

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

JRPP No	2015SYW0187
DA Number	DA/1290/2015
Local Government Area	Hornsby Shire Council
Proposed Development	Amended proposal for demolition of existing structures and construction of a five-storey residential flat building comprising 62 units with basement car parking
Street Address	Nos. 325, 327 and 331 Peats Ferry Road (being Lot 391 DP 136216, Lot 40 DP 8437 and Lot 41 DP 1003301) and Lots 22 and 24 DP 226074, Asquith
Applicant/Owner	Applicant: Mr M Lucas Owners: Mr F Fahd, Mr S Calacoci, Mrs V Calacoci, Mr I M Stevens, Mrs G Stevens, Hornsby Shire Council
Number of Submissions	One (1) – Original Proposal No submissions –Amended Proposal
Regional Development Criteria (Schedule 4A of the Act)	Development with a CIV of over \$5 million that is Council related. Cost of Construction proposed = \$13,755,714
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • <i>Hornsby Local Environmental Plan 2013</i> • <i>State Environmental Planning Policy No. 32 – Urban Consolidation</i> • <i>State Environmental Planning Policy No. 55 – Remediation of Land</i> • <i>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</i> • <i>State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004</i> • <i>State Environmental Planning Policy - Sydney Regional Environmental Plan No. 20</i> • <i>Hornsby Development Control Plan 2013</i> • <i>Hornsby Section 94 Contributions Plan 2014-2024</i>
List all documents submitted with this report for the Council's consideration	Locality Plan, Survey Plan, Basement Plans, Floor Plans, Elevations and colour scheme, Sections, Shadow Diagrams and Shadows Study, Landscape Plan, Stormwater Plan
Recommendation	Approval subject to conditions
Report by	Kendal Mackay - Consultant Planner (DFP Planning Pty Ltd)

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

1. The application for demolition of existing dwellings and erection of a 5-storey residential flat building comprising 62 units and basement parking for 82 cars was reported to the JRPP on 28 April 2016. The Panel determined to defer the development application to allow for amended plans to address non-compliances with the Apartment Design Guide, the location of communal open space, the amenity of units below existing ground level and the interface of the development (on land zoned R4 High Density Residential) with adjoining R2 Low Density Residential land.
2. Amended plans were received on 27 June 2016. The amended application proposes increased setbacks to the rear and western side setbacks, improved internal and external amenity for the proposed units and three separate areas of embellished communal open space.
3. The amended proposal complies with the relevant requirements of the *Hornsby Local Environmental Plan 2013*.
4. The amended proposal is considered to be generally consistent with *State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development*. The minor non-compliances with the building separation, solar access, circulation core and storage requirements of the Apartment Design Guide are supportable in this instance.
5. The proposal is generally consistent with the relevant requirements of the Hornsby Development Control Plan 2013. The minor non-compliances with the front setback and floorplate provisions are supportable in this instance and the minor non-compliance with the roof design provisions can be satisfactorily resolved through a condition of consent.
6. No public submissions have been received in respect of the amended application.
7. It is recommended that the application be approved subject to the Conditions at Schedule 1.

RECOMMENDATION

THAT the Joint Regional Planning Panel (Sydney West) approve Development Application No. 1290/2015 for demolition of existing structures, erection of a 5-storey residential flat building containing 62 apartments and basement parking at Nos. 325, 327 and 331 Peats Ferry Road (being Lot 391 DP 136216, Lot 40 DP 8437 and Lot 41 DP 1003301) and Lots 22 and 24 DP 226074, Asquith pursuant to Section 80(1)(a) of the *Environmental Planning and Assessment Act, 1979* subject to the conditions of consent detailed in Schedule 1 of this report.

1.0 BACKGROUND

On 6 October 2015, the subject application was lodged with Council.

On 2 December 2015, the Sydney West Joint Regional Planning Panel was briefed regarding the development proposal.

On 28 April 2016, the JRPP considered the subject DA and resolved to defer a determination on the DA to allow for amended plans. Specifically, the JRPP decision stated as follows:

“Significant changes are required to be submitted within six weeks of the meeting date.

- 1. Full requirements of the Apartment Design Guide must be met, especially at the two interface zones (Northern & Western) together with meeting all building siting, building envelope and building design controls as failure to do so in these plans has brought about an unsatisfactory outcome.*
- 2. The panel was concerned about the placement and quantity of communal open space proposed and again requires the provisions of the Apartment Design Guide relating to communal open space to be strictly met and in particular for the location of the communal open space to be in a position that provides appropriate amenity.*
- 3. The panel was dissatisfied with the amenity of units proposed below ground as consequence of depth of ground floor excavation and seeks a redesign to provide reasonable amenity and outlook to all units.*
- 4. Because of the interface between R2 and R4 zones, the panel seeks enhanced landscaping to assist with the transition, privacy and residential amenity to the R2 zoned lands by the provision of a more effective landscape screening.”*

On 27 June 2016 the Applicant lodged amended plans.

Between 7 July 2016 and 22 July 2016 the amended plans were placed on public notification. No submissions were received during the notification period.

2.0 THE AMENDED PROPOSAL

The following summarises key aspects of the amended proposal compared with the proposal considered by the JRPP on 28 April 2016:

- The Site Area remains at 2,941.9m²;
- Retention of 62 apartments in a 5-storey plus mezzanine building with a revised unit mix comprising 16 x 1-bedroom (25.8%), 37 x 2-bedroom (59.7%) and 9 x 3-bedroom (14.5%) apartments;

- Increased northern (rear) setback adjoining the R2 Low Density zoned land from 7 metres to 9 metres (to the edge of balcony) at Levels 1-3;
- Increased western (side) setback adjoining the R2 Low Density zoned land from 4.75-7 metres to 8 metres at the Ground Level and Levels 1-3;
- Provision of three separate communal open spaces areas to the north, east and south-west of the building. Each area is landscaped and embellished to provide privacy for neighbouring residents and various forms of amenity for future residents;
- Amendment to the design of the communal open space at the south-western corner including wide landscaped terraces that would step down from Peats Ferry Road;
- Amendments to the floor levels so that each floor is split into two levels following the natural slope of the land. This results in improved amenity and outlook for the units at the south-western corner of the development;
- Revised unit layouts to accord with the requirements of the ADG; and
- Revised waste management areas to comply with the requirements of Council.

3.0 ASSESSMENT

The amended development application has been assessed having regard to the relevant matters for consideration prescribed under section 79C of the *Environmental Planning and Assessment Act 1979* (the Act).

The following sections only relate to matters that are relevant to the amended proposal and should be read in conjunction with the Assessment Report dated 28 April 2016.

3.1 Hornsby Local Environmental Plan 2013

3.1.1 Permissibility

The Site is predominantly zoned R4 High Density Residential (the R4 Zone) and partially zoned SP2 Infrastructure (the SP2 Zone) under the *Hornsby Local Environmental Plan 2013* (HLEP).

The amended proposal continues to constitute a 'residential flat building' which is permissible with development consent in the R4 Zone.

As detailed in the previous Assessment Report, two small parts of the Site fronting Peats Ferry Road (Lots 22 and 24) are zoned SP2 Infrastructure and residential flat buildings are not permissible in this zone.

However, Clause 5.3 of the LEP provides as follows:

- (1) *The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*
- (2) *This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.*

- (3) *This clause does not apply to:*
- (a) *land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or*
 - (a1) *Zone W2 Recreational Waterways, or*
 - (b) *land within the coastal zone, or*
 - (c) *land proposed to be developed for the purpose of sex services or restricted premises.*
- (4) *Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:*
- (a) *the development is not inconsistent with the objectives for development in both zones, and*
 - (b) *the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*
- (5) *This clause does not prescribe a development standard that may be varied under this Plan.*

With regard to subclause 5.3(4)(a) the objectives of the relevant zones are as follows:

Zone R4 High Density Residential

Objectives of zone

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

Zone SP2 Infrastructure

Objectives of zone

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The Applicant has submitted a detailed submission addressing this matter which can be summarised as follows:

- 'Clause 5.3 - Development Near Zone Boundaries' under Hornby LEP 2013 provides flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site.
- Lot 22 and Lot 24 in DP226074 have site areas of 102.6m² and 102.0m² respectively. Both small lots front Peats Ferry Road and are residue parcels identified for road widening purposes; however it should be noted that they are no longer required for that purpose but remain in the ownership of Hornsby Council.
- The applicant has entered into a contractual agreement with Council to purchase each lot for inclusion into the overall development site otherwise each lot would be left isolated in perpetuity.
- The isolation of these residue parcels would not serve any benefit to future residents of the proposed RFB or the public in general.
- Neither lot is proposed to accommodate any part of the proposed residential flat building. The only structures within each residual lot will be a brick front fence and a small set of stairs to allow access to an upper level area of communal open space.
- All of Lot 22 and Lot 24 are within 20 metres of the adjoining R4 High Density Residential zoned land and therefore, Clause 5.3(2) of the LEP is met.
- The development is not inconsistent with the objectives of the SP2 zone as the use would be desirable as it will be compatible with the land uses permitted in the adjoining zone and it will also result in the efficient and timely development of the land.

It is agreed that the use of the SP2 zoned land for landscaping works associated with a residential flat building on the adjoining land is permissible pursuant to Clause 5.3. The proposal is not inconsistent with the objectives of the SP2 Zone or the R4 Zone as it will facilitate high density housing including ancillary landscaping elements on land that is no longer required for road widening. Therefore, the proposal will not detract from the provision of infrastructure.

3.1.2 Height of Buildings

The amended proposal has a maximum height of 17.5 metres which complies with clause 4.3 of *HLEP* which provides for a maximum permissible height on the Site of 17.5 metres.

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

The design principles of *SEPP 65* are stated in the following table together with an assessment of the amended proposal.

SEPP 65 – Design Principles	
Design Principle	Assessment
<i>Principle 1: Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when</i>	The amended proposal has significantly increased the rear and side setbacks of the building where it adjoins R2 Low Density Residential land and provides for a range of

SEPP 65 – Design Principles	
Design Principle	Assessment
<p><i>combined. It also includes social, economic, health and environmental conditions.</i></p> <p><i>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<p>design measures including orientation and placement of windows, balconies and landscaped screening to provide an acceptable transition from the R4 High Density zone to the adjoining lower density zoned land.</p>
<p>Principle 2: <i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</i></p> <p><i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i></p>	<p>The proposal substantially complies with Council's DCP requirements relating to design and aesthetics and is considered to be a positive contribution to the streetscape.</p>
<p>Principle 3: <i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i></p>	<p>The proposal generally complies with the internal layout and dimension requirements of the ADG and provides for a range of dwelling sizes and layouts that will provide for a range of affordability and lifestyle for future residents. The matter is discussed in detail in Section 3.3 of this report.</p>
<p>Principle 4: <i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal</i></p>	<p>Whilst there is a very minor non-compliance with the zero hours solar access requirement of the ADG, the proposal complies with the 2 hour solar access and 60% cross ventilation requirements and</p>

SEPP 65 – Design Principles	
Design Principle	Assessment
<i>design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</i>	provides for significant deep soil landscape area and communal open space.
<p>Principle 5: <i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</i></p> <p><i>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</i></p>	The proposal provides for substantial deep soil landscaped setbacks that will be embellished in a range of manners to provide for interaction with the street frontage, privacy for neighbours whilst enabling active uses of the communal areas for future residents.
<p>Principle 6: <i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</i></p>	The internal layouts of the proposed units fully comply with the requirements of the ADG and the amended plans incorporate changes requested by Council to ensure that living areas are oriented to the street where possible and that potential for adverse overlooking or overshadowing of neighbouring land has been minimised.
Principle 7: <i>Good design optimises safety and security within the development and the public</i>	The proposal provides for a high degree of casual surveillance of communal areas and

SEPP 65 – Design Principles	
Design Principle	Assessment
<p><i>domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p><i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</i></p>	<p>the street frontages and is considered to be acceptable with regard to safety and security.</p>
<p>Principle 8: <i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</i></p>	<p>The proposal complies with the housing mix requirements of Council's DCP and provides for a range of apartment types, sizes and layouts to meet various ranges of affordability and lifestyle including the required proportion of adaptable units.</p>
<p>Principle 9: <i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</i></p> <p><i>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i></p>	<p>The design of the proposed building complies with Council's DCP requirements for building articulation and modulation and utilises a range of materials and colours that will contribute positively to the future streetscape.</p>

3.3 SEPP 65 – Apartment Design Guide

SEPP 65 requires consideration of the *Apartment Design Guide, NSW Department of Planning and Environment July 2015* (ADG) and the table below sets out the amended proposal's compliance with the ADG and a discussion in regard to non-compliances follows the table.

Apartment Design Guide			
Control	Requirement	Proposal	Compliance
Building Separation / Visual Privacy	<u>Up to 4 storeys:</u> 6m to boundary + 3m where adjoining lower density zone	Rear: 7m Ground 9m Lvl's 1-4 Side: 4-6.2m Ground 4-7.8m Lvl's 1-4	No (see below) Yes No (see below) No (see below)
Habitable to Habitable	<u>5-8 storeys:</u> 9m to boundary + 3m where adjoining lower density zone	Rear: 12m Side: 10.9m	Yes No (see below)
Deep Soil Zone	- 7% of site area (206m ²) (Min. dimension 6m)	- 37.8% (1,112m ²)	Yes
Communal Open Space	- 25% min. (736m ²) - 50% min. direct sunlight to principle usable part for 2 hours.	- 41.4% (1,218m ²) - Solar access achieved	Yes Yes
Car parking	- Resident (total) = 56 0.6/1 bed (16) = 9.6 0.9/2 bed (37) = 33.3 1.4/3 bed (9) = 12.6 - Visitor 1/7 units (62) = 8.9	- 73 - 9	Yes Yes
Solar Access	- 70% of apartments access to living rooms and private open space. (44) - Max. 15% of apartments no access from 9am – 3pm (9.3)	- 71% (44) - 16% (10)	Yes No (see below)
Cross Ventilation	60% min. (38)	61% (38)	Yes
Ceiling Height	- Habitable 2.7m min. - Non habitable 2.4 min. - 2 storey apartments 2.4m for second floor	- 2.7m - 2.7m - 2.4m	Yes Yes Yes
Apartment Size	- 1 br – 50m ² min. - 2 br – 70m ² min. - 3 br – 90m ² min. Plus 5m ² per additional bathroom	- 52.6-66.2m ² - 75.1-86.4m ² - 95.2-96.4m ²	Yes Yes Yes
Habitable Room Depth	- 8m from any window for open plan rooms	8m	Yes
Apartment layout	- Master bed = 10m ² min. - Other beds = 9m ² min. - Min. dimension 3m - Width of living or combined living/dining rooms: studios and 1 bed = 3.6m 2 and 3 beds = 4m	- 10-15m ² - 9-12m ² - 3-3.7m - 4-4.8m	Yes Yes Yes Yes
Private Open Space on Ground or Podium	- 15m ² min. - depth = 3m	- 15-47m ² - 3-4.8	Yes Yes
Balconies	- 1 br = 8m ² min. - 2 br = 10m ² min. - 3 br = 12m ² min. - Min. width 2m (1-2 bed) and 2.4m (3 bed)	- 8-12m ² - 11-64m ² - 18-93m ² - 2m (2 bed), 2.4m (3 bed)	Yes Yes Yes Yes

Apartment Design Guide			
Control	Requirement	Proposal	Compliance
Circulation Space	Max. apartments off circulation core = 8	13 units	No (see below)
Storage	- 1 br = 6m ³ min. - 2 br = 8m ³ min. - 3 br = 10m ³ min. - 50% internal	- 9-22.5m ³ - 10-17.7m ³ - 10.5-23m ³ - 45%	Yes Yes Yes No (see below)

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

3.3.1 Building Separation / Visual Privacy

The proposal does not fully comply with the building separation/visual privacy requirements of the ADG and the following summarises the assessment in this regard:

- The Ground Floor north-facing rear terraces to Units 006, 007, 008 and 009 are 7m from the boundary instead of the required 9m (adjoining an R2 Zone). Notwithstanding, this is considered acceptable in this instance as the non-compliance only occurs at the Ground Floor Level, the proposal complies with Council's DCP rear setback requirement to balconies of 7m and substantial screen landscaping is provided along the edge of these balconies and along the rear boundary;
- The west-facing side windows to Units 403, 404 and 405 at Level 4 are 10.9m from the boundary instead of the required 12m (adjoining the R2 Zone). Notwithstanding, this is considered acceptable in this instance as the non-compliance is minor, the setback of the adjoining roof terraces are compliant and the proposal complies with Council's DCP side setback requirement for the uppermost level of 9m;
- The terrace to Unit 402 on Level 4 encroaches within the prescribed 9m setback on the western boundary (adjoining the R4 zone). A condition of consent (Condition No. 2(ii)) requires deletion of the section of the terrace that encroaches within the prescribed setback along this boundary;
- A very small length of the western side wall to Units 004, 104, 204 and 304 is 4m from the boundary instead of the required 6m (adjoining an R4 Zone). This non-compliance is for a small length (3.75m) of the total western elevation (39.4m). All windows within this section are highlight windows to bedrooms set 1.6m above the floor level and the proposal complies with Council's DCP setback requirements which permit a 4 metre setback for a maximum of one third of the length of the elevation;
- The west-facing side balconies and some windows to living rooms at Levels 1-4 adjoining the R2 Zone are 7.8m from the boundary instead of the required 9m. Notwithstanding, this is considered acceptable in this instance as the non-compliance is minor, the proposal complies with Council's DCP side setback requirement of 6m and substantial screen landscaping is provided along the side boundary in the vicinity of the non-compliance; and

- The Ground Floor west-facing side terraces to Units 005 and 006 are 7m from the boundary instead of the required 9m (adjoining an R2 Zone). Notwithstanding, this is considered acceptable in this instance as the non-compliance only occurs at the Ground Floor Level, the proposal complies with Council's DCP side setback requirement of 6m and substantial screen landscaping is provided along the side boundary in the vicinity of the non-compliance.

3.3.2 Solar Access

The proposal complies with the requirement for 70% of apartments to receive 2 hours solar access to living rooms and private open space at midwinter. However, 10 units (16%) do not receive any solar access which does not comply with the 15% maximum under the ADG. However, the non-compliance effectively equates to 0.7 of one unit – that is, if one more unit were to comply, the proposal would achieve compliance at 14.5%. As strict compliance would equate to only one more unit attaining a small quantum of solar access (i.e. potentially less than 30 minutes), this minor variation is considered acceptable in this instance.

3.3.3 Common Circulation

The proposal provides for 13 units per level at Levels Ground, 1, 2 and 3 and 10 units at Level 4 which exceeds the maximum requirement of 8 units off a circulation core. Notwithstanding, the circulation corridors are articulated such that no corridor has more than 7 units in one direction from the lift core accommodating two lifts. This is considered acceptable in this instance as it achieves the objective of the ADG provision.

3.3.4 Apartment Size and Layout

The proposed residential flat building incorporates a mix of single aspect and corner units comprising of one, two and three bedroom apartments.

The proposed layout of all units consist of open plan living/dining rooms that have a minimum width of 3.6m for one bedroom units and a minimum width of 4m for two and three bedroom units and all window areas in habitable rooms are greater than 10% in compliance with the ADG. It is noted that a few of the bedrooms include a window that is not visible from all sections of the room which does not strictly comply with the provisions of the ADG. However, these windows are either connected to a balcony or have a minimum width of 1m. Given the width of the openings and the connection to the balcony, the windows would provide adequate light to the habitable rooms and the majority of units have also been designed for adequate cross ventilation. In addition, strict compliance could be achieved by relocating the external wall in some bedrooms but this would have no tangible effect in terms of light penetration or cross ventilation and accordingly, it is considered that this minor non-compliance does not warrant refusal of the application.

The proposed outdoor living areas comply with the minimum dimensions required by the ADG on all floors and are readily accessible from the primary living areas.

3.3.5 Storage

Four (4) of the three bedroom units provide for 4.5m³ of internal storage area which does not comply with the requirement for 5m³ however, all of these units comply with the total storage requirement of 10m³ and this minor variation is acceptable in this instance.

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

The amended proposal was accompanied by an amended BASIX Certificate which is considered to be satisfactory.

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

3.5.1 Stormwater Management

Council's Engineers have reviewed the amended proposal and are satisfied that it meets the relevant requirements subject to the conditions of consent at Schedule 1.

3.5.2 Waste Management

Council's Waste Management Team have reviewed the amended proposal and are satisfied that it meets the relevant requirements subject to the conditions of consent at Schedule 1.

3.6 Hornsby Development Control Plan - Part 3 Residential

The amended proposal has been assessed having regard to the relevant desired outcomes and prescriptive measures within *Part 3.4 - Residential Flat Building (5 storeys)* of HDCP as set out in the following table:

Hornsby Development Control Plan Part 3.4 – Residential Flat Buildings (5 storeys)			
Control	Requirement	Proposal	Compliance
Site Frontage	30m min.	34.645m	Yes
Height	5 storeys	5 storeys	Yes
Roof Design	<ul style="list-style-type: none">- Flat-pitched, without parapets- eaves to cast shadows on top-storey walls.	<ul style="list-style-type: none">- Low pitched roofs with no parapets- No upper level eaves	Yes No (see below)
Front Setback – Peats Ferry Road	<ul style="list-style-type: none">- 8m up to 1/3 building width then 10m- 7m balconies- 7m basement/deep soil	<ul style="list-style-type: none">- 8-10m for 33% then 10m+- 7m+- 7m	Yes Yes Yes
Front Setback – Bouvardia Street	<ul style="list-style-type: none">- 8m up to 1/3 building width then 10m- 7m balconies- 7m basement/deep soil	<ul style="list-style-type: none">- 8m for 47% then 10m- 7m- 0-7m	No (see below) Yes No (see below)
Side Setback – West	<ul style="list-style-type: none">- 4m up to 1/3 building width then 6m- 4m basement/deep soil	<ul style="list-style-type: none">- 4m for 10% then 6m- 4-6m	Yes Yes
Rear Setback –	<ul style="list-style-type: none">- 8m up to 1/3 building width then 10m	<ul style="list-style-type: none">- 9-10m for 17% then 10m+	Yes

Hornsby Development Control Plan Part 3.4 – Residential Flat Buildings (5 storeys)			
Control	Requirement	Proposal	Compliance
North	- 7m balconies - 7m basement/deep soil	- 7m - 7m	Yes Yes
Top Storey Setback	3m additional	3m	Yes
Floorplates	35m max 4x4m indent required 25-35m	36-39.75m Provided	No (see below) Yes
Façade Articulation	- Vertical panels = 8m wide - Min. 2 steps between ground level setback and penthouse façade across 50% of facade to prevent sheer vertical planes taller than 2 or 3 storeys.	The amended proposal includes a high degree of vertical and horizontal modulation and articulation.	Yes
Communal Open Space	25% site area min. 2.5m width along boundaries	44% (1,306m ²) 4m+	Yes Yes
Principal Communal Open Space	- 50m ² min. - 4m min. dimension - 2 hours solar access - Landscaped for active/passive recreation	- 400m ² (approx.) - 4m+ - 2 hours + - Landscaped	Yes Yes Yes Yes
Sunlight	70% min. 2 hours	73%	Yes
Housing Choice	- 1 br – 10% (6) - 2 br – 10% (6) - 3 br – 10% (6) - 30% min. adaptable (19)	- 25.8% (16) - 59.7% (37) - 14.5% (9) - 30.6% (19)	Yes Yes Yes Yes
Car Parking	- Resident (total) = 62.5 0.75/1 bed (16) = 12 1/2 bed (37) = 37 1.5/3 bed (9) = 13.5 - Visitor 1/7 units (62) = - 1/3 adaptable units to be provided with accessible car parking (7) - Motorcycle 1/50 cars = 2 - Bicycle (total) = 20 1/5 dwelling (resident) = 13 1/10 dwellings (visitor) = 7	- 73 - 9 - 7 - 2 - 20 - 13 - 7	Yes Yes Yes Yes Yes Yes Yes

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

3.6.1 Height

The proposed building would comply with the maximum permissible height requirement of 17.5. The proposal has been amended so that each floor is split into two levels following the natural slope of the land. This would ensure that the ground floor units at the south-western corner have reasonable amenity and outlook.

3.6.2 Roof Design

The uppermost level does not include wide eaves to afford solar protection to the upper level units and provide building articulation as required by the DCP. Notwithstanding, it is considered that these eaves could readily be provided and a condition of development consent is recommended in this regard (Condition No. 2(i)).

3.6.3 Front Setbacks

The proposal does not comply with the front boundary setback requirement to Bouvardia Street which permits up to 1/3 of the building elevation to be 8m and then 10m for the remainder of the elevation. Approximately 47% of the elevation is less than 10m.

This is as a consequence of the front setback provisions having been applied to the longer Peats Ferry Road frontage rather than the shorter Bouvardia Street frontage as required by the DCP.

However, it is considered desirable to have larger setback to both frontages (i.e. larger than just the minimum side setback requirements) as applying the side setbacks to one or other frontage would result in inconsistencies with existing and future development to the north and west. Accordingly, the proposed setback to Bouvardia Street, which fully complies with the side setback provisions of the DCP but is partially less than the required front setback requirements, is considered acceptable in this instance.

3.6.4 Floorplates

The proposed building has a maximum floorplate measured north to south of 39.75m and measured east to west of 36m. Whilst these dimensions exceed the maximum permissible under the DCP, they are considered acceptable in this instance as the amended proposal has satisfactorily addressed the previous concerns in relation to lack of modulation and articulation to the facades to provide visual relief.

3.7 Communal Open Space

During the assessment of the initial proposal, concerns were raised regarding the suitability of the location of the communal open space along the Peats Ferry Road frontage. To address this concern, the applicant has proposed stepped landscaped terraces at the south-western corner that would retain the privacy of the communal area and provide visual relief to the ground floor units fronting the road. Additional landscaped communal open areas are also proposed along the Bouvardia Street frontage.

It is considered that the communal open spaces are well designed and would provide useable outdoor recreational facilities for the residents.

3.8 Section 94 Contributions

Hornsby Shire Council Section 94 Contributions Plan 2014-2024 applies to the development as it would result in the addition of 62 residential units in lieu of the three existing dwellings.

Accordingly, a condition of consent is recommended at Schedule 1 requiring a monetary contribution pursuant to the Section 94 Plan.

4.0 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”*.

4.1 Natural Environment

The proposal would retain three existing trees along the northern and western boundaries and two street trees on Peats Ferry Road.

The amended proposal has been assessed by Council’s Landscape Officers who have indicated that the proposal is considered acceptable with regard to tree removal and landscaping, subject to standard conditions relating to tree protection and replacement landscaping.

4.2 Built Environment

The Site is within an area earmarked and zoned for high density residential development and the proposal predominantly complies with the built form provisions of the ADG and Council’s DCP subject to conditions of consent and the remaining minor non-compliances are considered acceptable in this instance and unlikely to result in significant adverse visual bulk, visual or acoustic privacy or shadow impacts on surrounding properties.

The amended proposal has addressed the primary concerns of the JRPP in relation to providing increased setbacks adjoining the R2 Low Density zoned land to the north and north-west and now provides for an appropriate transition in built form and enhanced screen landscaping.

4.3 Social Impacts

The proposal will replace the three existing dwellings with 62 units within a high density apartment development thereby providing additional housing supply in the locality, in close proximity to public transport, employment opportunities and local retail services.

4.4 Economic Impacts

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

5.0 SITE SUITABILITY

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

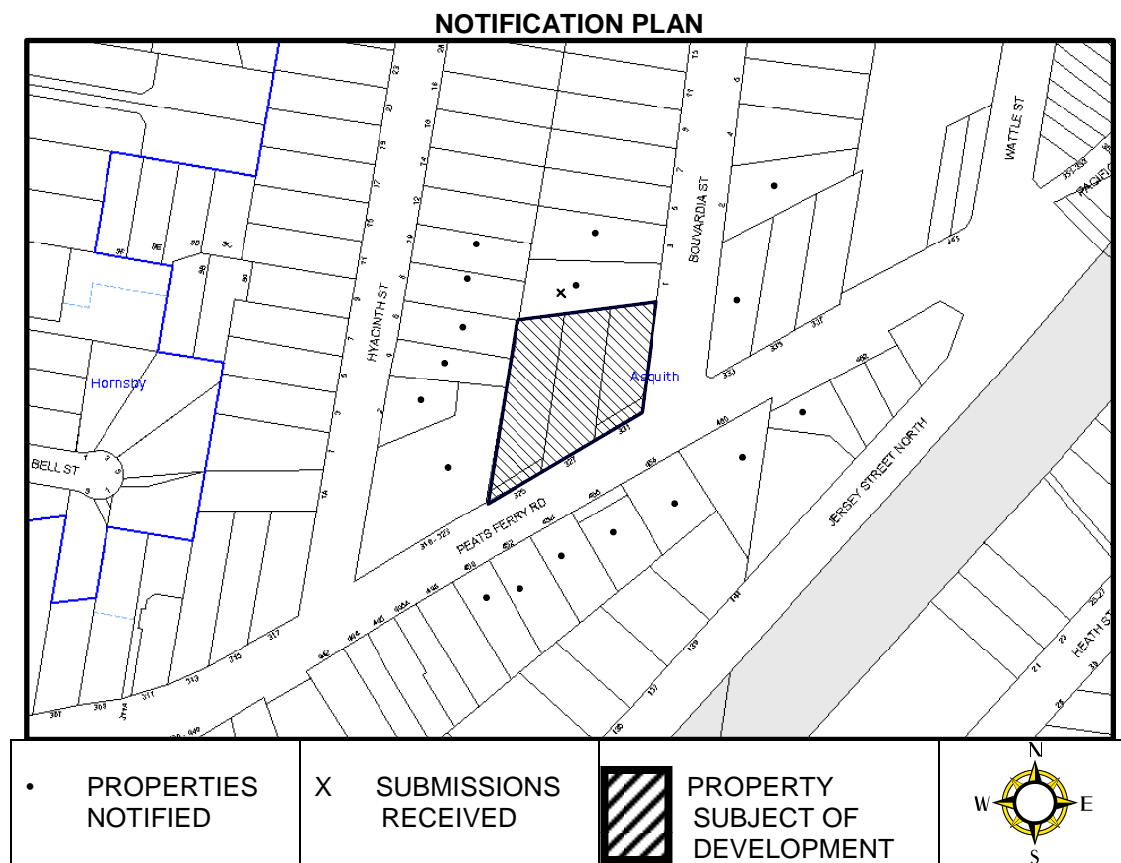
The Site has not been identified as bushfire prone or flood prone land and is considered to be capable of accommodating the proposed development.

6.0 PUBLIC PARTICIPATION

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

6.1 Community Consultation

The amended proposal was placed on public exhibition between 7 and 22 July 2016 and during this period, Council received no submissions. Notwithstanding, the adjoining landowner who made a submission to the original proposal provided a further letter of objection prior to the lodgement of the amended plans. The map below shows the properties notified and the location of landowner who made a submission.



The submission objects to the development, generally on the following grounds (NB: these submissions are in addition to those reported in the previous assessment report).

6.1.1 Compliance with setbacks

The submitter indicates that the building should maintain a minimum 10m setback from the northern boundary in accordance with Council’s DCP requirements.

As noted in Section 3.6 of this report, the building maintains a setback of 10m from the northern boundary with only 17% of the building length located at 9m from the northern boundary complying with the requirements of both Council's DCP and the ADG requirements.

6.1.2 Screen Planting

The submitter requests that further trees be planted along the northern boundary to maintain privacy of the adjoining low density developments and the existing trees on the common boundary be retained.

The proposal retains Tree Nos. 12 and 13 located on the northern boundary of the site. Additionally, screen planting is proposed along the northern boundary to retain the privacy of the adjoining low density developments. The application is assessed as satisfactory in this regard.

6.1.3 Height

The submitted raises concerns that the height of the building may not comply with the required 17.5m, given the topography of the site.

The proposed levels of the individual floors of the building have been adjusted to comply with the 17.5m height limit. Condition 3 specifies that the height of the building be restricted to 17.5m above the natural ground level. The proposal is assessed as satisfactory in this regard.

6.1.4 Impact of excavation

The submitter indicates that the developer should be responsible for any subsidence or damage to the property on the northern side of the site.

Condition No. 11 requires the submission of a dilapidation report to assess the impact of the proposed excavation on the structural conditions of the adjoining buildings. Condition No. 20 requires that a Construction Management Plan be prepared specifying that rock removal during excavation works must be undertaken by sawing instead of rock hammering, wherever practicable.

6.2 Public Agencies

6.2.1 NSW Roads and Maritime Services

Even though the proposed development does not trigger a need for the concurrence of the RMS or any statutory referral requirement, the original application was referred to the NSW RMS due to the land at Lots 22 and 24 (owned by Hornsby Council) previously being identified for road widening. However, the RMS has confirmed that this land is no longer required for road widening and that there are no objections to the built form of the proposal or its potential traffic impacts.

Notwithstanding, the RMS indicated that should the land within Lots 22 and 24 be sold by Council to the adjoining landowner, the proceeds of that sale should be received by the RMS as that land was originally vested in the predecessor to the RMS (the RTA). As this is a financial matter to be resolved between Council and the RMS, it is considered that it has no bearing on the planning merits of the proposal before the JRPP and there is no statutory limitation to the granting of development consent to the proposed development.

7.0 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 whether the proposed development adequately responds to and respects the future desired outcomes expressed in the relevant environmental planning instruments and development control plans.

The amended proposal is considered to satisfactorily address the key built form requirements of the ADG and Council’s DCP and would provide a development outcome that, on balance, would result in a positive impact for the local community. Accordingly, it is considered that the approval of the proposed development is in the public interest.

8.0 CONCLUSION

The amended application seeks approval for demolition of existing dwellings and erection of a 5-storey residential flat building comprising 62 units and basement parking for 82 cars.

The amended proposal is permissible with consent pursuant to the *Hornsby Local Environmental Plan 2013* and complies with the Height of Buildings development standard under the LEP.

The amended proposal is now consistent with the design principles of SEPP 65 and substantially complies with the *Apartment Design Guide* with the exception of minor non-compliances with the building separation, solar access, circulation core and storage requirements. These non-compliances are supportable in this instance as they are unlikely to result in a significant adverse impact in regard to visual or acoustic privacy, overshadowing or residential amenity for future residents.

The amended proposal predominantly complies with the relevant provisions of the *Hornsby DCP* and the minor non-compliances with the secondary frontage setback and floorplate provisions are supportable in this instance as they will not adversely impact on the streetscape or residential amenity of future residents. In addition, the minor non-compliance with the roof design provisions can be satisfactorily resolved through a condition of consent requiring wide eaves over the Level 4 terraces and deletion of the Level 4 terrace on the western side encroaching within the prescribed 9m setback.

Accordingly, the proposed development is recommended for approval subject to the Conditions stated at Schedule 1.

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

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
DA001 Demolition Plan/ Survey Plan Rev B	JH Architects	6/10/15
DA002 Site Analysis / Roof Plan Rev D	JH Architects	24/6/16
DA100 Lower Basement Level Rev E	JH Architects	19/7/16
DA101 Upper Basement Level Rev F	JH Architects	25/7/16
DA102 Ground Level Rev F	JH Architects	25/7/16
DA103 Level 1 Rev F	JH Architects	25/7/16
DA104 Level 2 Rev F	JH Architects	25/7/16
DA105 Level 3 Rev F	JH Architects	25/7/16
DA106 Level 4 Rev F	JH Architects	25/7/16
DA107 Mezzanine Level Rev F	JH Architects	25/7/16
DA200 Elevations Rev F	JH Architects	9/8/16
DA201 Elevations Rev G	JH Architects	9/8/16
DA202 Street Elevations Rev D	JH Architects	9/8/16
DA300 Sections Rev D	JH Architects	24/6/16
DA301 Section study Rev A	JH Architects	24/6/16
DA500 Schedule of Colours and Materials Rev D	JH Architects	24/6/16
Landscape Plan LPDA 16 - 61 / 1 Issue E	Conzepts Landscape Architects	27/6/16
D00 Cover Sheet, Legend & Drawing Schedule Rev D	Loka Consulting Engineers Pty Ltd	12/3/16

Plan No.	Drawn by	Dated
D01 Basement 2 Floor Stormwater Drainage Plan Rev C	Loka Consulting Engineers Pty Ltd	25/9/15
D02 Basement 1 Floor Stormwater Drainage Plan Rev C	Loka Consulting Engineers Pty Ltd	25/9/15
D03 Basement Stormwater Drainage Details Rev B	Loka Consulting Engineers Pty Ltd	17/9/15
D04 Ground Floor/ Site Stormwater Drainage Plan Rev G	Loka Consulting Engineers Pty Ltd	18/7/16
D05 Stormwater Drainage Details Rev E	Loka Consulting Engineers Pty Ltd	18/7/16
D06 Erosion and Sediment Control Plan and Details Rev B	Loka Consulting Engineers Pty Ltd	17/9/15
D07 Stormwater Drainage Details 2 Rev A	Loka Consulting Engineers Pty Ltd	21/1/16
D08 Music Result and Details Rev A	Loka Consulting Engineers Pty Ltd	12/216
D09 Music Report Rev A	Loka Consulting Engineers Pty Ltd	12/3/16

Document Title/Ref:	Prepared by	Dated
BASIX Certificate No. 661827M_03	Damian O'Toole Town Planning P/L	3/8/16
Cover Sheet DA000 Issue E	JH Architects	25/7/16
DA800 Winter Solstice Shadows Rev B	JH Architects	24/6/16
DA801 Winter Solstice Shadow Study Rev B	JH Architects	25/7/16
DA802 Winter Solstice Shadow Study Rev B	JH Architects	25/7/16
Aboricultural Impact Assessment D06700854	TreeTalk Arboricultural Consulting	Aug 2015
Traffic and Parking Impact Report N1514172A Report 1b	Motion Traffic Engineers	Sep 15
Waste Management Plan	JH Architects	Sep 15
Access/Compliance Report	PSE Access Consulting	1/9/15
BCA Design Assessment Report	Untitled	Sep 15
Design Verification Statement	Joseph Habib	Received on 2/08/2016

2. Amendment of Plans

- a) To comply with Councils requirement in terms of roof design and setbacks, the approved plans are to be amended as follows:

- i) Eaves are to be provided over all roof terraces at Level 4 with a minimum width of one (1) metre and having the appearance of an extension to the roof slab.
 - ii) The terrace on the western side of Unit 402 must have a minimum setback of 9m from the western boundary. Any encroachment should be in the form of non-trafficable roof space.
- b) The approved Landscape Plan LPDA 16 - 61 / 1 Issue E dated 27/06/2016 must be amended to reflect the approved bin collection area and driveway layout in "DA102 Ground Level Rev F" dated 25/07/2016.
- c) These amended plans must be submitted with the application for the Construction Certificate.

3. Height of Buildings

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

4. Removal of Existing Trees

- a) This development consent permits the removal of tree(s) numbered 2, 4, 6-1, 14-16 as identified on the approved Landscape Plan LPDA 16 - 61 / 1 Issue E prepared by Conzept Landscape Architects dated 27/06/2016.
- b) The removal of any other trees requires separate approval in accordance with the Tree and Vegetation Chapter 1B.6 Hornsby Development Control Plan (HDCP).

5. Construction Certificate

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

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

6. Section 94 Development Contributions

In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the *Hornsby Shire Council Section 94 Development Contributions Plan 2014-2024*, the following monetary contributions shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

Description	Contribution (4)
Roads	\$ 27,938.80
Open Space and Recreation	\$ 599,887.45
Community Facilities	\$ 242,262.45
Plan Preparation and Administration	\$ 1,878.80
TOTAL	\$ 871,967.50

being for 16 x 1 bed, 37 x 2 bed, 9 x 3 bed units and credit for three (3) existing dwellings.

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

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

Where:

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

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

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

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

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

7. Building Code of Australia

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

8. 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.

9. Utility Services

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

- a) *Ausgrid (formerly Energy Australia)* – a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b) *Telstra* - a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.

10. Sydney Water – Quick Check

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

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

11. Dilapidation Report

- a) A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of all adjoining properties at No. 1 Bouvardia Street, No. 319 – 323 Peats Ferry Road, Nos. 4 and 6 Hyacinth Street, Asquith

- b) 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.

12. 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**".

13. Stormwater Drainage

The stormwater drainage system for the development must be designed for an average recurrence interval (ARI) of 20 years and be gravity drained via an on-site detention and water quality treatment facility in accordance with the following requirements:

- a) Storm water be discharge to a kerb inlet pit within Bouvardia Street and a 375mm diameter pipe line extended to the nearest Council pit number 8701 in accordance with Hornsby Council Civil Works Specifications;
- b) Be designed by a Chartered Professional Civil/ Hydraulic Engineer of the Institution of Engineers, Australia; and
- c) No drainage works work is to commence within Bouvardia Street road reserve until approval under Section 138 of the Roads Act is obtained from Hornsby Shire Council.

14. On Site Stormwater Detention

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

- a) Storage capacity to accommodate volume from up to 20 years ARI (average recurrence interval) storms and a maximum discharge (when full) limited to 5 years pre development rate. The storage volume not being less than 32m³ and permissible discharge limited to maximum 75 litres per second.
- b) Have a surcharge/inspection grate located directly above the outlet. Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.
- c) Where above ground system is proposed and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs to be installed

- d) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.
- e) Detail calculations are to be shown in construction certificate plan.
- f) An overflow/escape path shall be incorporated in the design.

15. Water Quality/Bio Retention System

- a) Stormwater discharging from the development site is to be treated to achieve the quality specified in Council's Development Control Plan 2012 (table 1C.1.2(b) Urban Stormwater Quality Targets. The water quality treatment system is to be constructed in accordance with the plans, prepared by Loka Consulting Engineers, contained in Council document No D07008211.
- b) Prior to occupation of the premises, a Chartered Civil/Hydraulic Engineer of the Institution of Engineers, Australia is to certify that works have been completed in accordance with the approved construction plan and the measures will achieve the targets specified in the condition.

16. Vehicular Crossing

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

- a) Design levels at the front boundary must be obtained from Council for the design on the internal driveway;
- b) Any redundant crossings must be replaced with integral kerb and gutter;
- c) The footway area must be restored by turfing;
- d) Approval must be obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing

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

17. Internal Driveway/Vehicular Areas

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

- a) Design levels at the front boundary shall be obtained from Council if a private accredited certifier is engaged to obtain a construction certificate for these works.
- b) The driveway be a rigid pavement.
- c) Conduit for utility services including electricity, water, gas and telephone be provided. All existing overhead assets including electricity and

telecommunications cabling shall be relocated underground at no cost to Council. A certificate from an appropriately licensed contractor shall be submitted to the principal certifying authority certifying that the service conduits have been installed in accordance with the relevant utility provider and Australian Standards.

- d) Longitudinal sections along both sides of the access driveway shall be submitted to the principal certifying authority in accordance with the relevant sections of AS 2890.1. The maximum grade shall not exceed 1 in 4 (25%) with the maximum changes of grade of 1 in 8 (12.5%) for summit grades and 1 in 6.7 (15%) for sag grades. Any transition grades shall have a minimum length of 2 metres. The longitudinal sections shall incorporate the design levels obtained by Council.

18. 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) Existing kerb and gutter along Bouvardia Street frontages of the development site shall be removed and new one constructed.
- b) The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the bitumen and reconstructed.
- c) New footpath is to be constructed along Bouvardia Road frontage of the development site.
- d) Existing footpath along Peats Ferry Road is to be removed and a new one constructed.
- e) All damaged sections of Council infrastructure is to be restored to Council's Civil Works Specifications.
- f) 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.
- g) No work is to commence within the road reserve until approval under Section 138 of the Roads Act is obtained from Hornsby Shire Council. In this regard a construction certificate application is to be submitted to Council.

19. Construction Traffic Management Plan

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

- a) A copy of the plans shall be submitted for consideration and written approval by Hornsby Shire Council prior to the release of the Construction Certificate.
- b) The plans shall detail the order of construction works and arrangement of all construction machines and vehicles being used at the same time during all stages.
- c) The CTMP plans shall be in accordance with the approved Development Application plans and the Development Consent conditions.
- d) In order to prevent injury, accident and loss of property, no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.
- e) The Plan shall be generally in compliance with the requirements of the Road and Traffic Authority's "Traffic Control at Worksites Manual 1998" and detailing:
 - i) Public notification of proposed works;
 - ii) Long term signage requirements;
 - iii) Short term (during actual works) signage;
 - iv) Vehicle Movement Plans, where applicable;
 - v) Traffic Management Plans;
 - vi) Pedestrian and Cyclist access and safety;
- f) The plans shall indicate traffic controls including those used during non-working hours and shall provide pedestrian access and two-way traffic in the public road to be facilitated at all times.
- g) The plans shall include the proposed truck routes to and from the site including details of the frequency of truck movements at the different stages of the development. The plan shall also include details of parking arrangements for all employees and contractors.
- h) The Applicant and all employees of contractors on the site must obey any direction or notice from the Prescribed Certifying Authority or Hornsby Shire Council in order to ensure the above.
- i) If there is a requirement to obtain a Work Zone, partial Road Closure or Crane Permit an application to Hornsby Shire Council is to be made prior to the issue the Construction Certificate

20. Construction Management Plan

A Construction Management Plan (CMP), prepared by a suitably qualified consultant, must be submitted for approval by Council. The CMP must include, but not be limited, details of the following:

- a) Noise attenuation measures be implemented along the northern and western boundaries of the site;

- b) During excavation works, rock removal must be undertaken by sawing instead of rock hammering, wherever practicable;
- c) The construction works must be undertaken in accordance with the “Interim Construction Noise Guidelines – 2009” published by DECCW and achieve compliance with the relevant noise levels; and
- d) The delivery times and vehicular movements related to demolition, excavation and construction works must be restricted to the construction hours only.

21. Accessible Units

The development is required to provide 19 units designed as adaptable housing pursuant to the requirements of 1C.2.2 of the Hornsby Development Control Plan. In this regard, seven (7) car parking spaces are to be designed for people with a disability and allocated to seven (7) accessible units. The details of all adaptable units must be provided with the Construction Certificate plans.

22. Waste Management

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) Sufficient space must be provided for all equipment required for the operation of the waste management system, including (but not limited to) the 4 x 660L bin carousel and motorised bin carting equipment.
- d) The waste facilities (a small room housing the garbage chute and 240L recycling bin) on each residential level must be accessible by persons with a disability while comfortably housing the garbage chute and one 240 L recycling bin.

Note: a 240 L recycling bin is 600 mm wide by 750 mm deep; allow for ease around the bin – 75 mm is recommended. These dimensions do not include wall thickness, door thickness, ventilation ducting etc, which must be added. The door must be wide enough and positioned such that the 240L bin can fit through. The chute system supplier must be consulted for chute space requirements

- e) The gradient of the driveway must not exceed 1:20 for the first 6 m of the driveway from the boundary.
- f) The doors to the bin holding/waste collection area at the ground level must face the driveway.
- g) A Waste Management Plan Section One – Demolition Stage and Section Three – Construction Stage, covering the scope of this project and including the following details, is required to be submitted to Council:

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

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
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23. 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.

24. 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.

25. 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*.

26. 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.

27. Tree Protection

- a) A project arborist (AQF5 qualified) must be appointed in accordance with Australian Standard AS 4970-2009 (1.4.4) to 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 (1.4.4).
- b) Tree barriers and protection zone fencing must be installed prior to the commencement of any works on the site.
- c) Tree protection fencing must erected around trees numbered 1, 3, 5, 12, 13, 17, 18 identified in Landscape Plan LPDA 16 - 61 / 1 Issue E prepared by Concept Landscape Architects dated 27/06/2016 and installed as indicated on the tree protection plan Appendix A2 in the AIA provided by TreeTalk Arboricultural Consulting dated August 2015 D06700854.
- d) All Tree Protection Zones must have a layer of wood-chip mulch installed prior to works commencing and must be maintained throughout the period of construction at a depth of 150mm – 300mm using material that complies with Australian Standard AS 4454.

28. Tree Protection Certification

A certificate from the Project Arborist must be submitted to the Principal Certifying Authority stating compliance with the relevant conditions of this consent.

The certificate must contain as a minimum all tree protection measures have been installed in accordance with Australian Standard "Protection of Trees on Development Sites" (AS 4970-2009)

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

29. 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.

30. Demolition

To protect the surrounding environment, 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 any building contain asbestos material, a standard commercially manufactured sign containing the words ‘DANGER ASBESTOS REMOVAL IN PROGRESS’ and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

31. 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.

32. Street Sweeping

To protect the surrounding environment, Street sweeping must be undertaken following sediment tracking from the site along Bouvardia Street and Peats Ferry Road during works and until the site is established.

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

33. 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.

34. 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.

35. Landfill

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

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

36. 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.

37. Survey Report – Finished Floor Level

To ensure that the approved development has been located at the setbacks and levels shown on the relevant plans and elevations, a report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the pouring of concrete at each level of the building certifying that:

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

38. Work Near Trees

- 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) The trees must be monitored and where necessary provide remedial actions for maintaining tree health/condition. A record must be kept of all methods used to preserve the trees.
- c) Consent is granted to undertake works within the Tree Protection Zone (TPZ) of Trees 1, 3, 5, 12, 13, 17, 18 identified in Landscape Plan LPDA 16 - 61 / 1 Issue E prepared by Conzept Landscape Architects dated 27/06/2016 in accordance with the following requirements:
 - i) All Root pruning must be undertaken as specified in Australian Standard AS 4970-2009 Sections 3.3.4, 4.5.4 and 4.5.5. A record must be kept of all root pruning undertaken;
 - ii) Replacing an existing driveway must be built on grade. All imported material must be distributed by hand;
 - iii) Existing grade must be retained within the TPZ of all trees being retained;
 - iv) The installation of all services which enter or transects a designated TPZ must utilise sensitive methods of installation as outlined in AS-4970-2007 section 4.5.5;
- d) Where scaffolding is required it must be erected outside the TPZ and in accordance with AS 4970-2009 section 4.5.6.
- e) The filling or stockpiling of building materials, the parking of vehicles or plant, the disposal of cement slurry, waste water or other contaminants must be located outside the tree protection zones as prescribed in the conditions of this consent or the prescriptive measures of Part 1B.6.1 Tree Preservation of the Hornsby Development Control Plan, 2013, of any tree to be retained.

39. Waste Management Details

Waste management during the demolition and construction phase of the development must be undertaken in accordance with the approved Waste Management Plan. Additionally written 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.

40. Compliance during construction works

The development must be carried out in accordance with the following approved documents:

- a) Construction Traffic Management Plan (CTMP); and
- b) Construction Management Plan (CMP).

41. 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.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

42. Fulfilment of BASIX Commitments

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

43. 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.

44. 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.

45. 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.

46. 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.

47. Creation of Easements

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

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

48. 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, footpath, culvert, overland flow path, driveway, on-site detention and water quality treatment systems. The plan(s) must be accompanied by a certificate from a registered surveyor certifying that all pipelines and associated structures lie wholly within any relevant easements.

49. Completion of Works and Compliance Certificate

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

50. Retaining Walls

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

51. Installation of Air Conditioner

- a) To protect the amenity of adjacent properties, the condenser unit for the air conditioner must be sited a minimum of 3 metres from the property boundary of any adjoining residential premises.
- b) Alternatively, a certificate must be submitted to the PCA by a suitably qualified person confirming that the unit has been tested for heating and cooling on the highest settings and that the noise levels generated do not exceed 5 dB(A) above background noise levels when tested at the property boundary between 8 pm and 10 pm.

52. 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.

53. 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.

54. 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 and space to store it, 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. as applicable to the development.

- b) A survey of the finished drive way must be carried out by a registered surveyor and submitted to the principal certifying authority confirming that the first 6 m (from the boundary) is no steeper than 1:20.
- c) The bin storage rooms at the basement levels must include water or a hose for cleaning, graded floors with drainage to sewer, sealed and impervious surface, adequate lighting and ventilation, and must be lockable. The residential waste facility (small room housing the garbage chute and a 240L recycling bin) on each residential level must include sealed and impervious surface, adequate lighting and ventilation, a robust door(s).
- d) 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.
- e) 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.
- f) 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.
- g) The bin carting routes must be devoid of any steps.

Note: Ramps between different levels are acceptable.

- h) Access to the 4 x 660L bin carousel in the chute service room by unauthorised persons (including residents, visitors etc) must be prevented.
Note: Caging or a separate lockable room is acceptable.
- i) The volume handling equipment (4 x 660L bin carousel) must not be fitted with compaction.
- j) There must be a bulky waste storage area of at least 8 square metres on the basement level.
- k) There must be waste facilities (a garbage chute and 240 L recycling bin in a small room) on each residential level. These waste facilities must be accessible by persons with a disability while comfortably housing the garbage chute and one 240 L recycling bin.
- l) A motorised bin cart, trolley, hoist or similar equipment must be provided to enable the site caretaker to safely cart the 660 L bins between the basement and ground levels. This equipment must be suitable for the ramp grades along the bin carting route. Suitable space must be provided to store this equipment.

55. Final Certification

The Project Arborist must submit to the principal certifying authority a certificate with the application for the occupation certificate stating compliance with the conditions of this consent including the following information:

- a) A record of all works within Tree protection zone;
- b) Methods used to preserve the trees ;
- c) Remediation and maintenance works required on site for duration of the development consent.

56. Completion of Landscaping

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

- a) Replacement tree planting must be a minimum of 4 trees and must be species selected from the Council's Indigenous species listing located in the Hornsby Shire DCP Tree Preservation Measures 1B.6 Table 1B.6(b) such as *Angophora costata*, *Angophora floribunda*, *Eucalyptus elata*;
- b) Tree plantings for must be located 4 metres or greater from the foundation walls of the approved development;
- c) The pot size of the replacement tree(s) must be a minimum 25 litres and replacement tree(s) must be maintained until they reach the height of 3 metres;
- d) The replacement trees must reach a mature height greater than 15 metre;

- e) All tree stock must meet the specifications outlined in 'Specifying Trees' (Ross Clark, NATSPEC Books); and
- f) Planting methods must meet professional (best practice) industry standards.
- g) Any 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 soil for trees and palms and 75mm mulch to ensure sustainable landscape is achieved.
- h) Fences to the primary and secondary frontages (along Peats Ferry Road and Bouvardia Street) are to be not greater than 1.2 metres in height.

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

57. Storage

Each dwelling within the development must be provided and allocated a minimum area for storage (not including bedroom and kitchen cupboards) of 6m³ for one bedroom units, 8m³ for two bedroom units and 10m³ for three bedroom units, where 50% is required to be located within the apartment and accessible from either the hall or living area and the balance provided in the basement unless otherwise shown on the stamped approved plans.

58. Preservation of Survey Marks

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

59. 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.

60. Safety and Security

This site must include the following elements:

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

- b) The entry doors to pedestrian foyers are to be constructed of safety rated glass to enable residents a clear line of site before entering or exiting the residential apartments.
- 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) The communal open space, must be illuminated with high luminance by motion sensor lighting.
- f) The driveway and basement car parking must be illuminated with low luminance at all times.
- g) Security deadlocks are to be provided to each apartment door.
- h) Peep holes are to be provided to individual apartment doors to promote resident safety.

OPERATIONAL CONDITIONS

61. Waste Management

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

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

62. 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).

63. Fire Safety Statement - Annual

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

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2000, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires:

- The issue of a construction certificate prior to the commencement of any works. Enquiries can be made to Council's Customer Services Branch on 9847 6760.
- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.
- An occupation certificate to be issued before occupying any building or commencing the use of the land.

Long Service Levy

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

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

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

Tree and Vegetation Preservation

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

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

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

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

Disability Discrimination Act

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

Dial Before You Dig

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

Telecommunications Act 1997 (Commonwealth)

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

Asbestos Warning

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

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

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

House 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.