

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP Number	2013SYW100
DA Number	DA/1094/2013 (Lodged 8 October 2013)
Local Government Area	Hornsby Shire Council
Proposed Development	Demolition of existing structures and construction of a 5 storey residential flat building comprising 81 units with basement car parking.
Street Address	Lot 1 DP 129733, Lot B DP 327882, Lot C DP 327882 and Lot D DP 327882, Nos. 40, 42 and 44 Edgeworth David Avenue and 55 Balmoral Street, Waitara.
Applicant/Owner	Brewster Murray Pty Ltd / 55 Balmoral Street At Waitara Pty Ltd (ACN 109 275 881)
Number of Submissions	One submission
Regional Development Criteria (Schedule 4A of the Act)	Capital Investment value of the development - \$22,900,000
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 Remediation of Land • State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004 • State Environmental Planning Policy - Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River • Hornsby Shire Local Environmental Plan 1994 - Residential C (Medium/High Density) • Hornsby Shire Local Environmental Plan 2013 - R4 High Density Residential Zone • Heritage Development Control Plan • Waste Minimisation and Management Development Control Plan • Sustainable Water Development Control Plan • Section 94 Contributions Plan 2012-2021
List all documents submitted with this	<ul style="list-style-type: none"> • Locality Plan - 1 page

report for the panel's consideration	<ul style="list-style-type: none"> • Site Plan - 1 page • Architectural Plans - 7pages • Elevations – 2 pages • Landscape Plans - 1 page
Recommendation	Approval
Report by	GLN Planning on behalf of Hornsby Shire Council

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

1. The application proposes the demolition of existing dwellings and the construction of a five storey residential flat building comprising 81 units and two levels of basement car parking.
2. The major environmental assessment issues for this application are the design quality and aesthetics of the proposed residential flat building, streetscape and local character impacts, internal residential amenity and the amenity of adjoining residential properties, vehicular access and parking arrangement, tree removal and landscaping.
3. The proposal generally complies with the provisions of State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development, the Residential Flat Design Code, and the relevant local planning instruments and policies.
4. One submission has been received objecting to the application.
5. It is recommended that the application be approved.

RECOMMENDATION

THAT Development Application No. 1094/2013 for demolition of existing structures and construction of a 5 storey residential flat building comprising 81 units with basement car parking at Lot 1 DP 129733, Lot B DP 327882, Lot C DP 327882 and Lot D DP 327882, Nos. 40, 42 and 44 Edgeworth David Avenue and 55 Balmoral Street, Waitara, be approved subject to the conditions of consent detailed in Schedule 1 of this report.

HISTORY OF THE APPLICATION

- Pre-lodgement meetings were held with Council on 11th April 2013 and 23rd August 2013.
- The Development Application was lodged on 8th October 2013.
- On 10 December 2013, the Applicant submitted further information to address issues raised by Council regarding the protection and retention of trees and offers to purchase the isolated site at No. 46 Edgeworth David Avenue.
- On 17 December 2013, the Applicant submitted amended plans to address issues raised by Council concerning stormwater drainage, vehicular crossing and waste management.

- On 19 December 2013, the Sydney West Joint Regional Planning Panel was briefed regarding the development proposal.
- On 14 March 2014, the Applicant submitted amended plans to address issues raised by Council officers concerning building height, number of storeys, articulation of the east and west elevations, privacy, stormwater drainage and the protection of trees.
- On the 11 April 2014, the Applicant submitted amended plans to address issues raised by Council concerning the proposed 'mezzanine' level on the 5th storey of the building.

THE SITE

The subject site is situated in the suburb of Waitara, approximately 600 metres to the east of the Hornsby Town Centre. The Waitara Railway Station is situated 400 metres to the southwest.

The subject site comprises of four allotments (three fronting Edgeworth David Avenue and one fronting Balmoral Street) with a consolidated area of 3,233m². The subject site has a main frontage of approximately 50 metres to Edgeworth David Avenue and a secondary frontage (approximately 15 metres) to Balmoral Street. The irregular shape of the consolidated allotment results in the isolation of an allotment on the corner of Edgeworth David Avenue and Balmoral Street, known as No. 46 Edgeworth David Avenue.

The subject site currently accommodates four detached residential dwellings and several associated outbuildings, including garages and carports. The site is predominantly level with a gentle fall of approximately 4% from the north-eastern boundary to the south-western corner. There is a variety of exotic and native planted trees scattered throughout the site.

The immediate area surrounding the subject site is mainly characterised by low density residential dwellings. A small cluster of commercial and retail developments is located to the east along Edgeworth David Avenue. These developments comprise the Waitara Neighbourhood Shopping Centre.

The site forms part of the Hornsby Shire Housing Strategy 'Balmoral Street, Waitara Precinct', which is bounded by Balmoral Street, Alexandra Parade, Park Avenue and Edgeworth David Avenue. This Precinct has been nominated to deliver "*predominantly five storey residential flat buildings in garden settings, with parking in basements*". Properties surrounding the subject site are expected to be re-developed for higher density residential accommodation in the future.

THE PROPOSAL

The proposal is for the demolition of four residential dwellings and associated structures and the construction of a five (5) storey residential flat building containing 81 dwellings over a 2-level basement car park. Specifically, the proposed residential flat building is to comprise:

- Ground Floor level comprising 16 residential units, including 12 x 1 bedroom units, 3 x 2 bedroom units and 1 x 3 bedroom unit.
- Levels 1, 2 and 3 each comprising 17 residential units, including 11 x 1 bedroom units, 5 x 2 bedroom units and 1 x 3 bedroom unit.
- Level 4 comprising 14 residential units, including 6 x 1 bedroom units, 5 x 2 bedroom units and 3 x 3 bedroom units. Of the 14 units, 13 are proposed to include a 'mezzanine' level.
- The upper levels are proposed to be serviced by a single lift core operating with two (2) lifts, plus two (2) main stairwells.

The proposed residential flat building is sited over a proposed basement car park, which has two (2) levels. Access to the basement car park is proposed from Balmoral Street via a driveway located adjacent to the southern boundary of the site. The lower level of the basement car park contains 61 car parking spaces, 1 motorcycle parking space and resident storage areas. The upper level contains 45 car parking spaces, 1 motorcycle parking space, 19 bicycle spaces, bin storage and garbage pick-up area, toilet facility and resident storage areas.

The proposal includes an integrated landscaping scheme linking the residential flat building with common open space areas and the street entries to the development. The landscaping includes:

- A landscaped common open space area along the site's southern boundary;
- Landscaped private courtyards extending from each of the ground floor units;
- Planter box and landscaped edging for the balconies on Level 4;
- A landscaped buffer along the edges of the driveway entry and western and eastern boundaries of the site; and
- Balconies for all upper floor units.

The proposed development would result in the removal of 23 existing trees on the site.

ASSESSMENT

The development application has been assessed having regard to the *Metropolitan Plan for Sydney 2031*, the *North Subregion (Draft) Subregional Strategy* and the matters for consideration prescribed under section 79C of the *Environmental Planning and Assessment Act 1979* (the Act).

1. STRATEGIC CONTEXT

1.1 Draft Metropolitan Plan for Sydney (2031)

The *Draft Metropolitan Plan for Sydney 2031* (Draft Metropolitan Plan), released in March 2013, sets the framework for Sydney's future with respect to population forecasts, housing and employment needs, sustainability, affordability, liveability and equity. The primary objective of the Draft Metropolitan Plan is to ensure that there is an adequate supply of land to enable the delivery of housing to accommodate the forecast population growth. The Draft

Metropolitan Plan seeks to encourage the provision of housing near jobs, transport and services, to improve housing affordability, upgrade the quality of new development and encourage urban renewal.

The Hornsby Local Government Area (LGA) is located within the North Subregion, which also comprises the LGAs of Ku-ring-gai, Manly, Warringah and Pittwater. Within the North Subregion, the Draft Metropolitan Plan proposes:

- Population growth of 81,000 from the current 2011 baseline of 529,000;
- Housing growth of 37,000 from the current 2011 baseline of 204,000; and
- Employment growth of 39,000 from the current 2011 baseline of 186,000.

The proposed development is consistent with the primary objectives of the Draft Metropolitan Plan as it will increase the range of residential options available within the Hornsby LGA and provide for a range of housing types close to existing infrastructure and services. The subject land is well located to utilise existing public transport, including the Waitara Railway Station (North Shore Line), which provides frequent train services to most metropolitan centres at most times of the day.

1.2 Draft North Subregional Strategy

The *Draft North Subregional Strategy* (Draft Subregional Strategy) applies to the LGAs of Hornsby and Ku-ring-gai and outlines how the key actions contained within the metropolitan strategy are to be implemented at the subregional level.

The Draft North Subregional Strategy has set a target for the North Subregion to provide an additional 21,000 new dwellings by 2031. Of this target, 11,000 new dwellings are identified for the Hornsby LGA. Further to this, a Key Action of the Subregional Strategy is to focus residential development around centres, town centres, villages and neighbourhood centres with suitable access to public transport and local services.

The proposed development is considered to be consistent with the Draft Subregional Strategy as it will provide for additional residential development opportunities within close proximity to Waitara neighbourhood centre, the Hornsby Major Centre and an existing strategic transport corridor.

2. STATUTORY CONTROLS

Section 79C(1)(a) of the Act requires the consent authority to consider *any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations*. The following sections of the report address the assessment requirements of section 79C.

2.1 Hornsby Shire Local Environmental Plan 1994

The *Hornsby Shire Local Environmental Plan 1994* (HSLEP 1994) is the former principle planning instrument that governed land use and development control within the Hornsby LGA. The HSLEP 1994 was repealed on the 11th October 2013 when the *Hornsby Local Environmental Plan 2013* (HLEP 2013) commenced. The HLEP 2013 contains savings provisions for applications lodged before its commencement such that applications lodged before the commencement of the HLEP 2013 will still be assessed under HSLEP 1994, but will include consideration of the provisions of the HLEP 2013.

The Application was lodged on the 8th October 2013. Therefore, the principle planning instrument applying to the subject site is the HSLEP 1994. Consideration of the requirements of HLEP 2013 is provided below at Section 2.2.

The assessment of the proposal against the relevant planning controls applying to the site under the HSLEP 1994 is shown in the Table below.

Table 1: Relevant HSLEP 1994 Planning Controls

Clause	Matter	Assessment Comments	Compliance
7	Zoning Control Table	<p>The site is zoned Residential C (Medium/High Density) Zone.</p> <p>The objectives of the zone are as follows:</p> <ul style="list-style-type: none"> <i>a) To provide for the housing needs of the population of the Hornsby area.</i> <i>b) To promote a variety of housing types and other land uses compatible with a medium to high density residential environment.</i> <i>c) To provide for development that is within the environmental capacity of a medium to high density residential environment.</i> <p>The proposed development is considered to be consistent with the zone objectives.</p> <p>The proposed development is defined as 'multi-unit housing' under clause 23 of the HSLEP 1994. Multi-unit housing is permissible with consent in the Residential C Zone.</p>	Yes
8	Tree Preservation	<p>Clause 8 prescribes that a person shall not carry out or permit or direct or cause any ringbarking, cutting down, topping, lopping, removing or wilful destruction of any tree or trees to which a tree preservation order applies without the consent of the Council.</p> <p>The trees shown marked 1, 10, 11, 16, 31 & 36</p>	Yes

Clause	Matter	Assessment Comments	Compliance
		<p>(on the Tree Management Plan, drawing No. TMP01, prepared by Naturally Trees, dated 29th August 2013) are subject to Council's Tree Preservation Order as they are species that are indigenous to the Hornsby Shire. Trees 1, 10, 11 & 36 are located within the adjoining property at No. 46 Edgeworth David Avenue, whilst Trees 16 & 31 are located within the southwest corner of the subject site.</p> <p>The abovementioned trees, except for Tree 16, are proposed to be retained under the current Application.</p> <p>Council's Landscape Architect and Parks & Recreation Section have reviewed the Application and have recommended that the Application is worthy of approval subject to appropriate conditions (refer to Schedule 1).</p>	
9	Landform Modification	<p>Clause 9 prescribes that the carrying out of a work or any other development on land for any purpose where the work or other development has, in the opinion of the Council, the effect of significantly affecting the natural environment, through either filling or excavation, can only be carried out with the consent of the Council.</p> <p>The proposed development involves the formation of a 2-level basement car park. Formation of the basement car park is expected to entail excavations to a level of approximately 169m Australian Height Datum (AHD), which requires an excavation of up to 6 metres below the current ground level (which is approximately 175m AHD).</p> <p>The proposed excavation is considered appropriate in the context of concealing car parking and mechanical plant. Subject to recommended conditions of consent the proposed excavation works would not adversely impact on the existing environment (refer to Schedule 1).</p>	Yes
15	Floor Space Ratio	<p>The subject site is within a large precinct of land edged heavy black on Diagram 4 of Schedule BB. As such, no floor space ratio applies to the site.</p>	Yes

Clause	Matter	Assessment Comments	Compliance
15A	Height of Buildings	<p>The HSLEP 1994 Height of Buildings Map indicates that the height of any building on the subject site is not to exceed 17.5 metres.</p> <p>The proposal complies with the 17.5m maximum height provision.</p>	Yes
18	Heritage	<p>Clause 18 states that Council must take into consideration the likely effect of the proposed development on the heritage significance of a heritage item and its setting, and on the heritage significance of a heritage conservation area, archaeological site or potential archaeological site when determining an application for consent to carry out development on land in its vicinity.</p> <p>The subject site is located in the vicinity of the following locally significant heritage items:</p> <ul style="list-style-type: none"> ▪ 52 Balmoral Street, Waitara (Garden Trees) ▪ 56 Balmoral Street, Waitara (House) ▪ 59 Edgeworth David Avenue, Waitara (House) ▪ Edgeworth David Avenue Road Reserve (Street Trees). <p>Council's heritage assessment is that the proposal would not adversely affect the heritage significance or landscape setting of the nearby heritage items should it incorporate a suitable landscaped setting and comply with Hornsby Council's desired built form, siting and design quality requirements for a 5 storey residential flat building. Accordingly, no objections are raised to the proposal on heritage grounds.</p>	Yes

Accordingly, the proposal complies with HSLEP 1994.

2.2 Hornsby Local Environmental Plan 2013

The Application was lodged with Council on 8th October 2013, three days prior to the commencement of HLEP 2013. HLEP 2013 contains a savings provision requiring that this Application must be determined as if the HLEP 2013 had not been made. Notwithstanding, as per clause 79C(1)(a)(ii) of the Act, any proposed instrument that is or has been the subject of

public consultation and that has been notified to the consent authority, must be considered by a consent authority in determining a development application.

The relevant provisions of the HLEP 2013 are assessed below.

Table 2: Relevant HLEP 2013 Planning Controls

Clause	Matter	Assessment Comments	Compliance
2.3	Zone Objectives and Land Use Table	<p>The site is zoned R4 High Density Residential Zone.</p> <p>The objectives of the zone are as follows:</p> <ul style="list-style-type: none"> ▪ <i>To provide for the housing needs of the community within a high density residential environment.</i> ▪ <i>To provide a variety of housing types within a high density residential environment.</i> ▪ <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <p>The proposed development is considered to be consistent with the zone objectives.</p> <p>The proposed development is defined as a 'Residential Flat Building' under the HLEP 2013 Dictionary. Residential flat buildings are permitted with consent in the R4 High Density Residential Zone.</p>	Yes
4.3	Height of Buildings	<p>The maximum height of any building on the subject site is not to exceed 17.5 metres.</p> <p>The proposal complies with the 17.5 maximum height provision.</p>	Yes
4.4	Floor Space Ratio	<p>The HLEP 2013 Floor Space Ratio Maps indicate that no maximum floor space ratio applies to the subject site.</p>	Yes
5.9	Preservation of trees or vegetation	<p>The provisions of this clause are similar to equivalent provisions (clause 18) in HSLEP 1994.</p> <p>Refer to comments made at Section 2.1 above.</p>	Yes
5.10	Heritage Conservation	<p>The site does not contain any heritage item or does not sit within a heritage conservation area identified in the plan.</p> <p>Clause 5.10(5) however provides that the consent authority may, before granting consent to any</p>	Yes

Clause	Matter	Assessment Comments	Compliance
		<p>development on land that is within the vicinity of heritage items or heritage conservation areas, require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p> <p>Refer to the comments of Council's Manager Strategic Planning Branch cited at Section 2.1 above.</p>	
6.2	Earthworks	<p>Clause 6.2(3) provides that before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <ul style="list-style-type: none"> a) <i>The likely disruptions of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i> b) <i>The effect of the development on the likely future use or redevelopment of the land,</i> c) <i>The quality of the fill or the soil to be excavated, or both,</i> d) <i>The effect of the development on the existing and likely amenity of adjoining properties,</i> e) <i>The source of any fill material and the destination of any excavated material,</i> f) <i>The likelihood of disturbing relics,</i> g) <i>The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i> h) <i>Any appropriate measures proposed to avoid, minimise or mitigate the impacts of development.</i> <p>As detailed at Section 2.1 above, the proposed excavation is considered appropriate in the context of concealing car parking and mechanical plant and will not result in adverse impacts on the quality of the existing environment.</p> <p>Further, while the submitted Waste Management Plan does not identify where the excavated material is to be taken, this information can be provided at the</p>	Yes

Clause	Matter	Assessment Comments	Compliance
		<p>Construction Certificate stage.</p> <p>Subject to the imposition of the recommended conditions of consent, the proposed earthworks would not adversely impact on the existing environment (refer to Schedule 1).</p>	

2.3 State Environmental Planning Policy (State and Regional Development)

State Environmental Planning Policy (State and Regional Development) requires that the Regional Panel exercises the consent authority functions for general development with a capital investment value of more than \$20 million. The proposed development has an estimated capital investment value of \$22.9 million. Therefore, the Sydney West Joint Regional Planning Panel (JRPP) is the consent authority for the determination of this Application.

2.4 State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004

The proposed development has been assessed against the requirements of State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004. The Application includes a BASIX Certificate for the dwellings within the proposed development, which demonstrates compliance with the requirements of the SEPP.

2.5 Sydney Regional Environmental Plan No. 20 Hawkesbury – Nepean River

The subject site is located within the catchment of the Hawkesbury Nepean River. Part 2 of this Policy contains general planning considerations and strategies, which require the consideration of Council when determining the impacts of development on water quality, aquaculture, recreation and tourism.

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

2.6 State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)

State Environmental Planning Policy No. 32 outlines the Government's intention to ensure that urban consolidation objectives are met in all urban areas throughout the State. The policy's focus is on the re-development of urban land that is no longer required for the purposes it is currently zoned or used, and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the Policy. Further to this, the Policy aims to ensure that sites which have the potential to contribute to urban consolidation are made available for multi-unit housing and related development efficiently and without delay.

The proposal is consistent with the aims and objectives of the Policy as it would facilitate an increased availability of housing within close proximity to existing infrastructure and services. The proposal also provides for a greater diversity of housing types within the locality, which will cater to the demand generated by changing demographics and household needs. The proposal therefore complies with the Policy.

2.7 State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 contains state-wide planning controls for the remediation of contaminated land. The Policy states that Council's must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and/or requires remediation for the intended land use.

The subject site's current and past uses have been primarily for residential purposes. These are unlikely to have created ground conditions harmful to human health or incompatible with the site's redevelopment for residential purposes.

The proposed development includes the demolition of existing residential dwellings and a number of associated outbuildings/structures and substantial excavation works. A condition of consent is recommended regarding the appropriate disposal of demolition and construction waste (refer to Schedule 1).

No further assessment is considered necessary in terms of site contamination issues.

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

State Environmental Planning Policy No. 65 (SEPP 65) aims to raise the design quality of residential flat development across NSW through the application of a series of design principles. The accompanying regulation, the *Environmental Planning and Assessment Regulation 2000*, requires the involvement of a qualified designer throughout the design, approval and construction stages for residential flat developments.

Clause 30(2) of SEPP 65 requires the consent authority, in determining a development application for consent to carry out residential flat development, to take into consideration the design quality of the residential flat development when evaluated in accordance with the 'Design Quality Principles', and the Residential Flat Design Code (RFDC).

As per clause 50 of the *Environmental Planning and Assessment Regulation 2000*, the Applicant has submitted a Design Verification Statement prepared by a qualified architect, Kiem Ong of *Brewster Murray Architects*. The submitted Statement contains comments responding to each of the Design Quality Principles and concludes by stating that the *residential flat development generally meets the objectives and intent of the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*.

Council has reviewed the submitted Statement and agrees that the proposal satisfactorily addresses / incorporates the Design Quality Principles of SEPP 65.

Council's assessment of the Design Quality Principles is detailed in the Table below:

Table 3: Assessment of SEPP 65 Design Quality Principles

Design Quality Principle	Requirement	Assessment	Compliance
1 – Context	<p><i>Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.</i></p> <p><i>Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</i></p>	<p>The context of the subject site is defined by the <i>Desired Future Character Statement</i> of the <i>Housing Strategy Development Control Plan</i> (Housing Strategy DCP). The subject site forms part of the Housing Strategy DCP 'Balmoral Street, Waitara Precinct'. This Precinct has been nominated to deliver "predominantly five storey residential flat buildings in garden settings, with parking in basements."</p> <p>The submitted Design Verification Statement is supported in respect to this Principle.</p>	Yes
2 – Scale	<p><i>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</i></p> <p><i>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area</i></p>	<p>The 'Balmoral Street, Waitara Precinct' is currently undergoing transition. The scale of the future built environment is commensurate with Council's planning controls, which promote five storey residential flat buildings with a maximum height of 17.5 metres. The proposal will result in a building in keeping with the bulk and scale of development envisaged for the surrounding area. The elevations achieve an appropriate aesthetic outcome and composition and create the appearance of two separate pavilions. The scale of the proposed development is appropriate for the subject site and accords with the planning controls and desired future character for the Precinct.</p> <p>The submitted Design Verification Statement is supported in respect to this Principle.</p>	Yes
3 – Built Form	<p><i>Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.</i></p>	<p>The Housing Strategy DCP includes planning controls for height, setbacks, building footprints and articulation, which prescribe the future built form of the Precinct. The proposed residential flat building is appropriately sited, modulated and articulated to reduce bulk and scale and to express the preferred residential character of the</p>	Yes

Design Quality Principle	Requirement	Assessment	Compliance
	<i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i>	<p>Precinct.</p> <p>The proposed building, through appropriate roof design, recessed bays, fenestration, textures and materials, will relate to the built form of the recently approved five storey residential flat building, which adjoins the subject site to the west. The proposed building aligns with the street layout and is considered acceptable in terms of built form.</p> <p>The submitted Design Verification Statement is supported in respect to this Principle.</p>	
4 – Density	<p><i>Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).</i></p> <p><i>Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</i></p>	<p>The site density is regulated by the statutory height control of 17.5 metres and the controls contained within the Housing Strategy DCP. The proposal is generally consistent within the DCP prescriptive measures as addressed in Section 2.11 of this Report.</p> <p>The high density of the proposed development is moderated by suitable setbacks and appropriate separation between adjoining buildings. The density is appropriate for the subject site's proximity to high frequency public transport, shops and community facilities.</p> <p>The submitted Design Verification Statement is supported in respect to this Principle.</p>	Yes
5 – Resource, Energy and Water Efficiency	<p><i>Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.</i></p> <p><i>Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</i></p>	<p>The Applicant has submitted BASIX Certificate No. 490602M for the proposed 81 residential units. The proposed development therefore achieves BASIX targets for sustainable water use, thermal comfort and energy efficiency. The building design achieves an efficient use of natural resources, includes sustainable materials and passive solar design principles.</p> <p>The submitted Design Verification Statement is supported in respect to this Principle.</p>	Yes
6 – Landscape	<i>Good design recognises that together landscape</i>	The Application includes a detailed landscaping schedule, which integrates	Yes

Design Quality Principle	Requirement	Assessment	Compliance
	<p><i>and buildings operate as an integral and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.</i></p> <p><i>Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</i></p> <p><i>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbour's amenity, and provide for practical establishment and long term management.</i></p>	<p>the proposed residential flat building with landscaped grounds and common open space areas. The proposal retains a number of significant trees and includes additional canopy trees within deep soil zones along the eastern, southern and western property boundaries, which provide a vegetative buffer to adjoining residential developments. Common open space is provided linking the site from the northern boundary along Edgeworth David Avenue to the southern boundary via transitional garden walkways as well as a landscaped pathway along the eastern boundary. The proposed landscaping treatments along the Edgeworth David Avenue frontage create a prominent streetscape feature that supplements and enhances the existing, heritage listed street trees.</p> <p>The submitted Design Verification Statement is supported in respect to this Principle.</p>	
7 – Amenity	<p><i>Good design provides amenity through the physical, spatial and environmental quality of a development.</i></p> <p><i>Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</i></p>	<p>The proposed development is in accordance with the requirements of the Residential Flat Design Code, including requirements for solar access, visual and acoustic privacy, apartment layouts, private open spaces and natural ventilation.</p> <p>The submitted Design Verification Statement is supported in respect to this Principle.</p>	Yes
8 – Safety and Security	<p><i>Good design optimises safety and security, both internal to the development and for the public domain.</i></p> <p><i>This is achieved by</i></p>	<p>The proposed residential flat building provides opportunities passive surveillance of access points and common open space areas. The proposed design includes secure access to the basement car park and to</p>	Yes

Design Quality Principle	Requirement	Assessment	Compliance
	<i>maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.</i>	<p>the dwellings.</p> <p>The Application was referred to the NSW Police on the 22nd October 2013 for review in accordance with the adopted Crime Prevention through Environmental Design (CPTED) protocol for the assessment of applications. As there was no formal response received within 21 days, it was assumed that NSW Police had no objections to the proposal and no conditions were required.</p> <p>The submitted Design Verification Statement is supported in respect to this Principle.</p>	
9 – Social Dimensions and Housing Affordability	<p><i>Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</i></p> <p><i>New development should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</i></p> <p><i>New development should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</i></p>	<p>The Housing Strategy DCP includes prescriptive measures for housing choice and for adaptable housing to provide for aging in place. The proposed development complies with the prescriptive measures and is supported in respect to this Principle.</p> <p>The proposed development incorporates a range of dwelling layouts and sizes, which provide for housing choice and a range of household types. For instance, of the 81 apartments proposed:</p> <ul style="list-style-type: none"> ▪ 18 x 1 Bedroom x 50-55m², ▪ 28 x 1 Bedroom x 60-80m², ▪ 14 x 2 Bedrooms x 70-75m², ▪ 9 x 2 Bedrooms x 80-100m², ▪ 4 x 2 Bedrooms x 100-110m² ▪ 4 x 3 Bedrooms x 95-100m² ▪ 4 x 3 Bedrooms x 100-135m² <p>The submitted Design Verification Statement is supported in respect to this Principle.</p>	Yes
10 – Aesthetics	<i>Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.</i>	<p>The proposed development exhibits a high standard of architecture and overall aesthetics, which would contribute positively to the streetscapes of Edgeworth David Avenue and Balmoral Street. The building provides a modern contemporary form with a well-considered use of material articulation and modulation to provide a distinctive and strongly defined building element, which complements the quality of urban design envisaged for re-developments within the 'Balmoral Street, Waitara Precinct'.</p> <p>The submitted Design Verification Statement is supported in respect to this Principle.</p>	Yes

In general, the proposed residential development is considered to be of a good design that responds and contributes to its context, makes efficient use of natural resources, energy and water, provides quality aesthetics, and optimises amenity through suitable access to sunlight, natural ventilation, visual and acoustic privacy, and landscaped areas.

2.9 SEPP 65 – Residential Flat Design Code

The RFDC includes development controls and best practice benchmarks for achieving the design principles of SEPP 65.

The Applicant has submitted a RFDC Compliance Table prepared by a qualified designer stating how the proposed development complies with the Primary Development Controls of the RFDC.

Council's assessment of the RFDC 'Rule of Thumb' and 'Control Checklist' is detailed in the Table below. The attached assessment demonstrates that the proposal generally complies with the recommended development controls and best practice guidelines of the RFDC other than for building separation, apartment layout, ground floor apartments, daylight access and natural ventilation.

Table 4: Assessment of the SEPP 65 Residential Flat Design Code "Rule of Thumb" and Control Checklists

MATTER	'RULE OF THUMB'	COMPLIANCE
Part 01 – LOCAL CONTEXT		
Preliminary Development Controls		
Building Height	Test heights against the number of storeys and the minimum ceiling heights required for the desired building use (2.7m for habitable rooms, 2.4m for non- habitable rooms and 1.5m for attics).	Number of Storeys Yes The proposed development complies with the 17.5 maximum building height control of the HSLEP 1994 and HLEP 2013. The development proposed includes 5 storeys, which is consistent with the maximum number of storeys provision under the Housing Strategy DCP.
		Ceiling Heights Yes The proposed development proposes ceiling heights of 2.7m for all floor levels. The proposed 'Mezzanine' level has a ceiling height of 2.4m.
Building Depth	Resolve building depth controls in plan, section and elevation.	Yes See below.

MATTER	'RULE OF THUMB'	COMPLIANCE
	An apartment depth of 10-18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.	Yes The proposed development provides for a range of apartment depths consistent with the recommended 10-18m standard.
Building Separation	<p>Design and test building separation controls in plan and section.</p> <p>Up to 4 storeys/12m:</p> <ul style="list-style-type: none"> 12m between habitable rooms/balconies. 9m between habitable balconies and non-habitable rooms. 6m between non-habitable rooms. <p>5 to 8 storeys/up to 25 metres:</p> <ul style="list-style-type: none"> 18 metres between habitable rooms and balconies. 13 metres between habitable rooms/balconies and non-habitable rooms. 9 metres between non-habitable rooms. 	<p>No, but acceptable</p> <p>The proposed building separation between the proposal and the recently approved 5 storey residential flat building adjoining the subject property to the west (DA 689/2013), is inconsistent with the RFDC as follows:</p> <ul style="list-style-type: none"> 11m between habitable balconies from the Ground Floor Level up to Level 3; and 14m between habitable balconies at Level 4. <p>The variations sought are considered acceptable on the grounds that the landscaping treatments approved under DA 689/2013 and those proposed as part of the subject DA will satisfactorily mitigate potential amenity impacts (visual and acoustic). The proposed separation also enables adequate daylight access for both developments.</p> <p>The proposed building separation between the proposed development and the existing adjoining mixed use development is generally consistent with the RFDC best practice separations for buildings up to 4 storeys.</p> <p>Whilst the existing mixed use development is setback only 0.6m to 1.1m from the adjoining subject property boundary, the separation will still enable adequate daylight access and visual and acoustic privacy for both developments.</p>
Street Setbacks	Identify the Desired Streetscape Character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls.	Yes The development proposed complies with Council's minimum front setback requirements in providing for building articulation and landscaping within the streetscape.
	Test street setbacks with building envelopes and street sections.	Yes See above. No building envelopes apply to the proposed development under Council's adopted Policies.
Side and Rear Setbacks	Relate side setbacks to existing streetscape patterns.	Yes The development proposed complies with Council's side setback requirements and

MATTER	'RULE OF THUMB'	COMPLIANCE
		relates to the side setbacks of adjoining properties.
	Test side and rear setback with building separation, open space and deep soil zone requirements.	Yes See Building Separation, Open Space and Deep Soil Zones.
	Test side and rear setbacks for overshadowing of other parts of the development and/or adjoining properties, and of private open space.	Yes See Daylight Access. Despite the proposed development, adjoining properties will achieve the minimum prescribed requirements for solar access.
Floor Space Ratio	Test the desired Built Form outcome against proposed floor space ratio to ensure consistency with building height-building footprint the three dimensional building envelope open space requirements.	Yes No FSR applies under the HSLEP 1994 or HLEP 2013, as previously discussed in this Report.
Part 02 – SITE DESIGN		
Site Configuration		
Deep Soil Zones	A minimum of 25 percent of the open space area of a site should be a deep soil zone; more is desirable. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, Stormwater treatment measures must be integrated with the design of the residential flat building.	Yes The proposed development provides 216m ² for deep soil zone landscaping, which equates to 25% of the total proposed open space area. The proposed landscaping schedule provides for a deep soil landscape zone along the perimeter of each of the site boundaries providing for a vegetation buffer at the boundaries and an attractive street frontage.
Open Space	The area of communal open space required should generally be at least between 25 and 30% of the site area.	Yes The proposed development provides 862.6m ² of communal open space, which equates to 26.7% of the total site area.
	The minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as on a podium or car park, is 25m ² ; the minimum preferred dimension in one direction is 4 metres. (see Balconies for other private open space requirements)	Yes Each of the proposed ground floor apartments provide the recommended minimum of 25m ² of private open space with a minimum dimension of 4m (in one direction).
Safety	Carry out a formal Crime Risk Assessment for all residential developments of more than 20 new dwellings.	Yes A formal Crime Risk Assessment was not submitted with the Application, however it is noted that the proposed design provides for

MATTER	'RULE OF THUMB'	COMPLIANCE
		<p>secure entries and the passive surveillance of the public domain from both the ground level and upper level residential apartments.</p> <p>The Application was referred to the NSW Police and no comments were received.</p> <p>Appropriate conditions of consent for building security and graffiti management, are recommended for the safety and security of residents of the proposed development.</p>
Visual Privacy	Refer to building separation minimum standards.	<p>Yes</p> <p>Refer to Building Separation above.</p>
Pedestrian Access	Identify the access requirements from the street or car parking area to the apartment entrance.	<p>Yes</p> <p>The proposal incorporates clearly defined building entrances from both the street and basement car parking areas.</p>
	Follow the accessibility standard set out in AS 1428 (parts 1 and 2), as a minimum.	<p>Yes</p> <p>Development complies subject to imposition of appropriate conditions of consent.</p>
	Provide barrier free access to at least 20 percent of dwellings in the development.	<p>Yes</p> <p>The DA submission includes a Statement of Compliance – Access for People with a Disability Report, prepared by Accessible Building Solutions Pty Ltd dated August 2013. The report notes that the proposed design achieves compliance with the access provisions of the BCA and AS 4299 Adaptable Housing.</p> <p>The proposal includes a range of smaller apartments providing for housing choice as well as 25 adaptable apartments (31% of apartments), which will provide for the needs of people with impaired mobility and meet the needs of residents as they age.</p>
Vehicle Access	Generally limit the width of driveways to a maximum of six metres.	<p>Yes</p> <p>The proposed access driveway from Balmoral Street has a maximum width of 6m.</p>
	Locate vehicle entries away from main pedestrian entries and on secondary frontages.	<p>Yes</p> <p>Proposed vehicular access will be from the Balmoral Street frontage adjacent to the southern boundary. The proposed access is appropriately located and clear of the main pedestrian entry fronting Edgeworth David Avenue.</p>
Part 03 – BUILDING DESIGN		
Building Configuration		
Apartment Layout	Single-aspect apartments should	No, but acceptable

MATTER	'RULE OF THUMB'	COMPLIANCE
	be limited in depth to 8 metres from a window.	The majority of the proposed single-aspect apartments do not exceed the recommended depth of 8m from a window. Whilst there are some instances where the proposed development exceeds this recommendation, the proposal is considered to be satisfactory given that it achieves good environmental performance and amenity outcomes for residents
	The back of a kitchen should be no more than 8 metres from a window.	Yes The proposed apartment layouts are consistent with this requirement.
	If council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability: (apartment size is only one factor influencing affordability) <ul style="list-style-type: none"> 1 bedroom apartment 50m² 2 bedroom apartment 70m² 3 bedroom apartment 95m² 	Yes Council has not standardised apartment sizes. Nonetheless, the proposed development complies with the minimum apartment sizes suggested to guide housing affordability.
Apartment Mix	Provide a variety of apartment types between studio, one, two, three and three plus-bedroom apartments, particularly in large apartment buildings.	Yes The layout of the proposed apartments includes a combination of single aspect apartments and dual aspect corner apartments. The apartment layouts provide for housing choice and a range of household types - i.e. of the 81 apartments proposed, 51 will be 1 bedroom, 23 will be 2 bedroom and the remaining 7 will be 3 bedroom.
Balconies	Provide primary balconies for all apartments with a minimum depth of 2 metres. Developments which seek to vary from the minimum standards must demonstrate that negative impacts from the context-noise, wind – can be satisfactorily mitigated with design solutions.	Yes The proposed design provides balconies for all upper floor apartments. The proposed minimum depth of these areas comply with the 2m standard.
Ceiling Heights	The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level (FCL). These are minimums only and do not preclude higher ceilings, if desired. <i>2.7 metre minimum for all habitable</i>	Yes The proposed development proposes ceiling heights of 2.7m. The proposed 'mezzanine' level has a ceiling height of 2.4m.

MATTER	'RULE OF THUMB'	COMPLIANCE
	<i>rooms on all floors, 2.4 metres is the preferred minimum for all non-habitable rooms, however 2.25m is permitted.</i>	
Ground Floor Apartments	Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.	<p>No, but acceptable</p> <p>The proposed design does not provide any of the ground floor apartments with separate entries. Each of the proposed ground floor apartments are accessed via clearly defined building entrances from both the street frontages and basement car parking areas.</p> <p>According to the Statement of Compliance – Access for People with a Disability Report, prepared by Accessible Building Solutions Pty Ltd dated August 2013, the common domain access ways to the residential lobby area on the ground floor of the development will provide satisfactory access for people with disabilities.</p>
	Provide ground floor apartments with access to private open space, preferably as a terrace or garden.	<p>Yes</p> <p>Each of the proposed ground floor apartments are provided with private open space in the form of a garden courtyard.</p>
Internal Circulation	<p>In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight (8). Exceptions may be allowed:</p> <ul style="list-style-type: none"> ▪ For adaptive re-use buildings ▪ Where developments can demonstrate the achievement of the desired streetscape character and entry response ▪ Where developments can demonstrate a high level of amenity for common lobbies, corridors and units, (cross over, dual aspect apartments) 	<p>Yes</p> <p>The proposed building has frontage to communal open space area with pathways connecting to the Edgeworth David Avenue and Balmoral Street frontages. The building entries are well defined and integrated with landscape treatment for street access.</p> <p>The RFDC recommends a maximum of 8 apartments should be serviced from a single core/corridor. Whilst the development proposed exceeds this recommendation, it is considered to be appropriate given that:</p> <ul style="list-style-type: none"> ▪ The development achieves good environmental performance and amenity outcomes, including: <ul style="list-style-type: none"> - Well-articulated façades, - Natural ventilation, - Solar access, - Quality unit layout designs. Of the total proposed units 65% are dual aspect; - Differently configured unit designs, which ensure a reduction in design repetition that can often be associated with too many units loaded off the same corridor, and - Provision of suitable emergency fire egress.
Storage	In addition to kitchen cupboards and bedroom wardrobes, provide	The proposed apartments include built-in robes and kitchen cupboard storage. The

MATTER	'RULE OF THUMB'	COMPLIANCE
	<p>accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> ▪ Studio apartments – 6m³ ▪ One bedroom apartments – 6m³ ▪ Two bedroom apartments – 8m³ 	<p>basement level car park also includes individual and shared storage areas for residents.</p> <p>To ensure adequate storage areas for residents, a condition is recommended for compliance with the RFDC's best practice requirement for storage areas.</p>
Building Amenity		
Acoustic Privacy	Provide a high level of amenity by protecting the privacy of residents both within the apartments and in private open space.	<p>Yes</p> <p>The proposed development is situated within close proximity to Edgeworth David Avenue. The Applicant submitted an Environment Noise Impact Assessment, which assessed the traffic noise generated from Edgeworth David Avenue.</p> <p>According to the Assessment, noise levels to the site from traffic exceeds acceptable levels. Consequently, a condition is recommended for the development to be carried out in accordance with the recommended acoustic measures identified in the Assessment.</p> <p>The proposed floor plan layouts provide for grouping and separation of the noise generating kitchen, bathroom and laundry areas from the quieter bedroom areas of the proposed apartments.</p>
Daylight Access	Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9 am and 3 pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable.	<p>Yes</p> <p>The proposed design provides that at least 70% of all apartments receive a minimum of 2 hours of direct sunlight between 9am and 3pm in mid-winter.</p>
	Limit the number of single aspect apartments with a southerly aspect (SWSE) to a maximum of 10% of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed (see Orientation and Energy Efficiency).	<p>No, but acceptable</p> <p>The proposed design provides only 9 apartments, which are directly orientated with a single southerly aspect. This equates to 11% of the total apartments proposed.</p> <p>The minor non-compliance is a result of the extensive southern boundary length, and does not warrant refusal of the Application.</p>
Natural Ventilation	Building depths, which support natural ventilation typically range from 10 to 18 metres.	<p>Yes</p> <p>The proposed apartments do not exceed the recommended depth of 10-18m. As such, the proposal achieves good environmental performance and amenity outcomes for</p>

MATTER	'RULE OF THUMB'	COMPLIANCE
		residents.
	Sixty percent (60%) of residential units should be naturally cross ventilated.	Yes 78% of the proposed apartments are naturally cross-ventilated.
Building Performance		
Waste Management	Supply waste management plans as part of the development application submission as per the NSW Waste Board.	Yes Subject to appropriate conditions of consent, the Application is worthy of approval.
Water Conservation	Rainwater is not to be collected from roofs coated with lead- or bitumen-based paints, or from asbestos-cement roofs. Normal guttering is sufficient for water collections provided that it is kept clear of leaves and debris.	Yes Subject to appropriate conditions of consent, the Application is worthy of approval.

The following provides a brief discussion of those aspects of the proposal that do not comply with the numeric standards of the RFDC.

2.9.1 Building Separation

The proposed building separation between the proposal and the recently approved 5 storey residential flat building adjoining the subject property to the west (DA 689/2013), is inconsistent with the RFDC as follows:

- The proposal provides for an 11m separation between habitable balconies from the Ground Floor Level up to Level 3. The recommended separation is 12m; and
- The proposal provides for a 14m separation between habitable balconies at Level 4. The recommended separation is 18m.

The variations sought are considered minor and acceptable on the grounds that the landscaping treatments and privacy screens approved under DA 689/2013 and those proposed as part of the subject DA will satisfactorily mitigate potential amenity impacts (visual and acoustic). The proposed separation also affords adequate daylight access for both developments.

The proposed building separation between the proposed development and the existing adjoining development to the east is generally consistent with the RFDC best practice separations for buildings up to 4 storeys. Whilst the existing adjoining development is setback only 0.6m to 1.1m from the adjoining subject property boundary, the separation will still afford adequate daylight access and visual and acoustic privacy for both developments.

2.9.2 Apartment Layout

The RFDC recommends that single-aspect apartments should be limited in depth to 8 metres from a window.

Of the 81 proposed apartments, 53 are considered to be dual-aspect with the remainder being single-aspect. Whilst the majority of the proposed single-aspect apartments do not exceed the recommended depth of 8m from a window, approximately 50% exceed the recommended depth by up to 2-3m.

The minor variances are considered to be acceptable given that the proposed apartment layouts will result in functional, well-appointed spaces. The depth and width of the units ensures adequate natural light and ventilation. The kitchen spaces either include a window, or are located within 8m of a window.

2.9.3 Ground Floor Apartments

The RFDC encourages separate entries for ground floor apartments.

The proposed design does not provide any of the ground floor apartments with separate entries. Each of the proposed ground floor apartments are accessed via clearly defined building entrances from both the street frontages and basement car parking areas.

The variance in this instance is considered reasonable as the proposed design provides for common outdoor open space areas along the Edgeworth David Avenue and Balmoral Street frontages and private landscaped courtyards. These design elements contribute to the spatial and visual structure of the street edge and provide opportunity for passive surveillance.

2.9.4 Daylight Access

The RFDC recommends that the number of single-aspect apartments with a southerly aspect (southwest – southeast) be limited to a maximum of 10% of the total units proposed.

The proposed design shows 9 apartments which are directly orientated with a southerly aspect. This equates to 11% of the total number of apartments proposed.

The minor non-compliance is a result of the extensive southern boundary length, and does not warrant refusal of the Application.

2.10 Housing Strategy Development Control Plan

The proposed development has been assessed against the desired outcomes and prescriptive measures within the Housing Strategy Development Control Plan (Housing Strategy DCP).

An assessment of the proposal against the Housing Strategy DCP's numeric standards is detailed in the table below.

Table 5: Assessment of Housing Strategy DCP (Numerical Controls)

Control	Requirement	Proposal	Compliance
Minimum Site Width	30m measured at the street frontage	54m to Edgeworth David Avenue	Yes
Maximum Building Height	17.5m	17.5m	Yes
Maximum Storeys (Excluding Basement)	5 storeys	5 storeys, including mezzanine	Yes
Front Setback	10m (can be reduced to 8m for a maximum of 1/3 of the building width)	10m with 1/3 of building width reduced to an 8m setback.	Yes
Rear Setback	10m (can be reduced to 8m for a maximum of 1/3 of the building width)	70% of the rear elevation of the building is setback 8m	No
Side Setback	6m (can be reduced to 4m for a maximum of 1/3 of the building width)	6m	Yes
Top Storey Setback	3m between exterior walls of the lowest storey and exterior walls of the topmost storey	3m	Yes
Underground Parking Setback	7m from the front and rear boundaries and 4m from side boundaries	<ul style="list-style-type: none"> 7m to front boundary 2m to rear boundary 4m to side boundaries 	No, in relation to rear boundary
Setback Encroachments	Balcony encroachments within 4m of side boundaries and within 7m of front and rear boundaries	<ul style="list-style-type: none"> 6m balcony setback to side boundaries 7m balcony setback to front boundary 6m balcony setback to rear boundary 	Yes
	Driveways or basement ramps up to 6m wide with deep soil verges at least 2m wide	Basement ramp setback 2m to rear boundary. Deep soil verge provided between basement ramp and rear boundary.	Yes
Minimum Landscaping Width	<ul style="list-style-type: none"> 7m wide front setback 7m wide rear setback 4m wide side setback 	<ul style="list-style-type: none"> 7m wide front Variable width rear 6m wide side 	No, in relation to rear setback
Fencing	<ul style="list-style-type: none"> Within front setbacks, fences should be no higher than 1.2m Fencing enclosing private courtyards may be up to 1.8m high if constructed from lightweight materials with a design allowing at least 50% Openings / transparency Side and rear fences should have a maximum height of 1.8m 	<ul style="list-style-type: none"> 1.2m high picket fence to front boundary 1.8m high lightweight picket fences to private courtyards 1.8m high colorbond fences to side and rear boundaries 	Yes
Maximum Floor-plate Dimension	35m if facades incorporate distinct building indentations	Variable (42.8m maximum)	No

Control	Requirement	Proposal	Compliance
Building Indentations	4m x 4m	Variable	Yes
Private Open Space 1 Bedroom Units	10m ² with minimum width of 2.5m	Variable	Yes
Private Open Space 2 Bedroom Units	12m ² with minimum dimension of 2.5m	Variable	Yes
Private Open Space 3 Bedroom Units	16m ² with minimum dimension of 2.5m	Variable	Yes
Communal Open Space	Combined area of 25% of the site area, including an active recreation area of at least 50m ²	<ul style="list-style-type: none"> 26.7% or 862.6m² communal open space at ground level Active recreation area within front setback exceeds minimum prescribed area of 50m² 	Yes
Building Separation (Privacy)	<ul style="list-style-type: none"> Up to 4 storeys/12m requires 12m separation. Fifth storey/over 12m requires 18m separation 	See Building Separation at Section 2.9	No
Sunlight and Ventilation	<ul style="list-style-type: none"> 70% of proposed dwellings should receive 2 or more hours of sunlight during midwinter Active communal open spaces 2 hours of sunlight during mid-winter 60% of apartments should be dual aspect 	<ul style="list-style-type: none"> 70% of the proposed dwellings receive 2 or more hours of sunlight during midwinter Active communal open space within front boundary setback is north facing and will receive at least 2 hours of sunlight during mid-winter 78% of the proposed apartments are naturally cross ventilated 	Yes
Housing Choice	<ul style="list-style-type: none"> 10% of each unit type (1, 2 and 3 bedrooms) 10% of proposed dwellings are to be accessible by people with impaired mobility 	<ul style="list-style-type: none"> 63% 1 bedroom units, 28% 2 bedroom units, and 9% 3 bedroom units 30% of the proposed units are adaptable 	No, in relation to the number of 3 bedroom units
Adaptable Units	30% of proposed dwellings should be adaptable	30% or 25 of the 81 proposed units are adaptable.	Yes
Vehicle Access and Parking	<ul style="list-style-type: none"> Dwellings less than 100m² - minimum 1 space Minimum 1 visitor space per 5 dwellings Driveways should be at least 2m from any side boundary 	<ul style="list-style-type: none"> All proposed units are less than or equal to 100m². Therefore, 81 resident car spaces are required. A total of 107 spaces are proposed 16 visitor spaces are required and proposed Driveway located at least 2m from rear/side boundary 	Yes
Bicycle parking	<ul style="list-style-type: none"> 1 space per 5 dwellings. 1 space per 10 dwellings for visitors. 	<ul style="list-style-type: none"> In total, 24 bicycle spaces are required. There are 19 bicycle spaces provided on level 1 of the basement car park. 	No

The following discusses the proposal against the DCP's desired outcomes and the aspects of the proposal which do not comply with the DCP's numeric standards.

2.10.1 Desired Future Character

The subject site is situated within the 'Balmoral Street, Waitara Precinct', which has been nominated to deliver "*predominantly five storey residential flat buildings in garden settings, with parking in basements*". The proposed development for a five (5) storey residential flat building with basement car parking and associated landscaping is considered to be consistent with the desired future character of the Precinct.

2.10.2 Isolation of Sites

The Site Requirements in the Housing Strategy DCP are as follows:

Where a property is likely to be isolated by a proposed development and it cannot be demonstrated that orderly and economic development (isolated) site can be achieved, applicants should provide documentary evidence that genuine and reasonable attempt has been made to purchase an isolated site based on a fair market value.

Where a development proposal results in an adjoining site within the precinct with no street frontage or a primary street frontage of less than 30m, proponents should demonstrate that orderly and economic development of the site can be achieved under this DCP.

The proposed development will result in the isolation of No.46 Edgeworth David Avenue (Lot A DP 327882). No. 46 is a corner allotment of approximately 630m² with frontages of 15m to Edgeworth David Avenue and 40m to Balmoral Street. A freestanding two storey building with a rear car parking area is currently sited on the land.

In accordance with the provisions of the DCP, the Applicant sought to resolve the isolation of No. 46 by making genuine and reasonable attempts to acquire the site at a fair market value. Details of the attempts made to acquire No. 46 were submitted with the Application and include the letters of offer sent by the landowner's real estate agent and a 'highest and best use study' prepared by Hill PDA Pty Ltd, dated 11th March 2013.

These genuine attempts to acquire No. 46 were unsuccessful.

The Applicant has submitted indicative concept plans for a four (4) storey residential flat development on the isolated site. The concept plans demonstrate that the site could be developed generally in accordance with SEPP 65, the RFDC and Council's Housing Strategy DCP requirements for height, setbacks and building separations, notwithstanding the non-compliance with the required 30m frontage.

Further to the above, the landowner of No. 46 contacted Council by telephone on the 26th March 2014 in relation to Council's letter dated the 18th March 2014, concerning the proposed development. The landowner advised that the developer had been in contact and had made an offer to purchase the site, however this offer was considered to be well below expectations

for a commercial site. The landowner advised that he did not oppose the development and would not be seeking to develop the property at this stage.

To assist and facilitate any future residential flat development on No. 46, the Applicant has requested that a suitable condition be imposed requiring the placement of an easement for vehicular access as a restriction on the Title. This Title restriction will later enable the current proposed driveway to be extended / widened so as to serve both the development site as well as any future development at No. 46.

Based on the above, the proposal is considered to be acceptable in respect to the Housing Strategy DCP prescriptive measures for site consolidation.

2.10.3 Number of Storeys

The proposal complies with the 17.5m maximum building height requirement in both the HSLEP 1994 and HLEP 2013 as well as the maximum 5-storey building requirement in the Housing Strategy DCP. The majority of the uppermost level dwellings also include a 'mezzanine' level.

Despite mezzanine levels not being considered as a separate 'storey' under the definitions contained HLEP 2013, the Building Code of Australia provides a number of specific standards whereby mezzanine levels are to be included for the purposes of calculating the rise in storeys of a building.

For instance:

- (i) *A mezzanine is regarded as a storey in that part of the building in which it is situated if its floor area is more than 200m² or more than 1/3 of the floor area of the room, whichever is the lesser; and*
- (ii) *Two or more mezzanines are regarded as a storey in that part of the building in which they are situated if they are at or near the same level and have an aggregate floor area more than 200m² or more than 1/3 of the floor area of the room, whichever is the lesser.*

As shown in the following Table, four of the proposed mezzanine levels – in units A4.06, A4.09, A4.12 and A4.13 - do not comply with the maximum 1/3 of the total floor area requirement.

Table 6: Proposed Mezzanine Levels

Proposed Unit	Proposed Floor	Proposed Mezzanine Floor (Approx.)	% of Proposed Unit Floor Area
A4.01	104m ²	30m ²	29%
A4.02	102m ²	29m ²	28%
A4.03	73m ²	19m ²	26%
A4.04	87m ²	20m ²	23%
A4.06	70m ²	27m ²	39%
A4.07	70m ²	19m ²	27%
A4.08	60m ²	19m ²	32%
A4.09	77m ²	28m ²	36%
A4.10	55m ²	18m ²	33%
A4.11	77m ²	24m ²	31%
A4.12	76m ²	29m ²	38%
A4.13	70m ²	29m ²	41%
A4.14	98m ²	31m ²	32%

Whilst the variances are generally minor, a suitable condition is recommended to require a reduction in the floor area of the mezzanines in units A4.06, A4.09, A4.12 and A4.13, so as to ensure compliance with the BCA standards.

Subject to the recommended condition, the proposed development would be acceptable with regard to the Housing Strategy DCP desired outcome for built form not exceeding five storeys.

2.10.4 Setbacks

The Housing Strategy DCP requires a minimum 10m rear setback, which can be reduced to 8m for a maximum of 1/3 (33%) of the building width. The proposal exceeds this requirement with approximately 70% of the rear elevation of the building setback 8m. Despite this non-compliance, the proposed design is considered acceptable as it provides for a well-articulated building form, acceptable deep soil landscaped verges, suitably landscaped communal and private open space areas and appropriate separation between buildings. The proposed variation to the DCP's minimum rear setback is therefore considered acceptable.

With regard to the underground basement parking, the Housing Strategy DCP requires a 7m rear setback. Driveways or basement ramps up to 6m wide with deep soil verges of at least 2m wide are permitted to encroach into the prescribed 7m setback. Level 1 of the basement

car park is setback only 2m from the rear boundary. The proposed setback is considered to be consistent with the Housing Strategy DCP as the majority of the 7m setback zone contains the proposed 6m wide driveway and basement ramp. A deep soil landscaping verge is proposed within the 2m setback which should provide sufficient opportunity for screening vegetation between the proposed access driveway and basement car park on the adjoining residence to the south (No. 53A Balmoral Street).

Level 2 of the basement car park has a variable setback to the rear boundary, comprising 5.8m at the western extent decreasing to 5m at the eastern extent. This variation to the 7m setback standard is reasonable because, in addition to the minimum deep soil planting area discussed above, the configuration of the subject and the adjoining property No. 53A Balmoral Street means the rear boundary also is a side boundary. Side boundary setbacks are required to be a minimum 4m, and when interpreted in this way the Level 2 basement setback complies.

2.10.5 Landscaping

The proposed development provides suitable landscaped areas for the presentation of the proposed building in the streetscape, for the provision of open space areas for residents, and for screen planting.

The proposed landscaping includes retention of a number of significant trees and includes additional canopy trees within deep soil zones along the eastern, southern and western property boundaries, which provide a vegetative buffer to adjoining residential developments. Common open space is provided linking the site from the northern boundary along Edgeworth David Avenue to the southern boundary via transitional garden walkways as well as a landscaped pathway along the eastern boundary. The proposed landscaping treatments along the Edgeworth David Avenue frontage create a prominent streetscape feature that supplements and enhances the existing, heritage listed street trees.

The proposed landscaping is considered to comply with the prescriptive measures and meets the Housing Strategy DCP key principle for five storey residential flat buildings in garden settings.

2.10.6 Floorplates and Separations

Under the Housing Strategy DCP, the maximum floorplate dimension may be increased to 35m if façades incorporate a distinct indentation (measuring at least 4m by 4m) and creates the appearance of separate 'building pavilions'.

The proposed development provides a mid-elevation, minimum 4m by 4m vertical indentation in each façade of the building, which complies with the DCP requirement. The inclusion of the vertical indentation on each of the façades creates the appearance of separate building pavilions, which is further accentuated by corresponding roofs above each pavilion element.

A maximum floorplate dimension of 42.8m is proposed (when measured in a perpendicular direction between the opposing exterior walls of the northern and southern façades). Whilst

the 35m requirement is exceeded, the design is considered suitable given that the overall building bulk and massing has been successfully tempered through the use of appropriate roof design, recessed bays, fenestration, textures and materials. The design also would not compromise the amenity of the proposed development or surrounding residential properties, particularly with regard to the provision of minimum standards of solar access.

The proposed variation to the DCP's maximum floorplate dimension requirement is therefore reasonable and is supported.

2.10.7 Articulation

The proposed building is stepped to conform with the topography of the site. The building is also well articulated with regard to the treatment of the façades, size and placement of windows, balconies, vertical panels, indentations and setback variations to minimise the bulk and scale of the building.

The proposed façades include a mix of contrasting materials, finishes and fenestration that contribute to the articulation of the building. The built form is further articulated through the use of a vertical indentation, which creates the appearance of two separate pavilion elements either side of the building's entry.

The proposed building complies with the Housing Strategy DCP articulation prescriptive measures and meets the desired outcome for development of a scale and bulk which enhances the streetscape and character.

2.10.8 Open Space

Each of the proposed ground floor residential units are provided with private open space (POS) in the form of a courtyard with variably sized deck areas. All of the ground floor POS areas exceed the minimum requirements of the Housing Strategy DCP.

All of the above ground residential units are provided with POS in the form of a balcony or upper level terrace. Whilst all of the proposed POS areas exceed the minimum requirement of 10m² for 1 bedroom dwellings, 12m² for 2 bedroom dwellings and 16m² for 3 bedroom dwellings, the Table below demonstrates that several of the proposed balconies do not achieve the minimum width dimension of 2.5m.

Table 7: Balconies that do not meet the 2.5m Minimum Dimension

Proposed Unit	Minimum Balcony Requirement	POS Area	Proposed Balcony Area complying with Minimum	Total Proposed Balcony Area
A1.02, A2.02, A3.02	10m ² at 2.5m wide		7.5m ² at 2.5m wide	12m ²
A1.09, A2.09, A3.09	12m ² at 2.5m wide		8.75m ² at 2.5m wide	13m ²
A1.10, A2.10, A3.10	16m ² at 2.5m wide		12m ² at 2.5m wide	16m ²
A1.11, A2.11, A3.11	10m ² at 2.5m wide		8.5m ² at 2.5m wide	12m ²
A1.14, A2.14, A3.14	12m ² at 2.5m wide		10m ² at 2.5m wide	13m ²
A1.15, A2.15, A3.15	12m ² at 2.5m wide		7.5m ² at 2.5m wide	12m ²
A4.02	16m ² at 2.5m wide		10m ² at 2.5m wide	22.5m ²

Despite the above non-compliances, each of the balconies are of sufficient size to accommodate a reasonable outdoor furniture layout within a quality, useable space.

Common open space is to be provided linking the site from the Edgeworth David Avenue frontage to the southern boundary via a landscaped pathway along the eastern boundary. The design of the common open space areas incorporates transitional garden walkways, active communal open spaces and seating areas within a garden setting.

The proposed development is considered to be consistent with the Housing Strategy DCP provisions for active living. In particular, the proposal provides:

- bicycle storage,
- safe, accessible and prioritised pedestrian and cyclist entrances to the building, which link with existing pedestrian and cyclist thoroughfares along Edgeworth David Avenue and Balmoral Street, and
- quality, useable outdoor spaces.

Accordingly the proposed variation to the minimum dimension area of balconies in the development is considered reasonable and is supported.

2.10.9 Privacy

The proposed development adequately addresses privacy issues with all of the proposed units having an external outlook. A mixture of vertical and movable horizontal louvre systems are proposed along the western façade that will provide privacy from the opposing balconies of the neighbouring residential flat building anticipated to be constructed to the west.

With regard to the neighbouring residential developments situated to the southwest and east, the proposed development does not cause unreasonable direct overlooking of the habitable rooms and/or principal private open spaces of these neighbouring dwellings. The proposed building separation and the development's existing and proposed landscaping elements will create a reasonable balance between safeguarding privacy and providing reasonable solar access for adjoining properties.

Internally, the majority of units include privacy screens in various forms to be provided where windows between units have potential privacy issues. In addition to the louvered panelling and to ensure the privacy and amenity of those units adjoining the main building entries, landscaping elements are provided on either side of the entry footpath to provide dense screening to these windows. Solid privacy screens are proposed to be provided in those instances where the proposed balconies adjoin. To ensure that privacy is maintained for all living areas within units, a condition is recommended that a 1.5 metre high inward angled louvered/solid privacy screen is to be erected on the northern side of the balconies serving Units A1.12, A2.12, A3.12, on the southern side of the balcony serving Units A 1.04, A2.04 and A3.04 and on the eastern side of the balcony serving Units A1.08, A2.08 and A3.08.

Subject to conditions, the proposed development is considered to be consistent with the Housing Strategy DCP's desired outcome of providing reasonable privacy to proposed and adjacent properties.

2.10.10 Sunlight and Ventilation

The proposed development complies with the Housing Strategy DCP prescriptive measures for solar access and natural ventilation. A BASIX Certificate was submitted with the Application demonstrating that the proposed development will achieve targets for energy efficient housing. The proposed development is therefore considered to be consistent with the desired outcome of providing reasonable solar access to living and open space areas.

2.10.11 Housing Choice

The proposal meets the Housing Strategy DCP's requirements for minimum dwelling mix and minimum number of adaptable dwellings, except for the minimum proportion of 3 bedroom dwellings.

The DCP requires that a minimum of 10% of dwellings must be 3 bedrooms in size. The development proposes 9%. This variance is considered to be minor and does not warrant refusal of the Application.

2.10.12 Vehicle Access and Parking and Resident Storage

Vehicle access to the proposed basement car park is via a 6m wide driveway off the Balmoral Street frontage adjacent to the southern boundary of the site. The basement car park design provides access for a Small Rigid Vehicle (SRV) for waste collection. The development complies with the Housing Strategy DCP's minimum requirements for resident and visitor parking. The proposal however, does not meet the DCP's minimum requirements for bicycle parking.

The Housing Strategy DCP requires bicycle parking in the form of a rail/rack or locker to be provided at the rate of 1 space per 5 dwellings for residents and 1 space per 10 dwellings for visitors. The development would require a total of 24 bicycle parking spaces to be provided.

The proposed development only provides for 19 bicycle parking spaces. A condition is recommended for the configuration of the Level 1 Basement to be amended to facilitate provision for an additional 5 bicycle parking spaces.

Under the Roads and Maritime Service (RMS) Black Spot Program Initiative, traffic signals are to be implemented at the corner of Edgeworth David Avenue and Balmoral Street. A condition is recommended requiring the removal of the traffic calming device located adjacent to the proposed vehicular access arrangement and the road pavement and kerb and gutter to be made good.

The basement level car park provides separate dedicated and secure storage areas and shared storage areas for residents. These storage areas are considered to be suitable to accommodate larger items, such as sporting equipment. A condition is recommended for storage provision to meet the requirements of the SEPP 65 RFDC, 6m³ for one bedroom apartments, 8m³ for two bedroom apartments and 10m³ for three plus bedroom apartments.

Subject to recommended conditions, the proposal is considered satisfactory in respect to the Housing Strategy DCP requirements for vehicle access and parking and resident storage.

2.11 Hornsby Development Control Plan 2013

The Hornsby Development Control Plan (HDCP) 2013 applies to all land within Hornsby LGA and provides development controls to complement HLEP 2013. The HDCP came into effect on 11 October 2013.

Although the HDCP was not in force at the date of lodgement of this Application, the development proposal has nonetheless been assessed against the HDCP. The HDCP is generally a transition from Council's earlier DCPs including the Housing Strategy DCP and Medium Density Multi-Unit Housing DCP, into one consolidated Plan. The following discussion generally addresses controls that are in addition to the Housing Strategy DCP Controls discussed in Section 2.10.

2.11.1 Open Spaces

The minimum private open space requirement for 1, 2 and 3 bedroom dwellings reflect the requirements of the Housing Strategy DCP. However, an additional separate and screened clothes drying area is required under the HDCP.

A number of the proposed balconies, which provide adjustable louvered screens, are of a design that is consistent with this requirement. However, given that the majority of the balconies would require a redesign with regard to this requirement, it is considered onerous to require strict compliance given the DA was lodged during the transition period between the former and current DCPs.

The non-compliance does not warrant refusal or conditioning of the Application.

2.11.2 Vehicle Access and Parking

A reduction for car parking is provided for development located within 800m of a railway station. In particular, for residential flat buildings the following minimum car parking requirements apply:

- 0.75 car space per 1 x bedroom dwelling,
- 1 car space per 2 x bedroom dwelling,
- 1.5 car spaces per 3 x bedroom (or more) dwelling,
- 1 car space per 7 dwellings for visitors.

Given that the proposed development is situated approximately 400m from the Waitara Railway Station, the above reduced rates are applicable. A total of 72 car parking spaces, including 12 visitor spaces would be required for the development together with 1 motor cycle space, 16 resident bicycle spaces and 8 visitor bicycle spaces.

The proposed development therefore complies with the HDCP minimum car parking requirements. However, with regard to the provision of bicycle spaces, a condition is recommended to require compliance with the minimum spaces required. Compliance in this instance is not considered to be onerous given that the proposed development provides additional car parking spaces to that required under both the Housing Strategy DCP and HDCP, and the extra bicycle parking could be accommodated in the vehicle parking areas.

2.12 Waste Minimisation and Management Development Control Plan (WMMDCP)

Each floor in the proposed development is provided with chutes for waste disposal. The garbage chute terminates in a bin storage room situated within the Level 1 Basement. For 81 dwellings, the development will require 7 x 660L garbage bins serviced twice weekly, plus 17 x 240L recycling bins serviced weekly. Volume handling equipment is required, but compaction is not necessary. The 4 x 660L bin carousel as depicted on the submitted plans is considered to be acceptable.

The proposed development would be serviced by an SRV. The proposed development would meet the waste facility design performance criteria of the WMMDCP subject to recommended conditions for design for access and waste collection by an SRV.

The submitted Waste Management Plan is considered to be acceptable in facilitating waste reduction. Council's Waste Management Officers have reviewed the proposal and recommended that the Application is worthy of approval subject to conditions.

3. ENVIRONMENTAL IMPACTS

Section 79C(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"*. Environmental impacts of the proposal, where not previously addressed in this report, are discussed below.

3.1 Natural Environment

3.1.1 Tree Removal

There are a total of 36 significant trees consisting of exotic, native and locally indigenous specimens, which are situated either within or adjacent to the subject site. The proposed development necessitates the removal of 23 trees from the subject site, including one (1) tree protected under the Tree Preservation Order. For those trees proposed to be retained (namely trees numbered 5, 10, 11, 12, 20, 21, 31, 32 and 36), appropriate conditions are recommended to protect the trees during the construction of the development.

In the context of the proposed loss of trees, a comprehensive landscaping scheme was submitted with the Application proposing new planting within available areas and within prominent locations. The submitted landscaping scheme includes the planting of a number of locally indigenous tree species including *Eucalyptus paniculata* (Grey Iron Bark) and *Tristanopsis laurina* (Water Gum), which would contribute to the natural environment and the local tree canopy. The proposed removal of one locally indigenous tree is therefore considered acceptable.

Council's Landscape Architect has assessed the submitted landscaping scheme and has recommended that additional trees are to be provided, including:

- Four (4) additional *Pyrus calleryana* (Callery Pear) of a minimum 75L pot size along the Edgeworth David Avenue boundary landscape setback area.
- Four additional *Tristanopsis laurina* (Water Gum) of a minimum 100L pot size along the western boundary landscape setback area.
- One (1) *Lophostemon confertus* (Brush Box) of a minimum 75L pot size within the Edgeworth David Avenue verge planting.

The addition of one (1) Brush Box within the Edgeworth David Avenue verge will complement the existing heritage listed street trees.

Subject to recommended conditions, the proposed development is considered acceptable in respect to the natural environment.

3.1.2 Stormwater Drainage

A Stormwater Concept Design, prepared by McGregor Environmental Services, was submitted with the Application. The proposed stormwater management system has been designed to cater for an average recurrence interval of 20 years (storm event), and generally comprises the following elements:

- Box gutters and down pipes leading from the roof to two (2) x 3,000L subsurface rainwater tanks;
- A system of ground level grated and sealed pits which connect via a stormwater pipe system to a 37m³ on-site detention basin located beneath the common open space areas fronting Edgeworth David Avenue;

- A freeboard overflow space from the on-site detention basin to the apartment level; and
- A system of stormwater pipes leading from the rainwater tanks into the stormwater drainage system.

The proposed overflow space is to be located within the common open space areas fronting Edgeworth David Avenue. This overflow space would have a maximum depth of 300mm and would be incorporated into the proposed landscaping. The proposed overflow space would not result in the flooding of ground floor units or private open space areas.

Further to the above, as detailed at Section 3.2.5 below, appropriate soil and sediment and erosion control barriers are to be installed during the construction phase and managed in accordance with the measures outlined within the submitted Sediment Control Plan.

The Application was referred to Council's Development Engineering Department, which raised no objection to the proposed development subject to a number of recommended conditions. It is therefore considered that the proposed stormwater drainage works would not adversely impact on the natural environment.

3.2 Built Environment

3.2.1 Overshadowing of Adjoining Properties

Hourly shadow diagrams were submitted with the Application showing the shadows cast by the existing dwellings to the south and east, and those cast by the development between the hours of 9:00am and 3:00pm mid-winter (Winter Solstice).

The shadow diagrams demonstrate that despite the proposed development, the existing adjoining properties to the west and east will continue to receive three (3) or more hours of solar access during mid-winter. The existing dwelling at No. 42A Park Avenue, which is situated to the southwest of the subject property, will receive at least 3-4 hours of solar access during mid-winter.

The property situated directly to the south of the subject site (No. 53A Balmoral Street) will be significantly impacted by the shadows cast by the proposed development, but will receive at least 2 hours of solar access during mid-winter (from 9:00am to 11:00am). Approximately 50% of the private open space situated to the rear of the existing dwelling will receive at least 2 hours of solar access during the afternoon.

Based on the above, it is considered that the proposed development is acceptable.

3.2.2 Traffic Generation and Road Safety

In accordance with the RMS *Technical Direction (TDT 2013/14)*, which updates the *Guide to Traffic Generating Developments (October 2002)*, the proposed development comprising 81

dwellings would generate 15 vehicle trips per hour (vtp) during the morning and 12vtp during the afternoon peak commuter periods.

The four (4) existing dwelling houses proposed to be demolished for the proposed development would generate far less vehicle trips per hour during the peak commuter periods. Nonetheless, the additional traffic movements generated by the proposal are considered to be minor and are not expected to present any adverse conflict, capacity or safety implications for the local road network.

Council has recently received approval from RMS for the signalisation of the intersection of Edgeworth David Avenue and Balmoral Street. This program is to be funded by the National Blackspot Program with the works likely to be completed before the end of June 2014.

Under the current scenario (i.e. no traffic signals), there would be a need to retain the existing traffic calming device that directly interfaces with the proposed Balmoral Street driveway access to the development. As this is no longer the case, the traffic device will be required to be removed by the Applicant in conjunction with the proposed development so as to improve access to the subject property, provide a safe driveway crossing to Balmoral Street, and to improve the availability of on-street parking at the Balmoral Street frontage.

The Application was referred to Council's Traffic and Road Safety Branch, which raised no objection to the proposed development subject to recommended conditions relating to the above.

3.2.3 Noise

The vehicular entrance to the proposed basement car park is via an access driveway, which is proposed to run parallel to the southern boundary of the subject site.

The existing dwellings situated at No. 46 Edgeworth David Avenue and 53A Balmoral Street will be directly impacted on by noise emissions generated through the use of the proposed access driveway and basement car park.

To reduce the intrusiveness of the noise emissions, the Applicant's acoustic consultants (Acoustic Logic) recommended a number of measures, including:

- installation of an 1.8m high timber fence along the site boundaries adjacent to the driveway;
- suitable paving and surface coating conditions for the basement car park, ramps and driveway;
- implementation of a maximum 10km/h speed limit for the driveway; and
- installation of notices to remind residents to be mindful of adjoining properties whilst entering and exiting via the driveway.

A condition is recommended to ensure that the proposed development accords with the recommendations made within the submitted Environmental Noise Assessment.

With regard to the operation of mechanical plant associated with the proposed development (i.e. air conditioners), detailed plant selection has not yet been completed. A suitable condition is recommended to require the completion of an acoustic assessment to determine acoustic treatments to control the noise emissions of mechanical ventilation plant to satisfactory levels.

3.2.4 Excavation

The proposed development involves the formation of a basement car park comprising of two levels. Based on the Geological Investigation Report submitted as part of the Application, the likely soil profile materials to be encountered within the depths of the basement excavation are likely to comprise soft to firm silty clays, loose to medium dense clayey sand and sandstone of differing degrees of weathering.

Excavation of soils and low strength sandstone is proposed to be by conventional excavation methods using standard earthmoving equipment, such as backhoes or tracked excavators. For the excavation of medium to high strength sandstone bedrock, the common approach of using a saw cutting method followed by rock breaking hammers is proposed to be implemented.

The Geotechnical Investigation Report recommends a number of measures to be implemented prior to and during the proposed excavation works to ensure that the geotechnical fabric of the subject property and its surrounds are not compromised. A condition is recommended requiring that the proposed development is carried out in accordance with the recommendations of that report.

The proposed excavation works may involve the removal/relocation of existing sewer mains across the site. A condition is recommended for Sydney Water requirements to be determined prior to the issue of a Construction Certificate.

3.2.5 Demolition and Construction

A Construction Management Plan drawing was submitted as part of the Application, which indicated that the site office and amenities, waste storage and stockpiling areas are to be situated within the south eastern portion of the subject property (No. 55 Balmoral Street). This Plan drawing also indicated that during the excavation and construction stages of the proposed development, the subject property will be fenced with 'A' Class hoarding on all boundaries, which will comprise of pre-fabricated, temporary chain wire fencing.

Further to the Construction Management Plan drawing, suitable conditions are recommended so as to mitigate potential impacts associated with the proposed construction works.

3.3 Social Impacts

The proposed development would increase the availability of housing in the locality including the provision of adaptable housing. It is therefore considered the development would have a net positive social impact on the locality.

The proposal will result in the creation of a 5-storey building in what is currently a low-rise detached residential environment. This may be viewed by some existing residents as a significant disruption to their current physical environment. However this has to be considered in the context that the whole of the surrounding street block, by virtue of the current planning instruments, will likely undergo significant change from a low to a medium / high density environment.

3.4 Economic Impacts

The proposal would have some positive impact on the local economy in conjunction with other new residential development in the locality by generating an increase in demand for local services, and in creating jobs during the construction period.

4. SITE SUITABILITY

Section 79C(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, for reasons stated in the foregoing sections of the Report, including:

- The scale and bulk of the proposed development is consistent with the Council's anticipated outcomes for the surrounding Precinct.
- Future residents of the development will be afforded minimum levels of privacy, solar access and amenity.
- The proposed five-storey building will not unreasonably impact upon the amenity of adjoining properties, or the amenity of the likely future redeveloped adjoining properties.
- The development will not preclude the future development of an isolated adjoining site for purposes consistent with the current zoning.
- Vehicular access to the development will be via Balmoral Street and away from busy Edgeworth David Avenue.

5. PUBLIC PARTICIPATION

Section 79C(1)(d) of the Act requires Council to consider "*any submissions made in accordance with this Act*".


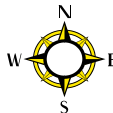
5.1 Community Consultation

The DA was placed on public exhibition and was notified to adjoining and nearby landowners between the 24th October and 14th November 2013 in accordance with Council's Notification

and Exhibition Development Control Plan. During this period, Council received one (1) submission from the owner of 53A Balmoral Street, as shown in the map below.



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	 PROPERTY SUBJECT OF DEVELOPMENT	
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The one submission received objected to the proposed development. The concerns raised in the objection have been discussed below:

- ***Impact to health and safety during the proposed demolition and excavation works***

Comment: The application includes the submission of a Waste Management Plan, Geotechnical Investigation Report and Construction Management Plan which is addressed in Section 3.2 of this report. The Geotechnical Investigation Report recommends a number of conditions to ensure that the geotechnical fabric of the subject property and adjoining properties are not comprised. This has been addressed as a condition of consent in Schedule 1 (refer to condition No. 22) The Construction Management Plan indicates that during excavation and construction stage of development, the subject property would be fenced with 'A' Class hoarding on all boundaries, which would comprise a pre-fabricated, temporary chain wire fencing. In addition, a number of conditions have been included to mitigate potential

health and safety impacts during the demolition and excavation works in Schedule 1. These conditions include the requirement of a Dilapidation Report for all adjoining properties (refer to condition No. 11), a requirement of a temporary hoarding, fence or awning to be erected between the work site and adjoining lands before the works begin and kept in place until after the completion of works (refer to condition No. 23), a requirement for all demolition work to be carried out in accordance with “Australian Standard 2601-2001 – The Demolition of Structures” (refer to condition No. 30) and a requirement that 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* (refer to condition No. 31).

- ***The generation of dust and debris, asbestos and noise***

Comment: The application includes the submission of a Waste Management Plan and an Environmental Noise Assessment which is addressed in Section 3.2.3 of this report. In addition, a number of conditions have been included in Schedule 1 to mitigate the impacts from dust, debris, asbestos and noise that would be generated from the development. These conditions include the requirement that all demolition work must be carried out in accordance with “Australian Standard 2601-2001 – The Demolition of Structures” and where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *WorkCover NSW* (refer to condition No. 31), a requirement that 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* (refer to condition No. 32), Street Sweeping required following sediment tracking from the site along Edgeworth David Avenue and Balmoral Street (refer to condition No. 33), further Waste Management Details during construction (refer to condition No. 42) and a noise limiting requirement for Plant and Machinery (refer to condition No. 56).

- ***Tree retention on adjoining properties***

Comment: Section 3.1.1 includes a detailed assessment regarding impact of the development on trees in the locality. Council’s assessment in this regard is satisfactory.

- ***Overshadowing of existing adjoining properties***

Comment: The application includes shadow diagrams that demonstrate the overshadowing impacts of the development to adjoining properties during the winter solstice at 9am, 12pm and 3pm on June 22nd which is addressed in Section 3.2.1 of this report. The submitted shadow diagrams indicate that the southern adjoining property at No. 53A Balmoral Street would receive 2 hours of solar access from 9am to 11am and approximately 50% of the private open space situated at the rear of the existing dwelling would receive at least 2 hours of solar access in the afternoon during the winter solstice.

- ***Traffic and Parking during demolition and construction***

Comment: To mitigate traffic and parking impacts during demolition and construction stages of development, a Traffic Control Plan and Construction Traffic Management

Plan have been included as conditions of consent in Schedule 1 (refer to condition No. 18 and 19).

- **Stormwater drainage**

Comment: The application includes a Stormwater Concept Design which is assessed as satisfactory as detailed in Section 3.1.2 of this report. The proposed stormwater management system has been designed to cater for an average recurrence interval of 20 years (storm even), and consists of box gutters and down pipes, an on-site detention system located beneath the common open space areas fronting Edgeworth David Avenue, a freeboard overflow space from the on-site detention basin to the apartment level and a system of stormwater pipes leading from the rainwater tanks into the stormwater drainage system. The development would not increase flood risk to adjoining properties.

6. 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 Application is considered to have satisfactorily addressed these matters 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 proposed development is for the demolition of existing structures and the construction of a 5 storey residential flat building comprising 81 units with basement car parking.

The proposed development is in accordance with the provisions of HSLEP 1994 and meets the zone objectives for the provision of housing within a medium to high density residential environment.

The proposal is considered satisfactory in respect to the requirements of the Housing Strategy DCP in meeting the key development principles for the Balmoral Street, Waitara Precinct. Notwithstanding some non compliances with some numeric standards, the proposal meets the Housing Strategy DCP desired outcomes for future character, design quality, site requirements, height, setbacks, landscaping, floorplates and separations, articulation, open space, privacy, sunlight and ventilation, housing choice and vehicle access and parking.

The proposed development is in accordance with the Design Quality Principles of SEPP 65 and the best practice requirements of the Residential Flat Design Code. The built form of the proposed development is considered an appropriate response to the precinct and the surrounding built environment.

One public submission received raised concerns relating to health and safety during demolition and excavation works, tree retention on adjoining properties and overshadowing of existing residences. Subject to recommended conditions, the proposed development is considered to be acceptable.

The application is recommended for approval.

Note: At the time of the completion of this planning report, no persons have made a *Political Donations Disclosure Statement* pursuant to Section 147 of the *Environmental Planning and Assessment Act 1979* in respect of the subject planning application.

Attachments:

1. Locality Plan
2. Site Plan
3. Architectural Plans (Basement Floor Plans, Ground Level Floor Plan, Level 1-3 Floor Plan, Level 4 Floor Plan, Mezzanine Level Floor Plan, Roof Plan)
4. Elevations
5. Landscape Plan

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:

Plan No.	Drawn by	Dated
DA000 – DA Application	Brewster Murray Architects	April 2014
DA 002 - Photomontage	Brewster Murray Architects	August 2013
DA003/C – Calculations	Brewster Murray Architects	11 th April 2014
DA101/B – Site Analysis	Brewster Murray Architects	18 th March 2014
DA102/C – Site Plan	Brewster Murray Architects	4 th April 2014
DA103/C – Basement 1 Plan	Brewster Murray Architects	4 th April 2014
DA104/B – Basement 2 Plan	Brewster Murray Architects	18 th March 2014
DA105/C – Ground Floor Plan	Brewster Murray Architects	4 th April 2014
DA106/C – Level 1-3 Floor Plan	Brewster Murray Architects	4 th April 2014
DA107/D – Level 4 Floor Plan	Brewster Murray Architects	11 th April 2014
DA108/D – Mezzanine Level	Brewster Murray Architects	11 th April 2014
DA109/B – Roof Plan	Brewster Murray Architects	18 th March 2014
DA110/B – Post Adaptable Units	Brewster Murray Architects	18 th March 2014

DA201-202/B – Elevations	Brewster Murray Architects	18 th March 2014
DA203-204/B – Sections	Brewster Murray Architects	18 th March 2014
DA301/B – Images	Brewster Murray Architects	18 th March 2014
DA401/B – Area Calculations	Brewster Murray Architects	18 th March 2014
DA501-504/B – Shadow Diagrams	Brewster Murray Architects	18 th March 2014
DA601/B – Sunlight Access	Brewster Murray Architects	18 th March 2014
DA602/B – Natural Cross Ventilation	Brewster Murray Architects	18 th March 2014
DA701/A – Construction Management Plan	Brewster Murray Architects	12 th December 2013
DA702/C – Waste Collection Plan	Brewster Murray Architects	4 th April 2014
Proposed External Finishes	Brewster Murray Architects	August 2013
H5500/D – Coversheet, Legend and Notes	J&M Group Hydraulic & Fire Services Consultants	3 rd February 2014
H5501/C – Basement Level 2 Stormwater Design	J&M Group Hydraulic & Fire Services Consultants	30 th August 2013
H5502/C – Basement Level 1 Stormwater Design	J&M Group Hydraulic & Fire Services Consultants	30 th August 2013
H5503/D – Ground Level Stormwater Design	J&M Group Hydraulic & Fire Services Consultants	3 rd February 2014
H5504/C – Level 1-3 Stormwater Design	J&M Group Hydraulic & Fire Services Consultants	30 th August 2013
H5505/C – Level 4 Stormwater Design	J&M Group Hydraulic & Fire Services Consultants	30 th August 2013
H5506/C – Attic Level Stormwater Design	J&M Group Hydraulic & Fire Services Consultants	30 th August 2013
H5507/C – Roof Level Stormwater Design	J&M Group Hydraulic & Fire Services Consultants	30 th August 2013
H5508/B – Sediment and Erosion Control Plan	J&M Group Hydraulic & Fire Services Consultants	31 st July 2013
DP01/F – Landscape Plan	Site Design Studios	7 th April 2014
TMP01 – Tree Management Plan	Naturally Trees	29 th August 2013

<i>Document Title</i>	<i>Prepared by</i>	<i>Dated</i>
Statement of Environmental Effects	JBA Urban Planning Consultants	October 2013
SEPP 65 Compliance Checklist and Statement (Verification)	Brewster Murray Architects	August 2013
Statement of Compliance Access for People with a Disability	Accessible Building Solutions	29 th August 2013
Statement of Design Compliance for Mezzanine Design with NCC 2013	Dix Gardner Group	8 th April 2014
DA Environmental Noise Assessment	Acoustic Logic	18 th July 2013
Arboricultural Impact Appraisal and Method Statement	Naturally Trees	29 th August 2013
BASIX Certificate No. 490602M	Director-General Planning and Infrastructure	29 th August 2013
Building Code of Australia 2013 Assessment Report	Building Code Assistance	28 th August 2013
Geotechnical Investigation Report	Benviron Group	12 th June 2013
Assessment of Traffic and Parking Implications	Transport and Traffic Planning Associates	August 2013
Waste Management Plan	McGregor Environmental Services	August 2013

2. Removal of Existing Trees

This development consent only permits the removal of tree numbered 16 as identified on Tree Management Plan, Drawing TMP01, Arboricultural Impact Appraisal & Method Statement, prepared by Naturally Trees dated 29/08/2013. The removal of any other trees requires separate approval in accordance with the Tree & Vegetation Chapter 1B.6 Hornsby Development Control Plan (HDCP).

3. Pruning of Existing Trees

Pruning must be in accordance with the Australian Standard Pruning of Amenity Trees Section 7.2.1 (General Crown Maintenance, AS 4373-2007).

4. Amendment of Plans

The approved plans are to be amended as follows:

- a) Each dwelling within the development must have a minimum area for storage (not including built-in storage) of 6m³ for one bedroom units, 8m³ for two bedroom units and 10m³ for three bedroom units.
- b) The approved Mezzanine Level Plan, Drawing No. DA108, Revision D dated 11.04.2014 shall be amended as follows:
 - i) The mezzanine levels within proposed units A4.06, A4.09, A4.12 and A4.13 shall not exceed 1/3 of the total floor area of the room in which they are situated.
- c) The approved Basement Level 1 Plan, Drawing No. DA103, Revision C dated 04.04.2014 shall be amended to show an additional 5 bicycle spaces.
- d) The approved Landscape Plan, Drawing No. LP01 dated 07.04.2014 by Site Design Studios shall be amended as follows:
 - i) Show that the botanical name of the replacement tree species in the planting schedule is *Eucalyptus paniculata* (Grey Iron Bark) not *Eucalyptus punctata*.
- e) The stormwater drainage design Project No. 1321 Drawing No. H5500 & H5503 Revision D dated 03.02.2014 by J & M Group shall be amended as follows:
 - i) The discharge control pit shall be relocated within the on-site detention basin storage area.
 - ii) All courtyard areas of units fronting Edgeworth David Road shall be drained to the relocated discharge control pit.
- f) The approved Level 1-3 Floor Plan, Drawing No. DA106, Revision C dated 4.04.2014 shall be amended to incorporate the installation of a 1.5 metre high louvered/solid screen on the northern side of the balcony serving Units A1.12, A2.12, A3.12, on the southern side of the balcony serving Units A1.04, A2.04 and A3.04 and on the eastern side of the balcony serving Units A1.08, A2.08 and A3.08.

5. Construction Certificate

A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any works under this consent.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

6. Building Code of Australia

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

7. Contract of Insurance (Residential Building Work)

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.

8. Notification of Home Building Act, 1989 Requirements

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

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

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

9. Water/Electricity 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) *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.

10. Sydney Water – Quick Check

This application must be submitted to a Sydney Water ‘Quick Check Agent’ or ‘Customer Centre’ for approval to determine whether the development would affect any Sydney Water infrastructure, and whether further requirements are to be met.

Note: Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

11. Dilapidation Report

A ‘Dilapidation Report’ is to be prepared by a ‘chartered structural engineer’ detailing the structural condition of the following properties:

- a) Nos. 38 and 46 Edgeworth David Avenue
- b) No. 53A Balmoral Street
- c) No. 42A Park Avenue

12. Adaptable Units

The details of the adaptable units Nos. G1.02, G1.03, G1.05, G1.06, G1.09, G1.11, G1.15, A1.03, A1.05, A1.09, A1.10, A1.11, A1.17, A2.03, A2.05, A2.09, A2.10, A2.11, A2.17, A3.03, A3.05, A3.09, A3.10, A3.11, and A3.17 must be provided with the Construction Certificate Plans.

13. Stormwater Drainage – Dwellings

The stormwater drainage system for the development must be designed and constructed for an average recurrence interval of 20 years and be gravity drained in accordance with the following requirements:

- a) Connected to an existing Council piped drainage system.

Note: A construction certificate shall be obtained prior to the commencement of these works and is to be completed prior to the issue of an occupation certificate.

14. 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) The amendments required in condition 1 shall be made.
- b) Have a capacity of not less than 37 cubic metres, and a maximum discharge (when full) of 56 litres per second.
- c) Have a surcharge/inspection grate located directly above the outlet.
- d) 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.

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

Note: A construction certificate shall be obtained prior to the commencement of these works and are to be completed prior to the issue of an occupation certificate

15. Public Road and Drainage Works

A separate application under the *Local Government Act, 1993* and the *Roads Act, 1993* must be submitted to Council for all public road and drainage 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 concrete footpath shall be removed and reconstructed along the full frontage of the development site in Edgeworth David Road.
- b) The existing traffic calming device in Balmoral Street shall be removed and kerb and gutter and road pavement reconstructed with the existing kerb alignment to the south.
- c) Construction details of all necessary adjustments to the existing grated gully pits in Balmoral Street shall be provided.
- d) The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the bitumen and reconstructed.

Note: A construction certificate shall be obtained prior to the commencement of these works and are to be completed prior to the issue of an occupation certificate.

16. Vehicular Crossing

A separate application under the *Local Government Act 1993* and the *Roads Act 1993* must be submitted to Council for the installation of a new vehicular crossing and the removal of the redundant crossing. The vehicular crossing must be constructed in accordance with Council's *Civil Works Design 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.

17. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed in accordance with Australian Standards 2890.1, 2890.2, 3727 and the following requirements:

- a) Design levels at the front boundary must be obtained from Council;
- b) The driveway must be a rigid pavement;
- c) The driveway grade must not exceed 25 percent and changes in grade must not exceed 8 percent per plan metre;

Note: A construction certificate shall be obtained prior to the commencement of these works and are to be completed prior to the issue of an occupation certificate.

18. 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:

- 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.
- f) Pedestrian and cyclist access/safety.

19. Construction Traffic Management Plan

A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.

20. Waste Management Details

The following waste management requirements must be complied with:

- a) Vehicle turning paths demonstrating that a small rigid vehicle is able to forward in, turn around and forward out of the site (in accordance with AS 2890.2) as a three-point turn.
- b) There must be sufficient space to place 7 of 660 L garbage bins, 17 of 240 L recycling bins and one 1100 L cardboard/paper bin for servicing, plus aisle space to access and manoeuvre the bins.

Note: bins on the volume handling equipment will not be serviced.

- c) 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.

21. Section 94 Development Contributions

- a) In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the *Hornsby Shire Council Section 94 Development Contributions Plan 2012-2021*, the following monetary contributions shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

Description	Contribution (4)
Roads	\$89,637.25
Open Space and Recreation	\$786,069.45
Community Facilities	\$110,181.25
Plan Preparation and Administration	\$3,223.05
TOTAL	\$989,111.00

being for 51 x 1 bedroom units, 23 x 2 bedroom units, 7 x 3 bedroom units and including a credit for 4 existing allotments.

- b) 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 94 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

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

Where:

- $\$C_{PY}$ is the amount of the contribution at the date of Payment.
- $\$C_{DC}$ is the amount of the contribution as set out in this Development Consent.
- CPI_{PY} is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.
- CPI_{DC} is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date of this Development Consent.

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

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.

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.

22. Excavation

The structural plans for basement and above ground areas must be prepared by a Chartered Structural Engineer and carried out in accordance with the recommendations of the Geotechnical Investigation Report prepared by Benviron Group dated 12 June 2013 and submitted with the Construction Certificate Application.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

23. 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.

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.

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

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*.

26. 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.

27. Project Arborist

A Project Arborist is to be appointed in accordance with AS 4970-2009 (1.4.4) to provide monitoring and certification in accordance with Section 4.5 of the Arboricultural Impact Appraisal & Method Statement, prepared by Naturally Trees dated 29/08/13 throughout the development process.

28. Tree Protection

Tree protection fencing must be erected around trees numbered 5, 10, 11, 12, 20, 21, 31, 32 & 36 in accordance with the stamped Tree Management Plan, Drawing TMP01, Arboricultural Impact Appraisal & Method Statement, prepared by Naturally Trees dated 29/08/13.

The tree fencing must be constructed of 1.8 metre 'cyclone chainmesh fence'.

29. Tree Ground Protection

Prior to works commencing and throughout construction, the area of the Tree Protection Zone of trees 10, 11, 31 & 32 nominated for ground protection in the Tree Management Plan, Drawing TMP01, Arboricultural Impact Appraisal & Method Statement, prepared by Naturally Trees dated 29/08/13 must be protected by the use of temporary wood-chip mulch, gravel mulch or bridges to prevent soil compaction around tree roots. Wood-chip or gravel mulch is to be installed at 150mm – 300mm depth on top of a geotextile landscape fabric and will be placed

The area of the nominated Tree Protection Zone of tree 36 not protected by fencing onsite is to be protected in accordance with the above ground protection

Note: The Project Arborist (AQF 5) is to submit a certificate to the Principal Certifying Authority stating that all tree protection measures are in accordance with the above and consistent with the intentions of the Australian Standard 'Protection of Trees on Development Sites (AS 4970-2009) prior to commencement of works.

REQUIREMENTS DURING CONSTRUCTION

30. 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.

31. 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 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 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*; and

- 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.

32. 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.

33. Street Sweeping

Street sweeping must be undertaken following sediment tracking from the site along Edgeworth David Avenue and Balmoral Street during works and until the site is established.

34. Works Near Trees

All required tree protection measures are to be maintained in good condition and positioned in accordance with the Tree Management Plan, Drawing TMP01, Arboricultural Impact Appraisal & Method Statement, prepared by Naturally Trees dated 29/08/13 for the duration of the construction period.

Existing soil grades within the fenced Tree Protection Zone of trees to be retained must be maintained.

Consent is granted to undertake works within the Tree Protection Zone of tree/s 5, 21 & 32 only, with the following conditions:

35. Project Arborist

Works must not reduce the useful life expectancy of the tree and be carried out under the supervision of the Project Arborist.

36. Drilling / Boring

The installation of any underground services within the Tree Protection Zone (TPZ) of any tree to be retained shall utilise the thrust boring method. Thrust boring shall be carried out so that 'top of pipe' is a minimum 700mm depth beneath existing ground level.

37. Excavation

Excavation for the installation of stormwater pits shall be carried out by hand excavation ONLY in such a manner that is non-injurious to any roots revealed. Machinery, other than hand held must remain outside any fenced Tree Protection Zone.

38. Root Pruning

No tree root greater than 30mm diameter located within the nominated TPZ of any tree to be retained on or off-site shall be severed or injured in the process of any works during the entirety of the consent.

Tree roots less than 30mm diameter required to be severed for the purposes of this consent shall be cut cleanly by hand, by a qualified and experienced Arborist or Horticulturalist with minimum qualifications of Horticultural Certificate or Tree Surgery Certificate (AQF 3). All pruning shall be undertaken as specified in the Australian Standard 'Pruning of Amenity Trees' (AS 4373-2007).

Note: Except as provided above all personnel (the applicant, contractors, service providers, principal certifying authority) involved with this development are to ensure that no excavation, including sub-surface trenching for stormwater or other services or the filling or stockpiling of building materials, parking of vehicles or plant, the use of machinery other than hand held, disposal of cement slurry, waste water or other contaminants is to occur within the Tree Protection Zone of any tree to be retained.

39. Council Property

During construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath. The public reserve must be kept in a clean, tidy and safe condition at all times.

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.

40. 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.

41. 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; and
- b) The finished floor level(s) are in accordance with the approved plans.

42. Waste Management Details

Waste management during the demolition and construction phase of the development must be undertaken in accordance with the approved Waste Management Plan. 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:

- a) The identity of the person removing the waste.
- b) The waste carrier vehicle registration.
- c) Date and time of waste collection.
- d) A description of the waste (type of waste and estimated quantity).
- e) Details of the site to which the waste is to be taken.
- f) The corresponding tip docket/receipt from the site to which the waste is transferred (noting date and time of delivery, description (type and quantity) of waste).
- g) 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.

43. Work Zone

All demolition and construction vehicles must be contained wholly within the site as a work zone permit will not be approved for Edgeworth David Avenue or Balmoral Street.

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.

44. Consolidation of Allotments

All allotments the subject of this consent must be consolidated into one allotment.

Note: The applicant is recommended to submit the plan of subdivision to consolidate allotments to the NSW Department of Lands at least 4-6 weeks prior to seeking an occupation certificate.

45. Fulfilment of BASIX Commitments

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

46. Safety and Security

- a) Fire exit doors to the development must be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.
- b) Ground floor windows must be fitted with window locks that can be locked with a key.

- c) The basement car park entry must be secured by security gates/roller shutters. The access control to include an audio/visual intercom system to allow visitor access to the parking area.
- d) Lighting of pedestrian pathways throughout the development must comply with Australia and New Zealand Lighting Standard 1158.1 – Pedestrian.
- e) Sign posting and way finding signage to be clear and legible so that emergency services are able to clearly identify location of a unit and location of the unit block entry.
- f) Front fencing to be designed to allow casual surveillance at the frontage.
- g) Lobby access to be controlled by security card or similar.

47. Sydney Water – s73 Certificate

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

48. Damage to Council Assets

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 of the development must be rectified in accordance with Council's Civil Works Specifications. Council's Restorations Supervisor must be notified for a formwork inspection prior to pouring concrete.

49. 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 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.
- c) An easement for garbage collection shall be created in favour of Council in accordance with Council's prescribed wording.
- d) A suitable easement for right of vehicular access shall be created in favour of No. 46 Edgeworth David Avenue. The easement must enable the driveway to Balmoral Street to be extended / widened so as to enable consolidated access by occupants of No. 46 Edgeworth David Avenue.

Note: Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant identified in a) to c) above.

50. 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 and on-site detention system. The plan(s) must be accompanied by a certificate from a registered surveyor certifying that all pipelines and associated structures lie wholly within any relevant easements.

51. Tree Planting

Tree planting along the Edgeworth David boundary landscape setback area must include:

- a) Four (4) additional *Pyrus calleryana* (Callery Pear) shall be installed at minimum 75 litre pot size.

Tree planting along the western boundary landscape setback area must include:

- a) Four (4) additional *Tristanopsis laurina* (Water gum) shall be installed at minimum 100 litre pot size.

52. Street Tree Plantings

Planting to the front verge must include One (1) *Lophostemon confertus* (Brush Box). Trees shall be installed at minimum 75 litre pot size.

53. 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.

54. Completion of Landscaping

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

55. Waste Management Details

The following waste management requirements must be complied with

- a) The bin storage room at the basement level must include water or a hose for cleaning, graded floors with drainage to sewer, a robust door, sealed and impervious surface, adequate lighting and ventilation, and must be lockable. The waste facility rooms at each residential level must include sealed and impervious surface, adequate lighting and ventilation.

- b) A report must be prepared by an appropriately qualified person, certifying the following:

- i) A comparison of the estimated quantities of each waste type against the actual quantities of each waste type.

Note: Explanations of any deviations to the approved Waste Management Plan is required to be included in this report

- ii) That at least 60% of the waste generated during the demolition and construction phase of the development was reused or recycled.

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

- iii) All waste was taken to site(s) that were lawfully permitted to accept that waste.

- c) A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the issue of the Subdivision/Occupation Certificate, certifying that the finished access way (including ramp, loading bay and site entry/exit) to be used by waste collection vehicles, complies with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for small rigid vehicles.

- d) Each unit must be provided with an indoor waste/recycling cupboard for the interim storage of a minimum one day's waste generation with separate containers for general waste and recyclable materials.

- e) 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.

- f) The bin carting routes must be devoid of any steps.

Note: Ramps between different levels are acceptable

- g) Access to the waste volume handling equipment by unauthorised persons (including residents and waste collectors) must be prevented.

Note: Caging of the volume handling equipment is acceptable.

OPERATIONAL CONDITIONS

56. 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.

57. 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.

58. Maintain Canopy Cover

- a) Planting shall be in accordance with the approved Landscape Plan
- b) Trees that fail to survive or do not exhibit normal health and vigour growth characteristics for their species prior to reaching a height greater than three metres (3m), must be replaced at the expense of the property owner.

Note: A certificate from suitably qualified and experienced Horticulturalist is to be submitted to the Principal Certifying Authority stating that all plant stock meet the specifications outlined in 'Specifying Trees' (Ross Clark, NATSPEC Books) and that the planting methods were current professional (best practice) industry standards at the time of planting.

59. Final Certification

The project arborist must assess the condition of trees and their growing environment and make recommendations for, and if necessary carry out remedial actions.

Following the final inspection and the completion of any remedial works, the project arborist must submit to the Principal Certifying Authority documentation stating that the completed works have been carried out in compliance with the approved plans and specifications for tree protection as above and AS 4970-2009.

60. 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.

61. Waste Management

The waste management on site must be in accordance with the following requirements:

- a) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas, ensuring the chute system and related devices are maintained in effective and efficient working order, managing the communal composting area, managing the bulky item storage area, arranging the prompt removal of dumped rubbish, and ensuring all residents are informed of the use of the waste management system.

62. Car Parking

All car parking must be constructed and operated in accordance with *Australian Standard AS/NZS 2890.1:2004 – Off Street Car Parking* and *Australian Standard AS 2890.2:2002 – Off Street Commercial Vehicle Facilities* and the following requirements:

- 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 solely for nominated purposes;
- c) Tandem/stacked parking spaces are not acceptable unless both spaces are allocated to the one unit.
- d) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- e) Residential parking spaces are to be secure spaces with access controlled by card or numeric pad;
- f) Visitors must be able to access the visitor parking spaces in the basement car park at all times;
- g) All parking for people with disabilities is to comply with *Australian Standard AS/NZS 2890.6:2009 – Off Street Parking for People with Disabilities*;
- h) Bicycle parking spaces are to be designed in accordance with *Australian Standard AS 2890.3:1993 – Bicycle Parking Facilities*;

- i) Motorcycle parking spaces are to be designed in accordance with *Australian Standard AS 2890.5:1993*.

63. Additional Operational Conditions

- a) All vehicular entry on to the site and egress from the site shall be made in a forward direction;
- b) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.
- c) The traffic calming device at 55 Balmoral Street is to be removed and reinstated with kerb and gutter to match the existing alignment to the south of the site;
- d) The new vehicular crossing is to be provided perpendicular to the kerb alignment south of the site.

- 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 80A 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 Preservation Order

In accordance with Clause 5.9 Hornsby Local Environment Plan (HLEP) a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other 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 both the HLEP and the HDCP.

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).

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

Disability Discrimination Act

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

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 *WorkCover 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.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

Alternatively, telephone the *WorkCover* Asbestos and Demolition Team on 8260 5885.

House Numbering

House numbering can only be authorised by Council. Before proceeding to number each premise in the development, the allocation of numbers is required to be obtained from Council's Planning Division. The authorised numbers are required to be displayed in a clear manner at or near the main entrance to each premise.