



ATTACHMENTS

LOCAL PLANNING PANEL MEETING

Wednesday 27 June 2018
at 6:30pm



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LOCAL PLANNING PANEL

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ATTACHMENT/S

REPORT NO. LPP12/18

ITEM 1

- 1. LOCALITY MAP**
- 2. SITE ANALYSIS**
- 3. FLOOR PLANS**
- 4. SECTIONS AND ELEVATIONS**
- 5. LANDSCAPE PLANS**
- 6. SITE ACCESS AND DROP OFF**

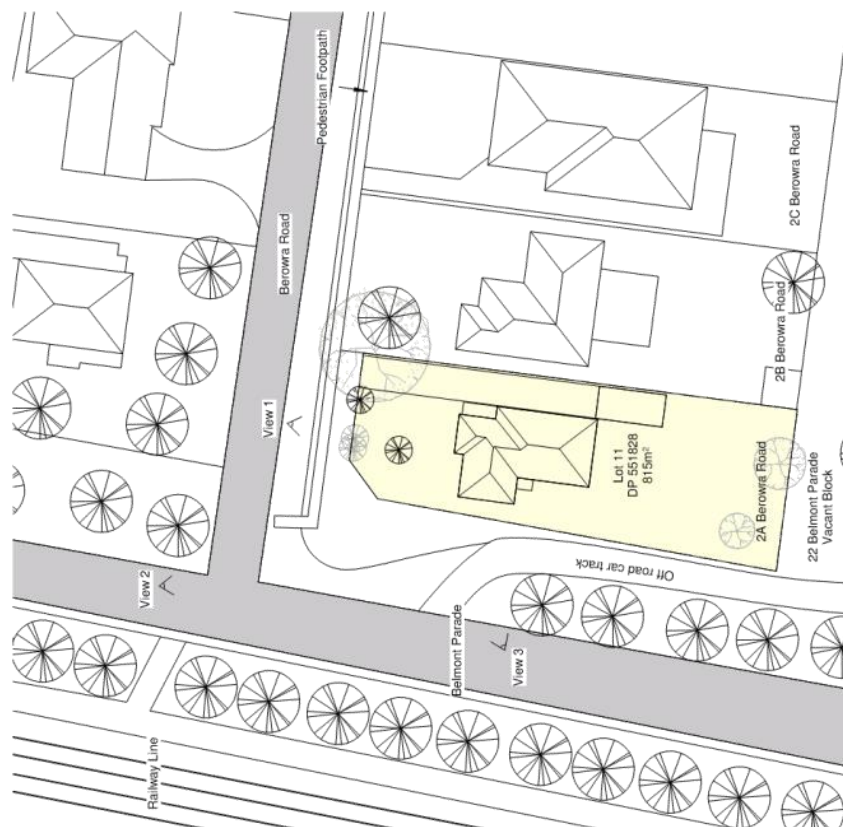
ATTACHMENT 1 - ITEM 1



LOCALITY PLAN

DA/712/2017

Lot 11 DP 551828, No. 2A Berowra Road, Mount Colah



Development Application

PROJECT INFORMATION:

2A Berowra Road

Site Analysis
DA - 102

12.06.2018
1 : 500
WC

Revision	Date	Des.	Issued By
REV. 1	12.04.12	INITIAL D.A.	SM
REV. 2	27.04.17	REVISED D.A. BASED ON TRAFFIC REPORT	SM
REV. 3	27.04.17	REVISED D.A.	SM
REV. 4	18.04.17	REVISED D.A. BASED ON COUNCIL FEEDBACK	SM
REV. 5	17.05.18	REVISED D.A. BASED ON COUNCIL FEEDBACK	SM
REV. 6	17.05.18	REVISED D.A.	WC
REV. 7	12.04.18	REVISED D.A.	WC

2005-2006

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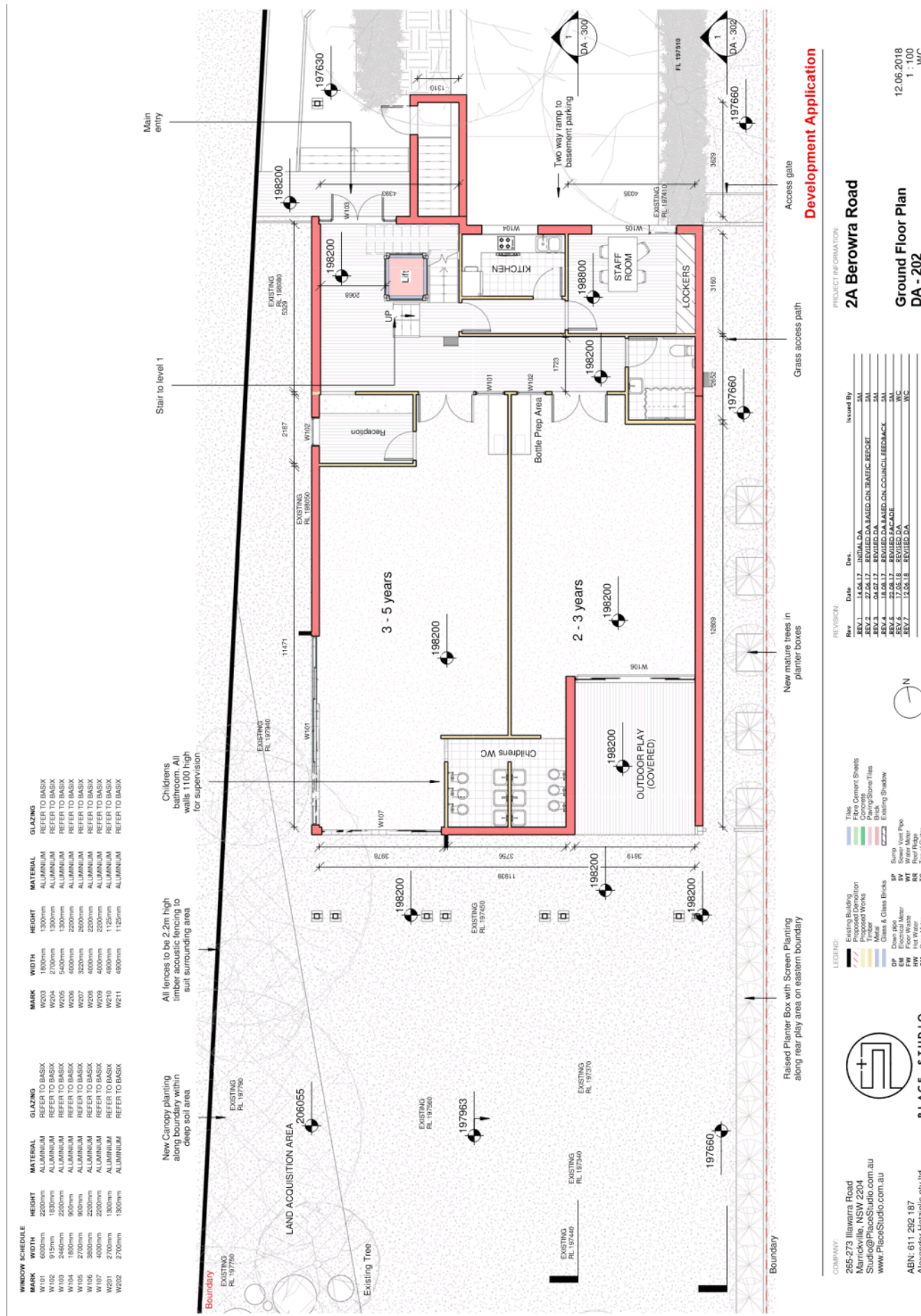
ABN: 611 292 187
Alexander Hatzipilis Pty Ltd



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ATTACHMENT 2 - ITEM 1





PROJECT INFORMATION:

2A Berowra Road

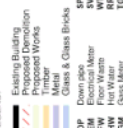
First Floor Plan
DA - 203

12.06.2018
1 : 100
WC

Rev	Date	Des.	Issued By
REV 1	14.04.17	INITIAL DA	SM
REV 2	27.04.17	REVISED DA BASED ON TRAFFIC REPORT	SM
REV 3	04.05.17	REVISED DA BASED ON TRAFFIC REPORT	SM
REV 4	22.08.17	REVISED DA BASED ON COUNCIL FEEDBACK	SM
REV 5	22.08.17	REVISED FACADE	SM
REV 6	17.05.18	REVISED DA	WC
REV 7	15.04.18	REVISED DA	WC



LEGEND:



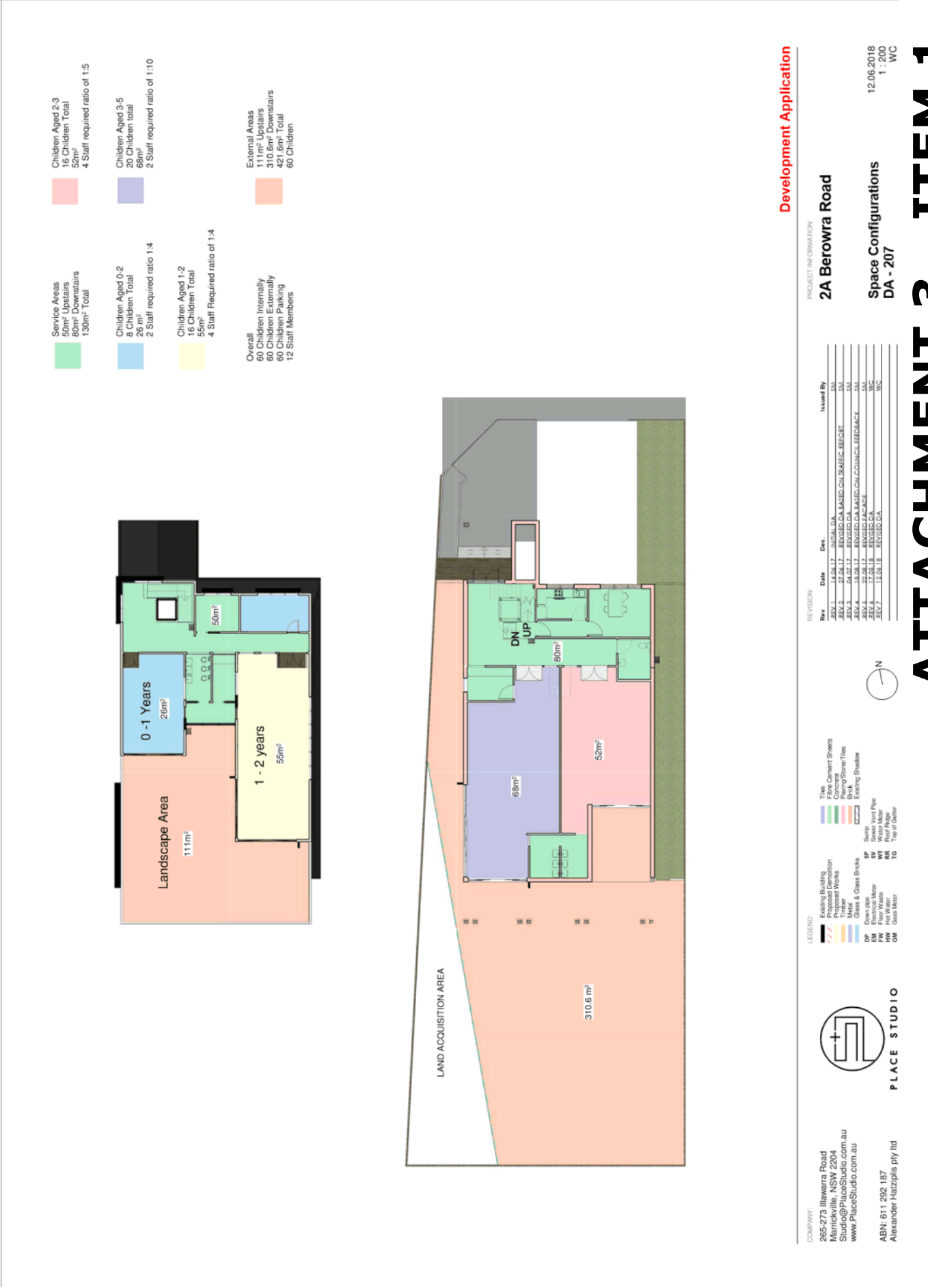
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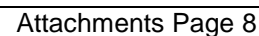
COMPANY:

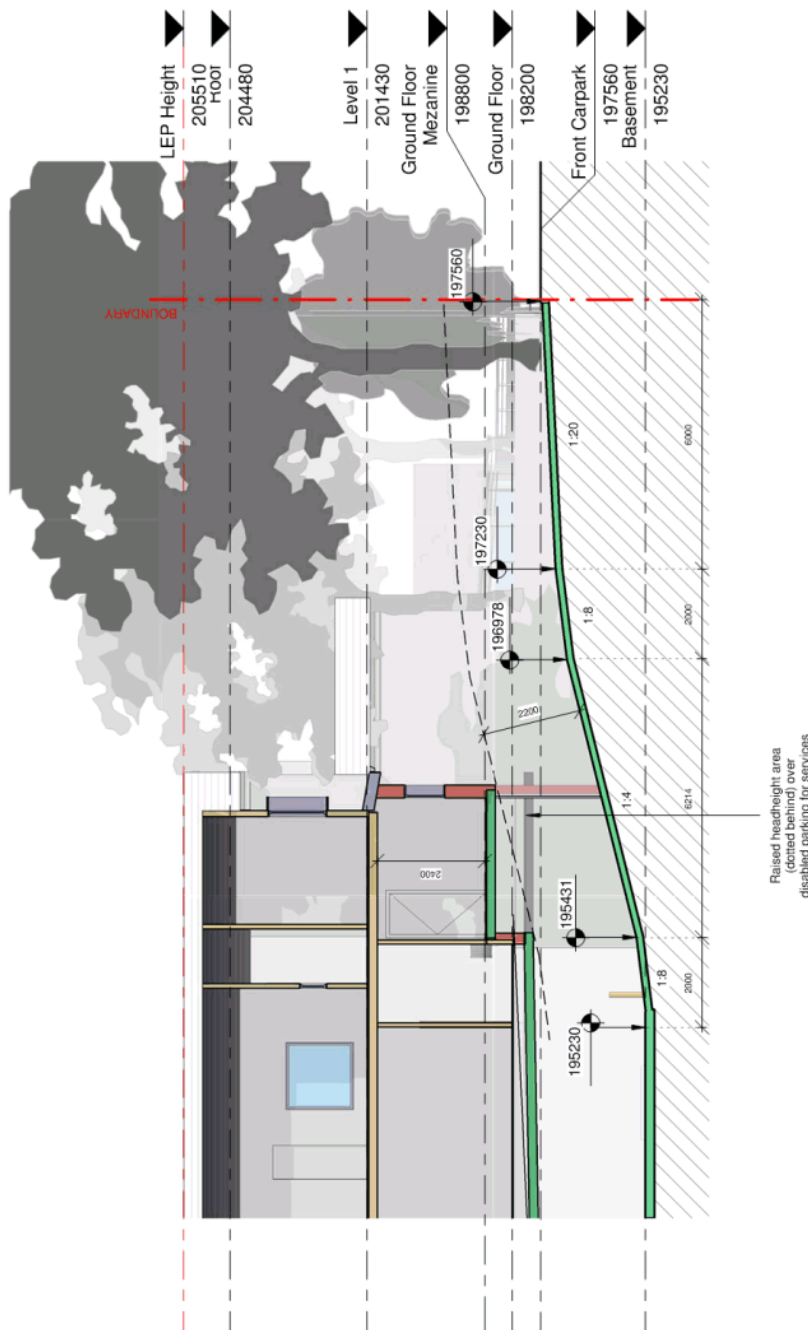
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ATTACHMENT 3 - ITEM 1







Development Application

PROJECT INFORMATION:

2A Berowra Road

Ramp Section
DA - 30112.06.2018
1 : 100
WC

REVISION:

Rev.	Date	Desc.	Issued By
REV. 1	14.06.17	INITIAL D.A.	SM
REV. 2	27.06.17	REVISED D.A. BASED ON TRAFFIC REPORT	SM
REV. 3	14.06.17	REVISED D.A.	SM
REV. 4	14.06.17	REVISED D.A. BASED ON COUNCIL FEEDBACK	SM
REV. 5	22.08.17	REVISED FACADE	SM
REV. 6	17.05.18	REVISED D.A.	WC
REV. 7	12.06.18	REVISED D.A.	WC

LEGEND:

Existing Building	Proposed Demolition	Proposed Works	Metal & Glass Bricks	Downpipe	Electrical Meter	Floor Waste	Roof Water	Roof Ridge	Top of Gutter
Existing Building	Proposed Demolition	Proposed Works	Metal & Glass Bricks	Downpipe	Electrical Meter	Floor Waste	Roof Water	Roof Ridge	Top of Gutter
Existing Building	Proposed Demolition	Proposed Works	Metal & Glass Bricks	Downpipe	Electrical Meter	Floor Waste	Roof Water	Roof Ridge	Top of Gutter
Existing Building	Proposed Demolition	Proposed Works	Metal & Glass Bricks	Downpipe	Electrical Meter	Floor Waste	Roof Water	Roof Ridge	Top of Gutter
Existing Building	Proposed Demolition	Proposed Works	Metal & Glass Bricks	Downpipe	Electrical Meter	Floor Waste	Roof Water	Roof Ridge	Top of Gutter
Existing Building	Proposed Demolition	Proposed Works	Metal & Glass Bricks	Downpipe	Electrical Meter	Floor Waste	Roof Water	Roof Ridge	Top of Gutter
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Existing Building	Proposed Demolition	Proposed Works	Metal & Glass Bricks	Downpipe	Electrical Meter	Floor Waste	Roof Water	Roof Ridge	Top of Gutter
Existing Building	Proposed Demolition	Proposed Works	Metal & Glass Bricks	Downpipe	Electrical Meter	Floor Waste	Roof Water	Roof Ridge	Top of Gutter
Existing Building	Proposed Demolition	Proposed Works	Metal & Glass Bricks	Downpipe	Electrical Meter	Floor Waste	Roof Water	Roof Ridge	Top of Gutter

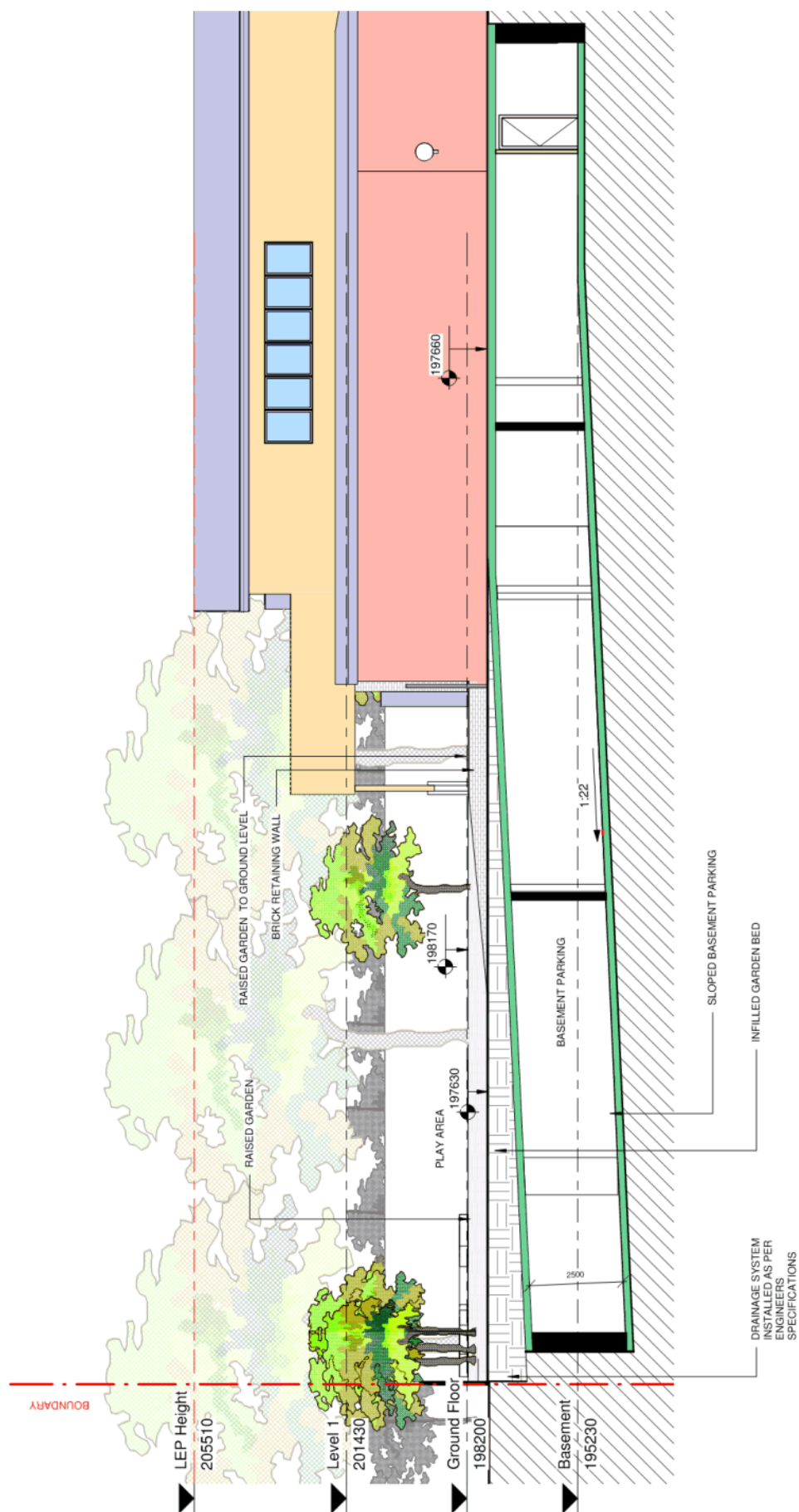


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ATTACHMENT 4 - ITEM 1



Development Application

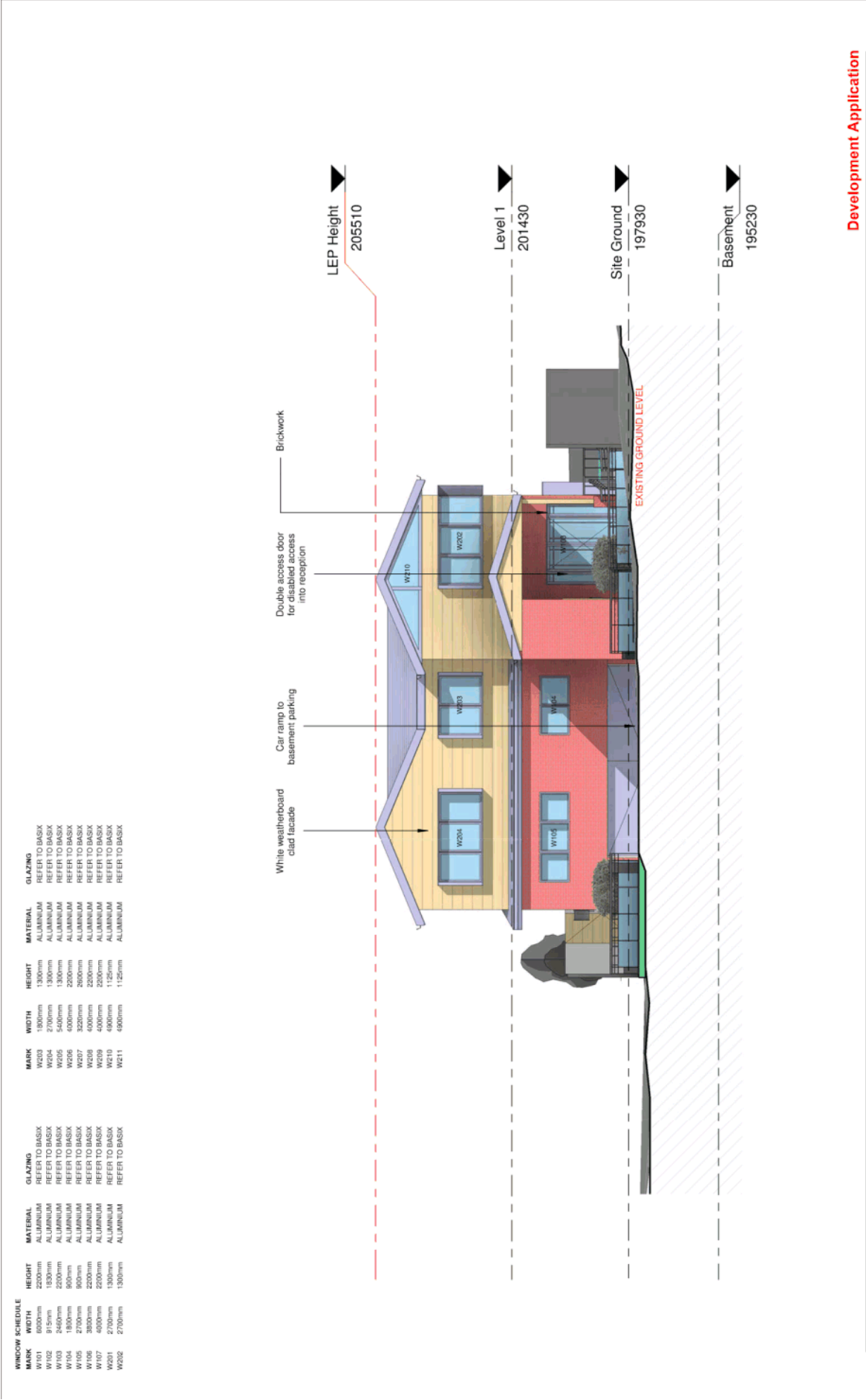
PROJECT INFORMATION:

2A Berowra Road

Section 2
DA - 302

12.06.2018
1 : 100
WC

ATTACHMENT 4 - ITEM 1




WINDOW SCHEDULE			
MARK	WIDTH	HEIGHT	GLAZING
W101	800mm	2200mm	ALUMINIUM
W102	915mm	1300mm	ALUMINIUM
W103	1300mm	1300mm	ALUMINIUM
W104	1800mm	900mm	ALUMINIUM
W105	2700mm	900mm	ALUMINIUM
W106	3800mm	2200mm	ALUMINIUM
W107	4000mm	2200mm	ALUMINIUM
W201	2700mm	1300mm	ALUMINIUM
W202	2700mm	1300mm	ALUMINIUM

LEGEND			
Existing Building	Proposed Demolition	Proposed Works	Material & Glazing
Brick	Brick	Brick	Brick
Weatherboard	Weatherboard	Weatherboard	Weatherboard
Aluminium	Aluminium	Aluminium	Aluminium
Glazing	Glazing	Glazing	Glazing
Roof	Roof	Roof	Roof
Basement	Basement	Basement	Basement
Site Ground	Site Ground	Site Ground	Site Ground
LEP Height	LEP Height	LEP Height	LEP Height

REVISION			
Rev	Date	Desc	Issued By
REV.1	14.06.17	INITIAL D.A.	SM
REV.2	27.06.17	REVISED D.A. BASED ON TRAFFIC REPORT	SM
REV.3	04.07.17	REVISED D.A. BASED ON TRAFFIC REPORT	SM
REV.4	22.08.17	REVISED FACADE	SM
REV.5	17.09.18	REVISED D.A.	WC
REV.6	12.09.18	REVISED D.A.	WC

PROJECT INFORMATION			
2A Berowra Road			
Front Elevation			
DA - 400			
12.06.2018			
1 : 100			
WC			



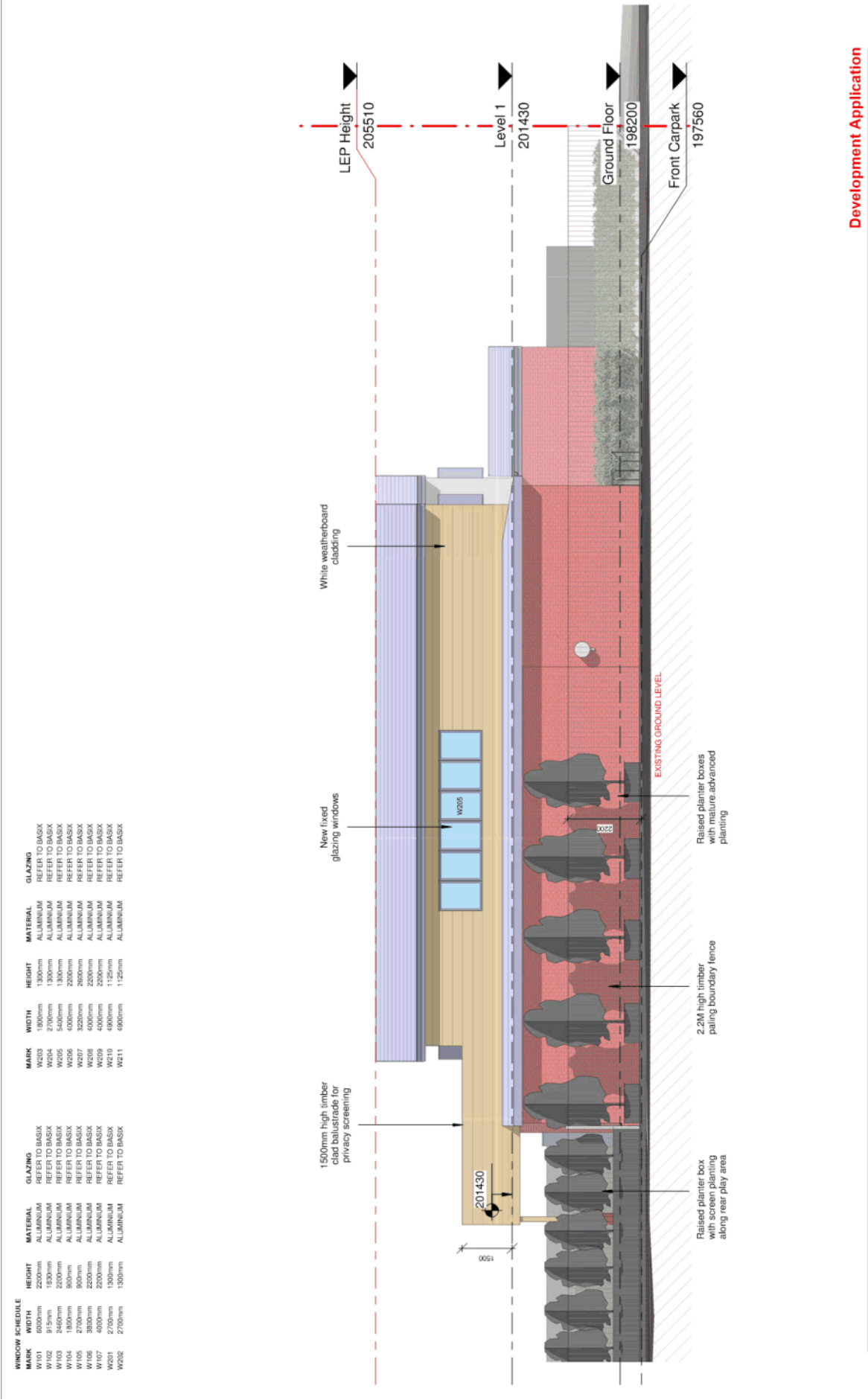
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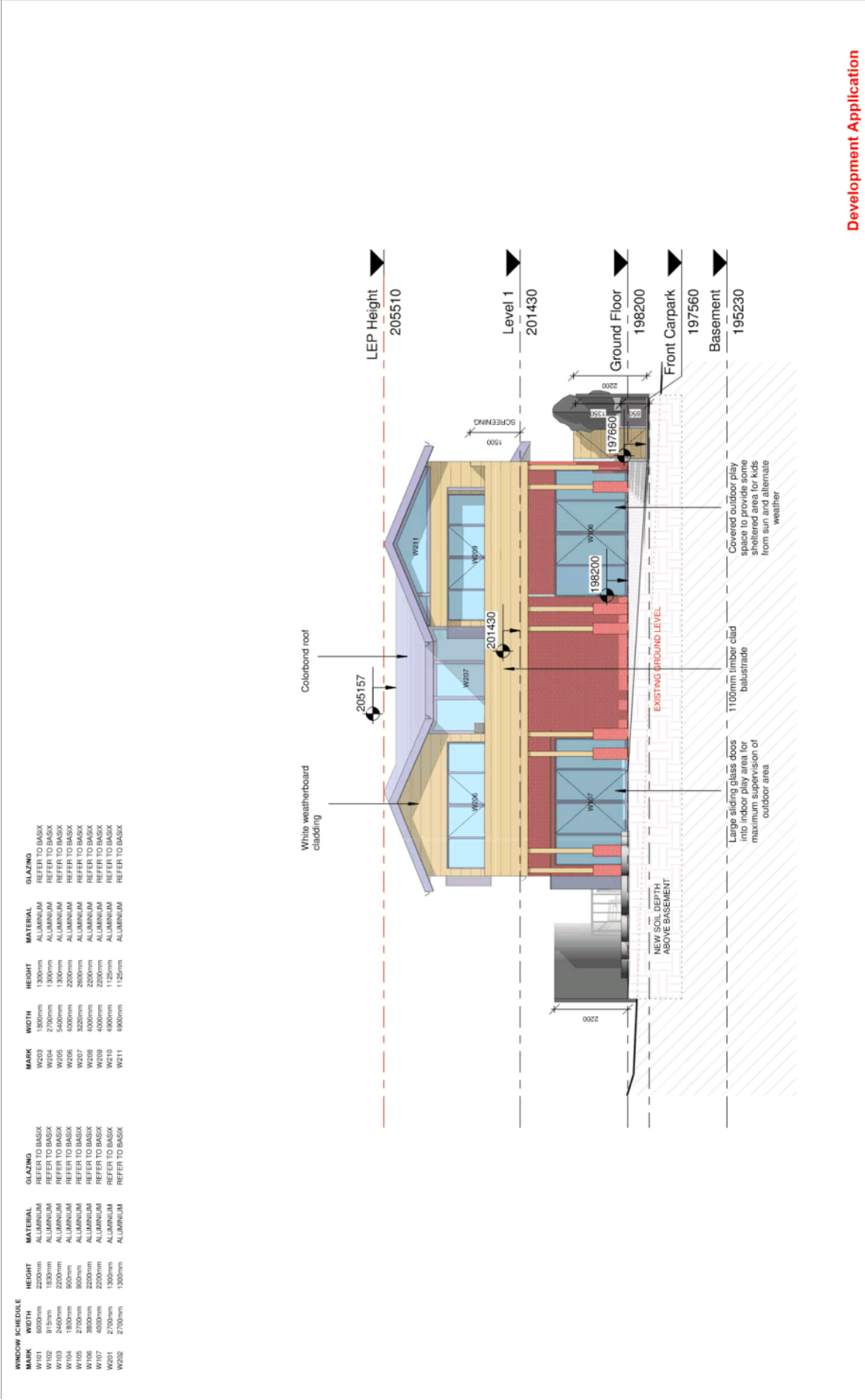
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ATTACHMENT 4 - ITEM 1



WINDOW SCHEDULE	MARK	WIDTH	HEIGHT	MATERIAL	GLAZING
W101	W101	1800mm	1300mm	ALUMINIUM	REFER TO BASIX
W102	W102	1800mm	1300mm	ALUMINIUM	REFER TO BASIX
W103	W103	2400mm	2200mm	ALUMINIUM	REFER TO BASIX
W104	W104	1800mm	900mm	ALUMINIUM	REFER TO BASIX
W105	W105	2700mm	2200mm	ALUMINIUM	REFER TO BASIX
W106	W106	3600mm	2200mm	ALUMINIUM	REFER TO BASIX
W107	W107	2700mm	2200mm	ALUMINIUM	REFER TO BASIX
W108	W108	2700mm	1300mm	ALUMINIUM	REFER TO BASIX
W109	W109	2700mm	1300mm	ALUMINIUM	REFER TO BASIX
W110	W110	2700mm	1300mm	ALUMINIUM	REFER TO BASIX
W111	W111	2700mm	1300mm	ALUMINIUM	REFER TO BASIX
W112	W112	2700mm	1300mm	ALUMINIUM	REFER TO BASIX
W113	W113	2700mm	1300mm	ALUMINIUM	REFER TO BASIX
W114	W114	2700mm	1300mm	ALUMINIUM	REFER TO BASIX
W115	W115	2700mm	1300mm	ALUMINIUM	REFER TO BASIX
W116	W116	2700mm	1300mm	ALUMINIUM	REFER TO BASIX
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W150	W150	2700mm	1300mm	ALUMINIUM	REFER TO BASIX
W151	W151	2700mm	1300mm	ALUMINIUM	REFER TO BASIX
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W159	W159	2700mm	1300mm	ALUMINIUM	REFER TO BASIX
W160	W160	2700mm	1300mm	ALUMINIUM	REFER TO BASIX
W161	W161	2700mm	1300mm	ALUMINIUM	REFER TO BASIX
W162	W162	2700mm	1300mm	ALUMINIUM	REFER TO BASIX
W163	W163	2700mm	1300mm	ALUMINIUM	REFER TO BASIX
W164	W164	2700mm	1300mm	ALUMINIUM	REFER TO BASIX
W165	W165				







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Development Application

2A Berowra Road


Rear Elevation
DA - 404

12.06.2018
1 : 100
WC

REVISION:

Rev	Date	Desc	Issued By
REV.1	14.06.17	INITIAL D.A.	SM
REV.2	27.06.17	REVISED D.A. BASED ON TRAFFIC REPORT	SM
REV.3	24.07.17	REVISED D.A. BASED ON TRAFFIC REPORT	SM
REV.4	22.08.17	REVISED FACADE	SM
REV.5	17.08.18	REVISED D.A.	WC
REV.7	12.06.18	REVISED D.A.	WC

LEGEND:

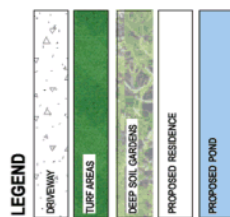
	Colorbond roof		Fire Cement Streets
	Proposed Demolition		Brick
	Timber		Painted Stone/Tiles
	Metal & Glass Bricks		Existing Shadow
	Downspout		Sump
	Electrical Meter		Sewer Vent Pipe
	Floor Waste		Roof Ridge
	Rain Water		Top of Gutter
	Glass Meter		

ATTACHMENT 4 - ITEM 1

LANDSCAPE MAINTENANCE NOTES

MONTH	MOWING (BLOWING)	FERTILISING (SEEDS)	CHECK IRRIGATION	HAND WEEDING REMOVAL	PRUNING SPRINKLING	WATERING PLANT REPLACEMENT IF REQUIRED
DEC	W	M	M	W	F	M
JAN	W	M	M	W	F	M
FEB	W	M	M	W	F	M
MAR	F	M	M	F	M	D
APR	F	N/A	M	F	M	D
MAY	F	N/A	M	M	M	D
JUNE	M	N/A	M	M	N/A	2ND D
JULY	M	N/A	M	M	N/A	2ND D
AUG	M	N/A	M	M	N/A	2ND D
SEP	M	M	M	M	N/A	2ND D
OCT	F	F	M	F	M	D
NOV	F	F	M	F	M	D

PLANTING ESTABLISHMENT PERIOD - 12 MONTHS
LANDSCAPE MATERIAL ESTABLISHMENT - 12 MONTHS
KEY: D-DAILY, W-WEEKLY, F-FORTNIGHTLY, M-MONTHLY, 2ND D-2ND DAY



EXISTING TREE LEGEND



E 13/6/18 For Approval
ISSUE DATE COMMENT

Page

L-01 E

Date 28/05/18

Scale 1:200@A3

Drawing No. 1116

Project PROPOSED LANDSCAPE PLAN

Address 2A BEROWRA ROAD, HORNSBY

Drawing Title SITE PLAN

Client MACROPLAN

SYDNEY NORTHSTUDIO

P130224455

SEAFORTH

p130224455

**SITEDESIGN
+STUDIOS**
creating places to live in and enjoy

SYDNEY NORTHSTUDIO
P130224455
SEAFORTH
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info@studios.com.au
www.studios.com.au

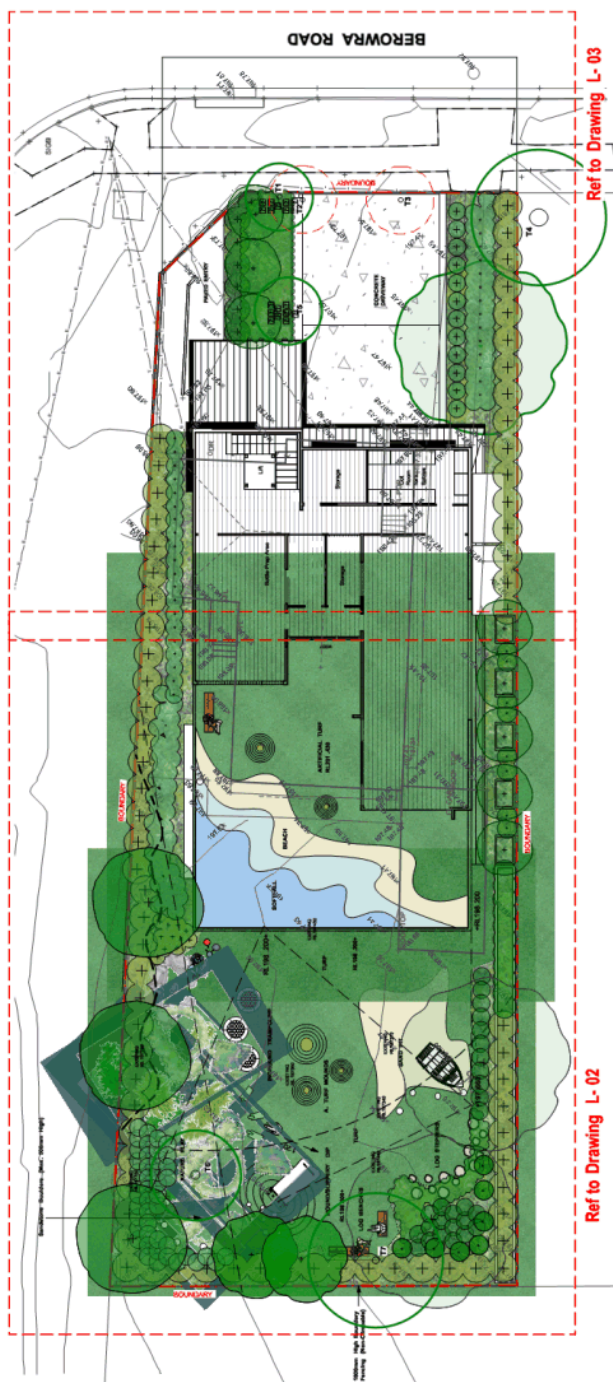
ATTACHMENT 5 - ITEM 1

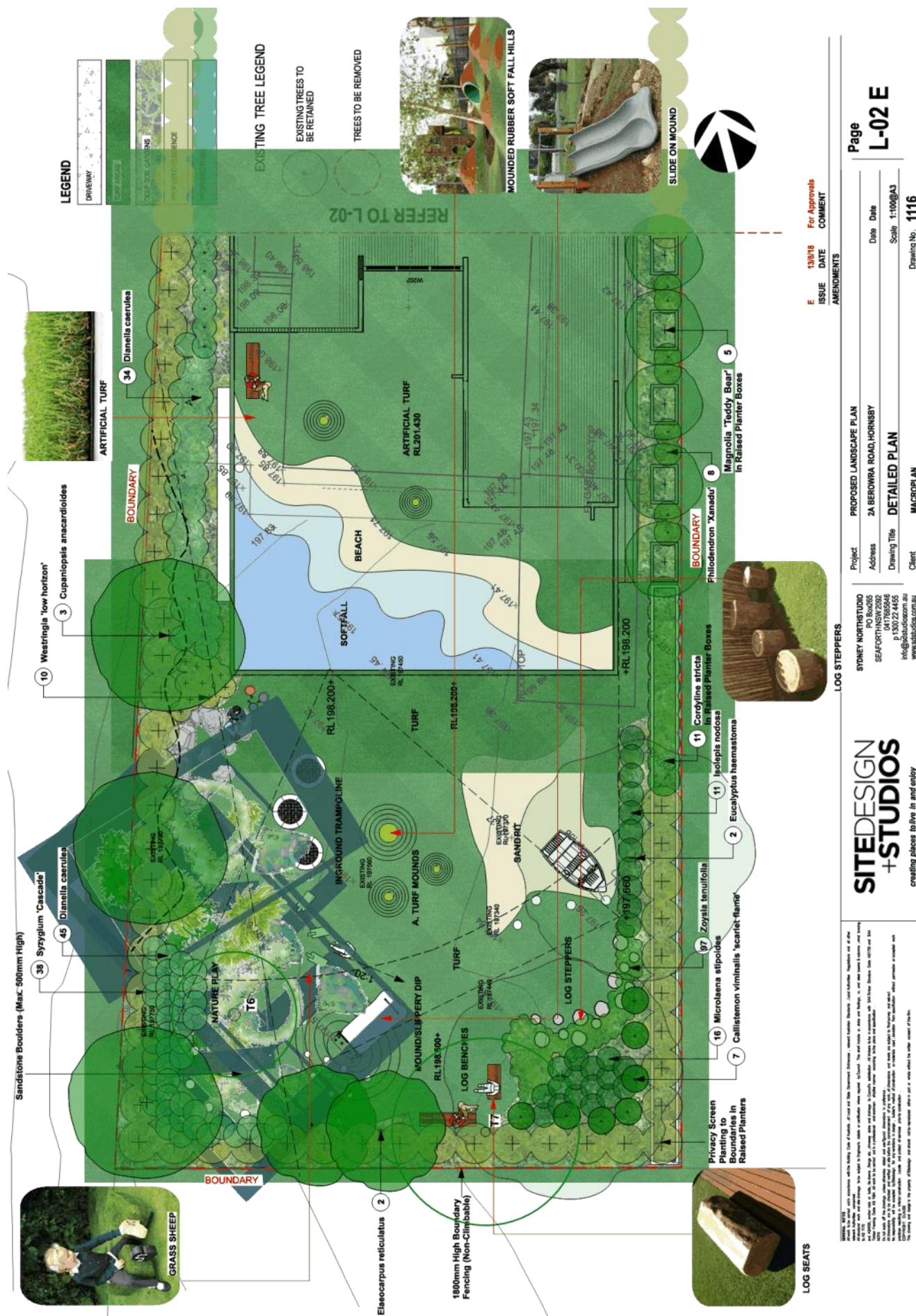
LANDSCAPE DA

2A Berowra Rd HORNSBY NSW

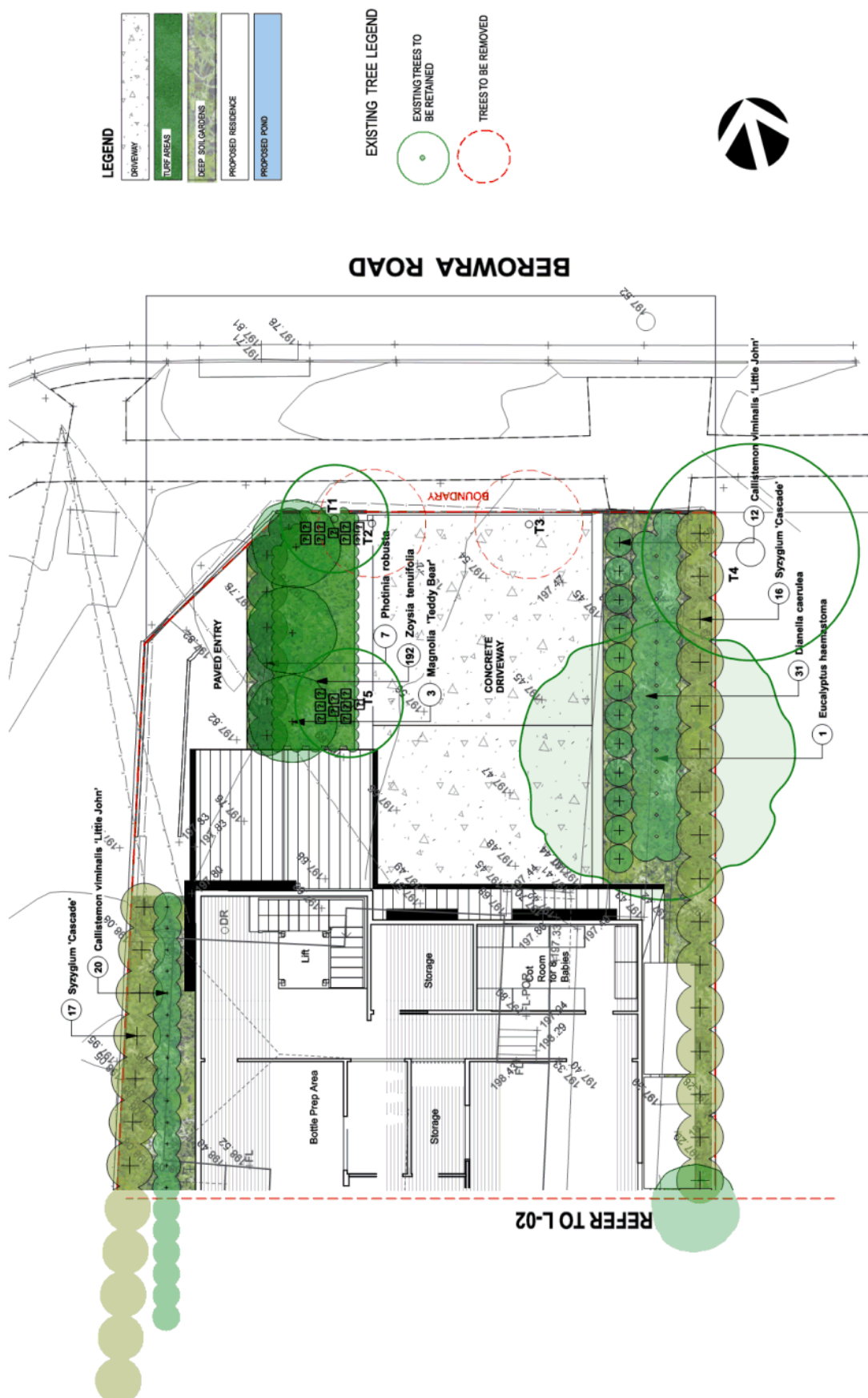
Drawing List

Sheet No.	Sheet Name	Sheet Size	Rev. No.	Rev. Date	Project No.
L-01	SITE PLAN	A3	E	13/6/18	1116
L-02	DETAILED PLAN	A3	E	13/6/18	1116
L-03	DETAILED PLAN	A3	E	13/6/18	1116
L-04	PLANTING SCHEDULE	A3	E	13/6/18	1116
L-05	PLANTING DETAILS	A3	E	13/6/18	1116
L-06	NOTES	A3	E	13/6/18	1116
L-07	SPECIFICATION	A3	E	13/6/18	1116





ATTACHMENT 5 - ITEM 1



Plant List

ID	Botanical Name	Common Name	Scheduled Size	Mature Height	Mature Spread	Qty
Trees						
CHna	Cupaniopsis anacardioides	Tuckeroo	45L	10 - 15m	3.5 - 6m	3
ERati	Elaeocarpus reticulatus	Blueberry Ash	45L	5 - 10m	2-4m	2
EH	Eucalyptus haemastoma	Scribbly Gum	75L	10 - 15m	6 - 10m	3
Mag-ib	Magnolia 'Teddy Bear'	Magnolia	45L	2-4m	2.0 - 3.5m	8
Shrubs						
cal vim 'sf'	Callistemon viminalis 'scarlet flame'	Callistemon	200mm	0.6m	1m	7
Cal-vim-lj	Callistemon viminalis 'Little John'	Weeping Bottlebrush	200mm	0.9 - 1.5m	0.9 - 1.2m	32
cor-str	Cordyline stricta	Narrow-leaved Palm Lily	200mm	3 - 5m	0.6 - 0.9m	11
Phi-xan	Philodendron 'Xanadu'	Winterbom Philodendron	200mm	0.9 - 1.5m	0.9 - 1.2m	8
pho-ro	Photinia robusta	Photinia	200mm	0.8 - 2m	1m	7
syz-ca	Syzygium 'Cascade'	Cascade Riberry	200mm	1.5 - 2m	1.5m	71
Ground Covers						
was-lit'	Westringia 'low horizon'	coastal rosemary	200mm	0.4m	0.8m	10
Zoy-ten	Zoysia tenuifolia	Petting Grass	150mm	0.0 - 0.3m	0.3 - 0.6m	289
Grasses						
Dia-cae	Dianella caerulea	Paroo Lily, Blue Flax-lily	150mm	0.6 - 0.75m	0.6 - 0.9m	110
Iso-ro	Isolepis nodosa	Knotted club-rush	150mm	2m	0.8m	11
mic-sti	Microlaena stipoides	Weeping Grass	150mm	0.6 - 0.75m	0.6 - 0.9m	16



E 13/01/18 For Approval
ISSUE DATE COMMENT

SITEDESIGN +STUDIOS creating places to live in and enjoy SYDNEY NORTHSTUDIO 10/160065 SEAFORTH 0417883846 p 1300 22 4455 info@studiosom.au www.studiosom.com.au	Project PROPOSED LANDSCAPE PLAN		Page
	Address 2A BEROWRA ROAD, HORNSBY		L-04 E
	Drawing Title PLANTING SCHEDULE		Date
	Client MACROPLAN		Scale NTSGA3 Drawing No. 1116

ATTACHMENT 5 - ITEM 1

ATTACHMENT/S

REPORT NO. LPP18/18

ITEM 2

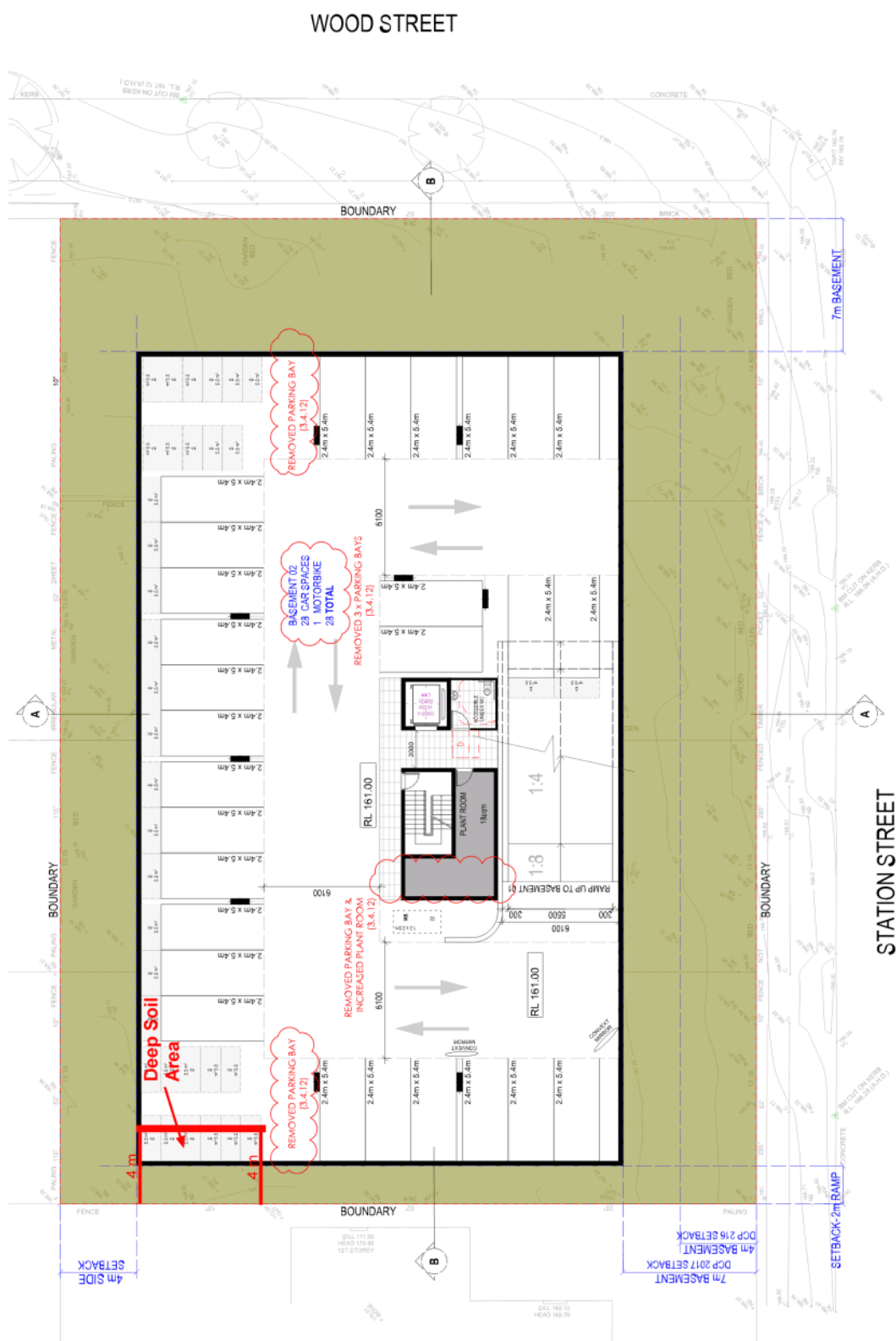
- 1. LOCALITY MAP**
- 2. SITE PLAN**
- 3. FLOOR AND BASEMENT PLANS**
- 4. ELEVATIONS AND SECTIONS**
- 5. SHADOW DIAGRAMS**
- 6. LANDSCAPE PLANS**
- 7. CLAUSE 4.6**



LOCALITY PLAN

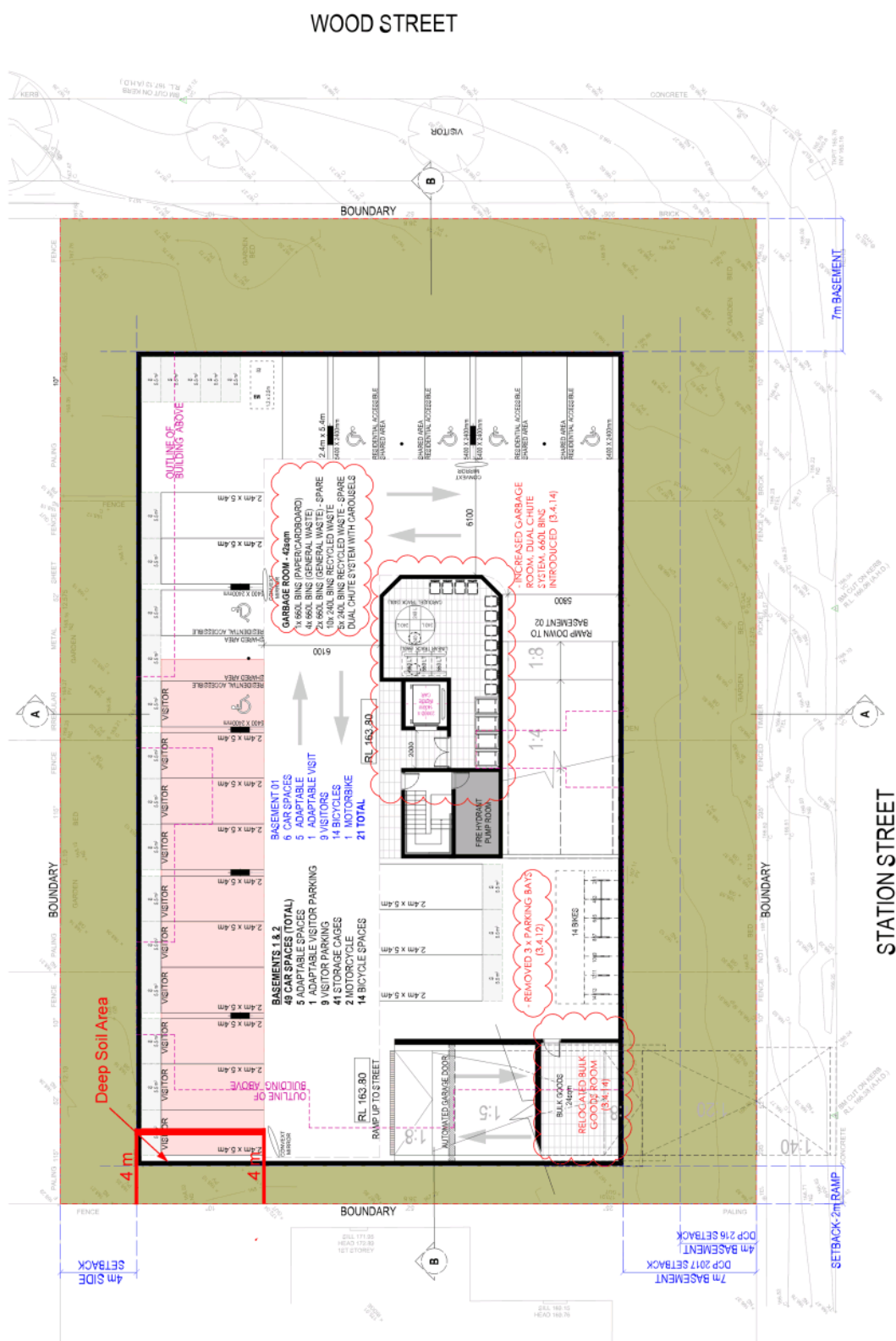
DA/147/2018

Lots 28 and 29 Sec 3 DP 1854 and Lots 300 and 301 DP 1193643,
Nos. 21-27 Station Street, Thornleigh



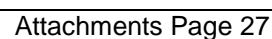

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 Email: info@secondstep.com
 Website: www.secondstep.com
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ATTACHMENT 3 - ITEM 2



ATTACHMENT 3 - ITEM 2

ATTACHMENT 3 - ITEM 2



ATTACHMENT 3 - ITEM 2

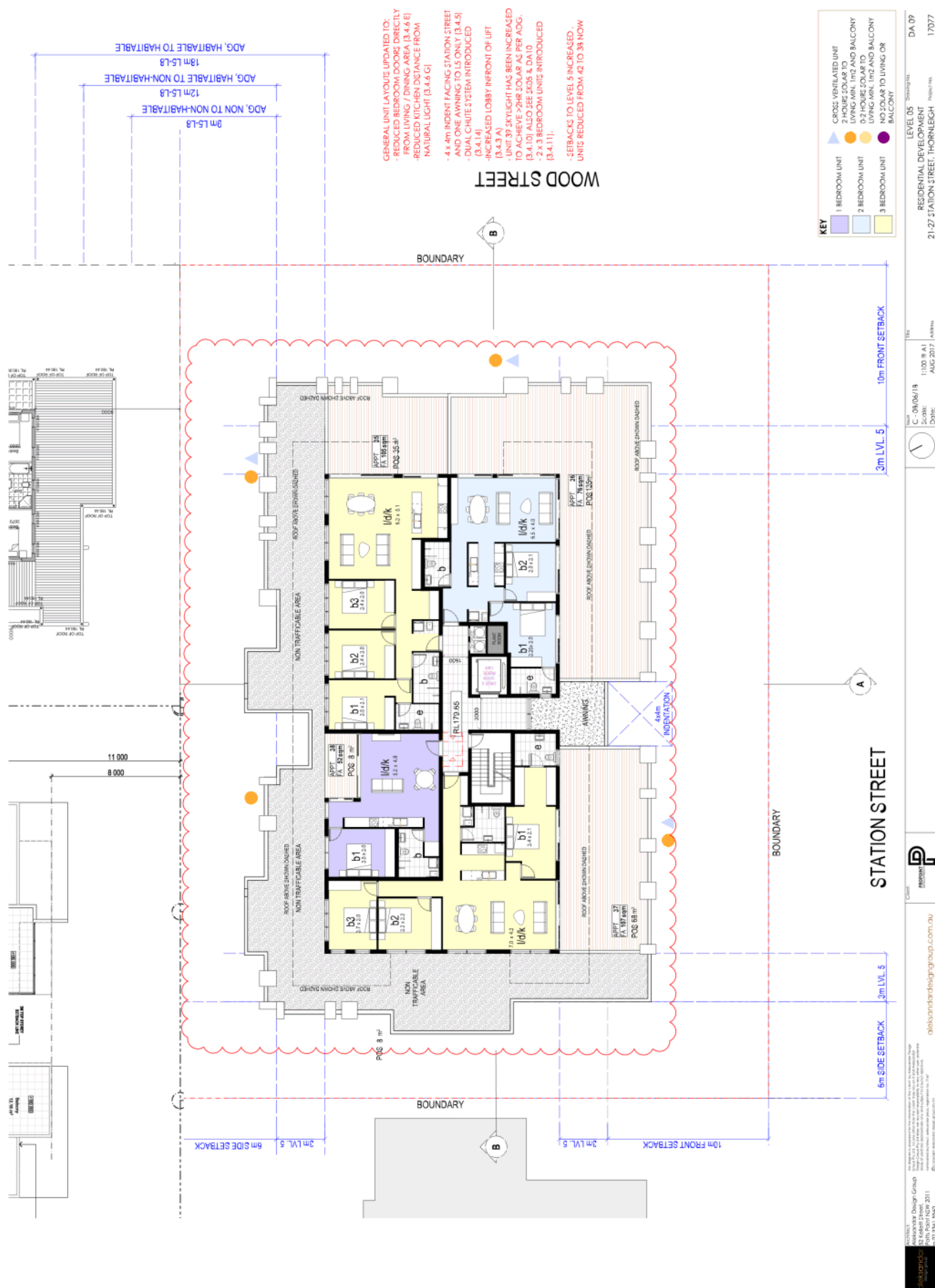


ATTACHMENT 3 - ITEM 2

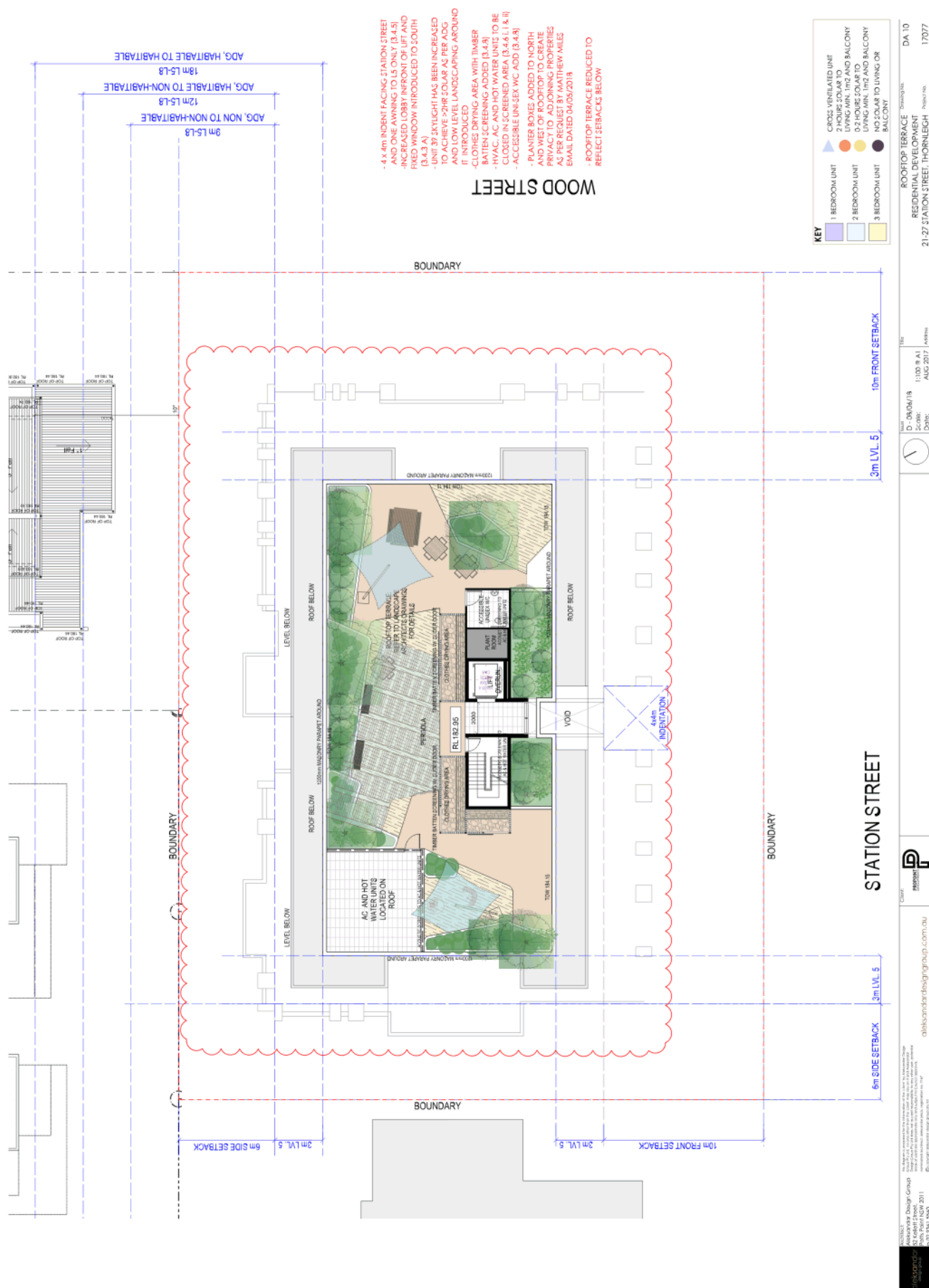




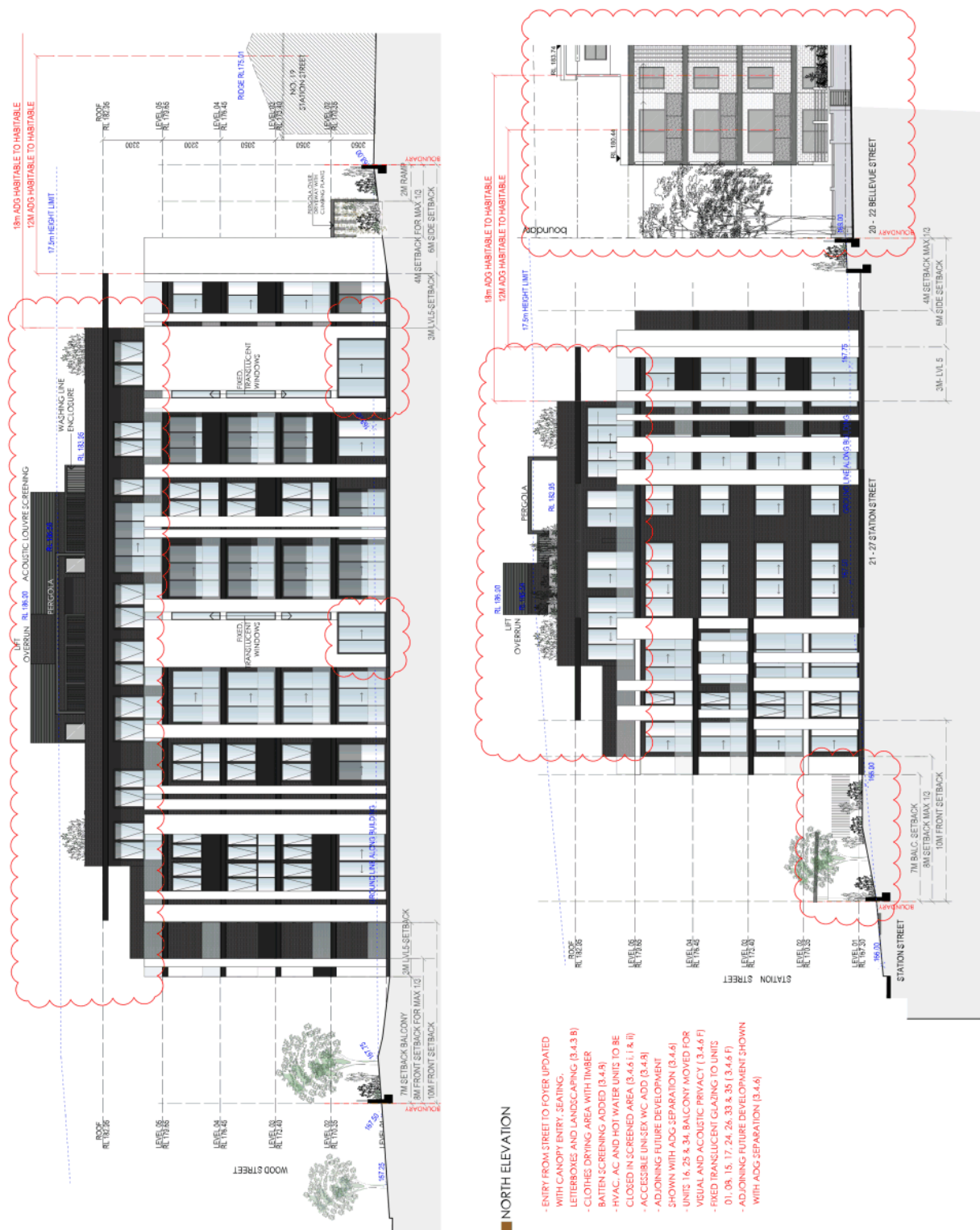
ATTACHMENT 3 - ITEM 2



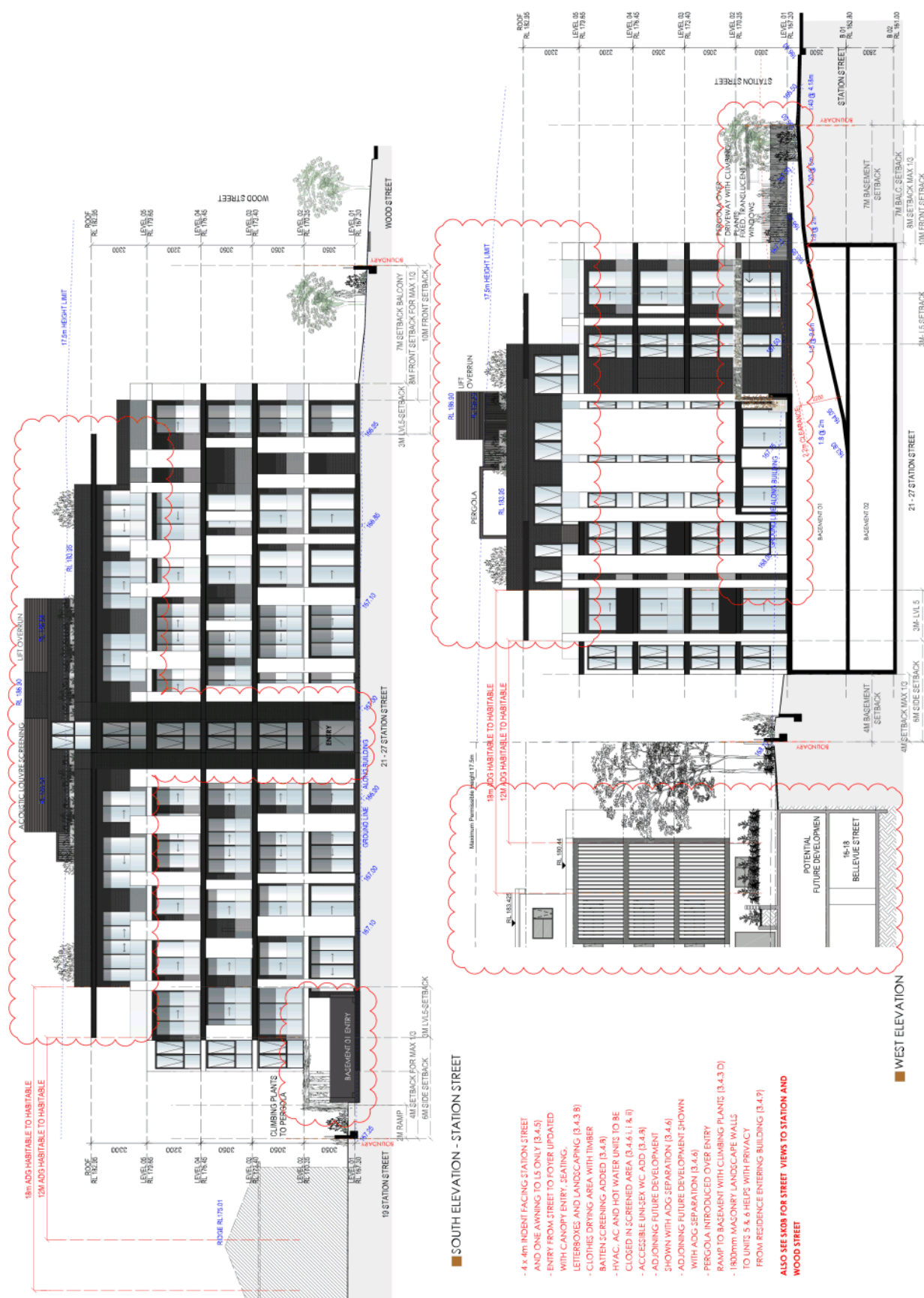
ATTACHMENT 3 - ITEM 2







ATTACHMENT 4 - ITEM 2



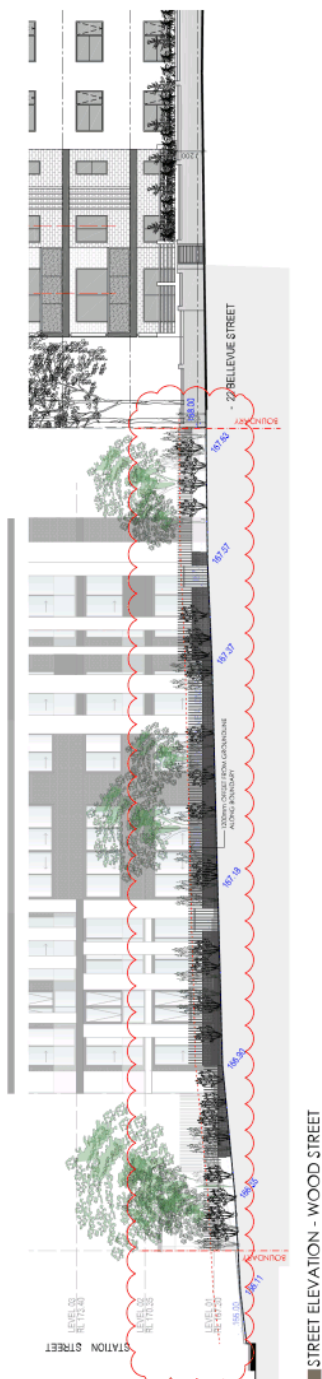
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ATTACHMENT 4 - ITEM 2



<p>DA 17 17077</p>	<p>SCHEDULE OF FINISHES RESIDENTIAL DEVELOPMENT 21-27 STATION STREET, THORNLEIGH</p>	<p>Scale: 1:100 @ A1 Date: AUG 2017</p>	<p>Client:  ALEXANDER DESIGN GROUP</p>	<p>alexanderdesigngroup.com.au © 2017 ALEXANDER DESIGN GROUP</p>
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ATTACHMENT 4 - ITEM 2

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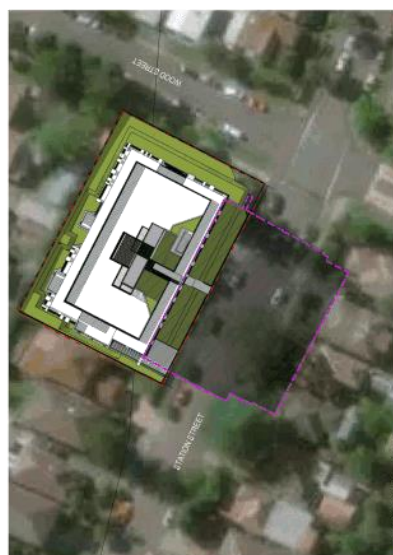
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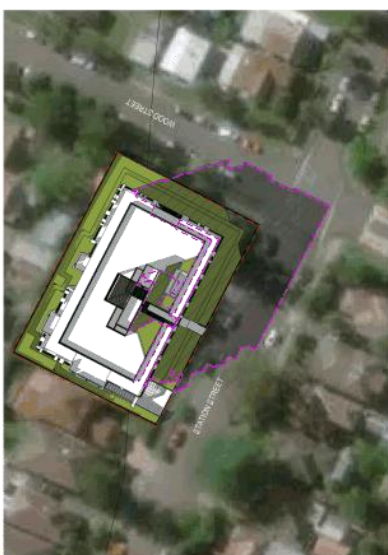
21 JUNE @ 11AM



21 JUNE @ 2PM



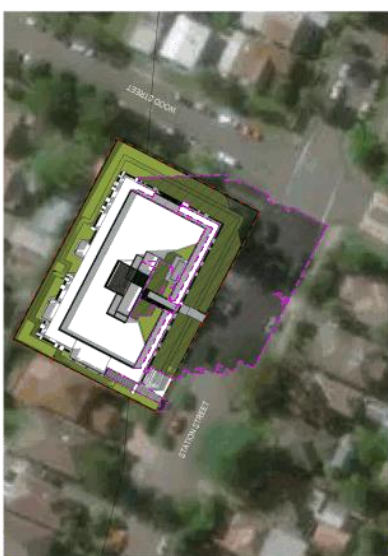
21 JUNE @ 10AM



21 JUNE @ 1PM



21 JUNE @ 9AM



21 JUNE @ 12PM



21 JUNE @ 3PM

KEY
NEW SHADOWS SHOWN ON THE 21st JUNE
WINTER SOLSTICE



BOUNDARY



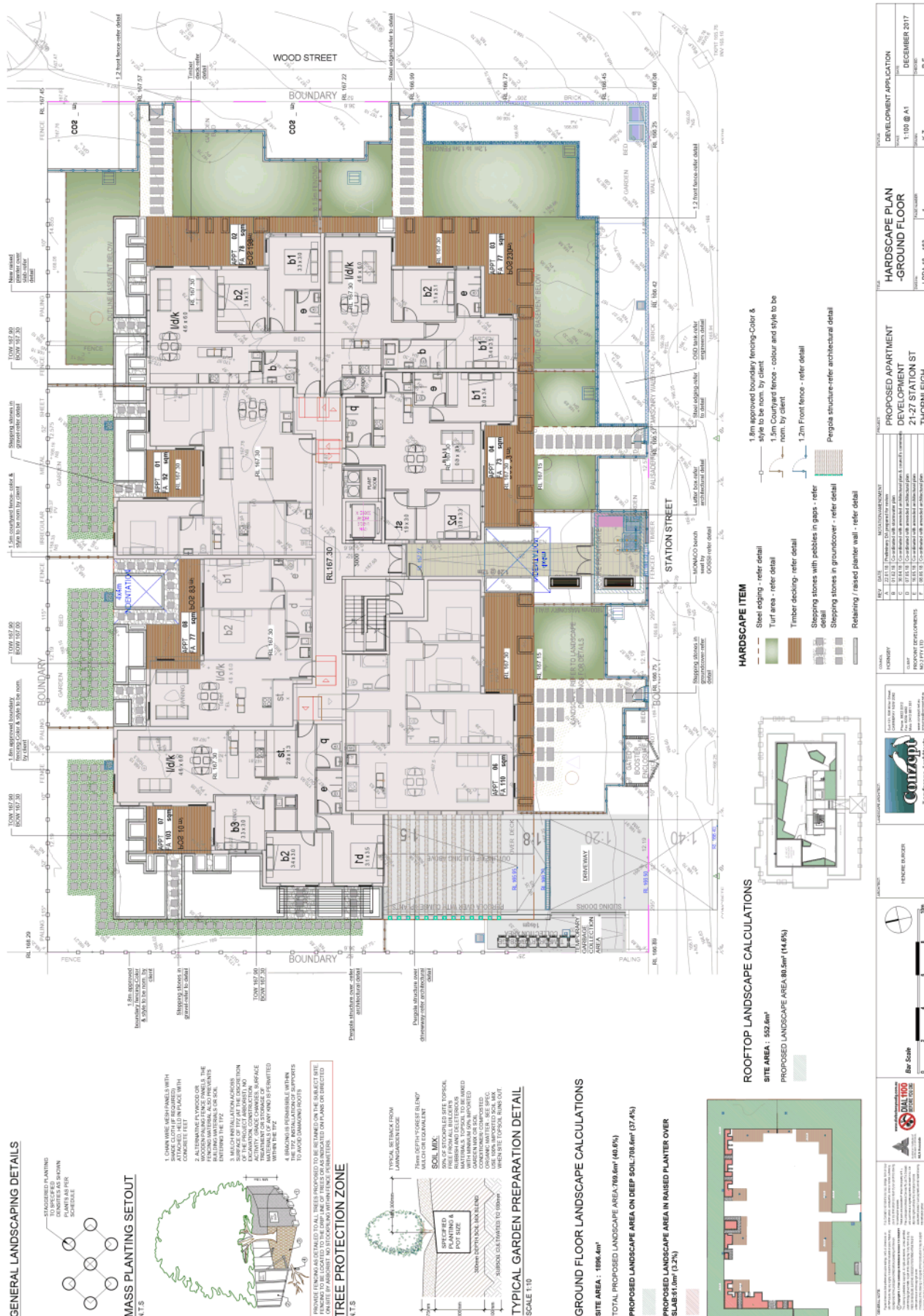
SHOWS ORIGINAL DA SHADOWS

- 4 x 4m INDEBT FACING STATION STREET AND ONE AWNING TO LS ONLY (3.4.5)
- INCREASED LOBBY IN FRONT OF LIFT AND FIXED WINDOW INTRODUCED TO SOUTH (3.4.4)
- UNIT 37 SKYLIGHT HAS BEEN INCREASED TO ACHIEVE 2HR SOLAR AS PER ADG AND LOW LEVEL LANDSCAPING AROUND IT INTRODUCED
- CLOTHES DRYING AREA WITH TIMBER BATTEN SCREENING ADDED (3.4.8)
- HVAC, AC AND HOT WATER UNITS TO BE CLOSED IN SCREENED AREA (3.4.6.1 & ii)
- ACCESSIBLE UNISEX WC ADD (3.4.9)

Client	SHAW DESIGN	DA 16
Project	RESIDENTIAL DEVELOPMENT	17077
Address	21-27 STATION STREET, THORNLEIGH	
Scale	1:500 @ A1	
Date	18 AUG 17	
Drawn	B. 4/04/18	
Checked	1:000 @ A1	
Disc	18 AUG 17	

ATTACHMENT 5 - ITEM 2

ATTACHMENT 6 - ITEM 2

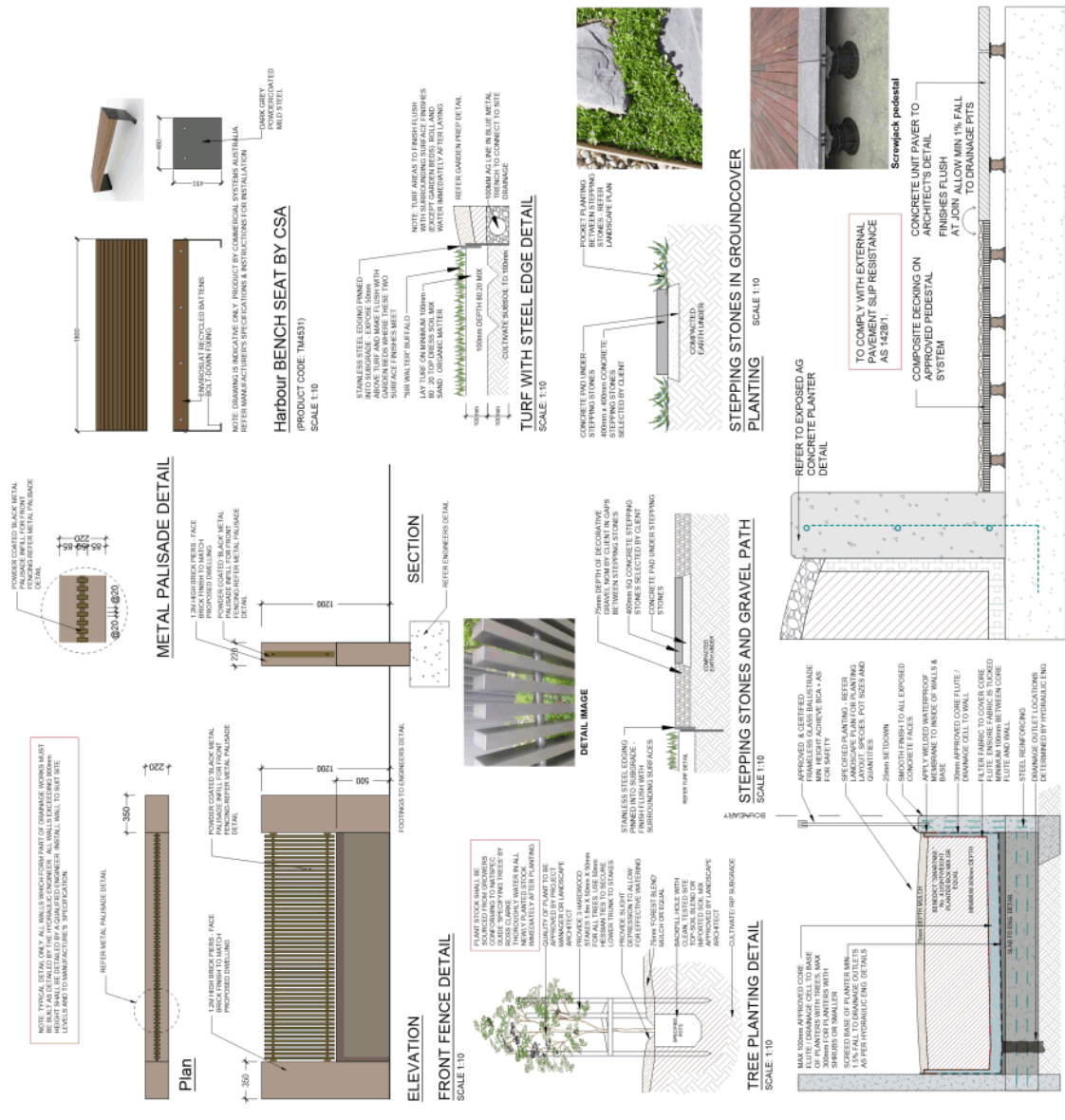


ATTACHMENT 6 - ITEM 2

[illegible][illegible]

HARDWOOD DECK + PAVING ON SLAB DETAIL
SCALE: NTS

TYPICAL PLANTER OVER BASEMENT DETAIL





CLAUSE 4.6
APPLICATION
Exceptions to
Development Standards –
Height of Buildings

Proposed residential flat building at

**Nos. 21-27 Station Street,
 Thornleigh**

Prepared for:
Propoint Developments No 2 Pty Ltd
 C/- Aleksandar Design Group
 52 Kellet Street
 Potts Point NSW 2011

Prepared by:
GSA PLANNING
 Urban Design, Environmental & Traffic Planners
 95 Paddington Street, Paddington NSW 2021
 ph: 02 9362 3364
 email: info@gsaplanning.com.au

(A.B.N 18 003 667 963)

JOB NO. 17334
 February 2018

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**HORNSBY LOCAL ENVIRONMENTAL PLAN 2013
CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS**

APPLICANT'S NAME: Propoint Developments No 2 Pty Ltd

SITE ADDRESS: Nos. 21-27 Station Street, Thornleigh

PROPOSAL: Residential Flat Building

1. (i) **Name of the applicable planning instrument which specifies the development standard:**

Hornsby Local Environmental Plan (LEP) 2013

- (ii) **The number of the relevant clause therein:**

Clause 4.3 – Height

2. **Specify the nature of Development Standard sought to be varied and details of variation:**

Clause 4.3 in the Hornsby LEP refers to a Height of Buildings Map, which prescribes a height of 17.5m for the site. The height of the building varies throughout the site up to a maximum of 19.9m.

Importantly, the proposal complies at the both street frontages. The area of non-compliance is located towards the centre of the site and comprises of the lift overrun and a rooftop pergola structure (see Figure 1).



Source: Aleksander Design Group, 2018

Figure 1: South Elevation Showing Extent of Height Non-Compliance

3. Consistency with Objectives of Clause 4.6

The objectives of Clause 4.6 seek to recognise that in particular circumstances, strict application of development standards may be unreasonable or unnecessary. The clause provides a means by which a variation to the standard can be achieved. The objectives of Clause 4.6 are stated, inter alia:

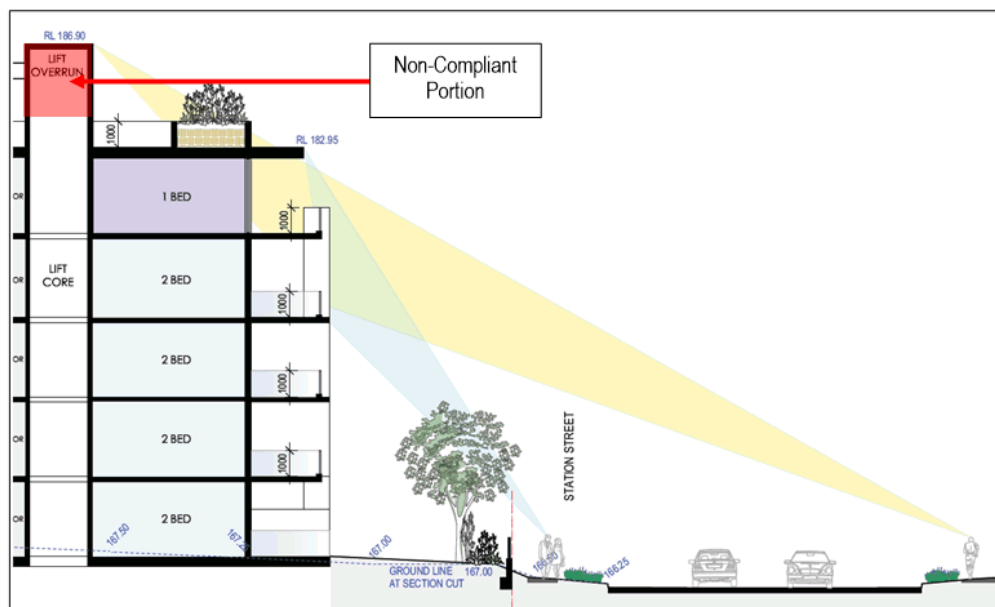
Objective (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development

Objective (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances

The proposal seeks a degree of flexibility in the application of the height development standard to the development. It is our opinion that the height of the proposal is appropriate irrespective of the minor non-compliance.

The proposal, as viewed from the public domain, will have the appearance of a compliant form with the height exceedance occurring towards the middle (see Figure 2). The proposal seeks flexibility in this instance as the proposed height will achieve a better outcome for the development by allowing access and amenity for the communal open space. The proposed pergola can be considered a lightweight structure that will not significantly contribute to the bulk and scale of the building.

Despite the height non-compliance, the proposed designed building will offer a highly articulated built form consistent with Council's desired future character for the Station Street, Thornleigh precinct. Furthermore, there is not likely to be any significant amenity impacts on neighboring properties with similar overshadowing to a compliant built form. On this basis, the non-compliance is considered to be consistent with the objectives of Clause 4.6.



Source: Aleksander Design Group, 2018
Figure 2: Section Showing Sightlines from Station Street

4. Justification of variation to development standard

Clause 4.6(3) outlines that a written request is required when seeking to vary a development standard, along with justification of the contravention. The clause is stated, inter alia:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard."*

The following sections will outline why, in our opinion, the development standard is unreasonable and unnecessary and will set out the planning justification for the variation.

5. Compliance with the development standard is unreasonable and unnecessary in the circumstances of the case

Clause 4.6(3) (a) requires the applicant to provide justification that strict compliance with the height requirement is unnecessary and unreasonable in the exceptional circumstances of the case. In *Wehbe v Pittwater Council (2007) NSWLEC 827 (Wehbe)*, Preston CJ established five potential tests for determining whether a development standard could be considered to be unreasonable or unnecessary.

The Court's recent decision in *Four2Five Pty Limited v Ashfield Council [2015] NSWLEC 90* has altered the way the five tests ought to be applied, requiring justification beyond compliance with the objectives of the development standard and the zone. That is, more than one of those five grounds is now arguably required to be made out.

It is our opinion that the proposal satisfies a number of the five tests established in *Wehbe* and, for that reason, the development standard is unreasonable and unnecessary in this instance. The relevant tests will now be considered.

Test 1 – The objectives of the standard are achieved notwithstanding non-compliance with the standard

Clause 4.3 contains the objective for the height of buildings development standard and states, inter alia:

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

The proposed height is an appropriate response to the site constraints as the access core is required to provide universal access to the rooftop terrace. Providing accessible and secure communal open space on the group level is difficult in this particular instance as the subject site is located on an exposed corner allotment. In addition, the non-compliant pergola is necessary to provide shade and amenity for the rooftop communal open space.

Regardless of the centralised non-compliance, the proposed height is also appropriate for the development potential of the locality. The site is located within the Station Street, Thornleigh precinct which has been earmarked for high density residential development. Importantly, the proposal is consistent with the DCP height provision of five storeys. As the areas of non-compliance are centralised and not readily visible from the street, the proposal will present a compliant height which is consistent with surrounding new development.

The proposed height non-compliances will not result in additional demand for infrastructure. The areas of non-compliance do not provide additional units. It should also be noted that the precinct is earmarked for urban renewal as it is ideally located to take advantage of existing transport infrastructure. This includes bus and rail services in close proximity to the subject site. The proposal will utilise this existing infrastructure, improving its efficiency.

Accordingly, in our opinion, the proposed building height is consistent with the sole objective of the development standard.

Test 3 - The underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

In our opinion the underlying objective of the development standard is to present a building that is contextually compatible with the desired height and character of the locality whilst ensuring the amenity of adjoining properties is retained. This objective is thwarted if compliance with the development standard is observed.

Strict compliance with the numerical provisions of the height of buildings development standard will significantly reduce the amenity of the building and the feasibility of the redevelopment. The existing development on the site is incompatible with the desired future character of the area. Enforcing strict compliance may result in the need to reduce the number of storeys to provide the required secure and accessible communal open space. This would be inconsistent with Council's controls and with the desired future five storey character of the precinct.

In addition, a reduction in the height may require additional excavation at the lower basement level. This would create further design complications and may have adverse geotechnical implications.

Accordingly in our opinion, the extent of non-compliance is appropriate in this instance as the proposal will present a building that is consistent with the height, context and desired future character of the area. This would not be achieved if strict compliance with the building height was required.

6. There are sufficient environmental planning grounds to justify contravening the development standard

As indicated in the Statement of Environmental Effects (SEE), the proposal is permissible within the R4 High Density Residential Zone and is consistent with the zone objectives. In particular, the proposed residential flat building constitutes a contemporary infill development that will contribute to meeting the demand for housing in the area.

The proposal has been designed in accordance with the desired future character of the Station Street, Thornleigh precinct and provides modulated facades with wrap-around balconies and stepped back upper levels. Regardless of the height non-compliance, this will result in a superior streetscape outcome.

The proposed non-compliances constitute an improved planning outcome by facilitating disabled access to the roof level through the provision of the lift core. In addition, the proposed pergola will enhance the amenity for residents by providing weather protection. This will enhance the functionality of the communal open space, facilitating greater social interaction

and physical activity. Accordingly, the proposed non-compliances contribute to an improved planning outcome by providing universal access and promoting the physical and social wellbeing of residents.

It is therefore our opinion that non-compliance will not be inconsistent with existing and future planning objectives for the locality, and that there are sufficient environmental planning grounds to justify contravening the development standard in the particular circumstances of this case.

7. **Clause 4.6(4) Requirements**

Clause 4.6(4) guides the consent authority's consideration of this Clause 4.6 variation request. It provides that:

- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out*

The applicant submits that the consent authority can and should be satisfied of each of these requirements of Clause 4.6(4), for all of the reasons set out in this request, and also having regard to the context of this particular site, in this particular locality.

As indicated, it is our opinion that the proposal is in the public interest. In accordance with Test 1 in *Wehbe* and Clause 4.6(4)(a)(ii), an assessment of the proposal against both the objectives of the standard and the zone has been undertaken. The consideration of the objectives of the standard is set out in this submission and in our opinion, the proposal is consistent.

A detailed assessment of the proposal against the objectives of the R4 High Density Residential Zone is undertaken in the submitted SEE. The objectives of the zone aim to provide a variety of housing types to meet the demand of the community within a high density environment. The non-compliances will improve the amenity of the development by providing shade and universal access to the rooftop communal open space. This will assist in meeting the objectives of the locality by improving the quality of new dwellings. The proposed non-compliances contribute to a architecturally designed, high density residential flat building that will assist in meeting demand in the area, consistent with the zone objectives.

For these reasons it is our opinion that the variation is appropriate, consistent with the intent of Clause 4.6 and should be supported.

8. **Clause 4.6(5) Requirements**

The Council or the Secretary, as the concurrence authority, is required to consider the following:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

The proposal is not considered to raise any matter of significance for State or regional environmental planning. The height non-compliance is considered to be in the public interest as it will enhance the amenity and functionality of the proposed residential flat building without significantly impacting neighbouring properties. The proposal provides 42 units which will contribute to meeting the demand for housing and is considered in the public interest.

Accordingly, the proposal is consistent with the matters required to be taken into consideration before concurrence can be granted. The centralised non-compliances are minor and contribute to a quality development which is consistent with the desired character of the precinct and is, in our opinion, in the public interest.

ATTACHMENT 7 - ITEM 2

ATTACHMENT/S

REPORT NO. LPP21/18

ITEM 3

- 1. LOCALITY PLAN**
- 2. SURVEY PLAN**
- 3. SITE AND SHADOW PLAN**
- 4. FLOOR PLANS**
- 5. SECTIONS AND ELEVATIONS**
- 6. CLAUSE 4.6 SUBMISSION**
- 7. ISOMETRIC DRAWING SOUTH-EAST 3D PERSPECTIVE**
- 8. ISOMETRIC DRAWING NORTH-EAST 3D PERSPECTIVE**

ATTACHMENT 1 - ITEM 3



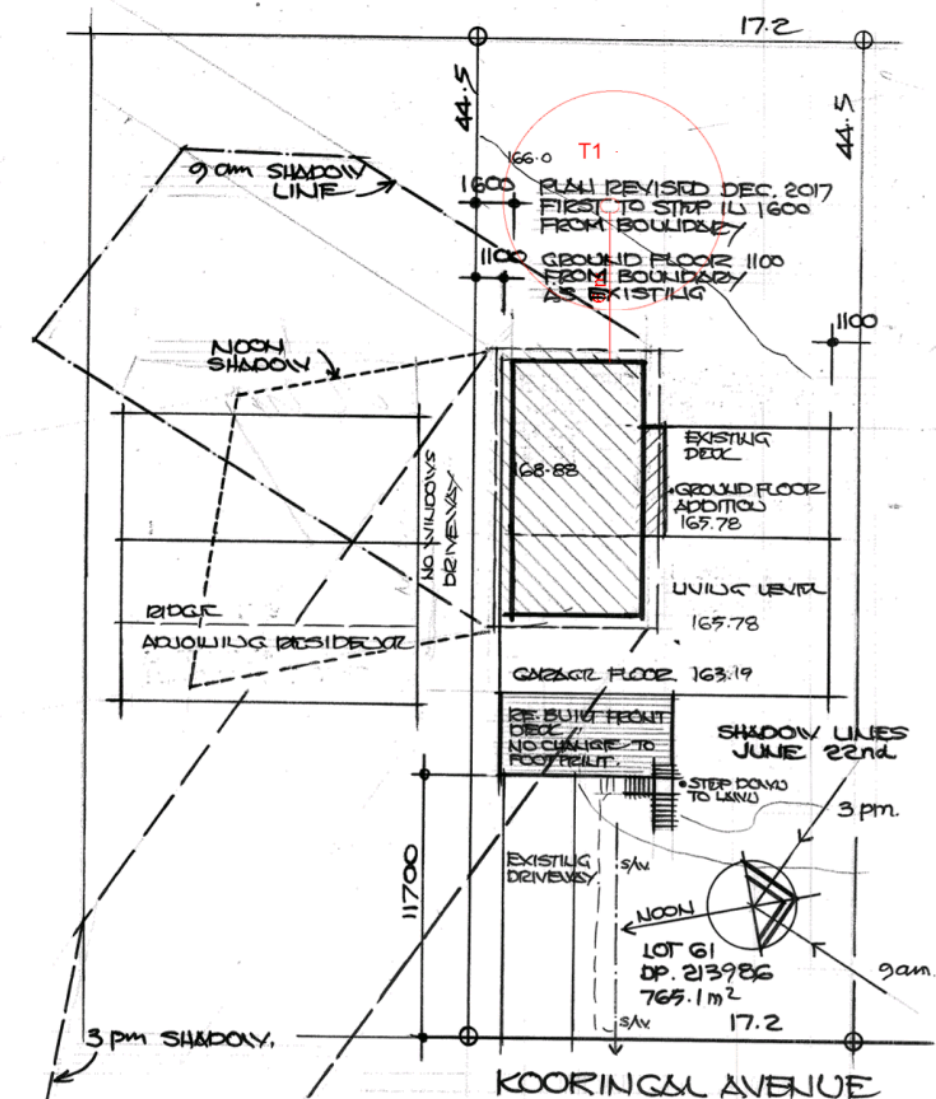
LOCALITY PLAN

DA/1124/2017

Lot 61 DP 213986, No. 7 Koorringal Avenue, Thornleigh

ATTACHMENT 2 - ITEM 3

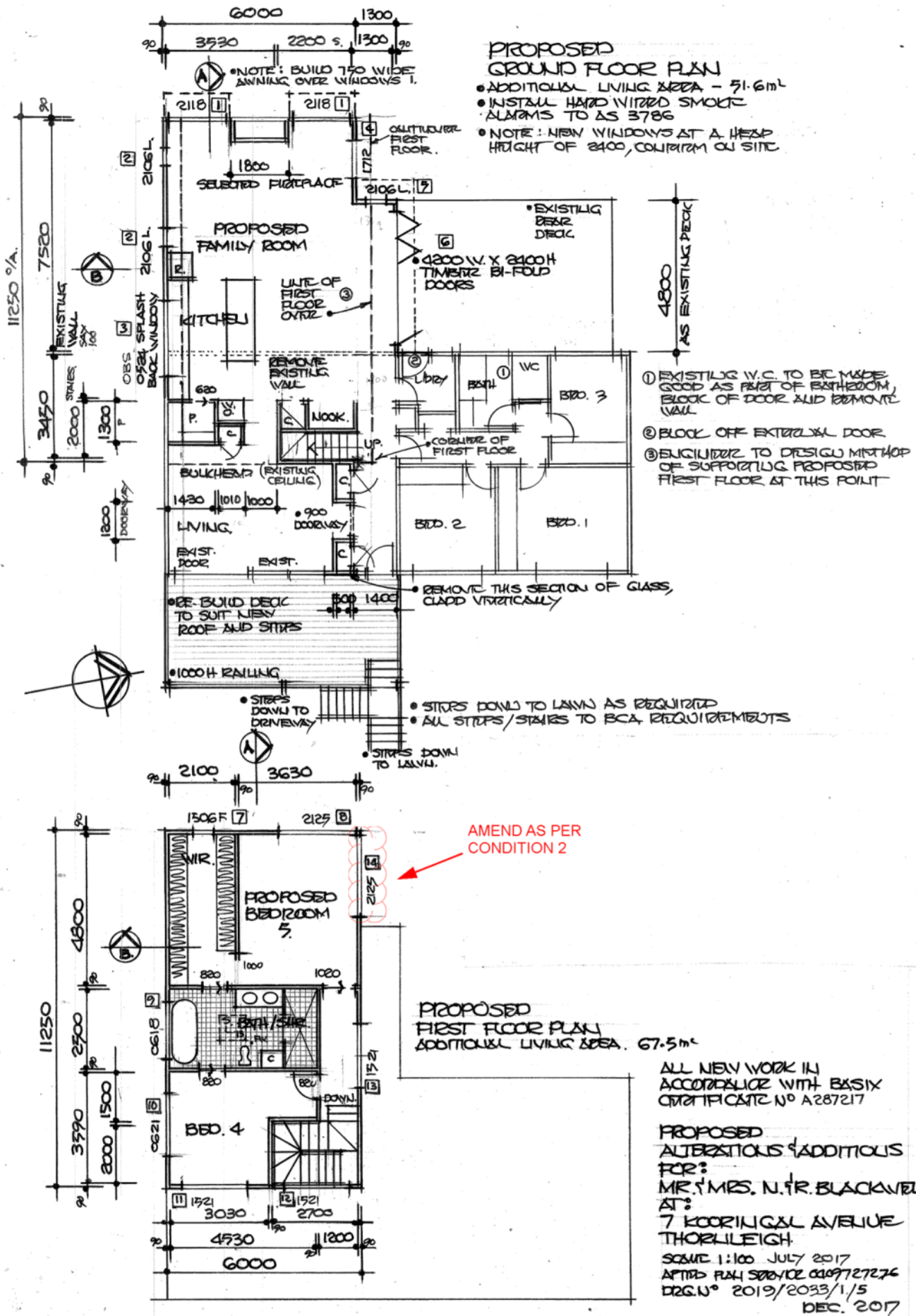
ATTACHMENT 3 - ITEM 3

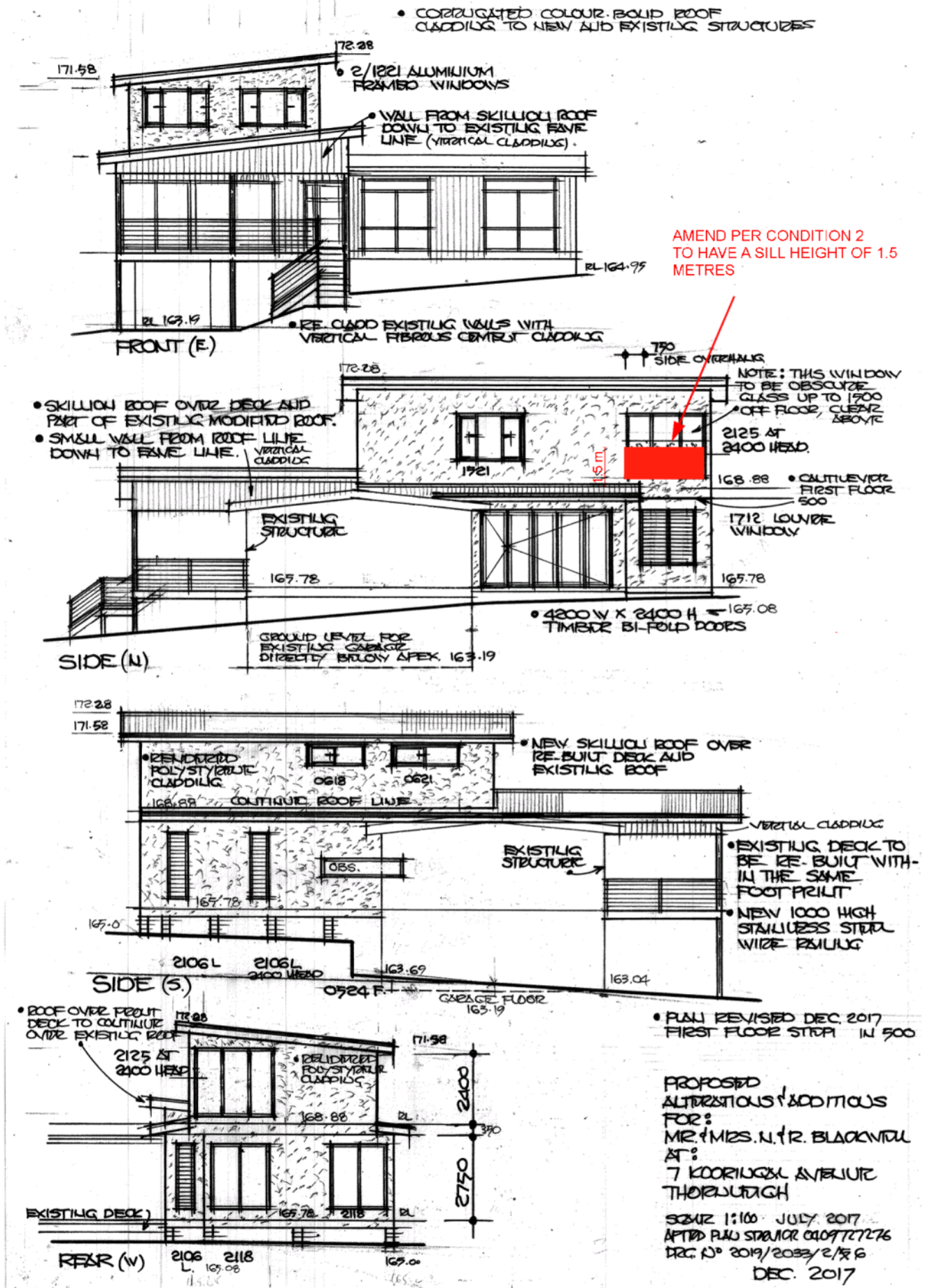


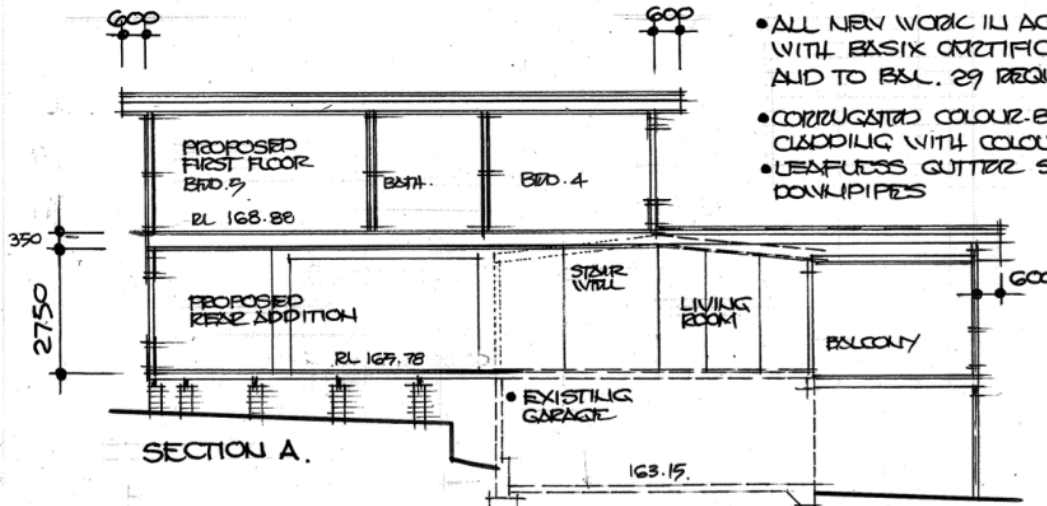
- CONNECT TO EXISTING STORMWATER TO FRONT KERB
- INSTALL COUNCIL APPROVED SEDIMENT CONTROL FENCE AS REQUIRED
- HARD COVER PERCENTAGE = 46%
- ALL NEW WORK IN ACCORDANCE WITH BASIC CERTIFICATE AND BAL. 29 REQUIREMENTS
- NOTE: REFER TO SURVEY PLAN BY TRUE NORTH SURVEYS!

SITE PLAN AND
SHADOWY PLAN
PROPOSED
ALTERATIONS & ADDITIONS
FOR:
MR. & MRS. N. & R. BLACKWELL
AT:
7 KOORINGA AVENUE
THORNTON
SCALE 1:200 JULY 2017
SPRINT PLAN SURVIVOR 010972725
DEC. N° 2019/2033/4/5

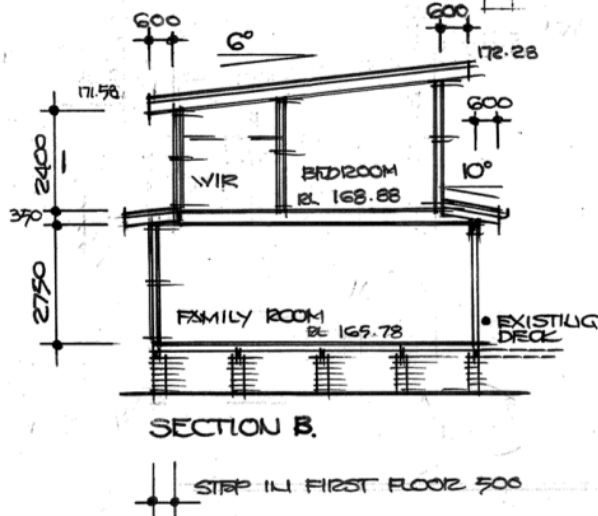
ATTACHMENT 4 - ITEM 3







- ALL NEW WORK IN ACCORDANCE WITH BASIC CERTIFICATE N°A 287217 AND TO B.S. 29 REQUIREMENTS
- CORRUGATED COLOUR-BOND ROOF CLADDING WITH COLOUR-BOND
- LEAFLESS GUTTER SYSTEM AND DOWNPIPES



- ALL STRUCTURAL REQUIREMENTS IN ACCORDANCE WITH ENGINEERS DETAILS
- FLAT ROOF FRAME AS SPECIFICATION
- SHED TIMBER FLOORING TO FIRST FLOOR WITH WATER-PROOF FLOORING TO WET ROOMS, POLISHED T.G. FLOORING TO GROUND FLOOR.
- STANDARD TIMBER FRAMED CONSTRUCTION AS SPECIFICATION
- 75% POLYSTYRENE CLADDING WITH SELECTED BEAUTIFIED FINISH
- PAINT ALUMINIUM FRAMED AND PAINT TIMBER FRAMED WINDOWS AND DOORS

- ALL NEW WORK IN ACCORDANCE WITH BASIC CERTIFICATE N°A 287217
- ENSURE ALL NEW SHOWER HEADS TOILET CISTERNS AND TAPS ARE A MINIMUM 3 STAR RATED
- ENSURE A MIN. 40% OF NEW LIGHTING IS FLOORE SCOT OR LED'S
- INSULATION REQUIREMENTS, UNDER FLOORING R-0.8 EXTERNAL WALLS - R1.3, CEILING R2.24 WITH A 55mm FOIL BACKED BLANKET UNDER ROOFING

WINDOW SCHEDULE

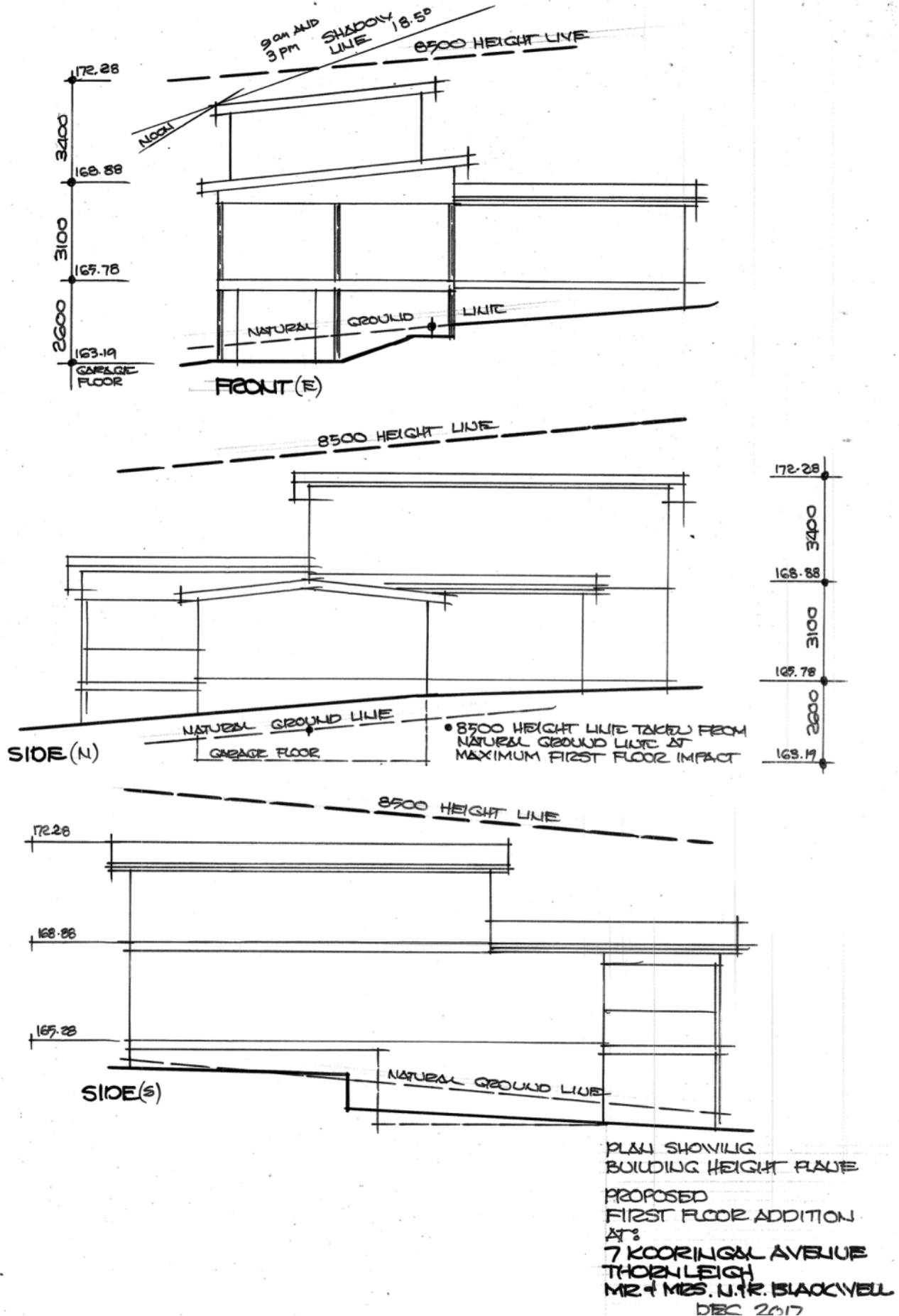
N°	DIR	AREA	SHADE	FRAME / GLASS TYPE
1	W	7.6	750	ALUMINIUM / SINGLE CLEAR
2	S	2.5	NIL.	" / "
3	S	1.2	NIL.	" / "
4	N	2.0	750	" / "
5	W	1.3	750	" / "
6	N	11.0	750	" / "
7	W	0.9	750	" / "
8	W	5.3	750	" / "
9	S	1.1	600	" / "
10	S	1.9	600	" / "
11	E	3.2	750	" / SINGLE TONED
12	E	3.2	750	" / "
13	N	3.2	750	" / SINGLE CLEAR
14	N	5.3	750	" / "

- B.S. 29 REQUIREMENTS
- FULLY ENCLOSE UNDERSIDE OF FLOOR IF LESS THAN 400 WITH A NON-COMBUSTIBLE MATERIAL.
- SUPPORTING POSTS TO BE A NON-COMBUSTIBLE MATERIAL OR BUSHFIRE RESISTANT TIMBER
- NON-COMBUSTIBLE WALL CLADDING TO INCORPORATE A BREATHABLE TYPE SEALING
- SECURE ALL WINDOWS, DOORS, VENTS ETC. WITH A STAINLESS STEEL MESH,
- ALUMINIUM FRAMED WINDOWS OR A BUSH FIRE RESISTANT TIMBER WINDOWS
- WEATHER STRIPS OR DRAFT EXCLUDER FITTED TO EXTERNAL HUNG DOORS.
- PLASTIC EXTERNAL VENTS SHALL NOT BE USED
- SHED ROOF FASCIA TO FASCIA, INDEX NOT MORE THAN 5
- METAL FASCIA, LEAFLESS GUTTER SYSTEM,
- FIRE RESISTANT DECKING PREFERRED, CLEARANCE OF 3mm
- BUSHFIRE RESISTANT DECKING SUPPORTING STRUCTURE OR STEEL

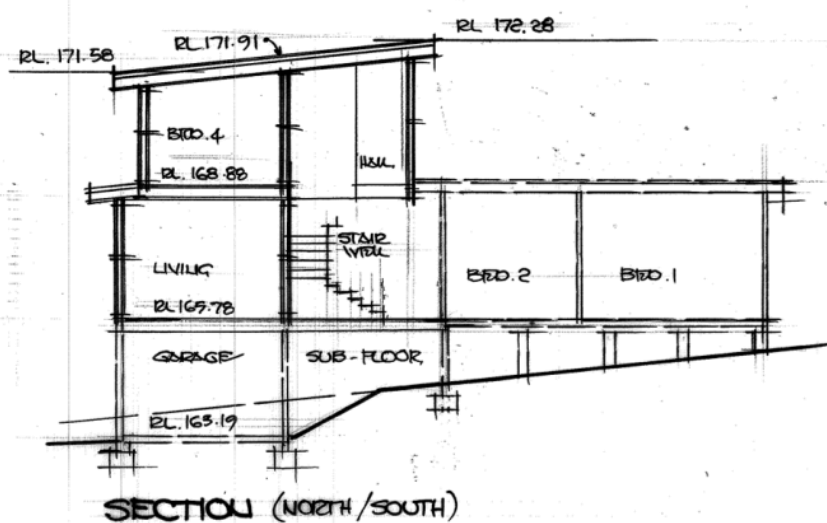
PROPOSED
ALTERATIONS & ADDITIONS
FOR:
MR. & MRS. N. & R. BLACKWELL
AT:
7 KOORINGAL AVENUE
THORNLEIGH

SQ. 1100 July 2017
APTD PLAN SERVICE 040972726
DEC. N° 2019/2033/3/9

DEC. 2017



ATTACHMENT 5 - ITEM 3



PROPOSED
FIRST FLOOR ADDITION
AT:
7 KOORINGAL AVENUE
THOROUGH
FOR:
MR. & MRS. N. & R. BLACKWELL

ATTACHMENT 5 - ITEM 3

1. Introduction

The Development Application (DA 1124/2017) for 7 Koorringal Avenue Thornleigh proposes a ground and first floor addition to an existing dwelling house.

This Clause 4.6 variation to the Height of Building control in the Hornsby Local Environmental Plan 2013 (HLEP 2013) has been prepared in response to the advice that the proposed addition (in the portion sited above the existing sub-floor garage), constitutes a technical exceedance of the Building Height control.

2. Clause 4.6 Exceptions to Development Standards

Clause 4.6 of the HLEP 2013 enables an exception to the height standard upon consideration of a written request from the applicant justifying the contravention in the terms stated below. Clause 4.6 of the HLEP reads as follows:

Clause 4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
(b) the public benefit of maintaining the development standard, and
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,

(c) clause 5.4.

3. The Development Standard to be varied

The development standard to be varied is Clause 4.3 Height of Buildings in the HLEP 2013. As identified on the HLEP 2013 Height of Buildings Map, the subject site has a maximum building height limit of 8.5m as identified in the figure below.



Maximum Building Height (m)

1 8.5

Figure 1 Height of Buildings LEP Map

Source: HLEP 2013

4. Extent of Variation to the Development Standard

The proposal will vary from the height control by 0.22m (2.5%) at the highest point relative to the existing garage floor level. This point is depicted in the revised section requested by the Independent Hearing & Assessment Panel at its meeting of 28 March 2018. The resulting highest point of the structure at the indicated point is 8.72m (i.e. RL171.91 minus 163.19). An extract of the section is provided below.

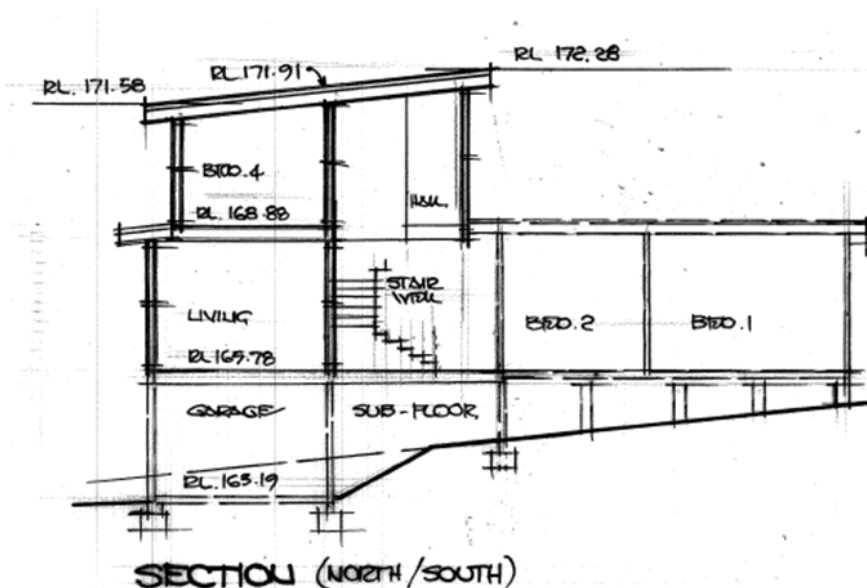


Figure 2 Section indicating highest point relative to existing garage below

The non-compliance is due to the proposed addition sitting above (in part) the rear of the existing garage. It is highlighted that the extent of the exceedance is less than 2.5m in width (as viewed from the street) and is less than 4m in depth as the non-compliance is limited to the rear portion of the existing garage.

It is noted that the element resulting in a breach of the height control is well set back from the Koorringal Avenue Road frontage and due to the topography of the site is only partially visible from the public domain.

For further clarity below are two 3 dimensional isometric 'terrain' diagrams indicating the proposed addition relative to an 8.5m height limit derived from the existing ground levels surrounding the dwelling. These diagrams have been produced from the data (i.e. levels) provided in the accompanying survey plan. As can be seen the proposed addition sits entirely within this 8.5 envelope.

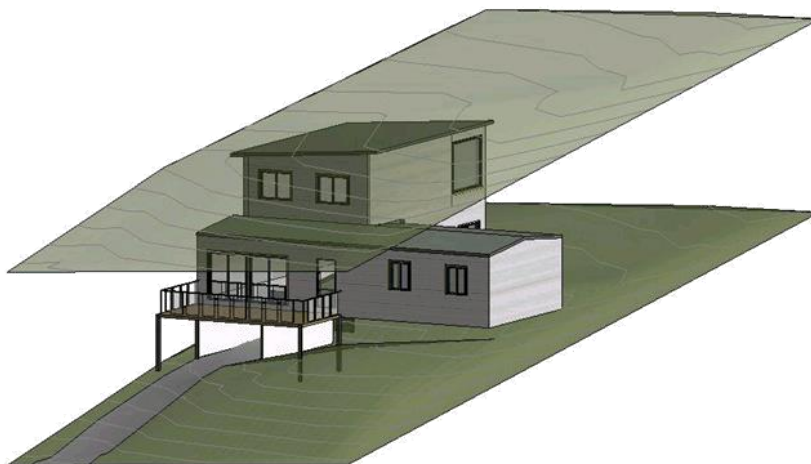


Figure 3 – isometric terrain diagram (N-E view)

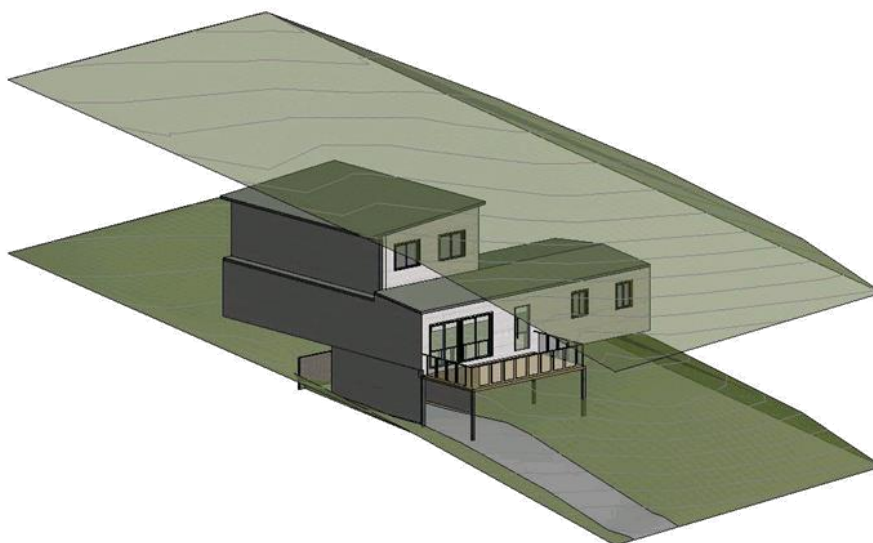


Figure 4 – isometric terrain diagram (S-E view)

5. Objectives of the Standard

The objectives of the Clause 4.3 Height of Buildings are as follows:

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

6. Objectives of the zone

The objectives of the R2 Low Density zone are as follows:

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

7. Assessment

Clause 4.6(3)(a) - Is Compliance with the development standard unreasonable or unnecessary in the circumstances of the case

Compliance with the height standard is unreasonable and unnecessary given the following circumstances of this case:

- The highest point of the variation is located close to the centre of the proposed building, which is setback from the front, side and rear boundaries, and is therefore not highly visible from the public realm or adjacent properties;
- The exceedance of the height control is extremely minor (22cm) and is close to being visually imperceptible when compared to fully compliant proposal;
- The exceedance arises due to the addition sitting (in part) above an existing partially excavated garage element constructed at the time of the original dwelling due to the slope of the site.

In the court case *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, Commissioner Pearson stipulates that the consent authority is to be satisfied the proposed development will be in the public interest because it is consistent with:

- *the objectives of the particular standard, and*
- *the objectives for development within the zone in which the development is proposed to be carried out.*

In *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7, the Chief Judge observed in his judgement at [39] that 4.6(4) of the Standard instrument does not require the consent authority to be satisfied directly that compliance with each development standard is unreasonable or unnecessary in the circumstances of the case, but only indirectly be satisfied that the applicant's written request has adequately addressed those matters.

This request for variation to the Height of Buildings control demonstrates that strict compliance with the height controls would be unreasonable and unnecessary as;

- The proposal will not significantly impact upon the amenity of the adjoining neighbours with regard to privacy or solar access,
- The proposal results in a better built form outcome than a fully compliant envelope in that an addition that was sited a further 4m to the west at the same maximum R.L would not sit above the existing garage and would therefore be technically fully compliant yet would result in a greater extent of overshadowing of the neighbouring property to the south,
- The proposed development is nevertheless consistent with the objectives of the height standard and R2 zone as described below and delivers a better public outcome than a fully complying building envelope.

- The contravention of the height standard does not raise any matter of State or regional planning significance; and
- There is no public benefit in maintaining the standard in the circumstances of the case as explained below.

Clause 4.6(3)(b) - Are there sufficient environmental planning grounds to justify contravening the development standard?

There are sufficient environmental planning grounds for the contravention to the height standard as follows:

- The Land and Environment Court in its recent decisions in *Four2Five vs Ashfield Council* has ruled that a clause 4.6 variation must do **more than** demonstrate that the development meets the objectives of the development standard and the zone, a test commonly referred to as the Wehbe Test #1 (which are matters dealt with further below). The clause 4.6 objection must **also** demonstrate some other environmental planning grounds that justify contravening the development standard, preferably some that are specific to the site, although that is not essential, according to the Court of Appeal decision in *Four2Five vs Ashfield Council*. The decision also suggests that the requirements under clause 4.6(3)(a) and (b) must not be 'watered down' and must be adequately addressed;
- The increased height will not significantly impact upon the amenity of adjoining neighbours, while it is consistent with the built form of surrounding development in particular, attention is drawn to several similar precedent images which accompanying this submission. These all include similar circumstances on sloping sites where more recent upper level additions sit above previously partially excavated garages and form a partial or full 3rd storey. These examples are located at; No's 7 & 23 Gilgandra Avenue Thornleigh, 8 Yaralla Crescent Thornleigh, No's 27 & 35 Wareemba Avenue Thornleigh, 2 Crestwood Avenue Thornleigh & 24 Caroola Crescent Normanhurst.
- The additional height will not significantly impact upon the amenity of the adjoining neighbours in terms of overshadowing, view loss and privacy;
- The proposal will provide for a high-quality redevelopment that responds to the sites context, and preserves the amenity of neighbours;
- Given the above strict compliance with the height controls would potentially hinder the attainment of the objects of the Act, and would not result in the orderly and economic use and development of land.

Clause 4.6(4)(a)(ii) - Is the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

In the court case *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, Commissioner Pearson stipulates that the consent authority is to be satisfied the proposed development will be in the public interest because it is consistent with:

- a) the objectives of the particular standard, and
- b) the objectives for development within the zone in which the development is proposed to be carried out.

In *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7, the Chief Judge observed in his judgement at [39] that 4.6(4) of the Standard instrument does not require the consent authority to be satisfied directly that compliance with each development standard is

unreasonable or unnecessary in the circumstances of the case, but only indirectly be satisfied that the applicant's written request has adequately addressed those matters.

The objectives of the development standard and the zone are addressed below under the relevant headings:

a) the objectives of the particular standard

The particular development standard is Clause 4.3 Height of Buildings of the HELP and the relevant objectives are addressed below. *The objectives of this clause are as follows:*

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

The proposal will not result in any excessive overshadowing impact on the private open space or living areas of adjacent properties. A fully compliant proposal would have a comparably greater impact in terms of extent (width) of overshadowing.

The height of the proposal will not give rise to any unacceptable visual impact or privacy issues. The visual impact of the building height is further mitigated by the building being well designed so that the lower level roof forms break up the apparent height and massing of the upper level, giving the appearance of being visually recessive as well as providing a high degree of visual interest through the use of facade articulation, window location and material selection.

The exceedance of the height limit arises largely due to the existing fall of the land (west to east) and the existing dwelling construction.

The proposal exhibits a minor variation to the height control for a portion of the roof form. The proposal is considered to meet the objectives of the development standard the subject of this variation and maintain the public interest. The proposal is consistent with the desired future character of the area given it is similar to a number of surrounding recent developments.

b) the objectives for development within the zone in which the development is proposed to be carried out.

The site is located within the R2 Low Density Zone and the relevant objectives are addressed below. The objectives of the R2 Low Density zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*

The proposed extension seeks to provide a relatively modest increase to the floor area of an existing dwelling to help meet the needs of a growing family. The proposal is considered to satisfy this zone objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal does not involve any non-residential use and is therefore compatible with this zone objective.

As discussed above the proposal is considered in the public interest as it is consistent with the objectives of the development standard and the R2 Low Density Zone. Furthermore, there is no significant benefit in maintaining the height standard as the proposed variation is a

relatively minor contravention of the height standard and facilitates a significantly better planning outcome with improved amenity and no significant adverse environmental impact.

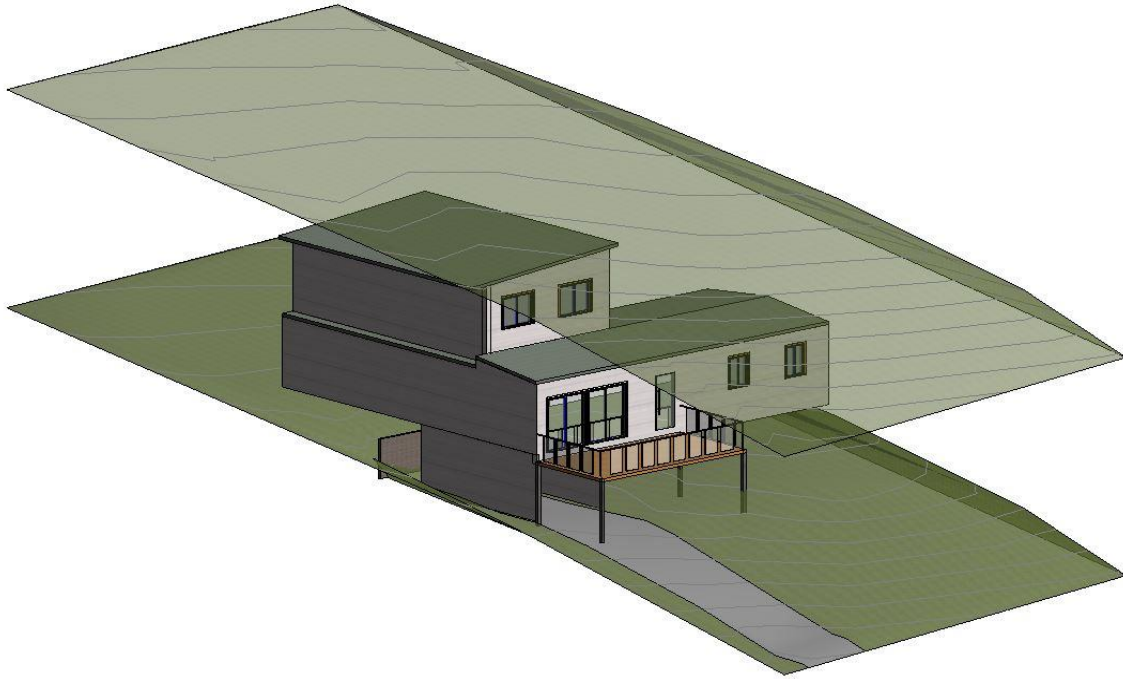
8. Any matters of significance for State or regional environmental planning

The contravention of the height standard does not raise any matter of State or regional planning significance.

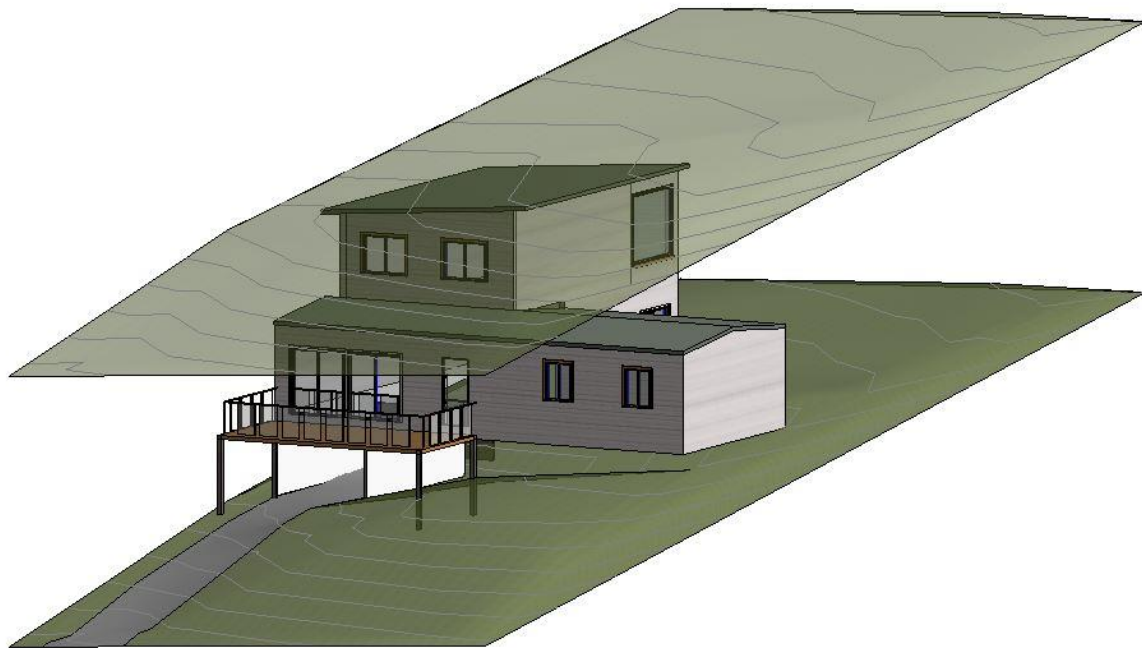
9. Conclusion to variation to height standard

This written request for an exception to the height standard under clause 4.6 of the HLEP for a portion of the upper level where it sits above an existing partially excavated garage. It justifies the contravention to the height standard in the terms required under clause 4.6 of the LEP, and in particular demonstrates that the proposal provides a significantly better planning outcome (compared to a fully compliant development) with no significant adverse environmental impacts, and therefore in the circumstances of the case:

- compliance with the height standard is unreasonable and unnecessary;
- there are sufficient environmental planning grounds for the contravention;
- it is in the public interest in being consistent with the objectives of the height standard and zone; and
- there are no matters of State or regional planning significance and no public benefits in maintaining the height standard in this case.



ATTACHMENT 7 - ITEM 3



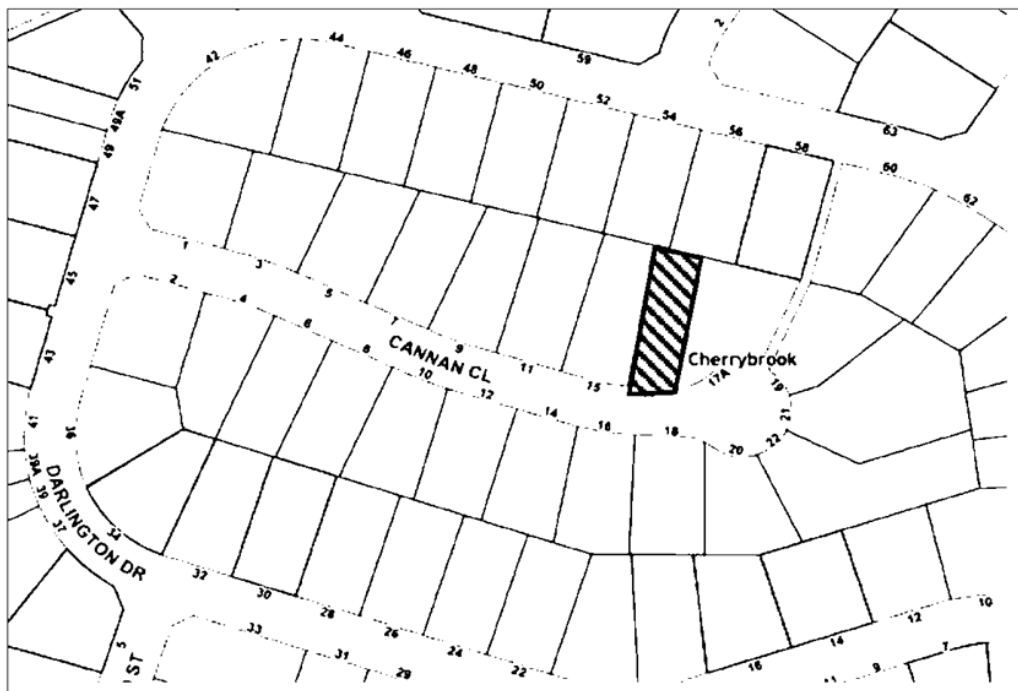
ATTACHMENT 8 - ITEM 3

ATTACHMENT/S

REPORT NO. LPP22/18

ITEM 4

- 1. LOCALITY MAP**
- 2. SITE PLAN**
- 3. FLOOR PLANS**
- 4. LANDSCAPE PLAN**
- 5. ELEVATIONS AND SECTIONS**
- 6. EROSION AND ANALYSIS**
- 7. 88B INSTRUMENT**
- 8. COMPLIANT CONCEPT PLAN**
- 9. ARCHITECTURAL CERTIFICATION**



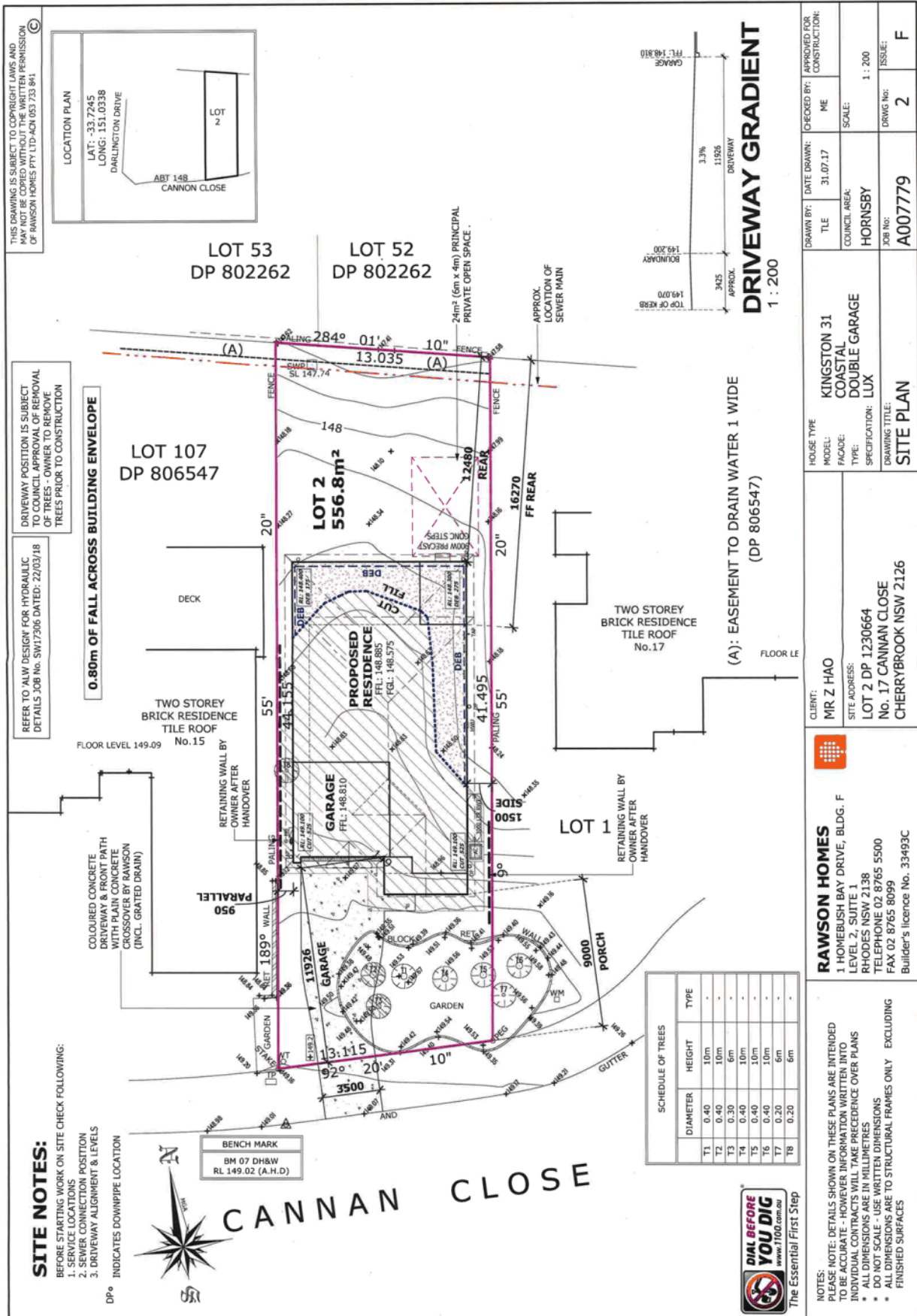
LOCALITY PLAN

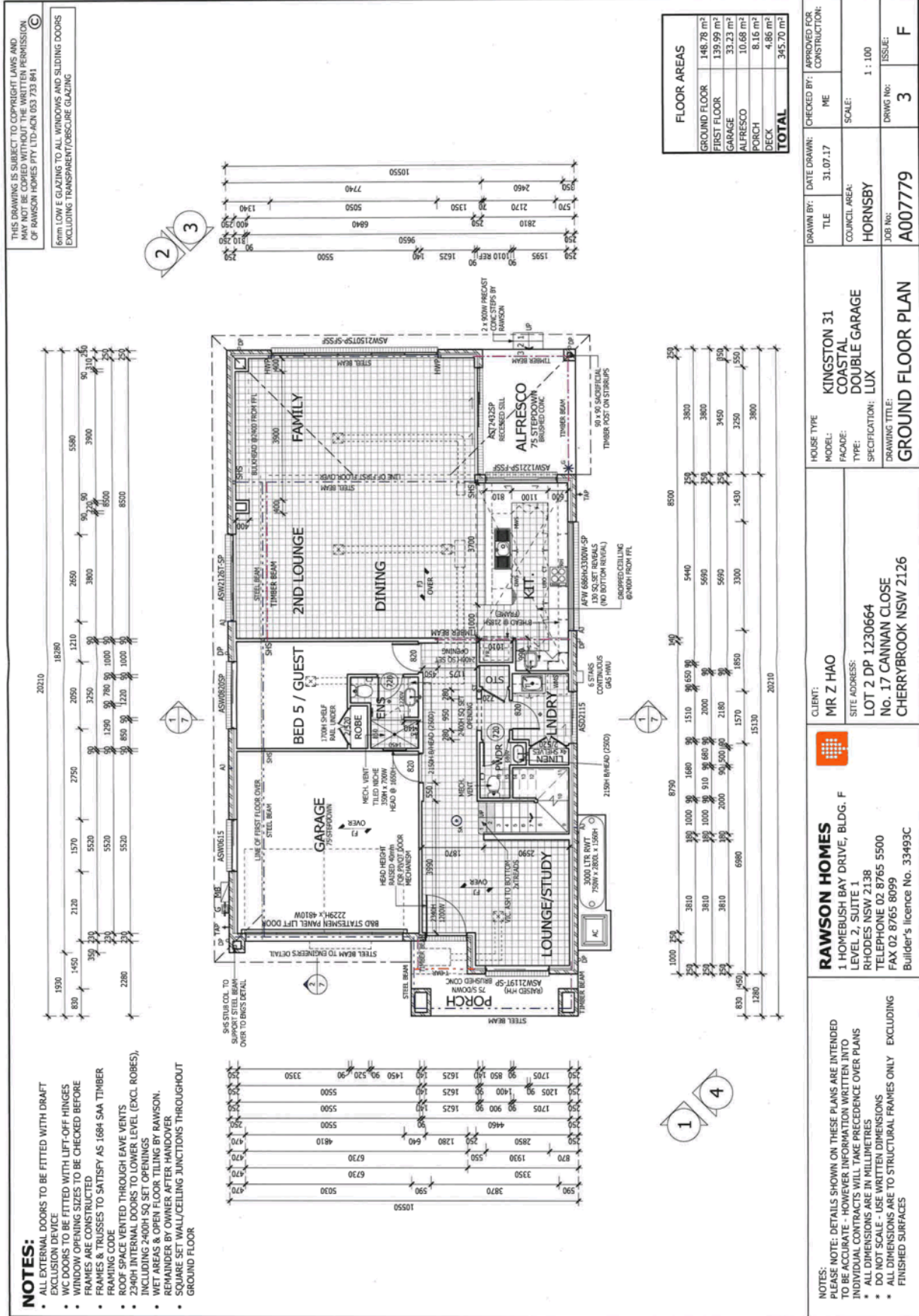
DA/1312/2017

Lot 2 DP 1230664 – No. 17 Cannan Close, Cherrybrook

ATTACHMENT 1 - ITEM 4

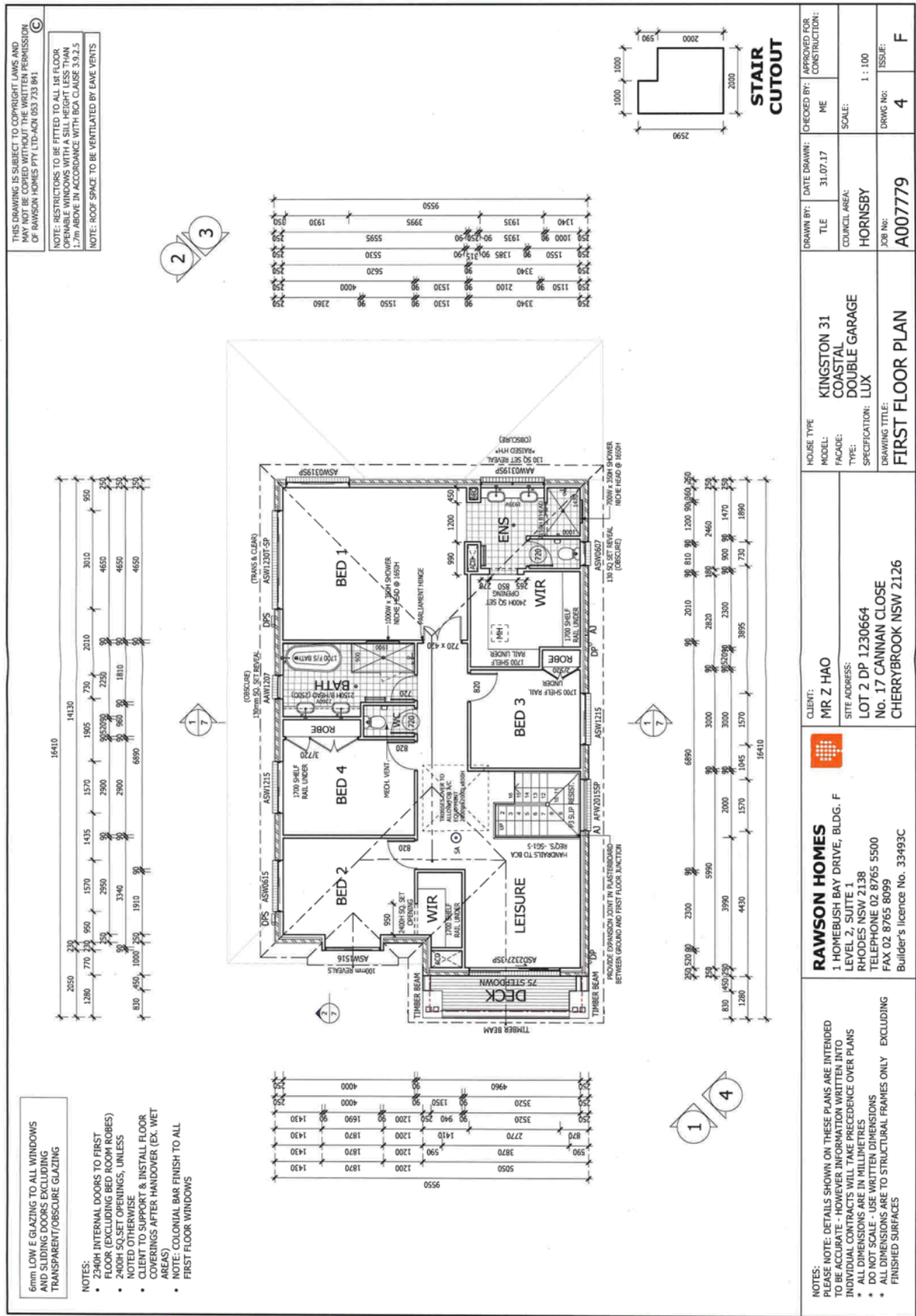
ATTACHMENT 2 - ITEM 4



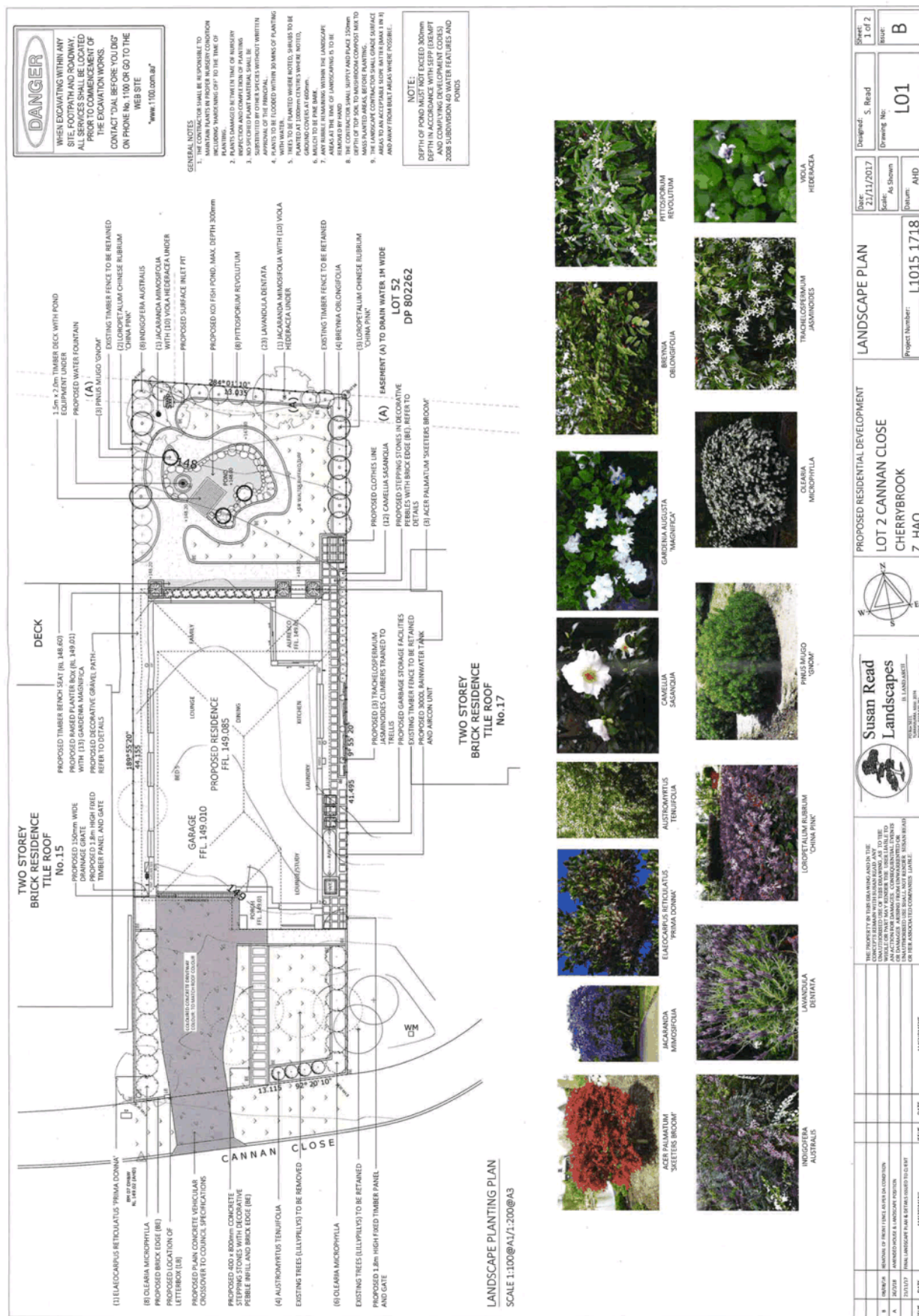


ATTACHMENT 3 - ITEM 4

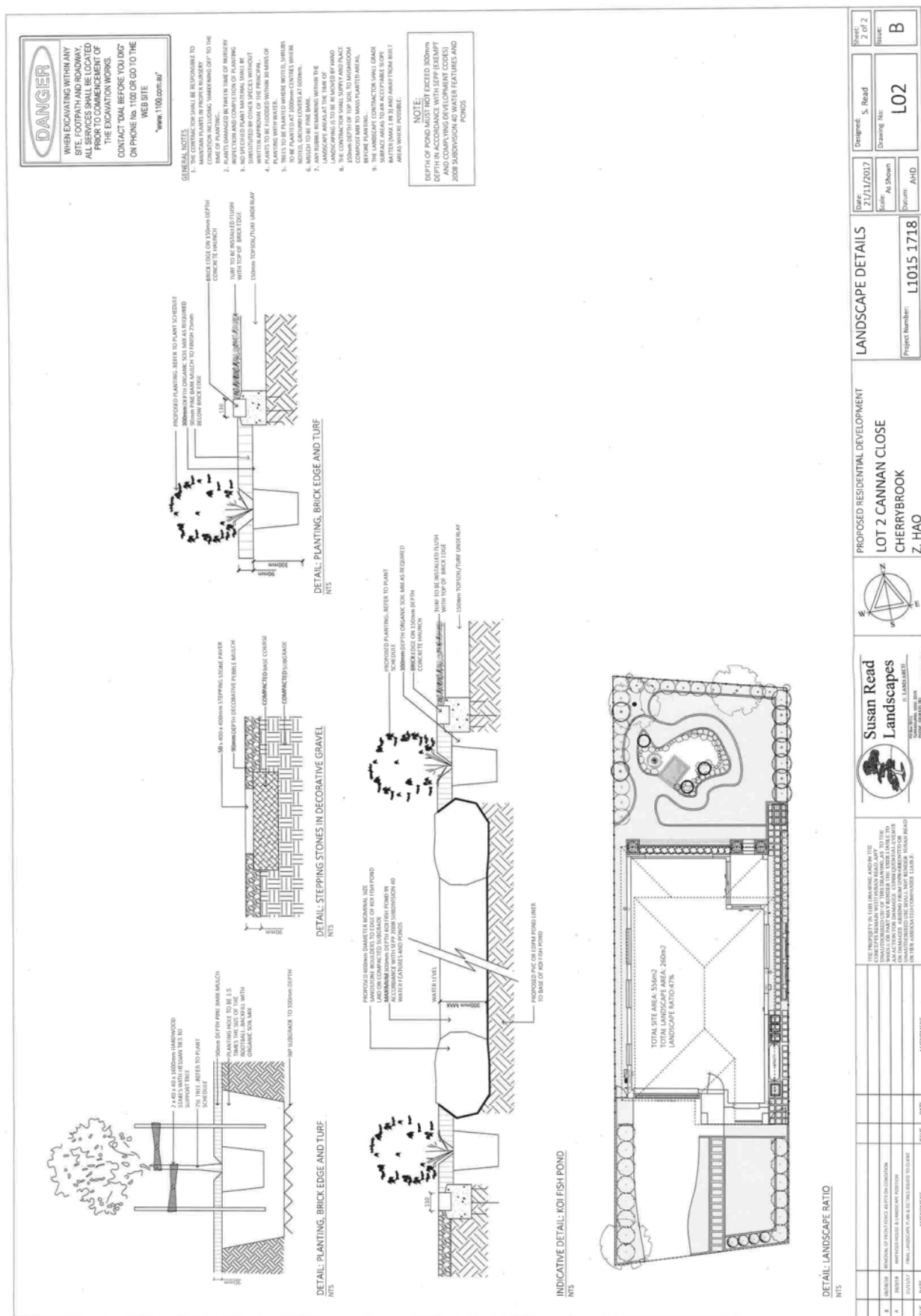
ATTACHMENT 3 - ITEM 4

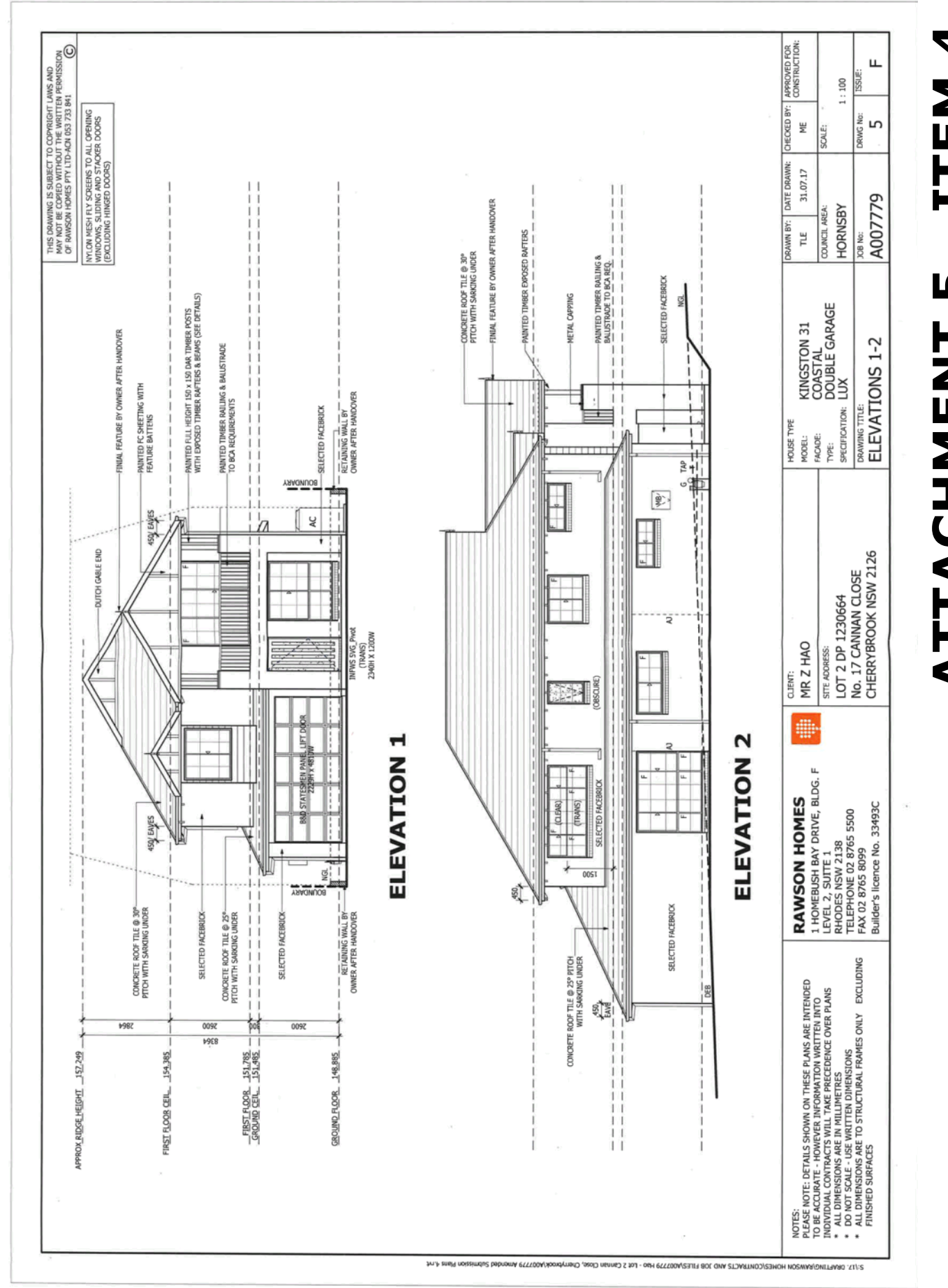


ATTACHMENT 4 - ITEM 4



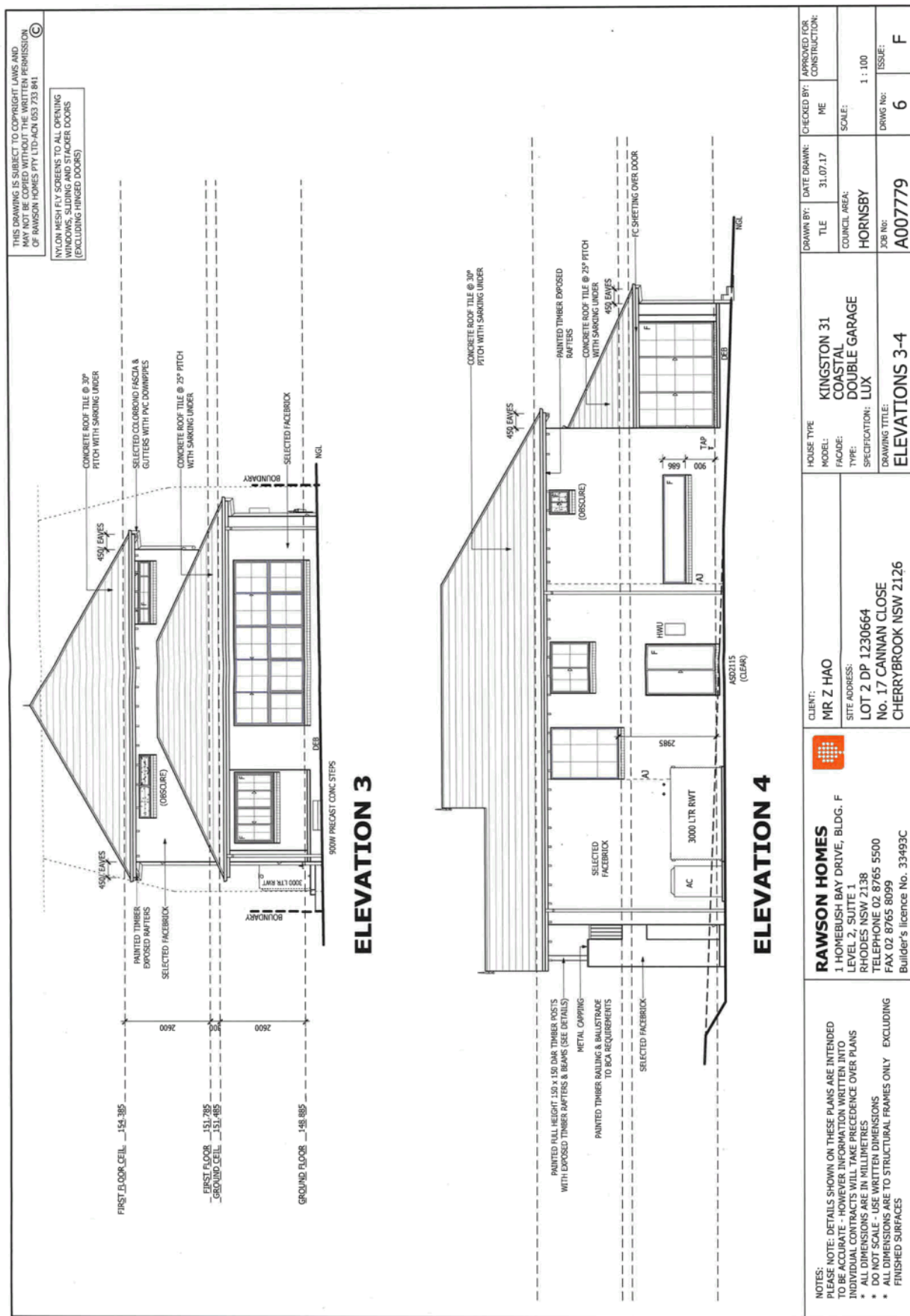
ATTACHMENT 4 - ITEM 4





ATTACHMENT 5 - ITEM 4

ATTACHMENT 5 - ITEM 4



ATTACHMENT 5 - ITEM 4

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OF RAWSON HOMES PTY LTD-ACN 053 723 841

INSULATION
R2.0 BATTIS TO CEILING WITH ROOF OVER (EXCLUDING CEILINGS OVER GARAGE, PORCH, ALFRESCO & BALCONY)
R2.0 BATTIS TO EXTERNAL WALL (INCLUDING WALLS BETWEEN GARAGE AND HOUSE)

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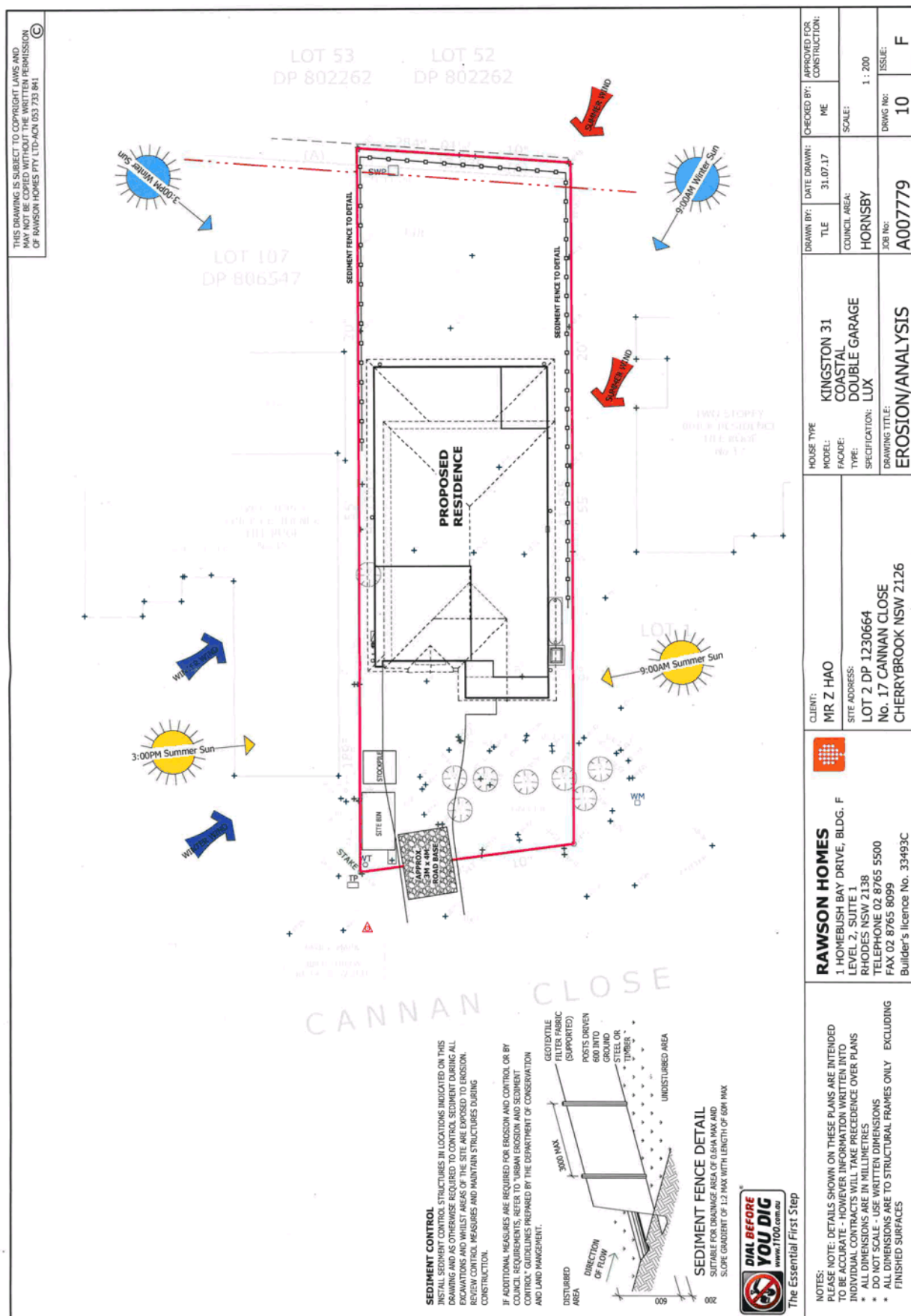
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ATTACHMENT 6 - ITEM 4



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ePlan

Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B and Section 88E of the Conveyancing Act, 1919.

(Sheet 1 of 3 Sheets)

Plan: **DP1230664**

Plan of Subdivision of Lot 1035
 in DP 812942 covered by
 Subdivision Certificate No: SC/27/2017
 Dated: 29 May 2017

**Full Name and address of the
 owner of the land:**

Suying Chen
 17 Cannan Close,
 Cherrybrook NSW 2126

Part 1 (Creation)

Number of item shown in the intention panel on the administration sheet	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot (s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities:
1	Restriction on the use of land	2	Hornsby Shire Council
2	Restriction on the use of land	2	Hornsby Shire Council
3	Restriction on the use of land	1	Hornsby Shire Council
4	Easement to drain water 1 wide	2	1

Part 1A (Release)

Number of item shown in the intention panel on the administration sheet	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot (s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities:
1	Easement to drain water 1 wide (DP806547)	1035/812942	1035/812942

Authorised Person/General Manager/Accredited Certifier


ATTACHMENT 7 - ITEM 4

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ePlan

(Sheet 2 of 3 Sheets)

Plan: **DP1230664**

Plan of Subdivision of Lot 1035
 in DP 812942 covered by
 Subdivision Certificate No: SC/27/2017
 Dated: 29 May 2017

Part 2 (Terms)

1. Terms of Restriction on use of land numbered 1 on the plan

No dwelling shall be erected on the burdened lot that extends beyond the development envelope depicted in Smith & Tzannes drawing 16_073 SD-A-SK004 annexed to the joint report filed in Land & Environment Court proceedings No. 2016/165887 on 23 September 2016.

2. Terms of Restriction on use of land numbered 2 on the plan

No dwelling shall be erected on the burdened lot unless the dwelling has been designed by a Registered Architect and the Architect has certified that in the Architect's opinion:

- i. The dwelling will have face brick construction on all external walls.
- ii. The dwelling will have pitched roofs similar to that of adjoining properties.
- iii. The dwelling will have layered gable roofing similar to adjoining properties (but smaller scale).
- iv. The dwelling will feature windows of vertical proportion in a ratio generally consistent with 1:1.6.
- v. The vertical proportions of the dwelling's front façade will be horizontally broken into two or more elements that expresses the internal functions of the dwelling.
- vi. There will be a finial on the dwelling's dominant leading gable roof fascia.

3. Terms of Restriction on use of land numbered 3 on the plan

No building or hard paved area is to be constructed over any part of the burdened lot depicted as 'soft landscaping' in the approved plan.

Name of authority empowered to release, vary or modify the Restrictions on the use of land and easement numbered 1 to 4 in the Plan

Hornsby Shire Council

Authorised Person/General Manager/Accredited Certifier



ATTACHMENT 7 - ITEM 4

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ePlan
 (Sheet 3 of 3 Sheets)

Plan: **DP1230664**

Plan of Subdivision of Lot 1035
 in DP 812942 covered by
 Subdivision Certificate No: SC/27/2017
 Dated: 29 May 2017

Signed in my presence by SUYING CHEN
 who is personally known to me

MR. TEIK KIEN YANG
9, Cannam Close,
Cherrybrook, NSW
 Name & address of Witness


 Signature of SUYING CHEN


 Signature of Witness

Approval of Mortgagee to AJ88033 – Bank of China (Australia) Limited ACN 110 077 622

I CERTIFY I AM AN ELIGIBLE WITNESS AND THAT THE
 MORTGAGEE'S ATTORNEY SIGNED THIS DEALING IN MY
 PRESENCE.

SIGNATURE: 

NAME OF WITNESS: VZ ZHAO
 ADDRESS OF WITNESS: 39-41 York Street, Sydney NSW 2000

CERTIFIED CORRECT FOR THE PURPOSES OF THE REAL
 PROPERTY ACT 1900 BY THE PERSON(S) NAMED BELOW WHO
 SIGNED THIS INSTRUMENT PURSUANT TO THE POWER OF
 ATTORNEY SPECIFIED.

SIGNATURE: 

FULL NAME: DAVID GEORGE INGRAM
 POSITION: CHIEF RISK OFFICER

PURSUANT TO POWER OF ATTORNEY BOOK 4480 NO 702

EXECUTED on behalf of Hornsby Shire Council
 by its Authorised delegate pursuant to s.378 Local Government Act 1993


 (Signature of Authorised delegate)

Chris Fraser
 (Name of Authorised delegate)

I certify that I am an eligible witness and that the Authorised delegate signed in my presence


 (Signature of Witness)

Roslyn Hall
 (Name of Witness)

296 Peats Ferry Road, Hornsby, NSW, 2077
 (Address of Witness)

Authorised Person/General Manager/Accredited Certifier

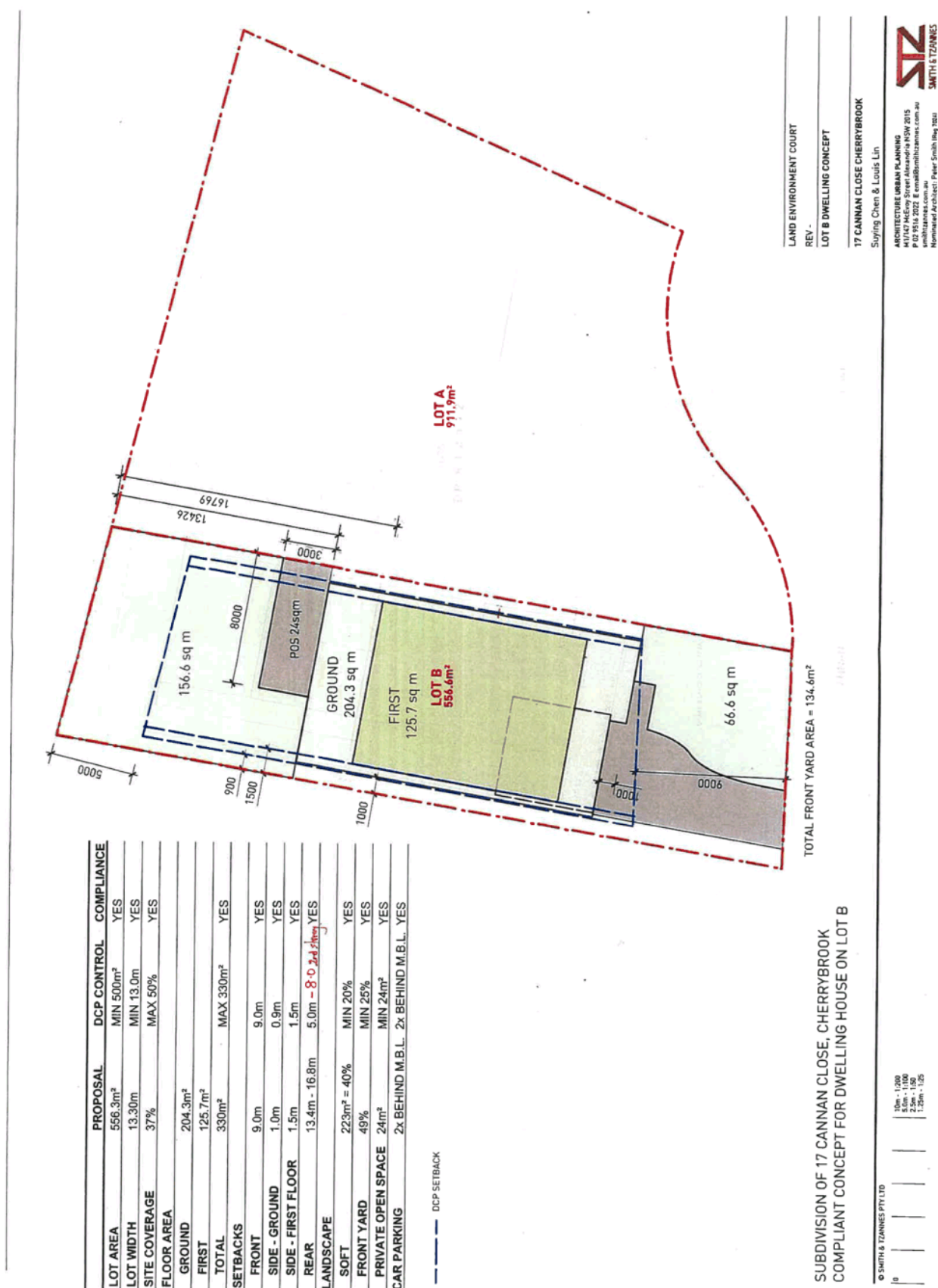


27.06.2017



REGISTERED

ATTACHMENT 7 - ITEM 4



ATTACHMENT 8 - ITEM 4



19 Mar 2018

Kellie Taylor

Rawson Homes
1 Homebush Bay Drive,
Building F, Level 2, Suite 1,
Rhodes NSW 2138

ARCHITECTURAL CERTIFICATION

DESIGN REVIEW - CANNAN CLOSE CHERRYBROOK [18_003]

Dear Kellie,

In accordance with the terms of restriction on use of the land number 2 in lot 1035 in DP812942. We have reviewed the plans and certify that:

- i. The dwelling will have face brick construction on all external walls
- ii. The dwelling will have pitched roofs similar to that of adjoining properties
- iii. The dwelling will have layered gable roofing similar to adjoining properties (but smaller scale)
- iv. The dwelling will feature windows of vertical proportion in a ratio generally consistent with 1:1.6
- v. The vertical proportions of the dwellings front façade will be horizontally broken into two or more elements that express the internal functions of the dwelling
- vi. There will be a finial on the dwellings dominant leading gable roof fascia

The following drawings are certified to illustrate these elements:

Drawings prepared by Rawson Homes dated 31-07-2017 noted Issue C - 27-02-2018 numbered:

- 1 COVER SHEET
- 2 SITE PLAN
- 3 GROUND FLOOR PLAN
- 4 FIRST FLOOR PLAN
- 5 ELEVATIONS 1-2
- 6 ELEVATIONS 3-4
- 7 SECTIONS

Yours Faithfully
SMITH & TZANNES

Peter Smith
Director
Registered Architect 7024

**ARCHITECTURE
URBAN PLANNING**

+ 61 2 9516 2022
email@smithtzannes.com.au
www.smithtzannes.com.au

M1/147 McEvoy Street
Alexandria NSW 2015

DIRECTORS:
Peter Smith 7024
Andrew Tzannes

Smith and Tzannes Pty Ltd
ABN 96 142 020 693