

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

JRPP No	2015SYW118
DA Number	DA/625/2015
Local Government Area	Hornsby Shire Council
Proposed Development	Demolition of existing structures and construction of 2 x five storey residential flat buildings comprising 130 units with basement car parking
Street Address	Lots 15 – 17 DP 12051, Lots 1 and 2 DP 865150, SP 35887 and Lots 271 and 272 DP 854281, Nos. 6 – 10 Carlingford Road and Nos. 1 – 5A Cliff Road, Epping
Applicant/Owner	Applicant: Urban Life Developments Pty Ltd. Owner: Mrs M Agostino, Mr. N. Agostino, Mr L. Parrin, Mrs. T Parrin, Mrs G.M. Aloisio, Mrs. J. Aloisio, Mr. A.A.J. Dias, Mrs. M.A.S. Dias, Mr. B Liebau, Owners Corporation SP 35887, Mr. P.J. Hunt, Mr. N. Brogan.
Number of Submissions	Nine submissions have been received
Regional Development Criteria (Schedule 4A of the Act)	Capital Investment Value (CIV) over \$20 million (\$35,073,133)
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development • State Environmental Planning Policy (Building and Sustainable Index: BASIX) 2004 • State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land) • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 • Hornsby Shire Local Environmental Plan 2013 • Hornsby Development Control Plan 2013 • Section 94 Contribution Plan 2013
List all documents submitted with this	Survey Plan

report for the panel's consideration	<p>Photomontage</p> <p>Floor Plans</p> <p>North and South Elevation</p> <p>East and West Elevation</p> <p>Internal Elevations</p> <p>Sections A, B and C</p> <p>Shadow Analysis</p> <p>Landscape Plans</p>
Recommendation	Approval
Report by	Meadhbh Nolan, Town Planner, Hornsby Council

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

- The application proposes the demolition of existing structures and construction of a five storey residential development comprising 130 units and basement car parking.
- The proposal generally complies with the provisions of *State Environmental Planning Policy No. 65, Residential Flat Design Code, Hornsby Local Environmental Plan 2013* and the *Hornsby Development Control Plan 2013*.
- Nine submissions have been received in respect of the application.
- It is recommended that the application be approved.

RECOMMENDATION

THAT Development Application No. 625/2015 for demolition of existing structures and construction of a five storey residential flat development comprising 130 units at Lots 15 – 17 DP 12051, Lots 1 and 2 DP 865150, SP 35887 and Lots 271 and 272 DP 854281, Nos. 6 – 10 Carlingford Road and Nos. 1 – 5A Cliff Road, Epping be approved subject to the conditions of consent detailed in Schedule 1 of this report.

BACKGROUND

The site forms part of the Epping Urban Activation Precinct (Epping UAP).

On 14 March 2014, the Department of Planning and Environment finalised amendments to the *Hornsby Local Environmental Plan 2013 (HLEP 2013)* to implement the Epping UAP via *State Environmental Planning Policy (Epping Town Centre) 2013 ("the SEPP Amendment")*.

The Epping Town Centre amendments to the *HLEP 2013* involved rezoning of low density residential areas for the purpose of medium to high density residential and mixed use developments. The site is within the Cliff Road Epping Precinct which was rezoned to R4 (High Density Residential) to permit five storey residential buildings.

Amendments to the *HDCP* were consequently prepared by Council to translate design controls recommended by the Department of Planning and Environment and provided planning controls to be read in conjunction with *HLEP 2013* amendments. The DCP amendments were exhibited and endorsed by Council on 8 October 2014.

On 10 March 2015 and 27 March 2015, pre-lodgement meetings were held between Council officers and the applicant to discuss the development. Council raised concerns in relation to deep soil planting, unit mix, articulation and indentation of the buildings.

On 1 June 2015 Development Application No. 625/2015 was lodged with Council for a five storey residential development comprising 141 units with a mezzanine level and basement carparking.

On 5 August 2015, the Sydney West Joint Regional Planning Panel was briefed regarding the application. Concerns were raised by the Panel and Council Officers in relation to setbacks,

the location of the waste collection area, unit sizes and the bulk and scale of the development.

On 24 September 2015, the applicant submitted amended plans reducing the number of units proposed to 130, increasing the setbacks to Cliff Road (eastern façade), relocating the waste collection point and amending the articulation of the built form. The amended plans are the subject of this report.

SITE

The site is a corner allotment and has a consolidated area of 5,610 square metres. The site has three frontages; 60.20m to Carlingford Road, 93.28m to Cliff Road (east) and 60.20m to Cliff Road (north). The site has a cross fall of approximately 5% from east to west. The site is approximately 400m north east of Epping Railway station and Epping Town Centre.

The subject site comprises eight allotments including regular shaped allotments and a subdivided battleaxe allotment. The allotments accommodate nine dwelling houses with ancillary carport, garages and sheds.

Properties to the east of the site have been rezoned for high density residential development of 8 storeys (26.5m). The adjoining properties to the west at Nos. 12 – 14 Carlingford Road (DA/797/2014) and Nos. 7 – 9 Cliff Road (DA/1436/2015) have been approved for five storey residential flat buildings comprising 35 and 36 units respectively.

The site forms part of the 'Cliff Road, Epping Precinct' which is bounded by Carlingford Road, Kent Street, Kent Street Reserve and Beecroft Road. A similar pattern of development approval is emerging in the precinct in line with the desired future character of the area.

PROPOSAL

The proposal is for the demolition of nine existing residential dwellings and associated structures and construction of two five storey residential flat buildings comprising 130 dwellings over one and a half levels of basement parking. Details of the residential flat development are provided below:

- Two x five storey residential flat buildings.
- The overall unit mix would consist of 57 x 1 bedroom/studio, 61 x 2 bedroom and 12 x 3 bedroom units. Each building includes two lifts which would service the units. The units also include balconies which face the front and side boundaries and the central communal open space.
- Vehicular access to the development would be via a driveway from the eastern side of Cliff Road, approximately 55 metres from the intersection with Carlingford Road. A total of 143 resident and visitor parking spaces, including 13 accessible spaces are proposed. 3 motorcycle spaces and 28 bicycle spaces would also be provided.
- 48 trees have been surveyed onsite. 46 trees are proposed to be removed both onsite and on the adjoining Council verge. T6 *Eucalyptus sideroxylon* and T14 *Eucalyptus scoparia* are recommended for retention.

ASSESSMENT

The development application has been assessed having regard to 'A Plan for Growing Sydney', the 'North Subregion (Draft) Subregional Strategy' and the matters for consideration prescribed under Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 A Plan for Growing Sydney and (Draft) North Subregional Strategy

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

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

The proposed development would be consistent with 'A Plan for Growing Sydney', by providing 121 additional dwellings and would contribute to housing choice in the locality.

2. STATUTORY CONTROLS

Section 79C(1)(a) requires Council to consider "any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations".

2.1 Hornsby Local Environmental Plan 2013

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

2.1.1 Zoning of Land and Permissibility

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

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

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

2.1.2 Height of Buildings

Clause 4.3 of the *HLEP* provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. One submission received questions the building height and height limit. The maximum permissible height for the subject site is 17.5m. The proposal complies with this provision.

2.1.3 Heritage Conservation

Clause 5.10 of the *HLEP* sets out heritage conservation provisions for Hornsby Shire. The site is located in the vicinity of Rosebank Avenue (Epping) Heritage Conservation Area. However, the proposed development would not have an impact on the heritage significance of the Heritage Conservation Area as the site does not immediately adjoin the Conservation Area. The site is separated by Cliff Road and located over 60m north of the dwellings within the Conservation Area.

One submission from a resident of Rosebank Avenue objects to the proposal and questions the heritage listing of the Rosebank Avenue Conservation Area. At its meeting on 8 October 2014, Council considered Group Manager's Report No. PL72/14 concerning submissions received to the exhibition of the draft Epping Town Centre amendments to the Hornsby Development Control Plan (HDCP) 2013. Council resolved in part to review the heritage significance of the Essex Street and Rosebank Avenue Heritage Conservation Areas in a future stage of Council's Heritage Review to follow development of the adjacent five storey residential precincts.

The application is assessed as satisfactory in this regard.

2.1.4 Earthworks

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

Council's assessment of the proposed works and excavation concludes that the proposal is satisfactory subject to conditions regarding the provision of a dilapidation report assessing the impact of the excavation on adjoining properties.

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

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

2.3 State Environmental Planning Policy No. 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 practical 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.

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

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

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

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

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

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

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

2.5.1 Design Principles

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

Principle	Compliance
1. Context	Yes
<p>Comment: The site is located within a precinct planned for five storey residential flat buildings in close proximity to Epping Railway Station and the Epping Town Centre. The proposal responds to the desired future character of the precinct as envisaged for residential flat buildings in landscaped settings with underground car parking.</p> <p>Once the development of the precinct is completed, the proposal would integrate with the surrounding sites and would be in keeping with the future urban form. The proposed</p>	

buildings would contribute to the identity and future character of the precinct.	
2. Scale	Yes
<p>Comment: The scale of the development is in accordance with the height control and generally in accordance with the setbacks for the precinct prescribed within the Hornsby DCP. Due the amalgamation of the allotments within the precinct, the building footprints exceed the maximum floorplate of 35m as prescribed within HDCP. Notwithstanding, the proposed development provides well-articulated facades with compliant, deep soil and open space areas and exceeds the separation requirement between the two buildings. The development achieves a scale consistent with the desired outcome for well-articulated buildings that are set back to incorporate landscaping, open space and separation between buildings.</p>	
3. Built Form	Yes
<p>Comment: The proposed buildings achieve an appropriate built form for the site and its purpose, in terms of building alignment, proportions, and the manipulation of building elements. The buildings would appropriately contribute to the character of the desired future streetscape and include articulation to minimise the perceived scale.</p> <p>The proposed materials and finishes would add to the visual interest of the development. Flat roof forms have been adopted with an increased top storey setback on the external facades to minimise bulk and height of the buildings as required by the Hornsby DCP.</p>	
4. Density	Yes
<p>Comment: The <i>HLEP</i> does not incorporate floor space ratio requirements for the site. One submission objects to the density of the development. The density of the development is governed by the height of the building and the required setbacks. The proposed density is considered to be sustainable as it responds to the regional context, availability of infrastructure, public transport, community facilities and environmental quality and is acceptable in terms of density.</p>	
5. Resource, Energy and Water Efficiency	Yes
<p>Comment: The applicant has submitted a BASIX Certificate for the proposed development. In achieving the required BASIX targets for sustainable water use, thermal comfort and energy efficiency, the proposed development would achieve efficient use of natural resources, energy and water throughout its full life cycle, including demolition and construction.</p>	
6. Landscape	Yes
<p>Comment: The application includes a landscape concept plan which provides landscaping along the street frontages, side boundaries and between the buildings. The proposal</p>	

includes a 5.4m x 7m deep soil landscaped area between the buildings and an 8.7m x 8.7m deep soil area between each of the building indents. The development incorporates a common open space area in excess of 500m² providing excellent amenity for future occupants.

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

7. Amenity

Yes

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

8. Safety and Security

Yes

Comment: One submission raises concerns in relation to security blind spots. The design orientates the balconies and windows of individual apartments towards the street and side boundaries, providing passive surveillance of the public domain and communal open space areas. All four pedestrian access points and the vehicular entry point are secured and visibly prominent from all frontages.

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

9. Social Dimensions and Housing Affordability

Yes

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

located in close proximity to Epping Railway Station and Epping Town Centre.

10. Aesthetics

Yes

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

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

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

Residential Flat Design Code			
Control	Proposal	Requirement	Compliance
Deep Soil Zone	1,693m ² – 30%	25%	Yes
Communal Open Space	40%	25-30%	Yes
Ground Level Private Open Space	10m ² – 64m ²	25m ²	Yes – see discussion
	Min Dimension 2.5m – 3.5m	Min Dimension 4m	No
Minimum Dwelling Size	1 br – 50m ² – 63m ²	1 br – 50m ²	Yes
	2 br – 75m ² - 89m ²	2 br – 70m ²	Yes
	3 br – 97m ² - 106m ²	3 br – 95m ²	Yes
Maximum Kitchen Distance	8m	8m	Yes

Minimum Balcony Depth	2m	2m	Yes
Minimum Ceiling Height	2.7m	2.7m	Yes
Total Storage Area	1 bed - 6m ³ (Min) 2 bed - 8m ³ (Min) 3 bed - 10m ³ 50% accessible from the apartments	1 bed - 6m ³ (Min) 2 bed - 8m ³ (Min) 3 bed - 10m ³ (Min) 50% accessible from the apartments	Yes Yes Yes Yes
Dual Aspect and Cross Ventilation	67% - 87 units	60%	Yes
Adaptable Housing	30%	10%	Yes

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

2.6.1 Ground Floor Apartments and Private Open Space

The proposal does not comply with the Code's best practice for the 4 metre minimum width dimension to the ground level private open space. The non-compliance is in response to the requirement of the *HDCP* for a 7m common landscaped area fronting the Carlingford Road and Cliff Road providing a landscape setting for the development. The development also provides an increased landscaped area 7m in width along the eastern side of the site. Ground floor units 007, 005, 009, 010, 015, 019 and 020 provide private open space areas in excess of that required. The proposed ground floor terraces and balconies are considered appropriate for the respective ground floor units in respect to dwelling size, aspect, unit configuration and amenity.

2.6.2 Apartment Layout

The proposed development includes a mix of single aspect, corner and cross-over units including one, two and three bedroom apartments. The majority of units would be well ventilated and some corner units would be provided with dual aspect balconies. The *RFDC* requires that not more than 10% of apartments be south facing single aspect units. The proposal complies with this requirement.

In relation to the unit sizes proposed, the original plans did not meet the requirements of *the Code*. The Apartment Design Guide (ADG) came into effect on 19 June 2015 and provides design criteria and general guidance about how development proposals can achieve the nine design quality principles identified in SEPP 65. The ADG replaces the Code. In this regard,

although the ADG does not apply to this application and given the replacement of the *Code* requirements with smaller unit sizes, the applicant provided amended plans demonstrating that all units comply with the requirements of the ADG in terms of unit size and width.

Unit numbers 12 and 22 are noted as being adaptable units. However, the proposed access point to the outdoor terrace areas of the units leads to the narrowest point of the terraces. This area has a width of approximately 1m and is not sufficient to turn a wheel chair to access the main terrace space. Accordingly, a condition of consent is included in Schedule 1 requiring the relocation or provision of additional doors leading directly to the main outdoor space.

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

2.6.3 Internal Circulation

The proposed development includes access to all floors via a lift. The internal corridors meet the *Code*'s requirements for the number of units accessed (up to 8) and design for amenity. The ground floor foyers of each building would also provide direct, level access to communal open space area between the buildings.

The proposal complies with the requirements of the *RFDC* with regard to internal circulation.

2.6.4 Acoustic

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

2.6.5 Storage

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

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

2.7 State Environmental Planning Policy (Infrastructure) 2007

The application has been assessed against the requirements of *State Environmental Planning Policy (Infrastructure) 2007*. This Policy contains State-wide planning controls for

developments adjoining busy roads. The development is located immediately adjoining a classified road corridor (Carlingford Road) and the following matters have been considered in this regard:

2.7.1 Development with Frontage to a Classified Road

The proposal has been assessed against the requirements of Clause 101 of *SEPP (Infrastructure)* as the site has a frontage to Carlingford Road. The proposed development was referred to the NSW Roads and Maritime Services (RMS) for concurrence under Section 138 of the *Roads Act 1993*. There is no vehicular access proposed to the site from Carlingford Road. The RMS did not raise any objections to the proposal subject to compliance with the conditions of consent included in Schedule 1 of this report.

2.7.1.1 Impact of Vehicle Emission

The proposed development would have frontages to Carlingford Road and the impact of vehicle emission on the development is required to be considered.

The current improvements on the site include dwelling houses that are impacted upon by vehicle emission and airborne dust particles due to the current traffic flow. The rezoning of the land to R4 High Density Residential pursuant *State Environmental Planning Policy (Epping Town Centre) 2013* has been the subject of consultation with the RMS and endorsed by the Department of Planning, who has not raised concern with regard to air quality in this area. The proposed development includes setbacks, landscaping, deep soil zones generally in accordance with the requirements of the *HDCP* which would ameliorate the impacts of noise and emissions. The proposed development would result in the net increase of 12 to 18 vehicle trips per hour in the morning and afternoon peaks respectively and therefore, the additional impact due to vehicle emission would be negligible.

As such, the design of the development responds to the site context, being in the vicinity of Carlingford Road and is designed in accordance with the recommendations with the document “*Development Near Rail Corridors and Busy Roads – Interim Guidelines 2008*”. This includes setbacks, landscaping and deep soil zones that would ameliorate the impacts of noise and emission related impacts.

The application is assessed as satisfactory in this regard.

2.7.2 Impact of Noise

The application includes an Acoustic Report which provides details of construction techniques and measures to attenuate road noise and vibration and concludes that the development would not exceed the specified noise criteria and LA_{eq} levels within Clause 102 of the *SEPP (Infrastructure)* subject to adherence to the recommendations. The report has been assessed as satisfactory.

The Construction Certificate Plans would be required to demonstrate compliance with the recommendations of the acoustic report via use of appropriate materials for glazing and construction.

2.7.3 Traffic Generating Development

The development is not classified as a Traffic Generating Development in accordance with Clause 104 and Schedule 3 of *SEPP (Infrastructure)* as it would not result in more than 75 dwellings fronting a classified road. No objections have been raised by RMS with regard to traffic generation.

The proposal is considered acceptable in relation to the provisions of *SEPP (Infrastructure)*.

2.7.4 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

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

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

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

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

2.9 Hornsby Development Control Plan 2013

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

Hornsby Development Control Plan 2013			
Control	Proposal	Requirement	Compliance
Site Width	93.28m – Cliff Road (Eastern Frontage)	30m	Yes

	60.20m – Carlingford Road 60.20m – Cliff Road (Northern Frontage)		
Height	5 storeys – 16.1m – 17.5	5 storeys – 17.5m	Yes
Maximum Floorplate Dimension	48.21m (east – west) 32m (north – south)	35m	No
Building Indentation	Carlingford Rd – Southern Façade – 8.75m x 8.67m Cliff Rd – Northern façade – 8.75m x 8.67m Cliff Road – Eastern façade – 3.8m x 2m – 4m Western façade – 3.8m x 2m – 4m	4m x 4m 4m x 4m 4m x 4m 4m x 4m	Yes Yes No No
Height of Basement Above Ground	0m	1m (max)	Yes
Front Setback – Cliff Road	Cliff Road (Northern Frontage) 10m 8m for 15.5m of building length	10m 8m for 1/3 of building length 16m (1/3 of 48.21m)	Yes Yes

Front Setback – Carlingford Road	Carlingford Road		
	10m 8m for 15.5m of building length	10m 8m for 1/3 of building length 16m (1/3 of 48.21m)	Yes Yes
Side Setback – East (Cliff Road)	Buildings A and B		
	8m 6m for 10m of building length	6m 4m for 1/3 of building length 10.66m (1/3 of 32)	Yes Yes
Side – West	Building A and B		
	6m 4m for 8m building length	6m 4m for 1/3 of building length 10.66m (1/3 of 32)	Yes Yes
Top Storey Setback from Ground Floor	1m – 3m	3m	No
Underground Parking Setback	7m – Carlingford Rd	7m-front	Yes
	7m – Cliff Rd	7m-front	Yes
	4 m-side (east)	4m-side (east)	Yes
	4m-side (west)	4m-side (west)	Yes
Deep Soil Landscaped Areas	7m- Carlingford Road - front	7m-front	Yes
	4m Cliff Road - front	7m - front	Yes
		4m sides	Yes

	4m-side (east) 4-side (west)	4m sides	Yes
Private Open Space	1b – 10m ²	10m ²	Yes
	2b - 12m ²	12m ²	Yes
	3b – U407, U419 - 11m ²	16m ²	No
Communal Open Space with Minimum Dimensions 4m	40% - >500m ²	25% 50m ² useable space	Yes Yes
Parking	124 resident spaces	122 resident spaces	Yes
	19 visitor spaces	19 visitor spaces	Yes
	30 bicycle racks	26 bicycle racks	Yes
	14 visitor bicycle racks	13 visitor bicycle racks	Yes
	3 motorbike spaces	3 motorbike spaces	Yes
	13 accessible spaces	13 accessible spaces	Yes
Solar Access	67% - 87 units	70%	No
Cross Ventilation	67% - 87 units	60%	Yes
Housing Choice	1 bedroom – 57 units - 43% 2 bedroom – 61 units - 47% 3 bedroom – 12 units - 10%	10% of each type	Yes
Adaptable Units	39 units - 30%	30%	Yes

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

2.9.1 Desired Future Character

The proposed five storey residential flat development would be sited within the Cliff Road, Epping precinct in accordance with required key principles for the precinct, namely for well-articulated residential flat buildings of varying heights in garden settings with basement car parking.

The elevations of each building indicate a variety of materials including metal cladding, face brickwork, rendered and painted brickwork and timber cladding in a natural colour palette including brown, white, charcoal and grey. The balconies include a combination of natural coloured concrete or glass balustrades, some including fixed metal louvres. The design of the building is in keeping with the desired future character of the area.

2.9.2 Height

The application complies with the height requirement of 17.5m as per *HDCP*. One submission raises concerns in relation to the basement height above ground, suggesting it is 3m. The basement does not protrude above ground level. The submission also questions the inclusion of the proposed mezzanine and whether this is considered as a six storey. The mezzanine floor incorporated within the 5th storey is limited to a third of the floor space of each unit below. This complies with the definition of a mezzanine as per the Building Code of Australia (BCA) and is not considered an additional storey. The proposal is acceptable in terms of the height requirements of *HLEP* and *HDCP*.

2.9.3 Site Requirements

The *HDCP* requires sites to have a minimum frontage of 30 metres. The subject site has a frontage of 60.20m to Carlingford Road, 93.28m to Cliff Road (east) and 60.20m to Cliff Road (north) and complies with this requirement. The proposal involves the amalgamation of the remaining allotments in the eastern section of the precinct. The proposed development would not result in an isolated site or compromise development in accordance with the *HDCP*.

2.9.4 Setbacks

Sites with more than one frontage

The *HDCP* prescribes that for buildings with a corner frontage, front and rear boundary setbacks should apply to the shorter street frontage. The subject site has three frontages; 60.20m to Carlingford Road, 93.28m to Cliff Road (east) and 60.20m to Cliff Road (north).

The proposed setback configuration provides front setbacks to Carlingford Road and Cliff Road (northern façade) which are the shorter frontages. In addition, the application includes an increased setback of 6m – 8m from Cliff Road (eastern façade). This provides an improved setting for the built form which would be in a prominent corner location. This generous setback allows for greater acoustic privacy and establishment of canopy trees in the setback.

Top floor Setback

The *HDCP* requires 5 storey residential flat buildings to incorporate a 3m additional setback for the top storey on all elevations. The majority of the development complies with the top storey setback requirement except for the sections adjoining the building indentations on the eastern and western facades of each building.

The non-compliance with the top storey setback relates to minor sections of the buildings when compared to the overall scale of the development. These sections of the buildings have a setback of 10m from the boundary on the eastern façade and 8m on the western façade. Notwithstanding the non-compliances, the building appears as two pavilions, accentuated by the roof form. As the facades provide a balanced juxtaposition of horizontal and vertical blade elements, interesting fenestration and wrap around balconies, the overall built-form is considered to be well articulated.

2.9.5 Built Form and Separation

Building Indentation

The proposal does not include indents of 4m x 4m which strictly comply with the requirements of the *HDCP* on the eastern or western facades. Notwithstanding, the indents on the northern and southern facades are in excess of that required by the *HDCP* creating the appearance of two separate built forms. All facades also include vertical articulation of the built form which breaks the perceived bulk of the development. In conclusion, although the indents do not strictly comply with the numerical requirements, the buildings proposed include appropriate articulation, through the chosen materials, balcony placement and vertical definition. The eastern façade also incorporates an increased setback from the road allowing for additional landscaping to complement the built form.

Floorplates

The subject site comprises eight allotments with three road frontages and involves the amalgamation of the remaining allotments to the east of the precinct. A building footprint 48.21m in length is proposed at the mid-point of both buildings, which does not comply with the maximum floorplate of 35m prescribed within the *Hornsby DCP*. The proposal incorporates an 8.75m x 8.67m building indentation on each building to achieve the appearance of two separate building pavilions. The development includes sufficient articulation, varied use of materials and wrap-around balconies to break up the perceived bulk and scale of the buildings. The building is setback from all road frontages and includes sufficient deep soil areas to ensure the establishment of canopy trees which will soften the appearance of the buildings. The development achieves a scale consistent with the desired future character of the precinct of residential flat buildings in landscape settings with underground car parking in accordance with the desired outcomes of the *HDCP*.

Separation

Level 4 of the building (in part) is setback less than 9m from the boundary on the western and side elevation. This applies to units Nos. 412 and 424. Both units are orientated toward the central communal open space area as opposed to the side boundaries and adjoining developments. The internal separation between the two buildings is 20.90m which is in excess of the requirements of *HDCP*. The balconies of both units extend to 4m from the

boundary. Notwithstanding, the approved development (DA/797/2014) at Nos. 12 – 14 Carlingford Road includes screened balconies approximately 8m from the adjoining boundary. Accordingly no additional screening would be required for the balcony of unit No. 412.

However, unit No. 424 would front the approved adjoining development (DA/1436/2014) at Nos. 7 – 9 Cliff Road. This includes a balcony setback 6.61m from the boundary. Accordingly, the living room of unit No. 424 is to include a highlight window and the balcony area adjoining the western boundary is to be non-trafficable. Subject to compliance with recommended conditions, the proposal is acceptable in terms of building separation.

2.9.6 Landscaping

The proposal complies with the landscape and deep soil provisions within the *HDGP*. The extent of hard stand areas proposed is considered to be minimal, as provision has been made for deep soil areas to accommodate mature canopy trees, provide street trees and achieve a soft landscape setting around the built form. The landscape design incorporates screen planting around all ground floor units.

2.9.7 Open Space

The proposed private open space areas generally comply with the prescriptive area requirements, include a range of layouts with access off living areas and would provide for a range of outdoor activities. All units comply with the minimum open space areas prescribed by the *HDGP* with the exception of unit Nos. 407 and 419.

The proposed communal open space, located between the two buildings, provides an area in excess of that required. (*HDGP* requires 50m² of useable area, the proposal provides more than 500m²). The accompanying landscape plan indicates that the space would be activated through the provision of seating, pergolas and BBQs directly accessible from all four lobby areas.

Unit Nos. 407 and 419 include a shortfall of 1m² from the minimum requirement. It is considered that the provision of excellent communal open space within the development would insure that the amenity of the future residents is catered for despite the minor shortfall in private open space area. The proposal is acceptable in this regard and generally complies with the prescriptive area requirements of the *HDGP* and is assessed as satisfactory.

2.9.8 Privacy and Security

The proposed development is appropriately designed for privacy with the majority of units having an external outlook. There is a 9m -15m separation between the buildings which is in excess of the requirement. Appropriate privacy mitigation measures including privacy screens on balconies and highlight windows have been implemented on the façades where the building separation is less than the minimum 12 metres as required by the *RFDC*.

The proposed development would provide for casual surveillance of the public domain and communal open space areas. Appropriate conditions are recommended for security access and crime prevention.

Subject to conditions, the proposal complies with the requirements of the *HDGP*.

2.9.9 Sunlight and Ventilation

HDCP requires that at least 70% of dwellings should receive 2 or more hours of sunlight to the living room windows and private open space. The proposal includes 87 units (67%) which would receive solar access. This does not comply with the requirements of *HDCP*.

Due to the amalgamation of the allotments, two buildings have been provided onsite with extended floorplates. The applicant has also provided an increased setback to Cliff Road to address the streetscape and provide appropriate siting of the development. The proposal also includes a common open space area in excess of 500m² to the centre of the site.

The approved building envelopes of the adjoining developments to the west have been used to project the future shadow of the buildings. As a result of this and the irregular amalgamation of the allotments, the proposal does not comply with the solar access requirements of the *RFDC* or *HDCP*. Two hours of solar access would be required to reach 4 additional units in order to comply with the requirements. Due to the constrained nature of the site, the provision of compliant unit sizes with effective cross ventilation and amenity, coupled with the provision of common open space in excess of that required, the minor variation in the provision of solar access is considered acceptable in this case.

2.9.10 Housing Choice

The proposed buildings include a mix of one, two and three bedroom units that range in size and style. The proposal is for 57 x 1 bed, 61 x 2 bed and 12 x 3 bed units. The proposed housing mix complies with the *HDCP* requirement for at least 10% of each dwelling type. Adaptable dwellings comply with the 30% requirement of the *HDCP*.

2.9.11 Vehicular Access and Parking

Vehicle access to the development is proposed via driveway from the eastern side of Cliff Road, approximately 55 metres from the intersection with Carlingford Road. The proposal includes 143 car parking spaces to be utilised by residents and visitors, 44 bicycle racks, and 3 motorbike spaces. One submission raises concerns in relation to the provision of parking spaces for future residents and visitors. Under the provisions of Part 1 of *HDCP*, 122 resident spaces and 19 visitor spaces are required. The proposal exceeds this requirement and is acceptable in terms of parking provision.

The development also includes access for a Small Rigid Vehicle (SRV) for waste collection. The truck would reverse into the site, park on the proposed loading bay next to the driveway while servicing the bins and leave the site in a forward motion. Vehicle turning paths have been provided confirming that the truck would be able to do this.

One submission questions the location of the vehicular access provision for the development which is clarified above. The proposal is considered acceptable in terms of vehicle access and parking provision.

2.9.12 Waste Management

Waste Management Plans (WMP) covering the Use and On-going Management has been provided.

The site would require 14 x 660 L garbage bins serviced twice weekly, 30 x 240 L recycling bins serviced weekly and 2 x 1100 L paper/cardboard bin for flattened removalist boxes etc.

The waste facilities on all residential levels consist of a garbage chute and a recycling bin in a cupboard which is accessible by persons with a disability. Each garbage chute terminates in a garbage room on the lower ground level with each carousel fitted with 4 x 660 L bins.

Each bin room at the basement level has sufficient space for the 4 x 660 L bin carousel, a spare 660 L garbage bin and spare 240 L recycling bins. Separate storage space has been provided for one 1100 L paper/cardboard bin and the bin tug.

The proposed waste management system would require the Small Rigid Vehicle (SRV) waste collection vehicle to reverse into the site and remove waste from the bin storage room located at ground level.

The proposed system would also require a site caretaker to transfer the bins with a motorised trolley or similar via a bin carting route from the basement and vehicular ramp to the ground floor bin collection area.

The proposed waste management system is satisfactory in respect to the *HDCCP* controls subject to recommended conditions.

2.10 Section 94 Contributions Plans

Hornsby Shire Council Section 94 Contributions Plan 2012-2021 applies to the development as it would result in 121 additional residential dwellings in lieu of the nine existing residences. Accordingly, the requirement for a monetary Section 94 contribution is recommended as a condition of consent.

3. ENVIRONMENTAL IMPACTS

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

3.1 Natural Environment

3.1.1 Tree and Vegetation Preservation

The application is accompanied by an arborist report prepared by Victor John Molyneaux, dated 10 May 2015. 48 trees have been surveyed onsite. 46 trees are proposed to be removed both onsite and on the adjoining Council verge. T6 *Eucalyptus sideroxylon* and T14 *Eucalyptus scoparia* located on the Cliff Road nature strip are recommended for retention.

Three of the trees to be removed are indigenous to the shire including; *ceratopetalum gummiferum*, *leptospermum petersonii* and *pittosporum undulatum*. These trees are effected by poor health and decay, poor form and thin foliage. No objections are raised to the removal of the trees. Conditions of consent are included in Schedule 1 requiring additional planting onsite in the form of six *eucalyptus heamastoma* (scribbly gum). The conditions are also recommended for additional street planting along Cliff Road including brushbox and native ground coverings.

The application is supported by a landscape plan and appropriate planting is recommended including canopy trees in keeping with the desired future character of the area.

3.1.2 Stormwater Management

The application proposes to dispose of stormwater from the development by a stormwater and infiltration system via an in-ground on-site detention (OSD) tank with a storage capacity of 91m³ to control the discharge of water from the site. The OSD tank would be located under the driveway on the eastern side of the site, which would connect to the existing drainage system located on Cliff Road.

The stormwater concept plan incorporates a water quality treatment system by proposing 4 x stormwater filter cartridges within the detention tank. The details of the system and the associated MUSIC model, prepared by an accredited person, have been submitted and assessed as satisfactory by Council, subject to the implementation of recommended conditions of consent.

3.2 Built Environment

3.2.1 Built Form

The proposed buildings would be located within a precinct identified with a future character of residential flat buildings of varying heights in garden settings with parking in basements. The built form would be consistent with the desired future character of the precinct.

3.2.2 Traffic

The Traffic Impact Assessment (TIA) submitted with the proposal has estimated traffic generation of the existing site and proposed development using Roads and Maritime Services (RMS) traffic generation rates. The nett traffic generation would be 12 to 18 vehicle trips per hour in the morning and afternoon peaks respectively. This is negligible when compared with the traffic volumes on the adjacent road network for this development alone.

Seven submissions raise concerns relating to traffic impact and congestion in the area as a result of the proposal. One submission suggested the extension of Carlingford Road by an additional two lanes.

The cumulative traffic impacts of all sites earmarked for redevelopment in the precinct will be significant. The cumulative impact has been considered in the strategic transport model for Epping Town Centre Urban Activation Precinct. The NSW Government has committed funding to address short term (to 2016) regional traffic growth. The traffic study acknowledges that although the works identified would assist traffic flows, strategies to manage demand by reducing car usage will be more critical than strategies to increase capacity of existing roads.

The NSW Government has committed over \$16 million in funds to address regional traffic growth to assist traffic flows. Planned works include realignment of the Essex Street / Epping Road intersection, realignment of the Beecroft Road / Carlingford Road intersection and widening of the bridge over the railway line.

In this regard, Council's engineering assessment of the traffic impacts of the development concludes that the proposal is satisfactory.

3.3 Social Impacts

The residential development would improve housing choice in the locality by providing a range of house hold types. This is consistent with Council's Housing Strategy which identifies the need to provide a mix of housing options to meet future demographic needs in Hornsby Shire.

The location of the development is in close proximity to Epping Railway station and Epping town Centre which would provide a mix of recreational, health and education facilities for future residents.

3.4 Economic Impacts

The proposal would have a minor positive impact on the local economy via employment generation during construction and by generating an increase in demand for local services following completion of the development.

4. SITE SUITABILITY

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

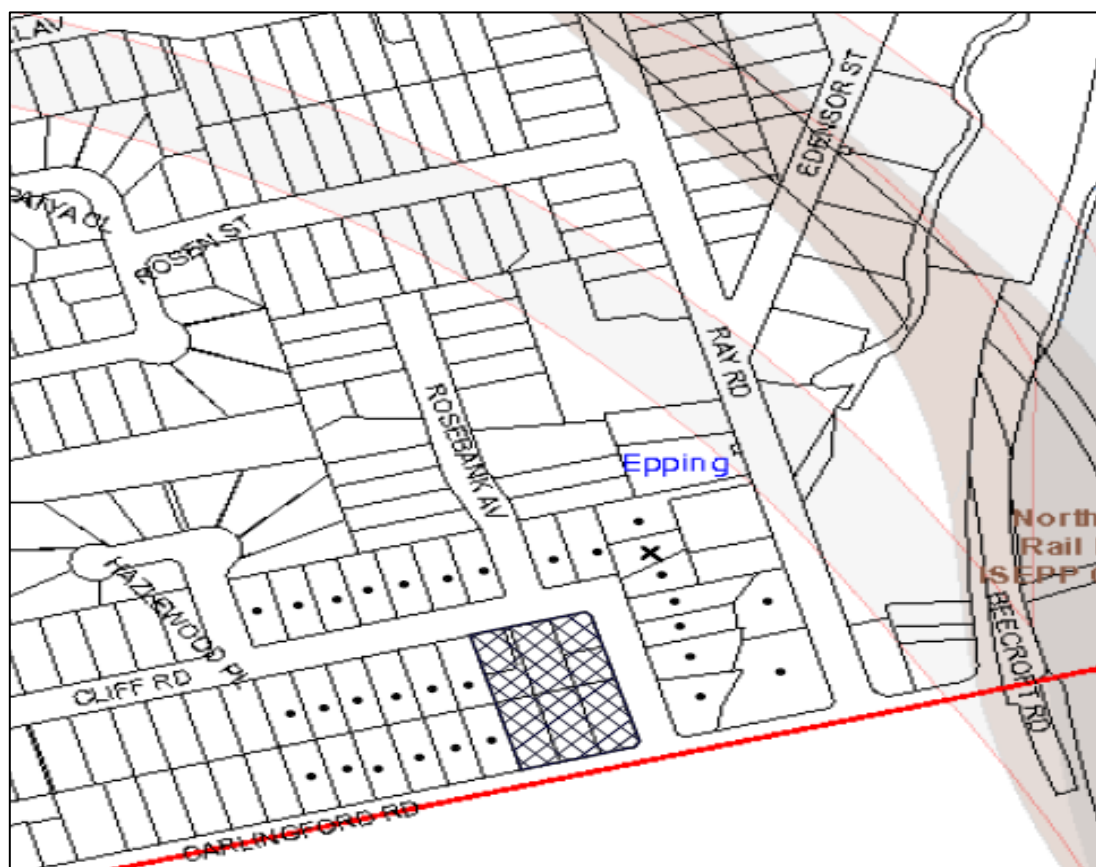
The subject site has not been identified as bushfire prone or flood prone land. The site is considered to be capable of accommodating the proposed development. The scale of the proposed development is consistent with the capability of the site and is considered acceptable.

5. PUBLIC PARTICIPATION



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

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 15 June and 1 July 2015 in accordance with the Notification and Exhibition requirements of the *HDCA*. During this period, Council received nine submissions, two from the same property owner. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	 PROPERTY SUBJECT OF DEVELOPMENT	
Eight submissions were received out of map range.			

Nine submissions (two from the same property owner) objected to the development, generally on the following grounds:

5.1.1 Zoning and Local Infrastructure

Seven submissions object to the proposal on the basis that the development would put increased pressure on local infrastructure such as schools, parks and road networks. The submissions also object to the future character of the area, the density of the developments and the close proximity to the Rosebank Heritage Conservation Area.

As noted earlier, on 14 March 2014 the Department of Planning and Environment finalised amendments to the HELP 2013 to implement the Epping Urban Activation Plan via *State Environmental Planning Policy (Epping Town Centre) 2013* ("the SEPP Amendment").

The Epping Town Centre amendments to the *HLEP 2013* involved rezoning of low density residential areas for the purpose of medium to high density residential and mixed use developments. The site is within the Cliff Road Epping Precinct which was rezoned to R4 (High Density Residential) to permit five storey residential buildings. Accordingly the proposed development is in keeping with the zoning of the area and the desired future outcome of the precinct as per *HDGP 2013*.

5.1.2 Traffic

As discussed in Section 3.2.2 above, seven submissions relate to traffic congestion arising as a result of the development. The cumulative impact has been considered in the strategic transport model for Epping Town Centre Urban Activation Precinct (ETCUAP). The NSW Government has committed funding to address short term (to 2016) regional traffic growth. The proposal is acceptable in terms of the expected traffic generation.

5.1.3 Parking

Two submissions relate to parking provision for the future occupants of the proposed development. Parking would be provided within two levels of basement parking and exceeds the requirements of *HDGP*. The site is also within 800m of Epping Train Station which would provide travel services to residents. The proposed parking provision has been discussed in Section 2.9.11 above and is considered acceptable for the proposal.

5.1.4 Building Height

One submission objects to the height of the building. The site is within a precinct zoned for five storey residential buildings 17.5m in height within landscape settings. The proposal complies with this requirement and is acceptable in terms of building height. This has been discussed in detail in Sections 2.1.2 and 2.9.2 above.

5.1.5 Density

One submission objects to the density of the development. The density of the development is governed by the height of the building and the required setbacks. The proposal complies with these requirements. This has been discussed in Section 2.5.1(4) above.

5.1.6 Safety and Security

One submission raises concerns in relation to security blind spots within the development. The application address '*Crime Prevention Through Environmental Design Principles (CPTED)*' within the submitted Statement of Environmental Impacts. The statement indicates that the proposal would implement design and operational measures to ensure safety and security for future residents. These measures include;

- Appropriate lighting throughout the site ensuring all common spaces are illuminated;

- Living rooms and balconies face the common open space, street and pedestrian entry ways to encourage passive observation;
- Landscaping around entrances would be low in height to ensure the view to and from entranceways are not obscured.

This has also been discussed in Section 2.5.1(8) above. Subject to compliance with the recommended conditions of consent, no further concerns are raised in relation to safety and security.

5.2 Public Agencies

As discussed under Section 2.4 above, the development application was referred to the *Roads and Maritime Services* for comment pursuant to the provisions of Section 138 of the Roads Act 1993. No objections were raised subject to recommended conditions of consent.

6. THE PUBLIC INTEREST

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

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

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

CONCLUSION

The application seeks approval for the demolition of existing structures and construction of a five storey residential flat development comprising 130 units and basement car parking.

The proposed development is generally in accordance with the development controls for the ‘Cliff Road, Epping’ Precinct of the *HDCP* and would contribute to the future desired five storey residential character of the precinct. The proposal complies with the design principles of *SEPP 65* and the *Residential Flat Design Code*.

The proposal would result in a development that would be in keeping with the desired future character of the precinct. Approval of the application is recommended.

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

SCHEDULE 1

GENERAL CONDITIONS

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

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

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

1. Approved Plans and Supporting Documentation

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

Plan No.	Plan Title	Drawn by	Dated
DA0098 – Rev. 2	Basement 02	Plus Architecture	18/9/2015
DA0099 – Rev. 2	Basement 01	Plus Architecture	18/9/2015
DA0100 – Rev. 3	Ground Floor Plan	Plus Architecture	18/9/2015
DA0101 – Rev. 2	Level 01	Plus Architecture	18/9/2015
DA0102 – Rev. 2	Level 02	Plus Architecture	18/9/2015
DA0103 – Rev. 2	Level 03	Plus Architecture	18/9/2015
DA0104 – Rev. 2	Level 04	Plus Architecture	18/9/2015
DA0105 – Rev. 2	Level 04 Mezzanine	Plus Architecture	18/9/2015
DA0106 – Rev. 2	Roof Plan	Plus Architecture	18/9/2015
DA0200 – Rev. 2	North and South Elevation	Plus Architecture	18/9/2015
DA0201 – Rev. 2	East and West Elevation	Plus Architecture	18/9/2015
DA0202 – Rev. 2	Internal Elevations	Plus Architecture	18/9/2015
DA0220 – Rev. 2	Section A	Plus Architecture	18/9/2015
DA0221 – Rev.2	Section B and C	Plus Architecture	18/9/2015

Acoustic Report	-	Wood and Grieve Engineers	13/5/2015
Arboricultural Impact Assessment and Arboricultural Method Statement with Tree Management Plan	-	Victor John Molyneaux	10/5/2015
103 – Issue 3	Landscape Master Plan	Arcadia Landscape Architecture	14/09/2015
104 – Issue 3	Precedents	Arcadia Landscape Architecture	14/09/2015
105 – Issue 3	Detail Plan	Arcadia Landscape Architecture	14/09/2015
106 – Issue 3	Landscape Sections	Arcadia Landscape Architecture	14/09/2015
107 – Issue 3	Planting Palette	Arcadia Landscape Architecture	14/09/2015
108 – Issue 3	Planting Schedule	Arcadia Landscape Architecture	14/09/2015
109 – Issue 3	Softworks Plan	Arcadia Landscape Architecture	14/09/2015
110 – Issue 3	Details	Arcadia Landscape Architecture	14/09/2015
D01 – D02 – Rev. B	Civil Services Concept Stormwater Layout	Wood and Grieve Engineering Ltd	16/9/2015
ES01 – ES02 – Rev. B	Civil Services Erosion and Sediment Plan	Wood and Grieve Engineering Ltd	16/9/2015

Supporting Documentation

Document Title.	Prepared by	Dated
Survey Plan – 5508-DET	Usher & Company	17/4/2015
Survey Plan – Ref. 1987-14 DET	C & A Surveyors NSW P/L	27/11/2015
Cover Sheet	Plus Architecture	18/9/2015
BASIX Certificate No. 610321M_04	Wood and Grieve Engineers	17/9/2015

Geotechnical Assessment and visual contamination inspection	JK Geotechnics	28/5/2015
Traffic Impact Assessment	Traffix	13/5/2015
Waste Management Plan	Elephants Foot	11/5/2015
Statement of Compliance Access for People with a Disability	Accessible Building Solutions	12/5/2015
SEPP 65 – Design Statement	Plus Architecture	-
Photomontage	Plus Architecture	18/9/2015
Perspectives 1 – 3	Plus Architecture	18/9/2015

2. Removal of Trees

- a) This development consent permits the removal of tree(s) numbered 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 & 48 as identified in Section 1, Table 2 (Recommended Outcomes) contained in the Aboricultural Impact Assessment prepared by Victor John Molyneaux, dated 10 May 2015.
- b) The removal of any other trees from the site requires separate approval by Council in accordance with Part 1B.6 Tree and Vegetation Preservation of the Hornsby Development Control Plan, 2013 (HDCP).

3. Amendment of Plans

The approved plans are to be amended as follows:

- a) The approved level floor plan is to be amended as marked in red to include a highlight window in the living room of unit no. 424 orientated towards the western boundary. The balcony area as marked in red is to be non-trafficable.
- b) To allow for accessible access, double doors/sliding doors to the terrace areas of unit Nos. 12 and 22 are to be provided as marked in red on the approved plans.

4. Construction Certificate

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

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

5. Section 94 Development Contributions

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

Description	Contribution (4)
Roads	\$88,494.30
Open Space and Recreation	\$1,377,047.85
Community Facilities	\$192,014
Plan Preparation and Administration	\$5,673
TOTAL	\$1,663,229.15

being for 57 x 1bedroom, 61 x 2 bedroom and 12 x 3 bedroom units with a credit of 9 dwellings.

- b) The value of this contribution is current as at 22 October 2015. If the contributions are not paid within the financial quarter that this condition was generated, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 94 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

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

Where:

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

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

- 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.

6. Stormwater Drainage

The stormwater drainage system for the development must be designed and constructed for an average recurrence interval of 20 years and be gravity drained via an onsite detention and water quality treatment systems to the following requirements:

- a) Connected to an existing Council Pit in the street.
- b) Be designed by a Chartered Professional Civil/ Hydraulic Engineer of the Institution of Engineers, Australia.

7. On Site Stormwater Detention

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

- a) Storage capacity to accommodate volume from up to 20 years ARI (average recurrence interval) storms and a maximum discharge (when full) limited to 5 years pre development rate.
- b) Have a surcharge/inspection grate located directly above the outlet. Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.
- c) Where above ground system is proposed and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs to be installed
- d) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.
- e) Detail calculations are to be shown in construction certificate plan.

8. Water Quality/Bio Retention System

- a) Stormwater discharging from the development site is to be treated to achieve the quality specified in Council's Development Control Plan 2012 (table 1C.1.2(b) Urban Stormwater Quality Targets).
- b) Prior to occupation of the premises, a Chartered Civil/Hydraulic Engineer of the Institution of Engineers, Australia is to certify that works have been completed in accordance with the approved construction plan and the measures will achieve the targets specified in the condition.

9. Vehicular Crossing

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

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

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

10. Internal Driveway/Vehicular Areas

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

- a) Design levels at the front boundary must be obtained from Council;
- b) The driveway must be a rigid pavement;

11. Footpath

The existing concrete footpath is to be removed and new one constructed along the full frontage (both Carlingford Road and Cliff Road) of the subject site in accordance Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

- a) The land adjoining the footpath to be fully turfed.
- b) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority
- c) A construction certificate application is to be submitted to Council.

12. Road Works

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

- a) The existing kerb and gutter fronting the development (both Carlingford and Cliff Roads) and is to be removed and a new kerb and gutter is to be constructed with necessary pedestrian ramps.
- b) The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the bitumen and reconstructed for kerb and gutter construction works.
- c) The submission of a compaction certificate from a geotechnical engineer for any fill within road reserves, and all road sub-grade and road pavement materials.
- d) No work is to commence within the road reserve until approval under Section 138 of the Roads Act is obtained from Hornsby Shire Council. In this regard a construction certificate application is to be submitted to Council.

All works along Carlingford Road are to be constructed to the requirements of Roads and Maritime Services (RMS) department. Approved stamped plans from the department are to be submitted to Council for issue of a construction certificate. Road occupancy permit is to be obtained from the department to carry out the works.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE
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13. Building Code of Australia

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

14. 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.

15. Notification of Home Building Act, 1989 Requirements

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

- a) In the case of work for which a principal contractor is required to be appointed:
 - i) The name and licence number of the principal contractor; and

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

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

16. Noise

The development must be carried out in accordance with the recommendations contained within the Acoustic Noise and Vibration Report prepared by Acoustic Noise and Vibration Solutions Pty Ltd dated 6/05/2015 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).

17. 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.

18. Dilapidation Report

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of the adjoining northern property at No. 7 Cliff Road and No. 12 Carlingford Road Epping.

19. Letter Boxes/Acoustics

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

- a) The letter boxes must be located at least two metres from the property boundaries.

- b) The recommendations within the Acoustic Report prepared by Wood and Grieves Engineers dated 13/05/2015 must be incorporated.
- c) 11 additional bicycle parking spaces are to be provided. The spaces are to be designed in accordance with AS 2890.3-1993 *Bicycle parking facilities*

20. Storage

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

21. Traffic Control Plan and Construction Management Plan

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

- a) Arrangements for public notification of the works;
- b) Temporary construction signage;
- c) Permanent post-construction signage;
- d) Vehicle movement plans;
- e) Traffic management plans;
- f) Pedestrian and cyclist access/safety.

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

22. Construction Management Plan

- a) A Construction Management Plan (CMP), prepared by a suitably qualified consultant, must be submitted for approval by Council. The CMP must include, but not be limited to, details of the following:
 - i) Noise attenuation measures be implemented along the eastern boundary of the site including a hoarding height not less than 3m from the existing ground level;
 - ii) During excavation works, rock removal must be undertaken by sawing instead of rock hammering, wherever practicable;
 - iii) The construction works must be undertaken in accordance with the "Interim Construction Noise Guidelines – 2009" published by DECCW and achieve compliance with the relevant noise levels; and

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

23. Construction Traffic Management Plan

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

- c) Site location,
- d) Scope of works,
- e) Order of construction works,
- f) Identification of traffic hazards during all stages of work,
- g) Identification of potential risks during all stages of works,
- h) A map of the State and local roads in the proximity of the development ,
- i) A map of truck routes to and from the development site during all stages of works,
- j) A map of existing parking restrictions in the proximity of the development,
- k) Hours of operation,
- l) Frequency of truck movements on a daily basis during all stages of works,
- m) A map of the access arrangements onto the development site during all stages of works,
- n) Swept path diagrams,
- o) Consideration of Work Zones for the development site,
- p) Consideration of mobile crane movements,
- q) Location of temporary hoardings, fencing or awning,
- r) Pedestrian and cyclist access and safety.

24. 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.

25. 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) The bulky waste storage area internal dimensions must be increased from 3.8 m by 1.6 m to 5.0 m by 1.6 m and the door between the bulky waste area and the bin collection area must be changed to outward opening, that is, the door is to swing out into the bin collection room.
- c) Except for the walls around the bulky waste area, the internal walls in the waste collection area are to be deleted.
- d) The waste facilities on each residential level must be accessible by persons with a disability while comfortably housing the garbage chute and one 240 L recycling bin. (Note: a 240 L recycling bin is 600 mm wide by 750 mm deep; allow for ease around the bin – 75 mm is recommended). The door(s) must be sufficiently wide to allow the recycling bin to easily pass through.
- e) The chute system must include volume handling equipment (4 x 660L bin carousel with no compaction) to automatically change the bin under the chute when it becomes full.
- f) For the first 6 m of driveway, the truck loading bay is to be at the same level and slope (1:20) as the driveway. There must be no raised median, wall, step or any other barrier between the driveway and the truck loading bay for the first 6 m of driveway.
- g) 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.

26. Identification of Survey Infrastructure

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

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
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27. Erection of Construction Sign

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

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

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

28. Protection of Adjoining Areas

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

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

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

29. Toilet Facilities

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

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

30. Erosion and Sediment Control

Erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual *'Soils and Construction 2004*

(Bluebook)', the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

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

31. Tree Protection Zone Fencing (TPZ)

- a) Tree protection fencing must be erected around trees numbered 6 & 14 in accordance with required tree protection zones as identified in Section 2, Table 3 (Tree Protection Zones) contained in the Aboricultural Impact Assessment prepared by Victor John Molyneaux, dated 10 May 2015.
- b) The tree protective fencing must be continuous and constructed of either 1.8 metre high cyclone chainmesh fence or (small developments add-ons additions) star pickets spaced at 2 metre intervals, connected by a continuous high-visibility barrier/hazard mesh at a height of 1 metre.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

32. Construction Work Hours

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

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. Asbestos and Soil Contamination

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

36. Street Sweeping

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

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

37. Works Near Trees

- a) All required tree protection measures are to be maintained in good condition for the duration of the construction period.
- b) All personnel (the applicant, contractors, service providers, principal certifying authority) involved with this development are to ensure that no excavation, including sub-surface trenching for stormwater or other services or the filling or stockpiling of building materials, parking of vehicles or plant, the use of machinery other than hand held, disposal of cement slurry, waste water or other contaminants is to occur within the Tree Root Zones as prescribed in the HDCP Section 1B.6.1(i) of any tree to be retained.
- c) Any works undertaken within the Tree Protection Zone of specified trees 6 & 14 must comply with the following:
 - i) The installation of any services within the nominated tree protection zone of any tree to be retained must utilise the thrust boring method.
 - ii) Thrust boring must be carried out so that 'top of pipe' is a minimum 700mm depth beneath existing ground level.

38. Council Property

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

39. Disturbance of Existing Site

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

40. 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.

41. 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.

42. 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.
- c) Confirming that the waste collection vehicle turning area complies with AS2890.1 – 2004 and AS20890.2 – 2002 for small rigid vehicles (SRV).

43. Waste Management Details

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

- a) The identity of the person removing the waste.
- b) The waste carrier vehicle registration.
- c) Date and time of waste collection.

- d) A description of the waste (type of waste and estimated quantity).
- e) Details of the site to which the waste is to be taken.
- f) The corresponding tip docket/receipt from the site to which the waste is transferred (noting date and time of delivery, description (type and quantity) of waste).
- g) Whether the waste is expected to be reused, recycled or go to landfill.

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

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

44. Fulfilment of BASIX Commitments

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

45. Sydney Water – s73 Certificate

A s73 Certificate must be obtained from Sydney Water.

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.

46. Works as Executed Plan

Works-as-executed plans must be prepared by a registered surveyor and submitted to Council for completed road works, drainage, driveway, on-site detention and water quality treatment systems.

47. Damage to Council Assets

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

48. Unit Numbering

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

49. Connection to Council pit

- a) The connection to any Council pit shall be inspected by a Council Engineer in the Planning Division. Prior to the connection, an application shall be made to Council and all fees paid. An inspection booking can be made by calling 98476787.
- b) Prior to the issue of an occupation permit, a compliance certificate shall be obtained from Council for the connection to Council pit.

50. Creation of Easements

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

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

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

51. Certificate of Preservation of Survey Marks

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

52. Completion of works and Compliance certificate

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

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

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

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

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

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

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

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

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

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

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

- f) The bin carting routes must be devoid of any steps and wholly within the property boundaries.

Note: Ramps between different levels are acceptable.

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

Note: Caging of the automatic volume handling equipment is acceptable.

- h) Motorised bin carting equipment must be provided to assist the site caretaker in the safe transfer of bins between the basement and ground levels.
- i) “No parking” signs must be erected to prohibit parking in the waste collection loading bay.

54. 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.

55. External Lighting

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

56. Unit Numbering

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

57. Safety and Security

This site must include the following elements:

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

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

58. Retaining Walls

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

59. Provision for National Broadband Network (NBN)

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

60. Boundary Fencing

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

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

61. On slab planting

On slab planting 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.

62. Additional tree planting

The proposed six trees shown on drawing 109_Softworks Plan located between the buildings (three trees to the northern side and three trees to the southern side) have not been identified. These trees are to be *Eucalyptus heamastoma*. The following additional trees are to be included in the plant schedule on drawing 108_Planting Schedule:

- a) six (6) x *Eucalyptus heamastoma* (Scribbly Gum). Trees are to be installed at minimum 100 litre pot size.

63. Street Tree Plantings

- a) Street Tree planting to the northern boundary along Cliff Road is to be as follows:
 - i) Three (3) x *Lophostemon confertus* (Brushbox). Trees are to be located in mulched planted beds 1000mm long and min 600mm wide with native ground cover plantings, have 3 x hardwood stakes and be installed at minimum 200 Litre pot size.
- b) Street Tree planting to the eastern boundary along Cliff Road is to be:
 - i) Trees numbered 6 and 14 are to be retained. Replacement planting shall be five (5) x *Lophostemon confertus* (Brushbox) at 10 metre spacing. Trees are to be located in mulched planted beds with native ground cover plantings, have 3 x hardwood stakes and be installed at minimum 200 Litre pot size. Trees are to be located to ensure sight lines for cars leaving driveway are safe.

64. Council Verge - Carlingford Road and Cliff Road

The applicant is to undertake and complete construction works to the Carlingford Road and Cliff Road verges in front of the development site as follows;

- a) Carlingford Road: “*Arterial road*” street typologies with a 2.5m wide in situ concrete footpath and a 1.0m wide planting zone.
- b) Cliff Road East: “*Local street type A*” street typologies with a 3.5m wide fully paved verge of in situ concrete with stone sets and rain garden as detailed in *Epping Town Centre Public Domain Guidelines technical specifications*.
- c) Cliff Road North: “*Local street type B*” street typologies with a 1.2m wide in situ concrete footpath in turf verge.

The works are to be carried out in accordance with Council’s *Epping Town Centre Public Domain Guidelines*.

65. 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: Applicants are advised to pre-order plant material required in pot sizes 45 litre or larger to ensure Nurseries have stock available at the time of install.

66. Final Certification Acoustic Consultant

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

67. Consolidation of Allotments

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

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

68. Certification of Preservation of Survey Infrastructure

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

OPERATIONAL CONDITIONS

69. Noise

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

70. 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.

71. Car Parking and Deliveries

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

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

- b) Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- c) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- d) All vehicular entry on to the site and egress from the site shall be made in a forward direction.

72. 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.

73. Waste Management

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

- a) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas, ensuring the chute system and related devices are maintained in effective and efficient working order, managing the communal composting area, managing the bulky item storage area, arranging the prompt removal of dumped rubbish, and ensuring all residents are informed of the use of the waste management system. 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) All waste must be carted to the waste collection area by internal paths only. Public footpaths must not be used to cart waste to the waste collection area and bulky waste storage area.

GENERAL TERMS OF APPROVAL – Roads and Maritime Services (RMS)

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 91A of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

- 74.** The redundant driveway on Carlingford Road shall be removed and replaced with kerb and gutter to match the existing kerb and gutter.

- 75.** The design and construction of the kerb and gutter crossings on Carlingford Road shall be in accordance with the Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Project Services Manager, Traffic Projects Section, Parramatta (telephone 88492138).

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

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

- 76.** Should the post development stormwater discharge from the subject site into the Roads and Maritime system Exceed the predevelopment discharge, detailed design plans and hydraulic calculations of any charges are to be submitted to Roads and Maritime for approval, prior to the commencement of works onsite. Details should be forwarded to;

Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact that Roads and Maritime Project Engineer, External Works Ph; 8849 2114 or Fax 8849 2766.

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

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

The report and any enquiries should be forwarded to:

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

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

- 78.** A construction zone will not be permitted on Carlingford Road.
- 79.** The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.

- 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.

Dial Before You Dig

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

Telecommunications Act 1997 (Commonwealth)

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

Asbestos Warning

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

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

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

House/Unit 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.