JOINT REGIONAL PLANNING PANEL
(Sydney West Region)

JRPP No	2015SYW184
DA Number	DA/1292/2015
Local Government Area	City of Parramatta Council
Proposed Development	Demolition of existing structures, and construction of three (3) x five storey residential flat buildings comprising 133 units with basement car parking
Street Address	Lot 1 SP 33421, Lot 2 SP 33421, Lot 55 DP 12051, Lot 54 DP 12051, Lot 53 DP 12051, Lot 52 DP 12051, Lot 51 DP 12051, Lot 50 DP 12051, Nos. 22 - 34 Cliff Road, Epping NSW 2121
Applicant/Owner	Metro Award Pty Ltd
Number of Submissions	Three submissions (2 from one property) have been received
Regional Development Criteria (Schedule 4A of the Act)	Capital investment value over $20 million ($32,665,530)
List of All Relevant s79C(1)(a) Matters	• 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 (2) Floor Plans (4) Roof Plan Section (5) Elevations (3)

	Materials and Finishes Visualisations (2) Landscaping Plan (1)
Recommendation	Approval with conditions
Report by	Helena Miller, Consultant, MG Planning Pty Ltd

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

- The application involves demolition of existing structures, and construction of three (3) x five storey residential flat buildings with basement car parking totalling 133 residential units and parking for 154 cars.
- The proposal generally complies with the provisions of *State Environmental Planning Policy No. 65*, Apartment Design Code, *Hornsby Local Environment Plan 2013* and the Hornsby Development Control Plan 2013.
- Three submissions have been received in respect of the application (2 from one property).
- It is recommended that the application be approved subject to conditions.

RECOMMENDATION

THAT Development Application No. DA/1292/2015 for demolition of existing structures, and construction of three (3), five storey residential flat buildings with basement car parking totalling 133 residential units and parking for 154 cars at Lot 1 SP 33421, Lot 2 SP 33421, Lot 55 DP 12051, Lot 54 DP 12051, Lot 53 DP 12051, Lot 52 DP 12051, Lot 51 DP 12051, Lot 50 DP 12051, Nos. 22 - 34 Cliff Road, Epping NSW 2121 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 19 March 2015, a pre-lodgement (PL/41/2015) meeting was held between Council officers and the applicant to discuss the application.

On 7 October 2015, DA/1292/2015 was lodged with Hornsby Shire Council for 3 x five storey residential flat buildings comprising 133 units and basement parking for 154 cars. Following an initial review of the DA Council wrote to the applicant on 10 November 2015 and 1 December 2015 raising a number of concerns including heritage impact (impact on neighbouring Rosebank Avenue Heritage Conservation Area), lack of a Construction Traffic

Management, height non-compliance, solar access, design issues, landscaping and communal open space, privacy, setbacks, apartment size and layout, common circulation spaces and storage. These matters were discussed in a meeting between the applicant, Council officers and the consulting planner assessing the application on 8 December 2015.

On 24 February 2016, the Sydney West Joint Regional Planning Panel was briefed regarding the development proposal. Concerns, in addition to those already identified by Council, were raised by the Panel in relation to non-compliances with the Apartment Design Guide (ADG) including non-compliance with the minimum floor to floor height, daylight and natural ventilation in common corridors and circulation spaces and the size of windows to habitable rooms. Council advised the applicant of these additional issues by letter dated 25 February 2016.

Amended plans were submitted in response to the concerns raised on 31 March 2016. The amended plans are the subject of this report.

SITE

The site has a consolidated area of 5,966.48m^2 with a frontage of 128m to Cliff Road (south) and frontage of approximately 46.5m to both Rosebank Avenue (east) and Hazlewood Place (west). The site has a cross fall of approximately 7.5m from the south western corner to the north eastern corner.

The site comprises seven rectangular allotments located on the northern side of Cliff Road. Existing improvements include seven single and two storey dwelling houses and ancillary structures.

A variety of trees are located throughout the site and adjacent to the site boundaries with the majority being exotic species. The majority of the existing trees on site are proposed to be removed to accommodate the proposed development. In addition nine (9) street trees have been proposed for removal.

Epping Railway Station is located approximately 520m to the south east of the site. The immediate area surrounding the site is characterised by low density residential dwellings. However, the area has been identified as the Epping Urban Activation Precinct and several recent multi storey developments have been constructed / approved.

The property is located immediately to the south west of the Rosebank Avenue Conservation Area (adjoins the site to the rear) which is local heritage significance under the provisions of Schedule 5 (Environmental Heritage) of the *Hornsby Local Environmental Plan 2013*.

PROPOSAL

The proposal is for demolition of existing structures on site and construction of three (3) x five storey residential flat buildings with basement car parking comprising the following:

- 133 residential units (1 x 1 studio unit, 23 x 1 bedroom units, 91 x 2 bedroom units, 18 x 3 bedroom units);
- 154 car spaces are proposed within one and half basement levels;
- Vehicular access is from Cliff Road;
- Pedestrian access is to be provided from Cliff Road.

- The proposal will result in the removal of 40 existing trees on site and nine street trees.

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 is consistent with *'A Plan for Growing Sydney'*, as it would provide 133 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 three (3) x 'residential flat buildings' 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 having a maximum height of 17.5m.

2.1.3 Exceptions to Development Standards

The application does not require a variation to any development standard under Clause 4.6 of the *HLEP.*

2.1.4 Heritage Conservation

Clause 5.10 of the *HLEP* sets out heritage conservation provisions for Hornsby Shire. The site is located immediately to the south west of the Rosebank Avenue Heritage Conservation Area (HCA). The proposal has been designed to provide appropriate screening to the HCA in a 4m wide landscape strip which is located in the north eastern corner of the site. With this screening and incorporation of dark brown face brick within the northern and eastern elevations of Buildings B and C (adjacent to Rosebank Avenue) in accordance with Council's heritage officers recommendation, it is considered that the impact of the proposal to the HCA will be acceptable (refer section 2.7.13 below for further detail).

2.1.5 Earthworks

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

Council's assessment of the proposed works and excavation concludes that 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 Design Excellence

Clause 6.8 sets out matters for consideration to determine whether a proposed development exhibits a high standard of design. This Clause applies to development proposals on land with a permitted height limit over 29.5m (10 storeys or more). The subject site does not meet this criterion having a maximum height of 17.5m therefore the provision does not apply.

2.3 State Environmental Planning Policy No.

2.3.1 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. A condition is proposed to require updating of the BASIX certificate for Council approval (following amendments to the plans) prior to issue of a Construction Certificate.

2.3.2 SEPP 32 – Urban Consolidation (Redevelopment of Land)

The application has been assessed against the requirements of *State Environmental Planning Policy No 32 – Urban Consolidation (Redevelopment of Land) (SEPP 32),* which requires Council to implement the aims and objectives of the Policy to the fullest extent practicable when considering development applications relating to the 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 LGA.

2.3.3 SEPP 55 – Remediation of Land

The application has been assessed against the requirements of *State Environmental Planning Policy 55 – Remediation of Land (SEPP 55).* This Policy provides State-wide planning controls requiring that consent must not be granted to the carrying out of development on land unless it has considered whether the land is contaminated or requires remediation of the proposed use. The applicant has addressed this requirement by noting that the existing use of the land is residential with no evidence of any prior industrial uses that would have resulted in potential contamination. A search of Council's records and aerial images reveals that the property has been used exclusively for residential purposes with no record of any site contamination. Further assessment is not therefore required.

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

The Policy provides for design principles to improve the design quality of residential flat development and for consistency in planning controls across the State.

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

Principle	**Compliance**
1. Context	**Yes**
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 which foreshadows residential flat buildings in a landscaped setting with underground car parking. 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 therefore contribute to the identity and future character of the precinct.	

2. Scale	**Yes**

Comment:

The scale of the development is in accordance with the height control and setbacks (generally) for the precinct as prescribed within the *Hornsby Development Control Plan 2013* (*HDCP*). The building footprints generally comply with the maximum floorplate of 35m prescribed within the HDCP however Building C has an east west dimension of 36m which marginally exceeds the control. Notwithstanding this minor exceedance the proposed buildings are well articulated and will achieve a scale consistent with the desired outcome for the area. The building setbacks and internal separation are appropriate and provide for landscaping and open space adjacent to and between the proposed buildings.

3. Built Form	**Yes**

Comment:

The proposed building achieves an appropriate built form for the site and its purpose, in terms of building alignments, proportions, and the manipulation of building elements. The buildings would appropriately contribute to the character of the desired future streetscape and include articulation to minimise the perceived scale.

The proposed materials and finishes would add to the visual interest of the development. Flat roof forms have been adopted to minimise the bulk and height of the building as required by the *HDCP*. A mezzanine level has also been incorporated into the upper level however this will not add to the bulk of the building being set within the proposed roof alignment which complies with the maximum height limit.

4. Density	**Yes**

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 therefore acceptable.

5. Resource, Energy and Water Efficiency	**Yes**

Comment:

The applicant has submitted a BASIX Certificate for the proposed development. In achieving the required BASIX targets for sustainable water use, thermal comfort and energy

efficiency, the proposed development would achieve efficient use of natural resources, energy and water throughout its full life cycle, including demolition and construction. An updated certificate having regard to amended plans is required prior to the issue of a Construction Certificate.

6. Landscape	**Yes**

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 Buildings B and C. The proposal will result in the removal of the majority of trees on site and nine street trees on Rosebank Avenue. However the submitted Arborist's report and Council tree officer's referral recommends the retention of existing trees in the north eastern corner of the site adjacent to 1 Rosebank Avenue (refer to section 3.1.1 for further discussion on this issue). Significant tree planting is also proposed along the northern boundary of the site in the Landscape Concept Plan.

Large trees are also 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.

7. Amenity	**Yes**

Comment:

The proposed units are designed with appropriate room dimensions and layout to maximise amenity for future residents. The proposal incorporates good design in terms of achieving natural ventilation and acoustic privacy. However a number of units do not comply with the solar access requirements. This matter is addressed in further detail at section 2.4.2 below. In summary it has been concluded that the non-compliance is minor and that the affected units have appropriate amenity and will have adequate access to daylight. All units incorporate balconies accessible from living areas and privacy has been achieved through appropriate design and orientation of balconies and living areas. Some additional privacy screens are required to protect the privacy of the open space of neighbouring dwellings to the north and a condition of consent to this effect is proposed (refer to section 2.7.8 below). 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 Cliff Road.

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; 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 shops.

10. Aesthetics	**Yes**

Comment:

The architectural treatment of the building incorporates indentations and projections in the exterior walls with balcony projections to articulate the facades. The roof is flat (or low pitched) 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 *Apartment Design Guide* and the *HDCP*.

2.4 State Environmental Planning Policy No. 65 – Apartment Design Guide

Amendment No. 3 to *SEPP 65* also requires consideration of the *Apartment Design Guide, NSW Department of Planning and Environment 2015*. The *Guide* 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 *Guide*:

Apartment Design Guide			
Control	**Proposal**	**Requirement**	**Compliance**
Deep Soil Zone	28% (1,663m^2)	7% of site area	Yes
Communal Open Space	42% (2,528m^2)	25%	Yes
Ground Level Private Open Space	Min 9m^2 Min Dimension 1-2m however area of 3m x 3m for each dwelling	15m^2 Min Depth of 3m	No No
Solar Access (Living rooms and private open space areas)	69.92% (93 units)	2 hours for 70% of units	No
No Direct Solar Access allowable for units	0 hours for 27 % (36) units	0 hours for maximum 15% of units	No
Natural Cross Ventilation	67% (89 units)	60%	Yes
Minimum Dwelling Size	Studio – min 44m^2 1 br – 50m^2 - 66m^2 2 br – 70m^2 - 81m^2 3 br – 98 - 112m^2	Studio – 35m^2 1 br – 50m^2 2 br – 70m^2 3 br – 90m^2	Yes Yes Yes Yes
Habitable room depth from a window for open plan layout	44 Units (33%) do not comply Up to approx. 11m	8m from a window (max)	No

	for some units		
Building Separation from adjoining development	4m-6m	6m	No
Building Separation within the development site – up to 4 storeys	9m	12m	No
Building Separation within the development site – 5 - 8 storeys	18m	18m	Yes
Minimum Ceiling Height	Min 2.7m	2.7m (habitable rooms) 2.4m (Non-habitable rooms)	Yes
Minimum Balcony Size	1 br - $9m^2$ (min. depth 2m) 2 br - $10m^2$ (min. depth 2m) 3 br - $16m^2$ (min. depth 2m) Note: 4 units (1 x 2 br and 3 x 3br) do not comply due to min. dimension (refer 2.4.1 below)	1 br - $8m^2$ (min. depth 2m) 2 br - $10m^2$ (min. depth 2m) 3 br - $12m^2$ (min. depth 2.4m)	Yes Yes No
Maximum Number of Units on a Single Level	9 units	8 units off a circulation core	No
Total Storage Area	1 br – $6.2m^3$ (Min) 2 br - $8m^3$ (Min)	1 br - $6m^3$ (Min) with 50% accessible from apartments 2 br - $8m^3$ (Min) with 50% accessible from	Yes Yes

		apartments	
	3 br – 10.3m^3 (Min)	3 br - 10m^3 (Min) with 50% accessible from apartments	Yes

As detailed in the above table, the proposed development complies with the prescriptive measures within the *Apartment Design Guide (ADG)* other than ground level private open space, zero solar access provision, apartment depth and maximum number of units off a single core. Below is a brief discussion regarding the relevant development controls and best practice guidelines.

2.4.1 Ground Floor Apartments and Private Open Space

The proposal does not comply with the Guide's required 15m^2 of private open space for a number of ground floor apartments however it does comply with the 3 metre minimum width dimension. Units AG.03, AG.06, AG.07, BG.04, BG.07, BG.08, CG.01, CG.03, CG,04 and CG.07 have balconies with less than 15m^2 of private open space (min. 9m^2 for AG.07). Further Units AG01, A1.01, A2.01, and A3.01 do not comply with the minimum area requirement for 2 and 3 bedroom units under the ADG as the primary open space area is 9m^2 only and the remaining area has a minimum dimension of 950mm and cannot therefore be counted. Notwithstanding these technical non-compliances it is considered that the proposed open space is adequate for the proposed units and will meet the open space needs of the future residents having regard to dwelling size, unit configuration and amenity.

It is also noted that the private open space areas have been design in accordance with the requirements of Council's *HDCP*. The *HDCP* required that the deep soil area within the setbacks of the development should be retained as communal open space. The objective of this control is to provide a landscape setting to the development. As such, the numerical non-compliance is considered minor and acceptable.

2.4.2 Solar and Daylight Access

A total of 93 of the proposed 133 units (69.92%) meet the requirements for a minimum of 2 hours sunlight in mid-winter which does not comply with the minimum ADG requirement of 70%.

The length and depth of the subject allotment and the site orientation largely dictate the form of the proposed buildings and give rise to difficulties in achieving compliance with the ADG solar access requirement. Notwithstanding this constraint, it is considered that the non-compliance (0.08%) is minor and that the proposed units have been designed to maximise available sunlight access. Accordingly it is considered that the proposed non-compliance with the 70% sunlight access requirement is therefore acceptable in this instance.

The ADG further provides that not more than 15% of units can receive no solar access to the living rooms of each unit in midwinter. The proposal does not comply with this requirement as 27% (36 units) do not receive any direct solar access between 9am and 3pm on the 21 June.

To assess whether sufficient daylight is available to the living rooms of dwellings which achieve no solar access to living rooms in midwinter a Daylight Illumination Study has been prepared and submitted with the application. The assessment considers the quality of natural light available in the centre of the living room of affected apartments. Modelling has been undertaken at the equinox and in midwinter. The results indicate that all living areas of the affected units will receive more than 100Lux in midwinter between 9am and 3pm and also on the Equinox between 8am and 5pm. The assessment therefore concludes that adequate levels of natural daylight illumination will the achieved for the living rooms of affected apartments notwithstanding the solar non-compliance. The assessment notes that 100Lux is an accepted standard for daylight illumination and is required to satisfy the intent of the daylighting requirements specified in SEPP 65. It is considered that this is approach is acceptable in the circumstances given the amenity of the units, availability of outdoor areas (both private and communal) and the site constraints as discussed above.

2.4.3 Apartment Size and Layout

The proposed RFBs incorporate a mix of single and dual aspect apartments comprising an appropriate mix of one, two and three bedroom units and one studio apartment. The majority of units are well ventilated with corner units providing dual aspect windows and balconies.

The proposed layout of all units consists of open plan living/dining rooms that have a minimum width of 3.6m as required for one bedroom units and 4m for two and three bedroom units. All window areas in habitable rooms meet the 10% requirement and therefore comply with the requirements of the *ADG*. The majority of units 67% also provide for natural ventilation which exceeds the minimum requirement of 60%.

The *ADG* also prescribed that master bedrooms are to have a minimum size of $10m^2$ with a minimum dimension of 3m excluding wardrobes and all other bedrooms are to have a minimum size of $9m^2$. The majority of units comply with this requirement. Some units have a master bedroom of approximately $9m^2$ (minimum dimension 3m) however this is considered acceptable and the impact of the shortfall negligible.

In addition some units have a maximum depth greater than the prescribed 8m as outlined in the *ADG*. The maximum depth of some units is up to approximately 11-12m however this is only for a small number of units and adequate daylighting is provided to the main living area.

2.4.4 Building Separation

The building separation between Buildings A, B and C is 9m and does not comply with the ADG requirement. However it complies with HDCP, which in terms of privacy is adequate in various development proposals in the past. The proposal is consistent with previous decisions by Hornsby Shire Council and the JRPP to approve similar 5 storey developments that meet the prescriptive requirements of the HDCP notwithstanding the minor variation to the ADG provisions. This separation is increased with the proposed 4 x 4m building indentations and on the uppermost level (Level 4) with a separation of 18m from building wall to building wall. Where balconies are proposed on the upper levels these are offset to minimise the potential for privacy impacts between buildings and/or privacy screens are proposed. The proposed building separation between the buildings does not compromise solar, ventilation and privacy amenity to the units. The proposal is considered acceptable in this instance.

Building B and C have a building separation of 6 metre and 7 metre respectively to the rear boundary and comply with the minimum separation of 6 metre under ADG. However Building A has a setback of 4 metre and does not comply with the building separation requirement. Notwithstanding, the proposed development has been designed with the consideration of the approved development on the adjoining site at 2-8 Hazelwood Place. The proposed development has appropriately designed the layout of apartments to incorporate various visual privacy measures to manage privacy between apartments including off set windows, solid walls with non-habitable room windows, fixed louvres on the balconies and obscured glazing to balustrades on the upper floor levels. Although the proposed building A does not comply with the numerical requirement for separation; the proposed visual privacy measures would provide adequate separation for residential amenity.

The non-compliance is unique to this site and would not be perceptible when viewed from the street and would not detrimentally impact upon the visual amenity of the streetscape or the visual and acoustic privacy of the adjoining developments. In this regard, the minor variations to building separation are considered to be acceptable.

2.4.5 Internal Circulation

The proposed buildings, Buildings A, B and C include access to all floors via a centrally located lift in each building. A total of 9 units are accessible off a single corridor on each level which exceeds the *ADG* requirement of 8 units. However the *ADG* outlines that exception may be allowed where a development demonstrates a high level of amenity for common lobbies, corridors and units. The proposed buildings provide 4m x 4m indentations within each face which results in units adjoining these indentations achieving an improved level of ventilation and solar access. In addition at the ground level the central cores of each building are connected to the communal open space at the rear of the buildings via a corridor. It is therefore considered that the proposal is acceptable with regard to this requirement of the ADG.

2.4.6 Acoustic Privacy

The internal layout of the residential units is such that noise generating areas adjoin each other where possible and quiet areas are similarly paired adjacent to each other in different units. Circulation zones, communal areas and fire stairs are also located where possible to act as a noise buffer between units / noise generating areas. The application is accompanied by an acoustic assessment which recommends that subject to the recommendations contained therein the proposed development will comply with relevant noise criteria. Notably recommendations have been made in relation to glazing and roof / ceiling construction. It is recommended that these recommendations be included as conditions in any consent. Subject to these requirements it is considered that the proposed development will be acceptable in terms of acoustic privacy.

2.4.7 Storage

The proposed RFBs include storage areas within the apartments and within the basement level. The proposed storage areas comply with the minimum required area for unit and with the ADG requirement that a minimum of 50% of the proposed storage area is to be located

within the apartment. Over bonnet storage and full height cages are provided in the basement.

2.4.8 Facades

The proposed RFBs incorporate high quality facades with a balanced composition of varied building elements including a defined base, middle and top to the buildings. The facades are well composed with horizontal and vertical elements with a varied textures and environmentally sustainable materials including painted render, aluminium, glass, terracotta, stone cladding and timber fencing to provide visual interest along the street while respected the desired future character of the area. The different buildings incorporate different materials to provide visual interest and to ensure that the three buildings do not have a monotonous effect on the street. Highlight materials include sandstone cladding and terracotta.

Concern has been raised by Council's heritage architect that the proposed materials and finishes are not consistent with the adjacent Rosebank Avenue Heritage Conservation Area. A recommendation has been made that clean faced dark brown face brick, on the northern and eastern (Rosebank Ave) elevations of the development. This recommendation relates primarily to Building C which adjoins Rosebank Avenue and the HCA. It is considered that face brick work could readily be accommodated into the building and that this would assist in ensuring that the building is sympathetic to the neighbouring HCA. Accordingly a condition to this effect is recommended should the application be recommended for approval.

2.4.9 Landscape Design and Planting on Structures

The proposal incorporates a landscape design that is environmentally sustainable and will enhance the amenity of the development in accordance with the requirements of the *ADG*. The design will provide sufficient deep soil to enable dense planting along the northern boundary of the site to screen the development from the HCA to the north and from existing detached dwelling. It will also provide sufficient landscape planting in communal areas and surrounding and between the buildings to soften the appearance of the development, enhance the amenity of residents and provide an appropriate streetscape presentation.

Council's landscape architect has recommended conditions of consent to ensure that the design meets the requirements of the *ADG*. Conditions relate to the depth of soil for on slab planting, provision of seating in the communal open space area and street tree planting requirements. It is considered that these conditions are appropriate and accordingly should be applied to any consent.

2.5 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.

2.6 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.

2.7 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	128.016m	30m	Yes
Height	5 storeys plus mezzanine – 17.5m	5 storeys – 17.5m	Yes
Lowest Residential Floor Above Ground	960mm	1m (max)	Yes
Maximum Floorplate Dimension	36m max (Blg C – East West dimension)	35m	No
Building Indentation	4m x 4m	4m x 4m	Yes
Height of Basement Above Ground	960mm	1m (max)	Yes

Front Setback	Refer section 2.7.4 below	10m – Cliff Road 8m – Rosebank Ave 8m – Hazlewood Place 7m - balconies	Partly complies – consistent with discussions with Council
Rear Setback	Min. 4.0m (Blg A) 8m (Blgs B & C) 6m – balconies to Blg B 7m – balconies to Blg C	10m 8m < 1/3 building width 7m (balconies)	Yes/No
Side Setback	N/A	6m 4m < 1/3 building width 6m balconies	N/A
Top Storey Setback from Ground Floor	0m-5m	3m additional setback from wall of the lowest storey	No
Underground Parking Setback	7m- site frontages 4m-rear	7m-front 4m-rear	Yes Yes
Basement Ramp Setback	N/A	2m	N/A
Deep Soil Landscaped Areas	7m-front (x 3 sides) 4m rear	7m-front and rear 4m sides	Yes No (rear)

Private Open Space	1 br – 9m^2 (min) 2 br – 10m^2 (min) 3 br - 16m^2 (min) (min width 2.1m)	1 br - 10m^2 2 br - 12m^2 3 br - 16m^2 (min width 2.5m)	No No Yes No – min. width
Principle Communal Open Space **Communal Open Space with Minimum Dimensions 4m**	750m^2 (42.4% site area)	50m^2 min Min. 25% site area (at ground level)	Yes Yes
Parking	136 resident spaces 17 visitor spaces 27 bicycle tracks 14 visitor bicycle racks 4 motorbike space	136 resident spaces 19 visitor spaces 27 bicycle tracks 13 visitor bicycle racks 3.1 Motorbike space	Yes No - acceptable Yes Yes Yes
Solar Access	69.92% (93 units)	Min. 70% units	No
Housing Choice	1 br/st. - 18% 2br – 68.4% 3br – 13.5%	10% of each type (min)	Yes
Adaptable Units	30% (40 units)	Min 30%	Yes

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

2.7.1 Desired Future Character

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

The elevations of each building include a variety of materials including terracotta and sandstone cladding, painted render, glass, timber fencing etc. in a natural colour palette with highlight elements. The balconies include a combination of rendered or glass balustrades, fixed aluminium louvres and planter boxes. The modern design and aesthetic of the building in in keeping with the desired future character of the area and will not detract from the adjacent heritage conservation area subject to proposed landscape planting and the incorporation of face brickwork into the northern and eastern façades of Building C.

2.7.2 Site Requirements

The *HDCP* requires sites to have a minimum frontage of 30m. The subject site has a frontage of 128.016m to Cliff Road and therefore complies with this requirement. The proposed development would not result in an isolated site and would not compromise the future development opportunities of any land.

2.7.3 Height

The proposed five storey buildings plus mezzanine, as amended, comply with the maximum height limit outlined in the *HDCP*. The proposed building incorporates excavation works for the basement car park and for finished ground levels. The height of the lowest residential floor above ground level is approx. 960mm which is less than the maximum 1m above natural ground level. The height of the basement also complies with the maximum of 1m above natural ground level having a maximum height of 960m.

The roof design is appropriate with the profile having been modified in the amended plans to accentuate the appearance of each of the buildings as two separate 'building pavilions' rather than a single mass.

2.7.4 Setbacks

The site has three street frontages with Cliff Road forming the main street frontage, Rosebank Avenue being the frontage to the heritage conservation area and Hazelwood Place being the more minor frontage. To determine the appropriate street setbacks discussions have been held with Council officers in regard to frontages that should be treated as the front setback, side and rear setbacks. To ensure an appropriate building footprint and to ensure an appropriate streetscape of all street frontages Council has advised the applicant of the agreed setback requirements as follows:

- Cliff Road – 8 to 10m setback
- Rosebank Avenue – 8 to 10m setback
- Hazlewood Place – 8 to 10m setback
- Side Setback (North) – 4 to 6 to the west (Hazlewood Place) and 8 to 10m to the east (Rosebank Avenue Heritage Conservation Area

The proposed development provides for setbacks generally as follows:

- Cliff Road – 8m to building, 6m to terraces on GF, 7m to balconies and 6m to the building in the NE corner of the site

- Rosebank Avenue – 5.9 - 7m to terrace on GF, 8m to building wall
- Hazlewood Place – 8m to building, 7m to terrace on GF, 4.9m to terrace in NW corner and 6.9m to balconies
- Rear (north) – Building A (NW) 4m to building, Building B(Centre) 6m, Building C (NE) 7m to terrace 8m to building

The proposed setbacks are variable and are considered to be generally consistent with the discussions held with Council officers. Significantly the proposed development provides a consistent setback to Cliff Road and therefore provides a suitable area for landscape planting to soften the visual impact of the development on the frontage where all three buildings will be viewed. The setback to Rosebank Avenue is similarly consistent with the Rosebank Avenue streetscape and will ensure an appropriate streetscape presentation consistent with the HCA. On Hazelwood Place a reduced setback is provided in the north western corner of the site however this is considered appropriate given the lower order of this frontage and given that the reduced setback only applies to the rear third of the street frontage as provided by the DCP.

In terms of the northern (rear) setback, a reduced setback (4m) is provided to Building A, stepping out to 6m in the centre of the site (Building B) and providing a more generous setback 7-8m to Building C which is adjacent to the Rosebank Avenue Heritage Conservation Area in the north east. This is considered appropriate. In summary while the proposed setbacks do not technically comply with the DCP requirements they are considered appropriate in the context of the site and will ensure appropriate building footprints and siting of the buildings.

It is also noted that the 4th level of the buildings are not setback 3m behind the lowest level as required by the DCP. Parts of the level 4 are less than 3 metres. In this regard it is considered that given the form and articulation of the buildings, and given that the development extends for a full block, the setback is not required in this instance. The intent of the control is generally to control the height and bulk of a development and to ensure an appropriate built form. In this instance it is considered that the objective of the control is achieved notwithstanding the numerical non-compliance and that the proposal is therefore acceptable.

2.7.5 Built Form, Separation and Articulation

The *HDCP* require a building separation of 12m between unscreened habitable areas or balconies for residential buildings on adjoining sites. Accordingly, all proposed developments are required to provide half of the building separation, as setbacks from side boundaries. Further, a 9m separation between buildings on the same site is allowed, where no unscreened habitable areas face each other.

The building separation requirements would apply to between the buildings and the northern side of the development. The development complies with the building separation requirements along this boundary by proposing a minimum boundary setback of 6m unscreened habitable areas up to the fourth level on Building B and C. Highlight windows and screens have been added to the habitable rooms with a 4m setback from Building A.

Additionally, a minimum 9m separation is maintained between the buildings within the site. Privacy screens have been added to the balconies where necessary.

In terms of articulation of the building facades, the treatment, size and placement of windows, protruding balconies, vertical panels, contemporary colours and textures and stepped levels of the building, flat roof and large proportion of openings at the two topmost storeys minimises the bulk and scale and would contribute to the streetscape.

The subject site comprises seven allotments with a frontage of 128m to Cliff Road. Given the width of the site and having regard to appropriate setbacks and building separation, 3 buildings are proposed. Buildings A and B comply with the maximum floorplate dimension (35m) with only Building C proposing a minor variation (36m for the East West dimension). The proposal also incorporates the required 4 x 4m indentation on each façade and uses wrap around balconies to provide appropriate articulation and the reduce the bulk of the proposed buildings. In addition the façade of each building has been varied using a variety of materials and finishes and architectural treatments to provide variety in the streetscape and to break up the massing and bulk of the buildings. Accordingly it is considered that the proposal achieves the desired outcome of the *HDCP* in relation to building form and separation.

2.7.6 Landscaping

The proposed development requires the removal of 40 trees on site notwithstanding that the submitted arborist's report recommends retention of two (2) trees in the north eastern corner of the site. Tree protection measures are also proposed for trees to be retained on adjacent sites as well as for street trees. The proposal seeks approval for the removal of nine street trees in the Rosebank Avenue Road Reserve.

The submitted landscape plans includes a range of exotic and locally indigenous plant species however plants are shown as indicative and are not located on the landscape plan. Whilst the number and size of plants is indicated it is unclear whether this correlates with the plans.

Council's landscape officer has provided advice that the landscape plan is acceptable subject to recommended conditions of consent. In general it is considered that the proposed landscape concept is appropriate however further detail is required in relation to the location of individual species as listed on the indicative plan schedule. Accordingly a condition is recommended to require a further detailed landscape plan to be approved by Council prior to the commencement of works on site.

Three of the trees that are proposed for removal (Trees 26, 60 and 61) are recommended for retention by the applicant's arborist report therefore any approval should not provide for removal of these trees and a condition to this effect included.

2.7.7 Open Space

The proposed communal open space areas comply with the prescriptive requirement of at least 50m^2 with a minimum dimension of 4m and are provided at the rear of the site (Building A – 894m^2, Building 773m^2 and Building C – 864m^2). The principal communal open space area would receive adequate solar access during midwinter being located on the northern side of the development. Further it can be accessed from the foyers of each building via the rear entry doors on Buildings A and C and the side entrance door and pathway from Building B. The area is also subject to passive surveillance being clearly visible from the north facing balconies on each building.

The proposed private open space areas for each unit generally comply with the required dimensions and areas in accordance with the HDCP subject to some minor variations as outlined above. The majority of the balconies exceed the minimum area requirements and provide a screened outdoor clothes drying area.

2.7.8 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 and planter boxes have been implemented on the facades overlooking adjacent properties or where the building separation between balconies (internal to the development) does not meet the minimum separation distances of 12m (minimum of 9m proposed) as required by the ADG.

Concern has been raised in a submission in relation to the privacy impacts of balconies facing north on the rear yards of the adjacent properties. Whilst it is noted that the applicant has amended the plans to include partial privacy screens to balconies in Building A, B and C, which are adjacent to the northern boundary and have the potential to look into neighbouring properties, these screens are not considered to be adequate. Units B1.02, B2.02, B3.02, B1.03, B2.03, B4.02, B4.03, C1.06, C2.06, C1.07, C2.07 and C3.07 have the potential to overlook the private open space of properties to the north and are located only 6m from the boundary. Accordingly it is considered that a conditions of consent should be applied which requires fixed privacy screens for the full width of the north facing balconies to units B1.02, B2.02, B3.02, B1.03, B2.03, B4.02, B4.03, C1.06, C2.06, C1.07, C2.07 and C3.07. Subject to this condition it is considered that the privacy impacts of the proposal will not be negative on the adjacent properties to the north.

The proposed development provides for casual surveillance of the public domain and communal open spaces areas. Appropriate conditions are recommended in relation to security access and crime prevention.

Subject to conditions of consent it is considered that the proposal complies with the requirement of the *HDCP*.

2.7.9 Sunlight and Ventilation

As outlined above the proposed development does not comply with the HDCP prescriptive requirement that at least 70% of dwellings receive 2 hours or more of direct solar access to living room windows and private open space in midwinter. 93 (69.92%) of the dwellings will meet this requirement. Further 27% (36 units) do not receive any direct solar access to living room windows between 9am and 3pm on the 21 June.

The length and depth of the subject allotment and the site orientation largely dictate the form of the proposed buildings and give rise to difficulties in achieving compliance with the solar access requirement. Notwithstanding this constraint, it is considered that the non-compliance (0.08%) is minor and that the proposed units have been designed to maximise available sunlight access. Accordingly it is considered that the proposed non-compliance with the 70% sunlight access requirement is therefore acceptable in this instance.

In relation to units which receive no solar access to the living rooms of each unit in midwinter, a Daylight Illumination Study has been prepared and submitted with the application. The

assessment considers the quality of natural light available in the centre of the living room of affected apartments. Modelling has been undertaken at the equinox and in midwinter. The results indicate that all living areas of the affected units will receive more than 100Lux in midwinter between 9am and 3pm and also on the Equinox between 8am and 5pm. The assessment therefore concludes that adequate levels of natural daylight illumination will the achieved for the living rooms of affected apartments notwithstanding the solar non-compliance. The assessment notes that 100Lux is an accepted standard for daylight illumination and is required to satisfy the intent of the daylighting requirements specified in SEPP 65. It is considered that this is approach is acceptable in the circumstances given the amenity of the units, availability of outdoor areas (both private and communal) and the site constraints as discussed above.

The proposal does meet the requirement that a minimum of 60% of the dwellings achieve natural ventilation with 89 units (67%) being capable of natural ventilation.

Shadow diagrams have been submitted which indicate the extent of overshadowing as a result of the proposal development on adjoining properties at 9am, 12pm and 3pm on June 22. Given the size and orientation of the block the majority of the shadow cast by the proposed buildings is contained to within the block itself or falls on the adjacent streets. No adverse shadow impacts to adjoining properties will result from the proposed development.

2.7.10 Housing Choice

The proposed buildings include a mix of studio, one, two and three bedroom units that range in size and layout. The proposal is for 1 x studio, 23 x 1 bed, 91 x 2 bed and 18 x 3 bed units. The proposed housing mix complies with the *HDCP* requirement for at least 10% of each dwelling type. The proposed number of adaptable dwellings (40) complies with the 30% required by the *HDCP.*

2.7.11 Vehicular Access and Parking

Vehicle access to Blocks A, B and C is proposed to the joint basement via a shared access driveway off Cliff Road between Buildings B and C with a width of 7m splaying to 9.3m at the site frontage. The driveway has been designed to accommodate Council's 6.4m Small Rigid Vehicle garbage truck and complies with the Australian Standards for driveway widths and gradients. The proposal includes 154 car parking spaces (including 15 accessible spaces) to be used by residents and visitors, 27 resident bicycle racks, 14 visitor bicycle racks and 4 motorcycle spaces which complies with the requirements of *HDCP* and is therefore considered to be acceptable.

2.7.12 Waste Management

An operational waste management plan was submitted with the application and has been reviewed by Council's Waste Management Services. The assessment notes that:

> *The site will require 12 of 660L garbage bins serviced twice weekly, 30 of 240L recycling bins serviced weekly, and 3 of 660L paper/cardboard bin serviced weekly. There is a garbage chute with 4x660L bin carousel for each building. There is a waste facility (garbage chute and recycling bin in a cupboard) that is accessible by persons with a disability on each residential level. The site is to be serviced by the SRV waste collection vehicle from within the basement carpark.*

The assessment concludes that the proposed waste management arrangements are satisfactory subject to recommended conditions of consent.

2.7.13 Heritage

The site is located adjacent to the Rosebank Avenue Heritage Conservation Area. Council's heritage planner has reviewed the proposal and has advised that no objection would be raised to the proposal on heritage grounds subject to the following conditions of consent:

1. That evergreen screen tree planting (minimum height at maturity 15 metres) is to be provided along the rear (northern) boundary adjacent the Rosebank Heritage Conservation Area (HCA). Details of which are to be provided on the Landscape Plan.

2. The Rosebank Ave setback is to be planted with additional evergreen screen trees (minimum height at maturity 12 metres) to reduce the impact of the high rise development on the low density conservation area. Details of which are to be provided on the Landscape Plan.

3. The materials and finishes are to incorporate clean faced brick in dark brown colour, on the northern and eastern (Rosebank Ave) elevations of the development.

4. A Construction Impact Report to be required as a condition of consent on any approvals.

It is considered that these conditions are appropriate and will ensure that the impact of the proposed development on the significance of the HCA is minimised. Notwithstanding it is considered appropriate that recommendation 3 be limited to Building C which is within the view shed of the HCA. Accordingly conditions of consent to this effect are recommended.

2.8 Section 94 Contributions Plans

Hornsby Shire Council Section 94 Contributions Plan 2012-2021 applies to the development as it would result in an additional 133 residential dwellings in lieu of the 7 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 40 existing trees on site and nine street trees in Rosebank Avenue. None of the trees to be removed are identified as 'significant trees' in accordance with the Tree and Vegetation provisions of the *HDCP*. However the arborist report submitted with the application recommends retention of a number of trees that are proposed for removal. Notwithstanding this Council's assessment of the

proposal included a detailed examination of the existing trees on site and determined that the proposal was acceptable subject to recommended conditions of consent. Conditions have been recommended in relation to tree removal, tree protection, replacement planting etc.

The assessment however does not agree to the removal of trees 26 (street tree on Cliff Avenue), 60 and 61. Accordingly it is recommended that proposed tree protection condition be amended to include these trees.

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 100m^3 which is located in the south eastern corner of the site adjacent to the intersection of Cliff Road and Rosebank Avenue. The proposed stormwater drainage system is to connect to the existing network at a low point in Rosebank Avenue located approximately 80 metres from the site.

As the overall site area is greater than 2000m^2 the development is required to achieve the water quality targets in Table 1C1.2(b) of *HDCP*. The *HDCP* also required that a Water Sensitive Urban Design (WSUD) Strategy and Model for Urban Stormwater Improvement Conceptualisation (MUSIC) model or equivalent is required to be submitted and assessed as part of the development application. Council's engineers have assessed the application and concluded that the proposed stormwater management system is satisfactory subject to recommended conditions of consent in Schedule 1.

3.2 Built Environment

3.2.1 Built Form

The proposed buildings will be located within a precinct identified for higher density residential development in which the desired future character has been identified as residential flat buildings of varying heights in a garden setting with basement car parking. The proposed built form is entirely consistent with this developing character as established by the *HLEP* and *HDCP*. The visual impact, scale and bulk of the buildings has been appropriately mitigated by the proposed design, materials and finishes, articulation and landscaping. It is therefore considered that the proposed built form is appropriate.

3.2.2 Traffic

A traffic and parking assessment has been submitted with the proposal which estimates that the proposed development would generate an additional 39 vehicular trips per hour during the AM and PM peak period which is considered negligible and will not result in any impact on the level of service of surrounding intersections.

Council's engineering assessment of the traffic impacts of the development concludes that the impact of the proposal is negligible when compared with the traffic volumes on the adjacent road network for this development alone. However it further notes that although peak hour traffic generation may appear to be negligible when compared with the traffic volumes on the adjacent road network for this development alone, the cumulative traffic impacts of all sites earmarked for redevelopment in the precinct will be significant. The cumulative impact has been considered in the strategic transport model for the housing strategy. The required traffic management improvements have been included in the S94 contributions plan. The

assessment concludes that in terms of traffic impacts the proposed development is satisfactory.

Council's engineers have also made detailed recommendations in relation to the functioning of the proposed development from a vehicular access, waste management and parking perspective. These matters can be dealt with via conditions of consent.

3.3 Social Impacts

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

The location of the development is in close proximity to Epping Railway Station and Epping Town Centre which would provide a mix of recreational, health and education facilities for future residents. It is therefore considered that the proposal is acceptable in terms of social impact.

3.4 Economic Impacts

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

4. SITE SUITABILITY

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

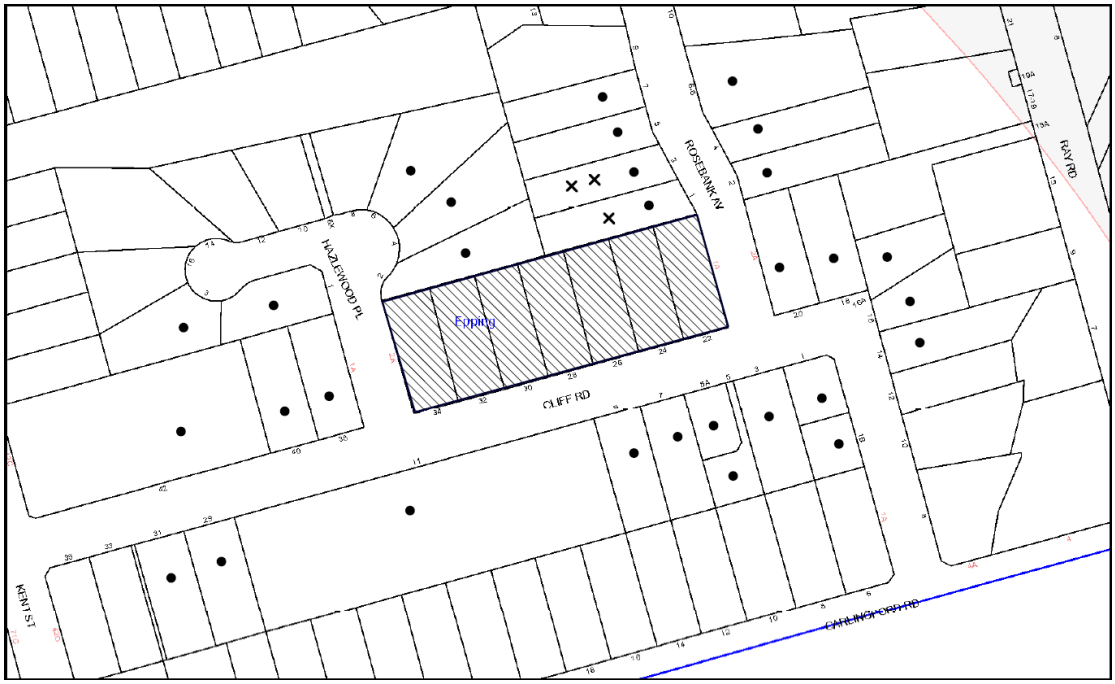
The subject site is zoned for five storey residential development and the proposal involves 3 x five storey residential flat buildings. The subject site has not been identified as bush fire prone or flood prone. The site is considered to be capable of accommodating the proposed development. The scale of the proposed development is consistent with the capacity of the site and the design has regard to the adjacent heritage conservation area. Accordingly it is considered that the site is suitable for the proposed development.

5. PUBLIC PARTICIPATION

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

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 19 October and 4 November 2015 in accordance with the Notification and Exhibition requirements of the *HDCP*. During this period, Council received three (3) submissions (2 being from one property). 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	N W E S

Three submissions objected to the development, generally on the following grounds

- Noise and air pollution impacts during demolition and construction
- Privacy impacts
- Impact on Rosebank Heritage Conservation Area
- Non compliance with Council controls notable 5 storeys plus mezzanine where only 5 storeys permitted.

The merits of the matters raised in community submissions are addressed below:

5.1.1 Demolition and construction impacts

Concerns were raised regarding the unacceptable noise and air pollution impacts that would result from the proposed demolition and construction works associated with the proposed development. Conditions of consent are recommended to limit the hours of construction noise and to ensure that all demolition work is carried out in accordance with Australian Standard 2601-2001 – The Demolition of Structures. Where asbestos material is being removed, the demolition works must be undertaken by a contractor that holds an appropriate

licence issued by Workcover NSW. In addition the applicant will be required to prepare a construction management plan for Council's approval prior to the commencement of works on site. This plan will be required to address measure to mitigate any adverse air quality or noise impact that may result from the proposed development.

5.1.2 Privacy Impacts

The owner of 1 Rosebank Avenue has raised concern regard the construction of a five storey residential flat building with units that will overlook the properties rear private open space. This matter has been assessed in detail in section 2.7.8 above. A condition of consent is recommended to require affected balconies to include appropriate privacy treatments to prevent overlooking.

5.1.3 Impact on Rosebank Avenue Heritage Conservation Area

This matter has been addressed in detail in the body of this report. In summary it is considered that subject to recommended conditions of consent the proposal will not have an unacceptable impact on the Rosebank Heritage Conservation Area. Recommended conditions of consent relate to screen planting on the sites north eastern boundary, incorporation of dark brown face brickwork into the northern and western façade of Building C.

5.1.4 Non compliance with Council controls

As outlined above the proposed development is largely consistent with the controls contained in the *HLEP* and *HDCP* and is consistent with the form of development anticipated for the area as detailed therein. The proposal does not give rise to any significant non-compliances. In terms of maximum height the proposal complies with the maximum height in metres of 17.5m. Mezzanine levels are permissible within the maximum height limit as proposed.

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 proposes the demolition of existing dwellings and the construction of 3 x five storey residential flat buildings comprising 133 units and two levels of basement car parking.

The proposed development is in accordance with the provisions of *HLEP*. The proposal also complies with the key principles for the Cliff Road, Epping precinct prescribed in the *HDCP*. Whilst the proposal does not comply with the numerical requirements for setbacks it is considered that the proposed setbacks are appropriate having regard to the characteristics of the site and the location of the adjacent Heritage Conservation Area. Further the proposal does not comply with the requirements for solar access with only 69.92% of dwellings (93 units) receiving 2 hours of sunlight to living rooms in mid-winter rather than the required 70%. It is however considered that this is acceptable given the minor non-compliance and as the affected dwellings will achieve adequate daylight.

The proposed development is generally in accordance with the Design Quality Principles of SEPP 65 and the best practice requirements of the Apartment Design Guide similarly with the exception of the requirements relating to solar access.

Three public submissions (2 from one property) were received raising concerns regarding air and noise pollution during construction, private, impacts on the HCA and non-compliance with Council's controls primarily in relation to height.

It is considered that the development is a reasonable response to the site and a genuine attempt has been made to for the development to comply with the planning controls within the precinct. Subject to recommended conditions, the proposed development is considered to be 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.

Attachments:

1. Locality Map
2. Site Survey
3. Basement Plans
4. Floor Plans
5. Roof Plan
6. Sections
7. Elevations
8. Materials and Finishes
9. Visualisations
10. Landscaping Plan

SCHEDULE 1

GENERAL CONDITIONS

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

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

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

1. **Approved Plans and Supporting Documentation**

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

Plan No.	***Drawn by***	***Dated***	***Revision***
DA-103 Demolition Plan	Dickson Rothschild	01/10/2015	A
DA-104 Proposed Site Plan	Dickson Rothschild	21/03/2016	B
DA-201 General Arrangement – Basement 1	Dickson Rothschild	25/07/2016	C
DA-202 General Arrangement – Basement Mezzanine	Dickson Rothschild	25/07/2016	C
DA-203 General Arrangement – Ground Floor	Dickson Rothschild	08/09/2016	D
DA-204 General Arrangement – Typical Level 1-3	Dickson Rothschild	08/09/2016	D
DA-205 General Arrangement – Level 4	Dickson Rothschild	25/07/2016	C
DA-206 General Arrangement – Level 4 Mezzanine	Dickson Rothschild	25/07/2016	C
DA-207 General Arrangement – Roof Plan	Dickson Rothschild	25/07/2016	C
DA-220 Building A – Basement 1	Dickson Rothschild	21/03/2016	B
DA-221 Building A – Basement Mezzanine	Dickson Rothschild	21/03/2016	B

DA-222 Building A – Ground Floor	Dickson Rothschild	08/09/2016	D
DA-223 Building A – Level 1-3	Dickson Rothschild	08/09/2016	D
DA-224 Building A – Level 4	Dickson Rothschild	16/08/2016	C
DA-225 Building A – Level 4 Mezzanine	Dickson Rothschild	21/03/2016	B
DA-226 Building A – Roof	Dickson Rothschild	21/03/2016	B
DA-229 Building B – Basement 1	Dickson Rothschild	25/07/2016	C
DA-230 Building B – Ground Floor	Dickson Rothschild	25/07/2016	C
DA-231 Building B – Level 1-3	Dickson Rothschild	25/07/2016	C
DA-232 Building B – Level 4	Dickson Rothschild	25/07/2016	C
DA-233 Building B – Level 4 Mezzanine	Dickson Rothschild	21/03/2016	B
DA-234 Building B – Roof	Dickson Rothschild	21/03/2016	B
DA-239 Building C – Basement 1	Dickson Rothschild	21/03/2016	B
DA-240 Building C – Ground Floor	Dickson Rothschild	25/07/2016	C
DA-241 Building C – Level 1-3	Dickson Rothschild	25/07/2016	C
DA-242 Building C – Level 4	Dickson Rothschild	25/07/2016	C
DA-243 Building C – Level 4 Mezzanine	Dickson Rothschild	25/07/2016	C
DA-244 Building C – Roof	Dickson Rothschild	21/03/2016	B
DA-301 Section AA & Section BB	Dickson Rothschild	21/03/2016	B
DA-302 Section CC	Dickson Rothschild	25/07/2016	C
DA-303 Section DD	Dickson Rothschild	25/07/2016	A
DA-304 Section EE	Dickson Rothschild	25/07/2016	A
DA-320 Building A – Section DD	Dickson Rothschild	21/03/2016	B
DA-330 Building B – Section EE	Dickson Rothschild	25/07/2016	C
DA-340 Building C – Section FF	Dickson Rothschild	25/07/2016	C
DA-401 North & South Elevation	Dickson Rothschild	08/09/2016	D
DA-402 West Elevation	Dickson Rothschild	21/03/2016	B
DA-403 East Elevation	Dickson Rothschild	21/03/2016	B
DA-420 Building A- North	Dickson Rothschild	08/09/2016	D

Elevation			
DA-421 Building A- South Elevation	Dickson Rothschild	21/03/2016	B
DA-422 Building A- East Elevation	Dickson Rothschild	21/03/2016	B
DA-423 Building A- West Elevation	Dickson Rothschild	08/09/2016	C
DA-430 Building B- North Elevation	Dickson Rothschild	25/07/2016	C
DA-431 Building B- South Elevation	Dickson Rothschild	21/03/2016	B
DA-432 Building B- East Elevation	Dickson Rothschild	21/03/2016	B
DA-433 Building B- West Elevation	Dickson Rothschild	21/03/2016	B
DA-440 Building C- North Elevation	Dickson Rothschild	25/07/2016	C
DA-441 Building C- South Elevation	Dickson Rothschild	21/03/2016	B
DA-442 Building C- East Elevation	Dickson Rothschild	21/03/2016	B
DA-443 Building C- West Elevation	Dickson Rothschild	21/03/2016	B
DA-701 Waste Room A & C Detail	Dickson Rothschild	01/10/2015	A
DA-702 Waste Room B Detail	Dickson Rothschild	01/10/2015	A
DA-703 Typical Waste Cupboard Detail	Dickson Rothschild	21/03/2016	B
DA-704 Waste Cupboard Detail A, B & C	Dickson Rothschild	21/03/2016	A
DA-750 Adaptable Unit 01	Dickson Rothschild	01/10/2015	A
DA-751 Adaptable Unit 02	Dickson Rothschild	01/10/2015	A
DA-752 Adaptable Unit 03	Dickson Rothschild	01/10/2015	A
DA-753 Adaptable Unit 04	Dickson Rothschild	01/10/2015	A
DA-754 Adaptable Unit 05	Dickson Rothschild	01/10/2015	A
DA-755 Adaptable Unit 06	Dickson Rothschild	01/10/2015	A

DA-756 Adaptable Unit 07	Dickson Rothschild	01/10/2015	A
DA-757 Adaptable Unit 08	Dickson Rothschild	01/10/2015	A
DA-758 Adaptable Unit 09	Dickson Rothschild	01/10/2015	A
DA-759 Adaptable Unit 10	Dickson Rothschild	01/10/2015	A
DA-760 Adaptable Unit 11	Dickson Rothschild	01/10/2015	A
DA-761 Adaptable Unit 12	Dickson Rothschild	21/03/2016	B
DA-901 Materials and Finish	Dickson Rothschild	25/07/2016	C
SS15-3045 C101 – Colour Landscape Plan	Site Image	27/04/2016	J
SS15-3045 501 C – Landscape Details	Site Image	27/04/2016	C
SS15-3045 502 – Landscape Details	Site Image	27/04/2016	A
SW-00 Stormwater Notes and Drawing Schedule	Demlakian Engineering	29/09/2015	Rev B
SW-01 Basement 1 Stormwater Plan	Demlakian Engineering	28/06/2016	Rev D
SW-02 Mezzanine Floor Stormwater Plan	Demlakian Engineering	29/09/2015	Rev C
SW-03 Ground Floor Stormwater Plan	Demlakian Engineering	1/07/2016	Rev G
SW04 Sediment & Erosion Control Plan	Demlakian Engineering	29/09/2015	Rev A
SW05 Sediment & Erosion Control Details	Demlakian Engineering	29/09/2015	Rev A
SW-06 On Site Detention Tank Details	Demlakian Engineering	28/06/2016	Rev D
SW-07 Stormwater Catchment Plan	Demlakian Engineering	29/09/2015	Rev B
SW-08 Civil Works Plan	Demlakian Engineering	1/07/2016	Rev D
Streetscape Trees – removal plan DA/1292/2015 – Naturestrip Trees	Hornsby Council	13-07-16	N/A

Document No.	***Prepared by***	***Dated***
Statement of Environmental Effects 15148	JBA	October 2015
Arboricultural impact assessment	Advanced Treescape Consulting	30/06/2015
Traffic and Parking Impact Assessment 15185.01FD - Issue D	McLaren Traffic Engineering	29/09/2015
Basix Certificate No. 644235M	Northrop	02/10/2015
SEPP 65 Design Verification Statement 14-162	Dickson Rothschild	29/09/2015
BCA Capability Report P20150048 Rev. 2	VAST Certification	28/09/2015
Statement of Compliance with Access for People with a Disability	Accessible Building Solutions	23/09/2015
Waste Management Plan Rev G	Elephants Foot Recycling Solutions	September 2015
Stormwater & Water Management Report	Demlakian Engineering	July 2015
Noise Impact Assessment 20150881	Acoustic Logic	9/09/2015
Heritage Report	Garry Stanley	July 2015
Construction Traffic Management Plan 15604.01FA	McLaren Traffic Engineering	7 December 2015
Daylight Illumination Study WC976-01F02(REV1)	Windtech	18 March 2016

2. **Amendment of Architectural Plans**

The approved plans are to be amended for Council approval, as follows:

a) The PO1 external wall façade material is to be amended to clean faced brick in dark brown colour, on the northern and eastern (Rosebank Ave) elevations of Building C.

b) To provide fixed privacy screens for the full width of balconies facing north within Units B1.02, B2.02, B3.02, B1.03, B2.03, B4.02, B4.03, C1.06, C2.06, C1.07, C2.07 and C3.

3. **Amendment of Landscape Plan**

The landscape plan is be amended for Council approval, as follows:

a) To incorporate evergreen screen tree planting (minimum height at maturity 15 metres) is to be provided along the rear (northern) boundary adjacent the Rosebank Heritage Conservation Area (HCA). Details of which are to be provided on the Landscape Plan.

b) To incorporate additional evergreen screen trees (minimum height at maturity 12 metres) within the Rosebank Ave setback to reduce the impact of the high rise development on the low density conservation area. Details of which are to be provided on the Landscape Plan.

c) To clearly illustrate the species, size and number of plantings proposed.

4. **Update of BASIX Certificate**

Prior to the issue of a construction certificate the BASIX certificate for the proposal is to be updated and submitted to Council for approval.

5. **Project Arborist.**

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

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

6. **Tree Removal**

a) This development consent permits the removal of tree(s) numbered 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27, 28, 29, 30 ,31, 32, 33, 34, 35, 36, 39, 44, 45, 46, 47, 48, 49, 50, 51, 52 & 53 as identified in the Arboricultural Impact Assessment, prepared by Advanced Treescape Consulting, dated 30 June 2015.

b) This development consent permits the removal of tree(s) numbered 55, 57, 58, 65, 66, 67, 68, 69 and 72 as identified in the plan titled Naturestrip Trees, prepared by Hornsby Council dated 13-07-16.

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

7. **Construction Certificate**

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

b) A separate Construction Certificate must be obtained from Council for all works within the public road reserve under S138 of the *Roads Act*.

c) A separate Construction Certificate must be obtained from Council for all works within drainage easements vested in Council.

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

8. **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 2014-2024,* the following monetary contributions must be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

Description	Contribution (4)
Roads	$60, 372.20
Open Space and Recreation	$1, 314, 966.65
Community Facilities	$533, 760.40
Plan Preparation and Administration	$4, 053.80
TOTAL	$1, 913, 153.05

being for 1 x studio, 23 x 1 Bedroom, 91 x 2 bedroom, 18 x 3 bedroom and credit of 7 dwellings.

b) The value of this contribution is current as at 28 July 2016. If the contribution is not paid within the financial quarter that this condition was generated, the contribution payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 94 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

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

Where:

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

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

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

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

c) The monetary contribution must be paid to Council:

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

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

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

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

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

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

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

9. **Building Code of Australia**

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

10. **Contract of Insurance (Residential Building Work)**

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

11. **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.

12. **Utility Services**

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

a) *Ausgrid* – 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.

13. **Rosebank Avenue Stormwater Drainage**

To reduce impact of the existing drainage system on the development and surrounding properties, the stormwater drainage system for the development must be designed in accordance with Council's *Civil Works – Design and Construction Specification 2005* and the following requirements:-

a) A minimum diameter 375 mm reinforced concrete pipe shall be designed and constructed between the Rosebank Avenue kerb inlet pit and the Rosebank Avenue culvert wall, under the existing kerb alignment;

b) The drainage system shall be designed and constructed to convey the 20 year average recurrence interval (ARI) stormflow from upstream catchments with extended kerb inlets at appropriate locations including bends in the kerb line;

c) The existing kerb and gutter along the drainage route must be removed with 150 mm integral kerb and gutter to be reconstructed. Council's asphaltic concrete seal must be sawcut on a minimum alignment of 600 mm from the lip of kerb and reconstructed;

d) A staged construction plan of the drainage works shall be prepared by the Civil or Hydraulic Engineer in accordance with design requirements of Council's Assets Engineer;

e) The construction plans must include information to ensure the following construction matters are provided for;-

   i) Traffic Control Plan with temporary parking controls, and traffic control arrangements used during and after working hours;

   ii) Location in plan and cross-sections of utilities and services in work areas to ensure services location and safe working order. Where necessary, Utilities are to be adjusted or relocated to match the proposed work at the cost of the Applicant;

   iii) Where required by Council's Tree Management Group, trees along the route of the pipe drainage shall be removed and replanted with specimens as specified;

f) Pursuant to Section 138 *Roads Act 1993*, an Application shall be made to Council for design and construction of the proposed Council-controlled piped drainage system. Council's fees for assessment of drainage designs and compliance inspections must be firstly quoted by Council and paid with lodgement of the Application.

14. **Road Works**

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

a) Council's standard 150 mm integral kerb and gutter across the Hazlewood Place, Cliff Road and Rosebank Avenue frontages of the properties to be removed and reconstructed on the existing kerb alignment, along with a 1m wide road shoulder sawcut, removal and reconstruction for 300 mm thick flexible asphaltic concrete sealed road;

b) Survey Mark SSM91145 shall be removed and reinstated in accordance with the Surveyor General's Direction No. 11 – "Preservation of Survey Infrastructure". A copy of the registered document and sketch for the new survey mark shall be submitted prior to release of the Occupation Certificate; Where made necessary by road works, Utilities are to be adjusted or relocated to match the proposed road work at the Applicant's cost;

c) Council's standard 100 mm thick concrete footpath to be removed and constructed within the road verge on an alignment 800 mm from the property boundary with Council standard perambulator ramps to the Hazlewood Place and Rosebank Avenue kerb lines. Footpath cross fall shall be 2%. The balance of the remaining verge area shall be turfed;

d) The submission of a compaction certificate from a geotechnical engineer for any fill within road reserves, and all road sub-grade and road pavement materials;

e) Pursuant to s138 Roads Act 1993, an Application shall be made to Council for design and construction of the proposed road works. Council's fees for assessment of road works design and compliance inspections must be quoted by Council and paid with lodgement of the Application.

15. **Vehicular Crossing**

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

a) Design levels at the front boundary must be obtained from Council for the design of the internal driveway;

b) Any redundant crossings must be replaced with integral kerb and gutter;

c) The footway area must be restored by turfing;

Note: An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors, or be the subject of a s138 Roads Act 1993 roadworks application to Council as Roads Authority. You are advised to contact Council to obtain a list of contractors.

16. **Traffic Control Plan**

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

a) Arrangements for public notification of the works;

b) Temporary construction signage;

c) Permanent post-construction signage;

d) Vehicle movement plans;

e) Traffic management plans; and

f) Pedestrian and cyclist access/safety.

17. **Stormwater Drainage**

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

a) Roof and paved areas shall be connected to the proposed internal on-site detention system and water quality treatment system;

b) The water quality treatment system shall be designed and constructed in accordance with the Hornsby Shire DCP2013 guidelines per Section 1C.1.2.i;

c) Disposal of on-site detention treated flows shall be connected to a Council-controlled piped drainage system;

18. **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 100 cubic metres, and a maximum discharge (when full) of 97 litres per second;

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

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

d) A high level on-site detention tank overflow system shall be designed and constructed to connect with the Rosebank Avenue Street drainage system, and;

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

19. **Internal Driveway/Vehicular Areas**

a) Design levels at the front boundary shall be obtained from Council via separate Application to Council for Crossing Levels;

b) Design levels at the front boundary obtained from Council shall be used in the design of the driveway longsection and submitted for consideration with Construction Certificate plans;

c) The driveway and crossing to be rigid pavements, with pavements and drainage systems designed by the structural engineer;

d) Car and service vehicle turning areas shall be designed and constructed where required to service the basement parking plan, to support efficient access, manoeuvring and egress in a forward direction.

20. **Sydney Water – Approval**

This application must be submitted to *Sydney Water* for approval to determine whether the development would affect any *Sydney Water* infrastructure, and whether further requirements are to be met.

Building plan approvals can be obtained online via *Sydney Water Tap in™* through www.sydneywater.com.au under the Building and Development tab.

21. **Dilapidation Report**

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

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

22. **Allocation of Resident Storage Areas**

Storage areas are to be allocated internally to each unit to comply with the *SEPP 65* $6m^3$ (Min) for 1 bedroom unit, $8m^3$ (Min) for two bedroom units and 10 m^3 (Min) for 3 bedroom units. 50% is to be accessible from the apartments.

23. **Pedestrian Access Management Plan**

A Pedestrian Access Management Plan (PAMP) detailing how pedestrian movements will be changed and managed during various stages of development, particularly during any partial or total closure of footpaths on Carlingford Road. Council will review the PAMP, agree any modifications with the proponent and enforce the PAMP during construction.

24. **Waste Management Details**

The following waste management requirements must be complied with:

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

b) A bulky waste storage area of at least 8 square metres must be provided at the basement level.

c) Storage space must be provided for motorised bin carting equipment.

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. Encroachments of the small rigid vehicle turning path and low speed manoeuvring clearance (300 mm both sides) into parking spaces cannot be tolerated.

e) There must be a waste facility (a garbage chute and a 240 L recycling bin in a cupboard) on each residential level of each building. Each waste facility must:

i. be accessible by persons with a disability after the garbage chute and recycling bin are installed; and

ii. comfortably house the required garbage chute and 240 L recycling bin; and

iii. have door(s) wide enough and positioned so that the 240 L recycling bin can fit through.

Note: a 240 L recycling bin is 600 mm wide by 750 mm deep; allow for ease around the bin – 75 mm is recommended. These dimensions do not include wall thickness, door thickness, ventilation ducting etc, which must be added. The chute system supplier must be consulted for chute space requirements. AS 1428.1 requires at least 800 mm clear doorway opening for wheelchair access.

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.

25. **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.

26. **Identification of Survey Marks**

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

27. **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.

28. **Principal Communal Open Space**

Provide seating in the Principal Communal Open Space area to encourage social interaction between residents in accordance with Hornsby DCP 3.4.8(g).

29. **Planting – Front Setback and Public Verge**

Street Tree Plantings of 5 x *Tristaniopsis laurina* 'Luscious' (Water Gum) are required to the public verge on Cliff Road. 3 x *Tristaniopsis laurina* 'Luscious' (Water Gum) are required to the public verge on Hazelwood Place. Trees are to be installed at 200 litre pot size, in mulched beds with tree guards and ties for a period of establishment.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

30. **Noise**

The proposed development is to comply with the requirements outlined at section 4.3 of the Noise Impact Assessment (Acoustic Logic, September 2015) in relation to glazing, external walls and roof / ceiling construction to ensure an appropriate acoustic environment for future residents.

31. **Erection of Construction Sign**

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

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

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

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

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

32. **Protection of Adjoining Areas**

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

a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;

b) Could cause damage to adjoining lands by falling objects; and/or

c) Involve the enclosure of a public place or part of a public place.

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

33. **Toilet Facilities**

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

b) Each toilet must:

i) be a standard flushing toilet connected to a public sewer; or

ii) be a temporary chemical closet approved under the *Local Government Act 1993; or*

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

34. **Erosion and Sediment Control**

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

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

35. **Tree Protection Requirements**

The Project Arborist must oversee the installation and provide certification for all tree protection measures as specified in this consent and in accordance with Australian Standard AS 4970-2009 (Section 4).

36. **Tree Protection Zones (TPZ)**

a) Tree protection fencing must be installed around trees numbered 1, 2, 3, 6, 7, 37, 38, 40, 41, 42, 43, 54, 56 as identified in the Arboricultural Impact Assessment, prepared by Advanced Treescape Consulting, dated 30 June 2015 as well as Trees 26, 60 and 61 at the distances determined by AS 4970-2009 (Clause 3.2).

b) Tree Protective Fencing must be installed in accordance with AS 4970-2009 (Clauses 4.3 and 4.4).

c) Where tree protection fencing cannot be located at the perimeter of the Tree Protection Zone, appropriate ground, trunk and crown protection must be provided in accordance with AS 4970-2009 (Clause 4.5) under the direction of the project arborist.

d) Maintenance of the Tree Protection Zones must be carried out in accordance with AS 4970-2009 (Clause 4.6) for the duration of this consent.

37. **Demolition and Construction Waste Management Plan**

A Demolition and Construction Waste Management Plan is to be provided after appointment of a demolition contractor and prior to the commencement of any works. The plan is to be in Council's standard format, attached to Council's Waste Minimisation and Management Guide. The plan should also include a demolition/construction site plan showing identified areas for the collection, storage, processing and pickup of waste and recyclable materials.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

38. **Council Property**

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

39. **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.

40. **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.

41. **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.

42. **Street Sweeping**

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

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

43. **Excavated Material**

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

44. **Compliance with Construction Traffic Management Plan**

The Council approved Construction Traffic Management Plan prepared by McLaren Traffic Engineering and dated 7th December 2015 is to be complied with for the duration of works.

45. **Construction vehicles and works zones**

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

a) The site supervisor to be advised that the Works Zone will be deemed to be in effect, and fees will apply, between the dates nominated by the supervisor, or when parking spaces are managed for the sole use of construction vehicles associated with the site.

b) The Works Zone signs shall be in effect only for the times approved by Council, and the time is to be noted on the sign. Eg, 'Works Zone Mon – Sat 7am – 5pm'.

c) The applicant is required to supply a sign posting installation plan for referral to the Local Traffic Committee, noting on it the duration of the Works Zone.

d) The Works Zone is only to be used for the loading and unloading of vehicles. Parking of workers' vehicles, or storage of materials, is not permitted.

46. **Construction Traffic Management Plan**

A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate. Council will review the CTMP, agree any modifications with the proponent and enforce the CTMP during construction

47. **Pedestrian Access Management Plan**

A Pedestrian Access Management Plan (PAMP) detailing how pedestrian movements will be changed and managed during various stages of development, particularly during any partial or total closure of footpaths on Carlingford Road. Council will review the PAMP, agree any modifications with the proponent and enforce the PAMP during construction.

48. **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.

49. **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.

50. **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.

51. **Survey Report**

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

a) Prior to the pouring of concrete at each level of the building certifying that:

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

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

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

52. **Traffic Control Plan Compliance**

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

53. **Maintenance of public footpaths**

Public footpaths must be maintained for the duration of works to ensure they are free of trip hazards, displacements, breaks or debris to enable pedestrians to travel along the footpath safely.

54. **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).

55. **Works within Tree protection Zones**

a) All Tree Protection Zones must be monitored and maintained by the Project Arborist in accordance with AS 4970-2009 (Clause 5.4.3).

b) Where works have been undertaken within the Tree Protection Zone of a tree the Project Arborist must assess the condition of tree(s) and the growing environment and make recommendations for, and carry out remedial actions where there is evidence of:

   i) A general decline in health and vigour;

   ii) Damaged, crushed or dying roots;

   iii) Excessive (>10%) loss or dieback of roots, branches and foliage;

   iv) Mechanical damage or bruising of bark and timber of roots, trunks and branches;

   v) Yellowing of foliage of thinning of canopy uncharacteristic of the species;

   vi) An increase in the amount of deadwood not associated with normal growth;

vii) Inappropriate increase in the development of epicormic growth and/or the presence of sucker growth on the trunk; and

viii) Branch drop, torn branches and stripped bark not associated with natural climate conditions.

c) All works must be approved by the Project Arborist.

d) Root/ground protection must be provided in accordance with AS 4970-2009 (Clause 4.5.4).

e) Underground services must be installed in accordance with AS 4970-2009 (Clause 4.5.5).

f) All scaffolding must be installed in accordance with AS 4970-2009 (Clause 4.5.6).

g) The Structural Root Zone of any tree required to be retained must remain intact

h) Root pruning outside a trees Structural Root Zone must be carried out in accordance with AS 4970-2009 Sections 3.3.4, 4.5.4 and 4.5.5.

i) Activities within the Tree Protection Zone must comply with AS 4970-2009 (Clauses 4.5.4 & 4.5.5).

56. **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.

57. **Fulfilment of BASIX Commitments**

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

58. **Sydney Water – s73 Certificate**

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

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

59. **Certification of WSUD Facilities**

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

60. **Unit Numbering**

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

61. **Damage to Council Assets**

To protect public property and infrastructure, any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with Council's Civil Works Specifications. Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

62. **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.

63. **External Lighting**

a) To protect the amenity of adjacent premises, all external lighting must be designed and installed in accordance with Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

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

64. **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, and public drainage systems

65. **Creation of Easements**

The following matter(s) must be nominated on the plan of subdivision under s88 of the *Conveyancing Act, 1919*;-

a) Consolidation of all lots;

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

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

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

66. **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.

67. **Safety and Security**

This site must include the following elements:

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

b) The entry doors to the pedestrian foyer is to be constructed of safety rated glass to enable residents a clear line of site before entering or exiting the residential apartments.

c) Lighting is to be provided to pathways, building foyer entries, driveways and common external spaces.

d) Security gate access is to be provided to the car parking areas allowing residents-only access to private car spaces.

e) CCTV cameras must be installed at the entry and exit point and the around the mailbox.

f) The communal open spaces within the site must be illuminated with high luminance by motion sensor lighting.

g) The driveway and basement car parking must be illuminated with low luminance at all times.

h) Security deadlocks are to be provided to each apartment door.

i) Peep holes are to be provided to individual apartment doors to promote resident safety.

68. **Retaining Walls**

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

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

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

70. **Boundary Fencing**

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

Fences to the primary frontage in front of the building alignment are to retain visual transparency (not lapped / solid) and be 1.2 metres in height.

71. **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.

72. **Waste Management Details**

The following waste management requirements must be complied with:

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

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

b) The bin storage rooms at the basement level must include water or a hose for cleaning, graded floors with drainage to sewer, a robust door, sealed and impervious surface, adequate lighting and ventilation, and must be lockable. The waste facility rooms/cupboards (housing the garbage chute and a 240L recycling bin) 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 waste with two separate 20 litre containers, one each for general waste and recyclable materials.

e) There must be a bulky waste storage area of at least 8 square metres at the basement level.

f) The waste facilities (a garbage chute and 240L recycling bin in cupboards) on each residential level of each building must be accessible by persons with a disability while comfortably housing the garbage chute and one 240 L recycling bin.

g) 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.

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

Note: Ramps between different levels are acceptable

i) Access to the automatic waste volume handling equipment (4 x 660 L bin carousel) by unauthorised persons (including residents and waste collectors) must be prevented.

Note: A separate room or caging of the automatic volume handling equipment is acceptable.

j) The automatic waste volume handling equipment on the chute systems must not include compaction.

k) "No parking" signs must be erected to prohibit parking in the waste collection loading bay.

l) 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. The survey is to include dimensions, gradients and vertical clearance. 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.

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

m) The 3.5 metre clearance height within the waste collection vehicle travel path must not be reduced by ducting, lights, pipes or anything else.

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

o) A motorised bin cart, trolley or similar equipment must be provided to enable the site caretaker to safely cart the 660 L bins around the site. This equipment must be suitable for the ramp grades along the bin carting route.

Note: it would be advantageous if the motorised bin carting equipment could also cart the 240L recycling bins.

73. **Replacement Planting:**

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

b) Nine (9) removed naturestrip trees numbered 55, 57, 58, 65, 66, 67, 68, 69 and 72 as identified in the plan titled Naturestrip Trees, prepared by Hornsby Council, dated 13-07-16 must be replaced as near as practicable to the location of the removed trees.

i) Six (6) *Lophostemon confertus* (Brushbox) replacement tree/s must be planted within the streetscape where trees have been removed.

ii) Three (3) replacement trees must be selected from HDCP Table 1B.6(b), Tree Species Indigenous to Hornsby Shire must be planted within the streetscape.

iii) The pot size is to be a minimum 25 litres and the tree/s must be naturally propagated not a cutting, a hybrid or grafted.

iv) All plant stock should meet the specifications outlined in 'Specifying Trees' (Ross Clark, NATSPEC Books) and planting methods must be current, professional (best practice) industry standard.

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

74. **Final Certification**

Following the final inspection and the completion of any remedial tree works, the Project Arborist must submit to the Principal Certifying Authority documentation stating that the completed works have been carried out in compliance with the approved plans and the relevant conditions of consent. All certificates and documentation relating to the protection of trees must be included in the Final Certification.

OPERATIONAL CONDITIONS

75. **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.

76. **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*.

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

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

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

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

77. **Landscaping and fencing**

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

78. **Residential parking**

Residential parking spaces are to be secure spaces with access controlled by card or numeric pad.

79. **Visitor parking**

Visitors must be able to access the visitor parking spaces in the basement car park at all times.

80. **Parking for people with disabilities**

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

81. **Bicycle parking**

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

82. **Motorcycle parking**

Motorcycle parking spaces are to be designed in accordance with AS/NZS 2890.1:2004 Figure 2.7.

83. **Access for garbage vehicles**

Access for garbage vehicles is to satisfy the requirements of Council's Waste Management Branch.

84. **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, ensuring the loading bay is kept clear of parked cars, and ensuring all residents are informed of the use of the waste management system. The site caretaker must be employed for a sufficient number of hours each week to allow all waste management responsibilities to be carried out to a satisfactory standard.

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

85. **Car parking and road safety**

a) 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.

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

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

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

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

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

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

d) Visitors must be able to access the visitor parking spaces in the basement car park at all times.

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

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

g) Motorcycle parking spaces are to be designed in accordance with AS/NZS 2890.1:2004 Figure 2.7.

- 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.

Occupation Certificate Requirements

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

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

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

Long Service Levy

In accordance with Section 34 of the Building and *Construction Industry Long Service Payments Act 1986*, a 'Long Service Levy' must be paid to the Long Service Payments Corporation or Hornsby Council.

Note: The rate of the Long Service Levy is 0.35% of the total cost of the work.

Note: Hornsby Council requires the payment of the Long Service Levy prior to the issue of a construction certificate.

Tree and Vegetation Preservation

In accordance with Clause 5.9 of the *Hornsby Local Environmental Plan 2013* a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation protected under the Hornsby Development Control Plan 2013 without the authority conferred by a development consent or a permit granted by Council.

Notes: A tree is defined as a long lived, woody perennial plant with one or relatively few main stems with the potential to grow to a height greater than three metres (3M). (HDCP 1B.6.1.c).

Tree protection measures and distances are determined using the Australian Standard AS 4970:2009, "Protection of Trees on Development Sites".

Fines may be imposed for non-compliance with both the Hornsby Local Environmental Plan 2013 and the Hornsby Development Control Plan 2013.

Disability Discrimination Act

The applicant's attention is drawn to the existence of the *Disability Discrimination Act*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the *Building Code of Australia*, however, the development may not comply with the requirements of the *Disability Discrimination Act*. This is the sole responsibility of the applicant.

Dial Before You Dig

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

Telecommunications Act 1997 (Commonwealth)

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

Asbestos Warning

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

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

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

Tree and Vegetation Preservation

In accordance with Clause 5.9 of the Hornsby Local Environmental Plan 2013 a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation protected under the Hornsby Development Control Plan 2013 without the authority conferred by a development consent or a permit granted by Council.

Notes: A tree is defined as a long lived, woody perennial plant with one or relatively few main stems with the potential to grow to a height greater than 3 metres.

Tree protection measures and distances are determined using the Australian Standard AS 4970:2009, "Protection of Trees on Development Sites".

Fines may be imposed for non-compliance with both the Hornsby Local Environmental Plan 2013 and the Hornsby Development Control Plan 2013.

House Numbering

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