JOINT REGIONAL PLANNING PANEL
(Sydney West Region)

JRPP No	2014SYW059
DA Number	DA/390/2014
Local Government Area	Hornsby Shire Council
Proposed Development	Construction of two x 5 storey residential flat buildings containing 87 units and basement car park.
Street Address	Lots 1 – 6 DP23694, Nos. 9 – 19 Amor Street and No. 20 Bouvardia Street, Asquith
Applicant/Owner	Applicant: Amordev Pty Ltd. Owners: Mr E J Connors, Mrs ME Connors, Mr PJ Napoli, Mr U Nadanapatham, Mrs R G Nadanapatham, Mr W J Bartlett, Mrs J Junfang Bartlett, Mr B C Baker, Mr C Hong Goh, Ms W Nee Lee.
Number of Submissions	Three submissions have been received
Regional Development Criteria (Schedule 4A of the Act)	General Development Over $20 Million
List of All Relevant s79C(1)(a) Matters	• Hornsby Local Environmental Plan 2013 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development • State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy - Sydney Regional • Environmental Plan (Sydney Harbour Catchment) 2005 • Hornsby Development Control Plan 2013
List all documents submitted with this report for the panel's consideration	Locality Map, Site Survey, Basement Plans (2), Floor Plans (6), Roof Plan, Section, Elevations (2), Schedule of Finishes (5), Landscaping Plan (1),

	Photomontage, Stormwater Plans (4)
Recommendation	Approval with Conditions
Report by	Meadhbh Nolan, Town Planner

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

1. The application proposes demolition of the existing structures and construction of two, five storey residential flat buildings containing 87 units and two levels of basement parking.

2. The major environmental assessment issues for this application are the design quality and aesthetics of the proposed residential flat buildings, streetscape and local character impacts, internal residential amenity and stormwater, tree removal and landscaping.

3. The proposal generally complies with the provisions of *Hornsby Local Environmental Plan 2013*, *State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development*, the Residential Flat Design Code, and relevant local planning instruments and policies.

4. It is recommended that the application be approved.

RECOMMENDATION

THAT Development Application No. 390/2014 for demolition of the existing structures and construction of two five storey residential flat buildings containing 87 units at Lots 1 – 6 DP23694, Nos. 9 – 19 Amor Street and No. 20 Bouvardia Street, Asquith be approved subject to the conditions of consent detailed in Schedule 1 of this report.

BACKGROUND

- The site forms part of the 'Bouvardia Street, Asquith' precinct rezoned for medium-high density housing in accordance with the Hornsby Shire Housing Strategy in September 2011. The precinct is bounded by Bouvardia Street, Pacific Highway, Amor Street and Wattle Lane.

- Pre-lodgement meetings were held with Council on 8 January 2014.

- The Development application was lodged on 17 April 2014.

- On 26 June 2014, the Sydney West Joint Regional Planning Panel was briefed regarding the development proposal.

- On 18 July 2014, the Applicant submitted amended plans to address issues raised by Council officers concerning building height, number of storeys, articulation of the south and west elevations, waste collection, stormwater drainage and landscaping.

- On 18 August 2014, the Applicant submitted further amended plans and a design statement to address issues raised by Council officers concerning the basement height, the character of the street, bulk and scale of the development and stormwater drainage.

- The amended plans are the subject of this report.

SITE

The site comprises six allotments, Nos. 9 to 19 Amor Street and No. 20 Bouvardia Street Asquith and is located on the southern side of Amor Street, at the corner of Bouvardia Street.

The site is irregular in shape and has an area of approximately 4,407.4m^2. The site has a frontage of 45.63m to Bouvardia Street and a frontage of 100.73m to Amor Street. The site adjoins Nos. 5 and 7 Amor Street to the east which have been identified for the purpose of a future local road in accordance with Clause 5.1A of *Hornsby Local Environmental Plan 2013.* This would result in a road frontage of 49.68m to the extended Wattle Lane.

The site has a slope of 9m over a distance of approximately 100m from the north-eastern corner to the north-western corner of the site. There are a number of exotic and indigenous tree species throughout the existing allotments. A Council drainage easement traverses the site connecting to a Council drainage pit at the corner of Amor and Bouvardia Streets.

Existing improvements on the site include six dwelling-houses with associated garages, carports and outbuildings. Vehicular access to the allotments is via five existing driveways from Amor Street and one driveway from Bouvardia Street.

The site adjoins the R2 – Low Density zone at the Amor and Bouvardia Street frontages. Development on the opposite side of the streets includes single and two storey residential dwellings. To the south, the site adjoins Asquith Commercial Centre. This area is zoned B2 Local Centre to facilitate buildings to a height of 12m to 32.5m. The area directly adjoining the site to the south currently accommodates a Coles supermarket and carpark. The site directly to the south of No. 20 Bouvardia Street is zoned R4 – High Density and has been approved for 35 residential units (Development Consent No. 971/2014). The site is within 300m of Asquith Railway station.

PROPOSAL

The application is for demolition of six dwelling houses and ancillary outbuildings, and construction of two residential flat buildings containing 87 residential units and two levels of basement parking.

The unit mix would comprise of 14 x 1 bedroom, 10 x 1 bedroom plus study, 33 x 2 bedroom, 20 x 2 bedroom plus study and 5 x 3 bedroom and 5 x 3 bedroom plus study units. Building A (to the west of the site) would accommodate 44 units and Building B would accommodate 43. Each building would include a central lift providing access to each level and basement carparking. The buildings would include balconies fronting the street, rear and side setbacks.

Vehicular access to the development would be from Bouvardia Street via a driveway located close to the south-western boundary of the site. Pedestrian access would be provided from Amor Street through a central courtyard area. This would provide access to all levels connecting the foyers of both buildings.

A total of 110 car parking spaces, including 13 visitors' parking spaces are proposed in two basement levels.

The site would drain to the Council drainage system at the corner of Amor and Bouvardia Streets via a below ground detention tank and a rainwater garden. Drainage of the site would involve the relocation of the existing Council easement and drainage infrastructure to the southern side of 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 2036 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 provided a framework for Council in its preparation of the Hornsby Local Environmental Plan 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 be consistent with the *Metropolitan Plan for Sydney 2031* by providing 81 additional dwellings and would contribute to housing choice in the locality.

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 regulations"*.

1.1 Hornsby Local Environmental Plan 2013

The relevant provisions of the Plan are discussed below:

1.1.1 Land Use Zones and Permissibility

The subject land is zoned R4 (High Density Residential) under the *Hornsby Local Environmental Plan 2013 (HLEP).* The objectives of the zone are:

a) To provide for the housing needs of the community within a high density residential environment.

b) *To promote a variety of housing types within a high density residential environment.*

c) *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 'residential flat building' under the *HLEP* and is permissible in the zone with Council's consent.

1.1.2 Height of Buildings

Clause 4.3 of the *HLEP* provides that 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 permissible height for the subject site is 17.5 metres. The proposal complies with this provision.

1.1.3 Heritage Conservation

Clause 5.10 of the *HLEP* sets out heritage conservation provisions for Hornsby Shire. The site does not include any heritage item and is not in the vicinity of a heritage item. The site is not located within a heritage conservation area identified in the *HLEP* and is not subject to consideration for heritage conservation. Therefore, no further assessment in this regard is necessary.

1.1.4 Earthworks

Clause 6.2 of the *HLEP* states that consent is required for earthworks on site. Before granting consent for earthworks, Council is required to assess the impacts of the works on adjoining properties, drainage patterns and soil stability of the locality.

Council's assessment of the proposed earthworks and excavation concludes that the proposal is satisfactory subject to conditions regarding submission of a dilapidation report to identify any impact of excavation on adjoining properties.

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

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

The site has been used for residential purposes and is unlikely to be contaminated. No further assessment is considered necessary in this regard. A condition is recommended should any contamination be found during construction requiring that Council or the Private Certifying Authority be notified.

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

The Policy provides for design principles to improve the design quality of residential flat development and for consistency in planning controls across the State. The applicant has submitted a "Design Verification Statement" prepared by a qualified designer stating that the

proposed development achieves the design principles of SEPP 65. An assessment against the design principles prepared by a registered architect accompanies the application.

Following a review of the proposal, Council officers raised initial concerns regarding the built form in relation to the adjoining low density developments. At the request of Council, the application was reviewed by an urban designer who noted that:

> *'In relation to urban design quality, the development proposal achieves a high degree of compliance with local numeric controls. However, evaluation according to qualitative considerations raises a number of concerns which demand further design amendments…*
>
> *Design quality concerns arise from details of exterior architecture which would accentuate scale of proposed building forms and which, as a consequence, would not contribute to reasonable visual compatibility with the surrounding low density…*
>
> *Deficiencies in relation to design quality have been amplified by drafting errors and by inconsistencies between various sets of plans and supporting documents which are elements of this development application…'*

The urban design report also noted that the proposal achieves compliance with Building Height, Setbacks, Floorplates, Articulation and Solar Access controls. The main concern was in relation to the inconsistencies between the documents submitted and the treatment of the facades addressing both streets.

In response to the concerns raised, the applicant submitted amended plans including detailed elevation plans, schedules of finishes for each façade and a landscape plan. The applicant also provided a response to the design quality issues raised by the the urban design report noting:

> *'The proposal complies with Hornsby DCP 2013 in terms of the Height, Setbacks, Building Form and Separation, and Landscaping controls and could not be accused of not contributing to visual compatibility in terms of scale with the surrounding low density zone. It should be noted that compliance with these four key DCP controls has been achieved on a difficult site with a slope of 9 metres from the top of Amor Street to Bouvardia Street.*
>
> *The high degree of compliance with the numeric controls of the Hornsby LEP, Hornsby DCP and SEPP 65 is what principally determines urban design outcomes from both a residential amenity perspective for occupants of the development while also ensuring that the development is compatible with the desired future character of the neighbourhood with regard to bulk, scale, open space and landscaping.'*

The amended plans and both urban design responses are discussed in relation the design principles of SEPP 65 below.

1.3.1 Principle 1 - Context

Design Principle 1 is as follows:

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

Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

The subject site is located within the 'Bouvardia Street Asquith' precinct zoned for five storey residential flat buildings in close proximity to the Asquith shopping centre, Hornsby Town Centre and Asquith Railway Station. The desired future character of the area, as outlined in the *Hornsby Development Control Plan 2013*, is that of a high density residential precinct incorporating five storey developments in garden settings with parking in basements.

The *SEPP 65* assessment indicates that the proposal responds to the desired future character of the precinct as envisaged by Council. Two well-articulated buildings are proposed with canopy trees to maintain the landscaped setting. Once the development of the precinct is completed, the proposal would integrate with the surrounding sites and would be in keeping with the desired urban form. It is considered that the proposed buildings would contribute to the identity and future character of the precinct.

The development responds suitably to the 'context' principle of *SEPP 65*, considering the desired future character of the area.

1.3.2 Principle 2 – Scale

Design Principle 2 is as follows:

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

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

In relation to the scale of the proposal addressing the corner of Amor and Bouvardia streets, the design review made the following recommendation:

By adjusting building forms to achieve a more-coherent transition between northern and western elevations of Building A, and downplaying or eliminating the proposed planar walls which currently provide a sheer backdrop facing the street corner the proposal would be acceptable;

In response to this, the proposed architectural frames on Building A were reduced by 1.6m on this corner. In addition to this, the material of the adjoining planar wall was changed from rendered finish to Victorian Blue Boral brick creating interest in the façade and also a transition to the western elevation. This would be implemented on the first three levels of the

wall section with the fourth level incorporating a rendered and scored finish reducing the appearance of scale and also softening the façade corner at the junction.

The applicant further submits that, to soften the perceived architectural strength and scale of the proposed building forms/frames, the depth of the frames has been reduced by 1m for Building B and 1.6m for Building A from the original proposal. The applicant also notes the use of neutral colours of grey, white and charcoal and earthy greens and red/browns have also been incorporated to keep within the leafy context of the area.

These measures have reduced the perceived scale of the development and the proposal is considered appropriate for the site and consistent with the desired future character of the precinct. The scale of the development is in accordance with the required building height and setbacks for the precinct and provides an architectural composition that achieves the required pavilion built form to minimise bulk and scale.

1.3.3 Principle 3 – Built Form

Design Principle 3 is as follows:

> *Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.*
>
> *Appropriate built form defines the public domain, contributes to the character of streetscape and parks, including their views and vistas, and provides internal amenity and outlook.*

The proposed buildings are well articulated on each elevation with recessed walls, balcony projections and the appropriate use of materials and finishes. A flat roof form has been adopted for the buildings with an increased top storey setback to minimise bulk and height of the building and to mitigate amenity impacts to adjoining properties. The proposal complies with the built form principle of *SEPP 65*.

1.3.4 Principle 4 – Density

Design Principle 4 is as follows:

> *Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).*
>
> *Appropriate densities are sustainable and consistent with the existing density in an area or in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.*

The *HLEP* does not incorporate floor space ratio requirements for the site. The density of the development is governed by the height of the building and the required setbacks.

The proposal complies with the height requirement of the *HLEP* and setbacks controls of *Hornsby Development Control Plan 2013*. The proposed density is considered to be sustainable as it responds to the regional context, availability of infrastructure, public transport, community facilities and environmental quality and is considered acceptable in terms of density.

1.3.5 Principle 5 – Resource, Energy and Water Efficiency

Design Principle 5 is as follows:

> *Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.*
>
> *Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.*

The applicant has submitted BASIX Certificate No. 534089M for the proposed development. In achieving the required BASIX targets for sustainable water use, thermal comfort and energy efficiency, the proposed development achieves the design criteria and is considered acceptable in this regard.

Water quality management would be implemented on the subject site to treat stormwater runoff from the site. As part of the treatment plan the engineering plans indicate that, all roof water would be collected and directed to a rainwater tank for reuse in irrigation toilet flushing and car washing. This would further aid in the achievement of the desired outcomes of Principle 5.

1.3.6 Principle 6 – Landscape

Design Principle 6 is as follows:

> *Good design recognises that together landscape and buildings operate as an integral and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.*
>
> *Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.*
>
> *Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbour's amenity, and provide for practical establishment and long term management.*

The urban design review provided the following recommendations in relation to the proposed landscaping:

> *Supported by appropriate amendments of the landscape plan to downplay height of the ground floor in Building A relative to street levels, incorporating boundary walls that do not emphasise the depth of proposed excavations, and preferably eliminating the proposed outdoor garbage store (or providing effective screening if an alternative location cannot be achieved) would the proposal would be acceptable.*

The applicant responded to the above and proposes screen landscaping around the waste collection room, increased dense planting surrounding the protruding basement wall on the north western corner of the site and provision of a masonry wall and fence to a height of 1.2m around the site which are considered appropriate.

The application includes a landscape concept plan providing landscaping along the street frontage, side and rear boundaries. Additionally, large trees intercepted by shrubs and hedges are proposed to be planted along the periphery in addition to retention of trees within the site and the road reserve. This would soften the appearance of the development when viewed from the street. Deep soil zones are provided around the building envelope and also between the buildings to the south of the site which would enhance the natural environmental performance of the development and provide an appropriate landscaped setting.

Given the above, the proposal satisfies the intent of the 'Landscaping' principle of SEPP 65.

1.3.7 Principle 7 – Amenity

Design Principle 7 is as follows:

> *Good design provides amenity through the physical, spatial and environmental quality of a development.*
>
> *Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.*

The proposed units are designed to achieve natural ventilation, solar access and acoustic privacy. All units incorporate balconies accessible from living areas and privacy has been achieved through appropriate design. Storage areas have been provided within each unit and within the basement levels. The proposal would provide convenient and safe access via a central lift connecting the basement and all other levels. The proposal satisfies the 'Amenity' principle of SEPP 65.

1.3.8 Principle 8 – Safety and Security

Design Principle 8 is as follows:

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

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

The design orientates the balconies and windows of individual apartments towards the street, between buildings, rear and side boundaries, providing passive surveillance of the public domain and communal open space areas.

Both the pedestrian and vehicular entry points are secured and visible from Amor Street and Bouvardia Street. The main communal open space is proposed to be located between the two buildings and is accessible from the lobbies of each building via a central pathway. The area would be overlooked by balconies and ground level terraces adding increased surveillance opportunity to the area.

The proposal includes an assessment of the development against crime prevention controls in the Statement of Environmental Effects. Subject to the imposition of conditions of consent addressing the above matters, the proposal is supported in respect of safety and security.

1.3.9 Principle 9 – Social Dimensions and Housing Affordability

Design Principle 9 is as follows:

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

New development should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

New development should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.

The Hornsby Development Control Plan 2013 includes prescriptive measures for housing choice and for adaptable housing provisions. The proposal provides a varied housing mix and adaptable housing and is supported in respect to this Principle.

1.3.10 Principle 10 – Aesthetics

Design Principle 10 is as follows:

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the

development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

In relation to the aesthetics of the built form, the design review raised the following comment:

In order to soften architectural strength and scale of proposed building forms, by incorporating an additional layer of architectural detailing such as sun-control screens, which should be complemented by appropriate detailing and colouring of balustrades, balcony surrounds and penthouse-level walls;

In response, the applicant submitted a detailed Schedules of Finishes for each elevation addressing the concerns in relation to scale. On the northern elevation, to soften the perceived scale of the two building frames, the applicant modified the colour of two sections of balcony spandrels from grey to white. Applying the white colour to these balcony spandrels weakens and dilutes the visual impact of the white frames. The western elevation was discussed in Section 1.3.2 above.

In relation to the suggestion of additional sunscreens, the applicant states that sun-control screens would strengthen the scale of the frames creating boxed enclosures within the balconies. The applicant notes that the reduced scale of the frames and use of coloured sections between the vertical panels and below provides a design that is clean, simple, uncluttered and has the capacity to age well over time. The response also notes that the simple design would allow the surrounding landscape to become the prominent feature on the streetscape.

The architectural treatment of the buildings is generally consistent with the design principles contained within the Residential Flat Design Code and *Hornsby Development Control Plan 2013.* It is considered that the aesthetic quality of the buildings would contribute to the desired future character of the precinct. A detailed assessment of the built form and the aesthetics of the development are contained in Section 2.7 of this report.

2. 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 SEPP 65. The following table sets out the proposal's compliance with the Code:

Residential Flat Design Code			
Control	**Proposal**	**Requirement**	**Compliance**
Deep Soil Zone	25%	Min 25%	Yes
Communal Open Space	25%	25-30%	Yes
Ground Level Private Open Space	$17m^2$ - unit A104	$25m^2$	No

		Min Dimension 4m	
Dwelling Size	$59m^2 – 72m^2$ $76m^2 – 90m^2$ $100m^2 - 116m^2$	1 br – $50m^2$ min. 2 br – $70m^2$ min. 3 br – 95 m^2 min.	Yes Yes Yes
Unit Depth and Maximum Kitchen Distance	Unit numbers - A105, A108 A210, A310, A308, b302, A410, B104, B208, B408, B402, B502, and B507 are 10m	8m	No
Minimum Balcony Depth	2m	2m	Yes
Ceiling Heights - Residential Floors	2.7m	2.7m (Min)	Yes
Total Storage Area	No insufficient storage provided in units	$6m^3$ (Min) $8m^3$ (Min) 10 m^3 (Min) 50% accessible from the apartments	No
Dual Aspect & Cross Ventilation	51 units – 59%	60%	No
Adaptable Housing	26 units - 30%	10%	Yes

As detailed in the above table, the proposed development complies with the prescriptive measures within the Residential Flat Design Code (RFDC) other than the minimum dimensions of the ground floor open space, maximum kitchen distance from a window, cross ventilation and storage areas. Below is a brief discussion regarding the relevant development controls and best practice guidelines.

2.1.1 Ground Floor Apartments and Private Open Space

The private open space areas for units A104, A105 and B103 do not comply with the *Code's* best practice for the 25m² minimum open space areas for ground floor open spaces. Notwithstanding, these units provide open space in accordance with *HDCP* in excess of the requirement for one, two and three bedroom units. The proposed ground floor open space areas are considered appropriate for the respective ground floor units in respect to dwelling size, aspect (all are north facing), unit configuration and amenity.

The private open space areas have been designed in accordance with the requirements of Council's *Hornsby Development Control Plan 2013* which states that the deep soil area within the setbacks of the development should be retained as communal open space. The objective of this control is to provide a landscaped setting to the development. As such, a minimum depth of 2.5m has been provided and the numerical non-compliance is considered to be minor and thus acceptable. Furthermore, the site is within walking distance of Storey Park

and Asquith Community Centre which would provide added open space and amenity for residents.

2.1.2 Apartment Layout

The proposed development includes a mix of single aspect and corner units including one, two and three bedroom apartments. The habitable areas of all units would be well ventilated and the balconies are orientated to maximise solar access. The proposal presents a minor noncompliance in relation to cross ventilation. The proposal includes 59% of units with cross ventilation and the *RFDC* requires 60%. The development includes units which exceed the required area and only 4 units are south facing and single aspect. The noncompliance with the cross ventilation requirement is considered a minor difference given the overall amenity of the development.

It is also noted that there are a number of windows missing from the plans which are shown on the cross ventilation analysis and have been included in the calculation. A condition of consent is included in Schedule 1 of this report requiring windows in the bedrooms of units A101, B104, A105 and A502 to ensure cross ventilation is achieved in accordance with *the Code*. The windows have been omitted in error on the final plans.

The development includes an appropriate mix of units which address the *RFDC* requirements for well organised and functional units whilst also including units which contribute to housing affordability. In this regard, a range of unit sizes are proposed.

The *RFDC* requires that the back of a kitchen should be no greater than 8m from a window. Of the 87 units proposed 13 (14%) contain kitchens where the back wall is up to 10m from a window. These units offer an open layout with natural ventilation. In addition to this, the submitted BASIX certificate indicates that a ducted ventilation system is required in each kitchen to ensure appropriate ventilation. Accordingly, the minor non-compliance is acceptable with respect to residential amenity.

Given the irregular shape of the site, the typical floor layouts indicate that the apartments would include regular shaped rooms and apartment layouts which are functional and satisfy the *RFDC* requirements for internal privacy, access to sunlight, natural ventilation and acoustic privacy.

It is considered that the apartment layout and mix achieves the intent of the best practice requirements of the *RFDC* and is acceptable in this regard.

2.1.3 Internal Circulation

The proposed development includes access to all floors via a lift. The ground floor corridor also provides level access to the communal open space. The internal corridors provide access to ten units in Building A on Levels 1 – 3 and provide access to nine units on Levels 1 – 4. This exceeds the *Code's* requirements for a maximum of eight units to be accessed via a single lift. An analysis of the floor plans indicate that all units in Building B are within 8m of the lift and the majority of the units are within 8m of the lift in Building A. The internal layout has emerged as a result of the design efforts to maximise the number of north, east and western

facing units. In this instance, the provision of cross over units and minimisation of south facing units has offset the minor non-compliance with the rule of thumb.

The proposal is acceptable with respect to the requirements of the *RFDC* for internal circulation**.**

2.1.4 Acoustic Privacy

The internal layout of the residential units is designed so that noise generating areas would adjoin each other wherever possible. Storage or circulation zones would act as a buffer between units. Bedrooms and service areas such as kitchens, bathrooms and laundries would be grouped together wherever possible. The proposal is consistent with the *RFDC* for acoustic privacy.

2.1.5 Storage

The storage areas are provided at the basement levels and additional storage areas are also provided within the apartments. The storage areas provided in the units are not all compliant with the *Code's* best practice guidelines and accordingly, a condition of consent is included in Schedule 1 of this report to ensure adequate storage is provided in both the basement and in units. The spaces provided in the basement exceed that required by the *RFDC* and are assessed as satisfactory.

2.2 State Environmental Planning Policy (Infrastructure) 2007

The application has been assessed against the requirements of *State Environmental Planning Policy (Infrastructure) 2007*. This Policy contains State-wide planning controls for developments adjoining busy roads. The development has been considered in relation to Clause 104 and Schedule 3 of *SEPP (Infrastructure).* Clause 104 states:

1) *This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*

   a) *new premises of the relevant size or capacity, or*

   b) *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

2) *In this clause,* ***relevant size or capacity*** *means:*

   a) *in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*

   b) *in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*

The proposal is for construction of 87 units and the site is located 112m from Pacific Highway. Accordingly, the proposal is not considered a traffic generating development in terms of

Clause 104 or Schedule 3 of the policy. Therefore, referral of the application to the RMS is not required. The proposal is acceptable in terms of SEPP Infrastructure.

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

The application has been assessed against the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. The proposal includes BASIX Certificate No. 535112M for the proposed units and is considered to be satisfactory.

2.4 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 underutilised land within the Shire.

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

The site is located within the catchment of the Hawkesbury Nepean River. Part 2 of this Plan contains general planning considerations and strategies requiring Council to consider the impacts of development on water quality, aquaculture, recreation and tourism.

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

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

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

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

2.7 Hornsby Development Control Plan 2013

The proposed development has been assessed having regard to the relevant performance and prescriptive requirements within Hornsby Development Control Plan 2013 (HDCP). The development controls within "Section 3.4-Residential Flat Building (5 storeys)" of the HDCP

applies to the site in addition to the general controls within Part 1 of the document. The following table sets out the proposal's compliance with the relevant provisions of the Plan:

Hornsby Development Control Plan			
Control	**Proposal**	**Requirement**	**Compliance**
Site Width	45.63m (Bouvardia Street frontage) 100.73m (Amor Street frontage)	30m	Yes
Height	17.5m	5 storeys – 17.5m	Yes
Lowest Residential Floor Above Ground	1m	Max - 1.5m	Yes
Maximum Floorplate Dimension	Building A - 35m Building B – 35m	35m 35m	Yes Yes
Building Indentation	Building A – 3m x 4m Building B – 1m x 4m	4m x 4m	Yes No
Height of basement above ground	2m	1m (max)	No
Front Setback (Bouvardia Street)	10m 8m for (1/3) of the building width 8m (balconies)	10m 8m < 1/3 of the building width 7m (balconies)	 Yes Yes
Rear Setback	10m 8m < 1/3 of the building width 8m (balconies)	10m 8m < 1/3 of the building width 7m (balconies)	 Yes Yes
North (Amor Street) Side Setback	Building A – 6m reduced to 4m for 1/3 (11.2m) of building width Building B – 6m Reduced to 4m for 1/3 (10m) of the building width	6m Building A - 4m < 1/3 6m Building B - 4m < 1/3	Yes Yes

South Side Setback	Building A – 6m Reduced to 4m for 1/3 (13.6m) of the building width Building B – 6m Reduced to 4m for 1/3 (11) of the building width	6m Building A - 4m < 1/3 building width Building B - 4m < 1/3 building width	Yes Yes
Top Storey Setback From Ground Floor	3m additional except the side (south) setback	3m additional	No
Building Separation (sides)	12m (for unscreened areas up to level 4) 18m (for unscreened areas on level 5)	12m (for unscreened areas up to level 4) 18m (for unscreened areas on level 5)	Yes
Building Separation Between Buildings	9m	9m between buildings on the same site	Yes
Underground Parking Setback	7m front and rear 4m sides	7m front and rear 4m sides	Yes
Basement Ramp Setback	4m (South Side)	2m	Yes
Deep soil Landscaped areas	7m front and rear 4m sides	7m front and rear 4m sides	Yes
Private Open Space with Min Width 2.5m	1 br units $10m^2$ (min) 2 br units $12m^2$ (min) 3 br units $17m^2$ (min)	1 br units $10m^2$ (min) 2 br units $12m^2$ (min) 3 br units $16m^2$ (min)	Yes Yes Yes
Communal Open Space with minimum dimension 4m	25% $240m^2$ provided through the centre of the buildings	25% $50m^2$ (min) for each building	Yes Yes
Parking (site within 800m of railway station)	97 resident spaces 13 visitor spaces 28 bicycle racks 10 visitor bicycle racks	86 resident spaces 13 visitor spaces 18 bicycle racks 9 visitor bicycle racks	Yes Yes Yes Yes

	2 motorbike spaces	2 motorbike spaces	Yes
Solar Access	71% 2 hours to Communal Open Space	70% units receive 2 hours 2 hours to Communal Open Space	Yes Yes
Housing Choice	1 br unit – (24 units) 27.6% 2 br unit – (53 units) 60.9% 3 br unit – (10 units) 11.5%	10% of each type (min) 10% of each type (min) 10% of each type (min)	Yes Yes Yes
Adaptable Units	26 units – 30%	30%	Yes

As detailed in the above table, the proposed development does not comply with the prescriptive measures within *HDCP* regarding top storey setbacks, floor plate indents and basement height. The matters of non-compliance are detailed below, as well as a brief discussion regarding the desired outcomes and the prescriptive measures.

2.7.1 Desired Future Character

The site is included in the Bouvardia Street, Asquith Precinct which was rezoned from Residential A (Low Density) to R4 (High Density Residential) Zone as part of Council's *Housing Strategy*.

The proposed building is in accordance with required key principles for the future character of the precinct for well-articulated five storey residential flat buildings in garden settings with basement car parking. The proposal complies with the desired outcome for the precinct.

2.7.2 Design Quality – SEPP 65

The proposed development is designed in accordance with the design principles of *SEPP 65* as discussed in detail under Section 1.3 of this report.

2.7.3 Site Requirements

The *HDCP* requires sites to have a minimum frontage of 30 metres. The subject site has a frontage of 45.63m to the Bouvardia Street and a frontage of 100.73m to Amor Street and complies with this requirement. The proposal would not result in the isolation of any site for future development.

2.7.4 Height Requirements

The proposed building complies with the 17.5 metre maximum height limit. However, due to the slope of the site, the proposed basement car park would project more than 2m above finished ground level. This would occur on the north western boundary of the site at the

corner of Amor and Bouvardia Street. This is due to the slope of the land and also the measures required to ensure the site is not effected by the once in 100 year flood event.

In response to concerns raised by Council, the applicant has submitted amended plans to address the issue. This section of the building would appear as four storeys when viewed from the street. The amended Schedule of Finishes includes a change in materials from a rendered finish in the original proposal to incorporate Boral face brick to create a separate entity within the façade and reduce the bulk of the development fronting the corner.

Furthermore, the amended landscape plan includes dense planting in this area including three *Acmena* shrubs that would grow to a height of 3m and 15 *Banksia spinulosa* that would also reach a height of 3m that would soften the appearance of the additional basement level protrusion. Given the design amendments adopted, the proposal is considered acceptable in relation to the basement level.

The proposal includes mezzanine levels which are considered to be a floor within a room in units B103, B508, B509, B501. The proposed mezzanines are more than 1/3 of the floor area of the room that they are situated and accordingly, considered to be an additional storey in the development. A condition of consent is recommended in Schedule 1 requiring the units be reconfigured to comply with the definition of a mezzanine within the Building Code of Australia. The proposal is within the 5 storey height limit and does not exceed 17.5m in height. Accordingly, no further concerns are raised in this respect.

2.7.5 Setbacks

The proposal complies with the setback requirements of *HDCP* with the exception of the top storey setback. The top storey setback on Level 4 on the southern side of both buildings includes a 4m setback from the boundary and a 0m setback from the floor below. A condition of consent included in Schedule 1 of the report requires the balcony area of unit A505 to be non-trafficable and the replacement of the proposed sliding doors from the bedroom with a window. There is adequate area for a compliant balcony when the area is deleted. Building A would then reach the intent of the setback control to alleviate any privacy impacts.

Building B also includes a zero setback from the ground floor level on the southern elevation. This building would address the Coles supermarket car park and does not include windows to any living spaces. There are two narrow windows to a bedroom in unit B507 and it is not considered that there would be any privacy impacts as a result of the non-compliance. The built form would be articulated through a change in finishings from levels 1 to 3.

The proposed design results in a well-articulated built form with the provision of deep soil planting and landscaping at the side boundaries. The proposal achieves the intent of the setback controls and is acceptable in this regard.

2.7.6 Building Articulation

Indentation

The proposal includes a high level of articulation on the western façade, through the use of stepping of the built form in harmony with the topography of the site in relation to Bouvardia

Street. Although a 4m x 4m element has not been provided on this façade despite a floorplate length of 32m, the articulation of the building has succeeded in breaking the scale of the built form which is the under lying objective of the indentation. Furthermore, the majority of the building has been sited behind the 8m building line with no balconies protruding to 7m of the boundary. This allows for an increased setback from the street and a reduction in the prominence of the building.

On the northern elevation, the proposal originally included a 4m x 4m indent in each building. Following the review of the application, the applicant reduced the length of the building frames which had previously aided in the creation of the indents. The amended plans provide for two separate features on the façade. The indent on Building A is 3m x 4m. The indent on Building B has been reduced to a depth of 1m x 4m at the minimum break point and 3m x 4m at the deepest. It is considered that a clear break is created in the built form through the use of balcony frames and changes in the material finishes. The proposal is acceptable in this regard.

The design of the proposed development is considered suitable given that the overall building bulk and massing has been successfully tempered through the use of recessed bays, appropriate roof design, fenestration, textures and materials.

Articulation

The articulation of the building facades have been achieved in the following ways:

- The buildings have been vertically stepped, two steps being provided on the ground and the fifth storey across 50% of the width of each façade along with four storey high vertical solid panels.
- The proposed development provides a prominent mid-elevation, a high level of solid to void elements.
- The use of the frames on the front façade creates the appearance of a three storey built form reducing the scale of the development.
- The stepping of balcony balustrades and the use of varying materials has created interest and breaks in the façade.
- The facades have been divided into vertical ‘panels’, no wider than 8 metres. All such panels have been visually separated by indentations and projections across the alignment of the exterior walls, balconies and terraces to achieve the desired articulation.
- The 9m long panel on the side elevations would not have a negative visual impact on the streetscape as they front the southern boundary and adjoining residential flat development. The panel has been visually divided by windows and the non-compliance in length is acceptable.
- The façade treatment, size and placement of windows, protruding balconies, vertical and horizontal blade walls and panels and stepped levels of the building, flat roof and

large proportion of openings at the topmost storey minimises the bulk and scale and would contribute to the streetscape.

- The buildings would incorporate muted earthy colours with a varied range of materials and finishes.

The design of the floor plates, the proposed indentations and materials and finishes would result in appropriate articulation of the facades.

2.7.7 Landscaping

The proposal complies with the landscape and deep soil provisions within the *HDCP.* The extent of hard stand areas proposed is considered to be minimal, as provision has been made for deep soil areas to accommodate mature canopy trees, provide street trees and achieve a soft landscape setting around the built form. The landscape design incorporates screen planting around all ground floor units. Cascade planting is proposed within the landscaped areas of units B202 and B203. A condition of consent requires the deletion of these plantings as they would not receive any rainfall and would be difficult to maintain. Appropriate replanting is required in this area to provide an interface between the landscaped frontage and the ground floor terraces. An area of deep soil planting has also been provided within the courtyard area to allow for canopy tree planting.

Courtyards fronting Amor Street include shrub planting and a masonry wall and front fence to a height of 1.2m along the entire frontage of the site which complies with the requirements of the *HDCP*.

2.7.8 Open Space

All of the proposed private open space areas comply with the prescriptive area requirements of the *HDCP* and are designed for active living and to maximise useable space.

The proposal includes communal open space at the rear and sides with landscaped areas. The site also includes a landscaped area through the centre of the site between the two buildings. This area is capable of accommodating future amenities which would activate the area. A condition of consent is recommended in Schedule 1 requiring the addition of furniture and/or seating to this area to ensure activation of the open space. This primary communal open space area would receive the required minimum sunlight access between 9 am and 3 pm during Winter Solstice.

Furthermore, the site is within walking distance (400 metres) of Storey Park and Asquith Community Centre. This would provide additional open space to cater for the recreational needs of future occupants. It is also noted that all units include generous balcony sizes in excess of that required. Only four units are single aspect and south facing and these include a balcony of 25m^2 for private residential use. The design of the communal open is assessed as satisfactory.

2.7.9 Solar Access

The applicant has submitted solar access diagrams demonstrating compliance of individual units with solar access requirements. The proposal is north facing with two street frontages resulting in unobstructed sunlight access to the units and also the common open space area.

The applicant submits that 71% (62/87) of the units would receive a minimum 2 hours of unobstructed sunlight access between 9am and 3pm on June 22. Council's assessment in this regard concludes that the proposal is satisfactory in providing solar access for future occupants of the units.

As the site is located within a redevelopment precinct, the adjoining development to the south included a shadow analysis to ensure that the proposal would comply with the sunlight access requirements. The application has been approved and no further concerns are raised in this regard.

2.7.10 Housing Choice

The proposed development includes a range of housing types and provision for people with disabilities and for aging in place in accordance *HDCP* prescriptive measures. A total of 26 of the 87 units proposed would be adaptable which complies with the 30% requirement of the *HDCP*. The proposal complies with the prescriptive measures of the *HDCP* and the *RFDC*.

2.7.11 Vehicle Access and Parking

The proposed basement car park is over two levels and is accessed via a driveway from Bouvardia Street. The parking provision is in excess of the minimum number of car spaces prescribed by the *HDCP*. The driveway width, ramp gradients and aisle widths are assessed as satisfactory. The basement level includes storage areas for residents and a bicycle parking area. Subject to compliance with the recommended conditions of consent, no further assessment is required with respect to vehicle access.

2.7.12 Bouvardia Street, Asquith Precinct

The strategy for redevelopment of this precinct is to incorporate five storey residential flat buildings in garden settings with parking in basements.

The development would provide for a landscaped setting and a built-form that is consistent with the desired future outcome for the Bouvardia Street, Asquith Precinct.

2.7.13 Waste Management

The proposal includes a waste management plan with details of waste management during the demolition phase and the construction phase of building works. Two garbage rooms would be provided at the basement level 1 capable of accommodating 8 x 660 L garbage bins which would be serviced twice weekly plus 19 x 240 L recycling bins serviced weekly, plus two 660 L paper/cardboard bin for flattened removalist boxes etc.

Each residential level would include a garbage chute and recycling room. The chute would empty into the garbage room. No carousel/volume handling equipment is required for this development. The basement also includes a room for placement of unwanted bulky items

awaiting collection. A collection room is also proposed on the Bouvardia Street frontage to facilitate the bins on collection day. This would be screened by landscaping.

The proposal is assessed as satisfactory against the provisions of the *HDCP* in this regard.

2.7.14 Accessible Design

The applicant has submitted an Access Report which demonstrates that the units are capable of being adapted for people with a disability in accordance with *AS4299-1995 Adaptable housing*. A condition of consent recommends compliance with the recommendations of the access report and this is included in Schedule 1 below. The recommendations are in relation to the internal door widths of adaptable units, adaptable works spaces in kitchens, and accessible letterboxes and recycling rooms. The width of the corridors and the lift would be suitable for wheelchair access.

Subject to compliance with the recommendations, the development would comply with the requirements of the *HDCP*.

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 proposed development would necessitate the removal of thirty six trees from the site. The application has been supported by an arborist report that assesses the existing trees on site.

None of the trees to be removed are indigenous species listed under *Table 1B.6(b) – Tree Species Indigenous to Hornsby Shire* of *HDCP 2013* with the exception of tree no. 22 *(Eucalyptus botryoides* – Southern Mahogany*)* located on the southern boundary. Non-indigenous species are not protected under *HDCP 2013* and accordingly no objections are raised to their removal. Tree no 23 (*Eucalyptus microcorys* – Tallowood) was also noted in the report as being worthy of retention.

Tree no. 22 was investigated for retention however, the tree sits within the proposed location for the overland flow path and relocated Council easement which is fundamental to draining the property. Tree no. 23 sits beside it in the same path and is also not listed as an indigenous species in *HDCP 2013.* Both trees would need to be removed to facilitate the stormwater infrastructure. In a flood event, the trees would be in danger of obstructing the flow of water. In this regard, no objections are raised to the removal of the trees.

Notwithstanding the above, the proposal includes a 7m x 7m indention in the basement to allow for deep soil planting. The landscape plan indicates that three *syncarpia* trees would be planted within the courtyard area, in close proximity to the existing trees but away from the overland flow path. This would ensure that large canopy trees would remain a feature of the site. In total 36 canopy trees (*Syncarpia* and *Angophora costata*) would be planted on the site.

Six *Lophostemon confertus* (*Brushbox*) would also to be installed along the length of Amor Street. A condition of consent also requires the protection of Trees no. 2, 30, 31 (street trees)

and tree no. 33 (onsite) which is to be retained onsite. These trees would not be within the building envelope and are in good health.

It is considered that the removal of the trees is acceptable in the circumstances of the case due to the constraints in relation to the overland flow path and the proposed replanting onsite.

3.2 Built Environment

The buildings would be located within a precinct identified with a future character of five storey residential flat buildings in a landscaped setting with underground car parking. The built form of the proposal would be consistent with the desired future character of the precinct.

3.2.1 Stormwater Drainage

A Council easement passes through the centre of the site connecting a stormwater line from the rear of the Coles supermarket carpark to the north western corner of the subject site. The pipe varies in size from a 600mm concrete pipe to a 900mm pipe at the downstream end. There are two depressions entering the site that form distinct overland flow paths upstream of the site. Due to the location of the existing pipe through the centre of the property, it would be necessary to relocate the pipe to facilitate the development. The pipe is proposed on the southern boundary connecting the existing system at Bouvardia Street. The southern boundary would also facilitate the overland flow path.

Part 1C.1.2 – Stormwater Management of HDCP requires the implementation of water quality management onsite to treat stormwater runoff. The application is accompanied by a *Drainage Assessment Report* prepared by EWFW Pty Limited dated 11/8/2014 which used the MUSIC model to achieve Council's targets to reduce pollutant. This is achieved through the inclusion of three treatment devices onsite (treatment train); a rainwater tank, an Enviropod installed in the external stormwater pit and a bioretention filter (rain garden).

Council's engineering assessment of the proposal is satisfied that the concept plans demonstrate that the site can be effectively drained in the 1:100 year flood level. The proposed 'treatment train' would also enable the design to reach Council's Water Quality targets.

The proposal is acceptable in terms of effective stormwater drainage of the site.

3.2.2 Traffic

The application is accompanied by a Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd. The report estimates the future traffic generation of proposed development using RMS traffic generation rates. The traffic generation of the proposal is estimated to be 25 vehicles in the peak hour. The net traffic generation of the proposed development is 20.1 trips per hour in the peak period. This is considered negligible when compared with the traffic volumes on the adjacent road network. Council's traffic assessment concurs with the conclusions reached by the report and accordingly no objections are raised to the proposed development. It is considered that the adjoining Pacific Highway is capable of facilitating the additional traffic.

A Traffic Management Improvement Plan, Figure 3.4(k), is included in the DCP 2013 relating to the Asquith precincts. This includes the extension of Wattle Street to Amor Street,

construction of a new roundabout at the junction of Wattle Street, Amor Street and Lords Avenue and restriction of left in, left out movements from Amor Street to Pacific Highway. These improvements have been included in the Works Schedule in Council's Section 94 Development Contribution Plan 2012 – 2021 for implementation. These works would provide for the increase in traffic in the area and ease of traffic flow within the existing network. The proposal is in keeping with the key principles diagram and desired future outcome for the precinct.

3.3 Social Impacts

The residential development would improve housing choice in the locality by providing a range of household types. The location of the development is in close proximity to Asquith Railway Station, Asquith Commercial Centre and Hornsby Town Centre, allows direct access to retail, business, recreational, health and educational facilities for future residents.

3.4 Economic Impacts

The proposal would have a minor positive impact on the local economy in conjunction with other new low density 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"*.

4.1 Flooding

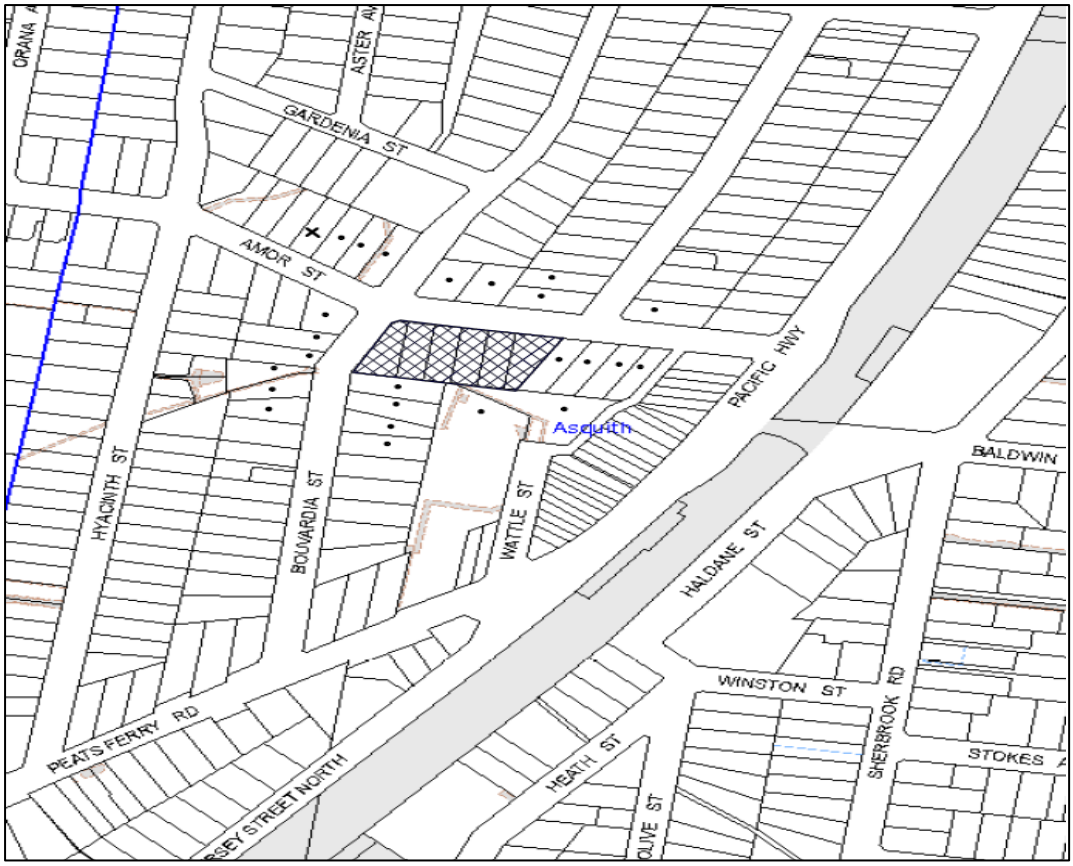
Part of the subject site is identified as being below the 1:100 year flood level. This has been discussed in detail through the report. Subject to compliance with the recommended conditions of consent in Schedule 1 of this report, the proposal is considered suitable for the proposed development.

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 8 May 2014 and 22 May 2014 in accordance with *Hornsby Development Control Plan 2013*. During this period, Council received three submissions. The map below illustrates the location of those nearby landowners who made were notified and those who made a submission and are in close proximity to the site.



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	PROPERTY SUBJECT OF DEVELOPMENT	N W E S
Two submissions received out of map range.			

Three submissions objected to the development, generally on the grounds that the development would result in:

- Health and safety issues arising from the demolition (falling debris),
- Closure of the footpath during construction phase,
- Increased traffic on the street as a result of the development which would effect pedestrian safety,
- Increase in the number of cars parking on the street,
- Increased pressure on local infrastructure due to the development, and
- Removal of the existing established trees.

5.2 Demolition

One submission objects to the proposal on the grounds that it would raise safety issues for people walking on the footpath adjoining the site on Amor Street.

Schedule 1 of this report includes conditions which relate to the construction phase of the development. These conditions include requirements for temporary hoarding, fence or awning to 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.

Demolition work must be carried out in accordance with "*Australian Standard 2601-2001 – The Demolition of Structures"* and any asbestos would be removed 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.*

Subject to compliance with these conditions, the site would be managed in a safe manner.

5.3 Local Infrastructure

One submission objects to the proposal on the basis that it would put increased pressure on local infrastructure. The Bouvardia Street Precinct was analysed as part of Council's Housing Strategy 2011 including all infrastructure within the catchment area. The strategy concluded that the precinct was suitable for additional housing. Accordingly, the proposal is consistent with the envisaged future character of the area.

5.4 Closure of the Footpath

One submission raises concerns relating to the closure of the footpath during construction of the development. Schedule 1 of this report includes a condition requiring a traffic control plan be submitted to prior to the commencement of any works onsite. This control plan would be required to address pedestrian safety and also ensure that an alternative walkway is available for pedestrians in the event that works need to occur on the footpath area. It is also noted that a new footpath would be constructed in conjunction with the development.

5.5 Traffic and Parking on Amor and Bouvardia Streets

The submissions raise concerns in relation to road safety. As mentioned previously, the adjoining properties at Nos. 5 and 7 Amor Street are allocated for the future extension of Wattle Lane and the addition of a roundabout connecting to Lords Avenue. These improvements would occur in line with The Traffic Management Improvement Plan as per Figure 3.4(k) of *HDCP*.

Notwithstanding the above, Council's traffic assessment of the subject application notes that parking within 3m of a double barrier line is not permitted under the Australian Road Rules. Both frontages of the development are effected by this regulation. Accordingly, "No Stopping" signs must be provided on both frontages to an extent to be determined by the Hornsby Local Traffic Committee. A condition of consent to this effect is recommended in Schedule 1. It is also noted that the proposal provides parking onsite within two basement levels in excess of that required in *HDCP 2013* to meet future demand.

5.6 Future Character of the Area

One submission objects to the proposal noting that *high density apartments will not contribute positively to the desired future character of the area.* The submission also notes that the leafy environment that currently exists would be removed.

It is noted that an additional 36 canopy trees (*Syncarpia* and *Angophora costata)* would be planted onsite to unsure that the leafy character of the area is maintained. In addition, street tree plantings would also be provided in Bouvardia and Amor Streets. Subject to conditions of consent the proposal would comply with the future desired character of the area for residential flat buildings in a landscape setting with broad setbacks and buildings screened with canopy trees and shrubs.

5.7 Public Agencies

The development application is not considered integrate development and is not required to be notified to any public authorities under *the Act.*

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.

CONCLUSION

The application seeks approval for the demolition of the existing structures and the construction of two, five storey residential flat buildings comprising 87 units with two levels of basement car parking. The proposed development would be located on a site within a locality zoned as a high density residential precinct.

The proposed development is satisfactory in respect to the *Hornsby Local Environmental Plan 2013,* design principles under SEPP 65 and the best practice guidelines of the Residential Flat Design Code, subject to recommended conditions. The proposed development has regard to the requirements of the Hornsby DCP 2013 and is considered acceptable in respect to the desired future character of the Bouvardia Street, Asquith precinct.

Three submissions were received in respect to the proposal raising concerns in relation to traffic, infrastructure tree removal and character of the area. Subject to compliance with recommended conditions, the proposed development is considered acceptable.

The application is recommended for approval.

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

Attachments:

1. Locality Plan
2. Site Plan
3. Landscape Plan
4. Floor Plans
5. Elevations
6. Schedule of Finishes

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:

Approved Plans

Plan No.	Drawn by	Dated
A1.01 – Site/Roof Plan - Issue B	Aplus	02 July 2014
A2.02 – Basement Plan 1 – Issue B	Aplus	02 July 2014
A2.01 – Basement 2 Plan – Issue C	Aplus	11 August 2014
A2.03 – Ground Floor Plan – Issue C	Aplus	11 August 2014
A2.04 – Level 1 Plan – Issue C	Aplus	11 August 2014
A2.05 – Level 2 Plan - Issue C	Aplus	11 August 2014
A2.06 – Level 3 Plan – Issue C	Aplus	11 August 2014
A2.07 – Level 4 Plan – Issue B	Aplus	02 July 2014
A2.08 – Level 5 Plan – Issue B	Aplus	02 July 2014
A3.01 – North and South Elevations – Issue C	Aplus	11 August 2014
A3.02 – East and West Elevations - Issue C	Aplus	11 August 2014
A4.01 – Sections – Issue C	Aplus	11 August 2014
A5.01 – Schedule of Materials and Finishes – Issue C	Aplus	11 August 2014
A5.02 – Schedule of Materials and Finishes – Issue C	Aplus	11 August 2014
A5.03 – Schedule of Materials and Finishes (Cnr of Amor and Bouvardia Street) – Issue C	Aplus	11 August 2014
A5.04 – Schedule of Materials and Finishes (East Elevation Perspective) – Issue C	Aplus	11 August 2014
A5.05 – Schedule of Materials and Finishes (Bouvardia Street Perspective) – Issue C	Aplus	11 August 2014
LP01 / D – Landscape Plan	Site	11 August 2014

	Design + Studios	
Arboricltural Impact Assessment Report	Tree IQ	8 April 2014

Supporting Documentation

Plan No.	***Drawing No.***	***Drawn by***	***Dated***
Concept Stormwater Plan – Ground Floor Plan – Rev. C – Sheet 1 of 5	3982 – SWD - 01	EWFW	11 August 2014
Concept Stormwater Plan – Basement Plan – Rev. C – Sheet 2 of 5	3982 – SWD - 02	EWFW	11 August 2014
Concept Stormwater Plan – Lower Basement Plan – Rev. C – Sheet 3 of 5	3982 – SWD - 03	EWFW	11 August 2014
Concept Stormwater Plan – Rain Garden Detail – Rev. C – Sheet 4 of 5	3982 – SWD - 04	EWFW	11 August 2014
Concept Stormwater Plan – DN900 Longsection – Rev. B – Sheet 5 of 5	3982 – SWD - 05	EWFW	11 August 2014
BASIX Certificate No. 534089M		Wood and Grieve Engineers	25 March 2014
Traffic and Parking Assessment Report		Varga Traffic Planning Pty Ltd	20 March 2014
Aboricultural Impact Assessment		Tree IQ	8 April 2014
Design Verification Report			
Access Review – Final v2		Morris Goding Accessibility Consulting	25 March 2014
Covering Letter		Omada Property Group Pty Ltd	14 August 2014

2. Amendment of Plans

The approved plans are to be amended as follows:

a) The approved Ground Floor Plan Issue C dated 11/8/2014 and Level 4 Plan Issue B dated 2/7/2014 prepared by Aplus are to be amended as marked in red on the approved plans to included windows in the bedrooms of units A101, B104, A105, A502 to ensure appropriate ventilation of the rooms and cross ventilation of the units.

b) The approved Level 5 Floor Plan, Drawing No.2.08 Revision B dated 02/7/2014 shall be amended as follows:

i) The mezzanine levels within proposed units B501, B508 and B509, shall not exceed 1/3 of the total floor area of the room in which they are situated.

c) The balcony of unit B507 is to be amended as marked in red on approved Level 4 Plan - A2.07 - Issue B dated 02/07/2014 to a non-trafficable area to comply with the building separation requirement. The sliding door of the bedroom is to be changed to a window. The sliding door may be reinstated on the internal elevation.

d) To promote use and interaction by residents of the communal open space, furniture and / or seating is to be shown within the central area on the approved Landscape Plan – LP01 / D prepared by Site Design Studios dated 11 August 2014.

3. Removal of Existing Trees

This development consent only permits the removal of tree(s) numbered 1, 3-26, 28, 29, 32, 34-42 as identified in Section 4 Conclusion of the Aboricultural Impact Assessment prepared by Tree IQ dated 8 April 2014. The removal of any other trees requires separate approval under Council's Tree Preservation Order.

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	$94,863.40
Open Space and Recreation	$984,936.35
Community Facilities	$137,350
Plan Preparation and Administration	$4,127.95
TOTAL	**$1,221,278.15**

being for 24 x 1 bedroom, 53 x 2 bedroom and 10 x 3 bedroom in lieu of 6 existing dwelling houses.

b) The value of this contribution is current as at 26/9/2014. If the contributions are not paid within the financial quarter that this condition was generated, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 94 Development Contributions Plan and the

amount payable will be calculated at the time of payment in the following manner:

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

Where:

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

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

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

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

c) The monetary contributions shall be paid to Council:

i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or

ii) prior to the issue of the first Construction Certificate where the development is for building work; or

iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or

iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's Development Contributions Plan may be viewed at www.hornsby.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

6. Building Code of Australia

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

7. Contract of Insurance (Residential Building Work)

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

8. Notification of Home Building Act, 1989 Requirements

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

a) In the case of work for which a principal contractor is required to be appointed:

   i) The name and licence number of the principal contractor; and

   ii) The name of the insurer by which the work is insured under Part 6 of that Act.

b) In the case of work to be done by an owner-builder:

   i) The name of the owner-builder; and

   ii) If the owner-builder is required to hold an owner-builder's permit under that Act, the number of the owner-builder's permit.

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

9. Water/Electricity Utility Services

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

a) Ausgrid (formerly Energy Australia) – a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.

b) Sydney Water – the submission of a 'Notice of Requirements' under s73 of the Sydney Water Act 1994.

Note: Sydney Water requires that s73 applications are to be made through an authorised Sydney Water Servicing Coordinator. Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

10. Dilapidation Report

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

11. Adaptable Units and Letter Boxes

The details of the fit-outs of all accessible units and details of adaptable units must be provided with the Construction Certificate Plans.

The details of letter boxes must be provided with the Construction Certificate Plans. The letter boxes must be relocated to two metres from the boundary on both Amor Street.

12. Access Report

The development, including the proposed adaptable units, must comply with the recommendations of the submitted *Access Review* prepared *by Morris Goding Accessibility Consulting, Final v2 dated 25 March 2014.*

13. Allocation of Resident Storage Areas

Storage areas are to be allocated internally to each unit to comply with the *Residential Flat Design Code* 6m^3 (Min) for 1 bedroom unit, 8m^3 (Min) for two bedroom units and 10 m^3 (Min) for 3 bedroom units. 50% is to be accessible from the apartments.

14. Disabled Parking

All parking for people with disabilities is to comply with AS/NZS 2890.6:2009 Off-street parking for people with disabilities.

15. Bicycle Parking

Bicycle parking spaces are to be designed in accordance with AS 2890.3-1993 Bicycle parking facilities

16. Motorcycle Parking

Motorcycle parking spaces are to be designed in accordance with AS 2890.5-1993

17. Driveway Alignment

The driveway alignment across Council's nature strip is to be perpendicular to Bouvardia Street.

18. Waste Collection Vehicle Access

The sections of driveway / access way that will be used by waste collection vehicles will need to be designed in accordance with *Australian Standard AS 2890.2 – 2002 Parking Facilities Part 2: Off-street commercial vehicle facilities*.

19. Preservation of Survey Marks

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. Internal Driveway/Vehicular Areas

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

a) Design levels at the front boundary must be obtained from Council;

b) The driveway must be a rigid pavement;

21. Traffic Management Plan

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

22. Waste Management Details

The following waste management requirements must be complied with:

a) The ground level bulky waste area is to be deleted and the area included within the bin collection area.

Note: The ground level bulky waste area may be relocated to the other side of the driveway.

b) The waste facility (garbage chute and recycling bin) on each residential level must be accessible by persons with a disability.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

23. Erection of Construction Sign

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

a) Showing the name, address and telephone number of the principal certifying authority for the work;

b) Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and

c) Stating that unauthorised entry to the work site is prohibited.

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

24. Protection of Adjoining Areas

A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic.

b) Could cause damage to adjoining lands by falling objects.

c) Involve the enclosure of a public place or part of a public place.

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

25. Toilet Facilities

Toilet facilities must be available or provided at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site. Each toilet must:

a) be a standard flushing toilet connected to a public sewer; or

b) be a temporary chemical closet approved under the *Local Government Act 1993; or*

c) have an on-site effluent disposal system approved under the *Local Government Act 1993.*

26. Erosion and Sediment Control

Erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual *'Soils and Construction 2004 (Bluebook)'*, the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties up to $1,500 may be issued for any non-compliance with this requirement without any further notification or warning.

27. Tree Protection Barriers

Tree protection fencing must be erected around trees numbered 2, 30, 31 and 33 to be retained at a 4 metre setback. The tree fencing must be constructed of 1.8 metre 'cyclone chainmesh fence' or star pickets spaced at 2 metre intervals, connected by a continuous high-visibility barrier/hazard mesh at a height of 1 metre.

To avoid injury or damage, trees 2, 30, 31 and 33 must have trunks protected by 2 metre lengths of 75mm x 25mm hardwood timbers spaced at 80mm secured with galvanised wire (not fixed or nailed to the tree in any way.

a) Tree Protection Zones (TPZ) of trees proposed for retention shall be fenced in accordance with AS 4970-2009 and as advised by the appointed project Arborist. The fencing must be constructed of 1.8 metre 'cyclone chainmesh fence' and will assist in ensuring that no excavation, filling or stockpiling of building materials, parking of vehicles or plant, disposal of cement slurry, waste water or other contaminants is to occur within the TPZ of any tree and adjoining bushland to be retained.

b) A certificate from the project Arborist (AQF 5) is to be submitted to the Principal Certifying Authority stating that all tree protection measures are in accordance with AS 4970-2009 (Section 4) prior to commencement of works.

28. 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.

REQUIREMENTS DURING CONSTRUCTION

29. Construction Work Hours

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday. No work is to be undertaken on Sundays or public holidays.

30. 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.

31. 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.

32. Street Sweeping

Street sweeping must be undertaken following sediment tracking from the site along Amor and Bouvardia Streets during works and until the site is established.

33. Construction Vehicles

All construction vehicles associated with the proposed development are to be contained on site as no construction zones will be permitted on Amor Street or Bouvardia Street.

34. Contamination During Construction Works

Should the presence of asbestos or soil contamination, not recognised during the application process be identified during demolition, the applicant must immediately notify the Principal Certifying Authority and Council.

35. 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.

36. 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.

37. Disturbance of Existing Site

During construction works, the existing ground levels of open space areas and natural landscape features, (including natural rock-outcrops, vegetation, soil and watercourses) must not be altered unless otherwise nominated on the approved plans.

38. Landfill

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

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.

39. 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.

40. Survey Report – Finished Floor Level

A report 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.

41. 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 4 metres of any trees required to be retained (whether or not on the subject property, and pursuant to this consent or the *Tree Preservation Order*), must be carried out under the supervision of an *'AQF Level 5 Arborist'* and a certificate submitted to the principal certifying authority detailing the method(s) used to preserve the tree(s).

a) All required tree protection measures are to be maintained in accordance with AS 4970-2009 (Section.4) for the duration of the construction period.

b) Should the excavation of any underground services (i.e. drainage/sewer/stormwater) be approved within the specified TPZ of tree to be retained on the subject property or neighbouring property, excavation by hand ONLY shall be undertaken.

c) Excavation works near trees must be carried out under the supervision of the Project Arborist.

d) Tree sensitive construction techniques such as pier and beam construction and hand excavation is to be undertaken for all works within the TPZ's of any tree to be retained. Tree Protection Fencing (as specific in Condition 11 above) must be maintained during the entire construction period.

e) All machinery to be cleaned of soil and debris before entering the site to prevent the spread of weeds and fungal pathogens.

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

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

42. Fulfilment of BASIX Commitments

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

43. Sydney Water – s73 Certificate

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

44. Stormwater Drainage

The stormwater drainage system for the development must be designed prior to the issue of the Construction Certificate and constructed in accordance with Council's *Civil Works – Design and Construction Specification 2005* and the following requirements:

a) Connected to the existing Council piped drainage system.

b) The existing stormwater drainage system that traverses through the site is to be decommissioned and removed. A new stormwater drainage system including an overland flowpath is to be constructed generally in accordance with the engineering report prepared by EWFW Pty Ltd.

c) No work is to occur on the public drainage system until such time as a written approval is obtained from Hornsby Shire Council for the reconstruction of the drainage system.

d) The building shall be designed such that any future excavation to undertake repairs to the drainage system can be carried out without damage to the building.

Note: A certificate from a chartered civil engineer together with a works as executed design plan must be submitted to the principal certifying authority to demonstrate the satisfaction of this condition.

45. Bio Retention System

A bio retention system is to be constructed generally in accordance with the engineering report prepared by EWFW Pty Ltd. The Water Quality Targets as detailed within the report and Hornsby Shire Councils DCP are to be achieved in the

design and supported by a MUSIC model. Following the completion of the bio retention area a certificate from a suitably qualified civil engineer is to be submitted confirming that the Water Quality Targets have been met.

46. Minimum Floor Levels

A minimum floor level of 174.22m AHD is applicable to the ground floor level of building A and a minimum floor level of 174.34m AHD is applicable to the ground floor level of building B. Prior to the issue of an Occupation Certificate a certificate from a registered surveyor is to be obtained certifying that the minimum floor levels have been achieved.

47. On Site Stormwater Detention

An on-site stormwater detention system must be designed by a chartered civil engineer prior to the issue of the Construction Certificate and constructed in accordance with the following requirements:

a) Have a capacity of not less than 62 cubic metres, and a maximum discharge (when full) of 71.6 litres per second.

b) Have a surcharge/inspection grate located directly above the outlet.

c) Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.

d) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

48. Footpath

Prior to the issue of a Construction Certificate for these works a separate application under the *Local Government Act 1993* and the *Roads Act 1993* must be submitted to Council for the construction of footpaths within the road reserve.

A concrete footpath must be designed prior to the issue of the Construction Certificate and constructed along the full frontage of the subject site in Amor Street and Bouvardia Street in accordance Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

a) The existing footpath being removed.

b) Pouring of the concrete footpath to the full frontage of the subject site.

c) The land adjoining the footpath to be fully turfed.

d) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

49. 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 designed prior to the issue of the Construction Certificate and constructed in accordance with Council's *Civil Works Design 2005* and the following requirements:

a) All redundant crossings must be replaced with integral kerb and gutter;

b) The footway area must be restored by turfing;

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.

50. Road Works

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

a) The existing kerb and gutter across the full frontage of the development site in Amor St and Bouvardia St is to be removed and reconstructed.

b) The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the bitumen and reconstructed.

51. Car Parking and Deliveries

All car parking must be designed prior to the issue of the Construction Certificate constructed in accordance with *Australian Standard AS 2890.1- 2004 Off Street Car Parking* and *Australian Standard 2890.2 - 2002 Off Street Commercial vehicle facilities* and the following requirement:

a) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted.

b) All parking spaces for people with disabilities must be constructed in accordance with *AS/NZS 2890.6:2009 – Off-street parking for people with disabilities*.

c) Provision for an ambulance is to be made in accordance with the requirements of ASNSW Ambulance Access.

d) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpaths.

e) The driveway must be constructed in accordance with the conditions of this development consent and the approved plans.

52. Stopping on Amor Street

"No Stopping" restrictions be posted in Amor Street and Bouvardia Street (along existing double barrier lines) subject to approval by the Hornsby Local Traffic Committee.

53. Damage to Council Assets

Any damage caused to Council's assets as a result of the construction of the development must be rectified in accordance with Council's Civil Works Specifications. Council's Restorations Supervision must be notified for a formwork inspection prior to pouring concrete.

54. Creation of Easements

The following matter(s) must be created on the title under s88B of the *Conveyancing Act 1919*:

a) A restriction over the pipeline and the flow path for a 100 year average recurrence interval storm. The *"Restriction on the Use of Land"* over the affected area is to prohibit the alteration of the final floodway shape and the erection of any structures, including fencing, in the floodway without the written permission of Council. The terms of this restriction must be obtained from Council.

b) The creation of an appropriate *"Positive Covenant"* and *"Restriction as to User"* over the constructed on-site detention/bio 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 and bio retention system is to be clearly indicated on the title.

c) To register the OSD and bio retention 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, discharge rates and water quality targets have been met in accordance with the design requirements. The details must show all the relevant structural elements of the system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the *"works-as-executed"* plan and supported by calculations.

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

55. 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.

56. Waste Management Details

The following waste management requirements must be complied with:

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

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

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

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

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

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

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

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

d) Space must be provided for either individual compost containers for each unit or a communal compost container;

Note: The location of the compost containers should have regard for potential amenity impacts.

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

Note: Ramps between different levels are acceptable.

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

Note: Locking the chute service room or Caging of the volume handling equipment is acceptable.

57. Consolidation of allotments

All allotments subject to this development consent are to be consolidated under one title.

58. 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".**

59. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road pavement, kerb & gutter, public drainage systems, driveways and on-site detention system. The plan(s) must be accompanied by a certificate from a registered surveyor certifying that all pipelines and associated structures lie wholly within any relevant easements..

60. Maintain Canopy Cover

To maintain canopy cover, minimum 5 medium to large trees selected from Council's booklet *'Indigenous Plants for the Bushland Shire'* such as Syncarpia glomulifera, Angophora floribunda, Ecualtypus gummifera are to be planted on the subject site. The planning location shall not be within 4 metres of the foundation walls of a dwelling or in-ground pool. The pot size is to be a minimum 25 litres and the tree(s) must be maintained until they reach the height of 3 metres. Trees must be native to Hornsby Shire and reach a mature height greater than 15 metres.

a) All planting within the consented Development Area at the front and rear of the site shall be completed in accordance with the approved Landscape Plan.

b) 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.

61. Planters in undercroft areas

Planters are to be deleted from beneath the building line, removed from the sunken terraces of ground floor units in Building B. Alternative terracing of soft landscape area, ie. commencing outside of the building line (with access to rainfall), may be devised, which must properly consider rainfall, height issues and preservation of solar access to ground floor units B202 and B203.

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. Tree amendments / planting

Tree amendments to the Amor Street landscape setback area:

Six (6) of the proposed Angophora costata *(Sydney Red Gum)* to the Amor Street setback may be substituted with a smaller species to prevent possible future conflict with the building.

Tree planting to the Bouvardia Street landscape setback area:

Install two (2) additional Angophora costata *(Sydney Red Gum)* to the Bouvardia Street frontage.

64. Street Tree Plantings

Including removal of Tree 30 (*Callistemon*) from the verge, a minimum of six (6) x Lophostemon confertus (*Brushbox*) are to be installed along the length of the Amor Street verge, at minimum 75 litre pot size, provided with staking, hessian ties and mulching to base.

65. Completion of landscaping

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

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. Retaining Walls

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

67. 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.

68. Unit Numbering

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

69. Construction of a Safe Environment

Prior to the issue of the Occupation Certificate, the site must include the following elements:

a) An intercom system be installed at gate locations to ensure screening of persons entering the units;

b) The entryway to the site be illuminated in high luminance at all times;

c) The communal open space areas are to be illuminated with high luminance by motion sensor lighting;

d) The service areas of the ground floor and the garbage room at the basement be illuminated with high luminance by motion sensor lighting;

e) The driveway and the basement car park is to be illuminated with low luminance at all times;

f) Robust materials which cannot be forced or breached with minimised maintenance requirements are to be used for construction work in the common areas;

g) Effective signage be provided to guide visitors to the main areas and parking areas;

h) A street sign be prominently displayed in front of the site in accordance with Order No. 8, Section 124 *Local Government Act 1993;*

i) The communal area must include a clear sign to restrict access for non-residents;

j) Units' numbers, entry and exit signs must be legible and clear;

k) Fire exit doors to be fitted with single cylinder locksets (Australia New Zealand Standard-Locksets);

l) The entry doors to the pedestrian foyer is to be constructed of safety rated glass to enable residents a clear line of site before entering or exiting the residential apartments;

m) Security deadlocks are to be provided to each apartment door;

n) Peep holes are to be provided to individual apartment doors to promote resident safety; and

o) Residential parking spaces are to be secure spaces with access controlled by card or numeric pad.

OPERATIONAL CONDITIONS

70. Car Parking and Deliveries

All car parking areas must be operated in accordance with the following requirements:

a) Car Parking areas should be sealed to all weather standards at all times.

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.

e) Residential parking areas in the basement are to be secured, the access controlled by card or numeric pad. Visitors must be able to access the visitors parking spaces in the basement car park at all times.

f) Visitors must be able to access the basement car park by an audio/visual intercom system located at the top of the ramped driveway.

g) Access be restricted to the garbage room and waste collection areas

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. Noise

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

73. 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.

74. Sight Lines

Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.

75. Parking Security

Residential parking spaces are to be secure spaces with access controlled by card or numeric pad. Visitors must be able to access the visitor parking spaces in the basement car park at all times.

76. Waste Management

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

a) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas,

ensuring the chute system and related devices are maintained in effective and efficient working order, managing the communal composting area, managing the bulky item storage area, arranging the prompt removal of dumped rubbish, and ensuring all residents are informed of the use of the waste management system.

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning and Assessment Act, 1979, Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Environmental Planning and Assessment Act, 1979 Requirements

The Environmental Planning and Assessment Act, 1979 requires:

- The issue of a construction certificate prior to the commencement of any works. Enquiries can be made to Council's Customer Services Branch on 9847 6760.
- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.
- An occupation certificate to be issued before occupying any building or commencing the use of the land.

Long Service Levy

In accordance with Section 34 of the Building and *Construction Industry Long Service Payments Act 1986*, a 'Long Service Levy' must be paid to the Long Service Payments Corporation or Hornsby Council.

Note: The rate of the Long Service Levy is 0.35% of the total cost of the work.

Note: Hornsby Council requires the payment of the Long Service Levy prior to the issue of a construction certificate.

Tree and Vegetation Preservation

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

Note: A tree is defined as a long lived, woody perennial plant with one or relatively few main stems with the potential to grow to a height greater than three metres (3M). (HDCP 1B.6.1.c).

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

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

Disability Discrimination Act

The applicant's attention is drawn to the existence of the *Disability Discrimination Act*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the *Building Code of Australia*, however, the development may not comply with the requirements of the *Disability Discrimination Act*. This is the sole responsibility of the applicant.

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact Dial Before You Dig on 1100 or www.dialbeforeyoudig.com.au for free information on potential underground pipes and cables within the vicinity of the development site.

Telecommunications Act 1997 (Commonwealth)

If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

Asbestos Warning

Should asbestos or asbestos products be encountered during demolition or construction works, you are advised to seek advice and information prior to disturbing this material. It is recommended that a contractor holding an asbestos-handling permit (issued by *WorkCover NSW*) be engaged to manage the proper handling of this material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au
www.nsw.gov.au/fibro
www.adfa.org.au
www.workcover.nsw.gov.au

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

House Numbering

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