

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

JRPP No	2015SYW131
DA Number	DA/358/2015
Local Government Area	Hornsby Shire Council
Proposed Development	Demolition of the existing structures onsite and construction of two x five storey residential flat building comprising 70 units with basement parking
Street Address	Lot 10 DP 11533, Lot B DP 178565, Lot 11 DP 11533, Nos. 3-7 Forest Grove, Epping
Applicant/Owner	Applicant: Brewster Murray Architects Owners: Ms E. Cochrane Tugwell, Mr. DJ Mooney, Ms. LG Mooney, Mr DE Blanchard
Number of Submissions	Three submissions have been received
Regional Development Criteria (Schedule 4A of the Act)	Capital investment value over \$20 million (\$20,500,000)
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • Hornsby Local Environmental Plan 2013 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development • State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004 • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 • Hornsby Development Control Plan 2013
List all documents submitted with this report for the panel's consideration	Locality Map, Site Survey, Basement Plans (3), Floor Plans (4), Roof Plan, Section, Elevations (3),

	Landscaping Plan (2),
Recommendation	Approval with conditions
Report by	Meadhbh Nolan, Town Planner

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

- The application proposes the demolition of existing structures onsite and construction of two, five storey residential buildings comprising 70 units and basement parking.
- The proposal generally complies with the provisions of State Environmental Planning Policy No. 65, Residential Flat Design Code, Hornsby Local Environment Plan 2013 and the Hornsby Development Control Plan 2013.
- Three submissions have been received in respect of the application.
- It is recommended that the application be approved.

RECOMMENDATION

THAT Development Application No. 358/2015 for demolition of the existing structures and construction of two, five storey residential flat buildings containing 70 units at Lot 10 DP 11533, Lot B DP 178565, Lot 11 DP 11533 Nos. 3-7 Forest Grove, 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 Epping Road/Forest Grove, Epping Precinct which was rezoned to R4 (High Density Residential) to permit five storey residential flat 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 the *HLEP 2013* amendments. The DCP amendments were exhibited and endorsed by Council on 8 October 2014.

On 15 December 2014, a prelodgement meeting was held between Council officers and the applicant to discuss the application.

On 2 April 2015, DA/358/2015 was lodged with Council for a five storey residential flat development comprising 73 units with a mezzanine floor and basement parking. Council raised concerns in relation to the proposed setbacks, unit sizes and functionality, articulation, building materials and subterranean units. Following a meeting with Council on 4 June 2015, amended plans were submitted reducing the proposed number of units to 70 in response to the concerns raised.

On 5 August 2015, the Sydney West Joint Regional Planning Panel was briefed regarding the development proposal. Concerns were raised by the Panel and Council Officers in relation to the height of basement above ground level through the centre of the site, the size and functionality of the units and the provision of canopy planting.

On 13 August 2015 the applicant submitted amended plans to address these concerns. The plans are the subject of this report.

SITE

The site has a consolidated area of 2, 918m² with a frontage of 58.56m to Forest Grove and a depth ranging from 55.43m on the northern boundary to 43.74m on the southern boundary. The site has an approximate cross fall of 9% from north to south across the site.

The subject site comprises three irregular shaped allotments located on the eastern side of Forest Grove. Existing improvements on the site include three, two storey dwelling houses and ancillary development.

A variety of coniferous, ornamental and indigenous trees are located throughout the site and on the site boundaries. A number of significant trees are located on the adjoining properties to the rear including three *araucaria heterophylla* and three *syncarpia glomulifera* species which form part of a significant group of trees.

Epping Railway Station is located approximately 400m to the north-west of the site. The immediate area surrounding the subject site is mainly characterised by low density residential dwellings. However, a five storey residential flat building containing 37 units has been approved on the adjoining site to the south (Nos. 9-11 Forest Grove) and 36 units have been approved at No. 1 Forest Grove to the north. A similar pattern of development approvals is emerging in the area in line with the desired future outcome for the precinct.

The property is located in the vicinity of heritage listed No. 42 Essex Street, Epping (Item No.800 - house), No. 723X Blaxland Road, Epping (Item No. 359 – Forest Park) and the Essex Street Heritage Conservation Area (HCA) (adjoins the site to the rear) of local heritage significance under the provisions of Schedule 5 (Environmental Heritage) of the Hornsby Local Environmental Plan 2013 (HLEP).

PROPOSAL

The proposal is for the demolition of three existing residential dwellings and associated structures and construction of two, five storey residential flat buildings comprising 70 units over two split levels of basement car park. Details of the residential flat development are provided below:

- 2 x five storey residential flat buildings are proposed (Blocks A and B).
- The overall unit mix would consist of 32 x 1 bedroom, 31 x 2 bedroom and 7 x 3 bedroom units.
- The development would be accessed from Forest Grove via a driveway located adjacent to the southern boundary of the site. A total of 70 residential and 10 visitor car parking spaces are proposed over two split levels of basement parking.

- The proposal includes an integrated landscaping scheme linking the residential flat buildings with common open space areas and the street entry to the development.
- The proposed development would result in the removal of 20 existing trees on site. Two of these trees are identified as significant.

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 67 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 promote 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 'residential flat building' under the *HLEP* and is permissible in the zone with Council's consent.

2.1.2 Height of Buildings

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

2.1.3 Heritage Conservation

Clause 5.10 of the *HLEP* sets out heritage conservation provisions for Hornsby Shire. The property is located in the vicinity of heritage listed No. 42 Essex Street, Epping (Item No.800 - house), No. 723X Blaxland Road, Epping (Item No. 359 – Forest Park) and the Essex Street Heritage Conservation Area (HCA) of local heritage significance under the provisions of Schedule 5 (Environmental Heritage) of the *HELP*.

The visual setting of the HCA would be altered as five storey buildings become visible to the west above the trees and houses. However, the proposed rear setback (eastern boundary) is 7 metres to the balcony line, which enables screen trees to be planted to provide a visual buffer to the HCA. A condition of consent included in Schedule 1 of this report requires the planting of additional canopy trees specifically, 2 x *Syncarpia glomulifera*, 1 x *Angophora costata* within the rear setback of Building A, and 1 x *Syncarpia glomulifera* and 1 x *Angophora costata* within the rear setback of Building B. These trees would reach a height of 18m and provide additional screening of the buildings.

The primary characteristics of the Essex Street Conservation Area are the good and largely intact examples of housing styles, mainly single storey in appearance from the Federation and Inter-war periods. Consistent with these values, the eastern elevation of the proposed development includes mainly dark face brick material to provide a sympathetic, visually recessive backdrop to the Conservation Area.

The subject site is located to the south west of heritage listed No. 42 Essex St. The site is visually separated from the heritage item in Essex Street by the adjoining residential flat development to the north. In addition, the provision of screen tree planting at the rear of the site would provide a visual buffer between the development, the item and the Conservation Area.

The site is also located opposite heritage listed Forest Park. The landscaping proposed at the front of the site would complement the planting in the park.

The proposal is not considered to adversely impact the heritage significance of the Heritage Conservation Area or heritage items.

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 submission of a dilapidation report assessing the impact of the excavation on the adjoining properties.

2.2 State Environmental Planning Policies

2.2.1 SEPP (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.

2.2.2 SEPP 32 – Urban Consolidation

The application has been assessed against the requirements of State Environmental Planning Policy No. 32 (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.

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

The application has been assessed against the requirements of State Environmental Planning Policy no. 55 (SEPP 55). This Policy provides State-wide planning controls requiring 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. No further assessment is considered necessary in this regard. A condition is recommended should any contamination be found during construction requiring that Council or the Private Certifying Authority be notified.

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

SEPP 65 was amended on 19 June 2015 following review of the policy by the Department of Planning and Environment. The amendments replace the Residential Flat Design Guidelines with the Apartment Design Guide which prevails in the event of any inconsistency with a Development Control Plan. The amendments include objectives to meet housing and population targets, affordable housing and to facilitate timely and efficient assessment of development applications. The amendments make further provision for design review panels; include additional provisions for the determination of development application and for standards for ceiling height, apartment area and car parking, which cannot be used as grounds for refusal of development consent.

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.

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 by Council for residential flat buildings in landscaped settings with underground car parking.</p> <p>Once the development of the precinct is completed, the proposal would integrate with the surrounding sites and would be in keeping with the future urban form. The proposed building would contribute to the identity and future character of the precinct.</p>	
2. Scale	Yes
<p>Comment: The scale of the development is in accordance with the height control and generally in accordance with the setbacks for the precinct prescribed within the Hornsby DCP. Whilst the building footprints exceed the maximum floorplate of 35m as prescribed within the DCP, the proposed development provides well-articulated facades with compliant private open space areas and sufficient separation 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 alignments, proportions, and the manipulation of building</p>	

elements. The building would appropriately contribute to the character of the desired future streetscape and includes articulation to minimise the perceived scale.

The proposed materials and finishes incorporate dark brick and muted tones to harmonise with the existing HCA to the rear of the site and ensure minimal visual impact on the HCA. Flat roof forms have been adopted with an increased top storey setback on the external facades to minimise bulk and height of the building as required by the Hornsby DCP.

4. Density	Yes
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Comment: The *HLEP* does not incorporate floor space ratio requirements for the site. The density of the development is governed by the height of the building and the required setbacks. The proposed density is considered to be sustainable as it responds to the regional context, availability of infrastructure, public transport, community facilities and environmental quality and is acceptable in terms of density.

5. Resource, Energy and Water Efficiency	Yes
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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.

6. Landscape	Yes
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Comment: The application includes a landscape concept plan which provides landscaping along the street frontages, side and rear boundaries and includes a 7m x 7m deep soil landscaped area between the buildings. Large trees are proposed along the street frontages intercepted by shrubs and hedges which would soften the appearance of the development when viewed from the streets. Deep soil areas that incorporate canopy trees are provided around the building envelope which would enhance the development's natural environmental performance and provide an appropriate landscaped setting. Additional canopy trees would also be incorporated to the rear of the site to provide a buffer between the HCA and the proposed residential flat building. The proposal also facilitates the retention of the existing significant trees to the rear of the site.

7. Amenity	Yes
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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: The design orientates the balconies and windows of individual apartments towards the street, rear and side boundaries, providing passive surveillance of the public domain and communal open space areas. Both the pedestrian and vehicular entry points are secured and visibly prominent from Forest Grove.

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 the shops within the 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 has low pitch 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.

2.3 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	738.72m ² – 25%	25%	Yes
Communal Open Space	28%	25-30%	Yes
Ground Level Private Open Space	15m ² – AG2	25m ²	No
	15m ² – AG3		
	22m ² – BG4		
	3m dimension	Min Dimension 4m	No
Minimum Dwelling Size	1 br – 50m ² - 55m ²	1 br – 50m ²	Yes
	2 br – 72m ² - 77m ²	2 br – 70m ² – 121m ²	Yes
	3 br – 95m ²	3 br – 95m ² – 124m ²	Yes
Maximum Kitchen Distance	8m	8m	Yes
Minimum Balcony Depth	2m	2m	Yes
Minimum Ceiling Height	3.9m (ground floor Block A, 2.7m – all other levels)	2.7m	Yes
Total Storage Area	1 bed - 6m ³ (Min)	1 bed - 6m ³ (Min)	Yes
	2 bed - 8m ³ (Min)	2 bed - 8m ³ (Min)	Yes
	3 bed - 10m ³ (Min)	3 bed - 10m ³ (Min)	Yes
	50% accessible from the	50% accessible from	Yes

	apartments	the apartments	
Dual Aspect and Cross Ventilation	67%	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. Below is a brief discussion regarding the relevant development controls and best practice guidelines.

2.3.1 Ground Floor Apartments and Private Open Space

The proposal does not comply with the *Code's* best practice for the 4 metre minimum width and minimum 25m² area requirements as the ground floor open space areas are undersized. However, the proposed ground floor open space areas are appropriate for the respective ground floor units in respect to dwelling size, unit configuration and amenity with a number of private yards proposed at the rear of the development. The units also incorporate private garden areas to a width of 2m which would add to the amenity of the units. When the area of the gardens are included, the proposal would generally comply with the requirement for open space areas of 25m² and a width of 4m. As such, the numerical non-compliance is considered minor and is acceptable.

2.3.2 Apartment Size and Layout

The proposed development includes a mix of single aspect and corner units including one, two and three bedroom apartments. The habitable areas of all units would be well ventilated and the balconies are orientated to maximise solar access. It is also noted that the proposal does not include any units that are single aspect and south facing. The proposal complies in relation to cross ventilation and solar access.

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 except unit AG.6 comply with the requirements of the ADG in terms of unit size and width. Part 4 of the ADG requires that two bedroom units with two bathrooms have a minimum floor area of 75m². Unit AG6 is 72m². A condition of consent has been included in Schedule 1 requiring the deletion of the second bathroom within unit AG6 to comply with the ADG requirements.

The development includes an appropriate mix of units which address the *RFDC* requirements for well organised and functional units whilst also including units which contribute to housing affordability. In this regard, a range of unit sizes are proposed.

2.3.3 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 (eight) and design for amenity. The ground floor corridor also provides level access to the communal open space.

The proposal is acceptable with respect to the requirements of the *RFDC* for internal circulation.

2.3.4 Acoustic Privacy

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

2.3.5 Storage

Storage areas are provided at the basement levels and additional storage areas are also provided within the apartments. The storage areas provided in the units are not all compliant with the Code's best practice guidelines and accordingly, a condition of consent is included in Schedule 1 of this report to ensure adequate storage is provided in both the basement and in units. The spaces provided in the basement exceed that required by the *RFDC* and are assessed as satisfactory.

2.4 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.

2.5 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.

2.6 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	58.56m	30m	Yes
Height	17.5m	17.5m	Yes
Lowest Residential Floor Above Ground	-3m - North eastern corner 0.4m – south eastern corner	1.5m	Yes
Maximum Floorplate Dimension	39m	35m	No
Building Indentation Block A	4m x 4m	4m x 4m	Yes
Block B	6m x 2m (southern façade)	4m x 4m	No
Height of Basement Above Ground	0.4m	1m(max)	Yes
Front Setback Block A	10m	10m	Yes
	8m for 8m Building length	8m for 1.3 of Building length (1/3 x 20m = 6.6m)	No

	7m (Balconies)	7m (Balconies)	Yes
Block B	10m 8m for a length of 8m 7m Balconies	10m 8m for 1/3 of building length ($1/3 \times 22\text{m} = 7.33$) 7m (balconies)	Yes No (minor non-compliance) Yes
Rear Setback	10m	10m	Yes
Block A	7.5m – 9m setback for length of 12.4m 3.4m	$1/3$ of 20m = 6.6m 7m balcony	No No
Block B	10m 8m – 8.5m for length of 8m 7m Balcony	10m 8m for 1/3 of the building length ($1/3$ of 22m building length 7.3) 7m (balconies)	Yes No - minor non-compliance Yes
Side Setback	6m 4m setback for length of 13.4m	6m 8m for 1/3 of the building length ($1/3 \times 39.4 = 13.14$)	Yes Yes (Negligible non-compliance)
Block B – Northern Side	6m 4m for 10.29m building length	6m 4m for 1/3 of building length ($1/3$ of 30m = 10m)	Yes Yes (negligible non-compliance)
Top Storey Setback from Ground Floor	1m – 3m	3m	No
Underground Parking Setback	7m-front 3.66m-6.67m - rear	7m-front 7m-rear	Yes No

	4m-side (south) 4m-side (north)	4m-side (north) 4m-side (west)	Yes Yes
Basement Ramp Setback	1.7m	2m	No
Deep Soil Landscaped Areas	7m front and rear 2m-side (south) 4m-side (north)	7m-front and rear 4m-sides 4m sides	Yes Yes Yes
Private Open Space	8m ² – B1.2, B2.2,B3.2m 12m ² – 2br units 16m ² - 3br units –	1br units - 10m ² 2br units – 12m ² 3br units – 16m ²	No Yes Yes
Communal Open Space with Minimum Dimensions 4m	28%	25%	Yes
Parking	66 resident spaces 10 visitor spaces 16 bicycle tracks 7 visitor bicycle racks 5 motorbike space	66 resident spaces 10 visitor spaces 14 bicycle tracks 7 visitor bicycle racks 2 Motorbike space	Yes Yes Yes Yes Yes
Solar Access	70%	70%	Yes
Housing Choice	45.7% - 1br 44.3% - 2br 10% - 3br	10% of each type (min)	Yes Yes Yes
Adaptable Units	30%	30%	Yes

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

2.6.1 Desired Future Character

The proposed five storey residential flat development would be sited within the Epping Road/Forest Grove, 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.

2.6.2 Site Requirements

The *HDCP* requires sites to have a minimum frontage of 30 metres. The subject site has a frontage of 58.56m to Forest Grove and complies with this requirement. The proposed development would not result in an isolated site or compromise development in accordance with the *HDCP*. A five storey residential flat building containing 37 units has been approved on the adjoining site to the south (Nos. 9-11 Forest Grove) and 36 units have been approved at No. 1 Forest Grove to the north. The amalgamation of the allotments is in keeping with the desired future character of the area.

2.6.3 Height

The proposed building complies with the 17.5 metre maximum height limit.

2.6.4 Setbacks

Western (Front) Setback

The *HDCP* allows the external walls of the buildings to be setback 8m for a maximum of 1/3 of the building width. The proposal incorporates a slight encroachment to this measure by including an 8m setback for 16m of building width for Buildings A and B which exceeds the requirement by a building width of 1m for each building.

Despite the minor variation, the front elevations, are well-articulated incorporating numerous steps and indentations along the building façade and would meet the articulation objectives of the *HDCP*. There would be no privacy or overlooking impacts as a result of the proposed encroachment. In this regard, the proposed non-compliance is considered to be acceptable.

Northern and Southern Side Setbacks

The *HDCP* allows up to 1/3 of the building to be setback between 4m and 6m to a side boundary. The development does not numerically fully comply as each corner unit includes a wrap around balcony which is setback 5m from the boundary. Notwithstanding, wrap around balconies contribute to the articulation of the building. In addition, where the setback is less than 6m, the balconies incorporate privacy screens to protect the amenity of the adjacent property.

Eastern (Rear) Setback

The Hornsby DCP requires that the external walls of the buildings be setback 10m, with a permissible encroachment to 8m for a maximum of 1/3 of the building width for the rear setback. Whilst a 10 metre setback is achieved for the majority of the building width in accordance with the *HDCP*, the permissible encroachment to 8m is exceeded.

Block A encroaches to 5m – 7m at the closest point, with the balcony of units AG6, A1.6, A2.6 and A3.6 encroaching to 3.5m. The proposal adjoins the low density zone to the rear. In this regard a condition of consent is included in Schedule 1 requiring the reconfiguration of units A1.6, A2.6 and A3.6 to a one bedroom unit. The balconies of these units would then maintain a 7m setback while the building would be setback 10m from the rear boundary in compliance with *HDCP*.

The terrace of unit AG6 on the ground floor would maintain a 5m setback from the rear boundary for a length of 2m. This reduced setback would not result in any overlooking of the

adjoining property to the rear. The minor noncompliance is considered acceptable in this instance.

A deep soil landscape verge is provided along the eastern boundary of the site, enabling a landscape buffer to minimise the visual impacts and protect the amenity of adjoining properties.

Subject to conditions, the noncompliance with the setback control will have minimal impact on adjoining properties and is acceptable.

Although the proposal does not numerically comply with the setback control, the built form achieves the element objective requiring; well-articulated building forms that are setback to incorporate landscaping, open space, privacy and separation between buildings and is considered to be acceptable.

Basement Setback

The HDCP requires a 7m setback for basements from front and rear boundaries and 4m from side boundaries to allow for deep soil landscaping. The proposed development generally complies with these requirements with the exception of a 3m – 6.67m varied setback along the rear of the site. This again is due to the irregular shape of the site. The noncompliance is minor in nature and would not impact on the provision of deep soil planting. The landscape plan indicates that the proposal provides large canopy trees within the rear setback and condition No. 2 requires additional canopy trees to be provided within the rear setback. With conditions, the non-compliance is supported as it does not compromise the setback element objective of requiring well-articulated buildings that are setback to incorporate landscaping, open space, privacy and separation between buildings.

2.6.5 Built Form and Separation

Floorplates

The subject site has a maximum floor-plate depth of 39.4m at the longest point, exceeding the maximum of 35m prescribed within the Hornsby DCP. One submission received objects to the proposed length of the floorplate. The site is characterised by an irregular shape and relatively long depth to the northern boundary. The site has a reduced depth towards the southern boundary. The noncompliance to the length of 39.4m occurs in the north eastern corner of the floor plate only. The depth of the floorplate recedes to 31m in compliance with the controls towards the southern section of Building A. Although the floor-plate exceeds HDCP controls, it fully realises the development potential of the site and complies with other key DCP controls.

In addition, the proposal incorporates the use of wrap-around balconies, pavilions within the northern elevation of Building A (where the noncompliance occurs) and variation in horizontal and vertical articulation which has the effect of reducing the bulk and scale of the building by breaking up the built form. Accordingly, the minor non-compliance with the building length does not warrant refusal of the application in this instance and this variation is considered acceptable.

Articulation

The proposed building is articulated with the façade treatment, size and placement of windows, wrap-around balconies, vertical panels, indentations and setback variations to minimise the bulk and scale of the building. The proposed facades include a mix of contrasting materials including stone cladding and dark metal finishes and fenestration that contribute to the building articulation. The Schedule of Finishes for the eastern elevation is predominantly dark, muted tones combined with brick cladding. This will complement the view of the HCA when viewed from Essex street to the rear.

Both buildings included an indent on the external side elevations (northern and southern) which are designed to create the appearance of two separate pavilions. This break in the built form is continued through to the roof on both buildings. The roof form includes two separate pavilions further breaking the perceived bulk and scale of the development.

The building is divided into vertical panels by including indentations in the alignment of the external walls and the inclusion of balconies that project forward of the walls.

The proposed buildings comply with the Hornsby DCP and meet the desired outcome for development of a scale and bulk which enhances the streetscape character.

Separation

Level four of the building (in part) is setback less than 9m from the boundary on the northern and southern side elevations. In this regard, one unit is orientated toward the boundary while all other units are designed to front the street and rear setback. Unit A4.2 includes highlight windows and windows oriented to the east. Screen planting has been provided for the balconies of these units (A4.1, A4.2 and A4.3). Notwithstanding, the terrace areas of units A4.1 and A4.3 are to be non-trafficable as per Condition No. 3. Similarly, on the southern side setback, the additional balcony areas to the side would be non-trafficable and all bedroom windows would be highlight windows. Subject to conditions, the proposal would meet the separation requirement of HDCP.

2.6.6 Privacy and Security

The proposed development is appropriately designed for privacy with the majority of units having an external outlook. Appropriate privacy mitigation measures including privacy screens on balconies, planter boxes 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.

Two submissions object to the proposal due to loss of privacy as a result of the development. In this regard, fixed privacy screens have been provided on the balconies of the units adjoining the rear boundary. These screens have been placed to minimise overlooking from the living spaces of the units. It is also noted that canopy trees are proposed within the rear setback area including *Melaleuca quinquenervia* which would grow to a height of 7m. A condition of consent also recommends the planting of native indigenous species which would grow to a height of 18m.

2.6.7 Landscaping

The landscaping provisions of the Hornsby DCP prescribe that a 7m wide landscaped area is to be provided at the front and rear and a 4m wide landscaped area provided along the side boundaries. Private open space areas may be located within the side and rear boundary setback areas, where there is communal landscaping along an adjacent boundary with a minimum width of 2.5m. The proposal complies with this requirement

The proposal provides a 5m wide common landscaped area to the front of the development. The intent of the control is to provide deep soil for canopy planting and this can be achieved as the deep soil area is maintained to a 7m setback from the basement below. The amended landscape plan would be required to include details of the proposed plantings within the private gardens. The proposal is considered acceptable in terms of the landscape requirements within *HDCP*.

A 7m x 7m indent has been provided through the basement to allow for deep soil planting between the buildings. However, the landscape plan does not include canopy trees between the building in this area. A condition of consent requires the amendment of the landscape plan to provide at least one canopy tree within this deep soil area in compliance with the desired future character of the area. The proposed common open space area is located between the two buildings. Screen planting has been provided separating the area from the adjoining units. The provision of the open space area between the buildings also allows for additional canopy planting to the rear of the development to increase the buffer between the development and the adjoining HCA.

2.6.8 Open Space

The proposed private open space areas generally comply with the prescriptive area requirements with the exception of units B1.2, 2.2 and 2.3. These are one bedroom units and include a north facing balcony area of 8m². The proposal is a minor variation of 2m² and complies with the new requirements of the Apartment Design Guidelines. Considering the unit aspect, common open space area and close proximity to Forest Park, the minor non-compliance is considered negligible in this instance.

The majority of units include a range of layouts with access off living areas and would provide for a range of outdoor activities. The proposal is considered acceptable in terms of the open space requirements of *HDCP*.

2.6.9 Solar Access

The applicant has submitted solar access diagrams demonstrating compliance of individual units with solar access requirements. As the site is located within a redevelopment precinct, the solar access analysis has taken into account the overshadowing impacts from future five storey developments on the eastern adjoining site. 70% of the units would receive a minimum 2 hours of unobstructed sunlight to private open space and living areas between 9am and 3pm on June 22. Council's assessment in this regard concludes that the proposal is satisfactory in providing solar access for future occupants of the units.

2.6.10 Housing Choice

The proposal includes 32 x 1 bedroom units, 31 x 2 bedroom units and 7 x 3 bedroom units. Due to the required reconfiguration of units A1.6, A2.6 and A3.6 to one bedroom units, the proposed unit mix would be altered to; 35 x 1 bedroom units, 28 x 2 bedrooms units and 7 x 3 bedroom units. This complies with the HDCP requirement for 10% of each unit type. The proposal also provides 21 adaptable units which is in keeping with the 30% requirement of HDCP.

2.6.11 Vehicular Access and Parking

Vehicle access to Blocks A and B is proposed via shared driveway off Forest Grove to the southern boundary at Buildings B. The driveway is designed to accommodate Council's Small Rigid Vehicle garbage truck and complies with the Australian Standard for driveway widths and gradients. The proposal includes 76 car parking spaces to be utilised by residents and visitors, 16 bicycle tracks, 9 visitor bicycle racks and 2 motorbike spaces which complies with the requirement of HDCP and is considered to be acceptable. One submission objects to the proposal on the basis that the surrounding streets are already at parking capacity. The proposal provides a compliant number of parking spaces to cater for both residents and visitors to the development. This is also further discussed under Section 5.1.1 below.

2.6.12 Waste Management

Waste Management Plans for the demolition, construction stage and on-going use of the proposed development were submitted with the application. This has been assessed as satisfactory subject to recommended conditions of consent as detailed below.

The waste facilities on each residential level consist of a garbage chute and a recycling bin in a small room. The waste facilities in Building A (North) are not accessible due to the width of the doors which also open inwards. Accordingly a condition of consent has been included requiring that the waste facilities be amended prior to the issue of a construction certificate to be accessible.

The proposed waste management system would require the Small Rigid Vehicle (SRV) waste collection vehicle to enter Basement 1 B and provide vehicular manoeuvres to exit in a forward direction. Vehicular swept paths were provided with the application and demonstrate that an SRV can enter and exit the basement in a forward direction. The bins would be moved from the bin room of Building A to the bin room of Building B by a site caretaker for collection.

For 70 dwellings, the development would require 3 x 660 L garbage bins serviced twice weekly plus 10 x 240 L recycling bins serviced weekly, plus one 660 L (or 1100 L). The development will also require spare bins to use while the full bins are awaiting collection (an additional 2 x 660L garbage bins and 10 x 240L recycling bins). A condition of consent is recommended in this regard.

A bulky waste storage area is shown on the plans in Basement 1 B under Building B which complies with Council's minimum requirement of at least 8m². All bin transfers between the waste facility on each level and the basement garbage are to be carried out by the site caretaker.

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

2.7 Section 94 Contributions Plans

Hornsby Shire Council Section 94 Contributions Plan 2012-2021 applies to the development as it would result in an additional 70 residential dwellings in lieu of the 3 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 proposed development would necessitate the removal of 20 trees from the site. Two trees, Nos. 2 and 31 (*pittosporum undulatum*) to be removed are identified as ‘indigenous trees’ in accordance with the Tree and Vegetation provisions of the *HDCP*. The application has been supported by an arborist report prepared by Naturally Trees that assesses existing trees onsite and on the adjoining properties. T31 to be removed is located within the building envelope and T2 to be removed would be effected by the construction of the basement and the OSD system. Accordingly, no objections are raised to the removal of these trees to facilitate the development.

A group of eight trees, T3 – T8 and T29 and T30 are identified as significant trees on the adjoining properties to the rear. These trees, *araucaria heterophylla* and *syncarpia glomulifera* species reach a height of 12m to 24m. T24 and T25 also *araucaria heterophylla*, reach a similar height. All of these trees are to be protected during the construction process and specific conditions are recommended to this effect in Schedule 1 of this report.

One submission raises concerns in relation to the retention of significant trees on the adjoining property. The arborist report which accompanied the proposal reviewed the trees on the adjoining property in light of the proposed development. The majority of trees would not be effected by the proposal.

The accompanying Arborist report recommends that T30 on the adjoining property is to be protected by the use of wood-chip mulch. Wood-chip mulch is to be installed on top of a geotextile landscape fabric, placed over the root zone of the tree which is located on the subject site. The mulch is to be maintained at a depth of 150mm – 300mm using material that complies with AS 4454. A project Arborist is also to over see the works onsite.

Council’s assessment of the proposal also notes that although the basement would be located within the Tree Protection Zone (TPZ) of tree T30 the encroachment into the TPZ is measured at less than 10%. This is considered a minor encroachment and is acceptable, and

in accordance with the Australian Standard, Protection of Trees on Development Sites (AS 4970-2009). The proposal has been designed to facilitate the retention of significant trees

The preservation of the trees combined with the inclusion of new plantings of indigenous species would add to the buffer between the residential flat buildings and the adjoining low density zone.

It is considered that the removal of the trees is acceptable in the circumstances of the case.

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 63m³ which is located adjacent to the western façade of Building B to drain into Council stormwater drainage system in Forest Grove.

As the overall site area is greater than 2000m² the development is required to achieve the water quality targets in Table 1C.1.2(b) of the *HDGP*. The proposal is accompanied by a Water Sensitive Urban Design (WSUD) Strategy and Model for Urban Stormwater Improvement Conceptualisation (MUSIC model). Council's assessment of the design and model deemed the proposed water quality method suitable for the site. No concerns are raised in this regard subject to the implementation of conditions of consent included in Schedule 1 of this report.

3.1.3 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.

3.1.4 Traffic

One submission raises concerns in relation to increased traffic on adjoining local roads. A traffic and parking assessment has been submitted with the proposal which estimates that the proposed development would generate an additional 14 vehicle trips per hour during the AM peak period and 11 vehicle trips per hour during the PM peak period which is considered negligible when compared with the traffic volumes on the adjacent road network for this development alone. However, the cumulative traffic impacts of all sites earmarked for redevelopment in the precinct would be significant. The cumulative impact has been considered in the strategic transport model for Epping Town Centre Urban Activation Precinct (ETCUAP). The NSW Government has committed funding to address short term (to 2016) regional traffic growth. The traffic study acknowledged that although the works identified would assist traffic flows, strategies to manage demand by reducing car usage will be more critical than strategies to increase capacity of existing roads.

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

3.2 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.

3.3 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"*.

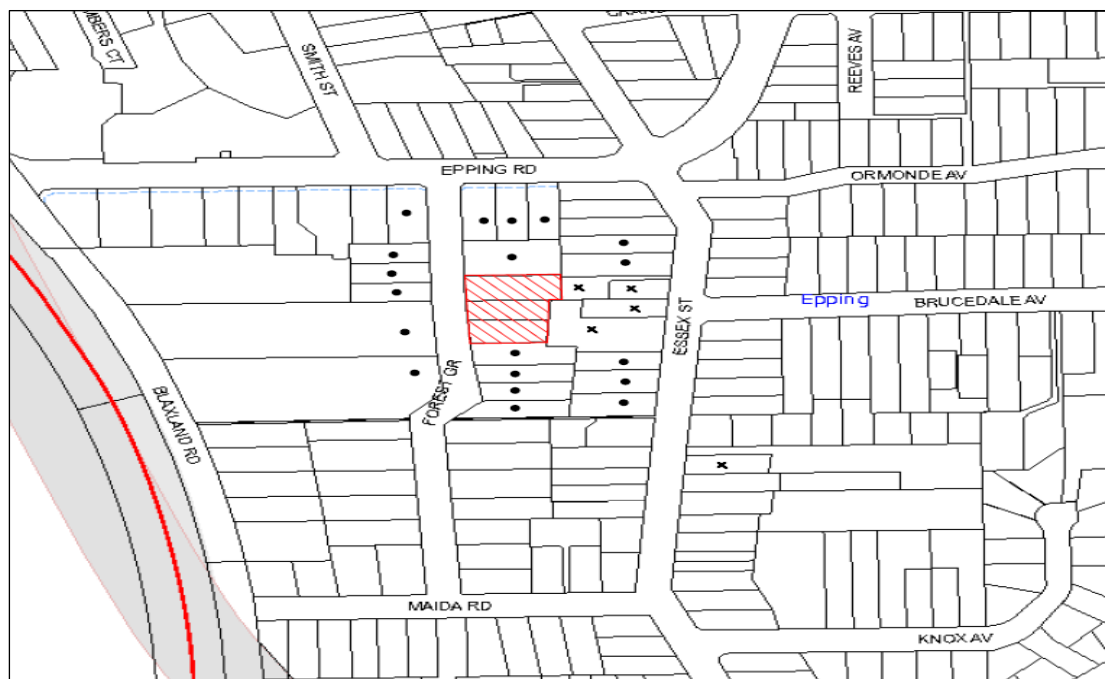
The subject site has not been identified as bushfire prone or flood prone land. The site is considered to be capable of accommodating the proposed development. The scale of the proposed development is consistent with the capability of the site and is considered acceptable.

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

One submission objected to the notification process for the development application. The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 6 May 2015 and 22 May 2015 in accordance with the Notification and Exhibition requirements of the HDCP. The proposal was also advertised in the local paper and a sign displayed at the subject site. During this period, Council received three submissions. It is noted that one submission represents three property owners. 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	
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Three submissions (one submission represented three property owners) objected to the development, generally on the grounds that:

5.1.1 Daytime parking on Forest Grove

One submission raises concerns in relation to a lack of parking in the future on adjoining streets near Epping Station. The submission also notes that parking is already at capacity on the streets. The parking provision for the development will comply with Epping Town Centre Urban Activation Precinct and *HDOP 2013*. Council's Traffic and Road Safety Branch is currently monitoring parking around Epping town centre. Although there are no immediate plans to implement parking management in streets south of Epping Road. A review of parking will be undertaken once the rezoned properties in the area are redeveloped and operational.

5.1.2 'Black spot' on Forest Grove

One submission objected to the development noting that there is a traffic 'black spot' on Forest Grove which would be further impacted by additional traffic due to the development.

Extensive transport modelling was undertaken to determine the amount of development that would occur in Epping town centre, therefore any development that complies with the *HDCP* will not have any unmanageable traffic impacts. The crash history for the section of Forest Grove between No. 3 and No. 19 has been reviewed. There have been no recorded crashes in this section of Forest Grove in the past 15 years. In general terms a 'Black spot' is an intersection or a length of road with 3 recorded injury crashes in a five year period. This section of Forest Grove is therefore not considered to be a 'Black spot'.

In relation to the pedestrian walkway to the south of the site and potential safety implications due to increase in traffic movements, the chicane like alignment of Forest Grove at this location provides good speed management which is reflected by the crash history.

5.1.3 Unacceptable overlooking of adjoining properties

Two submissions object to the proposal on the basis that it would result in a loss of privacy. As noted above, canopy planting is proposed to the rear of the development which would reach a height of 18m. In addition all balconies facing the rear of the development include privacy screens extending to the full length of the balcony width coupled with obscured glazing on all balustrades. The combination of the proposed screening, canopy planting and rear setbacks would maintain the privacy of adjoining dwellings to the rear.

5.1.4 The impact on a significant tree

One submission objects to the impact on the significant trees on the adjoining property due to a mistake in the plans provided to the Arborist. It is noted that there is a discrepancy in the plans provided to the consulting Arborist and the plans provided to Council. The plans indicate the basement would be located within the Tree Protection Zone (TPZ) of tree T30.

The encroachment into the TPZ is measured at less than 10%. This is considered a minor encroachment and is acceptable, and in accordance with the Australian Standard, Protection of Trees on Development Sites (AS 4970-2009). It is considered that the conditions imposed are sufficient to ensure the protection of the tree.

5.1.5 Development that is excessive in bulk and scale

As discussed above although the proposal includes an increased floor plate length, this has not resulted in an increase in the bulk of the development. The façades are well articulated and the roof form is broken into two separate elements on each building. The floorplate increase is in keeping with the irregular shape of the site and includes generally compliant rear setbacks. The proposal is assessed as acceptable in terms of bulk and scale.

5.2 Public Agencies

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

6. THE PUBLIC INTEREST

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

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future

built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

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

CONCLUSION

The application seeks approval for the demolition of the existing structures and the construction of two, five storey residential flat buildings comprising 70 units with two split levels of basement car parking. The proposed development would be located on a site within a locality zoned as a high density residential precinct.

The proposed development is satisfactory in respect to the *Hornsby Local Environmental Plan 2013*, design principles under SEPP 65 and the best practice guidelines of the Residential Flat Design Code, subject to recommended conditions. The proposed development has regard to the requirements of the Hornsby DCP 2013 and is considered acceptable in respect to the desired future character of the Epping Road/Forest Grove, Epping Precinct.

Three submissions were received in respect to the proposal raising concerns in relation to traffic, loss of privacy and tree removal. Subject to compliance with recommended conditions, the proposed development is considered acceptable.

The application is recommended for approval.

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	Drawn by	Dated
Basement 2 – DA103 – Rev. 1	Brewster Murray	27/7/2015
Basement 1 B – DA104 – Rev. 3	Brewster Murray	19/8/2015
Basement Mezzanine – DA105 – Rev. 3	Brewster Murray	19/8/2015
Ground Floor – DA106 – Rev 2	Brewster Murray	12/8/2015
Typical Plan Level 1- 3 – DA107 – Rev. 2	Brewster Murray	12/8/2015
Level 4 – DA108 – Rev. 3	Brewster Murray	19/8/2015
Mezzanine Level – DA109 – Rev.3	Brewster Murray	19/8/2015
Roof Plan – DA110 – Rev. 3	Brewster Murray	19/8/2015
Elevations – East and West – DA201 – Rev. 3	Brewster Murray	19/8/2015

Elevations – North and South – DA202 – Rev. 3	Brewster Murray	19/8/2015
Elevation Internal South and North – DA203 – Rev. 3	Brewster Murray	19/8/2015
Sections – DA204 – Rev.3	Brewster Murray	19/8/2015
Landscape Plan LP01 – Rev. A	Site Design and Studios	30 March 2015
Sediment & Erosion Control Plan - H5509 Rev B	J & M Group	26 March 2015
Arboricultural Impact Appraisal and Method Statement	Naturally Trees	27 March 2015

<i>Document title</i>	<i>Prepared by</i>	<i>Dated</i>
Survey Plan	MXM Survey PTY LTD	14 November 2014
Geotechnical Investigation Report	Benviron Group	March 2015
Assessment of Parking and Traffic Implications – Rev. B	Transport and Traffic Planning Associates	March 2015
BASIX Certificate No. 617477M_02	Max Brightwell	17 August 2015
Waste Management Plan	McGregor Environmental Services	March 2015
Water Cycle Management Plan – Rev. A	J & M Group PTY LTD	25 March 2015
Statement of Compliance Access for People with a Disability	Accessible Building Solutions	25 March 2015
Stormwater Concept Design for 3-7 Forest Grove Epping – Rev. B	J & M Group	March 2015

1. Removal of Existing Trees

This development consent only permits the removal of tree(s) numbered 1, 2, 11, 12, 16, 17, 18, 19, 20, 21, 27, 28, 31, 32, 33, 34, 35, 36, 37 & 38 as identified on Arboricultural Impact Appraisal and Method Statement, prepared by Naturally Trees, dated 27 March 2015. The removal of any other trees requires separate approval in accordance with the Tree & Vegetation Chapter 1B.6 Hornsby Development Control Plan (HDCP).

2. Amendment of Plans

The approved landscape plan is to be amended as follows and provided to Council for approval prior to the commencement of works:

- a) *The Landscape Plan is to be amended to include additional dense screen trees within the rear setback. Additional planting behind Building A to include: 2 x Syncarpia glomulifera and 1x Angophora costata.*
- b) The rear setback behind Building B, is to be provided with 1 x Syncarpia glomulifera and 1 x Angophora costata.
- c) Pot sizes in the range of 50 Litres and 200 Litres are to be provided for the additional tree plantings proposed within the rear property setback.
- d) Deletion of all dead-end paths to the rear of the buildings.
- e) Additional canopy planting is to be provided in the deep soil area between the buildings at the centre of the site as listed in Council's "*Indigenous Plants for the Bushland Shire*".
- f) Screen planting is to be provided around the common open space area to ensure the privacy of the adjoining units.
- g) The landscape plan is provide details of planting within the private garden areas.

3. Amendment of Floor Plans

The approved floor plans are to be amended as follows and submitted to Council for approval:

- a) The balcony areas of units A4.1, A4.3, B4.4 and B4.5 orientated toward the side boundaries are to be non-trafficable areas, as marked in red on the approved Level 4 plans, to allow for appropriate separation from a future residential flat building on the adjoining property.
- b) The planter boxes adjoining the non-trafficable balconies of units B4.4 and B4.5 are to be deleted.
- c) A bathroom in unit AG6 is to be deleted to comply with the requirements of the Apartment Design Guidelines as marked in red on the approved ground floor plans.

- d) Units A1.6, A2.6 and A3.6 are to be reconfigured to one bedroom units. The balconies of these units are to have a 7m setback from the rear boundary. The external walls of the units are to have a 10m setback from the rear boundary on the eastern elevation.

4. 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	\$49,820.60
Open Space and Recreation	\$750,546.40
Community Facilities	\$104,658.85
Plan Preparation and Administration	\$3,112.85
TOTAL	\$908,138.70

being for 67 additional dwellings

- b) The value of this contribution is current as at [INSERT DATE THAT THE CONTRIBUTION WAS ENTERED/CALCULATED IN PATHWAY]. 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:
- i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or

- ii) prior to the issue of the first Construction Certificate where the development is for building work; or
- iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
- iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

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

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

5. Construction Certificate

- a) A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any works under this consent.
- b) The Construction Certificate plans must not be inconsistent with the Development Consent plans.

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

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

7. Contract of Insurance (Residential Building Work)

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

8. 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.

9. 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.

10. 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.

11. Dilapidation Report

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of adjoining properties; No. 1 Forest Grove, No. 9 Forest Grove, No. 48a Essex Street, No. 52 Essex Street and No. 46 Essex Street.

12. Adaptable Units and Letter Boxes

The details of all adaptable units must be provided with the Construction Certificate Plans.

The details of letter boxes must be provided with the Construction Certificate Plans. The letter boxes must be relocated to two metres from the boundary on Forest Grove.

13. Allocation of Resident Storage Areas

Storage areas are to be allocated internally to each unit to comply with the *Residential Flat Design Code* 6m³ (Min) for 1 bedroom unit, 8m³ (Min) for two

bedroom units and 10 m³ (Min) for 3 bedroom units. 50% is to be accessible from the apartments.

14. Disabled Parking

All parking for people with disabilities is to comply with AS/NZS 2890.6:2009 Off-street parking for people with disabilities.

15. Bicycle Parking

Bicycle parking spaces are to be designed in accordance with AS 2890.3-1993 Bicycle parking facilities

16. Motorcycle Parking

Motorcycle parking spaces are to be designed in accordance with AS 2890.5-1993

17. Preservation of Survey Infrastructure

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

18. Traffic Control Plan

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

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

19. Construction Traffic Management Plan

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

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

20. Project Arborist:

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

21. Stormwater Drainage

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

- a) Connected directly to Council's street drainage system in Forest Grove.
- b) The drainage system is to be designed and constructed to achieve the Water Quality targets as detailed in Hornsby Shire Councils DCP.

22. On Site Stormwater Detention

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

- a) Have a capacity of not less than 65 cubic metres, and a maximum discharge (when full) of 55 litres per second.

- b) Have a surcharge/inspection grate located directly above the outlet.
- c) 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.
- d) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

23. Internal Driveway/Vehicular Areas

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

- a) Design levels at the front boundary must be obtained from Council;
- b) The grade of the driveway must not exceed 5% for the first 6m inside the property boundary in accordance with AS 2890.1;
- c) The ramp grade must not exceed 15.4% and changes in grade must not exceed 8% where the SRV garbage truck requires access. For all other ramps the grade must not exceed 20% and changes in grade must not exceed 8%.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
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24. 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.

25. Protection of Adjoining Areas

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

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

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

26. Toilet Facilities

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*.

27. 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.

28. Tree Protection:

a) Fencing:

Tree protection fencing must be erected onsite around trees numbered 3, 4, 5, 6, 7, 8, 9, 22, 23, 24, 25, 26, 29 & 30 in accordance with Arboricultural Impact Appraisal and Method Statement, prepared by Naturally Trees, dated 27 March 2015, Appendix 4 (Fencing & Signs) & Appendix 8, (Tree Management Plan - TMP01).

Tree protection fencing must be erected onsite around trees numbered 14 & 15 at the perimeter of the Tree Protection Zone nominated in the Arboricultural Impact Appraisal and Method Statement, prepared by Naturally Trees, dated 27 March 2015 and in accordance with Appendix 4.

b) Trunk:

To avoid injury or damage, tree numbered 14 & 15 must have the trunk protected by 2 metre lengths of 75mm x 25mm hardwood timbers spaced at 80mm on top of a

geotextile landscape fabric and secured with galvanised wire (not fixed or nailed to the tree in any way).

c) Ground:

Prior to works commencing and throughout construction, the area of the Tree Protection Zone (located on the property) of trees 9, 14, 15, 22, 24, 25, 26, 29 & 30 is to be protected by the use of wood-chip mulch. Wood-chip mulch is to be installed on top of a geotextile landscape fabric, placed over the root zone of the tree. The mulch is to be maintained at a depth of 150mm – 300mm using material that complies with AS 4454.

d) Certification:

A certificate from the Project Arborist (AQF 5) is to be submitted to the Principal Certifying Authority stating that all tree protection measures are in accordance with the above and consistent with the intentions of the Australian Standard 'Protection of Trees on Development Sites (AS 4970-2009) prior to commencement of works.

29. 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 waste facility on each residential level must comfortably house 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).
- c) The waste facility on each residential level (garbage chute and recycling bin in a small room/cupboard) must be accessible by persons with a disability.
- d) The access way (including ramp, vehicle turning area, loading bay and site entry/exit) to be used by waste collection vehicles, must be designed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for small rigid vehicles.

Note: AS2890.2-2002 includes a maximum gradient of 1:6.5 for forward travel and a minimum vertical clearance of 3.5 m.

- e) The doors to the bin rooms at the basement level must be no less than 960 mm wide.
- f) A Waste Management Plan Section One – Demolition Stage and Section Three – Construction Stage, covering the scope of this project and including the following details, is required to be submitted to Council:
 - i) An estimate of the types and volumes of waste and recyclables to be generated;

- ii) A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas;
- iii) How excavation, demolition and construction waste materials will be reused or recycled and where residual wastes will be disposed;
- iv) The total percentage (by weight) of demolition and construction waste that will be reused or recycled.

30. Certification of Traffic Engineer

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

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

31. 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.

32. 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.

33. Demolition

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

- a) Demolition material must be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan;
- b) Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *WorkCover NSW* in accordance with Chapter 10 of the *Occupational Health and Safety Regulation 2001* and Clause 29 of the *Protection of the Environment Operations (Waste) Regulation 2005*; and
- c) On construction sites where buildings contain asbestos material, a standard commercially manufactured sign containing the words ‘DANGER ASBESTOS REMOVAL IN PROGRESS’ measuring not less than 400mm x 300mm must be erected in a prominent position visible from the street.

34. Environmental Management

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

35. Street Sweeping

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

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

36. Works Near Trees

All required tree protection measures are to be maintained in good condition for the duration of the construction period.

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 must be located outside the Tree Protection Zone as prescribed in AS 4970-2009 of any tree to be retained.

Consent is granted to undertake works within the Tree Protection Zone of tree 30 only, with the following conditions:

a) Project Arborist:

Works must not reduce the useful life expectancy of the tree and be carried out under the direct supervision of the Project Arborist. The project arborist must assess the condition of trees and the growing environment and make recommendations for, and if necessary carry out remedial action to ensure the health and vigour of the trees.

b) Excavation:

Excavation to a depth of one metre (1m) to facilitate the construction of footings shall be carried out by hand excavation ONLY. Excavation is to occur at a distance greater than 4.5m from the trunk of the tree.

c) Drilling/ Boring:

The installation of any services within the nominated Tree Protection Zone of any tree to be retained shall utilise the horizontal drilling method. Horizontal drilling shall be carried out so that 'top of pipe' is a minimum 600mm depth beneath existing ground level.

37. Disturbance of Existing Site

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

38. Landfill

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

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

39. Excavated Material

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

40. Contamination During Construction Works

Should the presence of asbestos or soil contamination, not recognised during the application process be identified during demolition, the applicant must immediately notify the Principal Certifying Authority and Council.

41. 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.

42. 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.

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

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. Certification of The Water Cycle Management Plan

The constructed water cycle management plan is to be certified by a Practising Civil Engineer (NPER) certifying that the water quality targets as contained within Council DCP have been achieved in the constructed stormwater system.

45. 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.

46. Fulfilment of BASIX Commitments

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

47. Installation of Privacy Devices

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

- a) Any required privacy screen must have no individual openings more than 30mm wide and have a total of all openings less than 30% of the surface area of the screen.
- b) All balconies on the eastern elevation are to include obscure glazing.
- c) All balconies are to include fully stackable louvered privacy screens for the full length of the balcony.

48. Retaining Walls

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

49. Unit Numbering

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

50. 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.

51. 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

52. Planter Boxes/On slab planting

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

53. 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.

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

55. Replacement Planting:

Replacement planting must be completed in accordance with the approved landscape plan

A certificate from a suitably qualified and experienced Horticulturalist must be provided to the Principal Certifying Authority stating the above requirement has been met, that all plant stock meet the specifications outlined in 'Specifying Trees' (Ross Clark, NATSPEC Books) and that the planting methods are current, professional (best practice) industry standards at the time of planting.

Certification – Completed Tree Protection Works:

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

57. Safety and Security

- a) Fire exit doors to the development must be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.
- b) Ground floor windows must be fitted with window locks that can be locked with a key.
- c) The basement car park entry must be secured by security gates/roller shutters. The access control to include an audio/visual intercom system to allow visitor access to the parking area.
- d) Lighting of pedestrian pathways throughout the development must comply with Australia and New Zealand Lighting Standard 1158.1 – Pedestrian.
- e) Sign posting and way finding signage to be clear and legible so that emergency services are able to clearly identify location of a unit and location of the unit block entry.
- f) Front fencing to be designed to allow casual surveillance at the frontage.

- g) Lobby access to be controlled by security card or similar.

58. 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 across the frontage of the site is to be removed and reconstructed.
- b) A concrete footpath to be constructed within the road verge with the remaining area turfed. The existing footpath is to be removed and reconstructed.
- c) A new vehicular access is to be designed and constructed to service the development.
- d) The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the bitumen and reconstructed.
- e) No work is to occur within the road reserve of Forest Grove until such time as a written approval from Hornsby Shire Council is obtained under the Roads Act.

Note: Council is the only authority to approve works within Council roads

59. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road pavement, kerb & gutter, public drainage systems, driveways and on-site detention system.

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

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

61. 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”**.

62. 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 room at the basement levels 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 must include sealed and impervious surface, adequate lighting and ventilation.
- c) A report must be prepared by an appropriately qualified person, certifying the following:
 - i) A comparison of the estimated quantities of each waste type against the actual quantities of each waste type.

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

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

Note: If the 60% diversion from landfill cannot be achieved in the Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed to implement the approved Waste Management Plan. The Report must be based on documentary evidence

such as tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures etc. which are to be attached to the report.

- iii) All waste was taken to site(s) that were lawfully permitted to accept that waste.
- d) Each unit must be provided with an indoor waste/recycling cupboard for the interim storage of a minimum one day's waste generation with separate containers for general waste and recyclable materials.
- e) Space must be provided for either individual compost containers for each unit or a communal compost container;

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

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

Note: Ramps between different levels are acceptable.

- g) 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) A survey of the finished access way (including ramp, waste collection vehicle turning area, loading bay and site entry/exit) to be used by SRV waste collection vehicle, must be carried out by a registered surveyor and submitted to the principal certifying authority. Written confirmation must be submitted to the Principal certifying authority from a qualified Traffic Engineer, that this survey confirms the finished access way within the waste collection vehicle turning path was designed and constructed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for small rigid vehicles.
- i) The 3.5 metre clearance height within the waste collection vehicle travel path must not be reduced by ducting, lights, pipes or anything else.
- j) Site security measures implemented on the property, including electronic gates, must not prevent access to the collection point by waste removal services.

63. 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.

OPERATIONAL CONDITIONS

64. Fire Safety Statement – Annual

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

65. Noise

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

66. Maintenance of Wastewater Device

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

67. Car Parking

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

- a) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted;
- b) Car parking, loading and manoeuvring areas to be 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 to the site and egress from the site shall be made in a forward direction;
- e) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath;
- f) Residential parking spaces are to be secure spaces with access controlled by card or numeric pad;

- g) Visitors must be able to access the visitor parking spaces in the basement car park at all times;
- h) All parking for people with disabilities is to comply with *Australian Standard AS/NZS 2890.6:2009 – Off Street Parking for People with Disabilities*;
- i) Bicycle parking spaces are to be designed in accordance with Australian Standard AS 2890.3:1993 – Bicycle Parking Facilities;
- j) Motorcycle parking spaces are to be designed in accordance with *Australian Standard AS 2890.5:1993*
- k) Access for garbage vehicles is to satisfy the requirements of Council's Waste Management Branch.

68. Waste Management

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

- a) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas, ensuring the chute system and related devices are maintained in effective and efficient working order, managing the communal composting area, 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.

69. Vehicle Site Lines

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

70. Ongoing Carparking Requirements

- a) Residential parking spaces are to be secure spaces with access controlled by card or numeric pad.
- b) Visitors must be able to access the visitor parking spaces in the basement car park at all times.
- c) All parking for people with disabilities is to comply with *AS/NZS 2890.6:2009 Off-street parking for people with disabilities*.
- d) Bicycle parking spaces are to be designed in accordance with *AS 2890.3-1993 Bicycle parking facilities*.
- e) Motorcycle parking spaces are to be designed in accordance with *AS 2890.5-1993*.

- 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 Preservation Order

In accordance with Clause 5.9 Hornsby Local Environment Plan (HLEP) a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by a development consent or a permit granted by Council.

Fines may be imposed for non-compliance with both the HLEP and the HDCP.

Note: 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".

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 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. The authorised numbers are required to be displayed in a clear manner at or near the main entrance to each premise.