

JOINT REGIONAL PLANNING PANEL
(Sydney West Region)

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| JRPP No | 2013SYW061 |
| DA Number | DA/545/2013 (Lodged 31 May 2013) |
| Local Government Area | Hornsby Shire Council |
| Proposed Development | Construction of a mixed use commercial and residential development comprising a supermarket, specialty shops, commercial premises and 140 dwellings. |
| Street Address | Nos 87-91 & 95 Beecroft Road and 16-24 Hannah Street, BEECROFT NSW 2119 |
| Applicant/Owner | GAT & Associates / Sony Brothers Pty Ltd |
| Number of Submissions | 232 – Original Application 54 – Amended Proposal |
| Regional Development Criteria (Sched 4A of the Act) | General Development Over \$20 Million |
| List of All Relevant s79C(1)(a) Matters | Hornsby Shire Local Environmental Plan 1994 Hornsby Local Environmental Plan 2013 State Environmental Planning Policy No. 1 – Development Standards State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Hornsby Development Control Plan 2013 Housing Strategy Development Control Plan Waste Minimisation and Management Development Control |

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| | Plan |
| List all documents submitted with this report for the Panel's consideration | <p>DA Plans – Drawing Nos 10733/DA/1001 B, 10733/DA/2001 B, 10733/DA/2002 B, 10733/DA/2003 B, 10733/DA/2004 B, 10733/DA/2005 B, 10733/DA/2006 B, 1077/DA/2007 B, 10733/DA/2008 B, 10733/DA/2009 B, 10733/DA/2010 B, 10733/DA/2011 B, 10733/DA/2012 B, 10733/DA/2013 B, 10733/DA/2014 B, 10733/DA/3001 B, 10733/DA/3002 B, 10733/DA/3003 B, 10733/DA/3004 B, 10733/DA/3005 B, 10733/DA/4001 B, 10733/DA/4002 B, 10733/DA/4003 B, 10733/DA/5001 B, 10733/DA/5002 B, 01 Landscape Concept, 02 Landscape Concept</p> <p>Urban Design Review 3 April 2014</p> |
| Recommendation | Refusal |
| Report by | Garry Mahony, Senior Town Planner |

RECOMMENDATION

THAT Development Application No. 545/2013 for demolition of the existing Beecroft Module Shopping Centre and construction of a mixed use commercial and residential development comprising a supermarket, specialty stores, commercial premises and 140 dwellings at Lot 11 DP 601185, Lot 1 DP 211441, Lot B DP 177495, Lot 1 DP 1096815, Lot 1 DP 900898, Lot B DP 4367, Lot 12 DP 601185, Nos 87-91 & 95 Beecroft Road and 16-24 Hannah Street, Beecroft be refused for the reasons detailed in Schedule 1 of this report.

EXECUTIVE SUMMARY

1. The application proposes demolition of the existing Beecroft Module Shopping Centre and construction of a mixed use commercial and residential development comprising a supermarket, specialty stores, commercial premises and 140 dwellings.
2. The proposed development is inconsistent with the applicable planning controls for the site. The proposal is unsatisfactory in respect to *Hornsby Shire Local Environmental Plan 1994*, *State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development*, *Residential Flat Design Code* and the *Housing Strategy Development Control Plan*. The applicant's objection to compliance with the building height development standard is not well founded pursuant to *State Environmental Planning Policy No. 1 – Development Standards*.
3. 285 submissions have been received in respect of the application.
4. It is recommended that the application be refused.

HISTORY OF THE APPLICATION

The application was lodged on 31 May 2013 for demolition of the existing Beecroft Module Shopping Centre and construction of a mixed use commercial and residential development comprising a supermarket, specialty stores and 144 dwellings.

On 25 July 2013, the Joint Regional Planning Panel was briefed regarding the proposal.

On 21 August 2013 at a meeting with the applicant amendments to the proposal and Council's request for additional information were discussed.

On 30 September 2013 at a meeting with the applicant the inclusion of the isolated sites in the proposed development were discussed.

At a meeting on 14 November 2013 the applicant tabled draft amended plans incorporating the corner site (No 95 Beecroft Road) in the proposed development and was requested by Council to also address concerns previously raised.

At a meeting on 6 December 2013 the applicant sought clarification of Council's planning controls in respect to the proposed development.

On 6 February 2014 the applicant submitted amended plans for the proposed mixed use development, to reduce the number of dwellings from 144 to 140, to include the corner site at No. 95 Beecroft Road, to include commercial use at the Beecroft Road frontage and to address Council's requirements for the desired future character of the Beecroft Heritage Precinct.

HISTORY OF THE SITE

The existing Beecroft Module Shopping Centre was constructed on the site of 16-24 Hannah Street during the 1970s.

The vacant area of the site fronting Beecroft Road (Nos 87-91 Beecroft Road) was the site of a former Shell service station. The service station had been in operation on the site for some 50 years and was demolished in 2007-2008.

The exiting retail premise on the corner of the site at No. 95 Beecroft Road was the former Westpac Bank building.

THE SITE

The site occupies the elevated north western part of the Beecroft Commercial Centre and is bounded by Beecroft Road and Hannah Street.

The irregular shaped site has an area of 5,825.3m² with a frontage of 46.51m and 22.337m to Beecroft Road and a frontage of 65.665m to Hannah Street. The site slopes to the south eastern corner on Hannah Street with an average fall of 9%.

The site includes the existing Beecroft Module Shopping Centre which has an open area car park at the rear with access off Hannah Street and also off Beecroft Road. The shopping centre includes an IGA supermarket, staple food stores and specialty stores (Nos. 16-24 Hannah Street). The site also includes vacant land at the frontage of Beecroft Road which was a previously a service station (Nos. 87-91 Beecroft Road) and a two storey commercial building on the corner of Beecroft Road and Hannah Street (No. 95 Beecroft Road). The later building includes a telecommunications facility.

The Beecroft Road frontage of the site adjoins a single storey commercial building (No. 93 Beecroft Road) which has a site area of 147.1m² and a frontage of 15.24m to Beecroft Road.

The northern boundary has a length of 75.135m and adjoins an existing dwelling house 'Mandalay' at No. 83 Beecroft Road which is a heritage item.

The eastern boundary has a length of 85.495m and adjoins the site of the 'Beecroft Shopping Village' fronting Wongala Crescent and a two storey terrace building which forms part of a row of older style commercial terraces fronting Hannah Street.

Opposite the site on the southern side of Hannah Street is a recent three storey mixed use residential and commercial building integrated with the existing streetscape. The building adjoins the former Beecroft Post Office on the corner of Beecroft Road and Hannah Street which is a heritage item. Hannah Street generally comprises single and two storey older style commercial buildings and 1970 developments all with street awnings.

Opposite the site fronting the western side of Beecroft Road are dwelling houses on large lots within a low density residential zone. The house at No 68 Beecroft Road is a heritage item. The house on the north-west corner of Beecroft Road and Hannah Street (No. 28 Hannah Street) which is used for health consulting rooms is also a heritage item. The house on the south-west corner of the Beecroft Road and Hannah Street opposite the site is also a heritage item.

The site comprises 20% of the total area zoned Business A within the Beecroft Commercial Centre and 37% of the business area north of Hannah Street. The centre is identified as a local centre for the suburbs of Beecroft and Cheltenham.

Beecroft Road is a State Road with clearways in place at the frontage of the site. Traffic lights control the intersection with Hannah Street. The site is within 100m of Beecroft Railway Station which is a heritage item.

The site is within the Beecroft-Cheltenham Heritage Conservation Area. The significance of the conservation area includes buildings from the Victorian, Federation, Edwardian and Inter-war periods.

The local area is well provided with a wide range of community and recreation facilities.

THE PROPOSAL

The proposal is for demolition of the existing Beecroft Module Shopping Centre and construction of a mixed use commercial and residential development comprising a supermarket, specialty stores, commercial premises and 140 dwellings. The proposed dwellings include 3 x studio, 68 x 1 bedroom units, 51 x 2 bedroom units and 18 x 3 bedroom units.

The proposed development is benched to the sloping site and comprises 3 residential flat buildings of five to six storey surrounding a central courtyard above a podium level and three level basement car park. The podium level includes a shopping centre and commercial premises fronting Hannah Street and Beecroft Road. Vehicular access to the basement car park is off Hannah Street.

The three buildings are sited around a central courtyard. Building A has frontage to Beecroft Road, Building B is parallel to the eastern boundary and Building C has frontage to Hannah Street and includes access to the basement car park. The central courtyard includes an Upper Courtyard, a Lower Courtyard and an Eastern Courtyard. The northern part of the Upper Courtyard includes a resident visitor parking area accessed off Beecroft Road. Resident access to the three buildings is off the central courtyard. Public access to the proposed shopping mall and commercial premises is at the

street frontages. A residential lift is proposed for each building. Building C includes a separate lift for the shopping centre and retail car park. Separate goods lifts are proposed for the supermarket and specialty stores.

Basement Level 3 includes 145 residential car parking spaces, bike spaces, residential lifts for the three buildings and storage and plant service facilities.

Basement Level 2 includes 105 retail car parking spaces, trolley bays, commercial lift access, inclinator, loading dock, goods lifts, truck turntable, cool rooms, resident and commercial garbage storage/collection areas, general storage and plant facilities.

Basement Level 1 includes 73 retail car parking spaces, trolley bays, car wash, commercial lift access, inclinator, retail shop space (67.8m²), the Hannah Street car park entry/exit arrangement including separate residential ramp to Basement Level 3.

Ground Level includes the retail shopping mall, kiosks, specialty shops, supermarket and includes 4,585m² of commercial space.

Building A at Level 1 below the Beecroft Road frontage includes an air conditioning plant, fire control plant rooms and bike parking and four residential units fronting the Upper Courtyard. Level 2 includes two commercial units fronting Beecroft Road (Unit 4 - 125m² & Unit 5 - 90m²). The building includes 41 residential units comprising 25 x 1 bedroom (5 + study), 13 x 2 bedroom (1 + study) and 3 x 3 bedroom units.

Building B includes 36 residential units comprising 3 x studio, 13 x 1 bedroom (2 + study), 13 x 2 bedroom (1 + study) and 7 x 3 bedroom units. The building includes six units with direct access to the Upper Courtyard and three units at the eastern elevation with private courtyards.

Building C at Level 1 includes commercial premises fronting Hannah Street (Unit 1 – 83m²) and the corner portal entry which includes two levels of commercial premises (Unit 2 - 115m² & Unit 3 – 94m²). The building includes 63 residential units comprising 30 x 1 bedroom (9 + study), 25 x 2 bedroom (1 + study) and 8 x 3 bedroom units. The building includes 3 maisonette style units at the top storey. The building includes five residential units with direct access to the Lower Courtyard and four units at the eastern elevation with private courtyards.

The proposed Upper Courtyard includes pedestrian access off Beecroft Road together with vehicle access off the existing Beecroft Road vehicle crossing for a resident drop off and visitor parking. The Lower Courtyard is accessed off Beecroft Road and the entry portal. The courtyard provides an east-west pedestrian link with Beecroft Road between Buildings B and C and future development of the adjoining site. The proposed Upper, Lower and Eastern Courtyards are designed for public and resident recreation space with landscaping, garden areas and seating. Public access is proposed between 10am and 4pm.

The proposal includes a telecommunications facility to replace the existing facility on the site.

ASSESSMENT

The development application has been assessed having regard to the 'Metropolitan Plan for Sydney 2036', the 'North Subregion (Draft) Subregional Strategy' and the matters for consideration prescribed under Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act). Subsequently, the following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 Metropolitan Plan for Sydney 2031 and (Draft) North Subregional Strategy

The *(Draft) Metropolitan Strategy for Sydney 2031* is a broad framework to provide for Sydney's growth to help plan for housing, employment, transport, infrastructure, the environment and open space. It outlines a vision for Sydney to 2031; the challenges faced, and the directions to follow to address these challenges and achieve the vision.

The North Subregion comprises Hornsby, Kuring-gai, Manly, Warringah and Pittwater Local Government Areas. The *Draft North Subregional Strategy* provided a framework for Council in its preparation of the *Hornsby Local Environmental Plan 2013*.

Within the North Subregion, the *Draft Metropolitan Strategy* proposes:

- Population growth of 81,000 from the current 2011 baseline of 529,000
- Housing growth of 37,000 from the current 2011 baseline of 204,000
- Employment growth of 39,000 from the current 2011 baseline of 186,000

The proposed development would be consistent with the *Metropolitan Plan for Sydney 2031*.

2. STATUTORY CONTROLS

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

2.1 Hornsby Shire Local Environmental Plan 2013

The *Hornsby Local Environmental Plan 2013 (HLEP)* was gazetted on 27 September 2013 and came into force on 11 October 2013. The *HLEP* includes a savings provision under Clause 1.8A whereby submitted development applications not determined at the commencement of *HLEP* must be determined as if *HLEP* had not commenced.

Accordingly the development application is subject to the provisions of *Hornsby Shire Local Environmental Plan 1994*.

2.2 Hornsby Local Environmental Plan 1994

The subject land is zoned Business A (General) under *Hornsby Local Environmental Plan 1994 (HSLEP)*. The objectives of the zone are:

- a) *to encourage economic growth and employment opportunities.*
- b) *to accommodate the retail, commercial and social needs of the community.*
- c) *to encourage development that improves the health, vitality, cultural environment and social environment within the area.*

The proposed development is defined as “business premises”, “communications facility”, “multi-unit housing”, “office premises” and “shop” under *HSLEP* and is permissible in the Business A zone with Council’s consent.

Clause 15 of the *HSLEP* prescribes that the maximum floor space ratio (FSR) of development within the Business A zone is 1:1 excluding those areas subject to a maximum building height of 17.5m for multi-unit housing where a FSR of at least 0.5:1 is required for employment generating development. The proposed FSR of 0.88:1 complies with the floor space ratio requirement.

Clause 18 of the *HSLEP* sets out heritage conservation provisions within the Hornsby Shire area. The site is within the Beecroft-Cheltenham Heritage Conservation Area listed under Schedule E of *HSLEP* and is in the vicinity of a number of buildings listed as items of heritage under Schedule D of *HSLEP*. The applicant submitted a Heritage Impact Statement pursuant to the provision. Refer to discussion in Section 2.13.2.

2.3 State Environmental Planning Policy No. 1 – Development Standards (SEPP 1)

The application has been assessed against the requirements of *SEPP 1*. This *Policy* provides flexibility in the application of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objectives of the *Act*.

The applicant has submitted an objection against Council’s adherence to the development standard under Clause 15A of the *HSLEP* for a maximum building height of 17.5m. The proposed development exceeds the maximum building height as follows:

Building A – eastern elevation of the sixth floor, maximum height 18m

Building B – eastern elevation of the fifth floor of the building, maximum height 19m

Building C – southern elevation sixth floor elements of the building, maximum height 19m

The proposed variation of the development standard would not raise any matter of significance for State and regional planning.

The applicant submits the non-compliance with the development standard is justified on the following grounds:

- *The majority of the built form will comply with the 17.5m height limit.*
- *The non-compliances are a direct result of the topography of the site, which has a cross-fall of approximately 10.9 metres from the north-west corner (along Beecroft Road) to the south east corner (along Hannah Street).*
- *The non-compliance is to a small portion of the overall development and is not significant, in that it is less than half the top floor height. The non-compliance essentially relates to roof and lift elements.*
- *The non-compliance does not result in additional bulk or scale to the development, particularly along the street frontages. The design reinforces the fine grain architectural elements along the streetscape, particularly to Hannah Street.*
- *The non-compliance to the height control will not result in adverse impacts to the streetscapes along Beecroft Road or Hannah Street, or to adjoining or adjacent properties. Solar access to*

the units within the proposed development and to adjoining/adjacent properties is in compliance with Council's requirements.

- *The adjoining properties to the east along Hannah Street are not subject to the same extent of fall across their sites. The proposal is in context with the future character of the area.*

The Land and Environment Court has expressed the view that there are five different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the *Policy*:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standards;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

The applicant's objection to the maximum 17.5m building height standard is discussed with regard to the above planning principle as follows:

The objective of *HSLEP* Clause 15A Height of Buildings is:

To encourage development of a scale consistent with the land's zone objectives.

The objectives of the subject Business A (General) Zone are as stated in Section 2.2 above. The objectives are reinforced by the *Housing Strategy Development Control Plan (HSDCP)* through the Desired Future Character Statement for the Beecroft Road Precinct (Mixed Use Portion) which states in part:

This Housing Strategy precinct will be characterised by 5 storey mixed use buildings.

The development standard for a 17.5m building height for residential flat development is reiterated in the height prescriptive measures in the *(HSDCP)* for the Heritage Precinct Development which requires a maximum of five storeys, excluding basement, for development at a maximum height of 17.5m.

The proposed development exceeds the maximum height limit, the maximum number of storeys and the extent of basement above existing ground level. The implication of the non-compliance is for development out of scale with the desired character of the heritage precinct, particularly at the eastern and southern elevations of the proposed development where the overwhelming visual impact would detract from the pedestrian friendly character of the Beecroft village. The applicant's objection is therefore not considered well founded in respect to the principles established by the Land and Environment Court and the desired future character of the Beecroft Road Precinct.

Refer also to discussion in Sections 2.13.1 and 2.13.3.

2.5 State Environmental Planning Policy No. 55 – Remediation of Land

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

The area of the site occupied by a former service station has been remediated in accordance with Environment Protection Authority Approved Guidelines and is suitable for residential use as stated in the submitted Site Audit Report dated September 2009, prepared by Environ Australia Pty Ltd.

As stated in the report none of the commercial land uses surrounding the service station site have the potential to cause contamination of the site.

2.6 State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development

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

The applicant has submitted a design verification statement prepared by a qualified designer stating how the proposed development achieves the design principles of *SEPP 65*. The design principles of *SEPP 65* and the submitted design verification statement are addressed below.

2.6.1 Principle 1 - Context

Design Principle 1 is as follows:

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

The context of the site within a precinct undergoing transition is defined by the *Desired Future Character Statement* and the Key Principles Diagram of the *HSLEP*, for the Beecroft Road Precinct (Mixed Use Portion). The applicant states the design approach has regard to adjacent heritage items and the heritage objectives of Council's planning controls. However, the proposed design does not have adequate regard to the key principles and desired outcomes for the future character of the area. Refer to discussion in Section 2.13.1 and Section 2.13.13.

The proposed development is not supported in respect to this Principle.

2.6.2 Principle 2 - Scale

Design Principle 2 is as follows:

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

The precinct is undergoing transition. The scale of the future built environment is commensurate with Council's planning controls which promote five storey residential flat buildings with a maximum height

of 17.5 metres. The proposed development exceeds the maximum 17.5m building height and the maximum number of five storeys. The scale is accentuated by the proposed modular architectural treatment with limited setback from the podium. The scale of the proposed development would be inconsistent with desired future character of the precinct.

The proposed development is not supported in respect to this Principle.

2.6.3 Principle 3 – Built Form

Design Principle 3 is as follows:

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscape and parks, including their views and vistas, and provides internal amenity and outlook.

The *Housing Strategy DCP* includes planning controls for height, setbacks, building footprints, articulation, and heritage conservation which prescribe the future built form of the Beecroft Road Precinct (Mixed Use Portion).

The proposed development exceeds the maximum building height and the maximum number of storeys resulting in excessively tall built form. The exterior architecture with repetitive modular forms dominates the building façade and does not have adequate regard to desired future character of the mixed use portion of the Beecroft Road Precinct.

The proposed development is not supported in respect to this Principle.

2.6.4 Principle 4 – Density

Design Principle 4 is as follows:

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

The site density is regulated by the statutory height control of 17.5m and the controls contained within the *Housing Strategy DCP*. The proposal exceeds the height limit and is unsatisfactory in respect to scale. The proposed density therefore is not supported with respect to the non-compliance with the statutory height control.

The proposed development is not supported in respect to this Principle.

2.6.5 Principle 5 – Resource, Energy and Water Efficiency

Design Principle 5 is as follows:

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of

buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

The applicant has submitted BASIX Certificate No. 480439M for the proposed dwellings. The proposed development achieves the BASIX targets for sustainable water use, thermal comfort and energy efficiency. The building design achieves an efficient use of natural resources, includes sustainable materials and passive solar design principles.

The submitted statement is supported in respect to this Principle.

2.6.6 Principle 6 – Landscape

Design Principle 6 is as follows:

Good design recognises that together landscape and buildings operate as an integral and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbour's amenity, and provide for practical establishment and long term management.

The application includes a landscape concept plan for the provision of planter boxes and landscaping of the paved Upper Courtyard. Lower and Eastern Courtyards. The proposal retains the majority of the existing street trees at the Hannah Street frontage. The proposed landscaping would generally meet the landscaping design principle.

The submitted statement is supported in respect to this Principle.

2.6.7 Principle 7 – Amenity

Design Principle 7 is as follows:

Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

The proposed development is generally of appropriate design however the proposal does not achieve best practice benchmarks for north facing dwellings, for privacy and acoustic impacts, for living room sizes and open space areas relative to number of bedrooms and for the number of dwellings serviced by a lift, in accordance with the *Residential Flat Design Code*.

The proposed development is not supported in respect to this Principle.

2.6.8 Principle 8 – Safety and Security

Design Principle 8 is as follows:

Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

The proposed development would include resident security controlled access to basement car park and residential floors. Proposed Buildings A, B & C provide passive surveillance of the Upper Courtyard, Lower and Eastern Courtyards which are open to the public. The units fronting the courtyards are clearly defined with separate private open space.

The proposed substantive portal entry to the development at the corner of Hannah Street and Beecroft Road does not direct pedestrians to the shopping centre other than via a lift and forms an undercroft with a long narrow corridor to the courtyard. The portal connection would not allow clear sightlines between the courtyard and the street corner and would compromise safety and security of residents.

The proposed development is not supported in respect to this Principle.

2.6.9 Principle 9 – Social Dimensions and Housing Affordability

Design Principle 9 is as follows:

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New development should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

New development should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.

The *Housing Strategy DCP* includes prescriptive measures for housing choice and for adaptable housing to provide for aging in place. The proposed development complies with the prescriptive measures in respect to this Principle.

2.6.10 Principle 10 – Aesthetics

Design Principle 10 is as follows:

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

The proposed development is inconsistent with the key principles and desired outcomes for the future character of the Beecroft Road Precinct (Mixed Use Portion). The modular framed architectural treatment would dominate the streetscape and detract from the desired future character of the area.

The proposed development is not supported in respect to this Principle.

2.7 SEPP 65 – Residential Flat Design Code (SEPP 65 Code)

SEPP 65 also requires consideration of the *Residential Flat Design Code, NSW Planning Department 2002*. The *Code* includes development controls and best practice benchmarks for achieving the design principles of the SEPP 65. The following table sets out the proposal's compliance with the *Code*:

| Residential Flat Design Code | | | |
|--|--|---|------------------------|
| Control | Proposal | Requirement | Compliance |
| Deep Soil Zone | N/A | N/A | N/A |
| Communal Open Space | N/A | N/A | N/A |
| Gnd Level Private Open Space | N/A | N/A | N/A |
| Minimum Dwelling Size | Studio – 39m ² 1 br – 50m ² 2 br – 61m ² 3 br – 91m ² | Studio – N/A 1 br – 50m ² 2 br – 70m ² 3 br – 95m ² | N/A Yes No No |
| Maximum Kitchen Distance (10m from window) | 8m | 8m | Yes |
| Minimum Balcony Depth | 2.6m | 2m | Yes |
| Dual Aspect & Cross Ventilation | 90% | 60% | Yes |
| Adaptable Housing | 30% | 10% | Yes |

2.7.1 Apartment Layout and Mix

The proposal includes 140 dwellings comprising 3 x studio units, 68 x 1 bedroom units, 51 x 2 bedroom units and 18 x 3 bedroom units. The proposed dwelling mix not including the studio dwellings, is in accordance with Council's planning controls for a minimum of 10% of 1, 2 and 3 bedroom units, however a number of units do not meet the minimum unit size requirement of the SEPP 65 Code including Units A309, A409, A509, B204, B304 and B404.

The proposed apartment layouts generally meet the SEPP 65 Code better design practice for internal amenity and privacy other the following:

- The layouts of Units A602, A603, B104, B106, B206, B306 and B406 are not oriented to advantage the north facing elevation.

- The close proximity of the opposing living areas to bedrooms of Units C101 and C111, Units C201 and C213 and Units 401 and C415, and the interface of Commercial Unit 1 and Unit C107 would have poor acoustic privacy and amenity.
- The unit entries of Units A306, A308, A408, A508, A601, A604 and C502 obstruct the bathroom or laundry. The unit entry of C210 overlays the kitchen and is a drafting error.
- The 1 bedroom + study courtyard units A101, A102, C108, C109, C110 and C111 and the 1 bedroom + study units A308, A408 and A508 are not of design to maximise functional use of space and to provide a mix of dwelling sizes.
- The internal privacy of units C402, C403, C404, C505 and A604 is compromised by the bedroom and living room interface.

2.7.2 Ground Floor Apartments

The proposal includes 13 courtyard units and 8 units with access to landscaped open space. Of these units 66% are adaptable units. The ground floor courtyard units are screened by landscaped planters from the public courtyards and provided with private access. The courtyard units open space frontages have a minimum dimension of 2.5m and are directly accessed from living areas and are generally at the same level as the publicly accessible courtyards. Subject to effective landscape screening the proposed courtyard units would be acceptable in respect to the SEPP Code requirements.

2.7.3 Internal Circulation

A single lift is provided to each of the three proposed residential flat buildings. The lift in Building A services up to 9 units on each level and the lift in Building B services up to 8 units, which is acceptable in respect to the SEPP Code best practice for a maximum of 8 units per lift.

The lift in Building C however services 12 to 16 units over each of the four levels of the L shaped component of the building. The lift is not centrally located and includes minimal foyer area. It is considered the building's internal circulation does not meet the SEPP Code best practice to promote interaction, sense of community and safety. Further, the building's fire stairs open to the central floor area of the building and do not conform to the required travel distance of the Building Code of Australia. The fifth floor plan of Building B includes a single fire stair requiring an overly long corridor for Unit B501, in order to comply with fire access requirements.

2.7.4 Safety and Visual Privacy

The interface between the public and private realms within the mixed use development generally provides effective passive surveillance of publicly accessible areas and reinforces boundaries between private and public space, minimising crime opportunities. However, the proposed portal of the building at the corner of Beecroft Road and Hannah Street would visually identify as the main entry to the development but it does not form a primary access to the shopping centre component of the development, other than via a lift. The portal leads pedestrians to commercial premises COMM 1 and COMM 2, to the residential entry foyer of Building C and to the Lower Courtyard. It is considered the portal would confuse the entry for the residential component with the shopping centre component. The through corridor is not designed to provide adequate sight-line between the courtyard and the portal and includes uncontrolled space. In this regard the proposed development would not meet the SEPP Code best practice for access control and space management for safety and security of residents.

2.7.5 Acoustic Privacy

The applicant submitted an Environmental Noise Impact Assessment which recommends construction materials to comply with traffic noise mitigation requirements.

The SEPP Code includes best practice for design for internal acoustic environment.

The proposed dwellings are generally satisfactory in this regard other than units A304, A306, A309, A602, A603, C401, C403, C409, C501, C503 and C504 due to the close proximity of laundry and bedrooms.

Refer also to comments in Section 2.7.1.

2.7.6 Building Separation

Proposed Building A, B and C comply with the primary development controls for building separation.

2.7.7 Storage

The submitted plans do not detail furniture layout or linen storage. The proposed resident storage areas within the basement resident car park would not be adequate to meet the SEPP Code best practice for 6m³ for studio and 1 bedroom units, 8m³ for 2 bedroom units and 10m³ for 3 bedroom units.

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

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

2.9 State Environmental Planning Policy (Infrastructure) 2007

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

The proposed development has frontage to a State Road (Beecroft Road) and is subject to the provisions of the Policy in respect to traffic generating developments (Clause 102).

The Roads and Maritime Services (RMS) has granted its concurrence to the proposed development in respect to the traffic generated and the operation of the Hannah Street and Beecroft Road intersection subject to recommended conditions.

The applicant submitted an Environmental Noise Impact Assessment addressing noise levels from traffic on Beecroft Road and the necessary noise mitigation measures pursuant to Clause 104 of the Policy, as required by RMS.

2.10 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 1995

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

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

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

On 1 March 2013, the *Environmental Planning and Assessment Act, 1979* was amended so that a DCP provision will have no effect if it has the practical effect of “*preventing or unreasonably restricting development*” that is otherwise permitted and complies with the development standards set out in relevant Local Environmental Plans and State Environmental Planning Policies. The principal purpose of a development control plan is to provide guidance on the aims of any environmental planning instrument that applies to the development; facilitating development that is permissible under any such instrument; and achieving the objectives of land zones under any such instrument.

The provisions of a development control plan made for that purpose are not statutory requirements.

2.12 Hornsby Development Control Plan 2013

The Hornsby Development Control Plan 2013 (HDCP) applies to all land within Hornsby Shire and came into effect 11 October 2013, replacing the previous development control plans (DCP). Notwithstanding, the Housing Strategy Development Control Plan (Housing Strategy DCP) is applicable to the site in respect to HSLEP which applies to the proposal pursuant to Clause 1.8A of HLEP (refer to discussion in Section 2.1).

A detailed assessment of the proposal against Housing Strategy DCP is discussed at Section 2.12.

The HDCP is generally a transition of Council's previous DCPs, into a consolidation plan however it is noted the proposed development would not comply with a number of the additional requirements of the *HDCP* as discussed below:

2.12.1 Building Form and Separation

The required minimum separation between buildings on large sites is increased from 6m to 9m. The proposed building separation is 6.5m+. The non-compliance with *HDCP* is considered acceptable in the circumstances.

2.12.2 Open Space

Each dwelling is to have an external area for clothes drying separate from the principle private open space area. The non-compliance is considerable acceptable as the majority of open space areas comprise recessed balconies minimising the visual impact of clothes drying.

2.12.3 Car Parking

The *HDCP* includes car parking provision with regard to proximity to a railway station and a new provision for motor cycle parking. In this regard for the residential component, the *HDCP* would require 132 car parking spaces, 20 visitor car parking spaces and 3 motor cycle parking spaces. The residential component includes 125 car parking spaces and 20 visitor spaces and involves a shortage of 7 spaces.

The car parking requirement for retail, business or office premises is reduced by the *HDCP*. A total of 146 retail spaces @ 1 space per 29m² and 11 business/office spaces @ 1 space per 48m², is required for the commercial component - combined total of 157 spaces. In addition 4 motor cycle spaces and 8 bicycle parking spaces are required. The proposal includes 178 commercial spaces and involves a surplus of 21 spaces.

The proposal includes an overall surplus of 14 spaces within the commercial car parking on Basement Levels 1 and 2 which do not include residential lift access. The lift access would need to be redesigned for resident access to the required 7 car parking spaces. Further, 3 motor cycle spaces are required for the residential component and 4 motor cycle spaces for the commercial component.

The residential car parking spaces include 13 tandem car parking spaces. The allocation of the tandem spaces would need to be restricted to the 18 x 3 bedroom units and subject to a management plan.

The commercial component includes 8 required bicycle spaces, however access to the spaces is restricted by the trolley bay. An additional 7 bicycle spaces are required for the residential component.

2.13 Hornsby Housing Strategy Development Control Plan

The proposed development has been assessed having regard to the desired outcomes and prescriptive measures within Council's Housing Strategy Development Control Plan (Housing Strategy DCP) applicable to the proposed development in respect to HSLEP. The following table sets out the proposal's compliance with the prescriptive requirements of the Plan:

| Housing Strategy Development Control Plan | | | |
|--|--|----------------------------|-------------------|
| Control | Proposal | Requirement | Compliance |
| Site Width | 54.5m – 75.0m | 30m | Yes |
| Height | Blg A - 6 storey (18m) Blg B – 5 storey (19m) Blg C – 2-6 storey (19m) | 5 storeys – 17.5m | No No No |
| Basement Height Ground Level | 5m Blg B – 5-6 storey Blg C – 4-5 storey | 1m 5 storey 5 storey | No No Yes |
| Lowest Residential Floor Above Ground | N/A | Max – 1.50m | N/A |
| Maximum Residential Floorplate Dimension | Building A – 35m Building B – 34m Building C – 56m | 35m 35m 35m | Yes Yes No |
| Building Separation | 6m | 6m | Yes |
| Two steps 50% of facade | Building A – No Building B – Yes Building C - No | No Yes No | No Yes No |
| Beecroft Road Residential Setback | 3m 6m top floor | 3m 6m top floor | Yes Yes |
| Hannah Street Commercial | 0m | 0m | Yes |

| | | | |
|---|---|--|--|
| Setback | | | |
| Hannah Street Residential Setback | 3m 6m top floor | 3m 6m top floor | Yes Yes |
| E Side Setback | 6m 5m < 1/3 rd building | 6m 4m < 1/3 rd building | Yes Yes |
| N Side Setback | 6m 0m < 1/3 rd building | 6m 4m < 1/3 rd building | Yes Yes |
| Basement Setback | 0m | 0m | Yes |
| Top Storey Setback From Ground Floor | Building A – 0-2m Building B – 0-3m Building C – 0-3m | 3m 3m 3m | No No No |
| Basement Ramp Setback | N/A | N/A | N/A |
| Car Parking (HDCP requirement) | 178 commercial spaces 125 resident spaces (including 13 tandem) 20 visitor spaces 0 res. motor cycle spaces 0 com.motor cycle spaces 35 res.bicycle spaces 8 com.bicycle spaces | 4,230m ² retail @ 29m ² (146 spaces) 500m ² bus/office @ 48m ² (11 spaces) 132 resident spaces (71 x 1 br @ 0.75 space, 51 x 2 br @ 1 space, 18 x 3 br @ 1.5 space) 20 visitor spaces 3 res.motor cycle spaces 4 com.motor cycle space 42 res.bicycle spaces 8 com.bicycle spaces | Yes Yes No Yes No No No Yes |
| Landscaping | N/A | N/A | N/A |
| Private Open Space Min Width 2.5m | 1 br units - > 10m ² 2 br units - > 10m ² 3 br units - > 10m ² | 10m ² 12m ² 16m ² | Yes No No |
| Communal Open Space | N/A | N/A | N/A |
| Sunlight Access | 70% | 70% | Yes |
| Housing Choice | 68 x 1 br units + 3 studio – 51% | 10% | Yes |

| | | | |
|------------------------|--|------------|------------|
| | 51 x 2 br units – 36% 18 x 3 br units – 13% | 10% 10% | Yes Yes |
| Adaptable Units | 30% | 30% | Yes |

As detailed in the above table, the proposed development does not comply with a number of prescriptive requirements within Part 3 of Council's Housing Strategy DCP applicable for the Heritage Precinct Development. The matters of non-compliance are detailed below, as well as a brief discussion on compliance with the desired outcome for development within the Heritage Precinct.

2.13.1 Desired Future Character

The desired future character statement (mixed use portion) is as follows:

This Housing Strategy precinct will be characterised by 5 storey mixed use buildings with at grade car parking for retail customers and underground car parking for employees and residents.

Shops will be visible and accessed directly from street frontages to retain the historic relationship of the railway and shopping centre.

Business uses will be located on the lower two storeys providing a broad podium for dwellings above to be setback from, creating a pedestrian friendly scale. Visible and active shops and street frontages with continuous awnings will enhance streetscape character.

Shopfronts will be designed with suspended, traditional steel box section awnings over footpaths to assist maintain the village character and fabric of the commercial area.

Roofs will be flat or gently pitched with wide eaves around top storeys.

The proposed development includes part six storey building. The setback of the residential units above the podium is substantially encroached by the modular framed architectural treatment and is inconsistent with the required pedestrian friendly scale of Hannah Street. The extent of shopfront and street awnings is limited.

The applicant submits the six storey variation is acceptable with regard to the presentation to the courtyard, the topography of the site and the Hannah Street retail component being partly underground, the stepping of Building C to the eastern side boundary, and the Housing Strategy DCP which depicts six storey on the east-west cross section diagram (page 69).

The applicant's submission is not supported in respect to the following matters:

- The six storey element in the Housing Strategy DCP east-west cross section diagram is limited in extent with regard to the steep topography and the maximum 35m floorplate dimension above the podium. The maximum floorplate dimension of proposed Building C above the podium is 56m at the Hannah Street elevation and together with the sixth storey element, substantially increases the bulk and scale of the building.
- The proposed Hannah Street shopfront includes retail premises partly underground. Only 30% of the 65m Hannah Street frontage accommodates shops including the mall entrance. Less than 10 metres of shopfront is proposed with direct street access. The proportion and

configuration of proposed retail spaces do not reflect the traditional pattern of shop-terraces and do not maintain the village character and fabric of the commercial area.

- The proposed mall entry obscures internal retail activity from the Hannah Street frontage. The retail spaces which flank the mall entry are located partly or fully below street level and would not contribute to street level activity.

The proposed development does not accord with the desired future character of the mixed use area. Further, the configuration of the proposed retail floor area including dead end branch corridors, off-centre location of travelators and indirect trolley access between the supermarket and the car park, does not conform to commercial best practice.

2.13.2 Heritage Conservation

The site is within the Beecroft-Cheltenham Heritage Conservation Area and is in the vicinity of a number of heritage items including:

- 83 Beecroft Road – House
- 9 Chapman Avenue – St. John’s Anglican Church
- 68 Beecroft Road – Garden
- 28 Hannah Street – House, garden and building
- 5A Hannah Street – House “Eltham” and garden
- 5B Hannah Street – Beecroft Post Office

The above items are items of local heritage significance. The house at No. 83 Beecroft Road “Mandalay” adjoins the northern boundary of the site. The Housing Strategy DCP includes prescriptive measures for a transition in building height and setback for development adjacent to a heritage item. The proposed development maintains the existing accessway adjoining the northern boundary of the site. A setback of 8.2m is proposed from the northern boundary providing a 9.4m separation between the proposed development and the house “Mandalay”. The setback would provide opportunity for additional landscaping along the northern boundary to create a transition between the proposed development and the heritage item and driveway design for the four proposed car parking spaces.

As noted above in Section 2.13.1 the proposed development is inconsistent with the desired future character of the heritage precinct. The provision of a two storey podium at street level with pronounced setbacks to the storeys above the podium would improve the balance of the buildings to reduce their apparent bulk and scale thus providing a pedestrian friendly scale to Hannah Street. The proposed modular frames dominate the Hannah Street façade and fail to provide an appropriate reference to traditional shop-front buildings which characterise the streetscape.

The proposed development therefore does not meet the desired outcome for heritage conservation.

2.13.3 Site Requirements

The applicant has not achieved a consolidated development site. The land at No. 93 Beecroft Road (Lot 2 DP 211441) would become an isolated site as a result of the proposed development. The isolated lot has an area of 145.4m² and a frontage of 15.24m to Beecroft Road. The applicant has not addressed whether orderly and economic development could be achieved in accordance with the zoning of the land and the Housing Strategy DCP. The existing premises would detract from the

appearance of the proposed development in the streetscape and would be inconsistent with the desired future character of the precinct.

The applicant has been unsuccessful in negotiations to purchase No. 93 Beecroft Road in 2008 and again in September-November 2013. The applicant submitted a peer reviewed valuation report dated July 2013. The valuation determined Current Market Value of \$500,000 based on comparative sales analysis.

The owner of the land has submitted a consultant town planner's report which in part questions the valuation method for the commercial property. It is considered that fair market value of commercial property should include consideration of the capitalisation of the property's rental income. A hypothetical analysis of the overall yield benefit of the land in the site of the proposed development should also be considered. In this regard it is considered the applicant's negotiation to purchase No. 93 Beecroft Road has not been based on fair market value for commercial property.

2.13.3 Height

The proposed buildings exceed the 17.5m maximum building height and the maximum number of storeys.

The proposed height would substantially dominate the mixed use precinct particularly at the eastern elevation due to the height of the podium and floors above having a scale equivalent of seven storeys. Further, the height of the development at the Hannah Street elevation is accentuated by the tall single storey portal and floors above which bookend the building from the corner at a scale of six storeys.

The proposed development would be visually overwhelming and incompatible with the pedestrian friendly scale desired for the future character of the precinct.

2.13.4 Setbacks

The proposed setbacks are in compliance with the prescriptive measures for zero setback to street frontages, minimum 6m setback from rear and side boundaries and minimum 3m setback of residential from the podium façade.

The 3m residential setback of the residential floors above the podium however would not be discernable in the streetscape as the modular boxed frames of the façade generally align with the podium, dominate the building façade and defeat the setback, increasing the bulk and scale of the development.

The top storey of Buildings A, B and C do not comply with the required 3m setback from the lowest residential storey at the facades fronting the courtyard. In this regard the non-compliance of the top storey setback would not substantially impact on the scale of the development in relation to the streetscape.

2.13.5 Floorplates and Separations

Proposed Building A and Building B would comply with the prescriptive floorplate dimensions of the Housing Strategy DCP.

Proposed Building C has an overall length of 64m which is appropriate for the continuous podium to the Hannah Street frontage. The residential floorplate of Building C above the podium has a dimension of 56m and does not comply with the 35m maximum floorplate dimension. The non-

compliance is not remedied by the proposed 4m x 4m indentation which is not readily discernable in the streetscape due to the modular boxed frames in the façade.

The proposal does not meet the desired outcome for residential buildings limited in width and depth.

2.13.6 Articulation

The proposed built form is strongly articulated with regard to the sloping topography of the site. The building facades incorporate a variety of architectural elements characterised by the rectilinear and modular forms.

The proposed finishes include a range of materials and face brick colours which enhance the articulated built form.

The proposed articulation would generally meet the intent of the Housing Strategy DCP prescriptive measures for buildings to achieve architectural visual interest. Notwithstanding, the proposal does not have regard to articulation prescriptive measures which would contribute to the desired future character of the precinct including:

- Facades should be expressed as two or three distinct levels.
- Facing primary and secondary streets at least two steps should be provided between the podium façade and upper residential storeys along 50% of any façade.
- Continuous awnings should be provided along principle active street frontages.

It is considered the proposal does not meet the Housing Strategy DCP articulation desired outcome ie:

Development of a scale and bulk which achieves a pedestrian friendly environment and enhances the streetscape character.

2.13.7 Open Space

The proposed open space provision includes unit courtyards and balconies. The proposed communal open space is shared with the public in the use of the Upper, Lower and Eastern Courtyard areas.

A number of two and three bedroom units are deficient in open space, including 2 bedroom units Nos. A309, A409, A509, B204, B304 and B404, and 3 bedroom units Nos. B206, B306, B406, C202 and C302. Subject to the open space areas for these units being increased to comply with the minimum area requirement, the open space areas would be acceptable.

The proposal is generally acceptable in design for active living subject to provision of an additional seven bicycle parking spaces and provision of adequate residential storage areas (Refer to Section 2.6.7).

2.13.8 Privacy

The units with unscreened opposing balconies within the proposed development are separated by a distance of 18+ metres and comply with the minimum separation distance of 12m for up to 4 storey and 18m for the fifth storey.

The proposed units with balconies in close proximity of other unit balconies are appropriately screened to ensure reasonable privacy.

Attention to screening would be required for units with direct access to the publicly accessed courtyards.

2.13.9 Sunlight and Ventilation

The proposed development generally complies with the *Housing Strategy DCP* prescriptive measure for at least 70% of dwellings to receive 2 or more hours of sunlight to living room windows and private open space. The proposal complies with the requirement for at least 60% of dwellings to have dual aspect and natural cross ventilation.

The proposed development would not result in overshadowing of any adjacent dwellings.

2.13.10 Housing Choice

The proposed buildings include a mix of dwellings including; studio, one bedroom, one bedroom + study, two bedroom, two bedroom + study and three bedroom dwellings.

Of the proposed dwellings 51% are one bedroom (including studios), 36% two bedroom and 13% three bedroom dwellings. The adaptable dwellings include 30% of dwellings.

The proposed housing mix complies with the *Housing Strategy DCP* requirement for at least 10% of each dwelling type and for 30% adaptable units.

2.13.11 Landscaping

The proposed development would retain the majority of the existing street trees (Callery Pear) at the Hannah Street frontage of the site.

The submitted landscape plan is considered acceptable in providing common open space areas that are also available to the public within the Upper, Lower and Eastern Courtyard areas with regard to design for the public domain and residential amenity. The landscape plan includes attention to paving, fencing and layered planting for privacy screening.

2.13.12 Vehicle Access and Parking

The proposed car parking provision is subject to the requirements of *HDCP* and is discussed in Section 2.12.3.

The proposed 12m wide driveway off Hannah Street includes vehicle access for all residents, visitors, retail and business customers, delivery and service vehicles and waste management. Upon entering the single entry driveway off Hannah Street the driveway splits into three separate internal driveways including the retail / commercial car park, the residential car park and the loading dock. The loading dock includes a truck turntable. The residential car park entry is a single lane driveway leading to the boom gate. Concern is raised that a delay at the resident / visitor car park entry boom gate could lead to blocking of all vehicular access to the shopping centre resulting in queuing across Hannah Street footpath and queuing in Hannah Street. It is recommended that the boom gate for the residential carpark be relocated further away from the entrance to increase the queue capacity.

The retail / commercial car park entry has two boom gates on entry and one on exit from the car park. In an event of an unpaid / malfunctioning ticket it is likely that extensive queuing will occur within the car park as no alternative exit gate is provided. This is unlikely to impact on traffic in Hannah Street however is a management matter that needs to be considered and addressed before the shopping centre is operational.

An estimated 30 to 40 truck deliveries per day would be required to service the proposed development, not including waste management vehicles (6). The delivery and service vehicle access

to the loading docks and turntable would be subject to a shopping centre management plan to control approach and departure routes for service vehicles and loading dock hours of operation and delivery times.

The entry queuing areas for the retail and residential car parks would provide for 3 vehicles per lane in accordance with the minimum requirement of *AS2890.1.- Off Street Car Parking*.

A separate open visitor parking area for 4 vehicles is proposed within the Upper Courtyard off Beecroft Road.

Refer also to discussion in Section 3.2.

2.13.13 Key Development Principles

The Housing Strategy DCP includes a Key Principles Diagram for the Beecroft Road precinct (mixed use portion) which development proposals are to address by design. The Key Principles include 'strategy', 'public frontages', 'servicing' and 'built form' and are accompanied by a Town Centre Linkage Diagram for cycle and pedestrian links. The proposal's adherence to the key principles is discussed as follows.

Strategy

Redevelopment of up to five storeys should accommodate residential flats above offices, business + / or retail premises serviced by basement parking.

Expand the existing public domain in order to encourage high levels of pedestrian activity plus a variety of new businesses + local employment.

The proposed development includes six storeys and would not fully expand the public domain with the proposed public access to the common open space courtyard areas. The proposal should include commercial uses fronting the courtyard.

Public frontages

To encourage new pedestrian + business activities in locations which are commercially-visible, sunny + protected from excessive traffic noise, divide commercial street blocks by broad outdoor walkways that follow pedestrian desire lines (either existing or likely) and provide new plazas in locations that are commercially-prominent.

Maximise activity facing all streets, walkways, piazzas + squares by siting lower storeys without any setback from footpaths and accommodating a nearly-continuous mix of shopfronts, building entrances + balconies.

The proposed development has some regard to this key principle but does not establish a commercially prominent plaza or maximise activity facing all streets. The proposal includes limited direct shop frontage to Hannah Street and would not stimulate a high level of street activity, as discussed in Section 2.13.1.

The public frontage is further reduced by the proposed driveway. The proximity of the driveway to the mall entrance would compromise the amenity and retail potential of the frontage and the perceived pedestrian safety of the Hannah Street footpath.

Servicing

Limit direct access from Beecroft Road

For properties north of Hannah Street, provide access via a new laneway off Hannah Street + from the existing car park which should be retained.

Retain the existing outdoor car park next to the fire station.

The proposed 12m wide driveway off Hannah Street is contrary to the key principle to provide a new laneway along the eastern boundary of the site. A laneway would provide access to development of the subject site and adjacent development, enable extension of the shopfront podium and contribute to pedestrian movement, in accordance with the Beecroft Town Centre Linkage Diagram for pedestrian thoroughfares.

The proposed driveway with the three way split would complicate traffic movements at the frontage, detract from pedestrian amenity (vehicle/pedestrian conflict), reduce the extent of active street frontage and compromise pedestrian access through the precinct by replacing the laneway.

While the design of the proposed courtyard has regard to the key principles diagram, there is no concept proposed for connection of the pedestrian thoroughfare with the adjoining site to demonstrate the proposed pedestrian linkage off the Eastern Courtyard can be integrated with future adjoining development. The establishment of the laneway in accordance with the Servicing Key Principle would better provide for vehicle access and pedestrian thoroughfare, provide an additional active street frontage and promote co-ordination of redevelopment within the precinct.

Built form

Provide a continuous podium up to two storeys high facing all streets, and shape each podium to address street corners.

Avoid extensive sheer vertical facades by setting upper storeys back from podiums.

Provide gently-pitched roof forms with eaves.

Design quality of facades should consider visibility from all quarters.

Siting and design of apartment storeys should provide at least two hours sunlight daily for living areas in 70% of new dwellings, as well as high levels of privacy.

The key principle is reiterated in the desired future character statement and planning controls for the precinct. The proposed built form is inconsistent with the key principle for upper stories setback from podiums as the modular box frames in the façade dominate the built form.

2.14 Waste Minimisation and Management Development Control Plan

The proposed development has been assessed having regard to the requirements of the above plan to promote waste minimisation and management.

The submitted Waste Management Plans for the construction and demolition stages of the proposed development and on-going management would be acceptable subject to conditions.

The design of the proposed waste management system and bin storage areas is acceptable for accommodating the volume and type of waste generated by the proposed residential and commercial development. The layout and design of the proposed waste collection facility is of the required dimension for waste collection vehicles and is acceptable.

A total of 16 waste collection trucks per week would service the site for garbage and recycling, with a maximum of 6 in one day. The collection frequency would need to be considered in the shopping centre management plan discussed in Section 2.13.12.

3. ENVIRONMENTAL IMPACTS

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

3.1 Natural Environment

The site is within the catchment of Byles Creek. The proposal would not adversely impact on the water quality of the creek subject to implementation of sediment and erosion control measures and stormwater detention.

3.2 Built Environment

3.2.1 Built Form

The site forms part of the Beecroft urban area recently rezoned for five storey residential flat development, including mixed use development within the commercial centre. The future built form envisaged by Council is provided for in Council's planning controls as discussed in Section 2.12 and Section 2.13.

The proposed development is inconsistent with the built form envisaged for the area.

3.2.2 Traffic Generation and Road Safety

The proposed development comprising the 140 dwellings would generate 40 vehicles per hour during the peak traffic periods, in accordance with the Roads and Maritime Services *Guide to Traffic Generating Developments Section 3 – Land Use Traffic Generation (October 2002)* for high density residential flat building Peak Hour Vehicle Trips rate of 0.29 vehicle trips per dwelling.

The proposed shopping centre would replace the existing centre and generate an additional 85 vehicles per hour in the weekday afternoon peak hour and an additional 100 vehicles per hour in the midday Saturday peak hour. The proposal would increase traffic flow on Beecroft Road by up to 45 vehicles during these periods and by up to 100 vehicles on Hannah Street and up to 40 vehicles on Copeland Road and on Wongala Crescent.

The level of service (LoS) of the intersections controlled by traffic lights on Beecroft Road at Hannah Street and Copeland Road would continue to operate at a satisfactory level (LoS A/B and LoS C respectively). The priority controlled intersection of Hannah Street and Wongala Crescent would also continue to operate at a satisfactory LoS B. The existing queue of traffic on Hannah Street back from the traffic signals would extend during Thursday and Saturday peak periods by one to two cars.

Council's traffic assessment of the proposal concludes that the traffic generated by the proposed development would not have any unacceptable traffic implications in terms of the capacity of the State and local road network.

In the preparation of Council's *Housing Strategy*, transport modelling was undertaken to determine the traffic impact of development within the precincts to be rezoned as part of the Strategy. Traffic modelling and assessment for the Beecroft Road Precinct established that additional traffic that would

be generated in the Precinct would not have a significant impact on existing roadway conditions and intersection performance in the area.

Notwithstanding, the forecast development yields in the Beecroft Road Precinct may be exceeded if optimal market conditions continue and the precinct is fully developed. Further modelling is required to determine the cumulative traffic impacts of increased development yields and this is currently being progressed by Council.

3.3 Social Impacts

The proposed development would increase the availability of housing in the locality including the provision of adaptable housing and be of positive social impact.

3.4 Economic Impacts

The proposed development replaces the existing Beecroft Module Shopping Centre with a marginal increase in floor space for a larger supermarket, additional specialty stores and commercial space. The proposal would increase the retail floor space by approximately 1,900m² and the commercial space by 500m². The proposal would generate employment opportunities for 76 retail workers and 33 commercial workers, in accordance with *Monitoring of Commercial Centre and Industrial Areas (DoP 1991)* and be of positive economic impact in terms of employment generation.

4. SITE SUITABILITY

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

The site of the existing Beecroft Modula Shopping Centre is suitable for the proposed development.

5. PUBLIC PARTICIPATION


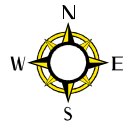
Section 79C(1)(d) of the Act requires Council to consider *“any submissions made in accordance with this Act”*.

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 19 June and 10 July 2013 in accordance with Council's Notification and Exhibition Development Control Plan. During this period, Council received 232 submissions. The amended proposal was notified from 17 February and 3 March 2014 when Council received 53 submissions. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

| | | | |
|--|------------------------|---|---|
| • PROPERTIES NOTIFIED | X SUBMISSIONS RECEIVED |  PROPERTY SUBJECT OF DEVELOPMENT |  |
| 256 SUBMISSIONS OUT OF MAP RANGE OR EMAIL ONLY ADDRESS | | | |

A total of 285 submissions objected to the development including 30 submissions reiterating objections in responding to amended plans. The submissions objected to the proposal generally on the following grounds:

- Inappropriate scale top of hill;
- Unacceptable traffic safety and parking impacts;
- Incompatible design not in keeping with heritage conservation area and Beecroft village;
- Proportion of 1 bedroom units not in keeping with Beecroft demographics;
- Poor solar access to proposed units;
- Insufficient car parking;
- Hannah Street driveway inadequate for the development;
- Insufficient shops and plaza activity;
- Traffic congestion at Chapman Avenue rail bridge. Need for traffic lights Chapman Avenue and Beecroft Road;
- Shops underground, lack of strip shopping;
- Isolated site 93 Beecroft Road;
- Impact on streetscape, greater setback needed for pedestrians, need for design for village character;
- Disruption to daily shopping needs during construction;
- Lack of weather protection for pedestrians;
- Lack of setback of upper storeys;
- Loss of village character;
- Design should follow example of Stocklands Cammeray;
- Number of floors exceeds DCP requirement;
- Total number of units for Beecroft precinct will be exceeded;
- Impact on pedestrian safety Hannah Street;
- Lack of village green space following Epping to Thornleigh Third Track;
- Loss of people-friendly scale Beecroft village;

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- Beecroft Railway Station non-accessible;
 - Loss of Beecroft village character as boutique shopping destination;
 - Proposal does not create piazza style public space with shops, cafes and gardens;
 - Inadequacy of existing infrastructure;
 - Redevelopment does not enhance community facilities, character and landscape or improve access and appearance Beecroft village;
 - Non-compliance planning controls SEPP 65, Housing Strategy DCP and Key Development Principles;
 - Vehicle queuing blocking loading dock with trucks across footway;
 - Additional traffic impacts on Hannah Street with loss vehicle exit onto Beecroft Road.

In response to the amended plans the submissions raised the following additional concerns:

- Corner treatment including series of boxes and pole structures out of character with the area;
- Inadequate retail mass for high density redevelopment precinct;
- Unacceptable safety risk for pedestrians with tripling traffic movements on Hannah Street;
- Six storey building out of character;
- Amendments do not provide solution;
- Car park exit to Beecroft Road required to minimise traffic on Hannah Street;
- Existing parking exacerbated by high density development;
- Cumulative traffic impact of high density development on local streets;
- Boxy block design, bulk & scale out of character Beecroft village;
- Studio & 1 bedroom units inconsistent with surrounding residential area;
- Housing mix skewed to Macquarie Uni students and not housing for families or people downsizing;
- Development would not enhance current shopping amenity;
- 93 Beecroft Road valuation isolated site not proper market value;
- Isolated site would result in poor presentation to Beecroft Road;
- Insufficient car parking for residential component;
- Non-compliance DCP design criteria.

The merits of the matters raised in community submissions have been addressed in the body of the report.

5.2 Public Agencies

The development application is subject to the concurrence of Roads and Maritime Services in respect to provisions under *State Environmental Planning Policy (Infrastructure) 2007* concerning traffic generating development.

The RMS granted concurrence to the proposed development subject to recommended conditions.

6. THE PUBLIC INTEREST

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

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

The built form of the proposed development is at a scale and density contrary to Council's planning controls for Beecroft and would detract from the desired future character of the area. In this regard, it is considered the proposed development would not be in the public interest.

7. CONCLUSION

The proposal is for demolition of the existing Beecroft Module Shopping Centre and construction of a mixed use commercial and residential development comprising a supermarket, specialty stores, commercial premises and 140 dwellings.

The proposed development exceeds the maximum building height and is of a bulk and scale inconsistent with the applicable planning controls for the site. The proposal does not adequately address the design principles of *SEPP 65* and the supporting code for design quality of residential flat development. The applicant's objection to compliance with the building height development standard is not well founded.

The proposed development is inconsistent with the Key Principles for development within the heritage precinct and does not have adequate regard to the desired outcomes and prescriptive measures for the future character of the precinct in accordance with the planning controls of Council's *Housing Strategy DCP*.

The applicant has not successfully negotiated on the basis of fair market value for the purchase of 93 Beecroft Road which would be isolated by the proposed development.

Council received 258 submissions objecting to the proposed development.

The application is recommended for refusal.

SCHEDULE 1

1. The proposed development is unsatisfactory in respect to Section 79C(a)(i) of the *Environmental Planning and Assessment Act, 1979* and provisions of applicable environmental planning instruments.
 - 1.1 The proposed development exceeds the maximum building height of 17.5m applicable pursuant to Clause 15A of *Hornsby Shire Local Environmental Plan 1994*.
 - 1.2 The applicant's objection to the maximum building height development standard is not well founded pursuant to Clause 7 of *State Environmental Planning Policy No. 1 – Development Standards*.
 - 1.3 The proposed development does not have adequate regard to the design principles pursuant to *State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development* for context, scale, built form, density, amenity, safety and security, and aesthetics.
2. The proposed development is unsatisfactory in respect to Section 79C(a)(iii) of the *Environmental Planning and Assessment Act, 1979* and the requirements of development control plans.
 - 2.1 The proposed development does not meet design best practice benchmarks of the *Residential Flat Design Code* for apartment layout and mix, internal circulation, safety and visual privacy, acoustic privacy, and storage.
 - 2.2 The proposed development does not meet desired outcomes and prescriptive measures of the *Housing Strategy Development Control Plan* for desired future character, heritage conservation, height, setbacks, floorplates and separations, articulation, open space, vehicle access and parking, and the key development principles.
 - 2.3 The proposed development would result in an isolated site and does not meet the site requirements of the *Housing Strategy Development Control Plan*.
3. The proposed development is unsatisfactory in respect to Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979* and the public submissions in response to the development application and the applicable planning controls.

- END OF REASONS FOR REFUSAL -