

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2015SYW035
DA Number	DA/136/2015 (9 February 2015)
Local Government Area	Hornsby Shire Council
Proposed Development	Demolition of existing structures and construction of a fifteen storey residential flat building comprising 119 units with four levels of basement car park accommodating 124 car spaces and associated landscaping works
Street Address	Lot 3 DP 621462 (Nos. 2 – 4) Chester Street, Epping
Applicant/Owner	Applicant - B1 Group Pty Ltd Owner - B1 Group Pty Ltd
Number of Submissions	Four submissions have been received
Regional Development Criteria (Schedule 4A of the Act)	Capital Investment value > \$20 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 Remediation of Land • State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development • State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004 • State Environmental Planning Policy No. 32 Urban Consolidation (Redevelopment of Urban land) • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 • Hornsby Local Environmental Plan 2013 - R4 High Density Residential Zone • Hornsby Development Control Plan 2013 • Section 94 Contributions Plan 2012 - 2021
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Locality Plan - 1 page • Architectural Plans – 20 pages • Landscape Plan and stormwater plans - 4 pages • Schedule of Finishes – 1 page • Shadow Diagrams – 12 pages

	<ul style="list-style-type: none">• Photomontage – 1 page• Urban Design Assessment Report
Recommendation	Approval
Report by	Aditi Coomar, Senior Town Planner

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

- The application involves demolition of the existing structures and construction of a fifteen storey residential flat building comprising 119 units with four levels of basement car park accommodating 124 car spaces and associated landscaping works.
- The proposal complies with the *State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development*, and is generally in accordance with the *Residential Flat Design Code* and the *Hornsby Development Control Plan 2013*.
- The applicant has made a submission in accordance with Clause 4.6 'Exceptions to development standards' of the *Hornsby Local Environmental Plan 2013* to vary Clause 4.3 "Height of Building". The submission is considered well founded and is supported.
- Four submissions have been received in respect of the application.
- It is recommended that the application be approved.

RECOMMENDATION

THAT Council assume the concurrence of the Secretary of the Department of Planning and Environment pursuant to Clause 4.6 of the *Hornsby Local Environmental Plan 2013* and approve Development Application No. 136/2015 for demolition of existing structures and construction of a fifteen storey residential flat building comprising 119 units with four levels of basement car park accommodating 124 car spaces and associated landscaping works at Lot 3 DP 621462 (Nos. 2 – 4) Chester Street, Epping subject to the conditions of consent detailed in Schedule 1 of this report.

BACKGROUND

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

The rezoning permits residential flat buildings on the subject land and a maximum building height of 48 metres.

In January 2015, a pre-lodgement meeting was held between the applicant and Council officers to discuss the proposal for a fifteen storey residential flat building on the subject site.

The application was lodged on 9 February 2015.

In accordance with Council's Policy, which requires an urban design review of developments of 10 storeys or greater, the application was referred to GM Urban Design for independent urban design assessment.

Amended plans, responding to the concerns raised by the urban design assessment, were submitted to Council on 5 June 2015.

On 8 April 2015, Council had a pre-lodgement meeting with the applicant for the adjoining site to the west of the subject site, at Nos. 37 – 41 Oxford Street. The proposal involves construction of two residential towers as shop-top housing over ground level commercial developments with a public plaza/open space adjoining the subject site to the west. A development application for the adjoining site was subsequently lodged on 10 June 2015.

SITE

The subject site is situated in Epping, approximately 600 metres to the north-east of Epping Station and forms the northern edge of the Epping Town Centre. The site comprises one allotment (Nos. 2-4 Chester Street) with an area of 1851 m², frontage of 40.23m to Chester Street and a 13% cross fall to the street from the east to the west.

The existing improvements on the site include a two storey L-shaped building accommodating an aged care facility (Melaleuca Retirement Village) comprising eighteen units with associated lawns and gardens, approved by Council pursuant to development application No. 137/81. The facility is currently unoccupied. The site is generally clear of vegetation. Trees are located along the periphery and within the adjoining properties.

The site currently adjoins a three storey commercial building to the west (Nos. 37 - 41 Oxford Street) and a two storey retirement village to the east, owned by the Epping Uniting Church (Nos. 45 - 53 Oxford Street). The locality is also characterized by two to three storey residential flat buildings located on the northern side of Chester Street.

The subject site and surrounding area form part of the Epping Urban Activation Precinct and is subject to substantial urban renewal for high density housing and mixed use developments in the future. The site is located within the Oxford Street, Epping Precinct of the *Hornsby Development Control Plan 2013* adjoining a B2 Local Centre zone to the west and south with a height limit of 72m and potential to accommodate mixed use developments in the future.

The allotments on the opposite side of Chester Street constitute older style two to three storey residential flat buildings. The locality is zoned R4 High Density Residential and would potentially be developed as five storey residential flat buildings. Properties surrounding the subject site to the east would be developed as residential flat buildings with a height limit of 48m.

The East Epping Conservation Area is located to the east of the nearby intersection of Oxford Street with Chester Street.

PROPOSAL

The proposal involves the demolition of existing structures on the site and construction of a fifteen storey residential flat building containing 119 units over four levels of basement car parking with 124 car spaces and associated landscaping works.

The development comprises a three storey podium across the Chester Street frontage with a twelve storey tower above. The tower would be divided into two sections connected by a

common service core with the lift, foyer area and garbage collection area at each residential level. A pedestrian entry at the centre of the Chester Street frontage would provide access to all levels from a common foyer.

The unit mix would comprise of 4 x studio, 50 x 1 bedroom, 53 x 2 bedroom and 12 x 3 bedroom units. Balconies fronting the front, side and rear setbacks are proposed for the units.

Vehicular access to the site is proposed via a 6m wide driveway along the western boundary, off Chester Street. A turntable is proposed at the ground level partially over the driveway, to provide truck access to the site. A common garbage collection area is proposed at the rear of the turntable. A bicycle parking area for the visitors is proposed adjoining the driveway at ground level.

A total of 124 car parking spaces for residents and visitors, 1 car share space, 119 bicycle spaces 18 motor cycle spaces are proposed in four basement levels.

The site would drain to the Council-controlled drainage system on Chester Street.

ASSESSMENT

The development application has been assessed having regard to the '*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 *Hornsby Local Environmental Plan 2013 (HLEP)*. The objectives of the zone are:

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

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

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 show for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 48m. The proposal would result in a maximum height of 48m to the roof of the building and 48.6m to the lift over run at the western elevation which does not comply with this provision. The applicant has made a submission in accordance with Clause 4.6 'Exceptions to development standards' of the *Hornsby Local Environmental Plan 2013* to vary Clause 4.3 "Height of Building".

2.1.3 Exceptions to Development Standards

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

The proposal exceeds the 48 maximum building height prescribed under Clause 4.3 of the *HLEP*. The objective of the development standard is:

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

The applicant has made a submission in support of a variation to the development standard in accordance with Clause 4.6 of the *HLEP*. The development application seeks to vary the development standard by a maximum of 600mm, the highest point being at RL 140.95. The applicant states the proposed variation is considered to be consistent with the objectives of the control and is justified as follows:

- The height exceedance does not add to the bulk and scale of the building as it is related to a part of the lift overrun only and is not readily visible from the public domain;
- The building results in a very minor non-compliance with the numerical height control, however it remains consistent with the built form and the desired future character of the area;
- The roof of the building complies with the height requirement;
- The height exceedance does not adversely impact on adjoining developments by way of overshadowing, privacy or views. The proposed development is entirely consistent with the general size and scale of development envisaged on this and other sites within the Epping Town Centre. The minor variation would be imperceptible in the context of this location and the Centre as a whole as it transforms to its planned future form;
- The building, even inclusive of a portion, which extends beyond the height control, provides an acceptable outcome in terms of amenity considerations for adjoining and neighbouring land as nominated by the objectives of clause 4.3 of the *HLEP*; and
- There is no public benefit in strictly maintaining the standard given that there are no unreasonable impacts that would result from the height exceedance.

State Government Guidelines on varying development standards recommend considering the provisions of Clause 4.6 of the LEP and the 'five part test' established by the Land and Environment Court as follows:

1. *the objectives of the standard are achieved notwithstanding noncompliance with the standard;*
2. *the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

The applicant's submission to vary the Clause 4.3 "Height of Building" development standard is considered well founded for the following reasons:

- The bulk of the building is contained within the 48m height limit.
- The lift overrun exceeds the height limit by only 600mm, when compared to the natural ground level at that point. Due to the slope of the site, the non-compliance appears to be 900mm along the western elevation. However, the adjoining site to the west has a permitted height limit of 72m. Given the overall height of the development

in the future context of the Epping Town Centre, this non-compliance would be imperceptible.

- Due to the topography of the site, the height non-compliance would not be readily visible from Chester Street.
- The site is situated within the Oxford Street, Epping Precinct, which is currently undergoing transition/re-development. In terms of its compatibility, the proposal is considered to achieve the height and scale identified to express the desired future character of the Precinct.
- The proposal provides a minimum ceiling height of 3m between the floors, which exceeds the minimum requirement, adds to the overall height of the building. However, the additional ceiling height would contribute positively to the amenity for future residents.
- There will be no undue environmental impacts to adjoining properties that arise from the proposed non-compliance.
- The proposal is considered to be in the public interest as it achieves consistency with the objectives of the R4 High Density Residential Zone and the objective of the Height of Buildings development standard.

Based on this assessment, it is considered that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case. Accordingly, the Clause 4.6 submission is supported.

2.1.4 Heritage Conservation

Clause 5.10 of the *HLEP* sets out heritage conservation provisions for Hornsby Shire. The site does not include a heritage item and is not located in a heritage conservation area. The site is in the proximity of the East Epping Heritage Conservation Area, located on the eastern side of the intersection of Chester Street and Oxford Street and along the eastern boundary of Essex Street. The uniting Church of Epping, located at the intersection of the two streets is classified as a Heritage item of local significance, pursuant to Schedule 5 of the *HLEP*.

The proposed development would be sufficiently separated from the Conservation Area and the Church, by the existing developments to the east and the potential future developments that would be 48m high. 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 earthworks and excavation concludes that the proposal is satisfactory subject to conditions regarding submission of a dilapidation report assessing the impact of the excavation on the adjoining property to the east.

2.2 Draft Amendment to Hornsby Local Environmental Plan 2013

A number of planning strategies for Hornsby Shire have recently been gazetted which permit large scale high density development and encourage revitalisation of areas including the

Epping Urban Activation Precinct. To guide the quality of new building stock, draft amendment No. 5 to the *HLEP* has been proposed which would include insertion of '*Clause 6.8-Design Excellence*'. The planning proposal has been exhibited, adopted by Council and forwarded to the Department of Planning and Environment to be made.

The draft Clause sets out matters for consideration to determine whether a proposed development exhibits a high standard of design. The Clause would apply to development proposals on land with a permitted height limit over 29.5m (10 storeys or more), which includes the subject site. The draft Clause 6.8 states that development consent must not be granted to development to which this Clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.

To enable the implementation of '*Clause 6.8-Design Excellence*' in the *HLEP*, Council has established a panel of suitably qualified architecture and urban design professionals to undertake a review of the design quality of relevant developments.

In accordance with the above provisions, the application was referred to *GM Urban Design* to undertake an independent urban design review of the proposal. The assessment report submitted by *GM Urban Design* raised a number of concerns regarding the initial design of the proposed development. The applicant undertook several design changes which satisfactorily addresses the urban design concerns. An overview of the urban design assessment/recommendations and resultant responses from the applicant is provided below.

2.2.1 Urban Design recommendations and responses

- *The private terraces should have a minimum setback of 2m from the primary boundary as an appropriate transition from the "Cambridge Street Precinct" to the "Oxford Street Precinct".*

Comment: The amended proposal responds to this recommendation and proposes a 3m wide, common landscaped area within the front setback.

- *Floor plans that result in an asymmetric façade design should be proposed.*

Comment: The floor plans for dwellings fronting Chester Street have been amended by reorientating balconies and modifying building setbacks. The resultant street elevation is asymmetric with balconies capturing the north-eastern aspect.

- *The concept plans submitted for 37-41 Oxford St indicate that two active public spaces would potentially adjoin the site to its west and south. It would allow break in the continuous podium and contribute positively to the proposed development. Therefore, the proposal needs to provide a treatment to the side walls of the podium, to address the future development to its west.*

Comment: The amended plans respond to this recommendation by proposing a variety of treatments to the western and eastern facades for the podium level units. The variation to finishes and materials would reduce the overwhelming impact of the three story high blank walls and contribute positively to future developments on adjoin sites.

- *Podium level apartments should be reconfigured to be split level or cross-over apartments that provide for better amenity, and eliminate the undesirable snorkel windows/artificial ventilated kitchens.*

Comment: The amended proposal has eliminated the undesirable snorkel windows, provided minor amendments to the unit configurations to comply with the *RFDC* guidelines. Additional cross-through units have been proposed.

- *Increase communal open space area at location with better solar access, visibility and accessibility to encourage passive surveillance and usage.*

Comment: Plans have been amended by relocating the fire egress at the rear, and providing additional landscaping to the front. This would result in 502m² of communal open space for the site (27%). The communal open space would be partially located along the eastern and western boundaries to receive satisfactory solar access.

- *Reduce driveway to 6m wide and refine street facade treatment to articulate the building entry, conceal the loading dock and provide a landscape feature to soften the masonry podium wall.*

Comment: The driveway has been reduced to 6m. The amended plans demonstrate that the garbage rooms are generally concealed by design and by roller doors. The location of the pedestrian entry has been amended responding to the above comments. The amended proposal includes a central lobby with direct access to all levels via lifts.

- *Reconfigure apartments to provide for sufficient storage and amend area schedule to account for storage area in apartment and in basement area.*

Comment: The plans have been amended to include storage areas for all units and in the basement. A schedule has been provided.

2.2.2 Urban design concerns

- *Although the Floor Space Ratio (FSR) provision does not apply to the site it is noted that the proposed gross floor area would result in a FSR of 4.8:1 which is considered to be excessive for the site. A FSR less than 4.5:1 (corresponding to the adjoining B2 zone) would result in a more sympathetic design response for the site. The proposal, in its current form, presents an overwhelming bulk and scale.*
- *At boundaries interfaces with B2- Local Centre zone to the south and west, proposed development height should respond to this change in height up to 72m and gradually transition its massing to a 'pedestrian friendly scale'. The proposed podium height facing Chester Street, should be limited to reflect the 17.5m control the across street to provide for a balance streetscape to further enhance the pedestrian experience.*
- *The building height should be restricted to 48m and non-compliance not be supported.*
- *Rear portion of the podium and tower should be reduced in width to 18m, to provide better amenity to the units.*
- *The unit layout should be amended so that 3 hours direct sunlight is provide to the units during mid-winter.*
- *Corridors should not have more than 8 units. Additional core should be provided if more units per level are proposed.*
- *Further shadow diagram analysis showing the potential overshadowing impact on the adjoining existing properties and future development should be provided.*

- *The setbacks to the east and west should be increased to 12m and 9m respectively to comply with RFDC and provide for amenity for future tower developments in the surrounding area.*
- *A 2m setback of the driveway from the western boundary with deep soil verge should be provided.*

Response from the applicant:

- The FSR provision does not apply to this site pursuant to the provisions of the *HLEP* and therefore is not required to be considered. The proposal generally complies with the prescriptive measures within the *HDCP* with regard to height, setbacks, floorplate dimensions and building footprint which guide the yield for the site. Accordingly, no further amendments to the proposal are required.
- The proposed height of the building complies with the *HLEP* and *HDCP* requirements apart from the minor 600mm variation (addressed via Clause 4.6 variation). Further, the tower element would be set back from the podium level and stepped at the upper levels to respond to the height transition.
- The *RFDC* guidelines require building depths to be restricted to 18m, rather than the width. The width of the towers (floorplate dimension) is guided by the building separation requirements in accordance with the *HDCP*. Additional documentation has been submitted demonstrating that the building depths for both sections of the towers are restricted to 15.5 – 16.8m. The length of the tower element is a maximum of 28m which is considered reasonable, given the scale of development permitted on the site.
- Both the *HDCP* and *RFDC* aim for a maximum of 2 hours solar access between 9am and 3pm during Winter Solstice, for high density precincts. Therefore, the above requirement is not relevant to this proposal.
- The floor plans have not been amended to reduce the number of units accessed from each corridor to 8.
- The proposal does not include any unscreened habitable rooms/windows to the side facades. Accordingly, the proposed setbacks to the sides at podium level, driveway and tower levels comply with the requirements of *RFDC* and *HDCP* and no further amendments are considered necessary.
- The application includes shadow diagrams illustrating overshadowing impacts on adjoining developments.

Council concurs with the above responses provided by the applicant. The appropriateness of the design having regard to height, setbacks, apartment layout and solar access have been discussed in Section 2.6, 2.7 and 2.11 this report.

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

The application has been assessed against the requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*. The proposal includes a BASIX Certificate for the proposed units and is considered to be satisfactory.

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

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

The application is supported by a preliminary site contamination investigation report prepared by *Coffey Environments Australia Pty Ltd*. The report identifies the following sources of contamination for the site:

- Remnants of hazardous building materials, waste and chemical residues from historic residential dwellings;
- Potential contamination in surface soils where imported fill material may have been used in landscaping works associated with the central courtyard area; and
- Weathering of hazardous building materials in current structure (such as lead-based paints and building products containing asbestos).

The report concludes that the site has low to moderate potential to be contaminated and a phase 2 site contamination investigation is recommended. However, a detailed investigation of the site cannot be undertaken unless the existing building is demolished. Accordingly, it is recommended that detailed site contamination assessment and any required remediation measures be carried out, subject to Council's approval, after the demolition of the building and prior to the issue of the construction certificate for any other building works on the site.

Conditions of consent, listed in Schedule 1 of this report, have been staged accordingly.

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

The application has been assessed against the requirements of *State Environmental Planning Policy No. 32 - Urban Consolidation (Redevelopment of Urban Land) (SEPP 32)*, which requires Council to implement the aims and objectives of this Policy to the fullest extent practicable when considering development applications relating to redevelopment of urban land. The application complies with the objectives of the Policy as it would promote the social and economic welfare of the locality and would result in the orderly and economic use of under-utilised land within the Shire.

2.6 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 stating how the proposed development achieves the design principles of *SEPP 65*. The design principles of *SEPP 65* and the submitted design verification statement are addressed in the following table.

Principle	Compliance
-----------	------------

1. Context	Yes
<p>Comment: The subject site and surrounding area form part of the Epping Urban Activation Precinct and is subject to substantial urban renewal for high density housing and mixed use developments in the future. The site is located within the Oxford Street, Epping Precinct of the <i>Hornsby Development Control Plan 2013 (HDCP)</i> adjoining sites with permitted height limits of 72m and 48m height limits. The proposal responds to the desired future character of the precinct as envisaged by Council for fifteen storey residential flat buildings with continuous podiums, peripheral landscaping and basement 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 future urban form. The proposed building would contribute to the identity and future character of the precinct.</p>	
2. Scale	Yes
<p>Comment: The scale of the development is in accordance with the height control, setbacks and building envelope controls for the precinct prescribed within the <i>HDCP</i>.</p> <p>The development achieves a scale consistent with the desired outcome for well-articulated buildings that are set back to incorporate landscaping, open space and separation between buildings.</p>	
3. Built Form	Yes
<p>Comment: The proposed building achieves an appropriate built form for the site and its purpose, in terms of building alignments, proportions, and the manipulation of building elements. The building would appropriately contribute to the character of the desired future streetscape and includes articulation to minimise the perceived scale.</p> <p>The location of the tower would achieve a co-ordinated network of open spaces as envisaged in the Key Development Principles Diagram for the Oxford Street precinct by proposing appropriate setbacks in between the tower elements at the rear of the podium. The proposed materials and finishes would add to the visual interest of the development. Flat roof forms have been adopted with an increased top storey setback on the external facades to achieve a stepped form.</p>	
4. Density	Yes
<p>Comment: The <i>HLEP</i> does not incorporate floor space ratio requirements for the site. The density of the development is governed by the height of the building and the required setbacks. The proposed density is considered to be sustainable as it responds to the regional context, availability of infrastructure, public transport, community facilities and</p>	

environmental quality and is acceptable in terms of density.	
5. Resource, Energy and Water Efficiency	Yes
<p>Comment: The applicant has submitted a <i>BASIX</i> Certificate for the proposed development. In achieving the required <i>BASIX</i> 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.</p>	
6. Landscape	Yes
<p>Comment: The application includes a landscape concept plan which provides landscaping along the street frontages, side and rear boundaries. The <i>HDCCP</i> prescribes a continuous podium with communal open space at the rear for this site. The proposal would comply with this requirement.</p> <p>Large trees are proposed at the rear intercepted by shrubs and hedges which would achieve the requirement of open space between towers on adjoining sites. Deep soil areas provided around the building envelope would enhance the development's natural environmental performance and provide an appropriate landscaped setting.</p>	
7. Amenity	Yes
<p>Comment: The proposed units are designed with appropriate room dimensions and layout to maximise amenity for future residents. The proposal incorporates good design in terms of achieving natural ventilation, solar access and acoustic privacy. All units incorporate balconies accessible from living areas and privacy has been achieved through appropriate design and orientation of balconies and living areas. Storage areas have been provided within each unit and in the basement levels. The proposal would provide convenient and safe access via two central lifts connecting the basement and all other levels.</p>	
8. Safety and Security	Yes
<p>Comment: The design orientates the balconies and windows of individual apartments towards the street, rear and side boundaries, providing passive surveillance of the public domain and communal open space areas. Both the pedestrian and vehicular entry points are secured and visibly prominent from Chester Street.</p> <p>The proposal includes an assessment of the development against crime prevention controls in the Statement of Environmental Effects (SEE). The SEE has regard to <i>Crime Prevention Through Environmental Design Principles (CPTED)</i> and includes details of surveillance, access control, territorial reinforcement and space management such as artificial lighting in public places; attractive landscaping whilst maintaining clear sight lines; security coded door</p>	

lock or swipe card entry; physical or symbolic barriers to attract, channel or restrict the movement of people; security controlled access to basement car park; intercom access for pedestrians; and security cameras located at the entrance of the building. Appropriate conditions of consent are recommended to require compliance with the above matters.

9. Social Dimensions and Housing Affordability

Yes

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

10. Aesthetics

Yes

Comment: The architectural treatment of the building incorporates indentations and projections in the exterior walls with balcony projections to articulate the facades. The roof is flat to minimise building height.

A dry pressed brick has been selected to finish the lowest horizontal layer of the façade. The double columns spanning the three storey podium would also incorporate this material. The horizontal layers of the tower have been further accentuated via a variety of materials and finishes.

The articulation of the building, composition of building elements, textures, materials and colours would achieve a built form generally consistent with the design principles contained within the *Residential Flat Design Code* and the *HDCCP*.

2.7 State Environmental Planning Policy No. 65 – Residential Flat Design Code

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

Residential Flat Design Code			
Control	Proposal	Requirement	Compliance
Deep Soil Zone	28%	25%	Yes
Communal Open Space	27%	25-30%	Yes
Ground Level Private	12 - 16m ²	25m ²	No

Open Space	Min Dimension 2.5m	Min Dimension 4m	No
Minimum Dwelling Size	1 br – 56m ² -59m ² 2 br – 70m ² -81m ² 3 br – 95m ² -101m ²	1 br – 50m ² 2 br – 70m ² 3 br – 95m ²	Yes Yes Yes
Maximum Kitchen Distance	8m	8m	Yes
Minimum Balcony Depth	2.5m	2m	Yes
Minimum Ceiling Height	3m	2.7m	Yes
Total Storage Area	1 bed - 6m ³ (Min) 2 bed - 8m ³ (Min) 3 bed - 10m ³ (Min) 50% accessible from the apartments	1 bed - 6m ³ (Min) 2 bed - 8m ³ (Min) 3 bed - 10m ³ (Min) 50% accessible from the apartments	Yes
Dual Aspect and Cross Ventilation	63.8% (76/119)	60%	Yes
Adaptable Housing	31.9%	10%	Yes

As detailed in the above table, the proposed development complies with the prescriptive measures within the *Residential Flat Design Code (RFDC)* other than ground floor private open space. Below is a brief discussion regarding the relevant development controls and best practice guidelines.

2.7.1 Ground Floor Apartments and Private Open Space

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

It is noted that the proposed ground floor units at the rear would be elevated following the slope of the land. Given this, the rules of thumb regarding the ground level courtyard would not strictly apply to these units.

The proposal includes a 3m common landscaped front setback in accordance with the requirements of the *HDCP* and the recommendation of the urban design assessment. Location of private courtyards area with high courtyard fences in this area, is not considered appropriate due to high level of pedestrian and vehicular activities along the Chester Street frontage in the future. A built form with a common landscaped area intercepted by shrubs and hedges providing acoustic and visual privacy to the ground floor residents is a preferred design outcome for the site.

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

2.7.2 Apartment Layout

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

As stated in the table, the development includes a varied range of unit sizes. Approximately 49% of the units would comply with the internal areas and unit configurations recommended by the *RFDC* guidelines. The balance of the units meet the requirements of the Code for affordable housing unit sizes. The cross-through apartments with a depth of 15m would have a minimum width of 4m to avoid deep and narrow units. 24% of the kitchens would receive natural ventilation.

The *RFDC* requires that not more than 10% of apartments be south facing single aspect units. The proposal complies with this requirement. Cross ventilation for a number of units has been achieved by proposing high windows to toilets and is considered acceptable.

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

2.7.3 Internal Circulation

The *RFDC* prescribes that units accessible from a single core/corridor should be limited to eight. The development is proposed to be designed as two distinct towers/pavilions connected by a central service core/foyer with two lifts. The core would provide access to 10 units at podium level and 7 - 9 units at the tower level reducing to 4 units at the topmost level.

Whilst the total number of units accessed at each level would not numerically comply with the rule of thumb, the design is considered acceptable as access is provided to two distinct corridors from the foyer area. Each corridor would not accommodate more than 4 – 5 units. Given this, the proposal is acceptable with respect to the requirements of the *RFDC* for internal circulation.

2.7.4 Acoustic Privacy

The internal layout of the residential units is designed such that noise generating areas would adjoin each other wherever possible. Circulation zones, communal areas or fire stairs would act as a buffer between units. Bedrooms and service areas such as kitchens, bathrooms and laundries would be grouped together wherever possible. It is noted that bedrooms would adjoin the balcony of the adjoining dwelling in certain sections of the building (rear). Solid walls are proposed as buffers in these areas to retain acoustic privacy for future occupants.

The proposal is assessed as satisfactory with regard to acoustic privacy.

2.7.5 Storage

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

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

2.8 Draft State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (Amendment No 3)

The draft amendment is to revise the Policy following review by the Department of Planning and Environment. The amendments include objectives to meet housing and population targets, affordable housing and to facilitate timely and efficient assessment of development applications. The amendments would replace the *Residential Flat Design Guidelines* with an *Apartment Design Code* which prevails in the event of any inconsistency with a Development Control Plan. The amendments would make further provision for design review panels, include additional provisions for the determination of development applications and for standards for ceiling height, apartment area and car parking, which cannot be used as grounds for refusal of development consent.

The proposed development would not be inconsistent with the provisions of the draft Policy and the requirements of the *Apartment Design Code*.

2.9 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

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

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

Clause 74BA of the *Environmental Planning and Assessment Act, 1979* states that a DCP provision will have no effect if it prevents or unreasonably restricts development that is otherwise permitted and complies with the development standards in relevant Local Environmental Plans and State Environmental Planning Policies.

The principal purpose of a development control plan is to provide guidance on the aims of any environmental planning instrument that applies to the development; facilitate development that is permissible under any such instrument; and achieve the objectives of land zones. The provisions contained in a DCP are not statutory requirements and are for guidance purposes only. Consent authorities have flexibility to consider innovative solutions when assessing development proposals, to assist achieve good planning outcomes.

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

Hornsby Development Control Plan 2013			
Control	Proposal	Requirement	Compliance
Site Width	40.23m	40m	Yes
Height	15 storeys – 48mm	15 storeys – 48.6m	No
Height of Basement Above Ground	1.5m	1m (max)	No
Front Setback			
Podium	3m	3m	Yes
Tower	6m	6m (min)	Yes
	4m (for 7m length)< 1/3 frontage	4m (for 9.3m length)< 1/3 frontage	Yes

Balconies (tower level)	4m	4m	Yes
Rear Setback (Podium)	6m	6m	Yes
Side Setback (Podium)	0m	0m	Yes
Top Storey Setback from 4th storey	3m	3m	Yes
Underground Parking Setback	3m-front 6m-rear 0m -6m (sides)	3m-front 6m-rear 0m-6m (sides)	Yes Yes Yes
Basement Ramp Setback	0m	0m	Yes
Deep Soil Landscaped Areas	3m-front 6m-sides and rear Being ½ of 12m	4m-front 12m between buildings, sides and rear sides	No Yes
Private Open Space	1 br units – 10m ² (min) 2 br units – 12m ² (min) 3 br units – 16m ² (min) 2.5m (min)	10m ² 12m ² 16m ² Min 2.5m wide	Yes Yes Yes Yes
Communal Open Space with Minimum Dimensions 4m	502 m ²	50 m ²	Yes
Parking	111 resident spaces 12 visitor spaces	111 resident spaces 12 visitor spaces	Yes Yes

	119 bicycle racks 12 visitor bicycle racks 18 motorbike spaces 1 car share space	119 bicycle racks 12 visitor bicycle racks 20 Motorbike spaces 1 car share space	Yes Yes No Yes
2 Hours Solar Access	73%	70%	Yes
Housing Choice	44.2% - 2 br 45% - 1br 10.8% - 3 br	10% of each type (min)	Yes
Adaptable Units	31.9%	30%	Yes

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

2.11.1 Desired Future Character

The proposed fifteen storey residential flat building would be sited at the northern edge of the Epping Town Centre and would form the interface between the high density residential and business zones.

The proposal would comply with the key principles for the precinct, namely for development footprints with well-articulated landscape corridors in between, limited façade widths for the tower element, continuous podium at the lower three levels, wrap around balconies and asymmetric streetscape elevation. The building would present itself in three distinct levels with a stepped form and flat roof.

The modern design of the building is in keeping with the desired future character of the area.

2.11.2 Site Requirements

The *HDCP* requires sites to have a minimum frontage of 40m. The subject site has a frontage of 40.23m to Chester Street and complies with this requirement. The development would not result in isolation of any site and is assessed as satisfactory in this regard.

2.11.3 Height

The proposed building would not comply with the permissible building height of 48m. The applicant has lodged a submission seeking to vary the development standard pursuant to Clause 4.6 of the *HLEP*, which is assessed as satisfactory.

As stated in the above table, the basement would project up to 1.5m above the natural ground level at the south-western corner of the building (rear). The non-compliance has resulted due

to the downward slope of the land towards the west. However, the overall height of the building at this point is within the 48m height limit and does not incorporate any additional levels. Being located at the rear, this non-compliance would be imperceptible from the public domain and is considered acceptable.

2.11.4 Setbacks and Deep Soil Zones

The proposed setbacks of the building comply with the Key Principles Diagram for “Oxford Street, Epping precinct” as follows:

Front Setback

The development would result in a continuous podium across the front section of the site. The tower above the podium level is setback in accordance with the *HDCP* requirements and would be connected to the rear tower via the central service core.

HDCP requires that a 4m wide deep soil zone landscaped area be provided in front. However, the setback requirements for the precinct require a continuous podium with a 3m setback from the street. The proposal complies with the later requirement and therefore cannot achieve a 4m wide landscaped frontage. Notwithstanding, the proposal includes satisfactory landscaping across the frontage and achieves the intent of the front setback requirement of the *HDCP*.

Side and Rear Setback

The building width reduces at the rear, by proposing a fifteen storey tower element with a maximum width of 28m. Communal open spaces are proposed within the side and rear setbacks behind the podium.

The side and rear setbacks for the tower element are provided in accordance with the building separation requirements, as discussed in Section 2.11.5 of this report.

Basement Setback

The basement below the podium would extend across the entire frontage (3m setback from the front boundary). The rear section of the building would be setback with a 6m deep soil zone on either side plus the rear. This would achieve the requirement of 12m wide landscaped strips between buildings on adjoining sites, to the rear of the continuous podium.

Balconies

Balconies are primarily orientated to the front and rear. The balconies for the two top storeys would not extend beyond the building line for the floor below, whereas the topmost storey would incorporate an additional 3m setback to achieve the stepped building form.

The balconies for the units on the eastern and western façade at Level 4 (rooftop of podium) would extend to the boundaries, not complying with the 6m building separation (side setback) requirement. To eliminate overlooking opportunities, planters have been proposed along the edges to create non-trafficable areas. Additionally, condition No. 54 of the development consent recommends the installation of 1.8m high privacy screens on the eastern and western boundaries to alleviate overlooking opportunities.

Basement Ramp encroachment

The ramp to the basement would be located 2m from the western boundary at the entrance. However, due to the location of the turntable, the driveway/ramp area would have a zero setback to the side boundary. The setback proposed is compatible with the podium setback.

The proposal is assessed as satisfactory against setbacks and would result in a built form that responds to the desired future character of the area.

2.11.5 Building Separation

The *RFDC* and *HDCP* require that a separation be provided between unscreened habitable areas/balconies of two adjoining buildings as follows:

- upto 4 storeys: 12m
- 5 storeys to 8 storeys (upto 25m height): 18m
- 9 storeys and above storeys (> 25m height): 24m

Accordingly, $\frac{1}{2}$ the building separation should be provided to the sides and rear for a development site at the interface with residential flat buildings.

Proposed building separation for the tower at the rear

The tower element at the rear would be stepped to the side and rear complying with the above requirements.

Proposed building separation for the tower in front

For the tower element above the podium, the building facades on the eastern and western side incorporate a 6m setback up to level 13 which increase to 9m at level 14. A further 3m setback is provided for the topmost level. Therefore, between levels 5 and 15, the proposed side setbacks for this tower, would not strictly comply with the *HDCP* and *RFDC* requirements.

The proposed noncompliance would relate to a façade width of approximately 14m (glass to glass) on either side and would incorporate one window for the living area which has been screened.

Comment: The *HDCP* building separation development controls follows the *RFDC* guidelines which have the following objectives:

- *To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings;*
- *To provide visual and acoustic privacy for existing and new residents;*
- *To control overshadowing of adjoining properties and private or shared open spaces;*
- *To allow for the provision of open space between buildings;*
- *To provide deep soil zones for stormwater management and tree planting.*

Notwithstanding the numerical non-compliance, the building would achieve the above objectives due to the following reasons:

- As stated above, the non-compliant facades on both sides incorporate screened living areas. Therefore, the building separation controls between unscreened habitable areas/balconies would not strictly apply.
- Screening of the living areas would eliminate any adverse privacy impacts on future occupants of similar developments on either side.
- Shadow diagrams for the redevelopment precinct, with compliant concept built forms on adjoining sites, demonstrate that the proposed development would neither restrict solar access, nor result in additional overshadowing of adjoining developments.
- The building lengths along the side boundaries are distinctly divided into two pavilions and well-articulated via varied setbacks. Only a 14m long section of the building length, on either side, would have a sheer vertical rise with one screened window. Given the scale of the building, the stepped built form with appropriate spacing between buildings, would still be achieved.
- Increasing the separation vertically, would not add to the amenity of the occupants of the building or the adjoining developments.

Given the above, the numerical non-compliance is considered acceptable.

2.11.6 Building Form and Articulation

As discussed in Section 2.3 of this report, the built form responds appropriately to the development controls within the *HDCCP* and the *RFDC*.

The continuous podium would provide continuity in the building alignment, minimising gaps in the street wall. The façade would present itself as three distinct levels, a base, middle and top. Asymmetric floor plans would contribute to effective articulation fronting Chester Street. The centrally located pedestrian entry foyer would be prominently visible from the street frontage.

The building has been divided into two distinct pavilions, being varied in form and design across each facade including the sides. Light weight balconies are proposed to reduce the overall bulk.

2.11.7 Landscape

The site plan includes peripheral planting around the building within the deep soil zones. Shrubs and hedges would intercept the front setback, providing a landscaped frontage at a pedestrian scale. Canopy trees are proposed at the rear.

Additionally podium planting is proposed on Level 4 to provide additional landscaped setting to the site.

2.11.8 Open Space

The proposed private open space areas for all dwellings generally comply with the prescriptive area requirements.

2.11.9 Privacy and Security

The proposed development is appropriately designed for privacy with the majority of units having an orientation towards the front or rear boundary. The balconies facing the sides have appropriate setbacks from the boundaries. In addition, high sill windows and screens are proposed to be erected along the façades where required to further mitigate against future privacy conflicts.

2.11.10 Sunlight and Ventilation

The proposed development complies with the *HDCP* prescriptive measure for at least 70% of dwellings to receive 2 or more hours of direct sunlight to living room windows and private open space. The proposal complies with the requirement for at least 60% of dwellings to have dual aspect and natural cross ventilation.

The solar access diagrams submitted indicate the overshadowing impacts of the development to adjoining properties at 9am, 12pm and 3pm on June 22. The extent of overshadowing likely to occur would generally be consistent with that expected within the redevelopment precinct, should developments be generally compliant with the height, setbacks and the Key Principles Diagram for the Oxford Street, Epping precinct.

2.11.11 Housing Choice

The proposed development includes a range of housing types and provision for people with disabilities and for aging in place in accordance *HDCP* prescriptive measures. A condition is recommended for twelve units to be accessible for people with a disability.

2.11.12 Vehicular Access and Parking

Vehicle access to the proposed basement car park is via a 6m wide driveway off Chester Street. The driveway is designed to accommodate a turntable facilitating Council's Heavy Rigid garbage truck (HRV) access within the site with forward ingress/egress and comply with the Australian Standard in terms of gradients and widths.

Parking provision within the four levels of basement is in accordance with the minimum number of car spaces prescribed by the *HDCP*. The basement level includes storage areas for residents, bicycle/motor cycle parking areas and twelve accessible car spaces.

Eighteen motorcycle spaces have been provided instead of the required 20 spaces. Council's Traffic assessment concludes that this is acceptable, given the proximity of the site to the railway station and town centre.

The *HDCP* requires that a minimum of one space within the car park be allocated to car share, for developments with 50 or more dwellings within the Epping Town Centre. Should an agreement with a car share provider be not obtained, then the car share space is to be used for additional visitor parking until such time as a car share provider is obtained. The proposal complies with this requirement.

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

2.11.13 Waste Management

The proposal includes a waste management plan with details of waste management during the demolition phase and the construction phase of building works. The site will require 4 x 1100 litre garbage bins serviced three times per week, 15 x 240 litre recycling bins serviced twice per week and one 1100 litre paper/cardboard bin serviced once per week.

An accessible garbage room with a chute and a recycling cupboard has been proposed at each residential level. A common garbage room with a volume handling equipment (4 x 1100 litre bin carousel) is proposed at the ground level below the chute with garbage holding area and bulky goods storage area. A separate recycling bin storage and collection area is proposed behind the turntable adjoining the western boundary of the site. Both waste rooms are to be fitted with roller doors to screen the bins. The garbage room is sufficiently separated from the ground floor units and would not result in adverse amenity impacts due to noise and odour.

The proposal includes a turntable at the driveway entrance, to facilitate garbage truck access to the site. The turntable would be partially located over the main driveway providing access to the basement. Council raised the following safety and traffic concerns regarding the proposed location:

- The truck parking area is located on the opposite side of the garbage bin room. Accordingly, there is a possibility that the truck would block the driveway to collect the bins rather than parking in front of the collection area.
- Should such a situation arise, the garbage trucks would block the driveway for 5-7 minutes, 4 times a week and will block the exit lane a further 3 times per week for bulky waste collection.
- The delays may cause queuing on Chester Street.
- The site caretaker carting the bins would be working in an unsafe environment, being the main driveway to the site.

In response to the above concerns, the applicant has submitted a document analysing the maximum queuing on Chester Street that would arise due to the turntable operation. It is estimated that the 95th percentile during the worst case scenario would be approximately one vehicle for vehicles entering the site, while the queues for vehicles leaving the site would be less than one vehicle. The proposed turntable is located such that there would be queuing area for one vehicle between the turntable and the site boundary. In the unlikely event that a second vehicle appears, it would be partially located on the grass verge (approximately 2m wide) next to the road and the kerbside parking lane. The queuing of a second vehicle would not protrude into the adjacent traffic lane, and as such would not affect the efficient free flowing of traffic on Chester Street. As such, Chester Street would be subject to local traffic only, in a low speed and low volume environment. Therefore, the above operation would have negligible impact on the local road network.

Council's traffic assessment notes that the traffic queuing due to the turntable operation would be at an acceptable level. The location of the turntable on the driveway would reduce the width of the opening along the Chester Street frontage resulting in a superior urban design outcome for the site than the alternative option which is a wider driveway. Subject to

condition No. 26 requiring the submission of a management plan regarding the turntable operation and the safety of the operators/site caretaker, prior to the issue of the Construction Certificate, the proposed development is assessed as satisfactory with regard to on-going waste management operations on site and service vehicle access.

2.11.14 Oxford Street, Epping Precinct

The strategy for redevelopment of this precinct is to incorporate predominantly fifteen storey residential flat buildings with parking in basements, a continuous three storey podium with a landscaped setback in front and a network of open spaces in between the towers. The dwellings should be sited to achieve high levels of amenity, daylight and natural ventilation. Design quality of facades should respond to visibility from all quarters.

The proposal maintains setbacks generally in accordance with the *HDGP* and *RFDC* with consent conditions, and provides for landscaping around the building, wherever possible. The development would provide a landscaped setting and a built form that is consistent with the desired future outcome for the Epping Town Centre.

2.12 Section 94 Contributions Plans

Hornsby Shire Council Section 94 Contributions Plan 2012-2021 applies to the development as it would result in 118 additional residential dwellings. Accordingly, the requirement for a monetary Section 94 contribution is recommended as a condition of consent.

3. ENVIRONMENTAL IMPACTS

Section 79C(1)(b) of the Act requires Council to consider *“the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”*.

3.1 Natural Environment

3.1.1 Tree and Vegetation Preservation

The proposed development would necessitate the removal of the majority of the trees from the site to facilitate the development. The site is currently developed and used as a retirement village. No significant trees have been identified on the site. The proposal would retain the trees within the neighbouring properties. Accordingly, no objections are raised regarding removal of trees.

3.1.2 Stormwater Management

The stormwater from the proposed development would be connected to the Council controlled drainage system at Chester Street via an on-site detention system.

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

3.2 Built Environment

3.2.1 Built Form

The building would be located within a precinct identified for future residential flat buildings/mixed use developments of varying heights with a network of open spaces, continuous podiums and underground car parking.

As discussed in this report, the resultant built-form would be consistent with the desired future character of the precinct. The proposal is assessed as satisfactory with regard to its impact on the built environment of the locality.

3.2.2 Noise

The proposed development would be located on a local road within a high density precinct. The application includes an Acoustic report which assesses the impact on noise associated with activities within Oxford Street (70m east of the site) and airborne rail noise associated with North Shore rail corridor (120m west of the site) and also the noise that would be generated due to the construction activities, mechanical exhausts etc.

The report recommends appropriate material and glazing specification to reduce external noise intrusion within the development and maintain acoustic privacy between the units. Noise control measures for the mechanical plant rooms have been recommended to comply with the Industrial Noise Policy (INP) outlined by NSW Office of Environment and Heritage.

Construction related noise would be managed via conditions of consent limiting hours of construction and by the INP.

Subject to the implementation of the above recommendations, the proposal would provide reasonable acoustic amenity to the future occupants and would not have adverse noise impact on the locality.

3.2.3 Traffic

A traffic and parking assessment has been submitted with the proposal which estimates that the proposed development would generate 23 vehicle trips per peak hour.

Although this additional traffic may appear to be negligible when compared with the traffic volumes on the adjacent road network for this development alone, the cumulative traffic impacts of all sites earmarked for redevelopment in the precinct would be significant. The cumulative impact has been considered in the strategic transport model for Epping Town Centre Urban Activation Precinct. The State Government has committed funding to address short term (to 2016) regional traffic growth. The traffic study acknowledged that although the works identified would assist traffic flows, strategies to manage demand by reducing car usage will be more critical than strategies to increase capacity of existing roads.

3.3 Social Impacts

The development would improve housing choice in the locality by providing a range of household types. The location of the development is in close proximity to Epping Railway Station which would allow for direct access to retail, business, recreational, health and educational facilities for future residents.

3.4 Economic Impacts

The development would result in a positive economic impact on the locality via employment generation during construction and minor increase in demand for local services following completion of the development.

4. SITE SUITABILITY

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

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

5. PUBLIC PARTICIPATION


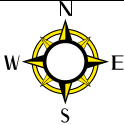
Section 79C(1)(d) of the Act requires Council to consider *“any submissions made in accordance with this Act”*.

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 2 March 2015 and 16 March 2015 in accordance with the Notification and Exhibition requirements of the *HDCP*. During this period, Council received four submissions. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	 PROPERTY SUBJECT OF DEVELOPMENT	
-----------------------	------------------------	---	---

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

5.1.1 Parking and Traffic

The development would result in additional on-street parking demand as many residents would have more than one vehicle. This would result in compromising the on-street spaces currently utilised by Church patrons.

Comment: The development includes satisfactory parking provisions within the site. On-street parking spaces on Chester Street are utilised by Church patrons due to shortfall of parking spaces within the Church site. The Uniting Church is located at the north-eastern corner of the Oxford Street-Chester Street intersection. Therefore, the Church patrons are likely to use the on-street parking available along the northern part of Oxford Street or the eastern part of Chester Street. The overflow parking due to Church activities on Sunday are unlikely to impact on the available on street parking along the frontage of the site.

5.1.2 Roof Top Terraces

The location of the podium rooftop terraces, being in close proximity to the adjoining eastern site, may have adverse impact on the occupants of the neighbouring property.

Comment: Planting has been proposed along the boundaries at the podium rooftop level to mitigate adverse impacts on neighbouring properties. Additionally, condition No. 53 recommends the installation of privacy screens to alleviate any overlooking opportunities.

5.1.3 Contamination

The soil is contaminated and not fit for the use.

Comment: Conditions 20 and 21 require the applicant to conduct a detailed Site Contamination Report and prepare a Remedial Action Plan (if required) prior to issue of the Construction Certificate for the building works.

5.1.4 Boundary Height and Mass

The proposal exceeds the height limit.

Comment: The applicant has made a submission in accordance with Clause 4.6 'Exceptions to development standards' of the Hornsby Local Environmental Plan

2013 to vary Clause 4.3 “Height of Building”. The submission is considered well founded and is supported.

5.1.5 Heritage Conservation

The proposal would result in an adverse impact on the Essex Street Heritage Conservation Area.

Comment: The objection incorrectly refers to Essex Street Heritage Conservation Area. As stated in Section 2.1.4 of this report, the East Epping Heritage Conservation Area is located in close proximity to the development site. The development would be sufficiently separated from the Conservation Area and the Church by the existing developments to the east and the potential future developments that would be 48m high. Accordingly, the proposal would not result in adversely impact on the characteristics of the nearby Conservation Area.

5.1.6 Construction Management

The proposal will result in an increase noise and dust pollution and damage to properties on Essex Street due to construction works.

Comment: It is acknowledged that construction works would result in temporary disruption to the residential amenity of the locality. Condition Nos. 8, 9, 10, 11, 22, 30, 31 and 32 have been recommended to restrict construction hours and control noise and dust pollution during construction works.

5.1.7 Noise Impacts

The proposal would result in unacceptable noise impact on the neighbouring retirement village.

Comment: The development proposal is for a residential flat building which is a not a noise generating development. The front tower would not include balconies on the side facades. This would contribute positively towards the acoustic amenity of the retirement village located to the immediate east. The side facing balconies for tower at the rear would be sufficiently separated from the adjoining property as well.

Notwithstanding, the application is supported by a Noise Assessment Report which considers the impacts of the mechanical plant rooms on the adjoining developments and recommends noise screening measures. Subject to the implementation of the recommendations in the Noise Assessment report (required by Condition No. 24), the proposal would not result in adverse noise impact on the retirement village.

5.1.8 Setbacks

One objector has sought Council’s views regarding the appropriateness of the top storey setback and the compliance with the alignment of the level immediately below.

Comment: The *HDCP* requires that an additional 3m setback be provided to the top storey, measured from the fourth storey (podium rooftop level). The topmost level is not required to be setback a further 3m from the level immediately below. As noted in Section 2.11 of this report, the development complies with this requirement and the application is assessed as satisfactory in this regard.

5.1.9 Relationship to Adjacent Development

The owner of the adjoining sites at Nos. 37 – 41 Oxford Street have commented that a future development on the adjoining western site is required to provide a through site link and shareway for access between Cambridge Street and Oxford Street. It is anticipated that this area would be used as a plaza with significant activities during day and night. The owner of this property has raised concerns that the southern façade of the building development will overlook the rear of these retail functions. This may restrict night time use of this area due to potential land use conflict.

In order to reduce such conflict, the proposed setback to the rear should be increased for additional deep soil zone and canopy trees providing an appropriate transition between the residential and the business zones. The proposed setback at the rear may also result in overshadowing any adjoining building to the south.

Comment: It is noted that the Key Principles Diagram for the Cambridge Street precinct requires a connection between Cambridge Street and Oxford Street, located to the south of the subject site. However, the Key Principles Diagram does not include any further planning controls that connect the subject site and the adjoining developments within the B2 zone.

The rear setback for the proposed building complies with the *HDCP* and *RFDC* controls. It has also been demonstrated the development would not overshadow a compliant building to its south, should it be compliant with the precinct plan. Therefore, an increase in the rear setback is not warranted at this instance and it would further compromise the yield on the site while providing no additional amenity to the undeveloped site at the rear.

It is acknowledged that there would be a land use conflict at the southern and western interface of the site. However, it is considered that the proposed design has satisfactorily addressed the interface via setbacks/screening and landscaping. It is anticipated that the proposed retail uses and night activities on the southern side would respect the adjoining residential uses and provide appropriate measures as would be the case in any mixed use precinct. The resultant noise or other amenity impacts would vary with the use and can be assessed with the development application for the adjoining site. It is not considered that the proposed rear setback restricts development or usage of the adjoining business zone. Setback controls for the subject site cannot be varied in anticipation of future uses within adjoining premises.

5.2 Public Agencies

The development application was not referred to any Public Agencies for comment.

6. THE PUBLIC INTEREST

Section 79C(1)(e) of the Act requires Council to consider “*the public interest*” matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council's criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

CONCLUSION

The application seeks approval for the demolition of the existing structures and the construction of an fifteen storey residential flat building comprising 119 units with four levels of basement car parking. The proposed development would be located on a site within a locality zoned as a high density residential precinct adjoining a business precinct to its west.

The proposed development is assessed as satisfactory in respect to the *Hornsby Local Environmental Plan 2013*, design principles under *SEPP 65* and the best practice guidelines of the *Residential Flat Design Code*. The applicant has made a submission in accordance with Clause 4.6 'Exceptions to development standards' of the *Hornsby Local Environmental Plan 2013* to vary Clause 4.3 "Height of Building". The submission is considered well founded and is supported.

The proposed development complies with the prescriptive measures of *HDCCP* and would result in a built form which contributes positively to the built environment and desired future character of the Oxford Street, Epping precinct.

Approval of the proposal is recommended.

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

SCHEDULE 1

CONDITIONS OF APPROVAL

CONDITIONS APPLICABLE TO STAGE 1 AND 2

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:

<i>Plan No.</i>	<i>Issue</i>	<i>Drawn by</i>	<i>Dated</i>
A101 Cover Sheet	B	Mijollo International	15/04/2015
A201 Basement 5	B	Mijollo International	15/04/2015
A202 Basement 2 and 3	B	Mijollo International	15/04/2015
A203 Level B1	B	Mijollo International	15/04/2015
A204 Typical Plan Level 1	C	Mijollo International	29/05/2015
A205 Typical Plan Level 2, 3	B	Mijollo International	15/04/2015
A206 Typical Plan Level 5	B	Mijollo International	15/04/2015
A207 Typical Plan Level 6	B	Mijollo International	15/04/2015
A208 Typical Plan Level 7-9	B	Mijollo International	15/04/2015
A209 Typical Plan Level 10	B	Mijollo International	15/04/2015
A210 Typical Plan Level 11,12,13,15	B	Mijollo International	15/04/2015
A211 Typical Plan Level 16	B	Mijollo International	15/04/2015
A212 Typical Plan Level 17	B	Mijollo International	15/04/2015
A213 Typical Plan Roof Level	B	Mijollo International	15/04/2015
A301 Section AA	B	Mijollo International	15/04/2015
A302 Section BB and CC	B	Mijollo International	15/04/2015
A303 Section DD	B	Mijollo International	15/04/2015

A401 North Elevation	B	Mijollo International	15/04/2015
A402 East Elevation	B	Mijollo International	15/04/2015
A403 South Elevation	B	Mijollo International	15/04/2015
A404 West Elevation	B	Mijollo International	15/04/2015
A501 Adaptable Unit Layout 1	A	Mijollo International	27/01/2015
A502 Adaptable Unit Layout 2	A	Mijollo International	27/01/2015
A503 Storage and Garbage	C	Mijollo International	29/05/2015
Ground Floor Landscape Plan DA-1447-01	E	Stuart Noble and Associates	11/06/2015
Level 5 and 6 Landscape Plan DA-1447-02	C	Stuart Noble and Associates	8/04/2015
SW-006 Basement Level 1 Stormwater Drainage Concept Plan	B	Insync Services	28/01/2015
SW-001 A Site stormwater Drainage Concept Plan	A	Insync Services	28/01/2015
SW-020 Site stormwater drainage catchment plan	A	Insync Services	28/01/2015
SW-021 Sediment and Erosion Control Plan	A	Insync Services	28/01/2015
SW-022 On-site detention details	B	Insync Services	28/01/2015

<i>Document No.</i>	<i>Prepared by</i>	<i>Dated</i>
Survey Plan Sheets 1 – 3	Dunlop Thorpe and Co.	19/11/2014
Shadow Analysis and Solar Access Diagrams A103-A115 Issue A	Mijollo International	27/01/2015
Schedule of finishes A411-B	Mijollo International	15/04/2015
Hydraulic Services Report Issue C	Insync Services	11/02/2015
BASIX Certificate 604496M ad 604305M	ESD Synergy Pty Ltd	2/02/2015
Assessor Certificate 1007336181	Adriana Segovia	2/02/2015
Accessibility Report	ABE Consulting	3/02/2015
Traffic Impact Assessment	GTA Consultants	5/02/2015
Addendum Turntable Queues	GTA Consultants	4/06/2015
Waste Management Plan	B1 Epping Pty Ltd	2/02/2015
On-going Waste management Plan	Elephants Foot Recycling Solutions	May 2015
Acoustic Assessment	Renzo Tonin	14/01/2015

Preliminary Site Contamination Assessment	Coffey	3/02/2015
Initial Geotechnical Site Assessment	Coffey	27/01/2015
Clause 4.6 Variation	City Plan Services	February 2015
SEPP 65 Design Verification Statement	Mijollo International	4/06/2015
Statement of Environmental Effects and addendum	City Plan Services	February 2015 and 18/05/2015
BCA Compliance Report	Rawfire	16/12/2014
Photomontage	Mijollo International	Received on 12/06/2015

2. Construction Certificate

A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any works under this consent.

STAGE 1 - DEMOLITION

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

3. Building Code of Australia

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

4. Erection of Construction Sign

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

- Showing the name, address and telephone number of the principal certifying authority for the work;
- 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
- Stating that unauthorised entry to the work site is prohibited.

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

5. Protection of Adjoining Areas

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

- a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic.
- b) Could cause damage to adjoining lands by falling objects.
- c) Involve the enclosure of a public place or part of a public place.

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

6. Toilet Facilities

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

- a) be a standard flushing toilet connected to a public sewer; or
- b) be a temporary chemical closet approved under the *Local Government Act 1993*; or
- c) have an on-site effluent disposal system approved under the *Local Government Act 1993*.

7. Erosion and Sediment Control

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

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

REQUIREMENTS DURING DEMOLITION

8. Construction Work Hours

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

9. Demolition

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

- a) Demolition material must be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan;
- b) Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *WorkCover NSW* in accordance with Chapter 10 of the *Occupational Health*

and Safety Regulation 2001 and Clause 29 of the *Protection of the Environment Operations (Waste) Regulation 2005*; and

- c) On construction sites where buildings contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm must be erected in a prominent position visible from the street.

10. 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.

11. Council Property

During construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath. The public reserve must be kept in a clean, tidy and safe condition at all times.

12. Waste Management Details

Waste management during the demolition 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.

STAGE 2 – EARTHWORKS AND CONSTRUCTION
--

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE
--

13. Section 94 Development Contributions

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

Description	Contribution (4)
Roads	\$ 88,678.15
Open Space and Recreation	\$1,362,654.40
Community Facilities	\$190,021.80
Plan Preparation and Administration	\$5,700.10
TOTAL	\$1,647,054.45

being for 118 additional dwellings comprising 4 x studio, 50 x 1 bedroom, 53 x 2 bedroom and 12 x 3 bedroom units

- b) The value of this contribution is current as at 10/06/2015. If the contributions are not paid within the financial quarter that this condition was generated, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 94 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

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

Where:

- $\text{\$C}_{PY}$ is the amount of the contribution at the date of Payment
- $\text{\$C}_{DC}$ is the amount of the contribution as set out in this Development Consent
- CPI_{PY} is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.
- CPI_{DC} is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date applicable in this Development Consent Condition.

- c) The monetary contributions shall be paid to Council:
- prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - prior to the issue of the first Construction Certificate where the development is for building work; or
 - prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or

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

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

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

14. Amendment of Plans

The approved "*Level 1 Plan – A204-C*" prepared by *Mijollo International* dated 29/05/2015 is to be amended as follows:

- a) The internal dimension of the "garbage collection and bulky goods store" is to be increased to be 5.5 m x 3.2 m. The room is to be fitted with a roller door (approximately 5.5m wide).

15. Building Code of Australia

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

16. Contract of Insurance (Residential Building Work)

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

17. 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.

18. Water/Electricity Utility Services

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

- a) *Ausgrid (formerly Energy Australia)* – a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b) *Sydney Water* – the submission of a ‘Notice of Requirements’ under s73 of the *Sydney Water Act 1994*.

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

19. Dilapidation Report

A ‘Dilapidation Report’ is to be prepared by a ‘chartered structural engineer’ detailing the structural condition of the adjoining property at Nos. 45-53 Oxford Street, Epping.

20. Detailed Site Investigation

A detailed investigation of the proposed development site must be prepared by a suitably qualified environmental consultant. Such investigation must be undertaken in accordance with NSW Environment Protection Authority’s Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites and Contaminated Sites – Sampling Design Guidelines.

21. Remedial Action Plan

Should the preliminary/detailed investigation reveal contamination exceeding criteria prescribed by the NSW Environment Protection Authority’s Contaminated Sites – Guidelines for the NSW Site Auditor Scheme, a Remedial Action Plan (RAP) must be prepared by a suitably qualified environmental consultant and submitted to Council for approval.

22. Traffic Control Plan

A Traffic Control Plan (TCP) must be prepared by a qualified traffic controller in accordance with the *Roads & Traffic Authority’s Traffic Control at Worksites Manual 1998* and *Australian Standard 1742.3* for all work on a public road. The Traffic Management Plan must be submitted and approved by Council’s Manager, Traffic and Road Safety, prior to the issue of a construction certificate. The TCP must detail the following:

- a) Arrangements for public notification of the works.
- b) Temporary construction signage.

- c) Permanent post-construction signage.
- d) Vehicle movement plans.
- e) Traffic management plans.
- f) Pedestrian and cyclist access/safety.

The Traffic Control Plan is to be submitted to Council for approval prior to the issue of the construction certificate.

23. Internal Driveway/Vehicular Areas

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

- a) Design levels at the front boundary must be obtained from Council;
- b) The driveway must be rigid pavement;
- c) The driveway grade, and transition for driveway changes of grade, must not exceed those limits set by AS2890.2 for the standard Heavy Rigid Vehicle including the required 4.5m height clearance;
- d) The driveway pavement must be designed by a Structural Engineer;
- e) Paved areas must provide an internal drainage system;
- f) Retaining walls required to support the carriageways and the compaction of all fill batters must be in accordance with the requirements of a chartered structural engineer;

24. Accessible Units /Letter Boxes/Acoustic measures

- a) The development is required to provide 38 units designed as adaptable housing pursuant to the requirements of 1C.2.2 of the Hornsby Development Control Plan 2013. In this regard, twelve (4) car parking spaces are to be designed for people with a disability and allocated to 12 adaptable units. The details of all adaptable units must be provided with the Construction Certificate plans.
- b) The letter boxes must be located as shown on the approved DA04-B. Details are to be included in the Construction Certificate Plans.
- c) The recommendations within the Acoustic Assessment Report prepared by *Renzo Tonin* dated 14/01/2015 must be incorporated in the Construction Certificate plans.

25. Storage

Each dwelling within the development must have a minimum area for storage (not including kitchen and bedroom cupboards) of 6m³ for one bedroom units, 8m³ for two bedroom units and 10m³ for three bedroom units, where 50% is required to be located within the apartment and accessible from either the hall or living area. Details must be submitted with the Construction Certificate plans.

26. Turntable operation Management Plan

A Plan of Management for the turntable system demonstrating that the turntable system is designed for maximum reliability and availability, and such that waste collection personnel can work safely in the travel path of vehicles entering and leaving the car park, must be submitted to Council for approval. The Plan of Management is to include, but is not limited to:

- a) The Functional Specifications;
- b) Safety hazards operational analysis (HAZOP); and
- c) A Safety and Operational Risk Management Plan.

Note: Waste collection vehicles must park such that the distance between the rear of the truck and the bin holding area is no more than 5 metres for workplace health and safety reasons. This requirement must be incorporated into the turntable management system.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
--

27. Erection of Construction Sign

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

- a) Showing the name, address and telephone number of the principal certifying authority for the work;
- b) Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
- c) Stating that unauthorised entry to the work site is prohibited.

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

28. Protection of Adjoining Areas

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

- a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic.
- b) Could cause damage to adjoining lands by falling objects.
- c) Involve the enclosure of a public place or part of a public place.

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

29. Toilet Facilities

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

- a) be a standard flushing toilet connected to a public sewer; or
- b) be a temporary chemical closet approved under the *Local Government Act 1993*; or
- c) have an on-site effluent disposal system approved under the *Local Government Act 1993*.

30. Erosion and Sediment Control

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

Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning.

REQUIREMENTS DURING CONSTRUCTION

31. Construction Work Hours

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

32. Environmental Management

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

33. Construction work zone

- a) All construction vehicles associated with the proposed development are to be contained on site or in a Local Traffic Committee (LTC) approved "Work Zone"; and
- b) The approved Construction Traffic Management Plan and Pedestrian Access Management Plans must be complied with.

34. Street Sweeping

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

35. 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.

36. 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.

37. Excavated Material

All excavated material removed from the site must be classified in accordance with the Department of Environment, Climate Change and Water NSW *Waste Classification Guidelines* prior to disposal to an approved waste management facility and reported to the principal certifying authority.

38. Survey Report – Finished Floor Level

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

- a) The building, retaining walls and the like have been correctly positioned on the site; and
- b) The finished floor level(s) are in accordance with the approved plans.

39. Waste Management Details

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

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

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

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

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

40. Fulfilment of BASIX Commitments

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

41. Sydney Water – s73 Certificate

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

42. Stormwater Drainage

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

- a) Connected to the existing Council piped drainage system.
- b) Details of the design submitted with the Construction Certificate Plans.
- c) The site discharge from the proposed on-site detention system must be connected to a new constructed Council standard 1.8m long kerb inlet and cast in-situ pit on the existing Council street drainage line, adjacent the common boundary of 2-4 Chester Street and 37 – 41 Oxford Street Epping.
- d) An overflow system from the proposed on-site detention system must be designed and constructed at tank overflow level to connect directly with the Chester Street kerb and gutter invert using 75 mm high hot dip galvanised rectangular hollow section pipes.
- e) A separate Construction Certificate application submitted to Council for connection to the Council pit. Details must be prepared by an Engineer on construction plans and submitted to Council for approval.

43. 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 of not less than 26 cubic metres, and a maximum discharge (when full) of 40 litres per second.
- b) Have a 900 mm x 900 mm surcharge/inspection grate located directly above the outlet.

- c) Discharge from the detention system is to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.
- d) An overflow system must be designed and constructed to connect directly with the Chester Street drainage system.
- e) The proposed water quality treatment system must be designed and constructed with the drainage system in accordance with the approved plans and Hornsby Shire Development Control Plan 2013.
- f) The on-site detention system must not be constructed in a location that would impact upon the visual or recreational amenity of residents, while still maintaining pedestrian access for inspection by Hornsby Shire Council from time to time, in accordance with the requirements of the proposed Positive Covenant on the title.
- g) The Details of the design must be submitted with the Construction Certificate Plans.

44. Vehicular Crossing

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

- a) Details of the design to be submitted with the Construction Certificate Plans.
- b) Any redundant crossings must be replaced with integral kerb and gutter;
- c) The footway area must be restored by turfing;
- d) Approval must be obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing.

Note: An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors. You are advised to contact Council on 02 9847 6940 to obtain a list of contractors.

45. Road Works

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

- a) The existing kerb and gutter be removed and reconstructed with Council's standard 150 mm integral kerb and gutter across the Chester Street frontage of the site;

- b) Council's standard 80mm thick concrete footpath be constructed within the road verge across the Chester Street frontage of the site and the remaining area turfed;
- c) Provision be made for design and construction of an additional kerb inlet drainage pit over the existing Council drainage pipe in Chester Street (adjacent the west side common boundary), to provide for Vehicular Crossing construction to the proposed development;
- d) The existing road pavement be saw cut a minimum of 500 mm from the existing edge of the bitumen and reconstructed; and
- e) A compaction certificate from a geotechnical engineer be submitted, for any fill within road reserves, and all road sub-grade and road pavement materials.

Note: Pursuant to Section 138 Roads Act 1993, the Applicant must apply for a Subdivision Construction Certificate (SCC) with Hornsby Shire Council's Planning Division, for all proposed works within the road reserve, and ensure the SCC is released prior to the commencement of those road works. The Applicant must pay Council's fees for consideration of the Construction Certificate and for Compliance Inspections with lodgement of the Application.

46. Driveway/Vehicular Area Works

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

- a) The driveway to be designed in accordance with Condition 10 of this development consent;
- b) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted;
- c) Residential parking spaces are to be secure spaces with access controlled by card or numeric pad;
- d) Visitors are to be able to access the basement car park by an audio/visual intercom system located at the top of the ramped driveway.
- e) 119 bicycle spaces (resident and visitor) are to be provided in the basement car park. Bicycle parking spaces are to be designed in accordance with AS 2890.3-1993;
- f) Eighteen motorcycle parking spaces are to be provided within the basement car park, designed in accordance with AS 2890.5-1993;
- g) Twelve Bicycle spaces are to be provided at the ground level adjoining the entrance driveway for visitors. Designed in accordance with AS 2890.3-1993;
- h) All parking for people with disabilities is to comply with AS/NZS 2890.6:2009 Off-street parking for people with disabilities;
- i) The car share space is to be signed as "Visitor or Car Share" space; and
- j) Garbage Truck access to the site be provided in accordance with the approved plans.

47. Damage to Council Assets

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

48. Creation of Easements

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

- a) The creation of an appropriate *"Positive Covenant"* and *"Restriction as to User"* over the constructed on-site detention and bio-retention systems and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention 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 and water quality targets have been met. The details must show the invert levels of the on-site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the *"works-as-executed"* plan and supported by calculations.

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

49. Completion of Landscaping

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

- a) On slab planter boxes must include waterproofing, subsoil drainage (proprietary drainage cell, 50mm sand and filter fabric) automatic irrigation, minimum 500mm planting soil for shrubs and minimum 1000mm planting soil for trees and palms and 75mm mulch to ensure sustainable landscape is achieved.
- b) Tree planting to the front setback are to be *Waterhousia floribunda* (Weeping Lilly Pilly) trees to be installed in 100Litre pot size.
- c) All street tree planting and landscaping be conducted in accordance with Condition No. 54.

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.

50. Retaining Walls

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

51. Boundary Fencing

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

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

52. 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.

53. Installation of Privacy Devices

The following devices proposed to maintain an element of privacy towards the adjoining properties must be installed:

- a) 1.8m high privacy screens adjoining the planters at the podium level, both on the eastern and the western sides; and
- b) All louvers and privacy screens marked on the approved plans.

54. Council Verge – Chester Street

The applicant is to undertake and complete construction works to the Chester Street verge in front of the development site in accordance with Council's *Epping Town Centre Public Domain Guidelines*.

The street tree plantings must include two 2 x *Tristanopsis laurina* Luscious (Water Gum). Trees are to be installed at minimum 200 Litre pot size and are to be located to ensure sight lines for cars leaving driveway are safe.

55. External Lighting

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

56. Unit Numbering

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

57. Waste Management Details

The following waste management requirements must be complied with:

- a) The garbage room at the ground 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.
- b) The waste facility at each residential level 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 one day's waste generation with separate containers for general waste and recyclable materials.
- e) Space must be provided for either individual compost containers for each unit or a communal compost container;
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 between both the waste collection holding areas and the truck parking position must be smooth, hard, and level surface. No gap is to be greater than 5 mm.
- h) The 4.5 metre clearance height within the waste collection vehicle travel path must not be reduced by ducting, lights, pipes or anything else.
- i) The turntable system must be installed and operate in accordance with the approved Plan of Management.

- j) 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, etc.

58. Safety and Security

This site must include the following elements:

- a) An intercom system must be installed at gate locations to ensure screening of persons entering the units.
- b) The entry doors to the pedestrian foyer is to be constructed of safety rated glass to enable residents a clear line of site before entering or exiting the residential apartments.
- c) Lighting is to be provided to pathways, building foyer entries, driveways and common external spaces.
- d) Security gate access is to be provided to the car parking areas allowing residents-only access to private car spaces.
- e) CCTV cameras must be installed at the entry and exit point and the around the mailbox.
- f) The communal open space, at the rear, east and west of the site must be illuminated with high luminance by motion sensor lighting.
- g) The driveway and basement car parking must be illuminated with low luminance at all times.
- h) Security deadlocks are to be provided to each apartment door.
- i) Peep holes are to be provided to individual apartment doors to promote resident safety.

OPERATIONAL CONDITIONS

59. Noise

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

60. Landscape Establishment

The landscape works must be maintained into the future to ensure the establishment and successful growth of plant material to meet the intent of the landscape design.

This must include but not limited to watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.

61. Car Parking and Deliveries

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

- a) All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted at all times.
- b) Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- 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) The carshare space must be marked as “visitor car share”.

62. Sight Lines

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

63. Waste Management

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

- a) Site security measures implemented on the property, including electronic gates, must not prevent access to the collection points by waste removal services.
- b) Access to the automatic waste volume handling equipment by unauthorised persons (including residents and waste collectors) must be prevented.
- c) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas, ensuring the chute system and related devices are maintained in effective and efficient working order, managing the communal composting area, managing the bulky item storage area, arranging the prompt removal of dumped rubbish, and ensuring cars do not park in the loading bay and that all residents are informed of the use of the waste management system.

64. 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.

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 for free information on potential underground pipes and cables within the vicinity of the development site.

Telecommunications Act 1997 (Commonwealth)

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

House Numbering

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

Subdivision Certificate Requirements

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

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

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