Council Assessment Report

2014SYW145 (DA/1165/2014) Residential Flat Building 2-4 Crandon Road and 35-39 Essex Street, Epping





JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2014SYW145		
DA Number	DA/1165/2014 (Lodged 30 September 2014)		
Local Government Area	Hornsby Shire Council		
Proposed Development	Demolition of existing structures and construction of two, five storey residential flat buildings comprising 87 units with basement car park.		
Street Address	Lots 1, 2, 3 and 6 DP 15049 and Lot 7 DP 655534, Nos. 2 – 4 Crandon Road and 35 – 39 Essex Street, Epping		
Applicant/Owner	Applicant - Hifu Enterprise Pty Ltd		
	Owner - Hifu Enterprise Pty Ltd		
Number of Submissions	No submissions have been received		
Regional Development Criteria (Schedule 4A of the Act)	Capital Investment value > \$20 million		
List of All Relevant s79C(1)(a) Matters	State Environmental Planning Policy No. 55 Remediation of Land		
	State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development		
	 State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004 		
	 State Environmental Planning Policy No. 32 Urban Consolidation (Redevelopment of Urban land) 		
	 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 		
	 Hornsby Local Environmental Plan 2013 - R4 High Density Residential Zone 		
	Hornsby Development Control Plan 2013		
	 Section 94 Contributions Plan 2012 - 2021 		
List all documents	Locality Plan - 1 page		
submitted with this	 Survey Plan – 1 page 		
report for the panel's consideration	Architectural Plans – 19 pages		
Sensideration	 Landscape Plan and stormwater plans - 5 pages 		
	· Lanuscape Flan and storniwater plans - 5 pages		



	Shadow Diagrams – 6 pages		
	Photomontage – 2 page		
Recommendation	Approval		
Report by	Aditi Coomar, Senior Town Planner		



ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

- The application involves demolition of the existing structures and construction of two five storey residential flat buildings comprising 87 units with two levels of basement car park accommodating 94 car spaces and associated landscaping works.
- The proposal complies with the *State Environmental Planning Policy No.* 65 *Design Quality Residential Flat Development*, and is generally in accordance with the *Residential Flat Design Code* and the *Hornsby Development Control Plan* 2013.
- The applicant has made a submission in accordance with Clause 4.6 'Exceptions to development standards' of the *Hornsby Local Environmental Plan 2013* to vary Clause 4.3 "Height of Building". The submission is considered well founded and is supported.
- No submissions have been received in respect of the application.
- It is recommended that the application be approved.

RECOMMENDATION

THAT Council assume the concurrence of the Secretary of the Department of Planning and Environment pursuant to Clause 4.6 of the *Hornsby Local Environmental Plan 2013* and approve Development Application No. DA/1165/2014 for demolition of existing structures and construction of two five storey residential flat buildings comprising 87 units with two levels of basement car park accommodating 94 car spaces and associated landscaping works at Lots 1, 2, 3 and 6 DP 15049 and Lot 7 DP 655534, Nos. 2 – 4 Crandon Road and 35 – 39 Essex Street, Epping subject to the conditions of consent detailed in Schedule 1 of this report.

BACKGROUND

The subject land was rezoned R4 High Density Residential under *State Environmental Planning Policy Amendment (Epping Town Centre)* on 14 March 2014 which amended the *Hornsby Local Environmental Plan 2013.* The rezoning followed the Epping Town Centre Study and inclusion of Epping in the State Government's Urban Activation Precincts.

The rezoning permits residential flat buildings on the subject land and a maximum building height of 17.5 metres.

On 30 June 2014, a pre-lodgement meeting was held between the applicant and Council officers to discuss the proposal for two five storey residential flat buildings on the subject site.

The application was lodged on 30 September 2014. The application proposed demolition of existing structures and construction of two residential flat buildings comprising 89 units and basement car park accommodating 98 car spaces.



On 17 November 2014 Council requested submission of amended plans addressing the concerns regarding setbacks to Crandon Road, solar access and cross ventilation to units, driveway ramp gradient, inappropriate building separation, retention of street trees and over development of the site.

On 3 June 2015, amended plans were lodged with Council following discussions with Council officers. The proposal was amended by reducing the number of units to 87 with 94 car spaces in the basement.

Amended plans were notified between 12 June 2015 and 24 June 2015 whereby no submissions were received.

Concerns in relation to the amended plans were raised by Council in an email dated 23 June 2015. Amended plans, addressing Council's concerns were lodged on 20 July 2015.

Further amended plans, addressing engineering and waste management issues were submitted to Council on 2 September 2015 and 7 September 2015 respectively.

SITE

The site comprises five allotments, Nos. 2-4 Crandon Road and Nos. 35-39 Essex Street. the site is an irregular parcel of land with an area of 4050 sqm and frontages to three roads as follows:

- Crandon Road to the north: 88.1m
- Epping Road to the east: 56m
- Essex Street to the west: 48.8m

The site experiences a considerable diagonal cross-fall from the south-western corner (Essex Street) to the north-eastern corner (Epping Road) of the site with an average grade of 12%. The site contains five dwelling-houses with associated outbuildings and landscaping and a number of exotic, native and locally indigenous trees.

The subject site is situated in Epping, approximately 420 metres to the east of Epping Station and north-west of Epping Road forming the eastern edge of the Epping Urban Activation Precinct. The subject site and surrounding areas are subject to substantial urban renewal for high density housing in the future. The locality to the north, south and west is zoned R4 High Density Residential and would potentially be developed as five storey residential flat buildings. The following development applications, relating to properties in the near vicinity of the site are under assessment:

- DA/1002/2014 for the construction of a five storey residential flat building comprising 30 units with basement car parking at Nos. 32 – 34 Essex Street, Epping (Opposite the Essex Street frontage of the site) was approved by Council on 11 February 2015.
- DA/1608/2014 for the construction of a five storey residential flat building comprising 30 units with basement car parking at Nos. 9-11 Crandon Road, Epping (Opposite the Crandon Road frontage of the site) is currently under assessment.



 DA/1042/2015 for the construction of two x five storey residential flat building comprising 63 units with basement car parking at Nos. 1 - 7 Crandon Road, Epping (Opposite the Crandon Road frontage of the site) is currently under assessment.

The allotments on the opposite side of Epping Road (east) constitute one or two storey dwellings in a low density R2 zone. The Essex Street Heritage Conservation Area is located to the south of the nearby intersection of Essex Street and Epping Road.

PROPOSAL

The proposal involves demolition of existing structures and construction of two, five storey residential flat buildings comprising 87 units with two levels of basement car parking and associated landscaping works. Building A would have frontages to Crandon Road and Essex Street whereas Building B would have frontages to Crandon Road and Epping Road. The buildings would be separated by a 9m wide central area comprising a pathway and seats with direct access to the communal open space at the rear and planter boxes screening the individual courtyards that face this area.

The unit mix would comprise 43 x 1 bedroom, 35 x 2 bedroom units and 9 x 3 bedroom units.

The development would be accessed from Crandon Road via a driveway located at the centre. A separate pedestrian access would adjoin the driveway leading to an entrance portico. Two separate foyers for the two buildings can be accessed from this portico. Each building provides access to all levels via two lifts.

Given that the buildings follow the contours of the land, five units within Building B would be located at the upper basement level, fronting Epping Road. A total of 94 car parking spaces including 13 visitor parking spaces, bicycle and motorbike parking spaces are proposed over two basement levels.

ASSESSMENT

The development application has been assessed having regard to 'A Plan for Growing Sydney', 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 A Plan for Growing Sydney and (Draft) North Subregional Strategy

A Plan for Growing Sydney has been prepared by the NSW State Government to guide land use planning decisions for the next 20 years. The Plan sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 689,000 new jobs and 664,000 new homes by 2031. The Plan identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

The NSW Government will use the subregional planning process to define objectives and set goals for job creation, housing supply and choice in each subregion. Hornsby Shire has been grouped with Hunters Hill, Ku-ring-gai, Lane Cove, Manly, Mosman, North Sydney, Pittwater, Ryde, Warringah and Willoughby to form the North Subregion. The *Draft North Subregional*



Strategy will be reviewed and the Government will set housing targets and monitor supply to ensure planning controls are in place to stimulate housing development.

The proposed development would be consistent with 'A Plan for Growing Sydney', by providing 82 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".

2.1 Hornsby Local Environmental Plan 2013

The proposed development has been assessed having regard to the provisions of the *Hornsby Local Environmental Plan 2013 (HLEP).*

2.1.1 Zoning of Land 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 provide 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 development proposed is a high density residential development and complies with the zone objectives. The proposed development is defined as a "Residential flat building" under the *HLEP* and is permissible in the zone with Council's consent.

2.1.2 Height of Buildings

Clause 4.3 of the *HLEP* provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 17.5m. The proposal would result in a maximum height of 18.3m to the roof of Building A, 18.82m to the lift over run of Building A and 18.2m to the lift overrun for Building B which does not comply with this provision. The applicant has made a submission in accordance with Clause 4.6 'Exceptions to development standards' of the *HLEP* to vary Clause 4.3 "Height of Building".

2.1.3 Exceptions to Development Standards

The application has been assessed against the requirements of Clause 4.6 of the *HLEP*. This clause provides flexibility in the application of the development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or hinder the attainment of the objectives of the zone.



The proposal exceeds the 17.5 maximum building height prescribed under Clause 4.3 of the *HLEP*. The objective of the development standard is:

• to permit building heights that are appropriate for the site constraints, development potential and infrastructure capacity of the locality.

The applicant has made a submission in support of a variation to the development standard in accordance with Clause 4.6 of the *HLEP*. The applicant seeks to vary the development standard by a maximum of 1.32m. The elements of the building that project over the permissible height limit comprise parts of the lift overruns and minor areas of roof overhangs. The exceedance of the height standard for the roof ranges between 35mm - 565mm. The lift overruns for both the buildings exceed the height limit by 709mm - 1.32m defining the maximum height of the building to be 18.82m. About 3.8% (82 sqm) of the total building footprint would exceed the height control.

The applicant states the proposed variation is considered to be consistent with the objectives of the control and is justified as follows:

- The site is constrained as it has three frontages and a significant cross fall, the change in level being about 7m. The proposal responds to the site topography by proposing a stepped built form whilst achieving suitable access for cars and service vehicles from Crandon Road. The height non-compliance has resulted in response to the above site constraints;
- Majority of the building footprint is located within the 17.5m height limit, except the minor sections as mentioned above;
- The additional height would not accommodate any habitable floor space and is not readily visible from the public domain;
- A height-compliant development would not result in an improved outcome in environmental planning terms, given that the breaches to the height standard are nominal in the context of the overall built form, being associated only with ancillary elements of the building. The design outcome is considered appropriate on environmental planning grounds;
- The minor inconsistency with the building height control must be balanced against the importance of implementing the outcomes arising from the *Department of Planning's Environment's Urban Activation Precinct* studies and recommendations. The development remains consistent with the desired built form of the area as envisaged in the above studies;
- The exceedance of the building height standard has no adverse outcome for the built and natural environments, the level of amenity for adjacent sites and the wider public domain; and
- Amendment to the design, to achieve strict compliance with the height standard would reduce the number of dwellings within the building without achieving a better planning outcome. Such a circumstance would therefore be contrary to the objectives of the *Environmental Planning and Assessment Act 1979* which seeks the orderly and economic use of land; and



• Therefore, it is reasonable to conclude that a better outcome will be achieved for this development by allowing flexibility in the application of the building height control.

Comment: The application was lodged with Council on 30 September 2014 and included a request pursuant to Clause 4.6 of the *HLEP* to support the departure to the 'Height of the building' development standard.

At the time of assessment of this application, Council considered the purpose and objective of Clause 4.6 to be similar to *State Environmental Planning Policy No.1 – Development Standards* (SEPP 1) which previously provided flexibility in applying development standards. Based on this assumption, it was concluded that the proposed height complies with the intent of *Clause 4.3 – Height of Building* and that the applicant's submission is considered acceptable due to the following reasons:

- The bulk of the building is contained within the 17.5m height limit;
- Given that the height non-compliance relates to the central part of the site, it would not be readily perceptible from the public domain;
- The site is situated within the *Epping Urban Activation Precinct*, which is currently undergoing transition/re-development. In terms of its compatibility, the proposal is considered to achieve the height and scale identified to express the desired future character of the Precinct. Given the overall height of the development in the future context of the precinct, this non-compliance would be imperceptible;
- There will be no undue environmental impacts in terms of overshadowing, view loss or adverse privacy impacts to adjoining properties that arise from the proposed noncompliance; and
- The proposal is considered to be in the public interest as it achieves consistency with the objectives of the R4 High Density Residential Zone and the objective of the *Height of Buildings* development standard.

Following the lodgement of this application, Commissioner Pearson of the Land & Environment Court passed a judgement on 30 January 2015 in the case of *Four2Five Pty Ltd* v Ashfield Council [2015] NSWLEC 1009, which established that "To accept a departure from the development standard, the context of the site should be considered and it should be demonstrated that the development promotes the proper and orderly development of land as contemplated by the controls applicable to the zone of the land, which is an objective of the Act (s 5(a)(ii)) and which it can be assumed is within the scope of the "environmental planning grounds" referred to in cl 4.6(4)(a)(i) of the LEP".

The judgement addressed that the environmental planning grounds, such as the public benefits arising from the additional housing choice identified in a written request are not considered to be particular to the circumstances of a proposed development on a site. In accordance with the views expressed in this decision, sufficient environmental planning grounds, unique to a site, must be demonstrated by the applicant, in order for the Clause 4.6 variation request to be upheld.

Whilst the submitted Clause 4.6 request demonstrates that the development is consistent with the objectives of this Clause and is an acceptable outcome on environmental planning



grounds, it does not include a context that is unique to the subject site, for which the additional height should be acceptable.

However, as stated earlier in this report, the development application and the accompanying Clause 4.6 variation were lodged with Council prior to a legal advice received by Council regarding this judgement. Notwithstanding the criteria established by the above judgement, the development provides a reasonable outcome for the site complying with the desired future character of the locality, without impacting on the amenity of the neighbouring properties, the natural and built environment of the locality.

Based on this assessment, the non-compliance with the development standard is supported.

2.1.4 Heritage Conservation

Clause 5.10 of the *HLEP* sets out heritage conservation provisions for Hornsby Shire. The site does not include a heritage item and is not located in a heritage conservation area. Accordingly, no further assessment regarding heritage is necessary.

2.1.5 Earthworks

Clause 6.2 of the *HLEP* states that consent is required for proposed 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.

In this regard, the applicant has submitted a Geotechnical Investigation Report for the site that includes recommendations and measures to be incorporated during excavation works. Council's assessment of the report concludes rat the proposal is satisfactory subject to implementation of the recommended measures during building works on the site and submission of a dilapidation report assessing the impact of the excavation on the adjoining property to the south.

2.2 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 a BASIX Certificate for the proposed units and is considered to be satisfactory.

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

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

The site has been used for residential purposes and is unlikely to be the contaminated. Further assessment in this regard is not warranted.

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

The application has been assessed against the requirements of *State Environmental Planning Policy No. 32 - Urban Consolidation (Redevelopment of Urban Land) (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 the social and economic welfare of the locality and would result in the orderly and economic use of under-utilised land within the Shire.

2.5 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 and railways. The site has a frontage to a classified road corridor (Epping Road). The following matters are required to be considered pursuant to the SEPP,

2.5.1 Development with frontage to a classified road

The proposal has been assessed against the requirements of Clause 101 of SEPP (Infrastructure) as the site has frontage to Epping Road. The objective of this Clause is:

- a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
- b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

The compliance of the proposal with the objectives of this Clause is discussed below.

2.5.1.1 Frontage to Epping Road

The subject site has frontage to Epping Road, which is a four lane divided *State Road* with a speed limit of 60km/hr at this location. Clearway restrictions apply on either side of Epping Road during peak hours. At all other times, "No Stopping" restrictions are applicable. Crandon and Essex Street are two-way local roads with two lanes, 50km/hour speed limit and unrestricted kerbside parking availability. The traffic volume on Epping Road is currently in the order of 40,000 – 48,000 vehicles on weekdays.

The Roads and Maritime Services publication "Guide to Traffic Generating Development" states that the typical one-way mid-block lane capacities for a 4-lane divided urban arterial road under interrupted flow conditions are 1,900 vehicles/hour/lane assuming *Clearway* conditions. The applicant has submitted a *Traffic Assessment Report* estimating traffic generation of the proposed development using Roads and Maritime Services (RMS) traffic generation rates. The report concludes that the proposed development would result in a net increase of 17 vehicle trips in peak hour traffic. The projected increase in traffic activities is minimal when compared to the maximum number of vehicles that can be accommodated by Epping Road, in the vicinity of the site. Furthermore, the development proposes access off Crandon Road which complies with the intent of Clause 101.

RMS has reviewed the proposal having regard to its impact on Epping Road and raises no objections subject to conditions of consent. It is considered that the proposed development



would not have any adverse impact on the safety, efficient and ongoing operation of Epping Road.

2.5.1.2 Air Quality

The application does not include any details regarding impact of airborne dust and vehicle emissions on the proposed development. However, Council has received an Air Quality Monitoring Report accompanying DA/1608/2014 at Nos. 9 – 11 Crandon Road (fronting Epping Road) on the opposite side of the site. The Air Quality Assessment Report includes monitoring results for the air pollutants including Ozone, Nitrogen Dioxide, Sulphur Dioxide and Particulate Matter. The report concludes that the majority of the particulate matter levels are within the National Environmental Protection (Ambient Air Quality) Measure (NEPM) Air Quality goals, adopted as indicative guidelines.

Given that the subject site adjoins Nos. 9 - 11 Crandon, this Air Quality report has been utilised in assessing the current application. Based on the monitoring results of the above report, it is concluded that the development would not be adversely impacted by airborne emissions and dust. The proposal maintains 8m - 10m setbacks from Epping Road and retains the majority of the existing vegetation along this frontage. The building also steps back at the topmost storey.

It is considered that the design of the development responds to the site context, being in the vicinity of a busy road and is designed in accordance with the recommendations with the document "*Development Near Rail Corridors and Busy Roads – Interim Guidelines 2008*".

2.5.2 Impact of Noise

Assessment of the impact of road noise on a residential use is required pursuant to Clause 102 of *SEPP (Infrastructure)* where a development fronts a road with an annual average daily traffic volume of more than 40,000 vehicles. The daily traffic volume on Epping Road, in the vicinity of the site exceeds 40,000 vehicles and therefore, this clause applies to the proposal.

In accordance with the requirement of the *SEPP (Infrastructure)*, the application is supported by an Acoustic Assessment report. The report demonstrates that the development is capable of achieving reasonable amenity and acoustic privacy subject to the implementation of recommended specifications for glazing, construction materials and finishes.

The application was referred to the RMS who recommends a condition for the development to incorporate measures to mitigate against noise to habitable rooms in accordance with the criteria set out within clause 102(3) of the *SEPP*.

2.5.3 Traffic Generating Developments

The development is classified as a Traffic Generating Development in accordance with Clause 104 and Schedule 3 of *SEPP (Infrastructure)* as it would result in more than 75 dwellings with vehicular access located within 90m of a classified road.



The proposal was referred to the *RMS* in regard to traffic generation and no objections were raised. As discussed in 2.5.1.1 of this report, the additional traffic can be readily accommodated by Epping Road without impacting on the on-going operations of the road. The impact of the traffic generated by the development on the local road network is discussed in Section 3.2.2 of this report.

2.6 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.

2.6.1 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development Amendment 3

SEPP 65 was amended on 19 June 2015 following review of the policy by the Department of Planning and Environment. The amendments replace the Residential Flat Design Guidelines with the Apartment Design Guide which prevails in the event of any inconsistency with a Development Control Plan.

Clause 31 (Transitional provisions for SEPP 65 – Amendment No. 3) states that "If a development application or an application for the modification of a development consent has been made before the notification on the NSW legislation website of the making of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (Amendment No 3) and the application has not been finally determined before the commencement of that amendment, the application must be determined as if the amendment had not commenced."

Pursuant to the above provision, this amendment would not apply to the subject application and the previous version (Amendment 2) of the *SEPP* is required to be considered.

2.6.2 Design Principles

The applicant has submitted a "Design Verification Statement" prepared by a qualified Architect stating how the proposed development achieves the design principles of *SEPP* 65. The design principles of *SEPP* 65 and the submitted design verification statement are addressed in the following table.

Principle	Compliance
1. Context	Yes

Comment: The subject site and surrounding area form part of the Epping Urban Activation Precinct and is subject to substantial urban renewal for high density housing. The site is located within a precinct planned for five storey residential flat buildings in close proximity to Epping Railway Station and Town Centre. The proposal responds to the desired future



character of the precinct as envisaged by Council for residential flat buildings in landscaped settings with underground car parking.

Once the development of the precinct is completed, the proposal would integrate with the surrounding sites and would be in keeping with the future urban form. The proposed buildings would contribute to the identity and future character of the precinct.

2. Scale

Yes

Comment: The scale of the development is in accordance with the height control, setbacks and building envelope controls for the precinct prescribed within the *HDCP*.

The development achieves a scale consistent with the desired outcome for well-articulated buildings that are set back to incorporate landscaping, open space and separation between buildings.

3. Built Form	Yes
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Comment: The proposed buildings achieves an appropriate built form for the site and its purpose, in terms of building alignments, proportions, and the manipulation of building elements. The buildings would appropriately contribute to the character of the desired future streetscape and include articulation to minimise the perceived scale.

The proposed materials and finishes would add to the visual interest of the development. Flat roof forms have been adopted with an increased top storey setback on the external facades to minimise bulk and height of the building as required by the *Hornsby Development Control Plan 2013 (HDCP)*.

4.	Densi	ity
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Yes

Comment: 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 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 acceptable in terms of density.

5. Resource, Energy and Water Efficiency

Yes

Comment: The applicant has submitted a *BASIX* Certificate for the proposed development. In achieving the required *BASIX* targets for sustainable water use, thermal comfort and energy efficiency, the proposed development would achieve efficient use of natural resources, energy and water throughout its full life cycle, including demolition and



6. Landscape	Yes	

Comment: The application includes a landscape concept plan which provides landscaping along the street frontages, side and rear boundaries and a landscaped area between the buildings. The proposal has been designed to facilitate the retention of significant trees along the Epping Road frontage and the periphery of the building envelope.

Large trees are proposed along the street frontages intercepted by shrubs and hedges which would soften the appearance of the development when viewed from the streets. Deep soil areas that incorporate canopy trees are provided around the building envelope which would enhance the development's natural environmental performance and provide an appropriate landscaped setting.

7. Amenity

construction

Yes

Comment: The proposed units are designed with appropriate room dimensions and layout to maximise amenity for future residents. The proposal incorporates good design in terms of achieving natural ventilation, solar access and acoustic privacy. All units incorporate balconies accessible from living areas and privacy has been achieved through appropriate design and orientation of balconies and living areas. Storage areas have been provided within each unit and in the basement levels. The proposal would provide convenient and safe access via a central lift connecting the basement and all other levels for each building.

8. Safety and Security Yes

Comment: The design orientates the balconies and windows of individual apartments towards the streets and the rear, providing passive surveillance of the public domain and communal open space areas. Both the pedestrian and vehicular entry points are secured and visibly prominent from Crandon Road.

The proposal includes an assessment of the development against crime prevention controls in the Statement of Environmental Effects (SEE). The SEE has regard to *Crime Prevention Through Environmental Design Principles (CPTED)* and includes details of surveillance, access control, territorial reinforcement and space management such as artificial lighting in communal areas; attractive landscaping whilst maintaining clear sight lines; security coded door lock or swipe card entry; physical or symbolic barriers to attract, channel or restrict the movement of people; security controlled access to basement car park; intercom access for pedestrians; and security cameras located at the entrance of the buildings. Appropriate conditions of consent are recommended to require compliance with the above matters.

9. Social Dimensions and Housing Affordability Yes



Comment: The proposal incorporates a range of unit sizes to cater for different budgets and housing needs. The development complies with the housing choice requirements of the *HDCP* by providing a component of adaptable housing and a mix of 1, 2 and 3 bedroom dwellings. The proposal responds to the social context in terms of providing a range of dwelling sizes with good access to social facilities and services as the site is located in close proximity to Epping railway station and shops.

10. Aesthetics

Yes

Comment: The architectural treatment of the buildings incorporate indentations and projections in the exterior walls with balcony projections to articulate the facades. The roof is flat to minimise building height and incorporates eaves which would cast shadows across the top storey wall. The articulation of the buildings, composition of building elements, textures, materials and colours would achieve a built form generally consistent with the design principles contained within the *Residential Flat Design Code* and the *HDCP*.

2.7 State Environmental Planning Policy No. 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 Complian					
Deep Soil Zone	30%	25%	Yes		
Communal Open Space	25%	25-30%	Yes		
Ground Level Private Open Space	<25m ² Min dimension < 4m	25m ² Min Dimension 4m	No No		
Minimum Dwelling Size	1 br – 51m ² -64m ² 2 br – 70m ² -83m ² 3 br – 98m ² -111m ²	1 br – 50m² 2 br – 70m² 3 br – 95m²	Yes Yes Yes		
Maximum Kitchen Distance	8m	8m	Yes		



Minimum Balcony Depth	2m	2m	Yes
Minimum Ceiling Height	2.8m	2.7m	Yes
Total Storage Area	1 bed - 6m ³ (Min) 2 bed - 8m ³ (Min) 3 bed - 10m ³ (Min)	1 bed - 6m ³ (Min) 2 bed - 8m ³ (Min) 3 bed - 10m ³ (Min)	Yes
	50% accessible from the apartments	50% accessible from the apartments	
Dual Aspect and Cross Ventilation	62%	60%	Yes
Adaptable Housing	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 ground floor private open space. Below is a brief discussion regarding the relevant development controls and best practice guidelines.

2.7.1 Ground Floor Apartments and Private Open Space

The proposal does not comply with the Code's best practice of 25m² ground level private open space requirement for a number of ground floor units. Further, the ground floor courtyards do not have a 4 metre minimum width dimension.

The proposal includes 7m wide landscaped deep soil areas along the three street frontages in accordance with the requirements of the *HDCP*. The provision of 25m² private open space areas at the ground level would result in encroachment within the prescribed setback areas.

Encroachment of private courtyards area in this area is not desirable due to high level of pedestrian and vehicular activities along the streets in the future. A built form with common landscaped areas intercepted by shrubs and hedges providing acoustic and visual privacy to the ground floor residents is a preferred design outcome for the site.

The proposed ground floor terraces and balconies are considered appropriate for the respective ground floor units in respect to dwelling size, aspect, unit configuration and amenity. The proposed ground floor private area space areas comply with the minimum area requirements of the *HDCP*. Accordingly, the numerical non-compliance is considered minor and is acceptable.

2.7.2 Apartment Layout



The layouts of the proposed dwellings include a combination of single aspect units, crossover units and dual aspect corner units that provide for housing choice and a range of household types.

As stated in the table, the development includes a varied range of unit sizes. Approximately 44% of the units would comply with the internal areas and unit configurations recommended by the *RFDC* guidelines. The balance of the units meets the requirements of the Code for affordable housing unit sizes. 27% of the kitchens would receive natural ventilation.

The *RFDC* requires that not more than 10% of apartments be south facing, single aspect units. The proposal complies with this requirement.

During assessment of the initial proposal, Council raised concerns regarding the percentage of cross ventilated units within the development. In response, the applicant submitted a *Natural Ventilation Performance report* prepared by *Windtech* that included detailed assessment of individual units in relation to ventilation performance. The report concluded that 65% of the units would be naturally cross ventilated subject to inclusion of skylights to the top level units. Following this report, the proposal has been amended in response to several others concerns raised by Council. The proposal in its current form includes 54 cross-ventilated units that constitute 62% of the total yield on the subject site. This complies with the requirements of the *RFDC* and is assessed as satisfactory.

With consent conditions, the apartment layouts of the amended proposal are functional and satisfy the *RFDC* objectives for internal privacy, access to sunlight, natural ventilation and acoustic privacy. It is considered that the apartment layout and mix achieve the intent of the best practice requirements of the *RFDC* and are acceptable in this regard.

2.7.3 Internal Circulation

The RFDC prescribes that units accessible from a single core/corridor should be limited to eight. Each building includes a central service core with two lifts providing access to a maximum of nine units for Building B and 10 units for Building A. This does not comply with the requirements of the RFDC.

Given the unusual shape of the site and the 45m – 50m frontages along the north-south axis, the proposal has resulted in building lengths of approximately 40m. Consequently, provision of eight units per floor would unreasonably compromise development on the site. To provide reasonable amenity for the future occupants, the buildings include two lifts each. This is a minor numerical non-compliance and does not warrant refusal of the application.

Given this, the proposal is acceptable with respect to the requirements of the *RFDC* for internal circulation.

2.7.4 Acoustic Privacy



The internal layout of the residential units is designed such that noise generating areas would adjoin each other wherever possible. Circulation zones, communal areas or fire stairs 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 assessed as satisfactory with regard to acoustic privacy.

2.7.5 Storage

The proposed building includes resident storage areas for the apartments accessed from a hall or living room. In addition, storage cages are provided in the basement for each unit. The total storage area for each unit complies with the requirement of *RFDC*. A condition is recommended that each dwelling within the development must have a minimum area for storage of 6m³ for one bedroom units, 8m³ for two bedroom units and 10m³ for three bedroom units, where at least 50% is required to be located within the apartment and provided in addition to bedroom and kitchen cupboards.

In summary, the proposed residential flat buildings have been designed in accordance with the design principles of *SEPP* 65 and generally comply in respect to the *Residential Flat Design Code* subject to the imposition of appropriate conditions of consent. It is considered the proposal would achieve good residential amenity and contribute to the desired future character of the precinct.

2.8 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The application has been assessed against the requirements of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.* This Policy provides general planning considerations and strategies to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained.

Subject to the implementation of installation of sediment and erosion control measures and stormwater management to protect water quality, the proposal would have minimal potential to impact on the Sydney Harbour Catchment.

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

Clause 74BA of the *Environmental Planning and Assessment Act, 1979* states that a DCP provision will have no effect if it prevents or unreasonably restricts development that is otherwise permitted and complies with the development standards 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; facilitate development that is permissible under any such instrument; and achieve the objectives of land zones. The provisions contained in a DCP are not statutory requirements and are for guidance purposes only. Consent authorities have flexibility to consider innovative solutions when assessing development proposals, to assist achieve good planning outcomes.



2.10 Hornsby Development Control Plan 2013

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The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the *Hornsby Development Control Plan 2013 (HDCP)*. The following table sets out the proposal's compliance with the prescriptive requirements of the Plan:

	Hornsby Development Control Plan 2013				
Control Proposal Requirement Complia					
Site Width	Crandon Road - 88.1m Epping Road - 56m Essex Street - 48.8m	30m	Yes		
Height	5 storeys + mezzanine- 18.82m	5 storeys – 17.5m	No		
Maximum Floorplate Dimension	Bldg A – 31m and 40m Bldg B – 25m – 40m	35m 35m	No No		
Building Indentation	4m x 4m	4m x 4m	Yes		
Height of Basement Above Ground	1m	1m (max)	Yes		
Epping Road Setback	10m 8m (for 11.3m) < 1/3 frontage 7m (balconies)	10m 8m (for 13.3m) < 1/3 frontage 7m (balconies)	Yes Yes Yes		
Essex Street Setback	10m 8m (for 8m) < 1/3 frontage 7m (balconies)	10m 8m (for 12.6m) < 1/3 frontage 7m (balconies)	Yes Yes Yes		
Crandon Road Setback					



	1	1	
Building A	10m 8m (for 20m) < 1/3 frontage 7m (balconies)	10m 8m (for 10m) < 1/3 frontage 7m (balconies)	Yes No Yes
Building B	10m 8m (for 10m) < 1/3 frontage 7m (balconies)	10m 8m (for 8.3m) < 1/3 frontage 7m (balconies)	Yes No Yes
Side setback (South)			
Building A	6m 4m (for 10m) < 1/3 frontage No balconies	6m 4m (for 10m) < 1/3 frontage 6m (balconies)	Yes Yes Yes
Building B	6m 4m (for 8m) < 1/3 frontage	6m 4m (for 11m) < 1/3 frontage	Yes Yes
	No balconies	6m (balconies)	Yes
Top Storey Setback from Ground Floor	3m <3m above unit 3.15 for Bldg A	3m	No
Underground Parking Setback	10m – Epping Road 8m – 15m– Essex Street 7m –Crandon Road 6m - South	7m 7m 7m 4m	Yes Yes Yes Yes
Basement Ramp Setback	>2m	2m	Yes



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Deep Soil Landscaped Areas	7m-Street frontages 4m -6m - south	7m-front and rear 6m - sides	Yes Yes
Private Open Space	1br units >10m ² 2 br units >12m ² 3 br units >16m ²	1br units 10m ² 2 br units 12m ² 3 br units 16m ²	Yes Yes Yes
Min width of balconies	2m- 2.5m	2.5m	No
Communal Open Space with Minimum Dimensions 4m	25%	25%	Yes
Parking	82 resident spaces 12 visitor spaces 18 bicycle racks 9 visitor bicycle racks 2 motorbike spaces	82 resident spaces 12 visitor spaces 18 bicycle racks 9 visitor bicycle racks 2 Motorbike spaces	Yes Yes Yes Yes Yes
Solar Access 2 hours between 9am – 3pm Solar Access 2 hours between 8am – 4pm	66.6% (58/87) 81.61%	70% (61/87) N/A	No N/A
Housing Choice	1br – units – 49% 2br – units – 41% 3br – units – 10%	10% of each type (min)	Yes
Adaptable Units	31%	30%	Yes

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

2.10.1 Desired Future Character

The site is included in the Essex/Pembroke Street, Epping Precinct which was rezoned from Residential A (Low Density) to R4 (High Density Residential) as part of the Epping Urban Activation Plan.

The proposed buildings are in accordance with the key principles for the future character of the precinct for well-articulated five storey residential flat buildings in garden settings with basement car parking and access from local roads.

2.10.2 Site Requirements

The *HDCP* requires sites to have a minimum frontage of 30m. The subject site has three frontages that comply with this requirement. The development would not result in isolation of any site and is assessed as satisfactory in this regard.

2.10.3 Height

The proposed building would not comply with the permissible building height of 17.5m. The applicant has lodged a submission seeking to vary the development standard pursuant to Clause 4.6 of the *HLEP*, which is addressed in Section 2.1.3 of this report.

2.10.4 Setbacks

As noted in the table above, the proposal generally complies with most of the building setback controls. The front setback requirements have been applied to all the street frontages in accordance with Council's request to ensure compatibility with the adjoining developments in the locality. The compliance of the setbacks with the prescriptive measures within the *HDCP* is discussed below.

Crandon Road setback

As stated in the table above, greater than 1/3 of the building length for Building A would encroach within the nominated 8m - 10m setback along this frontage. The encroachment is acceptable due to the following reasons:

- The site is irregular in shape and the buildings generally follow the shape of the site. Further stepping of the buildings to comply with the setbacks would result in irregular unit layouts and compromise the amenity for the future occupants, which is not considered to be a better design outcome for the site;
- The HDCP requires that the side setback requirements (4m 6m) be applied to the longer frontage for all corner sites. However, the front setback requirement has been applied to the Crandon Road frontage in accordance with Council's requirements, thus reducing the overall building footprint. Further stepping would result in reduction in unit numbers which is considered unreasonable;



- The proposed setbacks would have no adverse impact on the privacy or amenity of adjoining properties; and
- Generous landscaping with canopy trees intercepted by shrubs and hedges are proposed along this boundary to screen the development.

It is considered that the proposal complies with the intent of the prescriptive measures which is to provide for landscaping, open space and separation between buildings and the proposal is acceptable in this regard.

Top Storey Setbacks

The *HDCP* requires 5 storey residential flat buildings to incorporate a 3m additional setback for the top storey on all elevations. The majority of the development complies with the top storey setback requirement except the north-western corner of Building A (above Unit 3.15 and 3.16).

The non-compliances with the top storey setbacks relates to a minor section of the building, when compared to the overall scale of the development. Notwithstanding the non-compliances, the buildings appear as two pavilions, accentuated by the roof form. As the facades provide 4m x 4m indentations (where applicable), a balanced juxtaposition of horizontal and vertical blade elements, interesting fenestration and wrap around balconies pavilion effects, the overall built-forms are considered to be well articulated.

The encroachment would not impact on the building separation requirements of the *RFDC* or the *HDCP*. In this regard, it is considered that the intent of the prescriptive measure is achieved and that the minor non-compliances are acceptable.

2.10.5 Built Form and Separation

Built form is discussed below in terms of separation, floor-plates and articulation.

Building Separation

The *RFDC* and *HDCP* require a building separation of 12m between unscreened habitable areas or balconies increasing to 18m from the fifth level, for two residential buildings on adjoining sites. Accordingly, all proposed developments are required to provide half of the building separation, as setbacks from side boundaries. Further, a 9m separation between buildings on the same site is allowed, where no unscreened habitable areas face each other.

The building separation requirements would apply to the southern side of the development. The development complies with the building separation requirements along this boundary by proposing a minimum boundary setback of 6m for unscreened habitable areas up to the fourth level. Highlight windows and screens have been added to the habitable rooms with a 4m setback from the relevant boundaries.

Additionally, a minimum 9m separation is maintained between the buildings within the site. Highlight windows and additional privacy screens to balconies have been added in sections of the buildings where unscreened habitable areas of two buildings face each other, internally within the site.



Floor-Plates

The proposed building would have a maximum floor-plate dimension of 40m fronting Epping Road and internally within the site, which exceeds the requirements of the *HDCP*. The non-compliance is supported due to the following reasons:

- The site is irregular in shape with a frontage of 56m to Epping Road and 48.8m to Essex Street, being substantially longer than other sites that accommodate a compliant building envelope with a 35m floor plate dimension. The depth of the site is approximately 55m at the centre. Given the attributes of the site, it is unreasonable to achieve compliance with the 35m floor plate dimension for all facades.
- The floor plate fronting Essex Street would have a maximum length of 35m.
- Given that the buildings follow the shape of the site, the internal façade lengths and the floorplate fronting Epping Road would be about 40m.
- The wider setbacks along the street frontages have resulted in considerable reduction of the building lengths. Further reduction would compromise development on this site and is not warranted.
- In lieu of the non-compliant floor plates, the facades fronting the streets and internally, have been highly articulated. A 4m x 4m indentation is proposed on each facade that exceeds 25m in length and the individual buildings appear as two pavilions. Two distinct built forms with a wide entry plaza fronting Crandon Road have been proposed.
- The buildings have been significantly indented along all elevations by projecting balconies, wall offsets and corner windows.
- The façade design responds appropriately to the constraints of the site, achieves the pavilion effect and is considered a reasonable design outcome for the site.
- Once the precinct is redeveloped and the adjoining buildings are constructed, the non-compliance would be minor compared to the overall scale of the surrounding developments and would not be perceived from the public domain.

Articulation

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

- The facades have been divided into vertical 'panels';
- The inclusion of wrap around balconies, vertical and horizontal blade elements, stepped levels of the building, flat roof and large proportion of openings at the topmost storey; and
- The buildings would incorporate a varied use of finishes including acrylic render paint finishes, face bricks and a dark toned colour palette with lightweight balconies.

The design of the floor-plates, the proposed indentations and the articulation of the facades has been assessed as satisfactory.



2.10.6 Landscaping

The landscaping provisions of the *HDCP* prescribe that a 7m wide landscaped area is to be provided at the front and a 4m wide landscaped area provided along the side boundaries. The design of the basement generally achieves 7m - 10m wide landscaped setbacks along the street frontages and a 4m wide landscaped area at the rear.

The *HDCP* requires that a 7m x 7m deep soil pocket be proposed between the two buildings. The proposal does not comply with this requirement. Given that wider setbacks are proposed along the three frontages, the basement is designed around the centre of the site. A further provision of a 7m x 7m wide deep soil pocket would result in non-compliance with the parking provisions or encroachment of the basement within the side setbacks which is not desirable. Accordingly, the proposal is accepted in its current form.

The submitted landscaped plan identifies a central landscaped plaza between the two buildings that would include seating areas and screen planting. The street frontages include deep soil planting with a variety of medium to large sized native trees and shrubs to provide privacy and screen and peripheral landscaping.

Council's assessment concludes that the proposal is satisfactory with regard to landscaping.

2.10.7 Open Space

The proposed private open space areas generally comply with the prescriptive area requirements, include a range of layouts with access off living areas and would provide for a range of outdoor activities. All units comply with the minimum open space areas prescribed by the *HDCP*. It is noted that the balcony depth for a number of units would be less than 2.5m. However, these units include a minimum depth of 2m and comply with the *RFDC* requirements. Accordingly, no objections are raised regarding the reduced depth of balconies.

The proposed communal open space area would be located between the two buildings and at the rear. The areas comply with the prescriptive area requirements and would provide for larger gatherings between the buildings. The entrance portico would provide direct access to the common area.

Screen planting between the ground level courtyards and the communal open space would minimise adverse impacts on the amenity of the residents. It is considered the proposed open space provision would provide for a range of outdoor activities and encourage active living.

2.10.8 Privacy and Security

The proposed development is appropriately designed for privacy with all of the units having an external outlook. The southern boundary of the site adjoins land capable of being redeveloped in the future for a 5 - storey building. The proposal is generally consistent with the separation requirements of the *HDCP* with conditions requiring screens where appropriate. As a result, the development would not compromise the privacy of future occupants or adjoining neighbours.



In terms of security, the proposal comprises safe, clear and direct pedestrian entrances from Crandon Road. Passive surveillance is achieved by the orientation of private open space and living room windows of units to the streets, rear and communal open spaces on the site.

2.10.9 Sunlight and Ventilation

HDCP requires that at least 70% of dwellings should receive 2 or more hours of sunlight to the living room windows and private open space. In this regard, the applicant has submitted solar access diagrams and a Solar Access analysis demonstrating solar access for individual units.

The applicant submits that 70.11% (61/87 units) would receive a minimum 2 hours solar access between 9am and 3pm during the Winter Solstice. Council's assessment in this regard concludes that 66.6% (58/87 units) would receive 2 hours of unobstructed solar access to the living room windows and private open space between 9am and 3pm during the Winter Solstice, which does not comply with the *HDCP* requirements. The non-compliance with the 70% requirements is considered acceptable due to the following reasons:

- The relationship of True North to the site boundaries is such that two hours of unobstructed solar access is not available to the eastern and western elevations of the proposed buildings, between 9am and 3pm;
- The non-compliance of the proposal with the 70% requirement is minor (3 units out of 87 units); and
- Due to the irregular shape of the site and the setback requirements, the buildings step inwards from north to south. Consequently, the balconies at the south-western and south-eastern sections of the buildings do not project out and therefore do not receive the required solar access between 9am and 3pm during winter solstice. Further projections of the balconies and living areas would result in encroachment within the setbacks at the street frontages and is not warranted.

Based on Council's assessment with extended hours, an additional 17 units (71/87), constituting 81.61% of the dwellings, would achieve 2 hours of direct solar access between 8am until 4pm. Given the context of the site, application of extended hours of solar access to the proposed dwellings is considered acceptable due to the following reasons:

- The site adjoins the Epping Road to the east. Therefore, the eastern elevation of Building B would receive unobstructed solar access from 8am with no overshadowing impacts; and
- Similarly, the western elevation of Building A fronting Essex Street would receive unobstructed solar access up to 4pm with no overshadowing impacts due to adjoining developments.

The proposal also complies with the requirement for at least 60% of dwellings to have dual aspect and natural cross ventilation.

Given the circumstance, the application is assessed as satisfactory with regard to sunlight access and natural ventilation.



2.10.10 Housing Choice

As stated in the above table, the proposed development includes a mix of one, two and three bedroom units including adaptable units complying with the prescriptive measures of the HDCP.

2.10.11 Vehicular Access and Parking

The proposed basement car park is over two levels and is accessed via a 6.1m wide driveway from Crandon Road. RMS has reviewed the proposal in this regard and raised no objections to the proposed driveway access.

Parking provision within the basement levels is in accordance with the minimum number of car spaces prescribed by the *HDCP*. The basement level includes storage areas for residents, bicycle/motor cycle parking areas, visitors; parking spaces, garbage truck loading bay and nine accessible car spaces.

Subject to recommended conditions, the proposal is considered satisfactory in respect to the *HDCP* requirements for vehicle access and parking.

2.10.12 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. The site will require 8 x 660 litre garbage bins serviced two times per week, 19 x 240 litre recycling bins serviced weekly and 1 x 1100 litre paper/cardboard bin.

An accessible garbage room with 2 x 240 litre garbage bins and a recycling bin has been proposed at each residential level. The 240 litre bins would be decanted into 660 litre bins at regular intervals and stored in the garbage room proposed to be located at the upper basement level adjoining the loading bay. The bin room is sufficient to accommodate the required number of bins for servicing. A bulky waste storage area (8 sqm) is also proposed within the basement.

The waste collection vehicle (being a Small Rigid Vehicle) would enter the site in a forward direction, park in the loading bay at the basement level beside the garbage room, turn and egress the site in a forward direction. The vehicle turning paths for SRV access have been assessed as satisfactory.

Subject to conditions of consent, the proposed development is assessed as satisfactory with regard to on-going waste management operations on-site and service vehicle access.

2.10.13 Essex/Pembroke Street, Epping Precinct

The strategy for redevelopment of this precinct is to incorporate five storey residential flat buildings in garden settings with parking in basements and access off local roads. The development responds appropriate to the site constraints and would provide for a landscaped setting and a built form that is consistent with the desired outcome for the Essex/Pembroke Street, Epping Precinct.



2.11 Section 94 Contributions Plans

Hornsby Shire Council Section 94 Contributions Plan 2012-2021 applies to the development as it would result in an additional 87 residential dwellings in lieu of the 5 existing residences. Accordingly, the requirement for a monetary Section 94 contribution is recommended as a condition of consent.

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

3.1.1 Tree and Vegetation Preservation

The site comprises a number of exotic, native planted trees and locally indigenous specimens.

The applicant submitted an Arboricultural Impact Report which identifies 56 trees on, or adjacent to, the proposed development site, including street trees along the frontages. Three trees have been identified as locally indigenous trees. The development footprint would require removal of 32 trees. One street tree would also require removal to facilitate vehicular access on to the site. The proposed development has been sufficiently setback to retain the 23 peripheral trees (including street trees) and maintain the existing tree canopy.

A landscape plan has been submitted with the application that includes replacement planting with a range of locally native plant species with a mix of small, medium and large canopy trees (21 in total), shrub layers and ground covers. Subject to conditions requiring retention of the street trees and on-going maintenance of the landscaped areas, the development would achieve a landscape setting and would be acceptable with respect to the natural environment.

3.1.2 Stormwater Management

The development would connect to Council's drainage system located on Crandon Road via an onsite detention tank located at the front of the site to control the discharge of water from the site.

The stormwater concept plan incorporates a water quality treatment system in the form of stormwater filters within the on-site detention tank. The details of the system and the associated MUSIC model, prepared by an accredited person, have been submitted and assessed as satisfactory by Council, subject to the implantation of recommended conditions of consent.

3.2 Built Environment

3.2.1 Built Form



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

3.2.2 Traffic

The development has frontage to a State Road (Epping Road) to the east and two local roads to the north and west. The impact of the development on the local traffic network has been assessed in Section 2.5.1 of this report.

Although this additional traffic may appear to be negligible when compared with the traffic volumes on the adjacent road network for this development alone, the cumulative traffic impacts of all sites earmarked for redevelopment in the precinct would be significant. The cumulative impact has been considered in the strategic transport model for *Epping Town Centre Urban Activation Precinct.* The State Government has committed funding to address regional traffic growth.

In accordance with the above studies, A Traffic Management Improvement Plan is included in the *HDCP* relating to the Epping precincts. The Key Principles Diagram for this Plan identifies intersection improvement for Essex Street and Epping Road, which are to be undertaken by RMS. These works would provide for the increase in traffic in the area and ease of traffic flow within the existing network. Notwithstanding, the traffic study acknowledged that although the works identified would assist traffic flows, strategies to manage demand by reducing car usage will be more critical than strategies to increase capacity of existing roads.

A condition of consent requires the submission of a 'Construction Traffic Management Plan' for review and approval by Council prior to the issue of the Construction Certificate, to mitigate any adverse impact on the locality during construction of the development.

3.3 Social Impacts

The residential development would improve housing choice in the locality by providing a range of house hold types. The location of the development is in close proximity to the Epping Railway station, commercial, recreational, health and education 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".

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

5. PUBLIC PARTICIPATION



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

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 15/10/2014 and 29/10/2014 in accordance with the Notification and Exhibition requirements of the *HDCP*. Amended plans were re-notified between 12/06/2015 and 26/06/2015. During this period, Council received no submissions. The map below illustrates the location of those nearby landowners who were notified of the development.



NOTIFICATION PLAN

	PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	PROPERTY SUBJECT OF DEVELOPMENT	W OF E
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5.2 Public Agencies

The development application was referred to the following Agencies for comment:

5.2.1 Roads and Maritime Services

The proposal was referred to the Roads and Maritime Services for comments pursuant to the provisions of *SEPP (Infrastructure)*. No objections were raised subject to recommended conditions of consent.

5.2.2 NSW Police

The application was referred to NSW Police Force for comments. No objections have been raised subject to conditions of consent.

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 assessed as 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*. The applicant has made a submission in accordance with Clause 4.6 'Exceptions to development standards' of the *Hornsby Local Environmental Plan 2013* to vary Clause 4.3 "Height of Building". The submission is considered well founded and is supported.

The proposed development generally complies with the prescriptive measures of the *HDCP* and would result in a built form which contributes positively to the built environment and desired future character of the Essex/Pembroke Street, Epping Precinct.

Approval of the proposal is recommended.

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.



SCHEDULE 1

GENERAL CONDITIONS

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

- Note: For the purpose of this consent, the term 'applicant' means any person who has the authority to act on or the benefit of the development consent.
- Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation, or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

Plan N	lo.	Plan Title	Drawn by	Dated
DA 100	01 C	Site Plan	JPRA Architects	24/08/2015
DA 200	00 C	Lower Parking Floor Plan	JPRA Architects	24/08/2015
DA 200	01 C	Upper Parking Floor Plan	JPRA Architects	24/08/2015
DA 200	02 D	Ground/Entry Floor Plan	JPRA Architects	24/08/2015
DA 200	03 D	Level 1 Floor Plan	JPRA Architects	24/08/2015
DA 200	04 D	Level 2 Floor Plan	JPRA Architects	24/08/2015
DA 200)5 D	Level 3 Floor Plan	JPRA Architects	24/08/2015
DA 2006 D		Level 4 Floor Plan	JPRA Architects	24/08/2015
DA 2007 C		Level 5 Floor Plan	JPRA Architects	24/08/2015
DA 2008 C		Roof Plan	JPRA Architects	24/08/2015
DA	2100,	Individual Unit layouts	JPRA Architects	24/08/2015
2101,	2102,			
2103,	2104,			
2105,	2106,			
2107,	2108,			
2109,	2110,			



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2111, 2112,			
2113, 2115,			
2116, 2117,			
2118, 2119, C			
DA 4000 and 4006 C	Crandon Road Elevation	JPRA Architects	24/08/2015
DA 4001 and 4007 C	Epping Road Elevation	JPRA Architects	24/08/2015
DA 4002 and 4008 C	Essex Road Elevation	JPRA Architects	24/08/2015
DA 4003 and 4009 C	South Elevation	JPRA Architects	24/08/2015
DA 4004 C	Internal East Elevation	JPRA Architects	24/08/2015
DA 4005 D	Internal West Elevation	JPRA Architects	24/08/2015
DA 4010 C	Section A	JPRA Architects	24/08/2015
DA 4011 D	Section B	JPRA Architects	24/08/2015
4131-01 C	Landscape Plan	Peter Glass and Associates	05/05/2015
4131-02 C	Landscape Plan Schedule	Peter Glass and Associates	05/05/2015
H-DA-00 D	Sedimentation Control Legend and Details	ITM Design	1/06/2015
H-DA-01 D	Lower Parking Level Stormwater Drainage	ITM Design	1/06/2015
H-DA-02 D	Upper Parking Level Stormwater Drainage	ITM Design	1/06/2015
H-DA-03 D	Ground Floor Stormwater Drainage	ITM Design	1/06/2015

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Document Title	Prepared by	Dated
Survey Plan	Project Surveyors	9/05/2014
DA 1200 C - Site Analysis Plan	JPRA Architects	24/08/2015
DA 2300 C – Regulatory Requirements	JPRA Architects	24/08/2015
DA 2301 C – Deep Soil and Landscape Areas	JPRA Architects	24/08/2015
DA 2302 C – SEPP 65 Compliance Matrix	JPRA Architects	24/08/2015



DA 2300 C – Regulatory Requirements	JPRA Architects	24/08/2015
DA 2310 C – Shadow Diagrams	JPRA Architects	24/08/2015
-		
DA 2320, 2321, 2322 C and 2323 D - Solar Access Analysis	JPRA Architects	24/08/2015
DA 2350 and 2351 D – Solar Access Analysis	JPRA Architects	24/08/2015
DA 2340 C – Height Plane Diagram	JPRA Architects	24/08/2015
DA 7000 and 7001 C– External Finishes	JPRA Architects	24/08/2015
DA 7500 C and 7501 – Views	JPRA Architects	24/08/2015
Design Verification Statement	Roland Martinez	1/06/2015
Landscape Design Statement	Peter Glass and Associates	28/05/2015
Clause 4.6 Variation	City Plan Services	27/08/2015
Traffic Impact Statement and Addendums	GTA Consultants	25/09/2014, 27/05/2015 and 24/08/2015
Arboricultural Impact Assessment Report	Urban Forestry Australia	May 2015
BASIX Certificate 574806M_03	Basix Services Australia	2/06/2015
NatHERS Certificate 04NK1BYX4T	Basix Services Australia	1/06/2015
Statement of Environmental Effects	City Plan Services	September 2014
SEPP 65 Compliance	City Plan Services	September 2014
Acoustic Report	SLR Global	24/09/2014
Natural Ventilation Report	Windtech	18/09/2014
BCA Capability Report J140339	Vic Lilli	25/09/2014
Site Waste management Plan 2014/0312	Basix Services	20/09/2014
Access Audit Report	ILC Access	8/09/2014
Geotechnical Investigation Report	Douglas Partners	August 2014
1		


2. Removal of Existing Trees

This development consent permits the removal of trees numbered 2-11, 15-20, 23, 24, 27, 30, 31, 32, 36, 41, 42, 46 & 50-56 as identified in the *Arboricultural Impact Assessment* prepared by *Urban Forestry Australia, dated May 2015.*

The removal of any other trees requires separate approval in accordance with the Tree and Vegetation Chapter 1B.6 Hornsby Development Control Plan (HDCP).

3. Amendment of Plans

The following plans must be amended to be in accordance with the approved layout in DA 2002 D, Ground/Entry Floor Plan prepared by JPRA Architects dated 24/08/2015:

Plan No.	Plan Title	Drawn by	Dated
4131-01 C	Landscape Plan	Peter Glass and Associates	05/05/2015
H-DA-00 D	Sedimentation Control Legend and Details	ITM Design	1/06/2015
H-DA-03 D	Ground Floor Stormwater Drainage	ITM Design	1/06/2015

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.
- b) The Construction Certificate plans must not be inconsistent with the Development Consent plans.

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	\$ 60,506.80	
Open Space and Recreation	\$ 915,410.55	
Community Facilities	\$ 127,645.65	
Plan Preparation and Administration	\$ 3,781.95	



TOTAL	\$ 1,107,344.95	1

being for 43 x 1 bedroom, 35 x 2 bedroom units and 9 x 3 bedroom units with a credit of 5 allotments.

b) The value of this contribution is current as at 30 September 2015. 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:

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

 $\mathbf{CPI}_{\mathsf{DC}}$

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
 - 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 <u>www.hornsby.nsw.gov.au</u> or a copy may be inspected at Council's Administration Centre during normal business hours.

6. Project Arborist



A Project Arborist is to be appointed in accordance with *AS* 4970-2009 (1.4.4) to provide monitoring and certification throughout the development process. The details of the appointed Arborist are to be provided to Council and the PCA prior to the issue of the construction certificate.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

7. Building Code of Australia

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

8. Contract of Insurance (Residential Building Work)

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

9. Notification of Home Building Act, 1989 Requirements

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

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

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

10. Noise

The development must be carried out in accordance with the recommendations contained within the acoustic report submitted with the development application, titled *Acoustic Assessment*, prepared by *SLR* and dated *24/09/2014* and the requirements



of the Department of Planning's Development Near Rail Corridors and Busy Roads – Interim Guideline and RailCorp's Interim Guidelines for Applicants.

Note: The Department of Planning's document is available at <u>www.planning.nsw.gov.au</u> (development assessments).

11. Utility Services

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

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

12. Sydney Water – Quick Check

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

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

13. Dilapidation Report

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of No. 41 Essex Street, Epping.

14. Adaptable Units/Letter Boxes/Acoustics

The following details must be provided with the Construction Certificate plans.

- a) The development is required to provide 27 units designed as adaptable housing pursuant to the requirements of 1C.2.2 of the Hornsby Development Control Plan 2013. In this regard, nine (9) car parking spaces are to be designed for people with a disability and allocated to 9 adaptable units.
- b) The waste facility provided at each residential level for the two buildings must be accessible by persons with a disability and have a minimum door width of 2m.
- The letter boxes must be located as shown on the approved Landscape Plan 4131-01 Issue C.
- d) The recommendations within the *Acoustic Assessment*, prepared by *SLR* and dated *24/09/2014* must be incorporated.

15. Storage

Each dwelling within the development must have a minimum area for storage (not including kitchen and bedroom cupboards) for 6m³ for one bedroom units, 8m³ for two



bedroom units and 10m³ for three bedroom units, where 50% is required to be located within the apartment and accessible from either the hall or living area. Details must be submitted with the Construction Certificate plans.

16. 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. The Traffic Management Plan shall be submitted and approved by Council's Manager Traffic and Road Safety prior to the issue of a construction certificate. 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.

The Traffic Control Plan shall be submitted to Council for approval prior to the issue of the Construction Certificate.

17. Construction Management Plan

A Construction Management Plan (CMP), prepared by a suitably qualified consultant, must be submitted for approval by Council prior to the issue of a construction certificate. The CMP must include, but not be limited, details of the following:

- a) Details of construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic;
- Noise attenuation measures be implemented along the southern boundary of the site (adjoining No.41 Essex Street) including a hoarding height not less than 3m from the existing ground level;
- c) During excavation works, rock removal must be undertaken by sawing instead of rock hammering, wherever practicable;
- d) All construction vehicles associated with the proposed development are to be contained on site.

Note: No construction zones will be permitted on Epping Road in the vicinity of the site.

e) The construction works must be undertaken in accordance with the "Interim Construction Noise Guidelines – 2009" published by DECCW and achieve compliance with the relevant noise levels; and



f) The delivery times and vehicular movements related to demolition, excavation and construction works must be restricted to the construction hours only.

18. 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 crossing levels at the front boundary must be obtained from Council;
- b) The driveway ramp, vehicle turning area and loading bay must be designed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for Small Rigid Vehicles (SRV).

Note: A separate application would be required to obtain the crossing levels.

19. Stormwater Drainage

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

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

20. On Site Stormwater Detention

An on-site stormwater detention system must be designed by a chartered civil engineer in accordance with Council's On-Site Detention (OSD) Policy and the following requirements:

- a) The on-site detention tank volume must be at least 52 m³ and permitted site discharge, when full, not more than 70 litres per second;
- b) The on-site detention system must be provided with a top water level overflow system, conveying overflows directly to the street drainage system;
- Include measures to achieve the water quality targets specified in Council's Development Control Plan 2012 (table 1C.1.2(b) Urban Stormwater Quality Targets; and
- d) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

21. Preservation of Survey Infrastructure

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



22. Waste Management Plan

Waste Management Plan Section One – Demolition Stage and Section Three – Construction Stage, covering the scope of this project and including the following details, is required to be submitted to Council:

- An estimate of the types and volumes of waste and recyclables to be generated;
- b) A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas;
- c) How excavation, demolition and construction waste materials will be reused or recycled and where residual wastes will be disposed; and
- d) The total percentage (by weight) of demolition and construction waste that will be reused or recycled.

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 may be issued for any non-compliance with this requirement without any further notification or warning.

27. Tree Protection Barriers

- a) Tree protection fencing must be erected around trees 1, 12, 13, 14, 21, 22, 25, 26, 28, 29, 33, 34, 35, 37, 38, 39, 40, 43, 44, 45, 47, 48 and 49 at the nominated Tree Protection Zones (TPZ) identified in the *Arboricultural Impact Assessment* prepared by *Urban Forestry Australia*, dated *May 2015* (Section 5).
- b) The tree fencing must be contiguous and constructed of 1.8 metre 'cyclone chainmesh fence' and must be erected in accordance with AS 4970-2009 (4.3 Fig.3). Tree fencing may be repositioned to facilitate either vehicular or pedestrian thoroughfare only where existing or appropriate root protection is applied in accordance with AS 4970-2009 (Section 4.5), under the direction of the Project Arborist.
- c) Prior to works commencing, the area of the TPZ of trees nominated for retention and not protected by fencing, is to be protected by the use of temporary wood-chip mulch, gravel mulch or bridges to prevent soil compaction around tree roots. Wood-chip or gravel mulch is to be installed at 150mm – 300mm depth on top of a geotextile landscape fabric and will be placed over the root zone of the trees to be protected.
- d) A certificate from the Project Arboist is to be submitted to the Principal Certifying Authority stating that all tree protection measures are in accordance with the above and consistent with the intentions of the Australian Standard 'Protection of Trees on Development Sites (AS 4970-2009).



REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

28. 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. No excavation or rock sawing/breaking is to occur on Saturdays.

29. 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.

30. 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.

31. Asbestos and Soil Contamination

Should the presence of asbestos or soil contamination, not recognised during the application process be identified during works, the applicant must immediately notify the principal certifying authority and Council.

32. Street Sweeping

Street sweeping must be undertaken following sediment tracking from the site along Epping Road, Essex Street and Crandon Road during works and until the site is established.

The street cleaning services must undertake a street 'scrub and dry' method of service and not a dry sweeping service that may cause sediment tracking to spread or cause a dust nuisance.

33. Works Near Trees



- a) All required tree protection measures are to be maintained in good condition for the duration of the construction period.
- b) Existing soil grades within the specified Structural Root Zone (AS4970-2009) of any tree to be retained must be maintained.
- Works within the nominated TPZs for trees 1, 12, 13, 14, 21, 22, 25, 26, 28, 29, 33, 34, 35, 37, 38, 39, 40, 43, 44, 45, 47 & 49 are to be conducted in accordance with the following requirements:
 - Excavation to a depth of 600mm is be carried out by hand excavation only;
 - Where tree roots outside a trees Structural Root Zone are required to be severed for the purposes of this consent all pruning shall be undertaken as specified in AS 4970-2009 Sections 3.3.4, 4.5.4 and 4.5.5; and
 - iii) The installation of any underground services within the nominated Structural Root Zone of any tree to be retained, shall utilise the horizontal drilling method and shall be carried out so that 'top of pipe' is a minimum 600mm depth beneath existing ground level.
- d) All personnel (the applicant, contractors, service providers, principal certifying authority) involved with this development are to ensure that no excavation, including sub-surface trenching for stormwater or other services or the filling or stockpiling of building materials, parking of vehicles or plant, the use of machinery other than hand held, disposal of cement slurry, waste water or other contaminants is to occur within the Tree Root Zones as prescribed in the HDCP Section 1B.6.1(i) of any tree to be retained.

34. Project Arborist

During the construction phase of the development the Project Arborist must regularly (monthly) assess the condition of trees and the growing environment and make recommendations for, and if necessary carry out remedial action to ensure the health and vigour of the trees. A certificate must be submitted by the Project Arborist to the principal certifying authority detailing why remedial action is being undertaken and the methods used to preserve the trees.

35. 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.

36. 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.



37. Landfill

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

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

38. 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.

39. Survey Report

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the pouring of concrete at each level of the building certifying that:

- a) The building, retaining walls and the like have been correctly positioned on the site; and
- b) The finished floor level(s) are in accordance with the approved plans.
- c) Confirming that the waste collection vehicle turning area complies with AS2890.1 2004 and AS20890.2 2002 for small rigid vehicles (SRV).

40. Waste Management Details

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

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



g) Whether the waste is expected to be reused, recycled or go to landfill.

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

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION 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.

41. Fulfilment of BASIX Commitments

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

42. Sydney Water – s73 Certificate

A s73 Certificate must be obtained from Sydney Water.

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

43. Stormwater Drainage and On-site Detention System

- The stormwater drainage works for the development must be constructed in accordance with Council's Civil Works – Design and Construction Specification 2005 and the condition Nos. 19 of this development consent.
- b) The on-site detention system must be constructed in accordance with the submitted plans and the condition No. 20 of this development consent.

44. Water Quality Treatment

- a) Stormwater discharging from the development site is to be treated to achieve the quality specified in Council's Development Control Plan 2012 (table 1C.1.2(b) Urban Stormwater Quality Targets).
- b) A Chartered Civil/Hydraulic Engineer of the Institution of Engineers, Australia is to certify that all works related to stormwater quality targets have been completed in accordance with the approved plans, proposed measures and conditions of this development consent and the measures.

45. 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) The driveway to be designed in accordance with Condition 18 of this development consent;
- b) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted;



- c) Residential parking spaces are to be secure spaces with access controlled by card or numeric pad;
- d) Visitors are to be able to access the basement car park by an audio/visual intercom system located at the top of the ramped driveway;
- e) Twenty-seven bicycle spaces (resident and visitor) are to be provided in the basement car park. Bicycle parking spaces are to be designed in accordance with AS 2890.3-1993;
- f) Two motorcycle parking spaces are to be provided within the basement car park, designed in accordance with AS 2890.5-1993;
- g) All parking for people with disabilities is to comply with AS/NZS 2890.6:2009 Off-street parking for people with disabilities;
- h) SRV garbage Truck access to the site be provided in accordance with the approved plans; and
- i) The location of the driveway must maintain sight lines for the pedestrians.

46. Vehicular Crossing

A separate application under the *Local Government Act 1993* and the *Roads Act 1993* must be submitted to Council for the installation of a new vehicular crossing and the removal of the redundant crossing. The vehicular crossing must be constructed in accordance with Council's Civil Works Design 2005 and the following requirements:

a) Any redundant crossings must be replaced with integral kerb and gutter.

Note: An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors, or be the subject of a Construction Certificate application to Council as Roads Authority. You are otherwise advised to contact Council on 02 9847 6940 to obtain a list of contractors.

47. Road Works

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

- a) Council's 150 mm integral kerb and gutters are to be removed and reconstructed on the Essex Street and Crandon Road kerb alignments along the site frontages and matched with neighbouring assets;
- b) The road shoulder is to be sawcut 600 mm from the proposed lip of kerb, removed and reconstructed as Council's standard 300 mm thick flexible shoulder pavement;
- c) Construction of Council's 80 mm thick concrete footpath across the Essex Street and Crandon Road frontages of the site. The footpath level is be graded to the kerb level and unpaved footpath areas turfed;



- d) Construction of Council's standard pram ramps at the Essex Street and Crandon Road intersection;
- e) Removal of all redundant crossings and laybacks to the street frontages and restoration of laybacks to 150 mm integral kerb and gutter;
- f) All services impacted by the proposed road works are to be discovered, with details of utility services to be submitted with the Construction Certificate. Where services are to be adjusted for road works, it must be with consent of and to the standards of the utility provider at the expense of the Applicant; and
- g) A Certificate is to be obtained from Council indicating that all road works have been completed satisfactorily.

Note: Under s138 Roads Act 1993 Hornsby Shire Council is consent Authority for Road Works.

Pursuant to Section 138 Roads Act 1993, all works in the Public Road shall be the subject of a Construction Certificate Application to Hornsby Shire Council as Roads Authority. The Applicant shall obtain a quote from Council and pay Council's fees for Construction Certificate assessment and compliance inspections with lodgement of the Application.

48. Creation of Easements

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

- a) The creation of an appropriate "*Positive Covenant*" and "*Restriction as to User*" over the constructed on-site detention and water quality treatment systems and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system and water quality treatment system is to be clearly indicated on the title.
- b) To register the OSD easement and restriction on the use of land, "works-asexecuted" details of the on-site-detention system and water quality system must be submitted verifying that the required storage and discharge rates and water quality treatment measures have been constructed in accordance with the design requirements. The details must show the invert levels of the on-site system together with pipe sizes and grades and details of water quality treatment measures. 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.

49. 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 with water quality measures, driveways and on-site detention system.

50. Damage to Council Assets

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

51. 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.

52. Waste Management

The following waste management requirements must be complied with:

- a) The bin storage room at the basement level must include water or a hose for cleaning, graded floors with drainage to sewer, robust doors, sealed and impervious surface, adequate lighting and ventilation, and must be lockable. The waste facility rooms/cupboards 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:
 - 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) A bulky waste storage area of at least 8m² is to be identified and marked with paint and signage.
- f) The bin carting routes must be devoid of any steps.

Note: Ramps between different levels are acceptable.

- g) An electric bin lifter must be provided in the basement garbage room to enable the site caretaker to safely decant the 240 litre garbage bins from the waste facilities on each residential level into the 660 litre garbage bins.
- h) A minimum 3;.5m height clearance be provided throughout the waste collection vehicle travel path, turning area and loading bay;
- i) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

53. 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.

54. Safety and Security

This site must include the following elements:

- a) An intercom system must be installed at gate locations to ensure screening of persons entering the units.
- b) 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.



- c) Lighting is to be provided to pathways, building foyer entries, driveways and common external spaces.
- d) Security gate access is to be provided to the car parking areas allowing residents-only access to private car spaces.
- e) CCTV cameras must be installed at the entry and exit point and the around the mailbox.
- f) The communal open spaces within the site must be illuminated with high luminance by motion sensor lighting.
- g) The driveway and basement car parking must be illuminated with low luminance at all times.
- h) Security deadlocks are to be provided to each apartment door.
- i) Peep holes are to be provided to individual apartment doors to promote resident safety.

55. Retaining Walls

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

56. Unit Numbering

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

57. Provision for National Broadband Network (NBN)

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

58. Boundary Fencing

Fencing must be erected along the southern boundary to a height of 1.8 metres.

Note: Alternative fencing on the side and rear boundaries may be erected subject to the written consent of the adjoining property owner(s).

59. Completion of Landscaping

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

- The replacement trees must be maintained until they reach the height of 3 metres;
- All tree stock must meet the specifications outlined in 'Specifying Trees' (Ross Clark, NATSPEC Books);



- c) Planting methods must meet professional (best practice) industry standards; and
- d) 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.

Note: Advice on suitable species for landscaping can be obtained from Council's planting guide 'Indigenous Plants for the Bushland Shire', available at <u>www.hornsby.nsw.gov.au</u>.

60. Installation of Privacy Devices

All privacy screens must be installed in accordance with the approved plans listed in Condition 1 of this development consent.

61. Final Certification – Tree Protection

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

62. Final Certification Acoustic Consultant

A final certificate must be provided by the Acoustic Consultant stating that the recommended measures within the approved Acoustic Report have been complied with.

63. Consolidation of Allotments

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

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

64. Certification of Preservation of Survey Infrastructure

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".

OPERATIONAL CONDITIONS

65. Noise



All noise generated by the proposed development must be attenuated to prevent levels of noise being emitted to adjacent premises which possess tonal, beating and similar characteristics or which exceeds background noise levels by more than 5dB(A).

66. 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 limited to watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.

67. Car Parking and Deliveries

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

- a) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted at all times.
- b) Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- 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.

68. Sight Lines

Minimum sight lines for pedestrian safety are to be provided at the driveway. Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.

69. Waste Management

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

- a) Site security measures implemented on the property, including electronic gates, must not prevent access to the collection points by waste removal services.
- b) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas, ensuring all 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 cars do not park in the loading bay and that all residents are informed of the use of the waste management system.



c) The approved on-going waste management practise for the site must not be amended without consent from Council.

70. 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.

CONDITIONS OF CONCURRENCE - ROADS AND MARITIME SERVICES (RMS)

The following conditions of consent are from the nominated State Agency pursuant to Section 79B of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

71. Redundant Driveways

The redundant driveways on Epping Road shall be removed and replaced with kerb and gutter to Roads and Maritime requirements. The design and construction of the kerb and gutter crossing on Epping Road shall be in accordance with *RMS* requirements. Details of these requirements shall be obtained from Roads and Maritime Project Services Manager, Traffic Project Section, Parramatta (Telephone 8849 2138).

Detailed design plans of the proposed gutter crossing are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

72. Excavation

The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of assessment by RMS.

The report and any enquiries should be forwarded to:

Project Engineer, External Works Sydney Asset Management Roads and Maritime Services PO Box 973 Parramatta CBD 2124 Telephone 8849 2114 Fax 8849 2766



If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of intention to excavate below the base of the footings. The notice is to include complete details of the work.

73. Noise

The proposed development should be designed such that road traffic noise from pacific Highway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102(3) of the *SEPP (Infrastructure)* 2007.

- END OF CONDITIONS -

ADVISORY NOTES

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

Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires:

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

Long Service Levy

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

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

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



Tree and Vegetation Preservation

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

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

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

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

Disability Discrimination Act

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

Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this consent. Applicants must rely on their own enquiries as to whether or not the building breaches any such covenant.

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or <u>www.dialbeforeyoudig.com.au</u> 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.

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.

Subdivision Certificate Requirements



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

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 certifying that the necessary re-establishment of any damaged, removed or displaced survey marks has been undertaken in accordance with the Surveyor General's Direction No. 11 – "Preservation of Survey Infrastructure".

Certification that the requirements of relevant utility authorities - such as Ausgrid and Telstra - have been met.

Note: The PCA will not issue an Occupation Certificate until all conditions of the development consent have been completed.

Locality Plan

2014SYW145 (DA/1165/2014)

Residential Flat Building 2-4 Crandon Road and 35-39 Essex Street, Epping





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LOCALITY PLAN

DA/1165/2014

2-4 Crandon Road and 35 – 39 Essex Street, Epping



Survey

2014SYW145 (DA/1165/2014)

Residential Flat Building 2-4 Crandon Road and 35-39 Essex Street, Epping





Architectural Plans

2014SYW145 (DA/1165/2014) Residential Flat Building

2-4 Crandon Road and 35-39 Essex Street, Epping





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Height Plan diagrams

2014SYW145 (DA/1165/2014) Residential Flat Building 2-4 Crandon Road and 35-39 Essex Street, Epping








BUILDING FOOTPRINT - 2149 m² TOTAL AREA OF BREACH - 82 m² PERCENTAGE OF BREACH - 3.8%



Fill.6 2014020 Crandon Road Epping DA



Landscape Plan

2014SYW145 (DA/1165/2014) Residential Flat Building 2-4 Crandon Road and 35-39 Essex Street, Epping





Shadow Diagrams

2014SYW145 (DA/1165/2014) Residential Flat Building

2-4 Crandon Road and 35-39 Essex Street, Epping











INTERNAL VIEW FROM UNIT 2.8



UNIT 2,8 JUNE 21 - MID WINTER - 12:30



UNIT 2,8 JUNE 21 - MID WINTER - 1:15





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UNIT 2.8 JUNE 21 - MID WINTER - 1.30





UNIT 2,8 JUNE 21 - MID WINTER - 1:00



UNIT 2,8 JUNE 21 - MID WINTER - 1:45





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UNIT 2.8 JUNE 21 - MID WINTER - 2:00

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INTERNAL VIEW FROM UNIT 2.19



UNIT 2,19 JUNE 21 - MID WINTER - 1:00



UNIT 2,19 JUNE 21 - MID WINTER - 1:15



UNIT 2.19 JUNE 21 - MID WINTER - 1:30



UNIT 2,19 JUNE 21 - MID WINTER - 1:45



UNIT 2,19 JUNE 21 - MID WINTER - 2:00



UNIT 2-19 JUNE 21 - MID WINTER - 2:15











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FOR DISCUSSION ONLY

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2014SYW145 (DA/1165/2014) Residential Flat Building 2-4 Crandon Road and 35-39 Essex Street, Epping









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Amended Plans

2014SYW145 (DA/1165/2014) Residential Flat Building

2-4 Crandon Road and 35-39 Essex Street, Epping





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HEIGHT PLANE PREPARED USING SURVEY DETAILS FROM <u>PROJECT SURVEYORS</u> DRAWING NO: B1614-1-FINAL DATED: MAY 2014



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DA 2118 C

2-4 CRANDON KO + 25-24 ESBER 57 EPPINS NSW 2121 DRAWING TYPE 3F 3F LOFT

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PROJECT NO 201420 PROJECT NO 20 2-4 CRANDON RD + 35-39 ESSEX ST EPPING NSW 2121 DRAWING TYPE 2Q 20 ADAPT POST Rev 6 2005/15 COUNCIL 5 REQUIREMENTS

DA 2113 C

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PROJECT PROJECT ADDRET PROJECT NO 201422 PROPOSED MULTHUNIT RESIDENTIAL POLARDA PROJECT NO 201422 DECEMBERT PROJECT PROJECT PROJECT NO 20142 PROJECT P DA 2112 C

24 CRANDON RD + 35-38 ESBEK 57 EPPHIG NEW 2121 DSAMBAG TYPE 2P 2P ADAPT POST

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PROJECT NO: 2014/228 DRAWN BY: RMIBMT, SCALE: 1:100 @A3 DRAWING NO: REV: DA 2111 C FOR DA PURPOSES ONLY PROJECT: PROPOSED MULTH-UNIT RESIDENTIAL DEVELOPMENT Z-4 CRANDON RD + 35-39 ESSEX ST EPPAG NSW 2101 DRAWING TYPE ZL ZM ZM LOFT RAVE 2015/16 DOUNCILS RECOMPOSITION MOREASE BUILDING

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PROJECT WATHUNT RESIDENTIAL PROJECT NO 201402 PREPROSED WATHUNT RESIDENTIAL PROVEN BY 108/08/1 DEPERTOPHENT DEPERTONNEN DI PLAN

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DA 2110 C

2-4 CRANDON RD + 35-39 ESSEX ST EPPING NSW 2121 DRAWING TYPE 2G 2H 2J

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ONLY	PROJECT NO. 2014028 DRAWN BY RM/BMT SCALE 1:100 @A3 DPAMMIC NID @EV	PLOTTED Z/MM/2015	DA 2106 C
FOR DA PURPOSES ONLY	PROJECT PROPOSED MULTHUNIT RESIDENTIAL DEVELOPMENT	2-4 CRANDON RD + 35-39 ESSEX ST EPPING NSW 2121	DRAWING TYPE 1R 1R LOFT 1S
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Rev: Advisor de la construction






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27/08/2015

RE: Amendments to 2-4 Crandon RD, Epping DA

Schedule of Amendments to DA Scheme

JPR Architects Pty Ltd Level 4, 50 Stanley St East Sydney NSW 2010

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	TYPE 3G, 3G ADAPT C POST	U	BALCONY UPDATED TO MATCH UPDATED BUILDING PROFILE AS PER COMMENTS FROM COUNCIL PLANNER
R R	REGULATORY REQUIREMENTS	υ	APARTMENT & CAR PARK NUMBERS AMENDED TO MATCH FLOOR PLANS & COMMENTS FROM COUNCIL PLANNER
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