JOINT REGIONAL PLANNING PANEL
(Sydney West Region)

JRPP No	**2015SYW188**
DA Number	**DA/1266/2015 (Lodged 1 October 2015)**
Local Government Area	**City of Parramatta**
Proposed Development	**Demolition of existing structures and construction of 2 x 5 storey residential flat buildings containing 64 units and basement car park**
Street Address	**22-26B Essex Street, Epping**
Applicant/Owner	**Yue Hao Land Pty Ltd**
Number of Submissions	**One**
Regional Development Criteria (Schedule 4A of the Act)	**General Development over $20 Million**
List of All Relevant s79C(1)(a) Matters	**Hornsby LEP 2013 & Clause 4.6, Water Management Act 2000, SEPP 65 – Design Quality Apartment Development, SEPP BASIX, SREP (Sydney Harbour Catchment) 1995** **Hornsby DCP, Hornsby Section 94 Contributions Plan**
List all documents submitted with this report for the panel's consideration	**Locality Plan, Site Survey Plan, Site Analysis Plan, Basement Plans, Floor Plans, Roof Plan, Elevations, Sections, Perspectives, Landscaping**
Recommendation	**Approval**
Report by	**Nexus Environmental Planning Pty Ltd**
Report date	**26 August 2016**

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

- The application is for the demolition of existing structures and construction of 2 x 5 storey residential flat buildings containing 64 units and basement car park.
- The proposal is satisfactory in respect to the provisions of *Hornsby Local Environmental Plan 2013*. The applicant's height development standard variation request is well founded pursuant to Clause 4.6. The proposal is generally in accordance with the design principles of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* and the *Apartment Design Guide*. The proposal is satisfactory in respect to the provisions of the *Hornsby Development Control Plan 2013*.
- The Department of Primary Industries – Water has provided its General Terms of Approval for aquifer interference under the *Water Management Act 2000*, required for the proposal.
- One submission has been received in respect of the application.
- It is recommended that the application be approved.

RECOMMENDATION

THAT the Sydney West Joint Regional Planning Panel assume the concurrence of the Secretary of the Department of Planning and Environment pursuant to Clause 4.6 of the *Hornsby Local Environmental Plan 2013* and approve Development Application No. DA/1266/2015 for the demolition of existing structures and construction of 2 x 5 storey residential flat buildings containing 64 units and basement car park at Lot 11 DP 7325, Lot D DP 367350, Lot 2 DP 857412, Lot 3 DP 857412, Lot 1 DP 857412, Nos. 22, 24, 26, 26A & 26B Essex Street, Epping subject to the conditions of consent detailed in Schedule 1 of this report.

BACKGROUND

On 18 June 2015, the applicant attended a Pre DA Meeting (PL/52/2015) with Council officers regarding stormwater drainage options and the proposed 5 storey residential flat development.

Following the applicant's preparation of a flood study and liaison with Council concerning stormwater drainage issues, the subject development application was lodged on 11 December 2015.

On 12 January 2016, the applicant submitted additional information to address the Apartment Design Guide, adaptable housing design and mezzanine design.

On 24 February 2016, the Sydney West Joint Regional Planning Panel was briefed regarding the proposed development.

On 29 February 2016, the applicant submitted amended plans to address an addendum to flood modelling, tree protection measures and on-site stormwater detention.

On 29 February 2016, the NSW Department of Primary Industries - Water provided its General Terms of Approval for aquifer interference under the Water Management Act 2000.

On 2 May 2016, the applicant submitted amended plans to address compliance with the Apartment Design Guide, tree protection measures, built form, height and adaptable housing provisions.

On 12 May 2016 the Epping and Carlingford area of Hornsby LGA was transferred to City of Parramatta LGA in accordance with the NSW government Local Government (Council Amalgamations) Proclamation 2016. The City of Parramatta is now the local government authority for the subject site.

SITE

The site is located on the western side of Essex Street, Epping to the north of the intersection of Essex Street with Epping Road.

The site is irregular in shape and has an area of 3,287m^2. A Council stormwater drainage easement and pipe runs through the centre of the site and forms part of the local drainage system which flows to Terrys Creek and the Lane Cove River. The site has a gradual crossfall to the drainage line and to the frontage. The frontage of the site is subject to flooding.

A significant tree is located at the rear of the site on adjoining land.

The existing development on the site comprises:

22 Essex Street, Lot 11 DP367350

A brick house located in the central eastern portion of the lot, with a garage to the south and an additional building to the west.

24 Essex Street, Lot D DP367350

A brick house located in the western portion of the lot, with a steel car port on the southern side of the house.

26 Essex Street, Lots 1, 2 and 3 DP857412

The southern portion comprises three detached brick dwellings on each lot being 26, 26a and 26b, Essex Street.

The surrounding area includes single and two storey dwelling houses and dual occupancy developments. A 40 place child care centre adjoins the southern boundary of the site. The area is within the Epping Urban Activation Precinct and is undergoing transition to high density with a number of five storey residential flat buildings currently under construction.

PROPOSAL

The proposal is for the demolition of the existing structures and the erection of 2 x 5 storey residential flat buildings comprising 64 units with basement parking for 76 vehicles.

The proposal comprises:

Ground floor	14 units (4 x 1 bedroom, 9 x 2 bedroom and 1 x 3 bedroom units)
Level 1	14 units (3 x 1 bedroom, 10 x 2 bedroom and 1 x 3 bedroom units)
Level 2	14 units (3 x 1 bedroom, 10 x 2 bedroom and 1 x 3 bedroom units)
Level 3	14 units (3 x 1 bedroom, 10 x 2 bedroom and 1 x 3 bedroom units)
Level 4	8 units (1 x 1 bedroom, 4 x 2 bedroom and 3 x 3 bedroom units)

The proposed basement car park is over two levels with access on the northern side of the frontage.

ASSESSMENT

1. STRATEGIC CONTEXT

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

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

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

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

2. STATUTORY CONTROLS

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

2.1 Hornsby Local Environmental Plan 2013

Hornsby Local Environmental Plan 2013 (HLEP) was gazetted on 27 September 2013.

The site is zoned R4 High Density Residential under the HLEP.

The proposed development is for demolition of existing structures and construction of two five storey residential flat buildings. The proposed development is permissible with the consent of the Council, in the R4 High Density Residential zone.

Clause 2.3(2) of the HLEP states:

> *(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.*

The objectives of the R4 High Density Residential zone are:

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

The proposed development is consistent with the objectives of the R4 High Density Residential zone.

2.1.1 Height of Buildings

Clause 4.3 of the HLEP relates to the maximum height of buildings. The objective of the clause is:

> *(a) to permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.*

The Height of Buildings map indicates that the maximum height of a building on the site is to be 17.5 metres. The proposed development is non-compliant with the 17.5 metre Height of Buildings development standard for a small section of the roof form of each of the proposed buildings.

The applicant has submitted an objection to the 17.5 metre Height of Buildings development standard pursuant to clause 4.6 of the HLEP. In this regard, the applicant states:

> *The development application proposes the construction of two x five storey residential flat buildings on the site, referred to as Building A and Building B. The height of the majority of both buildings is compliant with the HLEP 2013 height controls, with the exception of part of the roofline on Building B and the screened air conditioning units (mechanical plant area) on both buildings. Building A has a maximum height of 18.7m and Building B has a maximum height of 17.7m. The site slopes from the rear south-west corner to the north-east corner with a fall of approximately 3m. Due to the existing natural ground line the screened air conditioning units on Building A exceed the maximum building height limit by up to 500mm, which is a variation to the control equivalent to 2.7%.*
>
> *The existing natural ground line also impacts Building B, where the screened air conditioning units and a small part of the roof line exceed the maximum building height limit by up to 1.2m, this is a variation to the control equivalent of 6.4%.*
>
> *The proposed height non-compliances are located in small portions near the centre of each building. The screened air conditioning units are centrally located on the rooftop of each building and will not cause significant overshadowing of neighbouring properties. In addition, being centrally located within the roof structure and set well back from the site boundaries maintains the building height of the desired future character at the street front.*
>
> *The small level of non-compliance will not detract from the desired scale and character of development along Essex Street. The height breach will not be dominant as viewed from the public domain or adjoining properties.*
>
> *The height departure is ultimately as a result of the slope of the land, being a minor encroachment of the screened air conditioning units with the remainder of the building positioned below the maximum building height limit.*
>
> *The location of the air conditioning units on the roof of each building is not only a beneficial contribution but an essential service required for the ongoing function of the development. As part of the plant services the units will allow for greater amenity to future residents and assist in the ventilation of each unit. In contrast, insisting on numeric compliance and reducing the air conditioning units would compromise the amenity and functionality of each building.*
>
> - *The proposed development satisfies the zone and development standard objectives;*
> - *The proposed height variation will not be visually dominant from any point on the street frontages or from adjoining properties;*
> - *The proposed development meets the objectives of the height control and strict compliance with the height control would undermine or thwart its objectives or the zones objectives (or both); and*
> - *The burden placed on future residents (by reducing amenity) would be disproportionate to any consequences that may arise from the proposed non-compliance with the height control.*
>
> *Given that compliance with the zone and development standard objectives is achieved and that the building complies with the overall height limit insistence on strict compliance with the building height control is considered to be unreasonable and unnecessary in the circumstances. The proposal is compliant with the relevant objectives and will have no adverse environmental or amenity impacts.*

Having regard to the minor non-compliance with the 17.5m height of buildings development standard, the general slope of the site and the desired future character of the area, it is considered that the clause 4.6 variation request is well founded.

2.1.2 Earthworks

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

The proposal involves excavation works to a depth of 7.5m. The submitted Geotechnical and Salinity Assessment prepared by Network Geotechnics dated 23 June 2015 noted the subsurface comprises clay type soils to a depth of 2.5m then sandstone formation. The geotechnical investigation observed groundwater which would require dewatering for the proposed excavation. Refer discussion Section 2.2.

A condition is recommended for a detailed geotechnical assessment of the site to be undertaken for the design of the excavation, ground vibration, excavation support, design parameters for support systems and anchor design, groundwater and foundation design.

A condition is recommended to restrict construction hours for excavation, rock sawing / breaking to minimize impacts on the existing child care centre adjoining the southern boundary of the site.

A condition is recommended for a dilapidation report to be prepared in respect to adjoining properties.

Subject to recommended conditions, the proposal is satisfactory in addressing the provisions under Clause 6.2 of HLEP.

2.2 Water Management Act 2000

The proposal involves excavation works with groundwater impacts and is 'integrated development' subject to approval of the Department of Primary Industries – Water (DPI - Water), under the *Water Management Act 2000*.

The DPI - Water has in place an *Aquifer Interference Policy* to address potential impacts on groundwater.

The DPI - Water has advised General Terms of Approval for Construction Dewatering subject to recommended conditions which address construction and excavation requirements, monitoring of groundwater during construction and groundwater quality and disposal.

Subject to recommended conditions, the groundwater would be appropriately managed during construction and controlled in the design of the development.

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

The application has been assessed against the requirements of *State Environmental Planning Policy No. 55 – Remediation of Land* under which consent must not be granted to the carrying out of any development on land unless the consent authority has considered whether the land is contaminated or requires remediation for the proposed use.

The applicant submitted a Phase 1 Environmental Site Assessment prepared by JBS&G Australia Pty Ltd dated 31 August 2015. The assessment included the following comment:

> *Based on information obtained during the present preliminary site assessment, historical and current site use activities have primarily been limited to low density residential activities. No evidence of gross or widespread impacts has been identified that suggest contamination issues at the site are likely to prevent the proposed site development activities and site uses.*

The site is unlikely to be contaminated. No further assessment is considered necessary in this regard.

The proposed development includes the demolition of existing buildings and substantial excavation works

which would remove any potential for contamination. The applicant submitted a Hazardous Materials Survey prepared by JBS&G Australia Pty Ltd dated 10 September 2015 which identified a range of hazardous materials in the existing buildings on the site including asbestos, lead, polychlorinated biphenyls and synthetic mineral fibre. Conditions of consent are recommended regarding the disposal of demolished building waste and the recommendations of the Hazardous Materials Survey.

2.4 State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development (SEPP 65)

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

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

The applicant has submitted a Design Verification Statement by a qualified Architect and the proposed development achieves the design principles of the Apartment Design Guide. The design principles of SEPP 65 in respect to the proposed development are addressed in the following table.

PRINCIPLE	COMPLIANCE
1. Context and neighbourhood character	**Yes**
Comment: The site is located within a precinct planned for five storey residential flat buildings in close proximity to Epping Railway Station. The proposal responds to the desired future character of the precinct as envisaged by Council for residential flat buildings in landscaped settings with underground car parking. The proposed development is designed with regard to the site's orientation and the planning controls for the desired future character of the Epping Road/Forest Grove, Epping Precinct. Once the development of the precinct is completed, the proposal would integrate with the surrounding sites and would be in keeping with the future urban form. The proposed building would contribute to the identity and future character of the precinct.	
2. Built form and scale	**Yes**
Comment: The scale, bulk and height of the development is appropriate for the desired future character of five storey development within the precinct. Notwithstanding a minor non-compliance with the 17.5m height of building development standard and the floor plate dimensions, the proposal generally complies with the prescribed measures within the HDCP. The development achieves a scale consistent with the desired outcome for well-articulated buildings which are set back to incorporate landscaping, open space and separation between buildings. The proposal incorporates high quality facades including a defined base, middle and top of the building and achieves an appropriate built form for the site and its purpose. Flat roof forms have been adopted with an increased top storey setback on the external facades to minimise bulk and height of the building as required by the HDCP.	
3. Density	**Yes**
Comment: The HLEP does not incorporate floor space ratio requirements for the site. The density of the development is governed by the height of the building and the required setbacks. The proposed density responds to the regional context, availability of infrastructure, public transport, community facilities and environmental quality and is acceptable in terms of density.	
4. Sustainability	**Yes**

Comment: The proposal includes good sustainable design including the use of natural cross ventilation and sunlight for amenity of residents. The applicant has submitted BASIX Certificate No.665543M-02 for the proposed development. In achieving the required BASIX targets for sustainable water use, thermal comfort and energy efficiency, the proposed development would achieve efficient use of natural resources, energy and water throughout its full life cycle, including demolition and construction.

5. Landscape	Yes
Comment: The proposal includes a landscape concept plan which provides landscaping along the street frontages, side and rear boundaries. Medium to large trees are proposed along the Essex Street frontage which would soften the appearance of the development when viewed from the Essex Street. Deep soil areas which incorporate canopy trees are provided around the building envelope which would enhance the development's natural environmental performance and provide an appropriate landscaped setting.	
6. Amenity	**Yes**
Comment: The proposed units are generally designed with appropriate room dimensions and layout to maximise amenity for future residents. A condition of consent has been recommended to ensure that unit G06 which does not comply with the Apartment Design Guide with respect to minimum unit size is amended as part of the Construction Certificate process. The proposal incorporates good design in terms of achieving natural ventilation, solar access and acoustic privacy. All units incorporate adequate indoor and outdoor spaces with balconies accessible from living areas and privacy has been achieved through appropriate design and orientation of balconies and living areas. Storage areas have been provided within each unit and in the basement levels. The proposal would provide efficient and safe access to service areas and all residential units via a central lift connecting the basement and all other levels of each building.	
7. Safety	**Yes**
Comment: The design orientates the balconies and windows of individual apartments towards the street, rear and side boundaries, providing passive surveillance of the public domain and communal open space areas. Both the pedestrian and vehicular entry points are secured and visibly prominent from the street. The proposal includes a Crime Risk Assessment of the development against crime prevention controls. The Crime Risk Assessment has regard to Crime Prevention Through Environmental Design Principles (CPTED). Appropriate conditions of consent are recommended to ensure that there is a positive relationship between public and private spaces achieved through clearly defined secure access points and well-lit and visible areas which are easily maintained.	
8. Housing diversity and social interaction	**Yes**
Comment: The proposal incorporates a range of unit sizes to cater for different demographics, living needs and household budgets. The proposal complies with the housing choice requirements of the HDCP by providing a component of adaptable housing and a mix of 1, 2 and 3 bedroom dwellings. The proposal responds to the social context in terms of providing a range of dwelling sizes with good access to social facilities and services as the site is located in close proximity to Epping Railway Station and Epping commercial centre. The communal open spaces include seating arrangements and lawn areas providing opportunities for social interaction amongst residents.	

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

2.5 SEPP 65 - Apartment Design Guide

SEPP 65 requires consideration of the Apartment Design Guide (ADG). The ADG includes objectives and design guidance for achieving the design principles of SEPP 65. The following table sets out the proposal's compliance with the ADG.

CONTROL	ADG REQUIREMENT	PROPOSED	COMPLIES
Deep Soil Zone	15% of site area	32%	Yes
Building Separation	Up to 4 storeys: Habitable rooms and Balconies - 6m Non-habitable rooms - 3m 5-8 storeys: Habitable rooms and balconies - 9m Non-habitable rooms - 4.5m	In part less than 6m In part less than 9m	No No
Communal Open Space	25% of site area	41.33%	Yes
Minimum Dwelling Size	1 br - $50m^2$ 2 br - $70m^2$ 3 br - $90m^2$ (+ $5m^2$ for additional bathroom)	min $50m^2$ 1 unit < required area min $90m^2$	Yes No Yes
Maximum Depth of Habitable Rooms	8m	< 8m	Yes
Maximum Units per Lift Core	8	max 8	Yes
Ceiling Height	Habitable room - 2.7m Bathroom - 2.4m	2.7m 2.4m	Yes Yes
Private Open Space	1 br - $8m^2$ 2 br - $10m^2$ 3 br - $12m^2$	min $8m^2$ min $10m^2$ min $12m^2$	Yes Yes Yes
Minimum Balcony Depth	1 br - 2m 2 br - 2m 3 br - 2.4m	min 2m min 2m min 2.4m	Yes Yes Yes
Dual Aspect & Cross Ventilation	60% of units	60% cross ventilated	Yes

Solar Access	70% of units (2 hours)	71.8%	Yes
Universal Design	20%	20 units (31.25%)	Yes

As described in the table above, the proposal complies with the requirements of the ADG except for building separation and minimum dwelling size. Below is a brief discussion of the relevant development controls and practice guidelines.

Building Separation

The side boundaries of the site are not perpendicular to the front boundary. As a result, the proposed building is not parallel to the side boundaries with resultant variable side setbacks. The applicant has provided the following explanation of the variable setbacks and has addressed the non-compliance with the minimum building separation as follows:

> *Up to 12m (four storeys)*
>
> *To the side boundaries (north and south) up to four storeys in height the building proposes setbacks of 6m which complies with the minimum requirement for habitable rooms. The setback is shown on the architectural plans by a broken line where only very minor encroachments occur at the corners of each block. This can be attributed to the irregular boundary alignment which is not reflected in the building layout and therefore small portions of the side facing bedrooms and living room encroach within the area by no more than 1.9m. These encroachments would not give rise to increased overshadowing or overlooking as they are glazed and contain perforated metal screens over the windows. To the rear boundary (west) the building is setback 8m to the balconies and 10m to the habitable rooms which complies with the minimum requirement of 6m.*
>
> *Up to 25m (5-8 storeys)*
>
> *In relation to Level 4, the setbacks are increased to both the side and rear boundaries. To the rear (west) boundary a setback of 8m is proposed to the balconies and 11m to the habitable room windows. The 11m setback to the building complies with the controls, yet there is a minor 1m protrusion into the setback from the terraces.*
>
> *Due to the side boundary alignment minor setback encroachments are proposed to the (south) with side setbacks of 4-6m to the terraces where it adjoins the Essex Street Kindergarten and 4.3-4.9m setbacks to the side (north) boundary where it adjoins development facing Pembroke Street.*
>
> *In relation to the fifth storey, the external walls of the building are stepped in from the lower levels, with the balustrades of the terraces aligning with the lower levels. Despite not achieving strict compliance with the side and rear setback requirements for the fifth storey, the proposal is considered to be consistent as the only encroaching element at the fifth storey is the terraces. In relation to the northern elevation of the fifth storey of Buildings 1 and 2, the apartments contain a primary living area orientation to the street and the rear boundary, with only one apartment in Building A oriented north.*
>
> *The development in its current form would not give rise to significant visual privacy impacts due to the low level of activity that has a primary orientation to the north and a recessed upper level. The design of the fifth storey in each building assists in reducing the scale of the buildings in relation to adjoining properties and the street. The bulk of buildings is reduced with the fifth storey being stepped in from the lower levels and producing a built form with less visual impact.*

Having regard to the alignment of the site to Essex Street, the applicant's explanation concerning the proposed non-compliance with the ADG building separation requirement is accepted as the encroachments are minor and will not have any attributable impact on the amenity of the existing adjoining development. It is envisaged that any redevelopment of the adjoining sites would be such that a similar non-compliance would occur.

The *Hornsby Development Control Plan 2013 (HDCP)* establishes the desired future character of the precinct and the setbacks for the required built form with regard to the ADG requirements. The setbacks provide for landscaping, open space and separation between buildings. The *HDCP* permits encroachment to 4m for side backs. The setback controls have been consistently implemented for five storey residential flat developments approved within the Epping Urban Activation Precinct.

In the circumstances of this application, it is considered that the minor variation to the building separation requirements of the ADG is warranted.

Minimum dwelling size

The ADG requires each 2 bedroom unit to be of minimum area of $70m^2$. If an additional bathroom is proposed, a further floor area of $5m^2$ is required. Unit G06 is a 2 bedroom unit with 2 bathrooms, and hence, a minimum area of $75m^2$ is required. Unit G06 has an area of $70.2m^2$. It is considered that the configuration of Unit G06 could be amended to ensure that the floor area complies with the ADG requirement. A condition of consent is recommended to have the layout of unit G06 amended as part of the Construction Certificate application.

2.6 State Environmental Planning Policy (Building Sustainability Index - BASIX)

The application has been assessed against the provisions *State Environmental Planning Policy (Building Sustainability Index - BASIX.*

BASIX Certificate No.665543M-02 has been issued for the proposed development.

2.7 State Environmental Planning Policy (Infrastructure) 2007

The application has been assessed against the requirements of *State Environmental Planning Policy (Infrastructure) 2007.*

The proposed development is in the vicinity of Epping Road with a daily traffic volume of more than 40,000 vehicles.

Pursuant to Clause 102 of the Policy, Council is required to consider the impacts in respect to road noise and vibration impacts from the operation of Epping Road.

The applicant submitted an Acoustic Report prepared by Wood & Grieve Engineers dated, 17 September 2015, which addresses noise level criteria pursuant to the Policy. The report recommends specified glazing for noise attenuation. A condition of consent is recommended for implementation of the recommendations contained in the Acoustic Report.

2.8 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 1995

The site is located within the catchment of the Lane Cove River, part of the Sydney Harbour Catchment. The aim of the Plan is to protect and enhance the catchment, promote ecologically sustainable urban development, the protection of watercourses, riparian lands and remnant vegetation.

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

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

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

The principal purpose of a development control plan is to provide guidance on the aims of any environmental planning instrument which applies to the development, facilitates development which is permissible under any such instrument, and achieves the objectives of land zones.

The provisions contained in a DCP are not statutory requirements and are for guidance purposes only. Consent authorities have flexibility to consider innovative solutions when assessing development proposals, to assist in achieving good planning outcomes.

2.10 Hornsby Development Control Plan 2013 - Part 1 General Controls

2.10.1 Stormwater Management

There is a drainage easement vested in Council which transects the site from the mid-point of the Essex Street frontage to the rear boundary of No.26 Essex Street where it connects through to No.3 Smith Street.

The proposal is to relocate the existing stormwater system to the southern boundary and upgrade the system for reconnection to Council's system in Essex Street. The proposed system includes stormwater detention and water quality measures to minimise adverse impacts on downstream water quality, in accordance with the *HDCP* requirements.

Appropriate conditions are recommended to ensure that the stormwater drainage design and the water quality requirements of *HDCP* are met by the proposal.

Refer also to discussion in Section 4.5.

2.10.2 Transport and Parking

The site is within 500m walking distance of Epping Railway Station.

The proposed car parking provision of 76 car parking spaces complies with the HDCP minimum car parking requirements in respect to proximity to a railway station.

There are sufficient motor cycle parking spaces and bicycle parking spaces proposed.

Subject to recommended conditions, the proposal would comply with the HDCP requirements for on-site parking.

2.10.3 Waste Management

The submitted Waste Management Plans for the demolition stage and construction stage of the proposed development are acceptable subject to recommended conditions.

The proposed basement waste collection facility would accommodate waste generated by the development and enable servicing by SRV waste collection vehicle in accordance with Section 1C.2.3 of HDCP. Appropriate conditions are recommended for design and management of the waste storage and collection facilities.

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

2.10.4 Services and Lighting

The site frontage would adequately accommodate fire hydrant booster assembly and electricity substation (if required) with minimal impact on the streetscape.

A condition is recommended for external and security lighting in accordance with *AS4282- Control of the Obtrusive Effects of Outdoor Lighting*.

The proposal would meet the controls for services and lighting design to minimise impacts on the streetscape.

2.11 Hornsby Development Control Plan 2013- Part 3.4 Residential Flat Buildings (5 Storeys)

The proposed development has been assessed having regard to the relevant performance criteria and prescriptive design standards within Part 3.4 of the HDCP. The following table sets out the proposal's compliance with the prescriptive requirements under the HDCP Section 3.4 applicable to the site.

CONTROL	DCP REQUIREMENT	PROPOSED	COMPLIES
Site Width	30m	59.3m	Yes
Height	5 storeys - 17.5m	5 storeys but in part > 17.5m	No Cl 4.6 submitted
Setbacks	Essex St: 10m 8m < 1/3rd of building Balcony 7m	The front setback to Essex Street varies between 10m and 8m. 19% of the facade (less than 1/3) is set back less than 10m.	Yes
	Nth side boundary: 6m 4m < 1/3rd of building	Rear and side setbacks are in accordance with HDCP.	Yes
	Rear boundary: 10m 8m < 1/3rd of boundary Balcony 7m	Upper level setbacks in accordance with HDCP.	Yes
	Sth side boundary: 6m 4m <1/3rd of boundary		Yes
	Basement: 7m - Essex St 4m - North 7m - Rear 4m – South	A basement setback of 7m is provided to the front and rear boundaries and 4m is provided to side boundaries.	Yes
Maximum Floor Plate	35m	Building A - max. 41m	No
		Building B - max. 41m	No
Building Indentation	4m x 4m	2.5m x 8m	No
Minimum Building Separation	9m	9m	Yes
Top Storey Setback from Ground Floor	3m	3m	Yes

Basement Ramp Setback	2m	2m	Yes
Car Parking	76 resident spaces 10 visitor spaces 20 bicycles spaces 2 motorcycle spaces	76 resident spaces 10 visitor spaces 20 bicycles spaces 2 motorcycle spaces	Yes

Deep Soil Landscaping	Essex St: 7m wide Nth side boundary: 4m wide Sth boundary: 4m wide Rear boundary: 7m wide 7m x 7m between bldgs	 7m 4m 4m variable 7m variable 7m x 7m between bldgs	 Yes Yes No No Yes
Minimum Private Open Space	1 br units - $10m^2$ 2 br units - $12m^2$ 3 br units - $16m^2$ (minimum width 2.5m)	$10m^2$ $12m^2$ $16m^2$	Yes Yes Yes
Communal Open Space	25% of site area	41.33%	Yes
Sunlight Access	Minimum 70% of units	71.8%	Yes
Housing Choice	1 br - 10% 2 br - 10% 3 br - 10%	21.9% 67.2% 10.9%	Yes Yes Yes
Adaptable Units	30% of units	20 units (31.25%)	Yes

As detailed above, the proposal does not comply with the height, maximum floor plate and deep soil landscaping prescriptive requirements of the HDCP. Below is a brief discussion of each non-compliance.

Height

The height of the proposed development exceeds the 17.5m height limit. An objection to that development standard is submitted with the application and is discussed in Section 2.1.2 of this report. Having regard to the minor non-compliance, the general slope of the site and the desired future character of the area, it is considered that the clause 4.6 variation request is well founded and should be supported.

Maximum floor plate

The maximum floor plate control of 35m is exceeded by 6m for both Building A and Building B. Having regard to the shape of the site and the fact that the non-compliance relates to a small section of the floor plate of each building, it is considered that a variation to the maximum floor plate control is warranted.

Deep soil landscaping

There is a minor non-compliance with the 4m setback requirement in the south western corner of the site. It is considered that the non-compliance is acceptable and, in isolation, is not a reason to refuse the application.

Building Indentation

The proposed indentation of 2.5m x 8m at the front elevation of Building A does not comply with the HDCP 4m x 4m indentation requirement.

The proposed indentation however would achieve the desired outcome for an articulated façade for floorplates exceeding 25m dimension by the stepping of the building at the building corners and the setback and break at the top floor which reinforces the indentation to create the appearance of two 'building pavilions' in accordance with the HDCP requirement.

The indentation and stepping form is repeated for Building B and is acceptable in achieving the pavilion built form requirement.

3. ENVIRONMENTAL IMPACTS

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

3.1 Natural Environment

The site includes a total of 58 trees the majority of which are exotic species and exempt from tree preservation requirements under the HDCP which applies to locally indigenous trees. A total of 46 trees would be removed by the proposal.

Trees Nos. 27 & 28, *Eucalyptus punctata* (Grey Gum) are locally indigenous and would be removed by the proposal. Tree No 27 is identified as in poor condition and Tree No. 28 is identified as unsuitable for retention. The removal of the trees is acceptable subject to a recommended condition for replacement tree planting of locally indigenous canopy trees. The submitted landscape plan is to be amended in this regard

Tree No. 11, *Eucalyptus saligna* (Sydney Blue Gum) located on adjoining land at the rear of the site is a significant tree. The proposed development is setback to ensure retention of the tree and subject to recommended conditions that the tree would be protected during construction.

Appropriate conditions are recommended to protect those trees that are required to be retained.

Subject to recommended conditions, the proposal is satisfactory in respect to the natural environment.

3.2 Built Environment

The proposed development forms part of the Epping Urban Activation Precinct which has been rezoned for five storey residential flat development. The future built form envisaged by Council is provided for in Council's planning controls. The built form is consistent with the built form envisaged for the area.

The site adjoins a child care centre at No. 28 Essex Street. The impact of the operation of the child care centre on acoustic amenity has been considered in the submitted Acoustic Report and is addressed by conditions of consent.

The applicant submitted a Construction Management Plan prepared by Farrell Management Consulting, dated 10 December 2015, which is satisfactory in addressing construction impacts of the proposed development on the adjoining child care centre. A condition is recommended for implementation of the Construction Management Plan.

3.3 Social Impacts

The proposed development would increase in the availability of housing in the locality including the provision of adaptable housing resulting in a positive social impact to the area.

3.4 Economic Impacts

There would be no significant economic impacts resulting from the proposed development, however, there would be a minor positive economic impact associated with the generation of increased demand for local services resulting from a commensurate increase in the population of the locality.

4. SITE SUITABILITY

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

4.1 Site Selection

The site is zoned R4 High Density Residential.

The site is considered capable of accommodating the proposed development subject to conditions of consent recommended in Schedule 1 of this report. The scale of the development is consistent with that envisaged by the controls which apply to the site and the site is considered suitable for the proposed development.

4.2 Flora & Fauna

The site is zoned to permit the proposed development and subject to recommended conditions the proposed development would not have an impact of flora and fauna of the locality.

4.3 Traffic Generation

The submitted Assessment of Traffic and Parking Implications prepared by Transport and Traffic Planning Associates, dated September 2015, has estimated traffic generation of the existing site and proposed development using RMS data. The nett traffic generation is estimated to be 10 vehicle trips in the AM and 6 vehicle trips in the PM peak hour.

Although this additional traffic may appear to be negligible when compared with the traffic volumes on the adjacent road network for this development alone, the cumulative traffic impacts of all sites earmarked for redevelopment in the precinct will be significant. The cumulative impact has been considered in the strategic transport model for Epping Town Centre Urban Activation Precinct (ETCUAP). The NSW Government has committed funding to address short term (to 2016) regional traffic growth. The traffic study acknowledged that although the works identified would assist traffic flows, strategies to manage demand by reducing car usage will be more critical than strategies to increase capacity of existing roads.

4.4 Bushfire Risk

The site is not located in a bushfire prone.

4.5 Flooding

The site is subject to flooding. The inundation occurs at the low point along the Essex Street frontage to a depth of 1m in a 1 in 5 year storm.

The applicant submitted a Flood Impact Assessment prepared by Cardno, dated 25 September 2016. The assessment determined flood behaviour for the 5, 20 and 100 year average rainfall intensity and the

Probable Maximum Flood, for the existing and proposed conditions.

The proposal involves the relocation and replacement of the existing 600mm pipe with a 2.4m wide x 0.6m high box culvert, which would have sufficient capacity to convey stormwater flows and address the flooding impacts. The stormwater drainage system to be relocated prior to excavation works for the proposed buildings. Appropriate conditions are recommended for design and construction of the drainage system.

The proposed stormwater system forms part of an overall stormwater drainage strategy prepared by Cardno for upgrading the existing system. The required upgrading involves development sites for 5 storey residential flat building downstream of the subject site including Nos: 1, 3, 5 and 7 Crandon Road (DA/1042/2015) and No. 9 & 11 Crandon Road, Epping (DA/1608/2014).

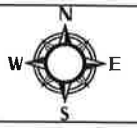
5. PUBLIC PARTICIPATION

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

5.1 Community Consultation

The proposed development was placed on public exhibition and notified to adjoining and nearby landowners in accordance with the notification requirements of Council. During this period Council received one submission. The map below illustrates the location of the nearby landowner who made a submission and the development site.

NOTIFICATION PLAN

•PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	PROPERTY SUBJECT OF DEVELOPMENT	

The one submission objected to the development, generally on the following grounds:

5.1.1 Dust minimisation during demolition and construction.

Comment: Suitable conditions of consent have been recommended to ensure that impacts to adjoining development resulting from dust are mitigated.

5.1.2 Replacement fencing to be provided.

Comment: A condition of consent has been recommended to ensure that all boundary fencing is provided by the applicant at no cost to the adjoining landowners.

5.1.3. Protection of the Liquid Amber.

Comment: The *Liquidambar styraciflua* is identified as Tree No. 9. The proposal includes a 2.5m exclusion zone to protect the tree in accordance with the submitted arborist report.

5.1.4 Overlooking.

Comment: Consistent with the requirements of the HDCP and the Apartment Design Guide, the proposed development is designed to avoid overlooking to the adjoining development.

5.2 External Consultation

The proposed development was referred to NSW Department of Primary Industries - Water. The Department has issued its General Terms of Approval for aquifer interference under the Water Management Act 2000, which are attached to the conditions of consent recommended in Schedule 1 of this report.

6. 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 matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council's criteria and would provide a development outcome that, on balance, would result in a positive impact for the community.

Accordingly, it is considered that the approval of the proposal would be in the public interest.

7. CONCLUSION

The proposed development is for demolition of existing structures, construction of two, five storey residential flat buildings containing 64 units and basement car park over two levels.

The proposed development does not comply with HLEP development standard for a maximum building height of 17.5m. The applicant's justification for non-compliance pursuant to Clause 4.6 of HLEP is satisfactory and is supported. The proposal is otherwise compliant with HLEP.

The proposal would meet the SEPP 65 design principles and is satisfactory in meeting the ADG design criteria subject to recommended conditions.

The proposal does not comply with the prescriptive measures of HDCP for deep soil area, maximum building floor plate and indentation. The non-compliance is acceptable having regard to the size and shape of the site and the design merit of the proposal. The proposal is satisfactory in meeting the key development principles of HDCP for five storey residential flat development within the Essex/Pembroke Street, Epping Precinct.

Appropriate conditions are recommended for the relocation and upgrading of the Council controlled stormwater drainage system through the site.

One submission has been received in response to notification of the proposed development.

It is recommended that the development application be approved subject to the conditions of consent detailed in Schedule 1 of this report.

Attachments:

1. Locality Plan
2. Site Survey Plan
3. Site Analysis Plan
4. Basement Plans
5. Floor Plans
6. Roof Plan
7. Elevations
8. Sections
9. Perspectives
10. Landscaping

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
A007 Rev C – Demolition Plan	Tony Owen Partners	13.04.16
A090 Rev E – Basement 2 Plan	Tony Owen Partners	06.06.16
A091 Rev E – Basement 1 Plan	Tony Owen Partners	06.06.16
A100 Rev E – Ground Floor Plan	Tony Owen Partners	06.06.16
A101 Rev D - Typical Floor Plan L1-L3	Tony Owen Partners	27.05.16
A104 Rev C – Level 4 Floor Plan	Tony Owen Partners	13.04.16
A110 Rev C – Roof Plan	Tony Owen Partners	13.04.16
A130 Rev C – Adaptable Units 1	Tony Owen Partners	13.04.16

Plan No.	Drawn by	Dated
A131 Rev C – Adaptable Units 2	Tony Owen Partners	13.04.16
A132 Rev C – Adaptable Units 3	Tony Owen Partners	13.04.16
A133 Rev C – Adaptable Units 4	Tony Owen Partners	13.04.16
A134 Rev C – Adaptable Units 5	Tony Owen Partners	13.04.16
A200 Rev C – Building A – East Elevation	Tony Owen Partners	13.04.16
A201 Rev C – Building A – West Elevation	Tony Owen Partners	13.04.16
A202 Rev C – Building B – East Elevation	Tony Owen Partners	13.04.16
A203 Rev C – Building B – West Elevation	Tony Owen Partners	13.04.16
A204 Rev C – North Elevation	Tony Owen Partners	13.04.16
A205 Rev C – South Elevation	Tony Owen Partners	13.04.16
A300 Rev C – Section A	Tony Owen Partners	13.04.16
A301 Rev E – Section B	Tony Owen Partners	06.06.16
A320 Rev E – Overland Flow Section	Tony Owen Partners	06.06.16
A350 Rev C – Ramp Detail Section	Tony Owen Partners	13.04.16
A650 Rev C – Ex Material Finishes	Tony Owen Partners	13.04.16
LA01 Rev B - Landscape Plan	Paterson Design Studio	20.04.16

Plan No.	Drawn by	Dated
LA02 Rev B – Landscape Plan	Paterson Design Studio	20.04.16

Document title	Prepared by	Dated
Flood Impact Assessment	Cardno	25 Sept 2015
Stormwater Management Report	Cardno	25 Feb 2016
Phase 1 Environmental Site Assessment	JBS&G Australia Pty Ltd	31 August 2015
Hazardous Materials Survey	JBS&G Australia Pty Ltd	10 Sept 2015
Geotechnical and Salinity Assessment	Network Geotechnics	23 June 2015
Arboricultural Impact Appraisal and Method Statement	Naturally Trees	4 Sept 2015
Design Verification Statement	Tony Owen Partners	17 Sept 2015
BASIX Certificate No. 665543M_02	ESD Synergy Pty Ltd	27 April 2016
BCA Compliance Statement	Blackett Maguire + Goldsmith	April 2016
Statement of Compliance Access for People with a Disability	Accessible Building Solutions	19-04-2016
Acoustic Report Development Application	Wood & Grieve Engineers	17 Sept 2015
Revised Assessment of Traffic and Parking Implications	Transport and Traffic Planning Associates	April 2016
Crime Risk Assessment Report	Planning Ingenuity	14 Sept 2015

Document title	Prepared by	Dated
Construction Management Plan	Farrell Management Consulting	10 December 2015
Construction Traffic Management Plan	Transport and Traffic Planning Associates	December 2015

2. Removal of Trees

a) This development consent permits the removal of tree(s) numbered 1, 2, 3, 4, 5, 6, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 50, 52, 53, 54, 55, 56 & 57 as identified in the Arboricultural Impact Appraisal and Method Statement, prepared by Naturally Trees, dated 4 September 2015.

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

3. Amendment of Plans

a) To comply with requirements in terms of the Apartment Design Guide, the approved plans are to be amended as follows:

i) The floor plan of Unit G06 must be revised for compliance with the minimum internal area requirement of Objective 4D-1 of the Apartment Design Guide.

b) To comply with requirements in terms of the waste management, the approved plans are to be amended as follows:

i) The recycling bin cupboard on each residential level of each building must have internal dimensions no less than 750 mm wide x 900 mm and a door width of no less than 750 mm.

c) These amended plans must be submitted with the application for the Construction Certificate.

4. Construction Certificate

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

b) 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.

5. Section 94 Development Contributions

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

Description	Contribution (4)
Roads	$26,922.45
Open Space and Recreation	$590,688.70
Community Facilities	$247,255.40
Plan Preparation and Administration	$1,771.20
TOTAL	$866,637.75

being for 14 x 1 bedroom units, 43 x 2 bedroom units, 7 x 3 bedroom units and including a credit for four existing allotments.

b) The value of this contribution is current as at 1 August 2016. If the contribution is not paid within the financial quarter that this condition was generated, the contribution payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 94 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

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

Where:

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

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

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

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

c) The monetary contribution must be paid to Council:

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

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

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

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

Note: It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.
Council's Development Contributions Plan may be viewed at www.hornsby.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

6. Drainage Construction

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

a) The existing 600 mm diameter drainage pipe from No. 3 Smith Street shall be drained into a proposed Council-controlled drainage pipe around proposed buildings;

b) The drainage system shall be designed and constructed to convey the 20 year average recurrence interval (ARI) stormflow from upstream catchments with inlet grates at appropriate locations. The pipe shall be accessible in soft landscaped areas clear of buildings and retaining walls;

c) The drainage system shall be designed and constructed to drain to a new Essex Street kerb inlet pit adjacent the prolongation of the proposed trunk drainage system on site, and drained to the Essex Street western side sag point under the kerb line. The drainage system shall be extended to design and construction of a new junction at Pit location 15295 in the kerb line adjacent No. 1 Crandon Road, Epping;

d) Existing connected pipe drainage systems in Essex Street must be connected to the proposed trunk drainage system. Redundant drainage systems must be removed and road assets restored to Council's safe standards in anticipation of construction of 'Road Works' required in accordance with this consent;

e) The route of the proposed drainage line must also provide a landscaped swale to contain the 100 year Average Recurrence Interval (ARI) storm event. The designed overland flow path must be continuously graded from the rear boundary of the development to the Essex Street alignment to connect the design overland flow path with Essex Street verge levels;

f) The depth and velocity x depth product of the design overland flow path must not exceed safe limits pursuant to Specification D5 of Council's *Design Specification 2005*;

g) Pier and beam method of construction for all structures adjacent easements to the depth of the invert of proposed and existing pipes.

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

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

i) Staging of construction work, including a suitable method of covering road reserve excavations to enable pedestrian and vehicular flow of Essex Street traffic during stages;

ii) Existing Essex Street drainage systems, connections to the proposed drainage system and removal of redundant drainage systems;

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

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

v) 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.

j) Pursuant to s68 *Local Government Act 1993* and s138 *Roads Act 1993*, an Application shall be made to Council for design and construction of the proposed Council-controlled piped drainage system. Council's fees for assessment of drainage designs and compliance inspections must be firstly quoted by Council and paid with lodgement of the Application.

k) The Applicant must apply to the Department of Transport for NSW for a Road Occupation License for works in Essex Street setting times and dates for the proposed work. A copy of the License must be submitted to Council prior to commencement of works within the Essex Street road reserve.

l) To ensure safety, the proposed trunk drainage works shall be constructed, completed and restored areas made safe to the Roads Authority's satisfaction prior to release of any subsequent Construction Certificate for bulk earthworks, construction of buildings or subsequent Road Works, or per any arrangement previously agreed to by the Roads Authority.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

7. Building Code of Australia

All approved 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. Notification of Home Building Act, 1989 Requirements

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

a) In the case of work for which a principal contractor is required to be appointed:

   i) The name and licence number of the principal contractor; and

   ii) The name of the insurer by which the work is insured under Part 6 of that Act.

b) In the case of work to be done by an owner-builder:

   i) The name of the owner-builder; and

   ii) If the owner-builder is required to hold an owner-builder's permit under that Act, the number of the owner-builder's permit.

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

10. 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.

11. Sydney Water – Approval

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

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

12. Dilapidation Report

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

No. 1 Smith Street, Epping

No. 3 Smith Street, Epping

No. 5 Smith Street, Epping

No. 24 Pembroke Street, Epping

No. 26A Pembroke Street, Epping

No. 20C Essex Street, Epping

No. 28 Essex Street, Epping

13. Excavation

A detailed geotechnical assessment of the site by a chartered structural engineer is to be undertaken for the design of the excavation, ground vibration, excavation support, design parameters for support systems and anchor design, groundwater and foundation design (Refer also General Terms of Approval – DPI Water).

14. Traffic Control Plan

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

a) Arrangements for public notification of the works;

b) Temporary construction signage;

c) Permanent post-construction signage;

d) Vehicle movement plans;

e) Traffic management plans; and

f) Pedestrian and cyclist access/safety.

15. Identification of Survey Marks

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

16. Certification of Traffic Engineer

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

17. Noise

The development must be carried out in accordance with the recommendations contained within the acoustic report submitted with the development application, titled Acoustic Report Development Application, prepared by Wood & Grieve Engineers and dated 17 September 2015 and the requirements of the Department of Planning's *Development Near Rail Corridors and Busy Roads – Interim Guideline* and RailCorp's *Interim Guidelines for Applicants*.

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

18. Project Arborist

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

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

19. Construction Traffic Management Plan

In order to enable unencumbered movement of traffic in the public road during construction works, a Construction Traffic Management Plan prepared by a suitably 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. Storage

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

21. Adaptable Units

The details of the adaptable units Nos G04, G05, G09, G12, G13, 105, 109, 112, 114, 205, 209, 212, 214, 305, 309, 312 and 314 must be provided with the Construction Certificate Plans.

22. Waste Management Details

The following waste management requirements must be complied with:

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

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

Note: a 240 L recycling bin is 600 mm wide by 750 mm deep; allow for ease around the bin – 75 mm is recommended. The chute system supplier must be consulted for chute space requirements.

c) The door to each chute service room and bin storage room at the basement level must be no less than 1500mm wide.

d) There must be a bulky waste storage area of at least 8 m^2 at the basement level.

e) Each garbage chute must be fitted with volume handling equipment to automatically change the bin under the chute when it becomes full, thus providing bin capacity for at least 3 days garbage generation under the chute. No compaction is permitted.

Note: A 4x660L bin carousel is acceptable for Building A. A 2x660L bin linear or diverter is acceptable for Building B if a 4x660L bin carousel will not fit in the chute service room. The chute system supplier must be consulted for carousel and linear space requirements.

f) The access way (including ramp, vehicle turning area, loading bay and site entry/exit) to be used by waste collection vehicles, must be designed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for small rigid vehicles.

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

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.

23. Road Works

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

a) Council's standard 150 mm integral kerb and gutter across the Essex street frontage of 22 – 26 Essex Street to be removed and reconstructed on the existing kerb alignment, along with a 1m wide road shoulder sawcut, removal and reconstruction for 300 mm thick flexible asphaltic concrete sealed road;

b) The road verge shall be graded wherever possible with continuous cross fall from the development site to the top of proposed kerb in Essex Street. Where necessary, Utilities are to be adjusted or relocated to match the work at the cost of the Applicant;

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

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

e) Pursuant to s138 *Roads Act 1993*, an Application shall be made to Council for design and construction of the proposed road works. Council's fees for assessment of road

works design and compliance inspections must be quoted by Council and paid with lodgement of the Application.

24. Vehicular Crossing

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

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

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

25. Stormwater Drainage

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

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

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

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

26. On Site Stormwater Detention

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

a) Have a capacity of not less than 43 cubic metres, and a maximum discharge (when full) of 22 litres per second;

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

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

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

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

27. Internal Driveway/Vehicular Areas

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

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

b) Crossing Levels must ensure anticipated 100 year average recurrence interval overland flows from the north side of the development are controlled and disposed of safely in the road reserve;

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

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

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

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

28. 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.

29. 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.

30. 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.*

31. 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.

32. Tree Protection

The Project Arborist must oversee the installation and provide written certification for all tree protection measures as specified in this consent and in accordance with Australian Standard AS 4970-2009 (1.4.4).

33. Tree Protection Zones (TPZ)

a) To protect trees 10, 11 & 12 located on adjoining property tree protection fencing must be installed at a distance greater than 6m from the western, rear boundary of 26B Essex St Epping. The Tree Protection Zone is to be clearly identified in accordance with AS 4970-2009 Clause 4.4.

i) Ground Protection: Specified Trees – No. 11
The Tree Protection Zone (located within 6m from the western, rear boundary of 26B Essex St Epping) must be protected by the use of wood-chip mulch. Wood-chip mulch is to be installed on top of a geotextile landscape fabric, placed over the root zone of the tree. The mulch is to be maintained at a depth of 150mm – 300mm using material that complies with AS 4454.

b) Tree protection fencing must be installed around tree numbered 7, 8, 9, 36, 47, 49, 51 & 58 as identified in the Arboricultural Impact Appraisal and Method Statement, prepared by Naturally Trees, dated 04-9-15 (TRIM-D06685313) at the distances determined by AS 4970-2009 (Clause 3.2) for Tree Protection Zones.

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

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

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

34. Tree Protection Certification

Certification must be provided by the Project Arborist to the Principal Certifying Authority stating that all required tree protection measures have been installed in accordance with AS 4970-2009 (Clauses 5.3.2 & 5.4.2).

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

35. Construction Work Hours

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday. No work is to be undertaken on Sundays or public holidays. No excavation or rock sawing/breaking is to occur on Saturdays or between the hours of 12 pm and 1 pm weekdays.

36. 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.

37. Environmental Management

a) 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.

b) The following is to manage dust, noise and vibration emanating from the site during the construction of the development:

i) The site is to be managed in accordance with the Acoustic Report prepared by Wood & Grieve Engineers dated 17 September 2015.

ii) The site is to be managed in accordance with the Construction Management Plan prepared by Farrell Management Consulting dated 10 December 2015.

38. Street Sweeping

To protect the surrounding environment, Street sweeping must be undertaken following sediment tracking from the site along Nos. 22, 24, 26, 26A and 26B Essex Street, Epping during works and until the site is established.

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

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. Restricted Tree Protection Zone

All machinery and any works (excavation, changes to soil levels, retaining walls, underground services) other than tree maintenance on the property 26B Essex St Epping must be located outside the Tree Protection Zone along the western, rear property boundary (Tree No. 11). The works within the following condition of this consent do not apply to this zone.

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

(i) A general decline in health and vigour

(ii) Damaged, crushed or dying roots

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

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

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

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

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

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

42. Works within Tree Protection Zones

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

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

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

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

e) Root pruning outside a trees Structural Root Zone must be carried out in accordance with AS 4970-2009 (Clauses 4.5.4 and 4.5.5).

f) Activities within the Tree Protection Zone must comply with AS 4970-2009 (Clause 4.2).

43. 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.

44. Landfill

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

a) Prior to fill material being imported to the site, a certificate shall be obtained from a suitable qualified environmental consultant confirming the fill wholly consists of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act, 1997* or 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) These certificates must be included with the application for an occupation certificate.

45. 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.

46. Survey Report

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

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

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

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

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

47. Construction Traffic Management Plan

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

48. 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.

49. Fulfilment of BASIX Commitments

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

50. 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.

51. 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.

52. Waste Management Details

The following waste management requirements must be complied with:

a) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.
Note: Waste and recycling management facilities includes everything required for on-going waste management on the site. For example the garbage chute system, volume

handling equipment, bin lifter, motorised bin trolley or similar, recycling bin storage on each residential level, bin storage areas, bulky waste storage area, bin collection area, waste collection vehicle access, doors wide enough to fit the bin through, etc.

b) The bin storage room(s) and chute service room for each building at the basement level must include water or a hose for cleaning, graded floors with drainage to sewer, a robust door, sealed and impervious surface, adequate lighting and ventilation, and must be lockable. The waste facility (garbage chute and recycling bin in cupboards) at each residential level of each building must include sealed and impervious surface, adequate lighting and ventilation.

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

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

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

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

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

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

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

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

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

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

Note: Ramps between different levels are acceptable

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

Note: A lockable chute service room (separate to the bin storage room) or caging of the automatic volume handling equipment is acceptable.

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

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

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

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

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

53. 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.

54. Maintain Canopy Cover

a) The approved landscape plan is to include a minimum of 5 trees selected from the indigenous species listing in the Hornsby Development Control Plan 2013 Tree Preservation Measures Section 1B.6 Table 1B.6(b) such as *Syncarpia glomulifera* (Turpentine), *Eucalyptus paniculata* (Grey Ironbark), *Angophora floribunda* (Rough-barked Apple).

b) Location and Size of Plantings

i) Replacement Trees must be located in front or rear setbacks and setback 4 metres or greater from the foundation walls of the approved development.

ii) 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.

iii) The replacement trees must reach a mature height greater than 15 metre.

iv) All tree stock must meet the specifications outlined in *'Specifying Trees'* (Ross Clark, NATSPEC Books).

v) Planting methods must meet professional (best practice) industry standards

55. Planter Boxes / On Slab Planting

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

56. Retention of Soil / Minimisation of Cut & Fill in setbacks

Existing grades and soil profiles are to be retained in all setback areas (retaining walls are not required along property boundaries).

57. Streetscape / Public Verge – Epping Public Domain Guidelines (EPDG)

The EPDG requires removal of existing pavements, replaced with a fully paved verge comprising of concrete and granite setts (Refer to EPDG Figure 4 & details).

58. Street Tree Planting

Street Tree Plantings of 3 x *Tristaniopsis laurina 'Luscious'* (Water Gum) is required to the front verge, 200 litre pot size, in mulch beds with staking and ties for a period of establishment.

59. On-Site Detention (OSD) and Rainwater Tanks

The OSD is to be concealed beneath pavement and / or designed to achieve planting over. Any above-OSD planter requires waterproofing, subsoil drainage, irrigation, and a minimum 300mm planting soil for grasses and ground covers, 500mm for shrubs, plus 75mm mulch.

60. 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.

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.

61. Project Arborist Certification

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

62. Boundary Fencing

Lapped and capped timber fencing must be erected along all property boundaries behind the front building alignment to a height of 1.8 metres.

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

63. Safety and Security

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

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

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

d) The basement car park entry must be secured by security gates/roller shutters and controlled by secure access located at the top of the driveway. The access control to include an audio/visual intercom system to allow visitor access to the parking area.

e) In order to prevent tail-gating on entry to the basement car park the timing of the security door closing is to be a maximum of 10 seconds. Signage is to be erected instructing drivers to wait until the roller door fully closes prior to proceeding.

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

g) Front fencing to be designed to allow casual surveillance at the frontage.

h) The entry foyer door is to be a security door with access being restricted to an intercom, code or card lock system.

i) The street number of the building is to be readily identifiable from Essex Street.

j) Quality mail box doors and non-tamper proof locks must be fitted to the mail boxes.

k) The bicycle racks are to have secure locking loops bolted into the concrete flooring.

l) Storage cages are to be constructed of quality steel mesh, welded to a sturdy metal frame and provided with a total of 3 hinges and 3 locking points. A secure locking loop bolted into the concrete floor is also required to be provided to enable use of padlocks.

m) The internal portions of the basement are to be illuminated in accordance with the AS1158.1, AS1680 and AS2890.1.

64. 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.

65. Works as Executed Plan

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

66. Consolidation of Allotments

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

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

67. 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".**

68. Construction of engineering works.

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

69. Provision for National Broadband Network (NBN)

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

70. 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.

71. Damage to Council Assets

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

72. 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, assets and public drainage systems.

73. Creation of Easements

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

a) Consolidation of all lots and removal of redundant easements concerned with drainage;

b) A Drainage Easement, of width determined by Council's Design Specification D5, over the lot in favour of Council and in accordance with terms available from Council;

c) A restriction over the pipeline and the flow path for a 100 year average recurrence interval storm. The *"Restriction on the Use of Land"* over the affected lots is to prohibit the alteration of the final floodway shape and the erection of any structures, including fencing, in the floodway without the written permission of Council. The terms of this restriction must be obtained from Council;

d) A *"Restriction on the Use of Land"* for any lot adjacent to the floodway, requiring the finished floor level of any habitable room to be not less than 500mm and the garage 300mm above the 100 year average recurrence interval storm level. The levels must be related to *Australian Height Datum*;

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

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

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

OPERATIONAL CONDITIONS

74. Landscape Establishment

The landscape works must be maintained to ensure the establishment and successful growth of plant material to meet the intent of the landscape design, including but not be limited to watering, weeding, replacement of failed plant material and promoting the growth of plants.

75. Car Parking

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

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

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

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

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

76. Traffic & Road Safety

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

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

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

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

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

f) Motorcycle parking spaces are to be designed in accordance with AS/NZS 2890.1:2004

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

77. Waste Management

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

78. 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).

79. 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.

GENERAL TERMS OF APPROVAL - DEPARTMENT OF PRIMARY INDUSTRIES – WATER (DPI Water)

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

80. General Conditions

a) An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of ground water take identified.

b) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent future inundation.

c) Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:

  i) any groundwater mounding at the edge of the structure shall be at a level not greater than 10% above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and

  ii) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and

  iii) where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.

d) Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of eth groundwater.

e) DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report – which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing

restrictions.

81. Prior To Excavation

a) The following shall be included in the initial report:

i) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.

ii) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.

iii) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.

iv) a schedule for the ongoing water level monitoring and description of the methodology to be used; from the date of consent until at least two months after the cessation of pumping. [DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]

b) The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.

c) Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.

d) Groundwater quality testing generally in accordance with Clause c), shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.

e) A reasonable estimate of eth total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or

measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).

f) A copy of a valid consent for the development shall be provided in the initial report.

g) The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.

h) Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

82. During Excavation

a) Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.

b) Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.

c) Measurement and monitoring arrangements to the satisfaction of DPI water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.

d) Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owners consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.

e) Dewatering shall be in accordance of groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.

f) The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.

g) Access to groundwater management works used in the activity is to be provided to permit inspection when required by DPI Water under appropriate safety procedures.

83. Following Excavation

a) Following completion of the dewatering operations, the applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include:

i) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and

ii) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and

iii) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.

b) The completion report is to be assessed by DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

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

Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires:

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

Occupation Certificate Requirements

An Occupation Certificate application is required to be lodged with Council containing the following information:-

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

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

Works within Public Roads

All internal vehicular accessways and drainage invert levels must match existing levels in the public domain. Before preparing construction plans for these works, please acquire information through detail surveys and a separate Application for Crossing Levels to Council's Crossing Engineer in the Infrastructure and Recreation Division. You are advised to contact the Crossing Engineer by telephone on 9847 6760 for additional details.

Fees and Charges – Council endorsement of title documents

All fees payable to Council as part of any construction, compliance or subdivision certificate or inspection associated with the development (including the registration of privately issued certificates) are required to be paid in full prior to the issue of the subdivision certificate. Any additional Council inspections beyond the scope of any compliance certificate required to verify compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

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.

Asbestos Warning

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

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

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

Tree and Vegetation Preservation

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

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

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

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

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.

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.