

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

<b>JRPP No</b>	2015SYW033
<b>DA Number</b>	DA/1629/2014 (Lodged 23/12/2014)
<b>Local Government Area</b>	Hornsby
<b>Proposed Development</b>	Demolition of existing structures and construction of four x five storey residential flat buildings with mezzanines comprising a total of 166 dwellings with basement car parking provided within two separate basements.
<b>Street Address</b>	Nos. 44 - 52 Kent Street and Nos. 10 - 14 Hazlewood Place, Epping  Lots 1, 2, 3, 4 and 5 in DP 28934; and Lots 9, 10 and 11 in DP 28934
<b>Applicant/Owner</b>	A Plus Design Group
<b>Number of Submissions</b>	5 to initial application, 1 to amended application
<b>Regional Development Criteria (Schedule 4A of the Act)</b>	Item 3 – Development with a Capital Investment Value greater than \$20 million.  Cost (estimate): \$66,696,665
<b>List of All Relevant s79C(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• Hornsby Local Environmental Plan 2013 (HLEP)</li> <li>• Hornsby Development Control Plan 2013 (<i>HDCP</i>)</li> <li>• Hornsby Shire Council Section 94 Development Contributions Plan 2012-2021</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land) (SEPP 32)</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> </ul>

	<ul style="list-style-type: none"> <li>Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River (No. 2 – 1997)</li> </ul>
<b>List all documents submitted with this report for the panel's consideration</b>	<ol style="list-style-type: none"> <li>1. Locality Plan</li> <li>2. Site Plan</li> <li>3. Landscape Plan</li> <li>4. Floor Plans</li> <li>5. Elevations</li> <li>6. Sections</li> <li>7. Solar Access and Cross Ventilation Diagrams</li> <li>8. Design Verification Statement</li> <li>9. Photomontages</li> </ol>
<b>Recommendation</b>	Approval subject to conditions
<b>Report by</b>	SJB Planning Pty Ltd

## **ASSESSMENT REPORT AND RECOMMENDATION**

### **EXECUTIVE SUMMARY**

- Development application DA/1629/2014 was lodged with Hornsby Council on 23 December, 2014 and involves demolition of existing structures and construction of seven, five storey residential flat buildings comprising a total of 240 units with basement car parking provided within three separate basements.
- DA/859/2014 (lodged 1/8/2014) for demolition of existing structures and construction of three, five storey residential flat buildings comprising 89 units over basement car parking, was determined by Hornsby Council with granting of development consent subject to conditions, at 42-50 Cliff Road Epping, on 1 April 2015.

DA/859/2014 was subsequently modified under S.96(1A) of the EP&A Act (DA/859/2014/A), to delete condition 19(c) in relation to a basement access driveway being suitable for semi-rigid vehicle (SRV) access. The modification was approved by Council through modification to condition 19(c), on 29 June 2015.

DA/859/2014/B was lodged with Hornsby Council on 3 July 2015, seeking to modify DA/859/2014 under Section 96(1A) of the EP&A Act, by the amendment of condition 28 in relation to approved construction working hours.

The subject development application originally related to the whole site at 42-50 Cliff Road, 44-52 Kent Street and 10-14 Hazlewood Place, Epping including Stage 1/Buildings A, B and C (42-50 Cliff Road) which were the subject of DA/859/2014 and subsequent S.96 modifications. The application as it now stands, relates to Stage 2 (44-52 Kent St) and Stage 3, (10-14 Hazelwood Place) and will be considered and determined accordingly. The applicant no longer seeks to include Stage 1/Buildings A, B and C as these are already under construction and this is made clear in the revised Statement of Environmental Effects prepared by Urbis and dated 23 October 2015.

- The previous development application DA/859/2014 was assessed and determined by Council.
- The assessment report in respect of the current development application DA/1629/2014 has been prepared by independent consultant, SJB Planning and the matter was considered by the JRPP at its meeting of 2 September 2015 where it was deferred, to allow amended plans to be submitted.
- The proposal now generally complies with Hornsby LEP building height controls and Hornsby DCP controls relating to setbacks, building separation, residential amenity (solar access, overshadowing, natural ventilation, acoustic amenity, dwelling layout and configuration), and landscape areas.
- 1 submission has been received in respect of the amended plans.
- It is recommended that the application be approved.

## **RECOMMENDATION**

THAT Development Application No. DA/1629/2014 for demolition of existing structures and construction of four x five storey residential flat buildings with mezzanines, comprising a total of 166 dwellings with basement car parking provided within two separate basements, at, 44-52 Kent Street and 10-14 Hazlewood Place, Epping (Lots 1, 2, 3, 4 and 5 in DP 28934; and Lots 9, 10 and 11 in DP 28934) be approved subject to the conditions of consent detailed in Schedule 1 of this report.

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## **BACKGROUND**

The subject land was rezoned from R2 Low Density Residential to R4 High Density Residential under State Environmental Planning Policy Amendment (Epping Town Centre) on 14 March 2014 which amended Hornsby Local Environmental Plan 2013. The rezoning followed the Epping Town Centre Study and the 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 1 August 2014, Development Application No. DA/859/2014 was lodged for demolition of existing structures and construction of three, five storey residential flat building comprising 89 units with basement car parking, at 42-50 Cliff Road, Epping.

On 17 September 2014, Council raised a number of concerns with respect to the application. On 17 March 2015, the applicant forwarded the final set of amended plans addressing matters raised by Council. DA/859/2014 was determined by Hornsby Council with granting of development consent (for the development now comprising 88 units) subject to conditions, on 1 April 2015.

DA/859/2014 was subsequently modified under S.96(1A) of the EP&A Act (DA/859/2014/A), to delete condition 19(c) in relation to a basement access driveway being suitable for SRV access. The modification was approved by Council through modification to condition 19(c), on 29 June 2015.

DA/859/2014/B was lodged with Council on 3 July 2015, seeking to modify DA/859/2014 under Section 96(1A) of the EP&A Act, by the amendment of condition 28 in relation to approved construction working hours. At the time of preparing this report, DA/859/2014/B has not been determined.

In summary, there is an existing development consent (DA/859/2014) over part of the subject site, for demolition of existing structures and construction of three, five storey buildings comprising 88 residential apartments at 42-50 Cliff Road, Epping. There is one application to modify that existing consent, under S.96(1A) of the EP&A Act, currently under consideration by Council.

The current development application that is the subject of this report (DA/1629/2014), was lodged with Council on 23 December, 2014. It incorporates the previously approved DA/859/2014. The DA is for demolition of existing structures and construction of seven, five

storey buildings comprising 240 residential apartments at 42-50 Cliff Road, 44-52 Kent Street and 10-14 Hazlewood Place, Epping.

The Joint Regional Planning Panel considered the matter at its meeting on 2 September 2015 with a final decision deferred. The Panel Minutes requested amended plans and additional information to address the following:

1. *Relocate driveway from Block D towards the north of the Kent Street frontage to enable:*
  - *Allowance for a landscape buffer between Blocks C and D*
  - *Allow retention of the mature tree*
2. *Re-planning of Blocks D and E to improve cross ventilation, solar access, apartment efficiency, residential amenity;*
3. *Review Block F in particular relating to the setback and separation to the southern boundary of the site;*
4. *Review provision of landscaping and fencing details to the north of Blocks EF and G fronting onto to the bushland reserve to ensure that the amenity and outlook offered by the reserve is maximised;*
5. *Inclusion of adaptable housing provision;*
6. *Overland flow impacts from Hazelwood place*

*The Panel generally considers that the layouts and private open space areas maximise the amenity offered by the northerly aspect and bushland reserve outlook.*

As a result, the applicant has provided amended plans for Buildings D, E, F and G, supported by an Urban Design Strategy, both prepared by A Plus Design. Buildings A, B and C are under construction via a separate approval. The amended scheme has positively responded to all of the requirements of the JRPP.

## **SITE**

The subject site is a portion of the original development parcel that comprised the following land:

Nos. 42 - 50 Cliff Road; Lots 42, 43, 44, 4 and 46 in DP 12051

Nos. 44 - 52 Kent Street; Lots 1,2,3,4, 5 in DP28934

Nos.10 – 14 Hazelwood Place: Lots 9, 10, 11 in DP28934

In total the site occupies approximately 9,000 m<sup>2</sup> of land on the north east side of the intersection of Kent Street and Cliff Road, Epping. The site approximates a horseshoe shape, with a frontage to Kent Street of approximately 67 metres, approximately 58 metres to Cliff Road, and approximately 54 metres to Hazlewood Place on the inside of the horseshoe.

Adjoining the site on its northern side is the Kent Street Reserve, a small area of remnant vegetation lining a small gully. The site has a gradual slope down towards the north from Cliff Road towards the Kent Street Reserve.

The area accommodating Buildings D, E, F and G is 7,056m<sup>2</sup>.

The site is one block north of Carlingford Road, a main arterial connecting Epping town centre with Pennant Hills Road at Carlingford. Epping town centre and railway station is situated approximately 200 metres south east of the site.

Stage 1 (Buildings A, B, C at 42-50 Cliff Road; Lots 42, 43, 44, 4 and 46 in DP 12051) is under construction having been approved by DA859/2014.

The remainder of the site that will accommodate Stages 2 and 3 (the subject of this report) comprise the remaining eight (8) individual lots, each occupied by a single dwelling house with direct street access either to Kent Street or Hazlewood Place. The surrounding landscape character is dominated by the intact corridor of vegetation in the Kent Street Reserve, and there is a secondary vegetation corridor generally established by the alignment of back yards to the properties in Kent Street, Cliff Road and Hazlewood Place.

Given the prevailing slope and topography, the site drains naturally toward the gully in Kent Street Reserve to the north of the site.

The Epping Town Centre Urban Activation Precinct, within which the subject site is located, is in a state of transition following the recent amendments to the Hornsby LEP planning controls to allow for increased height and density of development. In March 2014 the Minister for Planning and Infrastructure approved the rezoning of this precinct from R2 (Low Density Residential) to R4 (High Density Residential).

Development adjoining to the west, on the opposite side of Kent Street, is a mix of single and two storey dwelling houses on single allotments of land that has retained the R2 (Low Density Residential) zoning. No major developments or rezoning of land are currently proposed for this area.

To the east and south of the site, most land has also been rezoned from R2 (Low Density Residential) to R4 (High Density Residential), including a site at 29-31 Cliff Road (opposite the subject site), which is the subject of a development application approval for the development of a 39 unit, five storey residential flat building.

## **PROPOSAL**

This development proposal involves demolition of structures and construction of four, five storey residential flat buildings with mezzanines and basement car parking. The residential relates to Stages 2 and 3 of the development that will comprise Buildings D, E, F and G.

The total resultant development will now provide 254 dwellings as described in the Table below. The application the subject of this report for which consent is sought comprises a total of 166 dwellings within stages 2 and 3, the balance of 88 dwellings were approved separately for stage 1 under DA/859/2014.

	STAGE 2 BUILDING D & E		STAGE 3 BUILDING F & G	
	44-52 Kent Street		10-14 Hazlewood Place	
	Building D 50 units	Building E 47 units	Building F 35 units	Building G 34 units
Studio				3
1 bedroom apartments	17	12	6	5
2 bedroom apartments	26	33	23	24
3 bedroom apartments	7	2	6	2
Sub Total	97		69	

#### Apartment Mix – Stage 2 and 3

- Studio – 2%
- 1 bedroom – 24%
- 2 bedroom - 64%
- 3 bedroom - 10%

#### Adaptable Dwellings:

The proposed development for Stages 2 and 3 will provide the minimum 30% requirement which equates to a total of 50 adaptable dwelling units. These units have been identified on the submitted architectural drawings prepared by A Plus Design.

### **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 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 HLEP. The objectives of the zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development is defined as a *residential flat building* 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 17.5 m. The architectural drawing package prepared by A Plus Design indicates that the proposal complies with this provision and no variation request to the maximum building height is required.

Floor-to-floor heights between all floors in the development, including basement levels, is 3.05m which is sufficient to allow the minimum floor-to-ceiling heights of 2.7 metres required under SEPP 65 and the Residential Flat Design Code.

#### **2.1.3 Exceptions to Development Standards**

No submission under clause 4.6 of the HLEP 2013 to vary a development standard is necessary in order to assess this Development Application.

#### **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. There



are no heritage items in the vicinity of the subject site. 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.

Council's assessment of the proposed works and excavation concludes that there are no relevant matters that would preclude the earthworks being undertaken, in the circumstances.

#### **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*. This Policy provides State-wide planning controls to promote and guide the achievement of energy efficiency and ecological sustainability in all new development.

The applicant has addressed this requirement through the preparation of BASIX Certificate No. 678783M and BASIX Certificate No. 678827M for the proposed units by Efficient Living. The certificates are provided in the material supporting the development application, and the provisions of the SEPP are satisfied.

#### **2.3 State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land) (SEPP 32)**

The proposed development supports the achievement of the objectives of *SEPP 32* in that it will promote urban consolidation close to the Epping Town Centre Urban Activation Precinct. Council has begun to implement its strategy of rezoning low-density residential land in close proximity to the Epping Town Centre, to take advantage of existing and planned improvements in public transport, and the increased levels of activity that will be generated in the locality. The proposed development is consistent with the policy and with the land use strategies being implemented by Council.

#### **2.4 State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)**

*SEPP 55* requires that Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated or requires remediation before it is suitable for the proposed use.

A search of Council's records and aerial images reveals that the property has been used exclusively for residential purposes with no record of any site contamination. Given this, the site would be suitable for the proposed use and no further assessment in relation to this *SEPP* is required.

It is also noted that due to the age of the existing dwelling houses, there is potential for the existing buildings to contain asbestos. Appropriate conditions are included to require all asbestos to be removed from the site appropriately. Furthermore, taking into account the

significant excavation required to accommodate the proposed basement car park, much of the existing soil would be removed from the site in any event.

## 2.5 State Environmental Planning Policy (Infrastructure) 2007

The SEPP (Infrastructure) 2007 aims to identify matters relevant to the consideration of development applications adjacent to items of major infrastructure, and to provide for consultation with the relevant public authorities about certain development types during the development assessment process.

The proposed development comprises multiple residential flat buildings with more than 75 dwellings, but will have access to a connecting road that is at a distance greater than 90 metres from its intersection with a classified road (Carlingford Road). Therefore under the provisions of *Schedule 3 – Traffic generating development to be referred to the Roads and Maritime Services (RMS)*, the proposal does not trigger referral to the RMS. Traffic management is not considered to be a critical issue in the assessment of this proposal.

## 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.

The applicant has submitted a “Design Verification Statement” prepared by a qualified Architect (Tony Leung of A Plus Design) stating how the proposed development achieves the design principles of *SEPP 65*. The Statement is **Attachment 7** to this report. The design principles of *SEPP 65* and the submitted design verification statement are addressed in the following table (where the SEPP or RFDC are silent on a particular issue, the assessment has referred to controls under the Hornsby DCP 2013).

Principle	Compliance
<b>1. Context</b>	<b>Yes</b>
<p><b>Comment:</b> The site is located within a precinct planned for five storey residential flat buildings in close proximity to Epping Railway Station and the Epping 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.</p> <p>Once the development of the precinct is completed, the proposal would integrate with the surrounding sites and would be in keeping with the desired future urban form. The proposed building would contribute to the identity and future character of the precinct with built form being balanced by generous setbacks that are heavily landscaped, including canopy trees.</p>	
<b>2. Scale</b>	<b>Predominately</b>
<p><b>Comment:</b></p> <p>The scale of the development is in accordance with the height control (see comment in</p>	

section 2.1.2 above in relation to HLEP clause 4.3).

Building footprints generally comply with the maximum floorplate of 35m prescribed within the *HDCP* as follows:

Block D- East/West:24-30m; North/South: 34-39m

Block E- East/West:29-39m; North/South: 25-33m

Block F- East/West:34-37m; North/South: 18-24m

Block G- East/West:35-39m; North/South: 18-25m

Those building lengths in excess of 35 metres are all on the northern elevation to the public reserve which is considered acceptable as this maximises the opportunity provided by the combination of superior solar access and amenity. None of the buildings are completely uniform in shape and are all articulated with indentations of 4 m x 4 m (minimum) and are therefore compliant with the objectives of this control.

Due to the configuration of the site, what are considered to be the front, rear and side boundaries is not routine.

The front setback for buildings D and E should be considered as Kent Street and for Building G it should be Hazelwood Place. A 10 metre setback is the requirement. Buildings D and E provide a 7 metre setback to the line of the basement and the outdoor terraces above, increasing to 10 metres for Level 5 of Block D. The external wall of the buildings are generally at 10 metres with some encroachment to 8 metres as the building is articulated rather than on one flat plane. Building G provides a 10 metre setback to the basement with some terrace encroachment at 7 to 8 metres.

The site does not have a definite rear boundary. The critical setbacks to examine are for Buildings E, F and G, being to the adjoining public reserve to the north. On this boundary, a 6 metre setback is provided with some encroachment for terraces and ground level open space down to 4 metres. This interface between the development and the public open space is well landscaped and will provide a soft edge between the built form and the natural bush character of the public reserve. The other critical setback is between Building D and its eastern boundary. The basement of Building D is 7m from the common boundary with the outdoor terraces of the units above observing 7 to 8 metre setbacks. The bulk of the building is at 10 metres. This setback area is heavily landscaped taking advantage of the deep soil opportunity that is provided by the landscaping plan for the site.

The proposed building separation distances within the site are as follows:

Building C – D = minimum 9m with minimal lines of sight between habitable rooms

Building D – E = minimum 9 metres with minimal lines of sight between habitable rooms

Building E – F = minimum 9m up to 12m with minimal lines of sight between habitable rooms

Building F –G = minimum 9m up to 12m with no direct lines of sight between habitable rooms

The revised plans have significantly improved the building to building relationships and

avoided in most cases, any direct lines of sight between living areas/bedrooms from one building to the adjacent building.

Overall, the development achieves an acceptable scale being compliant with the critical height control, with building footprints that are well balanced by generous landscaping.

### 3. Built Form

**Yes**

#### Comment:

The proposed buildings achieve an appropriate built form for the site and in response to the proposed residential purpose. This includes building alignments, proportions, and the manipulation of building elements through the following:

- a) distinct indentations which measure at least 4x4m recesses, creating the appearance of two separate 'building pavilions' rather than a single building mass;
- b) corner treatments such as wrap-around balconies, flat roof forms with eaves to cast shadows and break up the built form;
- c) a high proportion of large windows at top storey;
- d) facades divided into portions separated by indentations and projecting balconies.
- e) The proposed materials and finishes are acceptable, as are flat roof forms and top storey setbacks as required by the Hornsby DCP.

### 4. Density

**Yes**

#### Comment:

The HLEP does not incorporate a floor space ratio or any other density requirements for the site. The density of the development is therefore governed by the height of the building and the required building separations, setbacks and landscaping areas. The proposed development achieves substantial compliance with these controls and therefore it results in a building density that would set a desirable precedent having regard to the site's context within a precinct identified as being suitable for higher density development. Having made this change to the fundamental planning outcomes for the site, a reasonable density must now be achieved. Based on the site area for Stages 2 and 3 of approximately 7,177m<sup>2</sup>, the density of development is 1 dwelling per 44m<sup>2</sup> of site area which should be considered as a moderate density within an identified Urban Activation Precinct such as this.

### 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 construction.	
<b>6. Landscape</b>	<b>Yes</b>
<p><b>Comment:</b></p> <p>The application includes a landscape concept plan prepared by Site Image, which provides landscaping along the street frontages, side and rear boundaries. It includes a 7m x 7m deep soil landscaped area between proposed Building D and Building C to its south. It also provides a strong landscape interface with the public reserve that runs along the northern site boundary (Buildings E, F and G).</p> <p>A significant number of trees will be retained (Stage 2: 7 trees; Stage 3: 25 trees).</p> <p>While the majority of the landscape areas are landscaped setbacks areas, there are some internal functional and useable communal open space areas created as required in the <i>HDCP</i>.</p> <p>Large trees are proposed along the street frontages interspersed by shrubs and hedges which will soften the appearance of the development when viewed from the streets. Deep soil areas that incorporate canopy trees are provided around and between the buildings which would enhance the development's natural environmental performance and provide an appropriate landscaped setting.</p>	
<b>7. Amenity</b>	<b>Yes</b>
<p><b>Comment:</b></p> <p>Amended plans have satisfactorily addressed questions of amenity relating to the design, layout and configuration of dwelling units. The amended design now takes full advantage of the extensive access to a northerly aspect, which affords excellent potential for solar access to a large number of dwellings. Corridor and hallway lengths within units have been reduced, resulting in more efficient use of space which significantly increases effective dwelling size and natural cross ventilation. The majority of dwellings (73%) now achieve satisfactory cross ventilation.</p> <p>A significant number of private open space areas now have maximum solar access, taking advantage of the available northerly aspect. 72% of dwellings now achieve the minimum 3 hours direct sunlight between 9 am and 3 pm in mid-winter as required by the RFDC.</p> <p>All units incorporate balconies accessible from living areas, and the number of balconies with either poor solar access (particularly those on lower levels), or a loss of privacy owing to inadequate building separation have been minimised.</p> <p>Storage areas have been provided within each unit and in the basement levels. The proposal provides convenient and safe access via central lifts connecting the basement car parks and all other levels.</p>	
<b>8. Safety and Security</b>	<b>Yes</b>
<b>Comment:</b>	

The design orientates the balconies and windows of individual apartments towards the street, rear and side boundaries, and where necessary, towards internal circulation spaces between buildings to provide passive surveillance of the public domain and communal open space areas. Both the pedestrian and vehicular entry points are secured and visibly prominent from either Cliff Road, Kent Street or Hazlewood Place.

**9. Social Dimensions and Housing Affordability**

**Yes**

**Comment:**

The proposal incorporates a range of unit sizes (see summary of dwelling mix) to cater for different budgets and housing needs. The development complies with the required mix of 1, 2 and 3 bedroom dwellings under the *HDCP* (minimum 10% of each).

**10. Aesthetics**

**Yes**

**Comment:**

The architectural treatment of the building incorporates 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 combination of building materials will present a contemporary building of high street appeal. These design elements are 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*:

<b>Residential Flat Design Code</b>			
<b>Control</b>	<b>Proposal</b>	<b>Requirement</b>	<b>Compliance</b>
<b>Deep Soil Zone</b>	2,112m <sup>2</sup> (29%)	25%	Yes
<b>Communal Open Space</b>	1,846m <sup>2</sup> (26%)	25-30%	Yes
<b>Ground Level Private Open Space</b>	All ground floor dwellings have substantial terrace and garden areas	25m <sup>2</sup>	Yes

	with areas 25m <sup>2</sup> or greater	Min Dimension 4m	Yes
<b>Minimum Dwelling Size</b>	1 br: 50m <sup>2</sup> -55m <sup>2</sup> 2 br: 72m <sup>2</sup> - 101m <sup>2</sup> 3 br: 90m <sup>2</sup> - 140m <sup>2</sup>	1 br – 50m <sup>2</sup> 2 br – 70m <sup>2</sup> 3 br – 95m <sup>2</sup>	Yes Yes No (one 3 bed dwelling in Building F is 90m <sup>2</sup> )
<b>Maximum Kitchen Distance to window</b>	8m	8m	Yes
<b>Minimum Balcony Depth</b>	2m	2m	Yes
<b>Minimum Ceiling Height</b>	3.05m floor to floor all buildings to allow minimum 2.7m floor to ceiling on all floors	2.7m	Yes
<b>Total Storage Area</b>	Appropriate storage provided  Divided between basement and within dwellings	1 bed - 6m <sup>3</sup> (Min) 2 bed - 8m <sup>3</sup> (Min) 3 bed - 10m <sup>3</sup> (Min)  50% accessible from the apartments	Yes  Yes
<b>Dual Aspect and Cross Ventilation</b>	73%	60%	Yes
<b>Adaptable Housing</b>	18% as identified on the plans	No minimum specified	Yes

As detailed in the above table, the proposed development generally complies with the prescriptive numerical measures within the *Residential Flat Design Code (RFDC)*. Below is a brief discussion regarding the relevant development controls and best practice guidelines.

### **2.7.1 Ground Floor Apartments and Private Open Space**

There are twenty three (23) apartments proposed at ground floor level across Buildings D, E, F and G. All of these apartments are to be provided with the required minimum 25 m<sup>2</sup> of private open space, the majority with significantly more than the minimum requirement. For most dwellings this is a combination of covered terrace areas complemented by open garden/lawn areas. Moreover, thirteen (13) of these private courtyards and terraces are now north facing (57%). These areas are directly off internal living areas and will provide a high level of amenity and utility for the occupants. Another four (4) front directly onto Kent Street and provide a 'front yard' to the development that will assist in providing an appropriate scale as well as an active residential frontage.

The outcome achieved with the amended plans is far superior to the scheme previously assessed by the Panel. It takes advantage of the site orientation and the adjoining public reserve and appropriately addresses the street.

### **2.7.2 Apartment Layout**

The amended plans provide for a superior internal layout and have addressed the previous concerns of poor apartment layouts that "significantly reduce the effective dwelling sizes due to the need to provide extensive internal corridor areas."

The number of apartments in the proposed design with extensive internal corridors or hallways is now insignificant. A variety of internal layouts have been provided and the risk of acoustic privacy issues between dwellings has largely been avoided. For the majority of dwellings, wet areas (bathrooms/kitchens) of one dwelling abut the wet areas of the adjoining dwelling. Likewise for living areas and bedrooms. This is not for 100% of units, but the relationships between the layouts of adjoining units are far superior to the previous design.

### **2.7.3 Solar Access**

SEPP 65 requires that new residential flat buildings achieve a minimum three hours direct sunlight to the living areas and private open space of at least 70% of dwellings, between 9 am and 3 pm in mid-winter. The RFDC allows relaxation of the standard to two hours (consistent with the *HDCP* control) minimum in 'dense urban areas'. As an identified urban activation area with a R4 High Density Residential zoning, it could be argued that the subject site is now to be considered to be a 'dense urban area' and therefore the lesser standard of two hours sunlight is the more relevant control.

Notwithstanding this, the amended plans are supported by an assessment of solar access prepared by A Plus Design, that indicates that 72% of the dwellings achieve the required solar access of 3 hours.



This improvement on the original scheme is due mainly to maximising the northern orientation that is available to the site and superior layout of the floor plate of the units on each level.

#### **2.7.4 Acoustic Privacy**

The proposed dwelling layout significantly improves the potential for appropriate acoustic privacy to be achieved because it provides appropriate spatial relationships between dwellings. (see comments in 2.8.2)

### **2.8 Clause 74C Environmental Planning and Assessment Act, 1979 - Purpose and Status of Development Control Plans**

Section 74C(5)(b) of the *Environmental Planning and Assessment Act, 1979* states that a DCP provision will have no effect if it incompatible or inconsistent with any provision of an environmental planning instrument. This is to ensure that a DCP does not prevent or unreasonably restrict 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. This needs to be considered in reference to the following section of the report that deals with the requirements of the Hornsby Development Control Plan 2013.

### **2.9 Hornsby Development Control Plan 2013**

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the *Hornsby Development Control Plan 2013 (HDCP)*. It is noted however that where there are inconsistencies between the requirements of the *HDCP* and SEPP 65 (and the RFDC), the provisions of SEPP 65 will prevail.

The following table sets out the proposal's compliance with the prescriptive requirements of the Plan:

<b>Hornsby Development Control Plan 2013</b>			
<b>Control</b>	<b>Proposal</b>	<b>Requirement</b>	<b>Compliance</b>
<b>Site Width</b>	Stage 2: 84 m (frontage to Kent Street) Stage 3: Minimum 32m (depth from	30 m	Yes

Hornsby Development Control Plan 2013			
Control	Proposal	Requirement	Compliance
	public reserve)		
<b>Height</b>	5 storeys with mezzanines with 17.5m height limit	5 storey – 17.5m	Yes
<b>Maximum Floorplate Dimension</b>	39 m for buildings D, E and G	35 m	Yes based on inclusion of façade articulation and attainment of objectives
<b>Building Indentation</b>	4 m x 4 m	4m x 4m	Yes (refer to Urban Design Study drawings for façade articulation)
<b>Height of Basement Above Ground</b>	0 m	1m (max)	Yes
<b>Front Setback</b>	Block D (Kent St) – 8-10.0m Block E (Kent St) – 8-10.0m Block F (Hazelwood PI) – N/A Block G (Hazelwood PI) – 8-10m	8/10.0m	Yes and objectives achieved

Hornsby Development Control Plan 2013			
Control	Proposal	Requirement	Compliance
<b>Rear Setback</b>	<p>Block D (Kent St) - 7.0m</p> <p>Block E (Kent St) – N/A</p> <p>Block F (Hazelwood Pl) – N/A</p> <p>Block G (Hazelwood Pl) – 8-10m</p>	8/10.0m	<p>No.</p> <p>The 7.0m setback is to the northern frontage to the reserve adjacent to the site. The 7.0m setback in the context of the site and the proposed relationship to the reserve is appropriate.</p>
<b>Side Setback</b>	<p>Block D (Kent St) - nil</p> <p>Block E (Kent St) – 6.0m</p> <p>Block F – 6.0m</p> <p>Block G (Hazelwood Pl) – 2.5 – 7.0m</p>	4/6.0m	<p>Yes</p> <p>The setback of Block D is the interface with Stage 1 of the development. Separation consistent with the RFDC is achieved by the development</p>
<b>Top Storey Setback from Ground Floor</b>	3 m	3 m	Yes

Hornsby Development Control Plan 2013			
Control	Proposal	Requirement	Compliance
<b>Underground Parking Setback</b>	<p>Blocks D and E – 7.0m to front and rear and 4.0m to side boundary.</p> <p>Blocks F and G – varies between 4, 7 and 10m predominantly. 2.0m adjacent to the western boundary where the entry driveway is located.</p>	<p>7 m front</p> <p>7 m rear</p> <p>4 m side</p>	<p>Predominately.</p> <p>The 2.0m boundary setback is appropriate being the location of the driveway entry and appropriate relationship to the adjoining properties.</p>
<b>Basement Ramp Setback</b>	2 m	2 m	Yes
<b>Deep Soil Landscaped Areas</b>	2,112m <sup>2</sup> (29%)	<p>7 m front and rear</p> <p>4 m sides</p> <p>7 m x 7 m between buildings</p>	Yes
<b>Private Open Space</b>	<p>1 BR unit – 10 m<sup>2</sup></p> <p>2 BR unit – 12 m<sup>2</sup></p> <p>3 BR unit – 16 m<sup>2</sup></p>	<p>1 BR unit – 10 m<sup>2</sup></p> <p>2 BR unit – 12 m<sup>2</sup></p> <p>3 BR unit – 16 m<sup>2</sup></p>	<p>Predominantly Yes</p> <p>Minor variances to some balcony areas</p>
<b>Communal Open Space</b>	1,846m <sup>2</sup> (26%)	<p>25% of site area</p> <p>Min dimension 4m</p>	Yes
<b>Parking</b>		For a site less	

Hornsby Development Control Plan 2013			
Control	Proposal	Requirement	Compliance
	<p>210 resident spaces (including 22 accessible)</p> <p>33 visitor spaces</p> <p>50 bicycle spaces</p> <p>5 Motorcycle spaces</p>	<p>than 800 metres from a railway station</p> <p>182 resident spaces (including 10% accessible spaces to match the required percentage of accessible dwellings)</p> <p>24 visitor spaces</p> <p>33 resident bicycle racks plus 17 visitor bicycle racks</p> <p>4 Motorcycle spaces</p>	<p>Yes</p> <p>Yes</p>
<b>Solar Access</b>	73% achieve 2 hours	2 hrs direct sunlight to living areas in 70% of dwellings between 9am and 3pm in mid-winter	Yes
<b>Housing Choice</b>	<p>2% studio</p> <p>24% 1-bedroom</p> <p>64% 2-bedroom</p> <p>10% 3-bedroom</p>	10% of each type (min)	<p>N/A</p> <p>Yes for 1 bed</p> <p>Yes for 2 bed</p> <p>Yes for 3 bed</p>
<b>Adaptable Units</b>	50 dwellings (30%) as identified on the plans	30%	Yes

As detailed in the above table, the proposed development complies with the majority but not all of the prescriptive requirements within the *HDCP*. Those areas of non-compliance are detailed below, as well as a brief discussion on compliance with relevant desired outcomes.

### **2.9.1 Height**

The proposed development complies with the statutory height of building standard of 17.5 metres.

The site is within the identified Cliff Road, Epping Precinct (Part 3 Section 3.4 Residential Flat Buildings 5 Storeys) of the *HDCP*2013. The controls within this Section of the DCP are clear that the intention was to limit development to a maximum of 5 storeys. The proposed development contains some five storey and mezzanine section/elevations. These are restricted to mainly internal areas with the elevations visible from the street (Kent Street and Hazelwood Place) or from the public reserve to the north, maintaining a five storey height. This is due mainly to the upper levels being setback to avoid reading the height in one plane, as well as the treatment of the lower level facades that soften the distinction between the different floor levels.

The mezzanine treatment to some of the dwellings is considered appropriate as they provide a further variety of dwelling types and configurations with augmented amenity from the mezzanine treatment.

### **2.9.2 Setbacks**

Setbacks are generally compliant with requirements and will provide excellent opportunities for deep soil planting and effective long term landscaping.

### **2.9.3 Landscaping**

The proposal generally maintains the required setbacks of the DCP and these areas, as evidenced through the submitted landscape plans, will provide opportunity for effective landscaping including the planting of substantial canopy trees.

The total area of landscaping on the site is 2,112m<sup>2</sup>.

The site and adjoin properties contain 150 trees. Approval has been sought to remove 91 trees from the site.

The Council's Tree Management Team has commented upon the development proposal and has raised no objections. A detailed set of conditions of consent were provided and these can be incorporated into any consent issued. These conditions include protection measures for trees in the vicinity of the development site and refinements to the proposed landscape plan for the site.

### **2.9.4 Car parking**

The site is just within 800 metres of Epping Railway Station and therefore the lesser on site car parking rates are applicable.

With reference to the Table in Section 2.9 the proposal readily satisfies the requirement of the DCP for the total number of spaces (202 provided 182 required), including deficiency in the number of these spaces that have been identified as accessible (22 spaces provided 49 spaces required). Accessible parking spaces are supposed to align with the number of adaptable dwellings (30%). Such a large deficiency should not be supported and amended plans for the basement parking layout should be requested to substantially increase the number of car parking spaces that will satisfy the accessibility tests.

#### **2.10.5 Housing Choice/dwelling mix**

While the proposal provides an acceptable distribution of one, two and three-bedroom apartments and now complies with the requirement to provide a minimum of 10% of 3 bedroom dwellings with 17 proposed for Stages 2 and 3.

#### **2.10.6 Adaptable dwellings**

The proposal is required to provide 30% of dwellings as adaptable. The application includes 50 adaptable dwellings in Stages 2 and 3 which equates to just over 30% and therefore complies with the requirement.

#### **2.10.7 Waste Management**

The proposed design is satisfactory in respect of *HDCP* controls relating to waste management.

#### **2.10 Section 94 Contributions Plans**

Hornsby Shire Council Section 94 Contributions Plan 2014 – 2024 applies to the development. Should the development be approved, a condition of consent is recommended requiring the payment of contributions in accordance with the Plan.

### **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 arborist's report accompanying the application concludes that the proposed development would necessitate the removal of a significant number of trees from the site. However, a significant number will also be retained and with the embellishment provided by the landscaping plan, the final number of trees is likely to be greater post development than pre development. The Councils Tree Management Team have raised no objections and suggested appropriate conditions of consent to be imposed.

##### **3.1.2 Stormwater Management**

A concept stormwater plan, prepared by Martens and Associates, was submitted as part of the application. The stormwater management plan has been prepared to satisfy the stormwater and drainage objectives outlined in the *HDGP*.

Initially the application and design had not satisfactorily addressed and mitigated the impact of the 100 year ARI recurrence storm and overland flow from the sag point in the road adjacent to 10 Hazelwood Place, Epping as required by Council's Design and Construction Specification 2005. An Addendum report from Martens and Associates dated 15 October 2015 has been provided and was reviewed by Council's stormwater management engineers.

Council has now assessed the engineering provisions which, subject to conditions, satisfy Council's requirements.

## **Built Environment**

### **3.1.3 Built Form**

See discussion above in section 2.6 and 2.7 in relation to *SEPP 65* and *RFDC* requirements.

### **3.1.4 Traffic**

A traffic and parking assessment, prepared by Varga Traffic Planning, was submitted with the proposal. The proposal has accommodated the required car, motorcycle and bicycle parking requirements of the *HDGP*. The design is considered to achieve a satisfactory provision and allocation of resident, visitor, accessible, bicycle and motorbike parking within the development, which will be suitable in the context of the site's location in proximity to the Epping Town Centre and associated transport services.

Council's engineering assessment of the traffic impacts of the development (based on Stages 1, 2 and 3), concluded that the development is suitable for approval on traffic and parking grounds, subject to the imposition of certain conditions. The assessment of the amended plans has not changed the fundamental position of the suitability of the application.

## **3.2 Social Impacts**

The proposed residential development would improve housing choice in the locality by providing for a range of household types. This is consistent with Council's Housing Strategy which identifies the need to provide a mix of housing options to meet future demographic needs in Hornsby Shire and is consistent with the decision to increase available residential density in this locality.

The location of the development is in close proximity to the Epping Town Centre and associated transport facilities and the development would therefore support council (and State government) policies in relation to increased availability of a mix of housing types close to these types of facilities.

## **3.3 Economic Impacts**

The proposal would have a positive impact on the local economy in conjunction with other new medium 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, although an existing overland flow path has been identified through the site, draining to the gully in the Kent Street Reserve. The site is considered to be capable of accommodating the proposed development. Notwithstanding matters raised in this assessment, the scale of the proposed development in general terms is consistent with the capability of the site and is considered acceptable.

The site is of sufficient size, and exhibits excellent natural attributes in terms of its topography and solar orientation, to accommodate a development of the type proposed.

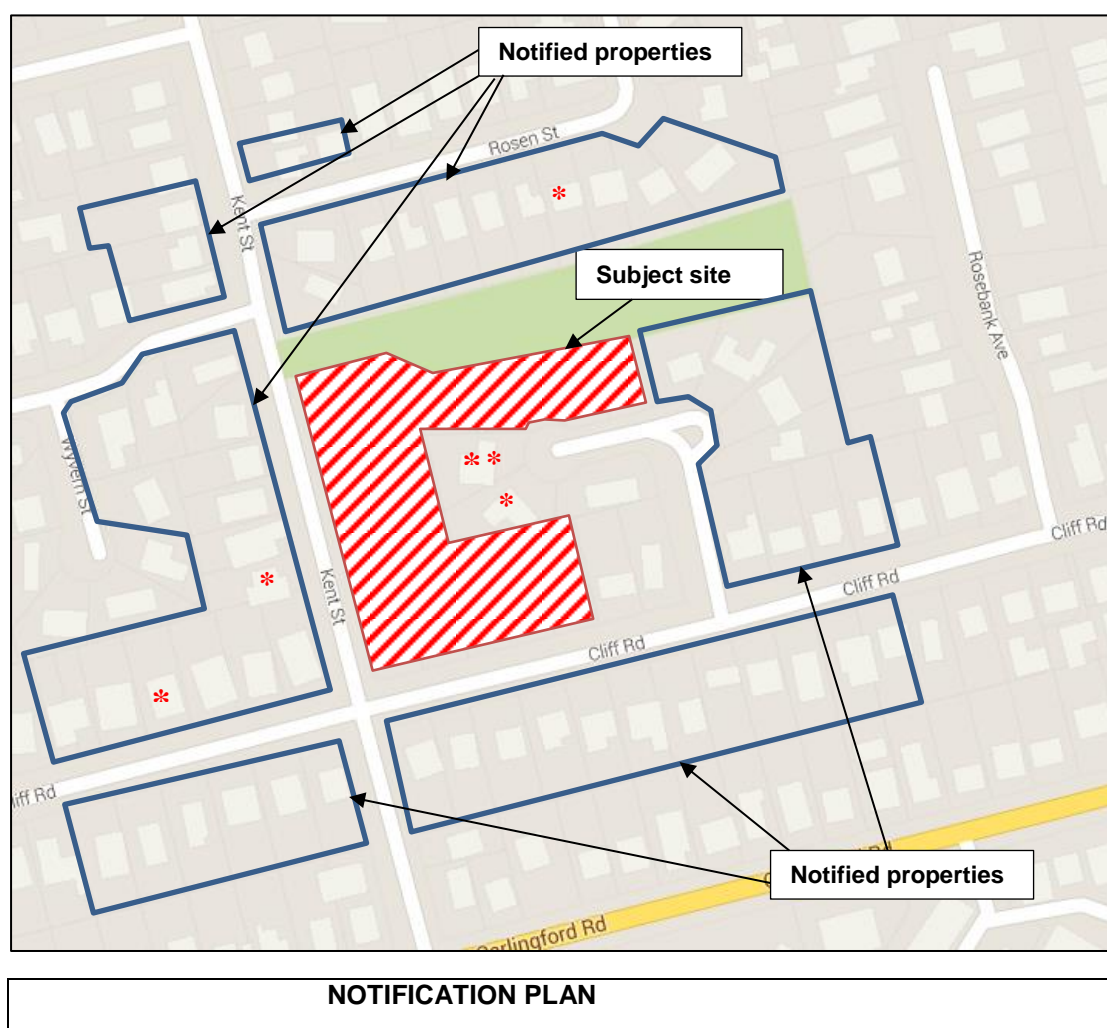
#### **5. PUBLIC PARTICIPATION**

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 originally placed on public exhibition and was notified to adjoining and nearby landowners between 28 January 2015 and 11 February 2015, in accordance with the Notification and Exhibition requirements of the *HDCA*. During this period, Council received 5 submissions. As a result of the recommendations of the Joint Regional Planning Panel at its meeting of 2 September 2015, amended plans have been submitted and these were placed on public exhibition from 21 October, 2015 to 4 November, 2015.

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



Six submissions objected to the development, generally on the grounds that:

#### **5.1.1 Isolation of properties**

The owners of number 3 and number 16 Hazlewood Place have expressed concern that the development if approved will isolate these two properties which, because of their smaller area, will not be a viable development proposition in the R4 medium density zone. They have therefore requested that Council not grant approval to the subject development before a similar approval has been granted in respect of these two properties. It is noted that a separate development application has now been lodged with Council in respect of these two properties.

#### **5.1.2 Boundary encroachment – 16 Hazlewood Place**

The owner of 16 Hazlewood Place has raised a concern that the proposal “clearly shows a proposed encroachment onto the property known as 16 Hazlewood Place”, and has objected to any encroachment onto their land.

From a review of the site plans, it is not clear that there is an encroachment onto the property at 16 Hazlewood Place. However, prior to any granting of development consent, Council will ensure that the applicant has confirmed the location of cadastral boundaries and that the

development is wholly within those boundaries. Further, if approved, a suitably worded condition of consent could be included to ensure that no encroachment occurs.

### **5.1.3 Non-compliances with Hornsby DCP**

The objector has referred to Stage 3 of the proposed development (Buildings F and G) in an objection relating to non-compliances with *HDCP*. Specifically, the objector highlights apparent non-compliances to the *HDCP* in relation to front and side boundary setbacks, balconies encroaching within the required 7 metre boundary setback (for balconies), the 3 metre top storey setback, and building separation between floorplates.

The objector also questions the absence in the documentation of any details regarding fencing and the related issues of access between the subject site and the Kent Street Reserve, and likely impacts on flora and fauna in the reserve.

Lastly, in the opinion of the objector, the proposal represents an overdevelopment of the site.

Each of these matters is addressed as follows:

- Setbacks / Building separation

Non-compliances in relation to front/side boundary setbacks and building separation have been addressed in the relevant sections of this report, above.

- Upper level setbacks

The development has been assessed as complying with the required 3 metre top storey setback control and has achieved the underlying intent of the control to modulate the proposed built form.

- Balcony separations

With regard to balcony setbacks, section 3.4.5 of the *HDCP* states, in relation to setback encroachments:

*“Balconies are able to encroach to within 7 metres of the front and rear boundaries provided there is no impact on the achievement of daylight access, visual privacy, and acoustic privacy.”*

The balconies referred to by the objector are north-facing and therefore have little effect on daylight access. The assessment has further concluded that, owing to the site's location adjacent to the Kent Street Reserve, the balcony setbacks to the northern boundary would be acceptable in terms of visual and acoustic privacy.

With regard to fencing, access to the Kent Street Reserve and likely impacts on flora and fauna, it is a standard condition of development consent that if approved, Council will require the property to be fenced at the boundary. Further, it is noted that the *HDCP* specifically identifies maintenance of pedestrian access between Hazlewood Place and Kent Street Reserve (*HDCP* 3.4.14 Key Development Principles – Cliff Road, Epping Precinct) as a requirement associated with any adjoining development. Having regard to the objector's claims regarding the impact of increased usage on the reserve, it could also be argued that by formalising the access, impacts will be controlled, and that further surveillance by residents over the reserve would discourage anti-social behaviour.

#### **5.1.4 Replacement of traditional low density residential development with high-density housing**

Council's objectives in the planning initiatives to increase the density of residential development in the Cliff Road, Epping precinct have arisen out of a full and proper planning process, before becoming adopted as Council policy. The rezoning of the subject land from R2 Low Density Residential to R4 High Density Residential followed the Epping Town Centre Study and inclusion of Epping in the State Government's Urban Activation Precincts. These changes were supported and guided by State Environmental Planning Policy Amendment (Epping Town Centre), which facilitated the rezoning, gazetted on 14 March 2014, which amended Hornsby Local Environmental Plan 2013.

Further, the initiatives are entirely consistent with State government policies and strategies to promote development for higher residential densities around key transport nodes. With the opening of the Epping to Chatswood railway line, Epping Station has become a key node, and with the development of the North-West Metro, development pressure around Epping will only increase. It is essential that Council and the State government plan for this growth now, so that it can be managed over time in a pro-active rather than a reactionary manner.

#### **5.1.5 The proposed high density design, bulk and scale of the development and its impact on the character of the local area**

This assessment has addressed matters relating to the design of the proposed development, in relation to density and character of the locality, in the relevant sections above.

#### **5.1.6 Location of Building D & E driveway**

The objector has noted the proposed location of the driveway which was originally proposed opposite to the objector's property, as a potential source of noise and heavy traffic impacts. The objector suggests that most cars entering Kent Street do so from Rosen Street (to the north), and therefore it would make sense to relocate the Stage 2 driveway to the north of the development site, or between Buildings D and E. The objector also notes that relocation of the driveway would remove the need to relocate the electricity substation that is located in the nature strip of Kent Street adjacent to the rear of no. 50 Cliff Road.

In response, the location of driveways to a development such as proposed will not satisfy every adjoining resident. It is more important in the circumstances that the driveway location be considered in the context of the whole development, including the local road network and circulation patterns, as well as the likely impact on neighbouring residents. In planning terms, the proposed location of the Stage 2 driveway has been shifted to the north, allowing the retention of a large existing tree. With regard to the electricity substation, the relocated driveway no longer necessitates any relocation of this utility.

#### **5.1.7 Construction noise and dust impacts**

The objector raises concerns regarding construction noise and dust impacts, and argues that construction working hours should be restricted to weekdays only, between the hours of 8 am to 6 pm.

Council's standard conditions in relation to working hours on construction sites provide that under normal circumstances, works can take place between the hours of 7.00 am to 6.00 pm Monday to Friday, 8.00 am to 1.00 pm Saturday, with no work on Sundays or public holidays.

Council is aware of the need to balance construction imperatives with the needs and amenity of local residents. However, it is considered on balance that placing further restriction on construction hours would extend the duration of construction and therefore the duration of exposure to the types of impacts the objector is concerned about. There would appear to be no special circumstances applying to the subject site that would warrant further restriction on normal construction working hours, and standard hours are considered justified in the interests of having developments completed within the shortest reasonable time frame.

#### **5.1.8 Boundary fence**

It is considered to be a reasonable request that the applicant be required to construct the boundary fence at nil cost to the neighbouring property owner. A recommended condition of consent has been included in Attachment A.

#### **5.1.9 Building Articulation**

The submissions to the amended plans raised concerns to the compliance with the elevations with façade articulation requirements. The proposed design is considered appropriate and is a positive response to the site context and opportunities. In the circumstance, the design and modulation of the elevations is acceptable.

### **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, as amended, is now considered to have addressed Council's and relevant agencies' criteria satisfactorily, and would provide a development outcome that, on balance, would result in a positive impact for the community.

The development will be of a high quality and will be complementary to the emerging higher density urban environment in this locality. It is responding in a positive fashion to the emerging pattern in terms of its scale, built form and landscape setting, consistent with the DCP principles for the Cliff Road Epping Precinct.

The public interest in this case demands the achievement of the high standards embodied in Council's objectives under the respective planning instruments. In its current form, the development exhibits suitable compliance with the planning controls and objectives.

Accordingly, it is considered that the approval of the proposed development would be in the public interest.

## **CONCLUSION**

The proposed development is for demolition of existing structures and erection of five residential flat buildings to a height of five with mezzanines, in two stages comprising 166 new dwellings over two levels of basement car parking, at 44-52 Kent Street and 10-14 Hazlewood Place, Epping. The proposal has been assessed against the provisions of the Hornsby LEP 2013, the Hornsby DCP 2013, and *SEPP* 65 as the primary environmental planning instruments containing provisions relating to the subject development. The development has also been assessed against other related and subordinate planning instruments, as has been documented in this report.

The assessment of the proposed development as documented in this report has found that it predominately complies with a number of key controls relating to the bulk and scale of development, and as a result the proposal would result in an appropriate scale of development of the site, and a development that is generally supportive of the planning objectives for the locality. Boundary setbacks and building separation will generally result in buildings with a scale appropriate to their setting.

The design of individual dwellings, has been improved. As a result, the proposed dwellings will offer good amenity in terms of solar access, natural ventilation, and acoustic privacy.

Accordingly, it is recommended that development consent for the proposed development be approved.

### **Attachments:**

1. Locality Plan
2. Site Plan
3. Landscape Plan
4. Floor Plans
5. Elevations
6. Sections
7. Solar Access and Cross Ventilation Diagrams
8. Design Verification Statement
9. Photomontages

## 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:

*Architectural Plans prepared by APlus Design Group*

<b>Plan No.</b>	<b>Issue No.</b>	<b>Plan Title</b>	<b>Dated</b>
A0.01	A	Development Summary	14.10.2015
A1.01	C	Basement 2 Plan	11.11.2015
A1.02	C	Basement 1 Plan	11.11.2015
A1.03	C	Lower Ground Floor Plan	11.11.2015
A1.04	C	Ground Floor Plan	11.11.2015
A1.05	B	Level 1	14.10.2015
A1.06	B	Level 2-3 (Typical)	14.10.2015
A1.07	B	Level 4	27.10.2015
A1.08	B	Level 5	27.10.2015



A1.09	A	Roof Plan	14.10.2015
B1.01	A	Basement 2 Plan	14.10.2015
B1.02	B	Basement Plan 1	27.10.2015
B1.03	A	Lower Ground Plan	14.10.2015
B1.04	B	Upper Ground Plan	27.10.2015
B1.05	A	Level 1-3 Typical Plan	14.10.2015
A3.01	A	Elevations – 44-52 Kent Street	14.10.2015
A3.02	A	Elevations – 44-52 Kent Street	14.10.2015
B3.01	A	Elevations – 10-14 Hazlewood	14.10.2015
B3.02	A	Elevations – 10-14 Hazlewood	14.10.2015
A2.01	A	Sections	14.10.2015
B2.01	D	Sections	19.11.2015

*Landscape Plans prepared by Site Image*

<b>Plan No.</b>	<b>Issue No.</b>	<b>Plan Title</b>	<b>Dated</b>
000	D	Cover Sheet	28/10/2015
001	C	Landscape Masterplan	28/10/2015
101	C	Landscape Plan	28/10/2015
102	D	Landscape Plan	28/10/2015
103	D	Landscape Plan	28/10/2015
501	B	Landscape Details	28/10/2015
501	B	Plant Schedule	28/10/2015



*Stormwater Management Plans prepared by Martens Pty Ltd*

<b>Plan No.</b>	<b>Revision No.</b>	<b>Plan Title</b>	<b>Dated</b>
DA210	A	Concept Stormwater System – Site Plan	19.12.2014
DA211	A	Concept Stormwater System – Basement Level 1	19.12.2014
DA212	A	Concept Stormwater System – Basement Level 2	19.12.2014
DA213	A	Concept Stormwater System – Basement Level 3	19.12.2014
DA220	A	Concept Stormwater System – Pit Schedule	19.12.2014
DA230	A	Concept Stormwater System – MUSIC Catchment Plan	
DA240	A	Concept Stormwater System - Drains Modelling	19.12.2014
DA250	A	Concept Stormwater System - MUSIC Modelling	19.12.2014
DA260	A	Concept Stormwater System – Typical Drainage System Details	19.12.2014
DA110	A	Concept Stormwater System – Site Plan	19.12.2014
DA111	A	Concept Stormwater System – Basement Level 1	19.12.2014
DA112	A	Concept Stormwater System – Basement Level 2	19.12.2014
DA113	A	Concept Stormwater System – Basement Level 3	19.12.2014
DA120	A	Concept Stormwater System – Pit Schedule	19.12.2014
DA130	A	Concept Stormwater System – MUSIC Catchment Plan	19.12.2014

<b>Plan No.</b>	<b>Revision No.</b>	<b>Plan Title</b>	<b>Dated</b>
DA140	A	Concept Stormwater System - Drains Modelling	19.12.2014
DA150	A	Concept Stormwater System - MUSIC Modelling	19.12.2014
DA160	A	Concept Stormwater System – Typical Drainage System Details	19.12.2014
DA310	A	Concept Stormwater System – Site Plan	19.12.2014
DA311	A	Concept Stormwater System – Basement Level 1	19.12.2014
DA312	A	Concept Stormwater System – Basement Level 2	19.12.2014
DA313	A	Concept Stormwater System – Basement Level 3	19.12.2014
DA320	A	Concept Stormwater System – Pit Schedule	19.12.2014
DA330	A	Concept Stormwater System – MUSIC Catchment Plan	19.12.2014
DA340	A	Concept Stormwater System - Drains Modelling	19.12.2014
DA350	A	Concept Stormwater System - MUSIC Modelling	19.12.2014
DA360	A	Concept Stormwater System – Typical Drainage System Details	19.12.2014

<b>Document title</b>	<b>Prepared by</b>	<b>Dated</b>
Amended Statement of Environmental Effects	Urbis	23 October 2015
BASIX Certificates Nos. 678783M and 678827M	Efficient Living	2 November 2015

<i><b>Document title</b></i>	<i><b>Prepared by</b></i>	<i><b>Dated</b></i>
Design Verification Statement	APlus Design Group	5 November 2015
Urban Design Strategy	Aplus Design Group	October 2015
Materials and Finishes (Reference No. 15126)	Aplus Design Group	October 2015
Perspectives 1 and 2 (Reference No. 15126)	Aplus Design Group	October 2015
Flow Path Analysis	Martens Pty Ltd	20 October 2015
Solar Access and Cross Ventilation (Reference Drawing Nos. A5.01 and B5.01 Issue A)	Aplus Design Group	14.10.2015
Shadow Diagrams (Reference No. 15126)	Aplus Design Group	October 2015

## **2. 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.

Details of the Project Arborist are to be submitted to Council and the PCA prior to the issue of a Construction Certificate.

## **3. Removal of Trees**

This development consent permits the removal of tree(s) numbered T1, T2, T4, T5, T7, T9-T16, T18-T24, T26, T27, T29-T42, T44, T45, T46, T48, T50, T51, T53, T57, T59-T69, T71-T80, T83-T90, T94-T100, T112-T119, T122-T135, T137 and T140-T146 as identified in the Arboricultural Impact Assessment, prepared by Tree Wise Men, dated December 2014 and the Vegetation Plan.

The removal of any other trees from the site requires separate approval by Council in accordance with Part 1B.6 Tree and Vegetation Preservation of the Hornsby Development Control Plan, 2013 (*HDCP*).

## **4. Amendment of Plans**

- a) To comply with Councils requirement in terms of landscaping, the approved landscape plans are to be amended as follows:

- i) The Landscape Plans are to be amended to include detail that all planting and preparation works within the northern planting bed adjacent to Kent Street Reserve must be undertaken by a suitably qualified and experienced bush regeneration company. These duties include initial weed removal, plant installation and maintenance for a minimum of 18 months.
- ii) The northern planting bed adjacent to Kent Street Reserve requires permanent garden edging.
- iii) Provide notation on the plan that only buffalo or other non-invasive varieties of turf are permitted outside the Blue Gum High Forest (BGHF) planting area.
- iv) All establishment revegetation and landscaping is to include locally indigenous species of local provenance and the following specifications:
  - a. Plants must be obtained from a recognised specialist native nursery that stocks local genetic provenance of selected plant species.
  - b. Plantings must be alternately planted in approximately equal numbers. Density of planting shall be a minimum of 1 lower canopy tree or 1 shrub per 20m<sup>2</sup> and groundcover plants at 4 per m<sup>2</sup> or as recommended by the contractor.
  - c. A minimum 80% survival rate is to be maintained for all planted individual species and a maximum 5% weed cover for 3 year maintenance period.
  - d. Any maintenance replanting, of more than 10% of the planted vegetation must be established for at least 18 months.
  - e. Maintenance replanting is to replace plants by the same species, or where that species is not available, with the same growth form (i.e. a tree with a tree etc.) and must not decrease species diversity. Any new species must still be from the community being emulated and of local provenance.
  - f. The plantings of species in this area shall be in accordance with approved planting schedule (see 3 below)
- v) The planting schedule for the BGHF area must be provided on Landscape Plans. Remove all previous references to non-native BGHF species along the northern property boundary (Kent Street Reserve interface) and replace with the following species:

<b>Trees (minimum of three)</b>	<b>Mid storey trees (minimum of ten)</b>
<i>Acmena smithi</i>	<i>Allocasuarina torulosa</i>
<i>Alphitonia excelsa</i>	<i>Elaeocarpus reticulatus</i>
<i>Angophora floribunda</i>	<i>Glochidion ferdinandi</i> var. <i>ferdinandi</i>
<i>Backhousia myrtifolia</i>	<i>Notelaea longifolia</i> forma <i>longifolia</i>
<i>Eucalyptus paniculata</i>	<i>Polyscias sambucifolia</i>
<i>Eucalyptus globoidea</i>	<i>Pittosporum undulatum</i>
<i>Eucalyptus pilularis</i>	<i>Ficus coronata</i>
<i>Eucalyptus saligna</i>	<i>Rapanea variabilis</i>
<i>Angophora costata</i>	<i>Persoonia linearis</i>
<i>Clerodendrum tomentosum</i>	

<b>Shrubs (minimum of twelve)</b>	<b>Ferns</b>
<i>Pittosporum revolutum</i>	<i>Adiantum aethiopicum</i>
<i>Breynia oblongifolia</i>	<i>Blechnum cartilagineum</i>
<i>Morinda jasminoides</i>	<i>Doodia aspera</i>
<i>Leucopogon juniperinus</i>	<i>Pteridium esculentum</i>
	<i>Calochlaena dubia</i>
	<i>Asplenium flabellifolium</i>

<b>Groundcovers/ grasses</b>	<b>Vines/ climbers (optional) –</b>
<i>Dianella caerulea</i>	<i>Eustrephus latifolius</i>
<i>Carex maculata</i>	<i>Clematis aristata</i>
<i>Entolasia stricta</i>	<i>Glycine clandestina</i>
<i>Viola hederacea</i>	<i>Smilax australis</i>
<i>Pseuderanthemum variabile</i>	<i>Smilax glyciphylla</i>
<i>Entolasia marginate</i>	<i>Pandorea pandorana</i>
<i>Oplismenus aemulus</i>	
<i>Poa affinis</i>	
<i>Oplismenus imbecillis</i>	
<i>Lomandra longifolia</i>	
<i>Pratia purpurascens</i>	

- b) The approved architectural plans are to be amended as follows:
- i) The development is required to provide 50 accessible units designed as adaptable housing pursuant to the requirements of 1C.2.2 of the Hornsby Development Control Plan. In this regard, 16 car parking spaces are to be designed for people with a disability and allocated to 16 adaptable units.

- ii) The bin holding area/bin collection area for Stage 2 (buildings D and E) must be increased by no less than 5 m<sup>2</sup>.
- iii) For every Stage, the pathway along which bins are carted between each bin collection area/bin holding area/ waste management centre and the waste collection vehicle parking location must be:
  - a. Less than 10 m long;
  - b. No less than 1.8 m wide;
  - c. Have a gradient no greater than 1:20;
  - d. Smooth hard surface; and
  - e. Must not include any steps.
- c) These amended plans must be submitted with the application for the Construction Certificate.

## 5. Construction Certificate

- a) 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) A separate Construction Certificate must be obtained from Council for all works within the public road reserve under S138 of the *Roads Act*.
- c) A separate Construction Certificate must be obtained from Council for all works within drainage easements vested in Council.
- d) The Construction Certificate plans must not be inconsistent with the Development Consent plans.

## 6. Section 94 Development Contributions

- a) In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act, 1979* and the *Hornsby Shire Council Section 94 Development Contributions Plan 2012-2021*, the following monetary contributions must be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

Description	Contribution (4)
Roads	\$114,307.75
Open Space and Recreation	\$1,957,587.70
Community Facilities	\$272,973.15
Plan Preparation and Administration	\$8,115.75
<b>TOTAL</b>	<b>\$2,352,984.35</b>

being for 36 x 1 bedroom, 118 x 2 bedroom and 9 x 3 bedroom apartments.

- b) The value of this contribution is current as at 18 November 2015. If the contribution is not paid within the financial quarter that this condition was generated, the contribution 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:

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

Where:

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

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

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

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

- c) The monetary contribution must be paid to Council:
- i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
  - ii) prior to the issue of the first Construction Certificate where the development is for building work; or
  - iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
  - iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

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

Council's Development Contributions Plan may be viewed at [www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au) or a copy may be inspected at Council's Administration Centre during normal business hours.

## REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

### 7. Building Code of Australia

All approved 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)**

Where 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, this contract of insurance must be 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. Utility Services**

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

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

**11. Dilapidation Report**

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of the adjoining properties at 3, 8 & 16 Hazlewood Place, Epping.



## **12. Road Works**

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

- a) Council's standard 150mm integral kerb and gutter to be removed and reconstructed across the entire street frontage of the subject lots in Kent Street and Hazlewood Place.
- b) Council's standard 80 mm thick 1.2m wide concrete footpath to be constructed within the road verge across the Kent Street and Hazlewood Place frontages of the lots, with the remaining area turfed.
- c) Adjustment of Council's kerb inlet drainage pits on the Kent Street and Hazlewood Place frontages to suit new kerb and gutter work.
- d) The existing road pavement in Kent Street and Hazlewood Place to be saw cut a minimum of 600 mm from the existing edge of the bitumen and reconstructed.
- e) The submission of a compaction certificate from a geotechnical engineer for all road sub-grade and road pavement materials.
- f) Vehicular Crossings shall be designed and constructed in accordance with AS2890.1 and AS2890.2 for commercial vehicles, and these conditions.
- g) The unpaved remainder of the footpath verges shall be roll turfed.
- h) Pursuant to Section 138 *Roads Act 1993*, a separate Construction Certificate Application shall be made to Hornsby Council's Planning Division for consideration and approval prior to commencement of these Road Works. Council's fees for construction certificate assessment and compliance inspections are to be paid with lodgement of the Application at Council.

## **13. Construction Traffic Management Plan**

A Construction Traffic Management Plan (CTMP) is to be submitted to Council and approval given prior to the issue of a Construction Certificate. The Plan should assess traffic impacts associated with construction works on public roads and must include:

- a) Site location
- b) Scope of works
- c) Order of construction works
- d) Identification of traffic hazards during all stages of works
- e) Identification of potential risks during all stages of works
- f) A map of the State and local roads in the proximity of the development

- g) A map of truck routes to and from the development site during all stages of works
- h) A map of existing parking restrictions in the proximity of the development
- i) Hours of operation
- j) Frequency of truck movements on a daily basis during all stages of works
- k) A map of the access arrangements onto the development site during all stages of works
- l) Swept path diagrams
- m) Consideration of Work Zones for the development site
- n) Consideration of mobile crane movements
- o) Location of temporary hoardings, fencing or awning
- p) Pedestrian and cyclist access and safety.

#### **14. Construction Management Plan**

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

- i) Noise attenuation measures be implemented along the eastern boundary of the site including a hoarding height not less than 3m from the existing ground level;
- ii) During excavation works, rock removal must be undertaken by sawing instead of rock hammering, wherever practicable;
- iii) 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
- iv) The delivery times and vehicular movements related to demolition, excavation and construction works must be restricted to the construction hours only.

#### **15. 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 directly to Council's street drainage system, or
- b) Connected to an existing Council piped drainage system.
  - i) The connection to Council's drainage pit or pipeline must be inspected by a Council Engineer in the Planning Division. Prior to the connection, an application must be made to Council and all fees paid.

*Note: An inspection booking can be made by calling Council on 9847 6787.*

- ii) Prior to the issue of an Occupation Certificate a Compliance Certificate must be obtained from Council for the connection to Council's drainage system.

#### **16. On Site Stormwater Detention**

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

- a) Have a capacity for each part of the development Blocks D & E and Blocks E & G generally in accordance with the approved internal drainage plan;
- b) Have a surcharge/inspection grate located directly above the outlet;
- c) Discharge from the detention system must be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system;
- d) Where above ground and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs must be installed; and
- e) Not be constructed in a location that would impact upon the visual or recreational amenity of residents;
- f) Water quality treatment facilities shall be designed and constructed in accordance with *HDCP2013* Section 1C.1.2.i, and generally as per approved drainage plans.

#### **17. Internal Driveway/Vehicular Areas**

The driveway and parking areas on site must be designed, constructed and a Construction Certificate issued in accordance with *Australian Standards 2890.1*, *2890.2*, and the following requirements:-

- a) Design levels at the front boundary shall be obtained from Council if a private accredited certifier is engaged to obtain a construction certificate for these works.
- b) Design levels for each vehicular crossing at the front boundaries be obtained from Council - by *separate application* to Council's Infrastructure and Recreation Division for specific crossing levels.
- c) The driveway be a rigid pavement.
- d) The driveway grade must not exceed 25 percent and transitions for changes in grade must not exceed 8 percent per plan metre. Where access by a service vehicle is also required, that part of the access and turning area must comply with AS2890.2.

- e) Basement ramp threshold levels shall comply with the minimum flood planning level to ensure safety from flooding, as required by the Martens and Associates Engineer.
- f) Longitudinal sections shall be provided to the Principal Certifying Authority for assessment with the Construction Certificate.

## **18. Waste Management Details**

The following waste management requirements must be complied with:

- a) The approved on-going waste management system must not be amended without the written consent of Council.
- b) Motorised bin carting equipment to assist in the safe transfer of the 660 L and 240 L bins between the basement and ground levels must be provided for Stage 1 (buildings A, B, C), as well as sufficient space to store this equipment. Stage 2 (buildings D, E) and stage 3 (buildings F, G) are each to have a bin hoist to assist in the safe transfer of the 660 L and 240 L bins between the basement and ground levels.
- c) The waste facilities (a garbage chute and recycling bin in a small room) on each residential level of each building must be accessible by persons with a disability while comfortably housing the garbage chute and one 240 L recycling bin.

*Note: a 240 L recycling bin is 600 mm wide by 750 mm deep; allow for ease around the bin – 75 mm is recommended. The chute system supplier must be consulted for chute space requirements.*

- d) The door to each chute service room and bin storage room at the basement level must be no less than 1500mm wide.
- e) Each stage (Stage 1 – buildings A, B, C; stage 2 – buildings D, E; stage 3 – buildings F, G) must have a bulky waste storage area of at least 8 m<sup>2</sup> at the basement level.
- f) A Waste Management Plan Section One – Demolition Stage and Section Three – Construction Stage, covering the scope of this project and including the following details, is required to be submitted to Council:
  - i) An estimate of the types and volumes of waste and recyclables to be generated;
  - ii) A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas;
  - iii) How excavation, demolition and construction waste materials will be reused or recycled and where residual wastes will be disposed;

- iv) The total percentage (by weight) of demolition and construction waste that will be reused or recycled.

**19. Certification of Traffic Engineer**

Prior to the issue of a Construction Certificate, a Certificate from an appropriate qualified Traffic Engineer is to be submitted to the Principal Certifying Authority (PCA) certifying that the parking modules, loading areas and garbage collection areas comply with AS 2890.1, AS 2890.2 and the approved Development Consent plans and conditions.

**20. Tree Protection Requirements**

The Project Arborist must oversee and provide certification for the installation of all tree protection measures as specified in this consent and in accordance with Australian Standard AS 4970-2009 (1.4.4).

**21. Tree Protection Zone Fencing (TPZ)**

- a) Tree protection fencing must be installed around trees in accordance with the Tree Protection Plan (Appendix E) in the Arboricultural Impact Assessment, prepared by Tree Wise Men, dated December 2014.
- b) Where tree protection fencing cannot be located at the perimeter of the Tree Protection Zone, appropriate ground and crown protection must be provided in accordance with AS 4970-2009 Section 4.5 under the direction of the project arborist.
- c) Tree Protective Fencing must be installed in accordance with AS 4970-2009 Section 4.3 and 4.4.
- d) Maintenance of the Tree Protection Zones must be carried out in accordance with AS 4970-2009 Section 4.6 for the duration of this consent.

**22. Tree Protection Certification**

Certification must be provided by the Project Arborist to the Principal Certifying Authority stating that all required tree protection measures have been installed in accordance with the relevant conditions of this consent.

**23. Storage**

Each dwelling within the development must have a minimum area for storage (not including kitchen and bedroom cupboards) of 6m<sup>3</sup> for one bedroom units, 8m<sup>3</sup> for two bedroom units and 10m<sup>3</sup> 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.

**24. Identification of Survey Marks**

A registered surveyor must 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**".

<b>REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS</b>
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**25. Erection of Construction Sign**

- a) A sign must be erected in a prominent position on any site on which any approved work is being carried out:
  - i) Showing the name, address and telephone number of the principal certifying authority for the work;
  - ii) 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
  - iii) Stating that unauthorised entry to the work site is prohibited.
- b) The sign is to be maintained while the approved work is being carried out and must be removed when the work has been completed.

**26. 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; and/or
- 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.*

**27. Toilet Facilities**

- a) To provide a safe and hygienic workplace, toilet facilities must be available or be installed 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.
- b) Each toilet must:
  - i) be a standard flushing toilet connected to a public sewer; or
  - ii) be a temporary chemical closet approved under the *Local Government Act 1993*; or

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

## **28. Erosion and Sediment Control**

To protect the water quality of the downstream environment, 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.*

<b>REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION</b>
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## **29. Construction Work Hours**

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday (unless otherwise approved in writing by Council due to extenuating circumstances). No work is to be undertaken on Sundays or public holidays.

## **30. Demolition**

To protect the surrounding environment, 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 any building contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

## **31. Environmental Management**

The site must be managed in accordance with the publication *'Managing Urban Stormwater – Landcom (March 2004)'* and the *Protection of the Environment Operations Act 1997* by way of implementing appropriate measures. To prevent

sediment run-off, excessive dust, noise or odour emanating from the site during the construction of the development.

**32. Maintenance and Monitoring of Tree protection**

- a) All Tree Protection Zones must be monitored by the Project Arborist in accordance with AS 4970-2009 Section 5.4.
- b) Where works have been undertaken within the Tree Protection Zone of a tree the Project Arborist must assess the condition of tree(s) and the growing environment and make recommendations for, and carry out remedial actions, to ensure the longevity of the trees.

**33. Works within Tree Protection Zones**

- a) All works must be approved by the Project Arborist.
- b) Root/ground protection must be provided in accordance with AS 4970-2009 Section 4.5.4
- c) Underground services must be installed in accordance with AS 4970-2009 Section 4.5.5.
- d) The Structural Root Zone of any tree required to be retained must remain intact and undisturbed.
- e) Root pruning outside a trees Structural Root Zone must be carried out in accordance with AS 4970-2009 Sections 3.3.4, 4.5.4 and 4.5.5.
- f) Activities within the Tree Protection Zone must comply with AS 4970-2009 Section 4.2.

**34. Certification**

The Project Arborist must provide to the Principal Certifying Authority certification for the monitoring and maintenance of Tree Protection Zones and documentation of the methods used to preserve the trees during construction.

**35. Street Sweeping**

To protect the surrounding environment, Street sweeping must be undertaken following sediment tracking from the site along Cliff Road, Kent Street and Hazlewood Place 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.

**36. Council Property**

To ensure that the public reserve is kept in a clean, tidy and safe condition during construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath.



*Note: This consent does not give right of access to the site via Council's park or reserve. Should such access be required, separate written approval is to be obtained from Council.*

**37. Disturbance of Existing Site**

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

**38. Landfill**

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

- 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 suitably qualified geotechnical engineer verifying that the specified compaction requirements have been met.
- c) This compaction certificate must be included with the application for an occupation certificate.

**39. Excavated Material**

All excavated material removed from the site must be classified by a suitably qualified person 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 be reported to the principal certifying authority prior to the issue of an Occupation Certificate.

**40. Survey Report**

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority;

- a) Prior to the pouring of concrete at each level of the building certifying that:
  - i) The building, retaining walls and the like have been correctly positioned on the site; and
  - ii) The finished floor level(s) are in accordance with the approved plans.
- b) Confirming that the waste collection vehicle turning area complies with AS2890.1 – 2004 and AS20890.2 – 2002 for small rigid vehicles (SRV).

**41. Traffic Control Plan Compliance**

The development must be carried out in accordance with the submitted Traffic Control Plan (TCP).

#### **42. 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.*

#### **43. Construction Vehicles**

All construction vehicles associated with the proposed development must be contained on site or in a Local Traffic Committee (LTC) approved "Work Zone".

#### **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.*

#### **44. Fulfilment of BASIX Commitments**

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

#### **45. Sydney Water – s73 Certificate**

A s73 Certificate must be obtained from Sydney Water and submitted to the PCA.

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

#### **46. Unit Numbering**

All units are to be numbered consecutively commencing at No.1. The strata plan lot number is to coincide with the unit number, e.g Unit 1 = Lot 1. The allocated of unit numbering must be authorised by Council prior to the numbering of each units in the development.

**47. Damage to Council Assets**

To protect public property and infrastructure any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with Council's Civil Works Specifications.

**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/retention systems and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title;
- b) To register the OSD easement, the restriction on the use of land *"works-as-executed"* details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the *"works-as-executed"* plan and supported by calculations;
- c) Consolidation of all lots being the subject of a strata plan.

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

**49. Completion of Landscaping**

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

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

**50. Replacement Planting**

- a) Must be carried out in accordance with the approved landscape plan.

- b) A certificate from a suitably qualified and experienced Horticulturalist must be provided to the Principal Certifying Authority stating the above requirement has been met.

#### **51. Final Certification**

Following the final inspection and the completion of any remedial tree 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 the relevant conditions of consent. All certificates and documentation relating to the protection of trees must be included in the Final Certification.

#### **52. Retaining Walls**

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

#### **53. Boundary Fencing**

The exact location, design and costing for the erection of boundary fencing are to be the subject of negotiation and agreement in accordance with the relevant requirements of the Dividing Fences Act, 1991.

Fencing must be erected along all property boundaries behind the front building alignment to a height of 1.8 metres.

*Note: Alternative fencing may be erected subject to the written consent of the adjoining property owner(s).*

#### **54. External Lighting**

- a) To protect the amenity of adjacent premises, all external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*.
- b) Certification of compliance with this Standard must be obtained from a suitably qualified person and submitted to the PCA with the application for the Construction Certificate.

#### **55. Garbage Collection Easement**

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

*Note: The easement must be in a form prescribed by Council and must include covenants to the effect that parties will not be liable for any damage caused to the subject land or any part thereof or to any property located therein or thereon by reason of the operation thereon of any vehicle or other equipment used in connection with the collection of garbage and to the effect that the owner for the time being of the*

*subject land shall indemnify the Council, its servants, agents and persons authorised by it to collect garbage against liability in respect of any such claims made by any person whomsoever.*

## **56. Waste Management Details**

The following waste management requirements must be complied with:

- a) 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.

*Note: Waste and recycling management facilities includes everything required for on-going waste management on the site. For example the garbage chute system, volume handling equipment, bin lifter, motorised bin trolley or similar, recycling bin storage on each residential level, bin storage areas, bulky waste storage area, bin collection area, waste collection vehicle access, doors wide enough to fit the bin through, etc.*

- b) The bin storage room(s) and chute service room for each building at the basement level must include water or a hose for cleaning, graded floors with drainage to sewer, a robust door, sealed and impervious surface, adequate lighting and ventilation, and must be lockable. The waste facility (garbage chute and recycling bin in a small room) at each residential level of each building must include sealed and impervious surface, adequate lighting and ventilation.
- c) A report must be prepared by an appropriately qualified person, certifying the following:
  - i) A comparison of the estimated quantities of each waste type against the actual quantities of each waste type.

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

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

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

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

- d) Each unit must be provided with an indoor waste/recycling cupboard for the interim storage of a minimum two day's waste generation with separate containers for general waste and recyclable materials.
- e) Space must be provided for either individual compost containers for each unit or a communal compost container;

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

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

*Note: Ramps between different levels are acceptable*

- g) The bin carting route/pathway between the bin holding bay/collection area and the truck parking position must be no longer than 10 m, at least 1.6 m wide, smooth, hard surface with gradient no steeper than 1:20 (5%).
- h) Access to the automatic waste volume handling equipment by unauthorised persons (including residents and waste collectors) must be prevented.

*Note: A lockable chute service room (separate to the bin storage room) or caging of the automatic volume handling equipment is acceptable.*

- i) Site security measures implemented on the property, including electronic gates, must not prevent access to the collection point(s) by waste removal services.
- j) Motorised bin carting equipment must be provided for Stage 1 to assist the site caretaker in the safe transfer of bins between the basement and ground levels.

#### **57. Works as Executed Plan**

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

#### **58. Certification of WSUD Facilities**

Prior to the issue of an Occupation Certificate a certificate from a Civil Engineer is to be obtained stating that the WSUD facilities have been constructed and will meet the water quality targets as specified in the Hornsby Shire Councils DCP.

#### **59. Preservation of Survey Marks**

A certificate by a Registered Surveyor must 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**”.

**60. Provision for National Broadband Network (NBN)**

Provision must be made for fibre ready passive infrastructure (pits and pipes) generally in accordance with NBN Co.'s pit and pipe installation guidelines to service the proposed development. A certificate from NBN Co or 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.

<b>OPERATIONAL CONDITIONS</b>
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**61. Noise – Plant and Machinery**

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

**62. Car Parking**

All car parking must be operated in accordance with *Australian Standard AS/NZS 2890.1:2004 – Off-street car parking* and *Australian Standard AS 2890.2:2002 – Off-street commercial vehicle facilities*.

- a) All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted;
- b) Car parking, loading and manoeuvring areas to be used solely for nominated purposes;
- c) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- d) All vehicular entry on to the site and egress from the site shall be made in a forward direction.
- e) Residential parking spaces are to be secure spaces with access controlled by card or numeric pad.
- f) Visitors must be able to access the visitor parking spaces in the basement car park at all times.
- g) All parking for people with disabilities is to comply with AS/NZS 2890.6:2009 *Off-street parking for people with disabilities*.
- h) Bicycle parking spaces are to be designed in accordance with AS 2890.3-1993 *Bicycle parking facilities*.
- i) Motorcycle parking spaces are to be designed in accordance with AS/NZS 2890.5-1993.



**63. Sight Distance**

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

**64. Waste Management**

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

- a) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas, ensuring the chute system and related devices are maintained in effective and efficient working order, managing the communal composting area(s), managing the bulky item storage areas, arranging the prompt removal of dumped rubbish, and ensuring all residents are informed of the use of the waste management system. The site caretaker must be employed for a sufficient number of hours each week to allow all waste management responsibilities to be carried out to a satisfactory standard.

**65. 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.

**- 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.*

### **Occupation Certificate Requirements**

An Occupation Certificate application is required to be lodged with the PCA with a copy to Council containing the following information:

- a) 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".

### **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 [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) for free information on potential underground pipes and cables within the vicinity of the development site.

### **Telecommunications Act 1997 (Commonwealth)**

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

### **Asbestos Warning**

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

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

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

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

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

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

### **Unit Numbering (Strata Units)**

All units are to be numbered consecutively commencing at No1. The strata plan lot No is to coincide with the unit number. Eg Unit 1 = Lot 1.

### **Rain Water Tank**

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. *NSW Health* recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.