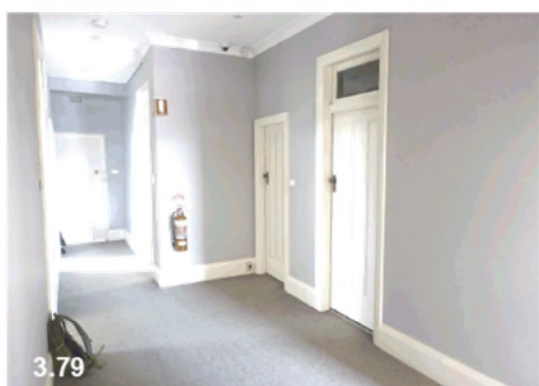
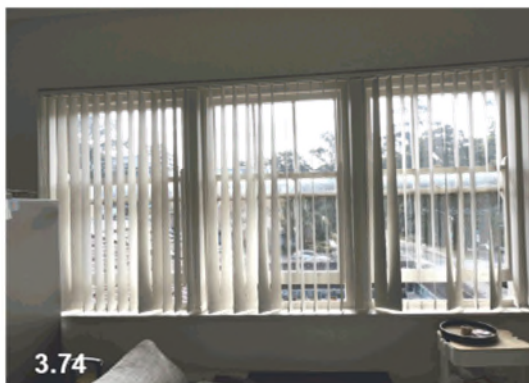


Figure 3.72

Existing first floor plan, with dashed line indicating division between apartment and stairwell. North is to the top. Rooms are numbered for reference purposes within this report only.

Source: Geometra Consulting

ATTACHMENT 1 - ITEM 8

**FIRST FLOOR APARTMENT**

- 3.73 Living Room (F5)
- 3.74 North-west window of Living Room (F5)
- 3.75 Typical window (F5) facing Fisher Avenue
- 3.76 Typical 3-panel door (F5)
- 3.77 Typical original door hardware (F5)
- 3.78 Typical ceiling detail (F5)
- 3.79 Hallway (F6) looking towards front door
- 3.80 Kitchen (F4)
- 3.81 Bathroom (F3)
- 3.82 Toilet (F2)
- 3.83 Typical original doorway (F3/F6)

ATTACHMENT 1 - ITEM 8

**FIRST FLOOR APARTMENT**

3.84-85 Bedroom (F10)

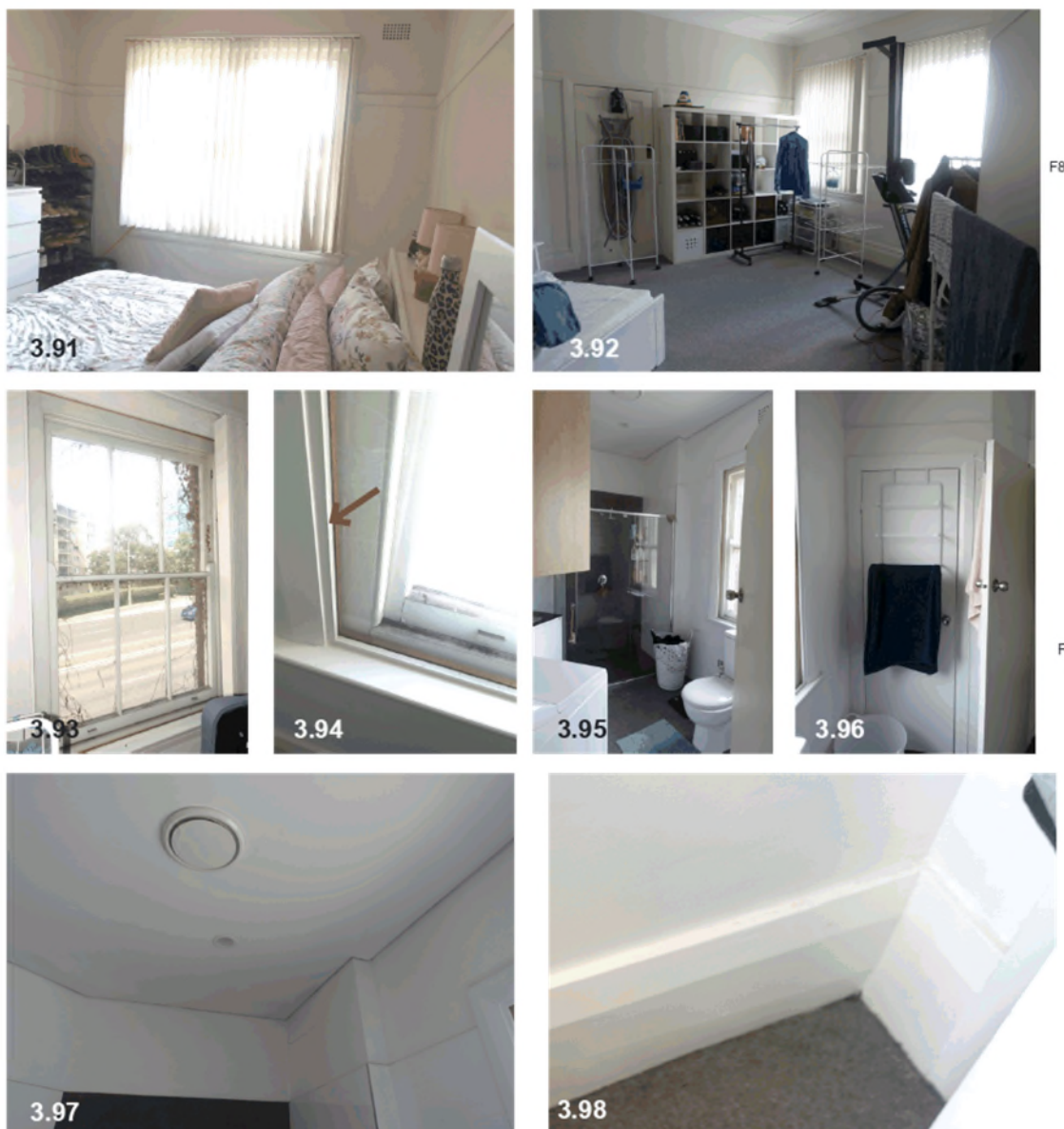
3.86 Passage (F9) with bedroom F11 beyond

3.87 Typical 2-panel cupboard door (F11)

3.88-89 Bedroom (F11)

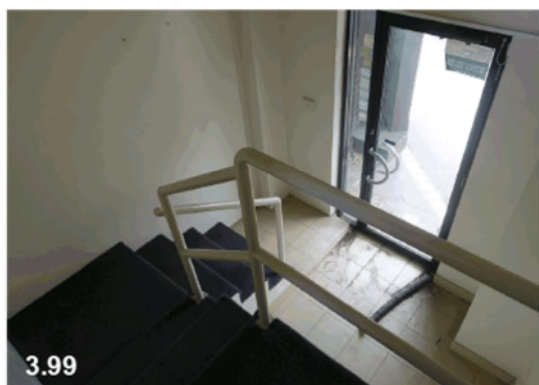
3.90 Crack in north-east external wall (F11)

ATTACHMENT 1 - ITEM 8

**FIRST FLOOR APARTMENT**

- 3.91** Bedroom (F1)
- 3.92** Bedroom (F5)
- 3.93** Typical original window facing Pennant Hills Road (F8)
- 3.94** Window detail with fixed secondary glazing indicated by arrow (F8)
- 3.95-96** Combined Bathroom/laundry Toilet (F7)
- 3.97** Typical ceiling
- 3.98** Typical skirting

ATTACHMENT 1 - ITEM 8



STAIRWELL

- 3.99 View down to door off Pennant Hills Road (G11)
- 3.100 Ground Floor landing and stairs (G11)
- 3.101 View down stairs to G11
- 3.102 View south in first floor corridor (F13) with steps down to G11 to right of low wall and landing to apartment door beyond (F12)
- 3.103 View north in G13 with rear terrace beyond
- 3.104 View from G12 to G13
- 3.105 Window to south facade, on landing (F12)
- 3.106 Front door to apartment (F12)

3.5 INTEGRITY

The subject building has seen significant additions and alterations, as described in Section 2.3.

Nevertheless, the exterior features of the original building, in particular of the front, two storey section, remain relatively intact, with original brickwork, timber windows and decorative elements still in place and the general character and design of the building still legible. However eaves soffit linings, and rainwater goods including gutters, rainwater goods and downpipes, were likely replaced c.1964. Timber frames have been fixed to the external window reveals in some places, suggesting temporary installation of external secondary glazing.

Signage for the business in the front tenancy covers the original portico element over the front doors, which once bore and may still bear the words 'Pennant Hills Branch'. Metal lettering on the parapet reading 'Bank of New South Wales, Established 1817', has been removed.

Internally there has been a substantial loss of integrity on the ground floor: no evidence of the banking chamber layout or features remains. The layout, fabric and spaces of the first floor interior, however, remain largely intact.

The fabric of the rear carpark and the 'back yard' between the bank and garage, including surfaces, fences, and the c.1970s gates, is recent. No original vegetation has been retained.

3.6 CONDITION

Structurally the building appears sound and what can be seen of the tiled roof from the street appears to be intact. However in some respects the building is observed to be deteriorating. External face brickwork is generally in fair condition, though mortar loss and old penetrations may encourage water, pest or vegetation ingress. On the south facade there are non-original penetrations from later services and signage, some damage to brick window sills and an area of climbing vines, indicating a leak or overflow from the non-original rainwater head directly above.

While original timber double hung windows have been retained, their external surfaces are in poor condition, requiring painting at the least and possibly repair in places.

The brick boundary wall on the north-east side is bowed and cracked, possibly due to tree roots, and is supported by a metal frame on the garden side. The freestanding brick pier marking the driveway entrance is in poor condition. The garage has significant cracking at the south corner, indicating subsidence. The steps to the front entrance are damaged.

Contemporary displays, partitioning, flooring and ceilings in the front tenancy largely conceal the original fabric including some windows. The internal surfaces of visible windows and walls appear to be in good condition. In the rear tenancy, remaining original plastered walls are in good condition. Ceilings, lighting, etc, are contemporary.

Generally the physical condition of the building appears to be fair. Some maintenance and repair is required to prevent further deterioration and loss of fabric and character.

The condition of the rear carpark and the 'back yard' between the bank and garage, including surfaces, fences, and the c.1970s gates, is poor to fair and will continue to deteriorate unless repaired and/or maintained.

4.0

HERITAGE SIGNIFICANCE

4.1 INTRODUCTION

Heritage, or "cultural" value, is a term used to describe an item's value or importance to our current society and is defined as follows in *The Australia ICOMOS Burra Charter*, 2013, published by Australia ICOMOS (Article 1.0):

Cultural significance means aesthetic, historic, scientific or social or spiritual value for past, present or future generations.¹

This section establishes the criteria which are used to understand significance and identifies the reasons for the cultural value of the site and its components.

Significance may be contained within, and demonstrated by, the fabric of an item; its setting and relationship with other items; historical records that allow us to understand it in terms of its contemporary context, and in the response that the item stimulates in those who value it.² The assessment of significance is not static. Significance may increase as more is learnt about the past and as items become rare, endangered or illustrate aspects that achieve a new recognition of importance.

Determining the cultural value is at the basis of all planning for places of historic value. A clear determination of significance permits informed decisions for future planning that will ensure that the expressions of significance are retained and conserved, enhanced or at least minimally impacted upon. A clear understanding of the nature and degree of significance will determine the parameters for, and flexibility of, any future development.

A historical analysis and understanding of the physical evidence provides the context for assessing the significance. These are presented in the preceding sections. An assessment of significance is made by applying standard evaluation criteria to the facts of the item's development and associations.

¹ *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*, 2013, p.2

² ie "social", or community, value

4.2 ESTABLISHED SIGNIFICANCE

The following Statement of Significance for the subject site is sourced from the NSW Heritage Inventory.

Good example of a Post-War period bank building on prominent corner site. Rare example of a commercial building in the area which is virtually unaltered.

Given the brevity of this statement, and its erroneous identification of the building as 'Post-War', an independent assessment of significance is undertaken below.

4.3 COMPARATIVE ANALYSIS

4.3.1 Bank architecture

We know what a bank looks like: It's typically of solid construction with classical architectural features.³

Partly due to technological and financial limitations, and partly reflecting local community expectations, early rural and suburban banks were relatively modest structures not remarkably different from other commercial buildings in their vicinity - or indeed other residences: often the building was less a bank with a bank manager's residence attached than a substantial bank manager's home with a small bank shopfront attached. Branch managers, considered pillars of communal life on a par with doctors and teachers, were generally expected to live on or next to the premises.

Only gradually did the bank-as-fortress convention develop, with heavy masonry walls and facades incorporating classical elements such as columns, archways or pediments. Built form was following not function but community expectations - which were, for much of the 19th Century and into the 20th, mainly about maintaining the security of savings. In the cities this evolved into the 'temple of finance' model, expressed in massive, ornate buildings projecting wealth, authority and trustworthiness.

³ Faber

The 1930s Depression, when savings were wiped out, mortgages ruthlessly foreclosed and loans denied, undermined that image, and by the close of World War II, community needs and expectations had changed.

In the middle of the twentieth century, banks changed from 'closed' designs signifying wealth, security, and safety to 'open' designs signifying hospitality, honesty, and transparency as the perception of money changed from a passive physical substance to be slowly accumulated to an active notational substance to be kept in motion. If money is saved, customers must trust that the bank is secure and their money will be there when they want it; if money is invested, customers must trust that it is being done openly and honestly and they are being well-advised. Architecture visually communicates that the institution can be trusted in the requisite way.⁴

The hubristic architectural language of temples, too, had been somewhat deflated. As it happened, by the 1930s Modernist architecture had begun to emerge in its Functionalist, Art Deco or other guises, as the banks of the period attest, but the need to signify importance and longevity, as traditionally conveyed by classical elements, remained. Only with the advent of the International Style and new technologies since the 1950s has physical transparency been widely embraced. Since the rise of globalised internet finance, the need to project security and transparency has been joined by the need to demonstrate a cutting-edge, high-tech awareness.

4.3.2 Bank of NSW architecture

One Tuesday in April 1817, Australia's first bank, the Bank of New South Wales, opened in rented rooms in the house of ex-convict Mary Reiby in Macquarie Place. The bank moved to larger premises in George Street in 1822,⁵ which appear to have consisted of a large bank manager's residence with an attached shop.

Bank design varied widely over the years, depending on the location, budget, architect and fashion. Even in small rural or suburban branches, however, the traditional signifiers of strength and security - classical columns, pediments, etc - remained evident until the 1930s. By the end of that decade the residential parts of the buildings began to appear more integrated into the overall design, often as a first floor apartment, and the Classical influence gave way to an Interwar Neo-Georgian style, simple and symmetrical, that was more consistent with emerging Modernist principles, could be readily modified to suit local conditions or preferences, and was easily augmented with minor

⁴ Frandsen et al

⁵ <https://www.nma.gov.au/defining-moments/resources/first-bank-in-australia>



Figure 4.1

The Bank of NSW head office in George Street, 1822-1853. Source: National Museum of Australia, <https://www.nma.gov.au/defining-moments/resources/first-bank-in-australia>



Figure 4.2

Temples of finance: Bank of NSW, Brisbane, built c.1928-30 (left) and State Savings Bank, Sydney, built c.1925-28.



Figure 4.3

Strength, transparency, innovation: ING Group, Amsterdam (top), and Westpac, Sydney

ATTACHMENT 1 - ITEM 8



Classical symbolism

4.4 Koorawatha, NSW, 1912-17

4.5 Arianah Park, NSW, 1915

4.6 Ryde NSW, 1935

Neo-Georgian influence

4.7 South Yarra VIC, 1938 (*Building Journal*, Oct 1938)

4.8 Deniliquin NSW, 1934

4.9 Orange NSW, 1930s

Classical references. A 'vocabulary' of elements can be discerned that were presumably judged to deliver the desired post-Depression message of friendly solidity: face brickwork, Georgian symmetry, vertical window proportions, and columns on either side of the entrance rising to a portico element, a vestige of the once-significant moment of entry into the banking 'chamber'.

In this respect an unidentified branch building photographed for the journal *The Builder* in 1937 is of particular interest (see Figure 2.6). Employing an almost identical set of elements on a similar corner site, its resemblance to the subject building is striking, even including the rear single storey section, the rear chimney and the stepped brick boundary wall. The subject building's addition of three parapets, however, indicates a desire to regain some of the surrendered height and visual impact, perhaps in response to its prominent position.

In the postwar period, the influence of the International Style and the fading of old hierarchies saw classical elements erased entirely, to be replaced, by the present day, by what some describe as a Neo-Baroque emphasis on spectacle for some buildings, and a functional minimalism for others.

4.3.3 Conclusion

The subject building reflects the development of bank architecture in New South Wales as it responded to the expectations of customers - whether strength and power, reliability and trust or cutting-edge agility - and to the evolving technology and economy of the times. The late Inter-War, post-Depression period saw bank design move from rather grandiose expression towards a more modest and accessible approach. While not yet ready to eschew their 'strong' masonry fronts, banks reduced their Classical ornamentation and stepped cautiously towards emerging Modernist forms.

A carefully judged vocabulary of elements designed to convey a message appropriate to the times and customer expectations is evident in the subject building. Thus the architectural design of the former Pennant Hills bank building reflects a particular historical moment, demonstrates careful aesthetic thought and represents a set of bank buildings of its kind.

4.4 ANALYSIS OF CULTURAL SIGNIFICANCE

The following commentary assesses the subject building against the criteria established by the NSW Heritage Office (now Heritage NSW) in the document *Assessing Heritage Significance*.

Criterion (a) – An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)

The subject building was the first bank in Pennant Hills. It reflects the development of the suburb and of bank architecture in the Inter-War period, and thus has historical significance.

Criterion (b) - An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)

The building is strongly associated with New South Wales's first bank, the Bank of NSW.

Criterion (c) - An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)

The building's architectural expression utilises a vocabulary of elements carefully designed to respond to customer expectations at a particular moment of history, when banking was in transition after the Great Depression and Modernism was beginning to make its mark, but before the dramatic changes of the Post-War world. The building thus has aesthetic significance.

Criterion (d) - An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons

The bank served the local residential, business and farming community throughout the Depression, even before the building's construction, and had a social role in that historical community.

Criterion (e) - An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)

The building's construction is typical of its time and is unlikely to have research or technical potential. It does not meet this criterion.

Criterion (f) - An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)

Buildings of this period are rare in Pennant Hills. The building has local significance of this kind.

4.5 REVISED STATEMENT OF SIGNIFICANCE

The following revised Statement of Significance is based on the above assessment.

*

The former Bank of NSW building at Pennant Hills has historical significance as a sign of the growth and success of the area in the late 1930s, and of the Bank of NSW's confidence in that growth. The Bank's role in supporting the community through most of the Depression and beyond, and as creator of the building, gives it associational and social significance. Its largely intact Inter-War Georgian Revival exterior is rare for non-residential buildings, and in particular bank buildings, in this vicinity.

The architectural language of the building reflects changes in bank architecture triggered by the Depression, when the overconfident, Classically based 'temple of finance' approach gave way to a more modest style. The building makes careful use of the more restrained architectural vocabulary, resulting in an aesthetically notable element of the streetscape whose prominent location ensures its contribution to local character. The garage, while apparently built at the same time as the bank, has only a minor role in the bank's history and displays no particular style.

Significant original features that have been retained include face brickwork, timber windows, Art Deco elements on the entrance facade and, on the first floor, much of the original layout and joinery.

4.6 GRADING OF SIGNIFICANCE

The subject site has been carefully assessed to determine a relative grading of significance into five levels. This process examines a number of factors, including:

- Relative age
- Original design quality
- Degree of intactness and general condition
- Extent of subsequent alterations
- Association with important people or events
- Ability to demonstrate a rare quality, craft or construction process

Grading reflects the contribution the element makes to the overall significance of the item (or the degree to which the significance of the item would be diminished if the component were removed or altered).

Exceptional significance

Includes rare or outstanding building fabric that displays a high degree of intactness or can be interpreted relatively easily.

High significance

Includes the original extant fabric and spaces of particular historic and aesthetic value. Includes extant fabric from the early phases of construction.

Moderate significance

Includes building fabric and relationships which were originally of higher significance but have been compromised by later, less significant modifications.

Little significance

Includes most of the fabric associated with recent alterations and additions made to accommodate changing functional requirements. These are components generally of neutral impact on the site's significance.

Intrusive

Recent fabric, which adversely affects the significance of the site.

Grading has been established as a valuable tool, to assist in developing appropriate conservation measures for the treatment of the building and its various elements. In general, good conservation practice encourages the focussing on change, or upgrading of, an historical building/site to those areas or components which make a lesser contribution to significance. The areas or components that make a greater or defining contribution to significance should generally be left intact or changed with the greatest care and respect.

The assessed heritage significance of the site's main elements and views are indicated in the tables below.

TABLE 4.1 : GRADING OF SITE ELEMENTS

Grading	Elements
Exceptional	• None
High	• Original Bank of NSW building and remnants thereof • Presentation of original building to, and views of it from, Pennant Hills Road and section of Fisher Avenue adjacent to two storey section of subject building
Moderate	• Garage • Views to rear of former bank building
Little	• Carpark including paving
Intrusive	• None

TABLE 4.2 : GRADING OF EXTERNAL ELEMENTS*Refer also to Figures 4.10-4.13*

Grading	Elements
Exceptional	• None
High	<ul style="list-style-type: none"> • Original brick external walls of bank building • Original timber windows • Original roof form • Original roof tiling and structure • Original brick boundary wall, north-east side • Original brick pier, north-west side of original driveway • Original concrete ramp and landing on south-west side • Original decorative elements on entrance (south-east) facade, including: engaged columns, portico element, decorative lintels and parapet capping, timber transom, metal grilles, brickwork details • Original entrance steps excluding cladding
Moderate	<ul style="list-style-type: none"> • Part of south-west facade including original wall (High significance) and infilled windows (Little significance) • Part of north-west facade including original wall (High significance) and later windows (Little significance)
Little	<ul style="list-style-type: none"> • External walls, roofs and eaves soffits of c.1964 additions including: stairwell, manager's office, strongroom, female facilities block • Eaves soffits generally, altered c.1964 • Rear stairs including metalwork • Existing stormwater hardware • All external doors • Security bars on windows (excluding decorative grilles on entrance facade) • Timber elements fixed to window reveals • Remnants of signage, services, etc • Timber ramp and steps at rear • Cladding of entrance steps • Air conditioning unit on rear terrace • Original driveway • Back yard slab and paving • Fencing other than brick boundary wall on north-east side • Driveway gates • All vegetation
Intrusive	<ul style="list-style-type: none"> • Existing illuminated tenant signage on street facades • Mechanical ventilation equipment on roof • Cabling, conduits, etc on street facades

TABLE 4.3 : GRADING OF INTERNAL ELEMENTS*Refer also to Figures 4.10-4.13*

Grading	Elements
Exceptional	• None
High	<ul style="list-style-type: none"> • Original brick walls • First floor: original layout • First floor: original joinery including: 2- and 3-panel timber doors, cupboards, door and window frames, architraves, sills, transoms, skirting, picture rails
Moderate	• Front door opening (erstwhile window)
Little	<ul style="list-style-type: none"> • Floors, walls, fittings, etc of stairwell • Ground floor tenancies layout (except original brick walls) • Non-original brick walls • All stud walls • All joinery (except as listed above), displays, furniture, etc • Internal security bars • Secondary glazing • Internal timber shutters • All ceilings and cornices • All floor finishes • All services and related fixtures
Intrusive	• None

TABLE 4.4: GRADING OF VIEWS

Grading	Elements
Exceptional	• None
High	<ul style="list-style-type: none"> • Views to three street facades of two storey section of former bank building • Views to the original brick boundary wall
Moderate	• Views to original rear (north-west) facades
Little	<ul style="list-style-type: none"> • Other views to the former bank building • Views to the garage • Views to the carpark

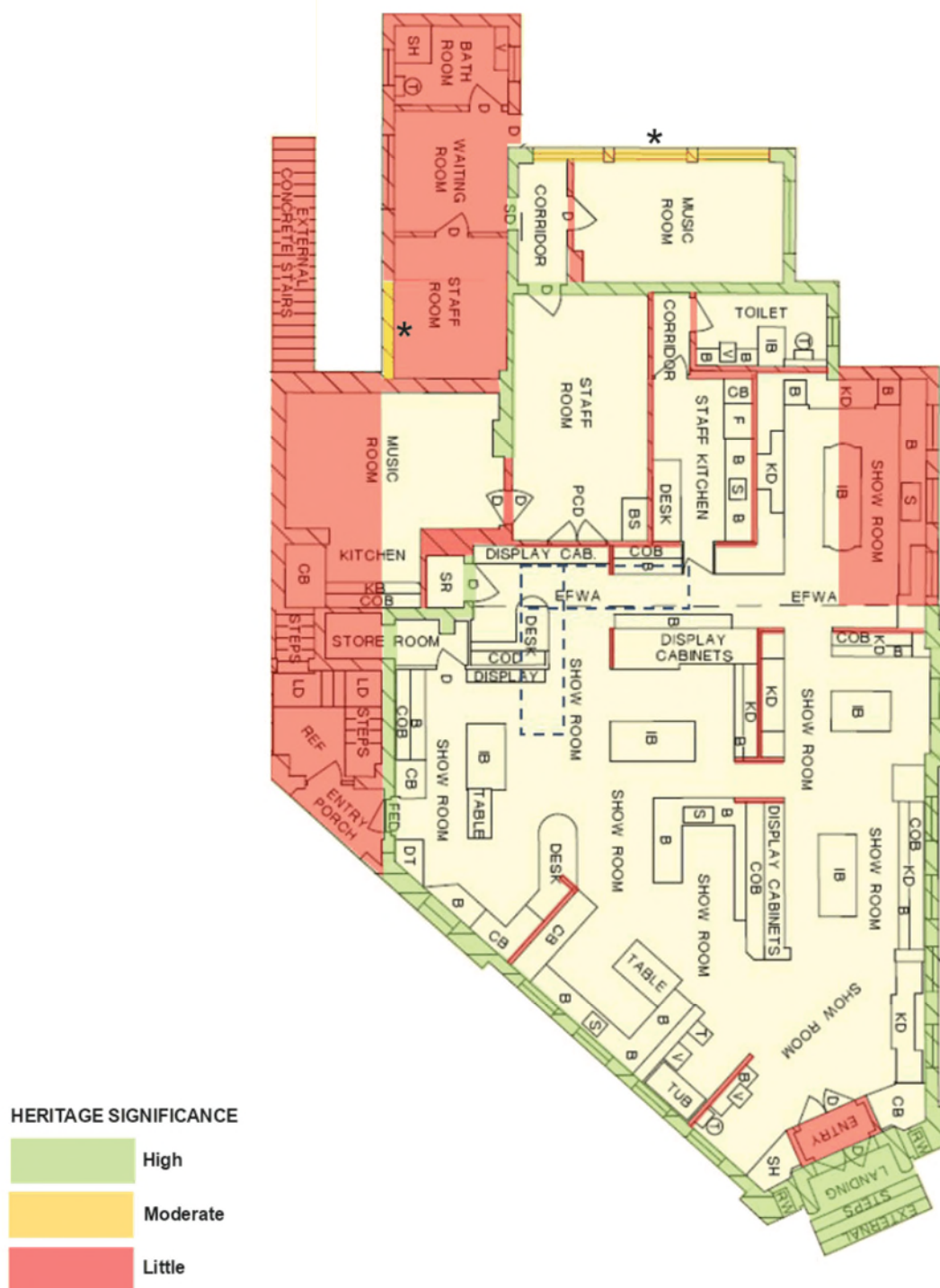


Figure 4.10

Gradings of heritage significance, Ground Floor.
Blue dashed lines: erstwhile internal staircase.
Not shown: Garage, graded as Moderate.
Base plan: Geometra Consulting

* These sections are graded as having Moderate significance overall, but comprise elements of both High and Little significance: see Figures 2.18-2.19 for detail

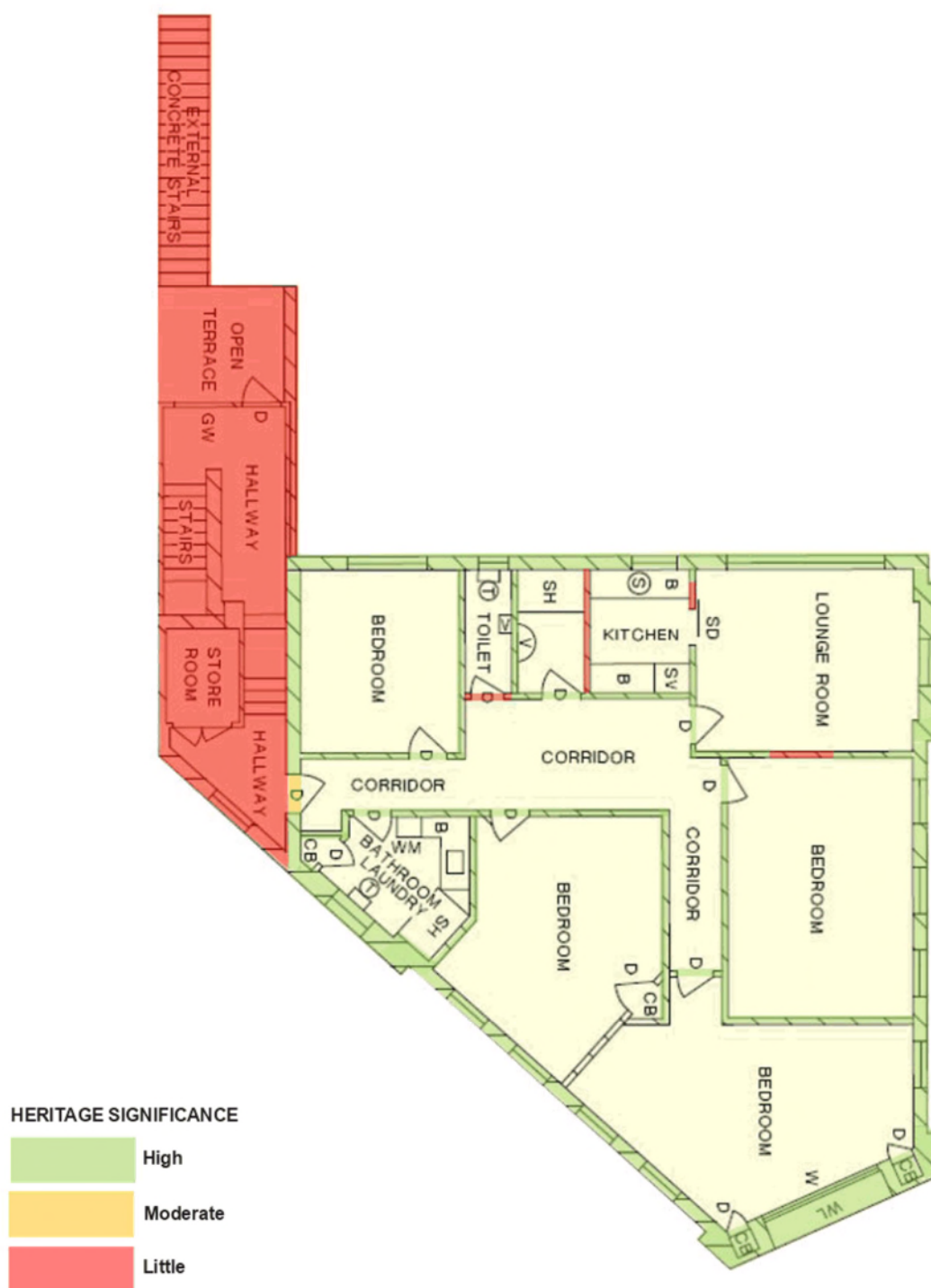
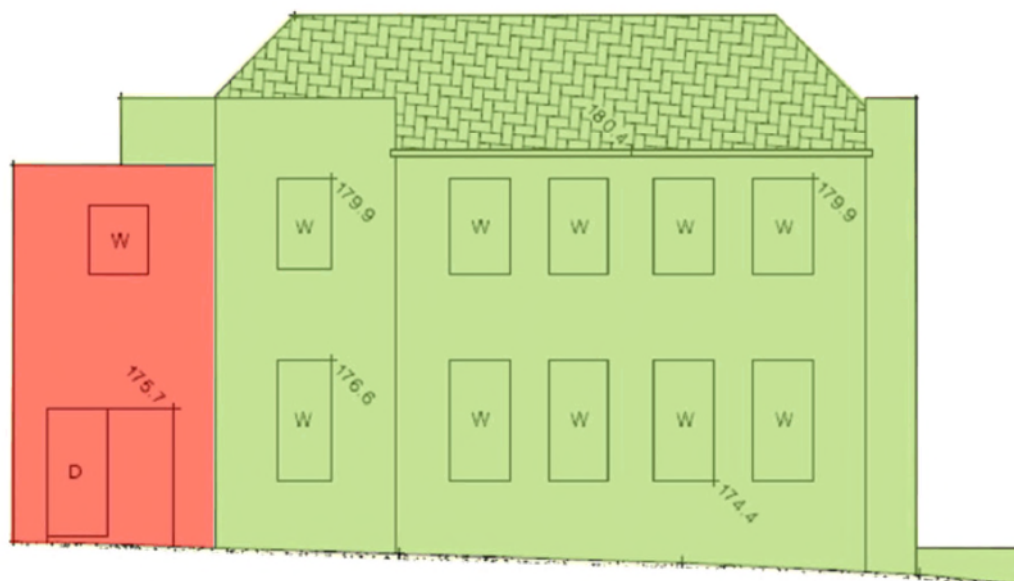


Figure 4.11
Gratings of heritage significance, First Floor
Base plan: Geometra Consulting

ATTACHMENT 1 - ITEM 8



South-east elevation

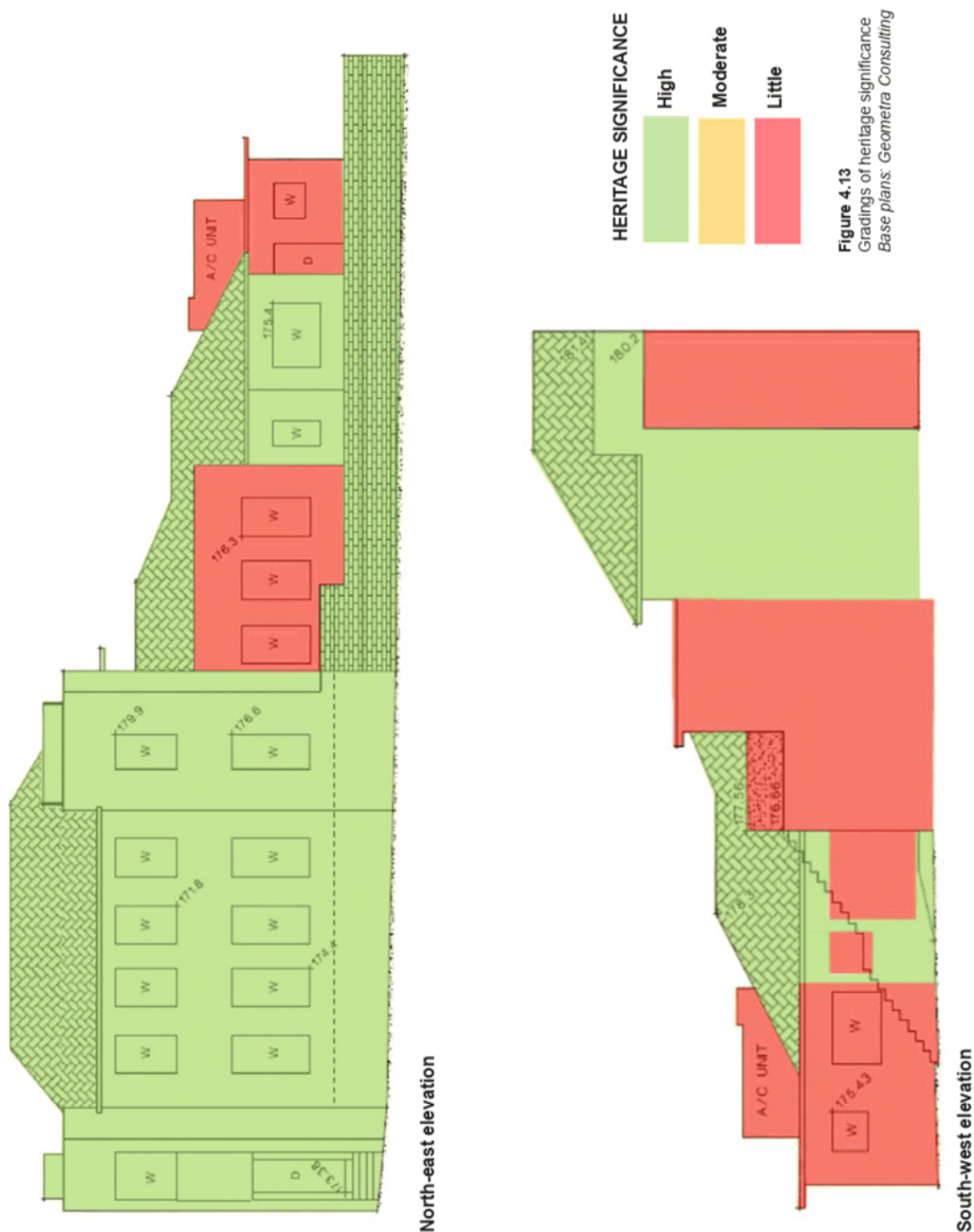


North-west elevation

HERITAGE SIGNIFICANCE

	High
	Moderate
	Little

Figure 4.12
Gradings of heritage significance
Base plans: Geometra Consulting



4.7 ARCHAEOLOGICAL POTENTIAL

Although archaeological assessment is outside the scope of this report, it is noted that the subject building and garage appear to have been the first and only structures erected on the site, which was previously occupied by undeveloped bushland or possibly, in part, orchards. The probability of discovering relics is therefore considered to be low.

However, the Archaeological Management Provisions of the *NSW Heritage Act* apply to any relics which are located below ground level. If, at any time, unexpected archaeological remains are uncovered or disturbed, work must stop immediately and the NSW Heritage Council must be notified.

4.8 CURTILAGE ANALYSIS

The NSW Heritage Office (now Heritage NSW of the NSW Department of Premier and Cabinet) publication *Heritage Curtilages*⁶ defines "heritage curtilage" as the area of land surrounding an item or area of heritage significance which is essential for retaining and interpreting its heritage significance. Heritage curtilage can be classified as one of four types:

- **Lot Boundary Heritage Curtilage:** for places where the legal boundary of the allotment is defined as the heritage curtilage. The allotment should, in general, contain all significant related features, for example outbuildings and gardens, within its boundaries.
- **Reduced Heritage Curtilage:** for places where an area less than the total allotment is defined as the heritage curtilage. Applicable where not all parts of a property contain places associated with its significance.
- **Expanded Heritage Curtilage:** for places where the heritage curtilage is larger than the allotment. Particularly relevant where views to and/or from a place are of significance.
- **Composite Heritage Curtilage:** for larger areas that include a number of separate related places, such as heritage conservation areas based on a block, precinct or whole village.

The subject site includes a large unoccupied area to the rear (north-west), which could be partly occupied without blocking views to the subject building graded as having High heritage significance. Since the original construction of the subject building and garage, the south-east wall of the latter effectively defined a back yard for the Bank building. The recommended heritage curtilage is therefore a Reduced curtilage with a boundary aligned with the existing garage wall, approximately five metres from the rear wall of the subject building, and including the garage.



Figure 4.14
Recommended heritage curtilage. Property boundary is shown in yellow and recommended curtilage is shaded blue.
Base image: NSW Spatial Services SIX Maps

⁶ Warwick Mayne-Wilson, *Heritage Curtilages*, NSW Heritage Office and the Department of Urban Affairs and Planning, NSW, 1996



Figure 4.15

Recommended visual curtilage. Primary, High significance facades are coloured red (including the low brick boundary wall along Fisher Avenue) and secondary, Moderate significance facades yellow. Views to these from within the zone shaded green should be protected.
Base image: NSW Spatial Services SIX Maps

A visual curtilage is also identified. The three street facades of the two storey section of the building are considered to be the primary, High significance facades, and views to them from the zone indicated in Figure 2.21 are to be retained. Other original rear facades are considered to be secondary facades with Moderate significance; views to them should be retained if possible in the context of adaptive reuse.

5.0

CONSTRAINTS AND OPPORTUNITIES

5.1 INTRODUCTION

This section outlines issues relevant to the preparation of conservation policies for the site. It takes into consideration matters arising from the established and revised Statements of Significance, procedural constraints imposed by cultural conservation methodology such as that of the Australia ICOMOS *Burra Charter* and any statutory and non-statutory listings that apply to the site, and describes both constraints and opportunities arising from these matters.

5.2 ISSUES ARISING FROM THE STATEMENTS OF SIGNIFICANCE

Considering the established and revised Statement of Significance, the following issues need to be addressed in the recommended conservation policies:

- The former Bank of NSW building was the first purpose-built bank in Pennant Hills, and is a rare example of a largely intact non-residential Inter-War building in this vicinity. It is a listed heritage item with historical, aesthetic, social and rarity value and must be retained.
- All original and significant components of the site, as identified in Section 4.6, should be retained and conserved in accordance with the principles of the *Burra Charter* and the conservation policies in Section 6.0 herein.
- Views to the site identified as having High or Moderate significance should generally be retained.
- The bank building has undergone significant additions and alterations, primarily c.1964. The main additions (stairwell, strongroom, manager's office and female facilities block) are readily identifiable and have been graded as having Little heritage significance. Extensive changes were made to the ground floor interior but the first floor interior (formerly the bank manager's apartment) is largely intact. Insofar as possible in the context of adaptation for contemporary use, remaining original layouts, walls and other features should be retained.
- Despite the c.1964 additions and alterations, the exterior of the two storey section of the building remains largely intact, in particular its three street facades. All significant facades and elements

should be retained and where necessary repaired, and enhanced by removal of intrusive elements.

- Given the history and social significance of the building and the considerable changes to the vicinity since its construction, consideration should be given to including heritage interpretation in any future development.
- Some building elements have been graded as being Intrusive: their removal, in time, would have a positive heritage impact. The existing illuminated facade signage, comprising four separate signs with at least one on each street facade, is in this category. Consideration should be given to lower-impact, more sympathetic solutions which could be implemented as the opportunity arises.
- Similarly, one of the two sets of original signage (steel lettering on parapet) has been removed and another set (directly above the entrance) is either obstructed by contemporary signage or may also have been removed. Reinstatement of both, in a manner that avoids misinforming the public as to the building's use, should be considered.
- The established and revised Statements of Significance should be accepted as part of the basis for the future use and management of the site.

5.3 HERITAGE MANAGEMENT FRAMEWORK

5.3.1 Current Heritage Listings

The following statutory lists have been reviewed in relation to the subject site. The implications of these listings, if any, are discussed below.

LIST	INCLUDED
World Heritage List	NO
Commonwealth Heritage List	NO
National Heritage List	NO
NSW State Heritage Register	NO
Hornsby LEP 2013	YES

5.3.2 Heritage Act 1977

While the subject site is not listed on the State Heritage Register under the *Heritage Act 1977*, under the Act the disturbance or excavation of land containing or being likely to contain archaeological relics can only take place when an Excavation Permit has been granted by the Heritage Council. A 'relic' is defined in the *NSW Heritage Amendment Act 2009* as:

Any deposit, artefact, object or material evidence that:

(a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

(b) is of State or local heritage significance

All relics are protected under the *Heritage Act*, regardless of whether or not the place is listed as a heritage item on a local, State or national level. For places listed on the State Heritage Register, an Excavation Permit is obtained under Section 60 of the *Heritage Act*. For all other places, the disturbance of relics requires an Excavation Permit under Section 140 of the *Heritage Act*.

Where any excavation is planned, it is advisable to investigate the archaeological potential of the site and apply for any relevant permits well in advance of the commencement of works, as such investigations and applications can take time and their absence can hold up works should relics be discovered.

5.3.3 Hornsby Local Environmental Plan 2013

General heritage objectives

The subject site is listed as an item of local heritage significance (no. 651) in Schedule 5 of the *Hornsby Local Environmental Plan 2013* (the HLEP). The relevant operative statutory regulations of the HLEP are noted in clause 5.10, 'Heritage conservation'.

Approval from Hornsby Council is required for any alterations or additions to the site, which must be assessed under Section 79(c) of the *Environmental Planning and Assessment Act 1979*.

The relevant heritage objectives of the HLEP are:

5.10 Heritage conservation

(1) Objectives

The objectives of this clause are as follows—

(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...

Conservation incentives

Section 5.10(10) of the HLEP allows for otherwise non-allowable use of a heritage item if such a change facilitates the item's conservation without adversely affecting the amenity of the area. All five clauses of the provision as shown below must be satisfied.



Figure 5.1

Excerpt from Heritage Map showing listed heritage items (subject site) shaded brown. North is to the top
Source: Hornsby LEP 2013 Heritage Map, sheet HER_10B

5.10 Heritage conservation

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

Should change of use on the basis of this provision be desired, the Statement of Heritage Impact accompanying the development application should demonstrate how each clause is met.

5.4 OTHER RELEVANT STATUTORY REQUIREMENTS

5.4.1 Building Code of Australia

Building regulations for New South Wales are specified in the *Building Code of Australia (BCA)* and administered by the Building Codes Board. The BCA contains standards relating to fire safety, egress, health and amenity provisions for buildings, and requires that any future uses, alterations or additions to the building must comply with these standards. The application and integration of BCA standards into the building or place must, however, be undertaken in a manner that responds to the heritage significance.

Advice on how to best achieve BCA compliance for historic buildings can be sought from the Fire, Access and Services Advisory Panel of Heritage NSW of the NSW Department of Premier and Cabinet.

5.4.2 Disability Discrimination Act 1992

The provision of access must be taken into account when considering on-going and future use of the building.

The *Commonwealth Disability Discrimination Act 1992* relates to discrimination on the grounds of disability. Under Section 23 of this Act it is unlawful to discriminate by refusing persons with a disability access to any premises or facilities the public is entitled to use.

Amendments to this act that came into force in August 2009 introduced the concept of an explicit duty to make reasonable adjustments. A reasonable adjustment is any adjustment that does not impose an unjustifiable hardship on the person who would have to provide the access.

5.5 OTHER RELEVANT GUIDELINES

5.5.1 Hornsby Development Control Plan 2013

The objectives and controls of the *Hornsby Development Control Plan 2013* (the HDCP) are also applicable to any future development of this site. While the HDCP is not a statutory instrument, it carries weight as a clear indication of Council expectations. The following excerpts indicate the nature of such expectations in this area:

9.2.1 General Design Requirements

Desired Outcomes

- a. Development that allows reasonable change to occur to heritage items, particularly to meet contemporary amenity or safety standards without unreasonably impacting heritage significance.
- b. Alterations and additions that are sympathetic to significant features, and do not dominate the heritage item in terms of bulk, scale, form, setbacks and materials.

- c. Development that encourages new uses that facilitate the ongoing viability of heritage items without adversely affecting heritage significance.
- d. New uses that allow for interpretation of the heritage item and do not result in substantial or irreversible changes to significant features.

9.2.7 Commercial Heritage Items

Desired Outcomes

- a. Development that retains evidence, including layout, of original shopfronts.
- b. Development that reinstates traditional features and results in sympathetic new work.
- c. Development that contains minimal signage that complements, rather than dominates, the architectural characteristics of the building.

9.4.1 Development in the Vicinity of Heritage Items and Heritage Conservation Areas

Desired Outcomes

- a. New work that is sympathetic to the heritage significance of nearby heritage items, or adjoining heritage conservation area, and their settings.

5.5.2 The Burra Charter

Australia ICOMOS is a professional body of conservation practitioners, represented by the Australian National Committee of the International Council on Monuments and Sites (ICOMOS).

Australia ICOMOS has developed and published a Charter for the Conservation of Places of Cultural Significance, generally known as *The Burra Charter*. This document establishes principles and methodologies for conservation work in Australia, based primarily on an understanding of the heritage values of a place and then appropriate responses to looking after the place in relation to various management issues and requirements. Its status is advisory, not statutory, but it has become widely recognised as establishing the basic methodology for conservation work in Australia.

The *Burra Charter* can be accessed at:

<https://australia.icomos.org/publications/burra-charter-practice-notes/>

5.5.3 Better Placed: Design Guide for Heritage

The document *Better Placed: Design Guide for Heritage*, published by the Heritage Council of NSW and the NSW Government Architect in 2019, is an accessible guide to design in heritage contexts. It can be accessed at:

<https://www.governmentarchitect.nsw.gov.au/resources/ga/media/files/ga/design-guides/better-placed-design-guide-for-heritage-2019-01-30.pdf>

5.6 PHYSICAL CONDITION

The building generally appears to be in fair but deteriorating condition (see Section 3.6), with some maintenance and repair requirements.

5.7 OWNER'S REQUIREMENTS

The identification of the needs of the owners and occupiers of the building need to be considered when formulating guidelines for the conservation, use and management of the building.

The site is an investment property, with the building currently let to three tenants (two on the ground floor and one on the first floor). This CMP accompanies an application to construct a residential apartment building in the rear (north-western) part of the site and refurbish and upgrade the first floor apartment in the former bank building.

Any future development of the site and building will therefore need to be considered in the context of the contemporary regulatory and market environment and the related expectations for safety, functionality and amenity.

5.8 OPPORTUNITIES

Conservation and restoration opportunities include:

- Repair and maintenance of significant heritage fabric.
- Removal of intrusive items (including rooftop mechanical equipment and illuminated signage).
- Conservation or reconstruction of original signage.

Considering the assessment of significance and both the established and revised Statements of Significance herein, there is also scope for:

- Development of the north-western half of the site, including construction of a sympathetic medium-height building.
- Minor alterations to the former bank building and garage, including some demolition.
- Minor additions to the former bank building.

All such changes are subject to the protection of the heritage significance of the site. The conservation policies in Section 6.0 provide a guide to achieving that objective.

6.0

CONSERVATION POLICIES

6.1 INTRODUCTION

Conservation can be regarded as the management of change. It seeks to safeguard that which is important in the built environment, within a process of change and development. As such, it is one of the functions of this document to establish policies and recommendations for the conservation and ongoing use of the building in a way that protects and enhances its heritage value. In this way, the owners and managers of the building will be able to formulate proposals within a known framework of acceptable directions, and planning authorities will be able to assess those proposals against the criteria.

The conservation policies below provide a framework for management and reuse of the site and are not intended to impose blanket prohibitions or conditions. Circumstances may change in the future, further analysis may reveal additional information and owners' requirements may develop that require a different approach to meeting the objective of protecting and enhancing the place's heritage values.

6.2 PRINCIPAL CONSERVATION POLICIES

Policy 6.2.1 Conservation of the setting

The significant aspects, elements and character of the setting, including significant landscape elements, should be conserved.

Policy 6.2.2 Conservation of cultural landscape

The significant cultural landscape values of the site should be retained and conserved in accordance with Section 4.6.

Guideline

The site's significant cultural landscape values are those representing the stages of its history as identified in Section 2.0.

Policy 6.2.3 Conservation of visual significance

Future changes to fabric, form and associated structural elements should respect the visual significance and architectural integrity of the building, and respond accordingly.

Policy 6.2.4 Conservation of views

Views graded as having High significance should be retained. Views graded as having Moderate significance can be modified in the context of adaptive reuse. Views graded as having Little significance need not be retained.

Policy 6.2.5 Changes of use

Conservation of the site should be in the form of on-going or new compatible uses for the site, which respect the scale, form and internal configuration of the heritage building, with minimal changes to the structure, significant fabric or spaces and the external envelope. The change of use should have no adverse heritage impact on the subject site.

Where a development application seeks approval in part under Section 5.10(10) of the *Hornsby LEP 2013*, the proposal must be shown to be capable of meeting all requirements of that section.

Policy 6.2.6 Focus of change

In general, any changes should be focused on site elements which provide a lesser contribution to the site's overall significance and are therefore less sensitive to change.

Policy 6.2.7 New structures

The design and siting of any new structures on the site should respect the visual presence of the building and the character and significance of site features as identified in Section 4.6.

Policy 6.2.8 Changes to former bank building

Any changes to the significant fabric, form and internal spaces of the former bank building should respect its identified significance and, insofar as possible, be reversible.

Guideline

The addition of a new element is fully reversible if, upon its removal, no trace of its presence remains.

Policy 6.2.9 Subdivision

The existing lot can be subdivided provided that the entire retained former bank building and garage remain within one lot.

6.3 APPLICATION OF THE BURRA CHARTER

Background

The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (known as the *Burra Charter*) is widely accepted in Australia as the underlying methodology by which all works to sites/buildings that have been identified as having national, state and regional significance are undertaken.

In order to achieve a consistency in approach and understanding of the meaning of conservation by all those involved, a standardised terminology for conservation processes and related actions should be adopted. The terminology in the *Burra Charter* is a suitable basis for this.

Policy 6.3.1 Conservation methodology

Because the subject site is of demonstrated cultural significance, procedures for managing changes and activities for the site should be in accordance with the recognised conservation methodology of the *Burra Charter*.

Policy 6.3.2 Consistent terminology

The following terms apply to the historic fabric of the site and are included here to assist in understanding the intent of the conservation requirements in this section.

Place means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.

Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.

Fabric means all the physical material of the *place* including elements, fixtures, contents, and objects.

Conservation means all the processes of looking after a *place* so as to retain its *cultural significance*.

Maintenance means the continuous protective care of a *place*, and its *setting*. Maintenance is to be distinguished from repair which involves *restoration* or *reconstruction*.

Preservation means maintaining a *place* in its existing state and retarding deterioration.

Restoration means returning a *place* to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.

Reconstruction means returning a *place* to a known earlier state and is distinguished from *restoration* by the introduction of new material.

Adaptation means changing a *place* to suit the existing use or a proposed use.

Use means the functions of a *place*, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.

Compatible use means a *use* which respects the *cultural significance* of a *place*. Such a use involves no, or minimal, impact on cultural significance.

Setting means the immediate and extended environment of a *place* that is part of or contributes to its *cultural significance* and distinctive character.

Related place means a *place* that contributes to the *cultural significance* of another place.

Related object means an object that contributes to the *cultural significance* of a *place* but is not at the place.

Associations means the connections that exist between people and a *place*.

Meanings denote what a *place* signifies, indicates, evokes or expresses to people.

Interpretation means all the ways of presenting the *cultural significance* of a *place*.

6.4 PRINCIPLES FOR REUSE

Policy 6.4.1 Respect

During preparation of schemes for future uses for the building, care should be taken to respect the scale and character of the former bank building.

Policy 6.4.2 Loose fit

New uses for internal spaces should adopt the principle of 'loose fit': the functional and spatial requirements of each use should be tailored to suit the available space, rather than the building being altered to suit the new use.

Policy 6.4.3 New divisions

Internal divisions are permissible, provided that they are reversible and do not read on the external facades or obscure any significant elements such as windows openings, or views from those windows.

Policy 6.4.4 New services

Location and visual presentation of new services within the building should generally remain subservient and respectful to the scale, dignity and presentation of the existing building.

6.5 TREATMENT OF BUILDING ELEMENTS**Policy 6.5.1 Focusing of change**

In general, future changes should be focused on areas or components which provide a lesser contribution to the overall significance and are, therefore, less sensitive to change.

Policy 6.5.2 Elements of High significance

Any work which affects fabric, spaces or relationships with a High assessed heritage value should be confined to preservation, restoration, reconstruction and adaptation as defined in *The Burra Charter* and should be carefully maintained.

Guideline

It is recognised that in a context of adaptive reuse, this principle will need to be balanced with contemporary expectations regarding functionality and amenity. The loss of small amounts of High-significance fabric may be acceptable depending on its location, visibility, rarity, etc.

Policy 6.5.3 Elements of Moderate significance

In relation to elements of Moderate significance the principles of *The Burra Charter* should be followed as above; work involving the reduction (or even the removal) of a particular element may be an acceptable option where it is necessary for the proper function of the place and is beneficial to, or does not reduce, the overall significance of the place.

Policy 6.5.4 Elements of Little significance

Elements of Little assessed heritage value do not intrude on the place in a way that reduces significance. Both retention and removal are acceptable options.

Policy 6.5.5 Intrusive elements

Intrusive elements reduce the overall significance of the place, despite their role as illustrations of continuing use. The preferred long-term option is for their removal and conversion to a compatible form of replacement in a way which helps retain the significance of the overall item.

Policy 6.5.6 Repair of damage

Where possible, damage or scarring caused by earlier fit-outs or service installations should be repaired to match the original and original fabric reinstated.

Policy 6.5.7 Removal of elements

Where elements graded as Intrusive or as having Little significance are removed, care must be taken to ensure that there is no adverse impact on any elements or fabric of Moderate or High significance.

Policy 6.5.8 Reconstruction

In order to reinstate or reconstruct parts of the building, sufficient information must be available to guide the design and documentation of the work. Such information includes documentary evidence, archaeological material and evidence held within the fabric of adjacent components. Reinstatement of missing fabric, or detailing known to be consistent with such traditional beginnings, or reconstruction should only take place within the context of retention of cultural significance of a particular element and of the building.

Reinstated or reconstructed fabric should be 'date stamped' in discreet ways, to indicate that the work is of this nature.

Policy 6.5.9 Defective practices

While reconstruction or reinstatement should return an element to a known earlier state, building practices or construction details which are known to be defective should not be adopted.

6.6 EXTERIOR ELEMENTS**Policy 6.6.1 Roof structure**

Where repairs to the building are required, the roof framing should be retained where possible.

Policy 6.6.2 Roofing material

The Marseilles roof tiles should be retained. Where replacement is required this should be on a like-for-like basis.

Policy 6.6.3 Walls

The existing face brickwork on original external facades of the building should be retained and repaired where necessary.

Original face brickwork must not be painted, rendered or coated. Walls should be kept free of potentially invasive vegetation.

Policy 6.6.4 Openings

All existing original doorways and window openings should be retained and neither enlarged, reduced or infilled.

The original front doorway in the south-east facade should remain as an active entrance.

Policy 6.6.5 Fenestration

The existing original fenestration, including original timber windows, frames, etc, should be retained and repaired where required.

Policy 6.6.6 Unsympathetic elements

Unsympathetic elements should, as opportunities arise, be removed or, if necessary, replaced with carefully placed sympathetic elements.

Guideline

This includes the existing tenancy signage, which is graded as Intrusive. Alternative forms and locations of signage should be considered.

6.7 INTERIOR ELEMENTS**Policy 6.7.1 Internal walls**

Original internal walls should be retained insofar as possible in the context of adaptive reuse.

Guideline

It is recognised that in a context of adaptive reuse of a commercial property, this principle will need to be balanced with contemporary expectations regarding functionality and amenity. The loss of small amounts of High-significance fabric may be acceptable depending on its location, visibility, rarity, etc.

Policy 6.7.2 Flooring

Non-original floor finishes in the building can be replaced by more sympathetic finishes if the opportunity arises. Any extant timber floorboards should be retained and conserved.

Policy 6.7.3 Timber joinery

Significant timber joinery, including first floor doors, transom sashes, door and window frames, architraves, skirting, picture rails and cupboards, should be retained.

6.8 PRINCIPLES FOR DESIGN OF NEW ELEMENTS**Policy 6.8.1 Avoidance of mimicry**

New elements should not attempt to replicate or mimic original features. They should be of a contemporary design and character but remain respectful of the character of the old, in accordance with Article 22.2 of *The Burra Charter*.

Guideline

It is recognised that within the first floor apartment, if adapted and refurbished, this principle will need to be balanced with market expectations regarding amenity and attractiveness, and that it may be preferable to maintain the significant character throughout.

Policy 6.8.2 New structural elements

Any required new structural members should be introduced so that they are visually unobtrusive and that the intervention into significant fabric is minimised.

Policy 6.8.3 New buildings

New buildings should be located at the rear of the site, visually separated from the former bank building, and sympathetic to and respectful of it in terms of scale, height, form and materiality.

Policy 6.8.4 Vertical additions

No vertical additions should be made.

Policy 6.8.5 Connections to the building

Where new structures are required to be physically connected with the subject building, adaptation should occur in modified areas of the building.

Links between old and new structures should be low level and of light construction.

6.9 SERVICES**Policy 6.9.1 Removal of services**

Redundant services should be removed carefully to avoid damaging original fabric.

Policy 6.9.2 New services

The location and visual presentation of new services within the building should generally remain subservient and sympathetic to the original design intent, scale, dignity and presentation of the existing buildings.

Policy 6.9.3 Physical and visual impact

Where new services or upgrading of existing services are required (ventilation, fire, electrical, data and plumbing), these should be introduced discreetly in areas of lesser significance to avoid damage to significant fabric and avoid visual impact on significant spaces.

Policy 6.9.4 Air conditioning

New mechanical ventilation or air conditioning units should be situated so as to minimise impact on views to the building. Intrusion into significant fabric should be minimised in the installation of any new air conditioning services.

6.10 COLOUR**Policy 6.10.1 Exterior colours**

Original face brickwork must not be painted or rendered. Future colour schemes for other fabric should be based on schemes shown in historical evidence or commonly used on buildings of this period. Exact period colours need not be used; rather, hierarchies and tonalities should refer to those of the period.

Guideline

A typical colour hierarchy might be: light colour for walls, medium colour for decorative features, dark colours for doors, windows and other 'trim'.

Policy 6.10.2 Internal colours

In residential or commercial buildings, internal colour schemes need not conform to period schemes.

Policy 6.10.3 Approval of colour schemes

Proposed exterior colour schemes should be approved by a suitably experienced Heritage Consultant and the consent authority before implementation.

6.11 CODE COMPLIANCE**Policy 6.11.1 Necessary impacts**

If original or early architectural elements have to be removed or concealed in order to achieve code compliance, then the appropriate approach should be one of 'reversibility'.

Guideline

For example, if original or early elements must be removed in order to comply with fire regulations, the original elements should be stored and protected for possible future reinstatement. Where such elements must be concealed, for example by fire-rated ceilings or boxing in, the concealment should be reversible.

6.12 ACCESS

An objective of the *Disability (Access to Premises - Buildings) Standard 2010*, made under the *Commonwealth Disability Discrimination Act 1992 (DDA)* is 'to ensure that dignified, equitable, cost-effective and reasonably achievable access to buildings, and facilities and services within the building, is provided for people with a disability'. However, if strict adherence to the provisions of the *DDA* is likely to have an adverse heritage impact on significant fabric, this may be considered unjustifiable hardship under the terms of the Act. In such cases expert consultancy advice should be sought to investigate alternative compliance provisions.

Policy 6.12.1 Compliance with CMP

Any changes to the site required to improve public access should also be made in accordance with the other policies in this CMP.

Policy 6.12.2 Adverse heritage impacts

Where compliance with the *DDA* is likely to have an adverse heritage impact on significant fabric, formal advice on alternative means of compliance should be sought from expert access consultants.

6.13 SIGNAGE

Two types of signage can be distinguished: building identification signage and business identification signage.

Policy 6.13.1 Reinstatement of original signage

Any original signage which may remain should be exposed. Original (c.1938) building identification signage of whose location and character there is evidence should be uncovered, reinstated or reconstructed as the opportunity arises.

Guideline

In this instance this consists of signage referring to the Bank of NSW and/or the Pennant Hills Branch (see Figure 2.9). Such signage may be painted so as to be visually recessive and avoid the impression from Pennant Hills Road that the building still has its original use.

Policy 6.13.2 Visibility and legibility

New business identification signage should not obstruct the visibility or legibility, or be unsympathetic to the form, character or materiality, of the original building and its significant features, including original signage.

There should be no more signs than necessary, and no signs larger than necessary, to readily identify the location of the business.

Policy 6.13.3 Protection of fabric

Care should be taken to ensure that any new signage is designed and installed in such a way as to avoid damage to significant fabric.

New signage should be designed to be as reversible as possible.

Guideline

The addition of a new element is fully reversible if, upon its removal, no trace of its presence remains.

6.14 INTERPRETATION**Policy 6.14.1 Interpretation**

An interpretation plan should be created and implemented which conveys understanding of the history and significance of the site to residents and users of, and visitors to, the site.

6.15 HERITAGE CONSERVATION AND MAINTENANCE**Policy 6.15.1 Schedule of Conservation Works**

Development applications involving significant works should be accompanied by a Schedule of Conservation Works prepared by a suitably qualified heritage consultant. The Schedule should provide detailed guidance on addressing:

- Identified existing or potential maintenance and repair issues relating to significant fabric or spaces;
- Potential heritage enhancements; and
- Implementation of proposed changes and works generally, including methodologies for treating different fabric types.

Guideline

Given the small scale of the building a staged Schedule of Conservation Works would only be required for large scale alterations and additions to the former bank building.

Policy 6.15.2 Appropriate skills and experience

The approach to the conservation of the historic building fabric should be based on a respect for the existing significant fabric. Competent direction and supervision should be maintained at all stages.

Any maintenance or conservation work should be implemented by professionals and/or tradespeople with appropriate conservation experience and knowledge of traditional building skills.

Where any significant fabric or spaces are to be disturbed, the advice of a Heritage Consultant is to be sought and implemented.

Policy 6.15.3 Heritage maintenance schedule

To ensure the on-going conservation of significant building fabric, a regular maintenance schedule should be implemented. Regular inspections should be carried out and remedial action taken to minimise deterioration of building fabric due to the effects of weathering and use.

In addition to regular maintenance activities, prompt preventative action and repair should be taken as necessary.

The Heritage Maintenance Schedule should be reviewed and updated every five years to coincide with a review of the Conservation Plan, or prior to major programs of upgrading or reuse.

No maintenance or repair work should negatively impact on the significance of the fabric.

Guideline

A recommended Heritage Maintenance Schedule is included as an Appendix to this CMP.

6.16 REVIEW OF THE CONSERVATION MANAGEMENT PLAN

This CMP proposes a framework for the ongoing use and maintenance of the building. However, circumstances will change over the years as various recommendations are implemented and new user requirements emerge. Conservation Policies need to progressively respond to changing situations if they are to remain relevant.

Policy 6.16.1 Review of conservation policies

Conservation Policies should be reviewed every ten years or whenever a major upgrade of the building is considered.

Guidelines

Reviews of the Conservation Policies should be based on *The Burra Charter* and other guidelines provided by Heritage NSW.

Reviews should also take into account any other relevant legislation, planning framework, appropriate literature and widely recognised conservation practices and procedures. They should be undertaken by experienced conservation practitioners, in conjunction with relevant ownership and management representatives.

7.0

IMPLEMENTING THE PLAN

7.1 INTRODUCTION

This *Conservation Management Plan* has been prepared to provide guidelines for the on-going use and conservation of the former Bank of New South Wales site at 370 Pennant Hills Road, Pennant Hills, and to ensure that the heritage value of the place is maintained and enhanced.

This section sets out implementation guidelines for the policies.

7.2 MANAGEMENT PRINCIPLES

The current owners are to:

- Review and adopt this Conservation Management Plan (CMP).
- Ensure funding for recurrent long-term maintenance.

7.3 OBTAINING DEVELOPMENT CONSENT

Any development proposals for this site must be referred to Hornsby Shire Council for approval. No works may commence unless either:

- consent is granted following submission of a development application (DA); or
- an exemption from consent is obtained under Section 5.10 (3) of the HLEP.

7.4 HERITAGE MAINTENANCE SCHEDULE

The Heritage Maintenance Schedule, included as an appendix to this report, refers to cyclical maintenance works to fabric that should be implemented by the owner as part of the process of on-going management of the site.

A record of when this work is performed, and any faults discovered or repairs made, should be recorded and kept separately alongside a copy of the maintenance schedule. Such documentation will prove useful for any Heritage Consultant involved in future works to the site.

8.0

BIBLIOGRAPHY

ARCHIVAL SOURCES

Hornsby Shire Council Archives
NSW Land Registry Services

National Library of Australia
State Library of NSW

Westpac Archives

PUBLICATIONS

Apperly R, Irving R, Reynolds P, *A Pictorial Guide to Identifying Australian Architecture Styles and Terms from 1788 to the Present*, NSW, Angus & Robertson, 2002

Edwards, Zeny, and Rowlands, Joan, "Killara", Dictionary of Sydney, <http://dictionaryofsydney.org/entry/killara>

Funding Universe, 'Westpac Banking Corporation History', <http://www.fundinguniverse.com/company-histories/westpac-banking-corporation-history/>

Hornsby Shire Council, *Hornsby Development Control Plan 2013*

Hornsby Shire Council, *Hornsby Local Environmental Plan 2013*

ICOMOS Australia, *The Burra Charter: The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter)*, Australia ICOMOS, 2013

Ku-ring-gai Historical Society, "Killara", <http://www.khs.org.au/local/killara.html>

Mayne-Wilson W, *Heritage Curtilages*, NSW Heritage Office and the Department of Urban Affairs and Planning, NSW, 1996

NSW Heritage Office and Department of Infrastructure Planning and Natural Resources, *NSW Heritage Manual*, Sydney, 2001

NBRS+Partners, *Statement of Heritage Impact, Former Westpac Bank*, December 2013

Oloff, Lorna, *There Must Be A River: A History of Hornsby Shire*, Oloff Publishing, Sydney 1975

Proudfoot, Helen, "Heritage Study Part 1" (1987), *The Historian*, vol.43 no. 1, December 2014

Witham, Charles, "The Lane Cove Road" (1928), *The Historian*, vol.43 no. 1, December 2014

WEBSITES

Australian Royalty, *Australian Royalty*, <https://australianroyalty.net.au>

Hornsby Shire Council History Resources, <https://www.hornsby.nsw.gov.au/library/catalogues-and-resources/local-history/history-resources>

National Library of Australia, <http://trove.nla.gov.au>

NSW Government Legislation, www.legislation.nsw.gov.au

NSW Spatial Services, SIX Maps, <https://maps.six.nsw.gov.au/>

NSW Heritage Inventory, <https://www.hms.heritage.nsw.gov.au/App/Item/SearchHeritageItems>

State Library of NSW, <https://search.sl.nsw.gov.au/>

APPENDIX 1: HERITAGE MAINTENANCE SCHEDULE

Note: This Schedule refers only to fabric graded in the CMP as having High or Moderate heritage significance.

Building Element	Yearly	Every 5 Years	Every 10 Years
OVERALL BUILDING	Monitor condition General Cleaning Pest Inspection	Check security and general safety	Undertake structural inspection
EXTERIOR			
FACADE Brickwork Concrete lintels and decorative parapet elements Mortar	Remove vegetation Check for and remove insect or vermin nests etc Repair or replace broken elements on like for like basis	Clean and inspect Audit water-tightness and undertake repairs as necessary	
ROOFING Clay tiles Ridge caps Flashing	Inspect Repair as required		Replace as necessary with materials to match existing/original
STORMWATER SYSTEM Down pipes Gutters Valleys Rainwater heads	Monitor, clean and repair as required		Replace as necessary
TIMBER ELEMENTS Eaves linings	Inspect Repair as required	Repaint	Repair/replace as necessary with materials to match existing
WINDOWS Wooden joinery, metal hardware and glazing	Inspect Repair as required by preserving and reconstructing with materials to match the existing profiles	Undertake repairs and paint as necessary	Repair as necessary with materials to match original/existing

Building Element	Yearly	Every 5 Years	Every 10 Years
INTERIOR			
FIRST FLOOR JOINERY	Inspect	Repaint	Undertake structural inspection
2 and 3 panel timber doors			
Transom sashes	Repair as required		
Architraves, window sills, skirting, picture rails	by preserving and reconstructing with timber materials to match the existing profiles		Revise and implement Schedule of Conservation Works to preserve integrity
GROUND FLOOR JOINERY			
3 panels timber doors			
Architraves and sill to north-east window in room G8			
INTERNAL WALLS	Monitor wear	Repaint as required	
Plaster	Repair as required by patching/ replace in the traditional manner to match the original		

ATTACHMENT 1 - ITEM 8

APPENDIX 2: 1963 DRAWINGS

These low-resolution images are sourced from the 2013 Heritage Impact Statement by NBRS+Partners. The original images or drawings by Spencer Hanson & Partners, dated 1963, are held by the Westpac Archives but could not be accessed by their archivist due to the Covid pandemic.

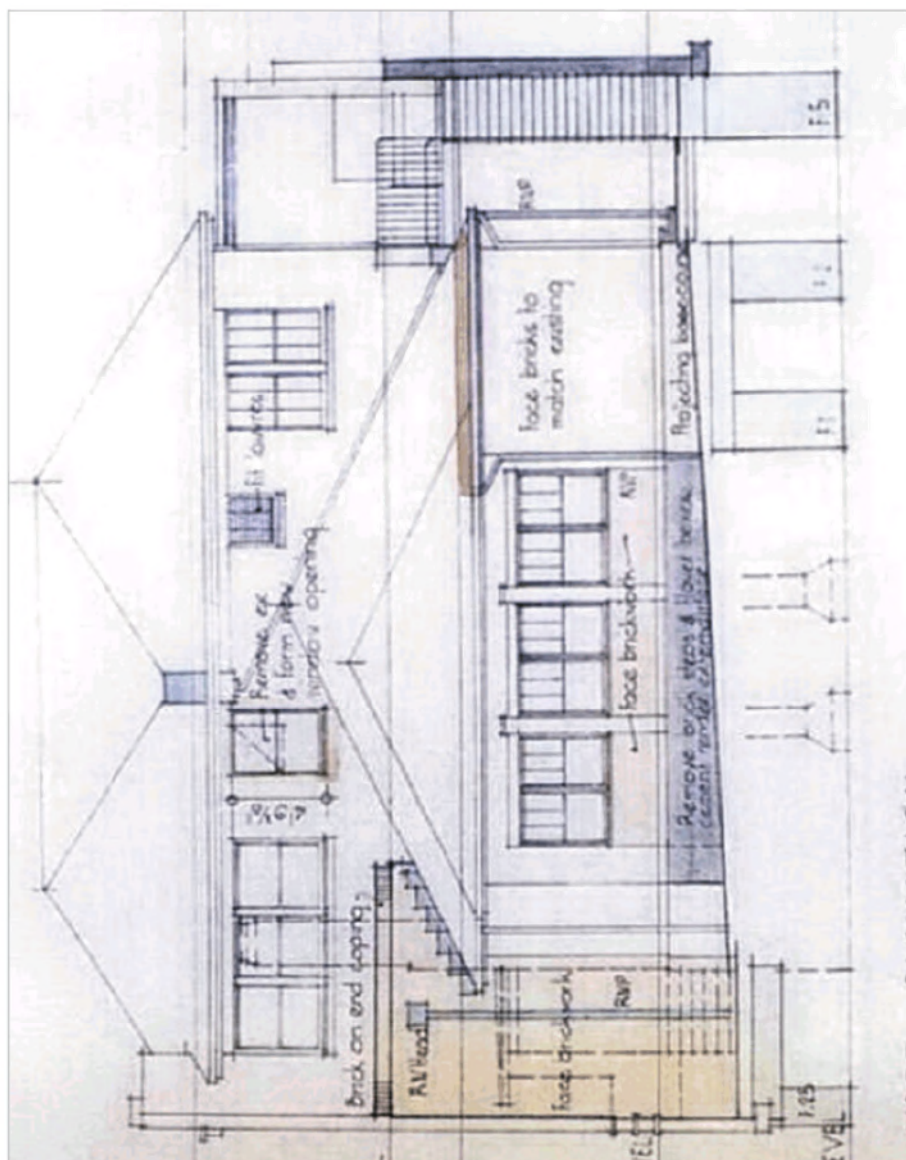


Figure A2.1
North-west elevation showing alterations and additions



Figure A2.2
South-west elevation showing addition of strongroom, two staircases and stairwell wall

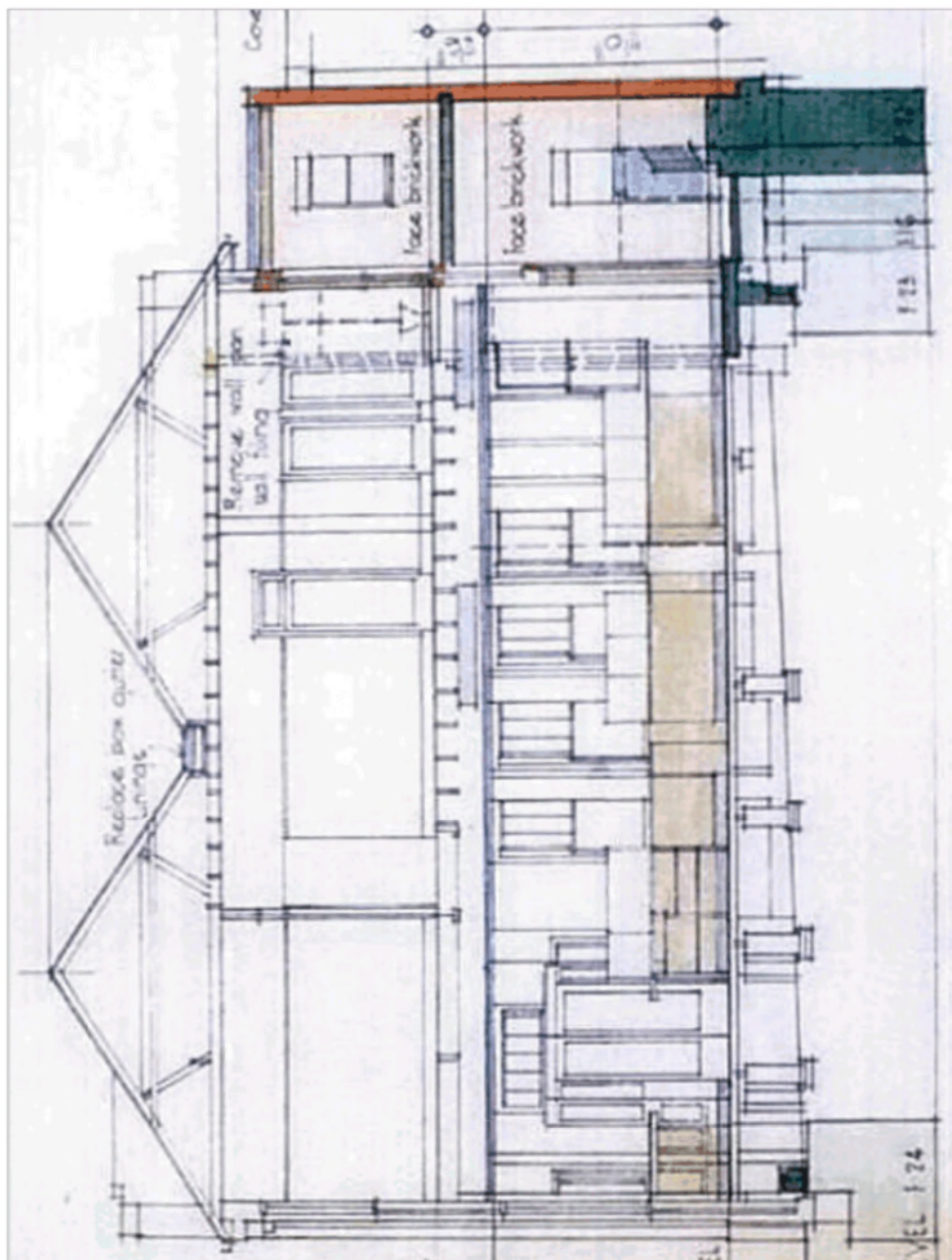


Figure A2.3
Section parallel to north-west elevation, showing steel and timber first floor structure

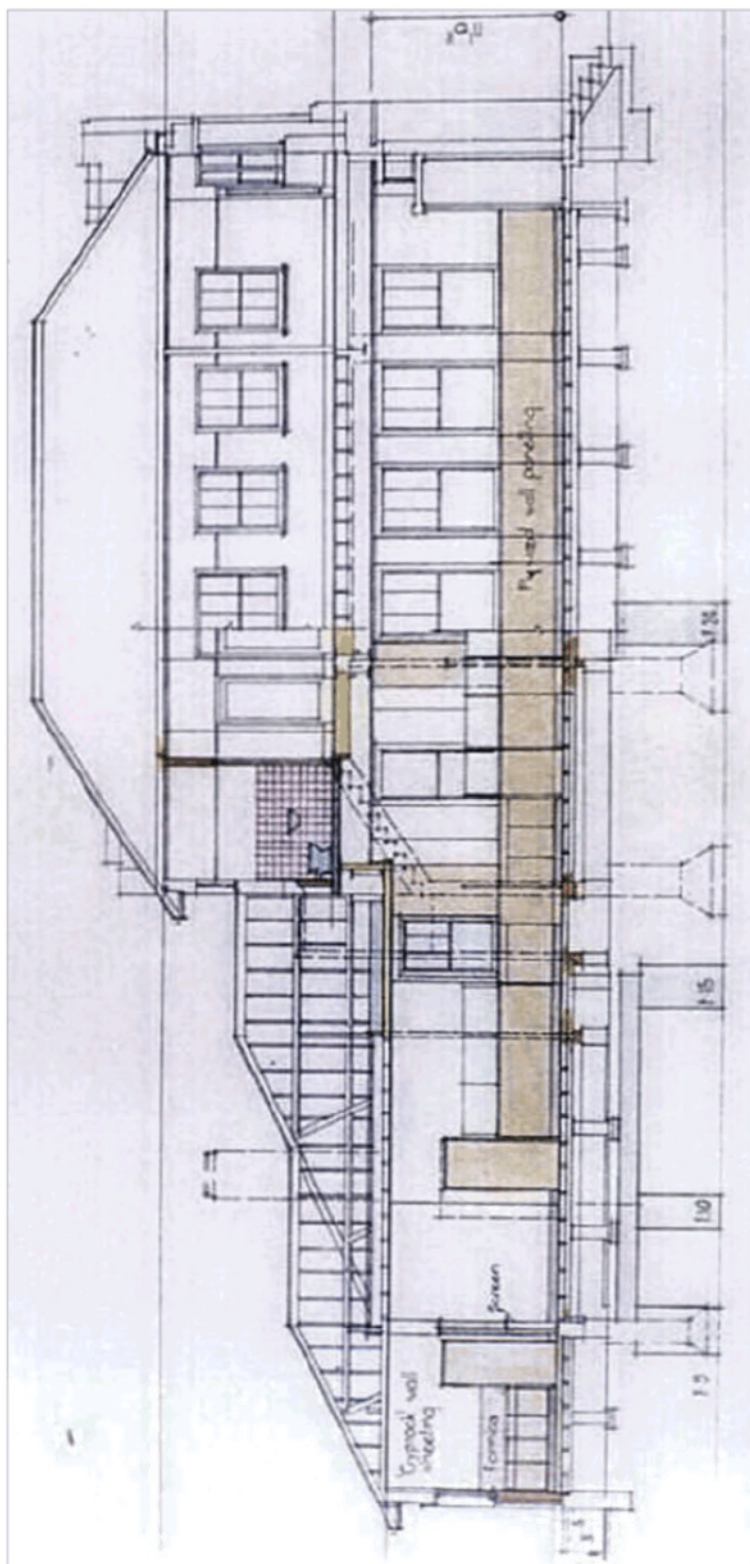


Figure A2.4
Section parallel to north-east elevation

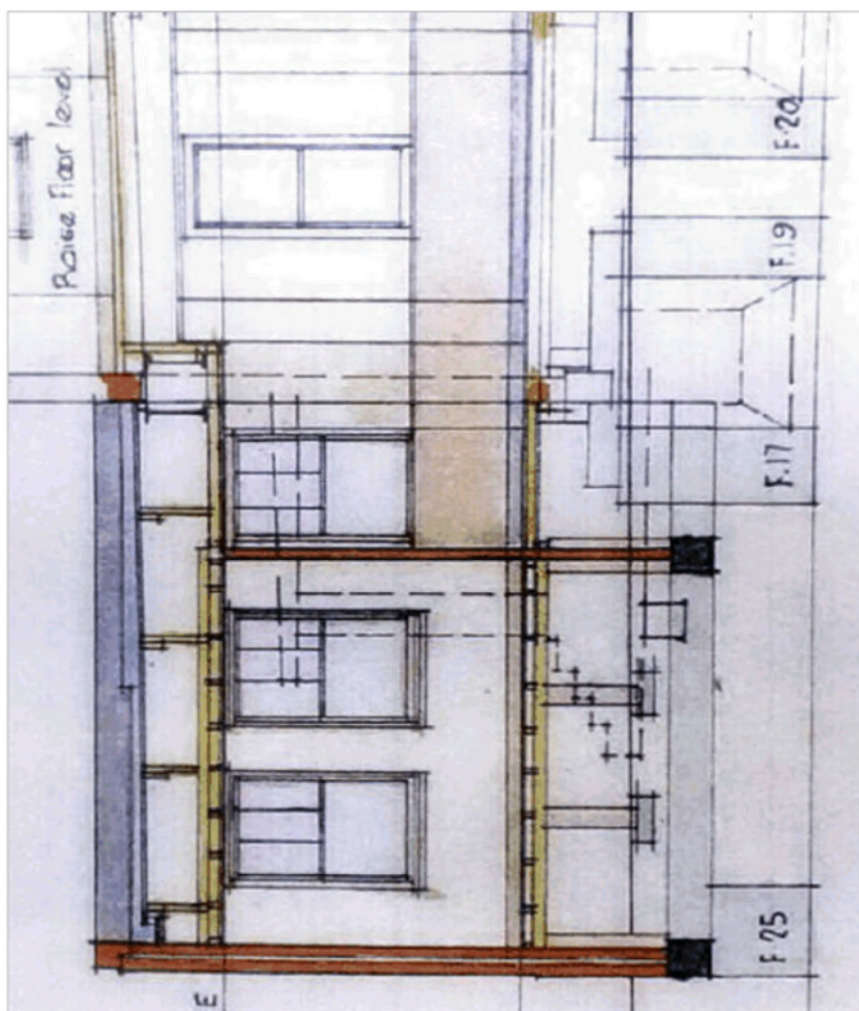


Figure A2.5
Section through new manager's office

LPP Report No. LPP65/22

Local Planning Panel

Date of Meeting: 30/11/2022

9 DA/667/2022 - MIXED USE DEVELOPMENT COMPRISING SHOP TOP HOUSING AND RESIDENTIAL FLAT BUILDING - 370 PENNANT HILLS ROAD, PENNANT HILLS

EXECUTIVE SUMMARY**DA No:** DA/667/2022 (Lodged on 28 June 2022)**Description:** Demolition of the rear addition and garage and construction of a mixed use development comprising shop top housing and residential flat building with 7 residential apartments and 2 commercial tenancies**Property:** Pt Lot 23 DP 11134, No. 370 Pennant Hills Road, Pennant Hills**Applicant:** The Trustee for the Omni Unit Trust**Owner:** Omni Office Products Pty Ltd**Estimated Value:** \$4,574,696**Ward:** B Ward

- The application involves the demolition of the rear addition and garage and construction of a mixed-use development comprising shop top housing and residential flat building.
- No submissions have been received in respect of the application.
- The application is required to be determined by the Hornsby 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 Development Application No. DA/667/2022 for the demolition of the rear addition and garage and construction of a mixed-use development comprising shop top housing and residential flat building at Pt Lot 23 DP 11134, No. 370 Pennant Hills Road, Pennant Hills be approved subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP65/22.

BACKGROUND

On 7 July 2004, Council approved DA/2443/2003 for the change of use of the existing building for kitchen showroom and signage (heritage item). Subsequent modification applications were approved for signage and to allow trading on Sundays. The approved operating hours are as follows:

Monday to Friday	8:30am to 5:30pm
Saturdays	8:30am to 5:00pm
Sundays	10:00am to 5:00pm

On 15 May 2007, Council approved DA/199/2007 for the change of use of the second tenancy to an educational establishment (music tuition). The approved operating hours are:

Monday to Friday	8:00am to 9:00pm
Saturday and Sunday	8:00am to 6:00pm

On 26 August 2014, Council approved Development Application No. DA/1430/2013 for alterations and additions to the existing commercial building (heritage item) for shop-top housing comprising 4 units and strata subdivision. Of relevance to the subject application (DA/667/2022), Council approved the development with a shortfall of 6 on-site parking spaces upon the findings of a street parking survey which demonstrated adequate on-street car parking and public carpark spaces was available for the commercial use.

On 12 August 2021, Council held a pre-lodgement meeting with the applicant (PL/73/2021) to discuss the merits of a future development application proposing the demolition of the rear addition and garage and construction of a mixed use development comprising shop top housing and residential flat building.

On 7 March 2022, upon revisions to the architectural plans addressing Council's commentary as part of the pre-lodgement application, the Hornsby Design Excellence Panel (DEP) held a meeting with the applicant to discuss the architectural and urban design elements of the amended proposal pursuant to the Design Excellence provisions under Clause 6.8 of the HLEP.

APPLICATION HISTORY

The applicant submitted the development application on 28 June 2022.

On 21 July 2022, Council sought independent legal advice to corroborate the findings of the applicants own legal advice submitted with the application supporting the utilisation of Clause 5.10(10) of the Hornsby Local Environmental Plan 2013 (HLEP) regarding land use permissibility. On 25 August 2022, Council received its independent legal advice to support the use of Clause 5.10(10) of the HLEP.

On 3 August 2022, Council's DEP held a meeting with the applicant to discuss the architectural and urban design elements of the proposal.

Following the completion of the Panel's assessment, and Council's preliminary review, a request for additional information and amended plans was sent to the applicant on 17 August 2022. The request sought changes in relation to:

- Design Excellence Matters, including boundary setbacks, building separation, landscaping, communal open space size and passive surveillance;
- Streetscape impacts relating to the fire hydrant utilities required under the BCA;

- Further detail regarding the contamination sampling on site, to demonstrate compliance with the requirements of State Environmental Planning Policy No. 55 Remediation of Land; and
- The submission of a Preliminary Construction Management Plan to address traffic impacts during construction.

On 29 August 2022, Council requested the submission of additional information in the form of an amended Traffic Report and the provision of a street parking survey to determine whether the on-site parking shortfall would be appropriate under the circumstances.

On 5 September 2022, Council requested additional hydraulic details to assist Council's assessment of stormwater detention and discharge.

Between 12 July and 4 October 2022, Council received the requested additional information (including Revision 2 of the Architectural Plans).

SITE

The 917m² site is known as 370 Pennant Hills Road, Pennant Hills, being legally described as Pt Lot 23 DP11134.

The site is located at the corner of Pennant Hills Road and Fisher Avenue.

The site is not mapped as bushfire or flood prone and is not burdened by any easements or restrictions.

The site affords a primary frontage of 19m to Pennant Hills Road to the south, a frontage of 50m to Fisher Avenue and a frontage of 8m to an unnamed laneway.

Access to the site is currently facilitated from Fisher Avenue via a driveway crossover leading to the at-grade carpark.

The existing heritage listed building on the site comprises a two storey Bank building designed with regard to the corner site. The building c1938 includes a later single storey rear addition as a bank residence and a free standing garage constructed in 1964. The vacant rear part of the site forms an open bitumen paved car parking area. The ground floor of the building is currently used for a kitchen showroom (Impala Kitchens) accessed at the corner entry. A separate ground floor entry at the Pennant Hills Road frontage includes separate office accommodation. The first floor is used for commercial offices with external stair access at the rear of the building.

The site is listed as local Heritage Item 651 - Former Bank of New South Wales, in Schedule 5 of the HLEP.

The site is located within the B6 Enterprise Corridor zone of the HLEP and identified as part of the Pennant Hills Town Centre.

The Pennant Hills locality along Pennant Hills Road is characterised by commercial and retail uses with low and high density residential development located to the north.

The site is accessible via public transport with the Pennant Hills Railway Station and bus services along Pennant Hills Road, providing connectivity to the surrounding suburbs and the wider region.

PROPOSAL

The application proposes a mixed-use development comprising shop top housing and residential flat building (RFB), summarised as follows:

- Demolition of the rear garage and part of the addition to the heritage building erected circa 1964 and existing hardstand parking at the rear.
- Demolition of part of existing brick fence and freestanding pier and removal of existing gates.
- Construction of mixed use development including shop top housing and RFB development, comprising a total of 7 residential apartments and 2 commercial tenancies as follows:
 - Alterations and additions to heritage building known as Former Bank of New South Wales Building to enable the proposed shop top housing development comprising:
 - Retention of existing commercial Tenancy 1 and Tenancy 2.
 - Internal alterations to the existing commercial tenancies.
 - Repair works to the exterior of the building.
 - Internal alterations to existing heritage building to create a 3 bedroom residential apartment on Level 1 including 2 bathrooms, living and dining rooms.
 - Construction of a 3 storey residential flat building located at the rear of the site comprising:
 - At grade undercover car parking comprising of 8 car parking spaces on ground level.
 - Provision of 3 bedroom, 2 bedroom and 1 bedroom units on Level 1 and 2 with a total of 6 units fronting Fisher Avenue.
 - Each unit includes living area, dining area, bathroom, kitchen and a balcony.
- Associated landscaping and communal open space areas.
- Associated civil stormwater engineering works including the provision of On-Site Detention (OSD)/rainwater tank.

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 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 B6 Enterprise Corridor under the HLEP. The objectives of the B6 zone are:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*
- *To provide for residential uses, but only as part of a mixed use development*

The proposed development is defined as ‘residential flat building’ and ‘shop top housing’ under the HLEP.

Within the B6 zone the following land uses are permissible with consent: *Business premises; Community facilities; Food and drink premises; Garden centres; Group homes; Hardware and building supplies; Hotel or motel accommodation; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Plant nurseries; Roads; **Shop top housing**; Specialised retail premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Water reticulation systems; Any other development not specified in item 2 or 4*

Within the B6 zone the following are prohibited:

*Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture Research stations; **Residential accommodation**; Resource recovery facilities; Retail premises; Rural industries; Serviced apartments; Sewage treatment plants; Sex services premises; Truck*

depots; Waste disposal facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

The proposed development comprises a mixed-use development including shop top housing and a residential flat building (RFB).

The HLEP provides the following relevant definitions:

mixed use development means a building or place comprising 2 or more different land uses.

shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

*Note— Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.*

It is noted that the residential building at the rear of the site would not meet the definition of shop top housing as ground floor commercial premises or health services is not proposed. The building would be defined as a residential flat building that is provided under the parent definition of residential accommodation which is prohibited within the zone.

Development for the purpose of an RFB is provided the following definition under the HLEP:

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing. *Note— Residential flat buildings are a type of **residential accommodation**—see the definition of that term in this Dictionary.*

Notwithstanding the above, the proposed residential flat building component of the development is submitted to Council as permissible development in accordance with the provisions of Clause 5.10(10) of the HLEP.

- (10) ***Conservation incentives*** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that...

The provisions of Clause 5.10(10) of the HLEP are addressed under Section 2.1.5 of this report.

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 10.5m. The proposal has a maximum height of 11m and does not comply with this provision.

The application seeks to contravene the maximum building height development standard utilising the provisions of Clause 5.6 (architectural roof features) of the HLEP. Section 2.1.4 of this report addresses the proposed contravention under Clause 5.6 of the HLEP.

2.1.3 Floor Space Ratio

Clause 4.4 of the HLEP provides that the maximum floor space ratio (FSR) for a building on the subject site is not to exceed the floor space ratio shown of 1:1.

The subject site has a site area of 916.8m². The proposed development would result in a total Gross Floor Area (GFA) of 907m².

The proposal achieves an FSR of 1:1 and complies with Clause 4.4 of the HLEP.

2.1.4 Architectural Roof Features

An architectural roof feature comprising eyelid windows is proposed which provides a minor exceedance to Clause 4.3 Height of buildings development standard.



Figure 1:

It is noted that the exceedance is limited to the proposed eyelid windows and the predominate built form is below the maximum height of buildings development standard. Figure 1 above showcases the extent of the exceedance.

Clause 5.6 Architectural roof features of the HLEP provides the following objectives in subclause (1):

- (a) *to permit variations to maximum building height standards for roof features of visual interest,*
- (b) *to ensure that roof features are decorative elements and that the majority of the roof is contained within the maximum building height standard.*

The proposed eyelid windows are considered to enhance the visual interest of the building as removing the decorative element will result in a flat roof with no architectural design elements. It is noted that the proposed decorative element cannot be converted into GFA and acts solely as an architectural roof feature.

Accordingly, objective (a) is satisfied as the feature promotes the visual interest of the building. Additionally, objective (b) provides that the roof feature must be a decorative element and that majority of the roof is contained within the maximum building. The proposed development is consistent with this objective, and it is noted that removal of this feature will result in a flat roof form with no articulated design elements. Additionally, as demonstrated in Figure 1 above, the majority of the proposed roof is contained wholly within the maximum building height standard and the exceedance is limited to the proposed eyelid windows.

In light of the above, the proposed development is considered to be an architectural roof feature and consistent with the objectives of Clause 5.6.

In addition to the above, the consent authority must be satisfied the roof feature satisfies the following criteria under Clause 5.6(3) of the HLEP:

- (a) *the architectural roof feature:*
- (i) *comprises a decorative element on the uppermost portion of a building, and*
 - (ii) *is not an advertising structure, and*
 - (iii) *does not include floor space area and is not reasonably capable of modification to include floor space area, and*
 - (iv) *will cause minimal overshadowing, and*
- (b) *any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.*

As outlined above it is considered that the proposed roof feature is a decorative element of the roof as the proposed eyelid windows facilitate articulation to the roof form of the building. Further, the proposed features have been designed to integrate with the roof form whilst being compatible with the streetscape character of Fisher Avenue. Notably, the proposed roof features are set back from the building's façade and will not be visible when viewed from the public domain along Fisher Avenue, which demonstrates that the proposed eyelid windows will not result in any clutter or adverse visual impact. The proposed eyelid windows provide improved amenity to units including cross ventilation for the 1 bedroom units.

The proposed roof feature is considered to provide a better design outcome when compared to a height compliant scenario with a flat roof and no architectural design elements. The proposed development does not result in any additional overshadowing to the east noting that the site adjoins Fisher Avenue and given the minor nature of the departure.

In addition, it is noted that the Design Excellence Panel have advised that *"the Panel does not consider the height of the development to be an issue"*.

The proposed architectural roof feature has satisfactorily addressed the requirements of Clause 5.6 of the HLEP and is considered acceptable.

2.1.5 Heritage Conservation

Clause 5.10 of the HLEP sets out heritage conservation provisions for Hornsby Shire. No. 370 Pennant Hills Road Pennant Hills is listed as local Heritage Item 651 - Former Bank of New South Wales, in Schedule 5 of the HLEP. The heritage listing identifies that the face brick 1940s Post-War Functionalist style Bank building on the site is a rare example of a commercial building in the area and that (in 1993 when the listing was finalised) the building was virtually unaltered. The listing notes a prominent formal entry splay at the corner of the two streets with decorative Art Deco render, original doors and windows and grille over entry skylight.

The area surrounding the subject site is characterised by low low-scale interwar and post-war commercial retail development with some recent high-rise residential and commercial buildings on the opposite side Pennant Hills Road. Fisher Avenue includes part of the local shopping precinct.

The subject site has three street boundaries: Pennant Hills Road, Fisher Avenue, and an unnamed lane to the rear. The former Bank building covers the southern half of the site at the corner of Pennant Hills Road and Fisher Avenue. To its rear are a freestanding garage and a bitumen-paved carpark. Views to the site are primarily from the east along Pennant Hills Road.

The ground floor banking chamber of the Bank building has been extensively altered for commercial tenancies and no original interior elements or fabric of the previous banking use remain. While some exterior alterations and additions are also evident, all the buildings on the subject site are of red face brick and tile and similar mid/post-war Georgian Revival, functionalist style. An original low brick boundary fence extends from the rear of the front section of the former Bank building to the original driveway off Fisher Avenue. Together, all elements on the site can readily be seen from the public domain as related parts of an early to mid-twentieth century suburban commercial/ residential complex.

The subject is not in the vicinity of other heritage items and is not in a Heritage Conservation Area.

The application has been supported by the following documents which were considered in the heritage assessment detailed below:

- Amended Schedule of Conservation Works prepared by GBA Heritage dated 8 July 2022 (Issue D).
- Amended Statement of Heritage Impact prepared by GBA Heritage dated 8 July 2022 (Issue C).
- Amended Conservation Management Plan (CMP) prepared by GBA Heritage dated 8 July 2022 (Issue D).
- Supplementary Statement of Heritage Impact prepared by GBA Heritage dated 20 September 2022.

2.1.5.1 Heritage Incentives - HLEP Clause 5.10(10)

The application relies on HLEP Clause 5.10(10) to allow the proposed rear stand-alone residential flat building, a non-permitted use in the B6 zone. The clause is a heritage incentive that permits development that is not otherwise allowed by the HLEP, if the development will facilitate the conservation of a heritage item on the relevant land and meet other specified requirements. The clause provides that the consent authority may grant consent to development that is otherwise prohibited if it is satisfied that the proposed development meets all subclauses of Clause 5.10(10) of the HLEP, as follows:

- (a) *the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) *the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) *the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) *the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) *the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

Comment: An assessment of the submitted conservation management document for the purpose of addressing the heritage management document is provided as a separate report LPP72/2022 for the purposes of satisfying Clause 5(10)(10) of the HLEP. This report assumes that the consent authority,

Hornsby Local Planning Panel has approved the heritage management document prior to determining this development application in accordance with Clause 5(10)(10)(b).

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 proposed development would require excavation to a maximum depth of 1m to facilitate the provision of a level building platform beneath the residential flat building. The scale of the proposed earthworks is considered minor and commensurate to the scale of the proposed building works.

A condition has been recommended under Schedule 1 requiring that all excavated material removed from the site 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.

The proposed earthworks would not detrimentally impact the surrounding natural and built environment with regard to drainage patterns and soil stability of the locality.

The proposal complies with Clause 6.2(3) of the HLEP and is considered acceptable in this regard.

2.1.7 Design Excellence

Clause 6.8 of the HLEP provides considerations for the delivery of the highest standard of architectural and urban design. The application was referred to Council's Design Excellence Panel (DEP) on 3 August 2022 for review.

The Panel reviewed the proposed development and concluded the following:

The site is narrow, and a large part of the site area is occupied by a heritage item.

On the other hand the site has three street frontages and only one shared boundary. The property is on a main road with bus stops nearby, is within proximity to a train station and public parking area. A Traffic Plan will need to consider the availability of sufficient parking opportunities in the vicinity.

The opportunity to adapt the heritage building and to develop the site as a mixed-use development is generally supported by the Panel subject to the changes recommended throughout this report.

With adjustments to the design of the development recommended in this report, the Panel considers the proposal capable of achieving design excellence.

Some of the key considerations identified by the Panel for the applicant are:

1. The provision and design of communal open space and deep soil areas.
2. Fisher Avenue and Pennant Hills Road entrances.
3. Splayed window orientated towards the rear lane.
4. Improve solar protection to living spaces and bedrooms
5. Public domain improvements.
6. Ecologically Sustainable Development provisions

Council provided the detailed DEP assessment of the proposal to the applicant for consideration and the applicant supplied amended plans and further detail regarding the key considerations outlined above.

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 6 considerations is provided below:

Consideration 1 - The provision of deep soil area and design of communal open space (COS)

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

The deep soil zone (DSZ) has been calculated based on the site area excluding the heritage building existing on the site. It is generally accepted that the 7% requirement is based on to the total site area, not only the part of the site that is to be developed. It should also have a minimum width of 3m for a site of this size. Technically and in principle, the objectives of the DSZ requirement have not been met. Mitigation is required to offset the objectives of the provision of 'deep soil planting' areas. However, given the constraints of the site, the location of the largest portion of the DSZ adjacent to the COS and lobby seems appropriate and should be maximised via permeable paving, WSUD strategies and proportion. If it can be demonstrated that the DSZ is this location benefits the COS and allows the inclusion of several medium - large canopy trees it not meeting the ADG seems acceptable.

Similar to the DSZ the COS has been calculated based on the site area excluding the heritage building existing on the site. It is generally accepted that the 25% requirement is based on the total site area, not only the part of the site that is to be developed. Only 10% of the site has been provided as COS, of which a large proportion is circulation space. However, POS in the form of balconies is provided that is larger than the required minimums and, given the small unit numbers, this goes some way to alleviating the lack of COS. The site constraints themselves logically lend themselves to providing COS where it has been proposed however also result in a narrow slot between the heritage and proposed built form. The resultant COS therefore acts as both entry landscape and usable space creating the potential for conflict by not separating the usable COS from the path of travel. It still appears that the removal of one unit to provide COS on L2 could be explored and would allow the scheme to become compliant. Further to this, there are a series of rooms at the rear of the heritage building, directly adjacent to the COS that could be incorporated for communal use. While achieving the ADG's requirement of 25% may be difficult, a greater amount of COS, with a more appropriate layout, and with ADG compliant solar access, must be provided.

The applicant provided amended plans that adequately address the concerns of the panel and no objections are raised to the communal open space design and the calculation of the COS and DSZ which are discussed in the body of this report.

Consideration 2 - Fisher Avenue and Pennant Hills Road entrances

With regard to Consideration 2, the DEP provided the following comments:

The Panel is generally satisfied with the proposed entrances in Fisher Avenue and Pennant Hills Road with regard to privacy and security. Further improvements are recommended above to address shortfalls in landscaping and common open space. Any modifications to the entry sequence to maintain clear sightlines from Fisher Avenue towards the main entrance lobby and compliance with CPTED requirements.

The revised plans have resulted in improvements to the COS as discussed above. Furthermore, increased solar access is provided to the area and the development continues to maintain compliance with Crime Prevention Through Environmental Design Requirements (CPTED).

Consideration 3 - Splayed window orientated towards the rear lane

With regard to Consideration 3, the DEP provided the following comments:

That consideration be given to a splayed window orientated towards the rear lane for south facing bedrooms to address privacy issues and the non-compliance with separation requirements under the ADG.

The splayed window has been explored by the applicant and, on balance, does not provide increased daylight access in comparison to the proposed design. Additionally, splay windows would require Automatic Fire Shutters which are not considered commensurate with the proposed design of the building.

Consideration 4 - Improve solar protection to living spaces and bedrooms

With regard to Consideration 4, the DEP provided the following comments:

Provide shading to all north, east and west facing windows.

Balconies facing Fisher Avenue are provided with overhangs for solar protection to living spaces and bedrooms are provided with shading and privacy screens. The majority of windows facing north, east and west are proposed with blades to provide solar protection which are small in width.

Consideration 5 - Public domain improvements

With regard to Consideration 5, the DEP provided the following comments:

The proposed lawn in the verge, and between the footpath and development should be replaced with low planting. If parking exists areas of stepping stones may be considered to allow movement across the verge. Lawn is not a good solution as it requires long term maintenance and may impact the health of the trees if poorly maintained (e.g. ringbarking).

Additional planting has been added to the proposed development in the verge which is discussed further in the body of this report.

Consideration 6 - Ecologically Sustainable Development (ESD)

With regard to Consideration 6, the DEP provided the following comments:

Areas for Solar PV's are now shown on the roof plan. No EV charging facilities are indicated on the plans, an A/C condensers only shown for the unit in the heritage building and no ceiling fans are shown for any of the units. These should be included in the DA as recommended previously

EV charging facilities and ceiling fans have been included in the updated architectural plans.

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

State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development (SEPP 65) provides for design principles to improve the design quality of residential flat development and for consistency in planning controls across the State.

SEPP 65 adopts the Apartment Design Guide which prevails in the event of any inconsistency with a Development Control Plan. The Policy includes objectives to meet housing and population targets, affordable housing and to facilitate timely and efficient assessment of development applications. SEPP 65 makes further provision for design review panels; includes additional provisions for the determination of development application 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.

The applicant has submitted a "Design Verification Statement" prepared by a qualified Architect stating how the proposed development achieves the design principles of SEPP 65. An assessment of the proposal against the design quality principles contained within Schedule 1 of SEPP 65 and the submitted design verification statement are addressed in the following table:

SEPP 65 - Schedule 1 Assessment	
Principle	Compliance
1. CONTEXT AND NEIGHBOURHOOD CHARACTER	Yes
<p>Comment:</p> <p>The site is located on the corner of Fisher Ave and Pennant Hills and backs on to a lane. It is an irregular shape 917m² lot, with a gentle fall to the rear. On its corner is a Heritage Listed building formerly a branch of the Bank of NSW, identified as Item 651 in schedule 5 of the HLEP. It is a two storey building of face brick with Marseilles tiles constructed in 1928 in an inter-war Gregorian Revival Style. Pennant Hills Road is a key thoroughfare connecting to northern Sydney and Newcastle. Pennant Hills Station is 400m to its northeast. The surrounding context is mixed with immediate buildings on Pennant Hills Road being 1-2 storey commercial premises, those to the west are residential in nature 5-6 storeys in height and along Fisher some single storey residential dwellings. Opposite is a low rise shopping centre with on grade car parking. The proposal responds to the context, it is well designed to acknowledge the heritage building on the site and being a three storey masonry building it is in keeping with the general surrounds and context.</p>	
2. BUILT FORM AND SCALE	Yes
<p>Comment:</p> <p>The proposed development retains most of the Heritage building with parts of lesser significance being removed. The new 3 storey building is setback from the Heritage Building to provide it with a curtilage and provide light and privacy for the apartments. The ground floor is an on grade carpark which has been designed as part of the building. The new building has a strong architectural expression which compliments the heritage building. It uses a similar toned brick and patterning to the heritage building, it is highly articulated with the use of 'fanned form', curved blades and contrasting balustrades, and uses landscaping on its façade to soften the building. At street level the hit and miss brickwork allow site lines into the carpark, and the planter beds and seat at the entry increase its identity and interest at the street. The new building has a small floor plate with three apartments and</p>	

is 11m in height. The proposal is development that is appropriate to the existing and desired future character of the street.	
3. DENSITY	Yes
<p>Comment:</p> <p>All apartments receive a high level of amenity with apartments being orientated to the north and all but one being cross ventilated.</p> <p>The proposal complies with the 1:1 FSR requirement on the site. 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 and building height (discussed in further detail in the body of this report).</p>	
4. SUSTAINABILITY	Yes
<p>Comment:</p> <p>The lift lobby and corridors have access to daylight and natural ventilation. Additional sustainable initiatives are solar panels on the roof, water efficient fittings, and indigenous planting that require low irrigation, rainwater reuse and all electric appliances.</p> <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 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.</p>	
5. LANDSCAPE	Yes
<p>Comment:</p> <p>Landscaping is integrated into the design. The building itself has planters to the Fisher Street façade with two vertical elements used as climbers for landscaping to grow up the building. Additional street trees have been nominated external to the site to assist the streetscape and provide a pleasant outlook from the apartments. Although there is limited space for communal open space, the area provided is of high quality and is effective. It is co located with the deep soil zone, has a BBQ area and two different seating zones.</p>	
6. AMENITY	Yes
<p>Comment:</p> <p>100% of apartments achieve 2 hours of sunlight in midwinter and 86% of apartments would be cross ventilated.</p> <p>All apartments:</p> <ul style="list-style-type: none"> • Meet the minimum storage requirements, some with the additional of storage in the basement • Have balconies that are larger than the ADG minimum 	

- Have indoor and outdoor spaces with northern aspect

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 AND SECURITY

Yes

Comment:

Apartments are orientated to overlook both streets, as well as the communal open space at ground; hence the public domain and the internal public areas have appropriate means of surveillance. The rear of the property provides an entry from Pennant Hills Rd and is also a servicing path for both the commercial and residential residents to the lane. There is visual surveillance to this area from both the lane and Pennant hills Road. External lighting will be provided to ensure surveillance is maintained during night time.

The design orientates the balconies of individual apartments towards the street, providing passive surveillance of the public domain. 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 will contribute to the neighbourhood in a positive way both socially and economically bringing more people to live in the area and contribute financially to the local businesses by future occupants' needs. The development provides an opportunity for a diverse range of people to form a community, with 1, 2, and 3 bedroom dwellings which reflect different household requirements. A total of 10% of the development is provided as adaptable apartments, and 100% are liveable allowing for further diversity in the community. All common areas are fully accessible and available for use by all residents and their guests.

9. AESTHETICS

Yes

Comment:

The new building has a strong architectural expression which compliments the heritage building, as agreed by the Design Excellence Panel. It was designed to take design cues from the existing building and this was done by:

- Using a similar toned brick (complimenting whilst not copying the Heritage building)
- Using brick patterning used on the heritage building, such as vertically stacked bricks under windows, and vertically stacked window head
- Bond brick datum along the street aligning with that on the heritage building
- Similar solid to opening ratio

The design is highly articulated with the use of 'fanned form', splayed openings for windows, curved blades and contrasting balustrades with pop up skylights to create a visually engaged and modern

building. The uses landscaping on its façade also softens the building. At street level the hit and miss brickwork allow site lines into the carpark, and the planter beds and seat at the entry increase its identity and interest at the street.

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.

2.3 Apartment Design Guide

Amendment No. 3 of SEPP 65 also requires consideration of the Apartment Design Guide (ADG), NSW Department of Planning and Environment 2015. The ADG 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
Communal Open Space (3D-1)	17%	25% of site area	No
Solar Access (Communal open space areas) (3D-1)	<50% direct sunlight for >2 hours	50% direct sunlight access for 2 hours	No
Deep Soil Zone (3E-1)	9.3%	7% of site area	Yes
Building Separation (3F-1)			
- southern side boundary	1.5m – 2m	6m to adjoining commercial buildings	No
- rear boundary	>8.5m	6m to adjoining commercial buildings	Yes
- Internal Separation	15.8m	12m between habitable rooms within buildings on same site	Yes
Car Parking (3J-1)	8 spaces	13 spaces	No
Solar Access (4A-1)			
- Living rooms	3+ hours for 100%	2 hours for Min. 70% units	Yes
- Private open space	4+ hours for 100%	2 hours for Min. 70% units	Yes
No Solar Access allowable for units (4A-1)	0% of Units	15% of units (max)	Yes
Natural Cross Ventilation (4B-	86%	min. 60%	Yes

ITEM 9

3)			
Ceiling Height (4C-1)			
- <i>habitable rooms</i>	2.8m - 2.95m	min. 2.7m	Yes
- <i>non-habitable rooms</i>	2.95m	min. 2.4m	Yes
- <i>Mixed Use Areas</i>	3.3m (ex. building)	min. 3.3m for ground and 1 st floor to promote future flexibility of use	Yes
Minimum Dwelling Size (4D-1)			
- <i>1 Bed units</i>	50m ²	50m ²	Yes
- <i>2 bed units</i>	80m ²	70m ²	Yes
- <i>3 bed units</i>	109m ² - 140m ²	90m ² (+5m ² for additional bathrooms)	Yes
Minimum Window Size (4D-1)	>10% of floor area of room	10% of the floor area of the room	Yes
Habitable Room Depth (4D-2)	>8m	8m from a window (max for open plan) OR 2.5x ceiling height	Yes
Apartment Layouts – Minimum Bedroom Size (4D-3)	Min. 10m ² Min. 9m ²	10m ² min master bedroom size Min 9m ² bedroom size	Yes Yes
Apartment Layouts – Combined Living / Dining Rooms Minimum Width (4D-3)	3.75m 3.95m	3.6m – Studio and 1 bedroom 4m - 2 and 3 bedroom	Yes Yes
Apartment Layouts – Cross Through Apartments (4D-3)	7m	Min 4m width	Yes
Minimum Balcony Size (4E-1)			
- <i>1 Bed units</i>	11m ² / 2.4m	8m ² / 2m depth	Yes
- <i>2 bed units</i>	16m ² / 2.4m	10m ² / 2m depth	Yes
- <i>3 bed units</i>	15m ² / 2.4m	12m ² / 2m depth	Yes
Maximum Number of Units on a Single Level (4F-1)	4 units	Max. 8 units off a circulation core	Yes

Storage (4G-1)			
- 1 Bed units	6m ³	6m ³	Yes
- 2 bed units	10m ³	8m ³	Yes
- 3+ bed units	10.3m ³	10m ³	Yes
- % located within unit	>50%	50%	Yes

ITEM 9

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 size, solar access to the communal open space, southern side boundary setback and on-site car parking provisions. Below is a brief discussion regarding the relevant development controls and best practice guidelines with respect to areas of non-compliance.

2.3.1 Communal Open Space

Objective 3D-1 of the Apartment Design Guide (ADG) is as follows: *“an adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping”*.

The design criteria of 3D-1 of the ADG states that communal open space is to have a minimum area equal to 25% of the site and the development is to 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).

To address concerns raised by Council and the DEP, the proposed development has been appropriately amended to address concerns regarding the provision and design of communal open space and deep soil areas. Greater open space areas and deep soil areas have been achieved by demolishing a 1960's extension to the existing heritage building on the site. As noted within the accompanying Heritage Impact Statement to the DA submission and the supporting Heritage Impact Letter, the demolition of this 'non original portion of the building will have no adverse heritage impact'.

The amendments increase both the communal open space and deep soil provision on the site by 17m² and 11.1m² respectively. The proposed development will achieve the following:

- 108m² (11.8% of the site area) as communal open space
- 85.3m² (9.3% of the site area) deep soil area

The proposed deep soil complies with the benchmark set by the ADG (i.e. 7% of site area) however not all the areas meet the minimum width of 3m. The minor variation to the ADG criteria is considered acceptable for the following reasons:

- The available ground plane is constrained by the existing heritage building and the need to provide car parking at grade as a basement parking is not feasible on the Site given the Site dimensions.
- A large portion of deep soil achieves the 3m minimum width.
- The area including is consolidated in the centre of the Site and co-located with the communal open space contributing to the overall amenity of the development.

- An additional canopy tree has been incorporated in the revised design equating to four (4) canopy trees across the development.

For the reasons provided above and as demonstrated within the accompanying documentation, the proposed amendments to the deep soil provision for the development is considered appropriate and within acceptable limits.

Whilst the communal open space does not achieve the minimum benchmark set by the ADG (i. e. 2 hours access to 50% of the principal usable area), it is considered acceptable for the following reasons:

- Solar access is measured at the Winter Solstice – the ‘worst case scenario’.
- The solar access achieved between 10.00am and 11.00am is below 50%, it still represents a reasonably sized area for all residents of the development to enjoy.

Further, the private open space of each dwelling receives direct solar access at all hours, between 9am-3pm at the Winter Solstice and residents are able to access sun in outdoor areas if desired.

2.3.2 Building Separation

Objective 3F-1 of the ADG is excerpted as follows: *“Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy”*.

The design criteria and design guidance of 3F-1 of the ADG states that the separation distances between residential buildings and commercial buildings is to be a minimum of 6m. The proposed development would be located between 1.5m to 2m to the adjoining commercial building to the south at No. 372 Pennant Hills Road and does not comply with this provision.

Council considers this variation to be within acceptable limits for the following reasons:

- Existing development comprises of commercial development with no anticipated privacy impacts between the buildings.
- Two windows are proposed on the upper levels of the RFB to this elevation including a glazed corridor end and a bedroom window. Additionally, the proposed openings are considered small and would be able to be addressed should redevelopment of the adjoining site occur.

In light of the above, it is considered that the separation to the adjoining property at the southern boundary is within acceptable limits.

2.3.3 On-Site Car Parking

Design Criteria 3J-1 of the ADG states that for development on sites that are within 800m of a railway station in the Sydney Metropolitan Area, the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.

It is noted that the development site is located approximately 300m walking distance from Pennant Hills Railway Station. The RTA’s ‘Guide to Traffic Generating Developments’ stipulates that the applicable parking provisions for the development are 12.5 on-site parking spaces (5.7 commercial & 6.8 residential), while the HDCP generates a demand for 14.7 parking spaces (5.7 commercial & 9 residential). As the ADG states that the lesser parking rate is to be utilised, a minimum of 13 on-site parking spaces are required for the development.

The proposed development includes 8 covered on-site parking spaces within the ground floor level and does not comply with the ADG requirement.

Section 2.9.8 of this report addresses the on-site car parking shortfall.

2.4 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.

2.5 State Environmental Planning Policy (Resilience and Hazards) 2021

The application has been assessed against the requirements of chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021.

2.5.1 Chapter 4 Remediation of Land

Section 4.6 of the Resilience and Hazard SEPP states that 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.

The application was supported by a Detailed Site Investigation (DSI) and a Hazardous Materials Survey prepared by Aargus dated 20 May 2022. The DSI revealed contamination exceeding criteria prescribed by the *National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPM)* and in accordance with the NSW Environment Protection Authority's *Contaminated Sites Guidelines*. Accordingly, Council requested the provision of a Remedial Action Plan (RAP) to address the presence of contamination at the site.

A Remedial Action Plan (RAP) prepared by Aargus dated 21 September 2022 was submitted to Council for review. Council's assessment raised no concerns with regard to site contamination subject to the implementation of the recommended actions of the RAP, summarised as follows:

- Prepare the site with fences, erosion controls, signage and environmental controls.
- An accredited Occupational Hygienist is to prepare an *Asbestos Removal Control Plan* (ARCP) which will outline the requirements for the handling, monitoring and contractor (CLASS B) disposal requirements for the ACM on the site surfaces.
- An asbestos licenced contractor (CLASS B) will be required to remove the ACM fragments and then an occupational hygienist is to provide a clearance certificate prior to any further excavation works within the site.

- Excavate Hotspot BH3, that being the entire proposed landscaping area in the centre of the site, 7m x 3m x 0.3m vertically deep and place into the one stockpile, with an approximate volume of 6.3m³.
- The stockpile (SP1) will be sampled by recovering 3 samples to allow for an appropriate waste classification report to be prepared.

Appropriate conditions have been imposed in Schedule 1 of this report to ensure the implementation of these actions.

2.6 State Environmental Planning Policy (Transport and Infrastructure) 2021

The application has been assessed against the requirements of Division 17 Roads and traffic of State Environmental Planning Policy (Transport and Infrastructure) 2021.

2.6.1 Frontage to a Classified Road

The application is subject to assessment under Section 2.119 of the Transport and Infrastructure SEPP given the proposal has a frontage to a classified road being Pennant Hills Road.

Section 2.119(2) of the Policy states:

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

In regard to Section 2.119(2)(a), vehicle access to the site is facilitated via an entry to the secondary frontage along Fisher Avenue, which satisfies this requirement.

In regard to Section 2.119(2)(b), the application was referred to Transport for NSW (TfNSW) for comment and no concerns were raised with regard to traffic, safety or the ongoing operation of the classified road. In addition, Council's Traffic and Road Safety Team assessed the proposed design and raised no objections to the proposed application subject to the implementation of the submitted Green Travel Plan and that all employees working in the commercial business of the development be advised that full day parking is not provided on-site.

Subject to these conditions, Council is satisfied that the safety, efficiency and operation of the classified road would not be adversely impacted by the proposal.

In regard to Section 2.119(2)(c), the development is appropriately designed and includes measures to ameliorate potential traffic noise and vehicle emissions within the site.

2.6.2 Impact of road noise or vibration on non-road development

The application is subject to assessment under Section 2.120 of the Transport and Infrastructure SEPP given the proposal has the development is adjacent to Pennant Hills Road.

Section 2.120(1) and (3) of the Policy states:

- (1) *This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—*
 - (a) *residential accommodation.*
 - (b) *a place of public worship.*
 - (c) *a hospital.*
 - (d) *an educational establishment or centre-based child care facility.*
- (3) *If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—*
 - (a) *in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am.*
 - (b) *anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

The application has been supported by an Acoustic Report prepared by JHA Services dated 25 May 2022. Section 5 of the submitted Acoustic Report provides a noise impact assessment and recommendations to ensure that noise emissions to and from the development comply with the relevant criteria. The report concludes that the proposed development achieves compliance with appropriate noise criteria in accordance with the relevant guidelines, subject to the implementation of the recommendations under Section 5 of the Acoustic Report, including:

- In order to meet the Transport and Infrastructure SEPP criterion during night-time for the proposed development in the residential unit of the heritage building, the nominated glazing systems shall achieve a sound insulation rating of RW45. Hence, for the windows in bedrooms facing Pennant Hills Road in the residential unit of the heritage building only, it is highly recommended to maintain the size of the airgap and increase the thickness of the internal pane to a minimum of 6.38mm laminated
- The bedroom windows of the residential building shall achieve a minimum sound insulation rating of RW30 to comply with the Transport and Infrastructure SEPP night-time internal noise level criterion. This sound insulation rating can be achieved with a 6.38mm laminated glazing, similar to the proposed glazing in Appendix C of 'Development near Rail Corridors and Busy Roads – Interim Guideline'.
- Waste collection and delivery shall not operate during night-time period i.e. 10pm to 7am.

Council's acoustic assessment concurs with the findings of the Acoustic Report and raises no concerns, subject to recommended conditions in Schedule 1.

2.7 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The application has been assessed against the requirements of chapter 2 and 9 of State Environmental Planning Policy (Biodiversity and Conservation) 2021.

2.7.1 Chapter 2 Vegetation in Non-Rural Areas

Chapter 2 of this policy aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.

Part 2.3 of the policy 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.

Section 3.1.1 of this report provides an assessment in accordance with Part 1B.6.1 of the HDCP.

2.7.2 Chapter 9 Hawkesbury-Nepean River

The site is located within the catchment of the Hawkesbury-Nepean River. The aim of this chapter is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of development are considered in the regional context. Part 9.2 of this Plan contains general planning considerations and strategies requiring Council to consider the impacts of development on water quality, aquaculture, significant vegetation habitats, extraction, environmental heritage and scenic quality, recreation and tourism, and agriculture.

Subject to the implementation of sediment and erosion control measures and stormwater management to protect water quality, the proposal would not impact on the water quality of the catchment and would comply with the requirements of chapter 9 of the Biodiversity and Conservation SEPP.

2.8 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.

2.9 Hornsby Development Control Plan 2013

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

Hornsby Development Control Plan 2013 - Part 3.3			
Control	Proposal	Requirement	Compliance
Height	i) 11m	10.5m	No* architectural roof feature
Number of Storeys	ii) 3 storeys	2 Storeys + Basement	No
Floor Space Ratio (FSR)	iii) 1:1	1:1	Yes
Setbacks	iv)		
- <i>Pennant Hills Road</i>	v) 19m	0m	Yes
- <i>Fisher Avenue</i>	vi) 0m - 680mm	5m	No
- <i>Rear Laneway</i>	vii) 150mm - 3.6m	3m	No
- <i>Side Setback (south)</i>	viii) 1.5m - 2m	0m	Yes
Open Space	ix)		
- <i>1 Bed Unit</i>	x) 11m ² - 2.4m(w)	Min 8m ² & 2m width	Yes
- <i>2 Bed Unit</i>	xi) 16m ² - 2.4m(w)	Min 10m ² & 2m width	Yes
- <i>3+ Bed Unit</i>	xii) 17m ² - 2.4m(w)	Min 12m ² & 2.4m width	Yes
Sunlight Access	xiii) 3+ hours for 100% units	70% of units receive 2+ hours of sunlight	Yes
Cross Ventilation	xiv) 86%	Min 60% of units	Yes
Car Parking	xv)		
- <i>Car</i>	8 spaces	15 spaces	No
- <i>Motorcycle Parking</i>	xvi) 1 space	1 space	Yes
- <i>Bicycle Parking</i>	xvii) 4 spaces	2 spaces	Yes
- <i>Accessible Spaces</i>	xviii) 1 space	1 space	Yes

As detailed in the above table, the proposed development complies with the prescriptive measures within the HDCP, with the exception of building height, number of storeys, setbacks and car parking.

A brief discussion on compliance with relevant performance requirements and Part 1C General Controls is provided below.

Note: Objectives, design criteria and design guidance in Parts 3 and 4 of the Apartment Design Guide that are referred to in SEPP 65 will prevail over any inconsistent DCP control.

2.9.1 Site Requirements

Part 3.3.3 of the HDCP prescribes the minimum site requirements for 3 storey RFB developments. These site requirements include a minimum width of 30m, lot consolidation, limited driveway crossovers and avoidance of the creation of isolated sites.

It is noted that the lot width and site isolation requirements in Part 3.3.3 of the HDCP only apply to development in residential zones. The subject site is zoned 'B6 Enterprise Corridor' and therefore the development is not subject to these prescriptive measures. Notwithstanding, the subject site adjoins commercial zoning to west and the proposal would not isolate the adjoining sites from achieving their development potential.

It is considered that the application has effectively demonstrated that the narrow 16.5m lot width is capable of supporting a residential built form that achieves design excellence and positively contributes to the amenity of the area. This is further supported by the DEP's comments regarding the proposed development.

2.9.2 Height

The HDCP stipulates a maximum building height of 10.5m and a maximum of two storeys on the subject site. The proposal would achieve a maximum height of 11m and would be a three-storey development and does not comply with the HDCP in this regard.

It is noted in accordance with the envisaged desired future character of the Pennant Hills Town Centre, the existing mix of commercial and residential land uses comprises moderately scaled development including 2 to 4 storeys. Development fronting Pennant Hills Road on the same side as the subject site currently comprises of 1 to 3 storeys. As discussed in Sections 2.1.2 and 2.1.4 of this report, the proposed building height is considered acceptable.

2.9.3 Setbacks

The HDCP requires a minimum 5m setback to Fisher Avenue and a minimum 3m setback to the rear laneway.

The proposed development would provide a setback of approximately 680mm from Fisher Avenue. It is noted that the proposed development has been designed to ensure vehicular access, swept paths and servicing are provided in accordance with the relevant Australian Standards. Given the irregular shape of the site and its physical constraints, the provision of a 5m setback from Fisher Avenue would impact on the feasibility and functionality of the development and the pedestrian access paths to the building. It is noted that the existing heritage building is located with a nil setback to Fisher Avenue, as such the proposed setback is commensurate and responding to the existing built form on the site.

The proposed development would be setback between 150mm-3.6m to the rear laneway. The technical non-compliance is a result of the splayed rear boundary and it is noted that the majority of the built form would be setback 3m or greater from this boundary.

2.9.4 Landscaping

The HDCP requires that landscaping be included in building setback areas to complement the appearance of the building.

It is considered that the proposed development has optimised the opportunity for the provision of landscaping within the site. High quality landscaping will be incorporated throughout the site to soften the built form of the development and enhance the visual amenity of the building when viewed from Fisher Avenue and the northern laneway.

The proposal as amended includes 5 trees across the development site and 6 trees along the Council verge on Fisher Avenue. Further, numerous shrubs and groundcovers have been proposed along the perimeter of the site and throughout the central communal open space area.

The proposal meets the desired outcomes of the Landscape section of the HDCP.

2.9.5 Open Space

It is noted the provision of communal open space remains below the benchmark set by the ADG (i.e. 25% of site area). In the circumstances of the case, the amount of communal open space is considered appropriate given the constraints of the site including a heritage item and the relatively small number of dwellings proposed.

In addition, the proposed communal open space, as amended, provides useable, high amenity spaces including the following amendments between the existing heritage building and the proposed new residential building:

- Increase the separation between the smaller 'seating/activity area' and the boundary.
- Increase the size of the BBQ area.
- Greater definition between circulation and gathering areas, through physical separation, materiality and tree placement.
- Increase the area of soft landscaping/deep soil co-located with the communal open space including additional tree canopy cover.

It should also be noted that the communal open space provision is augmented by greater than the required private open space to all dwellings including enlarged balcony sizes.

In addition, to increase the size of the communal open space areas, a splay angle at the entry to the site on Fisher Avenue allows for increased solar access to the area including:

- Direct solar access to over 50% of the COS area, between 9am-10 am.
- Direct solar access to between 45% and 24% of the COS area, between 10am-11am.

Common open space has been increased in the area between the RFB and the heritage building.

2.9.6 Privacy and Security

The proposed development does not give rise to any overlooking opportunity as the site adjoins a laneway to the north and public roads to the southern and eastern boundaries. Furthermore, the site adjoins commercial development to the west and privacy is not anticipated to be impacted. In addition, it is noted that visual privacy from the proposed level 1 apartment within the heritage building will not provide any unreasonable overlooking opportunity to the proposed RFB as a distance of approximately 15.8m is provided. The apartments articulated to the eastern boundary will not give rise

to any overlooking opportunity to the east. Accordingly, the visual privacy impacts of the proposed development are considered within acceptable limits.

The legible configuration of circulation areas would provide clear sight lines to pedestrian and lift lobby entries, access to both natural daylight and ventilation, and would also allow good visual surveillance of the adjacent communal and public areas to enhance the means of addressing CPTED principles including windows to the communal open space. Passive surveillance over the public domain would be afforded by balconies, windows over the streetscape facing the unnamed laneway, Fisher Avenue and Pennant Hills Road. There would also be appropriate lighting to all exterior areas, including all communal spaces.

Access to the non-communal areas of the shop top and RFB development would be controlled, with a security system employed at all entry points and within elevators. Residential car parking would be provided with suitable pinned/keyed access. The rear lane is activated as a result of pedestrian and vehicular entries to all street frontages. It is noted proposed landscaped areas would reinforce the private nature of the residential accommodation.

2.9.7 Sunlight and Ventilation

Given the orientation of the site, all residential apartments would receive in excess of the minimum 2 hours of sunlight in the Winter Solstice period from 9am to 3pm. Sufficient cross ventilation has been provided within the lower ground level of the eastern wing residential rooms and the development will achieve solar access as demonstrated within the detailed accompanying solar access diagrams analysis. Communal open space areas will receive a minimum of 2 hours of solar access primarily in the morning period from 9am to 12pm and comply with the HDCP in this regard.

2.9.8 Vehicle Access and Parking

The HDCP requires 15 on-site car parking spaces, comprising 6 commercial and 9 residential spaces.

Design Criteria 3J-1 of the ADG states that for development on sites that are within 800 metres of a railway station in the Sydney Metropolitan Area the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. As discussed in Section 2.6 of this report, a minimum of 13 on-site parking spaces are required for the development and overrides the HDCP parking generation rates. The proposed development includes 8 covered on-site parking spaces within the ground floor level and does not comply with the ADG requirement.

In addressing the parking shortfall, the application has been supported by a Green Travel Plan. The proposed Green Travel Plan will proactively pursue initiatives to accommodate public transport users, which will contribute to significantly reducing the reliance of private cars as the primary form of transport. A range of measures have been provided in the Green Travel Plan to persuade residents, tenants and visitors to use sustainable travel. In addition, the application as amended includes a survey to record street parking availability and in the Council public car park within reasonable walking distance of the site. The findings of the survey reveal an overall low level of parking space occupancy with generally more than 50% availability, although this reduces in streets closer to the railway station.

Council's Traffic Branch concurs with the findings of the Parking Survey and agrees that adequate street parking is available in the vicinity. Council raises no concerns to the proposed on-site parking shortfall, subject to conditions recommended in Schedule 1 requiring the implementation of the Green Travel Plan and that all employees working in the existing commercial business be notified that there is no parking provided on-site.

2.9.9 Waste Management

The residential component will require 3 of 240L garbage bins serviced twice per week, 4 of 240L recycling bins serviced weekly and 2 of FOGO bins serviced weekly. The existing commercial tenants have 2 of 240L garbage bins and 1 of 240L recycling bin. This is acceptable for office and similar tenancies.

The Better Practice Guide for Resource Recovery in Residential Developments requires the bin storage to be no more than 30m walking distance from each dwelling. This is generally achieved for 6 of the dwellings, while the dwelling in the Heritage listed building is about 50m from the bin storage room. Given that an additional bin storage located to reduce the walking distance would impact the heritage values of this site, the longer walking distance for one dwelling is accepted.

The bulky waste storage area of 8 square metres has been provided. The inward swinging double doors reduce the available storage space and should be replaced by a sliding door matching the commercial bin storage sliding door. A condition has been recommended in Schedule 1 in this regard.

The proposal is deemed acceptable having regard to the waste management provisions of the HDCP.

2.10 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 7 residential units. 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 application does not propose the removal of any trees and the development would not be within close proximity of any trees proposed to be retained.

3.1.2 Stormwater Management

The application proposes to drain the stormwater captured by the proposed development to Fisher Avenue via an on-site stormwater detention system. Council’s engineering assessment raises no concerns to the proposed method of stormwater disposal, subject to conditions recommended in Schedule 1.

3.1.3 Traffic

A traffic and parking assessment has been submitted with the proposal, prepared by TTPA, which included a parking survey and Green Travel Plan to address the parking shortfall. The findings of the survey reveal an overall low level of parking space occupancy with generally more than 50% availability, although this reduces in streets closer to the railway station.

Council’s Traffic Branch concurs with the findings of the Parking Survey and agrees that adequate street parking is available in the vicinity. Council’s Traffic Branch also noted that traffic generation is not considered an issue for this development.

Council raises no concerns to the proposed on-site parking shortfall, subject to conditions recommended in Schedule 1 requiring the implementation of the Green Travel Plan and that all employees working in the existing commercial business be notified that there is no parking provided on-site.

3.2 Social Impacts

The residential component of the development would improve housing choice in the locality by providing a range of household 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 commercial component of the development would continue to provide employment to residents in the locality 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.

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 30 June 2022 and 21 July 2022 in accordance with the Hornsby Community Engagement Plan. During this period, Council received no submissions. The map below illustrates the location of those nearby landowners who were notified of the proposal and are in close proximity to the development site.



NOTIFICATION PLAN

● PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED		PROPERTY SUBJECT OF DEVELOPMENT	
-----------------------	------------------------	-------------------------------------------------------------------------------------	---------------------------------	---------------------------------------------------------------------------------------

5.2 Public Agencies

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

5.2.1 Transport for NSW

The application was referred to Transport for NSW (TfNSW) for comment pursuant to Section 2.119 of State Environmental Planning Policy (Transport & Infrastructure) 2021. No concerns were raised, subject to standard conditions.

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 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 rear addition and garage of an existing heritage listed commercial building and construction of a mixed-use development comprising shop top housing and residential flat building.

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

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

The reasons for this decision are:

- The proposed development generally complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2013.
- The proposed residential flat building component of the development meets the conservation incentives in accordance with the provisions of Clause 5.10(10) of the HLEP 2013.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, parking, traffic, heritage conservation, 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 Thomas Dales.

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
3. Landscape Plans

File Reference: DA/667/2022
Document Number: D08505217

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
DA-110, Rev 2	Ground Floor Plan	Jackson Teece	20.9.22	
DA-111, Rev 2	First Floor Plan	Jackson Teece	20.9.22	
DA-112, Rev 2	Level 2 Plan	Jackson Teece	20.9.22	
DA-121, Rev 2	Roof Plan	Jackson Teece	20.9.22	
DA-200, Rev 2	North & South Elevations	Jackson Teece	20.9.22	
DA-201, Rev 2	West & East Elevations	Jackson Teece	20.9.22	
DA-202, Rev 2	East Elevation - Internal	Jackson Teece	20.9.22	
DA-203, Rev 2	Street Elevation	Jackson Teece	20.9.22	
DA-300, Rev 2	Site Section	Jackson Teece	20.9.22	
Dwg No. 3, Rev 05	Overall Plan	Place Design Group	21.9.22	
Dwg No. 4, Rev 05	Detail Plan	Place Design Group	21.9.22	
Dwg No. 5, Rev 05	Section A	Place Design Group	21.9.22	
Dwg No. 6, Rev 05	Section B	Place Design Group	21.9.22	
Dwg No. 7, Rev 05	Section C	Place Design Group	21.9.22	
Dwg No. 9, Rev 05	Planting Plan	Place Design Group	21.9.22	
Dwg No. 10, Rev 05	Planting Schedule	Place Design Group	21.9.22	
Dwg No. 11, Rev 05	Materials Precedent	Place Design Group	21.9.22	
21Q22_DA_C100, Rev 05	Site Detail Plan	Henry & Hymas	20.9.22	-

Supporting Documentation

Document Title	Prepared by	Dated	Council Reference
Schedule of Conservation Works, Issue D	GBA Heritage	July 2022	D08447909
Conservation Management Plan, Issue D	GBA Heritage	July 2022	D08447907
Statement of Heritage Impact, Issue C	GBA Heritage	July 2022	D08447906
Access Report	Morris Goding Access Consulting	27.5.22	D08440486
Acoustic Report	JHA	25.5.22	D08440485
BASIX Certificate No. A454313	JHA Consulting Engineers	20.5.22	D08440481
BASIX Certificate No. 1294256M_02	JHA Consulting Engineers	20.5.22	D08440479
Waste Management Plan	Elephants Foot Consulting	25.5.22	D08440441

ITEM 9

2. Amendment of Plans

To comply with Councils requirement in terms of sediment control, the approved plans are to be amended as follows:

- a) The Sediment and Erosion Control Plan, prepared by Henry and Hymas, reference 21Q22_DA_SE01 Rev 01, dated 20/4/22 must be updated as follows:
 - i) The stabilised site access and proposed vehicle shaker grid must be shown at all proposed access / egress points, including the vehicle crossing at Fisher Avenue.
- b) 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) A separate approval must be obtained from Council for all works within the public road reserve under S138 of the *Roads Act*.
- c) The Construction Certificate / Section 138 Roads Act Application plans must be consistent with the Development Consent plans.

4. Section 7.11 Development Contributions

- a) In accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act 1979* and the *Hornsby Shire Council Section 7.11 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	\$3,246.45
Open Space and Recreation	\$77,231.70
Community Facilities	\$47,567.70
Plan Preparation and Administration	\$640.20
TOTAL	\$128,686.05

being for seven residential units comprising 2 x 1 bedroom units, 2 x 2 bedroom units and 3 x 3 bedroom units.

- b) The value of this contribution is current as 3 November 2022. 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:

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

Where:

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

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

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

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

- c) The monetary contribution must be paid to Council:
- Prior to the issue of the Subdivision Certificate where the development is for subdivision.
 - Prior to the issue of the first Construction Certificate where the development is for building work.
 - Prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work.
 - 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.

5. Noise Attenuation and Mitigation Measures

All mitigation and control measures recommended by the Acoustic Report prepared by JHA dated 25 May 2022, revision B, reference 210559 must be implemented, including the following:

- a) The windows in bedrooms facing Pennant Hills Road in the residential unit of the heritage building only, it is required to maintain the size of the airgap and increase the thickness of the internal pane to a minimum of 6.38mm laminated.
- b) The bedroom windows of the residential building must achieve a minimum sound insulation rating of RW30. This sound insulation rating can be achieved with a 6.38mm laminated glazing, similar to the proposed glazing in Appendix C of 'Development near Rail Corridors and Busy Roads – Interim Guideline'.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

6. 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) Lot 1 DP 796816, No. 372 Pennant Hills Road Pennant Hills.
 - ii) The heritage listed building on Pt Lot 23 DP 11134, No. 370 Pennant Hills Road, Pennant Hills (the development site).
- 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

7. Waste Transport and Disposal Records

Prior to the issue of a Construction Certificate, all relevant documentation to satisfy all regulatory requirements related to the transportation of contaminated waste excavated during remediation must be providing to the Principal Certifying Authority and Council, including but

not limited to transport certificates, consignment numbers and records of waste disposal through NSW EPA's 'Waste Locate' system.

8. Validation Report

- a) Prior to the issue of a Construction Certificate, a Validation Report must be prepared by a certified consultant as recognised under the Certified Environmental Practitioners Scheme - Site Contamination (CEnvP (SC)) and the Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification, verifying that the site has been remediated in accordance with the NSW Environment Protection Authority's *Contaminated Sites Guidelines*, the *National Environment Protection (Assessment of Site Contamination) Measure 2013 (NEPM)* and the recommendations of the Council approved Remediation Action Plan. The Validation Report must state that the site has been remediated and is suitable for its approved use.
- b) The Validation Report must be submitted to the Principal Certifying Authority and a copy provided to Council prior to the issue of a Construction Certificate.
- c) Waste Transport and Disposal Records must be appended to the Site Validation Report.

8. Stormwater Drainage

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

- a) The Stormwater Site Detail Plan Drawing No. 21Q22_DA_C100 Revision 05 dated 20.09.2022 by Henry & Hymas shall be amended to remove pipe bends located within the public road reserve. All pipe bends shall be located wholly within the development site by including the provision of a junction pit at the property boundary.
- b) The site discharge point shall be connected directly to the kerb and gutter in Fisher Avenue with a 200 x 100 mm Galvanised Rectangular Hollow Section.

9. On Site Stormwater Detention

An on-site stormwater detention system must be designed by a chartered civil engineer generally in accordance with the Stormwater Site Detail Plan Drawing No. 21Q22_DA_C100 Revision 05 dated 20.09.2022 by Henry & Hymas with the following requirements:

- a) Have a capacity of not less than 7.5 cubic metres, and a maximum discharge (when full) of 24.0 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) Where above ground and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs must be installed.

- e) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

10. 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) The access driveway shall be amended to incorporate the design levels at the front boundary obtained from **Council by lodging an “Application for Vehicular Crossing Boundary Levels”**.
- b) The driveway be a rigid pavement.
- c) Longitudinal sections along both sides 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 of the driveway 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. The longitudinal sections shall incorporate the design levels obtained by Council.
- d) Prior to the issue of a construction certificate, a certificate from a qualified engineer shall be submitted to the principal certifying authority certifying that the access driveway, parking and services areas have been designed in accordance with Australian Standards AS2890.1 and AS 2890.2.

11. Footpath

A concrete footpath must be designed along the full frontage of the development site in Fisher Avenue in accordance AUS-SPEC Specifications and the following requirements:

- a) The existing concrete footpath along the full frontage of the development site in Fisher Avenue shall be removed and reconstructed.
- b) The land adjoining the footpath to be fully turfed.
- c) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

12. Road Works

Prior to the issue of a Construction Certificate, a separate approval under Section 138 of the *Roads Act 1993* must be obtained from Council by lodging an application via the NSW e-planning portal for works within the public road reserve. All road works approved under this consent must be designed in accordance with Council’s AUS SPEC Specification and the following requirements:

- a) The kerb and gutter, footpath and pavement along the full frontage of the development site in Fisher Avenue and the rear Lane, together with footpath formation, necessary drainage and sealing of road pavement between the existing pavement and lip of the gutter.
- b) The existing road pavement to be saw cut a minimum of 500 mm from the existing edge of the bitumen and reconstructed.

- c) The submission of a compaction certificate from a geotechnical engineer for any fill within road reserves, and all road sub-grade and road pavement materials.

13. Fire Hydrant Booster

The wall located adjacent to the proposed fire hydrant booster is required to meet the requirements of Part 3.5.3.1 of Australian Standards AS2419.1:2017 Fire hydrant installations. The screen planting must not impact on NSW Fire and Rescue ability to access and operate the hydrant in an emergency situation.

14. 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.) must be submitted with the construction certificate application. The schedule shall distinguish between existing and proposed fire safety measures.

15. Building Accessibility

The new building, new part of the building or affected part of the building is required to meet the requirements of the Disability (Access to Premises Buildings) Standards 2010.

16. 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.

17. 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.

18. 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.

19. Waste Management Details

The following waste management requirements must be complied with:

- a) Should there be any conflict 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.
- b) The residential component and non-residential component of the development must have separate and self-contained waste management systems, including separate bin storage rooms. Commercial tenants must not have access to the residential waste/recycling bins and vice versa.
- c) A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that all bin storage room(s) have been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines and including the following requirements:
 - i) The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting.
 - ii) The floor must be finished so that it is non-slip, sealed and impervious, and has a smooth and even surface coved at all intersections.
 - iii) The ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned.
 - iv) The room is to be provided with artificial light controllable within the room and adequate ventilation.
 - v) The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
 - vi) The doors are to be robust and lockable, with a door opening of no less than 1.5m. The doors must be able to be opened from inside the room without a key.
- d) There must be no steps along any bin carting route. Ramps and service lifts are acceptable.
- e) A dedicated bulky waste storage area of at least 8 square metres internal area must be provided at the ground level within 5m walking distance of an entry point to the site. The internal area does not include wall thickness, door thickness etc which must be added. The bulky waste storage area 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. The door must be a sliding door similar to that on the commercial bin storage room.

- f) All occupied portions of the development must have a fully functional on-going waste management system that is capable of being serviced for waste collection during all demolition and construction stages.
- g) A Waste Management Plan Section One – Demolition Stage and Section Three – Construction Stage, covering the scope of this project and including the following details, is required to be submitted to Council:
 - i) An estimate of the types and volumes of waste and recyclables to be generated.
 - ii) A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas.
 - iii) How excavation, demolition and construction waste materials will be reused or recycled and where residual wastes will be disposed.
 - iv) The total percentage (by weight) of demolition and construction waste that will be reused or recycled.

Note: the site(s) to which the waste materials are taken must be legally able to accept those wastes.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

20. Asbestos Removal Control Plan

An Asbestos Removal Control Plan (ARCP) prepared by a suitably qualified and accredited Occupational Hygienist must be submitted to Council. The plan must, as a minimum, detail the requirements for the handling, monitoring and contractor (CLASS B) disposal requirements for the ACM on the site surfaces.

21. Implementation of the Remediation Action Plan

The site must be remediated in accordance with the Remedial Action Plan, prepared by Aargus Pty Ltd, dated 6/9/22, reference ES8491/3, including the following:

- a) The applicant must engage a certified consultant as recognised under the Certified Environmental Practitioners Scheme - Site Contamination (CEnvP (SC)) and the Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification to supervise all aspects of site remediation and validation in accordance with the approved Remediation Action Plan.
- b) Should unidentified contamination which alters previous conclusions about site contamination be identified during site works, Council and the Principal Certifying Authority must be immediately notified.
- c) Should any variations to the approved Remediation Action Plan be required, an addendum Remediation Action Plan must be prepared by a certified consultant as recognised under the Certified Environmental Practitioners Scheme - Site Contamination (CEnvP (SC)) and the Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification, and be provided to Council for approval.

22. 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 remediation, demolition and 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 including but not limited to the Remediation Action Plan and Stormwater 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 including remediation, demolition, excavation and construction.
 - 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 and excavated material 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 throughout all stages of work including remediation, demolition, excavation and construction.
 - xiii) The maximum number of trucks travelling to and from the site on any given day for each stage of works.
 - xiv) The maximum number of truck movements on any given day during peak commuting periods for all stages of works.
 - xv) The source site location of any proposed fill to be imported to the site, for all stages of works.
 - xvi) The Plan must state that the applicant and all employees of contractors on the site must obey any direction or notice from the Prescribed Certifying Authority or Hornsby Shire Council in order to ensure the above.
 - xvii) If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the Plan must detail these requirements and include a statement that an application to Hornsby Shire Council will be made to obtain such a permit.
- b) A Construction Waste Management Plan detailing the following:
- i) Details of the importation or excavation of soil and fill, the classification of the fill, disposal methods and authorised disposal depots that will be used for the fill.
 - ii) Asbestos management requirement and procedures for removal and disposal from the site in accordance with *AS 2601–2001 – ‘The Demolition of Structures’*, and the *Protection of the Environment Operations (Waste) Regulation 2005*.
 - iii) General construction waste details including construction waste skip bin locations and litter management for workers.
 - iv) Proposed record keeping and documentation methodology for waste dockets, trucks accessing site (e.g., a dedicated register maintained by the site supervisor or other responsible site personnel). The register must note as a minimum:
 - a. Truck registration number and driver contact details for trucks importing and exporting waste from site.
 - b. Time and date of truck access to site.
 - c. Waste docket detailing the type and quantity of waste being imported or exported.

- d. Copies of other relevant certificates including tipping dockets received from the licensed waste facility, Waste Classification Certificate for waste imported to site, etc.
- 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.
- g) The plan must include but not be limited to the location details of the licensed waste facility where excavated material required for removal will be disposed to.
- h) The plan must include the location details of the source site of any proposed fill to be imported for site remediation purposes.
- i) The Plan must state that the applicant and all employees of contractors on the site must obey any direction or notice from the Certifying Authority or Hornsby Shire Council in order to ensure all works are undertaken in accordance with the CMP.

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.

23. 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.

24. 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.

25. 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*.

26. 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.

27. 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

28. 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.

29. Compliance with the Remediation Action Plan (RAP)

The Council approved Remediation Action Plan, prepared by Aargus Pty Ltd, dated 6/9/22, reference ES8491/3, must be complied with for the duration of works, unless otherwise approved by Council.

30. 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.

31. 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.

32. 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*.

33. 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.

34. 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.

35. Landfill

- a) Prior to any 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.

36. 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.

37. 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 Principal Certifying Authority and Hornsby Shire Council.

38. 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.

39. Waste Management

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

40. 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) The on-going collection of waste from occupied buildings must not be impeded by construction works.

41. Road Opening Permit

A road opening permit shall be obtained from the Council to permit a person to dig into Council assets, such as roads, footpaths and nature strips. The applicable fees for the restoration of any public asset by Council shall be at the applicant's full expense.

42. Vehicular Crossing

A separate application under the *Local Government Act, 1993* and the *Roads Act 1993* being an “*Application to Construct Vehicular Crossing from Roadway to Property*” must be submitted to Council for the installation of a new vehicular crossing and the removal of the redundant crossing. The vehicular crossing must be constructed in accordance with Council's *Civil Works Design Specification 2005* 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) Approval must be obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing.

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.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

43. 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.

44. Waste Receipts to the Principal Certifying Authority

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

45. 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.

46. Creation of Easements

The following matter(s) must be nominated on the plan of subdivision under s88B or s88E of the *Conveyancing Act 1919*:

- a) The creation of an appropriate *"Positive Covenant"* and *"Restriction as to User"* over the constructed on-site detention/retention systems, and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title.
- b) To register the OSD easement, the restriction on the use of land *"works-as-executed"* details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on-site detention 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.

47. 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.

48. 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.

49. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed on-site detention, council drainage, road pavement and kerb & gutter. 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.

50. Fire Safety Statement – Final

In accordance with the Environmental Planning & Assessment (Development Certification and Fire Safety) Regulation 2021, upon completion of the building, the owner must provide Council with a certificate in relation to each fire safety measure implemented in the building.

51. Heritage Conservation Works

- a) To secure the nexus between the proposed non-permitted use and the short and long-term conservation of the heritage item, and to ensure the maintenance and conservation work identified in the GBA Heritage CMP, July 2022 and in the GBA Heritage Schedule of Conservation Works July 2022 is carried out, the specified conservation works are to be undertaken and completed to the satisfaction of the appointed conservation architect, prior to the granting of any occupation certificate in whole or part for the former Bank building or for the residential flat building.
- b) The appointed conservation architect is required to document conservation works and a copy of the documentation is to be submitted as an electronic report to Council for its records.

Note: The documentation is to be sent to devmail@hornsby.nsw.gov.au addressed to Council's Strategic Landuse Planning Branch.

52. Fulfilment of BASIX Commitments

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

53. Damage to Council Assets

To protect public property and infrastructure, any damage caused to Council's assets including the removal, damage, destruction, displacement or defacing of the existing survey marks as a result of the construction or demolition of the development must be rectified by the applicant in accordance with AUS-SPEC Specifications. Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

54. Retaining Walls

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

55. 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.
- 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.
 - 1. *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.
 - 2. *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.
 - Note: Ramps and service lifts between different levels are 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) Space must be provided for either individual compost containers for each unit or a communal compost container.
 - Note: The location of the compost containers should have regard for potential amenity impacts.*
- h) 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.
- i) The residential bin storage room and the commercial bin storage room 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.
- j) The residential component and non-residential component of the development must have separate and self-contained waste management systems, including separate

bin storage rooms. Commercial tenants must not have access to the residential waste/recycling bins and bulky waste storage. Residential tenants must not have access to the commercial bins.

56. 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.

57. 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.

58. 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) Wayfinding signage is to be provided within the ground floor lobby indicating the direction of the front entrance, rear communal open space and lift.
- c) Lighting is to be provided to pathways, building foyer entries, driveways and common external spaces.
- d) Security gate access is to be provided to the car parking areas allowing residents only access to private car spaces.
- e) CCTV cameras must be installed at the entry and exit points to the building.
- f) The communal open spaces within the site must be illuminated with high luminance by motion sensor lighting.
- g) The driveway and car parking must be illuminated with low luminance at all times.
- h) Security deadlocks are to be provided to each apartment door.
- i) Peep holes are to be provided to individual apartment doors to promote resident safety.

OPERATIONAL CONDITIONS

59. No 'Offensive Noise'

Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to 'offensive noise' as defined by the *Protection of the Environment Operations Act 1997*.

60. Deliveries and Waste Collection

During ongoing use of the commercial premises, all deliveries, waste and recycling collection shall be undertaken only during the hours of 7am - 10pm.

61. 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.

62. 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) 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.
- c) Waste collection services must not take place between 8PM and 5AM weekdays or 8PM and 8AM on weekends and public holidays.

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

- d) The management plan for commercial units must specifically include the management of waste generated on site, litter and dumped rubbish. The site management/owners' corporation must be responsible for the prompt removal of litter and dumped rubbish.

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.

- e) The residential component and non-residential component of the development must have separate and self-contained waste management systems, including separate bin storage rooms. Commercial tenants must be prevented (via signage, locked doors and other means) from using the residential waste/recycling bins and vice versa.
- f) 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.
- g) The development must operate in full compliance with Council's waste management collection requirements.
- h) There must be a sufficient number of bins on site to contain the volume of domestic waste and recycling expected to be generated between collection services.
- i) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas and signage, managing the communal composting area and worm farm, managing the bulky item storage area, arranging collections where the service is not provided by Council (e.g. clothing bins, e-waste), arranging the prompt removal of dumped rubbish, arranging

for shopping trolleys to be promptly returned to the local shopping centre(s), ensuring the recycling bins are free of contamination (which includes but is not limited to garbage, plastic bags, clothing, etc.), ensuring the commercial waste and recycling is kept separate from the residential waste and recycling (and vice versa), addressing overflowing bins and pest infestations, liaising with Council on waste matters, and ensuring all residents and commercial tenants 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.

- j) No waste storage containers are to be located or placed outside of the approved waste storage area at any time except for collection purposes.
- k) The nominated on-site collection point is to be utilised to facilitate the collection of waste and recycling bins for the development. The on-site collection point is to be kept clear of obstructions at all times so not to restrict the collection of waste and recycling bins.
- l) 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.

- m) Where the development incorporates strata title subdivision, the by-laws are to clearly set out the management responsibilities for the developments waste management system.

63. On-Site Parking and Green Travel Plan

- a) The Green Travel Plan prepared by TTPA dated September 2022 is to be implemented during the operation of the site.
- b) Employees of the commercial portion of the site are to be advised that on-site parking is not available.

64. Car Parking

- a) Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- b) All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted.
- c) All vehicular entry on to the site and egress from the site shall be made in a forward direction.
- d) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.

CONDITIONS OF CONCURRENCE – TRANSPORT FOR NSW (TfNSW)

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.

65. TfNSW Condition No. 1

All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property unlimited in height or depth along the Pennant Hills Road boundary.

66. TfNSW Condition No. 2

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

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued. 3

67. TfNSW Condition No. 3

A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Pennant Hills Road during construction activities. A ROL can be obtained through

<https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

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.

Disability Discrimination Act

The applicant's attention is drawn to the existence of the *Disability Discrimination Act 1992*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the *Building Code of Australia*, however, the development may not comply with the requirements of the *Disability Discrimination Act 1992*. This is the sole responsibility of the applicant.

Covenants

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

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au for free information on potential underground pipes and cables within the vicinity of the development site.

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.

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.



LOCALITY PLAN

DA/667/2022

No. 370 Pennant Hills Road, Pennant Hills

ATTACHMENT 1 - ITEM 9

370 PENNANT HILLS RD, PENNANT HILLS

ARCHITECTURE DRAWINGS - DEVELOPMENT APPLICATION



DRAWING LIST		ABBREVIATION KEY	
SHEET NAME			
00-0001	CONCRETE SHEET	AC	ASBESTOS
00-0002	CONCRETE SHEET	BA	BALUSTRADE
00-0003	CONCRETE SHEET	BSA	BALUSTRADE SYSTEM
00-0004	CONCRETE SHEET	BSA-2	BALUSTRADE SYSTEM - 2
00-0005	CONCRETE SHEET	BSA-3	BALUSTRADE SYSTEM - 3
00-0006	CONCRETE SHEET	BSA-4	BALUSTRADE SYSTEM - 4
00-0007	CONCRETE SHEET	BSA-5	BALUSTRADE SYSTEM - 5
00-0008	CONCRETE SHEET	BSA-6	BALUSTRADE SYSTEM - 6
00-0009	CONCRETE SHEET	BSA-7	BALUSTRADE SYSTEM - 7
00-0010	CONCRETE SHEET	BSA-8	BALUSTRADE SYSTEM - 8
00-0011	CONCRETE SHEET	BSA-9	BALUSTRADE SYSTEM - 9
00-0012	CONCRETE SHEET	BSA-10	BALUSTRADE SYSTEM - 10
00-0013	CONCRETE SHEET	BSA-11	BALUSTRADE SYSTEM - 11
00-0014	CONCRETE SHEET	BSA-12	BALUSTRADE SYSTEM - 12
00-0015	CONCRETE SHEET	BSA-13	BALUSTRADE SYSTEM - 13
00-0016	CONCRETE SHEET	BSA-14	BALUSTRADE SYSTEM - 14
00-0017	CONCRETE SHEET	BSA-15	BALUSTRADE SYSTEM - 15
00-0018	CONCRETE SHEET	BSA-16	BALUSTRADE SYSTEM - 16
00-0019	CONCRETE SHEET	BSA-17	BALUSTRADE SYSTEM - 17
00-0020	CONCRETE SHEET	BSA-18	BALUSTRADE SYSTEM - 18
00-0021	CONCRETE SHEET	BSA-19	BALUSTRADE SYSTEM - 19
00-0022	CONCRETE SHEET	BSA-20	BALUSTRADE SYSTEM - 20
00-0023	CONCRETE SHEET	BSA-21	BALUSTRADE SYSTEM - 21
00-0024	CONCRETE SHEET	BSA-22	BALUSTRADE SYSTEM - 22
00-0025	CONCRETE SHEET	BSA-23	BALUSTRADE SYSTEM - 23
00-0026	CONCRETE SHEET	BSA-24	BALUSTRADE SYSTEM - 24
00-0027	CONCRETE SHEET	BSA-25	BALUSTRADE SYSTEM - 25
00-0028	CONCRETE SHEET	BSA-26	BALUSTRADE SYSTEM - 26
00-0029	CONCRETE SHEET	BSA-27	BALUSTRADE SYSTEM - 27
00-0030	CONCRETE SHEET	BSA-28	BALUSTRADE SYSTEM - 28
00-0031	CONCRETE SHEET	BSA-29	BALUSTRADE SYSTEM - 29
00-0032	CONCRETE SHEET	BSA-30	BALUSTRADE SYSTEM - 30
00-0033	CONCRETE SHEET	BSA-31	BALUSTRADE SYSTEM - 31
00-0034	CONCRETE SHEET	BSA-32	BALUSTRADE SYSTEM - 32
00-0035	CONCRETE SHEET	BSA-33	BALUSTRADE SYSTEM - 33
00-0036	CONCRETE SHEET	BSA-34	BALUSTRADE SYSTEM - 34
00-0037	CONCRETE SHEET	BSA-35	BALUSTRADE SYSTEM - 35
00-0038	CONCRETE SHEET	BSA-36	BALUSTRADE SYSTEM - 36
00-0039	CONCRETE SHEET	BSA-37	BALUSTRADE SYSTEM - 37
00-0040	CONCRETE SHEET	BSA-38	BALUSTRADE SYSTEM - 38
00-0041	CONCRETE SHEET	BSA-39	BALUSTRADE SYSTEM - 39
00-0042	CONCRETE SHEET	BSA-40	BALUSTRADE SYSTEM - 40
00-0043	CONCRETE SHEET	BSA-41	BALUSTRADE SYSTEM - 41
00-0044	CONCRETE SHEET	BSA-42	BALUSTRADE SYSTEM - 42
00-0045	CONCRETE SHEET	BSA-43	BALUSTRADE SYSTEM - 43
00-0046	CONCRETE SHEET	BSA-44	BALUSTRADE SYSTEM - 44
00-0047	CONCRETE SHEET	BSA-45	BALUSTRADE SYSTEM - 45
00-0048	CONCRETE SHEET	BSA-46	BALUSTRADE SYSTEM - 46
00-0049	CONCRETE SHEET	BSA-47	BALUSTRADE SYSTEM - 47
00-0050	CONCRETE SHEET	BSA-48	BALUSTRADE SYSTEM - 48
00-0051	CONCRETE SHEET	BSA-49	BALUSTRADE SYSTEM - 49
00-0052	CONCRETE SHEET	BSA-50	BALUSTRADE SYSTEM - 50
00-0053	CONCRETE SHEET	BSA-51	BALUSTRADE SYSTEM - 51
00-0054	CONCRETE SHEET	BSA-52	BALUSTRADE SYSTEM - 52
00-0055	CONCRETE SHEET	BSA-53	BALUSTRADE SYSTEM - 53
00-0056	CONCRETE SHEET	BSA-54	BALUSTRADE SYSTEM - 54
00-0057	CONCRETE SHEET	BSA-55	BALUSTRADE SYSTEM - 55
00-0058	CONCRETE SHEET	BSA-56	BALUSTRADE SYSTEM - 56
00-0059	CONCRETE SHEET	BSA-57	BALUSTRADE SYSTEM - 57
00-0060	CONCRETE SHEET	BSA-58	BALUSTRADE SYSTEM - 58
00-0061	CONCRETE SHEET	BSA-59	BALUSTRADE SYSTEM - 59
00-0062	CONCRETE SHEET	BSA-60	BALUSTRADE SYSTEM - 60
00-0063	CONCRETE SHEET	BSA-61	BALUSTRADE SYSTEM - 61
00-0064	CONCRETE SHEET	BSA-62	BALUSTRADE SYSTEM - 62
00-0065	CONCRETE SHEET	BSA-63	BALUSTRADE SYSTEM - 63
00-0066	CONCRETE SHEET	BSA-64	BALUSTRADE SYSTEM - 64
00-0067	CONCRETE SHEET	BSA-65	BALUSTRADE SYSTEM - 65
00-0068	CONCRETE SHEET	BSA-66	BALUSTRADE SYSTEM - 66
00-0069	CONCRETE SHEET	BSA-67	BALUSTRADE SYSTEM - 67
00-0070	CONCRETE SHEET	BSA-68	BALUSTRADE SYSTEM - 68
00-0071	CONCRETE SHEET	BSA-69	BALUSTRADE SYSTEM - 69
00-0072	CONCRETE SHEET	BSA-70	BALUSTRADE SYSTEM - 70
00-0073	CONCRETE SHEET	BSA-71	BALUSTRADE SYSTEM - 71
00-0074	CONCRETE SHEET	BSA-72	BALUSTRADE SYSTEM - 72
00-0075	CONCRETE SHEET	BSA-73	BALUSTRADE SYSTEM - 73
00-0076	CONCRETE SHEET	BSA-74	BALUSTRADE SYSTEM - 74
00-0077	CONCRETE SHEET	BSA-75	BALUSTRADE SYSTEM - 75
00-0078	CONCRETE SHEET	BSA-76	BALUSTRADE SYSTEM - 76
00-0079	CONCRETE SHEET	BSA-77	BALUSTRADE SYSTEM - 77
00-0080	CONCRETE SHEET	BSA-78	BALUSTRADE SYSTEM - 78
00-0081	CONCRETE SHEET	BSA-79	BALUSTRADE SYSTEM - 79
00-0082	CONCRETE SHEET	BSA-80	BALUSTRADE SYSTEM - 80
00-0083	CONCRETE SHEET	BSA-81	BALUSTRADE SYSTEM - 81
00-0084	CONCRETE SHEET	BSA-82	BALUSTRADE SYSTEM - 82
00-0085	CONCRETE SHEET	BSA-83	BALUSTRADE SYSTEM - 83
00-0086	CONCRETE SHEET	BSA-84	BALUSTRADE SYSTEM - 84
00-0087	CONCRETE SHEET	BSA-85	BALUSTRADE SYSTEM - 85
00-0088	CONCRETE SHEET	BSA-86	BALUSTRADE SYSTEM - 86
00-0089	CONCRETE SHEET	BSA-87	BALUSTRADE SYSTEM - 87
00-0090	CONCRETE SHEET	BSA-88	BALUSTRADE SYSTEM - 88
00-0091	CONCRETE SHEET	BSA-89	BALUSTRADE SYSTEM - 89
00-0092	CONCRETE SHEET	BSA-90	BALUSTRADE SYSTEM - 90
00-0093	CONCRETE SHEET	BSA-91	BALUSTRADE SYSTEM - 91
00-0094	CONCRETE SHEET	BSA-92	BALUSTRADE SYSTEM - 92
00-0095	CONCRETE SHEET	BSA-93	BALUSTRADE SYSTEM - 93
00-0096	CONCRETE SHEET	BSA-94	BALUSTRADE SYSTEM - 94
00-0097	CONCRETE SHEET	BSA-95	BALUSTRADE SYSTEM - 95
00-0098	CONCRETE SHEET	BSA-96	BALUSTRADE SYSTEM - 96
00-0099	CONCRETE SHEET	BSA-97	BALUSTRADE SYSTEM - 97
00-0100	CONCRETE SHEET	BSA-98	BALUSTRADE SYSTEM - 98
00-0101	CONCRETE SHEET	BSA-99	BALUSTRADE SYSTEM - 99
00-0102	CONCRETE SHEET	BSA-100	BALUSTRADE SYSTEM - 100
00-0103	CONCRETE SHEET	BSA-101	BALUSTRADE SYSTEM - 101
00-0104	CONCRETE SHEET	BSA-102	BALUSTRADE SYSTEM - 102
00-0105	CONCRETE SHEET	BSA-103	BALUSTRADE SYSTEM - 103
00-0106	CONCRETE SHEET	BSA-104	BALUSTRADE SYSTEM - 104
00-0107	CONCRETE SHEET	BSA-105	BALUSTRADE SYSTEM - 105
00-0108	CONCRETE SHEET	BSA-106	BALUSTRADE SYSTEM - 106
00-0109	CONCRETE SHEET	BSA-107	BALUSTRADE SYSTEM - 107
00-0110	CONCRETE SHEET	BSA-108	BALUSTRADE SYSTEM - 108
00-0111	CONCRETE SHEET	BSA-109	BALUSTRADE SYSTEM - 109
00-0112	CONCRETE SHEET	BSA-110	BALUSTRADE SYSTEM - 110
00-0113	CONCRETE SHEET	BSA-111	BALUSTRADE SYSTEM - 111
00-0114	CONCRETE SHEET	BSA-112	BALUSTRADE SYSTEM - 112
00-0115	CONCRETE SHEET	BSA-113	BALUSTRADE SYSTEM - 113
00-0116	CONCRETE SHEET	BSA-114	BALUSTRADE SYSTEM - 114
00-0117	CONCRETE SHEET	BSA-115	BALUSTRADE SYSTEM - 115
00-0118	CONCRETE SHEET	BSA-116	BALUSTRADE SYSTEM - 116
00-0119	CONCRETE SHEET	BSA-117	BALUSTRADE SYSTEM - 117
00-0120	CONCRETE SHEET	BSA-118	BALUSTRADE SYSTEM - 118
00-0121	CONCRETE SHEET	BSA-119	BALUSTRADE SYSTEM - 119
00-0122	CONCRETE SHEET	BSA-120	BALUSTRADE SYSTEM - 120
00-0123	CONCRETE SHEET	BSA-121	BALUSTRADE SYSTEM - 121
00-0124	CONCRETE SHEET	BSA-122	BALUSTRADE SYSTEM - 122
00-0125	CONCRETE SHEET	BSA-123	BALUSTRADE SYSTEM - 123
00-0126	CONCRETE SHEET	BSA-124	BALUSTRADE SYSTEM - 124
00-0127	CONCRETE SHEET	BSA-125	BALUSTRADE SYSTEM - 125
00-0128	CONCRETE SHEET	BSA-126	BALUSTRADE SYSTEM - 126
00-0129	CONCRETE SHEET	BSA-127	BALUSTRADE SYSTEM - 127
00-0130	CONCRETE SHEET	BSA-128	BALUSTRADE SYSTEM - 128
00-0131	CONCRETE SHEET	BSA-129	BALUSTRADE SYSTEM - 129
00-0132	CONCRETE SHEET	BSA-130	BALUSTRADE SYSTEM - 130
00-0133	CONCRETE SHEET	BSA-131	BALUSTRADE SYSTEM - 131
00-0134	CONCRETE SHEET	BSA-132	BALUSTRADE SYSTEM - 132
00-0135	CONCRETE SHEET	BSA-133	BALUSTRADE SYSTEM - 133
00-0136	CONCRETE SHEET	BSA-134	BALUSTRADE SYSTEM - 134
00-0137	CONCRETE SHEET	BSA-135	BALUSTRADE SYSTEM - 135
00-0138	CONCRETE SHEET	BSA-136	BALUSTRADE SYSTEM - 136
00-0139	CONCRETE SHEET	BSA-137	BALUSTRADE SYSTEM - 137
00-0140	CONCRETE SHEET	BSA-138	BALUSTRADE SYSTEM - 138
00-0141	CONCRETE SHEET	BSA-139	BALUSTRADE SYSTEM - 139
00-0142	CONCRETE SHEET	BSA-140	BALUSTRADE SYSTEM - 140
00-0143	CONCRETE SHEET	BSA-141	BALUSTRADE SYSTEM - 141
00-0144	CONCRETE SHEET	BSA-142	BALUSTRADE SYSTEM - 142
00-0145	CONCRETE SHEET	BSA-143	BALUSTRADE SYSTEM - 143
00-0146	CONCRETE SHEET	BSA-144	BALUSTRADE SYSTEM - 144
00-0147	CONCRETE SHEET	BSA-145	BALUSTRADE SYSTEM - 145
00-0148	CONCRETE SHEET	BSA-146	BALUSTRADE SYSTEM - 146
00-0149	CONCRETE SHEET	BSA-147	BALUSTRADE SYSTEM - 147
00-0150	CONCRETE SHEET	BSA-148	BALUSTRADE SYSTEM - 148
00-0151	CONCRETE SHEET	BSA-149	BALUSTRADE SYSTEM - 149
00-0152	CONCRETE SHEET	BSA-150	BALUSTRADE SYSTEM - 150
00-0153	CONCRETE SHEET	BSA-151	BALUSTRADE SYSTEM - 151
00-0154	CONCRETE SHEET	BSA-152	BALUSTRADE SYSTEM - 152
00-0155	CONCRETE SHEET	BSA-153	BALUSTRADE SYSTEM - 153
00-0156	CONCRETE SHEET	BSA-154	BALUSTRADE SYSTEM - 154
00-0157	CONCRETE SHEET	BSA-155	BALUSTRADE SYSTEM - 155
00-0158	CONCRETE SHEET	BSA-156	BALUSTRADE SYSTEM - 156
00-0159	CONCRETE SHEET	BSA-157	BALUSTRADE SYSTEM - 157
00-0160	CONCRETE SHEET	BSA-158	BALUSTRADE SYSTEM - 158
00-0161	CONCRETE SHEET	BSA-159	BALUSTRADE SYSTEM - 159
00-0162	CONCRETE SHEET	BSA-160	BALUSTRADE SYSTEM - 160
00-0163	CONCRETE SHEET	BSA-161	BALUSTRADE SYSTEM - 161
00-0164	CONCRETE SHEET	BSA-162	BALUSTRADE SYSTEM - 162
00-0165	CONCRETE SHEET	BSA-163	BALUSTRADE SYSTEM - 163
00-0166	CONCRETE SHEET	BSA-164	BALUSTRADE SYSTEM - 164
00-0167	CONCRETE SHEET	BSA-165	BALUSTRADE SYSTEM - 165
00-0168	CONCRETE SHEET	BSA-166	BALUSTRADE SYSTEM - 166
00-0169	CONCRETE SHEET	BSA-167	BALUSTRADE SYSTEM - 167
00-0170	CONCRETE SHEET	BSA-168	BALUSTRADE SYSTEM - 168
00-0171	CONCRETE SHEET	BSA-169	BALUSTRADE SYSTEM - 169
00-0172	CONCRETE SHEET	BSA-170	BALUSTRADE SYSTEM - 170
00-0173	CONCRETE SHEET	BSA-171	BALUSTRADE SYSTEM - 171
00-0174	CONCRETE SHEET	BSA-172	BALUSTRADE SYSTEM - 172
00-0175	CONCRETE SHEET	BSA-173	BALUSTRADE SYSTEM - 173
00-0176	CONCRETE SHEET	BSA-174	BALUSTRADE SYSTEM - 174
00-0177	CONCRETE SHEET	BSA-175	BALUSTRADE SYSTEM - 175
00-0178	CONCRETE SHEET	BSA-176	BALUSTRADE SYSTEM - 176
00-0179	CONCRETE SHEET	BSA-177	BALUSTRADE SYSTEM - 177
00-0180	CONCRETE SHEET	BSA-178	BALUSTRADE SYSTEM - 178
00-0181	CONCRETE SHEET	BSA-179	BALUSTRADE SYSTEM - 179
00-0182	CONCRETE SHEET	BSA-180	BALUSTRADE SYSTEM - 180
00-0183	CONCRETE SHEET	BSA-181	BALUSTRADE SYSTEM - 181
00-0184	CONCRETE SHEET	BSA-182	BALUSTRADE SYSTEM - 182
00-0185	CONCRETE SHEET	BSA-183	BALUSTRADE SYSTEM - 183
00-0186	CONCRETE SHEET	BSA-184	BALUSTRADE SYSTEM - 184
00-0187	CONCRETE SHEET	BSA-185	BALUSTRADE SYSTEM - 185
00-0188	CONCRETE SHEET	BSA-186	BALUSTRADE SYSTEM - 186
00-0189	CONCRETE SHEET	BSA-187	BALUSTRADE SYSTEM - 187
00-0190	CONCRETE SHEET	BSA-188	BALUSTRADE SYSTEM - 188
00-0191	CONCRETE SHEET	BSA-189	BALUSTRADE SYSTEM - 189
00-0192	CONCRETE SHEET	BSA-190	BALUSTRADE SYSTEM - 190
00-0193	CONCRETE SHEET	BSA-191	BALUSTRADE SYSTEM - 191
00-0194	CONCRETE SHEET	BSA-192	BALUSTRADE SYSTEM - 192
00-0195	CONCRETE SHEET	BSA-193	BALUSTRADE SYSTEM - 193
00-0196	CONCRETE SHEET	BSA-194	BALUSTRADE SYSTEM - 194
00-0197	CONCRETE SHEET	BSA-195	BALUSTRADE SYSTEM - 195
00-0198	CONCRETE SHEET	BSA-196	BALUSTRADE SYSTEM - 196
00-0199	CONCRETE SHEET	BSA-197	BALUSTRADE SYSTEM - 197
00-0200	CONCRETE SHEET	BSA-198	BALUSTRADE SYSTEM - 198
00-0201	CONCRETE SHEET	BSA-199	BALUSTRADE SYSTEM - 199
00-0202	CONCRETE SHEET	BSA-200	BALUSTRADE SYSTEM - 200
00-0203	CONCRETE SHEET	BSA-201	BALUSTRADE SYSTEM - 201
00-0204	CONCRETE SHEET	BSA-202	BALUSTRADE SYSTEM - 202
00-0205	CONCRETE SHEET	BSA-203	BALUSTRADE SYSTEM - 203
00-0206	CONCRETE SHEET	BSA-204	BALUSTRADE SYSTEM - 204
00-0207	CONCRETE SHEET	BSA-205	BALUSTRADE SYSTEM - 205
00-0208	CONCRETE SHEET	BSA-206	BALUSTRADE SYSTEM - 206
00-0209	CONCRETE SHEET	BSA-207	BALUSTRADE SYSTEM - 207
00-0210	CONCRETE SHEET	BSA-208	BALUSTRADE SYSTEM - 208
00-0211	CONCRETE SHEET	BSA-209	BALUSTRADE SYSTEM - 209
00-0212	CONCRETE SHEET	BSA-210	BALUSTRADE SYSTEM - 210
00-0213	CONCRETE SHEET	BSA-211	BALUSTRADE SYSTEM - 211
00-0214	CONCRETE SHEET	BSA-212	BALUSTRADE SYSTEM - 212
00-0215	CONCRETE SHEET	BSA-213	BALUSTRADE SYSTEM - 213
00-0216	CONCRETE SHEET	BSA-214	BALUSTRADE SYSTEM - 214
00-0217	CONCRETE SHEET	BSA-215	BALUSTRADE SYSTEM - 215
00-0218	CONCRETE SHEET	BSA-216	BALUSTRADE SYSTEM - 216
00-0219	CONCRETE SHEET	BSA-217	BALUSTRADE SYSTEM - 217
00-0220	CONCRETE SHEET	BSA-218	BALUSTRADE SYSTEM - 218
00-0221	CONCRETE SHEET	BSA-219	BALUSTRADE SYSTEM - 219
00-0222	CONCRETE SHEET	BSA-220	BALUSTRADE SYSTEM - 220
00-0223	CONCRETE SHEET	BSA-221	BALUSTRADE SYSTEM - 221
00-0224	CONCRETE SHEET	BSA-222	BALUSTRADE SYSTEM - 222
00-0225	CONCRETE SHEET	BSA-223	BALUSTRADE SYSTEM - 223
00-0226	CONCRETE SHEET	BSA-224	BALUSTRADE SYSTEM - 224
00-0227	CONCRETE SHEET	BSA-225	BALUSTRADE SYSTEM - 225
00-0228	CONCRETE SHEET	BSA-226	BALUSTRADE SYSTEM - 226
00-0229	CONCRETE SHEET	BSA-227	BALUSTRADE SYSTEM - 227
00-0230	CONCRETE SHEET	BSA-228	BALUSTRADE SYSTEM - 228
00-0231	CONCRETE SHEET	BSA-229	BALUSTRADE SYSTEM - 229
00-0232	CONCRETE SHEET	BSA-230	BALUSTRADE SYSTEM - 230
00-0233	CONCRETE SHEET	BSA-231	BALUSTRADE SYSTEM - 231
00-0234	CONCRETE SHEET	BSA-232	BALUSTRADE SYSTEM - 232
00-0235	CONCRETE SHEET	BSA-233	BALUSTRADE SYSTEM - 233
00-0236	CONCRETE SHEET	BSA-234	BALUSTRADE SYSTEM - 234
00-0237	CONCRETE SHEET	BSA-235	BALUSTRADE SYSTEM - 235
00-0238	CONCRETE SHEET	BSA-236	BALUSTRADE SYSTEM - 236
00-0239	CONCRETE SHEET	BSA-237	BALUSTRADE SYSTEM - 237
00-0240	CONCRETE SHEET	BSA-238	BALUSTRADE SYSTEM - 238
00-0241	CONCRETE SHEET	BSA-239	BALUSTRADE SYSTEM - 239
00-0242	CONCRETE SHEET	BSA-240	BALUSTRADE SYSTEM -


Account Details

Company: 123456789
Address: 123 Main St
City: Anytown
State: CA
Zip: 90001
Phone: 555-123-4567
Fax: 555-987-6543
Country: USA
Latitude: 34.0522
Longitude: -118.2437
Website: www.123456789.com

Notes

Light

Key Plan



Project

370 PENNANT HILLS RD,
PENNANT HILLS

Client

OMNI OFFICE PRODUCTS PTY LTD

Drawing Title

COVER SHEET

Project Title

2021035

Drawing No.

DA-000

Project Date

JULY 2022

Drawing Date

2021035

Project Status

SR

Drawing Status

A

Project Number

DA

Drawing Number

DA-000

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

Revision Number

1.0

Drawing Number

1.0

Sheet Number

1.0

Project Name

370 Pennant Hills Rd

Client Name

J. Smith

Contract Number

123456789

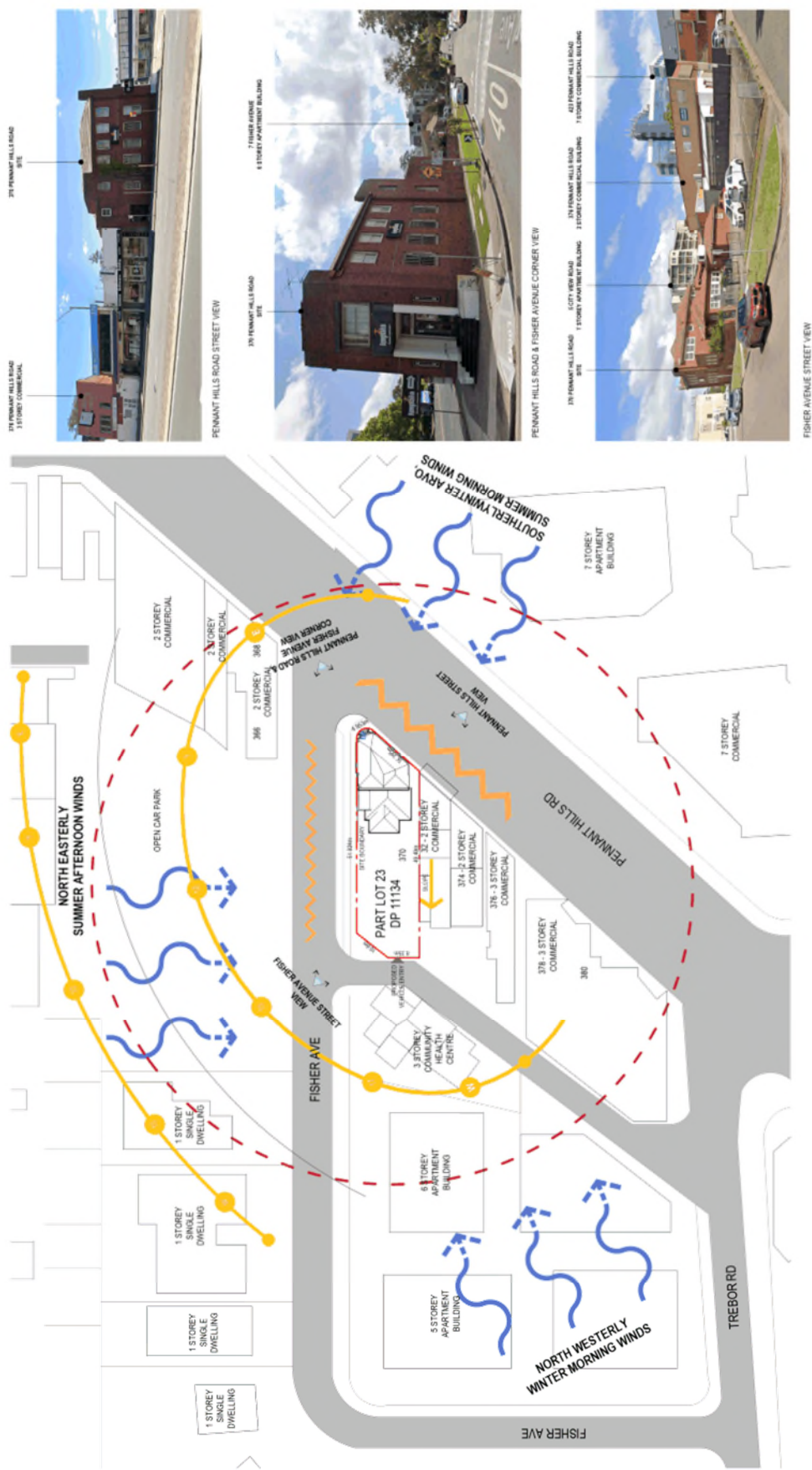
Revision Number

1.0

Drawing Number

1.0

ATTACHMENT 1 - ITEM 9



1 SITE ANALYSIS PLAN

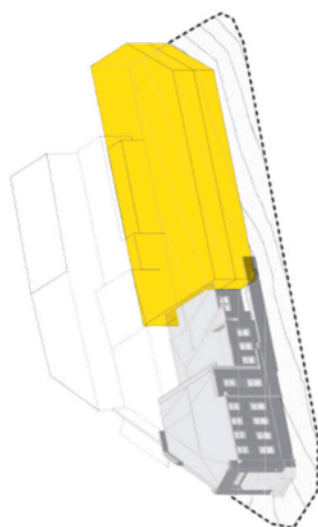
JACKSON TEECE Building Design & Construction 1/100 The Arcade Sydney, NSW 2000 Tel: 02 9231 1000 Fax: 02 9231 1001 Email: jteece@jteece.com.au Website: www.jteece.com.au		SITE ANALYSIS - SITE CONTEXT Scale: 1:500 Date: JUNE 2021 Project: 2021035 Client: DA-010 Project: 2	
Project: 370 PENNANT HILLS RD, PENNANT HILLS Client: OMNI OFFICE PRODUCTS PTY LTD		Project: 370 PENNANT HILLS RD, PENNANT HILLS Client: OMNI OFFICE PRODUCTS PTY LTD	
Project: 370 PENNANT HILLS RD, PENNANT HILLS Client: OMNI OFFICE PRODUCTS PTY LTD		Project: 370 PENNANT HILLS RD, PENNANT HILLS Client: OMNI OFFICE PRODUCTS PTY LTD	

ATTACHMENT 1 - ITEM 9



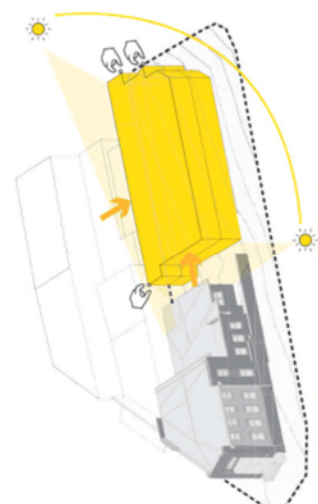
PRESERVE HERITAGE BUILDING

Identify and analyse existing heritage building to be preserved. Minor elements of existing heritage selected for demolition.



INITIAL MASSING ON SITE

Remaining site area available for development identified following demolition



SETBACKS FOR LIGHT AND PRIVACY

Setbacks to the rear boundary and the existing heritage building for resident privacy and light.
To increase solar access within the residences, the sides of the massing are peeled to allow additional light to enter and for articulation of building form.

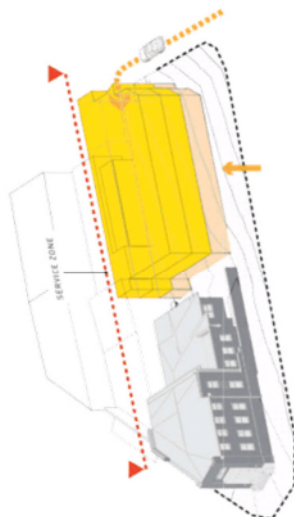
[illegible]

ATTACHMENT 1 - ITEM 9



IMPROVE STREET FRONTAGE & AMENITY

Responding to the existing street scape, the form looks to maximise its street frontage by relocating the driveway off the lane entry, thereby improving pedestrian safety. The new pedestrian entry point for both commercial and residential residents from Fisher Ave is between both buildings, via a green courtyard.

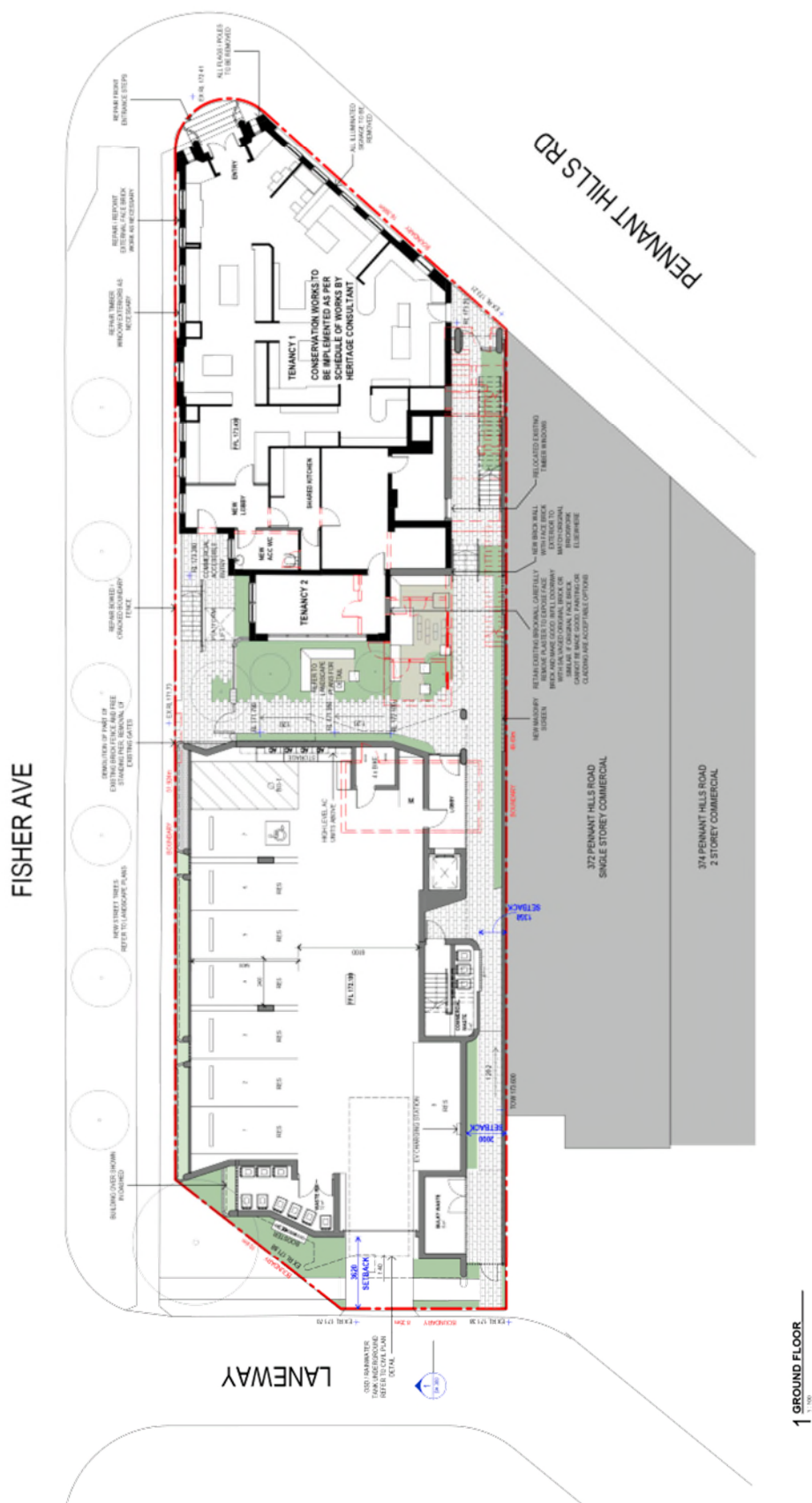


GROUND FLOOR CAR PARKING

Due to the constrained width of the site, a basement ramp cannot be accommodated. Therefore the parking is situated on ground level and is screened behind a treated facade. The building form maintains the 10.5m LEP height control.

[illegible]

ATTACHMENT 1 - ITEM 9

[illegible]

ATTACHMENT 1 - ITEM 9

FISHER AVE

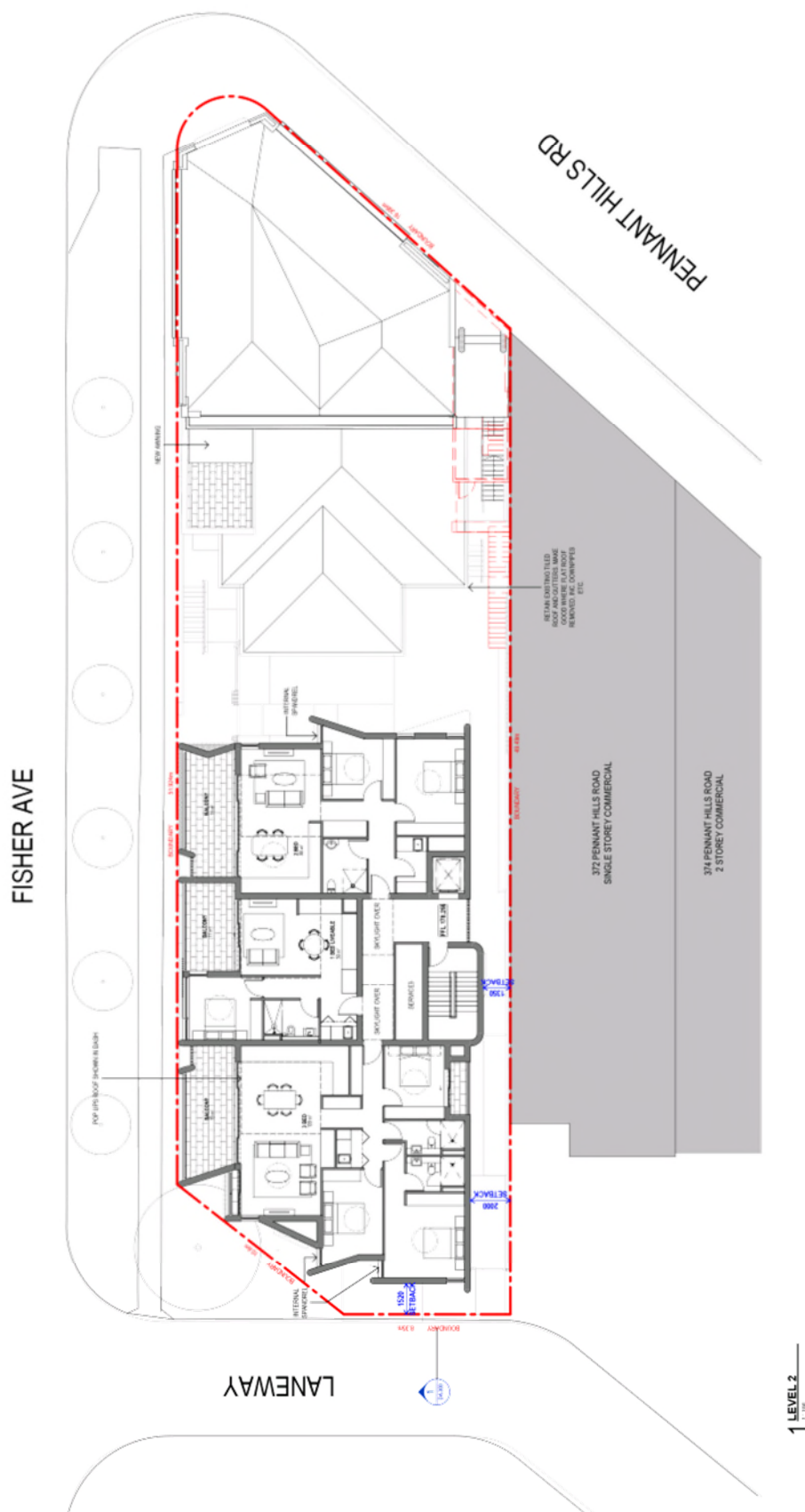
LANEWAY

PENNANT HILLS RD

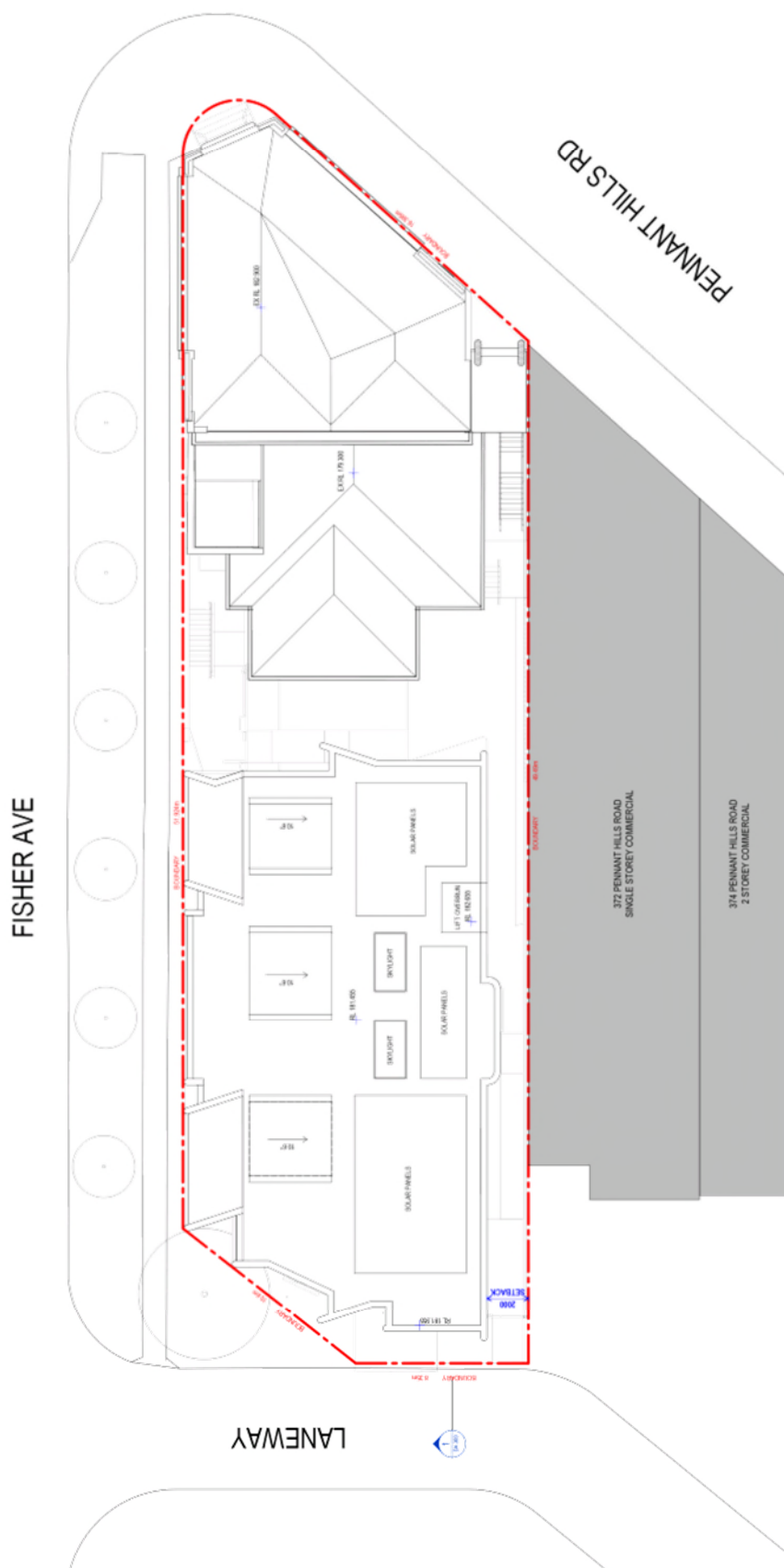
372 PENNANT HILLS ROAD
SINGLE STOREY COMMERCIAL374 PENNANT HILLS ROAD
2 STOREY COMMERCIAL1 LEVEL 1
1:100

Architects Jackson Teece 1/ 100 2/ 100		Project 370 PENNANT HILLS RD, PENNANT HILLS		Client OMNI OFFICE PRODUCTS PTY LTD		Scale 1:100		Project Title FLOOR PLAN - LEVEL 1		Project No. DA-111		Project Date 2021035		Project Status DA		Project Stage 2	
Address 370 PENNANT HILLS RD, PENNANT HILLS		Client OMNI OFFICE PRODUCTS PTY LTD		Scale 1:100		Project Title FLOOR PLAN - LEVEL 1		Project No. DA-111		Project Date 2021035		Project Status DA		Project Stage 2			

ATTACHMENT 1 - ITEM 9

[illegible]

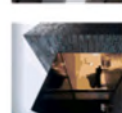
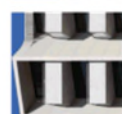
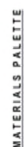
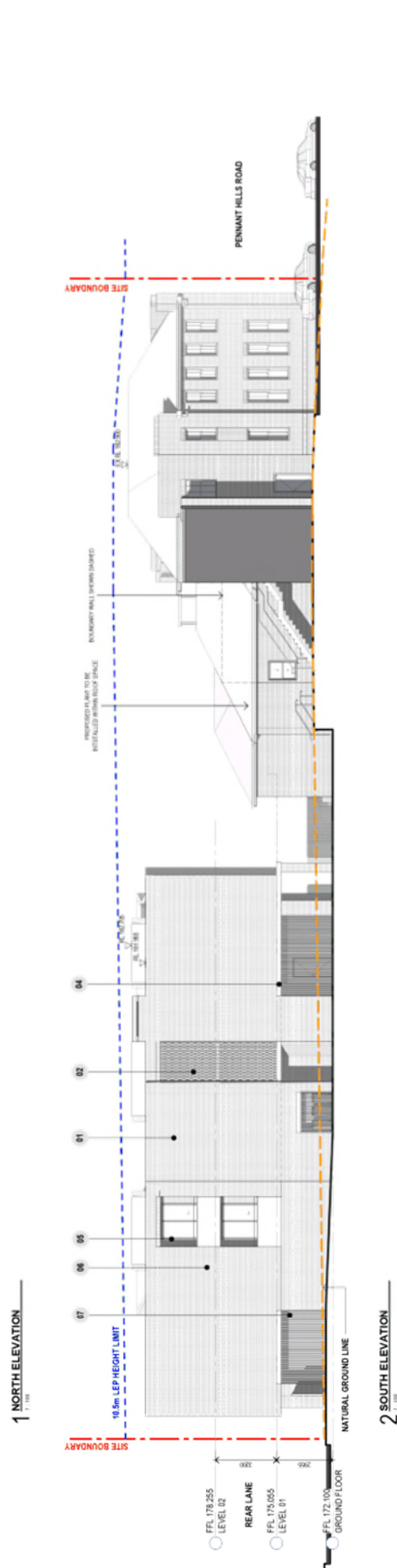
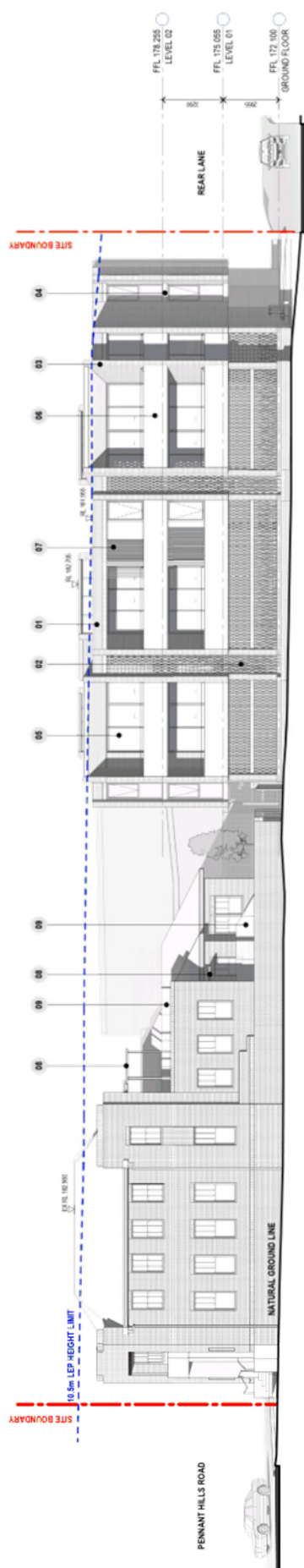
ATTACHMENT 1 - ITEM 9



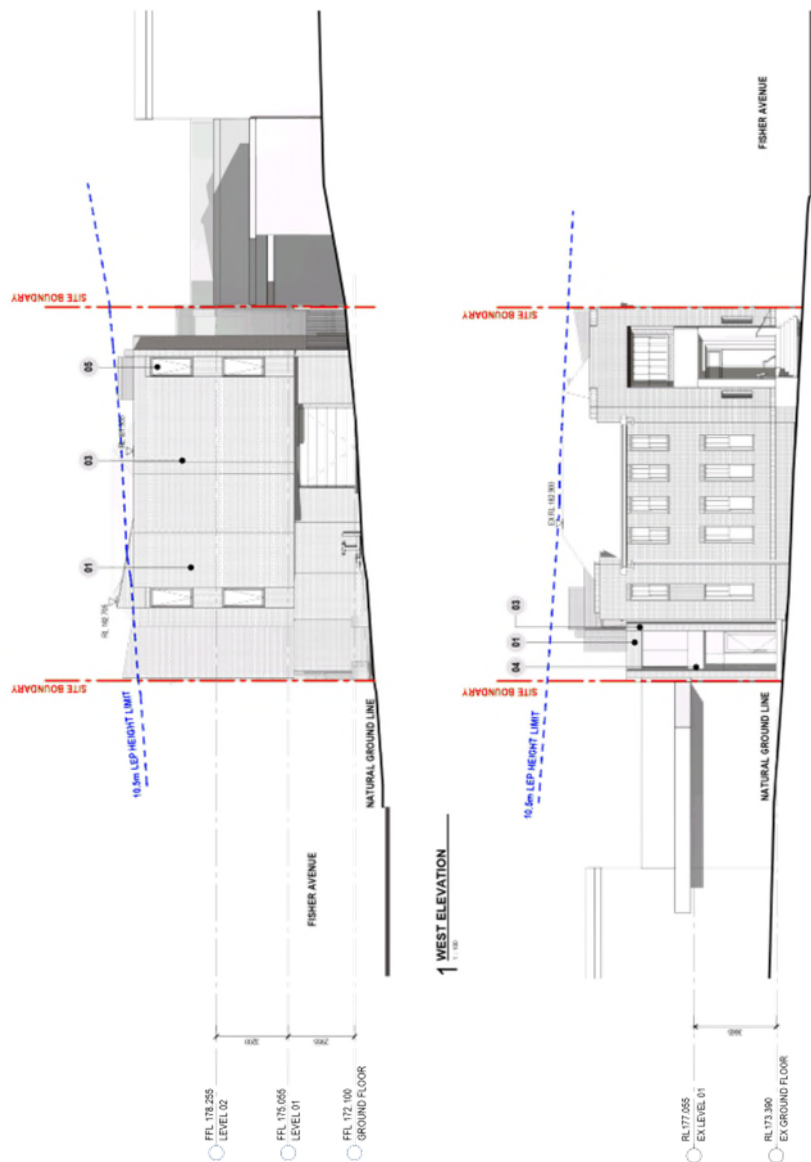
1 ROOF PLAN
S: 100

[illegible]

ATTACHMENT 1 - ITEM 9

[illegible]

ATTACHMENT 1 - ITEM 9



1 WEST ELEVATION

2 EAST ELEVATION

MATERIALS PALETTE



Approved by: 13/03/22
By: 13/03/22
On: 13/03/22

Approved by: 13/03/22
By: 13/03/22
On: 13/03/22

Project: 370 PENNANT HILLS RD, PENNANT HILLS

Client: OMNI OFFICE PRODUCTS PTY LTD

Scale: 1:100

Project: 1:100

DA: 1:100

EC: 1:100

2021035

2021035

Project: 370 PENNANT HILLS RD, PENNANT HILLS

Client: OMNI OFFICE PRODUCTS PTY LTD

Scale: 1:100

Project: 1:100

DA: 1:100

EC: 1:100

2021035

2021035

Project: 370 PENNANT HILLS RD, PENNANT HILLS

Client: OMNI OFFICE PRODUCTS PTY LTD

Scale: 1:100

Project: 1:100

DA: 1:100

EC: 1:100

2021035

2021035

Project: 370 PENNANT HILLS RD, PENNANT HILLS

Client: OMNI OFFICE PRODUCTS PTY LTD

Scale: 1:100

Project: 1:100

DA: 1:100

EC: 1:100

2021035

2021035

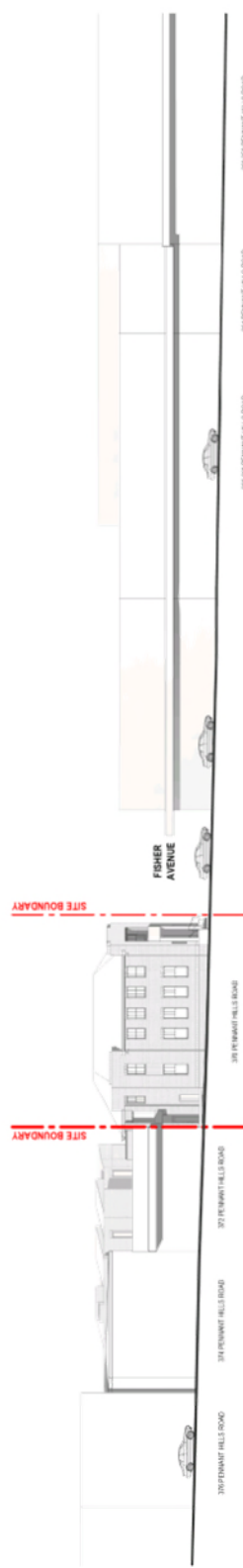
ATTACHMENT 1 - ITEM 9

[illegible]

ATTACHMENT 1 - ITEM 9



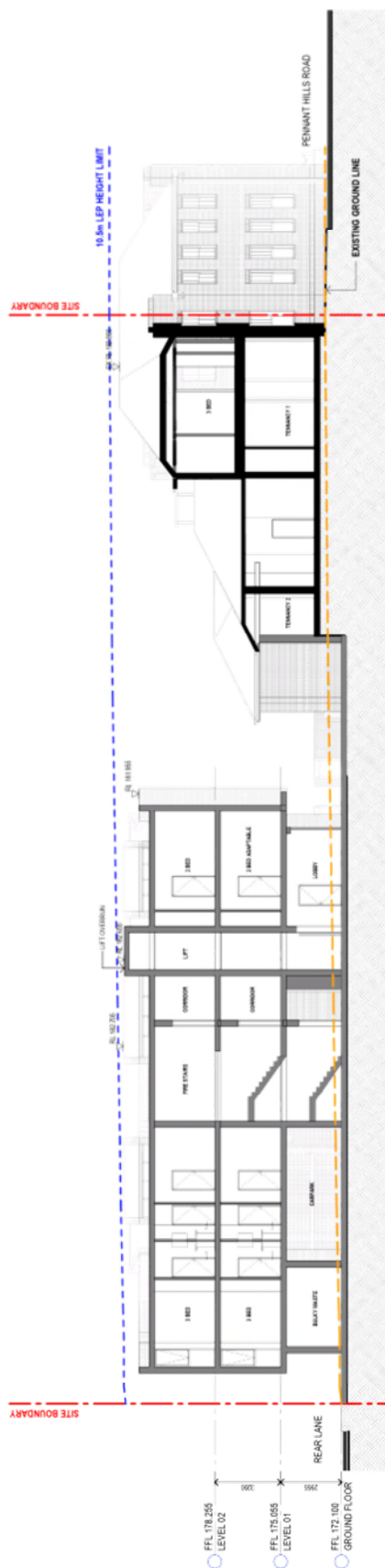
1 FISHER AVENUE STREET ELEVATION
1:200



2 PENNANT HILLS ROAD STREET ELEVATION
1:200

Architects JACKSON TEECE 11/11/2022 DA-2023-02	Project 370 PENNANT HILLS RD, PENNANT HILLS OMNI OFFICE PRODUCTS PTY LTD	Scale 1:200 MARCH 2022 2021035	Street Elevation DA-2023-02 A	Client JACKSON TEECE 11/11/2022 DA-2023-02
Notes 1. This drawing is a site plan showing the proposed development. It is not to be used for any other purpose without the written consent of Jackson Teece. 2. The site plan is based on the information provided by the client. Jackson Teece does not warrant the accuracy or completeness of the information provided.				

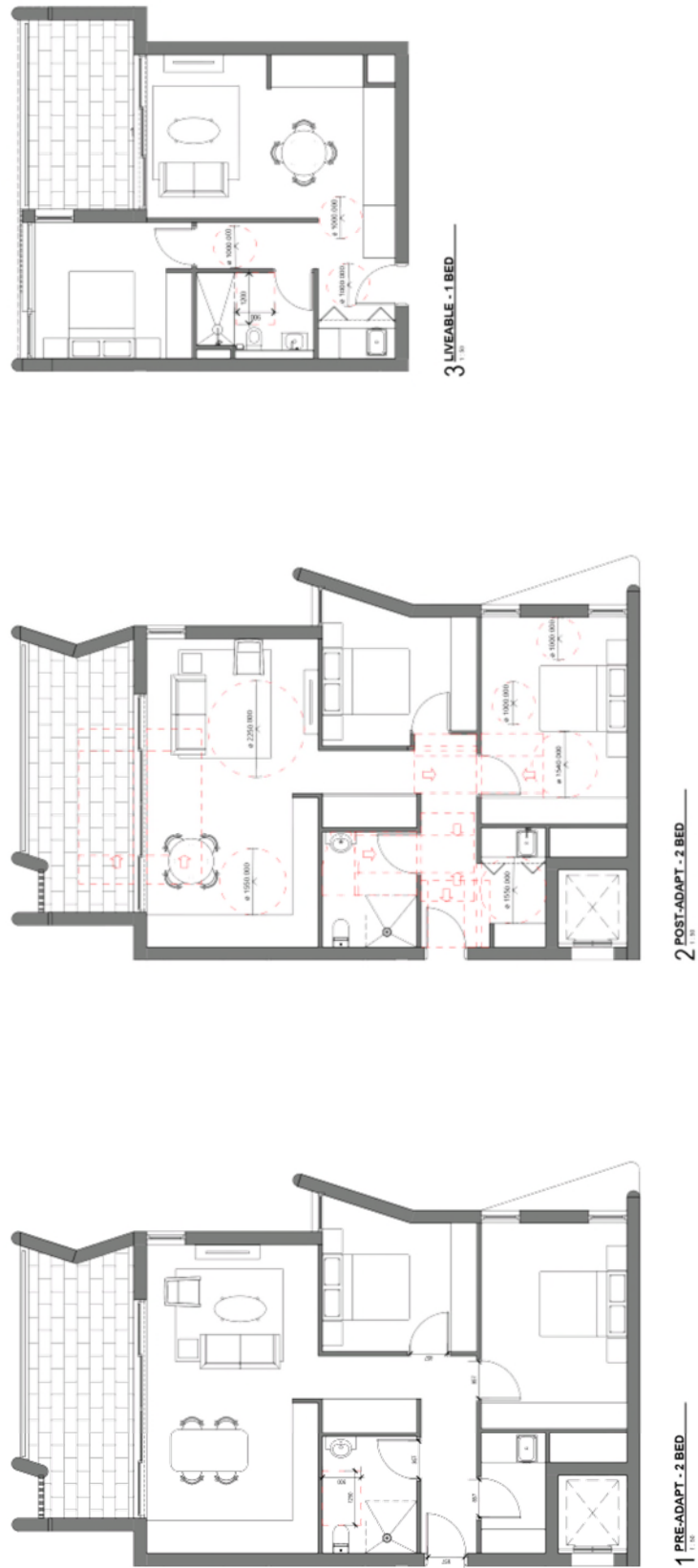
ATTACHMENT 1 - ITEM 9



1 SITE SECTION

[illegible]

ATTACHMENT 1 - ITEM 9



Amendments:
No. 1
Description: 100% 100% 100%
2 100% 100% 100%

Project:
100% 100% 100%
2 100% 100% 100%

Notes:
100% 100% 100%
2 100% 100% 100%

Project:
100% 100% 100%
2 100% 100% 100%

Notes:
100% 100% 100%
2 100% 100% 100%

Project:
100% 100% 100%
2 100% 100% 100%

Notes:
100% 100% 100%
2 100% 100% 100%

Project:
100% 100% 100%
2 100% 100% 100%

Notes:
100% 100% 100%
2 100% 100% 100%

Project:
100% 100% 100%
2 100% 100% 100%

Notes:
100% 100% 100%
2 100% 100% 100%

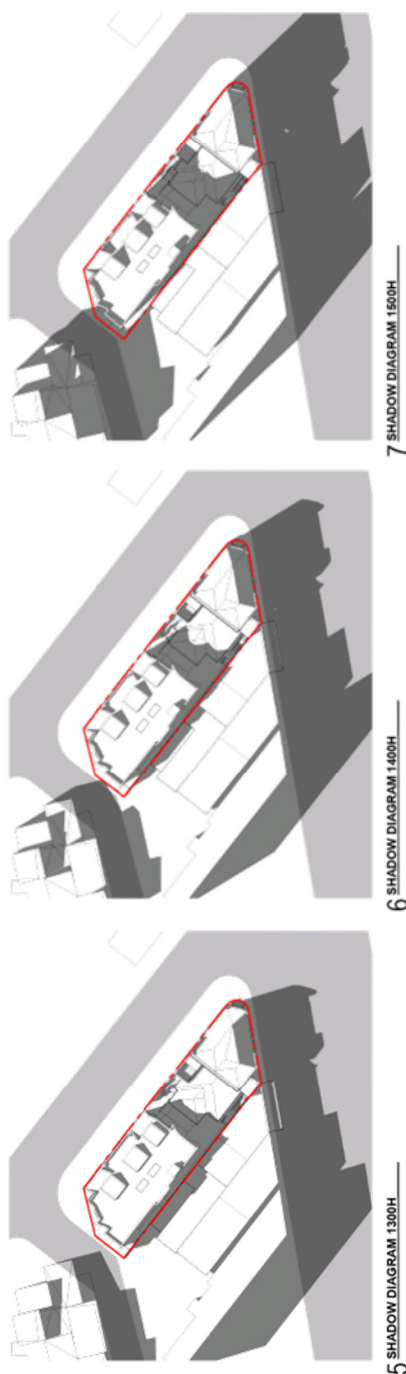
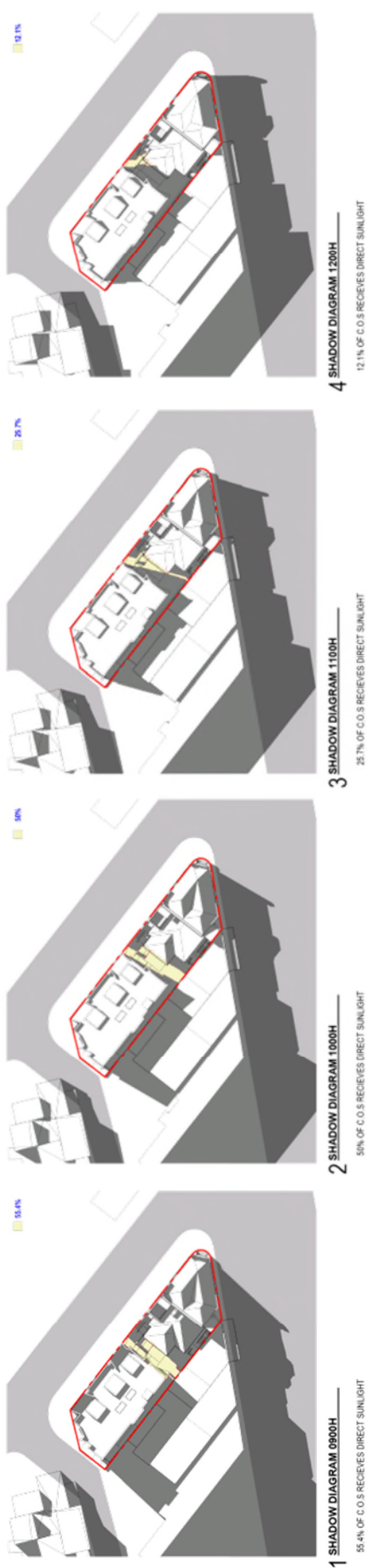
Project:
100% 100% 100%
2 100% 100% 100%

Notes:
100% 100% 100%
2 100% 100% 100%

Project:
100% 100% 100%
2 100% 100% 100%

Notes:
100% 100% 100%
2 100% 100% 100%

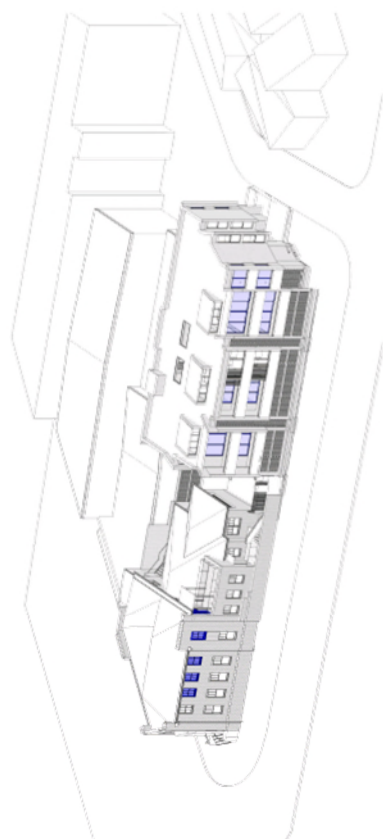
ATTACHMENT 1 - ITEM 9

[illegible]

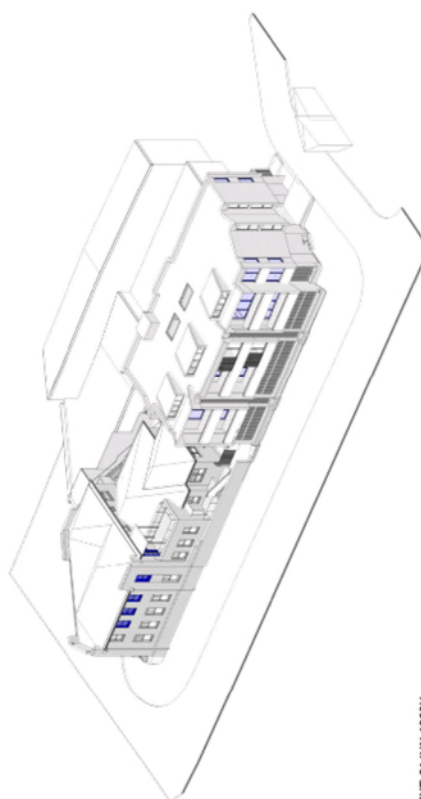
ATTACHMENT 1 - ITEM 9

[illegible]

ATTACHMENT 1 - ITEM 9

2 SUN EYE 21JUN 1100H

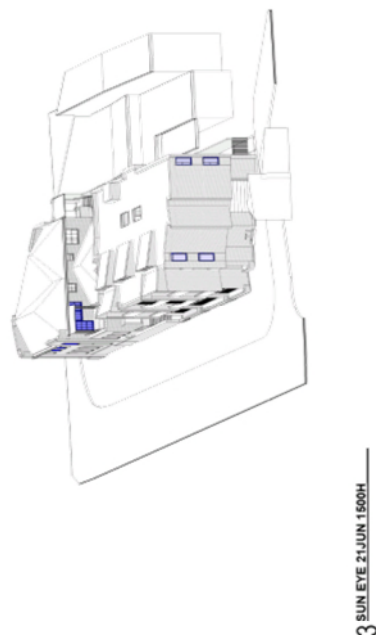
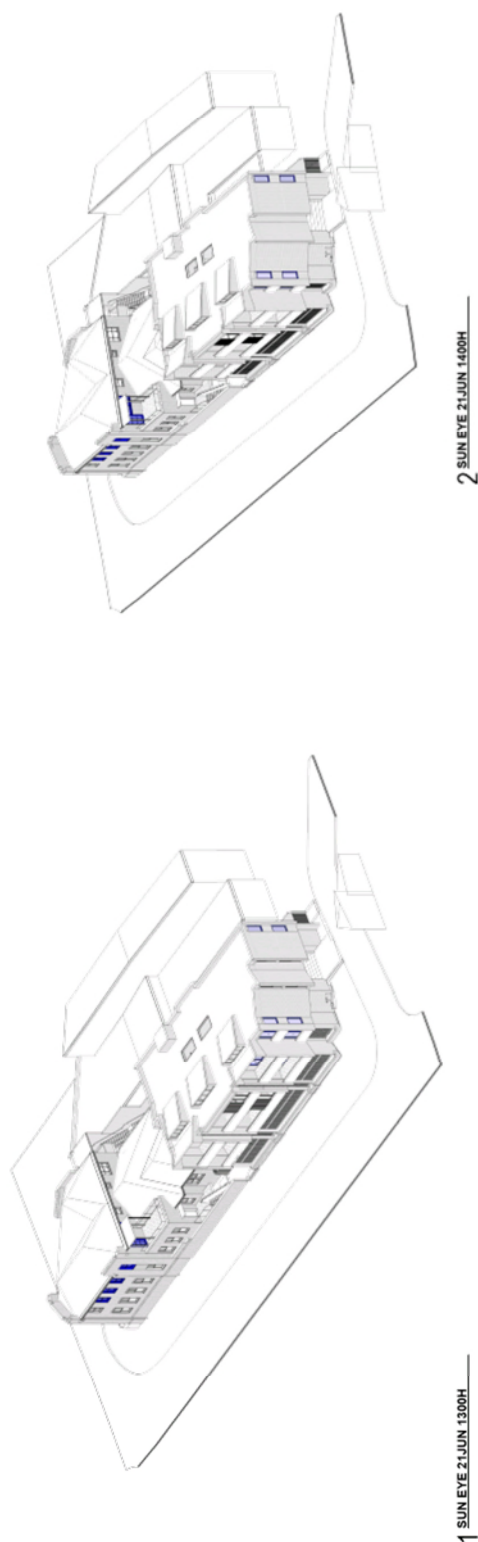
1 21JUN 1045H



3 SUN EYE 21JUN 1200H

[illegible]

ATTACHMENT 1 - ITEM 9

[illegible]

ATTACHMENT 1 - ITEM 9



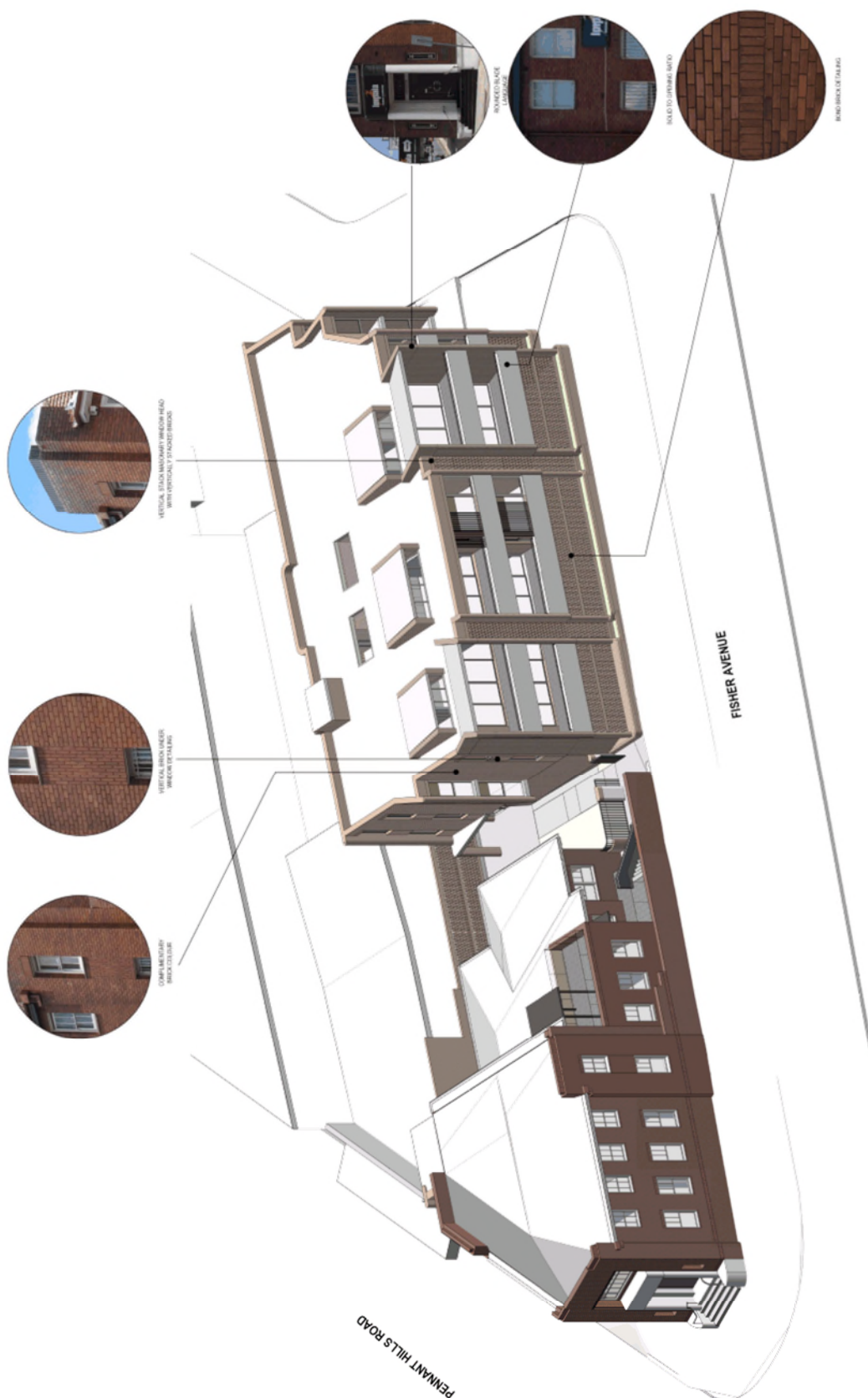
1 10.5M HEIGHT PLANE DIAGRAM

Architects: J. & J. Architects 1/100-110/24 2/100-110/24		Project: 370 PENNANT HILLS RD, PENNANT HILLS		Client: OMNI OFFICE PRODUCTS PTY LTD		Scale: 1:100		Notes: 1/100-110/24 2/100-110/24	
Building Name: 370 PENNANT HILLS RD, PENNANT HILLS		Project No.: 2021035		Project Date: 2021035		Project Status: DA		Project Stage: DA	
Project No.: 2021035		Project Date: 2021035		Project Status: DA		Project Stage: DA		Project Notes: 1/100-110/24 2/100-110/24	
Project Name: 370 PENNANT HILLS RD, PENNANT HILLS		Project No.: 2021035		Project Date: 2021035		Project Status: DA		Project Stage: DA	

JACKSON TEECE

1/100-110/24
 2/100-110/24
 3/100-110/24
 4/100-110/24
 5/100-110/24
 6/100-110/24
 7/100-110/24
 8/100-110/24
 9/100-110/24
 10/100-110/24
 11/100-110/24
 12/100-110/24
 13/100-110/24
 14/100-110/24
 15/100-110/24
 16/100-110/24
 17/100-110/24
 18/100-110/24
 19/100-110/24
 20/100-110/24
 21/100-110/24
 22/100-110/24
 23/100-110/24
 24/100-110/24
 25/100-110/24
 26/100-110/24
 27/100-110/24
 28/100-110/24
 29/100-110/24
 30/100-110/24
 31/100-110/24
 32/100-110/24
 33/100-110/24
 34/100-110/24
 35/100-110/24
 36/100-110/24
 37/100-110/24
 38/100-110/24
 39/100-110/24
 40/100-110/24
 41/100-110/24
 42/100-110/24
 43/100-110/24
 44/100-110/24
 45/100-110/24
 46/100-110/24
 47/100-110/24
 48/100-110/24
 49/100-110/24
 50/100-110/24
 51/100-110/24
 52/100-110/24
 53/100-110/24
 54/100-110/24
 55/100-110/24
 56/100-110/24
 57/100-110/24
 58/100-110/24
 59/100-110/24
 60/100-110/24
 61/100-110/24
 62/100-110/24
 63/100-110/24
 64/100-110/24
 65/100-110/24
 66/100-110/24
 67/100-110/24
 68/100-110/24
 69/100-110/24
 70/100-110/24
 71/100-110/24
 72/100-110/24
 73/100-110/24
 74/100-110/24
 75/100-110/24
 76/100-110/24
 77/100-110/24
 78/100-110/24
 79/100-110/24
 80/100-110/24
 81/100-110/24
 82/100-110/24
 83/100-110/24
 84/100-110/24
 85/100-110/24
 86/100-110/24
 87/100-110/24
 88/100-110/24
 89/100-110/24
 90/100-110/24
 91/100-110/24
 92/100-110/24
 93/100-110/24
 94/100-110/24
 95/100-110/24
 96/100-110/24
 97/100-110/24
 98/100-110/24
 99/100-110/24
 100/100-110/24

ATTACHMENT 1 - ITEM 9



370 PENNANT HILLS RD, PENNANT HILLS OMNI OFFICE PRODUCTS PTY LTD	3D VIEWS JAN 2022 2021035	JACKSON TEECE DA DA-960 2	2021035 DA-960 2
370 PENNANT HILLS RD, PENNANT HILLS OMNI OFFICE PRODUCTS PTY LTD	3D VIEWS JAN 2022 2021035	JACKSON TEECE DA DA-960 2	2021035 DA-960 2

ATTACHMENT 1 - ITEM 9



370 PENNANT HILLS RD,
PENNANT HILLS

Visualisation 1 - Site

JACKSON TEECE

Project

370 Pennant Hills Rd, Pennant Hills

Client

OMNI OFFICE PRODUCTS PTY LTD

Address

370 Pennant Hills Rd, Pennant Hills, NSW 2103

City

Sydney

State

NSW

Postcode

2103

Country

Australia

Date

2023-01-01

Time

10:00 AM

User

John Doe

Email

john.doe@omni-office.com.au

Phone

02 9999 9999

Fax

Website

www.omni-office.com.au

Social Media

Notes

Attachments

Comments

History

Permissions

Audit Log

Settings

Help

About

Contact Us

Privacy Policy

Terms of Service

Disclaimer

Legal Notice

Cookie Policy

GDPR Policy

Accessibility

Feedback

Support

Partners

Sponsors

Advisors

Consultants

Vendors

Suppliers

Contractors

Subcontractors

Employees

Managers

Directors

Shareholders

Investors

Creditors

Debtors

Taxpayers

Beneficiaries

Donors

Recipients

Transferees

Assignees

Delegates

Representatives

Authorized Signatories

Signatories

Witnesses

Observers

Participants

Attendees

Guests

Visitors

Clients

Customers

Prospects

Leads

Inquiries

Requests

Offers

Proposals

Contracts

Agreements

Licenses

Permits

Approvals

Clearances

Certifications

Accrediations

Registrations

Subscriptions

Memberships

Associations

Unions

Guilds

Clubs

Societies

Orders

Invoices

Receipts

Statements

Reports

Documents

Forms

Templates

Tools

Software

Hardware

Equipment

Furniture

Fixtures

Fittings

Decor

Lighting

Sound

Climate Control

Security

Surveillance

Access Control

Alarm Systems

Fire Safety

Emergency

Disaster Recovery

Business Continuity

Risk Management

Compliance

Regulatory

Standards

Codes of Practice

Guidelines

Best Practices

Lessons Learned

Case Studies

References

Testimonials

Reviews

Building

Building Name

Address

City

State

Postcode

Country

Date

Time

User

Email

Phone

Fax

Website

Social Media

Notes

Attachments

Comments

History

Permissions

Audit Log

Settings

Help

About

Contact Us

Privacy Policy

Terms of Service

Disclaimer

Legal Notice

Cookie Policy

GDPR Policy

Accessibility

Feedback

Support

Partners

Sponsors

Advisors

Consultants

Vendors

Suppliers

Contractors

Subcontractors

Employees

Managers

Directors

Shareholders

Investors

Creditors

Debtors

Taxpayers

Beneficiaries

Donors

Recipients

Transferees

Assignees

Delegates

Representatives

Authorized Signatories

Signatories

Witnesses

Observers

Participants

Attendees

Guests

Visitors

Clients

Customers

Prospects

Leads

Inquiries

Requests

Offers

Proposals

Contracts

Agreements

Licenses

Permits

Approvals

Clearances

Certifications

Accrediations

Registrations

Subscriptions

Memberships

Associations

Unions

Guilds

Clubs

Societies

Orders

Invoices

Receipts

Statements

Reports

Documents

Forms

Templates

Tools

Software

Hardware

Equipment

Furniture

Fixtures

Fittings

Decor

Lighting

Sound

Climate Control

Security

Surveillance

Access Control

Alarm Systems

Fire Safety

Emergency

Disaster Recovery

Business Continuity

Risk Management

Compliance

Regulatory

Standards

Codes of Practice

Guidelines

Best Practices

Lessons Learned

Case Studies

References

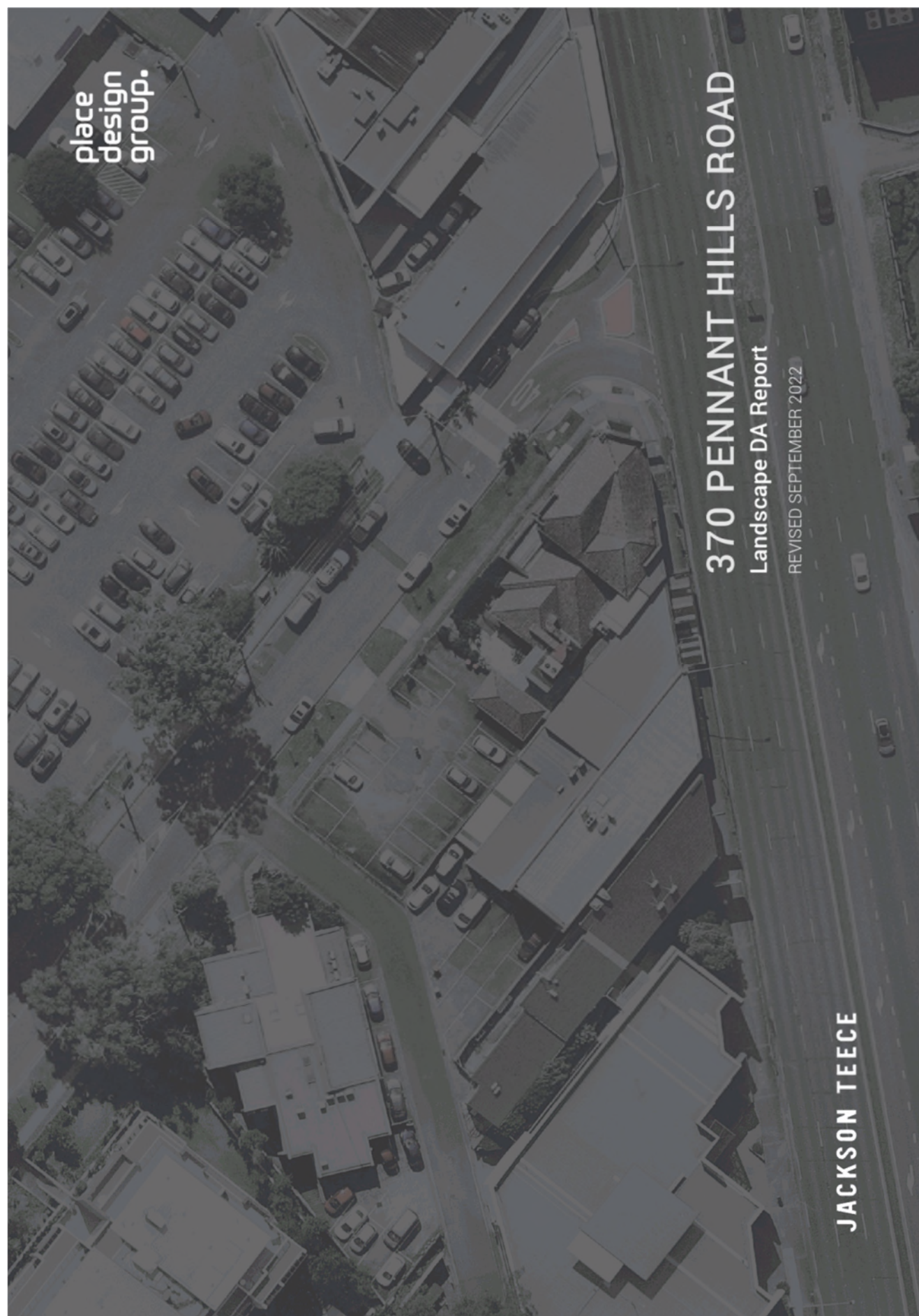
Testimonials

Reviews

ATTACHMENT 1 - ITEM 9



ATTACHMENT 1 - ITEM 9



ATTACHMENT 3 - ITEM 9

CONTENTS

OVERALL PLAN	3
DETAIL PLAN	4
SECTION A	5
SECTION B	6
SECTION C	7
INDICATIVE PERSPECTIVE SKETCHES	8
PLANTING PLAN	9
PLANTING SCHEDULE	10
MATERIALS PRECEDENTS	11
TYPICAL LANDSCAPE DETAILS	12
TYPICAL LANDSCAPE DETAILS	13



Australia
China
South East Asia

Follow us on



placedesigngroup.com

Report title	370 Pennant Hills Road, Pennant Hills
Document number	2521085
Prepared for	Sam Degabriele
Authors	Ella Naman, Callie Wright, Georgia McDonald
Revision number	05
Revision issue date	21/09/2022
Approved	Tim Field
Reason for revision	Council comments

Disclaimer: This report has been prepared in accordance with the scope of services described in the contract or agreement between Place Design Group Pty Ltd ACH 082 370 063 and the Client. The report relies upon data, surveys, measurements and results taken at or under the particular times and conditions specified herein. Any findings, conclusions or recommendations only apply to the aforementioned circumstances and no greater reliance should be assumed or drawn by the Client. Furthermore, the report has been prepared solely for use by the Client and Place Design Group accepts no responsibility for its use by other parties.

ATTACHMENT 3 - ITEM 9

Overall Plan



Place Design Group Pty Ltd
36/130-132 Elizabeth Street
Waverley, Sydney NSW 2017
T + 61 2 9290 3300
F + 61 2 9852 4766

place
design
group.

370 PENNANT HILLS ROAD, PENNANT HILLS
Overall Plan

DATE	PROJECT NO.	REVISION	DWG NO.
21/09/2022	2521065	05	3



ATTACHMENT 3 - ITEM 9

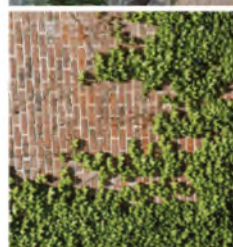
Detail Plan



Legend

- Extent of works
- 01 Feature Paving
- 02 Tree planting
- 03 Seating area
- 04 Planting bed
- 05 Communal BBQ
- 06 Decomposed granite
- 07 Feature Brick Wall

Precedent Imagery



Place Design Group Pty Ltd
36/130-132 Elizabeth Street
Waverley, Sydney, NSW 2017
T + 61 2 9290 3300
F + 61 7 3852 4766

**place
design
group.**

370 PENNANT HILLS ROAD, PENNANT HILLS
Detail Plan

DATE	PROJECT NO.	REVISION	DWG NO.
21/09/2022	2521065	05	4

ATTACHMENT 3 - ITEM 9

Section A



Legend

- RL115 Spot levels
- 01 Proposed building
- 02 Proposed trees
- 03 Low level planting
- 04 Furniture
- 05 Proposed gate and fence

Place Design Group Pty Ltd
 38/130-132 Elizabeth Street
 Waterloo, Sydney NSW 2017
 T + 61 2 9290 3300
 F + 61 2 9852 4786

place
 design
 group.

370 PENNANT HILLS ROAD, PENNANT HILLS
 Section A

DATE	PROJECT NO.	REVISION	DWG NO.
21/09/2022	2521065	05	5

ATTACHMENT 3 - ITEM 9

Section B



Legend

- RL 171.95 Spot levels
- 01 Existing building
- 02 Proposed trees
- 03 Low level planting
- 04 Furniture
- 05 Proposed gate and fence

**place
design
group.**

Place Design Group Pty Ltd
36/630-632 Elizabeth Street
Waverley, Sydney NSW 2017
T + 61 2 9290 3300
F + 61 2 9852 4766

370 PENNANT HILLS ROAD, PENNANT HILLS

Section B

DATE	PROJECT NO.	REVISION	DWG NO.
21/09/2022	2521065	05	6

ATTACHMENT 3 - ITEM 9

Section C



Legend

- RL2115 Spot levels
- 01 Existing building
- 02 Proposed trees
- 03 Low level planting
- 04 Furniture
- 05 Proposed gate and fence
- 06 BBQ

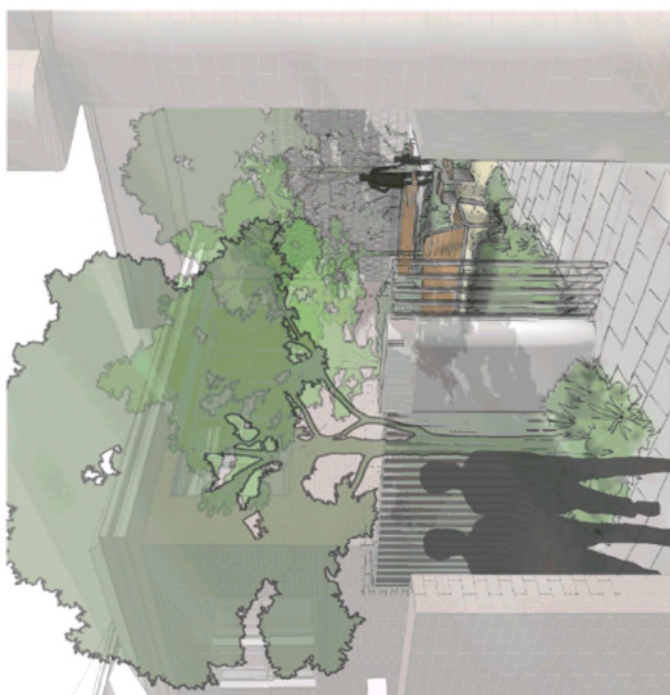
Place Design Group Pty Ltd
36/630-632 Elizabeth Street
Waverley, Sydney NSW 2017
T + 61 2 9290 3300
F + 61 7 3852 4786

**place
design
group.**

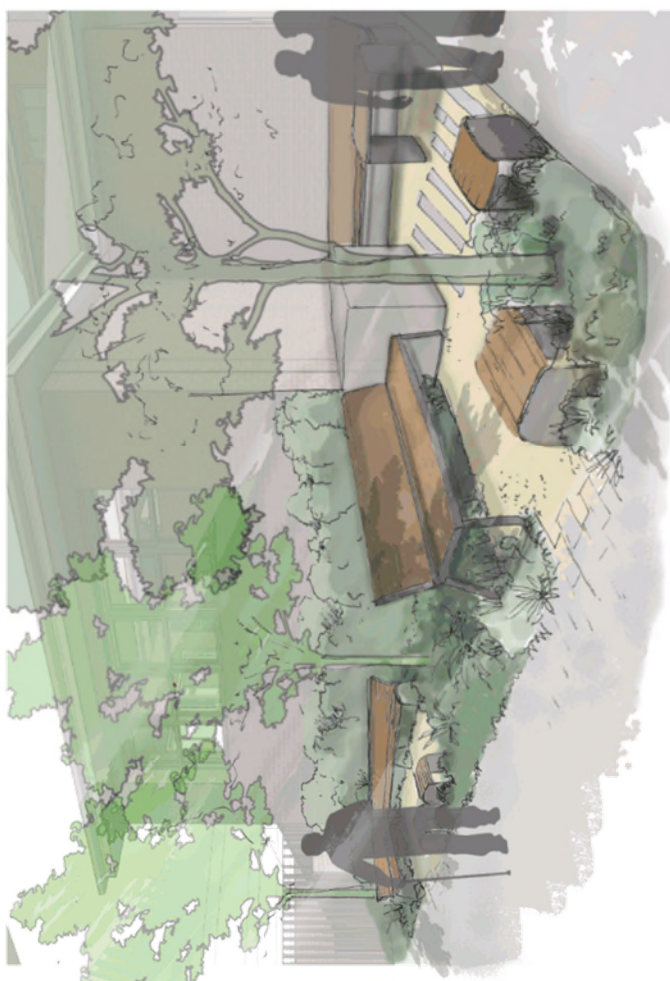
370 PENNANT HILLS ROAD, PENNANT HILLS
Section C

DATE	PROJECT NO.	REVISION	DWG NO.
21/09/2022	2521065	05	7

ATTACHMENT 3 - ITEM 9



PERSPECTIVE 02



PERSPECTIVE 01



KEY PLAN

Place Design Group Pty Ltd
38/130-132 Elizabeth Street
Waverley, Sydney NSW 2017
T + 61 2 9290 3300
F + 61 2 9852 4766

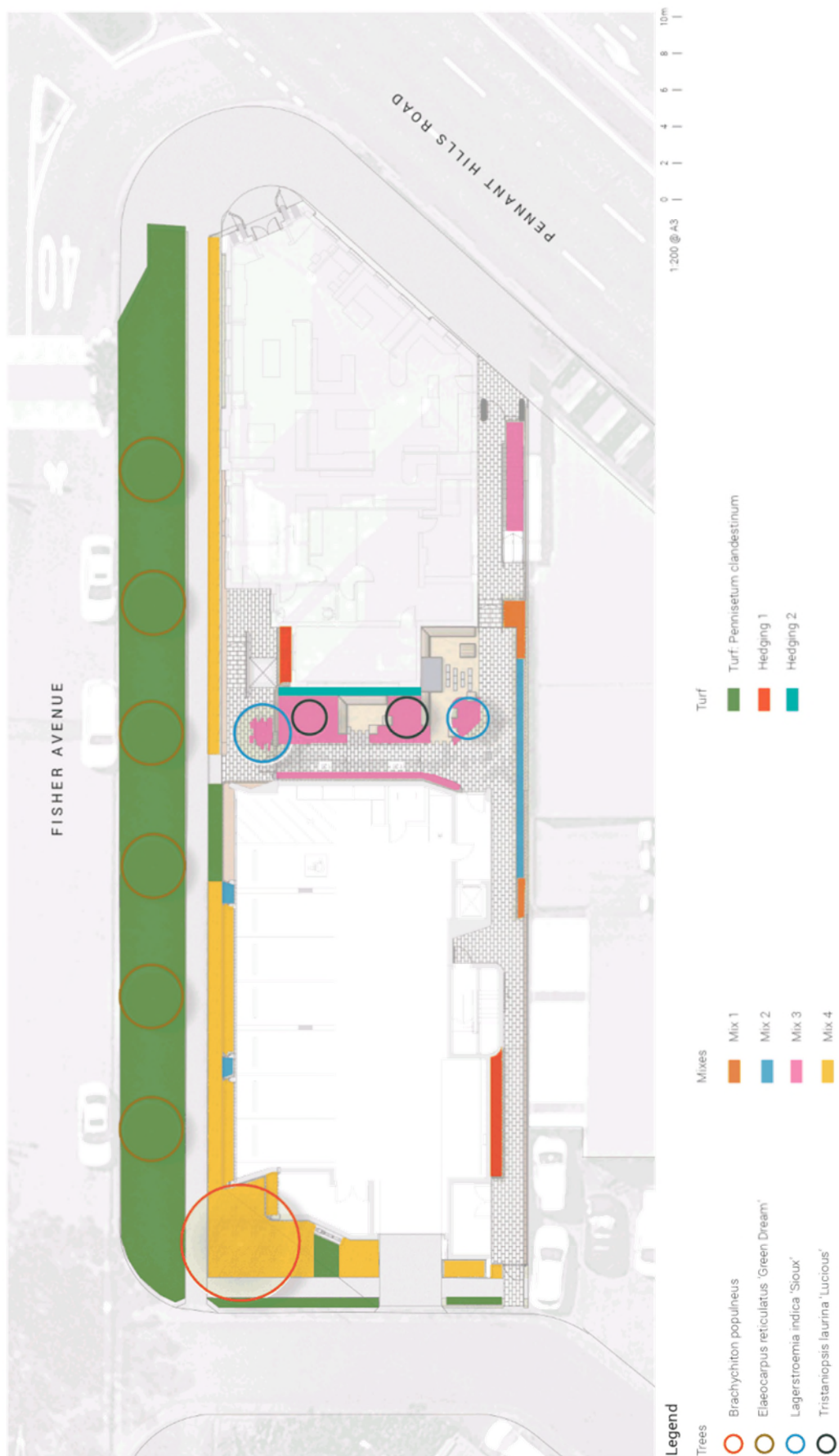
**place
design
group.**

370 PENNANT HILLS ROAD, PENNANT HILLS
Indicative Perspective Sketches

DATE	PROJECT NO.	REVISION	DWG NO.
21/09/2022	2521065	05	8

ATTACHMENT 3 - ITEM 9

Planting Plan



Place Design Group Pty Ltd
 38/130-132 Elizabeth Street
 Waterloo, Sydney NSW 2017
 T + 61 2 9290 3300
 F + 61 7 3852 4766

**place
design
group.**

370 PENNANT HILLS ROAD, PENNANT HILLS
 Planting Plan

DATE	PROJECT NO.	REVISION	DWG NO.
21/09/2022	2521065	05	9

ATTACHMENT 3 - ITEM 9

Materials Precedents



Main Paver



Barbecue



Table



Bench with Back Rest



Feature Paver



Decomposed Granite



Cube - Table/Seat



Hardwood Chip Mulch - Dark Brown



Bench with Back Rest

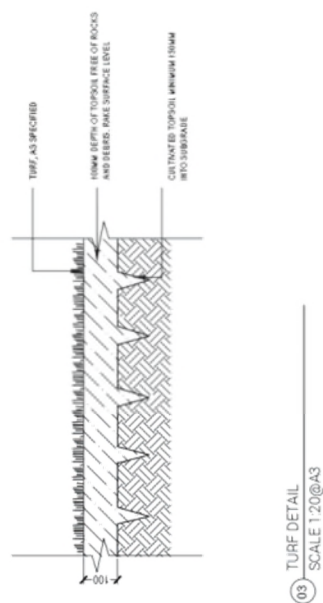
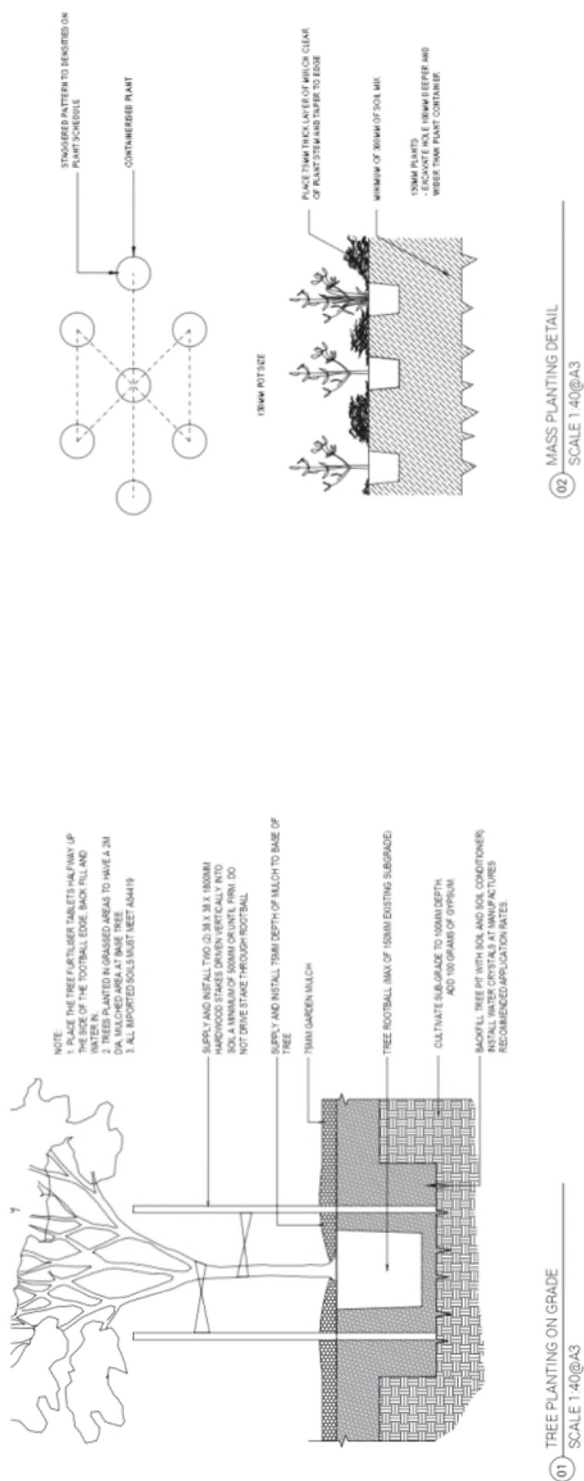
place
design
group.

Place Design Group Pty Ltd
36/130-132 Elizabeth Street
Waverley, Sydney NSW 2017
T + 61 2 9290 3300
F + 61 2 9852 4766

370 PENNANT HILLS ROAD, PENNANT HILLS
Materials Precedent

DATE	PROJECT NO.	REVISION	DWG NO.
21/09/2022	2521065	05	11

ATTACHMENT 3 - ITEM 9



DATE	PROJECT NO.	REVISION	DWG NO.
21/09/2022	2521065	05	12

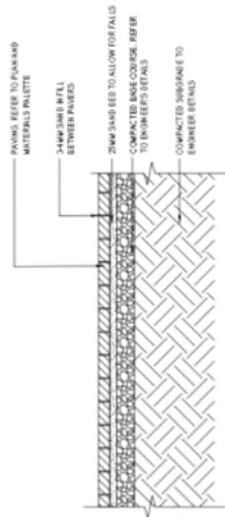
370 PENNANT HILLS ROAD, PENNANT HILLS
Typical Landscape Details

**place
design
group.**

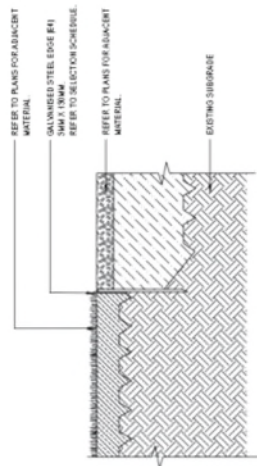
ATTACHMENT 3 - ITEM 9



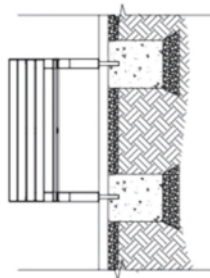
01 DECOMPOSED GRANITE
SCALE 1:20@A3



02 PAVING DETAIL
SCALE 1:20@A3



04 STEEL EDGE
SCALE 1:20@A3



03 INDICATIVE BENCH FIXING DETAIL (SUB-SURFACE)
SCALE 1:40@A3

place
design
group.

Place Design Group Pty Ltd
36/130-132 Elizabeth Street
Waverley, Sydney NSW 2017
T + 61 2 9290 3300
F + 61 2 9852 4786

370 PENNANT HILLS ROAD, PENNANT HILLS
Typical Landscape Details

DATE	PROJECT NO.	REVISION	DWG NO.
21/09/2022	2521065	05	13

ATTACHMENT 3 - ITEM 9

place
design
group.

place
design
group.

Australia
China
South East Asia

Follow us on
t i i f

placedesigngroup.com

ATTACHMENT 3 - ITEM 9