

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2014SYW007
DA Number	DA/1432/2013 (Lodged 20 December 2013)
Local Government Area	Hornsby Shire Council
Proposed Development	Construction of two x 5 storey residential flat buildings containing 60 units and basement car park.
Street Address	Lot A DP 350795, Lot X DP 380446, Lot B DP 350795, Lot A DP 355257, Nos 1, 3 and 5 Chapman Avenue, Beecroft
Applicant/Owner	Caxton Property Group Pty Ltd / Caxton Property (Chapman) Pty Ltd, Caxton Property Investments Pty Ltd
Number of Submissions	5
Regional Development Criteria (Sched 4A of the Act)	General Development Over \$20 Million
List of All Relevant s79C(1)(a) Matters	Hornsby Local Environmental Plan 2013 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Hornsby Development Control Plan 2013
List all documents submitted with this report for the Panel's consideration	Locality Map, Site Survey, Site Analysis Plan, Floor Plans (7), Roof Plan, Section, Elevations (3), Material Finishes, Landscaping Plans (4), Stormwater Plan
Recommendation	Approval with Conditions
Report by	Garry Mahony, Senior Town Planner

EXECUTIVE SUMMARY

1. The application proposes demolition of existing structures and construction of two, five storey residential flat buildings containing 60 units and basement car park.
2. The development application was considered by the Joint Regional Planning Panel on 26 June 2014 when the Panel resolved to defer consideration of the application to allow the applicant to submit additional information concerning tree loss.
3. The amended landscape plan and additional information address the concerns raised by Panel.
4. It is recommended that the application be approved.

RECOMMENDATION

THAT Council assume the concurrence of the Director-General of the Department of Planning and Environment and approve Development Application No. 1432/2013 for demolition of existing structures and construction of two x five storey residential flat buildings containing 60 units and basement car park at Lot A DP 350795, Lot X DP 380446, Lot B DP 350795, Lot A DP 355257, Nos. 1, 3 and 5 Chapman Avenue, Beecroft subject to the conditions of consent detailed in Schedule 1 of this report.

1. BACKGROUND

At its meeting at Hornsby Shire Council on 26 June 2014, the Joint Regional Planning Panel (JRPP) considered Council's Planning Report and public submissions concerning DA/1432/2013 for demolition of existing structures and construction of two x five storey residential flat buildings containing 60 units and basement car park. The report recommended approval of the application and forms an attachment to this report.

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

In relation to this application the Panel notes that:

1. *The proposed development has the potential to provide additional housing supply and choice in the Metropolitan North Subregion and the Shire of Hornsby in a location with ready access to bus and rail public transport modes and ready access to the facilities, services and amenity offered by Beecroft Village.*
2. *The introduction of additional population within Beecroft Village would strengthen its economic and social role.*
3. *The proposal is consistent with the use, form and scale of development planned for this site and this locality as determined by the recently adopted HLEP 2013.*
4. *The panel has considered the justification offered by the applicant relating to the variation of the development standard relating to height, which variation is subject to Clause 4.6 of HLEP 2013. The Panel considers the objection is well founded as the departure from the standard is minor and the objectives of the standard are achieved in this instance. Accordingly the Panel supports the variation sought.*

However, the Panel is concerned about the loss of trees on the site and along the Chapman Avenue frontage and the consequent impacts on the streetscape which impacts would be exacerbated by future high density development in the Beecroft Residential Precinct.

Accordingly the Panel requires either:

- Detailed justification for the current arrangement and design of development on the site which leads to the loss of significant trees including canopy trees and adverse impacts which in turn provides an inappropriate zone interface taking into account future high density development in Beecroft village; or*
- A revised landscape plan which addresses the impacts identified above, namely, loss of significant trees across the site generally and impact on the streetscape of Chapman Avenue of tree loss providing an inappropriate unsatisfactory zone interface.*

In either case the Panel requires a revised landscape plan addressing the streetscape and townscape issues.

The Panel will defer consideration of the application to a later meeting to allow for the submission of the above additional information, and assessment by Council and a further report to the Panel.

On 22 July 2014, the applicant submitted amended landscape plans L01D dated 14/7/14 and L02A dated 15/7/14 together with additional information to address concerns raised by the JRPP in respect to location of the driveway and the loss of significant trees.

2. AMENDED LANDSCAPE PLAN

The amended landscape plan includes the following amendments:

- The retention of an additional tree No. T27 *Corymbia citriodora* (Lemon scented gum) located at the Chapman Avenue frontage of the site.
- Pier and beam construction of the retaining wall along the front boundary in the vicinity of T27 to avoid damage to the root zone.
- Additional canopy tree planting with 4 additional *Angophora costata* (Sydney Red Gum), 1 additional *Elaeocarpus Eumundi* (Blueberry Ash) and 5 *Syncarpia glomulifera* (Turpentine) trees.

The amended landscape plan deletes 10 *Tristaniopsis laurina* (Water Gum) and maintains 22 locally indigenous trees as originally proposed. The amended plan replaces *Tristaniopsis laurina* (Water Gum) and *Waterhousia floribunda* (Weeping Lillipilli) proposed at the frontage of the site with *Angophora costata* (Sydney Red Gum) trees.

3. ASSESSMENT

In its consideration of the proposed development, the JRPP resolved the proposed development was consistent with metropolitan regional planning initiatives for additional housing and was consistent with Council's planning controls. The proposed height variation was supported.

The following is a discussion of the amended landscape plan and the additional information concerning the location of the proposed driveway, in respect to the requirements of the Panel.

3.1 Design Justification

The applicant submits the design motive for locating the driveway on the western side of the site involved the following considerations:

- a) Improved amenity and solar access to the future residents of the development.
- b) Better visual amenity and privacy for the residents.
- c) More efficient pedestrian flows, particularly to rear building.
- d) Better access and connectivity to the common open space.
- e) Improved traffic outcome for neighbours.

These matters are addressed in detail below.

a. Improved amenity and solar access

The submitted solar access plans demonstrate that to relocate the driveway to the eastern side of the site would move Building A four metres to the west. A reduction in solar access would result to units in Building B such that the proposal would achieve 61.6% of units receiving 2 hours of sunlight on 22 June.

The layout of the development as proposed with the driveway on the western side of the site, achieves 2 hours of sunlight for 66.6% of units. Subject to amendments to Units G10, 110 and LG02 as recommended in Condition No. 3, the proposal would achieve an acceptable outcome for solar access, in respect to *Hornsby Development Control Plan 2013 (HDCP)* requirement for 70% of dwellings to receive 2 hours of sunlight.

b. Better visual amenity and privacy

The off-setting arrangement of Building A and Building B as proposed enables better site utilisation, separation between buildings, design for privacy, visual amenity and outlook.

c. More efficient pedestrian flows

The proposed pedestrian access along the eastern side of the site provides a more direct route to proposed Building B.

d. Better access to open space and open space connectivity

The proposed pedestrian access along the eastern side of the site would provide more convenient access for residents of Building A to the common open space area within the south-eastern part of the site.

The layout of the proposed development with the driveway located along the western side allows better connectivity of landscaped areas with the landscaping of adjoining sites as approved under DA/38/2013 on the eastern side and as proposed under DA/81/2014 on the western side.

e. Reduced traffic impact on neighbours

The building line of properties on Chapman Avenue opposite the eastern side of the site is well forward of the properties opposite the western side. The impact of light spill from vehicles exiting a

driveway on the eastern side of the site would be greater on the frontage of houses closest to the street.

Therefore, the proposed driveway on the western side of the site would involve reduced impact from light spill.

In summary, the design justification for locating the driveway on the western side of the site is supported. The proposed location of the driveway provides the preferred design solution for maximising the amenity of future residents of the development in terms of solar access, privacy and connectivity within the site. The proposed location of the driveway would also minimise impacts on adjacent developments.

3.1 Amended Landscape Plan

The applicant has submitted an amended landscape plan prepared by another landscape architect, Jane Britt Design.

The amended landscape plan retains the proposed layout design for the two proposed buildings and includes the following amendments.

a. Streetscape and Frontage

The revised plan retains an existing tree T27 *Eucalyptus citrodora* (Lemon Scented Gum) at the western side of the frontage of the site. The tree has a height of 22m, a canopy spread of 16m, is in good condition and has a Safe Useful Life Expectancy (SULE) of 40 + years.

The revised plan replaces *Tristaniopsis laurina* (Water Gum) with a height of 8m and *Waterhousia floribunda* (Weeping Lillipilli) with a height of 12m proposed at the frontage of the site, with four *Angophora costata* (Sydney Red Gum) trees with a growth height of 25m.

The proposed replacement tree planting together with retention of the existing tree No. 27 would provide for canopy tree planting at the frontage of the site consistent with the existing streetscape. In this regard, it is recommended for the proposed *Angophora costata* (Sydney Red Gum) located under the canopy of Tree No. 27 to be located to the eastern boundary and for the proposed hydrant booster to be removed from within the tree protection zone of Tree No. 27. Further, the proposed pier and beam construction of the retaining wall is to extend along the driveway to protect the root zone of Tree No. 27.

The revised landscape plan includes increased edge planting to structural elements, the provision of seating furniture and understorey plantings to complement the proposed canopy trees.

A condition is recommended to ensure any electricity substation should not impact on the root zones of any canopy trees in the front landscape zone.

b. Common Open Space Areas

The revised landscape plan replaces the BBQ facility and paved area with a lawn and garden furniture seating. The paving area is reduced in the south-eastern part of the site with relocation of the access path to the adjoining shopping centre car park and replacement with garden area and two locally indigenous canopy trees *Syncarpia glomulifera* (Turpentine) with a growth height of 15-20m.

A locally indigenous canopy tree *Angophora costata* (Sydney Red Gum) (growth height of 25m) is proposed to replace the *Nyssa sylvatica* (Tupelo) (growth height of 12m) and *Pyrus ussuriensis* (Manchurian Pear) (growth height of 8m), within the proposed deep soil area between Building A and Building B.

A condition is recommended for the proposed *Eucalyptus saligna* (Sydney Blue Gums) within the south-western corner of the site, to be replaced with *Syncarpia glomulifera* (Turpentine) (growth height of 15-20 metres) due to the insufficient space to grow Sydney Blue Gums.

A condition is recommended for the proposed relocated stormwater line to be offset from the southern and south eastern boundary to protect existing Tree No. 95 *Ficus macrocarpa* (Hills Fig).

Subject to recommended conditions the revised landscape plan would provide for locally indigenous canopy trees.

c. Western Boundary

A condition is recommended to increase the canopy tree planting adjacent to the proposed driveway along the western boundary of the site, by the addition of two *Syncarpia glomulifera* (Turpentine).

A condition is recommended for the proposed relocated stormwater line along the western boundary to be offset 2m from the boundary clear of the tree planting areas.

The recommended conditions would provide for replacement canopy tree planting along the western boundary of the site.

4. CONCLUSION

The development application is for demolition of the existing structures and construction of two, five storey residential flat buildings containing 60 dwellings and basement car park.

On 26 June 2014, the Joint Regional Planning Panel considered the application and resolved to defer consideration of the application to allow the applicant to submit additional information to address the loss of significant trees on the site and impacts on the Chapman Avenue streetscape.

The revised landscape plan and additional information submitted by the applicant provide justification for the layout and design of the proposed development and address the loss of trees and impacts on the streetscape with retention of an existing canopy tree and replacement canopy trees.

The amended landscaping plan is acceptable in respect to the *Hornsby Development Control Plan 2013* desired outcome for landscaping within the Beecroft Heritage Precinct, subject to recommended conditions.

The deferred application is recommended for approval. The previous recommended conditions are revised accordingly.

ATTACHMENTS

1. Panel Meeting Minutes
2. Revised Landscape Plan
3. Retain Tree No. 27 Plan
4. Solar Access Diagrams
5. Open Space Connectivity Diagrams
6. Planning Report 26 June 2014

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
DA03 Basement Level Plan Issue C	PBD Architects	27 February 2013
DA04 Lower Ground Floor Plan Issue D	PBD Architects	March 2014
DA05 Ground floor Plan Issue D	PBD Architects	March 2014
DA06 Level 1 Plan Issue D	PBD Architects	March 2014
DA07 Level 2 Plan Issue D	PBD Architects	March 2014
DA08 Level 3 Plan Issue D	PBD Architects	March 2014
DA09 Level 4 Plan Issue D	PBD Architects	March 2014
DA10 Roof Plan Issue D	PBD Architects	March 2014
DA11 Section A-A Issue C	PBD Architects	27 February 2014
DA12 Building A – North & South Elevations (Section B) Issue C	PBD Architects	27 February 2014
DA13 Building A + B – East & West Elevations Issue D	PBD Architects	March 2014
DA14 Building B – North & South Elevations – Issue C	PBD Architects	March 2014

DA15 Material Finishes Issue C	PBD Architects	27 February 2014
DA44 Issue B – Proposed Landscape Sketch To Retain Tree 27	PBD Architects	July 2014
L01D Landscape Plan	Jane Britt Design	Jun 2014
L02A Indigenous Canopy Tree Plan	Jane Britt Design	July 2014
L03 Specifications & Details	Jane Britt Design	Jul 2014
3159-02 Issue C Level Four landscape Plan, Indicative Plant Schedule and Plant Image Panel	Peter Glass & Associates	18/12/13
WDL 2 Proposed New Screen Planting For No. 16 Chapman Avenue Beecroft	Jane Britt Design	May 2014

Document No.	Prepared by	Dated
BASIX Certificate No. 517420M	AGA Consultants	14 December 2013
Traffic Noise Intrusion Assessment	Acoustic Logic	5/12/2013
Preliminary Geotechnical Assessment	Douglas Partners	December 2013
BCA Capability Report	Vic Lilli & Partners Consulting	11 December 2013
Access Assessment Report	Building Code Assistance	9 December 2013
Waste Management Plan	Elephants Foot Recycling Solutions	December 2013
Arboricultural Impact Assessment	Footprint Green Pty Ltd	13 December 2013

2. Removal of Existing Trees

This development consent only permits the removal of trees numbered 2-11,11.2,12-14,16-35,38-45,48-54,56-75,77-80,82,84-88,90,91.1,92.1,94,98,99,103,106,108-110 as identified in the Arboricultural Impact Assessment prepared by Footprint Green dated 13 December 2013. The removal of any other trees requires separate approval in accordance with the Tree and Vegetation Chapter 1B.6 Hornsby Development Control Plan (HDCP).

3. Amendment of Plans

The approved plans are to be amended as follows:

- a) The floor plan of Unit LG02 is to be of design for Building A to form a maximum of five storeys.
- b) The floor plans of Unit G10 and Unit 110 to be designed for sunlight access in accordance with Drawings DA26 and DA29 prepared by PBD Architects dated April 2014.
- c) The living area of Unit LG02 to be amended for sunlight access in accordance with Drawing DA30 prepared by PBD Architects dated April 2014.

4. 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.

5. Relocation of Council Stormwater Pipe and Overland Flowpath and Floor Level

- a) The proposed relocated Council pipe is to have a minimum capacity to carry run off from a 1 in 20 ARI storm event.
- b) The overland flowpath is to be constructed for a 1 in 100 ARI storm event assuming that the Council pipe, up to 750mm diameter will be fully blocked during the storm event. The velocity depth product of the overland flow shall not exceed 0.4m²/sec. No structure is to be erected across the flowpath to impede the flow. Any structural wall abutting the overland flow shall be flood proofed in accordance with Floodplain Development manual of New South Wales Government.
- c) Floor levels of habitable rooms of the development abutting the 100 year ARI overland flowpath shall be 0.5m above the 100 year ARI overland flow level.
- d) All works related to relocation of the Council pipe shall be carried out in accordance with Hornsby Council Civil Works Specifications 2005.
- e) After completion of works, a works as executed plan is to be submitted to Council.
- f) A construction certificate application is to be submitted to Council for the proposed relocation of the stormwater pipe.
- g) The relocation of the stormwater pipe must be completed prior to excavation for the foundation of the proposed building.

Note: Council is the only authority to approve works related to infrastructure maintained by Council.

6. 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)
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Roads	\$40,540.05
Open Space and Recreation	\$691,609.20
Community Facilities	\$96,960.95
Plan Preparation and Administration	\$3,000.30
TOTAL	\$832,110.50

being for 15 x 1 bedroom units, 31 x 2 bedroom units, 14 x 3 bedroom units and includes credit for four existing allotments.

- a) 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:

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

Where:

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

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

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

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

- b) The monetary contributions shall be paid to Council:
- prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - prior to the issue of the first Construction Certificate where the development is for building work; or
 - prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
 - 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.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

7. Building Code of Australia

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

8. 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.

9. 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.

10. 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.

11. Adaptable Units

The details of the adaptable units Nos G01, G02, G05, 101, 102, 105, 106, 201, 202, 205, 206, 301, 302, 305, 306, G09, G12, 109, 112, 209, 212, 309 and 312 must be provided with the Construction Certificate Plans.

12. Dilapidation Report

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of all adjoining properties including:

No. 1A Chapman Avenue

No. 7 Chapman Avenue

No. 25 Wongala Crescent

No. 23A Wongala Crescent

No. 8 Chapman Avenue

13. Noise

The development must be carried out in accordance with the recommendations contained within the acoustic report submitted with the development application, titled Traffic Noise Intrusion Assessment, prepared by Acoustic Logic and dated 5/12/2013.

14. Excavation

A detailed geotechnical assessment by a chartered structural engineer is to be undertaken for the basement excavation and the excavation support, groundwater drainage and foundation design requirements to be specified in accordance with the engineer's recommendation.

15. Preservation of Survey Infrastructure

Prior to the issue of a construction certificate, a registered surveyor shall identify all survey marks in the vicinity of the proposed development. Any survey marks required to be removed or displaced as a result of the proposed development shall be undertaken by a registered surveyor in accordance with Section 24 (1) of the Surveying and Spatial Information Act 2002 and following the Surveyor General's Directions No.11 – "Preservation of Survey Infrastructure".

16. Waste Management

The following waste management requirements must be complied with:

- a) The dimensions, geometry, gradients and vertical clearance of the travel path of the small rigid waste collection vehicle, must comply with AS 2890.2 – 2002.
- b) 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.
- c) On each residential level, the waste facility must have sufficient area to house the garbage chute and a 240 L recycling bin and must be accessible by persons with a disability.

Note that it is an acceptable option for the garbage chute to be accessed directly from the hall/foyer and 240 L recycling bin in a cupboard next to the chute.

17. No services within Tree Protection Zones

To ensure protection of trees to be retained:

- a) The proposed hydrant booster is to be removed from within the tree protection zone of tree 27;
- b) The proposed wall along the driveway is to be designed with piers within the tree protection zone for Tree 27 as proposed for the front retaining wall;
- c) The stormwater line proposed along the western boundary is to be offset two metres from the boundary to ensure sufficient space is provided in the area for tree planting along the boundary;
- d) The stormwater line proposed from the southern boundary is to be relocated and adjusted to ensure minimal disturbance to root zones of trees to be protected.

18. Location of Electricity Substation

The location for an electricity substation and other services is to be designed and incorporated into the landscape setback along Chapman Avenue to ensure it is appropriately integrated into the streetscape and shall not impact on the root zones of any existing or proposed canopy trees in the front landscape zone.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
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19. 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.

20. 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.

21. 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*.

22. 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.

23. Tree Protection Barriers

Tree protection fencing is required as identified in the supplied Arboricultural Impact Assessment prepared by Footprint Green dated 13 December 2013 must be erected around trees numbered:

1,15,37,47,55,76,81,83,89,91,92,93,95,95.2,96,96.2,97,100,100.2,101,104,
105,107

to be retained at a 6 metre setback. The tree fencing must be constructed of 1.8 metre 'cyclone chainmesh fence' or star pickets spaced at 2 metre intervals, connected by a continuous high-visibility barrier/hazard mesh at a height of 1 metre.

To avoid injury or damage, trees numbered:

1,15,37,55,76,81,83,91,92,93,96,96.2,97,100,100.2,104,105,107

must have trunks protected by 2 metre lengths of 75mm x 25mm hardwood timbers spaced at 80mm secured with galvanised wire (not fixed or nailed to the tree in any way).

REQUIREMENTS DURING CONSTRUCTION

24. Construction Work Hours

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday, in accordance with *Interim Construction Noise Guidelines 2009 – NSW Department of Environment and Climate Change*.

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

25. Construction Workers Vehicles

The commuter car parking areas of Beecroft Railway Station must not be used by the site's construction workers.

26. 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.

27. 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.

28. Street Sweeping

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

29. 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.

30. Landfill

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

- a) All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material approved under the *Department of Environment and Climate Change's* general resource recovery exemption.
- b) A compaction certificate is to be obtained from a geotechnical engineer verifying that the specified compaction requirements have been met.

31. 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.

32. 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.

33. Works Near Trees

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

All works (including driveways and retaining walls) within 6 metres of any trees required to be retained (whether or not on the subject property, and pursuant to this consent or the *Tree Preservation Order*), must be carried out under the supervision of an '*AQF Level 5 Arborist*' and a certificate submitted to the principal certifying authority detailing the method(s) used to preserve the tree(s).

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

34. Waste Management

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.

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.

35. Fulfilment of BASIX Commitments

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

36. Safety and Security

- a) Fire exist 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) A graffiti management plan must be incorporated into the maintenance plan for the development for graffiti to be removed within a forty-eight hour period.
- d) The basement car park entry must be secured by security gates/roller shutters and controlled by secure access located at the top of the driveway. The access control to include an audio/visual intercom system to allow visitor access to the parking area.
- e) Lighting of pedestrian pathways throughout the development must comply with *Australia and New Zealand Lighting Standard 1158.1 – Pedestrian*.
- f) Sign posting and way finding to respective unit blocks must be in clear legible signage so that emergency services are able to clearly identify location of a unit and location of the unit block entry.
- g) Front fencing to be designed to allow casual surveillance at the frontage.
- h) Lobby access to be controlled by security card or similar.

37. Sydney Water – s73 Certificate

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

38. Stormwater Drainage

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 via an on site detention system.
- b) For connection to Council pit, a construction certificate application is to be submitted to Council (as council is the authority to approve a plan for connection to Council system).
- c) Be designed by a qualified Hydraulic Engineer.

39. 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) Storage capacity to accommodate volume from up to 20 years ARI (average recurrence interval) and a maximum discharge (when full) limited to 5 years pre development rate.
- b) Have a surcharge/inspection grate located directly above the outlet.
- c) Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.
- d) Where above ground and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs to be installed.
- e) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.
- f) Detail calculations are to be shown in construction certificate plan.

40. Water Quality

Stormwater is to be treated to achieve the quality specified in Council's Development Control Plan 2013 (Table 1C.1.2(b) Urban Stormwater Quality Targets).

39A Storage

Each dwelling within the development must have a minimum area for storage (not including built-in storage) of 6m² for one bedroom units, 8m² for two bedroom units and 10m² for three bedroom units.

41. 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 to be replaced with integral kerb and gutter.
- b) The footway area to be restored by turfing.
- c) Approval 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.

42. 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 be obtained from Council.
- b) The driveway be a rigid pavement.

43. Road Works

All road works approved under this consent must be constructed in accordance with Council's *Civil Works Design and Construction Specification, 2005* and the following requirements:

- a) Concrete footpath to be constructed along frontage of the development. The nature strip on both sides of the footpath shall be repaired, top soiled and turfed.
- b) The existing kerb and gutter along the frontage of the development are to be replaced. The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the gutter reconstructed.
- c) A construction certificate application is to be submitted to Council for approval.

Note: Council is the only authority to approve works within Council roads.

44. 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.

45. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for drainage works, kerb & gutter, overland flowpath and on-site detention system

46. Foundation of Structure within Council's Stormwater Pipe Zone of Influence

The foundation of any structure in the proximity of Council stormwater pipe shall be carried out by a Chartered Structural Engineer of the Institution of Engineers, Australia ensuring that the Council pipes are not impacted.

After completion of works, a certificate from a Chartered Professional Structural Engineer of the Institution of Engineers, Australia confirming that works have been carried out in a manner that no impact has been created on Council drainage system.

47. Retaining Walls

All required retaining walls must be constructed as part of the development.

48. External Lighting

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

49. Pedestrian Access

- a) The pedestrian access at the southern boundary through the adjoining car park of No. 8 Hannah Street is subject to an easement being obtained of the right of access.
- b) The pedestrian access off Chapman Avenue is to be in accordance with the Building Code of Australia Access – Assessment Report prepared by Building Code assistance dated 9 December 2013.

50. Unit Numbering

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

51. 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.

52. Creation of Easements

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

- a) A drainage easement 3 metres wide shall be created over the relocated Council storm pipe in accordance with the terms set out in *Memorandum B5341305V* filed with the *NSW Department of Lands*.
- b) A restriction as to user over the flow path for a 100 year average recurrence interval storm. The "*Restriction on the Use of Land*" over the affected lots is to prohibit the alteration of the final floodway shape and the erection of any structures, including fencing, in the floodway without the written permission of Council. The terms of this restriction must be obtained from Council.
- c) 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.
- d) 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.

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

53. Damage to Council Assets

Any damage caused to Council's assets, including 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 Supervision must be notified for a formwork inspection prior to pouring concrete.

54. 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.

55. Planting changes

- a) To enhance the mass of tree canopy proposed adjacent to driveway off Chapman Avenue an additional two (2) *Syncarpia glomulifera* (Turpentine) are to be planted in the western planter adjacent to the driveway.
- b) The two (2) *Eucalyptus saligna* (Blue Gum) in the south-west corner are to be replaced with two *Syncarpia glomulifera* (Turpentine).
- c) The *Angophora costata* proposed under the canopy of Tree 27 - *Corymbia citriodora* (Lemon scented gum) to be retained, shall be relocated to the eastern boundary.

- d) All replacement canopy trees (*Angophora costata*, *Syncarpia glomulifera* and *Eucalyptus saligna*) and are to be installed at minimum 75 litre pot size.

56. Street Tree Plantings

Planting to the public verge on the Chapman Avenue frontage to include a minimum of four *Pyrus ussuriensis* (Manchurian Pear) installed at minimum 45 litre pot size. These are to be located between proposed footpath and kerb.

57. Completion of landscaping

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

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

58. Light Spill

To mitigate light spill from the operation of the driveway landscaping of the property opposite at No. 16 Chapman Avenue is to be implemented in accordance with the approved landscape plan prepared by Jane Britt Design dated May 2014.

59. Waste Management

The following waste management requirements must be complied with:

- a) The bin storage rooms at the car park levels 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 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) 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.
- d) 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.
- e) The bin carting routes must be devoid of any steps.
Note: Ramps between different levels are acceptable
- f) "No parking" signs must be erected to prohibit parking in the waste collection vehicle turning area and loading area.
- g) 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, vehicle turning area, 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 (with minimum design vehicle dimensions of 6.4 metres overall length, width of 2.3 metres), with regards to gradient (maximum gradient is 1:6.5), vertical clearance (minimum 3.5 metre clearance height), dimensions and geometry.
- h) The 3.5 metre clearance height within the truck travel path must not be reduced by ducting, pipes, speed humps or anything else.

60. Provision for National Broadband Network (NBN)

Provision must be made for fibre ready passive infrastructure (pits and pipes) generally in accordance with NBN Co's pit and pipe installation guidelines to service the proposed development. A certificate from NBN Co or Telstra must be submitted to the PCA that the fibre optic cabling provided for the development complies with MDU Building Design Guides for Development.

OPERATIONAL CONDITIONS

61. 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.

62. 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.
- b) Site security measures implemented on the property, including electronic gates, must not prevent access to the bin room/collection point by waste removal services.

- 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 and Vegetation Preservation

In accordance with Clause 5.9 of the *Hornsby Local Environmental Plan 2013* a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation protected under the Hornsby Development Control Plan 2013 without the authority conferred by a development consent or a permit granted by Council.

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

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

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 prior to the issue of a Subdivision Certificate. The authorised numbers are required to comply with Council's Property Numbering Policy and be displayed in a clear manner at or near the main entrance to each premise.