

**JOINT REGIONAL PLANNING PANEL**  
**(Sydney West Region)**

<b>JRPP No</b>	<b>2014SYW029</b>
<b>DA Number</b>	<b>DA/81/2014 (Lodged 7 February 2014)</b>
<b>Local Government Area</b>	<b>Hornsby Shire Council</b>
<b>Proposed Development</b>	<b>Demolition of existing structures and construction of four x 5 storey residential flat buildings containing 92 units and basement car park, subdivision of two lots into two (Heritage Item) and strata title subdivision.</b>
<b>Street Address</b>	<b>Lots 1 - 5 DP 508531 and Lot 12 Dec 6 DP 758074, Nos. 7, 7A, 7B, 7C Chapman Avenue and Nos. 81 and 83 Beecroft Road, Beecroft</b>
<b>Applicant/Owner</b>	<b>Krikis Tayler Architects / Zivena Pty Ltd, Mr R W Neal and Mrs J Neal, CGU Pty Limited</b>
<b>Number of Submissions</b>	<b>31</b>
<b>Regional Development Criteria (Sched 4A of the Act)</b>	<b>General Development Over \$20 Million</b>
<b>List of All Relevant s79C(1)(a) Matters</b>	<b>Hornsby Local Environmental Plan 2013</b>  <b>Water Management Act 2000</b>  <b>State Environmental Planning Policy No. 55 – Remediation of Land</b>  <b>State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development</b>  <b>State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004</b>  <b>State Environmental Planning Policy (Infrastructure) 2007</b>  <b>State Environmental Planning Policy - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</b>  <b>Hornsby Development Control Plan 2013</b>
<b>List all documents submitted with this report for the Panel's consideration</b>	<b>Locality Plan, Site Survey, Subdivision Plans, Demolition Plan / Site Plan, Site Analysis, Basement Level, Levels 1 – 7, Roof Plan, Elevations, Elevations–Internal, Sections, Materials, Landscape Plan, Tree Retention / Removal Plan, Streetscape Photomontage</b>
<b>Recommendation</b>	<b>Approval with Conditions</b>
<b>Report by</b>	<b>Garry Mahony, Senior Town Planner</b>

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## RECOMMENDATION

THAT Council assume the concurrence of the Director-General of the Department of Planning and Environment and approve Development Application No. 81/2014 for demolition of existing structures and construction of four, five storey residential flat buildings and basement car park, subdivision of two lots into two (Heritage Item) and strata title subdivision, at lot 1 DP 508531, lot 2 DP 508531, lot 3 DP 508531, lot 4 DP 508531, lot 5 DP 508531, lot 12 Sec 6 DP 758074, Nos. 7, 7A, 7B, 7C Chapman Avenue and Nos. 81 and 83 Beecroft Road, Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of this report.

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## EXECUTIVE SUMMARY

1. The application proposes demolition of existing structures and construction of four, five storey residential flat buildings and basement car park, subdivision of two lots into two (Heritage Item) and strata title subdivision.
2. The proposal is in accordance with *Hornsby Local Environmental Plan 2013*, 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. 31 submissions have been received in respect of the application.
5. It is recommended that the application be approved.

## HISTORY OF THE SITE

The existing dwelling houses on the site at Nos. 7, 7A, 7B and 7C Chapman Avenue are representative of post-war development within the suburb of Beecroft. The existing dwelling house at No. 81 Beecroft Road is representative of Federation period housing. The dwelling houses have remained in continual residential use.

The existing dwelling house at No. 83 Beecroft Road is a heritage item, representative of the Victorian period and has been subject to development applications for change of use as outlined below.

On 8 June 2000, Council approved Development Application No. 105/2000 for No. 83 Beecroft Road, Beecroft, for the demolition of an existing carport and use of existing premises (heritage item) as a community facility – recreation facility.

On 18 February 2003, Council approved Section 96(2) Modification DA/105/2000/B for the relocation of the car parking provision (14 spaces) to the rear of the heritage listed property and construction of an on-site stormwater absorption system. The approved development did not commence.

On 23 November 2004, Council approved Development Application No. 285/2004 for change of use of a heritage dwelling (No. 83 Beecroft Road) for a horticultural advisory centre, display garden and rotunda. The consent was modified on 1 April 2009 (DA/285/2004/D) to allow a point of sale building

(retail plant nursery). The use of the site for a retail plant nursery has since ceased. The current commercial use of the heritage listed house is for a horticultural advisory centre.

On 2 September 2011, the subject 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 *Hornsby Local Environmental Plan 2013*, effective 11 October 2013.

## **HISTORY OF THE APPLICATION**

On 28 June 2013, Council provided Pre-DA advice for the proposed development (PL/46/2013).

On 14 August 2013, Council provided further Pre-DA advice concerning the proposed development (PL/46/2013).

The application was lodged on 7 February 2014.

On 30 April 2014, the applicant submitted amended plans reducing the setback of Block D from the eastern side boundary together with plans to include subdivision of the rear of No. 83 Beecroft Road (Heritage Item) which forms part of the development site, and additional information.

On 26 June 2014, the applicant submitted a Flora and Fauna Impact Assessment in respect to Tree No. 105 and Tree No. 116, pursuant to Clause 5A of the *Environmental Planning and Assessment Act, 1979*.

On 22 July 2014, the applicant submitted amended materials and finishes, a revised landscaping plan and amended plans to include deep soil landscaping areas between Block A and Block B and between Block A and Block C.

## **SITE**

The site comprises six existing allotments and forms a large irregular shaped site with a northern frontage of 69.6m to Chapman Avenue and a western frontage of 217.5m to Beecroft Road. The site has an area of 5,737.4m<sup>2</sup>. The site includes five existing dwelling houses, out buildings and a number of substantial trees including locally indigenous and introduced species. The existing dwelling houses on the site are representative of Victorian, Federation and Post-War development in the suburb of Beecroft.

The site has an average fall of 15% to the eastern boundary of the site. The site is below the level of Chapman Avenue and Beecroft Road and falls more steeply from the road frontages with a cross fall from Chapman Avenue. The site topography has been modified for the existing dwellings by the use of cut and fill and retaining walls. A retaining wall extends along the Chapman Avenue frontage of the site and the adjoining site subject DA/1432/2013 at 1, 3 and 5 Chapman Avenue.

A piped stormwater drainage system and Council easement is across the north-east corner of the site and along the eastern side boundary, through to the adjoining land and to Wongala Crescent. The drainage system flows to a watercourse 300m south-west of the site. The watercourse is a tributary of Byles Creek and the Lane Cove River. The site includes an aquifer as identified in the geotechnical investigation of the site for the proposed development.

The site includes the rear yard of No. 83 Beecroft Road which is a heritage item of local significance in respect to the existing house 'Mandalay'. The house is used for commercial purposes. The site is in

the vicinity of St John's Anglican Church which is a heritage item of local significance on the opposite corner of Beecroft Road and Chapman Avenue. The site is within the Beecroft-Cheltenham Heritage Conservation Area.

The eastern boundary of the site adjoins the site of a proposed five storey residential flat development at Nos. 1, 3 and 5 Chapman Avenue (DA/1432/2013). There are three existing dwelling houses on the adjoining site.

The site is adjacent to the Beecroft Commercial Centre and is located 150m north-west of Beecroft Railway Station.

Beecroft Road at the western frontage of the site has high traffic flows during peak periods.

Dwelling houses on the opposite side of Chapman Avenue and Beecroft Road are within a low density residential zoned area. A Seniors Living development fronting Beecroft Road is currently under construction opposite the site and adjoining St John's Anglican Church.

The site forms part of the Beecroft Heritage Precinct bounded by Beecroft Road, Wongala Crescent and Chapman Avenue, zoned for five storey residential flat development.

## **PROPOSAL**

The proposal is for demolition of the existing structures and construction of four, five storey residential flat buildings comprising 92 dwellings and basement car park. The siting of the four buildings forms an axis arrangement with common open space courtyard areas. The proposal includes subdivision of two lots into two (Heritage Item) and strata title subdivision. The proposed dwellings include 38 x 1 bedroom units, 43 x 2 bedroom units and 11 x 3 bedroom units. A number of the units also include a study.

The proposed buildings are stepped to the sloping site, are constructed over a basement car park and include lower ground floor residential levels. A proposed driveway along the eastern side of Block C provides access to the basement car park off Chapman Avenue. The basement levels include 127 car parking spaces.

Proposed Block A is sited on the corner of Beecroft Road and Chapman Avenue. The building includes a lower ground floor level and the lobby at the eastern elevation fronting the courtyard. The building includes 23 units comprising 11 x 1 bedroom, 11 x 2 bedroom units and 1 x 3 bedroom unit.

Proposed Block B has frontage to Beecroft Road. The lower ground floor level at the eastern elevation includes the lobby, communal room and amenities. The building includes 16 units comprising 7 x 1 bedroom units, 8 x 2 bedroom units and 1 x 3 bedroom unit.

Proposed Block C has frontage to Chapman Avenue. The building lobby is at the western elevation fronting the courtyard. The building includes 21 units comprising 8 x 1 bedroom units, 10 x 2 bedroom units and 3 x 3 bedroom units.

Proposed Block D is within the south-eastern part of the site and No. 83 Beecroft Road. The building lobby is at the western elevation fronting the courtyard. The building includes a lower ground floor level at the eastern elevation with ground level open space. The building includes 32 units comprising 12 x 1 bedroom units, 14 x 2 bedroom units and 6 x 3 bedroom units.

The proposal includes the subdivision of No. 83 Beecroft Road (Heritage Item) for inclusion of the rear part of the land in the subject site and creating a 827.7m<sup>2</sup> lot for the heritage listed house.

The proposal involves tree removal including an endangered plant species and a remnant tree of an endangered ecological community listed under the *Threatened Species Conservation Act*.

The proposal is integrated development subject approval of the NSW Office of Water for construction dewatering of an aquifer on the site.

## **ASSESSMENT**

The development application has been assessed having regard to the '*Metropolitan Plan for Sydney 2031*', the '*North Subregion (Draft) Subregional Strategy*' and the matters for consideration prescribed under Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act). 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 in close proximity to public transport and employment and accordingly, would be 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**

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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 'subdivision' and is permissible in the zone with Council's consent.

### **2.1.2 Height of buildings**

The site is below the level of Beecroft Road and Chapman Avenue. The site has been modified by cut and fill for the existing dwelling houses resulting in changes in existing levels. The applicant submits an extrapolated natural ground line is required to achieve development on the site consistent with Council's development controls for five storey residential flat building.

Clause 4.3 of *HLEP* is as follows:

- (1) *The objectives of this clause are as follows:*
  - (a) *to permit development of a bulk and scale that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.*
- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

The maximum height shown for the land on the Height of Buildings Map is 17.5m.

The dictionary at Schedule 5 of *HLEP* defines building height as follows:

*Building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The submitted extrapolated natural ground line is acceptable to represent the existing ground level, as the changes in existing levels for cut and fill for the existing houses would not enable development consistent with five storey residential flat development controls in the *Hornsby Development Control Plan 2013*. The proposed ground level is consistent with the *HLEP* objective of the building height.

Notwithstanding, the proposed development exceeds the maximum 17.5m building height due to the lift overruns. The applicant has submitted written justification for exceeding the height limit, 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 some 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 4.3 of the *HLEP* for a maximum building height of 17.5m. Each of the four proposed buildings exceeds the maximum 17.5m building height by between 500mm and 755mm due to the lift overrun of each building.

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 proposed encroachment into the maximum building height is considered to be minor and will not substantially change the appearance of the proposal within the locality, nor will the additional height be readily apparent or obvious to the casual observer at street level.*
- *The proposed building has been designed to a high standard of architecture. The proposed built form on the site features a unique appearance, incorporating a number of design features which are desired by the Hornsby DCP 2013. It has also been designed to relate to the undulating site topography and to preserve the maximum number of significant trees. The proposed design provides a well resolved building, despite the challenges and constraints of the site.*
- *In terms of the site's suitability for the proposed additional height, the absence of any demonstrable amenity related impacts (as outlined in this report), the close proximity to frequent public transport services and close positioning to local services and facilities demonstrate the site's suitability for the proposed development.*
- *It is considered that the proposal responds appropriately to the site and creates impacts that are consistent with the applicable planning controls. Given the central location of the lift overruns, the minor variation to the building height maximum is not expected to provide any tangible disruption to solar access to surrounding properties. This is placed into context, considering the commercial use to the south of the site and when considering the likely solar access impacts expected under the permissible building envelope controls on the site.*
- *As indicated in the submitted Heritage Report, the proposed development would not detrimentally impact on the adjacent heritage item.*

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;*

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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 principles as follows:

The objective of *HLEP* Clause 4.3 Height of Buildings is:

*To permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.*

The objectives of the subject R4 High Density Residential zone are 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 overruns of the proposed buildings. 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 the *HLEP* provides for the conservation of heritage items, heritage conservation areas, archaeological sites and Aboriginal heritage.

The proposed development involves demolition of buildings within the Beecroft-Cheltenham Heritage Conservation Area and the subdivision of land identified as a heritage item (Item No. 46 – 83 Beecroft Road). The applicant submitted heritage impact assessments of the proposed residential flat development and proposed subdivision of the heritage item.

Refer to discussion in Section 2.12.2.

#### **2.2 Water Management Act 2000**

The submitted geotechnical assessment of groundwater levels determined the presence of an aquifer on the site. The impact on groundwater and management of groundwater in the proposed excavation works and basement car park design is subject to consideration under the *Water Management Act 2000*. In this regard, the proposed development is 'integrated development' subject to approval of NSW Office of Water which has in place an *Aquifer Interference Policy* to address potential impacts on groundwater.

The NSW Office of Water has advised General Terms of Approval for Construction Dewatering subject to recommended conditions which address construction and excavation requirements, monitoring of groundwater during construction and groundwater quality and disposal.

Subject to recommended conditions, the groundwater would be appropriately managed during construction and controlled in the design of the development.

### **2.3 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 comprising Nos. 7, 7A, 7B, 7C Chapman Avenue and No. 81 Beecroft Road has a history of residential use and it is unlikely land uses resulting in soil contamination would have occurred on the site. The Chapman Avenue properties include fill areas comprising silty clay, gravel and silty sand used in the development of the land for housing.

The area of the site comprising No. 83 Beecroft Road had been used for a retail plant nursery. An investigation of the site determined horticultural products were containerised, effectively stored and removed from the site and are unlikely to have resulted in soil contamination.

The development includes the demolition of existing buildings and substantial excavation works which would remove any potential for contamination. A condition of consent is recommended regarding the site disposal of demolished building waste.

No further assessment is considered necessary in this regard.

### **2.4 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 Chartered Architect stating how the proposed development achieves the design principles of *SEPP 65*.

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

#### **2.4.1 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 architect states the development accords with the desired future character of the Precinct.

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The proposed development is consistent with the planning controls which provide for the future character of the area incorporating five storey developments in garden settings with parking in basements. Once development of the precinct is completed, the proposal would integrate with the surrounding sites and would be in keeping with the desired urban form.

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

#### **2.4.2 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 scale of the proposed development is appropriate to the site and context and desired future character of the precinct.

The proposed development is consistent with the setback, height and articulation planning controls and is of appropriate scale.

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

#### **2.4.3 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 built form articulates facades to create steps, recesses, setbacks and depth to reduce the mass of buildings, which is reinforced by the variation of finishes and colours and is a positive addition to the Beecroft Road and Chapman Avenue streetscapes. The building envelopes allow vistas between buildings and are set in park-like landscaped settings. Landscaped open space provides amenity and outlook for residents and defines the public domain.

The proposed built form is consistent with the planning controls for built form within Beecroft Heritage Precinct.

The architects' statement is supported in respect to this statement.

#### **2.4.4 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).*

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*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 proposed dwelling density and mix of dwellings are appropriate for the site which is in close proximity to public transport, community services and facilities.

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

#### **2.4.5 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 proposal incorporates passive solar design principles such as appropriate orientation for good solar access, protection of openings for shading and natural cross-flow ventilation to minimise energy use for indoor comfort and incorporates energy efficient appliances, fixtures and fittings. Deep soil zones allow for the retention of existing trees where possible and substantial new planting.

The submitted BASIX Certificate achieves targets for sustainable water use, thermal comfort and energy efficiency.

The architect's statement is supported in respect to this heading.

#### **2.4.6 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 submitted landscape plans address the elements of Landscape Design Principle in the provision of a scheme which integrates with the design of the proposed buildings, creates a quality living environment for residents and includes structured plantings appropriate to the aspects of the site. The

landscape plan includes appropriate canopy trees suitable for the development to replace the loss of the significant trees on the site.

The landscaping plan would complement the proposed development within the Beecroft Heritage Precinct.

#### **2.4.7 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 includes efficient one, two and three bedroom apartment layouts with living areas and private open space oriented to north, east and west aspects and view corridors. The main central courtyard provides pedestrian access to lobbies at easily negotiated grades in an extensive landscape setting. Privacy screens are provided to drying areas where required. A communal meeting room is provided to Block B at level 2 from the central courtyard. Landscaping is well considered to provide privacy and amenity, and responds to the Beecroft setting.

The architect's statement is supported in respect to this heading.

#### **2.4.8 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 proposal allows for passive surveillance of public and communal open spaces, provides clear safe entrance points and a clear distinction between public and private space. The application includes a Crime Risk Assessment Report and satisfactory safety audit of the proposal in respect to *Crime Prevention Through Environmental Design* criteria.

The architect's statement is supported in respect to this heading.

#### **2.4.9 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 proposal provides a mix of apartment types to cater for a wide demographic and aging population with provision for 30% adaptable apartments in accordance with the DCP. Opportunities for social interaction are provided in entry foyers, communal landscape/recreation areas and the communal room.

The architect's statement is supported in respect to this heading.

#### **2.4.10 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 proposal responds to the desired character outlined in the *HDGP* in building form, articulation and materials. The applicant has submitted an amended schedule of materials and finishes which includes the use of brickwork, earthy rendered tones and a subdued colour palette which responds to the local character of Beecroft and contributes positively to the streetscape and local context.

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

#### **2.5 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*:

<b>Residential Flat Design Code</b>			
<b>Control</b>	<b>Proposal</b>	<b>Requirement</b>	<b>Compliance</b>
<b>Deep Soil Zone</b>	34%	25%	Yes
<b>Communal Open Space</b>	43%	25-30%	Yes
<b>Gnd Level Private Open Space</b>	10m <sup>2</sup> - 43m <sup>2</sup> Min dimension 2.8m	25m <sup>2</sup> Min Dimension 4m <sup>2</sup>	No No
<b>Building Separation</b>	6m	12m	No
<b>Minimum Dwelling Size</b>	1 br – 55m <sup>2</sup> 2 br – 75m <sup>2</sup> 3 br – 97m <sup>2</sup>	1 br – 50m <sup>2</sup> 2 br – 70m <sup>2</sup> 3 br – 95m <sup>2</sup>	Yes Yes Yes

<b>Maximum Kitchen Distance</b>	8m	8m	Yes
<b>Minimum Balcony Depth</b>	2.3m	2m	Yes
<b>Dual Aspect &amp; Cross Ventilation</b>	80%	60%	Yes
<b>Adaptable Housing</b>	30%	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. Below is a brief discussion regarding the relevant development controls and best practice guidelines.

#### 2.5.1 Apartment Layout and Mix

The proposed floor plans include a range of apartment layouts with a mix of dwelling sizes and adaptable units. The proposed low ground floor level units at the eastern elevations of proposed Building A and Building D are appropriate with regard to the stepping of the development across the sloping site. The proposed units meet the minimum size requirements of the *Code* and the layouts are well designed for internal privacy and amenity.

#### 2.5.2 Ground Floor Apartments

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

The proposed ground floor unit open space areas include individual courtyard entries from the central pedestrian accessways. The courtyard entries are integrated with the proposed landscaping of the central common open space pedestrian accessways and are screened for privacy. The open space of the lower ground units at the eastern elevation Building D includes deep soil open space.

A number of units do not comply with the *Code's* best practice for ground floor open space minimum area 25m<sup>2</sup> and dimension of 4m. The private open space areas have been designed in accordance with the requirements of Council's Housing Development Control Plan 2013. The DCP states that the deep soil area with the setbacks of the development should be retained as communal open space. The objective of this control is to provide a landscape setting to the development. As such, the non-compliance is considered acceptable with regard to the submitted landscape plan and the area made available for deep soil planting.

#### 2.5.3 Internal Circulation

The pedestrian access to the proposed development is at the Chapman Avenue frontage. The central pedestrian accessway includes entry forecourts for the lobby of each building. The pedestrian access includes a future pathway connection with the site adjoining the southern boundary (Beecroft Module Shopping Centre).

The proposed buildings each include a central lift servicing 4 to 7 units for each level other than the top floors which include 1 to 2 units. 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 four buildings share the basement car park which comprises three levels and lift access to each building. Building A includes two lower ground floor units and Building D, four lower ground floor units at the eastern elevation.

The residents of the development would share a communal courtyard between Building C and Building D and common open space areas at the Chapman Avenue and Beecroft Road frontages.

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

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

#### **2.5.4 Safety and Visual Privacy**

The applicant has submitted a Crime Risk Assessment Report which notes lower incidence of crime for the Hornsby LGA than the State average.

The proposed development is designed to enable casual surveillance of public access over the pedestrian accessways and the communal open space areas. The proposed built form and landscaping defines public and private areas of the development.

The proposed design is satisfactory in respect to *Crime Prevention Through Environmental Design (CPTED)* principles and would provide a safe environment for residents.

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

#### **2.5.5 Acoustic Privacy**

The site is subject to traffic noise impacts from Beecroft Road.

A condition is recommended for the development to comply with Clause 102 (3) of *State Environmental Planning Policy (Infrastructure) 2007* which requires noise levels not to exceed 35 dB(A) for the bedroom accommodation and 40 dB(A) for other habitable rooms.

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, the proposed development would meet the *Code's* best practice requirements for acoustic privacy.

#### **2.5.6 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 development is consistent with the best practice requirement other than the proposed 6m separation between Building A and Building B. The non-compliance is acceptable with regard to

the proposed privacy measures and scale of the proposed development in the heritage streetscape. Refer to discussion in Section 2.12.6.

### **2.5.7 Storage**

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

## **2.6 State Environmental Planning Policy (Infrastructure) 2007**

The application has been assessed against the requirements of *State Environmental Planning Policy (Infrastructure) 2007*.

The proposed development has frontage to Beecroft Road which is a State Road subject to the provisions of the Policy in respect to traffic generating developments (Clause 102 of the Policy) and mitigation of road traffic noise (Clause 104 of the Policy).

The Roads and Maritime Service (RMS) advised of concurrence to the proposed development in respect to the traffic generated and the operation of Beecroft Road. Refer to discussion in Section 3.2.2.

The RMS advisory comment in respect to mitigation of road traffic noise is for compliance with Clause 104 of the Policy. Refer to discussion in Section 2.5.5.

## **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 the submitted Stormwater Quality Management Plan and recommended conditions 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**

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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 (HDCP) – Part 1 General Controls**

### **2.11.1 Stormwater Management**

The proposed stormwater drainage system involves connection to the existing Council drainage line through the site. The drainage line over the adjoining site is to be relocated for the proposed residential flat development on that site (DA/1432/2013).

The proposed system includes on-site stormwater detention, a treatment facility for urban stormwater quality and design for overland flow path. The design includes raising existing ground levels in the south-eastern part of the site and construction of retaining walls along the boundaries. The proposed stormwater drainage system is in accordance with the *HDCP* controls for Water Sensitive Urban Design. Appropriate conditions are recommended for the stormwater drainage works and connection with Council’s drainage system.

The proposed subdivision of No. 83 Beecroft Road includes an interallotment drainage system connection to the existing Council drainage line. Appropriate conditions are recommended for the subdivision works to be completed prior to registration of the subdivision.

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

### **2.11.2 Earthworks and Slope**

The applicant has submitted a Geotechnical Investigation Report prepared by JK Geotechnics dated 6 December 2013.

The report notes that the proposed development involves excavation ranging in depth from 2m to 10.5m. The subsurface profile to a depth of 13m consists of fill overlying residual silty clay soils, weathered shale then sandstone bedrock. At that depth the sandstone bedrock occurs in the northern part of the site. The proposed basement levels are below groundwater levels.

The proposed development will require dewatering of the site which is subject to recommended conditions of NSW Office of Water for the extraction of groundwater.

The report includes recommendations for excavation works, basement design and construction and for further geotechnical work.

A condition is recommended for the proposed development to be designed and constructed in accordance with the recommendations of the Geotechnical Investigation Report.

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 site will require 8 x 660 L bins serviced twice weekly plus 22 x 240 L recycling bins serviced once per week, plus at least one 1100 L paper/cardboard recycling bin. The proposed waste management system includes a garbage room near the lift on each level for 240 litre bin storage. The proposed system will require a caretaker to convey the bins to the basement bin storage area to transfer the waste to 660 litre bins for waste truck collection. The basement bin collection area and the waste truck loading bay are of sufficient capacity for operation of the waste management system.

The proposed waste management system is satisfactory in respect to the *HDCP* controls subject to recommended conditions.

### 2.11.4 Services and Lighting

The proposed design for utilities includes fire hydrant booster assembly and utilities kiosk located at the Chapman Avenue frontage, landscaped to minimise impacts on the streetscape.

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 *HDCP* 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	77m	30m	Yes
Height	6 storeys – 18.5m	5 storeys – 17.5m	No
Max 5 storey incl basement 1m above gnd	6 storeys	5 storeys	No
Max basement height above ground	2.2m	1.0m	No
Lowest Residential Floor Above Ground	N/A	Max – 1.50m	N/A

<b>Max Floorplate Dimension</b>	35m	35m	Yes
<b>Min Building Separation Large Site</b>	6m	9m	No
<b>4m x 4m Indentation</b>	4m x 4m	4m x 4m	Yes
<b>Two Steps gnd flr &amp; top flr</b>	Yes	Yes	Yes
<b>Deep Soil Separation Incl Basement</b>	7m x 7m	7m x 7m	Yes
<b>Beecroft Road Front Setback – Block A &amp; Block B</b>	12m 10m < 1/3 <sup>rd</sup> building Balc. 9m	12m 10m < 1/3 <sup>rd</sup> building Balc. 9m	Yes Yes Yes
<b>Chapman Avenue Front Setback – Block A &amp; Block C</b>	9m-10m	10m	No
<b>Block C East Side Setback</b>	10m 8m < 1/3 <sup>rd</sup> building Balc. 7m	6m 4m < 1/3 <sup>rd</sup> building Balc. 4m	Yes Yes Yes
<b>Block D East Side Setback</b>	9m 7m < 1/3 <sup>rd</sup> building Balc. 6m	6m 4m < 1/3 <sup>rd</sup> building Balc. 4m	Yes Yes Yes
<b>Block D South Side Setback</b>	6m 4m < 1/3 <sup>rd</sup> building Balc. 4m	6m 4m < 1/3 <sup>rd</sup> building Balc. 4m	Yes Yes Yes
<b>Block D West Side Setback</b>	7m 4.5m < 1/3 <sup>rd</sup> building Balc. 4.5m	6m 4m < 1/3 <sup>rd</sup> building Balc. 4m	Yes Yes Yes
<b>Block B South Side Setback</b>	6m 6m < 1/3 <sup>rd</sup> building Balc. 6m	6m 4m < 1/3 <sup>rd</sup> building Balc. 4m	Yes Yes Yes
<b>Basement Setback</b>	12m-9m – Beecroft Road 10m – Chapman Ave 7m-9.5m – E Side 4m-6m – S Side 4.5m – W side	9m 10m 4m 4m 4m	Yes Yes Yes Yes Yes
<b>Top Storey Setback From Ground Floor</b>	3m+	3m	Yes
<b>Basement</b>	2m	2m	Yes

<b>Ramp Setback</b>			
<b>Car Parking</b>	115 resident spaces 12 visitor spaces 4 motor cycle spaces 28 bicycle spaces	94 resident spaces 13 visitor spaces 3 motor cycle spaces 28 bicycle spaces	Yes No Yes Yes
<b>Deep Soil Landscaping</b>	Beecroft Rd – 9m-12m Chapman Avenue - 9m E Side – 7m S Side – 4m-6m W Side – 4.5m	7m 7m 4m 4m 4m	Yes Yes Yes Yes Yes
<b>Private Open Space Min Width 2.5m</b>	1 br units - > 10+m <sup>2</sup> 2 br units - > 8.75+m <sup>2</sup> 3 br units - > 17+m <sup>2</sup>	10m <sup>2</sup> 12m <sup>2</sup> 16m <sup>2</sup>	Yes No Yes
<b>Communal Open Space Min Dimension 4m &amp; 50m<sup>2</sup></b>	43%	25%	Yes
<b>Sunlight Access</b>	77%	70%	Yes
<b>Housing Choice</b>	38 x 1 br units – 41% 43 x 2 br units - 47% 11 x 3 br units – 12%	10% 10% 10%	Yes Yes Yes
<b>Adaptable Units</b>	30%	30%	Yes

As detailed in the above table, the proposed development does not comply with a number of prescriptive requirements within Council's *HDGP*. 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 includes a listed heritage item of local significance under Schedule 5 of *HLEP* – No. 83 Beecroft Road, Beecroft – *House*. The site is in the vicinity of a heritage item of local significance at No. 9 Chapman Avenue, Beecroft – *St John's Anglican Church* and is within Precinct 5 – Beecroft Village of the Beecroft-Cheltenham Heritage Conservation Area.

The proposed development involves the demolition of five existing dwelling houses and the removal of the majority of the trees on the site. The proposal includes the subdivision of No. 83 Beecroft Road,

Beecroft, to include the area of land at the rear of the heritage listed house in the subject site. The existing house is retained.

Council's Heritage Advisory Committee was generally satisfied with the design of the proposed 5 storey residential development. However, a redesign would be required to accommodate the additional 4 metre setback for the subdivision, to create a visually acceptable curtilage around the heritage item and permit the establishment of effective landscaping along the rear boundary of No. 83 Beecroft Road. The submitted subdivision plan is in accordance with this requirement.

The submitted Statements of Heritage Impact prepared by NBRIS + Partners dated November 2013 and February 2014 include assessments of the proposed development in respect to: subdivision of the heritage listed item, the demolition of the five existing dwelling houses, the removal of existing trees, and the new development.

**a. Subdivision Heritage Item**

The proposal involves the subdivision of Lot 12 DP 758074, No. 83 Beecroft Road, Beecroft to create a new lot for the existing heritage listed house and to include the remaining lot area in the subject site. The existing lot has an area of 1,619m<sup>2</sup>.

Council's Heritage Register's physical description of the item is as follows:

*Late 19<sup>th</sup> century brick house of traditional Georgian style, with steeply pitched metal roof (now in colourbond). Original bullnosed verandah returning to each side. Symmetrical façade with large feature windows either side of central door. Moulded sills. Quoining in slightly darker brick. Flat iron lace verandah columns with lacework brackets and valence. Good chimneys in ashlar render, with mouldings.*

The Heritage Register's Statement of Significance is as follows:

*Rare example in the area of a late Victorian period house in traditional Georgian style. Good quality original detail, including iron lace. Generally in good condition. Integrity compromised by new steel roofing. Local significance.*

The proposed lot for the heritage listed house has an area of 827.7m<sup>2</sup>. The proposed new rear boundary is setback 10m from the rear of the house. The proposed subdivision includes the demolition of an existing outbuilding, construction of four car parking spaces at the rear of the house for the existing commercial use and the erection of a rear boundary fence.

The heritage item is within a high density residential zone. Residential flat buildings (up to 5 storeys) are permissible within the zone under the *Hornsby Local Environmental Plan 2013*.

The proposed subdivision of No. 83 Beecroft Road is an acceptable outcome of the high density residential zoning, to preserve the significant values of the heritage listed house whilst providing for the permissible residential flat building development. The proposed 10m setback of the rear boundary of the lot would create a visually acceptable curtilage around the heritage item and permit the establishment of landscaping along the rear boundary. The submitted landscape plan would complement the item.

The existing outbuilding to be demolished is a modern addition to the property and is of contemporary design and construction. The proposed demolition of the outbuilding would have no adverse effect on the heritage significance of the item. Similarly, the proposed car parking provision is similar to the existing car parking and would not detract from the heritage significance.

A condition is recommended for a hardwood timber paling fence for the new boundary to maintain the existing fencing.

**b. Demolition of five existing dwelling houses**

The site is within the Beecroft-Cheltenham Heritage Conservation Area. The heritage significance of the area is defined in the *HDCA* as follows:

- a. *The Beecroft-Cheltenham Heritage Conservation Area is significant as an example of a government subdivision that was used to fund the development of a railway line. The area developed from 1893 as a township due to its proximity to Beecroft Station.*
- b. *The Heritage Conservation Area demonstrates a multi-layered history of suburban subdivision, re-subdivision and development from the initial boom period of the Victorian crown land subdivision of 1887 to the 1960s, and less noticeably into the present day.*
- c. *The area contains a fine collection of buildings from the Victorian, Federation, Arts and Crafts, Inter-War and Post-war eras. There have been comparatively few demolitions to interrupt the “development diary”, resulting in generally intact early residential fabric and streetscapes.*
- d. *The Beecroft Village Precinct contains an important public reserve and community buildings including the Beecroft School of Arts and the Beecroft War Memorial that represent the aspiration of a growing suburb. The continuing focus in the Beecroft village for day to day activities and community interaction, together with the community buildings, clubs and activities show an enduring sense of community cohesiveness.*

The existing dwelling houses at Nos. 7, 7A, 7B and 7C are examples of post-war housing development comprising 1970s detached project houses and are not considered contributory items in the Beecroft-Cheltenham Heritage Conservation Area. The proposed demolition of the houses would not detract from the heritage significance of the area.

The existing dwelling house at No. 81 Beecroft Road is a large two storey Federation house with many of the original features intact including the extensive garden. The original house site included the land at 7, 7A, 7B and 7C Chapman Avenue. The house was constructed in approximately 1906, was named ‘Shrublands’ and is of brick construction with sandstone foundation and slate roof. The house would be a contributory item to the Beecroft-Cheltenham Heritage Conservation area.

The house was included in Council’s Heritage Review Stage 5 for possible listing as a heritage item. However, inclusion in the review was not progressed as the land was included in Council’s Housing Strategy for five storey residential flat development and rezoned high density residential 2 September 2011. Although the house would be considered a contributory item, the house has no status as a heritage item and is not listed in any heritage inventory. The proposed demolition of the house would be an expected outcome of the rezoning of the land for high density housing which was subject to extensive public consultation in the preparation of Council’s Housing Strategy, the local environmental plan and the development control plan for implementation of the Housing Strategy.

The house at No. 81 Beecroft Road is representative of Federation period housing and a contributory item to the Beecroft-Cheltenham Heritage Conservation Area. In this regard, a condition is

recommended for a photographic and measured drawing record of the house and garden, to be undertaken in accordance with the Office of Environment and Heritage, Heritage Branch guidelines.

**c. Removal of existing trees**

The site includes 109 trees comprising exotic, native trees and locally indigenous specimens of which 59 trees would require removal for the proposed development. There are 15 trees proposed to be transplanted on the site.

The HDCP includes the following heritage conservation prescriptive measure:

*The setting of Beecroft Village should be maintained through the retention of significant landscaping and major trees.*

The site contains 3 trees including Tree No. 105 *Syzygium paniculatum* (Magenta Lilly Pilly), Tree No. 109 *Afrocarpus falcatus* (Yellowwood) and Tree No. 116 *Eucalyptus acmenoides* (White Mahogany), which are identified as major trees.

The submitted Statement of Heritage Impact includes the following comment:

*The removal of substantial native trees like the large Magenta Lilly Pilly and White Mahogany would cause the loss of the Blue Gum High Forest indigenous trees from the site, but this will be ameliorated by replacement planting in the deep soil zone. Many exotic trees will also be removed from the site, replacing the canopy with building bulk in precinct views. Measures to be taken to minimise this impact are the retention of many of the established trees around the perimeter of the consolidated site and the transplanting of numerous existing palm trees and tree ferns. These measures will be supplemented with dense planting to the two street frontages utilising both native and exotic trees, palms and shrubs to assist in maintaining the precinct views and partly concealing the large residential buildings.*

The majority of the trees on the site are contained within the established garden of No. 81 Beecroft Road which includes Trees Nos. 105 and 109. The garden includes 40% of the trees identified on the site. The proposed tree removal would remove the majority of the significant landscaping on the site.

The majority of the trees on No. 81 Beecroft Road that contribute to the significant landscaping are rows of *Cupressus macrocarpa* 'cv' Monterey Cypress, Trees Nos. 13-23 at the rear of the house and Trees Nos. 73-78 at the Beecroft Road frontage of the house. The trees have a height of 16m-18m, are in fair condition, have a short to medium life expectancy and are of moderate significance value. The Monterey Cypress trees along the frontage are under power lines and have been partly lopped. The proposed removal of these non-indigenous trees is considered acceptable given the condition assessment and moderate landscape value.

The major trees proposed for removal at No. 81 Beecroft Road include Trees Nos. 105 and 109 noted above which have a height of 22m and 16m respectively, and Tree No. 104 *Chamaecyparis obtuse* Hinoki Cypress which has a height of 15m, is in good condition, has a long life expectancy and moderate significance. These 3 trees form a single group of trees however, the trees are not readily seen within Beecroft Village being surrounded by the Monterey Cypress trees. The major trees are not readily visible in the streetscape and removal would not significantly detract from Beecroft Village.

Tree No. 116 *Eucalyptus acmenoides* (White Mahogany) is a major tree located at the rear of No. 83 Beecroft Road. The tree has a height of 19m, is in good condition, has a long life expectancy and has exceptional significance value. The tree however, is not readily visible in the streetscape and is largely screened from the surrounding area by the heritage house and the existing trees to be retained.

Whilst a number of species of trees proposed to be removed 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. The submitted landscape plan includes 20 locally indigenous trees that, subject to establishment would contribute to the local tree canopy and the landscape setting of Beecroft Village.

The submitted Statement of Heritage Impact is therefore supported in respect to the proposed removal of existing trees.

Refer also to comments in Section 2.12.7 and Section 3.1.

**d. New Development in a Conservation Area**

The proposed development would adjoin the heritage item at No. 83 Beecroft Road 'Mandalay'. The proposed setbacks from the boundaries of the item's new proposed lot would provide a separation of 14.5m to 20m resulting in an appropriate transition in height, mitigating the bulk and scale of proposed Block B and Block D in relation to the heritage item.

The heritage house 'Mandalay' is setback 7.5m-8.4m from Beecroft Road. The proposed adjoining Block B at the frontage is setback 10m-12m from Beecroft Road. The existing two storey dwelling house on the site of Block B is setback 17m. It is considered the proposed setback of Block B would generally maintain the appearance of the house and the significance of the heritage item in the streetscape.

Proposed Block D would be visible behind 'Mandalay' at the street frontage. The proposed five storey building sited below the level of the heritage house would have a roof height of 162.8m. The ridge height of the roof of 'Mandalay' is 159.4m. A separation of 14.5m-18.9m is proposed. The visual dominance of the proposed building would be mitigated by the separation between the two buildings and the difference in levels and would not significantly detract from the significance of the item when viewed from Beecroft Road.

Proposed Block A and Block B would be opposite St Johns Anglican Church on the south west corner of Beecroft Road and Hannah Street. The church C1907 is a heritage item of local significance. Council's Heritage Register includes the following Statement of Significance:

*Distinguished brick church on prominent corner site. Good example of Gothic style, with fine quality sandstone detailing. Of social and historical significance as a centre of worship for the area. Local significance.*

Proposed Block A and Block B are residential flat buildings of contemporary design well articulated with prominent facades in dark tone face brick. The proposed buildings are setback 12m from Beecroft Road. The proposal includes construction of a traditional decorative low brick wall with no openings along the Beecroft Road frontage and extensive landscaping within the setback area. It is considered the proposed Beecroft Road frontage of the development would not detract from the significance of St Johns Church.

The submitted Statement of Heritage Impact includes the following matter in relation to impact of the new development on the conservation area.

*We consider new proposed development to be neutral to the identified heritage items and contributory items in the surrounding Beecroft-Cheltenham Heritage Conservation Area. The development adopts a consistent contemporary urban modernist style for its design language. It uses no traditional forms such as symmetrical elements, pitched slate or tiled roofs,*

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*traditional spans, and vertically proportioned openings or rusticated masonry. The scale of the development does not have any historical precedent in the conservation area except for the development application for the adjoining consolidated site to the east at 1-5 Chapman Avenue, Beecroft (DA/1432/2013). This redevelopment is of similar scale, form and design to that proposed on the subject site; four separate residential towers located on top of underground basement carparking located in an R4 high density residential land use zone. Historically the proposed residential development will increase the concentration of development occurring near the railway station, which is a continuation of the development theme in Beecroft since the station opened C1886. The site is sufficiently distant from contributory elements and setback adequately from heritage items in the conservation area that further sympathetic features designed for fit within the conservation area that further sympathetic features designed for fit within the conservation area are not necessary. The addition of extensive landscaping and screen tree planting adjacent to the heritage items will act as a visual buffer and backdrop to the items.*

The submitted statement is supported in respect to the impact of the new development on the Chapman Avenue and Beecroft Road streetscape and the heritage conservation area. In this regard, the proposed development is considered satisfactory in respect to the *HD*CP heritage conservation prescriptive measures for the Beecroft Heritage Precinct.

### **2.12.3 Site Requirements**

The proposed consolidated site includes the proposed subdivision of the heritage site of No. 83 Beecroft Road which would provide an appropriate curtilage for the heritage item to be retained and allow consolidation for development in accordance with the R4 High Density Residential zoning.

The subject site complies with the minimum 30m site width requirement. The proposed development would not result in an isolated site.

### **2.12.4 Height**

The natural ground level of the site has been altered for the construction of the existing dwelling houses fronting Chapman Avenue and the earlier formation of Chapman Avenue which is elevated to the site.

The applicant has extrapolated a natural ground line for the design of the development to resolve the changes in existing levels resulting from the cut and fill. The extrapolated ground levels generally align with the fall of Chapman Avenue and the more gradual fall from Beecroft Road in the southern part of the site.

The proposal includes the use of fill at the Chapman Avenue frontage of the site. The proposed development is stepped west to east and north to south across the site.

The proposed buildings exceed the maximum 17.5m building height at the lift overrun of each building. The proposed variation of the height limit is discussed in Section 2.1.3.

Proposed Block A at the corner of Beecroft Road and Chapman Avenue is stepped to the sloping site and includes a lower ground floor residential level at the eastern elevation. The lower ground floor level is partly below the level of Chapman Avenue. In this regard, the proposed building would appear predominantly as five storey from Chapman Avenue. The proposed building includes a six storey element at the south eastern corner of Level 7 in non-compliance with the *HD*CP maximum five storey

height limit. The non-compliance is acceptable as the element is a relatively minor 16m<sup>2</sup> in floor area, is internal to the site and would not contribute to the bulk and scale of the building.

Proposed Block B has frontage to Beecroft Road and adjoins the heritage item 'Mandalay'. The proposed building is stepped to the site and includes a lower ground floor lobby, communal room and amenities. The proposed ground floor is partly below the level of Beecroft Road. The building would appear 4-5 storey at the Beecroft Road frontage. At the south eastern corner of the building the basement would extend 3m above ground. The floor levels above this section are stepped in compliance with the maximum five storey height limit including basement 1m above ground.

Proposed Block C has frontage to Chapman Avenue and would appear five storey at the Chapman Avenue frontage. The south east corner the basement level extends above ground. The floor levels above are stepped in compliance with the maximum five storey height limit.

Proposed Block D is internal to the site and adjoins the rear of the heritage item at No. 83 Beecroft Road. The building would appear five storey when viewed from the heritage item. The proposed building includes a lower ground floor level at the eastern elevation. The fifth floor is partly six storey over the lower ground floor level involving approximately 105m<sup>2</sup> of floor space in non-compliance with the *HDCP* maximum five storey height limit. The floor level is in compliance with the 17.5m maximum height limit. In respect to the non-compliance the applicant makes the following submission:

*In this regard we draw your attention to the provisions of section 74C(5) of the Environmental Planning and Assessment Act, 1979 which provides that a DCP provision whenever made has no effect to the extent that it is substantially the same as an LEP provision applying to the land or is inconsistent or compatible with any such LEP provision. In our opinion, the DCP restriction on the number of storeys is clearly inconsistent with the LEP height control.*

*In any event, on a merit based assessment, it is apparent that the minor areas of non-compliance with this DCP provision are not visible from the public domain. Additionally, they are well setback from any common boundary and would not be visible from any adjacent property, particularly when viewed from ground level. Also, the areas of non-compliance have no adverse shadow impact.*

The applicant's contention is acknowledged in respect to Clause 74BA of the *Environmental Planning and Assessment Act, 1979* which is discussed in Section 2.10 of this report.

#### **2.12.5 Setbacks**

The site has two street frontages and is subject to a 12m setback from Beecroft Road and a 10m setback from Chapman Avenue. The eastern boundary of the site is to be regarded as a side boundary and not a rear boundary which would require a 10m setback, to ensure appropriate development in accordance with the objectives of the R4 High Density Residential Zone.

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 Block A and Block C encroach on the setback to 9m. The encroachment is acceptable with regard to the articulation and scale of the proposed buildings in the Chapman Avenue streetscape.

The proposed setbacks to the adjoining heritage item at No. 83 Beecroft Road provide an appropriate transition in scale to retain the significance of the item as discussed in Section 2.12.2.

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

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## **2.12.6 Building Form and Separation**

### **a. Building Separation**

The four proposed residential flat buildings are separated by courtyards in an axis arrangement. The separations between the buildings range from 12m+ to 9m other than the 6m separation between Block A and Block B. The proposal includes appropriate treatment of opposing balconies and windows separated by less than 12m with the use of privacy screens, privacy louvers, highlight windows and translucent windows.

The proposed separation between Block A and Block B is in non-compliance with the HDCP requirement for a minimum 9m separation between buildings. The proposed 6m separation includes a 4m x 4m deep soil zone and would be acceptable with regard to the scale of the proposed development in the heritage streetscape, which is mitigated by the 17m building width of Block B at the Beecroft Road frontage and the 13.8m separation with the adjoining heritage item 'Mandalay'. Notwithstanding the non-compliance, the proposed development achieves the *HDCP* built form key principle to:

*To reflect the established pattern of detached-dwellings + maintain glimpses of canopy backdrops from Chapman Avenue; limit the width of new facades that would be visible from any street and divide the floorspace of every new building into well-articulated pavilion forms that are separated by courtyards with canopy trees.*

The adjoining proposed Building A of DA/1432/2013 at Nos. 1, 3 and 5 Chapman Avenue would have a 17m-19m separation with proposed Block C. Building B of the adjoining proposed development would have a 10m-12.5m separation with proposed Block D and includes privacy screens to the opposing balconies.

Proposed Block D has a separation of 10m-12m with the adjoining previously proposed Module shopping centre redevelopment (DA/545/2013) and includes privacy screen treatment.

The proposed top floors of Block C and Block D align with the fourth floors of Block A and Block B and have separations of 16m-19m. The floors include appropriate privacy screens, highlight windows and translucent windows.

The separation between the proposed buildings is acceptable in respect to the *HDCP* prescriptive measures for building separation.

### **b. Building Form**

The proposed buildings are well articulated with the various elements appropriately proportioned to minimise the bulk and scale of the development. The proposed buildings comply with the articulation prescriptive measures for visual separation of façade elements and stepping.

The proposed buildings comply with the maximum floorplate dimensions and include 4m x 4m indentations where the floorplates exceed 25m.

An amended schedule of materials and finishes has been submitted which proposes exterior walls predominantly in darker tone face brick with different colour brick used to distinguish the four buildings. Lower level balustrades are in painted cement render. Upper level balustrades are in translucent glass. The painted finishes complement the darker tone brick. The top floor exterior walls are painted 'natural white' appropriate to lighten visual dominance of the top level.

The proposed balconies include external, partly recessed and wrapround corner balconies.

The proposed built form is satisfactory in achieving the *HDCP* desired outcome for the Beecroft Heritage Precinct and would complement the adjoining proposed development at 1, 3 and 5 Chapman Avenue (DA/1432/2013).

#### **2.12.7 Landscaping**

The submitted Arboricultural Impact Assessment details 124 trees of which trees T102 and T114 have been removed and trees T4, T5, T6, T7, T28, T29, T30, T31, T34, T35, T36, T38 and T113 adjoin the eastern boundary of the site and are subject to removal for the adjoining proposed development (DA/1432/2013).

There are 109 trees on the site subject of the proposed development including 7 locally indigenous trees (T8, T10, T43, T95, T105, T106 and T116). Of these trees 59 (including T95, T105, T106 and T116) would be removed and 15 trees would be transplanted in accordance with the submitted landscape plan. The landscape plan includes the planting of 20 locally indigenous canopy trees including 3 *Angophora costata* (Sydney Red Gum), 2 *Eucalyptus saligna* (Sydney Blue Gum) and 15 *Syncarpia glomulifera* (Turpentine), in appropriate deep soil locations that would contribute to the local tree canopy and compensate for the loss of 4 locally indigenous trees.

The landscaping plan includes retention of existing trees, shrubs and hedges, the transplanting of on-site exotic landscape specimens and replacement planting of trees and shrubs in keeping with the plants to be removed from the established gardens.

The proposed landscaping of the Beecroft Road and Chapman Avenue frontages of the site would contribute to the streetscape and complement the presentation of the development. The landscaping of the central axis courtyards would provide green corridors and feature canopy trees within deep soil between Block A and Block C and Block A and Block B. A condition is recommended for redesign of the pathway around the edge of the deep soil area between Block A and Block C and a planting of single canopy tree to ensure success of the tree.

Landscaping along the upper part of eastern boundary is limited by the existing stormwater drainage infrastructure to screen planting. The lower part of the boundary would provide for canopy trees which would combine with the proposed landscaping of the adjoining development to contribute the local tree canopy. A condition is recommended requiring planting changes to avoid infrastructure conflicts.

A condition is recommended for street tree plantings along the nature strip.

The proposed landscaping complies with the *HDCP* prescriptive measures and would achieve the desired outcome for landscaping within the Beecroft Heritage Precinct.

Refer also to comments in Section 3.1.

#### **2.12.8 Open Spaces**

The majority of the proposed balcony open space areas are of adequate size and dimension and meet the prescriptive measure of the *HDCP*. Outdoor clothes drying areas are separately provided and screened or are additional to the balcony open space areas.

The proposed 8.75m<sup>2</sup> balconies for Units D205 and D306 are less than the required 12m<sup>2</sup> at a minimum dimension of 2.5m. The balconies however have a total area of 13.6m<sup>2</sup> of dimension 2m which is acceptable in respect to the SEPP 65 - Residential Flat Design Code criteria.

The proposed communal open space areas include the provision of an central outdoor barbeque facility, communal courtyard and arbor areas and lawn areas with seating at the Chapman Avenue frontage. The proposed communal open space areas 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 units of the four proposed buildings are oriented to the street frontages and to the axis courtyards. The lobbies of the buildings are accessed off the axis courtyards via a central pedestrian pathway off Chapman Avenue.

The proposed pedestrian accessways and communal courtyard areas are appropriately treated for separation from individual ground floor unit entries and private open space by planters and screen planting.

Opposing balconies and windows with less than 12m separation are fixed with privacy louvers and translucent glass for privacy. Proposed Block D at the eastern elevation would include opposing balconies with the adjoining proposed development at 1, 3 and 5 Chapman Avenue (DA/1432/2013). The proposed Block D balconies include privacy screens. A condition is recommended for the privacy screens to be sliding stackable louvered metal screens extendable to the full width of the balconies.

At the southern boundary, the submitted plans detail a pedestrian pathway via the adjoining Beecroft Module Shopping Centre site. 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.

Appropriate conditions are recommended for security access, crime prevention and graffiti management.

Subject to recommended conditions the proposal would meet the *HDCP* desired outcome for privacy and security.

#### **2.12.10 Sunlight and Ventilation**

The site is generally advantaged by the open aspect to the northern and western frontages in respect to solar access. The majority of proposed units have dual aspect to include either the north, west or east aspect, 80% of units are of design for cross ventilation. Only one unit has a single aspect to the south.

The proposed buildings are stepped to the site which falls to the south-east. The communal courtyard and BBQ area between Block C and Block D would be substantially overshadowed 22 June. The common open space area at the Chapman Avenue frontage would comply with the *HDCP* solar access requirement.

The applicant submitted a Solar Access Report prepared by Mr Steve King, consultant architect which demonstrates 77% of the proposed units would receive a minimum of 2 hours of sunlight to living areas and private open space, 22 June.

The proposed units would meet the *HDCP* desired outcome for sunlight and ventilation.

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### 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.

### 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 subject to recommended conditions. The proposal includes 20 surplus car parking spaces. A condition is recommended for a minimum of 13 visitor car parking spaces and 3 motor cycle parking spaces. The proposal includes shared bicycle storage for residents and visitors which is acceptable.

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 across the property opposite the site at No. 16 Chapman Avenue. The owner of No. 16 Chapman has agreed to landscaping to mitigate light spill from the adjoining proposed driveway at 1, 3 and 5 Chapman Avenue as a condition of consent for DA/1432/2013. A similar condition is recommended for the proposed development.

Refer also to discussion in Section 3.2.2.

### 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.

Vehicular access from Wongala Crescent through the commercial precinct is not available to the proposal in respect to the principle for access. Access from Chapman Avenue is confined to the subject proposal and the adjoining proposed development DA/1432/2013.

## 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 site includes existing trees subject to provisions under the *Threatened Species Conservation Act 1995* including Tree No. 105 *Syzygium paniculatum* (Magenta Lilly Pilly), Tree No. 116 *Eucalyptus acmenoides* (White Mahogany) and Trees Nos. 5, 7 and 43 *Eucalyptus saligna* (Sydney Blue Gum).

Tree No. 105 *Syzygium paniculatum* (Magenta Lilly Pilly) is an endangered plant species listed under Schedule 1 of the *Threatened Species Conservation Act 1995*. Tree No. 116 *Eucalyptus acmenoides* (White Mahogany) is a remnant tree of the endangered ecological community Sydney Turpentine Ironbark Forest, also listed under Schedule 1 of the Act. Trees Nos. 5, 7 and 43 *Eucalyptus saligna* (Sydney Blue Gum) are characteristic of Sydney Turpentine Ironbark Forest and Blue Gum High

Forest, a critically endangered ecological community. *Eucalyptus acmenoides* (White Mahogany) however, is not found in Blue Gum High Forest community.

The site also provides potential foraging habitat for the locally endangered population of *Callocephalon fimbriatum* (Gang-gang Cockatoo), the threatened bat *Mormopterus norfolkensis* (Eastern Freetail-bat) and *Miniopterus schreibersii oceanensis* (Eastern Bent-wing Bat).

The applicant has submitted a Flora and Fauna Impact Assessment (7 Part Test - effect on threatened species) prepared pursuant to Section 5A of the *Environmental Planning and Assessment Act, 1979* by Keystone Ecological Pty Ltd. The assessment states Tree No. 105 *Syzygium paniculatum* (Magenta Lilly Pilly) is native to the Sydney region but is found naturally only in littoral or gully rainforest on sandy soils. The tree is a popular tree in horticulture and would have been planted on the site. Tree No. 116 *Eucalyptus acmenoides* (White Mahogany) is a slow growing species and is a remnant old growth tree characteristic of Sydney Turpentine Ironbark Forest. The three *Eucalyptus saligna* (Sydney Blue Gum) including Tree No. 43 located on the Chapman Avenue nature strip and Tree No. 5 and Tree No. 7 located on the adjoining site, are also characteristic of Sydney Turpentine Ironbark Forest which occurs in the local area.

The assessment concludes that a significant impact is not likely to occur upon the listed threatened species or endangered ecological communities or their habitats. This is largely due to the small area of habitat to be removed, the highly fragmented nature of the vegetation and habitats of the site and the lack of critical habitat features such as hollow-bearing trees. No further ecological investigations (such as Species Impact Statement or Commonwealth Referral) are therefore warranted.

The proposed development would necessitate the removal of 59 trees from the site; 95% of the trees to be removed are exotic species. Council's tree assessment concludes that three of the trees to be removed, Tree No. 105 *Syzygium paniculatum* (Magenta Lilly Pilly), Tree No. 109 *Afrocarpus falcatus* (Yellowwood) and Tree No. 116 *Eucalyptus acmenoides* (White Mahogany), are 'significant trees'. The trees are located within the central part of the site and retention of the trees would be difficult to achieve in design for five storey residential flat buildings permissible in accordance with R4 High Density Residential zoning. The removal of the trees is acceptable subject to replacement tree planting. Refer also to discussion in Section 2.12.2 c.

The submitted landscape plan includes the planting of 20 locally indigenous canopy trees including 3 *Angophora costata* (Sydney Red Gum), 2 *Eucalyptus saligna* (Sydney Blue Gum) and 15 *Syncarpia glomulifera* (Turpentine). The landscaping plan is acceptable for replacement tree planting and in maintaining the local tree canopy, subject to recommended conditions to ensure successful plant establishment.

## **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 proposed development would generate 22 vehicles in the peak hour. The existing traffic volumes in Chapman Avenue are in the order of 250 vehicles per hour. The adjoining development under DA/1432/2013 would generate 15 vehicles in the peak hour. The expected traffic generation for Chapman Avenue resulting from high density residential development in the street is less than the 300 vehicle per hour environmental capacity of a local residential street. Chapman Avenue is classified as a Local Road designated to carry up to 500 vehicles per hour in accordance with Hornsby Shire Council's Road Hierarchy Plan.

The proposed traffic generation is therefore acceptable in Chapman Avenue.

Chapman Avenue is subject to regular on-street parking by commuters and parents to nearby Arden School. The location of the proposed driveway, as far as possible from the intersection with Beecroft Road, is of advantage in minimising traffic conflict near the intersection with Beecroft Road. The driveway is to cater to small rigid waste collection vehicles and a condition is recommended for the accessway to comply with AS2890.2002 Parking Facilities Part 2: Off Street Commercial Vehicle Facilities for small rigid vehicles.

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 Beecroft Heritage 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 Heritage Beecroft 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*".

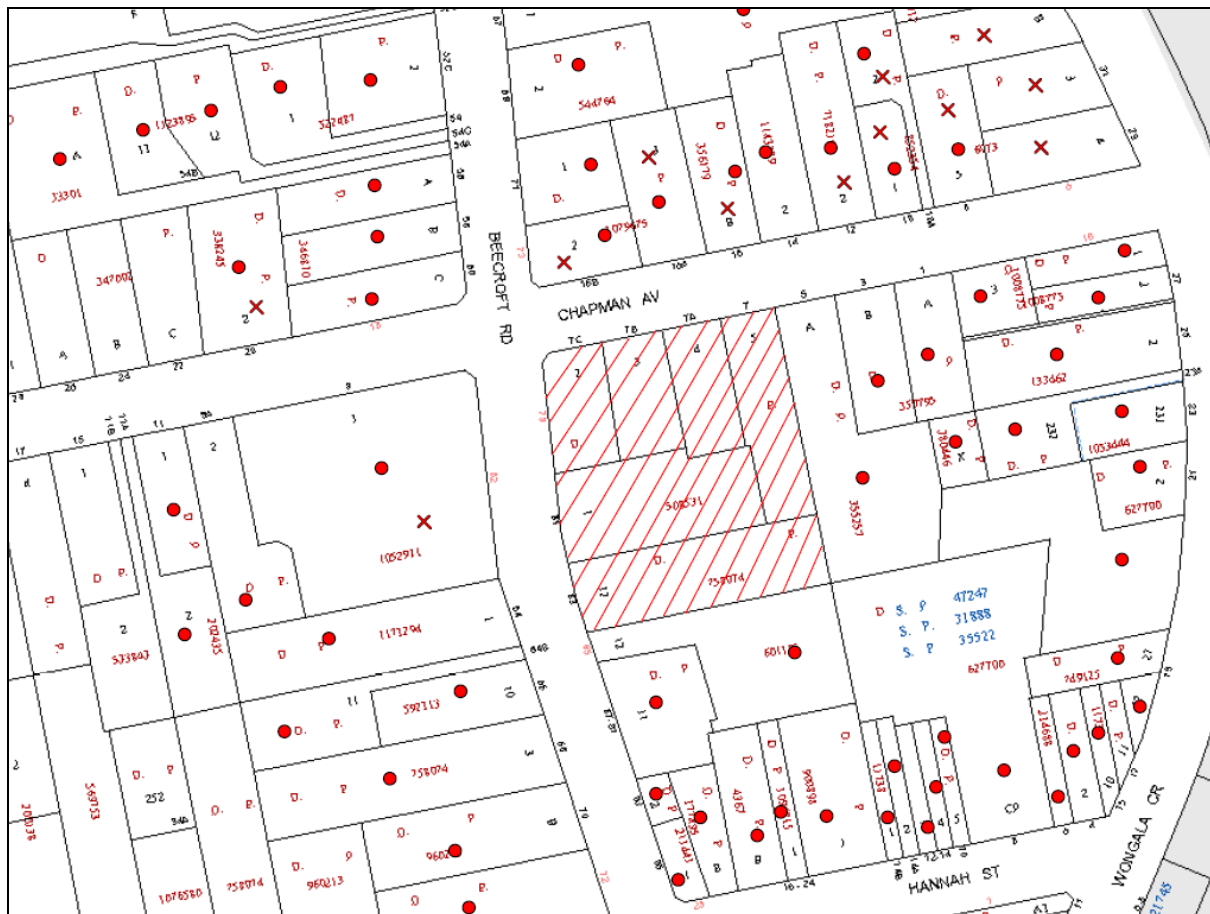
The subject site has not been identified as bushfire prone or flood prone land. The site is considered to be capable of accommodating the proposed development subject to ground water extraction and water proof basement design. The scale of the proposed development is consistent with the capability of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

## **5. PUBLIC PARTICIPATION**


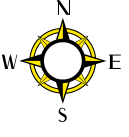
Section 79C(1)(d) of the Act requires Council to consider *“any submissions made in accordance with this Act”*.

### **5.1 Community Consultation**

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 26 February and 28 March 2014 in accordance with *HDCP* notification requirements. The application was further notified for amended plans between 7 May and 21 May 2014. During these periods, Council received 31 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	
7 SUBMISSIONS RECEIVED OUT OF MAP RANGE			

#### 5.1.1 Submissions Original Proposal

13 submissions objected to the development as originally proposed. The grounds for objection are discussed as follows:

- **Non-compliance maximum 17.5m building height, 5 storey height limit and basement height above ground**

The proposed building height is acceptable in respect to the applicant's submitted justification for non-compliance with the 17.5m maximum building height, pursuant to Clause 4.6 of *HLEP*, as the impact of the height exceeded by the lift overruns is relatively minor.

The non-compliance of the proposed six storey component of the development and basement level above ground with the *HDGP* is in compliance with the 17.5m building height of the *HLEP*. In this regard, adherence to the *HDGP* provision for a maximum of five storey including basement above

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ground would be contrary to Clause 74BA of the *Environmental Planning and Assessment Act, 1979* in respect to the maximum building height.

- **Impact on traffic safety Chapman Avenue**

The proposed traffic generation is within the capacity of Chapman Avenue as a designated Local Road.

- **Headlight spill residences opposite**

A condition is recommended for landscaping along the frontage of the property opposite the proposed driveway to mitigate light spill from vehicle headlights.

- **Vehicle access should be from Wongala Crescent**

The proposed provision of vehicle access from Chapman Avenue is acceptable in accordance with the key development principle of HDCP, as access from Wongala Crescent is unavailable for the proposed development.

- **Poor landscaping plan, lack locally indigenous trees and no provision for deep soil between buildings**

Amended plans have been submitted including a revised landscaping plan which is acceptable in providing for locally indigenous plant species and for deep soil plantings between Block A and Block B and Block A and Block C.

- **Materials and finishes not consistent with heritage conservation area**

A revised schedule of materials and finishes has been submitted which is acceptable in respect to the *HDCP* requirement for the Beecroft Heritage Precinct. The revised schedule includes greater use of face brickwork and darker tones which are consistent with the requirements of the *HDCP* 2013.

- **Insufficient setback from heritage item 83 Beecroft Road**

The proposed 10m rear boundary setback from the heritage listed house provides adequate curtilage to maintain the setting and heritage significance of the house. The proposed built form of Block A allows sufficient transition to maintain the contribution of the item to the streetscape.

- **Heritage assessment inadequate**

The existing house at No. 81 Beecroft Road is not identified as an item of heritage under the provisions of the *HLEP* 2013. The house is representative of Federation period housing and a contributory item to the Beecroft-Cheltenham Heritage Conservation Area. A condition is recommended for a photographic and measured drawing record of the house and garden, to be undertaken in accordance with the Office of Environment and Heritage, Heritage Branch guidelines.

- **House at 81 Beecroft Road should be retained with 83 Beecroft Road**

The house at No. 81 Beecroft Road forms part of a consolidated site for five storey residential flat development as detailed in the *HDCP* key development principles diagram for the Beecroft Heritage Precinct (residential area). The heritage item at No. 83 Beecroft Road is to be retained.

- **Existing Beecroft Road fence unacceptable**

The proposal as amended is for the existing fencing along the Beecroft Road frontage to be replaced with 900mm decorative high brick fencing which would contribute to the heritage streetscape.

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- **Non-compliance SEPP 65 building depth, setback adjoining buildings and open space for ground floor units**

The *HDCP* includes requirement for compliance with Design Quality – SEPP 65. Notwithstanding the *HDCP* includes separate provision for building form and separation and private open space. The proposed development is acceptable in this regard.

- **Encroachment 10m setback Chapman Avenue**

The proposal complies with the Chapman Avenue 10m setback other than the encroachment of proposed balconies to 9m. The minor encroachment with the setback would provide building articulation and would not result in excessive bulk and scale in the Chapman Avenue streetscape.

- **Non-compliance rear setback**

The proposed treatment of the eastern site boundary as a side setback is acceptable with regard to the extensive street frontages of the site and the compliance with the required front setbacks.

- **Non-compliance separation between buildings**

The proposed non-compliance with the *HDCP* requirement for a 9m separation between Block A and Block B is acceptable with regard to the proposed design for privacy between opposing units, the reduced width of Block B and the pattern of built form in the streetscape.

- **Unacceptable dwelling mix with too many 1 bedroom units**

The proposed dwelling mix complies with the prescriptive measure of the *HDCP* for housing choice.

#### **5.1.2 Submissions Amended Proposal**

18 submissions objected to the amended proposal including 11 submissions from previous respondents. The grounds for objection in addition to that in Section 5.1.1 above are discussed as follows:

- **Design does not relate to heritage conservation area and St Johns Church**

The revised materials and finishes, landscaping plan and provision for decorative brick fencing along the Beecroft Road frontage would contribute to the heritage streetscape and maintain the heritage significance of St Johns Church.

- **Retain tree No. 116 within heritage curtilage 83 Beecroft Road**

The proposed subdivision would provide an appropriate curtilage to retain the heritage significance of the house at No. 83 Beecroft Road. Retention of Tree No. 116 would prevent development of the site which is permissible under the R4 High Density Residential zoning of the land.

- **Remnant trees endangered species and endangered ecological community**

Tree No. 105 *Syzygium paniculatum* (Magenta Lilly Pilly) is an endangered plant species in its natural habitat. However, the tree is a horticultural planting on the site.

Tree No. 116 *Eucalyptus acmenoides* (White Mahogany) is a remnant tree of the endangered ecological community Sydney Turpentine Ironbark Forest. The removal of the tree would not significantly impact on the ecology of the endangered ecological community. The submitted landscape plan includes replacement planting of species of this vegetation community.

## **5.2 Public Agencies**

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The development application is Integrated Development under the Act in requiring the approval of the NSW Office of Water. The application is also subject to concurrence of Roads and Maritime Services pursuant to State Environmental Planning Policy (Infrastructure) 2009.

#### **5.2.1 Roads and Maritime Services**

The Roads and Maritime Services provided advisory comments for the proposed development in respect to site access requirements, traffic generation and the impact of road noise of Beecroft Road.

The advisory comments have been considered and are incorporated in recommended conditions.

#### **5.2.2 NSW Office of Water**

The NSW Office of Water has advised General Terms of Approval under the Water Management Act 2000 for Construction Dewatering subject to recommended conditions.

### **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 development would be in the public interest.

### **7. CONCLUSION**

The proposed development is for the demolition of existing structures and construction of four, five storey residential flat buildings and basement car park, subdivision of two lots into two (Heritage Item) and strata subdivision.

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 not detract from the heritage significance of the adjoining heritage item at No. 83 Beecroft Road, the Beecroft-Cheltenham Heritage Conservation Area or the heritage items in the vicinity of the site including St Johns Church.

The non-compliance of the proposed buildings 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 lifts overruns as submitted by the applicant, pursuant to Clause 4.6 of *HLEP*.

The non-compliance with the *HDCP* prescriptive measure for 9m building separation is acceptable with regard to privacy treatment and the heritage streetscape of Beecroft Road.

The proposed subdivision would provide an appropriate curtilage to retain the heritage significance of the heritage item at No. 83 Beecroft Road and provide for the existing use for commercial purposes.

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The proposal involves the removal of trees including significant trees. The proposed tree removal is acceptable subject to replacement tree planting and implementation of the submitted landscape plan. The proposed development would not impact on the significance of endangered plant species or endangered ecological community.

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 *HDGP* in respect to stormwater management, earthworks and slope, waste management and services and lighting, subject to recommended conditions.

The proposal is integrated development subject to General Terms of Approval of the NSW Office of Water for Construction Dewatering concerning the aquifer on the site.

A total of 31 submissions were received in response to the proposal.

The application is recommended for approval.

#### ATTACHMENTS

1. Locality Map
2. Site Survey
3. Subdivision Plans
4. Demolition Plan / Site Plan
5. Site Analysis
6. Basement Level
7. Levels 1 - 7
8. Roof Plan
9. Elevations
10. Sections
11. Materials
12. Landscape Plan
13. Tree retention / Removal
14. Streetscape Photomontage

## 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:

<b>Plan No.</b>	<b>Drawn by</b>	<b>Dated</b>
DP Draft Issue D – Plan of Subdivision	Gary Edwards	11/07/2014
2413 T01 Issue 03 – Subdivision Heritage Property Showing Carpark Layout	Krikis Taylor Architects Pty Ltd	15/07/2014
2413 Drawing A00 Issue 04 Title Sheet, Demolition Plan & Site Plan	Krikis Tayler Architects	07/04/2014
2413 Drawing A01 Issue 04 Site Analysis	Krikis Tayler Architects	07/04/2014
2413 Drawing A02 Issue 06 Basement Level 1	Krikis Tayler Architects	25/06/2014
2413 Drawing A03 Issue 06 Level 1	Krikis Tayler Architects	25/06/2014
2413 Drawing A04 Issue 08 Level 2	Krikis Tayler Architects	25/06/2014
2413 Drawing A05 Issue 08 Level 3	Krikis Tayler Architects	25/06/2014
2413 Drawing A06 Issue 04 Level 4	Krikis Tayler Architects	07/04/2014
2413 Drawing A07 Issue 04 Level 5	Krikis Tayler Architects	07/04/2014
2413 Drawing A08 Issue 04 Level 6	Krikis Tayler Architects	07/04/2014
2413 Drawing A09 Issue 03 Level 7	Krikis Tayler Architects	07/04/2014
2413 Drawing A10 Issue 03 Roof Plan	Krikis Tayler Architects	07/04/2014

2413 Drawing A19 Issue 06 North & South Elevations	Krikis Tayler Architects	18/07/2014
2413 Drawing A20 Issue 06 East & West Elevations	Krikis Tayler Architects	18/07/2014
2413 Drawing A21 Issue 05 Internal North & South Elevations	Krikis Tayler Architects	18/07/2014
2413 Drawing A22 Issue 05 Internal East & West Elevations	Krikis Tayler Architects	18/07/2014
2413 Drawing A23 Issue 02 Section A	Krikis Tayler Architects	27/11/2013
2413 Drawing A24 Issue 02 Section B	Krikis Tayler Architects	25/03/2014
2413 Drawing A25 Issue 01 Section C	Krikis Tayler Architects	15/05/2014
2413 Drawing A26 Issue 01 Section D	Krikis Tayler Architects	15/05/2014
2413 Drawing A50 Issue 04 Material Sheet 1	Krikis Tayler Architects	30/06/2014
2413 Drawing A51 Issue 04 Material Sheet 2	Krikis Tayler Architects	30/06/2014
2413 Drawing A52 Issue 04 Material Sheet 3	Krikis Tayler Architects	30/06/2014
LA01 Revision D Tree Retention And Removal Plan	Taylor Brammer Landscape Architects	30.06.2014
LA02 Revision D Landscape Plan	Taylor Brammer Landscape Architects	30.06.2014
LA03 Revision B Landscape Plan Level 6 Level 7	Taylor Brammer Landscape Architects	30.06.2014
LA04 Revision D Landscape Elevations	Taylor Brammer Landscape Architects	30.06.2014
LA05 Revision B Landscape Details	Taylor Brammer Landscape Architects	30.06.2014

Document	Prepared by	Dated
Aboricultural Impact Assessment	Tree Wise Men	February 2014
Geotechnical Investigation	JK Geotechnics	6 December 2013
BASIX Certificate No. 524210M	Max Brightwell	5 February 2014
BCA Compliance Report No 1380 Rev B	James Alexander & Associates Pty Ltd	January 2014
Statement of Compliance Access For People With A Disability	Accessible Building Solutions	17.12.2013
Waste Management Plan	McGregor Environmental Services	December 2013
Traffic And Parking Assessment Report	Varga Traffic Planning Pty Ltd	27 January 2014
SEPP 65 Solar Access Compliance	Steve King	22 April 2014
Design Verification Statement	Nick Tayler	20 January 2014

## 2. Removal of Existing Trees

This development consent permits the removal of those tree(s) identified in Section 5.3 'Tree Removal' of the Arboricultural Impact Assessment, prepared by Tree Wise Men Australia Pty Ltd dated February 2014. 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) Provision for waste and recycling bins in accordance with Drawings SK140415-01 Block A – Level 2, SK140415-02 Block A – Levels 3, 4 & 5, SK140415-03 Block A – Level 6, SK140415-04 Block A Level 7, SK140415-05 Block B Levels 3, 4 & 5, SK140415-06 Block B Level 6, SK140415-07 Block B Level 7, SK140415-08 Block C Level 2, SK140415-09 Block C Levels 3, 4 & 5, SK140415-10 Block C Level 6, SK140415-11 Block D Levels 2, 3 & 4, SK140415-12 Block D Level 5, SK140415-13 Block D Level 6 and SK140415-14 Level 1 Basement Bins Holding Rooms.
- b) To ensure success of the canopy tree required within the deep soil courtyard planter between Block A and Block C the area is to be redesigned with the path located to the edge of the planter and only one tree installed at a pot size of 200 litres.

## 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. 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	\$61,814.75
Open Space and Recreation	\$977,216.80
Community Facilities	\$136,262.85
Plan Preparation and Administration	\$4,029.85
<b>TOTAL</b>	<b>\$1,117,934.25</b>

being for 38 x 1 bedroom units, 43 x 2 bedroom units, 13 x 3 bedroom units and includes credit for six existing allotments.

- a) If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions

of the Hornsby Shire Council Section 94 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

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

**Where:**

**\\$C<sub>PY</sub>** is the amount of the contribution at the date of Payment.

**\\$C<sub>DC</sub>** is the amount of the contribution as set out in this Development Consent.

**CPI<sub>PY</sub>** is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

**CPI<sub>DC</sub>** 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](http://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 THE SUBDIVISION CERTIFICATE FOR THE SUBDIVISION OF TWO LOTS INTO TWO**

**6. Interallotment Stormwater Drainage of Heritage Property - 83 Beecroft Road**

The interallotment stormwater drainage system for the subdivision 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 the existing Council-controlled piped drainage system running through 5 Chapman Avenue, Beecroft, using fully accessible 900 mm x 900 mm square precast concrete pits, grated pit tops and stepirons;
- b. The works are to be designed by a qualified Engineer in accordance with Council's *Design and Construction Specification 2005*;

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- c. The existing building at No. 83 Beecroft Road and attendant paved areas shall be connected to the proposed interallotment drainage system;
  - d. A Subdivisions Construction Certificate Application with the proposed interallotment drainage work shall be applied for, from either Hornsby Council or a B-Category Accredited Certifier. The amount for both the Construction Certificate assessment fee and Compliance Inspection fee are determined by prior quotation;
  - e. A Works-As-Executed plan must be prepared by either a Registered Surveyor or Engineer and submitted to the Principal Certifying Authority showing drainage details, and surface and invert levels of all drainage works;
  - f. A Subdivision Certificate Application shall be applied for from Hornsby Council, along with payment of the scheduled fee;
  - g. The deposited plan shall show the proposed consolidation of lots and the proposed interallotment drainage easement to service No. 83 Beecroft Road.
  - h. A Section 73 Certificate from Sydney Water shall be submitted with the Subdivision Certificate Application;
  - i. A copy of the Registered Consolidation Plan and interallotment drainage easement shall be submitted to the Principal Certifying Authority for the proposed building works, prior to the release of the Construction Certificate for those works.

## **7. Car Parking and Deliveries**

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

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

## **8. Completion of Landscaping**

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

*Note: Advice on suitable species for landscaping can be obtained from Council's planting guide 'Indigenous Plants for the Bushland Shire', available at [www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au).*

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**9. Boundary Fencing**

Timber paling fencing must be erected along the new common boundary to a height of 1.8 metres.

<b>REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – RESIDENTIAL FLAT DEVELOPMENT</b>
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**10. Building Code of Australia**

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

**11. Fire Safety Upgrade**

To ensure the protection of persons using the building and to facilitate egress from the building in the event of a fire, the application for a construction certificate must demonstrate that it will comply with the following Category 1 fire safety provisions:

- a) Comply with Section C,D and E of the Building Code of Australia
- b) The basement car park is to comply with Part E2.2b and Part E1.5 of the Building Code of Australia
- c) Fire Safety Statement - Annual

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

**12. 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.

**13. 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.*

#### **14. 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](http://www.sydneywater.com.au) or telephone 13 20 92 for assistance.*

#### **15. Adaptable Units**

The details of the adaptable units Nos A201, A305, A405, A504, A605, A701, B301, B401, B501, B602, C202, C203, C204, C303, C403, C503, D101, D102, D103, D104, D203, D204, D205, D304, D305, D306, D404 and D405 must be provided with the Construction Certificate Plans.

#### **16. Dilapidation Report**

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

No. 83 Beecroft Road, Beecroft

#### **17. Noise**

Certification by a suitably qualified acoustic consultant is to be submitted that the development is of design to mitigate road noise in accordance Clause 102 of *State Environmental Planning Policy (Infrastructure) 2009* to achieve LAeq levels not exceeding 35 dB(A) in any bedroom in the development at any time between 10pm and 7am and not exceeding 40 dB(A) anywhere else in the built development (other than a garage, kitchen, bathroom or hallway) at any time.

#### **18. Excavation**

A detailed geotechnical assessment of the site by a chartered structural engineer is to be undertaken for the design of the basement excavation and support, groundwater drainage, basement and foundation design.

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**19. 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".

**20. Waste Management Details**

The following waste management requirements must be complied with:

- a) On each residential level, there must be a waste facility including a 240 L recycling bin plus either a garbage chute or a 240 L garbage bin.
- 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.

<b>REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS – RESIDENTIAL FLAT DEVELOPMENT</b>
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**21. 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.

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*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.*

## **22. 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.*

## **23. 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*.

## **24. 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.*

## **25. Tree Protection Barriers**

Tree protection fencing must be erected around trees to be retained in accordance with the Tree Protection Plan (Appendix E) and Section 5.2 of the Arboricultural Impact Assessment, prepared by Tree Wise Men Australia Pty Ltd dated February 2014.

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

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**26. Project Arborist**

A Project Arborist is to be appointed in accordance with AS 4970-2009 (1.4.4) to provide monitoring and certification throughout the development process.

**27. Tree Protection Barriers**

Tree protection fencing must be erected around trees to be retained in accordance with the Tree Protection Plan (Appendix E) and Section 5.2 of the Arboricultural Impact Assessment, prepared by Tree Wise Men Australia Pty Ltd dated February 2014.

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

**28. Heritage Conservation**

A photographic and measured drawing record of the dwelling-house, outbuildings and garden at No. 81 Beecroft Road, Beecroft shall be taken by a suitable qualified professional prior to the demolition of any structures or garden features on the site. The photographic record should be undertaken in accordance with the Office of Environment and Heritage, Heritage Branch guidelines and two (2) complete copies submitted to Hornsby Council. The photographic and measured drawing record shall include (but not be limited to) an accurate record of the exterior and interior of the dwelling-house, all physical features that contribute to their cultural significance, original and significant elements of the garden, and the context of the site. Any boarding over window and door openings shall be removed for the duration of the archival recording to provide a clear recording of the built form and materials. Satisfaction of this condition shall be confirmed by written advice by Council's Strategic Planning Branch.

<b>REQUIREMENTS DURING CONSTRUCTION – RESIDENTIAL FLAT DEVELOPMENT</b>
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**29. 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.

**30. Construction Workers Vehicles**

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

**31. Demolition**

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

- a) Demolition material must be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan;

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

### **32. Environmental Management**

The site must be managed in accordance with the publication '*Managing Urban Stormwater – Landcom (March 2004)*' and the *Protection of the Environment Operations Act 1997* by way of implementing appropriate measures to prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction of the development.

### **33. Street Sweeping**

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

### **34. 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.*

### **35. 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.

### **36. 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.

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**37. 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.

**38. 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 the Tree Protection Zone (as per AS 4970-2009) of any tree must be in accordance with Section 5.2 'Tree Retention' of the Arboricultural Impact Assessment, prepared by Tree Wise Men Australia Pty Ltd dated February 2014.

*Note: Except as provided above the applicant is to ensure that no excavation, including sub-surface trenching for stormwater or other services or the filling or stockpiling of building materials, parking of vehicles or plant, the use of machinery other than hand held, disposal of cement slurry, waste water or other contaminants is to occur within the Tree Root Zone as prescribed in the HDCP Section 1B.6.1(i) of any tree to be retained.*

**39. Waste Management Details**

Waste management during the demolition and construction phase of the development must be undertaken in accordance with the approved Waste Management Plan. Additionally written records of the following items must be maintained during the removal of any waste from the site and such information submitted to the Principal Certifying Authority within fourteen days of the date of completion of the works:

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

Note: In accordance with the Protection of the Environment Operations Act 1997, the definition of waste includes any unwanted substance, regardless of whether it is reused, recycled or disposed to landfill.

**REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION OR SUBDIVISION CERTIFICATE  
– RESIDENTIAL FLAT DEVELOPMENT**

*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.*

**40. Fulfilment of BASIX Commitments**

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

**41. 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.

**42. Sydney Water – s73 Certificate**

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

**43. 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 for the unit development.
  - b) Connected to Council pit via an inter allotment easement for the subdivision in accordance with Council's Civil Works Specifications 2005.
  - c) 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
  - d) Be designed by a Chartered Professional Engineer of the Institution of Engineers, Australia.

#### **44. 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.

#### **45. Water Quality**

Stormwater leaving the premises 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).

#### **46. Overland Flowpath, Floor Level and Drainage Easement**

- a) An overland flowpath is to be constructed for a 1 in 100 ARI storm event shall be constructed generally in accordance with drawing number 1722-DASW03, Issue C, dated 21<sup>st</sup> July, 2014, prepared by HKMA Engineers, assuming that the Council pipe of 450mm diameter will be fully blocked during the storm event. The velocity depth product of the overland flow shall not exceed 0.4m<sup>2</sup>/sec.

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- b) 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) After completion of works a works as executed plan is to be submitted to Council.
  - e) Fences across overland flowpath shall be hinged at a height of 0.5m above the 100 year ARI overland flow level
  - f) No trees whose roots can impact on Council stormwater pipe is to be planted within Council's drainage easement.

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

#### **47. 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.*

#### **48. 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.

#### **49. 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 is to be constructed along Chapman Road 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 Chapman Avenue 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) Kerb and gutter along Beecroft Road frontage are to be replaced to Roads and Maritime Services (RMS) specifications. Stamped plans by RMS are to be submitted for issue of a construction certificate by Council. A Road Occupancy Permit is to be obtained from RMS for carrying out the works.
  - d) A construction certificate application is to be submitted to Council for approval.

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

#### **50. 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.
- g) The plan for carrying out works on Beecroft Road is to be approved by RMS.

#### **51. 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

#### **52. 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.

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**53. Ground Water Treatment**

The ground water is to be treated in accordance with the requirements of NSW Department of Primary Industries, Office of Water and approval obtained from the department prior to commencement of construction works.

**54. Creation of Easements**

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

- a) 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.
- b) The creation of an appropriate "Positive Covenant" and "Restriction as to User" over the constructed on-site detention/retention systems and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title.
- c) To register the OSD easement, the restriction on the use of land "works-as-executed" details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the "works-as-executed" plan and supported by calculations.
- d) An inter-allotment drainage easement(s) over each of the burdened lots.

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

**55. Retaining Walls**

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

**56. 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.

**57. Pedestrian Access**

- a) The pedestrian access at the southern boundary through the adjoining car park of No. 16-24 Hannah Street is subject to an easement being obtained for the right of access.

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**58. Unit Numbering**

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

**59. 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.*

**60. 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.

**61. Certificate of Preservation of Survey Marks**

A certificate by a Registered Surveyor shall be submitted to the Principal Certifying Authority, certifying that there has been no removal, damage, destruction, displacement or defacing of the existing survey marks in the vicinity of the proposed development or otherwise the re-establishment of damaged, removed or displaced survey marks has been undertaken in accordance with the Surveyor General's Direction No.11 – "Preservation of Survey Infrastructure".

**62. 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.

**63. Planting changes**

- a) The location of the *Eucalyptus saligna* (Sydney Blue Gum) in the Chapman Avenue landscape setback is to be relocated to the north eastern turf area
- b) The northern *Syncarpia glomulifera* (Turpentine) close to the driveway nominated in the Chapman Avenue landscape setback is to be relocated within the front setback area due to conflicts with stormwater works.
- c) The four Turpentine located along the eastern side of the driveway are to be removed due to conflicts with stormwater works. Two of these Turpentine are to be relocated into the Chapman Avenue landscape setback area.

**64. Street Tree Plantings**

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Planting to the public verge on the Chapman Avenue frontage to include a minimum of six (6) *Pyrus ussuriensis* (Manchurian Pear) installed at minimum 45 litre pot size. These are to be located between proposed footpath and kerb.

**65. 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.*

**66. 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.

**67. Garbage Collection Easement**

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

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

**68. Waste Management Details**

The following waste management requirements must be complied with:

- a) The bin storage room(s) on level 1 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.

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

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

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

- iii. All waste was taken to site(s) that were lawfully permitted to accept that waste.
- c) A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the issue of the Subdivision/Occupation Certificate, certifying that the finished access way (including ramp, loading bay and site entry/exit) to be used by waste collection vehicles, complies with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for small rigid vehicles.
- d) Each unit must be provided with an indoor waste/recycling cupboard for the interim storage of a minimum one day's waste generation with separate containers for general waste and recyclable materials.
- e) Space must be provided for either individual compost containers for each unit or a communal compost container;
- f) *Note: The location of the compost containers should have regard for potential amenity impacts.*
- g) The bin carting routes must be devoid of any steps.

*Note: Ramps between different levels are acceptable*

#### **69. Provision for National Broadband Network (NBN)**

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

<b>OPERATIONAL CONDITIONS – RESIDENTIAL FLAT DEVELOPMENT</b>
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#### **70. Maintain Canopy Cover**

Replacement planting shall be in accordance with the approved landscape plan LA-02 provided by Taylor Brammer dated 30.06.2014.

- a) Tree plantings must be appropriately spaced and placed outside the drip-line of retained trees and located at a distance greater than four metres (4m) from the foundation walls of a dwelling or in-ground pool.
- b) Plantings that fail to survive or do not exhibit normal health and vigour growth characteristics for their species prior to reaching a height greater than three metres (3m), must be replaced at the expense of the property owner.

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

#### **71. 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.

#### **72. 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, ensuring cars do not park in the loading bay and that all residents are informed of the use of the waste management system.
- b) "No Parking" signs must be installed to prevent cars parking in the loading bay.

#### **GENERAL TERMS OF APPROVAL FOR CONSTRUCTION DEWATERING – NSW OFFICE OF WATER**

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 91A of the Environmental Planning and Assessment Act 1979 and must be complied with to the satisfaction of that Agency. These terms do not represent any form of authorisation for the extraction of groundwater.

#### **73. General**

- a) An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The

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authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.

- b) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
- c) Construction methods and material used in and for construction shall not cause pollution of the groundwater.

**74. Prior to excavation**

- a) Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken and a report provided to the NSW Office of Water. A schedule and indicative plans of the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
- b) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the calculation method shall be included in the report.
- c) A copy of a valid development consent for the project shall be provided to the NSW Office of Water.
- d) Groundwater quality testing shall be conducted and a report supplied to the NSW Office of Water. Samples must be taken prior to the commencement of pumping, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
- e) The method of disposal of pumped water shall be nominated (i.e. street drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (tailwater) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirement of the relevant controlling authority.
- f) Contaminated groundwater shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

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**75. During excavation**

- a) Piping or other structures used in the management of pumped groundwater (tailwater) shall not create a flooding hazard. Control of pumped groundwater (tailwater) is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
- b) Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
- c) Pumped groundwater (tailwater) shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The PH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater (tailwater) shall be complied with.
- d) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
- e) The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
- f) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety precautions.

**76. Following excavation**

- a) All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

END OF GENERAL TERMS OF APPROVAL FOR CONSTRUCTION DEWATERING

<p><b>CONDITIONS OF CONCURRENCE – ROADS AND MARITIME SERVICES</b></p>
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<p>The following conditions of consent are from the nominated State Agency pursuant to Section 79b of the Environmental Planning and Assessment Act 1979 and must be complied with to the satisfaction of that Agency.</p>
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**77. Construction Zone**

All demolition and construction vehicles must be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Beecroft Road.

#### **78. Site Excavation**

For general site excavation associated with the development, the Applicant is to comply with the requirements of the Technical Direction (GTD 2012/001) – Excavation Adjacent to RMS Infrastructure. This will require the Applicant to submit detailed design drawings and geotechnical reports to the RMS for assessment. The Applicant is to meet the full cost of this assessment by the RMS. A copy of the Technical Direction can be downloaded via the following link:

<http://www.rta.nsw.gov.au/doingbusinesswithus/engineeringpolicies/technicaldirections.html>

**- 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**

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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.

### **Subdivision Certificate Requirements**

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

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

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

### **Fees and Charges – Subdivision**

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

### **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](http://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](http://www.environment.nsw.gov.au)

[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)

[www.adfa.org.au](http://www.adfa.org.au)

[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

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