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 & 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

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 & 5 Chapman Avenue, Beecroft subject to the conditions of consent detailed in Schedule 1 of this report.

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 proposal is in accordance with the design principles of *SEPP 65 – Design Quality of Residential Flat Development* and the requirements of the *Hornsby Development Control Plan 2013* for the desired future character of the Beecroft Heritage Precinct.
3. The applicant's justification for the proposed variation to the maximum building height development standard under the *Hornsby Local Environmental Plan 2013* is acceptable.
4. Five submissions have been received in respect of the application.
5. It is recommended that the application be approved.

HISTORY OF THE APPLICATION

On 24 September 2013 a Pre DA Meeting (PL/84/2013) was held between the applicant and Council's Planning Division.

On 20 December 2013 the subject development application DA/1432/2013 was lodged.

On 3 March 2013 the applicant submitted amended plans and information to address non-compliances with planning controls.

On 20 March 2013 the JRPP was briefed regarding the proposed development.

On 28 March 2013 the applicant submitted amended plans together with a solar access analysis.

HISTORY OF THE SITE

The existing dwelling houses on the site are representative of post-war development within the suburb of Beecroft which features mainly earlier period housing.

On 2 September 2011, the site was rezoned from Residential A (Low Density) to Residential C (Medium/High Density) under the *Hornsby Shire Local Environmental Plan 1994*, to permit residential flat buildings to a height of 17.5m (five storey) as part of Council's Housing Strategy. The land was subsequently rezoned R4 High Density Residential under the *Hornsby Local Environmental Plan 2013*, which came into force on 11 October 2013.

THE SITE

The site comprises four existing allotments and forms an irregular shaped site fronting the southern side of Chapman Avenue. The site has an area of 4,216m^2 with a frontage of 55m to Chapman

Avenue and depth of 85m. The rear southern boundary is 33m in length and adjoins the Beecroft Arcade shopping centre.

The site has an average fall of 3% to the south-eastern boundary of the site. The site is below the road level of Chapman Avenue. A Council stormwater drainage system flows from west to east through the site. The drainage system flows to a watercourse 270m south-west of the site. The watercourse is a tributary of Byles Creek and the Lane Cove River.

The site includes three existing dwelling houses, a detached secondary dwelling, out buildings and a number of substantial trees including locally indigenous and introduced species.

The site adjoins an item of heritage, a house at No. 83 Beecroft Road 'Mandalay', which is of local significance. The site is located within the Beecroft-Cheltenham Heritage Conservation Area. The significance of the conservation area includes buildings from the Victorian, Federation, Edwardian and Inter-war periods.

The dwelling houses opposite the site on Chapman Avenue are located within a low density residential area. The eastern boundary of the site adjoins the site of an approved development application (DA/38/2013) for 5 storey residential flat development at Nos. 25, 27 & 27A Wongala Crescent & No. 1A Chapman Avenue. The existing dwelling houses on that site are used for commercial purposes. An existing child care centre at No. 23A Wongala Crescent also adjoins the eastern boundary of the site.

The western boundary adjoins a proposed development site for 5 storey residential flat building (DA/81/2014) which is currently being assessed by Council. The development site includes dwelling houses at Nos. 7, 7A, 7B and 7C Chapman Avenue and at Nos. 81 and 83 Beecroft Road. The heritage listed house at No. 83 Beecroft Road "Mandalay" is used for commercial purposes.

The site is located 300m north-west of Beecroft Railway Station. The Northern Rail Corridor is located 100m east of the site and is currently being upgraded for the Epping to Thornleigh Third Track new freight line.

THE PROPOSAL

The proposal is for demolition of the existing structures and construction of two, five storey residential flat buildings containing 60 dwellings and basement car park. The proposed dwellings include 15 x 1 bedroom + study units, 19 x 2 bedroom units, 12 x 2 bedroom + study units, 3 x 3 bedroom units and 11 x 3 bedroom + study units.

The proposed buildings are stepped to the sloping site and are constructed over a basement car park. A driveway along the western side of Building A provides access to the basement car park off Chapman Avenue. The basement level includes 64 resident car parking spaces and resident storage facilities.

Proposed Building A is sited on the upper part of the site at the Chapman Avenue frontage and includes 32 units. The proposed building is five storey. The building includes a lower ground floor level with vehicle access at the western elevation to visitor car parking and the basement level. The lower ground floor eastern elevation includes residential units.

Proposed Building B is five storey and located on the lower rear part of the site and includes 28 units.

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). Subsequently, the following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 Metropolitan Plan for Sydney 2031 and (Draft) North Subregional Strategy

The *(Draft) Metropolitan Strategy for Sydney 2031* is a broad framework to provide for Sydney's growth to help plan for housing, employment, transport, infrastructure, the environment and open space. It outlines a vision for Sydney to 2031; the challenges faced, and the directions to follow to address these challenges and achieve the vision.

The North Subregion comprises Hornsby, Kuring-gai, Manly, Warringah and Pittwater Local Government Areas. The *Draft North Subregional Strategy* acts as a framework for Council in its preparation of the *Comprehensive LEP* by the end of 2013.

Within the North Subregion, the *Draft Metropolitan Strategy* 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
- Employment growth of 39,000 from the current 2011 baseline of 186,000

The proposed development would increase the supply of housing and accordingly, is consistent with the *Metropolitan Plan for Sydney 2031*.

2. STATUTORY CONTROLS

Section 79C(1)(a) requires Council to consider any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and other prescribed matters.

2.1 Hornsby Local Environmental Plan 2013

The Hornsby Local Environmental Plan 2013 (HLEP) was gazetted by the Minister for Planning and Infrastructure on 27 September 2013 and came into force on 11 October, 2013. The relevant provisions of the *HLEP* are addressed below.

2.1.1 Zoning

The site is zoned *R4 (High Density Residential)* pursuant to the Land Use Table of the *HLEP*. The objectives of the zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development is defined as a 'residential flat building' and is a permissible use in the zone with Council's consent.

2.1.2 Height of buildings

Clause 4.3 of the *HLEP* provides a maximum building height of 17.5 metres for development within the subject zone. The proposed development exceeds the maximum building height by 0.7 metres. The applicant has submitted written justification pursuant to Clause 4.6 – Exceptions to development standards. Refer to discussion in Section 2.1.3.

2.1.3 Exception to development standards

Clause 4.6 of *HLEP* provides flexibility in the application of development standards subject to written justification by the applicant that compliance with the standard is unreasonable and that there are sufficient environmental planning grounds for exception to the standard.

The applicant has submitted an objection against Council's adherence to the development standard under Clause 15A of the *HSLEP* for a maximum building height of 17.5m. The proposed development exceeds the maximum building height as follows:

Building A – lift overrun exceeds the 17.5m height limit by 0.7m.

The proposed variation of the development standard would not raise any matter of significance for State and regional planning.

The applicant submits the non-compliance with the development standard is justified on the following grounds:

- *The departure is extremely minor and is only for the lift overrun to Building 'A'.*
- *The proposal is in accordance with the objectives of the Environmental Planning and Assessment Act in providing for the orderly and economic use of a scarce land resource.*
- *The proposal meets the objectives for development in the R4 high density residential zone.*

The Land and Environment Court has expressed the view that there are five different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the *Policy*:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standards;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the*

land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

The applicant's objection to the maximum 17.5m building height standard is discussed with regard to the above planning principle as follows:

The objective of *HSLEP* Clause 15A Height of Buildings is:

To encourage development of a scale consistent with the land's zone objectives.

The objectives of the subject R4 High Density Residential zone are as stated in Section 2.1.1 above. The objectives are reinforced by the *Hornsby Development Control Plan (HDCP)* through the Desired Future Character Statement for the Beecroft Heritage Precinct – Residential Area which states in part:

The locality is characterised by 5 storey residential flat buildings in landscaped settings with underground car parking.

The proposed development complies with the maximum 17.5m height limit other than for the lift overrun of Building A and complies with height control for a maximum of five storeys. The non-compliance of the lift overrun would not exacerbate the bulk and scale of the development or detract from the streetscape and is acceptable with regard to *HDCP* prescriptive measures for built form within the Beecroft Heritage Precinct and to the topography of the site. Refer also to discussion in Section 2.12.4.

The applicant's justification for non-compliance is therefore considered well founded in respect to the principles established by the Land and Environment Court and the desired future character of the Beecroft Heritage Precinct.

2.1.4 Heritage conservation

Clause 5.10 of *HLEP* provides for the conservation of heritage items, heritage conservation areas, archaeological sites and Aboriginal heritage.

The proposed development involves demolition of buildings within a heritage conservation area. The applicant submitted a heritage impact assessment of the proposed demolition on the significance of the Beecroft-Cheltenham Heritage Conservation Area. Refer to discussion in Section 2.12.2.

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

State Environmental Planning Policy No. 55 (SEPP 55) requires that consent must not be granted to the carrying out of any development on land unless it has considered whether the land is contaminated or requires remediation for the proposed use.

The site has a history of residential use. It is unlikely land uses resulting in soil contamination would have occurred on the site. The development includes the demolition of existing buildings and substantial excavation works which would remove any potential for contamination. No further assessment is considered necessary in this regard.

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

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

The applicant has submitted a design verification statement prepared by a qualified designer stating how the proposed development achieves the design principles of *SEPP 65*. The statement forms an attachment to this report.

The design principles of *SEPP 65* and the submitted design verification statement are addressed below.

2.3.1 Principle 1 - Context

Design Principle 1 is as follows:

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

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.

The context of the site within a precinct undergoing transition is defined by the *Desired Future Character Statement – Residential Area* and the Key Principles Diagram of the *Hornsby Development Control Plan 2013,* for the Beecroft Heritage Precinct (Residential Area). The applicant states the design approach has taken into consideration the surrounding built environment including the Beecroft Shopping Village and railway station, the dominant landscape elements and the scale and density of future development of adjoining sites. The design would integrate the development with the existing streetscape and future development and contribute to the future character of the precinct.

The applicant's statement is supported in respect to this Principle.

2.3.2 Principle 2 - Scale

Design Principle 2 is as follows:

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

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.

The precinct is undergoing transition. The scale of the future built environment is commensurate with Council's planning controls which promote five storey residential flat buildings. The applicant states the scale of the proposed five storey development responds well to the site context and the landscaped surroundings, provides a transition to neighbouring properties and maintains a human scale.

The applicant's statement is supported in respect to this Principle.

2.3.3 Principle 3 – Built Form

Design Principle 3 is as follows:

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.

Appropriate built form defines the public domain, contributes to the character of streetscape and parks, including their views and vistas, and provides internal amenity and outlook.

The *Housing Strategy DCP* includes controls for height, setbacks, building floorplates, articulation and heritage conservation which prescribe the future built form of the Beecroft Heritage Precinct (Residential Area).

The applicant states the design has well proportioned building setbacks, includes strong articulation and features elements of the area's traditional design.

The proposal includes a range of dwelling sizes with units designed for privacy and outlook to the street and landscaped spaces.

The applicant's statement is supported in respect to this statement.

2.3.4 Principle 4 – Density

Design Principle 4 is as follows:

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

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.

The site density is regulated by the statutory height control of 17.5m and the controls of the *Housing Strategy DCP*. The applicant states the dwelling density is in accordance with the controls and includes a range of dwelling sizes and living patterns. The density of the development is sustainable with regard to available infrastructure, public transport, community facilities and the environmental qualities of the site.

The applicant's statement is supported in respect to this statement.

2.3.5 Principle 5 – Resource, Energy and Water Efficiency

Design Principle 5 is as follows:

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

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.

The applicant has submitted BASIX Certificate No. 517420M for the proposed dwellings. The proposed development achieves the BASIX targets for sustainable water use, thermal comfort and energy efficiency. The applicant states the buildings cross ventilation, units per floor, unit orientation, building overhangs, screening, appliances, rainwater harvesting and water heating, achieve the BASIX Assessment.

The applicant's statement is supported in respect to resource, energy and water efficiency design.

2.3.6 Principle 6 – Landscape

Design Principle 6 is as follows:

Good design recognises that together landscape and buildings operate as an integral and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

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.

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.

The proposed buildings are stepped to the sloping site. The proposed landscaping integrates with the stepping of the building and the natural features of the site. The landscaping complements the streetscape, common open space areas and provides a buffer to the adjoining shopping centre.

The applicant's statement is supported in respect to landscape.

2.3.7 Principle 7 – Amenity

Design Principle 7 is as follows:

Good design provides amenity through the physical, spatial and environmental quality of a development.

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.

The proposal achieves a good level of amenity for residents of the proposed buildings.

The applicant's statement is supported in respect to amenity.

2.3.8 Principle 8 – Safety and Security

Design Principle 8 is as follows:

Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by 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.

The applicant states the design principle is achieved through the following design measures:

- A clearly identifiable, centrally located building entrance with security access and a generous open forecourt allowing for adequate surveillance.
- Secure basement car parking provided with keyed access.
- Residential apartments have been designed in such a way as to have the main living areas and balconies facing the street/public areas.
- Clear, safe access points with adequate lighting of entrances and pedestrian areas.

- Tiered landscaping elements along the eastern and western boundaries to eliminate any potential abrupt drop-offs with limited access in relation to surveillance or solar access.
- A clear definition between public and private spaces with gated access to all ground level courtyards.

The applicant's statement is supported in respect to safety and security.

2.3.9 Principle 9 – Social Dimensions and Housing Affordability

Design Principle 9 is as follows:

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

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.

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.

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 in respect to this Principle with 38% of dwellings for adaptable housing.

2.3.10 Principle 10 – Aesthetics

Design Principle 10 is as follows:

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.

The proposed materials and finishes complement the character of the surrounding heritage conservation area and meet the *Housing Strategy DCP* prescriptive measures for balconies and facades within the Beecroft Heritage Precinct.

The applicant's statement is supported in respect to quality aesthetics.

2.4 SEPP 65 – Residential Flat Design Code

SEPP 65 also requires consideration of the *Residential Flat Design Code, NSW Planning Department 2002*. The *Code* includes development controls and best practice benchmarks for achieving the design principles of the *SEPP 65*. The following table sets out the proposal's compliance with the *Code*:

Residential Flat Design Code			
Control	**Proposal**	**Requirement**	**Compliance**
Deep Soil Zone	25%	25%	Yes

Communal Open Space	27%	25-30%	Yes
Gnd Level Private Open Space	$32m^2$ Min dimension 3.0m	$25m^2$ Min Dimension 4m	Yes No
Minimum Dwelling Size	1 br – $62m^2$ 2 br – $74m^2$ 3 br – $119m^2$	1 br – $50m^2$ 2 br – $70m^2$ 3 br – $95m^2$	Yes Yes Yes
Maximum Kitchen Distance	8m	8m	Yes
Minimum Balcony Depth	2m	2m	Yes
Dual Aspect & Cross Ventilation	60%	60%	Yes
Building Separation	12m – 4 storey 11.5m-17m – 5 storey	12m – 4 storey 18m – 5 storey	Yes No
Adaptable Housing	38%	10%	Yes

As detailed in the above table, the proposed development complies with the prescriptive measures within the *Residential Flat Design Code* other than the ground floor open space areas and building separation at Level 5. Below is a brief discussion regarding the relevant development controls and best practice guidelines.

2.6.1 Apartment Layout and Mix

The proposed floor plans include a range of apartment layouts with a mix of dwelling sizes and adaptable units on each floor. The proposed units meet the minimum size requirements of the *Code* and the layouts are well designed for internal privacy and amenity.

2.6.2 Ground Floor Apartments

The *Code* encourages separate entries for ground floor apartments and private gardens areas at ground level.

The proposed ground floor unit's open space areas include individual courtyard entries from the pedestrian accessways. The units open space areas include landscape planters that complement the building and create private open spaces for the ground floor units.

A number of units do not comply with the *Code's* best practice for ground floor open space minimum area $25m^2$ and dimension of 4m. The non-compliance is considered acceptable with regard to the submitted landscape plan and the area for deep soil planting. The ground floor units would comply with the Hornsby Development Control Plan provisions for private open space.

2.6.3 Internal Circulation

The proposed development includes a central pedestrian access off Chapman Avenue to the frontage and lobby of Building A and a pedestrian access including platform stair lift off Chapman Avenue along the eastern side boundary to the eastern elevation and lobby of Building B.

The proposed buildings each include a central lift servicing up to 7 units for each level. The number of units per lift, the lift lobbies and corridors meet the *Code's* requirements for amenity and the number of units accessed (less than 8).

The two buildings share the basement car park but are otherwise separate buildings. Building A includes two lower ground floor units at the eastern and southern elevation. The two residential flat buildings would share common open space areas in the south eastern part of the site and between the two buildings.

The proposed internal circulation spaces and the communal space areas would promote a resident community for the two buildings.

It is considered the proposed internal circulation spaces achieve the best practice requirements of the *Code.*

2.6.4 Safety and Visual Privacy

The proposed development is designed to enable casual surveillance of public access over the two pedestrian accessways and the communal open space areas.

The proposed landscaping would provide screening of ground level private open space areas from the pedestrian accessways.

Appropriate conditions for building and unit security and graffiti management, are recommended for the safety and security of residents of the proposed development.

2.6.5 Acoustic Privacy

The site is subject to noise impacts from surrounding roads and urban environment.

The applicant has submitted a Traffic Noise Intrusion Assessment which includes recommendations for noise mitigation measures for glazed windows and doors and for mechanical ventilation of units at the western elevation in relation to Beecroft Road; for the buildings to comply with Council's *Code of Practice for Sound Insulation of Residential Buildings*.

The floor plan layout of the proposed units ensures effective grouping and separation of noise generating kitchen, bathroom and laundry areas from the quieter bedroom areas of the units.

To minimise noise impacts on neighbouring resident amenity during construction of the development, a condition is recommended for compliance with the *Interim Construction Noise Guidelines 2009 – NSW Department of Environment and Climate Change*.

Subject to recommended conditions for compliance with the Traffic Noise Intrusion Assessment, the proposed development meets the *Code's* best practice requirements for acoustic privacy.

2.6.6 Building Separation

The *Code's* best practice requirement is for a 12m separation between buildings with a height of 12m and for an 18m separation for buildings 12m to 25m in height. The proposed separation between Building A and Building B is in accordance with the requirement other than part of Level Two at the southern elevation of Building A which has a 12m separation from Building B for 1.5m above the 12m height limit. The non-compliance is acceptable with regard to the minor variation and the southern

elevation of the top level of Building A comprising bedroom and bathroom accommodation with limited balcony space.

2.6.7 Storage

The proposed units include built-in robes and linen cupboard storage. The basement includes 58 residential storage areas of various sizes. The proposal would comply with the *Codes* best practice storage area requirements subject to recommended condition.

2.7 State Environmental Planning Policy (Building Sustainability Index – BASIX)

The application has been assessed against the requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.* The submitted BASIX Certificate for the proposed units is satisfactory.

2.8 State Environmental Planning Policy No. 32 - Urban Consolidation (Redevelopment of Urban Land) (SEPP 32)

The application has been assessed against the requirements of *SEPP 32*, which requires Council to implement the aims and objectives of this Policy to the fullest extent practicable when considering development applications relating to redevelopment of urban land. The application complies with the objectives of the Policy as it would promote social and economic welfare of the locality and would result in the orderly and economic use of under utilised land within the Shire.

2.9 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 1995

The site is located within the catchment of the Lane Cove River, part of the Sydney Harbour Catchment. The aim of the plan is to protect and enhance the catchment, promote ecologically sustainable urban development, the protection of watercourses, riparian lands and remnant vegetation.

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

2.10 Clause 74BA Environmental Planning and Assessment Act, 1979 - Purpose and Status of Development Control Plans

On 1 March 2013, the *Environmental Planning and Assessment Act, 1979* was amended so that a DCP provision will have no effect if it has the practical effect of "*preventing or unreasonably restricting development*" that is otherwise permitted and complies with the development standards set out in relevant Local Environmental Plans and State Environmental Planning Policies.

The principal purpose of a development control plan is to provide guidance on the aims of any environmental planning instrument that applies to the development; facilitating development that is permissible under any such instrument; and achieving the objectives of land zones under any such instrument. The provisions of a development control plan made for that purpose are not statutory requirements.

2.11 Hornsby Development Control Plan 2013 – Part 1 General Controls

2.11.1 Stormwater Management

The proposed stormwater drainage system involves the relocation of the existing Council stormwater drainage line and easement through the site. The relocation of the stormwater drainage system is to be undertaken prior to excavation of the basement car park.

The proposed system includes on-site stormwater detention, a treatment facility for urban stormwater quality and design for overland flow path. The proposed stormwater drainage system is in accordance with the controls for Water Sensitive Urban Design subject to recommended conditions.

A condition is recommended for erosion and sediment control measures during construction of the development to protect downstream water quality.

2.11.2 Earthworks and Slope

The proposed development involves substantial excavation and use of fill. The applicant submitted a preliminary geotechnical assessment which established the site geology as Ashfield Shale and includes comments on the required excavation methods and support, groundwater control and foundations which can be implemented for the development.

A condition is recommended for further detailed geotechnical investigation prior to the issue of a construction certificate.

A condition is recommended for a dilapidation assessment of adjoining properties.

2.11.3 Waste Management

The submitted Waste Management Plans for the demolition stage and construction stage of the proposed development are acceptable subject to recommended conditions.

The proposed waste management system for the development includes a garbage room near the lift on each level with chute to basement bin storage / chute room for collection by small rigid waste collection vehicle. The proposed waste management system is in accordance with the controls subject to recommended conditions.

2.11.4 Services and Lighting

The proposed design for utilities includes fire hydrant booster assembly located parallel to the driveway at the frontage, landscaped to minimise impacts on the streetscape. The air conditioning systems for the proposed units are located on the roofs of the respective buildings screened from view.

A condition is recommended for external and security lighting in accordance with AS4282- Control of the Obtrusive Effects of Outdoor Lighting.

The proposal would meet the controls for services and lighting design to minimise impacts on the streetscape.

2.12 Hornsby Development Control Plan 2013 – Part 9.6 Beecroft Heritage Precinct

The proposed development has been assessed having regard to the desired outcomes and prescriptive measures within Part 9 of *Hornsby Development Control Plan 2013 (HDCP).* The following table sets out the proposal's compliance with the prescriptive requirements under Section 9.6 Beecroft Heritage Precinct applicable to the subject site within the R4 High Density Residential zone:

HDCP – Beecroft Heritage Precinct			
Control	**Proposal**	**Requirement**	**Compliance**
Site Width	33m-54m	30m	Yes
Height	5 storeys – 18.2m	5 storeys – 17.5m	No
Max 5 storey incl basement 1m above gnd	6 storeys	5 storeys	No
Max basement height above ground	2.05m	1.0m	No
Lowest Residential Floor Above Ground	N/A	Max – 1.50m	N/A
Maximum Floorplate Dimension	34.5m	35m	Yes
4m x 4m Indentation	4m x 4m	4m x 4m	Yes
Deep Soil Separation Incl Basement	7m x 7m	7m x 7m	Yes
Minimum Building Separation	12m	9m	Yes
Two steps gnd flr & top flr	2 steps	2 steps	Yes
Chapman Avenue Front Setback	9m-10m	10m	No
W Side Setback	6m 4m < 1/3rd building	6m 4m < 1/3rd building	Yes Yes
S Side Setback	6m 4m < 1/3rd building	6m 4m < 1/3rd building	Yes Yes
Basement Setback	10m – Chapman Ave 9m – rear 4m – side	10m 9m 4m	Yes Yes Yes
Top Storey Setback From Ground Floor	3m	3m	Yes
Basement Ramp Setback	2m	2m	Yes

Car Parking	64 resident spaces 9 visitor spaces	64 resident spaces 9 visitor spaces	Yes Yes
Landscaping	Front – 7m E Side – 2m-6.5m W Side – 3.2m Rear – 7m	7m 4m 4m 7m	Yes No No Yes
Private Open Space Min Width 2.5m	1 br units - > $9m^2$ 2 br units - > $10.5m^2$ 3 br units - > $67m^2$	$10m^2$ $12m^2$ $16m^2$	No No Yes
Communal Open Space Min Dimension 4m & $50m^2$	27%	25%	Yes
Sunlight Access	65%	70%	No
Cross Ventilation	66%	60%	Yes
Housing Choice	14 x 1 br units – 23% 32 x 2 br units - 54% 14 x 3 br units – 23%	10% 10% 10%	Yes Yes Yes
Adaptable Units	38%	30%	Yes

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

2.12.1 Desired Future Character

The proposed five storey residential flat development is of appropriate design in respect to the aspects of the site within the Beecroft Heritage Precinct. The two proposed buildings are sited in landscaped garden setting over a basement car park.

The proposed façade treatment, materials and finishes are in accordance with the prescriptive measures for the desired future character of the area.

2.12.2 Heritage Conservation

The subject site is located within the residential portion of the Beecroft Heritage Precinct and is in the vicinity of three heritage items of local significance listed under Schedule 5 of *HLEP*. Two of the items are detailed on the Beecroft Heritage Precinct Key Development Principles Diagram of the *HDCP*. The listed heritage items include:

- No. 25 Wongala Crescent, Beecroft – *Garden*
- No. 83 Beecroft Road, Beecroft – *House*
- No. 9 Chapman Avenue – *St John's Anglican Church*

The proposed development is located within the Beecroft-Cheltenham Heritage Conservation Area and involves the demolition of three existing dwelling houses and the removal of the majority of the trees on the site.

The submitted Statement of Heritage Impact prepared in accordance with the NSW Heritage Office guidelines, includes assessment of the proposed development in respect to: the heritage items in the vicinity of the site, the demolition of the three existing dwelling houses and removal of existing trees, and the new development.

The Statement includes the following comments:

> *The development is visually separated from buildings that contribute to the Beecroft Conservation Area and would have no impact on built fabric that contributes to the conservation area.*
>
> *The houses at 1-5 Chapman Avenue do not contribute to the significance of the Beecroft / Cheltenham Conservation Area, nor do its neighbours facing Chapman Avenue. The demolition of the houses and other structures on the site would not have an adverse heritage impact on the conservation area. The removal of the majority of the trees on the site would have a small adverse impact on the tree canopy seen from within the conservation area, but this impact would be better assessed under the Council's Tree Preservation Order, mindful of the proposed planting scheme. The construction of the proposed apartments is consistent with expectations in the R4 zoning. The proposed bulk does not have a precedent in the conservation area, but the increased density complements the social importance of Beecroft Railway Station, which is a heritage item.*

In respect to the new development the Statement includes the following comment:

> *The development uses some traditional forms such as symmetrical elements, traditional spans, rustication and articulated masonry. These aspects do not add up to a traditional building. Nonetheless, the site is sufficiently distant from contributory elements in the conservation area that further sympathetic features designed for fit within the conservation area are not necessary in this instance.*

The submitted Statement is supported in respect to the impacts of the proposed development on the heritage items in the vicinity of the site and the impacts on the heritage conservation area, as discussed as follows.

The demolition of the three houses would have an impact on the heritage conservation area by removal of three original dwellings and related subdivision pattern from c1943. However, the buildings proposed to be demolished have minimal contribution to the heritage values of the conservation area due to their building age, style and setback from the streetscape.

The three houses proposed to be demolished are not listed as individual heritage items. The houses are single storey post-war face-brick dwellings constructed in 1953, 1946 and 1943 respectively. Two of the dwellings (Nos 3 and 5) are not visible from the streetscape and do not contain well articulated architectural features from the building period they represent. The dwelling at No. 1 Chapman Avenue is partially viewed from the driveway entrance and is of a design that makes reference to the Inter-war Art Deco-style. However, this house was constructed in 1953, during the Post-war period, which is not referenced in the *HDCP* to be a significant feature to be retained within the Beecroft-Cheltenham Plateau Precinct of the Beecroft/Cheltenham Heritage Conservation Area.

The proposed development demonstrates compatibility within the desired future character statement for the Beecroft Heritage Precinct and meets the desired outcomes and prescriptive measures for design quality, site requirements, height, setbacks, building form and separation and landscaping.

A total of 88 out of 111 trees that exist on the site or within the road reserve of Chapman Avenue are proposed to be removed. Whilst a number of species are of natural and cultural significance to the landscape qualities of the conservation area, retention would not be consistent with the scale of development permissible within the R4 High Density Residential zone. An appropriate replacement landscaping schedule is incorporated within the submitted landscape plans. The proposed landscaping includes canopy trees and continuous landscaped verges along the boundary lines sufficient to contribute to the gardens and mature trees which create the landscaped character of the Beecroft/Cheltenham Heritage Conservation Area.

The external finishes and materials include dark face brick and an appropriate palate of finishes in earth tones to complement the existing and future development in the immediate vicinity.

Accordingly, the proposed development is considered satisfactory for the desired future character of the Beecroft Heritage Precinct.

2.12.3 Site Requirements

The site includes the consolidation of existing allotments and has a width off 33m-54m in accordance with the 30m minimum site width requirement for development with the Beecroft Heritage Precinct.

The properties adjoining the western and eastern boundaries are subject to development applications currently under assessment by Council (DA/38/2013 and DA/81/2014). The proposed development would not result in the isolation of the adjoining properties at No. 23A Wongala Crescent (child care centre), No. 23 Wongala Crescent (health consulting rooms), No. 21 Wongala Crescent (health consulting rooms) and No. 8 Hannah Street (Beecroft Village Car Park).

The proposal meets the site requirements desired outcome of the precinct controls.

2.12.4 Height

The site is subject to topographic constraints involving moderately steep sloping land that drops off from street level requiring cut and fill for the proposed development to achieve the necessary driveway gradient for vehicular access.

The proposed lower ground floor level at the rear of Building A is 2.05m above ground and includes a basement car park and driveway entry. The basement above ground is in non-compliance with the maximum 1m for basement above ground level. The driveway gradient and height required for small rigid vehicle (SRV) for waste collection truck access to the basement dictates the necessary design level. The proposed rear above ground section forms a podium with the floors above setback maintaining a transition in height and compliance with the maximum five storey height limit. In this regard and the limited visual impact, the proposed non-compliance of the basement height above ground level is acceptable. Further, the non-compliance would not detract from the appearance of the development in the streetscape.

The proposed lower ground floor level of Building A includes a unit at the south eastern part of the building which, with the floors above, would result in the building partly exceeding the maximum 5 storey height limit. For compliance with the height limit a condition is recommended for the floor plans

of Unit LG02 to be amended for the building to comply with the maximum five storey height limit. The amendment would reduce the floor area of the two bedroom unit by approximately $7m^2$ to $95m^2$.

Subject to recommended condition the proposed development complies with the maximum five storey height limit.

The non-compliance of the proposed lift overrun with the 17.5m maximum height limit is considered acceptable as discussed in Section 2.1.3.

2.12.5 Setbacks

The proposed setbacks comply with the *HDCP* prescriptive measures other than the required 10m setback of all structures from Chapman Avenue. A number of the balconies at the northern elevation of Building A encroach on the setback to 9m. The encroachment is acceptable in respect to the *HDCP* 9m balcony setback requirement for daylight access, visual privacy and acoustic privacy.

The proposal would achieve the setbacks desired outcome of the precinct controls.

2.12.6 Building Form and Separation

The proposed building form and separation comply with the *HDCP* prescriptive measures for floorplate dimension, 4m x 4m indentation and building separation. The proposal complies with articulation prescriptive measure for maximum 8m width vertical panels and features variation in balcony treatment, balustrades and materials and finishes to form a well articulated appearance.

The variation in balcony treatment achieves visual stepping of the building and is satisfactory in respect to the prescriptive measure for two steps between ground floor and top floor.

The proposed development achieves the desired outcome of the precinct controls for building form and separation.

2.12.7 Landscaping

There are a total of 111 trees on the site including trees immediately adjoining the site and trees within the road reserve at the frontage. The proposal would require the removal of 88 trees including 10 indigenous trees and 78 non-indigenous trees.

There are 24 trees of high landscape significance of which 19 would be removed (trees Nos. 3, 13, 21, 27, 34, 48, 52, 59, 62, 63, 69, 71, 72, 75, 82, 90, 92.1, 98 and 103). Of these 19 trees, five trees are indigenous trees, including Tree Nos. 13, 21 and 48 which are *Eucalyptus saligna* (Sydney Blue Gum) and remnant of Blue Gum High Forest, a critically endangered ecological community. The removal of these 19 trees would be inconsistent with the *HDCP* landscaping desired outcome:

> *Development which incorporates and retains visually prominent trees or endangered bushland remnants located near front and rear boundaries and enhances neighbourhood canopy and habitat with corridors of locally indigenous trees.*

The submitted landscape plan includes the planting of 22 indigenous trees which would contribute to the local tree canopy including *Angophora costata* (Sydney Red Gum), *Eucalyptus saligna* (Sydney Blue Gum), *Syzgium australe* (Lilli Pilli) and *Tristaniopsis laurina* (Water Gum). Further, the proposal retains tree Nos. 95, 100 and 101 which are of high landscape significance at the rear of the site. These trees provide visual amenity to the adjoining Beecroft Shopping Village car park and would screen the commercial centre from the development. Two trees Nos 1 and 15 which adjoin the

eastern boundary are of high landscape significance and are to be retained on the adjoining lands under DA/941/2005 and DA/38/2013 respectively. Subject to recommended conditions the submitted landscape plan includes appropriate plantings to contribute to the landscape quality of the trees to be retained and would establish the garden setting of the proposed buildings in accordance with the landscaping desired outcome. A condition is recommended requiring two *Eucalyptus saligna* (Sydney Blue Gums) along the driveway to be replaced with *Syncarpia glomifua* (Turpentines).

The proposed landscaping at the Chapman Avenue frontage would enhance the appearance of the development in the streetscape. Conditions are recommended for planting of street trees, footpath and kerb and gutter construction.

The proposal does not comply with the prescriptive measures for 4m wide landscaping of the side boundaries due to the proposed driveway and courtyards along the western side and the pedestrian access along the eastern side of the development for access to Building B. The proposal however complies with the 4m wide deep soil prescriptive measure which would sustain the proposed landscaping for trees and shrubs along these boundaries. The proposed landscaping would otherwise comply with the landscaping prescriptive measures of the *HDCP* including the provision of 7m x 7m deep soil area between the two buildings.

The landscaping plan includes use of planter boxes for hard paved areas designed to complement open space areas of ground floor units and communal open space. The common open space area between the two buildings is dominated by the extent of the basement of Building A above ground level. This elevation is well screened by terraced gardens and an appropriate scale of planting including trees and large shrubs, providing a generous landscape and appropriate amelioration to the units of Building B.

Subject to recommended conditions the proposed landscaping is satisfactory in respect to the landscaping desired outcome of the precinct controls notwithstanding the substantial loss of existing trees on the site.

2.12.8 Open Spaces

The balcony open space areas are L shaped or irregular shaped to provide a range of outdoor activities including clothes drying located off the dwelling living area. A number of units include an additional small balcony off a bedroom. The majority of the proposed open space areas comply with the required minimum areas for 1, 2 and 3 bedroom dwellings.

Proposed one bedroom Units 103, 203 and 303 within Building A do not comply with the minimum dimension 2.5m. However the units have a total open space area of $17m^2$ with a minimum dimension of 2.0m which is satisfactory for the provision of outdoor living space.

The proposed communal open space areas include the provision of an outdoor barbeque facility, communal garden and lawn areas and comply with the required minimum of 25% of the site area and minimum 2 hours sunlight during mid winter.

The proposed private open space and communal open space areas meet the desired outcome of the precinct controls.

2.12.9 Privacy and Security

The majority of proposed units are oriented to the street frontage or to the rear of the site. Ground floor units fronting pedestrian accessways are generally above the level of the walkway or include

fenced landscape screening for privacy. The separation of opposing balconies is satisfactory for privacy.

The proposed development includes separate pathways for access to the lobbies of Building A and Building B. The proposal would provide appropriate casual surveillance of the street frontage and pathways.

The submitted plans detail a pedestrian pathway via the adjoining Beecroft Village Shopping Centre car park. A right of access however has not been obtained and a condition is recommended for the pathway to be provided subject to an easement for pedestrian access being obtained over the adjoining land.

2.12.10 Sunlight and Ventilation

The site has a southerly aspect. The proposed buildings are sited and designed to minimise the extent of overshadowing of Building B from Building A and future adjoining five storey buildings. The applicant submitted a solar access study which demonstrates 70% of units would receive 2 hours of sunlight to a least half of their living area windows and principal private open space areas between 9.00am and 3.00pm mid-winter, other than for Units G10, 110 and 209 which would receive less. The applicant submitted further solar access analysis with Building A relocated 1.0m to the east which demonstrates a marginal improvement in solar access for these units.

The proposal as submitted would result in compliance with the solar access requirement for 65% of units within the development, which given the site configuration and constraint of the southerly aspect is considered acceptable, subject to condition the floor plan of Unit G10 and Unit 110 be revised for better sunlight access to living areas (Drawing A29). A condition is also recommended for non-compliant Unit LG02 to be extended 1m at the eastern elevation for sunlight access to the living area (Drawing DA30).

The majority of units are designed for dual aspect and cross ventilation. The proposed development complies with the prescriptive measure for 60% of units to benefit from cross ventilation.

2.12.11 Housing Choice

The proposed dwelling mix complies with the *HDCP* prescriptive measure for a minimum of 10% of 1, 2 and 3 bedroom units and for a minimum of 30% of units to be adaptable for access for people with a disability (Units G01, G02, G05, 101, 102, 105, 106, 201, 202, 205, 206, 301, 302, 305, 306, G09, G12, 109, 112, 209, 212, 309 and 312).

2.12.12 Vehicle Access and Parking

The proposed driveway and basement car parking area and bicycle parking areas are in accordance with the *HDCP* prescriptive measures. The proposed 64 resident car parking spaces, 9 visitor car parking spaces, 12 resident bicycle spaces and 6 visitor bicycle spaces comply with the required number of spaces.

The basement car park includes sufficient storage for residents subject to condition for storage spaces to meet the minimum area requirement according to unit size of the *Residential Flat design Code*.

The proposed driveway would result in vehicle headlights shining into two properties opposite the site. The applicant submitted a Qualitative Light Spill Analysis of the obtrusive effect of the operation of the

driveway with regard to criteria in *AS4282 – Control of the Obtrusive Effects of Outdoor Lighting*. The analysis determined light spill reaching the façade of No. 14 Chapman Avenue would not exceed the AS4282 criteria and that light spill reaching the façade of No. 16 Chapman Avenue could be addressed by landscaping. The owner of No. 16 Chapman has agreed to the implementation of the submitted landscape plan recommended to mitigate light spill from vehicle headlights. A condition is recommended in this regard.

2.12.13 Key Development Principles

The proposed development is satisfactory in meeting the Key Development Principles for the Beecroft Heritage Precinct in respect to strategy, landscape setting and built form.

The principle for access from Wongala Crescent through the commercial precinct is not available to the proposal. In this regard access from Chapman Avenue is limited to the proposed development and the adjoining development site subject of DA/81/2014. Notwithstanding, future access for pedestrians to Wongala Crescent via the adjoining Beecroft shopping centre site is provided for in design.

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"*.

3.1 Natural Environment

The proposal involves the removal of the majority of the trees on the site including a number of indigenous trees. The proposed tree removal is considered acceptable subject to the implementation of the submitted landscape plan and replacement tree planting. Refer to discussion in Section 2.12.7.

The proposal includes necessary measures to protect downstream water quality of Byles Creek. Refer to discussion in Section 2.11.1.

3.2 Built Environment

3.2.1 Built Form

The site forms part of the Beecroft urban area recently rezoned for five storey residential flat development. The future built form envisaged by Council is provided for in Council's planning controls as discussed in Section 2.12.

The proposed development is consistent with the built form envisaged for the area.

3.2.2 Traffic Generation and Road Safety

In accordance with the Roads and Maritime Services '*Guide to Traffic Generating Developments*', high density residential flat buildings have a traffic generation rate of 0.29 peak hour trips per dwelling.

The application of this traffic generation rate to the proposed development produces a traffic generation potential of 17.4 vehicle trips per hour during peak periods. The projected traffic generation rate is offset against the current use of the site (3 residential dwellings which generates 2.6 peak hour vehicle trips), resulting in a traffic generation of 14.8 additional peak hour vehicle trips.

The submitted traffic survey by Varga Traffic Planning Pty Ltd demonstrates two-way traffic flow in Chapman Avenue is typically in the order of 250 vehicles per hour during the morning peak period decreasing to 130 vehicles per hour for the afternoon peak period.

The projected increase of 15 peak hour vehicle trips would not have any unacceptable traffic implications in terms of road network capacity.

The traffic generated by the proposed development is statistically insignificant with regard to the high traffic flows on Beecroft Road, and would not have any unacceptable traffic implications in terms of the State Road Network capacity.

In the preparation of Council's *Housing Strategy,* transport modelling was undertaken to determine the traffic impact of development within the precincts to be rezoned as part of the Strategy. Traffic modelling and assessment for the Beecroft Road Precinct established that additional traffic that would be generated in the Precinct would not have a significant impact on existing roadway conditions and intersection performance in the area.

Notwithstanding, the forecast development yields in the Beecroft Road Precinct may be exceeded if optimal market conditions continue and the precinct is fully developed. Further modelling is required to determine the cumulative traffic impacts of increased development yields and this is currently being progressed by Council.

3.3 Social Impacts

The proposed development would increase the availability of housing in the locality including the provision of adaptable housing and be of positive social impact.

3.4 Economic Impacts

The proposal would have a minor 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.

4. SITE SUITABILITY

Section 79C(1)(c) of the Act requires Council to consider *"the suitability of the site for the development"*.

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

5. PUBLIC PARTICIPATION

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

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 15 January and 29 January 2014 in accordance with the *HDCP* notification requirements. During this period, Council received five submissions. The map below illustrates the

location of those nearby landowners who made a submission that are in close proximity to the development site.

NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	PROPERTY SUBJECT OF DEVELOPMENT	N W E S
ONE SUBMISSION RECEIVED OUT OF MAP RANGE			

Five submissions objected to the development. The concerns raised in the submissions are discussed as follows:

- **Impact on amenity of low density area opposite**

Comment: The proposed development is satisfactory in respect to the *HDCP* controls for the Beecroft Heritage Precinct, for building height, setbacks, landscaping and privacy and security, in achieving a reasonable level of amenity for the low density area opposite the site.

- **Significant loss of trees including Sydney Blue Gums**

Comment: The proposed development would resulting the loss of the two *Eucalyptus saligna* (Sydney Blue Gums Trees Nos. 21 & 13) at the frontage of the site and a third, Tree No. 48 in the centre of the site. The removal of the trees is acceptable with regard to the submitted Arboricultural Impact Assessment and Landscape Plan which includes suitable replacement indigenous species.

The loss of trees on the site is discussed in Section 2.12.7.

- **Non-compliance with DCP height requirements**

Comment: The proposed lift overrun of Building A is in non-compliance with the maximum 17.5m building height. The applicant's request for variation is acceptable for the proposal as discussed in Section 2.1.3.

The non-compliance with the maximum five storey height limit is addressed by recommended Condition No. 3a.

- **Access should be from Wongala Crescent**

Comment: The *HDCP* Beecroft Heritage Precinct (residential area) - Key Principles Diagram details access via the existing shoppers carpark. The access however is not available for the proposed development. The key principles also provide for access off Chapman Avenue if access is not available from Wongala Crescent. Refer to discussion in 2.12.13.

- **Light spill from driveway**

Comment: The operation of the driveway would result in headlights shining across two properties opposite the site. The light spill is acceptable with regard to AS4282 as discussed in Section 2.12.12.

A condition is recommended for landscaping at the frontage of one of the properties. Refer to Condition No. 56.

- **Unsightly utilities on roof**

Comment: The plans have been revised to include screening of roof top utilities which is acceptable to address any visual impact of roof top installations.

- **Bulk and scale of Building A**

Comment: The proposed building is of appropriate design to maintain the significance of the Beecroft-Cheltenham Heritage Conservation Area and is in compliance with the *HDCP* controls for the desired future character of the area and building form and SEPP 65 design quality.

- **Basement above ground level**

Comment: The basement is above ground due to the topographic constraints of the site and is acceptable as discussed in Section 2.12.4.

- **Ground floor height above natural ground level**

Comment: The ground floor height of proposed Building A is above natural ground level. The level is raised by filling at the frontage for the development to achieve the necessary driveway gradient for SRV access to the basement. In this regard the height above natural ground level is acceptable as discussed in Section 2.12.4.

- **Traffic and road safety Chapman Avenue**

Comment: The traffic generated by the proposed development would not detract from the carrying capacity of Chapman Avenue as discussed in Section 3.2.2.

- **Heritage impact to No.83 Beecroft Road**

Comment: The proposed development adjoins a heritage item at No. 83 Beecroft Road. The proposal would not detract from the significance of the item as discussed in Section 2.12.2.

- **Site consolidation to conserve No. 81 Beecroft Road with No. 83 Beecroft Road**

Comment: The subject site forms a consolidation of existing land parcels and is satisfactory in respect to the *HDCP* site requirements as discussed in Section 2.12.3.

The adjoining properties at Nos. 81 and 83 Beecroft Road form part of the development site (DA/81/2014) for a proposed five storey residential flat building. The site requirements are a matter for consideration in the assessment of that application.

5.2 Public Agencies

The development application is not subject to planning consideration of another statutory authority.

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 Council's and relevant agencies' criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed residential flat development would be in the public interest.

7. CONCLUSION

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

The proposed development is of satisfactory design in compliance with the requirements of the *HDCP Part 9.6 Beecroft Heritage Precinct.* The proposal is in accordance with the requirements for the desired future character of the precinct and would compliment the heritage significance of the Beecroft-Cheltenham Heritage Conservation Area.

The non-compliance with the 17.5m maximum building height under Clause 4.3 of *HLEP* is acceptable with regard to the justification for the variation for the lift overrun as submitted by the applicant pursuant to Clause 4.6 of *HLEP.*

The non-compliance with the *HDCP* prescriptive measure for 70% of units to receive 2 hours of sunlight mid-winter is acceptable with regard to the site aspect subject to recommended conditions.

The proposed development is in accordance with the design principles of *SEPP 65 – Design Quality Residential Flat Development* and the relevant best practice design requirements of the *Residential Flat Design Code.*

The proposed development is satisfactory in respect to requirements of the *HDCP* in respect to stormwater management, earthworks and slope, waste management and services and lighting, subject to recommended conditions.

A total of 5 submissions were received in response to the proposal.

The application is recommended for approval.

ATTACHMENTS

1. Locality Map
2. Site Survey
3. Site Analysis Plan
4. Floor Plans
5. Roof Plan
6. Section
7. Elevations
8. Materials & Finishes
9. Landscaping Plans
10. Stormwater Drainage

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
3159-01 Issue C Landscape Plan For Development Application	Peter Glass & Associates	18/12/13
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	Jane Britt Design	May 2014

Screen Planting For No. 16 Chapman Avenue Beecroft		

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 tree(s) 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 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)
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:

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

Where:

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

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

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

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

b) 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.

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.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

17. 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.

18. 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.

19. 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.*

20. 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.

21. 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:

1,15,36,37,46,47,55,76,81,83,89,91,92,93,95,95.2,96,96.2,97,100,100.2,101,102,104,

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:

1,15,36,37,46,55,76,81,83,91,92,93,96,96.2,97,100,100.2,102,104,105,107

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

22. 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.

23. 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.

24. 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.

25. Street Sweeping

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

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. 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.

32. Fulfilment of BASIX Commitments

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

33. 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.

34. Sydney Water – s73 Certificate

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

35. 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.

36. 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.

37. 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).

38. 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.

39. 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.

40. 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.

41. 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.

42. 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

43. 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.

44. Retaining Walls

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

45. External Lighting

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

46. 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.

47. Unit Numbering

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

48. 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.

49. 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.

50. 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.

51. Maintain Canopy Cover

To maintain canopy cover, 5 medium to large trees selected from Council's booklet *'Indigenous Plants for the Bushland Shire'* such as Angophora costata, Eucalyptus paniculata are to be planted on the subject site. The planning location shall not be within 4 metres of the foundation walls of a dwelling or in-ground pool. The pot size is to be a minimum 25 litres and the tree(s) must be maintained until they reach the height of 3 metres. Trees must be native to Hornsby Shire and reach a mature height greater than 20 metres.

52. 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.

53. Planting changes

The location of two *Eucalyptus saligna* (Sydney Blue Gums) along the driveway is not considered appropriate. To ensure locally indigenous canopy species are still provided in this area they are to be replaced with two *Syncarpia glomifua* (Turpentines). Trees shall be installed at minimum 45 litre pot size.

The two *Eucalyptus saligna* (Sydney Blue Gums) are to be relocated at alternative locations on the site. One is to be planted midway along the western boundary and the other is to be planted on the south east of site near the access stairs to Beecroft Village shops.

54. 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.

55. Substation and Other Services

If the provision of an area for an electricity substation kiosk or other services within the Chapman Avenue landscape setback affects any proposed trees noted on the landscape plan, these trees are required to be provided at alternative locations within the Chapman Avenue landscape setback.

56. 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.

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. 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.

OPERATIONAL CONDITIONS

59. 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.

60. 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.