

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

<b>JRPP No</b>	2016SYW013
<b>DA Number</b>	DA/358/2015/A
<b>Local Government Area</b>	Hornsby Shire Council
<b>Proposed Development</b>	Section 96(2) application to modify an approved two x five storey residential flat building comprising 70 units with basement parking by changing the unit and basement layout and configuration, relocation of mezzanine level within the approved building envelope and amend the façade design to reflect the internal layout.
<b>Street Address</b>	Lot 10 DP 11533, Lot B DP 178565, Lot 11 DP 11533, Nos. 3-7 Forest Grove, Epping
<b>Applicant/Owner</b>	Applicant: Loftex Pty Ltd Owner: Loftex Pty Ltd
<b>Number of Submissions</b>	Five submissions
<b>Regional Development Criteria (Schedule 4A of the Act)</b>	Section 96(2) modification to a development approved by the JRPP
<b>List of All Relevant s79C(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• State environmental Planning Policy No. 55 - Remediation of Land</li> <li>• State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development</li> <li>• State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004</li> <li>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>• State Environmental Planning Policy No. 32 Urban Consolidation (Redevelopment of Urban Land)</li> <li>• Hornsby Local Environmental Plan 2013</li> <li>• Hornsby Development Control Plan 2013</li> </ul>
<b>List all documents submitted with this</b>	Locality Map

<b>report for the panel's consideration</b>	Existing Site Plan, Basement Plans (3), Floor Plans (4), Roof Plan, Section, Elevations (3), Landscaping Plan (2),
<b>Recommendation</b>	Approval with conditions
<b>Report by</b>	Prity KC, Town Planner

## **ASSESSMENT REPORT AND RECOMMENDATION**

### **EXECUTIVE SUMMARY**

- The application involves a Section 96(2) modification to an approved two x five storey residential flat building comprising 70 units with basement parking by changing the unit and basement layout and configuration, relocation of the mezzanine level within the approved building envelope and amend the façade design to reflect the internal layout.
- The proposed modification is substantially the same development as approved pursuant to Section 96(2) of the *Environmental Planning and Assessment Act 1979* and is generally in compliance with the *State Environmental Planning Policy No. 65, Apartment Design Guide* and *Hornsby Development Control Plan 2013*.
- Five submissions have been received in respect of the application.
- It is recommended that the application be approved.

### **RECOMMENDATION**

THAT pursuant to Section 96(2) of the *Environmental Planning and Assessment Act 1979*, Development Application No. 358/2015/A for demolition of the existing structures and construction of two, five storey residential flat buildings containing 70 units at Lot 10 DP 11533, Lot B DP 178565, Lot 11 DP 11533, Nos. 3-7 Forest Grove, Epping be amended as detailed in Schedule 1 of this report.

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### **BACKGROUND**

On 2 September 2015, the Sydney West Joint Regional Planning Panel approved Development Application No. DA/358/2015 for the demolition of the existing structures onsite and construction of two x five storey residential flat building comprising 70 units with basement parking.

On 11 December 2015, a Section 96(2) was submitted to modify the unit and basement layout and configuration, relocation of mezzanine level within the approved building envelope and amend the façade design to reflect the internal layout.

On 10 March 2016, Council sent a letter to the applicant requesting additional information regarding compliance of the development with the provisions within the Apartment Design Guide and Hornsby Development Control Plan 2013.

On 11 April 2016, the applicant submitted amended plans to address these concerns. The amended plans are the subject of this report.

### **SITE**

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

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

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

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

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

## **THE APPROVED DEVELOPMENT**

The approved development includes the following:

- Demolition of three existing residential dwellings and associated structures;
- 2 x five storey residential flat buildings (Blocks A and B);
- The overall unit mix consisting of 32 x 1 bedroom, 31 x 2 bedroom and 7 x 3 bedroom units;
- The development would be accessed from Forest Grove via a driveway located adjacent to the southern boundary of the site. A total of 70 residential and 10 visitor car parking spaces over two split levels of basement parking.
- An integrated landscaping scheme linking the residential flat buildings with common open space areas and the street entry to the development.
- The removal of 20 existing trees on site.

## **THE PROPOSED MODIFICATION**

The application seeks to modify the approved development as follows:

- Modification to the basement parking layout;
- Introduction of a mezzanine level at the ground floor and deletion of the mezzanine level at the topmost storey;
- Increase in the number of car spaces from 76 spaces to 87 spaces;
- Modification to internal apartment layouts and mix;
- Minor changes to the approved building envelope;
- Minor changes to building facades and colour scheme; and
- Minor changes to the approved landscape design.

The amended floorplate would be located within the same building footprint with minor alterations to the built form. The number of units, height of the building including the number of storeys and the RL of the roof-level, the garbage bin room at the ground level, truck access to the site and location of communal open space areas remain unchanged.

The table below provides a comparison of the approved development and modified development:

<b>Comparison of Approved and Modified Development Proposal</b>			
	<b>Approved Development</b>	<b>Modified Proposal</b>	<b>Net change</b>
No. of storeys and building height	5 storeys + mezzanine 17.5m	5 storeys + mezzanine 17.5m	No change
Unit Mix			
Studio	-	10	+10
1-Bed	32	24	-8
2-Bed	31	29	-3
3-Bed	7	7	No change
Total units	70	70	No change
Total Parking	70 residential car spaces	77 residential car spaces	+ 7 spaces
	10 visitor spaces	10 visitor spaces	No change
	21 bicycle spaces	21 bicycle spaces	No change
	2 motorbike	2 motorbike	No change

## **ASSESSMENT**

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

### **1. STRATEGIC CONTEXT**

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

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

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

The modified 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 regulations"*.

### **2.1 Environmental Planning and Assessment Act 1979 – Section 96(2)**

Pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979, Council may consider an application to amend development consent provided that, inter alia:

- a) *it is satisfied that the development to which the consent as modified relates is substantially the same development, and*
- b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- c) *it has notified the application in accordance with the regulations, and*
- d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations.*

With regard to Section 96(2)(a), the modified proposal would be a two x five-storey residential flat building development comprising of 70 units over two levels of basement. The proposed layout, unit mix and additional parking spaces would be located within the overall approved building envelope and would not substantially modify the built form. Accordingly, it is considered that the modified application is substantially the same as the development originally approved.

With regard to Section 96(2)(b), the modified proposal did not require any referral to external agencies.

In accordance with Section 96(2)(c) and (d), adjoining owners were notified of the application and five submissions have been received. The matters raised in submissions are discussed in Section 5 of this report.

## **2.2 Hornsby Local Environmental Plan 2013**

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

### **2.2.1 Zoning of Land and Permissibility**

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

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

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

### **2.2.2 Height of Buildings**

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

### **2.2.3 Heritage Conservation**

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

The proposed modification would not alter the approved height, bulk and scale of the building. The original proposal was assessed as satisfactory against Council's provisions regarding heritage. Furthermore, the proposed external colours and finishes would be similar to that approved, but with slightly different tones.

Accordingly, it is considered that the proposed modification would not have detrimental impact on the heritage listed items and the heritage significance of the area.

### **2.2.4 Earthworks**

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

The matter was assessed at the time of the original approval. The modification proposal does not include any further excavation. Accordingly, no further assessment in this regard is necessary.

## **2.3 State Environmental Planning Policy No. 55 – Remediation of Land**

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

The matter was assessed in detail under DA/358/2015. The proposed modifications would not alter the compliance of the development with *SEPP 55*.

#### **2.4 State Environmental Planning Policy (Building Sustainability Index – BASIX) – 2004**

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

#### **2.5 State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land) (SEPP 32)**

The modified development would not alter the compliance of the original proposal with regard to *SEPP 32*.

#### **2.6 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development**

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

*State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)* has been amended on 19 June 2015 following review of the policy by the Department of Planning and Environment. The amendments replace the Residential Flat Design Code with the Apartment Design Guide which prevails in the event of any inconsistency with a Development Control Plan. The amendments include objectives to meet housing and population targets, affordable housing and to facilitate timely and efficient assessment of development application. The amendments make further provision for design review panels; include additional provisions for the determination of development application and for standards for car parking, visual privacy, solar and daylight access, common circulation and spaces, apartment size and layout, ceiling heights, private open space and balconies, natural ventilation and storage, which cannot be used as grounds for refusal of development consent.

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

Pursuant to the above provision, this amendment is required to be applied to the subject application as it modifies an approved development and was lodged on 11 December 2015.



The design principles of *SEPP 65* are addressed in the following table.

Principle	Compliance
<b>1. CONTEXT AND NEIGHBOURHOOD CHARACTER</b>	<b>Yes</b>
<p><b>Comment:</b> This matter was assessed in detail under DA/358/2015.</p> <p>The modified development maintains the use of the land as a residential flat building. The proposed modification maintains the desired future character of the precinct as envisaged by Council for residential flat buildings in landscaped settings with underground car parking. The proposal is considered to respond suitably to the 'context and neighbourhood character' principle of <i>SEPP 65</i>.</p>	
<b>2. BUILT FORM AND SCALE</b>	<b>Yes</b>
<p><b>Comment:</b> The proposed modification would not result in additional building bulk. It would retain the approved built form and scale approve under DA/358/2015.</p> <p>The proposed building achieves an appropriate built form for the site and its purpose, in terms of building alignments, proportions, and the manipulation of building elements. The building would appropriately contribute to the character of the desired future streetscape. The proposed materials and finishes would add to the visual interest of the development. Flat roof forms have been adopted with an increased top storey setback on the external facades to minimise bulk and height of the building as required by the Hornsby DCP.</p> <p>The modified development achieves a built form and scale consistent with the desired outcome for the high density residential precinct.</p>	
<b>3. DENSITY</b>	<b>Yes</b>
<p><b>Comment:</b> The proposed modification is considered to be sustainable as it responds to the regional context, availability of infrastructure, public transport, community facilities and environmental quality and is acceptable in terms of density.</p>	
<b>4. SUSTAINABILITY</b>	<b>Yes</b>
<p><b>Comment:</b> The applicant has submitted a BASIX Certificate for the amended 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</p>	

construction.	
<b>5. LANDSCAPE</b>	<b>Yes</b>
<p><b>Comment:</b> The modified proposal does not alter the street level planting as previously approved. Given the above, the application satisfies the intent of the 'Landscape' principle of SEPP 65.</p>	
<b>6. AMENITY</b>	<b>Yes</b>
<p><b>Comment:</b> The proposed units are designed with appropriate room dimensions and layout to maximise amenity for future residents. The proposal incorporates good design in terms of achieving natural ventilation, solar access and acoustic privacy. All units incorporate balconies accessible from living areas and privacy has been achieved through appropriate design and orientation of balconies and living areas. Storage areas have been provided within each unit and in the basement levels. The proposal would provide convenient and safe access via two central lifts connecting the basement and all other levels.</p>	
<b>7. SAFETY</b>	<b>Yes</b>
<p><b>Comment:</b> The modified proposal would not alter the compliance of the original proposal with regard to "safety and security".</p>	
<b>8. HOUSING DIVERSITY AND SOCIAL INTERACTION</b>	<b>Yes</b>
<p><b>Comment:</b> The modified proposal incorporates a range of unit sizes to cater for different budgets and housing needs. The development complies with the housing choice requirements of the Hornsby Development Control Plan by providing a component of adaptable housing and a mix of studios, 1, 2 and 3 bedroom dwellings. The proposal responds to the social context in terms of providing a range of dwelling sizes with good access to social facilities and services as the site is located in close proximity to Epping Railway Station and shops.</p>	
<b>9. AESTHETICS</b>	<b>Yes</b>
<p><b>Comment:</b> The architectural treatment of the building incorporates indentations and projections in the exterior walls with balcony projections to articulate the facades. The roof has a low pitch to minimise building height and incorporates eaves which would cast shadows across the top storey wall. The articulation of the building, composition of building</p>	

elements, textures, materials and colours would achieve a built form generally consistent with the design principles contained within the *Apartment Design Guideline* and the Hornsby DCP.

## 2.7 State Environmental Planning Policy No. 65 – Apartment Design Code

*Amendment No. 3* of the *SEPP 65* also requires consideration of the *Apartment Design Guide*, NSW Department of Planning and Environment 2015. The Guide includes development controls and best practice benchmarks for achieving the design principles of *SEPP 65*. The following table sets out the proposal's compliance with the Guide:

Apartment Design Guide			
Control	Proposal	Requirement	Compliance
<b>Deep Soil Zone</b>	As approved	7% with 6m min dimension	N/A
<b>Communal Open Space</b>	As approved	25%	N/A
<b>Ground Level Private Open Space</b>	>15m <sup>2</sup>	15m <sup>2</sup>	Yes
	Min Dimension >3m	Min Dimension 3m	Yes
<b>Solar Access (living rooms and private open space areas)</b>	71.4% (50 units)	2 hours for 70% of units	Yes
<b>No Solar Access allowable for units</b>	8.6% (6 units)	0 hours for 15% of units	Yes
<b>Natural Cross Ventilation</b>	67.1%	60%	Yes
<b>Minimum Dwelling Size</b>	Studio – 42m <sup>2</sup> – 55m <sup>2</sup>	Studio – 35m <sup>2</sup>	Yes
	1 br – 50m <sup>2</sup> - 60m <sup>2</sup>	1 br – 50m <sup>2</sup>	Yes
	2 br – 75m <sup>2</sup> - 86m <sup>2</sup>	2 br – 70m <sup>2</sup>	Yes
	3 br – 96m <sup>2</sup> - 102m <sup>2</sup>	3 br – 90m <sup>2</sup> (+5m <sup>2</sup> for extra bathroom)	Yes

<b>Habitable room depth from a window for open plan layout</b>	<8m	8m from a window (max)	Yes
<b>Minimum Ceiling Height</b>	2.7m	2.7m (habitable rooms) 2.4m (non-habitable rooms)	Yes
<b>Minimum Balcony Size</b>	1 bedroom 8m <sup>2</sup> (min. depth 2m) 2 bedroom 13m <sup>2</sup> (min. depth 2m) 3 bedroom 33m <sup>2</sup> (min. depth 2.4m)	1 bedroom 8m <sup>2</sup> (min. depth 2m) 2 bedroom 10m <sup>2</sup> (min. depth 2m) 3 bedroom 12m <sup>2</sup> (min. depth 2.4m)	Yes  Yes  Yes
<b>Maximum number of Units on a Single Level</b>	3 units - 9 units	8 units off a circulation core	No
<b>Total Storage Area</b>	Studio – 4m <sup>3</sup> 1 bed - 6m <sup>3</sup> (Min) 2 bed - 8m <sup>3</sup> (Min) 3 bed - 10m <sup>3</sup> (Min) 50% accessible from the apartments	Studio – 4m <sup>3</sup> 1 bed - 6m <sup>3</sup> (Min) 2 bed - 8m <sup>3</sup> (Min) 3 bed - 10m <sup>3</sup> (Min) 50% accessible from the apartments	Yes Yes Yes Yes Yes

As detailed in the above table, the amended development complies with the prescriptive measures within the *Apartment Design Guide (ADG)* other than internal circulation. Below is a brief discussion regarding the relevant development controls and best practice guidelines.

### 2.7.1 Ground Floor Apartments and Private Open Space

The amended development comply with the Guide's design criteria for the private open space area of 15m<sup>2</sup> with 3m minimum width dimension for the ground level units.

### 2.7.2 Apartment Size and Layout

The amended residential flat building incorporates a mix of single aspect and corner units comprising of studio, one, two and three bedroom apartments. The majority of apartments would be well ventilated with some corner units provided with dual aspect balconies.

The proposed layout of all units consist of open plan living/dining rooms that have a minimum width of 3.6m for studio and one bedroom units, and a minimum width of 4m for two and three bedroom units and all window areas in habitable rooms are greater than 10%. This complies with the requirements of the *ADG*. As the majority of units have also been designed for adequate cross ventilation, it is considered that these layouts are well designed and functional with generous unit sizes for a majority of units.

The *ADG* also prescribes that master bedrooms have a minimum size of 10m<sup>2</sup> with a minimum dimension of 3m excluding wardrobes and all other bedrooms to have a minimum size of 9m<sup>2</sup> with a minimum dimension of 2.8m. The proposed bedroom sizes comply with these requirements. Conditions of consent are recommended to ensure that the wardrobes are sized as per the requirements of the *ADG*.

### **2.7.3 Internal Circulation**

The *ADG* encourages natural light and ventilation to the circulation corridors at each level. The proposal does not comply with this requirement. However, the development is a modification to an approved development and maintains the same building envelope. Accordingly, the corridor design has not been substantially amended. Given this, the non-compliance is acceptable.

Further, it is noted that 9 units would be accessed from a single level which does not comply with the *ADG* requirements. Notwithstanding, only the ground floors of the two buildings would contain 9 units, whilst rest of the floors contain 8 or less units. The units on the ground floor are would be well ventilated and receive reasonable natural light. Accordingly, the proposal achieves the intent of the design criteria and is assessed as satisfactory in this regard.

In summary, the modified development is designed in accordance with the design principles of *SEPP 65* and generally complies in respect to the *ADG* subject to the imposition of appropriate conditions of consent. It is considered the proposal would achieve good residential amenity and contribute to the desired future character of the high density precinct in Epping.

### **2.7.4 Acoustic Privacy**

The internal layout of the residential units is designed such that noise generating areas would adjoin each other wherever possible. Storage or circulation zones would act as a buffer between units and wardrobes in bedrooms are co-located to act as sound buffers where possible. Bedroom and service areas such as kitchens, bathrooms and laundries would be grouped together wherever possible. The proposal is consistent with the *ADG* with regard to acoustic privacy.

### **2.7.5 Storage**

Storage areas are provided at the basement levels and additional storage areas are also provided within the apartments. To ensure that the storage provided is proportional to the size of the apartment, a condition is recommended that each dwelling within the development has a minimum storage area of 4m<sup>3</sup> for studios, 6m<sup>3</sup> for one bedroom units, 8m<sup>3</sup> for two bedroom units and 10m<sup>3</sup> for three bedroom units, where at least 50% is required to be located within the apartment and provided in addition to storage in kitchens, bathrooms and bedrooms.

## **2.8 SREP (Sydney Harbour Catchment) 2005**

The site is located within the catchment of *Sydney Harbour Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* aims to protect the environment of the Sydney Harbour Catchment by ensuring that the impacts of future land uses are considered in a regional context.

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 Policy.

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

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

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

## **2.10 Hornsby Development Control Plan 2013**

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

<b>Hornsby Development Control Plan 2013</b>			
<b>Control</b>	<b>Proposal</b>	<b>Requirement</b>	<b>Compliance</b>
<b>Height Basement Above Ground</b>	Unchanged as approved	N/A	N/A

<b>Setbacks</b> <b>Deep Soil</b> <b>Communal Open Space</b>			
<b>Parking</b>	77 resident spaces 10 visitor spaces 14 bicycle tracks 7 visitor bicycle racks 2 motorbike space	64 resident spaces 10 visitor spaces 14 bicycle tracks 7 visitor bicycle racks 2 Motorbike space	Yes  Yes  Yes Yes Yes
<b>Housing Choice</b>	41.4% - 2br 34.3% - 1 br 10% - 3br	10% of each type (min)	Yes
<b>Adaptable Units</b>	30%	30%	Yes

As detailed in the above table, the modified development complies with all the prescriptive requirements within the *HDCP*. The matters of non-compliance are detailed below, as well as a brief discussion on compliance with relevant desired outcomes.

#### 2.10.1 Desired Future Character

The site is located within one of the high density residential precincts. The locality is characterised by residential flat buildings of 5 storeys in height in landscaped settings with underground car parking. The *HDCP* requires a development to demonstrate compatibility with the “Desired Future Character Statement” which states that development footprints maintain landscape corridors around development sites with limited façade widths, avoid continuous walls, consolidate communal open spaces, provide wrap around or corner balconies, well-articulated built forms, active living principles in prioritized pedestrian and cyclist entrances to buildings and connectivity to the public domain.

The proposed modification is within the building envelope of the approved development. The resultant built form would be consistent with the desired character for the precinct as outlined in the *HDCP*.

### **2.10.2 Site Requirements**

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

### **2.10.3 Height/Setbacks/Built-form/Landscaping**

The modified proposal would retain the height, setbacks, built-form, landscaping and security measures as approved under DA/358/2015. The application is assessed as satisfactory in this regard.

### **2.10.4 Separation and Privacy**

Four submissions have been received raising concerns with respect to separation between the southern side elevation and units at No. 9-11 Forest Grove. It is noted that the proposed modification retains the approved setback of 7 metres from the boundary on the northern and southern side elevations, which does not meet the requirement of 9 metres separation between unscreened habitable rooms/balconies/principle private open space areas for the fifth storey. Notwithstanding, the windows on the northern elevation on the fifth floor are proposed to be highlight. In addition all bedroom windows on the southern side elevation on fifth floor (level 4) are conditioned to be highlight windows. Furthermore, some of the terrace areas of Unit A4.1, A4.2, B4.3 and B4.2 are to be non-trafficable and a planter box is to be placed in front of the terrace for unit A4.2 as per condition No. 3. Subject to conditions, the proposal would meet the separation requirement of *HDCP*.

### **2.10.5 Open Space**

The modified development achieves compliance with the ADG having regard to minimum size and dimension of open spaces. The non-compliances have been addressed in Section 2.7.1 of this report.

### **2.10.6 Housing Choice**

The modified proposal includes 24 x 1 bedroom units, 29 x 2 bedroom units and 7 x 3 bedroom units. This complies with the *HDCP* requirement for 10% of each unit type. The proposal also provides 21 adaptable units which is in keeping with the 30% requirement of *HDCP*.

### **2.10.7 Vehicular Access and Parking**

As stated in the table, the modified proposal would require 64 residential car spaces in total. The basement includes 77 car spaces including disabled parking and complies with this requirement. The modification also provides 10 visitors car parking space, 21 bicycle spaces and 2 motorcycle spaces. The proposed modification complies with the *HDCP* requirement for number of parking spaces.



#### **2.10.8 Waste Management**

Subject to conditions, the proposed modification would still provide waste facilities on each residential level consisting of a garbage chute and a recycling bin in small room. Waste collection area is proposed from the basement with a Small Rigid Vehicle (SRV) waste collection vehicle.

#### **2.11 Section 94 Contributions Plans**

Given that the proposal would result in a modified unit mix, the applicable Section 94 contributions have been amended in accordance with the Hornsby Shire Council Section 94 Contributions Plan 2012-2021.

### **3. ENVIRONMENTAL IMPACTS**

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

#### **3.1 Natural Environment**

##### **3.1.1 Tree and Vegetation Preservation**

The matter was discussed in detail within the assessment of the original application. The modified proposal does not change the impact of the development on the natural environment and no further assessment in this regard is necessary.

##### **3.1.2 Stormwater Management**

The approved development proposes to dispose of stormwater from the development by a stormwater and infiltration system via an in-ground on-site detention (OSD) tank with a storage capacity of 63m<sup>3</sup> which is located adjacent to the western façade of Building B to drain into Council stormwater drainage system in Forest Grove.

No amendments are proposed to the approved stormwater design.

#### **3.2 Built Environment**

##### **3.2.1 Built Form**

The modified development would retain the height of the approved development and therefore, would not alter the impact on the locality with regard to built-form. The matters in relation to built-form of the modified proposal and the impact on the streetscape are discussed in detail in Sections 2.6 and 2.10 of this report.

##### **3.2.2 Traffic**

One submission has been received raising concerns with respect to increased traffic due to an increase in car parking spaces. An Assessment of Traffic and Parking Implications (ATPI) has been submitted with the modification. The ATPI has estimated traffic generation of the existing site and proposed development using Road and Maritime Service (RMS) Technical Direction TDT 2013/04 data. The traffic generation is estimated to be 14 vehicle trips in the AM peak hour and 11 vehicle trips in the PM peak hour. Although peak hour traffic generation

may appear to be negligible when compared with the traffic volumes on the adjacent road network for this development alone, the cumulative traffic impacts of all sites earmarked for redevelopment in the precinct will be significant. The cumulative impact has been considered in the strategic transport model for the housing strategy. The required traffic management improvements have been included in the S94 contributions plan.

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

### **3.3 Social Impacts**

The matter has been assessed in detail within the assessment of the original development application. The proposed modification would improve the housing choice in the locality and have a positive social impact.

### **3.4 Economic Impacts**

The matter has been assessed in detail within the assessment of the original development application. The proposed modification would have positive economic impact on the locality.

## **4. SITE SUITABILITY**

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

The matter has been assessed in within the assessment of the original development application. No further assessment is necessary.

## **5. PUBLIC PARTICIPATION**



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

### **5.1 Community Consultation**

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 14 January 2016 and 28 January 2016 in accordance with the Notification and Exhibition requirements of the HDCP. During this period, Council received five submissions. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



**NOTIFICATION PLAN**

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	 PROPERTY SUBJECT OF DEVELOPMENT	
FIVE SUBMISSIONS RECEIVED OUT OF MAP RANGE			

Five submissions objected to the development generally on the grounds of separation/privacy and traffic. These matters have been addressed within the report.

## 5.2 Public Agencies

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

## 6. THE PUBLIC INTEREST

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

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

The modification is considered to have satisfactorily addressed Council’s and relevant agencies’ criteria and would provide a development outcome that, on balance, would result in

a positive impact for the community. Accordingly, it is considered that the approval of the modification would be in the public interest.

## **CONCLUSION**

The application proposes to amend the approved demolition of the existing structures and the construction of two, five storey residential flat buildings comprising 70 units with two split levels of basement car parking by changing the unit and basement layout and configuration, relocation of mezzanine level within the approved building envelope and amend the façade design to reflect the internal layout.

The proposal would be consistent with Section 96(2) of the *Environmental Planning and Assessment Act 1979* and is substantially the same development as originally approved.

The modified proposal is assessed as satisfactory having regard to matters for consideration pursuant to Section 79C of the *Environmental Planning and Assessment Act 1979*.

Having regard to the circumstances of the case, approval of the modification is recommended.

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

## **Attachments:**

1. Locality Plan
2. Site Plan
3. Basement Plans
4. Floor Plans
5. Elevations & Section
6. Roof Plan
7. Landscape Plan

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**Date of this modification:** 11 April 2016

**Details of this modification:** Section 96 application to modify an approved two x five storey residential flat building comprising 70 units with basement parking by changing the unit and basement layout and configuration, relocation of mezzanine level within the approved building envelope and amend the façade design to reflect the internal layout. Conditions have been amended to reflect the modification.

**Conditions Added:** 24A, 24B

**Conditions Deleted:** 4, 30, 31

**Conditions Modified:** 1, 3, 5, 63

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## CONDITIONS OF APPROVAL

### 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:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
Existing Site Plan – S96 – Rev D	Brewster Murray	04/12/2015
Basement 2 – S96 103 – Rev F	Brewster Murray	08/04/2016
Basement 1 – S96 104 – Rev F	Brewster Murray	08/04/2016
Basement Mezzanine – S96 105 – Rev F	Brewster Murray	08/04/2016
Ground Floor – S96 106 – Rev G	Brewster Murray	04/12/2015
Mezzanine Level – S96 107 – Rev F	Brewster Murray	04/12/2015
Typical Plan Level 1-3 – S96 108 – Rev F	Brewster Murray	08/04/2016
Level 4 – S 96 109 – Rev F	Brewster Murray	04/12/2015
Roof Plan – S96 110 – Rev F	Brewster Murray	04/12/2015
Elevations – East and West – S96 201 – Rev E	Brewster Murray	04/12/2015
Elevations – North and South – S96 202 – Rev E	Brewster Murray	04/12/2015
Elevations - Elevation Internal South and North – S96 203 – Rev E	Brewster Murray	04/12/2015

Sections – S96 204 – Rev F	Brewster Murray	04/12/2015
Landscape Plan LPCC 16 - 403 – Rev. C – Page 1 & 2 (2 sheets)	Conzept Landscape Architects	05/04/2016
Sediment & Erosion Control Plan - H5509 Rev B	J & M Group	26 March 2015
Arboricultural Impact Appraisal and Method Statement	Naturally Trees	27 March 2015

<b><i>Document title</i></b>	<b><i>Prepared by</i></b>	<b><i>Dated</i></b>
Survey Plan	MXM Survey PTY LTD	14 November 2014
Geotechnical Investigation Report	Benviron Group	March 2015
Assessment of Parking and Traffic Implications – Rev. B	Transport and Traffic Planning Associates	December 2015
BASIX Certificate No. 617477M_04	Max Brightwell	8 December 2015
Waste Management Plan	McGregor Environmental Services	March 2015
Water Cycle Management Plan – Rev. A	J & M Group PTY LTD	25 March 2015
Statement of Compliance Access for People with a Disability	Accessible Building Solutions	25 March 2015
Stormwater Concept Design for 3-7 Forest Grove Epping – Rev. B	J & M Group	March 2015

## 2. **Removal of Existing Trees**

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

### 3. **Amendment of Plans**

To comply with Councils requirement in terms of waste management, the approved plans are to be amended as follows:

- a) The must be a recycling bin cupboard with minimum internal dimensions of 750mm wide by 900mm deep next to the garbage chute cupboard on every residential level of all buildings.

*Note: internal dimensions do not include wall thickness, door thickness or ventilation ducting.*

- b) The sill heights of the windows to the bedrooms on the southern elevation to be increased to a minimum height of 1.5 metres above the finished floor level, as marked on the approved plans.
- c) The terrace areas of units A4.1, A4.2, B4.2 and B4.3 orientated toward the side boundaries are to be non-trafficable areas, as marked on the approved Level 4 plans, to allow for appropriate separation from a future residential flat building on the adjoining property.
- d) Planter boxes required on the terrace of unit A4.2, as marked on the approved Level 4 plan, to allow for appropriate separation from a future residential flat building on the adjoining property.
- e) These amended plans must be submitted with the application for the Construction Certificate.

### 4. **DELETE**

### 5. **Section 94 Development Contributions**

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

Description	Contribution (4)
Roads	\$32,031.15
Open Space and Recreation	\$602,222.65
Community Facilities	\$243,618.80
Plan Preparation and Administration	\$1,862.15
<b>TOTAL</b>	<b>\$879,734.75</b>

being for 67 additional dwellings

- b) The value of this contribution is current as at 11 April 2016. If the contributions are not paid within the financial quarter that this condition was generated, the contributions payable will be adjusted in accordance with the



provisions of the Hornsby Shire Council Section 94 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

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

Where:

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

- c) The monetary contributions shall be paid to Council:
  - i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
  - ii) prior to the issue of the first Construction Certificate where the development is for building work; or
  - iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
  - iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

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

Council's Development Contributions Plan may be viewed at [www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au) or a copy may be inspected at Council's Administration Centre during normal business hours.

## 6. **Construction Certificate**

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

<b>REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE</b>
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**7. Building Code of Australia**

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

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

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

**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 – Quick Check**

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

*Note: Refer to [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92 for assistance.*

**12. Dilapidation Report**

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

**13. Adaptable Units and Letter Boxes**

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

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

**14. Allocation of Resident Storage Areas**

Storage areas are to be allocated internally to each unit to comply with the *Residential Flat Design Code* 6m<sup>3</sup> (Min) for 1 bedroom unit, 8m<sup>3</sup> (Min) for two bedroom units and 10 m<sup>3</sup> (Min) for 3 bedroom units. 50% is to be accessible from the apartments.

**15. Disabled Parking**

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

**16. Bicycle Parking**

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

**17. Motorcycle Parking**

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

**18. Preservation of Survey Infrastructure**

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

**19. Traffic Control Plan**

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

Road Safety prior to the issue of a construction certificate. The TCP must detail the following:

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

20. **Construction Traffic Management Plan**

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

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

21. **Project Arborist:**

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

**22. Stormwater Drainage**

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

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

**23. On Site Stormwater Detention**

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

- a) Have a capacity of not less than 65 cubic metres, and a maximum discharge (when full) of 55 litres per second.
- b) Have a surcharge/inspection grate located directly above the outlet.
- c) Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.
- d) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

**24. Internal Driveway/Vehicular Areas**

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

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

**24A. Waste Management Details**

The following waste management requirements must be complied with:

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

- b) The waste facility on each residential level must comfortably house the garbage chute and one 240 L recycling bin. (Note: a 240 L recycling bin is 600 mm wide by 750 mm deep; allow for ease around the bin – 75 mm is recommended).
- c) The waste facility on each residential level (garbage chute and recycling bin in a small room/cupboard) must be accessible by persons with a disability.
- d) The access way (including ramp, vehicle turning area, loading bay and site entry/exit) to be used by waste collection vehicles, must be designed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for small rigid vehicles.

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

- e) The doors to the bin rooms at the basement level must be no less than 960 mm wide.
- f) A Waste Management Plan Section One – Demolition Stage and Section Three – Construction Stage, covering the scope of this project and including the following details, is required to be submitted to Council:
  - i) An estimate of the types and volumes of waste and recyclables to be generated;
  - ii) A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas;
  - iii) How excavation, demolition and construction waste materials will be reused or recycled and where residual wastes will be disposed;
  - iv) The total percentage (by weight) of demolition and construction waste that will be reused or recycled.
- g) The garbage chute system for Building B must have:
  - i) Sufficient space within the garbage room for a 4x660L bin carousel or 3x660L bin linear and to load/unload the bins from it;
  - ii) The chute must terminate sufficiently high to allow a 1400mm high bin on the carousel (or linear) to fit under it; and
  - iii) The chute offset (being the distance between the garbage chute and the bin into which the garbage drops) is to be minimized. The chute angle must be no more than 45 degrees from vertical.

*Note: Consultation with the chute system supplier is required to ensure the chute service/bin storage room dimensions are adequate and an acceptable offset is achieved. The garbage room may have to be extended with the loss of one parking space.*

#### **24B. 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.

<b>REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS</b>
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**25. Erection of Construction Sign**

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

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

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

**26. Protection of Adjoining Areas**

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

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

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

**27. Toilet Facilities**

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

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

28. **Erosion and Sediment Control**

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

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

29. **Tree Protection:**

**a) Fencing:**

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

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

**b) Trunk:**

To avoid injury or damage, tree numbered 14 & 15 must have the trunk protected by 2 metre lengths of 75mm x 25mm hardwood timbers spaced at 80mm on top of a geotextile landscape fabric and secured with galvanised wire (not fixed or nailed to the tree in any way).

**c) Ground:**

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

**d) Certification:**

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

30. **DELETE**

31. **DELETE**



<b>REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION</b>
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**32. Construction Work Hours**

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

**33. Asbestos and Soil Contamination**

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

**34. Demolition**

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

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

**35. Environmental Management**

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

**36. Street Sweeping**

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

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

**37. Works Near Trees**

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

The filling or stockpiling of building materials, parking of vehicles or plant, the use of machinery other than hand held, disposal of cement slurry, waste water or other contaminants must be located outside the Tree Protection Zone as prescribed in AS 4970-2009 of any tree to be retained.

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

**a) Project Arborist:**

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

**b) Excavation:**

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

**c) Drilling/ Boring:**

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

**38. Disturbance of Existing Site**

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

**39. Landfill**

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

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

**40. Excavated Material**

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

**41. Contamination During Construction Works**

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

**42. Survey Report – Finished Floor Level**

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the pouring of concrete at each level of the building certifying that:

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

**43. Council Property**

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

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

**44. Waste Management Details**

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

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

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

#### **REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

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

**45. Certification of The Water Cycle Management Plan**

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

**46. 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.*

**47. Fulfilment of BASIX Commitments**

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

**48. Installation of Privacy Devices at the Eastern Façade**

The following devices must be installed on the eastern façade to maintain an element of privacy towards the adjoining properties;

- a) Any required privacy screen must have no individual openings more than 30mm wide and have a total of all openings less than 30% of the surface area of the screen.
- b) All glass balustrade balconies on the eastern elevation are to include obscure glazing.
- c) All balconies on Levels 1 – 3 on the eastern façade are to include fully stackable louvered privacy screens for the full length of the balcony.

**49. Retaining Walls**

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

**50. Unit Numbering**

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

**51. Sydney Water – s73 Certificate**

A s73 Certificate must be obtained from Sydney Water.

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

**52. Damage to Council Assets**

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

**53. Planter Boxes/On slab planting**

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

**54. Completion of Landscaping**

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

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

**55. Landscape Establishment**

The landscape works must be maintained into the future to ensure the establishment and successful growth of plant material to meet the intent of the landscape design. This must include but not be limited to watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.

**56. Replacement Planting:**

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

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

**57. Certification – Completed Tree Protection Works:**

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

**58. Safety and Security**

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

**59. Road Works**

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

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

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

**60. 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.

**61. Creation of Easements**

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

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

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

#### 62. **Certificate of Preservation of Survey Marks**

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

#### 63. **Waste Management Details**

The following waste management requirements must be complied with:

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

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

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



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

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

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

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

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

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

- d) Each unit must be provided with an indoor waste/recycling cupboard for the interim storage of waste with two separate 20 litre containers, one each for general waste and recyclable materials.

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

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

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

*Note: Ramps between different levels are acceptable.*

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

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

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

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



- j) Site security measures implemented on the property, including electronic gates, must not prevent access to the collection point by waste removal services.
- k) A bulky waste storage area of at least 8 square metres must be provided at the basement level.
- l) Each recycling bin cupboard on each residential level must have internal dimensions of no less than 750 mm wide by 900 mm deep. There must be a recycling bin cupboard on each residential level of each building.

*Note: Internal dimensions do not include wall thickness, door thickness, ventilation ducting etc, which must be added.*

- m) Each garbage chute and recycling bin cupboard must be accessible by persons with a disability.
- n) Each garbage chute must be fitted with a 4x660L bin carousel or 3x660L bin linear. Compaction is not permitted.

#### 64. **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.*

<b>OPERATIONAL CONDITIONS</b>
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#### 65. **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.

#### 66. **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).

#### 67. **Maintenance of Wastewater Device**

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

**68. Car Parking**

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

- a) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted;
- b) Car parking, loading and manoeuvring areas to be solely for nominated purposes;
- c) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- d) All vehicular entry to the site and egress from the site shall be made in a forward direction;
- e) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath;
- f) Residential parking spaces are to be secure spaces with access controlled by card or numeric pad;
- g) Visitors must be able to access the visitor parking spaces in the basement car park at all times;
- h) All parking for people with disabilities is to comply with *Australian Standard AS/NZS 2890.6:2009 – Off Street Parking for People with Disabilities*;
- i) Bicycle parking spaces are to be designed in accordance with *Australian Standard AS 2890.3:1993 – Bicycle Parking Facilities*;
- j) Motorcycle parking spaces are to be designed in accordance with *Australian Standard AS 2890.5:1993*
- k) Access for garbage vehicles is to satisfy the requirements of Council's Waste Management Branch.

**69. Waste Management**

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

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

managing the bulky item storage area, arranging the prompt removal of dumped rubbish, and ensuring all residents are informed of the use of the waste management system. The site caretaker must be employed for a sufficient number of hours each week to allow all waste management responsibilities to be carried out to a satisfactory standard.

**70. Vehicle Site Lines**

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

**71. Ongoing Carparking Requirements**

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

**- END OF CONDITIONS -**

**ADVISORY NOTES**

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

**Environmental Planning and Assessment Act, 1979 Requirements**

The Environmental Planning and Assessment Act, 1979 requires:

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

### **Long Service Levy**

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

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

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

### **Tree Preservation Order**

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

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

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

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

### **Disability Discrimination Act**

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

### **Dial Before You Dig**

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

Telecommunications Act 1997 (Commonwealth)

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

### **Asbestos Warning**

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

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)

[www.adfa.org.au](http://www.adfa.org.au)

[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

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

### **House Numbering**

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