JOINT REGIONAL PLANNING PANEL
(Sydney West Region)

JRPP No	2015SYW116
DA Number	DA/681/2015 (10 June 2015)
Local Government Area	Hornsby Shire Council
Proposed Development	Demolition of existing structures and construction of two x 22-storey buildings and one x 7-storey building, each comprising ground floor retail/business tenancies totalling 966m^2 and the upper levels containing a total of 501 residential units, with combined basement car parking for 519 cars.
Street Address	20-28 Cambridge Street, Epping
Applicant/Owner	Applicant: Epping 048 Service Pty Ltd Owner: Epping 048 Service Pty Ltd
Number of Submissions	Fifteen (15)
Regional Development Criteria (Schedule 4A of the Act)	General Development Over $20 Million Cost of Construction proposed = $178,567,181 million
List of All Relevant s79C(1)(a) Matters	• *Hornsby Local Environmental Plan 2013* • *State Environmental Planning Policy No. 32 – Urban Consolidation* • *State Environmental Planning Policy No. 55 – Remediation of Land* • *State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development* • *Draft State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development (Amendment No 3)* • *State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004* • *State Environmental Planning Policy - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* • *Hornsby Development Control Plan 2013* • *Hornsby Section 94 Contributions Plan 2014-2024*
List all documents submitted with this report for the panel's consideration	Location & Site Plan, Site Analysis Plan, Basement Levels 1-3, Podium/Ground Floor Plan, Level 1 Floor Plan, Typical Floor Plan, Mid Zone Floor Plan, High Zone Floor Plan, Penthouse Floor Plan, Roof Plan, Elevations, Sections, Shadow Impact Analysis, Photomontages
Recommendation	Deferred Commencement Approval
Report by	Kendal Mackay - Consultant Planner (DFP Planning Pty Ltd)

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

1. The application proposes demolition of existing structures and the erection of two x 22-storey buildings and one x 7-storey building, each comprising ground floor retail/business tenancies totalling 966m^2 and the upper levels containing a total of 501 residential units, with combined basement car parking for 519 cars.

2. The proposal generally complies with *Hornsby Local Environmental Plan 2013*, *State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development,* Residential Flat Design Code and Hornsby Development Control Plan 2013.

3. Fifteen (15) submissions have been received in respect of the application.

4. It is recommended that the application be approved as a Deferred Commencement consent subject to conditions, pending submission of a detailed geotechnical and structural report to the satisfaction of Sydney Trains (concurrence condition).

RECOMMENDATION

THAT the Joint Regional Planning Panel (Sydney West) approve Development Application No. 681/2015 for demolition of existing structures and the erection of two x 22-storey buildings and one x 7-storey building, comprising ground floor retail uses, 501 residential apartments and basement car parking for 519 cars at Nos. 20-28 Cambridge Street, Epping, being Lot 1 in DP 1205413 as a deferred commencement pursuant to Section 80(3) of the *Environmental Planning and Assessment Act, 1979* subject to the conditions of consent detailed in Schedule 1 of this report.

HISTORY OF THE SITE

On 14 March 2014, the subject land was re-zoned from Business B (Special) to B2 Local Centre as part of the Epping Town Centre Urban Activation Precinct (ETCUAP).

On 24 March and 15 May 2015, pre-lodgement meetings were held with Council.

On 10 June 2015, the subject application was lodged with Council.

Between June and August 2015, Council requested additional information and amended plans in respect of various matters including vehicle access and loading, servicing of commercial tenancies, waste removal, building height, permissibility (i.e. shop-top housing), private open space provision, substation removal and internal design/amenity issues.

On 2 September 2015, Council briefed the JRPP on the proposed development. The JRPP raised concerns with compliance with SEPP 65 and the RFDC, particularly in regard to side setbacks.

On 23 and 29 October 2015 the Applicant forwarded amended plans and additional information to address matters raised by Council and to address the concerns of the JRPP, particularly in respect of building setbacks and floor-to-ceiling heights. This amended proposal fully complies with the required external building separation/setbacks of the RFDC and HDCP.

On 3 and 18 November 2015 the Applicant forwarded amended plans and additional information to address matters raised by Council in respect of the through-site link and substation removal. These plans included increased southern side boundary setbacks.

On 9 January 2016 Council approved DA/1083/2015 for demolition of the existing buildings on the Site. The demolition works have commenced.

SITE

The Site comprises a singular allotment known as Nos. 20-28 Cambridge Street, Epping being Lot 1 in DP 1205413. This lot was formerly part of a larger site which extended through to Oxford Street and has recently been subdivided in accordance with Development Consent 1058/2014 which was approved by Council on 26 November 2014.

The Site contains a four storey building at the corner of Cambridge and Chester Streets and a five storey building fronting Cambridge Street, both constructed over a combined car parking area which is partially exposed on its northern and western sides. A large electricity substation is located in the south-western corner of the Site which provides supply to the Site and to the eastern adjoining property at 37-41 Oxford Street, which was formally part of the Site (i.e. prior to subdivision).

The Site has an area of 8,314m^2 and is irregular in shape, with frontages to Cambridge Street of 112.12 metres and Chester Street of 76.58 metres. The Site has a slope of approximately 3% (1 in 33) from the north-eastern corner (Chester Street) to the south-western corner (Cambridge Street).

This Site is within the Epping Town Centre Urban Activation Precinct (ETCUAP), is approximately 300 metres from Epping Rail Station and in close proximity to a range of other retail, commercial, education, open space and recreational facilities in an around the Epping Town Centre.

The Site is within an existing commercial precinct although residential areas adjoin to the north and partially to the east. To north, on the opposite side of Chester Street, development currently comprises three storey apartment buildings although this land is zoned R4 High Density Residential under the HLEP and permits buildings with a height of 17.5 metres.

To the north-east, on the southern side of Chester Street is Nos. 2-4 Chester Street. This property was the subject of a recent development consent issued by the JRPP on 1 July 2015 for a 15-storey residential flat building containing 119 apartments.

To the east, at 37-41 Oxford Street is land which was formerly part of the Site and contains a three storey commercial presenting to Oxford Street. The rear of this property, adjoining the Site contains an open car park, tennis court and landscaping.

To the south is Nos. 16-18 Cambridge Street. This property has a width at the building alignment of approximately 36 metres and contains a four storey commercial building over basement car parking.

To the west is Cambridge Street and on the opposite side of this roadway is the Main Northern Railway line.

The locality is undergoing a transition from a medium density commercial centre to a high density mixed commercial and residential area being within the ETCUAP and consistent with the objectives of the B2 Local Centre Zone under the HLEP.

PROPOSAL

The proposal involves demolition of all existing structures and removal of all trees and other vegetation. No trees on adjoining land are required to be removed.

The Site is to be excavated to approximately 7-10 metres below existing ground level to allow for construction of basement car parking over three levels for 519 vehicles (including retail, visitors and one car share bay) with access from Cambridge Street.

The proposal entails construction of two x 22-storey buildings and one x 7-storey building, each comprising ground floor retail/commercial tenancies totalling 966m^2 and the upper levels containing a total of 501 residential units comprising 46 x studio (9.2%), 233 x 1 bedroom (46.5%), 172 x 2 bedroom (34.3%) and 50 x 3 bedroom (10%) apartments.

Tower A is a 22-storey building located in the north-western corner of the Site presenting to the corner of Chester and Cambridge Streets. This building contains two commercial tenancies fronting Cambridge Street at street level, three commercial tenancies fronting the internal communal courtyard and through site link from Chester Street and 235 residential apartments.

Tower B comprises a 22-storey building above the podium level located in the south-eastern corner of the Site and contains nine commercial tenancies at the podium level and 236 residential apartments above.

Tower C comprises a 7-storey building above the podium level and contains three commercial tenancies at the ground level and 30 residential apartments above.

The proposed development comprises a total gross floor area (GFA) of 37,366m^2 constituting a floor space ratio (FSR) of 4.49:1.

The proposed development comprises three levels of basement car parking with a singular vehicular access located in the south-western corner of the Site off Cambridge Street. A loading/waste removal dock is located near this entrance and is entirely located within the building envelope. Resident visitor, retail and one car share car space are provided at Basement Level 2.

A new substation is proposed in the north-western corner of Basement Level B1 and the Applicant has indicated that the existing substation in the south-western corner of the Site can be removed prior to the occupation of Towers B and C, thereby permitting a more direct through-site pedestrian link along the southern boundary of the Site from Cambridge Street to the eastern adjoining properties fronting Oxford Street.

Pedestrian access to the buildings will be via various locations along Cambridge Street and Chester Street and the proposal provides for several through-site links as well as a generous podium level, landscaped communal open space. This will act as a plaza that will be accessible by all members of the public and will be embellished with a large 'pocket-park' style area in the north-eastern corner with grass and raised seating areas and dense screen planting to the north-eastern adjoining property. In addition, a smaller area toward the centre of the Cambridge Street frontage will contain a children's play area with play equipment on a 'soft-fall' surface.

The commercial/retail tenancies at the podium level will front this plaza and additional retail/commercial tenancies will front Cambridge Street providing for a degree of active frontage at street level.

Access to the Site from Cambridge Street to the podium level will be via three sets of stairs up including a wider set toward in the centre of this frontage, as well as a lift to provide a step free access. Access from Chester Street will be via a wide stairway and an accessible ramp.

It is proposed to drain stormwater to Council's infrastructure in Cambridge Street via a large On-Site Detention (OSD) Tank which then drains to the west beneath the railway corridor.

ASSESSMENT

The development application has been assessed having regard to the *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 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 Plan identifies Epping as being within the Global Economic Corridor and Epping Town Centre being a Priority Precinct, where new housing is to be accelerated. The Site is within this Priority Precinct and is well located to utilise existing and future public transport infrastructure including Epping Railway Station and strategic bus routes along Epping and Blaxland Roads.

The proposed development would be consistent with *'A Plan for Growing Sydney'*, by providing 501 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 relevant provisions of the Plan are discussed below.

2.1.1 Land Use Zones and Permissibility

The Site is zoned B2 Local Centre (the B2 Zone) under the *Hornsby Local Environmental Plan 2013 (HLEP)*. The objectives of the B2 Zone are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

The Applicant has provided information, including a legal advice, in respect of the proposal's characterisation as shop-top housing which indicates that:

- All proposed residential apartments are located 'above' – i.e. in a higher place to – retail or business premises; and
- The relevant Case Law does not contend that residential apartments be 'directly' or 'immediately' above retail or business premises.

Council is satisfied that the proposed development meets the definition of 'shop-top housing' under the *HLEP* and the proposal is permissible with consent in the B2 Zone.

Whilst the objectives of the B2 Zone do not expressly refer to residential development, residential accommodation in the form of shop-top housing is permitted with development consent and the proposal also provides a small quantum of commercial premises which is consistent with the objectives of the zone.

It is noted that there is no statutory or non-statutory minimum requirement for non-residential floor space for this Site.

2.1.2 Height of Buildings

Clause 4.3 of the *HLEP* provides that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for the Site is 72 metres.

The proposed development complies with the maximum building height with a maximum height to the top of Building A of 71.9 metres, to Building B of 71.5 metres and to Building C of 27.3 metres.

2.1.3 Floor Space Ratio

Clause 4.4 of the *HLEP* provides that the FSR of a building on any land is not to exceed the maximum FSR shown for the land on the Floor Space Ratio Map. The maximum permissible FSR for the Site is 4.5:1.

The proposed development complies with the maximum FSR limit having an FSR of 4.49:1.

2.1.4 Heritage Conservation

Clause 5.10 of the *HLEP* sets out heritage conservation provisions for Hornsby Shire and Schedule 5 of *HLEP* designates heritage items and land within heritage conservation areas.

The Site is not within a heritage conservation area and does not contain any heritage items and the Site is not in the immediate vicinity of any heritage items or conservations areas. The nearest Heritage Item – the Our Lady Help of Christians Church – is located at No. 31 Oxford Street approximately 65 metres to the south-east of the Site and separated by several other properties.

Even though the proposed development will not be visible in the background when this Item is viewed from Oxford Street, the substantial separation of the buildings is considered to be adequate to ensure that the proposed development does not dominate the heritage context of this Item. Furthermore, the recent rezoning of land in the Epping Town Centre envisages buildings of the scale proposed and this strategic vision was derived in full knowledge of the heritage items in the locality.

2.1.5 Earthworks

Clause 6.2 of the *HLEP* requires consent for earthworks and requires Council to assess the impacts of proposed earthworks on adjoining properties, drainage patterns and soil stability of the locality, before granting development consent for such works.

The proposal involves excavation to approximately 7-10 metres below existing ground level and accordingly, the Applicant has submitted a geotechnical report which indicates that the Site comprises topsoil, underlain by stiff residual clay, low to very low strength shale and sandstone from to approximately 1.7-2.1 metres and medium strength from 3.5-4 metres.

The geotechnical report includes recommendations for additional geotechnical investigations, excavation methods, existing retaining structures, vibration monitoring, groundwater monitoring and disposal (if encountered), retention systems, foundation design and construction materials.

In accordance with Sydney Trains concurrence conditions and Council's requirements, more detailed geotechnical investigations are required prior to issue of any construction certificate for excavation (Condition 1) in order to ensure that there will be no adverse impact on rail infrastructure or surrounding properties and a condition is also to be imposed to ensure that the proposed development is constructed in accordance with the recommendations of the relevant geotechnical reports (Condition 38).

A condition is also recommended requiring a dilapidation assessment of adjoining properties (Condition 14) to ensure that a record of any pre-existing structural damage is recorded prior to works commencing.

2.1.6 Design Excellence

Clause 6.8 sets out matters for consideration to determine whether a proposed development exhibits a high standard of design. This clause applies to development proposals on land with a permitted height limit over 29.6m (10 storeys or more), which includes the Site and requires 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 implement Clause 6.8, 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 as originally submitted was referred to Architects Johannsen & Associates (AJA) to undertake an independent urban design review of the proposal. The following summarises the assessment report submitted by AJA:

- The architectural expression has taken account of pre-DA comments and RFDC principles under SEPP 65, with clear articulation of podium base, and tower elements that incorporate façade facets, envelope recesses and balcony modelling that give a distinctive 'pixelated' character;
- There could be better resolution of the buildings at roof level through a more recessive treatment of the top floors on north and east elevations to complement the horizontal parapet on other sides;
- Optimum ground level activation and permeability have been well considered in conjunction with the future potential of this precinct and adjacent properties;
- The range of complementary forms, materials and details respond to both climatic and visual cues, with cohesive elements that contribute to the aesthetic. Through the articulation of the towers by both horizontal and vertical elements, and the combination of pixelated and faceted treatments, there will be a dynamic but cohesive façade treatment with patterning that will provide a play of shadows and reflected light at different times of both day and night;
- The offset configuration of the towers and relationship to adjacent sites will minimise impacts of any view impedance within the site, and help ensure that future development of adjacent sites will have scope for generous view corridors to the surrounding district;
- At the main podium/ground level there has been consideration of visible connection to future through site links to Oxford Street off the central pedestrian spine, but in the south-east corner the potential for other connections are given less obvious treatment, and the legibility for visible links through adjacent sites should allowed for in landscape treatment;
- The Tower A entry lobby has lift access around the corner from the building entry, which is convoluted access as well as impeding on the privacy and amenity of residents on that level. It should be possible to have dual entry lifts to overcome this issue;
- Towers A and B have typical floor plans that concentrate access to 6 units in their southern wings around a very tight corridor that would diminish the amenity and privacy of all these residents. Some degree of replanning should be done to space the entry doors further apart, and lessen direct views into some units;
- Most kitchens in both 2 and 3 bedroom units appear under size based on a 2.4m x 2.4m module, and in some cases the circulation has potential for adjustment to improve the layouts and perhaps include a small pantry. There are also some unit layouts where there are undesirable direct views into bathrooms from living areas;

- Overshadowing to properties to the south, particularly the school, has been well considered and managed to minimise the impact on the school open space at times of morning recess and lunch;
- Within the site solar access and shadows have also been factored into the spatial layout to ensure SEPP 65 compliance and to optimise the benefits to communal open space at podium level;
- Subject to the above recommended amendments, the proposal is capable of achieving the requisite level of design excellence.

The Applicant has responded to these comments and included the following design amendments:

- The Applicant is prepared to accept a condition of development consent to ensure that the existing substation is removed prior to occupation of Buildings B and C such that a more direct contiguous through-site link along the southern boundary can be provided;
- The proposed lift access in Tower A has been amended to face the lobby entry, creating more vibrant and visible public entrance. The new access arrangement distinctly separates the front entrance lobby access to all tower residents and keeps the back side private use to ground floor apartment residents;
- The proposal allows individual waiting zones in front of each unit to ensure entry identity and privacy;
- The spatial configurations of the kitchen and living rooms are useable and functional although minor amendments to door locations and indicative furniture layouts have been made to demonstrate that an acceptable level of internal privacy between living areas and bedroom/bathrooms can be achieved.

Accordingly, on balance, the amended proposal is considered to satisfactorily respond to the comments of AJA and is representative of design excellence.

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

The application has been assessed against the requirements of SEPP 32, which requires Council to implement the aims and objectives of this Policy to the fullest extent practicable when considering development applications relating to redevelopment of urban land. The application complies with the objectives of the Policy as it would promote the social and economic welfare of the locality and would result in the orderly and economic use of under-utilised land within the Shire.

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

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

A Preliminary Site Investigation was submitted with the development application which indicates that soil sampling demonstrates that concentrations of chemical contaminants measured in the soils on the Site are low and well below criteria that are protective of human-health and the environment for both commercial/industrial and high-density residential land use settings and that the Site is not likely to be the source of any unacceptable groundwater impacts. Consequently the Preliminary Site Investigation concludes that the Site is considered to be suitable for an ongoing commercial industrial land use and is also suitable for a high density residential use.

Accordingly, the Site it is unlikely to be contaminated such that a more detailed assessment would be required. Notwithstanding, conditions of consent are recommended regarding the site disposal of excavated material and building waste (Conditions 33, 37 and 39) to ensure that waste and materials are handles and disposed of in accordance with prevailing legislation and guidelines. In addition, approved demolition works are subject to compliance with a Hazardous Materials Survey for the safe removal and disposal of hazardous materials in the demolition of the existing buildings approved under DA/1083/2015.

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

State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development (SEPP 65) provides for design principles to improve the design quality of residential flat development and for consistency in planning controls across the State.

It is noted that the DA was submitted on 10 June 2015, prior to gazettal of the amendments to SEPP 65 on 19 June 2015 and accordingly, is to be assessed in accordance with SEPP 65 and the RFDC as they existed at the date of lodgement of the DA.

The Applicant has submitted a "Design Verification Statement" prepared by a qualified Architect stating that the proposed development achieves the design principles of *SEPP 65*.

The design principles of *SEPP 65* and a summary of the Applicant's response to these principles are outlined below.

2.4.1 Principle 1 – Context

Design Principle 1 is as follows:

> *Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.*
>
> *Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.*

Assessment

The proposed development responds to the topography of the Site by providing a 2-3 storey podium which allows the northern and eastern extents of the Site to interface relatively seamlessly with Chester Street and properties fronting Oxford Street whilst providing a more robust built edge to Cambridge Street. The proposal responds to the built environment and desired future character of the locality by providing for a landscaped setback to the road frontages, behind which the podium level extends to the side and rear boundaries, thereby optimising the potential for a complementary development to the east and south.

2.4.2 Principle 2 – Scale

Design Principle 2 is as follows:

> *Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.*
>
> *Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.*

Assessment

The Site has been zoned to permit the height and form of development as proposed and must be considered in this transitional context whereby existing low-rise buildings are to be replaced with buildings up to 22 storeys with 2-3 storey podiums. Accordingly, the proposal is considered consistent with this desired future character.

2.4.3 Principle 3 – Built Form

Design Principle 3 is as follows:

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

Assessment

The Applicant has designed the proposed development to accord with Council's pre-lodgement advice with respective to the tower forms and articulation and post-lodgement requests to amend the proposal to comply with the required boundary setbacks/external building separation as well as other minor internal design improvements. The result is a complex of buildings that relate positively to the streetscape, provide for expansive podium level communal open space and through site links and provide opportunities for complementary future development on adjoining land.

2.4.4 Principle 4 – Density

Design Principle 4 is as follows:

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

Assessment

The proposal complies with the 4.5:1 FSR limit for the Site and fully complies with the boundary setback and external building separation requirements of the HDCP and RFDC. In addition, the ETCUAP was rezoned to permit this form of development with the NSW State Government providing funding for infrastructure upgrades and Council also providing for community facilities improvements to cater for the future demands of this type of development through a recently amended Section 94 Plan which includes $31 Million worth of local road, open space and community facilities projects attributed to the new population forecast in Epping. Accordingly, the proposed development is considered to be an appropriate density for this Site.

2.4.5 Principle 5 – Resource, Energy and Water Efficiency

Design Principle 5 is as follows:

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

Assessment

The proposal complies or is capable of complying with all statutory and Council requirements in respect of resources, energy and water efficiency and provides for a high degree of solar access for future residents.

2.4.6 Principle 6 – Landscape

Design Principle 6 is as follows:

Good design recognises that together landscape and buildings operate as an integral and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by coordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbour's amenity, and provide for practical establishment and long term management.

Assessment

The proposal provides expansive areas of landscaping at the podium level and to the street frontages in accordance with Council's vision for this part of the Epping Town Centre as expressed through the HLEP and the HDCP and the provision of several through-site pedestrian links will enhance the public domain in this part of Epping.

2.4.7 Principle 7 – Amenity

Design Principle 7 is as follows:

Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

Assessment

The proposed apartment layouts provide for a high degree of solar penetration and cross ventilation and the variety of apartment sizes and orientations provides for a diversity of dwelling opportunities to suit an array of future prospective residents, including those with mobility impairments.

2.4.8 Principle 8 – Safety and Security

Design Principle 8 is as follows:

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

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

Assessment

The proposed development will provide for secure access arrangements to the pedestrian lobbies and the basement car parking and subject to recommended conditions regarding lighting and security systems, is considered acceptable in this regard.

2.4.9 Principle 9 – Social Dimensions and Housing Affordability

Design Principle 9 is as follows:

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

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

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

Assessment

The proposal provides for a range of different apartment sizes and typologies which satisfy the intent of the SEPP 65 and HDCP objectives to provide for a diversity of housing opportunities and affordability.

2.4.10 Principle 10 – Aesthetics

Design Principle 10 is as follows:

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

Assessment

The proposal has been refined by the Applicant in consultation with Council's consultant urban designer to provide for an appropriate spatial arrangement of buildings within the site and the horizontal and vertical articulation of the towers combined with pixelated and faceted treatments will result in a dynamic but cohesive façade treatment with patterning that will

provide a play of shadows and reflected light at different times of both day and night. On this basis, the proposal is considered to satisfy Council's HLEP requirements for design excellence.

2.5 SEPP 65 – Residential Flat Design Code

SEPP 65 also requires consideration of the Residential Flat Design Code, NSW Planning Department 2002 (RFDC). The RFDC includes development controls and best practice benchmarks for achieving the design principles of the SEPP 65. The table below sets out the proposal's compliance with the RFDC and a discussion in regard to non-compliances follows the table.

Residential Flat Design Code							
Control	**Requirement**			**Proposal**			**Compliance**
Building Separation	4 st	5-8 st	9+ st	4 st	5-8 st	9+ st	
Habitable to habitable	12m	18m	24m	17.5m	17m	17m	No (see Section 2.5.1)
Habitable to non-habitable	9m	13m	18m	4.85m	n/a	n/a	No (see Section 2.5.1)
Non-habitable to non-habitable	6m	9m	12m	n/a	n/a	n/a	n/a
Deep Soil Zone	25% of open space min.			52%			Yes
Communal Open Space	25-30% min. (2,079m^2)			48% (3,975m^2)			Yes
Ground Level / Podium Private Open Space	25m^2 min.			20-42m^2			No (see Section 2.5.2)
Adaptable Housing	20% min. (100 units)			15% (76 units)			No (see Section 2.5.3)
Kitchen Distance	8m max.			8m			Yes
Dwelling Size	- Studio – 38.5m^2 - 1 br – 50m^2 - 2 br – 70m^2 - 3 br – 95m^2			- 35m^2 - 52m^2 - 72m^2 - 95m^2			No (see Section 2.5.4) Yes Yes Yes
Balcony Depth	2m min.			2m			Yes
Ceiling Height	- 3.3m min. ground and first floor - 2.7m min. all other residential floors			- 3.4m - 2.7m			Yes Yes
Storage	- St/1 br – 6m^3 - 2 br – 8m^3 - 3 br – 10m^3 - 50% internal			- 6m^3 - 8m^3 - 10m^3 - 50% min.			Yes Yes Yes Yes
Natural Light	70% min. (349)			70% (349)			Yes
Single Aspect	10% max. (50)			8% (39)			Yes
Building Depth	10-18m			16-38m			No (see Section 2.5.5)
Cross Ventilation	60% min. (35)			67% (334)			Yes

As detailed in this table, the proposed development does not comply with numerous prescriptive measures of the RFDC and a brief discussion of the relevant development controls and best practice guidelines is provided below.

2.5.1 Building Separation

The south-eastern corner of Buildings A and the north-western corner of Building B are closer than required by the RFDC however, these buildings are located at an oblique angle to one-another and the southern side of the balconies in Building A are screened to minimise adverse overlooking. Accordingly, this minor non-compliance is considered acceptable in this instance.

The separation between habitable and non-habitable rooms between Buildings B and C is less than that required by the RFDC however, the eastern elevation of Building B is a solid blank wall and there is no opportunity for adverse visual or acoustic privacy impacts. Accordingly, this minor non-compliance is acceptable in this instance.

2.5.2 Ground Level Open Space

One of the proposed ground/podium level apartments (A002) does not meet the $25m^2$ minimum requirement under the RFDC although this non-compliance is minor as the subject apartment is a studio of $35m^2$ and the private open space provided is $20m^2$ which is considered ample for this unit typology. In addition, the ADG and recently exhibited amendments to the HDCP reduce the requirement for podium level private open space to $15m^2$ with which the proposal would fully comply. Accordingly, the proposal is considered acceptable in this instance.

2.5.3 Adaptable Housing

The proposal does not comply with the RFDC or Council's HDCP in respect of the quantum of adaptable housing. Notwithstanding, the ADG and recently exhibited amendments to the HDCP reduce the requirement to 10% adaptable housing and 20% incorporating the Liveable Housing Guideline's silver level universal design features. The proposal provides for 15% adaptable apartments which is considered to be an acceptable level of such housing given the size of the proposed development and thus the substantial quantum of adaptable units to be supplied in this single location.

2.5.4 Dwelling Size

The proposal includes 46 studio apartments with internal sizes ranging from $35\text{-}39m^2$. Whilst many of these are less than the $38.5m^2$ minimum standard in the RFDC, the ADG and recently exhibited amendments to the HDCP reduce the requirement for studio apartments to $35m^2$ with which the proposal fully complies. Accordingly, the proposal is considered acceptable in this instance.

2.5.5 Building Depth

Towers A and B do not technically comply with the building depth requirement of the RFDC having depths of 38 metres and 26 metres, respectively. Notwithstanding, the proposal has been designed in accordance with the pre-DA advice of Council to meet the intent of this control by including substantial "cut-outs" or indentations in the building envelopes to give architectural aesthetic relief and to provide opportunities for solar penetration and cross ventilation. This design outcome has been reviewed by the consultant urban designer who is satisfied that the proposal meets the design excellence criteria of the HLEP and accordingly, the proposal is considered acceptable in this instance.

2.6 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.

2.7 State Environmental Planning Policy (Infrastructure) 2007

The proposed development has been assessed against the requirements of *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)*. Amongst other things, the *ISEPP* contains State-wide planning controls for developments adjoining rail corridors and for developments that may potentially generate high levels of traffic. The Site is adjacent to a rail corridor and partially above the planned route for future rail infrastructure. Accordingly, the following matters are required to be considered pursuant to the *ISEPP*.

2.7.1 Excavation in, above or adjacent to rail corridors

Clause 86 of the *ISEPP* requires the concurrence of Sydney Trains for development that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land:

(a) within or above a rail corridor; or
(b) within 25m (measured horizontally) of a rail corridor; or
(c) within 25m (measured horizontally) of the ground directly above an underground rail corridor.

The proposal involves excavation to a depth of 7-10 metres below existing ground level, the Site is within 20 metres of the existing Northern Line rail corridor and is within the zone of influence of the North West Rail Link (NWRL) which is under construction, as well as the proposed Parramatta to Epping Rail Link (PERL). Accordingly, the development application was referred to Sydney Trains for concurrence.

Sydney Trains has provided its concurrence to the development application subject to various conditions aimed at protecting railway assets and operations which are included at Schedule

1 of this report including a deferred commencement condition requiring more detail geotechnical and structural details (see Conditions A1 and 72 to 78).

2.7.2 Impact of rail noise or vibration on non-rail development

Pursuant to Clause 87 of the *ISEPP*, consent must not be granted to development comprising residential uses (amongst other uses) on land adjacent to a rail corridor unless the consent authority is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

(a) in any bedroom in the building - 35 dB(A) at any time between 10.00pm and 7.00am; and
(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time.

A noise and vibration assessment report was submitted with the development application which demonstrates that the projected vibration levels within the development are expected to be within the prescribed limits and that the development is capable of achieving the acoustic limits subject to acoustic treatments to the Cambridge Street facades (glazing, ventilation treatments, etc). A condition of consent is recommended to incorporate measures to mitigate against noise to habitable rooms in accordance with the criteria set out within clause 87(3) of the *ISEPP* (Condition 13).

2.7.3 Traffic Generating Development

Clause 104 and Schedule 3 of the *ISEPP* relate to traffic generating development and require referral to the NSW Roads and Maritime Service (RMS) where a proposed development comprises 300 or more residential apartments.

The proposed development contains 501 apartments and accordingly, the development application was referred to the RMS for comment. The RMS provided comments in respect of the design of car parking and access arrangements and construction traffic management and these matters are addressed by virtue of Council's standard conditions of consent (see Conditions 16, 18, 19, 30, 61, 62, 63, 64, 65, 66 and 67).

2.8 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The Site is located within the catchment of the Sydney Harbour. The Plan includes planning principles applicable to the site within the upper part of the catchment. The principles incorporate measures to protect water quality, minimise urban runoff, conserve water and to ensure the catchment watercourse, wetlands, riparian lands and remnant vegetation are protected.

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

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

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

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

2.10 Hornsby Development Control Plan 2013 (HDCP) – Part 1 General Controls

2.10.1 Stormwater Management

The proposed stormwater drainage system involves connection to Council's infrastructure in Cambridge Street, to the west of the Site via an OSD Tank within the Site.

The proposed concept stormwater designs have been reviewed by Council's engineers and are considered satisfactory subject to appropriate conditions regarding detailed designs and water quality measures to be employed to meet the requirements of *HDCP* (Conditions 20, 21, 51 and 69).

2.10.2 Waste Management

The waste management aspects of the proposed development, including demolition stage and construction stage Waste Management Plans have been assessed by Council's Waste Management Services Team which concludes that the proposal is generally acceptable subject to recommended conditions to ensure the efficient and appropriate internal handling and management of waste materials.

2.10.3 Services and Lighting

The proposal includes all hydrant and pump and electrical services within the basement levels. Whilst several of these services rooms will be directly accessible from Cambridge Street, they have been integrated into the design such that they will not be dominant or obtrusive in the context of the overall streetscape.

A condition is recommended for external and security lighting to be provided in accordance with *AS4282- Control of the Obtrusive Effects of Outdoor Lighting* (Condition 48) to protect the amenity of surrounding properties and future residents of the proposed buildings.

Accordingly, the proposal is considered to meet the controls for services and lighting design to minimise impacts on the streetscape.

2.11 Hornsby Development Control Plan - Part 4.6 Epping Town Centre

In addition to the General Controls within Part 1 of HDCP, the proposed development has been assessed having regard to the relevant desired outcomes and prescriptive measures within *Part 4.6 – Epping Town Centre* of HDCP as set out in the table below. A discussion in regard to non-compliances follows the table.

Hornsby Development Control Plan Part 4.6 – Epping Town Centre (Cambridge Street Precinct)			
Control	**Requirement**	**Proposal**	**Compliance**
Site Frontage	30m min.	112m Cambridge St 76m Chester Street	Yes Yes
Site Amalgamation and Isolation	- Amalgamation encouraged - Where development results in adjoining land with a street frontage less than the minimum, orderly and economic development of that land pursuant to provisions of the DCP to be demonstrated by the applicant.	- Nos. 16-18 Cambridge Street to the south has a frontage of 36 metres which complies with the DCP.	Yes
Floorplates	18m max. residential 35m max. commercial	38m 25m	No (see Section 2.5.5) Yes
Height	22 storeys Basement car parking protruding more than 1m above existing ground level is a storey	22 Storeys	Yes
Podium Height	2-3 storeys (8-12m)	2 storeys (9-10m)	Yes
Front Setbacks (Cambridge and Chester Streets)	Podium = 3m Landscaped Tower = 6m min. Balconies = 2.4m min. Ground and 5.4m upper levels for up to 50% of building façade	- 3m landscaped - 6m - 2.4m for <50% Ground and 6m upper levels	Yes Yes Yes
Rear Setback – East	Podium = 0m Tower = 6m min. then RFDC	0m 10.5m	Yes Yes
Side Setback – South	Podium = 0m Tower = 6m min. then RFDC	0m 8.5m	Yes Yes
Building separation	- Up to 3 storeys = 12m - 4-8 storeys = 18m - 9+ storeys = 24m	See Section 2.5.1 above.	Partially (see Section 2.5.1)
Wind Effects	- Analysis required for buildings greater than 40m - Wind effects not to exceed: * 16 metres per second for streets not designated as active frontages	- Analysis submitted * 16m/s max.	Yes Yes
Reflectivity	- Analysis required for taller buildings - Light reflectivity from building materials not to exceed 20%	- Analysis not submitted	No (see Section 2.11.1)

Hornsby Development Control Plan Part 4.6 – Epping Town Centre (Cambridge Street Precinct)			
Control	**Requirement**	**Proposal**	**Compliance**
Private Open Space	- St/1 br = 10m^2 min. - 2 br = 12m^2 min. - 3 br = 16m^2 min. - Min. width 2.5m	6-42m^2 12-75m^2 12-46m^2 2m	No (see Section 2.11.2) Yes No (see Section 2.11.2) (see Section 2.11.2)
Communal Open Space	- Located on podium - 50m^2 min. - 6m min. dimension - 2 hours sunlight between 9am and 3pm (22 June) - Landscaped for active/passive recreation - Protect amenity of surrounding dwellings	- Located on podium - 3,700m^2 - 6m min - 2 hours minimum - Landscaped - Complies	Yes Yes Yes Yes Yes Yes
Sunlight and Ventilation	- Public open space areas and plaza areas = 2 hours sunlight between 9am and 3pm (22 June) to at least 50% of area - Dwellings = 70% of dwellings receive 2+ hours of unobstructed sunlight to at least half of principal living room windows and principal private open space area between 9am and 3pm (22 June) - 60% dwellings to have dual aspect and cross ventilation	- 2 hours min. - 70% - 67%	Yes Yes Yes
Housing Choice	- 1 br – 10% (50) - 2 br – 10% (50) - 3 br – 10% (50) - 30% min. adaptable units (150)	- 56% (279) - 34% (172) - 10% (50) - 15% (76)	Yes Yes Yes No (see Section 2.5.3)
Car Parking	- Resident (total) = 506 0.75/1 bed (279) = 209 1/2 bed (172) = 172 1.5/3+ bed (50) = 75 1/10 visitor = 50 - Retail 1/60m^2 (966) = 16 - 1 accessible car space per 3 adaptable units = 26 - Motorcycle 4/25 cars = 83 - Bicycle(total) = 150 1/5 dwelling (resident) = 100 1/10 dwellings (visitor) = 50	- 503 - 16 - 37 - 83 - 534	No (see Section 2.11.3) Yes Yes Yes Yes

Hornsby Development Control Plan Part 4.6 – Epping Town Centre (Cambridge Street Precinct)			
Control	**Requirement**	**Proposal**	**Compliance**
Vehicle Access	- Access to garages and storage areas should be confined to side and rear facades, with access from main roads avoided. - Vehicle access should be consistent with the servicing strategy depicted in the Key Development Principles diagram as follows: * Provide a new east-west shareway for access linking Oxford Street and Cambridge Street as part of any future redevelopment of 41 Oxford Street * Provide access to basements + service areas from the shareway or Chester Street. If access is not available from these streets, consolidate vehicle entrances from Oxford Street.	The proposal includes vehicular access via Cambridge Street generally in the location of the existing access to the Site. Whilst a vehicular shareway is not provided a through-site pedestrian link is proposed which Council's planning and engineering officers are satisfied meets the intent of the DCP controls in this instance.	Yes on merit.

As detailed in the above table, the proposed development does not comply with several prescriptive measures within HDCP and these matters of non-compliance are addressed below, as well as a brief discussion on compliance with relevant performance requirements.

2.11.1 Reflectivity

The development application did not include an assessment with regard to reflectivity although the Applicant has indicated that it is willing to accept a condition requiring materials to have a reflectivity of less than 20% and such a condition is recommended at Schedule 1 (Condition 11). In addition, Sydney Trains has imposed a condition of Concurrence (Condition 74) to ensure that glare and reflectivity from the proposed development does not interfere with the safe operations of the railway. These conditions will ensure that the proposal complies with Council's HDCP and Sydney Trains requirements to minimise the potential for adverse impact of glare and reflectivity on surrounding land uses.

2.11.2 Private Open Space

The proposal does not comply with the minimum requirements for private open space under the HDCP with most studio apartments provided with between 6-10m^2 of private open space instead of the requisite 10m^2 and several three-bedroom apartments having 12m^2 instead of the requisite 16m^2. Notwithstanding, Council has recently exhibited amendments to the

HDCP to reduce these requirements to accord with the ADG and the proposal fully complies with these ADG requirements and accordingly, is considered acceptable in this instance.

2.11.3 Car Parking

The proposal provides for a total of 503 resident and resident visitor car parking spaces which is lightly less than the 506 car parking spaces required under HDCP. However, the proposal includes a car share space and under the ADG the proposal would only be required to comply with the RTA car parking requirements which are significantly lower than Council's requirements (i.e. 442 resident and visitor spaces). Accordingly, this very minor non-compliance is considered acceptable in this instance.

The proposal also incorporates pairs of tandem car parking spaces. No objection is raised to a limited number of tandem these spaces however, a condition of consent is recommended to ensure that each pair of tandem spaces is allocated to the same residential unit (Condition 63) to ensure that there is no conflict between future residents in this regard.

2.11.4 Consistency with Part 4.6.6 of HDCP – Cambridge Street Epping Precinct

Part 4.6.6 of the HDCP includes Design Details and a Key Development Principles diagram to guide the future development in the Cambridge Street, Epping Precinct. The proposal is considered to be consistent with the overall intent of these provisions for the following reasons:

- The proposed buildings provide for a distinctive base, middle and a top;
- The tower forms have a delineated top to visually terminate the building;
- Tower A fronting the corner of Cambridge and Chester Streets addresses this dual frontage and provides for a landscape setback from the street;
- Roof fixtures and lift overruns/service plants have been incorporated into the design of the roofs to minimise visual intrusiveness and provide an integrated building design;
- Towers A and B maintaining a generally consistent height as well as consistent horizontal and vertical lines whilst Tower C is much smaller yet relates appropriately in terms of its massing and horizontal lines;
- The Site is not required to provide an active street frontage although activity is introduced to the Cambridge Street frontage through the provision of ground level retail uses, building entries and through-site links;
- Council is satisfied that the through-site pedestrian links and active uses fronting these links at the podium level meet the intent of the shareway proposed by the HDCP and the Applicant has demonstrated that servicing of each tower can be adequately accommodated within the basement carpark.

2.11.5 Crime Prevention Through Environmental Design

A Crime Risk Report was included with the development application which assesses the potential for crime and safety risks associated with the proposed design. This report identifies several areas of the design which should be subject to minor modification and/or where measures such as access control, lighting and CCTV should be employed to minimise the potential for adverse safety and security impacts. These recommendations include access control to the basement car parking areas are to be enforced by recommended Condition 59. In addition, whilst there is some shared resident, visitor and retail car parking on Basement B2, recommended Condition 59 includes a requirement that the main resident car parking area of this level be secured by way of an access control boom gate. This is considered to be an acceptable outcome for the nature of the proposed development and its mix of land uses and enables the vehicular access points to surrounding streets to be minimised.

2.12 Section 94 Contributions

Hornsby Shire Council Section 94 Contributions Plan 2014-2024 applies to the development as it would result in the addition of 501 residential units and 966m^2 of retail floor space in lieu of the 12,700m^2 of existing commercial floor space. Accordingly, a monetary contribution pursuant to the Section 94 Plan has been included as a condition of development consent (Condition 5) to be used toward the infrastructure and facilities nominated in the Plan which have been identified to cater for the increased demands of the increased resident and worker population on the Site.

It is noted that the Section 94 Plan includes $31 million worth of local road, open space and community facilities projects attributed to the new population forecast in Epping.

In addition, the Plan has recently been amended to accord with the latest RMS traffic generation rates for development. Using the latest RMS rates, the existing commercial development on the Site generates 203 Peak Vehicle Trips (PVTs) and the proposed mixed use development will generate 154 PVTs - a net decrease in traffic generation. Accordingly, the proposed monetary contribution required by Condition 5 requires a zero contribution toward local roads as there is no demonstrable demand generated by the proposed development for that particular category of infrastructure and facilities.

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

Whilst the proposal includes removal of various existing trees and landscaping within the Site, substantial new landscaping is proposed including an expansive landscaped communal podium level and through-site pedestrian links. The proposed landscaping has been assessed by Council's Officers as being generally satisfactory subject to conditions requiring

some replacement canopy trees within the podium area (Conditions 2(c), 2(d) an 2(e)) to provide greater shade and amenity, conditions requiring public domain works and street tree planting to improve the streetscape commensurate with the transition of this site to a higher density urban form, as well as ensuring new landscaping is established and maintained (Conditions 17, 45, 46 and 60). With these conditions, the proposal is considered to provide for an urban outcome envisaged by Council's controls for this high density precinct.

As discussed at Section 2.10.1, the proposal has also been assessed as being satisfactory with regard to stormwater quantity and quality subject to conditions which are recommended within this report.

3.2 Built Environment

3.2.1 Built Form

The Site is within an area earmarked and zoned for high density urban development and is in general compliance with the built form controls under HLEP, SEPP 65, the RFDC and the DCP. The very minor non-compliances outlined herein are not considered likely to result in significant adverse amenity impacts as they relate to configurations within the Site rather than externally.

As detailed in the Applicant's SEPP 65 submission and accompanying details, the proposal separates the building mass into three defined structures permitting views and solar access through the Site to provide opportunities for high quality development on surrounding land. Furthermore, each of the proposed buildings provides for a high degree of vertical and horizontal articulation which will be supplemented by variable building materials and extensive landscaping at podium and street levels and is likely to result in an overall positive streetscape impact in this part of Epping.

Towers A and B are 22-storeys and comply with the statutory height limit of 72m. Tower A provides an appropriate corner element to Cambridge and Chester Streets and is a marker for the northern extent of this height limit zone in this part of the town centre. It is also suitably separated from the lower 48m height limit zone to the east fronting Chester Street such that it will not have significant adverse overshadowing impacts. Tower B will reside in a part of the Site that is bordered to the east and south by a 72m height limit and accordingly, is expected to be consistent in building form with future developments on those adjoining parcels.

Tower C provides a lower building form which provides for greater solar penetration to sites to the south and to Tower B whilst retaining and appropriate medium-rise presentation to Cambridge Street.

3.2.2 Traffic and Parking

The traffic impact of the proposed development has been assessed by GTA Consultants in their Traffic and Parking Impact Assessment and this has been reviewed by Council Officers. The assessment indicates that, using the accepted peak hour traffic generation rates for

residential and retail/commercial land uses, the proposal is likely to result in a reduction in peak hour traffic volumes in the surrounding road network. It is noted that this assessment must be considered in light of the Site's location in very close proximity to Epping Railway Station (which will in due course service three different rail lines) and with excellent access to strategic bus routes which underpins the reduce traffic generation rate applicable in this instance.

Whilst the use of the RMS traffic generation rates per 100m^2 of floor space for the retail uses (NB: the higher traffic generation of retail must be assumed) are preferred to the rate per car parking space adopted by GTA, Council nevertheless concurs that there is likely to be a reduction in peak hour traffic generation from the Site. Accordingly, the proposal is likely to result in positive traffic impacts in the immediate locality.

As discussed in Section 2.11.3, whilst the proposal is deficient in car parking by three car parking spaces, this minor non-compliance of 0.5% of the required quantum is considered to be negligible in the context of the overall development and in light of the Site's proximity to excellent public transport options and substantial overprovision of bicycle parking. Furthermore, under the ADG, the proposed development would be required to provide even less car parking than is proposed.

Existing on-street car parking supply and demand and commuter car parking concerns are matters to be separately monitored by Council and are not matters that can be resolved as part of this development application.

3.3 Social Impacts

The proposal will replace three existing commercial buildings with 966m^2 of commercial floor space and 501 residential apartments which is in a form generally as envisaged by Council's controls and therefore, will provide ongoing local services and additional housing supply in the locality, in close proximity to public transport, employment opportunities and retail/commercial services.

The proposal includes a range of studio, one, two and three bedroom apartments and some with a study, thereby providing a diverse mix of housing typologies and affordability options to meet the housing demands of the growing population and of various household sizes in an area that is predominantly serviced by detached dwelling houses.

Furthermore, the proposal will provide for accessible and adaptable apartments and a significant quantum of podium level communal open space with through-site links and accordingly, is considered likely to have positive social impacts.

3.4 Economic Impacts

The proposal will not give rise to any adverse economic impacts and will create employment opportunities during the construction of the development and provide for ongoing commercial

activities at ground level, whilst providing flexibility of design for the first floor level of each building to be used for commercial purposes in the future should the demand arise.

4. SITE SUITABILITY

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

4.1 Bushfire

A small portion of the north-western corner of the Site is mapped as bushfire prone land (buffer) due to the proximity of vegetation along the railway corridor to the west. Accordingly, a Bushfire Protection Assessment was submitted with the development application. That Bushfire Protection Assessment concludes that, subject to the latest Rural Fire Service (RFS) guidelines, the site should not be considered as bushfire prone land as it is surrounded by managed land and the nearby vegetation is separated from any other hazards. It is also noted that the development application was not required to be referred to the RFS (and is therefore not Integrated Development) as it does not involve subdivision of land. Accordingly, the proposal is considered to be acceptable with regard to bushfire affectation.

4.2 Flooding

The Site is not identified by Council as being flood prone although a flood assessment has been undertaken that indicates that a small part of the Site near the existing driveway and loading dock on Cambridge Street is affected in the 1 in 100 year flood event. Accordingly, recommendations have been made with regard to floor levels, lobby levels and car park entry levels and compliance with these recommendations is required through Conditions 1 and 16.

Accordingly, is considered to be capable of accommodating the proposed development which is consistent with the scale and future character envisaged by Council's planning controls for the locality.

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 24 June and 8 July 2015 in accordance with the *HDCP* notification requirements. During this period, Council received submissions from, or on behalf of, fifteen (15) surrounding landowners. The map on the following page 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	N W E S
9 SUBMISSIONS ADDRESS NOT STATED OR OUT OF MAP RANGE			

Fifteen (15) submissions objected to the development, generally on the following grounds:

5.1.1 Master planning for the residual land fronting Oxford Street

The land at 37-41 Oxford Street was formally part of the Site although it has now been subdivided off and is in separate ownership. There are no statutory or non-statutory controls requiring a masterplan for this Site or any other site in the ETCUAP and furthermore, the proposal has been designed with specific regard to the potential for land to the east and south to be developed in accordance with Council's controls. Accordingly, a masterplan for the site and eastern adjoining land is not warranted.

5.1.2 Suburban character, building separation, design quality and 'shop-top housing'

The proposed development is generally in accordance with all building envelope controls under SEPP 65 and the RFDC, the HLEP and HDCP as discussed within this report. The minor non-compliance with the internal separation of buildings is acceptable in this instance (see Section 2.5.1) and the proposal fully complies with the external building separation and setback requirements of the RFDC and HDCP.

Council is satisfied that the proposal meets the definition of 'shop-top housing' under the HLEP and this is reinforced by the Applicant's legal advice.

Furthermore, the proposal has been assessed by an independent consultant urban designed who is satisfied that the proposal represents the level of design excellence required by the HLEP.

Whilst the proposal represents a move away from the lower scale of suburban development that currently exists in this locality, it is of an urban form which is envisaged by the planning controls and is consistent with the desired future character of the locality.

5.1.3 Insufficient commercial/retail space

As discussed in Section 2.1.1, there is no statutory or non-statutory requirements with regard to non-residential floorspace for this Site or any other within the ETCUAP and the proposal is permissible with development consent in the B2 Zone.

Notwithstanding, the Applicant has made designed modifications at Council's request to ensure that the floor-to-ceiling level of the first floor level of each building achieves the minimum height required under the RFDC such that it is adaptable for future use as retail/commercial if the demand should so arise. In addition, the DA does not seek development consent for strata subdivision and accordingly, any condition seeking to restrict such subdivision of the first floor levels of each building would fetter the discretion of the consent authority if such an application is made in the future.

5.1.4 East-west shareway

The proposal provides various opportunities for through-site links and a condition of consent is imposed to ensure that the substation in the south-western corner of the Site is removed and a contiguous pedestrian pathway and stair is provided along the southern boundary (Condition 42).

Whilst the proposal does not permit vehicular access from Cambridge Street along the southern boundary, Council's Officers are satisfied that the proposal meets the intention of the HDCP to provide for a through-site link with activated retail/commercial frontages.

5.1.5 Heritage impact on the Church fronting Oxford Street

This matter is discussed in Section 2.1.4 where it is has been concluded that the significant separation of the Site form the nearest heritage item in Oxford Street is unlikely to result in any adverse impact on the setting of that item and the consistency of the proposal with the desired future character of the locality is acceptable.

5.1.6 Overlooking and overshadowing of school grounds

Whilst the proposal includes two x 22-storey buildings, one of the buildings is located to the north of the Site and would not afford direct views into the school yard which is further to the south of the site. It is likely that some residential apartments in Tower B will have a sightline into the school yard although the vertical and horizontal distance between this building and the school yard is such that it is considered acceptable in the context of an area which is emerging as a higher density urban environment.

The proposal has also been designed to stagger the building forms across the Site to limit the potential for adverse overshadowing of the school yard (and other adjoin properties for that matter) such that the overshadowing during the morning recess and lunch-time periods is minimal and that there is ample opportunity throughout the school day for the enjoyment of outdoor open spaces within the expansive school premises.

5.1.7 Construction management impacts

Whilst there are likely to be short term construction impact in the locality, these must be expected of any development and to help minimise these impacts, conditions of consent are included to required detailed construction management plans and traffic management plans (Conditions 18 and 19) and to manage the impacts of development including hours of work, work zones, excavation methods, street sweeping and the like (Conditions 24, 25, 27, 31, 32, 34 and 35).

5.1.8 Lack of community infrastructure and local allocation of Section 94 contributions

The ETCUAP was rezoned to permit the form of development proposed and as part of that strategic planning process, the NSW State Government committed funding for various road and rail infrastructure upgrades.

In addition, Council's Section 94 Plan provides for a range of community facilities to cater for the future demands of this type of development and a condition of consent is imposed requiring contributions from this development toward the infrastructure identified in that plan. The Section 94 Plan is premised on a whole of LGA approach to infrastructure provision to cater for the demands of the entire population rather than discrete precincts. Notwithstanding, the Plan includes $31 Million worth of local road, open space and community facilities projects attributed to the new population forecast in Epping. Accordingly,

the monetary contributions received from this development and other developments in the ETCUAP will be expended in accordance with the works schedule within the Plan.

5.1.9 Traffic, Car Parking and Road Safety

These matters are discussed within this report and it has been concluded that the proposal is consistent with the strategic vision for the locality and zoning of the land to sustain higher density residential development of the nature proposed.

As part of the Epping UAP, detailed traffic modelling was undertaken to confirm the capacity of the road network to accommodate the anticipated increase in traffic volumes associated with development. The modelling confirmed the need for traffic improvements including the widening of the Epping Railway Bridge, amongst other things. The State Government has allocated funds to deliver these works in association with development within the precinct and the projects are at various stages of the design and implementation. Furthermore, Council has recently updated its Section 94 Contributions Plan to account for the increased growth in this precinct.

As discussed in Section 2.11.3, whilst the proposal is deficient by three car parking spaces under the HDCP, the requirement under the ADG would be significantly less (i.e. in the order of 64 car parking spaces less) and the very minor non-compliance is considered acceptable in this instance. In addition, both Council and the RMS are satisfied with the overall access arrangements and impacts on the surrounding road network in terms of capacity and safety.

5.2 Public Agencies

The proposed development requires concurrence form Sydney Trains and was referred to other agencies for comment as required by legislation and/or Council's standard practice. The following subsections provide a summary of the responses received from relevant agencies.

5.2.1 Sydney Trains

The development application was referred to Sydney Trains as the proposal is on land within 25 metres (measured horizontally) of an existing rail corridor and within 25 metres (measured horizontally) of the ground directly above two proposed rail corridors.

As discussed in Section 2.7, Sydney Trains has provided concurrence to the proposal subject to conditions relating to further geotechnical investigations and construction management practices. These conditions have been included in the conditions of consent at Schedule 1 of this report (Conditions A1 and 72 to 78).

5.2.2 NSW Roads and Maritime Services

The development application was referred to the Roads and Maritime Service as the proposal entails a development with over 300 dwellings.

As discussed in Section 2.7.3, the RMS provided comments in relation to the proposed development and Council's standard conditions of consent as recommended in Schedule 1 adequately respond to these comments.

6. THE PUBLIC INTEREST

Section 79C(1)(e) of the Act requires Council to consider *"the public interest"*.

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

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

7. CONCLUSION

The application seeks approval for the demolition of existing structures and the erection of two x 22-storey buildings and one x 7-storey building, each comprising ground floor retail/business tenancies totalling 966m^2 and the upper levels containing a total of 501 residential units, with combined basement car parking for 519 cars.

The proposal complies with the design principles of SEPP 65 and generally complies with the *Residential Flat Design Code* with the minor non-compliances with regard to building separation (internal), adaptable housing and building depth are considered acceptable in this instance as they are unlikely to result in significant adverse amenity impacts.

The proposed development is predominantly in accordance with the development controls for the 'Epping Town Centre (Cambridge Street Precinct)' of the *Hornsby DCP* and would contribute to the desired future high-rise mixed use character of the precinct. With conditions, the very minor non-compliance with the car parking requirement is considered acceptable.

The public submissions in respect of the proposed development have been assessed and it is considered that the design amendments submitted by the Applicant and various conditions of development consent adequately respond to those matters that are within the consent authority's powers to respond to. Other matters are either not matters for consideration pursuant to Section 79C or are considered on balance not to warrant further design amendments or conditions of consent.

Accordingly, the proposed development is recommended for a Deferred Commencement consent subject to conditions set out at Schedule 1.

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

Attachments:

1. Locality Plan
2. Site Analysis Plan
3. Basement Plans
4. Floor Plans
5. Roof Plan
6. Elevations
7. Sections
8. Landscape Plans
9. Shadow Analysis
10. Photomontage

HORNSBY SHIRE COUNCIL

SCHEDULE 1

GENERAL CONDITIONS

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

Note: For the purpose of this consent, the term 'applicant' means any person who has the authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation, or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

Part A – Deferred Commencement

Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, this consent does not operate until the following information is submitted to Council:

1. Detailed Geotechnical Investigation, Structural Report and Survey Report

A detailed geotechnical investigation and structural report are required to be prepared by a suitably qualified professional and submitted to the satisfaction of Sydney Trains prior to issue of a Construction Certificate for earthworks. The reports are to address, as a minimum, the following:

(a) Actual borehole testing conducting on the site closest to the rail corridor;

(b) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit rock anchors/bolts (whether temporary or permanent) within its land or easement;

(c) Cross sectional drawings showing the tunnel easement, tunnel location, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Register Surveyor.

(d) Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and tunnel location;

(e) If required by Sydney Trains, a numeric analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

Such information shall be submitted within twelve (12) months of the date of this notice.

Upon Council's written satisfaction of the above information, the following conditions of development consent will apply:

Part B – General Conditions

1. Approved Plans and Supporting Documentation

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

Plan No.	***Drawn by***	***Dated***
DA-003 Rev F Basement B3 Floor Plan	PTW Architects	23/10/2015
DA-004 Rev F Basement B2 Floor Plan	PTW Architects	23/10/2015
DA-005 Rev F Lower Ground / Basement B1 Floor Plan	PTW Architects	23/10/2015
DA-006 Rev G Podium Ground Floor Plan	PTW Architects	23/10/2015
DA-007 Rev F Level 1 Floor Plan	PTW Architects	07/09/2015
DA-008 Rev F Typical Floor Plan Tower A/ Tower B/ Tower C L2-L6	PTW Architects	07/09/2015
DA-009 Rev G Typical Mid Zone Floor Plan Tower A L7-L14 / Tower B L7-L15	PTW Architects	23/10/2015
DA-010 Rev G High Zone Floor Plan Tower A L15-L19 / Tower B L16-L20	PTW Architects	23/10/2015
DA-011 Rev H Penthouse Floor Plan Tower A L20 / Tower B L21	PTW Architects	29/10/2015
DA-012 Rev G Roof Plan	PTW Architects	29/10/2015
DA-013 Rev B Adaptable Apartments	PTW Architects	07/09/2015
DA-021 Rev B Elevations – North (Chester Street – Building A&B)	PTW Architects	05/06/2015
DA-022 Rev E Elevations – North (Buildings B&C)	PTW Architects	19/01/2016

Plan No.	Drawn by	Dated
DA-023 Rev E Elevations – South	PTW Architects	19/01/2016
DA-024 Rev E Elevations East	PTW Architects	19/01/2016
DA-025 Rev E Elevations West (Cambridge Street)	PTW Architects	19/01/2016
DA-026 Rev E Elevations South (Building A) & West (Building B)	PTW Architects	19/01/2016
DA-031 Rev C Section A-A	PTW Architects	07/09/2015
DA-032 Rev F Section B-B	PTW Architects	19/01/2016
DA-061 Proposed External Finishes	PTW Architects	05/06/2015
General Notes and Legend Sheet C0-02 Issue A	Calibre Consulting	05/06/2015
Erosion and Sediment Control Plan Sheet C1-10 Issue A	Calibre Consulting	05/06/2015
Erosion and Sediment Control Notes and Detail Sheet C1-15 Issue A	Calibre Consulting	05/06/2015
General Arrangement Plan Sheet C2-00 Issue A	Calibre Consulting	05/06/2015
Civil Works Details Sheet C3-80 Issue A	Calibre Consulting	05/06/2015
Stormwater Drainage Details Sheet C4-20 Issue A	Calibre Consulting	05/06/2015
Onsite Detention Tank Details Sheet C4-30 Issue A	Calibre Consulting	05/06/2015
Stormwater Drainage Catchment Plan Sheet C4-60 Issue A	Calibre Consulting	05/06/2015
Landscape Plans Ref. SS15-3068 Sheets 000, 001, 101, 201 and 202 Issue A (as modified by later amendments)	Site Image	04/09/2015
Landscape Sketch Ref. SS15-3068 Sheet 101 Issue E	Site Image	09/10/2015

Document No.	Prepared by	Dated
Design Verification Statement	PTW Architects	5 June 2015
BASIX Certificate No. 632699M_02	Eco Certificates Pty Ltd	8 February 2016
BASIX Assessor Certificate and Stamped Plans – Certificate No. 14620199	Manuel Basiri	06/02/2016
Traffic Impact Assessment	GTA Consultants	04/06/2015
Acoustic Report Ref. 215 037	PKA Acoustic	04/06/2015

Document No.	Prepared by	Dated
R01 v1-4	Consulting	
BCA Capability Statement	Blackett Maguire + Goldsmith	9 June 2015
Arboricultural Impact Assessment	Jacki Brown	1 June 2015
Waste Management Plan Rev D (as modified by later amendments)	Elephants Foot	June 2015
Waste Management letter	Elephants Foot	10 September 2015
Waste Management letter	Elephants Foot	22 October 2015
Access Review Final v5	MGAC	9 June 2015
Crime Risk Report Revision 2	City Plan Services	5 June 2015
Electrolysis Testing Advice	Corrosion Control Engineering	5 May 2015
Preliminary Site Investigation Report No. 14/0769	SMEC Testing Services	April 2014
Report on Geotechnical Assessment Ref: 28342SBrpt	JK Geotechnics	8 May 2015
Flood Report	Calibre Consulting	2 June 2015
Stormwater Management Report	Calibre Consulting	9 June 2015
Construction Traffic Management Plan	GTA Consultants	16/12/15

2. Amendment of Plans

The approved plans are to be amended as follows:

(a) The existing substation in the south-western corner of the site is to be removed and a contiguous through-site pedestrian pathway and stairs along the southern boundary is to be incorporated in accordance with the correspondence to Council prepared by City Plan Services dated 23 October 2015 and Attachment 5 to that correspondence being an amended landscape plan Ref. SS15-3068 101 Issue E prepared by Site Image and dated 9 October 2015;

(b) The chute service room and e-diverter chute system for Building B must be amended so that the chute system includes volume handling equipment (linear tracks and/or carousels that automatically change the bin under the chute when it becomes full, with no compaction) fitted with no less than a total of 7 of 1100 L garbage bins and 3 of 1100 L recycling bins;

(c) The four (4) *Magnolia alta*, proposed in association with the decks adjoining the central lawn space, are to be substituted with a larger evergreen canopy tree species to improved shading on lawns, seating walls and paving;

(d) One or more of the proposed deciduous *Lagerstroemia Natchez* are to be substituted for a single larger tree specimen in association with the playground to provide for improved shade cover; and

(e) The proposed *Angophora hispida* (Dwarf Apple Gum) on the eastern boundary adjacent to Tower B is to be substituted with a minimum of five (5) trees capable of exceeding 6 metres at maturity.

3. Height of Buildings

The proposed development is not to exceed the building heights specified on the stamped approved plans specified herein and no consent is granted to additional or ancillary roof structures such as plant rooms, railings, stair wells or the like or for use of the roof top for recreational purposes.

4. Construction Certificate

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

5. Section 94 Development Contributions

In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the *Hornsby Shire Council Section 94 Development Contributions Plan 2014-2024*, 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	$0
Open Space and Recreation	$4,494,310.50
Community Facilities	$1,731,783.95
Plan Preparation and Administration	$14,751.40
TOTAL	**$6,240,845.85**

being for 46 studio, 233 x 1 bed, 172 x 2 bed and 50 x 3 bed units including a credit for 12,700m^2 of existing business premises floor space and 1 lot.

b) The value of this contribution is current as at 9 February 2016. If the contributions are not paid within the financial quarter that this condition was generated, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 94 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

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

Where:

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

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

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

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

c) The monetary contributions shall be paid to Council:

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

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

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

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

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

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

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

6. Building Code of Australia

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

7. Contract of Insurance (Residential Building Work)

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

8. 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) *Telstra* – a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.

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.

9. Accessible Units

The development is required to provide 76 units designed as adaptable housing pursuant to the requirements of 1C.2.2 of the Hornsby Development Control Plan. In this regard, 37 car parking spaces are to be designed for people with a disability and allocated to 37 adaptable units. The details of all adaptable units must be provided with the Construction Certificate plans.

10. Storage

Each dwelling within the development must have a minimum area for storage (not including kitchen and bedroom cupboards) of $6m^3$ for one bedroom units, $8m^3$ for two bedroom units and $10m^3$ for three bedroom units, where at least 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.

11. Reflectivity

All facades of buildings within the development are to have a maximum reflectivity of 20%. An analysis demonstrating compliance with this condition must be provided with the Construction Certificate plans.

12. Sydney Water – Quick Check

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

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

13. Noise – Rail Corridor

The development must be carried out in accordance with the recommendations contained within the acoustic report submitted with the development application, titled Acoustic Report Ref. 215 037 R01 v1-4 prepared by PKA Acoustic Consulting and dated 04/06/2015 and the requirements of the Department of Planning's

Development Near Rail Corridors and Busy Roads – Interim Guideline and RailCorp's *Interim Guidelines for Applicants.*

Note: The Department of Planning's document is available at www.planning.nsw.gov.au (development assessments). The RailCorp document is available at www.railcorp.nsw.gov.au/publications.

14. Dilapidation Report

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

a) To record the structural condition of all properties adjoining the approved development, a dilapidation report must be prepared by a suitably qualified structural engineer for inclusion with the application of the Construction Certificate.

15. Identification of Survey Marks

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

16. Internal Driveway/Vehicular Areas

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

a) Design levels at the Cambridge Street front boundary shall be obtained from Council via a separate application to Council's Infrastructure and Recreation Division for Crossing Levels;

b) Ramp grades in the crossing, truck manoeuvring and service bay areas shall be designed and constructed in accordance with AS2890.2;

17. Footpath Verge and 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) Council's standard 80 mm thick 1.2m wide concrete footpath to be removed from across the Chester Street and Cambridge Street frontages of the development;

b) All redundant vehicular crossings and laybacks are to be removed and restored to the landscape works as per the below listed requirements;

c) All public utility assets, services and street furniture shall be adjusted in accordance with the requirement of the relevant utility at the Applicant's cost

d) Replacement footpath verge and roadworks design plans are to be designed in accordance with the street typology (Village Street) in Council's *Epping Town Centre Public Domain Guidelines*, and applied to the Cambridge and Chester street frontages as follows:

(i) a 6.0 metre wide fully paved verge with granite pavement works including:

- Paver: Granite Flagstone Pavers;
- Colour: Adelaide Black, as supplied by Sam the Paving Man or equivalent;
- Size 600 x 450 x 50mm;
- Setout: Lay commencing from perpendicular to the kerb;
- Installation: laid with mortar bedding on reinforced slab, 10-12mm separation joints against kerb and site building / boundaries with expansion joint and sealant bead to match stone colour, jointing between pavers to be 3mm, raked to a depth of 4mm;
- Bollards: Stainless steel removable. Bollards must be able to be relocated to accommodate outdoor dining or vehicle parking;

(ii) Removal of existing concrete kerb and install a concrete dish drain to define edge of asphaltic seal road pavement along frontages of Cambridge Street and Chester Street;

(iii) Construction of transition kerb at frontage extremities on Cambridge Street and Chester Street frontages, including a transition treatment of kerb realignment to link adjoining kerb;

(iv) Construction of a Council standard vehicular crossing, using levels available from Council, with the Granite flagstone pavers laid over a reinforced concrete slab, from the concrete dish drain to the property boundary;

(v) Street tree plantings in 2.5 m x 2.5 m open beds with groundcover plantings sought as follows:

- Chester Street: 6 x Angophora Costata, 100 litre pot size (evenly spaced; approx. 10m spacings);
- Cambridge Street ; 9 x Angophora Costata, (evenly spaced; approx. 10m spacings, 5 metres either side of driveway entry);
- Groundcovers, to be a single selection of indigenous species for each street, 12 x no. planted in each tree garden;

Note: Recommended tree species above related to nearby endemic Peppermint-Angophora Forest Community.

(vi) Tree Pit to include subsoil drainage connected to the existing stormwater drainage system, topsoil volume minimum 7 m^3 utilising Stratacell or approved equivalent structural support pavement above the tree pit area.

e) Council's Road shall be sawcut a minimum of 600 mm from the edge of the above verge treatment work to match the existing asphaltic seal;

f) Pursuant to Section 138 of the *Roads Act 1993*, an Application shall be made to Hornsby Shire Council for consideration and approval of the proposed works within the Road and footpath verge, prior to the release of the Construction Certificate for the verge and road works. Application requires payment of Council's fee for assessment, approval and inspection.

18. Construction & Traffic Management Plan

In order to enable unencumbered movement of traffic in the public road during construction works, a Construction Management Plan, including a Traffic Management Plan and scaled construction plans prepared by a suitably Chartered and Qualified Chartered Civil Engineer and Qualified Worksite Traffic Controller shall be prepared and submitted to Hornsby Shire Council for approval according to the following requirements:

(a) A copy of the plans shall be submitted for consideration and written approval by Hornsby Shire Council prior to the release of the Construction Certificate;

(b) The plans shall detail the order of construction works and arrangement of all construction machines and vehicles being used at the same time during all stages;

(c) The CTMP plans shall be in accordance with the approved Development Application plans and the Development Consent conditions;

(d) In order to prevent injury, accident and loss of property, no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council;

(e) The Plan shall be generally in compliance with the requirements of the Road and Traffic Authority's "Traffic Control at Worksites Manual 1998" and detailing:

i) Public notification of proposed works;

ii) Long term signage requirements;

iii) Short term (during actual works) signage;

iv) Vehicle Movement Plans, where applicable;

v) Traffic Management Plans; and

vi) A Pedestrian Access Management Plan (PAMP) detailing how pedestrian movements will be changed and managed during various stages of development, particularly during any partial or total closure of footpaths on Cambridge and Chester Streets. Council will review the

PAMP, agree any modifications with the proponent and enforce the PAMP during construction;

(f) The plans shall indicate traffic controls including those used during non-working hours and shall provide pedestrian access and two-way traffic in the public road to be facilitated at all times;

(g) The plans shall include the proposed truck routes to and from the site including details of the frequency of truck movements at the different stages of the development. The plan shall also include details of parking arrangements for all employees and contractors;

(h) The plan shall provide that during excavation works, rock removal must be undertaken by sawing instead of rock hammering, wherever practicable;

(i) The Applicant and all employees of contractors on the site must obey any direction or notice from the Prescribed Certifying Authority or Hornsby Shire Council in order to ensure the above; and

(j) If there is a requirement to obtain a Work Zone, partial Road Closure or Crane Permit an application to Hornsby Shire Council is to be made prior to the issue the Construction Certificate.

19. Traffic Control Plan

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

a) Arrangements for public notification of the works;

b) Temporary construction signage;

c) Permanent post-construction signage;

d) Vehicle movement plans;

e) Traffic management plans; and

f) Pedestrian and cyclist access/safety.

20. Stormwater Drainage

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

a) Connected to the proposed water quality treatment system, and subsequently to the internal water harvesting and on-site detention system;

b) The internal drainage system shall generally have design capacity to suit the 20 year average recurrence interval storm flow;

c) The internal stormwater drainage design shall make provision for flows higher than the 5 year average recurrence interval storm flow to bypass the water quality treatment system and flow directly to harvesting and on-site detention systems; and

d) Details of the internal drainage system shall be prepared by the Engineer and submitted on Construction plans. The submission must include the MUSIC Report and a software copy of the .sqz design file, pursuant to Council's HDCP2013 Section 1C.1.2.i;

e) The water quality treatment system designer shall prepare documentation on system maintenance and submit same with the Construction Certificate.

21. On-Site Stormwater Detention

An on-site stormwater detention (OSD) 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 145 cubic metres, and a maximum discharge (when full) of 170 litres per second;

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

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

d) The OSD tank shall provide a drainage system to convey tank overflows to an internal piped drainage system and disposed to either the Cambridge Street pipeline or kerb drainage system;

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

22. Waste Management Details

The following waste management requirements must be complied with:

(a) The approved on-going waste management system must not be amended without the written consent of Council;

(b) A bulky waste storage area of at least 8 square metres must be provided at the basement level of each building;

(c) Support columns within the chute service rooms must be positioned such that they do not interfere with the installation and operation of the volume handling equipment (linears) required for each e-diverter chute system;

(d) The commercial/retail units and levels must not have access to the residential chute system;

(e) Sufficient space must be provided to store motorised bin carting equipment (such as a ride-on cart) used to safely transport the 1100 L bins around the site;

(f) All waste and bin carting routes must be no less than 1.5 m wide. All bin carting routes must not include any steps;

Note: waste and bin carting routes include, but are not limited to, from each chute service room to the residential bin collection/storage room, from the residential paper/cardboard storage areas to the residential bin collection/storage room, from the bulky waste storage rooms to the loading bay, from each commercial/retail unit to the commercial bin storage room.

(g) The waste carting route from each commercial and retail unit to the commercial bin storage room next to the loading dock, must be wholly within the site. The use of the public footpath and/or vehicular access to cart waste or bins is not permitted;

Note: Rear doors to the car park have been provided for retail units 1, 2, 3 and 4 for this purpose

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

i. An estimate of the types and volumes of waste and recyclables to be generated;

ii. A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas;

iii. How excavation, demolition and construction waste materials will be reused or recycled and where residual wastes will be disposed;

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

23. Certification of Traffic Engineer

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

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

24. Erection of Construction Sign

a) A sign must be erected in a prominent position on any site on which any approved work is being carried out:

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

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

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

b) The sign is to be maintained while the approved work is being carried out and must be removed when the work has been completed.

25. 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.

26. Toilet Facilities

a) To provide a safe and hygienic workplace, toilet facilities must be available or be installed at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site.

b) Each toilet must:

(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.*

27. Erosion and Sediment Control

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

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

28. Project Arborist

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

29. Tree Protection Requirements

All works are to be undertaken in accordance with the recommendations of the Arboricultural Impact Assessment prepared by Jacki Brown dated 1 June 2015.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

30. Construction Traffic Management Plan Compliance

The development must be carried out in accordance with the submitted and approved Construction Traffic Management Plan.

31. Construction Work Hours

(a) All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday (unless otherwise approved in writing by Council due to extenuating circumstances).

(b) No Excavation or rock sawing/breaking is to occur on Saturdays or between the hours of 12 pm and 1 pm weekdays.

(c) No work is to be undertaken on Sundays or public holidays.

(d) Wherever practicable and in order to prevent conflicts with local school drop-off and pickup periods, no heavy vehicle movements servicing the site are to be made between 8:00am and 9:30am or between 2:30pm and 4:00pm weekdays.

32. Construction Vehicles

All construction vehicles associated with the proposed development are to be contained on site or in an approved "Work Zone" in Cambridge Street.

33. 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.

34. 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.

35. Street Sweeping

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

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

36. Council Property

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

37. Landfill

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

a) All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material approved under the

Department of Environment and Climate Change's general resource recovery exemption.

b) A compaction certificate is to be obtained from a geotechnical engineer verifying that the specified compaction requirements have been met.

38. Excavation Work

All excavation work is to be undertaken in accordance with the recommendations of the detailed geotechnical investigation required by Condition A1 of this consent.

39. Excavated Material

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

40. Survey Report – Finished Floor Level

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

a) The building, retaining walls and the like have been correctly positioned on the site; and

b) The finished floor level(s) are in accordance with the approved plans.

41. Waste Management

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.

42. Decommissioning of Substation

Prior to the issue of any occupation certificate for Building B and/or Building C, the existing electricity substation in the south-western corner of the site is to be decommissioned and removed and construction of the contiguous through-site pedestrian pathway and stairs required by Condition 2(a) of this consent is to be completed.

43. Fulfilment of BASIX Commitments

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

44. Sydney Water – s73 Certificate

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

45. Planter Boxes / On Slab Planting

On slab planter boxes must include waterproofing, subsoil drainage (proprietary drainage cell, 50mm sand and filter fabric) automatic irrigation, minimum 500mm planting soil for shrubs and minimum 1000mm planting soil for trees and palms and 75mm mulch to ensure sustainable landscape is achieved.

46. Completion of Landscaping

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

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

47. Retaining Walls

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

48. External Lighting

a) 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.

b) Certification of compliance with this Standard must be obtained from a suitably qualified person and submitted to the PCA with the application for the Construction Certificate.

49. Waste Management Details

The following waste management requirements must be complied with:

a) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council;

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

b) The chute service rooms and the commercial bin storage room at the basement level must include water or a hose for cleaning, graded floors with drainage to sewer, sealed and impervious surface, adequate lighting and ventilation, and must be lockable. The residential bin storage/collection room must include sealed and impervious surface, adequate lighting and ventilation, a robust door, and must be lockable;

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 waste with two separate 20 litre containers, one each 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 and must be no less than 1.5 m wide;

Note: Ramps between different levels are acceptable

g) "No Parking" signs must be installed to prevent cars parking in the loading bay.

h) A survey of the finished access way (including ramp, waste collection vehicle turning area, loading bay and site entry/exit) to be used by HRV waste collection vehicle, must be carried out by a registered surveyor and submitted to the principal certifying authority. Written confirmation must be submitted to the Principal certifying authority from a qualified Traffic Engineer, that this survey confirms the finished access way within the waste collection vehicle turning path was designed and constructed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for heavy rigid vehicles of 9.7 m length with 5.85 m wheelbase;

Note: encroachments of the heavy rigid vehicle turning path and low speed manoeuvring clearance (300 mm both sides) into parking spaces etc cannot be tolerated.

i) the 4.5 metre clearance height within the waste collection vehicle travel path must not be reduced by ducting, lights, pipes or anything else;

j) Site security measures implemented on the property, including electronic gates, must not prevent access to the collection point by waste removal services;

k) Signage with illustrated instructions on how residents are to use the e-diverter chute system for separate disposal of recycling and garbage are to be installed above or next to each chute entry hopper on each residential level. These signs are to be in English, Chinese and Korean;

l) A motorised bin cart, trolley or similar equipment must be provided to enable the site caretaker to safely cart the 1100 L bins around the site. This

equipment must be suitable for the ramp grades along the bin carting route and should be capable of transporting two or more full 1100 L bins at the same time;

m) The volume handling equipment on the residential chute systems must not include compaction.

50. Garbage Collection Easement

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

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

51. Creation of Easements

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

a) The creation of an appropriate *"Positive Covenant"* and *"Restriction as to User"* over the constructed on-site detention / retention / water quality treatment systems and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title;

b) To register the OSD easement, the restriction on the use of land *"works-as-executed"* details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on-site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the *"works-as-executed"* plan and supported by calculations; and

c) The water quality treatment system must be certified by a suitably qualified person as being constructed in accordance with the approved water quality treatment system plans.

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

52. Cooling Towers

a) All cooling towers must be designed and installed in accordance with the Public Health Act 1991, the Public Health (Microbial Control) Regulation 2000 and Australian/New Zealand Standard AS/NZS 3666 – "Air-Handling and Water Systems of Buildings".

b) Certification of compliance with the Standard must be obtained from a suitably qualified person and submitted to the PCA prior to the issue of an occupation Certificate.

Note: Under clause 15 of the Public Health (Microbial Control) Regulation 2000, the occupier of the part of premises where a regulated system is installed, must notify the Council of the following particulars:

c) Type of system.

d) The address of the premises on which the system is installed.

e) The name, and the residential and business addresses, of the owner of the premises.

f) If the operation area on the premises is occupied otherwise than by the owner, those particulars in relation to the occupier the telephone numbers at which, during business hours and after business hours, the person or persons referred to in the above point may be contacted.

53. 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.

54. Preservation of Survey Marks

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

55. Construction of Engineering Works

All engineering works identified in this consent are to be completed and a Compliance Certificate issued prior to the release of the Occupation Certificate or Subdivision Certificate.

56. Damage to Council Assets

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

57. Provision for National Broadband Network (NBN)

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

58. Unit Numbering

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

59. Safety, Security and CCTV

The proposed development must be in accordance with the recommended measures of the Crime and Risk Report Revision 2 prepared by City Plan Services and dated 5 June 2015 and must include the following elements:

a) Fire exit doors to the development must be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development;

b) Ground floor windows must be fitted with window locks that can be locked with a key;

c) A graffiti management plan must be incorporated into the maintenance plan for the development for graffiti to be removed within a forty-eight hour period;

d) The basement car park entry must be secured by security gates/roller shutters and controlled by secure access located at the top of the driveway and a boom gate at the entry to the main residential section of Basement B2. The resident basement access control to include an audio/visual intercom system to allow visitor access to the parking area;

e) Lighting of pedestrian pathways throughout the development must comply with *Australia and New Zealand Lighting Standard 1158.1 – Pedestrian*;

f) Sign posting and way finding to respective unit blocks must be in clear legible signage so that emergency services are able to clearly identify location of a unit and location of the unit block entry;

g) Lobby access to be controlled by security card or similar and to include intercom facility to enable residents to communicate and identify with people prior to admitting them to the building;

h) Resident security key card or similar required to access basement residential lifts;

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

j) Driveways and basement car parking must be illuminated with low luminance at all times;

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

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

m) The applicant shall install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the buildings. The cameras should include the foyer area to the buildings including the area around the mail boxes. The cameras should also monitor the 50 metre vicinity outside the building including, but not limited to, the footpath in front of the premises. All areas within the commercial and retail premises should be monitored by CCTV. CCTV cameras should also cover any communal areas, lifts, public spaces and the basement car parks. Recordings should be made twenty four hours a day seven days a week;

n) As a minimum, CCTV cameras at entry and exit points to the premises must record footage of a nature and quality in which it can be used to identify a person recorded by the camera. All other cameras must record footage of a nature and quality in which it can be used to recognise a person recorded by the camera;

o) The time and date must automatically be recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of thirty days before they can be destroyed;

p) If requested by police or any regulatory officer, the applicant is to archive any recording until such time as they are no longer required;

q) Recordings are to be made in a common media format such as Windows Media Player or similar, or should be accompanied by applicable viewing software to enable viewing on any windows computer;

r) The CCTV control system should be located within a secured area of the premises and only accessible by authorised personnel;

s) If the CCTV system is not operational, immediate steps are to be taken by the applicant to ensure that it is returned to a fully operational condition as soon as possible; and

t) CCTV to be installed throughout the basement car park area including the entry and exit points to the car park.

OPERATIONAL CONDITIONS

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. 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.

62. Car Parking

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

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

b) Car parking, loading and manoeuvring areas to be used solely for nominated purposes;

c) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;

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

e) Visitors are to have access to the parking area at all times. 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.

f) All vehicular entry on to the site and egress from the site shall be made in a forward direction.

63. Allocation of Car Parking

A minimum of 50 visitor (including one (1) space signed as "Visitor or Car Share" space), 16 retail and 453 resident car parking spaces are to be provided in the basement.

Each pair of Tandem Car Spaces are to be allocated to an individual unit.

64. Disabled Parking

All parking spaces for people with disabilities must be constructed and operated in accordance with *Australian Standard AS/NZS 2890.6:2009 – Off-street parking for people with disabilities*

65. Bicycle Parking

a) All bicycle parking spaces are to be designed in accordance with *Australian Standard 2890.3-1993 – Bicycle parking facilities.*

b) A minimum of 50 visitor and 150 resident bicycle parking spaces are to be provided in the basement.

66. Motorcycle Parking Spaces

Eighty-three (83) motorcycle parking spaces are to be provided in the basement in accordance with AS 2890.5-1993.

67. Maximum Vehicle Size

Vehicle access to the site shall be limited to Medium Rigid Vehicle (MRV) 8.8m long with Council's waste collection vehicles excepted.

68. Waste Management

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

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

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

c) The residential component and non-residential component of the development must have separate and self-contained waste management systems, including separate bin storage rooms. Commercial tenants must be prevented (via signage, locked doors and other means) from using the residential waste/recycling bins and vice versa;

d) The commercial tenants must cart their waste and recycling to the commercial bin storage room along routes that are wholly within the site. Use of the public footpath and vehicular entry to cart waste and recycling is not permitted;

e) All commercial tenants must keep written evidence on site of a valid contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site;

f) All commercial tenants must have a sufficient number of bins to contain the volume of waste and recycling expected to be generated between collection services.

69. Maintenance of Wastewater Device

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the *Protection of the Environment Operations Act 1997*.

70. Noise – Plant and Machinery

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

An acoustic assessment is to be undertaken by a suitably qualified environmental consultant within 60 days of occupying the site in accordance with the Environment NSW Industrial Noise Policy (2000), Council's Policy and Guidelines for Noise and Vibration Generating Development (Acoustic Guidelines V.5, 2000) and the DECC's Noise Guide for Local Government (2004). The assessment must be submitted to Council for review. Should the assessment find that noise from the premise exceeds 5dB(A) appropriate measures must be employed to rectify excessive noise.

71. Fire Safety Statement - Annual

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

CONDITIONS OF CONCURRENCE – SYDNEY TRAINS

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

72. Acoustic Assessment

An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled *Development Near Rail Corridors and Busy Roads – Interim Guidelines*. The acoustic assessment shall also take into account the impact of ground borne noise resulting from the operation of the North West Rail Link.

73. Electrolysis Risk

Prior to the issue of a construction certificate, the Applicant is to engage an electrolysis expert to prepare a report of Electrolysis Risk to the development from stray currents. The electrolysis report shall also take into account the impact of electrolysis resulting from the operation of the North West Rail Link. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a construction certificate.

74. Lights and Reflective Materials

The design, installation and use of lights, sign and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains.

The Principal Certifying Authority is not to issue the construction certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

75. Risk Assessment/Management Plan

If required by Sydney Trains, prior to the issue of a construction certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the construction certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

76. Craneage and Aerial Operations

Prior to the issue of a construction certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the construction certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

77. Monitoring Plan

If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a construction certificate. The Principal Certifying Authority is not to issue the construction certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.

78. Inspection of Rail Infrastructure

If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

- 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.

Asbestos Warning

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

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

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

Tenancy Fit-Out – Separate DA Required

This consent does not permit the fit-out of individual retail/business tenancies. A separate development application is required for the fit-out of individual tenancies prior to the occupation of the building.

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.