

**JOINT REGIONAL PLANNING PANEL  
Sydney East Region**

<b>JRPP No</b>	2013SYE108
<b>DA Number</b>	DA2013/1447
<b>Local Government Area</b>	Sydney East Region
<b>Proposed Development</b>	Commercial Development – Construction of Shopping Centre (Glenrose Shopping Centre) comprising of Woolworths Supermarket, speciality shops and associated signage, Parking and Landscape works including Demolition works.
<b>Street Address</b>	Lot 4 DP 548285 and Lot 104 DP 597544, 56 - 58 Glen Street Belrose NSW 2085
<b>Owner</b>	The Trust Company Limited
<b>Applicant</b>	Fabcot Pty Ltd
<b>Number of Submissions</b>	48 submissions, including 1 petition.
<b>Recommendation</b>	Deferred Commencement Approval
<b>Report by</b>	Malcolm Ryan, Deputy General Manager Environment

**ASSESSMENT AND RECOMMENDATION**

<b>Assessment Officers:</b>	Lashta Haidari and Luke Perry
<b>Land to be developed:</b>	Lot 4 DP 548285 and Lot 104 DP 597544, 56 - 58 Glen Street, Belrose
<b>Zoning:</b>	B2 Local Centre
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Joint Regional Planning Panel (JRPP)
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	The Trust Company Limited
<b>Applicant:</b>	Fabcot Pty Ltd
<b>Application lodged:</b>	3 December 2013
<b>Application Type:</b>	Integrated

<b>State Reporting Category:</b>	Commercial
<b>Estimated Cost of Works:</b>	\$30,849,000
<b>Notified:</b>	13 December 2013 to 20 February 2014
<b>Advertised:</b>	14 December 2013
<b>Submissions:</b>	48 individual submissions (which comprises of 42 letters objecting and 6 letters in support); and one (1) petition with 68 signatures supporting the proposal
<b>Submission Issues</b>	<ul style="list-style-type: none"> <li>• Pedestrian access and safety</li> <li>• Acoustic impacts</li> <li>• Traffic impacts</li> <li>• Building Height</li> <li>• Security</li> <li>• Impact of pylon signs</li> <li>• Lighting impact</li> <li>• Notification process</li> <li>• Potential flooding impacts</li> <li>• No provision for services</li> <li>• Insufficient landscaping</li> <li>• Building bulk</li> <li>• Privacy</li> </ul>
<b>Assessment Issues</b>	<p><u>Warringah Local Environmental Plan 2011</u></p> <ul style="list-style-type: none"> <li>• Clause - 4.3 Height of buildings Development Standard (supported)</li> <li>• Clause - 6.3 Flood planning</li> </ul> <p><u>Warringah Development Control Plan</u></p> <ul style="list-style-type: none"> <li>• Clause D3 - Noise</li> <li>• Clause D23 - Signs</li> <li>• Clause E7 - Development on land adjoining public open space</li> <li>• Clause E11 - Flood Prone Land</li> </ul>
<b>Recommendation:</b>	<b>Deferred Commencement Approval</b>
<b>Attachments</b>	<p>Attachment 1 - List of submissions</p> <p>Attachment 2 – Pre-Lodgement Minutes</p>

## SITE DESCRIPTION

The site is legally described as Lot 4, DP 548285 and Lot 104, DP 597544 and is known as Nos. 56 - 58 Glen Street, Belrose.

The site is located on the northern side of Glen Street and has an area of 23,145m<sup>2</sup>.

The site has a frontage to Glen Street which is 165.15m in length and a frontage to Glenrose Place of over 90m in length. The topography of the site is characterised by a fall of approximately 6.0m from Glen Street to the northern (rear) boundary.

A part of the Glenrose Shopping Centre currently occupies the eastern half of the site. The western half of the centre has been demolished and remediation works have been completed. The existing shopping centre accommodates Woolworths supermarket and eight (8) specialty retail tenancies.

The majority of the site is developed, with extensive car parking areas surrounding the centre. Sporadic tree planting and landscaping have been provided within the at-grade car park adjoining Glen Street.

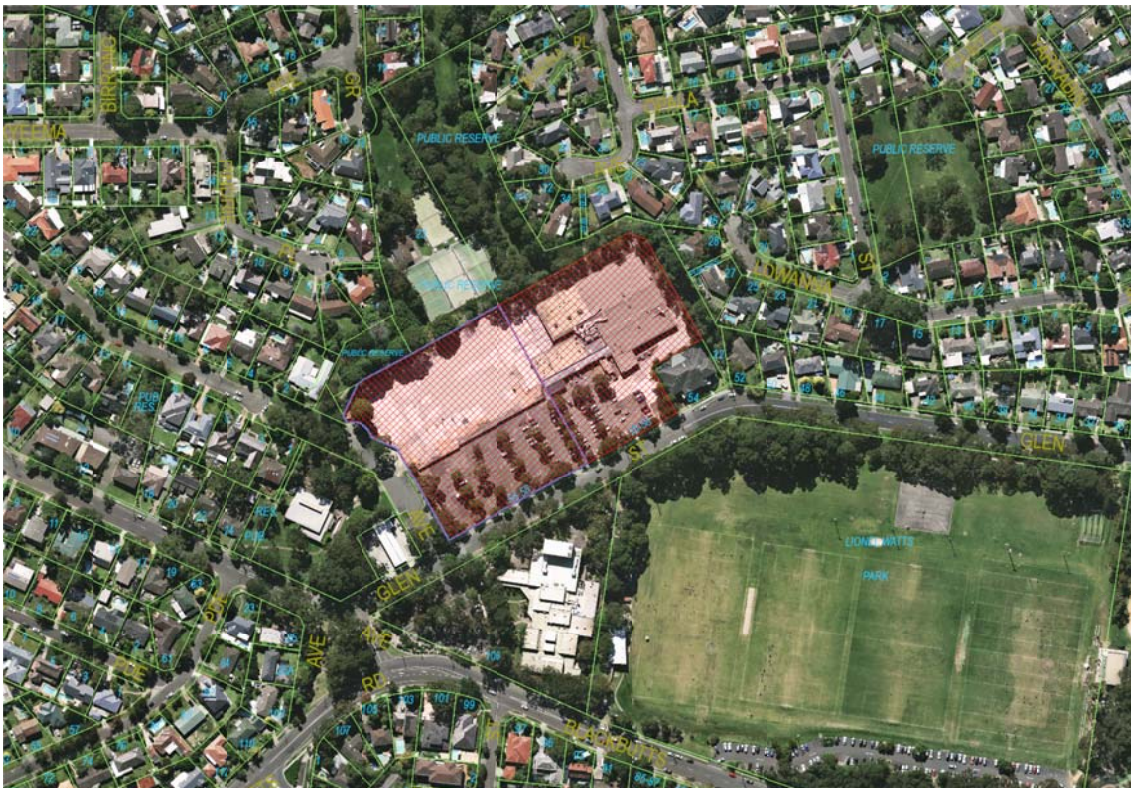
Five vehicular crossings from Glen Street enable vehicles to access and egress the site. Vehicles are also able to exit the site from a crossing which adjoins the northern end of Glenrose Place.

The site is located within Glen Street Village which is characterised by a variety of land uses. A shop-top housing development currently occupies the site known as No. 54 Glen Street, which adjoins the south-east corner of the site. The Belrose library and a service station are located on the western side of Glenrose Place. The Glen Street Theatre and Lionel Watts Park are located directly opposite the site on the southern side of Glen Street.

The development surrounding Glen Street Village is predominantly characterised by detached single dwellings.

Two areas of public open space are located within close proximity to the site. Wingara Reserve adjoins the site to the north and Lionel Watts Reserve is located on the southern side of Glen Street opposite the south-eastern corner of the site.

## SITE MAP



## **DEVELOPMENT HISTORY**

### DA2006/0079

DA2006/0079 was lodged with Council for the redevelopment of the Glenrose Shopping Centre to provide 24,751m<sup>2</sup> Gross Leasable Floor Area (GLFA) and 1,095 off street car parking spaces.

The application was amended a number of times resulting in a reduced development comprising 15,585m<sup>2</sup> (GLFA) and 680 car spaces.

The application was reported to the Independent Hearing and Assessment Panel (IHAP) on 17 June 2008 with a staff recommendation for approval. The panel recommended that the application be refused, which was adopted by Council at its meeting on 8 July 2008.

### DA2009/1158

DA2009/1158 was lodged with Council as a Stage One Development Application. The application included a concept plan for the redevelopment of the Glenrose Shopping Centre and a detailed proposal for the first stage of the development, including partial demolition and alterations to the existing shopping centre.

The concept plan included building envelopes for future redevelopment of the shopping centre comprising in total a maximum Gross Leasable Floor Area of 10,000m<sup>2</sup> and an increase in car parking spaces from 360 to 430 spaces.

The Stage 1 works included the demolition of the western side of the shopping centre to allow for remediation works on this portion of the site which was found to be contaminated. The works resulted in approximately two thirds of the shopping centre being demolished retaining only the existing Woolworths supermarket and eight (8) special retail tenancies.

The application referred to the Joint Regional Planning Panel (JRPP) on 10 December 2009 where it was approved.

### MOD2010/0078

MOD2010/0078 was lodged with Council to modify consent No. DA2009/1158.

The modifications involved a reduction of the remediation zone, the retention of the existing NAB bank, fish shop and vacant cafe tenancy; conversion of the vacant cafe tenancy into a centre management office; addition of a kiosk within the retained shopping centre area; addition of a temporary amenities building at the entry to the retained shopping centre; removal of a further two trees within the at grade car park; and the provision of an additional three (3) car parking spaces within the at-grade car park.

The application was approved on 29 July 2010.

### PLM2013/0115

A pre-lodgement meeting was held on 18 September 2013 to discuss the subject application. The plans submitted as part of the pre-lodgement are similar to those submitted as part of this application.

A copy of the notes provided by the Council in relation to the pre lodgement meeting are attached to this report (refer to Attachment 2).

The notes raise specific issues that were required to be addressed prior to the lodgement of the development application including issues relating to stormwater, flooding, and achieving consistency with the zone objectives.

## **DEVELOPMENT IN DETAIL**

The subject application seeks consent for the construction of a retail centre (known as the Glenrose Shopping Centre) with associated car parking, signage and Landscape works.

Specifically, the proposal involves the following works:

### Demolition, Excavation and Landscaping works

- Demolition of remaining shopping centre;
- Earthworks involving 5,030m<sup>3</sup> of cut and 15,188m<sup>3</sup> of fill; and
- Landscaping within the at-grade car parking area, screen planting along the north western boundary and replacement trees planted along the north eastern boundary.

### Construction of retail premises (shopping centre)

A single level retail premises totalling 10,243m<sup>2</sup> GLFA, including:

- 765m<sup>2</sup> of food shops;
- 100m<sup>2</sup> of kiosks;
- 2,453m<sup>2</sup> of Mini-major stores;
- 300m<sup>2</sup> of pharmacy;
- 1,991m<sup>2</sup> of specialty retail; and
- 4,634m<sup>2</sup> of supermarket (currently the Woolworths Supermarket).

### Car Parking (total of 522 spaces), Access and Loading dock Facilities

- Provision of 522 parking spaces, including:
  - 161 spaces at-grade;
  - 340 spaces at car park level;
  - 21 spaces for staff at basement level;
- Centre loading dock at the rear of the shopping centre (north western elevation);
- Two bay loading dock accessed off Glenrose Place to service the supermarket (Woolworths);
- Ramped two-way access to centre loading dock and staff car parking (north eastern elevation);
- Two-way access to car park level on north eastern elevation; and
- Two way car park level access on off Glenrose Place (south western elevation).

### Signage

- Provision of 16 signs, including:
  - 3 pylon signs between 12m - 16m in height;
  - 13 wall/fascia signs ranging in size from 3.73m - 13.5m in width and between 0.47m - 4m in height; and
- The fascia/wall signs are predominantly located on primary facade of the building addressing Glen Street and the at-grade car parking area.

### Centre hours of operation and future uses of the centre

- The proposed hours of operation are 7am - 10pm, Monday - Sunday;

- The proposed hours for loading and unloading on site is from 7am to 7pm, Monday - Sunday; and
- The proposal specifically seeks consent for the use of the centre for the purpose of a 'Retail Premises'. This allows for greater flexibility for the future use of the centre and removes the requirement for new Development Applications to be lodged for any retail use. Any proposed use beyond the definition of a 'Retail Premises' would require separate development consent.

## AMENDMENTS TO THE APPLICATION

Throughout the assessment of the subject application a number of issues arose that required amendment to the application. These included:

- Insufficient landscaping along Glen Street and impact on trees within the adjoining Council reserve;
- Insufficient information provided to assess the flooding impacts and stormwater management;
- Traffic Impacts, additional information required to assess the application on traffic grounds;
- Pedestrian access; and
- Traffic and Pedestrian impacts on Glenrose Place.

Following a meeting with the applicant on 26 June 2014, amended plans and supporting information have been submitted which have enabled a full assessment of the application to be undertaken and enable conditions of consent to be recommended.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1)(a)(i) – Provisions of any environmental planning instrument	See discussion under 'Environmental Planning Instruments' in this report.
Section 79C (1)(a)(ii) – Provisions of any draft environmental planning instrument	None Applicable.
Section 79C (1)(a)(iii) – Provisions of any development control plan	See discussion under 'Warringah Development Control Plan 2011' in this report.
Section 79C (1)(a)(iia) – Provisions of any planning agreement	None Applicable.
Section 79C (1)(a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed Conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p>

Section 79C 'Matters for Consideration'	Comments
	<p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
<p>Section 79C (1)(b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report and found to be acceptable subject to conditions.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering use proposed are permissible within the zone and the development will revitalise a declining centre.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use. This matter has been addressed in detail after this table in (refer to 'Economic Impact').</p>
<p>Section 79C (1)(c) – the suitability of the site for the development</p>	<p>The site is considered to be suitable for the proposed development based on the existing use of the site, and that it has good level of pedestrian/vehicular access and access to public transport.</p> <p>The on-going use of the site as a retail premises will allow it to continue to serve the retail needs of the locality.</p> <p>The site is located adjacent to a public open space area (Lionel Watts Park) and within an area that provides significant areas of landscaping and open space for the use of the community. This established landscape character is re-enforced within the zone objectives as a desired future outcome for development and the subject site. This presents design challenges given the proposed siting of the building, at grade car parking area and its relationship with the adjoining public open space areas. The amended landscape plans submitted increase the area of landscaped zones within the at grade car parking area and this is considered to be satisfactory in addressing the objectives of the zone and establishing a landscaped setting.</p> <p>Further the site is relatively unconstrained in terms of the topography and other natural features, with the exception of the site being flood affected.</p> <p>The development has incorporated into its design, measures to address flooding and remediation works. However, while indicative measures have been provided to address potential flooding impacts, further information is required to ensure that flooding is appropriately addressed and compliance with the requirements of Council's flooding controls and to demonstrate that there is no flooding impact on neighbouring properties.</p> <p>In this regard, deferred commencement conditions have been recommended requiring further information to be submitted for assessment in relation to flooding.</p> <p>Subject to satisfying the deferred commencement conditions and</p>

Section 79C 'Matters for Consideration'	Comments
	other conditions included in the recommendation of this report, the site is considered to be suitable for the proposed development.
Section 79C (1)(d) – any submissions made in accordance with the EPA Act or EPA Regs	Refer to the discussion on "Notification & Submissions" within this report.
Section 79C (1)(e) – the public interest	<p>The planning controls applicable to the site provide the public with a level of certainty as to the scale, intensity and desired elements of future development envisaged for the zone.</p> <p>The continuance of a retail premises on the subject site serves the wider public interest, as evidenced by a number of submissions that are, generally, in support of the proposal on the basis that the shopping centre is in need of repair/redevelopment and it will continue to provide for the retail needs of the locality.</p> <p>The redevelopment of the site will attract a wide variety of retail uses improving the localities access to a range of goods and services. The site is easily accessible and reduces the need for vehicular trips to be made to other, more distant, retail centres to access goods and services.</p> <p>The scale and form of the development, as amended, complements the visual qualities of the area such as the established streetscape character and the landscaped setting of surrounding land uses.</p> <p>In order to fully determine the flooding impacts of the development, deferred commencement conditions have been included in the recommendation of this report to ensure that there are no flooding impacts for neighbouring properties.</p> <p>Upon the satisfaction of the deferred commencement conditions and conditions contained within the recommendation of this report, the proposed development is found to be in the public interest.</p>

### Section 79C (1)(b) - Economic Impact Assessment

The economic impact of the development was assessed in detail at the time of the Stage 1 development application. The assessment considered the decisions handed down in *Fabcot Pty Ltd v Hawkesbury City Council* (97) LGERA, and *Kentucky Fried Chicken Pty Ltd v Gantidis* (1979) 140 CLR 675 at 68. The economic assessment of the Stage 1 DA (DA2009/1158) deemed that the proposal would not result in an unacceptable or unreasonable economic impact.

An *Economic Impact Assessment* (EIA), prepared by MacroPlanDimasi and dated November 2013, has been submitted with this application. The EIA defines the likely trade area sector and physical trade area as:

*"The likely trade area to be 'served by the proposed retail facility incorporates a primary and two secondary trade sectors. The trade area is limited to the north by Ku-ring-gai Chase National Park, to the east by Morgan Road, and is bound to the south and west by the Middle Harbour waterways".*



The EIA further defines the main trade area population consisting of a relatively high proportion of people aged 60+ and a large proportion of families with dependent children.

There are three shopping centres located within the main trade area that expected to be impacted upon, which includes the Forestway Shopping Centre, Belrose Shopping Centre (IGA) and the Terrey Hills Shopping Centre (Friendly Grocer).

The EIA states that trading impacts between 10-15% are typically considered by the industry to be moderate, with impacts less than 10% considered relatively minor. It further states that factors such as the current trading performance, potential loss of services to the community, expected growth in the region and overall net community benefit should also be considered when assessing the likely consequences of any trading impacts.

In this context, the EIA outlines the projected trading impact on these centres as follows:

*'The largest impacts are expected to be on the closest full-line supermarket based centre at Forestway SC (11.9% of total sales). Forestway contains the same two supermarkets as proposed for Stockland Glenrose supporting the level of impact likely to be experienced by this centre.'*

*Forestville SC, anchored by a full-line Coles supermarket, is expected to experience the next highest trading impact in the order of \$6.5 million (11.7% of total sales). We also expect minor impacts to be experienced by Belrose SC (IGA) and Terrey Hills SC (Friendly Grocer) being 8.5% and 8.0%, respectively.*

*The impacts outlined above, however, overstate the real impacts of the expanded centre as compared with the floor space which previously existed at the Stockland Glenrose site, because the starting position reflects the fact that some 3,790m<sup>2</sup> of previously existing retail floor space at the site has already been demolished.*

*In other words, the surrounding network of competitive centres have enjoyed a benefit as a result of the recent demolition of retail floor space at Stockland Glenrose.'*

The EIA further states: *'We have identified an existing market gap of about 6,200m<sup>2</sup> of supermarket floor space in the main trade area. This gap is estimated to be about 2,900m<sup>2</sup> by 2016, even after the addition of the proposed space at Stockland Glenrose, and to increase further in subsequent years.'*

The EIA demonstrates that whilst the redevelopment of Glenrose Shopping Centre will have a minor impact on other shopping centres within the main trade area, and shopping centres within the local area, there is sufficient local retail and supermarket demand to ensure that the viability of other shopping centres within the region will not be jeopardised.

It is important to note the employment sector is also expected to benefit from the proposed development, during the construction phase and through the on-going operation of the shopping centre. The shopping centre is expected to generate an estimated 236 jobs at operation stage and a further estimated 333 temporary construction jobs during the demolition and construction phase.

For the reasons given above, it is considered that the proposed redevelopment will not result in an unreasonable economic impact.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan 2011.

As a result of the public exhibition process council is in receipt of 48 individual submission/s (comprising 42 letters of objections and six (6) letters in support). One (1) petition with 68 signatures was also received in support of the proposal.

A list of the people who made submissions is attached to this report (refer to Attachment 1).

The issues raised in the submissions consists of:

1. Pedestrian access and safety;
2. Acoustic impacts;
3. Traffic impacts;
4. Building Height;
5. Security;
6. Impact of pylon signs;
7. Lighting impact;
8. Notification process;
9. Potential flooding impacts;
10. No provision for services;
11. Insufficient landscaping;
12. Building bulk; and
13. Privacy.

The concerns raised in the submissions are addressed below:

### **1. Pedestrian Access and Safety**

Concerns have been raised in relation to pedestrian access to the shopping centre and safety concerns relating to pedestrian access.

The following specific issues were raised:

- *“Loss of public pathway within Glenrose Place linking the site to Ashworth Avenue.*
- *Pedestrian safety concerns over location of Woolworths loading dock and pedestrians using Glenrose Place.*
- *A request for the pedestrian path linking the centre from the south western side of the Glenrose Tennis Courts be maintained.*
- *Request for a rear access point for those living closer to the proposed development.”*

#### Comment

This matter is addressed in detail elsewhere within this report (refer to ‘Referrals – Traffic Engineer’).

In summary, the proposed development subject to conditions, provides for adequate pedestrian safety and access.

Pedestrian paths and crossings have been provided in Glenrose Place and Glen Street and within the adjoining Council reserve to ensure that sufficient and safe pedestrian access is maintained to the centre. These pedestrian crossings will be raised, lit, sign posted and marked to ensure safety of pedestrians.

The applicant will be required to provide a 1.5m wide footpath connection between the western end of the new crossing in Glenrose Place and the existing footpaths to the library. This will ensure that the pedestrian links at the end of Glenrose Place to the residential area west of the site are maintained and enhanced.

The preservation of the pedestrian links is a vital element of this development as reinforced by the number of submissions received in regards to pedestrian access. The rationalisation and refurbishment of the existing pedestrian paths and the addition of pathways along Glenrose Place will provide adequate and safe pedestrian access to the centre.

A pedestrian access point that includes a marked pedestrian crossing is maintained at the rear of the site to ensure surrounding residents to the west and north west of the site continue to enjoy easy access to the centre.

The submitted landscape plan demonstrates the construction and extension of the existing pedestrian pathway at the north western corner of the site within the adjoining Council Reserve. This path will provide a pedestrian link around the perimeter of the site providing access to the shopping centre from the surrounding residential streets.

The concerns raised in this regard do not warrant the refusal of the application.

## **2. Acoustic Impacts**

Concern is raised in relation to the acoustic impact of the development and operation of the loading docks and plant.

The following specific issues were raised:

- *“That the recommendations contained within the Noise Impact Assessment be adhered to.”*
- *The noise from the reversing of trucks and refrigerated trucks.*
- *Noise from the proposed loading docks and plant areas impacting on the adjoining residential properties in the north western corner of the site.*
- *Loading and unloading hours of loading docks.”*

### Comment

The application is accompanied by a Noise Emission Assessment (prepared by Acoustic Logic dated 22 October 2013).

The report includes recommendations for the treatment of noise emissions emanating from plant, traffic circulation, loading docks and truck movements.

The recommendations include:

- Acoustic screens on the outer edge of the car park ramps to a height of 2.7m adjacent to No. 54 Glen Street and 2.1m where adjacent to the eastern boundary;
- ‘Broom’ finish to car park slab to reduce tyre squeal;
- Restriction on delivery hours and use of loading dock;

- Noise absorptive lining to the roof of the loading docks and external walls of the building where adjacent to car park ramps;
- Minimum 2.1m high boundary fencing along the eastern and northern boundaries of the site except where adjacent to the tennis courts, fence to consist of lapped and capped timber or colourbond; and
- Further acoustic investigation prior to the issue of the Construction Certificate is also required in accordance with the recommendations of the report, in regards to noise impacts and emissions of mechanical plant

The Noise Emission Assessment has been reviewed by Council's Environmental Health Officer who raises no objections to the proposed development on acoustic grounds, subject to the compliance with the recommendations contained within the Report.

The recommendations and the requirements contained within the Noise Emission Assessment, together with a standard condition requires the development to be designed in accordance with AS 2107 and the EPA Guidelines for Acoustic Privacy, and which limits noise (including air conditioner unit noise) at the property boundary to not exceed 5dB(A) within the Recommendation of this report.

Further, a condition has been included in the Recommendation of this report requiring the basement car parking mechanical ventilation to be discharged to the roof top and not the adjoining property boundary or private open space to protect amenity of adjoining properties.

The concerns raised in relation to hours of operation of the loading docks are noted and a condition that places a restriction on the use of loading docks to 7am and 7pm any day of the week has been included in the recommendation of this report to ensure a reasonable level of amenity is maintained to the adjoining residential properties.

### **3. Traffic Impacts**

A number of submissions raised concerns regarding the traffic impacts of the development.

The following specific concerns have been raised:

- *"Impact of the additional traffic generated by the proposed development on the local road network.*
- *The local roads are already busy and the proposal will further contribute to this. Additional traffic will impact upon pedestrian safety and that appropriate measures should be implemented to maintain pedestrian safety.*
- *Loss of on street car parking on Glenrose Place that is currently used for persons utilising the library and other surrounding properties.*
- *A request that a condition be imposed to assess the traffic impacts once the centre is operational to determine whether the intersection of Blackbutts Road, Longwood and Glen Streets needs to be upgraded."*

#### Comment

Council's Traffic Engineer has reviewed the proposed development and raised no objections to the proposed development on traffic grounds subject to conditions which have been included in the recommendation of this report. Detailed comments are made in relation to the traffic impacts of this development under the 'Referrals' section of this report.

In regards to the loss of on street car parking on Glenrose Place, the development caters for the loss of on street car parking in addition to the required amount of car parking for the retail

use. Council's Traffic Engineer has provided the following comments in relation to the provision of car parking:

*"A review of the parking provision and the calculation for the quantity of parking using parking rates as provided in the RMS 'Guide to Traffic Generating Developments' has been carried out and the proposed parking provision is in accordance with these rates and is acceptable."*

The at-grade car parking area will be made accessible 24 hours of the day to ensure that adequate car parking is available for the use of library patrons. This has been addressed by way of a condition included in the recommendation of this report.

The submitted Traffic Report highlights that the impact on the road network and intersections surrounding the site is minimal, and has provided SIDRA movement summaries which have been reviewed and the traffic impacts are considered acceptable.

Therefore, it is considered that the traffic impacts of the proposal are acceptable and not a matter that warrants the refusal of the application.

#### **4. Building Height**

Concern is raised in relation to the proposed height of the building and its non-compliance with the Height of Buildings Development Standard under the Warringah Local Environmental Plan 2011.

##### Comment

This issue has been discussed in detail elsewhere within this report (refer to 'Clause 4.6 - Exception to Development Standards' under the Warringah Local Environmental Plan 2011).

In summary, the development proposes a maximum building height of 11.64m, which is 3.14m above the maximum height permitted under WLEP 2011.

The development is reliant upon the Height of Buildings Development Standard under the WLEP 2011 and has been appropriately assessed against Clause 4.6 of the WLEP 2011, where it is concluded that the development is found to be consistent with the objectives of the Development Standard and the zone.

This matter does not warrant refusal of the application.

#### **5. Security**

Concern has been raised that the car park and loading dock areas will be open after hours and that this may provide a location for anti-social behaviour and vandalism to occur.

##### Comment

This matter has been addressed within the CPTED Assessment submitted by the application, which states *'The basement car park will be locked after trading hours'*. Further, the application has been reviewed by the NSW Police whom have raised no objections subject to conditions to reduce the occurrence of anti-social behaviour and vandalism on the site.

Compliance with the requirements and recommendations made by the NSW Police and within the applicants CPTED Assessment have been included as a condition of consent within the recommendation of this report.

In addition, a specific condition requiring the car park levels to be locked after trading hours has been also included in the recommendation of this report.

This matter does not warrant refusal of the application.

## **6. Impact of pylon signs**

Concern is raised in relation to the height and location of the proposed pylon signs. The specific concern are that the height of the pylon signs are excessive and that the pylon sign located at the end of Glenrose Place providing direction to the car park area will impact upon properties on Ashworth Avenue in terms of its bulk and possible illumination.

### Comment

This matter is concurred with and has been dealt with by appropriate conditions which have been included in the recommendation of this report.

In summary, the maximum height of the pylon signs is limited to 12m and no illumination is to be provided on the western side of the pylon sign located at the end of Glenrose Place. This issue has been addressed by way of conditions.

## **7. Lighting Impact**

Concerns have been raised that the lighting of the centre, including the car park and loading dock areas and the illumination of pylon sign at the end of Glenrose Place will impact upon the adjoining residential properties.

### Comment

This matter has been addressed by appropriate conditions of consent included in the recommendation of this report.

In summary, the condition requires the installation of a full height screen to be erected along the north-west and north-eastern elevations of the car park level which will reduce light spill to the adjoining residential properties.

The illuminated signage will be the subject of curfew and no illumination will be permitted on north western elevation of the directional pylon sign and the end of Glenrose Place addressing residential properties.

Appropriate conditions have been included in the recommendation of this report in this regard.

## **8. Notification Process**

Concern is raised that the initial notification of the application did not include the residential apartments located at No. 54 Glen Street.

### Comment

The application was advertised in accordance with Part A.7 Notification of the Warringah Development Control Plan (WDCP). It was identified that the adjoining property, No. 54 Glen Street was not notified in the initial notification process. This error was rectified by way of re-notification and letter sent on 21 January 2014, to No. 54 Glen Street and an additional 30 day period (20 February 2014) of time was given for these owners to raise a submission.

In this regard, the application has been correctly notified and no further comment is made in relation to this matter.

## **9. Potential Flooding Impacts**

A concern is raised that the present curb drains have continually blocked up with leaves and debris in heavy rains causing flooding within the pathway to Coora Avenue.

### Comment

This matter has been addressed in detail elsewhere within this report (refer to 'Referrals – Natural Environment Unit – Flooding').

In summary, the 'Flood Impact Statement' submitted by the applicant does not comply with Council's guidelines for preparing a Flood Risk Assessment Report.

However, the applicant has demonstrated they understand that the Probable Maximum Flood event is to be examined, modelled and mapped, however this has not been undertaken.

Based on the information provided, Council's Natural Environment Unit (Flooding) is yet to be satisfied that the flooding impacts are satisfactory.

In this regard, appropriate Deferred Commencement Conditions have been included in the recommendation of this report to address this issue. Until such time that this information is provided to the satisfaction of Council, the flooding impacts cannot be assessed or considered to be satisfactory.

This matter has been addressed by way of Deferred Commencement Conditions included in the recommendation of this report.

## **10. No provision for services**

Concern is raised that the plans do not appear to make provision for services such as medical or legal facilities within the new centre.

### Comment

The development proposed a retail centre which is a permissible use within the zone, other uses for the centre are not a matter for consideration by the consent authority or reporting body under Section 79C of the Environmental Planning and Assessment Act 1979.

## **11. Insufficient Landscaping**

Concern is raised that the submitted landscape plan does not include screen planting along all boundaries and that it is the applicant's responsibility to provide landscape planting within the sites boundaries and not rely upon planting within the Council land.

### Comment

This matter is addressed in detail elsewhere within this report (refer to 'Referrals – Landscape Officer and Parks, Reserves and Foreshores').

In summary, the proposal includes works within the adjoining Council reserve which requires the removal of a number of trees to facilitate these works.

The submitted landscape plan demonstrates replacement planting to be provided within the reserve however the details of the proposed replacement planting are insufficient at this stage.

In this regard, a Deferred Commencement Condition has been included in the recommendation of this report requiring further detail of the proposed planting within the Council Reserve to be submitted to Council's Tree Management Officer for approval before activation of the consent.

Further, this planting is not relied upon to provide screening or any form of privacy treatment. The assessment of this application has found that the proposed development provides sufficient privacy to the adjoining properties through a number of treatments including adequate setbacks to the property boundaries and the use and installation of screening within the property boundaries.

This matter does not warrant refusal of the application.

## **12. Building Bulk**

Concern is raised that the height and bulk of the proposed building will have an unreasonable impact on the adjoining residential properties.

### Comment:

This matter has been addressed in detail throughout this report.

In summary, the bulk and scale of the proposed building is reduced through articulation of the building and adequate setbacks to the site boundaries. The proposed building does not result in any unreasonable visual impact when viewed from adjoining properties, streets or adjoining public spaces.

This matter does not warrant refusal of the application.

## **13. Privacy**

Concern is raised in relation to loss of privacy from the exposure of the open car park area to the adjoining residential properties.

### Comment

This matter has been addressed by appropriate conditions of consent included in the recommendation of this report.

In summary, conditions have been included that requires the installation of a full height screen to be erected along the north west and north eastern elevations of the car park level which will reduce amenity impact on the adjoining properties (including visual, acoustic and light spill).

The proposed boundary fencing and acoustic screening will further serve to ensure a reasonable level of amenity is maintained to adjoining residential properties.

Further, it is noted that boundary fencing to a height of 2.1m is provided along the north western and north eastern boundary and to a height of 2.7m along the dividing boundary between the subject site and No. 54 Glen Street which is the closest adjoining residential property.

This matter does not warrant refusal of the application.



## **Submissions in Support**

The submissions in support provided the following comments:

- *“The centre is in desperate need of repair and redevelopment.*
- *There is a need for the centre to be redevelopment as the Forestville Shopping Centre has been unable to cope with the increased demand.*
- *The local area needs this new shopping centre.*
- *The centre will create new jobs for young people and enable them to work closer to home.*
- *Approval of the shopping centre will see a return of local jobs and a meeting place for the community which is well overdue.”*

## **MEDIATION**

No requests for mediation have been made in relation to this application.

## **INTERNAL REFERRALS**

### **Environmental Health (Contaminated Lands and Noise)**

Council's Environmental Health Officer has reviewed the contamination and noise aspects of the development application and has provided the following comments:

#### Contaminated Lands

*Following the review of Report on Groundwater and Soil Vapour Remediation Action Plan (project number 43961.19-6 ), there are no objections to this referral provided the recommendations from the RAP are adopted and monitored by the appropriate regulatory authority.*

#### Noise

*Following the review of Glenrose Shopping Centre –Noise Emission Assessment (project number 20130835.1), there are no objections to this referral provided the recommendations in section 5 are adopted.*

#### Assessing Officers Comment

Accordingly, no objections are raised to the proposal subject to compliance with these recommendations which have been included as conditions of consent within the recommendation of this report.

### **Development Engineering**

Council's Development Engineers have reviewed the application and provided the following comments:

*“The revised flood study prepared by Brown Smart Consulting dated 25/09/2013 for upgrade of Council's drainage system and proposed road works plans have been considered and no development engineering objection is raised to the proposed development subject to conditions.”*

#### Assessing Officers Comment

Accordingly, no objections are raised to the proposal subject to compliance with these recommendations which have been included as conditions of consent within the recommendation of this report.

## **Traffic Engineering**

Council's Traffic Engineers have reviewed the application on traffic grounds and provided the following comments:

### Disabled parking spaces

*The two, ninety degree disabled parking spaces are to be provided at the end of Glenrose Place. The final location is to be determined in consultation with Council's Traffic Engineer, Property Manager and Library Operator. Line marking and signposting of the spaces is to be at no cost to Council.*

### Pedestrian Crossing

*All pedestrian crossings, including the proposed crossings in Glen Street and Glenrose Place and the existing crossing in Glen Street adjacent to Glenrose Place are to be raised pedestrian crossings with kerb blisters, as required, to comply with appropriate RMS and Australian Standards. The crossings and any associated signposting will be required to be approved by the Warringah Local Traffic Committee. If approved, the installation of the crossings and associated signposting is to be at no cost to Council.*

*Lighting of the pedestrian crossings is to be provided in accordance with the Australian Standard. In this regard the applicant is to submit a lighting design for the consideration and approval of Ausgrid. All costs for the lighting are to be borne by the applicant.*

### Sign posting

*A sign posting plan is required to be submitted for the changes and new sign posting required as a result of the proposed development and changes to the access, for Glen Street and Glenrose Place.*

*Changes to the existing on-street parking, and parking restrictions around new driveways, pedestrian crossings, bus stops and loading docks will need to be submitted to, and approved by, the Warringah Local Traffic Committee, installed prior to operation of the new centre and at no cost to Council.*

### Glenrose Place footpath

*The applicant will need to provide a 1.5 metre footpath connection between the western end of the new crossing in Glenrose Place and the existing footpaths to the library. The footpath is to be provided in accordance with Warringah Council's Standards.*

### Bus stops

*Access to bus stops and shelters are to be maintained at all times. As part of a construction traffic management plan, it will be required to outline how this is to be managed during the construction phases of the development. Consultation is to be carried out with the bus operator and Council's Traffic Engineer prior to, and during, all stages of the construction.*

### General

*All parking space dimensions, aisle widths, ramp grades and transitions, vertical clearances and turning areas are to conform to the requirements of AS2890.1 and AS2890.6 for disabled parking. Bicycle parking is to be provided to conform to the requirements of AS2890.3.*

*The off-street commercial vehicle facilities are to conform to the requirements of AS2890.2 for loading dock facilities, off-street manoeuvring areas, access driveways and internal circulation roadways for the classification of vehicles proposed to access the development. All vehicles are to enter and exit the site in a forward direction.*

#### Other

*A review of the parking provision and the calculation for the quantity of parking using parking rates as provided in the RMS 'Guide to Traffic Generating Developments' has been carried out and the proposed parking provision is in accordance with these rates and is acceptable. A swept path diagram has been provided for 19 metre semi-trailers entering and exiting Glenrose Place and the proposed supermarket loading dock providing that the truck can turn from Glen Street with minimal intrusion on the adjacent traffic lanes in Glenrose Place and entering the loading dock from adjacent to the road centreline. Information provided is that the turning paths have been developed from field trials of the semi-trailers and outlines a tighter turning path than that provided in the Australian Standard.*

*However, the turning paths for trucks into Glenrose Place needs to ensure that they do not damage footpath areas or kerbs when entering Glenrose Place and should comply with Australian Standards.*

*No objections subject to conditions.*

#### Assessing Officers Comment

Accordingly, no objections are raised to the proposal subject to compliance with these recommendations which have been included as conditions of consent within the recommendation of this report.

#### **Natural Environment Unit (Flooding)**

Council's Natural Environment Unit have reviewed the flooding impacts of the application and provided the following comments:

*"The 'Flood Impact Statement' is considered to not comply with Council's guidelines for preparing a Flood Risk Assessment Report. Assurances were provided to Council at a meeting on 26 June 2014 that the flood model would be re-run for the proposed works in Glenrose Place, this does not appear to have occurred and the stormwater figures have not been updated.*

*The applicants have demonstrated they understand that the Probable Maximum Flood event is to be examined, modelled and mapped, however this has not been undertaken.*

*There are numerous deficiencies in the information provided as outlined above, however this can be addressed through conditions."*

#### Assessing Officers Comment

Accordingly, no objections are raised to the proposal subject to compliance with these recommendations which have been included as conditions of consent within the recommendation of this report.

#### **Landscape Officer**

Council's Landscape Officer has reviewed the landscape aspects of the application and provided the following comments:

#### "Glen St Car park

*The majority of the front parking area is located over the basement car park. This restricts the available area for replanting of vegetation forward of the new building.*

*It is noted, however, that substantial landscaping is provided along the road verge and the Glen St frontage of the site itself.*

*The planting proposed within the site boundary is provided at the expense of a number of parking bays in the area clear of the basement car park. This serves to provide a softening of the development to the street front, which is considered consistent with the local character of this area.*

*No objections are raised to the proposed landscaping to the Glen Street car park.*

*Works Over Public Land in the Northern Corner.*

*The plans indicate trees to be removed in the public reserve at the northern corner of the site. The tree removals are largely due to the provision of upgraded stormwater drainage, which provides benefit beyond the subject site and development.*

*The trees proposed for removal are considered necessary in relation to the proposed works. The Landscape Plan indicates additional planting within the public reserve to compensate for the trees removed. This is supported; however it is recommended that further detail be provided to enable approval by the relevant Council Asset Manager to ensure that the end product is consistent with standards for works and landscaping on public land.*

*As the principle of the replanting is agreed with, it is recommended that the provision of further detail be via a deferred commencement condition to enable the application to progress. A recommended condition has been included in the conditions set.*

*No objections to approval subject to conditions as recommended.”*

**Assessing Officers Comment**

Accordingly, no objections are raised to the proposal subject to compliance with these recommendations which have been included as conditions of consent within the recommendation of this report.

**Parks, Reserves and Foreshores**

Council's Parks, Reserves and Foreshores team has reviewed the application as it involves works within the adjoining Council Reserve and has provided the following comments:

*“The Flood Impact Study states that, 'To manage the impacts of flooding at the rear of the site and in the reserve, it is proposed that these properties could be protected by bunding to ensure that the flows remain in the public reserve. At this stage this indicative bunding has been incorporated into the model to determine how effective the protection of the bunds is on the properties in Coora Avenue. The actual alignment and extents of the required bunding is subject to the detailed design of the stormwater pipeline. A potential alignment for the bunding is shown on Drawing X12511-DA 113.'*

*It is also noted in the flood study that 'As part of the works the existing stormwater drainage line located on the eastern boundary of the site is to be upgraded as a requirement of the previous development consent for the site (DA 2009/1158). This line will be upsized to convey a 9.0 m<sup>3</sup>/s flow from the south-eastern corner of the site behind the existing flat building, along the eastern boundary, to the reserve at the north end of the site.*

*Council have requested this upgrade to help mitigate known flooding issues in Glen Street, and associated with the flow path adjacent to the eastern boundary and the cul-de-sac located at the western end of Coora Avenue. The existing stormwater drainage lines from the connection point to the outlet headwall on the north side of Haigh Avenue will not be upgraded as part of this works.'*

*The indicative bunding in Drawing X12511-DA 113 will result in significant vegetation and tree loss along the boundary of the reserve and the adjoining properties. This is a significant impact and loss of amenity or privacy to both adjoining residents and park users. A public reserve landscaping plan will need to be provided and approved to address any impacts of tree and vegetation removal associated with the entire extent of the development.*

*The use of community land for flood mitigation works associated with this development is not necessarily consistent with its categorization in accordance with the Local Government Act. However, flood mitigation in the reserve is linked to upgraded stormwater lines on the development site which mitigate flooding in Glen Street, thus there appears to be public benefit from a bund, beyond flood mitigation downstream of the development. If the bund is constructed in an area along the boundary of the reserve it should not unduly impact on recreation within or use of the reserve or on existing access points from properties into the reserve.*

*The bund would need to be of low maintenance construction, that is, turfed if it is in the open space of the reserve, or if located in an area that is currently vegetated, replanted as part of the landscaping plan.*

*To ensure that the bund is located and constructed to the satisfaction of Council, the detailed design of any proposed works on community land must be submitted to Council for written approval. Also, when works are undertaken in the reserve the contractor(s) undertaking the works will need to obtain a Working on Reserves Permit."*

#### Assessing Officers Comment

Accordingly, no objections are raised to the proposal subject to compliance with these recommendations which have been included as conditions of consent within the recommendation of this report.

### **Buildings, Property, Spatial Information**

Council's Buildings, Property, Spatial Information Manager has reviewed the application as it is located adjacent to a Council Library and has provided the following comments:

*"Based on further information provided by the applicant, it is apparent that the applicant is really creating a private driveway for its own use via Glenrose Place, as they are:*

- sterilising it for public parking for the adjacent library and reserve sites, noting that two disabled car parks have been included but that they are in very close proximity to the radius of entry for the trucks*
- making it a primary point of entry for a large range of truck and car movements to the site*
- removing the eastern pathway that provides public pedestrian access to the reserve to the north of the development*

*As such it is recommended that the most suitable condition of approval that should be applied to the application is that the applicant is to agree to close the road and purchase the road on agreed valuation terms from Council."*

### Assessing Officers Comment

The comments made by Council's Buildings, Property, Spatial Information department are noted and the recommendation of the closure and purchase of Glenrose Place is, in principle, supported.

However, whilst it is accepted that the use of Glenrose Place will become, in effect, private and for the use of the Glenrose Centre itself, the request for the road to be closed and purchased by the proponent, and for a condition to be included in the recommendation of this report to this effect, is considered to be beyond the scope of this proposal and fails the 'Newbury Test' as established within the Land and Environment Court.

Therefore, it is recommended that the Applicant enter into discussions with Council to close and purchase the road in the future.

### **Road Assets**

Council's Road Assets Manager has reviewed the application and has provided the following comments:

*"The following requirements shall be addressed by the Applicant and included in the conditions by Council's Development Engineers as per S138 road works approvals as per Roads Act 1993.*

#### Loss of parking – represents a loss of a community asset.

*The loss of approximately 51 parking spaces from Glenrose Place community car park, including 2 disabled spaces will require the provision of additional parking within the site of the development and that these spaces be protected by an easement for access in favour of Council. To ensure security of tenure over lost parking assets in Glenrose Place.*

#### Pedestrian access from Glen St to Ashworth Avenue

*Of concern is the loss of pedestrian access from Glen Street to Belrose Library and the public reserve and tennis facility at the rear of the shopping centre. The applicant shall submit plans that adequately addresses the ongoing safe pedestrian access along Glenrose Place. Whilst it is preferable to maintain a direct route along the eastern side of Glenrose Place, such a pathway may encroach on private land. It may be necessary for easements to protect future public access. It may be necessary to review the design details submitted prior to final approval of engineering design plans. Plans shall also address ensuring continuity of pedestrian access to Belrose Library from Glenrose Place.*

#### Pedestrian Access and Mobility

*Council's Pedestrian Access and Mobility Plan identifies Glen Street as a Primary Route. This means that careful consideration must be given to pedestrian activity. A minimum footpath width of 2.0m is required and may be increased to full width in high pedestrian activity areas.*

#### Warringah Bike Plan

*The Warringah Bike Plan identifies off road bike paths through Lionel Watts Oval with connections to Glen Street Theatre, Glenrose Shopping Centre and the Wingara Reserve. Adequate provision for cyclists, via shared off road pathways, shall be made in the design and reconstruction of Glenrose Place.*

#### Disabled parking access to library

*The existing disabled parking in Glenrose Place is to be relocated to a location acceptable to Council's Property Manager and Library Operator.*

#### Streetscape improvements

*Glenrose Shopping Centre is identified as a Village Centre in Council's Public Spaces Guidelines 2013. The upgrading of the streetscape in Glen Street and Glenrose Place shall accommodate the principles outlined in Council's Public Space Guidelines. These plans shall be submitted to Council for public exhibition and approval.*

#### Bus Shelters

*Streetscape plans for Glen Street shall consider the needs of public transport passengers and accommodate any necessary adjustments.*

#### Glenrose Place Reconstruction

*The use of Glenrose Place for access to loading docks and underground parking areas shall include a pavement design. The use of the Glenrose Place for semi-trailer access to loading docks shall require the construction of a rigid pavement in accordance with Council's design standards.*

*It is noted that Council's Development Engineering Referral Response and the requirement to submit Engineering Plans for the above works addresses most of the above requirements."*

#### Assessing Officers Comment

The comments made by Council's Road Assets department are noted. The requirements contained within the comments are satisfactorily addressed by engineers included in the recommendation of this report made by Council's Development Engineer.

The comments regarding the loss of car parking within Glenrose Place and the need for an easement of access in favour of Council to be provided to ensure that adequate car parking is provided to cater for the loss of parking, is not supported rather this issues has been appropriately addressed by a condition included in the recommendation of this report which ensures that unrestricted access to the at grade car park is provided at all times.

### **EXTERNAL REFERRALS**

#### **NSW Office Of Water (NoW)**

The application was referred to NoW for comment as construction dewatering is proposed.

The NoW provided the following comments:

*"The construction dewatering proposed for the project is deemed to be an aquifer interference activity in accordance with the definition in the Water Management Act 2000.*

*Similarly, some of the proposed contingency remediation measures identified in the application documents are deemed to be aquifer interference activities. It is expected that all relevant activities at the property will be conducted in accordance with the principles of the Aquifer Interference Policy (available on-line at <http://www.water.nsw.gov.au/Water-management/Law-and-policy/Key-policies/Aquifer-interference>).*

*An authorisation for the take of groundwater as part of the anticipated dewatering of the site is required. As such, General Terms of Approval appropriate to the proposed aquifer interference activity are provided as required by s.91A (2) of the Environmental Planning and Assessment Act 1979. Authorisations for the proposed remediation contingency measures may also be required; however, as it is unclear at this time which measures will be adopted, General Terms of Approval for those activities have not been included in this response. The*

*Office of Water should be contacted in regard to the required authorisations for remediation activities prior to their commencement.”*

The General Terms of Approval (GTAs) for construction dewatering are included as a condition of consent in the recommendation of this report.

### **Ausgrid**

The proposal was referred to Ausgrid who raise no objections to the proposal subject to standard conditions of consent which have been included in the recommendation of this report.

### **NSW Roads and Maritime Services (RMS)**

The application was referred to the RMS who provided the following comments:

*“RMS has reviewed the development application and provides the following comments to Council:*

- 1. The proposed new pedestrian crossing(s) on Glenrose Place and Glen Street should be referred to Council's Local Traffic Committee for consideration.*
- 2. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.*
- 3. The number of car parking and bicycle spaces should be provided to Council's satisfaction.*
- 4. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890 1-2004, AS 2890 2 - 2002 for heavy vehicle usage and AS2890 6 2009 for people with disabilities.*
- 5. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to commencement of any demolition on the site.*
- 6. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.”*

Accordingly, no objections are raised to the proposal subject to compliance with these recommendations which have been included as a condition of consent within the recommendation of this report.

### **NSW Police (NSWP)**

The application was referred to the New South Wales Police (NSWP) for comment. The NSW Police carried out an informal crime risk assessment of the development. A number of recommendations were made which should be considered in the on-going operation of the centre, the majority of which are concurred with or identified within the applicants Crime Prevention Through Environmental Design Assessment submission.



Notwithstanding, appropriate conditions of consent have been included in the recommendation of this report requiring compliance with the recommendations and requirements contained within these reports.

## **ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)**

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

## **State Environmental Planning Policies and State Regional Environmental Plans**

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

Clause 7 (1) of SEPP 55 states that a Consent Authority must not consent to the carrying out of any development on land unless;

- It has considered whether the land is contaminated, and
- If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

On 18 January 2008 the Department of Environment and Climate Change (DECC) declared the site a 'remediation site' under Section 21 of the *Contaminated Lands Management Act 1997*. Under the provisions of this Act, the property owner has prepared a voluntary management proposal which was approved by the NSW EPA on 21 June 2013. The NSW Environment Protection Authority (EPA) has responsibility of regulating the VMP.

The owners of the site have engaged an EPA accredited site auditor to review the on-going work and provide a site audit statement required by the EPA's agreement to the VMP and other site audit statements as required to facilitate redevelopment of the site.

This application includes an updated Remediation Action Plan prepared by Douglas Partners dated March 2013, that provides an on-going plan for the remediation works and monitoring that is overseen by and the responsibility of the EPA. At the completion of these works, subject to concurrence by the EPA, the site will be suitable for development.

In this regard, a condition has been included in the recommendation of this report requiring compliance with the recommendations and requirements contained within Remediation Action Plan prepared by Douglas Partners dated March 2013 and any requirements specified by the EPA.

Accordingly, the JRPP being the consent authority for the proposed development can be satisfied that the site will be suitable for the proposed use following remediation as required by Clause 7 of SEPP 55.

### **State Environmental Planning Policy No. 64 - Advertising and Signage**

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1) (a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 1 of SEPP 64, the following assessment is provided:

<b>Matters for Consideration</b>	<b>Comment</b>	<b>Complies</b>
<b>1. Character of the area</b>  Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<p>The site is zoned for the use as a 'local centre'. The site is currently occupied by a shopping centre which provides business identification signage in varying forms. Surrounding uses include a number of Council buildings (Glen Street Theatre, Glenrose Library) and a Caltex Service Station all of which provide forms of community or business identification signage.</p> <p>However, the proposal includes 3 illuminated pylon signs two signs that are 16m high x 4m wide and one that is 12m high x 4m high. The height of these signs is considered to be excessive and out of character for the area. In this regard, a condition has been included in the recommendation of this report for the pylon signs to have a maximum height of 12m measured from the existing ground level.</p> <p>The proposed business signage, as conditioned, is therefore considered compatible with the existing and desired future character of the area in which it is proposed to be located with the exception of the proposed.</p>	Yes, subject to conditions.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal, as conditioned, is consistent with that of existing signage on the site and signage that is found within the immediate vicinity of the site as detailed above.	Yes.
<b>2. Special areas</b>  Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p>The proposal does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.</p> <p>The proposed illuminated pylon signs within the immediate view of the surrounding residential areas will be the subject of a condition consent included in the recommendation of this report</p>	Yes, subject to conditions.

Matters for Consideration	Comment	Complies
	restricting the hours of operation to ensure the amenity of the adjoining residential areas is maintained.	
<b>3. Views and vistas</b>  Does the proposal obscure or compromise important views?	The proposal does not obscure or compromise any important views.	Yes.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage does not dominate the skyline or reduce the quality of vistas, with the exception of the proposed pylon signs as discussed earlier within this section.	Yes, subject to conditions.
Does the proposal respect the viewing rights of other advertisers?	The proposal respects the viewing right of other advertisers as it does not detract from or obscure other forms of business identification in the area.	Yes.
<b>4. Streetscape, setting or landscape</b>  Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	As discussed above, the proposed signage is appropriate in its scale, proportion and form for the streetscape, setting and landscape with the exception of the proposed height of the three pylon signs. The height is excessive and not an appropriate scale or form of that is consistent with the established streetscape and landscaped setting of the area.  A condition has been included in the recommendation of this report reducing the height of the three pylon signs to a maximum of 12m which is considered to be more appropriate for the streetscape, setting and landscape of the area.	Yes, subject to conditions.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal contributes to the visual interest of the streetscape, setting and landscape through the use of a variety of signage types (pylon and fascia/wall signs) commensurate to the proposed shopping centre building.  The site has historically been used for commercial purposes where business identification signage is reasonable expectation and the signage associated with the proposed development is considered reasonable based on the zoning of the land and proposed use of the site.  The setback to the building footprint from the street ensures the signage is not visually dominant or detracts from the established streetscape, setting or landscape of the area.	Yes.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal is consistent with that of existing signage located on site and is appropriate for the proposed development.	Yes.
Does the proposal screen unsightliness?	The proposed signage does not screen unsightliness; it is located either attached to the fascia/wall of the proposed building or within the at-grade car park area.	Yes
Does the proposal protrude above	The proposed fascia/wall signs do not protrude	Yes,

Matters for Consideration	Comment	Complies
buildings, structures or tree canopies in the area or locality?	<p>above the building, associated structures or any tree canopies.</p> <p>However, the proposed pylon signs exceed the height of the building, associated structures and tree canopies in the area.</p> <p>As discussed above, the height of the pylon signs are considered to be excessive and out of character with the local area.</p> <p>In this regard, a condition has been included in the recommendation of this report reducing the height of the pylon signs to a maximum of 12m.</p>	subject to conditions.
<p><b>5. Site and building</b></p> <p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p>	The proposal, with the exception of the height of the three pylon signs, is compatible with the scale, proportion of the building and the site on which the signage is to be located.	Yes.
Does the proposal respect important features of the site or building, or both?	The proposed signage is located so as to not dominate the building facade or street frontage with the exception of the proposed height of the pylon signs located on the street frontage addressing Glen Street. As discussed above, the proposed height of the pylon signs is excessive and exceeds the height of the building by some 4m. In this regard, the height of the pylon signs is not supported and should be reduced to a maximum of 12m.	Yes, subject to conditions.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal provides clear forms of business identification and directional signage associated with the shopping centre. Its proposed location and varying forms of signage shows innovation and imagination in its relationship to the site and building.	Yes.
<p><b>6. Associated devices and logos with advertisements and advertising structures</b></p> <p>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</p>	The proposed signage includes illumination and back-lighting in order to appropriately identify the building and directional signs.	Yes.
<p><b>7. Illumination</b></p> <p>Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?</p>	The location and form of the proposed illuminated signage attached to the building and the three pylon signs and conditions restricting the hours of illumination will ensure the illumination does not result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft or detract from the amenity of any residence or other form of accommodation.	Yes
Can the intensity of the illumination be	The Statement of Environmental Effects (SEE)	Yes

Matters for Consideration	Comment	Complies
adjusted, if necessary?	identifies that the illumination of signage can be adjusted if necessary.	
Is the illumination subject to a curfew?	The illumination of signage is restricted to a curfew akin to the hours of operation of the site being 7am - 10pm any day of the week.	Yes, subject to conditions.
<b>8. Safety</b>  Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The location of the proposed signage ensures that the safety of any public road, pedestrians or bicyclists is not compromised.	Yes.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The location of the proposed signage ensures that no sightlines are obscured from public areas ensuring the safety of pedestrians, in particular children, is not compromised.	Yes

Accordingly, the proposed signage is, as conditioned, are considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of the SEPP and its underlying objectives.

### State Environmental Planning Policy (Infrastructure) 2007

#### Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

#### Comment

The proposal was referred to Ausgrid who raise no objections to the proposal subject to standard conditions of consent which have been included in the recommendation of this report.

#### Roads and Maritime Service (RMS)

In accordance with Clause 104(3) of State Environmental Planning Policy (Infrastructure) 2007, before determining a development application for development to which this clause applies, the consent authority must:

- “(a) give written notice of the application to the RTA within 7 days after the application is made, and*
- (b) take into consideration:*
- (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*

- (ii) *the accessibility of the site concerned, including:*
  - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
  - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
- (iii) *any potential traffic safety, road congestion or parking implications of the development.*

#### Comment

The application was referred to the RMS who provided detailed comments contained within the 'Referrals' section of this report.

In summary, no objections are raised to the proposal subject to compliance with the recommendations made by the RMS which have been included as a condition of consent within the recommendation of this report.

#### **Warringah Local Environment Plan 2011**

<b>Is the development permissible?</b>	Yes
<b>After consideration of the merits of the proposal, is the development consistent with:</b>	
<b>Aims of the LEP?</b>	Yes
<b>Zone objectives of the LEP?</b>	Yes

#### Principal Development Standards Applicable to the Development

Standard	Requirement	Proposed	% Variation	Complies
<b>4.3 Height of Buildings:</b>	8.5m	11.64m	36.94%	No (refer to Clause 4.6 Exceptions to Development Standards)

#### Compliance Assessment

Clause	Compliance with Requirements
<b>2.7 Demolition requires consent</b>	Yes
<b>4.3 Height of buildings</b>	<b>No</b> (see detail under Clause 4.6 below)
<b>4.6 Exceptions to development standards</b>	Yes
<b>5.3 Development near zone boundaries</b>	Yes
<b>5.8 Conversion of fire alarms</b>	Yes
<b>6.2 Earthworks</b>	Yes
<b>6.3 Flood planning</b>	<b>No</b>
<b>6.4 Development on sloping land</b>	Yes

#### Detailed Assessment

##### **Zone B2 Local Centre**

Proposed Use	Permitted or Prohibited
<b>Retail Premises</b>	Permitted with consent

The underlying objectives of the B2 Local Centre zone

- ***To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.***

Comment

The local area provides a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.

The Glen Street Theatre, Belrose Library and Lionel Watts Park are all important community uses located in the Glen Street Village locality. These sites, and the subject site, occupy a considerable portion of the land within the local area.

A shop top housing development located to the south-east of the site is also located within the local area and a Caltex service station is located adjacent the subject site to the south-west of the site.

The subject site is currently occupied by the remaining portion of the Glenrose Shopping centre containing approximately 10,243m<sup>2</sup> of floor area. This proposal aims to redevelop the whole site and provide a range of retail premises which will provide a variety of goods and services to service the retail needs of those who live, work and visit the local area.

It is considered that the proposal satisfies this objective.

- ***To encourage employment opportunities in accessible locations.***

Comment

The retail centre will continue to provide employment opportunities within the local area. The shopping centre is expected to provide approximately 236 additional jobs when operational and approximately 333 temporary construction jobs. The shopping centre provides good vehicular and pedestrian access and is accessible by public transport for the use of those employed within the centre.

It is considered that the proposal satisfies this objective.

- ***To maximise public transport patronage and encourage walking and cycling.***

Comment

The proposal provides active pedestrian links between the site and adjoining streets to allow and encourage residents within the immediate area to walk or cycle to and from the shopping centre.

The development includes bicycle parking facilities which will encourage patrons to ride to and from the centre and provide a secure area to park their bicycles whilst attending the centre.

There are a number of existing informal pedestrian access points to the site which are currently located around the perimeter of the site on the along the north western and north western boundaries. These informal access points are via the existing pathways located off Coora Avenue, Lowanna Street, Pindrie Place and Wingara Grove.

Each of these pathways cross over a council reserve and gain access to the shopping centre through the rear of the site which is currently open at certain points via the adjoining reserve.

The location of the proposed loading docks and car parking areas present significant safety issues if these informal links are continued to be made available to the public. As such, these access points have been consolidated into one clearly defined rear access point to the centre from the adjoining reserve. This access point is formalised and includes a marked pedestrian crossing to ensure pedestrian is maintained to the site in a safe and easily accessible manner.

Notwithstanding, pedestrian links will remain around the perimeter of the site and will lead to a central access point, being from Glen Street including the pathways that are currently located along Glen Street. These pedestrian and bicycle links will continue to encourage patrons to walk or bicycle to and from the centre.

It is considered that the proposal satisfies this objective.

- ***To provide an environment for pedestrians that is safe, comfortable and interesting***

Comment

The site is currently served well by formal and informal pedestrian footpaths which provide access to the site from surrounding streets and public spaces.

The existing footpath along Glen Street will be retained and the provision of new, sign posted, pedestrian crossings on Glen Street and Glenrose Place. The addition of footpaths, located on the eastern and western side of Glenrose Place, will ensure the development provides an environment that is safe, comfortable and interesting for pedestrians.

The new pedestrian crossings will be raised, lit and sign posted to ensure safe pedestrian access is provided.

It is considered that the proposal satisfies this objective.

- ***To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.***

Comment

The development provides an urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and the natural environment.

In this regard, the proposal provides adequate landscaping within the at-grade car park addressing the Glen Street frontage. The neighbouring land uses are characterised by a mix of residential, commercial and public/community uses. In particular the site is located adjacent to Lionel Watts Park, Glen Street Theatre and the Belrose Library and Community Centre which provides large and landscaped front setback areas of which relate favourably to one another and to the natural environment of the area.

The Glen Street frontage is located adjacent to the Lionel Watts Park, a large public open space area within the local area. The proposed developments relationship with this public open space area is a critical element of the area and one that should be reflected in the landscape treatment of the proposed development. Notwithstanding, the proposal represents a use that is not provided or permissible within the majority of the local area. The retail use relies upon casual surveillance being available to the building itself and for it to be readily identifiable from the street in order to attract trade.

In this regard, the plans submitted demonstrate a landscape setback proposed for the Glen Street frontage of 1.674m, with small pockets of landscaped area that provide an increased



setback, sporadically located across the Glen Street Frontage. The at grade car park level is raised approximately 1.3m from the existing level and the finished floor level of shopping centre raised approximately 3m and located closer to the southern boundary than the existing building.

The proposed landscaping along the Glen Street frontage allows for casual surveillance to be provided to the building and for it to be readily identifiable from the street and favourably responds to all elements of the proposed development itself, neighbouring land uses and the natural environment.

It is considered that the proposal satisfies this objective.

- ***To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of any adjoining or nearby residential land uses***

Comment

The adjoining reserve to the north and east provides a reasonable level of separation between the proposed development and the adjoining residential properties. The separation provided by the reserve combined with the provision of adequate setbacks to the building proposed and the installation of privacy and acoustic screening along the north eastern, north western and eastern boundaries will ensure that the visual and acoustic impact of the development will be minimised. The replacement of planting within the reserve will further act to maintain the amenity of the public open space adjoining the development.

The shadow diagrams submitted with the application demonstrate that the proposed development will not result in an unreasonable impact on the solar access available to the surrounding and adjoining residential development.

The acoustic impact of the development is the primary factor that may impede on the amenity of the adjoining or nearby residential land uses.

As discussed elsewhere in this report, appropriate conditions have been included in the recommendation of this report relating to mitigation measures for noise and privacy concerns including screening treatments and restrictions on delivery hours and waste removal hours to ensure the amenity of adjoining and nearby residential land uses is maintained.

Subject to compliance with the mitigation measures conditioned within the recommendation of this report relating to acoustic and privacy treatments, the development will not result in any between land uses in the zone and adjoining zones and will ensure the amenity of any adjoining or nearby residential land uses.

**Clause 4.6 - Exceptions to development standards**

The following assessment of the variation to Clause 4.3 – Height of Buildings Development Standard and is assessed taking into consideration the questions established in *Winten Property Group Limited v North Sydney Council (2001) NSW LEC 46*.

<b>Requirement:</b>	8.5m
<b>Proposed:</b>	11.64m
<b>Is the planning control in question a development standard?</b>	Yes
<b>Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?</b>	Numerical
<b>If numerical enter a % variation to requirement</b>	36.94%

The extent of non-compliance with Height of Buildings Development Standard is confined to the north western corner of the site and to the architectural feature and entry way to the retail centre.

The proposal must satisfy the objectives of Clause 4.3 – 'Height of Buildings', the underlying objectives of the particular zone, and the objectives of Clause 4.6 – 'Exceptions to Development Standards' under the WLEP 2011. The assessment is detailed as follows:

The extent of non-compliance with Height of Buildings Development Standard is confined to the north western corner of the site and to the architectural feature and entry way to the retail centre.

### **Is the planning control in question a development standard?**

The prescribed Height of Buildings control, under Clause 4.3 of the WLEP 2011, is a development standard.

### **What are the underlying objectives of the development standard?**

The underlying objectives of the development standard are:

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

- a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development**

#### Comment

The site is zoned B2 Local Centre under the WLEP 2011, which envisages a range of commercial uses for the site. The site is adjoined by residential properties predominantly to the north east and north west, public open space to the south east and by commercial (Caltex Service Station) and community uses (Belrose Library).

The site is the largest privately owned parcel/s of land, zoned B2 Local Centre, within the immediate area. Therefore it is difficult to draw comparisons or measure the compatibility of the proposed developments in term of height and scale with surrounding and nearby development given that surrounding and nearby development does not share the same zoning or size as the subject site.

The zoning of the site under WLEP 2011 envisages it as a 'local centre' that will have the ability to provide a wide range of goods and services to the local area.

Whilst the proposed development does not comply with the numerical requirement of this control, it is considered to be compatible in its height and scale with that of nearby and comparable development given the zoning of the site, its existing and desired future use, the effective siting of the building footprint and setbacks to surrounding residential development.

The proposed development satisfies this objective.

- b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access**

#### Comment

The proposed height of the shopping centre will not have an unreasonable visual impact, disruption of views, loss of privacy or loss of solar access. The setbacks of the building to

the property boundaries minimise the visual impact when viewed from adjoining properties and the street.

The site is bounded by residential properties along the north eastern and north western boundaries that are further separated by a council reserve which occupies a formal and informal public pathway around the perimeter site. The separation achieved by the setbacks to these boundaries, adequate landscaping and acoustic and privacy treatments and by virtue of the separation provided by the Council reserve which further ensures that the impact on privacy and solar access to the adjoining properties is minimised.

The proposed development satisfies this objective.

**c) *to minimise adverse impact of development on the scenic quality of Warringah's coastal and bush environments***

Comment

The non-compliance with the standard will not result in any adverse impact on the scenic quality of Warringah's coastal and bush environments.

The proposed development satisfies this objective.

**d) *to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities***

Comment

The site is located adjacent to Lionel Watts Park, Belrose Library and bounded by a Council reserve at the rear of the proposed building (north western elevation).

The proposed building is setback from the primary street frontage of Glen Street some 36m, 5m from the north western boundary, 10m from the north eastern boundary and is therefore sufficient in its setbacks to the property boundaries to ensure there is no adverse visual impact of the development when viewed from the adjoining public parks, reserves, roads and community facility.

Further, the submitted landscape plan indicates replacement planting to be provided within the adjoining Council Reserve as a result of the anticipated loss of planting due to the necessary stormwater and flood mitigations works required.

In this regard, further information and detail is required in relation to the proposed replacement planting which has been included as a deferred commencement condition included in the recommendation of this report.

Subject to satisfying the deferred commencement condition, the development is considered to be capable of achieving consistency with this objective.

**What are the underlying objectives of the zone?**

In assessing the developments the non-compliance, consideration must be given to its consistency with the underlying objectives of the B2 Local Centre zone.

An assessment of the proposed development against the objectives of the B2 Local Centre zone is provided earlier within this report (refer to 'Zone B2 Local Centre' under the WLEP 2011 section of this report).

In summary, it is considered that the proposed development is not consistent with the zone objectives.

**Is the variation to the development standard consistent with the objectives of Clause 4.6 of the WLEP 2011?**

(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.**

Comment

The degree of flexibility in applying the variation to the Development Standard is considered to be appropriate.

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

Comment

The proposed variation achieves a better outcome for and from the development and does not result in any adverse impact on surrounding or nearby land. Therefore the variation is supported.

(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.**

Comment

The applicant has submitted a written request seeking to vary the development standard that addresses each of the points raised within subclause (3).

Given, the non-compliance with the Height of Buildings Standard does not result contribute to any of the inconsistencies with the relevant planning controls raised within this report, the variation is supported.

(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**

Comment:

The applicant has provided a written request prepared by the Mckenzie Group which adequately addresses the matters required to be demonstrated by subclause (3).

- (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.***

Comment:

Subject to satisfying the conditions contained within the recommendation of this report, the proposed development is considered to be in the public interest.

- (b) ***the concurrence of the Director-General has been obtained***

Comment:

Planning Circular PS 08-003 dated 9 May 2008, as issued by the NSW Department of Planning, advises that the concurrence of the Director-General may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument.

In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Director-General for the variation to the Height of buildings Development Standard is assumed.

### **Clause 6.3 - Flood planning**

As detailed within the 'Referrals' section of this report, and later within the 'Clause E11 - Flood Prone Land' section of the WDCP 2011, there is currently insufficient information which allows a full and proper assessment of the flooding impacts of the development.

However these have been addressed by the imposition of appropriate Deferred Commencement conditions. The conditions require the applicant to provide further detail on the flooding impacts of the development, and to demonstrate the proposal will have no adverse impact on flooding for neighbouring properties before the activation of any development consent.

### **WARRINGAH DEVELOPMENT CONTROL PLAN 2011**

Built Form Controls

<b>Built Form Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>% Variation*</b>	<b>Complies</b>
<b>B6 Merit assessment of side boundary setbacks</b>	Merit assessment	<b>Northwest</b> 4m	N/A	Yes
		<b>Southeast</b> 10.03m	N/A	Yes
<b>B8 Merit assessment of front boundary setbacks</b>	Merit assessment	<b>Glen Street frontage</b> 31.47m to the shopping centre	N/A	Yes
		1.674m to the at-grade car park	N/A	Yes

Built Form Control	Requirement	Proposed	% Variation*	Complies
		Glenrose Place frontage 1.25m	N/A	Yes
<b>B10 Merit assessment of rear boundary setbacks</b>	Corner allotment with dual street frontages.	N/A	N/A	N/A

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
Other land in B2 zone	Yes	Yes
B8 Merit assessment of front boundary setbacks	Yes	Yes
B10 Merit assessment of rear boundary setbacks	N/A	N/A
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Non-Residential Development	Yes	Yes
D3 Noise	Yes	Yes
D5 Orientation and Energy Efficiency	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	No	Yes
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	No	Yes
F1 Local and Neighbourhood Centres	Yes	Yes

### Detailed Assessment

#### **Clause C3 - Parking Facilities**

Clause C3 requires adequate off-street car parking be provided and to ensure parking facilities have minimal visual impact and do not dominate the street frontage or public spaces.

This Clause relies upon the rates specified under 'Appendix 1 – Car Parking Requirements' of the WDCP in order to determine the required amount of off street car parking for a development.

Appendix 1, requires 6.1 spaces to be provided for a shopping centre up to 10,000m<sup>2</sup> in area and 5.6 spaces to be provided per 100m<sup>2</sup> GLFA for shopping centres 10 000 – 20 000m<sup>2</sup> in area. The minimum car parking requirements in Appendix 1 are consistent with the car parking rates identified in the RMS's Guide to Traffic Generating Development.

The RMS 'Guide to Traffic Generating Development' provides a formula, which can be used when a detailed breakdown of the uses within the shopping centre is known, that provides a more accurate estimation of the number of car parking spaces required for the shopping centre.

Therefore, the calculation of the required off-street car parking has been determined using the RMS's Guide to Traffic Generating Developments.

The formula sets out the following car parking rates for the uses within a shopping centre;

- 4.2 spaces per 100m<sup>2</sup> GLA for supermarkets;
- 4.0 spaces per 100m<sup>2</sup> GLA for mini-majors; and
- 4.5 spaces per 100m<sup>2</sup> GLA for specialty shops.

Based on the above rates, the development requires a minimum provision of 435 spaces (195 spaces for the supermarket, 98 spaces for the mini-majors and 142 spaces for the specialty shops).

The proposed works within Glenrose Place to facilitate access to the car parking and loading bay areas of the shopping centre results in the loss of some 50 car spaces, including disabled car spaces within Glenrose Place. In this regard, the calculation of required off street car parking must include any loss of car parking within Glenrose Place.

Therefore the required provision of off-street car parking is 485 spaces. The proposed development, as amended, provides a total of 522 off street car spaces which equates to a surplus of 37 spaces.

In terms of visual impact, the proposed landscaping located along the southern boundary (Glen Street frontage) is considered to be satisfactory in minimising the visual impact of the

at grade car parking area when viewed from the Glen Street frontage and the adjoining public open space (Lionel Watts Park).

The proposed development satisfies the objectives and requirements of this clause.

### **Clause D3 - Noise**

Clause D3 requires noise emissions to not unreasonably diminish the amenity of the area or result in noise intrusion and to encourage innovative design solutions to improve the urban environment.

The application is supported by an Acoustic Report (refer to *Noise Impact Assessment* prepared by Acoustic Logic dated 22 October 2013).

The Acoustic Report has been reviewed by Council's Environmental Health Officer who raises no objections to the proposed development on noise grounds subject to the compliance with the recommendations contained within Section 5 of the submitted Acoustic Report (*Noise Impact Assessment* prepared by Acoustic Logic dated 22/10/2013).

The recommendations and requirements contained within the Acoustic Report, together with a standard condition which requires the development to be designed in accordance with AS 2107 and the EPA Guidelines for Acoustic Privacy and which limits noise (including air conditioner unit noise) at the property boundary to not exceed 5dB(A) within the Recommendation of this report.

It should be noted that the hours of operation of the retail centre are restricted to 7am to 10pm any day of the week and delivery hours are restricted to 7am to 7pm any day of the week to maintain a reasonable level of acoustic amenity to adjoining properties.

### **Clause D23 – Signs**

The proposed development includes a total of 16 signs, of which three (3) are pylon signs and the remaining 13 are wall signs.

The maximum allowable height of a pylon sign, as per the requirements of this control, is 8m. The proposed height of the three (3) pylon signs vary from 12m to 16m and therefore do not comply with the height requirement.

The proposed wall signs comply with the requirements of this control.

An assessment of the application has also found the development to be inconsistent with the requirements of *State Environmental Planning Policy No. 64 - Advertising and Signage*.

As detailed under the *State Environmental Planning Policy No. 64 - Advertising and Signage* section of this report, the height of the pylon signs is considered excessive and far out ways any other signage in the area, projecting well above the maximum height of the proposed building.

In this regard, the proposed height of the pylon signs is not supported. Therefore, a condition has been included in the recommendation of this report restricting the height of the pylon signs to a maximum 12m and that no illumination is to be provided on the western elevation of the pylon sign located at the end of Glenrose Place.

The proposed development, as conditioned, is considered to be consistent with the objectives and requirements of this control.



## **Clause E7 - Development on land adjoining public open space**

Clause E7 requires development on land adjoining public open space to protect and preserve bushland adjoining parks, bushland reserves and other public open spaces; to complement the landscape character and public use and enjoyment of the adjoining parks, bushland reserves and other public open spaces; and to ensure development responds to its adjacent surroundings to preserve and enhance the natural qualities of the environment.

The development adjoins a Council Reserve to the north and north-west and is located adjacent to a public open space area in Lionel Watts Park which borders Glen Street and Blackbutts Road.

Lionel Watts park is the largest public open space area within the local area and is used by the community for a range of outdoor recreational purposes. The Glen Street and Blackbutts Road frontages are heavily landscaped with medium to large canopy trees which provide a substantial landscaped buffer to the park land. In addition, the park land is separated by the landscaped buffer and car parking area on the Blackbutts Road Frontage.

In terms of presentation to the Glen Street frontage, the development represents a built form that is located closer to the street and raised higher than that of the existing building and at grade car parking level. The development is therefore viewable from the street and the adjoining Lionel Watts Park.

The landscaping provided along the Glen Street frontage, as proposed, is considered to complement the landscape character and public use enjoyment of the adjoining Lionel Watts Park. The amended plans include increased the landscaping bays along the Glen Street frontage which are interspersed between car spaces within the at grade car parking area.

The site is bounded by a Council reserve along the north eastern and north western boundaries. The reserve is largely grassed with medium to large canopy trees and formal and informal pathways throughout. The pathways provide a pedestrian link around the perimeter of the site which currently provide pedestrian entry points to the centre.

As part of this proposal, works associated within the construction of the shopping centre, including stormwater and flood mitigation works are expected to impact upon and require the removal of trees located within the reserve, in particular in the north western corner of the site. The loss of trees within the adjoining reserve for the purpose of facilitating development on private land is unacceptable and generally not supported.

However, these works are necessary to facilitate appropriate stormwater management and present some public benefit (stormwater pipeline upgrade) for the development and are unavoidable to a certain extent.

Therefore, it is the responsibility of the owner of the land to provide replacement planting within the reserve to the satisfaction of Council and to provide an on-going tree management plan to ensure the longevity of the replacement trees.

In this regard, additional information in relation to the proposed landscaping within the Council Reserve is to be provided to the satisfaction of Council.

These matters have been addressed by conditions included in the recommendation of this report.

## **Clause E11 - Flood Prone Land**

As detailed within the 'Referrals' and Clause '6.3 - Flood Planning' sections of this report, insufficient information has been submitted to demonstrate the proposed development can be constructed in accordance with the objectives and requirements of this control.

However, the applicant has submitted sufficient detail to demonstrate that the proposal is capable of complying with the objectives and requirements of this control.

In this regard, further information and clarification is required to undertake a full assessment of the flooding impacts of the proposed development and for Council to be satisfied that the proposal is acceptable.

In this regard, appropriate Deferred Commencement conditions have been included in the recommendation of this report requiring additional information be submitted to demonstrate:

- that the proposed flood mitigation works in the adjacent reserve to the north will not increase flooding for adjoining properties.
- the impacts of the Probable Maximum Flood event on the proposed development and surrounding properties
- the impacts of the proposed regrading of Glenrose Place on the proposed development and surrounding properties

Subject to satisfactorily addressing the deferred commencement condition, and demonstrating that proposed development will have no adverse impact on flooding for neighbouring properties, the proposal will be acceptable.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

## **POLICY CONTROLS**

### **Warringah Section 94A Development Contribution Plan**

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

<b>Warringah Section 94 Development Contributions Plan</b> Contribution based on a total development cost of \$30,849,000		
<b>Contributions</b>	<b>Levy Rate</b>	<b>Payable</b>
Total Section 94A Levy	0.95%	\$293,066
Section 94A Planning and Administration	0.05%	\$15,425
<b>Total</b>	<b>1%</b>	<b>\$308,490</b>

## CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of the Environmental Planning and Assessment Act 1979; the provisions of the relevant Environmental Planning Instruments, including the Warringah Local Environment Plan 2011, the Warringah Development Control Plan; and the relevant Codes and Policies of Council.

In summary, the assessment of the Development Application found that:

### Submissions

The application was notified to 257 adjoining and nearby landowners and occupiers and attracted 42 submissions in objection. The submissions raised the following issues:

- Pedestrian access and safety
- Acoustic impacts
- Traffic impacts
- Building Height
- Security
- Impact of pylon signs
- Lighting impact
- Notification process
- Potential flooding impacts
- No provision for services
- Insufficient landscaping
- Building bulk
- Privacy

All issues have been addressed in this report (refer to 'Notifications and submissions Received') and were found not to warrant refusal of the application.

### Referrals

All recommendations and matters for consideration pertaining to the Development Application raised by external and internal referral bodies have been included in the recommendation of this report.

### Environmental Planning Instruments

The development has been found to be consistent, (subject to the satisfaction of the deferred commencement conditions contained within the recommendations of the report), with the Matters for Consideration under Section 79C of the Environmental Planning and Assessment

The development has been found to be consistent with the various provisions of the following Environmental Planning Instruments:

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007

### WLEP Zoning Requirements and Permissibility

The development has been found to be permissible and consistent with the objectives of the B2 Local Centre zone.

### WLEP Development Standards

The development has been found to not comply with the numerical Height of Buildings Development Standard contained in the WLEP 2011.

Notwithstanding, the development has been found to be consistent with the qualitative objectives of the Standard and the zone and is therefore supported.

#### WDCP Controls

The development, as conditioned, has been found to be consistent with the relevant controls contained within the WDCP.

#### Appendices

The development has been assessed and found to be compliant with the requirements of 'Appendix 1 - Car Parking Requirements.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

Accordingly, it is recommended that the Development Application should be approved for the reasons detailed within this report and subject to the conditions included in the recommendation of this report.

### **RECOMMENDATION - DEFERRED COMMENCEMENT APPROVAL**

- A. THAT the Joint Regional Planning Panel (Sydney East Region) , as the Consent Authority, grant Deferred Commencement approval to DA2013/1447 for demolition works, construction of a retail centre and signage on land at Lot 4 in DP 548285 and Lot 104 in DP 597544, Nos. 56 - 58 Glen Street, Belrose, subject to the conditions printed below:
- B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

### **DEFERRED COMMENCEMENT CONDITIONS**

#### **1. Works on Council Reserve**

The detailed design of any proposed works, including landscape or flood mitigation works, on Council Reserves must be submitted to Council for approval.

Specifically the following details are to be provided to Council:

- i) A landscape plan detailing works to be undertaken in the public reserve to the north of the site.
- ii) The plan is to incorporate tree and ground cover planting in the area between the new footpath in the public reserve and the property boundary.
- iii) Tree planting is to be provided at a rate to replace trees removed from the reserve to accommodate the works.
- iv) Details are to be provided indicating the extent of works, site preparation, trees to be retained, proposed new species and numbers, pot size at planting, mulching and establishment and maintenance period.
- v) Species selected are to comprise local native species.

- vi) Details of any flood mitigation measures located within the Council Reserve is to be provided including, the location, dimensions, impact on trees, trees to be retained and replacement planting and works.

Note: Any structures (landscape or physical) must be of low maintenance.

Reason: To maintain environmental amenity (DACLAADC1)

## 2. Flood mitigation

Evidence demonstrating that the proposed works will have no impact on flooding for neighbouring properties is to be submitted to Council's satisfaction and approval.

Specifically, the following information is to be submitted to demonstrate compliance:

- That the proposed flood mitigation works in the adjacent reserve to the north will not increase flooding for adjoining properties.
- The impacts of the Probable Maximum Flood event on the proposed development and surrounding properties
- The impacts of the proposed regrading of Glenrose Place on the proposed development and surrounding properties

Reason: To ensure adjoining properties will have no increase flooding as a result of the proposal (DACNEADC1)

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

Upon satisfaction of the deferred commencement condition/s, the following conditions will apply:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

## 3. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A00.20 GLAR & Car parking Analysis DA-6	30/06/2014	BN Group Pty Ltd
A01.01 Existing & Demolition Plan - Site DA-3	19/05/2014	BN Group Pty Ltd
A01.02 Existing & Demolition Plan - Basement Level DA-3	19/05/2014	BN Group Pty Ltd
A01.03 Existing & Demolition Plan - Retail Level DA-3	19/05/2014	BN Group Pty Ltd

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
A02.01 Proposed Site Plan DA-6	30/06/2014	BN Group Pty Ltd
A06.01 Proposed Floor Plan - Basement Level DA-3	19/05/2014	BN Group Pty Ltd
A06.02 Proposed Floor Plan - Car park Level DA-4	19/05/2014	BN Group Pty Ltd
A06.03 Proposed Floor Plan - Retail Level DA-5	30/06/2014	BN Group Pty Ltd
A06.04 Proposed Roof Plan DA-5	30/06/2014	BN Group Pty Ltd
A10.01 Proposed Elevation - Southeast DA-4	19/05/2014	BN Group Pty Ltd
A10.02 Proposed Elevation - Northwest DA-4	19/05/2014	BN Group Pty Ltd
A10.03 Proposed Elevation - Southwest DA-4	19/05/2014	BN Group Pty Ltd
A10.04 Proposed Elevation - Northeast DA-4	19/05/2014	BN Group Pty Ltd
A11.01 Proposed Site Sections DA-4	19/05/2014	BN Group Pty Ltd

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
001 - General Layout Plan Revision 06	30/06/2014	Brown Consulting
002 - Notes & Legend Revision 06	30/06/2014	Brown Consulting
101 - Engineering Plan - Retail Level Sheet 01 of 04 Revision 06	30/06/2014	Brown Consulting
102 - Engineering Plan - Retail Level Sheet 02 of 04 Revision 06	30/06/2014	Brown Consulting
103 - Engineering Plan - Retail Level Sheet 03 of 04 Revision 06	30/06/2014	Brown Consulting
104 - Engineering Plan - Retail Level Sheet 04 of 04 Revision 06	30/06/2014	Brown Consulting
105 - Engineering Plan - Car park Level Sheet 01 of 04 Revision 06	30/06/2014	Brown Consulting
106 - Engineering Plan - Car park Level Sheet 02 of 04 Revision 06	30/06/2014	Brown Consulting
107 - Engineering Plan - Car park Level Sheet 03 of 04 Revision 06	30/06/2014	Brown Consulting
108 - Engineering Plan - Car park Level Sheet 04 of 04 Revision 06	30/06/2014	Brown Consulting
109 - Engineering Plan - Basement Sheet 01 of 01 Revision 06	30/06/2014	Brown Consulting
110 - OSD Detail Revision 06	30/06/2014	Brown Consulting
111 - Retaining Wall Detail Revision 06	30/06/2014	Brown Consulting
112 - Flood Storage Tank Revision 1	30/06/2014	Brown Consulting
113 - Engineering Plan - Public Reserve Revision 06	30/06/2014	Brown Consulting
114 - Engineering Plan - Ramp Long Sections Revision 06	30/06/2014	Brown Consulting
600 - Drainage Long Sections Sheet 1 of 2 Revision 06	30/06/2014	Brown Consulting

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
600 - Drainage Long Sections Sheet 2 of 2 Revision 1	30/06/2014	Brown Consulting
701 - Soil & Water Management Plan Revision 06	30/06/2014	Brown Consulting
702 - Soil & Water Management Notes & Details Revision 06	30/06/2014	Brown Consulting

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Report on Groundwater and Soil Vapour Remediation Action Plan	March 2013	Douglas Partners
Report on Preliminary Construction Environmental Management Plan	May 2013	Douglas Partners
Report on Geotechnical Investigation	December 2013	Douglas Partners
Crime Prevention Through Environmental Design Assessment	November 2013	Mckenzie Group Consulting
Access Review	25 November 2013	Morris-Goding Accessibility Consulting
BCA Report	03/12/2013	Mckenzie Group Consulting
Noise Emission Assessment Revision 1	22/10/2013	Acoustic Logic

- b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.
- c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- d) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.
- e) The development is to be undertaken generally in accordance with the following:

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
L_101 - Landscape Architectural Plan Issue F	30/06/2014	Elke Haege Landscape Architect

<b>Waste Management Plan</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	November 2013	Mckenzie Group

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

#### 4. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

Other Department, Authority or Service	e-Services Reference	Dated
Ausgrid	Response Ausgrid Referral	16 June 2014
Office of Water	Response Office of Water Referral	17 April 2014
NSW Police Service	Response NSW Police Referral	22 January 2014

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)).

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

#### 5. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) 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:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

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.

- (c) 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 the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.



If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under 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 the Council) has given the Council written notice of the updated information.

- (d) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement (DACPLB09)

## **6. General Requirements**

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- o 7.00 am to 5.00 pm inclusive Monday to Friday,
- o 8.00 am to 1.00 pm inclusive on Saturday,
- o No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- o 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that

area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be

maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

## FEES / CHARGES / CONTRIBUTIONS

### 7. Policy Controls

#### Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

<b>Warringah Section 94 Development Contributions Plan</b>		
Contribution based on a total development cost of \$30,849,000		
<b>Contributions</b>	<b>Levy Rate</b>	<b>Payable</b>
Total Section 94A Levy	0.95%	\$293,066
Section 94A Planning and Administration	0.05%	\$15,425
<b>Total</b>	<b>1%</b>	<b>\$308,490</b>

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

Reason: To provide for contributions in accordance with the Warringah Section 94A Development Contributions Plan 2012.

### 8. Bonds

#### **(a) Security Bond**

A bond (determined from cost of works) of \$10,000.00 an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

#### **(b) Construction, Excavation and Associated Works Bond (Road)**

A Bond of \$350,000.00 as security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works as part of this consent.

- (c) **Construction, Excavation and Associated Works Bond (Drainage and Pits)**  
A Bond of \$430,000.00 as security against any damage or failure to complete the construction of stormwater drainage works as part of this consent.
- (d) **Construction, Excavation and Associated Works Bond (Crossing/Kerb)**  
A Bond of \$50,000.00 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter and any footpath works required as part of this consent.
- (e) **Construction, Excavation and Associated Works Bond (Pollution)**  
A Bond of \$5000.00 as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.
- (f) **Construction, Excavation and Associated Works Bond (Failure to Remove Waste)**  
A bond of \$5000.00 as security against damage to Council's road(s) fronting the site caused by the transport and disposal of materials and equipment to and from the site.
- (g) **Construction, Excavation and Associated Works Bond (Maintenance for civil works)**  
The developer/applicant must lodge with Council a Maintenance Bond of \$50,000.00 for the construction of Road and drainage works. The Maintenance Bond will only be refunded on completion of the Maintenance Period, if work has been completed in accordance with the approved plans to the satisfaction of Council.

(Note: This bond may be refunded and replaced by the Maintenance Bond upon submission to Council of the final Compliance Certificate or Subdivision Certificate.)

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection)

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate protection of Councils infrastructure. (DACENZ01)

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

### **9. Submission of Engineering Plans**

Engineering plans are to be submitted to Council for approval under the provisions of Sections 68 of the Local Government Act.

The submission is to include four (4) copies of Civil Engineering plans for the design of upgrade of Council's drainage system including flood a storage design which are generally in accordance with concept design plans prepared by Brown Consulting

(refX12511) Drawing No 001, 002, 101, 102, 103, 104, 109, Revision 6 dated 25/09/2013 and are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

The earth bund proposed shall be relocated to minimise impact on existing mature trees. The proposed flood bund are to be located away from downstream property boundaries and stormwater overland flow is to be directed closer towards the existing tennis courts

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure compliance with Council's specification for engineering works. (DACENC08)

#### **10. Sub-Soil Seepage**

All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line and is to be carried out in accordance with relevant Australian Standards.

(Note: At the time of determination the following (but not limited to) Standards applied:

- Australian/New Zealand Standard AS/NZS 3500.3 - 2003 Plumbing and drainage - Stormwater drainage
- Australian/New Zealand Standard AS/NZS 3500.3 - 2003 / Amdt 1 - 2006 Plumbing and drainage - Stormwater drainage.)

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate drainage and stormwater management on site to protect amenity of residents. (DACENC10)

#### **11. Vehicle Driveway Gradients**

Driveway gradients within the private property are not to exceed a gradient of 1 in 4 (25%) with a transition gradient of 1 in 10 (10%) for 1.5 metres prior to a level parking facility. Access levels across the road reserve are to comply with the allocated vehicle profile detailed in Council's Minor Works Policy.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure suitable vehicular access to private property. (DACENC13)

#### **12. Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.

All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Safety. (DACENC19)

### **13. On-site Stormwater Detention**

An On-site Stormwater Detention system must be designed and constructed in accordance with Council's current On-site Stormwater Detention Technical Specification, and generally in accordance with the concept drainage plans prepared by Brown Consulting, drawing number X12511 02 DA 110 3, dated 19 February 2014.

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- Minimum storage volume of 842 cubic metres.
- Size of orifice plate of 400mm diameter, invert level RL146.85m.
- Provision of a high level overflow mechanism in the event of a blockage to the discharge control device

Detailed drainage plans, including engineering certification confirming the above requirements have been satisfied and complying with Council's current On-site Stormwater Detention Technical Specification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (Special condition) (DACENC20)

### **14. Structures Located Adjacent to Council Pipeline or Council Easement**

All structures are to be located clear of any Warringah Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Policy Building Over or Adjacent to Constructed Council Drainage Systems and Easements. Landscaping within a Council easement or over a drainage system or proposed drainage easements is to consist of ground cover or turf only (no trees are permitted). In this regards all no structures are permitted to be located within existing/proposed Council's drainage system.

Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure (DACENC21)

## **15. Shoring of Adjoining Property**

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings. Council approval is required if temporary rock anchors are to be used within Council land.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land. (DACENCO5)

## **16. Submission of Engineering Plans**

Engineering plans are to be submitted to the Council for approval under Section 138 of the Roads Act 1993 for all road and street scape works located within Glen Street and Glenrose Place. The submission is to include four (4) copies of Civil Engineering plans for the design of the following list of works which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

1. Reconstruction of the footpath and associated pedestrian ramps along the Glen Street frontage to a minimum footpath width of 2.0m in accordance with Council's Pedestrian Access and Mobility Plan.
2. Construction of a footpath with a minimum width of 1.5m to provide for a pedestrian link from Glen Street to the existing footpath in Council's reserve adjacent to the cul de sac head in Glenrose Avenue. Additionally adequate provision shall also be made for cyclists via shared off road pathways as required by Council's Pedestrian and mobility plan.
3. Reconstruction of the Glenrose Avenue road pavement as detailed in the Engineering Plans by Brown Consulting (ref X12511 101- 102 rev 6). The pavement is to be designed as a rigid pavement. These works are to include the provision of a raised pedestrian crossing. The road reconstruction works are also to include the provision of stormwater drainage.
4. Reconstruction of half road pavement in Glen Street including full kerb and gutter reconstruction. This is also to include lining marking and adjustments to existing pedestrian crossings as required by Council's traffic engineer.
5. The streetscape plans for Glen Street are to consider public transport requirements and bus shelters are to be provided were required.
6. Provision of vehicle crossings within Councils road reserve as detailed in the Engineering Plans by Brown Consulting (ref X12511 101- 102 rev 6).

7. All streetscape works within the Glen Street road reserve frontage are to be in accordance with the principles outlined in Council's Public Space Guidelines.

All engineering and supporting design details demonstrating compliance with this condition are to be submitted to the Council prior to the issue of the Construction Certificate.

Reason: To ensure compliance with Council's specification for engineering works (DACENPC1)

## **17. Contaminated Land Requirements**

Prior to the issue of any Construction Certificate details on how all of the requirements and/or recommendations contained within the Remedial Action Plan, entitled Report on Groundwater and Soil Vapour Remediation Action Plan, Project 43961.19-6, prepared by Douglas Partners and dated March 2013 are to be implemented, is to be submitted to the Environment Protection Authority (EPA) as the appropriate regulatory authority (ARA).

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of the environment, SEPP 55 compliance. (DACHPCPC6)

## **18. Trees and / or Landscaping**

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

### **(a) Construction Certificate Plans**

Where applicable the Construction Certificate plans must include reference to:

- (i) Trees to be removed coloured or shaded in the colour red
- (ii) Trees to be retained coloured or shaded in the colour green
- (iii) Trees to be pruned coloured or shaded in the colour blue
- (iv) Trees to be transplanted coloured or shaded in the colour yellow

### **(b) Existing trees which must be retained**

All trees not indicated for removal on the approved plans.

### **(c) Tree protection and pruning**

- i) No tree roots greater than 50mm diameter are to be cut unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites.
- iv) All tree protection measures are to be in place prior to commencement of works
- v) Tree pruning within the site is approved to enable construction in accordance with the approved plans.
- vi) Tree pruning is not to exceed 15% of any existing tree canopy



- vii) All tree pruning to be in accordance with AS4373-2007 Pruning of amenity trees.

Details of demonstrating compliance shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

## **19. Flood**

In order to protect occupants from flood inundation the following is required:

- a) **Minimum Floor Level**  
The finished floor level of the proposed shopping centre shall be set at or above the relevant 1 in 100 year flood level plus a 300mm freeboard.
- b) **Flood Protection**  
All new building works and services shall be designed to withstand the hydraulic forces of the floodwaters up to the Flood Planning Level as defined in Section 6.3 of LEP2011. Buoyancy (particularly in relation to cars in the ground floor car park), flowing water with debris, wave action, the flood compatibility of materials and waterproofing shall be addressed. Structural details for the construction for all elements including the building, air-conditioning units and waste and recycling bins are to be prepared by a suitably qualified Engineer.
- c) **Habitable Rooms**  
No approval is granted by this development consent for habitable rooms (as defined by the New South Wales Floodplain Development Manual) to be located under the Flood Planning Level as defined in Section 6.3 of LEP2011.
- d) **Hazardous Chemicals**  
Hazardous Chemicals are not to be stored in areas under the Flood Planning Level as defined in Section 6.3 of LEP2011.
- e) **Emergency Response**  
The proposed development must include an appropriate area to shelter in place above the Probable Maximum Flood level.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To protect the building from flooding in accordance with Council and NSW Government policy. (DACNEC09)

## **20. Pre-Construction Dilapidation Survey**

A pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at [http://www.warringah.nsw.gov.au/plan\\_dev/NaturalEnvironmentGuidelines.aspx](http://www.warringah.nsw.gov.au/plan_dev/NaturalEnvironmentGuidelines.aspx)

The pre-construction / demolition dilapidation report must be submitted to Council for approval and the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure (DACNEC20)

## **21. Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures\*\*
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings\*\*
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting\*\*
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) \*\*
- (e) AS 4970 - 2009 'Protection of trees on development sites'\*\*\*
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking\*\*
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities\*\*
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities\*\*
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking\*\*
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities\*\*
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set\*\*
- (l) AS 1428.1 - 2009\* Design for access and mobility - General requirements for access - New building work\*\*
- (m) AS 1428.2 - 1992\*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities\*\*
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

\*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website  
[http://www.humanrights.gov.au/disability\\_rights/buildings/good.htm](http://www.humanrights.gov.au/disability_rights/buildings/good.htm)

\*\*Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

## **22. External Colours and Materials**

- (a) External Glazing - The reflectivity index of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20% (expressed as a per centum of the reflected light falling upon any surface).

- (b) External Roofing - The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.
- (c) Anti Graffiti Coating - The finishes of the walls must be finished in heavy duty long life, ultra violet resistant coating with a high resistance to solvents and chemicals as an anti-graffiti coating easily cleaned by solvent wipe.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. (DACPLC04)

### **23. Sewer / Water Quickcheck**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

### **24. Acoustic Screen**

A full height screen (measured from finished car park floor level) is to be erected for the entire length of the outermost north western and northeastern edge of the car park level as shown on the approved plans.

The screen shall be acoustically rated and of fixed panels, in materials that complements the design of the approved development.

The screen is to be certified by a suitably qualified Acoustic Engineer.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: In order to maintain visual and acoustic privacy to the adjoining / nearby property. (DACPLCPCC1)

### **25. Basement Ventilation**

The basement is required to be mechanically vented, which is to be discharged to the roof top and not adjacent any adjoining property boundary or private open space.

Details to be provided to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure adequate ventilation of the car park and to protect amenity. (DACPLCPCC2)

## **26. Pylon Signs**

The three (3) pylon signs, as shown on the approved plans, are to be reduced to a maximum height of 12m measured from the existing ground level.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the release of the Construction Certificate

Reason: To reduce the visual impact of signs on surrounding properties and the streetscape. (DACPLCPCC3)

## **27. Warringah Traffic Committee Requirement**

Details of compliance with the following is to be provided to the Warringah Council Traffic Committee for approval:

- (a) All pedestrian crossings, including existing crossing in Glen Street, the proposed crossings in Glen Street and Glenrose Place are to be raised pedestrian crossings with kerb blisters, as required, to comply with appropriate RMS and Australian Standards.
- (b) The crossings and any associated signposting will be required to be approved by the Warringah Local Traffic Committee. If approved, the installation of the crossings and associated signposting is to be at no cost to Council.
- (c) Lighting of the pedestrian crossings is to be provided in accordance with the Australian Standard. In this regard the applicant is to submit a lighting design for the consideration and approval of Ausgrid. All costs for the lighting are to be borne by the applicant.
- (d) Changes to the existing on-street parking, and parking restrictions around new driveways, pedestrian crossings, bus stops and loading docks will need to be submitted to, and approved by, the Warringah Local Traffic Committee, installed prior to operation of the new centre and at no cost to Council.
- (e) In accordance with the relevant Australian Standards, two (2) accessible parking spaces are to be provided at the end of Glenrose Place.

Details of approval from Warringah Council Traffic Committee is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that parking restrictions conform to Warringah Traffic Committee requirements. (DACPLCPCC4)

## **28. Heavy vehicle access to Glenrose Place**

The turning paths for trucks entering and exiting Glenrose Place be designed to comply with Australian Standards.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure compliance with Australian Standards (DACTRCPC1)

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### **29. Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

### **30. Working on reserves permit**

A Working on Reserves permit is to be obtained from Council prior to undertaking works that are approved within the adjoining Council reserve

Reason: Protection of public assets (DACLADPC1)

### **31. Construction Management Plan**

The applicant is to submit a Construction Management Plan which includes a Traffic Control Plan prepared by a suitably qualified traffic engineer or consultant that demonstrates all construction vehicles are to be contained entirely on the site, for use during demolition, excavation and construction works.

The Construction Management Plan must identify any potential disruption to traffic flow on Glen Street, Glenrose Place and surrounding roads and provide mitigation measures.

The Construction Management Plan must identify any potential disruption to pedestrian access and flow around the site, safe pedestrian access is to be maintained at all times during demolition, excavation and construction works. Any measures to be implemented to ensure the above is to be included in the plan.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the commencement of any works.

Reason: To minimise the impact on the existing road network caused by construction of this development. (DACPLDPC2)

### **32. Pedestrian access to bus stops and pedestrian crossings during construction**

Safe pedestrian access to bus stops and shelters are to be maintained at all times. As part of a Construction Traffic Management Plan, it will be required to outline how this is to be managed during the construction phases of the development. Consultation is to be carried out with the bus operator and Council's Traffic Engineer prior to, and during, all stages of the construction.

Reason: To ensure safe access for pedestrians and to the bus stops during construction works. (DACTRDPC2)

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

### **33. Progress Certification (Road)**

Written certification is to be provided by a suitably qualified engineer upon completion and/or as and when requested by the Certifying Authority for the following stages of works.

- (a) Silt and sediment control facilities
- (b) Laying of stormwater pipes and construction of pits
- (c) Sub-grade trimmed and compacted \*\*
- (d) Base-course laid and compacted \*\*
- (e) Kerb and gutter construction
- (f) Pavement
- (g) Landscaping and vegetation
- (h) Clean-up of site, and of adjoining Council roadway and drainage system.

(\*\*To be tested by a recognised N.A.T.A. approved laboratory).

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works (see [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)). (DACENE02)

### **34. Vehicle Crossings**

The provision of vehicle crossings width in accordance with plans prepared by Brown Consulting dated 25/09/2013 (X12511) drawing no 102 rev 6 and drawing no 101 rev 6 Warringah Council's Minor Works specification.

An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property. (DACENE05)

### **35. Civil Works Supervision**

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works. (DACENE06)

### **36. Footpath Construction**

The footpath shall be a minimum of 1.5m wide footpath in Glenrose Place, Glen Street and pram ramps where necessary along the full frontage of the development site.

The works shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Council's minor works policy
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council's specification for footpath.
- (c) in accordance with Council's Pedestrian Access and Mobility Plan.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of footpath works with Council's specification for engineering works. (DACENE07)

### **37. Maintenance of Road Reserve**

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety. (DACENE09)

### **38. Notification of Inspections**

Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines and culverts
- (c) Prior to pouring of stormwater gully pits
- (d) Prior to pouring of kerb and gutter
- (e) Subgrade level / basecourse level
- (f) Sealing road pavement

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification.

Reason: To ensure new Council infrastructure is constructed to Council's requirements. (DACENE10)

### **39. Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with Council's Minor Works Policy and to the satisfaction of the Principal Certifying Authority.

Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety. (DACENE11)

### **40. Trees Condition**

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLAE03)

## **CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

### **41. Authorisation of Legal Documentation Required for On-site Stormwater Detention**

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineer's certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To create encumbrances on the land. (DACENF01)



**42. Restriction as to User for On-site Stormwater Detention**

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

**43. On-Site Stormwater Detention Compliance Certification**

Upon completion of the on-site stormwater detention (OSD) system and hydraulic flood storage volume/design certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system and flood storage plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier (Category B1 - Building Professional Board) whom is registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure stormwater disposal is constructed to Council's satisfaction. (DACENF10)

**44. Positive Covenant for the Maintenance of Stormwater flood storage tank**

A Positive Covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the property title to ensure the on-going maintenance of the stormwater flood storage tank as detailed on Brown Consulting Plan No (X12511) 112 Rev1 and 104 Rev 06.

Warringah Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Warringah Council's delegate shall sign these documents prior to the submission to the Land & Property Information Department.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard. (DACENF11)

**45. Certification of Structures Located Adjacent to Council Pipeline or Council Easement**

All structures are to be located clear of any Warringah Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Policy 'Building Over or Adjacent to Constructed Council

Drainage Systems and Easements'. Landscaping within a Council easement or over a drainage system is to consist of ground cover or turf only (no trees are permitted).

A statement of compliance is to be prepared by a suitably qualified Civil Engineer and submitted to the Certifying Authority for approval prior to the issue of the Occupation Certificate.

Reason: Protection of Council's Infrastructure (DACENF11)

#### **46. Positive Covenant for On-site Stormwater Detention**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Warringah Council's delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACENF12)

#### **47. Creation of Positive Covenant and Restriction as a User**

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands".

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

Reason: To identify encumbrances on land. (DACENF14)

#### **48. Electrical Substations**

The applicant shall dedicate the land required for an electricity sub-station as a public road and shall be located wholly within the subject development lot. The dedication is to be detailed on the final plan of subdivision, to be submitted to Council with the application for a Subdivision Certificate.

Reason: To comply with statutory requirements of the energy authority. (DACENFPO1)

#### **49. Required Planting**

- i) All trees are to be planted in accordance with the approved Landscape Plan.
- ii) Details demonstrating compliance including species, pot size and number of trees provided are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To maintain environmental amenity. (DACLAF01)

#### **50. Post-Construction Dilapidation Survey**

A post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at [http://www.warringah.nsw.gov.au/plan\\_dev/NaturalEnvironmentGuidelines.aspx](http://www.warringah.nsw.gov.au/plan_dev/NaturalEnvironmentGuidelines.aspx)

The post construction dilapidation report must be submitted to the Council for review and the Certifying Authority prior to the issue of the Occupation Certificate. Any damaged to Council's stormwater infrastructure is to be rectified in accordance with Council's technical specifications prior to the release of the security bond.

Reason: Protection of Council's Infrastructure (DACNEF11)

#### **51. Certification of Drainage Works and Works as Executed Data**

A suitably qualified Civil Engineer shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate plans. Works as Executed data certified by a registered surveyor prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Stormwater Assets' shall be submitted to the Council for approval prior to the issue of the Occupation Certificate. Council's guidelines are available at [http://www.warringah.nsw.gov.au/plan\\_dev/NaturalEnvironmentGuidelines.aspx](http://www.warringah.nsw.gov.au/plan_dev/NaturalEnvironmentGuidelines.aspx)

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACNEF12)

#### **52. Consolidation of Lots or Restrictive Covenant**

Lot 4 in DP 548285 & Lot 104 in DP 597544 must be consolidated as one (1) allotment and registered on a survey plan (prepared and signed by a Registered Surveyor) with the NSW Land & Property Information Service (NSW Department of Lands).

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure development is not constructed over property boundaries. (DACPLF02)

#### **53. Acoustic Certification**

Prior to occupation certificate provide certification from a suitably qualified acoustic consultant certifying that the recommendations in the Noise Emission Assessment prepared by Acoustic Logic dated 22/10/2013 and that all sound producing plant, equipment, machinery or fittings do not emit noise exceeding 5 dB(A) above the background level when measured at the nearest property boundary and complies with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

Reason: To ensure that noise generated from the development does not result in offensive noise to any other party. (DACPLFPOC1)

## ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

### **54. Maintenance period for civil works under the provisions of the Roads Act 1993 and Environmental Planning and Assessment Act 1979**

A Maintenance Period of six (6) months shall apply to the road and drainage works located in, on or over a public road as approved under the provisions of Section 139 of the Roads Act 1993 and Section 80A of the Environmental Planning and Assessment Act 1979, after it has been completed and approved in writing by the appropriate Roads Authority. In that period the applicant shall be liable for any part of the work which fails to perform in the manner outlined in Roads Authority's specifications, or as would be reasonably be expected under the design conditions.

Reason: To ensure works are appropriately constructed and repaired where defective. (DACENG01)

### **55. Hours of Operation**

The hours of operation are to be restricted to 7am to 10pm Monday to Sunday (inclusive).

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained. (DACPLG08)

### **56. Hours of Illumination**

Illumination of signage at the subject premises shall cease between the hours of 10.00 pm and 7.00 am daily.

Signs must not flash, move or be constructed of neon materials.

Reason: To ensure residential premises are not affected by inappropriate or excessive illumination. (DACPLG11)

### **57. No Illumination**

No consent is given or implied for any form of illumination of the western elevation of the pylon sign located at the end of Glenrose Place.

Reason: To ensure appropriate forms of illumination that are consistent with Council's controls, and do not interfere with amenity of nearby properties. (DACPLG13)

### **58. Commercial Waste Collection**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 7am on any day.

Reason: To protect the acoustic amenity of surrounding properties. (DACPLG18)

**59. Loading Within Site**

All loading and unloading operations shall be carried out wholly within the confines of the site and within the approved loading areas, at all times.

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity. (DACPLG20)

**60. Delivery Hours**

No deliveries, loading or unloading associated with the premises are to take place between the hours of 7pm and 7am on any day.

Reason: To protect ensure the acoustic amenity of surrounding properties. (DACPLG21)

**61. Commercial Waste Collection**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 7pm and 7am on any day.

Reason: To ensure the acoustic amenity of surrounding properties. (DACPLG24)

**62. Car park Level Security**

Upon expiration of the approved trading hours, the car park level is to be securely locked.

Reason: To ensure premises are secured and protect the amenity of nearby properties. (DACPLGOG1)

**63. Separate Development Application for other uses**

This consent relates to the occupation of the building including individual tenancies as a 'shop' or 'take away food and drink premises' as defined under the Warringah Local Environmental Plan 2011.

Any other proposed uses beyond the above definitions or beyond the provision of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, shall be the subject of a separate Development Application.

Reason: To ensure the use of the building is consistent with the given consent. (DACPLGOG2)

**CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE**

**64. Electrical Substations**

The applicant shall dedicate the land required for an electricity sub-station as a public road and shall be located wholly within the subject development lot. The dedication is to be detailed on the final plan of subdivision, to be submitted to Council with the application for a Subdivision Certificate.

Reason: To comply with statutory requirements of the energy authority. (DACENH19)

## ATTACHMENT 1 – LIST OF SUBMISSIONS

Name:	Address:
Christopher James Connell	3 Beckman Parade FRENCHS FOREST NSW 2086
Robert Raymond Murphy	46 Prahran Avenue FRENCHS FOREST NSW 2086
Walter Gordon	1 Mathews Street DAVIDSON NSW 2085
Gareth Graham Evans	26 MacFarlane Street DAVIDSON NSW 2085
Rosemary Anne Dabinett	19 Wingara Grove BELROSE NSW 2085
David Allan Loomes	6 Marina Place BELROSE NSW 2085
William John Hawkins	4 Pindrie Place BELROSE NSW 2085
Danny Grkovic	2 Sylvia Place FRENCHS FOREST NSW 2086
Gregory Roy Smeallie	5 Pindrie Place BELROSE NSW 2085
Ian Raymond Gulliver	3 The Grove BELROSE NSW 2085
Graham Michael Boyle	3 Woolrych Crescent DAVIDSON NSW 2085
Rex William Watson	3 Pindrie Place BELROSE NSW 2085
Michael Colin Horne Diane Horne	1 Ashworth Avenue BELROSE NSW 2085
Elizabeth Paulsen	6 Marine Place BELROSE NSW 2085
Brian Allen Sandell Noelene Frances Sandell	17 Opala Street BELROSE NSW 2085
Phillip John Allan Pamela Anne Allan	28 Coora Avenue BELROSE NSW 2085
Warren Reginald Ellery Liz Ellery	4 Marina Place BELROSE NSW 2085
Gloria Enfield	54 Glen Street BELROSE NSW 2085
Anthony Kinnaid Milne Joy Marilyn Milne	34 Coora Avenue BELROSE NSW 2085
Peta Joy Addison	2 A Ashworth Avenue BELROSE NSW 2085
Terence Frederick Winslade Elaine Winslade	9 Opala Street BELROSE NSW 2085
Robert Hugo Kingscote Whiley	6 Ashworth Avenue BELROSE NSW 2085
Claire Louise Borrill Michael Edward Smith	16 Ashworth Avenue BELROSE NSW 2085
Suzanne Despina Collett Paul Collett	12 Ashworth Avenue BELROSE NSW 2085
Graeme Richard Oake	25 Lowanna Street BELROSE NSW 2085
Dennis Frank Coleman	23 Lowanna Street BELROSE NSW 2085
Wolfgang Manfred Loeb Helga Ilse Loeb	89 Ashworth Avenue BELROSE NSW 2085
Jason Robert Sunn	28 Lowanna Street BELROSE NSW 2085
Raymond Charles Cavill	30 Coora Avenue BELROSE NSW 2085
Simon Bruce Stewart	7 Ashworth Avenue BELROSE NSW 2085
Jacqueline May Smith	9 Ashworth Avenue BELROSE NSW 2085
Catherine Errey	38 Ashworth Avenue DAVIDSON NSW 2085
Allan William Leslie	8 Kapunda Place BELROSE NSW 2085
Ronald Arthur Furness	93 Ashworth Avenue BELROSE NSW 2085
Horst John Bauer	17 Wingara Grove BELROSE NSW 2085

<b>Name:</b>	<b>Address:</b>
Jutta Bauer	
Fred Galoustian	3 Ashworth Avenue BELROSE NSW 2085
Natasha Jo Leader	2 Ashworth Avenue BELROSE NSW 2085
Graeme John Walker	10 Mimosa Street FRENCHS FOREST NSW 2086
Merrill George Barker Marilyn Barker	14 Birrong Avenue BELROSE NSW 2085
Mechele Joanne Enright	7 Pindrie Place BELROSE NSW 2085
Patrick Victor Neary	3 Ashworth Avenue BELROSE NSW 2085
Matthew Charles Frewer	6 Wanaka Place BELROSE NSW 2085
Scott Norman Coleman Lisa Michelle Coleman	27 Coora Ave. BELROSE NSW 2085
Peter Kennedy Kitto	5 Ashworth Avenue BELROSE NSW 2085
Kevin Jack Blume	19 Yarrabin Street BELROSE NSW 2085
Melissa Ng	29 Coora Avenue BELROSE NSW 2085
Brett Playle Jackie Playle	26 Lowanna Street BELROSE NSW 2085
Libby Paulsen	6 Marina Place BELROSE NSW 2085

## **ATTACHMENT 2 – Pre-Lodgement Minutes**

**Application No:** PLM2013/0115

**Meeting Date:** 18 September 2013

**Property Address:** 56-58 Glen Street, Belrose

**Proposal:** Redevelopment of Glenrose Shopping Centre

**Attendees for Council:** Rodney Piggott – Development Assessment Manager  
Lashta Haidari – Senior Development Assessment Officer  
Sunny Jo - Acting Manager Traffic and Road Safety  
Duncan Howley - Environment Officer - Floodplain Management  
Joseph Di Cristo – Senior Development Engineer

**Attendees for applicant:** Michael Rumble  
David Moore  
Andrew Cowan  
Nathaniel Murrey

### **General Comments:**

All applications are assessed on individual merit, however a failure to comply with Council or a State Planning controls will generally indicate an over development of the site and may result in adverse impacts upon adjoining and nearby land and the streetscape.

You are advised to carefully read these notes. If there is an area of concern or non-compliance, you are strongly advised to review and reconsider the appropriateness of the design of your development for your site and the adverse impacts that may arise as a result of your development prior to the lodgement of any development application.

Council will seek to ensure that the development of land meets all provisions of all legislation and the relevant Environmental Planning Instrument/s, in addition to providing appropriate levels of amenity to surrounding and nearby lands.

Failure to achieve this may ultimately lead to the refusal of any application lodged without notice.



## Warringah Local Environmental Plan 2011 (WLEP 2011)

Consideration of proposal against Warringah Local Environment Plan 2011

The fundamentals	
<b>Definition of proposed development:</b> (ref. WLEP 2011 Dictionary)	<p><b>Retail Premises</b> - means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:</p> <ul style="list-style-type: none"> <li>(a) bulky goods premises,</li> <li>(b) cellar door premises,</li> <li>(c) food and drink premises,</li> <li>(d) garden centres,</li> <li>(e) hardware and building supplies,</li> <li>(f) kiosks,</li> <li>(g) landscaping material supplies,</li> <li>(h) markets,</li> <li>(i) plant nurseries,</li> <li>(j) roadside stalls,</li> <li>(k) rural supplies,</li> <li>(l) shops,</li> <li>(m) timber yards,</li> <li>(n) vehicle sales or hire premises,</li> </ul> <p>but does not include highway service centres, service stations, industrial retail outlets or restricted premises.</p>
<b>Zone:</b>	B2 Local Centre
<b>Permitted with Consent or Prohibited:</b>	Permitted with Consent

Objectives of the Zone
<ul style="list-style-type: none"> <li>• <i>To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.</i></li> <li>• <i>To encourage employment opportunities in accessible locations.</i></li> <li>• <i>To maximise public transport patronage and encourage walking and cycling.</i></li> <li>• <i>To provide an environment for pedestrians that is safe, comfortable and interesting.</i></li> <li>• <i>To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.</i></li> <li>• <i>To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of any adjoining or nearby residential land uses.</i></li> </ul> <p>The proposed development is consistent with the objectives of the zone for the following reasons:</p> <ul style="list-style-type: none"> <li>• The redevelopment of the existing Glenrose Shopping Centre site will continue to provide a retail focus for the surrounding locality that serves the needs of people who live in, work in and visit the local area.</li> <li>• The redevelopment of the Glenrose Shopping Centre will encourage additional employment</li> </ul>

Objectives of the Zone
<p>opportunities both during the construction phase and during the operation of the centre.</p> <ul style="list-style-type: none"> <li>The proposed development will improve the pedestrian linkages and at grade car parking which will encourage walking and cycling for local residents and this will also contribute to providing a development that is safe and convenient for the locality.</li> <li>The built form of the proposed development appears to be similar to the already approved building envelope (Development Consent No. DA2009/1158), therefore the proposed development will continue to relate favourably in scale to adjoining development.</li> <li>Details of the design to include range of quality materials, articulation and good amenity outcomes for adjoining residents. Attractive streetscape presentation to be provided for the public domain of Glen Street and to the public reserve to the north of the site.</li> </ul> <p>Subject to the above considerations, the proposal is consistent with the objectives of the zone.</p>

Principal Development Standards:			
Standard	Permitted	Proposed	Comment
<b>Height of Buildings:</b> <b>Note:</b> Building heights under WLEP 2011 are taken from existing ground level.	8.5m	The plans show that proposed development will generally be within the 8.5m height limit.	<p>There was insufficient information submitted at the pre-lodgement to calculate the overall height. It is recommended that the development should generally comply with the standard relating to building height. Any non-compliance proposed should be located away from the residential properties and not clearly visible from the streetscape or any public domain.</p> <p>The plans submitted with the Development Application must clearly label the existing ground level and RL's on each section and elevation.</p> <p>Any proposed variation to the building height standard must be formally requested in writing and address the provisions of Clause 4.6 in WLEP 2011 and provide full and compelling justification as to why the building is unable to comply with the height limit and what the impacts of the variation will have on residential amenity and from public domain.</p>

Part 5 Miscellaneous Provisions	
Provision	Comment
<b>5.3 Development near zone boundaries</b>	The proposed development is to be designed to have

	regard to the adjoining residential zone and public open space.
<b>5.9 Preservation of trees and vegetation</b>	The site is not identified as accommodating prescribed vegetation.

<b>Part 6 Relevant Additional Local Provisions</b>	
<b>Provision</b>	<b>Comment</b>
<b>6.2 Earthworks</b>	<p>The development will involve earthworks which may have an impact upon the environmental functions and processes, neighbouring uses and features of the surrounding land.</p> <p>The objectives contained under Clause 6.2(3) will be required to be addressed in the Statement of Environmental</p>
<b>6.3 Flood Planning</b>	<p>The site is identified within flood prone lands being 1: 100 flood hazard. In this regard, a <u>Flood Risk Assessment</u> report is required to be submitted with the Development Application. The report must address the 1:100 flood hazard level and be prepared in accordance with the guidelines to undertake a Flood Risk Assessment, which are located on the Warringah Council Website: <a href="http://www.warringah.nsw.gov.au">www.warringah.nsw.gov.au</a> &gt; <u>Engineering Specifications page</u>.</p>
<b>6.4 Development on Sloping Land</b>	<p>The subject site is located within Area A which is defined by a slope of less than 5°.</p> <p>Notwithstanding the above, the development will be required to be analysed and supported in a Geotechnical Report prepared by a suitably qualified geotechnical engineer. The Report is to be submitted with the Development Application.</p>

<b>Relevant Schedules</b>
There are no relevant schedules applicable to the proposed development.

### **Warringah Development Control Plan 2011 (WDCP 2011)**

Consideration of proposal against Warringah Development Control Plan 2011

<b>Warringah Development Control Plan</b>		
<b>Part B: Built Form Controls</b>		
<b>Control</b>	<b>Requirement</b>	<b>Comment</b>
<b>B5 &amp; B6. Side Boundary Setbacks</b>	Merit	No concerns are raised with regards to the proposed setbacks, as it is considered to provide an effective and sensitive transition from the public open space on the northern side and the residential building at 54 Glen street.
<b>B7 &amp; B8. Front Boundary Setbacks</b>	Merit	
<b>B9 &amp; B10. Rear Boundary Setbacks</b>	Merit	Furthermore, the proposed built form of the proposed development is consistent with the approved development on this site.

Warringah Development Control Plan	
Part C: Siting Factors	
Control	Comment
<b>C2. Traffic, Access and Safety</b>	<p>Vehicle access points for parking, servicing or deliveries, and pedestrian access, are to be located in such a way as to minimize traffic hazards, queuing traffic and pedestrian conflicts, on public roads.</p> <p>Council's Traffic Engineer has provided the following comments:</p> <ul style="list-style-type: none"> <li>• <i>Turning paths to be provided with proposed vehicle sizes accessing the loading docks.</i></li> <li>• <i>There are concerns of sight distances at the T-intersection at the eastern end of the site. Further changes would be required to improve traffic safety at this location.</i></li> <li>• <i>Proposed pedestrian crossings - two in Glen Street. An upgrade to Wombat Crossing is required which would be suitable for buses (75mm height). The pedestrian crossings should link pedestrian paths from/to Glen Street. RMS would require these crossings with a suitable road narrowing at the crossing.</i></li> <li>• <i>Proposed pedestrian crossing in Glenrose Place would be required to be upgraded to a wombat crossing. As RMS would not approve a 4 lane pedestrian crossing, appropriate road narrowing by kerb extensions or concrete islands would be required.</i></li> </ul>
<b>C3. Parking Facilities</b>	<p><u>Traffic Report</u> A comprehensive traffic report prepared by a suitably qualified person is required to be submitted with the Development Application which addresses the requirements of Clauses C2 and C3.</p> <p>In the preparation of this, you are encouraged to liaise with Council's Traffic Engineer to discuss and resolve any traffic related matters prior to the lodging of a Development Application.</p> <p><u>Dewatering and tanking</u> With regards to the construction of the basement car parking areas, the proposal may intersect the water table and require temporary construction dewatering. The basement car park is to be tanked to prevent the need for a pumping system</p>

Warringah Development Control Plan	
	<p>to be operated continuously for the life of the development, to make the structure safe, trafficable and habitable.</p> <p>If the proposal is Integrated Development under Section 91 of the EP &amp; A Act it requires a permit under the Water Management Act 2000. A cheque for \$320 payable to the NSW Office of Water is to be submitted with the Development Application.</p> <p><u>Loading and unloading facilities</u> The general location of Facilities for the loading and unloading of service, delivery and emergency vehicles are to be approximate to the size and nature of the development. On-site facilities are to be screened from public view and designed so that vehicles may enter and leave in a forward direction. Full details will be required to be submitted with the Development Application.</p> <p><u>Car parking</u> Refer to Appendix 1 of WDCP 2011 for the car parking schedule which is discussed later in these minutes.</p>
<b>C4. Stormwater</b>	<p>Council's Development Engineer has provided the following comments:</p> <p><b><u>Eastern side of the development</u></b></p> <ol style="list-style-type: none"> <li>1. Stormwater pipeline to be designed to cater for the 9.15 cubic metres per second.</li> <li>2. Connection to Council's pit in the reserve will require preliminary details – detailed assessment and approval will need to be provided to Council, prior to issue of any Construction Certificate for the development.</li> <li>3. No works are to be undertaken in the public reserve due east of the development – propose drainage culvert in the public reserve is to be omitted.</li> <li>4. Sufficient vertical and horizontal clearances must be provided to Council's stormwater pipeline, in accordance with Council's policy</li> <li>5. Minimum drainage easement dimensions are to be in accordance with Council's policy.</li> </ol> <p><b><u>Western side of the development</u></b></p> <ol style="list-style-type: none"> <li>1. Minimum 500m freeboard must be provided between 1 in 100 yr ARI top water surface level and driveway crest to basement car</li> </ol>

Warringah Development Control Plan	
	<p><i>parking</i></p> <p>2. <i>Drainage pipeline in Ashworth Avenue is to be upgraded to minimum 1 in 20 yr ARI capacity.</i></p> <p>3. <i>Driveway is to be constructed at the Ashworth Avenue/Glen Street intersection – Council does not want to have kerb returns and associated drainage constructed at this intersection</i></p> <p><i>“Onsite stormwater detention system is to be constructed in inlet control, in accordance with Council’s OSD Technical Specification.</i></p> <p><i>Water quality management devices (i.e. humeceptors, enviropods, etc) are to comply with the requirements of the Northern Beaches Stormwater Management Plan”.</i></p>
<b>C5. Erosion and Sedimentation</b>	An erosion and sedimentation plan must be prepared for the proposal.
<b>C6. Building over or adjacent to Constructed Council Drainage Easements</b>	Easements may need to be established to address stormwater and access requirements to existing or future drainage.
<b>C7. Excavation and Landfill</b>	<p>Landfill is to have no adverse impact upon the visual and natural environment or adjoining and surrounding properties.</p> <p>Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties. Details are to be provided with the Development Application.</p>
<b>C8. Demolition and Construction</b>	A Construction Management Plan will be required to be submitted with the Development Application, dealing with construction access, parking, storage, stockpiling, security fencing, sediment and erosion management, work zones required, crane locations, dust minimisation, noise minimisation etc. Development is not to result in noise emission which would unreasonably diminish the amenity of the area and is not to result in noise intrusion which would be unreasonable to the occupants.
<b>C9. Waste Management</b>	Details demonstrating compliance with C9 of WDCP 2011 including the required ‘Waste Management Plan’ are to be addressed in the development application.
Part D: Design	
Control	Comment
<b>D3. Noise</b>	The development is to ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants of the seniors housing, users of the club or visitors.

<b>Warringah Development Control Plan</b>	
	An Acoustic Report is required to be submitted with the development application addressing the potential impacts on surrounding residential development. In particular, the acoustic impact of the driveway and loading dock the impact of the proposed development on the residential development. The design of the development is to include measures which mitigate acoustic impact upon neighbouring residential land.
<b>D6. Access to Sunlight</b>	<p>The development is not to unreasonably reduce sunlight to surrounding properties. Shadow diagrams, certified by the architect, are to be provided which show the extent of shadow cast by the proposed building envelopes at 9.00am, Noon and 3.00pm on 21 June as well as the shadow's cast over public domain in Glen Street.</p> <p>In addition elevational shadow diagrams are to be submitted for the adjoining residential property at 54 Glen Street.</p>
<b>D7. Views</b>	The development is to allow for the reasonable sharing of views. A detailed view analysis is to be provided from various points. In addition, view sharing is to be analysed in the Statement of Environmental Effects in accordance with the four part test outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs. Warringah Council (2004) NSWLEC 140.
<b>D8. Privacy</b>	<p>Development is not to cause unreasonable direct overlooking of habitable rooms and principal private open spaces of other dwellings.</p> <p>Particular regard is to be given to the impact of overlooking into the neighbouring residential building at No.54 Glen Street from the proposed driveway. Details demonstrating compliance are to be submitted with the Development Application.</p>
<b>D9. Building Bulk</b>	<p>Buildings are to have a visual bulk and an architectural scale consistent with structures on adjoining or nearby land and are not to visually dominate the street or surrounding spaces. Particular regard and sensitivity is to be given to the topography of the site and the transitional nature of the site to development in the neighbouring zone.</p> <p>In this respect, photographic montages and diagrammatic evidence (i.e. an urban form study) are to be provided which show how the development, as proposed responds to the requirement of this Clause.</p>
<b>D10. Building Colours and Materials</b>	A materials and colours schedule is to be submitted detailing construction materials to be used for the building (The photomontage should be representative of the materials and colours).
<b>D11. Roofs</b>	<p>Roof forms are to complement the local skyline. The design of lift overruns and any other roof top</p>

Warringah Development Control Plan	
	features which have to potential to disrupt the architectural line of the development (and the skyline) is to be addressed in the Development Application.
<b>D12. Glare and Reflection</b>	For visual interest use of a variety of materials including brick / render/ natural timber / powder coated steel for the exterior walls is supported in preference to plain rendered walls.
<b>D18. Accessibility</b>	An access report will be required to be submitted with the Development Application, addressing the requirements of the Disability Discrimination Act 1992 and Australian Standard AS1428.2.
<b>D20. Safety and Security</b>	A Crime Prevention Through Environmental Design analysis is required.
<b>D21. Provision and Location of Utility Services</b>	Dedicated space must be provided for all services including water meters, electricity meters, fire hydrants, gas, telephone as required to ensure all service providers have adequate location space for essential infrastructure
<b>D23. Signs</b>	Any signage proposed for the development must be included in the Development Application. Alternatively, a separate application for signage may be pursued later. If included in the Development Application, the Statement of Environmental Effects is to address the provisions of Clause 53, Schedule 4 and <i>State Environmental Planning Policy No. 64 – Advertising and Signage</i> .
Part E: The Natural Environment	
Control	Comment
<b>E7. Development on land adjoining public open space</b>	The requirement of this Clause is to be taken into consideration during the design and addressed within the Statement of Environmental Effect.
<b>E11. Flood Prone Land</b>	Refer to previous comments under the section heading 6.3.

Other Relevant Controls within WDCP 2011
<b>Appendix 1 – Car Parking Requirements</b>  Compliant off-street car parking is to be provided within the subject property boundaries having regard to land use, hours of operation, availability of alternative parking in accordance with Appendix 1 of WDCP 2011 and the RMS requirement. An assessment of the plans provided at the pre-lodgement meeting indicates that compliance with the number of parking spaces has been achieved.

Other Relevant Environmental Planning Instruments/SEPPs
You are advised that the following Environmental Planning Instruments apply to the development:  <b>SEPP No. 55 – Remediation of Land</b>  SEPP 55 requires that the site is suitable for its intended use. EPA is solely regulatory authority for that site which has been declared a remediation site under Section 21 of the Contaminated Lands and management Act (CLM Act). As such the EPA is responsible for regulating the remediation of the site.



## Other Relevant Environmental Planning Instruments/SEPPs

Council's record indicates that a meeting was held with Council's staff on 2 May 2013 to discuss the requirement of SEPP 55 and the documentation required for the lodgement of a DA. Following the meeting, Council in its letter dated 3 June 2013 outlined its expectation of the documents to be submitted with the DA, which is summarised as follows:

- Vapour levels
- MSDS information is required to understand chemicals involved and potential impacts/side effects when vapours are released.
- Implementing an incident response procedure
- Management of traffic - traffic management plan

### SEPP (Infrastructure) 2007

#### Clause 45

Clause 45 of SEPP Infrastructure requires the Council to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),
- immediately adjacent to an electricity substation,
- within 5m of an overhead power line
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line

In this regard, the lodgement of the development application will be referred to Ausgrid for comments.

#### Clause 106

Pursuant to Clause 106(1) (a) of SEPP (Infrastructure) 2007 applies to new premises of a "relevant size or capacity".

"Relevant size or capacity" means:

*"in relation to development on a site that has direct vehicular or pedestrian access to any road - the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3"*

Clause 106 'Traffic Generating Development' of the SEPP requires the application to be referred to the RMS if the development is specified in Schedule 3 of the SEPP. Schedule 3 of the SEPP applies to this application as the proposed development provides more than 200 parking spaces are proposed as part of the development.

In this regard, the lodgement of the development application will be referred to the RMS for comments.

### **Economic impact (Section 79C of the Environmental Planning and Assessment Act 1979)**

An Economic Impact report needs to be prepared and submitted with the application. The report is to address how the redevelopment of Glenrose Shopping Centre will impact on other shopping centres within the main trade area and shopping centres within the North Shore region of Sydney. The report is to also demonstrate that there is sufficient local retail and supermarket demand to ensure that the viability of these shopping centres will not be jeopardised by the proposed development.

### Relevant Council Policies

You are advised of the following (but not limited to all) Council's policies available at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au):

- [Applications for Development - Policy for the handling of unclear, non-conforming, insufficient and Amended applications: PDS-POL 140](#)
- [Stormwater drainage for low level properties PDS-POL 135](#)
- [Building over or adjacent to constructed Council drainage systems and easements: PAS-PL 130](#)
- [Common vehicular access to multiple properties: LAP-PL 310](#)
- [Development Applications relating to trading hours under the Liquor Act 1982: LAP-PL 610](#)
- [Vehicle access to all roadside development: LAP-PL 315](#)

### Required Documentation

- All information required to be submitted under Schedule 1 of the Environmental Planning and Assessment Regulation 2000;
- All information as required on the Development Application form checklist;
- Site Analysis (prepared in accordance with Schedule 8 of WLEP 2000);
- Site Survey (prepared by a registered Surveyor);
- Statement of Environmental Effects addressing:
  - Section 79C of EPA Act,
  - all relevant sections of WLEP 2011, including demonstrating consistency with the B2 Local Centre zone and the compliance with the Height of Buildings Development Standard.
  - All relevant sections of WDCP 2011;
  - other relevant Environmental Planning Instruments.
- Geo-technical report;
- Information relating to Contamination issue (as list under SEPP 55 of the notes);
- Access Report;
- Traffic and Parking Report;
- Crime Prevention Through Environmental Design (CPTED) assessment;
- Economic Assessment report
- Model of the proposed development;
- Shadow diagrams;
- View analysis;
- Photo montages;
- Landscape Plan showing the layout of the landscaping within the site and the selection of species;
- Waste Management Plan;
- Stormwater Management Plan;
- Erosion and Sedimentation Plan;
- Colour and Materials Schedule;
- Lighting Plan (including Lux Diagrams) if necessary;
- Signage Plan (if required);
- Cost Summary Report, if the cost of works exceeds \$100,000. This report is to be in addition to the Estimated Cost of Work options in Part 2.3 of Council's Development Application Form.

### Concluding Comments

These Minutes are in response to a pre-lodgement meeting held on 18 September 2013 to discuss the redevelopment of Glenrose Shopping Centre. The Minutes reference preliminary plans prepared by BN Architects dated 22/02/2013.

Based upon the above comments you are advised to satisfactorily address the matters raised in these minutes prior to lodging a development application.

### **Concluding Comments**

You should be aware that Council will act as the assessment and reporting authority and the Joint Regional Planning Panel will act as the Consent Authority in this instance as the estimated cost of works will exceed \$20m.

### **Other Matters**

- **Requirement to Submit Correct, Clear and Accurate Information at Lodgement**

You are advised, that if an application is unclear, non-conforming or provides insufficient information, or if Council requests additional information in accordance with Clause 54 of the EPA Regulations 2000 and it is not provided within the specified time frame, a development application may be rejected or refused without notice.

The time to discuss and amend your design is prior to lodgement of your Development Application, as there will be no opportunity to do so during the assessment process.

- **Privacy and Personal Information**

You are advised that Council is legally obliged to make Development Applications and supporting documents available for public inspection – see section 12 of the Local Government Act 1993. We do this at the Customer Service Centre and by placing copies of the applications and supporting documents on the Council website.

Should this proposal result in a development application being lodged these notes will form part of the development application documentation that will appear on Council's website – DA's online.  
[www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)

- **Monitoring DA progress after lodgement**

Once lodged you can monitor the progress of your application through Council's website – DA's online.  
[www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)