

JOINT REGIONAL PLANNING PANEL
(Sydney West Region)

JRPP No	2011SYW128
DA Number	DA/1305/2011
Local Government Area	Hornsby
Proposed Development	Demolition of existing dwellings and construction of an Affordable Housing development comprising 46 dwellings
Street Address	7, 9 & 11 Hannah Street and 129-131 Copeland Road, Beecroft
Applicant/Owner	Uniting Care Ageing – Sydney / The Uniting Church in Australia Property Trust (NSW)
Number of Submissions	238 – Original Proposal 30 – Amended Proposal
Recommendation	Approval
Report by	Garry Mahony – Senior Town Planner

Assessment Report and Recommendation

EXECUTIVE SUMMARY

1. The application proposes demolition of existing dwellings and construction of an Affordable Housing development comprising 46 dwellings.
2. The development application was considered by the Joint Regional Planning Panel on 7 June 2012 when the Panel resolved to defer determination of the application to allow the applicant to submit amended plans to address concerns raised by the Panel.
3. The amended plans for the proposed development are considered satisfactory in addressing the concerns raised by the Panel and in respect to the provisions of the *Residential Flat Design Code* under *State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development*.
3. There were 238 submissions received in response to the original proposal. The original respondents were notified of the amended plans and 30 submissions were received in response.
4. It is recommended that the application be approved.

RECOMMENDATION

THAT Development Application No. 1305/2011 for demolition of existing dwellings and construction of an Affordable Housing development comprising 46 dwellings at Nos. 7, 9 and 11 Hannah Street and 129-131 Copeland Road, Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of this report.

1. BACKGROUND

At its meeting at Hornsby Shire Council on 7 June 2012, the Joint Regional Planning Panel (JRPP) considered the Assessment Report and Recommendation and public submissions concerning DA/1305/2011 for demolition of existing dwellings and construction of an Affordable Housing development comprising 51 dwellings. The report recommended refusal of the application on the following grounds:

1. *The proposed development is unsatisfactory in respect to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as follows:*
 - a. *In respect to Clause 16A of State Environmental Planning Policy (Affordable Rental Housing) 2009, it is considered the proposal would detract from the character of the area.*
 - b. *In respect to State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development, it is considered the proposed buildings do not have adequate regard to the Design Quality Principles under Part 2 of the Policy and are of conflicting scale with surrounding development.*
2. *The proposed development is unsatisfactory in respect to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 as follows:*
 - a. *The proposed development would negatively impact on the characteristic built form of the surrounding low density residential area.*
 - b. *The proposed shared accessway off Copeland Road involves an inherent risk for senior residents and is uncertain in respect to traffic safety and accessibility.*
 - c. *The proposed development would adversely impact on the significance of the surrounding Heritage Conservation Area due to the proposed removal of a large number of established trees and the conflicting scale of the proposed buildings.*
3. *The proposed development is unsatisfactory in respect to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979 as follows:*
 - a. *The proposed development is uncertain in respect to a 1 in 100 year storm event and flooding impacts.*
4. *The proposed development is unsatisfactory in respect to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 as follows:*
 - a. *The proposal is contrary to Council's Housing Strategy implemented to maintain the character and amenity of low density residential areas by providing for high density development in appropriate locations and in this regard is not in the public interest.*

The Assessment Report and Recommendation forms an attachment to this report.

Following its deliberation at the meeting, the Joint Regional Planning Panel made the following resolution to defer determination of the application:

The task of the Panel at this meeting is to consider both the planning merits of this application and the relationship to character and amenity and the significant need for affordable housing. The Panel has visited the site and notes the existing character of the area and the zoning that supports it. The Panel notes that this site has particular attributes for the supply of affordable housing and accepts the pressing need for this accommodation, a true public interest application supported by the State government and it's SEPP.

Whilst the Panel's view is that the application is not approvable in its current form, it may, with amendments be capable of addressing the unsatisfactory planning design issues.

By following the topography of this site, Building 3, stepping the building down from 5 storeys, to 3, to 2 – the design has dealt better with height and bulk. This design feature has not been employed for Building 2 which places 5 storeys across the site, the vicinity of 2 and 1 storey neighbouring residences which is unsatisfactory in terms of the relationship with the neighbouring Hannah Street properties.

The Panel will defer the determination to allow the applicant to amend the application, should it choose to do so, by submitting plans within one month which address the above issues and will make a determination upon receipt of these plans once assessed by Council.

We recommend that the applicant meet with Council planning officers to consider how the above matters of concern might be addressed and in addition to look at the following specific matters:

- 1. The relationship between Building 1 and 15 Hannah Street – the impact of the driveway, the batter, the height and materials of the fence and where it is to be placed, and the position of screen planting.*
- 2. The relationship between Building 2, and 15 and 17 Hannah Street properties in terms of overlooking of house and garden – the Panel also finds the rear balconies where now placed to be unsatisfactory in those terms;*
- 3. Reconsideration of the need for the through site driveway for the traffic and the ability for increased landscaping in that area of the eastern side of Buildings 2 and 3;*
- 4. The Panel remains concerned about disabled access to the shops and require it to be further considered and improved.*
- 5. The Panel notes the dissatisfaction of the Council engineer with the information provided about drainage matters.*

6. *Overlooking from lobbies and corridors of Building 3 to the rear of properties in Copeland Road remains unsatisfactory and impact should be ameliorated.*

On 21 June 2012, following a meeting with Council officers on 14 June 2012, the applicant submitted amended plans to address the concerns raised by the JRPP. The amended plans step Building 2 from 5 storey to 3 storey and to 2 storey at the western end, reducing the height of the building to 2 storey in the vicinity of single and two storey dwelling houses. The amendment to Building 2 reduces the total number of proposed dwellings from 51 to 46.

In respect to the specific additional matters raised by the JRPP, the plans have been amended as follows:

1. The proposed driveway off Hannah Street to Building 1 has been reduced in width in part to 3.5m, allowing a driveway setback of 2.5 metres from the boundary with No. 15 Hannah Street. The setback allows a smaller retaining wall and boundary fence 1.8 metres high and screen planting. A 1.0 metre high fence is proposed along the driveway to minimise visual impact. A traffic signal system is proposed for the one-way traffic flow.
2. Stepping of Building 2 and screening of west facing balconies to address overlooking of No. 15 and No. 17 Hannah Street.
3. Reduction in width of part of the through site driveway to 3.0m to allow increased landscaping along the eastern boundary. The through driveway is proposed for emergency vehicle through access only.
4. Pedestrian pathways to provide a continuous path of travel between Hannah Street and Copeland Road. The letters boxes located at Copeland Road are repositioned alongside the pathway. The amended pathways are supported by an access consultant's report.
5. Additional stormwater drainage details.
6. Additional fixed privacy screening on the southern elevation of Building 3.

2. THE AMENDED PROPOSAL

The proposal, as amended, is for the demolition of three existing dwellings and construction of an Affordable Housing development comprising three buildings as follows:

- Building 1 is two storey and includes 8 x 2 bedroom dwellings and a 3 bedroom maisonette style 172m² area dwelling for a Minister's residence. The 2 bedroom dwellings include 4 x 105m² and 4 x 96m² dwellings. The building includes a basement car park with 12 car parking spaces and a caretakers workshop.
- Building 2 is two to five storey and includes 17 x 2 bedroom dwellings including 11 x 87m², 4 x 93m² and 2 x 100m² dwellings. The building shares a basement car park with Building 3. The section of the basement car park servicing the building includes 15 car parking spaces.

- Building 3 is a two to five storey building and includes 20 x 2 bedroom dwellings, including 14 x 87m², 2 x 93m² and 4 x 114m² dwellings. The section of the shared basement car park servicing the building includes 15 car parking spaces.

The proposal includes a two way accessway off Copeland Road servicing the open area visitor car park, Building 2 and Building 3, and the existing Copeland Gardens Retirement Village and the Beecroft Uniting Church. The proposed accessway off Hannah Street servicing Building 1 has been reduced to single lane access and includes a traffic control sensor system. The accessway includes restricted through access for emergency vehicles between Hannah Street and Copeland Road.

The applicant is a registered community housing provider and has nominated 32 dwellings for affordable housing accommodation including housing for low income seniors, people with a disability and low paid workers in the care industry (69% of dwellings). The remaining dwellings, not including the Minister's residence, are nominated for seniors housing. All units, other than the Minister's residence, are designed for access for people with a disability.

The proposal includes a Blue Gum High Forest Conservation Area of 1600m² in the western part of the site.

3. ASSESSMENT

In its consideration of the proposed development, the JRPP resolved that the subject site is suitable for the proposed affordable housing development subject to planning design issues of concern being addressed. Accordingly, the following is a discussion of the amended proposal in respect to matters of concern raised by the JRPP. The reports also presents an assessment of the proposal in respect to the development controls of *SEPP 65 – Residential Flat design Code*.

3.1 JRPP Recommended Amendments

3.1.1 Stepping of Building 2

In accordance with the recommendation of the JRPP, the amended plans step Building 2 from 5 storeys to 3 storeys to 2 storeys east to west across the site. Similarly, proposed Building 3 is stepped from 5 storeys (the basement constitutes a storey) to 3 storeys to 2 storeys.

At the eastern boundary proposed Building 2 has a roof height of RL 156.0m and clerestory windows RL of 157.1m. The height of the adjoining residential flat building at No. 76 Beecroft Road is RL 157.3m.

At the eastern boundary, proposed Building 3 has a roof height of RL 154.35m and clerestory windows RL of 155.35m. The height of the adjoining residential flat buildings at No. 78 and No. 80 Beecroft Road is RL 153.5m.

The proposed height of Building 2 and Building 3 has regard to the height of the adjoining residential flat buildings fronting Beecroft Road and are stepped east to west across the site to be two storey at the western elevation, consistent with the height of the adjacent dwelling-houses.

It is considered that Building 2 has been mended to incorporate appropriate stepping across the site to minimise impacts in terms of bulk and scale on the neighbouring Hannah Street properties.

3.1.2 Relationship Between Building 1 and No. 15 Hannah Street

The amended plans increase the setback of the proposed driveway off Hannah Street to facilitate landscape planting 8m-10m high, which would provide effective screening of 15 Hannah Street from the driveway and Building 1. The amended plans include a smaller retaining wall and boundary fence to 1.8 metres high providing appropriate amenity for No. 15 Hannah Street. A 1.0 metre high fence is also proposed along the driveway to minimise visual impact pending establishment of landscaping.

The applicant has advised that The Uniting Church Australian Property Trust has agreed terms with the owners of No. 15 Hannah Street for the purchase of the property. The future use of property at this stage would be subject to any future necessary approvals.

The amended plans are considered acceptable in addressing amenity impacts of the driveway to proposed Building 1 on 15 Hannah Street.

3.1.3 Relationship Between Building 2 and No. 15 and No. 17 Hannah Street

Proposed Building 2, as amended, is 5 storey behind Building 1 and steps to 3 storey (RL 145.2) and to 2 storey (RL 142.0m) behind the dwelling-house at No. 15 Hannah Street. As a result in the reduction in building height, the proposed building would be less visible in Hannah Street being below the height of dwelling houses No. 15 (RL 150.6m) and No. 17 Hannah Street (RL 150.64m).

The amendments include the deletion of elevated balconies in relation to the rear yards of No. 15 and No. 17 Hannah Street and the inclusion of appropriate screening of the two proposed west facing balconies, to minimise privacy impacts.

The proposal retains existing trees Nos. 63, 66, 67 and 68 which provide screening between Building 2 and the neighbouring dwellings.

The amended plans are considered appropriate in providing an acceptable relationship between Building 2 and No. 15 and No. 17 Hannah Street.

3.1.4 Increased Landscaping Eastern Side of Building 2 and Building 3

The through driveway has been retained. However, it has been reduced in width and is proposed for emergency vehicle access only.

The reduction in the width of the through site driveway facilitates the provision of additional landscaping along the eastern boundary adjacent to Building 2 and Building 3. The increased landscaping enhances the amenity of the neighbouring residents and the proposed development.

3.1.5 Disabled Access

The amended plans incorporate revised pedestrian access linking Building 2 and Building 3 with Copeland Road. The amended plans include a pathway along the western side of the accessway off Copeland Road with a marked crossing to connect with the existing Copeland Gardens pedestrian access. The amendments include the relocation of the proposed letterboxes to link with the pathway.

The applicant has submitted a report from an access consultant which includes the following comments:

In our opinion the proposed amended path of travel, which includes new work proposed to meet AS1428.1, should provide residents of the proposed development in Buildings 2 and 3 an external pedestrian link to the resident letterboxes and Copeland Road footpath that meet the requirements of the Access to Premises – Buildings and the BCA part D3.2

It is considered the amended plans address the concerns of the JRPP in this regard.

3.1.6 Drainage Matters

The applicant has submitted additional information concerning the drainage catchment for the proposed development. The additional information is satisfactory in addressing Council's concerns regarding the existing open drainage channel through the site and the proposed stormwater drainage system.

It is noted the location of the proposed ground floor level (RL 136.0m) of the two storey component of Building 3 is below the level recommended for a 1 in 100 storm event (RL 136.8). The increase in floor height would not detract from amenity of neighbouring residents and could be accommodated with modification to the proposed lift. A condition is recommended for the floor level to be increased to the required RL.

3.1.7 Overlooking From Lobbies and Corridors of Building 3

The amended plans include fixed louvre screens to the open corridor and lobby sections along the southern elevation of Building 3, minimising opportunities for overlooking of neighbouring Copeland Road residents.

It is considered the amended plans address the concerns of the JRPP in this regard.

3.2 SEPP 65 - Residential Flat Design Code

The *Code* includes development controls and best practice benchmarks for achieving the design principles of the *SEPP 65*. The following table sets out the proposal's compliance with the *Code*:

Residential Flat Design Code			
Control	Proposal	Requirement	Compliance
Deep Soil Zone	25%	25%	Yes
Communal Open Space	33%	25-30%	Yes
Gnd Level Private Open Space	25m ² + Min dimension 4m	25m ² Min Dimension 4m ²	Yes Yes
Minimum Dwelling Size	2 br – 87m ² -114m ² 3 br – 172m ²	2 br – 70m ² 3 br – 95m ²	Yes Yes
Maximum Kitchen Distance	8m	8m	Yes
Minimum Balcony Depth	2.0m	2.0m	Yes
Solar Access	72%	70%	Yes
Southerly Aspect	4%	10%	Yes
Dual Aspect & Cross Ventilation	60%	60%	Yes

As detailed in the above table, the proposed development generally complies with the prescriptive measures within the *Residential Flat Design Code*. Below is a brief discussion regarding the relevant development controls within the Code.

3.2.1 Apartment Layout

The unit layout is primarily for all units within Building 2 and Building 3 to be oriented to the north. There are four south facing units within Building 1. The proposed units meet the requirements of the *Code* for internal privacy, access to daylight, natural ventilation, acoustic and visual privacy. The habitable rooms have daylight access and natural ventilation. The proposed kitchens are centrally positioned and avoid main circulation areas.

The proposal achieves the requirement for a minimum of 60% of units to have dual aspect with regard to the proposed clerestory windows of the top floor units of Building 2 and Building 3.

3.2.2 Ground Floor Apartments

The proposed ground floor apartments meet the requirements of the *Code* for provision of private courtyards screened by landscaping from the public domain. The landscaping of ground floor units of Building 2 and Building 3 is structured to contribute to communal open space. The landscaping of ground floor units of Building 1 is structured to contribute to the Hannah Street streetscape.

3.2.3 Internal Circulation

All units are designed as accessible units with lift access to all levels within each for the three proposed buildings. Building 1 has a central lobby with four units on each floor. The lobby for units on the respective levels of Building 2 and Building 3 is at the southern elevation and includes open sections with access to natural light and ventilation, enhancing the amenity of circulation space.

3.2.4 Acoustic Privacy

The proposed apartment layout provides separation between apartments and the unit floor plans separate noisier kitchen and bathroom areas from sleeping areas, achieving design for acoustic privacy.

The applicant has submitted a Noise Assessment which concludes that the site is not affected by traffic noise intrusion and that noise generated by traffic from within the development would be insignificant. Subject to appropriate noise mitigation of plant and service areas and the provision of boundary fencing, the proposed development would not impact on the acoustic amenity of surrounding residents.

3.2.5 Solar Access

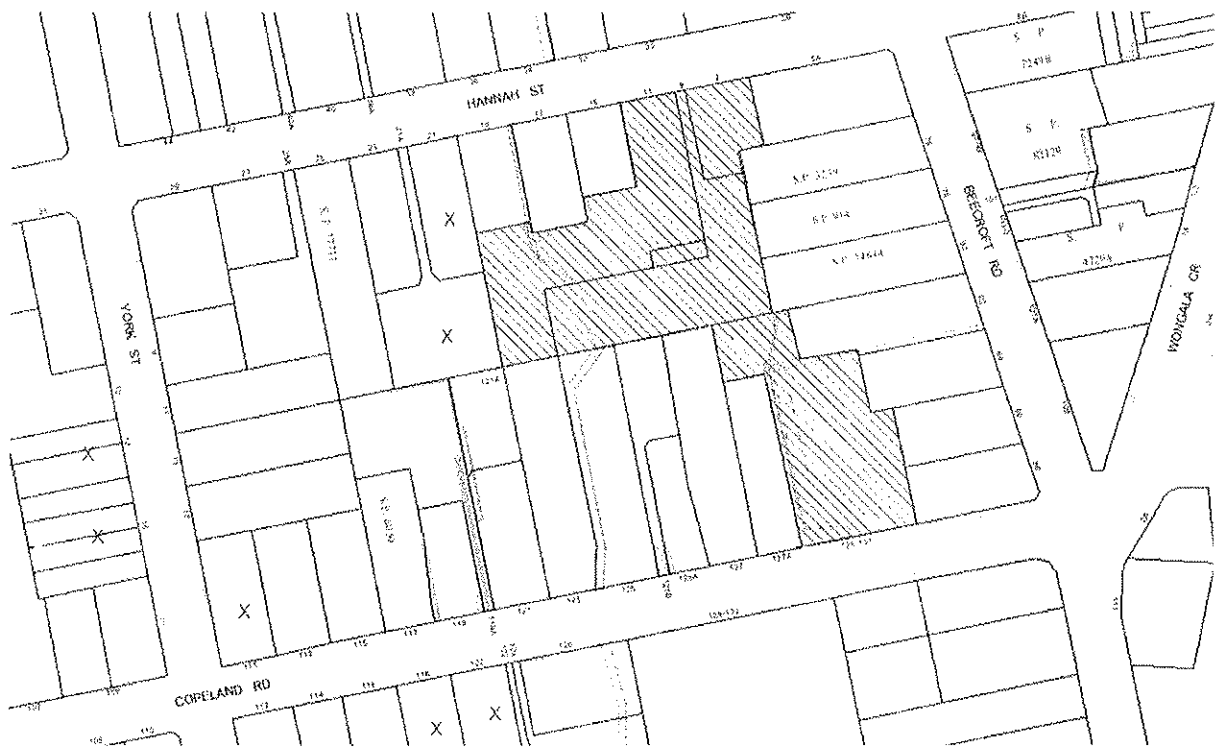
The proposed development complies with *Code* requirement for a minimum of 70% of dwellings to receive three hours of sunlight between 9am and 3pm on 22 June.

4. PUBLIC PARTICIPATION



Section 79C(1)(d) of the Act requires a consent authority to consider “*any submissions made in accordance with this Act*”.

4.1 Community Consultation

The amended proposal was notified for 14 days between 21 June and 5 July 2012 to adjoining and nearby landowners and people who made submissions to the original proposal. The notification was in accordance with Council’s *Notification and Exhibition Development Control Plan*. During this period, Council received 30 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

<p>X SUBMISSIONS RECEIVED</p>	<p> PROPERTY SUBJECT OF DEVELOPMENT</p>	<p></p>
<p>23 SUBMISSIONS RECEIVED OUT OF MAP RANGE</p>		

Thirty submissions object to the amended proposal on the following grounds:

- Development is contrary to objectives of the low density zoning;
- Five storey development would detract from character of the local area;
- Unacceptable traffic volumes and traffic safety on Copeland Road;
- Uncertainty for restoration of the Blue Gum High Forest;
- The development would detract from the heritage significance of the area;
- The development is inconsistent with Council's Housing Strategy;
- Significant loss of trees;
- Loss of residential amenity;
- Stormwater drainage is inadequate;
- Construction traffic management and noise management;

The merits of the matters raised in community submissions are addressed as follows:

4.1.1 Objectives of the Low Density Zoning

The proposed development is permissible pursuant to the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* which prevails to the extent of any inconsistency with any other planning instrument. At its meeting on 7 June 2012, the JRPP noted that the site has particular attributes for the supply of affordable housing and accepts the need for this type of accommodation.

4.1.2 Character of Local Area

The JRPP determined that the site is appropriate for the provision of affordable housing subject to specific design issues being addressed to improve the relationship of the development with the character of the area and amenity of adjacent properties. It is considered that the amended plans submitted by the applicant respond appropriately to the outstanding issues raised by the JRPP.

4.1.3 Unacceptable Traffic Volumes and Traffic Safety

Council has undertaken traffic counts and assessed the traffic generated by the proposed development to confirm that the proposal would not detract from the level of service of Copeland Road and Hannah Street.

4.1.4 Blue Gum High Forest

The submitted Vegetation Management Plan is satisfactory in providing for the long term restoration of Blue Gum High forest.

4.1.5 Heritage Significance

The JRPP resolved that Building 2 should be stepped down to two storeys to minimise impacts on the character of the area and amenity impacts on neighbouring properties. The amended plans incorporate an appropriate stepped form. As a result, Building 2 would largely be screened from view from Hannah Street by existing and proposed development. The stepping of the Building appropriately responds to the concerns raised by the JRPP.

4.1.6 Housing Strategy

The provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* prevails in respect to the Council's Housing Strategy.

4.1.7 Loss of Trees

The arborist report submitted by the applicant is considered acceptable to Council in respect to the trees proposed to be removed.

4.1.8 Loss of Residential Amenity

The proposal as amended is considered satisfactory in addressing the concerns raised by the JRPP concerning amenity of neighbouring residents.

4.1.9 Stormwater Drainage

Council's engineering assessment of the proposal concludes that the proposed development would not adversely impact on downstream properties.

4.1.10 Construction Traffic Management & Noise Management

Council is satisfied construction traffic and noise can be appropriately managed via appropriate conditions of consent to minimise impacts on residential amenity.

5. THE PUBLIC INTEREST

Section 79C(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 amended plans are considered to have satisfactorily addressed the concerns raised by the JRPP and would provide a development outcome that, on balance, would result in a positive impact for the community. The proposal would address the public interest by providing much needed affordable housing to address demand. Accordingly, it is considered that the approval of the proposed affordable housing development would be in the public interest.

6. CONCLUSION

The proposed development was originally considered by the JRPP on 7 June 2012 and was recommended for refusal. The amended proposal, as submitted, addresses the JRPP resolution that the applicant should amend the design to address the concerns raised by the Panel.

The amended plans submitted by the applicant are considered to have addressed the JRPP's concerns in respect to: Building 2 and amenity of neighbouring residents, the provision of additional landscaping, provision for disabled access, stormwater drainage and overlooking of Copeland Road residents from Building 3. The proposed development as amended is in accordance with the development controls of *SEPP 65 – Residential Flat Design Code*.

The original proposal was subject to considerable public interest with 238 submissions being received in response to the proposal. The respondents to the original proposal were notified of the amended plans and 30 submissions were received in response.

The amended application is considered to have addressed the outstanding issues identified by the JRPP. Accordingly, the application is recommended for approval subject to recommended conditions.

Attachments:

1. Locality Plan
2. Amended Architectural Plans
3. Amended Landscape Plans
4. Restricted Area for Blue Gum High Forest

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:

<i>Plan No.</i>	<i>Drawn by</i>	<i>Dated</i>
DA00 Title Sheet	Brewster Hjorth Architects	19/6/12
DA01 Survey Plan	Brewster Hjorth Architects	7/6/12
DA02 Site Plan-Rev D	Brewster Hjorth Architects	19/6/12
DA03 Demolition-Rev C	Brewster Hjorth Architects	20/4/12
DA04 Lower Ground Floor-Rev C	Brewster Hjorth Architects	16/4/12
DA05 Ground Floor-Rev C	Brewster Hjorth Architects	16/4/12
DA06 Level 1-Rev C	Brewster Hjorth Architects	16/4/12
DA07 Level 2-Rev C	Brewster Hjorth Architects	16/4/12
DA08 Level 3-Rev C	Brewster Hjorth Architects	16/4/12
DA09 Level 4-Rev C	Brewster Hjorth Architects	16/4/12
DA10 Roof Plan-Rev C	Brewster Hjorth Architects	26/4/12
DA11 Elevations-Rev D	Brewster Hjorth Architects	20/6/12
DA12 Elevations-Rev D	Brewster Hjorth Architects	16/4/12
DA13 Elevations-Rev D	Brewster Hjorth Architects	16/4/12
DA14 Elevations-Rev E	Brewster Hjorth Architects	16/4/12
DA15 Elevations-Rev E	Brewster Hjorth Architects	1/5/12
DA16 Elevations-Rev D	Brewster Hjorth Architects	20/6/12
DA19 Colours and Materials Rev B	Brewster Hjorth Architects	23/4/12

DA22 Sections-Rev A	Brewster Hjorth Architects	5/6/12
LC01 Landscape Concept Plan Rev E	Taylor Brammer Architects	15.06.12
LC02 Landscape Concept Plan Rev G	Taylor Brammer Architects	15.06.12
LC03 Landscape Sections and Themes Rev C	Taylor Brammer Architects	16.04.12

+Document No.	Prepared by	Dated
D01818466 Waste Management Plan	BBC Consulting Planners	7.11.11
D0181468 Building Code of Australia Report	BCA Logic	9 Nov 2011
D01818472 Basix Certificate	Benchmark Building Certifiers	15 Nov 2011
D01818475 Access Report	Access Associates Sydney	2 Nov 2011
D01818481 Vegetation Management Plan	Cumberland Ecology	Nov 2011
D01818482 Arborist Report	Blues Arboricultural & Horticultural Services	4 Nov 2011
D01818484 Acoustic Report	Wilkinson Murray	Nov 2011
D01818491 Construction Management Plan	BBC Consulting Planner	Nov 2011
D01917199 Detailed Contamination Assessment	Geotechnique Pty Ltd	3 May 2012

2. Removal of Existing Trees

This development consent only permits the removal of tree(s) numbered 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 29, 31, 32, 32a, 33, 33a, 33b, 34, 35, 36, 37, 38, 40, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 64, 65, 72, 73, 74, 76, 78, 79, 84, 87, 88, 89, 93, 94, 95, 96, 97, as identified on plan at Appendix 3 – Tree Numbering / Survey of the Arboricultural Impact Assessment Report prepared by Blues Arboricultural & Horticultural Services dated 4 November 2011. The removal of any other trees requires separate approval under Council's Tree Preservation Order.

3. Amendment of Plans

The approved plans are to be amended as follows:

- a. The two storey component of Building 3 is to be amended to address the floor level required by Condition No. 37.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE
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4. Building Code of Australia

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

5. Contract of Insurance (Residential Building Work)

In the case of 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, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

Note: This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Act, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the Act, or to the erection of a temporary building.

6. Water/Electricity Utility Services

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

- a. *Energy Australia* – a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b. *Sydney Water* – the submission of a ‘Notice of Requirements’ under s73 of the *Sydney Water Act 1994*.

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.

7. Dilapidation Report

A ‘Dilapidation Report’ is to be prepared by a ‘chartered structural engineer’ detailing the structural condition of Nos. 5A, 15, 17 & 19 Hannah Street, Nos. 76, 78 & 80 Beecroft Road and Nos. 125B and 125 Copeland Road, Beecroft.

8. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) must be prepared by a qualified traffic engineer and is to be submitted to Council for approval. The CTMP must detail the following:

- a. Arrangements for public notification of the works.
- b. Temporary construction signage.

- c. Permanent post-construction signage.
- d. Heavy vehicle movement plans to and from the site.
- e. Traffic management plans.
- f. Pedestrian and cyclist access/safety.
- g. Construction parking plans

9. Vegetation Management Plan

The *Vegetation Management Plan (VMP)* prepared by Cumberland Ecology is to be amended to delete reference to the Community Lounge and to provide additional planting and regeneration in this area.

10. Construction Environmental Management Plan

The applicant shall prepare a *Construction Environmental Management Plan* which shall be submitted to Council for approval. The purpose of this document is to provide an A3 site plan with advisory specifications for construction workers on site. The plan shall be prepared by a suitably qualified and experienced person and include the following information:

- scaled survey plan of the site showing the development footprint in relation to the Blue Gum High Forest and remnant trees proposed for retention;
- location of protective fencing (1.8m high cyclone mesh) installed around bushland areas proposed for retention and to be clearly delineated from building works areas;
- location of tree protection fences for specific trees approved for retention;
- location of temporary and permanent trenches required for installation of services;
- location and specification of sediment and erosion control fencing to prevent degradation of known threatened species and their habitat recorded immediately down-slope of the building site (in accordance with Council's Blue Book – Sustainable Water Best Practices);
- location of soil, mulch, waste and building material stock piles;
- location of dedicated construction vehicle parking areas;
- specifications of approved cut and fill;
- location of road-base only within the approved development foot print (i.e. driveway);

- notation describing *'that no mulch is to be applied within the Blue Gum High Forest Regeneration Area'*;
- Phytophthora management protocols;
- A qualified arborist (AQF5 level) shall supervise the severance of any roots greater than 40mm;
- An ecologist shall be on site during tree clearing works to ensure fauna is relocated. Prior to the approved removal of hollow bearing trees the applicant is to carry out the following actions to prevent harm to native wildlife:
 - Ensure the trees are removed in sections by a qualified Tree Surgeon just prior to dusk when roosting animals would be alert and likely to disperse 'naturally' from the site. Ensure that trees are knocked several times (with a hammer etc.) to alert any roosting animals of the possibility of danger. Ensure that all tree hollows are examined prior to and immediately after their removal to ensure roosting animals are free from danger.

Note: *WIRES (Wildlife Rescue) volunteers can be contacted on (02) 8977 3333 or Wildlife Services Sydney Metropolitan volunteers can be contacted on (02) 9413 4300. Information on animal nesting boxes can be gained from WIRES, Kalkari Information Centre in Ku-Ring-Gai Chase National Park, or Birds Australia web site – www.birdsaustralia.com.au*

The *Construction Environmental Management Plan* must be endorsed by Council's Bushland and Biodiversity Team and the applicant's project ecologist.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
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11. Erection of Construction Sign

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a. Showing the name, address and telephone number of the principal certifying authority for the work.
- b. Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours, and
- c. Stating that unauthorised entry to the work site is prohibited.

Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

12. 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.

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

13. Toilet Facilities

Toilet facilities must be available or provided 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. Each toilet must:

- a. Be a standard flushing toilet connected to a public sewer; or
- b. Be a temporary chemical closet approved under the *Local Government Act, 1993*; or
- c. Have an on-site effluent disposal system approved under the *Local Government Act, 1993*

14. Erosion and Sediment Control

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 up to \$1,500 may be issued for any non-compliance with this requirement without any further notification or warning.

15. Tree Protection Barriers

Tree protection fencing must be erected around trees numbered T30, T39, T41, T63, T66 –T68, T90,- T92, T94 – T99 to be retained at a 3 metre setback. The tree fencing must be constructed of 1.8 metre 'cyclone chainmesh fence' or star pickets spaced at 2 metre intervals, connected by a continuous high-visibility barrier/hazard mesh at a height of 1 metre.

To avoid injury or damage, trees numbered T21, T22, T23 must have trunks protected by 2 metre lengths of 75mm x 25mm hardwood timbers spaced at 80mm secured with galvanised wire (not fixed or nailed to the tree in any way).

REQUIREMENTS DURING CONSTRUCTION

16. Construction Work Hours

All work 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.

Note: DECCW has prepared guidelines for construction noise: Interim Construction Noise Guidelines – 2009.

17. Demolition

All demolition work must be carried out in accordance with *Australian Standard 2601-2001 – The Demolition of Structures* and the following requirements:

- a. Demolition material is to 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 *WorkCover NSW* in accordance with Chapter 10 of the *Occupational Health and Safety Regulation 2001* and Clause 29 of the *Protection of the Environment Operations (Waste) Regulation 2005*.
- c. On construction sites where buildings contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm must be erected in a prominent position visible from the street.

18. Environmental Management

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* by way of implementing appropriate measures to prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction of the development.

19. Street Sweeping

Street sweeping must be undertaken following sediment tracking from the site along Copeland Road and Hannah Street during works and until the site is established.

20. Works near Trees

All required tree protection measures are to be maintained in good condition for the duration of the construction period.

All works (including driveways and retaining walls) within 5 metres of any trees required to be retained (whether or not on the subject property, and pursuant to this consent or the *Tree Preservation Order*), must be carried out under the supervision of an 'AQF Level 5 Arborist' and a certificate submitted to the principal certifying authority detailing the method(s) used to preserve the tree(s).

Note: Except as provided above, the applicant is to ensure that no excavation, filling or stockpiling of building materials, parking of vehicles or plant, disposal of cement slurry, waste water or other contaminants is to occur within 4 metres of any tree to be retained.

21. Bushland protection prior and during construction

To ensure the protection of bushland during construction, the applicant must ensure the following:

- a. To protect the bushland and retained trees from the effects of building materials, sedimentation and erosion from development sites the applicant will ensure that no filling of soil and no stockpiling of building materials is to occur within 4 metres of the adjacent bushland or retained indigenous trees for the duration of the on-site works.
- b. The installation of durable and high visibility orange mesh held up by star pickets are to be installed at the following locations to prevent damage of native vegetation proposed for retention during construction:
 - i) Around the *Blue Gum High Forest Forest Regeneration Area* the mesh shall be placed more than 4m from the trunk of any tree to avoid damage to critical root zones to delineating the construction site.
- c. All machinery is to be cleaned of soil and debris before entering the site to prevent the spread of weeds and fungal pathogens.

Note: The site contains Blue Gum High Forest which is listed as a Critically 'Endangered Ecological Community' under the 'Threatened Species Conservation Act 1995'. The Act prohibits the disturbance to threatened species, endangered populations and endangered ecological communities, or their habitat, without the approval of the 'Department of Environment and Climate Change' where such activities are not authorised by a development consent under the 'Environmental Planning and Assessment Act 1979'.

Actions such as tree removal, understorey slashing or mowing, removal of dead trees within this vegetation would likely impact upon this endangered ecological community. Such action would qualify as illegally picking or disturbing the habitat and could render any person who carried out such action as LIABLE FOR PROSECUTION.

22. Council Property

During construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath.

23. 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.

24. Landfill

Landfill must be constructed in accordance with Council's '*Construction Specification, 2005*' and the following requirements:

- a. All fill material imported to the site is to wholly consist 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 *Department of Environment and Climate Change's* general resource recovery exemption.
- b. A compaction certificate is to be obtained from a geotechnical engineer verifying that the specified compaction requirements have been met.

25. Excavated Material

All excavated material removed from the site must be classified in accordance with the Department of Environment, Climate Change and Water NSW *Waste Classification Guidelines* prior to disposal to an approved waste management facility and reported to the principal certifying authority.

26. Survey Report – Finished Floor Level

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.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Note: For the purpose of this consent, a reference to 'occupation certificate' shall not be taken to mean an 'interim occupation certificate' unless otherwise stated.

27. Fulfilment of BASIX Commitments

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

28. Sydney Water – s73 Certificate

A s73 Certificate must be obtained from *Sydney Water*.

29. Stormwater Drainage

The stormwater drainage system for the development must be designed and constructed and a construction Certificate issued for these works. The stormwater drainage system is to be designed in accordance with Council's *Civil Works – Design and Construction Specification 2005* and the following requirements:

- a. Connected to the existing Council drainage system. Engineering plans detailing the proposed connection to the existing system are to be prepared and submitted to Hornsby Shire Council for approval. The plans shall assess the hydraulic performance of the system to ensure that the 1 in 20 year post development storm event can be conveyed into the drainage system.
- b. The watercourse located within the drainage easement benefiting Hornsby Shire Council is to be reconstructed in accordance with the recommendations of the SPAD Consulting Engineers Report dated 28 May 2012. Engineering plans detailing the proposed works are to be prepared and submitted to Hornsby Shire Council for approval.

30. On Site Stormwater Detention

The on site detention system for the development must be designed and constructed and a construction Certificate issued for these works. The stormwater drainage system is to be designed in accordance with Council's *Civil Works – Design and Construction Specification 2005* and the following requirements:

- a. Have a capacity of not less than 189m³, and a maximum discharge (when full) of 40 litres per second.
- b. Have a surcharge/inspection grate located directly above the outlet.
- c. Discharge from the detention system to 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. Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

31. Internal Driveway/Vehicular Areas/ Vehicular Crossing

The driveway and parking areas on site must be designed, constructed and a Construction Certificate issued in accordance with *Australian Standards 2890.1, 2890.2, 3727, Councils Civil Works Specification* and the following requirements:

- a. Design levels at the front boundary be obtained from Council.
- b. The driveway be a rigid pavement.
- c. The driveway is to have a minimum width across the road reserve at Hannah St and at Copeland Rd of 5.5m and this width is to extend 6m inside the property boundary. The grade of the driveway in this location shall not exceed 5%.
- d. In accordance with Councils Civil Works Specification the Hannah St access crossing is to be a residential heavy duty driveway and the Copeland Rd access crossing is to be a commercial driveway.
- e. The existing driveway from Copeland Rd, within the subject property, may remain subject to a certificate prepared by a NPER registered civil engineer certifying that the existing driveway has been constructed in accordance with the requirements of AS 3727.
- f. Retaining walls required to support the carriageway and the compaction of all fill batters to be in accordance with the requirements of a chartered structural engineer.
- g. The section of the driveway between Building 2 and Building 3 for emergency vehicle access only is to be designed separately to integrate with the proposed landscaping and pedestrian pathways.

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.

32. Footpath

Prior to the issue of a Construction Certificate for these works a separate application under the *Local Government Act, 1993* and the *Roads Act, 1993* must be submitted to Council for the construction of footpaths within the road reserve. A concrete footpath must be constructed along the full frontage of the subject site in Hannah St and the existing footpath removed in accordance Council's *Civil Works Design and Construction Specification, 2005* and the following requirements:

- a. The existing footpath being removed.
- b. Pouring of the concrete footpath to the full frontage of the subject site.

- c. The land adjoining the footpath to be fully turfed.
- d. Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

33. Road Works

Prior to the issue of a Construction Certificate for these works a separate application under the *Local Government Act, 1993* and the *Roads Act, 1993* must be submitted to Council for all works within the road reserve. All road works approved under this consent must be constructed in accordance with Council's *Civil Works Design and Construction Specification, 2005* and the following requirements:

- a. The existing kerb and gutter across the frontage of the site in Hannah St is to be removed and reconstructed.
- b. The existing road pavement to be saw cut a minimum of 300 mm from the existing lip of gutter and reconstructed.
- c. The verge area in Hannah St is to be regraded from the property boundary to the top of kerb at a grade of 4%. Retaining walls and/or batters are to be constructed within the subject property to retain the filled land.

34. Traffic Control Plan

A Traffic Control Plan (TCP) must be prepared by a qualified traffic controller in accordance with the *Roads & Traffic Authority's Traffic Control at Worksites Manual 1998* and *Australian Standard 1742.3* for all work on a public road and be submitted to Council. The TCP must detail the following where required:

- a. Arrangements for public notification of the works.
- b. Temporary construction signage.
- c. Permanent post-construction signage.
- d. Vehicle movement plans.
- e. Traffic management plans.
- d. Pedestrian and cyclist access/safety.

35. Damage to Council Assets

Any damage caused to Council's assets as a result of the construction of the development must be rectified in accordance with Council's written requirements and at the sole cost of the applicant.

36. Consolidation of Lots

All lots within the development site are to be consolidated into one lot.

37. Minimum Floor Level

The floor level of Building 3 shall be no lower than 136.80m AHD in accordance with the SPAD Consulting Engineers report dated 28 May 2012 to ensure that the proposed building is flood free. A certificate from a registered surveyor is to be submitted to the PCA confirming that this minimum floor level has been achieved.

38. Creation of Easements

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

- a. A restriction to user over the swale and flow path for a 100 year average recurrence interval storm. The *"Restriction on the Use of Land"* over the affected area is to prohibit the alteration of the final floodway shape and the erection of any structures, including fencing, in the floodway without the written permission of Council. The terms of this restriction must be obtained from Council.
- 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 and the restriction on the use of land *"works-as-executed"* details of the on-site-detention system and overland flow path works must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. Furthermore a Certificate from a NPER registered engineer is to be submitted verifying that the OSD will function hydraulically in accordance with the approved plans and this consent. The details must show the invert levels of the on site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the *"works-as-executed"* plan and supported by calculations.

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

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 on-site detention system.

40. Planter Boxes / On slab planting

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

41. Completion of Landscaping

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

Note: 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.

42. Protection of Native Vegetation

To inform current and future owners that the areas of significant native vegetation on the site are protected from development the following conditions apply.

a. Restricted Development Area

A Restriction-As-To-User shall be created under Section 88B of *The Conveyancing Act 1919* to preserve the remnant Blue Gum High Forest Endangered Ecological Community, where no building work including paving, excavation or construction, no removal of native vegetation (trees, shrubs and groundcovers) except those trees identified in the conditions of consent, no stockpiles, no changes to soil aeration or hydrological capacity, no open cut trenching, no placement of temporary buildings, no parking or movement of machinery, no spillage/disposal of building waste are to occur within the western portion of the site, as marked in diagonal lines on marked up drawing Council reference No. D01969628. This area is to be considered the 'Restricted Development Area'.

b. Positive Covenant For Conservation of Native Vegetation

A positive covenant shall be created under Section 88E of *The Conveyancing Act 1919* for the area marked in diagonal lines on marked up drawing Council reference No. D01969628. This area is to be considered the 'Restricted Development Area'. The covenant shall specify:

- i) All landscaping/vegetation management shall be in accordance with the Vegetation Management Plan prepared by Cumberland Ecology dated Nov 2011 as amended in accordance with Condition No. 9.
- ii) Any approved tree removal within the 'Restricted Development Area' shall be replaced within this defined area with local provenance advanced stock of the same species, so a continual stand of trees will be preserved.
- iii) No development shall encroach within the 'Restricted Development Area', nor any removal of indigenous vegetation.
- iv) High use open space areas shall be limited to land outside the 'Restricted Development Area'.

- v) Trees within the 'Restricted Development Area' shall be inspected triannually by a qualified arborist and treated to maintain tree health to ensure the stand of trees will be preserved.

43. Garbage Collection Easement

For the purpose of waste collection, an easement entitling Council, its servants and agents and persons authorised by it to enter upon the subject land and to operate thereon, vehicles and other equipment for the purposes of garbage collection must be granted to Council by the owner of the land.

Note: The easement must be in a form prescribed by Council and must include covenants to the effect that parties will not be liable for any damage caused to the subject land or any part thereof or to any property located therein or thereon by reason of the operation thereon of any vehicle or other equipment used in connection with the collection of garbage and to the effect that the owner for the time being of the subject land shall indemnify the Council, its servants, agents and persons authorised by it to collect garbage against liability in respect of any such claims made by any person whomsoever.

44. Boundary Fencing

- a. Fencing must be erected along all property boundaries behind the front building alignment to a height of 1.8 metres.
- b. Fencing along the western boundary adjoining Copeland Road properties must be 2.0m high lapped and capped timber fencing

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

45. External Lighting

All external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*. Certification of compliance with the Standard must be obtained from a suitably qualified person.

46. Unit Numbering

The allocation of unit numbering must be authorised by Council prior to the numbering of each unit in the development.

47. Site Remediation Verification

The applicant must provide documentation from a suitably qualified environmental consultant verifying that the site has been remediated in accordance with the NSW Environment Protection Authority's Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites, the Contaminated Sites- Sampling Design Guidelines Contaminated Sites – Guidelines for the NSW Site Auditor Scheme and the recommendations of the Detailed Contamination Assessment prepared by Geotechnique Pty Ltd dated 3 May 2012.

48. s94 Infrastructure Contributions

The payment to Council of a contribution of \$473,763.00 for 45 x 2 bedroom dwellings and 1 x 3 bedroom dwelling towards the cost of infrastructure identified in Council's Development Contributions Plan 2007-2011 in accordance with the following table:

*Note: * The value of contribution is current as at 15 July 2012. The contribution includes a credit for the 4 existing dwelling houses. The contribution will be adjusted from this date in accordance with the underlying consumer price index for subsequent financial quarters.*

It is recommended that you contact Council to confirm the value of the contribution prior to payment.

49. Affordable Rental Housing

The development is to provide affordable rental housing pursuant to the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* and the following conditions:

- a. The development is to include 32 affordable housing dwellings managed by The Uniting Church in Australia Property Trust (NSW) for 10 years from the date of the Occupation Certificate.
- b. A restriction is to be registered, before the date of the issue of the Occupation Certificate against the consolidated title of the development site, in accordance with Section 88E of the *Conveyancing Act 1919*.

OPERATIONAL CONDITIONS

50. Car Parking and Deliveries

All car parking must be constructed and operated in accordance with Australian Standard AS 2890.1 – 2004 – Off Street Car Parking and Australian Standard 2890.2 - 2002 – Off Street Commercial and the following requirement:

- a. All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted.
- b. Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- c. Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- d. All vehicular entry on to the site and egress from the site shall be made in a forward direction.

51. Disabled Parking

All parking spaces for people with disabilities must be constructed and operated in accordance with *Australian Standard AS/NZS 2890.6:2009 – Off-street parking for people with disabilities*

52. Noise – Plant and Machinery

The level of total continuous noise emanating from operation of all the plant, including air conditioning units and processes in all buildings (LA10) (measured for at least 15 minutes) in or on the above premises, must not exceed the background level by more than 5dB(A) when measured at all property boundaries.

An acoustic assessment is to be undertaken by a suitably qualified environmental consultant within 60 days of occupying the site in accordance with the *Environment NSW Industrial Noise Policy (2000)*, *Council's Policy and Guidelines for Noise and Vibration Generating Development (Acoustic Guidelines V.5, 2000)* and the *DECC's Noise Guide for Local Government (2004)*. The assessment must be submitted to Council for review. Should the assessment find that noise from the premise exceeds 5dB(A) appropriate measures must be employed to rectify excessive noise.

53. Fire Safety Statement - Annual

On at least one occasion in every 12 month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' to each essential service installed in the building.

54. Waste Management

A site manager or caretaker must be employed and be responsible for moving bins from the bin storage area to the bin collection point, washing bins and maintaining storage areas, arranging the prompt removal of dumped rubbish and ensuring all residents are informed of the waste management system.

55. Landscape establishment

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