

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

| | |
|--|--|
| JRPP No | 2014SYW128 |
| DA Number | DA/1006/2014 (Lodged 2 September 2014) |
| 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 122 dwellings |
| Street Address | Nos. 87-91 and 95 Beecroft Road and Nos. 16-24 Hannah Street, Beecroft |
| Applicant/Owner | GAT & Associates / Sony Brothers Pty Ltd |
| Number of Submissions | 14 |
| Regional Development Criteria (Sched 4A of the Act) | General Development over \$20 Million |
| List of All Relevant s79C(1)(a) Matters | Hornsby Local Environmental Plan 2013 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 Section 94 Development Contributions Plan 2012-2021 |
| List all documents submitted with this report for the Panel's consideration | Architectural Plans, Landscape Plans, Urban Design Report, Landscape Design Report |
| Recommendation | Approval |
| Report by | Garry Mahony, Senior Town Planner |

RECOMMENDATION

THAT the Joint Regional Planning Panel assume the concurrence of the Secretary of the Department of Planning and Environment pursuant to Clause 4.6 of *Hornsby Local Environmental Plan* and approve Development Application No. 1006/2014 for demolition of the existing Beecroft Module Shopping Centre and adjoining corner commercial building and construction of a mixed use commercial and residential development comprising a supermarket, specialty stores, commercial premises and 122 dwellings, at Lot 11 DP 601185, Lot B DP 177495, Lot 1 DP 1096815, Lot 1 DP 900898, Lot B DP 4367, Lot 12 DP 601185, Lot 1 DP 211441, Nos. 87-91 & 95 Beecroft Road and Nos. 16-24 Hannah Street, Beecroft subject to the conditions of consent detailed in Schedule 1 of this report.

EXECUTIVE SUMMARY

1. The application proposes demolition of the existing Beecroft Module Shopping Centre and adjoining corner commercial premises and construction of a mixed use commercial and residential development comprising a supermarket, specialty stores, commercial premises and 122 dwellings.
2. The proposed development is consistent with the applicable planning controls for the site. The proposal is satisfactory in respect to *Hornsby Local Environmental Plan 2013*, *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 justification for non-compliance with the maximum building height development standard is considered acceptable in respect to Clause 4.6 of *Hornsby Local Environmental Plan 2013*.
3. 14 submissions have been received in respect of the application.
4. It is recommended that the application be approved.

BACKGROUND

On 15 May 2014, the Sydney West Joint Regional Planning Panel (JRPP) refused Development Application No. 545/2013 for demolition of the existing Beecroft Module Shopping Centre and construction of a mixed used commercial and residential development comprising a supermarket, specialty stores, commercial premises and 144 dwellings, on the subject site. The Panel refused the application on the following grounds:

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 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.*
 4. *The urban design approach adopted results in a building of appearance within its context which is out of character with the intended future character of the village.*
 5. *While the Panel considers the heights proposed are generally acceptable the urban design approach adopted results in a building of excessive height on the south east façade of Building C facing Hannah Street.*
 6. *The urban design approach adopted in addressing Hannah Street fails to adequately reflect the traditional shopfront character of Beecroft Village and to adequately activate the building address to the street.*
 7. *The arrangement of retail activity within the proposed development would not effectively integrate the development with the existing commercial and community activity of the village.*
 8. *The proposed development does not provide an appropriate built form transition to the adjoining heritage item at 83 Beecroft Road.*
 9. *The proposed development creates an isolated site on Beecroft Road and has not given adequate regard to the future development capacity of such isolated site.*

On 27 June 2014 the applicant attended a Pre-DA Meeting with Council officers to discuss revised plans. Following the meeting Council provided further advice on matters to be addressed in the preparation of a fresh development application for the subject site. Further revisions were discussed at a subsequent meeting on 1 August 2014 prior to lodgement of the application on 2 September 2014.

The revised proposal seeks to address the Panel's refusal of the previous application by incorporating the following amendments:

- Reduction in height along the Beecroft Road and Hannah Street elevations.

-
- Revised architecture with regard to the heritage conservation area and interface with the adjoining heritage item.
 - Reconfiguration of the vehicular access off Hannah Street to improve car and truck access and pedestrian safety.
 - Redesign of the Hannah Street frontage to increase commercial activation, building separation to reduce bulk and scale, and built form and finishes more responsive to the heritage conservation area.
 - Lift access between the retail mall and the courtyard plaza for activation of commercial space, and improved pedestrian linkages with adjoining sites.
 - Replacement of the vehicle access off Beecroft Road with increased landscaping to complement the adjoining the heritage item.
 - Revised apartment layouts to address the SEPP 65 Residential Flat Design Code.
 - Improved awning design along Hannah Street to retain street trees.

At the time of lodgement of the application the issue of the isolated site had not been resolved.

HISTORY OF THE SITE

The existing Beecroft Module Shopping Centre was constructed on the site of Nos. 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 existing two storey retail premise on the corner of the site at No. 95 Beecroft Road is a former Westpac Bank building.

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 break in the Beecroft Road frontage occurs at No. 93 Beecroft Road which has a frontage of 15m.

The site includes the existing Beecroft Module Shopping Centre which has an open area car park at the rear with vehicle access via Hannah Street and via Beecroft Road. The shopping centre includes an IGA supermarket, shops and specialty stores (Nos. 16-24 Hannah Street) and has a gross floor area of approximately 2,330m². The site includes vacant land at the frontage of Beecroft Road previously occupied by a service station (Nos. 87-91 Beecroft Road). The site also includes a two storey commercial building on the corner of Beecroft Road and Hannah Street (No. 95 Beecroft Road).

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. This site would be isolated in relation to the subject site.

The northern boundary (75.135m) adjoins an existing dwelling house 'Mandalay' at No. 83 Beecroft Road which is a heritage item. The adjoining land is subject to DA/81/2014 approved for subdivision of the rear part of the land for inclusion in a development for five storey residential flat building. The heritage house to be retained is approved for use for a horticultural advisory consultancy.

The eastern boundary has a length of 85.495m and adjoins the site of the 'Beecroft Shopping Village' which includes a retail arcade between Wongala Crescent and Hannah Street and open area car park off Wongala Crescent, and the site of a two storey terrace building fronting Hannah Street which forms part of a row of older style commercial terraces in the Hannah Street streetscape.

Opposite the site fronting Hannah Street is a recent three storey mixed use building with ground floor shops and apartments above. The building adjoins the former Beecroft Post Office on the corner of Beecroft Road and Hannah Street. The former post office is a heritage item and is approved for use for a restaurant. The developments in Hannah Street otherwise comprise single and two storey older style and 1970s commercial development. The buildings in Hannah Street feature street awnings.

The developments on the western side of Beecroft Road, opposite the site, include dwelling houses on large lots within a low density residential zone. The dwelling house on the north-west corner with Hannah Street is used for health consulting rooms.

The site is within the Beecroft-Cheltenham Heritage Conservation Area. The significance of the conservation area is for buildings from the Victorian, Federation, Edwardian and Inter-war periods. The site is in the vicinity of a number of houses identified as heritage items of local significance including No. 83 Beecroft Road, No. 68 Beecroft Road, No. 28 Hannah Street (cnr Beecroft Road) and No. 5A Hannah Street (cnr Beecroft Road).

Beecroft Road is a State Road with clearways in place at the frontage of the site. Traffic lights control the intersection with Hannah Street and with Copeland Road. Beecroft Road connects Beecroft with the M2 Motorway and the Cumberland Highway (Pennant Hills Road).

The site is within 100m of Beecroft Railway Station and bus interchange. The station on the Sydney Trains network provides high frequency public transport to Sydney CBD.

The Beecroft Commercial Centre is a local centre servicing the suburbs of Beecroft and Cheltenham.

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 122 dwellings.

The proposed development is stepped to the sloping site, comprises 4 residential flat buildings of four to six storey surrounding a central courtyard, over a commercial level and three level basement car park for commercial and residential parking. The commercial level of the development includes a supermarket, specialty shops and commercial premises. Vehicular access to the basement car park and loading docks is via Hannah Street.

The four residential flat buildings are sited around a central courtyard above the commercial podium and contain 60 x 1 bedroom units, 10 x 1 bedroom + study units, 29 x 2 bedroom units, 4 x 2 bedroom + study units, 17 x 3 bedroom units and 2 x 3 bedroom + study units. The buildings include ground

floor commercial units with frontage to the courtyard. The courtyard provides access to the residential lobbies of the four proposed buildings. Pedestrian access to the courtyard is via Hannah Street and via Beecroft Road. The courtyard includes links with adjoining development sites.

The proposed buildings are detailed as follows:

Building A is partly six storey and has frontage to Beecroft Road with a lower ground floor plant/utility area and two commercial units at ground level and four residential floors above at the Beecroft Road elevation. The building includes six residential levels at the northern and eastern elevations of the building. The building includes 39 units comprising 25 x 1 bedroom units ($47\text{m}^2 - 61.6\text{m}^2$), 5 x 1 bedroom + study units ($53.6\text{m}^2 - 63.3\text{m}^2$), 7 x 2 bedroom units ($70.1\text{m}^2 - 85.6\text{m}^2$), and 2 x 3 bedroom units ($106.6\text{m}^2 - 119.7\text{m}^2$). The building includes a commercial unit fronting the courtyard and two commercial units fronting Beecroft Road.

Building B is five storey and is internal to the north eastern part of the site. The building includes 35 units comprising 19 x 1 bedroom units ($47\text{m}^2 - 71.7\text{m}^2$), 1 x 1 bedroom + study unit (65.9m^2), 4 x 2 bedroom units ($77.4\text{m}^2 - 78\text{m}^2$), 1 x 2 bedroom + study unit (91m^2), 9 x 3 bedroom units ($97.3\text{m}^2 - 119.7\text{m}^2$) and 1 x 3 bedroom unit + study (119.4m^2). The building includes a commercial unit fronting the courtyard.

Building C is four storey, occupies the south eastern part of the site and has frontage to Hannah Street. The building includes 24 units comprising 5 x 1 bedroom units ($50\text{m}^2 - 60.2\text{m}^2$), 2 x 1 bedroom + study units (70.8m^2), 8 x 2 bedroom units ($70\text{m}^2 - 79.4\text{m}^2$), 3 x 2 bedroom + study units ($75.7\text{m}^2 - 91\text{m}^2$), 5 x 3 bedroom units ($98.7\text{m}^2 - 110.7\text{m}^2$) and 1 x 3 bedroom + study units (119.4m^2). The building includes 3 x commercial units fronting the courtyard.

Building D is five storey and has frontage to the corner of Beecroft Road and Hannah Street. The building includes 24 units comprising 11 x 1 bedroom units ($54.3\text{m}^2 - 55.5\text{m}^2$), 2 x 1 bedroom + study units ($55.1\text{m}^2 - 56.8\text{m}^2$), 10 x 2 bedroom units ($70\text{m}^2 - 88.9\text{m}^2$) and 1 x 3 bedroom unit (96.8m^2). The building includes 3 x commercial units fronting the courtyard and 3 x commercial units at the street frontage.

The above proposed commercial/residential flat buildings are sited over the commercial level of the development which occupies the majority of the site. The commercial level is accessed via Hannah Street and includes a shopping mall, supermarket, specialty shops, kiosks and shop fronts on Hannah Street. The commercial floor areas of the proposed development are detailed at Table 1.

Table 1 – Commercial Floor Areas

| | |
|----------------------------|-------------------|
| Building A | |
| Beecroft Road – Commercial | 86.9m^2 |
| Beecroft Road – Commercial | 217.3m^2 |
| Plaza – Commercial | 59.9m^2 |
| Building B | |
| Plaza – Commercial | 53.8m^2 |

| | |
|---|-----------------------|
| Building C | |
| Plaza - Commercial | 95.8m ² |
| Plaza – Commercial | 53.3m ² |
| Plaza – Shop | 85.3m ² |
| Building D | |
| Hannah Street - Shop | 70.6m ² |
| Cnr Hannah Street/Beecroft Road – Shop | 45.6m ² |
| Beecroft Road – Commercial | 100.6m ² |
| Plaza – Commercial | 72.1m ² |
| Plaza - Commercial | 63.1m ² |
| Plaza – Commercial | 53.8m ² |
| Commercial Floor Level | |
| Supermarket | 2,401.4m ² |
| Shopping Mall | |
| Specialty Shops | 396.9m ² |
| Specialty Shops | 193.0m ² |
| Specialty Shops | 94.6m ² |
| Specialty Shops | 76.2m ² |
| Specialty Shops | 393.6m ² |
| Specialty Shops | 264.0m ² |
| Kiosks | 76.9m ² |
| Mall Entry – Shop | 7.5m ² |
| Hannah Street – Shop | 28.2m ² |
| Hannah Street – Shop | 68.1m ² |
| Hannah Street – Shop | 98.2m ² |
| | |
| Total Lettable Retail Floor Area | 4,300.0m ² |
| Total Lettable Commercial Floor Area | 856.6m ² |
| Total Gross Retail/Commercial Floor Area | 5,915m ² |

The Hannah Street frontage of the proposed development includes the vehicle access to the basement car park. The proposed building includes a 6m x 22m open air void over the driveway at the eastern elevation. The driveway includes two lane entry and single lane exit for all vehicular traffic to

the development with separate internal accessway to the loading docks. The basement car park is detailed as follows:

- Basement 1 includes 67 retail car parking spaces, twin driveway ticket entry/exit, loading dock access, trolley bays, retail lift, escalator, car wash, staff amenities and storage.
- Basement 2 includes 102 retail car parking spaces, the supermarket and specialty shops loading docks and truck turntable, trolley bays, escalator, retail lift, waste collection bin storage, other storage and controlled residential access ramp.
- Basement 3 includes 133 residential car parking spaces, residential storage, separate lifts for Residential Flat Buildings A, B, C and D and bicycle parking.

The proposed central courtyard includes a residential courtyard, an upper commercial plaza and a lower commercial plaza. The central courtyard is open to public access via proposed pathways located on the southern side of Building A at the Beecroft Road frontage and from the Hannah Street pathway between Building C and Building D. The proposed central courtyard includes retail lift, street furniture and landscaping to complement the commercial use and separation of the communal residential open space area. The proposed pathways provide for connection to future development east and north of the site.

ASSESSMENT

The development application has been assessed having regard to the '*Metropolitan Plan for Sydney 2031*', the '*North Subregion (Draft) Subregional Strategy*' and the matters for consideration prescribed under Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 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* acted as a framework for Council in its preparation of the *Hornsby Local Environment Plan*.

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 mixed use development would increase employment opportunities and the supply of housing in close proximity to public transport and accordingly, 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 by the Minister for Planning and Infrastructure on 27 September 2013 and came into force on 11 October 2013. The relevant provisions of the *HLEP* are addressed below.

2.1.1 Zoning

The site is zoned *B2 Local Centre* pursuant to the Land Use Table of the *HLEP*. The objectives of the zone are:

- *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.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

The proposed development is defined as 'shop top housing' as follows:

Shop top housing means one or more dwellings located above ground floor retail premises or business premises.

The proposed commercial floor comprising the supermarket, specialty shops, kiosks and shops on Hannah Street, occupies the majority of the site. Proposed Buildings A, B, C and D are sited over the commercial floor. In this regard, it is considered the proposed development is in accordance with the definition for 'shop top housing' and consistent with the findings of the Land and Environment Court concerning development in the form of 'shop top housing', as handed down in the decision *Hrsto v Canterbury City Council NSWLEC 121 14 August 2014*. The proposed development is therefore permissible in the zone with consent.

2.1.2 Height of buildings

The proposed development is subject to a maximum building height development standard pursuant to Clause 4.3 of the *HLEP*.

Clause 4.3 of the *HLEP* is as follows:

- (1) *The objectives of this clause are as follows:*
 - (a) *to permit development of a bulk and scale that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.*
- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

The maximum height shown for the land on the Height of Buildings Map is 17.5m.

The dictionary at Schedule 5 of *HLEP* defines building height as follows:

Building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

Proposed Building A is six storey at the eastern elevation and exceeds the maximum building height by 1.7m due mainly to the fall of the land.

Proposed Building B is five storey and exceeds the maximum building height by 2.6m to 3.94m.

The applicant has submitted written justification for exceeding the height limit, pursuant to Clause 4.6 – Exceptions to development standards of the *HLEP*. Refer to discussion in Section 2.1.3.

2.1.3 Exception to development standards

Clause 4.6 of *HLEP* provides some flexibility in the application of development standards subject to written justification by the applicant that compliance with the standard is unreasonable and that there are sufficient environmental planning grounds for exception to the standard.

The applicant has submitted an objection against Council's adherence to the development standard under Clause 4.3 of the *HLEP* for a maximum building height of 17.5m. Proposed Building A and proposed Building B exceed the maximum 17.5m building height by 1.7m and 3.94m respectively.

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

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

- *The areas of non-compliance are essentially to the roof elements and to the upper sections of the top floor levels of Buildings A and B. The proposed exceedences are a result of the natural topography of the site, acknowledging the site falls from west to east and north to south.*
- *The exceedence to the height limit does not result in additional bulk or scale to the development when viewed along Beecroft Road and Hannah Street frontages. The exceedences to the height control are to a small portion of the development, and are primarily to roof and upper floor elements. The exceedences are a direct result of the topography of the site.*
- *The exceedence to the height control would 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 would be maintained. Each residential unit will be provided with good internal and external living areas.*
- *It is not considered that there is any benefit in maintaining the development standard. The additional building height would not result in unreasonable bulk or scale issues to adjoining development.*

The Land and Environment Court has expressed the view that there are five different ways in which an objection may be well founded:

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 or 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 principles as follows:

The objective of *HLEP* Clause 4.3 Height of Buildings is:

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

The objectives of the subject B2 Local Centre are stated in Section 2.1.1 above. The objectives are reinforced by the *Hornsby Development Control Plan (HDCP)* through the Desired Future Character Statement for the Beecroft Heritage Precinct – Commercial Area.

The non-compliance with the maximum 17.5m height limit would not detract from the desired future character of the commercial area as the height of proposed Building A and Building B would not contribute to excessive bulk and scale and would not detract from a pedestrian friendly streetscape scale with active shops. The proposed height would not detract from residential amenity of future development of adjoining sites. The proposed non-compliance would not establish an unacceptable precedent as the fall in the topography west to east and north to south across the site, is particular to the subject site within the Beecroft Heritage Precinct.

The applicant's justification for non-compliance is therefore considered well founded in respect to the principles established by the Land and Environment Court at Item 1 and Item 2 above and the desired future character of the Beecroft Heritage Precinct.

2.1.4 Floor Space Ratio

The site is subject to provisions under Clause 4.4 of the *HLEP* which provides that the maximum floor space ratio of 1:1 applicable to the site may be exceeded for shop top housing development, subject to permissible development (other than residential accommodation), comprising a floor space ratio of at least 0.5:1.

The proposed commercial component has a floor space ratio of 1.015:1 and the development including the residential component has a floor space ratio of 2.6:1.

The proposed development is in accordance with the floor space ratio requirement and meets the objective of Clause 4.4, ie:

To permit development of a bulk and scale that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.

2.1.5 Heritage Conservation

Clause 5.10 of the *HLEP* provides for the conservation of heritage items, heritage conservation areas, archaeological sites and Aboriginal heritage.

The development application was considered by Council's Heritage Advisory Committee on 4 November 2014. The Committee made the following comments:

The property is located within the Beecroft Cheltenham Heritage Conservation Area (BCHCA) identified under Schedule 5, Part 2 of HLEP. The site is also located in the immediate vicinity of heritage items No. 28 Hannah Street (Item No.102 -House, Garden & Outbuilding), No. 83 Beecroft Road (Item No.46 - House), 5B Hannah Street (Item No.101 -Beecroft Post Office), 5A Hannah Street (Item No.100 – "Eltham"& garden) and 9 Chapman Avenue (item No.72 - St John's Anglican Church), listed of local significance under Schedule 5 Part 1 of HLEP.

The existing buildings on the subject site date from the 1970s and do not contribute to the character of the heritage conservation area.

The proposal involves the construction of four buildings of four to six storeys, incorporating commercial uses on the lower ground floor levels (including street level) and residential apartments above, plus three levels of basement car parking, with vehicle access from Hannah Street. Two of the buildings front Beecroft Road and two front Hannah Street. The buildings are separated by common courtyards and pedestrian pathways through the site, which allows for landscaping and breaks up the massing of the buildings on both street frontages. The development responds to the slope of the land, particularly in Hannah Street, where the buildings are stepped in height down the street. The elevations of the buildings which face Beecroft and Hannah Street are well articulated and incorporate setbacks to the upper levels and at street level. A variety of materials are proposed to reduce the scale of the buildings, including the use of face brick.

The Heritage Impact Statement accompanying the application is a revision of the previous statement for the proposal refused by the JRPP and includes comments on the design changes to the proposal and the amendments to improve the impact of the development on the significance of the conservation area and the heritage items.

The planning controls for the Beecroft Village area permit the multi-storey development as proposed, in accordance with the desired future character of the Beecroft Heritage Precinct under Section 9.6.1 of the Hornsby Development Control Plan 2013 (HDCP). Five storey high developments will change the character of the immediate conservation area, but will be confined mainly to the commercial area of Beecroft village and adjoining residential area on Chapman Avenue. Five storey residential flat developments have recently been approved for Chapman Avenue. The most recent multi storey development approved under DA/81/2014 (corner of Chapman Ave & Beecroft Rd) includes part of the adjoining heritage listed property at No.83 Beecroft Road adjoining the northern boundary of the subject property. In this

regard, the existing character will change in this section of the BCHCA as envisaged in the HDCP controls for the Beecroft Heritage Precinct.

The current proposal addresses a number of heritage issues raised against the previous five storey proposal including stepping of the buildings to follow the slope of the site, stepping of facades, setbacks and awnings. The façade treatment includes dark toned face brick, particularly at the street level, which is in keeping with area.

The proposed corner treatment of Hannah Street and Beecroft Road provides a strong articulated element within the commercial area. Brick columns at the pedestrian level reflect the brick characteristic of the area and provide a pedestrian friendly scale. The deep balcony recesses in the upper levels provide visual interest, articulation and emphasise the commercial streetscape.

The impact of the proposal on the surrounding BCHCA is reduced through separation by a major road (Beecroft Road), varied setbacks, articulation, varied heights, plus sympathetic materials.

The proposed development adjoins a heritage item at No. 83 Beecroft Road, Beecroft (Mandalay) which is a rare example in the area of a late Victorian period house in traditional Georgian style, in good condition.

To the north of No.83 Beecroft Rd development consent approval has been granted for four, 5 storey residential flat buildings with basement car parking (DA81/2014, consent dated 18/9/14). This approved multi-storey residential building on the northern side of No. 83 Beecroft Road, is articulated, stepped in height and includes brick finishes and landscaping which mitigates impacts on the heritage item.

The subject multi-storey development on the southern side of No.83 Beecroft Road has also incorporated a stepped and articulated northern elevation, plus a three storey component to its northern corner. This is similar in scale to the approved development on the northern side of No. 83 Beecroft Road. The design on the Beecroft Road street level elevation proposes a distinctive two storey element with the upper levels behind, which achieves acceptable bulk and scale.

The context of No.83 Beecroft Road will be one of an isolated single storey heritage listed cottage surrounded by high rise development. Notwithstanding, the proposed setbacks, landscaping, articulation and finishes will aid in reducing the impact on the significance of No. 83 Beecroft Road and the other heritage items in the vicinity. Generally the views to and appreciation of the heritage items, particularly No.83 will be emphasised in the streetscape by virtue of the juxtaposition in height/scale. Further, the articulation, landscaping and finishes proposed will aid in minimising impacts on the items and the conservation area.

The proposal is therefore acceptable in respect to the heritage conservation provisions of HLEP.

2.2 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, subject to recommended conditions concerning contamination migration.

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.

2.3 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 applicant's design verification statement is supported by an Urban Design Report prepared by GM Urban Design & Architecture, which forms an attachment to this report.

Council engaged an urban designer to assist in the assessment of the design quality of the proposal. Council's urban design consultant's 'Review of Urban Design Quality' report states that:

The proposal achieves a very high level of compliance with State and local controls with specific relevance to design quality.

The proposed development demonstrates a unique level of attention to pedestrian activity and associated opportunities which are important considerations for mixed development in established village centres:

- Pedestrian frontages and places have been configured with some considerable skill, and respond not only to established retail activity facing Hannah street but also to the site's complicated topography;*
- Provision for pedestrian and business activity within the proposed development responds directly to all elements that are specified by the Key Development Principles Diagram in Section 9.6.15 of the HDGP as well as conforming with the detailed provisions of Chapter 9.6 in general;*
- The configuration of proposed open spaces and business floorspace also addresses important considerations which arise from design quality principles in SEPP 65: safety and security, social dimensions and landscape.*

The design principles of *SEPP 65* and the submitted design verification statement are addressed below.

2.3.1 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 applicant states the context is identified by the fine grain street edge of development in Hannah Street, the large retail footprint within the Beecroft Commercial Area, the sloping terrain, recent 2-3 storey mixed used commercial/residential development and aged housing development, the surrounding residential catchment and the Beecroft Road and Hannah Street streetscapes. The applicant states the proposal responds to the context in the following terms:

The proposal's overall height, setback upper storeys, strong podium and gradual stepping of the massing with the topography as well as fragmented building lengths create an interesting and varied street-wall response, sculpted bulk and articulated massing. The proposal provides a sensitive response to the distinct characters for Beecroft Road and Hannah Street as well as presenting a more sensitive response to the internal open spaces than the Key Development Principles diagram for the site suggest. The proposal's choice of traditional language and individual pavilion buildings above a strong podium level provides an appropriate scale relationship creating a sensitive streetscape response to both Hannah Street and Beecroft Road.

The built form response follows the desired future character for the area in terms of typology, number of storeys, façade articulation and choice of traditional materials. The relationship between building footprints and open space is also in keeping with the rest of the precinct and the recently proposed developments for the northern part of the block. Therefore the proposed development is considered to relate well to the desired future character not only in terms of choice of materials and the typology of the buildings but also in terms of building placement, separation distances and provision of open space. The proposal fulfils this principle.

The context of the site within a precinct undergoing transition for 5 storey development is defined by the *Desired Future Character Statement – Commercial Area* and the Key Principles Diagram of the *HDGP*, for the Beecroft Heritage Precinct (Commercial Area). The proposed development has regard to the Key Development Principles.

Council's urban design consultant states:

Site planning responds to constraints which affect the site and surrounding village, and accommodates a highly-effective mix of business and pedestrian activities in a manner which would enhance existing levels of activity within the Beecroft Village.

The proposed development is supported in respect to this Principle.

2.3.2 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 applicant states the proposal meets the design principle as follows:

The proposed heights and scale respond well to the desired future character for the site maintaining a lower overall height across all frontages to the public domain. The height along Hannah Street follows the topography of the site and creates a stepping form from west to east that breaks the bulk and scale as seen from the railway station.

The proposal arranges the proposed buildings around a publicly accessible space and the footprint, scale and overall height of the buildings responds sensitively to the streetscape and the internal courtyard. The proposal responds appropriately to the desired future character of the precinct and therefore satisfies this principle.

The scale of the future built environment of the Beecroft commercial area is commensurate with Council's planning controls for five storey mixed use development, with the residential component setback from the commercial podium level and having a maximum building height of 17.5 metres.

Council's urban design consultant states:

Setbacks plus effective articulation of the proposed building forms achieve further moderation of scale to buildings which have heritage value or which contribute to architectural character of the Beecroft Village.

The proposed development is supported in respect to this Principle.

2.3.3 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 applicant states the proposed built form is a consistent response to the HDCP controls for the commercial area, has a proportionate scale as seen from the street frontages and includes appropriate corner treatment which joins the two frontages. The applicant states that:

Due to the articulated nature of the built form across all levels, the proposal is perceived as a series of individual pavilion buildings linked by a network of internal open spaces.

The proposal also responds to the key existing and future street setbacks and existing street wall heights in both frontages with the introduction of view corridors and pedestrian links. With the introduction of retail and commercial uses along the street edges and direct street entries to and from internal open spaces, the proposal provides a good quality interface to the street and internal areas. These will become ideal areas for the community to interact and enjoy the enhanced public domain character. Therefore, the proposal meets the built form principle.

The HDCP includes planning controls for height, setbacks, building footprints, articulation, and heritage conservation which prescribe the future built form of the Beecroft Heritage Precinct (Commercial Area). The proposal is consistent with Council's built form controls which promote five storey development with a two storey podium level.

Council's urban design consultant states:

Built form and facades have been manipulated and designed with considerable skill to ensure that this substantial multi-storey development would be compatible with the scale and architectural characteristics of the surrounding retail village together with the wider Beecroft-Cheltenham heritage conservation area.

The proposed development is supported in respect to this Principle.

2.3.4 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 applicant states that the proposal's density is compliant with the floor space ratio (FSR) provisions for the site and results in a reasonable concentration of residents on the site, responding to the demand for quality housing in close proximity to transport routes and rail.

The site density of the mixed use development is regulated by the statutory height control of 17.5m, the commercial FSR control and controls for built form and housing mix. The proposal is in compliance with these controls, subject to variation of the development standard for building height, and achieves a sustainable site density. Refer to discussion in Section 2.1.3.

The proposed development is supported in respect to this Principle.

2.3.5 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 states the proposal makes efficient use of natural resources, energy and water through the use of the following measures:

- *The proposed selection of low embodied-energy materials reduces the overall green footprint.*
- *The demolition of materials and removal of waste materials will comply with State and local government standards.*
- *Living spaces for a great number of dwellings have dual aspect (corner units) with the majority having north, easterly or south-westerly aspect, which optimises solar access, therefore increasing daylight penetration which reduces heating and artificial lighting requirements. There are 9 units with a single aspect facing south, which is only 8.3% of the total units.*

- *A high number of dwellings/apartments are cross ventilated, which also reduces the need for air conditioning units / artificial climate control.*
- *Rainwater is collected and reused for landscaping and irrigation.*
- *The location of the subject site close to a major bus corridor and rail services reduces the resident's individual carbon footprint by providing more sustainable alternative transport options to a variety of destinations and reducing the use of private motor vehicles.*

The energy efficiency of the above measures is verified by the submitted BASIX Certificate.

The proposed development is supported in respect to this Principle.

2.3.6 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 residential and commercial plaza areas and the street frontages. The applicant states the proposed landscaping meets the *HDCCP* landscaping provisions for the Beecroft Heritage Precinct as follows:

The landscape works will include the creation of a generous network of open spaces and legible access through the site from north to south and with the provision of a potential link from east to west to cater for the future potential redevelopment of the adjacent site to the east. The proposed landscape strategy for the site attempts to create a 'sense of place' strengthening the relationship between the built form, topography and the landscape. The proposal also provides a legible network of safe publicly accessible open spaces that encourages the use and patronage of the wider community. These spaces provide for future links to developments to the north and east, which will enhance the connectivity across the precinct.

The proposed landscaping and arrangement of the commercial plaza and residential courtyard integrate with the residential and commercial components of the development, contributing to commercial activity, the public domain and residential amenity.

Council's urban design consultant states:

The development proposes new open spaces and walkways which would be publicly-accessible, which would under-pin opportunities for new business activities in off-street locations, and which also would establish the first stage of a comprehensive pedestrian network that will significantly enhance existing character and amenity of the Beecroft Village.

The proposed development is supported in respect to this Principle.

2.3.7 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 applicant states the proposal presents high levels of amenity with quality internal layouts and outdoor spaces. The proposal is in accordance with the Residential Flat Design Guidelines for solar access, cross ventilation, privacy and outlook.

The proposed unit layouts create functional useable spaces with separation between active and quiet areas providing good amenity.

The proposed development is supported in respect to this Principle.

2.3.8 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 applicant states that:

The proposal optimises safety and security for residents by the provision of multiple building entry points and dedicated elevator cores, which increases the 'sense of community' as it reduces the number of residents per core. This increases social interaction and improves recognition of permanent residents from visitors. Access to the communal open space areas through the site increases the level of activation for all pedestrian links, which in turn are given high levels of natural surveillance by the residential units above ground floor.

The entry corridors are visible from a single entry point centred along the Hannah Street elevation and two entry points along Beecroft Road. This maintains a regular level of safety through natural surveillance of pedestrians entering and exiting the site at various times of the day. The street also benefits from passive surveillance from the ground level retail and commercial tenancies that front the street and the internal pedestrian links that can increase activation and permeability throughout the site.

There are a number of key safety features that minimise the opportunity for crime including principles of surveillance, access control, territorial enforcement and space management, detailed as follows:

- *Windows to secondary frontages to facilitate surveillance along the ground plane.*
- *Security system at residential points and circulation areas for control access after visual or verbal confirmation.*
- *High quality architectural lighting throughout development for enhanced security after business hours.*
- *Controlled access to basement areas via secure entrance doors and gates.*

The design of the proposed mixed use development promotes passive surveillance of access points and clearly delineates commercial and residential uses and publicly accessible areas. Appropriate conditions are recommended for safety and security with regard to Crime Prevention through Environmental Design (CPTED) principles. Refer to discussion in Section 2.12.9.

The proposed development is supported in respect to this Principle.

2.3.9 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 applicant states the proposed mix of apartments would support a range of lifestyles including young professionals, families and people wishing to downsize. The proposal would meet the local demographic with the provision of a variety of unit types and sizes responsive to the needs of the local community. The proposal complies with the *HDCCP* requirement for a minimum of 10% of units to be one, two and three bedroom units.

The proposed development would increase the range and diversity of housing types in the Beecroft area, particularly for smaller units.

The proposed development is supported in respect to this Principle.

2.3.10 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 applicant states the proposal presents a traditionally inspired façade expression that responds well and complements the surrounding existing character. The chosen materials merge the functional aspects of the environmental performance of the façade with materials representative of the unique design aesthetics of the proposal.

The proposed architectural treatment has regard to the traditional fine grain of the Beecroft Commercial Area and would establish an appropriate precedent for future mixed use future redevelopment within the precinct.

The proposed development is supported in respect to this principle.

2.4 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 | 30% | 30% | Yes |
| Gnd Level Private Open Space | 11.9m ² -134.9m ² | 25m ² | No |
| Minimum Dwelling Size | 1 br – 47m ² - 71.7m ² 2 br – 70m ² – 91m ² 3 br – 96.8m ² – 119.7m ² | 1 br – 50m ² 2 br – 70m ² 3 br – 95m ² | No Yes Yes |
| Maximum Kitchen Distance (10m from window) | 8m | 8m | Yes |
| Minimum Balcony Depth | 3.0m | 2m | Yes |
| Dual Aspect & Cross Ventilation | 60.7% | 60% | Yes |
| Adaptable Housing | 30% | 10% | Yes |

As detailed in the above table, the proposed development does not comply with the minimum dwelling size and open space requirements of the Code. The matters of non-compliance are detailed below, as well as a brief discussion on best practice.

2.4.1 Apartment Layout and Mix

The proposal includes 122 dwellings comprising 60 x 1 bedroom units, 10 x 1 bedroom + study units, 29 x 2 bedroom units, 4 x 2 bedroom + study units, 17 x 3 bedroom units and 2 x 3 bedroom + study units.

The proposed dwelling mix is in accordance with Council's planning controls for a minimum of 10% of 1, 2 and 3 bedroom units. However, a number of one bedroom units do not meet the minimum unit size requirement of the SEPP 65 Code including Units A203, A304, A404, A504, B208, B308 and B408, which have 47m² floor areas. These units however, have usable layouts and are acceptable notwithstanding the recommended minimum size.

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

In respect to the SEPP 65 Code's Better Design Practice requirement for unit size and mix to meet market demand, the applicant submitted an *Economic Assessment Proposed Apartment Mix* prepared by Hill PDA Consulting. The assessment includes the following key findings:

- *There is a strong latent demand for apartments in Beecroft due to the suburb's attributes being in close proximity to the major employment hubs and the Sydney CBD and having good public transport infrastructure. Demand for studio and 1 bedroom dwellings is particularly price conscious and are attracted by proximity to the train station. Demand is also generated by ageing persons downsizing.*
- *The demand for smaller units is likely to remain strong owing to declining household sizes, a reduced rate of fertility and increasing production costs. The market is price-sensitive and studio and 1 bedroom units are highly demanded as these units are more affordable and more aligned to the requirements of buyers. The result is a reduction in housing needs being satisfied.*
- *Compared to other localities within walking distance to a rail station there is a significant undersupply in Beecroft of smaller apartments relative to latent demand. The predominant stock available for rent is for two to four bedroom apartments and houses with very few 1 bedroom units being available further demonstrating the undersupply of smaller units and the mismatch between supply and demand.*
- *Almost half of the dwellings in Pennant Hills-Cheltenham statistical area are considered to be under-occupied (more bedrooms than occupants) which highlights the potential size of the downsizer market.*

The findings are generally supported by the *Housing Consumption Report for Hornsby Shire Council* December 2007 (amended March 2008) which provided an analysis of dwelling opportunities in Hornsby Shire for Council's Housing Strategy. The report includes the following statement:

There is evidence that older smaller household types are prepared to move to higher density dwelling types, and in the longer term Hornsby Shire Council will need to ensure that there are alternative housing options for the aging population. Three-bedroom higher density dwellings are being built at a proportionally higher rate than smaller format high density, but from a small base. It is important to continue to provide this larger format medium-high density accommodation to encourage the transition of "older couple without children" households out of the family home. This provides smaller household types with appropriate housing, while at the same time effectively freeing up Hornsby Shire's larger separate dwelling stock to attract new family households to the area.

The proposed unit size and mix is therefore appropriate to the subject site in meeting market demand.

2.4.2 Ground Floor Apartments

The proposed 13 ground floor apartments include private courtyard open space areas ranging in area from 15.9m² to 134.9m² located off the unit living areas. There are 5 apartment courtyards less than the SEPP 65 Code best practice 25m² area which is acceptable with regard to the configuration of the units and integration with the communal residential courtyard.

The ground floor apartments fronting the communal residential courtyard include separate pedestrian access off the courtyard. The proposed courtyard landscaping would ensure an appropriate level of privacy for the apartment open space area. Access to the communal courtyard is restricted to residential pedestrian traffic.

The landscaping of the ground floor apartments at the eastern elevation of Building B and Building C forms part of the landscaping for the total development. A condition is recommended for the unit holders to be responsible for maintaining the landscaping in perpetuity, in accordance with the landscape plan.

The proposed ground floor units are acceptable in respect to the SEPP 65 Code requirements.

2.4.3 Internal Circulation

Lifts provide access to the floors of each of the four proposed buildings with the lifts servicing up to 9 units on the floors in Building A, up to 8 units in Building B and up to 7 units in Buildings C and D. The proposed lift lobbies and windows provide adequate circulation space, natural light and amenity.

The proposed internal circulation is acceptable in respect to the SEPP 65 Code best practice requirements.

2.4.4 Mixed Use

The SEPP 65 Code objectives for mixed use are:

- *To support the integration of appropriate retail and commercial uses with housing.*
- *To create more active lively streets and urban areas, which encourage pedestrian movement, service the needs of residents and increase the area's employment base.*
- *To ensure that the design of mixed use developments maintains residential amenities and preserves compatibility between uses.*

The proposed supermarket, specialty stores, shops and commercial premises would replace the existing Beecroft Module Shopping Centre with similar uses reinforcing the existing economy and business function of the site.

The proposed retail and commercial uses at the ground floor levels are well integrated with the residential levels above through the built form and the commercial podium, the off street pedestrian linkages, central plaza and the provision of separate lifts for commercial and residential.

The proposed built form contributes to the public domain with shop fronts, commercial premises and the mall entry activating the street frontages. The central plaza and residential communal area would provide a quieter area for the residential component.

The retail and commercial service functions, loading docks etc, are effectively separated and isolated from pedestrian and publicly accessible spaces ensuring the efficient operational requirements of the shopping centre and the safety of users. The residential car park is secured from the retail car park and provided with separate lift access.

The proposed design for mixed use meets the objectives of the SEPP 65 Code.

2.4.5 Safety

The residential entries to Buildings A, B, C and D are situated at the edges of the commercial plaza. The layout of the plaza and the landscape design distinguishes public and private space within the mixed use development.

The interface between the public and private realms provides effective passive surveillance of publicly accessible areas and reinforces the distinction between private and public space, minimising crime opportunities. The design includes appropriate access control points and avoids opportunities for concealment.

The proposal meets the safety requirements of the SEPP 65 Code.

Appropriate conditions are recommended for access control and crime prevention. Refer to discussion in Section 2.12.9.

2.4.6 Visual and Acoustic Privacy

The proposed units of Building A, Building B and Building D are designed for visual privacy through an effective 18m separation of opposing balconies, the use of recessed balconies, landscape screening and louvers.

Proposed Building B is designed with regard to the interface with the approved building adjoining the northern boundary (DA/81/2014) by the provision of a 12m separation between buildings and appropriate placement of windows and balconies for privacy.

Proposed Building C has a 6m separation from Building B and Building D. The separation is addressed by window placement and screening. The balconies at the western elevation of Building C would overlook the commercial plaza and include privacy screening. To ensure an appropriate level of privacy, a condition is recommended for sliding stackable louvered metal screens extendable to the full width of the balconies.

The proposed units are appropriately designed for visual privacy in accordance with the SEPP 65 Code requirements, subject to recommended conditions of consent.

The applicant submitted an Environmental Noise Impact Assessment prepared by Acoustic Logic which recommends measures to mitigate traffic noise on Beecroft Road and noise generated by the proposed development including the loading dock. The mitigation measures are to meet noise level criteria of Clause 102 of *State Environmental Planning Policy (Infrastructure) 2007*, *Hornsby Shire Council Code of Practice for Sound Insulation of Residential Buildings*, *AS2107:2000 Recommended Sound Levels* and *AS3671:1989 Road Traffic Noise Intrusion – Building Siting and Construction*. A condition is recommended for implementation of the mitigation measures. A further condition is recommended for acoustic treatment of operational plant within the development.

The internal design of the proposed units meets the SEPP 65 Code best practice requirements for quieter areas to be separate from activity spaces. The units above commercial plaza/premises are of design to minimise noise impacts with deep recessed balconies and dual aspect units and would achieve an acceptable acoustic environment.

2.4.7 Building Separation

The proposed separation between Building A and Building B and between Building A and Building D are in accordance with the SEPP 65 Code's primary development controls for building separation.

A 6m separation is proposed between Building B and Building C and between Building C and Building D. At ground floor level the separation is between commercial units of the respective buildings other than Unit B105 and Unit C101 which are screened by landscaping. The separation is acceptable in respect to the mixed use component of the development with the layout of the expansive commercial plaza / residential courtyard and narrower pedestrian accessways. The 6m separation is not in accordance with the SEPP 65 Code requiring a 12m separation between habitable rooms. The opposing units include dual aspect units and include privacy screens to balconies. To ensure an appropriate level of privacy, a condition is recommended for the privacy screens to be extendable.

The proposed building separation would meet the SEPP 65 Code objective in this regard subject to recommended conditions.

2.4.8 Storage

The SEPP 65 Code includes storage space requirements in addition to kitchen cupboards and bedroom wardrobes for household items, sporting and leisure equipment, with 50% of the additional storage to be provided within basement storage.

The proposed residential basement includes storage areas totalling 305.2m² in area. The required additional storage areas include 70 x 1br @ 6m³, 33 x 2br @ 8m³ and 19 x 3br @ 10m³, of which 437m³ would be basement storage. A condition is recommended for the provision of additional storage in accordance with the SEPP 65 Code.

2.5 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.

2.6 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 104 and Schedule 3) and concurrence of Roads and Maritime Services.

Roads and Maritime Services 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 pursuant to Clause 102 of the Policy, through glazing specification. A condition is recommended for implementation of the acoustic design measures prior to the issue of a construction certificate.

2.7 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.

2.8 State Environmental Planning Policy No. 32 - Urban Consolidation (Redevelopment of Urban Land) (SEPP 32)

The application has been assessed against the requirements of *SEPP 32*, which requires Council to implement the aims and objectives of this Policy to the fullest extent practicable when considering development applications relating to redevelopment of urban land. The application complies with the objectives of the Policy as it would promote social and economic welfare of the locality and would result in the orderly and economic use of under-utilised land within the Shire.

2.9 Draft State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (Amendment No 3)

The draft amendment is to revise the Policy following review by the Department of Planning and Environment. The amendments include objectives to meet housing and population targets, affordable housing and to facilitate timely and efficient assessment of development applications. The amendments replace the *Residential Flat Design Guidelines* with an *Apartment Design Code* which prevails in the event of any inconsistency with a Development Control Plan. The amendments make further provision for design review panels, include additional provisions for the determination of development applications and for standards for ceiling height, apartment area and car parking, which cannot be used as grounds for refusal of development consent.

The proposed development would not be inconsistent with the provisions of the draft Policy and the requirements of the *Apartment Design Code*.

2.10 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.

2.11 Hornsby Development Control Plan 2013 (HDCP) – Part 1 General Controls

2.11.1 Stormwater Management

The proposed stormwater drainage system involves connection to the existing Council drainage line in Hannah Street. The existing runoff from the extent of paved surface area on the site remains largely the same for the proposed development.

The proposed system includes an on-site stormwater detention facility and upgrading of the existing drainage pipe connection to Council's system in Hannah Street. Appropriate conditions are recommended for the stormwater drainage works and connection with Council's drainage system.

Subject to recommended conditions, the proposed stormwater management is satisfactory in respect to the HDCP requirements.

2.11.2 Earthworks and Slope

The applicant has submitted a Geotechnical Investigation Report prepared by Aargus Engineering Pty Ltd dated 19 August 2011. The report preceded the submitted plans which involve excavation to a depth of 13.5m.

The report notes the subsurface profile to a depth of 13.5m consists of concrete and bitumen pavement overlying residual clay soils, weathered shale then sandstone bedrock. The report includes general recommendations for foundation systems based on the geotechnical classification of the site.

It is recommended for the report to be updated for the proposed development, including the excavation methodology for solid sandstone bedrock footings, the limitation of vibrations to prevent damage to adjoining buildings in particular the heritage item at No. 83 Beecroft Road, Beecroft, groundwater management, and retaining structures; prior to the issue of a construction certificate. A condition is also recommended for certification the excavation works have been carried out in accordance with the geotechnical requirements, prior to the issue of an occupation certificate.

A condition is recommended for a dilapidation assessment of adjoining properties.

Subject to recommended conditions the proposal is acceptable in respect to the HDCP requirements.

2.11.3 Transport and Parking

The proposed mixed use development is within 100m of Beecroft Railway Station with high frequency service on the Sydney Trains network and would increase public transport patronage. The station includes a bus interchange with Sydney Buses and Hills Buses connection to surrounding suburbs.

The proposal includes 133 residential car parking spaces (including 17 visitor spaces) on Basement 3 and 170 retail spaces on Basement 2 and Basement 1. A total of 303 car parking spaces are proposed.

For sites within 800m of a railway station, the HDCP includes a requirement for 0.75 spaces for 1 bedroom dwellings, 1 space for 2 bedroom dwellings, 1.5 spaces for 3 bedroom dwellings, 1 space per 48m² commercial area and 1 space per 29m² retail area. For the proposed development 132 residential spaces (including 17 visitor spaces), 148 retail spaces and 18 commercial spaces are required in accordance with HDCP. A total of 298 spaces are required.

The proposal is acceptable in respect to car parking provision. It should be noted the retail/commercial car parking spaces are not separately allocated, allowing equitable share of available spaces in the operation of the car park.

Basement 3 includes 37 bicycle spaces in accordance with the HDCP requirement for 25 residential spaces and 12 visitor spaces. Basement 1 includes 9 commercial bicycle spaces in accordance with the HDCP requirement for 1 space per 600m² GFA together with shower/change room.

Basement 1 includes 3 commercial motorcycle spaces and Basement 3 includes 3 residential motorcycle spaces, in accordance with the HDCP requirement for 1 space per 50 car parking spaces.

The proposed development is satisfactory in respect to the transport and parking requirements of HDCP.

Refer also to discussion in Section 2.12.12, Section 2.12.14 and Section 3.2.2.

2.11.4 Waste Management

The application includes a Waste Management Plan prepared by Leigh Design for the ecologically sustainable operation of the development's waste management system and the design of waste facilities. A condition is recommended for the implementation of the Plan.

The submitted waste management plans for the demolition stage and construction stage of the proposed development are acceptable subject to recommended conditions.

Buildings A, B, C and D will require 11 x 660 L bins serviced twice weekly plus 26 x 240 L recycling bins serviced once per week for the residential component. Each residential level includes a garbage chute and recycling bin which are accessible. A site caretaker would be required to transfer the recycling bins to the basement bin storage area. The chute service rooms and bin storage areas for the residential component have sufficient space for waste management subject to recommended conditions.

The submitted waste generation rates for the proposed supermarket, specialty retail stores, shops including food premises, and office premises is acceptable in respect to compaction and commercial bin storage area and the HDCP requirements.

Waste collections will be undertaken by heavy rigid vehicles although Council may elect to service the residential component using a small rigid vehicle. The proposal includes a waste collection point for the supermarket and a waste collection point for the specialty shops and residential component, within the loading dock area. There is sufficient collection area for the waste truck operation. Vehicles can forward in, and forward out, via a turntable. A total of 16 trucks per week would service the site for garbage and recycling, with a maximum of 6 in one day. The proposed waste collection area and operation is acceptable in respect to the HDCP requirements subject to recommended conditions.

Refer also to discussion in Section 2.12.12.

2.11.5 Services and Lighting

The proposed design for utilities includes fire hydrant booster assembly located at the southern elevation of Building B near Beecroft Road. The proposed assembly would not impact on the streetscape.

The proposed electrical substation for the development located adjacent to the loading dock on Basement 2 would not impact on the streetscape or residential amenity.

Subject to condition for external and security lighting in accordance with *AS4282- Control of the Obtrusive Effects of Outdoor Lighting* the interface between commercial and residential plaza areas would be addressed.

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

2.11.6 Signage

The signage for commercial uses within the development is not detailed in the application and would be subject to a future development application.

Future signage would need to complement the development and the Beecroft Heritage Precinct.

2.12 Hornsby Development Control Plan 2013 – Part 9.6 Beecroft Heritage Precinct

The proposed development has been assessed having regard to the desired outcomes and prescriptive measures within Part 9 of *Hornsby Development Control Plan 2013 (HDCP)*. The following table sets out the proposal's compliance with the prescriptive requirements under *HDCP* Section 9.6 Beecroft Heritage Precinct applicable to the subject site.

| HDCP – Beecroft Heritage Precinct (Commercial Area) | | | |
|--|-------------------|--------------------|-------------------|
| Control | Proposal | Requirement | Compliance |
| Site Width | 62m-75m | 30m | Yes |
| Height | 6 storeys – 21.4m | 5 storeys – 17.5m | No |
| Max 5 storey incl basement 1m above gnd | 6 storeys | 5 storeys | No |
| Max basement height above ground | 3.0m | 1.0m | No |
| Max Floorplate Dimension | 35m | 35m | Yes |
| Min Building Separation Large Site | 6m | 9m | No |
| 4m x 4m Indentation | 4m x 4m | 4m x 4m | Yes |
| Two Steps gnd flr & top flr | Yes | Yes | Yes |
| Minimum Building Setback | 0m | 0m | Yes |
| Street Setback Third Storey & Above | 0m | 3m | No |
| Shared Boundary Setback Third Storey & Above | 6m | 6m | Yes |
| Top Storey | 0m-3m | 3m | Yes |

| Setback | | | |
|--------------------------|--|--|-------------------|
| Basement Ramp Setback | 2m | 2m | Yes |
| Private Space Width 2.5m | 1 br units - > 10.0+m ² 2 br units - > 12.0+m ² 3 br units - > 16.0+m ² | 10m ² 12m ² 16m ² | Yes Yes Yes |
| Sunlight Access | 70.5% | 70% | Yes |
| Housing Choice | 38 x 1 br units – 41% 43 x 2 br units - 47% 11 x 3 br units – 12% | 10% 10% 10% | Yes 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 Council's *HDCP*. The matters of non-compliance are detailed below, as well as a brief discussion on compliance with relevant performance requirements.

2.12.1 Desired Future Character (Commercial Area)

The proposed mixed use development is generally in accordance with the *HDCP* requirements for:

- Shops to be visible and accessed directly from the street frontage to retain the historic relationship of the shopping centre with the railway station.
- Business uses to be located on the lower two floors providing a broad podium with residential floors setback above.
- Pedestrian friendly scale with shop fronts activating the street.
- Flat roofs with wide eaves around top storeys.

The proposed development does not include the required box section awnings over footpaths. However, awnings complementing the development are proposed which provide weather protection for shoppers and retain ornamental street trees on Hannah Street.

The proposal is acceptable in meeting the desired future character of the Beecroft Heritage Precinct commercial area.

2.12.2 Heritage Conservation

The proposed built form and architectural treatment responds to the traditional shopfront character of Beecroft Village, to the context of the site within the wider conservation area, and to the adjoining heritage item at No. 83 Beecroft Road.

The proposed development meets the *HDCP* desired outcome for:

New development which retains the historic relationship of the railway and shopping centre within the Beecroft/Cheltenham Heritage Conservation Area.

Refer to discussion in Section 2.1.5.

2.12.3 Site Requirements

The proposed development involves a consolidated site including the existing Beecroft Module Shopping Centre, the former service station site on Beecroft Road and the two storey retail premises on the corner of Beecroft Road and Hannah Street.

The proposed development would isolate No. 93 Beecroft Road (Lot 2 DP 211441) which has a site area of 145.4m² and includes an existing single storey, part two storey commercial building. A driveway is located along the northern side of the existing building. The subject site has an easement for access over the driveway. The easement would be relinquished as part of the proposed development.

The applicant has been in negotiation with the owner of No. 93 Beecroft Road to acquire the site but has been unsuccessful.

The Land and Environment Court has prescribed planning principles for isolated sites as set out by Commissioner Brown in *Melissa Grech v Auburn Council* [2004] NSWLEC 40 ie:

Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.

Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.

Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s 79C of the Environmental Planning and Assessment Act 1979.

In respect to the first principle, the applicant has submitted documentation in evidence of the negotiations between the applicant and the owner of the isolated site, for the purchase of the property. The negotiations commenced prior to the lodgement of the previous development application (DA/545/2013) and have been ongoing.

In respect to the second principle, on 4 November 2014, the owner's solicitor submitted to Council a valuation report prepared by K.D. Wood Valuations (Aust) Pty Ltd dated 20 October 2014, which states a current market value of \$1,174,000 for the property, No. 93 Beecroft Road, Beecroft. The applicant had previously made offers of \$500,000 and \$700,000 for the property. On 7 November 2014 the applicant made an offer of \$1,400,000 to purchase the property. On 18 November 2014, the owner rejected the offer and made a counter offer of \$1,800,000 which was rejected by the applicant who confirmed the previous offer of \$1,400,000 until 24 November 2014. The offer has since lapsed.

Council has obtained an independent valuation of the isolated site prepared by Chaloner Valuations, who determined a market value of \$1,100,000. In this regard, it is considered the offer of \$1,400,000 made by the applicant is a reasonable offer.

In respect to the third principle, the application includes indicative plans which demonstrate development of the isolated site could generally be achieved in accordance with the requirements of *HDCP* other than for the provision of car parking and setbacks for the upper levels. Car parking provision is indicated for 3 spaces with access provided from Basement 2 and 3 spaces with access provided from Basement 3, subject to provision of an easement. The alternative provision for car parking off Beecroft Road in a development would be subject to approval of Roads and Maritime Services which is uncertain. The provision of car parking for any future redevelopment of the site would need to be considered on merit.

Council's urban design consultant states:

'Independent' redevelopment of neighbouring property at 93 Beecroft Road would not be prevented by the proposed development per se, but effective articulation of proposed building forms ensures that streetscape quality would not be compromised if redevelopment were not to occur.

The existing premises at No. 93 Beecroft Road would not significantly detract from the proposed development in the Beecroft Road streetscape. The rear elevation is predominantly a brick wall with light well indentation and would adjoin the proposed commercial plaza and landscape planter. The existing building would not greatly detract from the amenity of the commercial plaza.

Should the application be approved and the isolated site be acquired by the applicant, the site could be included in the development, subject to a Section 96 Application to modify the development consent.

It is considered the applicant has addressed the requirements of the *HDCP* and the planning principles established by the Land and Environment Court, concerning isolated sites. Although the isolation of No. 93 Beecroft Road is not the preferred planning outcome, in this instance it is considered the applicant has undertaken actions to incorporate the site in the development. However, these negotiations have been unsuccessful. Therefore, the isolation of No. 93 Beecroft Road does not warrant refusal of the application in this instance.

2.12.4 Height

The proposed development has a building height of four to six storeys and exceeds the maximum building height of 17.5m, in non-compliance with the *HDCP* requirement for a maximum of five storey (17.5m).

The applicant's justification for the non-compliance is considered acceptable as discussed in Section 2.1.3.

Proposed Building A is five and six storey and would appear 5 storey at the Beecroft Road frontage. The building includes two steps from the ground floor commercial level at the Beecroft Road frontage, reducing the apparent bulk and scale of the building in relation to low density residential development on the western side of Beecroft Road. The proposed building is acceptable notwithstanding non-compliance with the maximum building height.

Proposed Building B is five storey and exceeds the maximum building height in relation to existing ground level due to the site fall and podium height over the supermarket level. The proposed building would not be readily visible in the streetscape and would not detract from amenity of future residents of the approved residential flat developments north of the site (DA/81/2014 and DA/1432/2013).

Proposed Building C is four storey in compliance with the maximum 17.5m building height and has frontage to Hannah Street. The building is stepped to Building D providing a transition in height relative to the gradient fall in Hannah Street. The proposed four residential levels are setback from the commercial podium on Hannah Street. The top floor of Building C is not setback 3m in accordance with the HDCP requirement but is acceptable with regard to the four storey height, and the stepping and reduced bulk and scale of the building in relation to Buildings A, B and D.

Proposed Building D is five storey in compliance with the maximum 17.5m building height and has frontage to Hannah Street and Beecroft Road. The building includes a corner tower element which marries the two frontages and provides a landmark gateway to the Beecroft Commercial Centre. The building's two storey podium would enhance the presentation.

The proposed development is acceptable with regard to the desired outcome and prescriptive measures of the HDCP for building height.

2.12.5 Setbacks

The proposed development is generally in compliance with the HDCP setback requirements for development within the Beecroft Heritage Precinct commercial centre, other than the proposed units above the podium of Building A and Building D.

Proposed Building A has an angular frontage to Beecroft Road. The proposed units of the 1st and 2nd floors at the Beecroft Road frontage maintain the same setback as the façade of the ground floor commercial level which is setback 0.2m-4.6m from Beecroft Road.

Proposed Building D has 0m setback to Beecroft Road and 0m setback to Hannah Street which is maintained for the commercial ground floor, the 1st floor and the 2nd floor.

The proposed non-compliance with the 3m required setback from the ground floor façade involves the balconies of the respective units which align with the façade of the commercial podium to form a two storey podium. The non-compliance is acceptable with regard to the unifying element of the two storey podium along the two street frontages and the corner tower element enhancing the gateway point in the streetscape.

The ground floor level comprising the supermarket and shopping mall is below ground level at the western elevation and forms a storey above ground level at the eastern elevation. The northern wall of the supermarket extends above ground approximately 26.5m from the Beecroft Road frontage and rises to a height of 8m at the north-eastern corner of the development. The wall is setback 1m from the northern boundary which adjoins an approved 5 storey residential flat development (DA/81/2014) and No. 83 Beecroft Road a heritage item.

The proposed 1m setback would impact on an adjoining tree at 83 Beecroft Road, tree No. 17 *Schinus areira* (Peppercorn Tree). The proposed setback would impact on tree roots of diameter 20mm to 35mm but would be clear of the structural root zone prescribed by AS 4970-2009. The tree is not a significant tree and has a short safe useful life expectancy of 5-15 years.

The proposed 1m setback would limit effective landscaping of the supermarket wall for amenity of adjoining future residents (DA/81/2014). The applicant submitted details for landscape treatment to include planters suitable for climbing plants which would reduce the visual impact of the wall. Appropriate conditions are recommended in this regard.

The proposal meets the setbacks desired outcome of the *HDCP* for:

Well articulated building forms with a “pedestrian friendly” scale which encourages business activity and provides for landscaping, open space and separation between buildings.

2.12.6 Building Form and Separation

a. Building Separation

The spatial arrangement of the four proposed buildings ensures the pedestrian linkages, communal residential courtyard and the commercial plaza are visually connected and enjoy sunlight access. The proposed dimensions are conducive to the activation of the proposed commercial premises fronting the plaza and adequate to create separate spaces for individual tenancies with landscaping, planters and level changes.

The proposed courtyard and plaza are in accordance with the HDCP Key Principles 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 and provide new plazas in locations that are commercially prominent.

The separation of the proposed buildings complies with the HDCP requirements for separation between opposing habitable spaces as discussed in Section 2.4.7 concerning the SEPP 65 Code requirements which are adopted for HDCP, other than the proposed 6m separation between Building B and Building C and Building C and Building D. The proposed separation is acceptable with regard to the dual aspect units and provision of privacy screens. A condition is also recommended for extendable screens.

b. Building Form

The facades of the residential floors of the proposed buildings are well articulated with the various elements appropriately proportioned. The façade treatment and individual form of the buildings reduces the bulk and scale of the residential component of the development.

The colonnade style commercial facades have regard to the traditional shopfront character of Beecroft Village and, together with the proposed corner tower element, would form a cohesive pedestrian friendly streetscape.

The proposed buildings comply with the articulation prescriptive measures for visual separation of façade elements and stepping. The proposed buildings comply with the maximum floorplate dimensions and include 4m x 4m indentations where the floorplates exceed 25m.

The proposed materials and finishes include predominantly brick in darker tones in keeping with the brick and tile character of the area. Upper levels include lighter tones to balcony colonnades providing contrast and minimising visual bulk.

The proposal would establish an appropriate precedent for mixed use development of the adjoining site and the Beecroft Heritage Precinct (Commercial Area).

The proposed built form is satisfactory in achieving the *HDCP* desired outcome for the commercial area of the Beecroft Heritage Precinct.

2.12.7 Landscaping

The proposal involves the removal of the majority of trees on the site which are exotic species including Chinese elms (5), Camellia sasanquas (11), Large-leaved privet (1) and Canary Island palm (1). None of the trees proposed to be removed are significant trees. The existing ornamental street trees (Callery Pear - *Pyrus calleryana*) at the Hannah Street frontage are retained other than two trees required to be removed for the proposed driveway, which is acceptable. A condition is recommended for trees protection measures for trees to be retained.

The proposal includes edge planters at the Beecroft Road and Hannah Street commercial frontages, landscaping of the northern setback area and eastern setback area, and landscaping of the commercial plaza and residential courtyard areas.

The planter-box landscaping along the eastern boundary forms part of the private open space courtyards of ground floor units of Building B and Building C. The landscaping would need to be the responsibility of the strata unit holders to maintain. The eastern boundary interface treatment is acceptable for integration with future development of the adjoining site with potential for extension of the courtyard connection. A condition is recommended for 1.8m high tubular steel fencing along the eastern edge of the landscape planter and the eastern boundary.

The application includes a Landscape Design Report prepared by Oculus which comments on the design of the public domain of the proposed commercial plaza, Hannah Street and Beecroft Road frontages and the design of the residential courtyard garden, which is supported and forms an attachment to this report.

The proposed landscape planting includes a number of indigenous tree species however, the depth of the proposed planters or location would not sustain canopy trees. Conditions are recommended for soil depth to sustain selected plant species and for replacement species.

Subject to recommended conditions the proposed landscaping would contribute to the public domain and amenity of residents and meet the prescriptive measures of *HDCA* for landscaping within the Beecroft Heritage Precinct commercial area.

Refer also to discussion in section 2.12.5.

2.12.8 Open Spaces

The proposed dwelling open space areas are of adequate size and dimension and meet the prescriptive measure of the *HDCA*. A condition is recommended for screening of outdoor clothes drying areas from view of publicly accessible areas, Hannah Street and Beecroft Road.

The proposed residential courtyard area is appropriately landscaped for passive recreation and privacy of the adjoining ground floor dwelling open space areas. The communal open space area is fenced and gated from publicly accessible areas.

The proposed private open space and communal open space areas meet the desired outcome of the precinct controls.

2.12.9 Privacy and Security

The layout and design of the proposed development provides casual surveillance and good sight lines of the access points on Beecroft Road and Hannah Street which provide pedestrian access to the residential lobbies of the four proposed buildings. The residential units are accessed by separate lifts

independent of the commercial levels, ensuring controlled lift access to the residential component of the development from the residential basement level.

The windows of ground floor Units A104 and B106 front the northern section of the commercial plaza at the public interface. To ensure security and privacy, a condition is recommended for the section of the windows fronting the plaza to be replaced with solid wall.

The proposal includes owners consent for creation of an easement for pedestrian access benefiting the approved residential development on the northern boundary (DA/81/2014). The northern access point on Beecroft Road provides a pedestrian link to the adjoining residential development. Appropriate conditions are recommended for the creation and control of the access benefiting adjoining residents.

The publicly accessible areas and all access points to the mixed use development should be monitored by surveillance cameras and recorders to effectively address crime prevention within a shopping centre. Conditions in this regard and for secure key access and graffiti management are recommended.

The proposal includes a boom gate for vehicle access ramp to the residential basement car park from the customer car park basement level. To ensure secure access a condition is recommended for the vehicle access ramp to be designed to prevent pedestrians accessing the residential basement car park. This could be achieved by installation of key card roller door access with intercom for visitors.

The proposed pedestrian accessways and communal courtyard areas are appropriately screened from ground floor unit entries and private open space by planters and screen planting.

A condition is recommended for extendable privacy screens for balconies as discussed in Section 2.4.6.

Subject to recommended conditions, the proposal would meet the *HDCP* desired outcome for privacy and security.

2.12.10 Sunlight and Ventilation

The site is advantaged by the elevated open corner aspect. The future development of adjoining sites would not significantly impact on sunlight access due to the elevated position.

The applicant submitted a solar access analysis which demonstrates 70.5% of dwellings would receive 2 hours of sunlight 22 June in accordance with the *HDCP* requirement.

The proposed units include 60% with dual aspect in compliance with the *HDCP* requirement for cross ventilation.

The proposed units would meet the *HDCP* desired outcome for sunlight and ventilation.

2.12.11 Housing Choice

The proposal includes 122 dwellings comprising 60 x 1 bedroom units, 10 x 1 bedroom + study units, 29 x 2 bedroom units, 4 x 2 bedroom + study units, 17 x 3 bedroom units and 2 x 3 bedroom + study units.

The proposed dwelling mix is in accordance with Council's planning controls for a minimum of 10% of 1, 2 and 3 bedroom units. The higher proportion of one bedroom units is acceptable with regard to the

comparative supply and under occupancy of larger dwellings in the Beecroft area as discussed in Section 2.7.1 of this report.

The proposed mixed use development involving dwellings fronting a central public plaza would increase the diversity and range of housing types within the Beecroft Heritage Precinct.

2.12.12 Vehicle Access and Parking

The proposed vehicle access is located at the south eastern frontage of the building over the existing vehicle crossing on Hannah Street. The proposal would increase the width of the existing crossing to 15m.

The proposed vehicle access is designed for pedestrian safety on Hannah Street with regard to the following:

- The 6m two lane entry driveway and 4m single lane exit driveway are separated by a 2m wide median which provides a pedestrian refuge.
- The driveway layout ensures adequate sightlines for pedestrians and drivers subject to recommended conditions of consent for kerb alignment and landscape maintenance.
- The layout of the car parking and loading facilities avoids intersecting driveways and obstruction of sightlines.
- The location of the lift, travelator and mall entry ensures convenient and direct pedestrian access to the car park via the mall, moving the pedestrian flow away from the vehicle access.

Council's urban design consultant states:

Access for cars and deliveries is proposed via Hannah Street in a location that was nominated by the Key Development Principles Diagram (a foundation statement of desired character by the local controls), and in a manner which would neither compromise the site's capability to accommodate effective levels of business and pedestrian activity, nor affect amenity and safety of this important pedestrian frontage.

A condition is recommended for a 'Give Way To Pedestrians' sign and speed hump on the exit driveway.

Subject to recommended conditions the proposed vehicle access is considered acceptable in respect to the safety of pedestrians at the Hannah Street frontage.

The proposed vehicle access is shared for deliveries (service vehicles), customers and residents. The proposed basement car parking layout, internal circulation and car space provision is satisfactory for the mixed use development in compliance with the *HDCP* and *AS2890.2-2002*. The applicant submitted a Traffic Report prepared by Colston Budd Hunt & Kafes Pty Ltd which includes recommendations for a Service Vehicle Management Plan to address the following:

- *Approach and departure routes for service vehicles (large trucks would enter and depart the site via right turns in order to minimise the width of the driveway);*
- *Loading dock hours of operation, including delivery times;*
- *Service vehicle access arrangements, to ensure that service vehicles enter and exit the site in a forward direction; and*
- *Management of loading docks and control of service vehicle activity.*

Council's traffic assessment concludes that a Service Vehicle Management Plan should be prepared that also includes arrangements for use of the loading dock and goods lift for residential service vehicles and removalists. A condition is recommended in this regard.

Subject to recommended conditions the proposed vehicle access and parking is acceptable.

2.12.13 Public Domain

The pedestrian links off Beecroft Road and Hannah Street through to the commercial plaza activate the plaza with potential for flow on through to the adjoining site. The proposed line of shops and commercial premises along Beecroft Road and Hannah Street together with the retail mall activate the street frontages. The proposed lift access between the plaza and the mall together with the location of the travelator between the mall and the car park provides effective integration of the shopping centre with the public domain.

The proposed development includes appropriate paving, street furniture and landscaping features which contribute to the public domain, in catering to pedestrians, commercial users, shoppers and recreational use. The proposed development meets the *HDGP* desired outcomes and prescriptive measures for the public domain.

A condition is recommended for the existing footpath along Beecroft Road to be replaced with paving.

2.12.14 Traffic Management Works

The proposed development includes works at the Hannah Street frontage to provide sightlines for exiting vehicles. The proposed width of the vehicle access requires trucks to enter and leave the site via a right turn; a wider vehicle access would otherwise be required impacting on the streetscape.

Future traffic management improvement works are subject to Council monitoring of cumulative traffic impacts from redevelopment within the Beecroft Heritage Precinct.

Refer also to discussion in Section 3.2.2.

2.12.14 Key Development Principles

The proposed development is satisfactory in meeting the Key Development Principles for the Beecroft Heritage Precinct in respect to strategy, public frontages, servicing and built form.

The proposal would provide an appropriate precedent for future mixed use development within the precinct and facilitate integration with any future redevelopment of the adjoining site.

2.13 Section 94 Development Contributions Plan 2012-2021

The proposed development is subject to the Hornsby Development Contributions Plan for the additional commercial floor space and dwellings. An appropriate condition is recommended for the payment of a contribution in accordance with the Plan towards the provision of additional services and facilities to assist in meeting the demands of the increase in population.

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 Commercial Area recently rezoned for five storey mixed use development comprising 'shop top housing'. The future built form envisaged by Council is provided for in Council's planning controls as discussed in Section 2.12.

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

3.2.2 Traffic Generation and Road Safety

The proposed development comprising 122 dwellings would generate 35 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 would generate an additional 90 vehicles per hour in the weekday afternoon peak hour and an additional 105 vehicles per hour in the midday Saturday peak hour. The proposal would increase traffic flow on Beecroft Road by up to 35 vehicles during these periods and by up to 85 vehicles on Hannah Street and up to 35 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.

The proposed development would increase the number of service vehicles on Hannah Street. Trucks would be restricted to right turn movement entering and exiting the site. To provide for road safety a condition is recommended for access to the site for heavy rigid vehicles to be prohibited during school

zone times. A condition is also recommended for a Pedestrian Access Management Plan to address management of pedestrian movements during construction of the proposed development. Subject to recommended conditions the proposal is acceptable in respect to road safety.

Refer also to discussion in Section 2.12.2 and Section 2.12.14.

3.3 Social Impacts

The proposed development would enhance commercial activity and social interaction within Beecroft Village, 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 an increase in floor space for a larger supermarket, additional specialty stores and commercial space.

The proposal would generate employment opportunities for 109 retail workers and 57 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 17 September and 15 October 2014 in accordance with the *HDGP* notification requirements. During this period, Council received 14 submissions. The map below illustrates the location of those nearby landowners who made a submission.



NOTIFICATION PLAN

| | | | |
|---|------------------------|---|---|
| • PROPERTIES NOTIFIED | X SUBMISSIONS RECEIVED |  PROPERTY SUBJECT OF DEVELOPMENT |  |
| 10 SUBMISSIONS OUT OF MAP RANGE OR EMAIL ONLY ADDRESS | | | |

14 submissions objected to the proposed development. The grounds for objection are discussed as follows:

Note: In response to the previous application 232 submissions were received.

Traffic Impact on Hannah Street

The proposed traffic generation is within the satisfactory level of service for the operation of the Hannah Street and Beecroft Road intersection and the Hannah Street intersection with Wongala Crescent. A condition is recommended to restrict truck movements on Hannah Street and also for the implementation of a Service Vehicle Management Plan.

The proposed vehicle access on Hannah Street is of acceptable design for pedestrian safety subject to recommended conditions.

Redevelopment Potential of Isolated site

The proposal includes indicative plans for development of the isolated site which demonstrate built form which would integrate with the proposed development, generally in compliance with the *HDCP* requirements other than for car parking and setbacks for the upper levels.

Beecroft Village Heritage Character

The proposed built form is generally in compliance with *HDCP* requirements for the Beecroft Heritage Precinct. The non-compliance with the maximum height requirements is acceptable with regard to the building separation and stepping of the development reducing bulk and scale.

The architectural treatment has regard to the context of the site with the surrounding heritage conservation area and heritage items in the vicinity of the site.

Proportion 1 Bedroom Units

The proposed dwelling mix complies with the *HDCP* requirement and is acceptable with regard to the relative shortfall in smaller dwelling units and under occupancy of larger accommodation within the Beecroft area.

Hannah Street Pedestrianized

The proposed development addresses the pedestrian linkage Key Development Principles of *HDCP*. The *HDCP* does not include a requirement for Hannah Street to be pedestrianized.

Wongala Crescent Access

The *HDCP* includes a Key Development Principle for access from the existing car park off Wongala Crescent. This access is not available for the subject development. Notwithstanding, the proposed Hannah Street vehicle access is acceptable subject to recommended conditions.

Truck Right Turn Movement

The proposed vehicle access would require right turn movement for trucks entering and leaving the site. A left turn movement would require a wider vehicle access with negative impacts on the streetscape and public domain. The right turn movement is acceptable subject to conditions prohibiting truck access during school zone times and for the implementation of a Service Vehicle Management Plan.

Indigenous Landscaping

In accordance with *HDCP*, the site is not subject to requirement for deep soil landscaping for canopy tree planting.

Setback Northern Boundary Insufficient

The proposed setback of the supermarket wall (maximum height 8m) from the northern boundary is acceptable subject to landscape treatment. Proposed Building B above the supermarket complies with the setback requirements of the *HDCP*.

Safety and Security

Appropriate conditions are recommended for public access control, surveillance and management of the public domain.

Traffic-Pedestrian Conflict

The proposed vehicle access on Hannah Street is designed for pedestrian safety with regard to sightlines, pedestrian refuge and vehicle movement and is acceptable subject to recommended conditions.

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 its 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 application is considered to have satisfactorily addressed Council's and relevant agencies' criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would 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 122 dwellings.

The proposal is a revision of the development application refused by the Joint Regional Planning Panel in May 2014 and addresses the concerns that were raised by the Panel in respect to the future character of Beecroft Village, the height of building on Hannah Street, integration with existing commercial activity, and the adjoining heritage item.

The proposed development is satisfactory in respect to compliance with *SEPP 65 Design Quality Residential Flat Development* and the *Residential Flat Design Code*.

The proposed non-compliance with the 17.5m maximum building height of *HLEP* is acceptable with regard to the applicant's justification and the planning principles for variation of a development standard.

The proposal is a substantial redevelopment of a significant site in the Beecroft Heritage Precinct. The proposal addresses the Key Development Principles of the *HDCP* for development within the commercial area of the precinct. The proposal generally complies with the *HDCP* requirements for desired future character, design quality, heritage conservation, site requirements, height, setbacks, building form and separation, landscaping, open spaces, privacy and security, sunlight and ventilation, housing choice, vehicle access, parking, public domain and traffic management.

The proposal would result in the isolation of existing commercial premises at No. 93 Beecroft Road, Beecroft. The applicant has not been successful in negotiations to purchase the property. Notwithstanding, the applicant has addressed the requirements of the *HDCP* and the planning principles established by the Land and Environment Court, concerning isolated sites.

The proposal is supported by appropriate management strategies for waste management and vehicle access for the operation of the shopping centre in association with the residential component subject to recommended conditions. The proposed vehicle access on Hannah Street is acceptable for road safety subject to limitation for heavy vehicle access to set hours.

Council received 14 submissions objecting to the proposed development.

The application is recommended for approval.

ATTACHMENTS

1. Locality Map
2. Site & Design Context
3. Basement Plans
4. Ground Floor Plan
5. Level 1 Plan
6. Levels 2 - 6
7. Roof Plan
8. Elevations
9. Sections
10. Façade Section
11. Materials
12. Landscape Plan
13. Streetscape Perspective
14. Urban Design Report
15. Landscape Design Report

SCHEDULE 1

GENERAL CONDITIONS

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

Note: For the purpose of this consent, the term 'applicant' means any person who has the authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation, or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

| Plan No. | Drawn by | Dated |
|---|--------------------------|------------|
| 10733/DA/2001 – Site Plan | DKO Architecture Pty Ltd | 31/08/2014 |
| 10733/DA/2002 – Basement 3 Revision A | DKO Architecture Pty Ltd | 31/10/2014 |
| 10733/DA/2003 – Basement 2 Revision B | DKO Architecture Pty Ltd | 31/10/2014 |
| 10733/DA/2004 – Basement 1 | DKO Architecture Pty Ltd | 31/08/2014 |
| 10733/DA/2005 – Ground Level | DKO Architecture Pty Ltd | 31/08/2014 |
| 10733/DA/2006 – Level 1 | DKO Architecture Pty Ltd | 31/08/2014 |
| 10733/DA/2007 – Level 2 | DKO Architecture Pty Ltd | 31/08/2014 |
| 10733/DA/2008 – Level 3 | DKO Architecture Pty Ltd | 30/09/2014 |
| 10733/DA/2009 – Level 4 | DKO Architecture Pty Ltd | 31/08/2014 |
| 10733/DA/2010 – Level 5 | DKO Architecture Pty Ltd | 31/08/2014 |
| 10733/DA/2011 – Level 6 | DKO Architecture Pty Ltd | 31/08/2014 |
| 10733/DA/2012 – Roof Plan | DKO Architecture Pty Ltd | 31/08/2014 |
| 10733/DA/2013 – Adaptable Apartment Layouts | DKO Architecture Pty Ltd | 31/08/2014 |
| 10733/DA/3001 – North Elevation | DKO Architecture Pty Ltd | 31/08/2014 |
| 10733/DA/3002 – Hannah | DKO Architecture Pty Ltd | 29/08/2014 |

| | | |
|--|--------------------------|---------------|
| Street Elevation | | |
| 10733/DA/3003 – East Elevation | DKO Architecture Pty Ltd | 31/08/2014 |
| 10733/DA/3004 – Beecroft Road Elevation | DKO Architecture Pty Ltd | 29/08/2014 |
| 10733/DA/3005 – External Finishes Board | DKO Architecture Pty Ltd | 31/08/2014 |
| 10733/DA/4001 – Sections 1 | DKO Architecture Pty Ltd | 31/08/2014 |
| 10733/DA/4002 – Sections 2 | DKO Architecture Pty Ltd | 31/08/2014 |
| 10733/DA/9001 - B1 Hannah Street | DKO Architecture Pty Ltd | 19.11.14 |
| 10733/DA/9002 – Level 1 Hannah Street | DKO Architecture Pty Ltd | 19.11.14 |
| 10733/DA/9003 – Hannah Street Elevation Finishes | DKO Architecture Pty Ltd | 19.11.14 |
| 10733/DA/10001 – Façade Section 1 | DKO Architecture Pty Ltd | 21.11.14 |
| 10733/DA/10002 - Façade Section 2 | DKO Architecture Pty Ltd | 21.11.14 |
| 10733/DA/10003 – Façade Section 3 | DKO Architecture Pty Ltd | 21.11.14 |
| Landscape Concept - Level 1 + Level 2 Rev C | Oculus | November 2014 |
| Landscape Concept – Hannah Street Ground Level + Level 2 Rev C | Oculus | November 2014 |
| Landscape Concept – Plaza Detail Plan Rev C | Oculus | November 2014 |
| Landscape Concept – Planting Layout Rev C | Oculus | November 2014 |
| Landscape Concept – Soil Depth Profile Rev C | Oculus | November 2014 |
| Landscape Concept – Planting And Materials Palette Rev C | Oculus | November 2014 |

| Document | Prepared by | Dated |
|---------------------------------------|-----------------------------------|----------------|
| Traffic Report | Colston Budd Hunt & Kafes Pty Ltd | August 2014 |
| Heritage Impact Statement | Paul Davies Pty Ltd | August 2014 |
| Waste Management Plan | GAT & Associates | Undated |
| Waste Management Plan | Leigh Design | 28 August 2014 |
| Environmental Noise Impact assessment | Acoustic Logic | 26/08/2014 |
| Building Code of Australia | McKenzie Group | 24.08.14 |

| | | |
|---------------------------------------|-----------------------------------|----------------|
| Report | | |
| Accessibility Review | McKenzie Group | 01/09/14 |
| SEPP 65 Design Verification Statement | DKO Architecture Pty Ltd | 31 August 2014 |
| Development Impact Assessment Report | Earthscape Horticultural Services | August 2014 |
| Geotechnical Investigation Report | Aargus Australia | 19 August 2011 |
| Site Audit Report | Environ Australia Pty Ltd | September 2009 |
| Variation Made Under Cl. 4.6 HLEP | GAT & Associates | September 2014 |

2. Amendment of Plans

The approved plans are to be amended as follows:

- a) The vehicle access ramp for the resident basement car park to be designed to prevent public pedestrian access to the residential basement car park (such measures may include key card roller door access with intercom).
- b) The section of windows of Units A104 and B106 fronting the commercial plaza are to be replaced with masonry wall.
- c) The supermarket wall adjoining the northern boundary to be designed with landscape planters and include stairs for adjoining residents access to the site, generally in accordance with plans prepared by DKO Architecture Pty Ltd numbered 10733/DA/8003, 10733/DA/8004, 10733/DA/8005 and 10733/DA/8006 dated 19.11.14.
- d) Each dwelling within the development must have a minimum area for storage (not including built-in storage) of 6m³ for one bedroom units, 8m³ for two bedroom units and 10m³ for three bedroom units.

3. Construction Certificate

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

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

4. Section 94 Development Contributions

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

| Description | Contribution (4) |
|-------------------------------------|-----------------------|
| Roads | \$433,216.90 |
| Open Space and Recreation | \$1,349,897.00 |
| Community Facilities | \$188,244.60 |
| Plan Preparation and Administration | \$7322.75 |
| TOTAL | \$1,978,681.20 |

being for 70 x 1 bedroom units, 33 x 2 bedroom units, 19 x 3 bedroom units, 856m² new commercial floor space and 2,729m² new retail floor space.

- b) The value of this contribution is current as at 5 December 2014. If the contributions are not paid within the financial quarter that this condition was generated, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 94 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

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

$$CPI_{DC}$$

Where:

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

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

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

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

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

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

Council's Development Contributions Plan may be viewed at www.hornsby.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

5. Building Code of Australia

All building work must be carried out in accordance with the relevant requirements of the Building Code of Australia. In particular Sections C,D,E,F and J of the BCA.

6. Contract of Insurance (Residential Building Work)

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

7. Fire Safety Upgrade

To ensure the protection of persons using the building and to facilitate egress from the building in the event of a fire, the application for a construction certificate must demonstrate that it will comply with the following Category 1 fire safety provisions:

- a. The building is to comply with the Environmental Planning and Assessment Regulation 2000 clause 144 and 144A;
- b. A list of existing and proposed fire safety measures is to be submitted to the PCA with any Construction certificate in accordance with the EP&A Regulation 2000 –Schedule 1; and
- c. Fire Safety Statement - Annual

On at least one occasion in every 12 month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' to each essential service installed in the building.

8. Migration Soil Contamination

- a) The applicant is to engage a NSW Environment Protection Authority (EPA) accredited Site Auditor to oversee all stages of the site's soil contamination investigation and remediation.
- b) The applicant is to engage a suitably qualified Environmental Consultant to undertake a Detailed Environmental Site Assessment of the development in accordance with the NSW EPA's Contaminated Sites Guidelines. A copy of the Detailed Environmental Site Assessment is to be submitted to Council.
- c) Should the Detailed Environmental Site Assessment indicate soil contamination exceeding the criteria prescribed by the NSW EPA's Contaminated Sites – Guidelines for the NSW Site Auditor Scheme, a Remediation Action Plan is required to be prepared by a suitably qualified Environmental Consultant and submitted to Council.
- d) The site is to be remediated in accordance with the Remediation Action Plan reviewed by the NSW EPA Accredited Site Auditor.

9. Water/Electricity Utility Services

The applicant must submit written evidence of the following service provider requirements:

-
- a) *Ausgrid (formerly Energy Australia)* – a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
 - b) *Sydney Water* – the submission of a ‘Notice of Requirements’ under s73 of the *Sydney Water Act 1994*.

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

10. Geotechnical Investigation Report

The submitted Geotechnical Investigation Report dated 19 August 2011 is to be revised for the approved development to include the excavation methodology for solid sandstone bedrock footings, the necessary limitation of vibration to prevent damage to adjoining buildings in particular the heritage item at No. 83 Beecroft Road and the excavation method to be used, groundwater management, and retaining structures.

The excavation works to be carried out in accordance with the findings of the revised Geotechnical Investigation Report.

11. Dilapidation Report

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

- 83 Beecroft Road
- 93 Beecroft Road
- 14B Hannah Street
- 14A Hannah Street
- 12-14 Hannah Street
- 10 Hannah Street
- 8 Hannah Street

12. Car Parking and Deliveries

All car parking must be constructed and operated in accordance with *Australian Standard AS 2890.1 – 2004 – Off Street Car Parking* and *Australian Standard 2890.2 - 2002 – Off Street Commercial* and the following requirement

- a) All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted;
- b) Car parking, loading and manoeuvring areas to be used solely for nominated purposes;
- c) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads; and

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

13. Stormwater Drainage

The stormwater drainage system for the development must be designed and constructed for an average recurrence interval of 20 years and be gravity drained in accordance with the following requirements:

- a) Connected directly to Council's street drainage system at Hannah Street;
- b) A construction certificate application is to be submitted to Council for connection of stormwater from the premises to Council's drainage system in Hannah Street.

14. On Site Stormwater Detention

An on-site stormwater detention system shall be generally in accordance with the submitted engineering plan, prepared by Van Der Meer Consultant and constructed in accordance with the following requirements:

- a) Have a capacity of not less than 90 cubic metres, and a maximum discharge (when full) of 21 litres per second.
- b) Have a surcharge/inspection grate located directly above the outlet.
- c) Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.
- d) Where above ground and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs to be installed.
- e) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

15. Internal Driveway/Vehicular Areas

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

- a) Design levels at the front boundary must be obtained from Council;
- b) The driveway must be a rigid pavement; and
- c) The driveway grade must not exceed 25 percent and changes in grade must not exceed 8 percent.

16. Vehicular Crossing

A separate application under the *Local Government Act 1993* and the *Roads Act 1993* must be submitted to Council for the installation of a new vehicular crossing and the removal of the redundant crossing. The vehicular crossing must be constructed in accordance with Council's *Civil Works Design 2005* and the following requirements:

- a) Any redundant crossings must be replaced with integral kerb and gutter; and
- b) Approval must be obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing.

Note: An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors. You are advised to contact Council on 02 9847 6940 to obtain a list of contractors.

17. Road Works

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

- a) The existing kerb and gutter along the frontages of the development are to be replaced. The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the gutter and reconstructed.
- b) Footpath from the kerb to the property boundary along the frontages is to be constructed of brick paving comprising Claypave 'Monarch Tan' 230 x 110 x 60mm unit paving laid in herringbone pattern, on sand base over a concrete base slab min 100mm depth.
- c) A construction certificate is to be submitted to Council for approval of the road works. Roads and Maritime Services approval is to be obtained prior to issue of Construction Certificate by Council for the road works.
- d) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.
- e) A Road Occupancy Permit is to be obtained from Roads and Maritime Services for construction works along Beecroft Road.

18. Traffic Control Plan

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

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

19. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.

20. Pedestrian Access Management

A Pedestrian Access Management Plan (PAMP) detailing how pedestrian movements will be changed and managed during various stages of development, particularly during any partial or total closure of footpaths on Beecroft Road and Hannah Street.

21. Preservation of Survey Infrastructure

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

22. Adaptable Units

The floor plan dimension details of the adaptable units Nos A205, A306, A406, A506, A508, B104, B105, B202, B204, B205, B206, B304, B305, B306, B404, B405, B406, C101, C102, C203, C302, C402, C403, C404, D201, D202, D203, D301, D302, D303, D307, D401, D402, D403, D407 and D505 must be provided with the Construction Certificate Plans.

23. Noise

The development must be carried out in accordance with the recommendations contained within the acoustic report submitted with the development application, titled Environmental Noise Impact Assessment, prepared by Acoustic Logic and dated 26/08/2014.

24. Waste Management

The following waste management requirements must be complied with:

- a) An additional lockable door (with width no less than 920 mm) to Chute Service Room C is to be provided on the southern wall.
- b) A lockable door (with width no less than 1300 mm) at the northern end of the wall between the residential bin room and the specialty shop loading dock.
- c) The specialty shops loading dock and the bin storage areas for the specialty shops and residential bins must be at the same level as the truck parking bay.

Note: The specialty shops platform lift must not have to be used to transfer the bins to the truck parking bay level.

| |
|--|
| REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS |
|--|

25. Erection of Construction Sign

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

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

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

26. Protection of Adjoining Areas

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

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

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

27. Toilet Facilities

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

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

28. Erosion and Sediment Control

Erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual '*Soils and Construction 2004 (Bluebook)*',

the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties up to \$1,500 may be issued for any non-compliance with this requirement without any further notification or warning.

29. Tree Protection Measures

Tree protection measures must be implemented in accordance with Appendix 2 of the Development Impact Assessment Report prepared by Earthscape Horticultural Services dated August 2014.

REQUIREMENTS DURING CONSTRUCTION

30. Construction Work Hours

All work on site (excluding earthworks and excavation) must only occur between 7am and 5pm Monday to Saturday, in accordance with *Interim Construction Noise Guidelines 2009 – NSW Department of Environment and Climate Change*.

All earthworks and excavation must only occur between 7.00am and 5.00pm Monday to Friday.

No work is to be undertaken on Sundays or public holidays.

31. Construction Vehicles

All construction vehicles associated with the development are to be contained on site as no construction zones will be permitted on Beecroft road or Hannah Street in the vicinity of the site.

32. Demolition

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

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

33. Environmental Management

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

34. Street Sweeping

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

35. Council Property

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

36. Landfill

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

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

37. Excavated Material

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

38. Survey Report – Finished Floor Level

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

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

39. Waste Management

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

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

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

40. Damage to Council Assets

Any damage caused to Council's assets as a result of the construction of the development must be rectified in accordance with Council's written requirements and at the sole cost of the applicant.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

41. Fulfilment of BASIX Commitments

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

42. Safety and Security

- a) Fire exist doors to the development must be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.
- b) Ground floor windows must be fitted with window locks that can be locked with a key.

-
- c) A graffiti management plan must be incorporated into the maintenance plan for the development for graffiti to be removed within a forty-eight hour period.
 - d) The basement car park entry must be secured by security gates/roller shutters and controlled by secure access located at the top of the driveway. The resident basement access control to include an audio/visual intercom system to allow visitor access to the parking area.
 - e) Lighting of pedestrian pathways throughout the development must comply with *Australia and New Zealand Lighting Standard 1158.1 – Pedestrian*.
 - f) Sign posting and way finding to respective unit blocks must be in clear legible signage so that emergency services are able to clearly identify location of a unit and location of the unit block entry.
 - g) Front fencing to be designed to allow casual surveillance at the frontage.
 - h) Lobby access to be controlled by security card or similar and to include intercom facility to enable residents to communicate and identify with people prior to admitting them to the building.
 - i) Walls and ceilings of car park areas to be painted a light colour.
 - j) Resident security key card or similar required to access basement residential lifts.
 - k) The access control of the pedestrian access at the northern boundary is to be shared with the adjoining residential flat development.

43. Security Cameras

- a) The applicant shall install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the buildings. The cameras should include the foyer area to the buildings including the area around the mail boxes. The cameras should also monitor the 50 metre vicinity outside the building including, but not limited to, the footpath in front of the premises. All areas within the commercial and retail premises should be monitored by CCTV. CCTV cameras should also cover any communal areas, lifts, public spaces and the basement car parks. Recordings should be made twenty four hours a day seven days a week.
- b) As a minimum, CCTV cameras at entry and exit points to the premises must record footage of a nature and quality in which it can be used to identify a person recorded by the camera. All other cameras must record footage of a nature and quality in which it can be used to recognise a person recorded by the camera.
- c) The time and date must automatically be recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of thirty days before they can be destroyed.
- d) If requested by police or any regulatory officer, the applicant is to archive any recording until such time as they are no longer required.

-
- e) Recordings are to be made in a common media format such as Windows Media Player or similar, or should be accompanied by applicable viewing software to enable viewing on any windows computer.
 - f) The CCTV control system should be located within a secured area of the premises and only accessible by authorised personnel.
 - g) If the CCTV system is not operational, immediate steps are to be taken by the applicant to ensure that it is returned to a fully operational condition as soon as possible.
 - h) CCTV to be installed throughout the basement car park area including the entry and exit points to the car park.

44. Sydney Water – s73 Certificate

A s73 Certificate must be obtained from *Sydney Water*.

45. Installation of Privacy Devices

The following device(s) must be installed to maintain an element of privacy.

- a) All privacy screens must be sliding stackable louvered metal screens extendable to the full width of the balconies;
- b) All glass balustrades must be translucent glass.
- c) Outdoor clothes drying area must screened from view of publicly accessible areas.

46. Parking Provision

- a) The basement car park B3 must include a minimum of 115 resident car parking spaces including 12 disabled spaces, 17 visitor car parking spaces, 3 residential motor cycle parking spaces and 37 resident bicycle spaces including 12 bicycle spaces for visitors.
- b) The basement car park B2 and B1 must include a minimum of 166 commercial car parking spaces including 4 disabled spaces, 3 commercial motor cycle spaces and 9 commercial bicycle spaces.
- c) All parking spaces for people with a disability must be constructed and operated in accordance with *Australian Standard AS/NZS 2890.6:2009 – Off-street parking for people with disabilities*.
- d) All bicycle parking spaces must be designed in accordance with *Australian Standard 2890.3-1993 – Bicycle parking facilities*.
- e) A “GIVE WAY TO PEDESTRIANS” sign and a speed hump is to be installed on the Hannah Street boundary line at the exit driveway.

-
- f) The existing kerb blister on the north side of Hannah Street adjacent to the west side of the driveway is to be relocated about 5m to the west.
 - g) The kerb on the east side of the exit driveway is to extend to the boundary line to ensure sight triangle is maintained.
 - h) Residential visitors are to have access to the residential visitor parking spaces at all times. Residential visitors are to be able to access the Basement B3 car park by an audio/visual intercom system. The residential basement to include ticket validating machine for visitors to open the egress gate on Hannah Street. The Hannah Street egress to be designed for egress of visitor vehicles after hours.

47. Boundary Fencing

Tubular steel fencing to a height of 1.8 metres must be erected along the top of the wall/planters at the eastern and northern elevations of Level 1.

48. External Lighting

All external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*. Certification of compliance with the Standard must be obtained from a suitably qualified person.

49. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council prior to occupation certificate for drainage works, kerb & gutter, and on-site detention drainage system.

50. Creation of Easements

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

- a) The creation of an appropriate *"Positive Covenant"* and *"Restriction as to User"* over the constructed on-site detention/retention systems and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title.
- b) To register the OSD easement, the restriction on the use of land *"works-as-executed"* details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the *"works-as-executed"* plan and supported by calculations.
- c) A right of pedestrian access benefiting the adjoining land on the northern boundary subject of DA/81/2014.

- d) For the purpose of waste collection, an easement entitling Council, its servants and agents and persons authorised by it to enter upon the subject land and to operate thereon, vehicles and other equipment for the purpose of garbage collection.

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

Note: The waste collection easement must be in a form prescribed by Council and must include covenants to the effect that parties will not be liable for any damage caused to the subject land or any part thereof or to any property located therein or thereon by reason of the operation thereon of any vehicle or other equipment used in connection with the collection of garbage and to the effect that the owner for the time being of the subject land shall indemnify the Council, its servants, agents and persons authorised by it to collect garbage against liability in respect of any such claims made by any person whomsoever.

51. Survey Information

A registered surveyor shall certify that there is no removal, damage, destruction, displacement or defacing of the existing survey marks in the vicinity of the proposed development and/or the re-establishment of damaged, removed or displaced survey marks has been undertaken in accordance with the Surveyor General's Directions No.11 – "Preservation of Survey Infrastructure".

52. Consolidation of Allotments

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

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

53. Streetscape Paving

Streetscape pavement works should be provided within the Beecroft and Hannah Street road verges. It shall include a fully paved verge with Claypave 'Monarch Tan' 230 x 110 x 60mm unit paving laid in herringbone pattern, on a sand base over a concrete base slab min 100mm depth.

54. Planter Boxes / On Slab Planting

Planters Boxes and structural slabs are to be designed and amended to ensure that the following minimum soil depths are provided within the planters to ensure trees can be established, maintained and survive:

- a) minimum 200mm planting soil for turf;
- b) minimum 400mm planting soil shrubs; and
- c) minimum 600mm planting soil for trees.

Along with this depth of slab planter boxes must include waterproofing, subsoil drainage (proprietary drainage cell, 50mm sand and filter fabric) automatic irrigation and 75mm mulch to ensure sustainable landscape is achieved.

55. Boundary Planting (Northern and Western Boundary)

Due to the amount of space available, the indigenous canopy trees nominated for the northern and western boundaries are to be changed. *Eucalyptus sligna* and *Syncarpia glomulifera* are to be substituted by *Backhousia citrodora*. Trees shall be installed at minimum 45 litre pot size.

The eastern wall of the northern boundary is to be clad with steel lattice or high tension steel wire cables for the provision of climbing plants:

- a) *An additional 25 Clematis glycinoides* are to be planted in the lower mulched planter areas.

56. Completion of Landscaping

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

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

57. Acoustic Environment

A certificate must be provided by a qualified acoustic consultant certifying that all required noise mitigation measures have been satisfactorily implemented in accordance with the conditions of this consent.

58. Excavation

A certificate must be provided by a qualified geotechnical consultant certifying that all required measures to protect adjoining properties during excavation and construction of the development have been satisfactorily implemented in accordance with the conditions of this consent.

59. Waste Management

The following waste management requirements must be complied with:

- a) The bin storage rooms and chute service rooms at the basement level must include water or a hose for cleaning, graded floors with drainage to sewer, a robust door(s),

sealed and impervious surface, adequate lighting and ventilation. The waste facility at each residential level must include sealed and impervious surface, adequate lighting and ventilation.

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

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

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

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

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

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

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

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

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

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

Note: Ramps between different levels are acceptable.

60. Site Audit Statement

A Site Audit Statement prepared by the NSW EPA accredited Site Auditor is to be submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation Certificate, certifying that the site is suitable for the proposed use.

Advisory Note: In accordance with s60 of the Contaminated Land Management Act 1997, a person whose activities have contaminated land or an owner of land that has been contaminated (whether before or during the owner's ownership of the land) must notify the EPA (appropriate regulatory authority for underground petroleum storage systems) in writing that the land has been so contaminated.

61. Food Premises

- a) The fit out and operation of that part of the building to be used for the manufacture, preparation or storage of food for sale, must be in accordance with *Australian Standard 4674-2004 – Design and fit out of food premises*, the *Food Act 2003*, *Food Regulation 2010* and the *Food Standards Code* developed by Food Standards Australia New Zealand. Food Standards 3.3.1, 3.2.2 and 3.2.3 are mandatory for all food businesses.

Note: Walls are to be of solid construction.

- b) Written permission must be obtained from Sydney Water before discharging trade wastewater to the sewer. Food outlets and food services are required to install and maintain an adequately sized grease trap. A dry basket arrestor or bucket trap is necessary if there are floor wastes in the food preparation and handling areas. Floor wastes must drain to the grease trap servicing the kitchen. Refer to the Sydney Water publication '*Managing trade wastewater in the food service industry*'. An application must be submitted to Sydney Water, refer to sydneywater.com.au or phone 13 20 92.
- c) A kitchen exhaust system must be designed and installed to effectively prevent air pollution in accordance with the *Protection of the Environment Operations Act 1997*.

CONDITIONS OF CONCURRENCE – ROADS AND MARITIME SERVICES

The following conditions of consent are from the nominated State Agency pursuant to Section 79b of the Environmental Planning and Assessment Act 1979 and must be complied with to the satisfaction of that Agency.

- 62.** The redundant driveways must be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Beecroft Road must be in accordance with Roads and Maritime Services. Details of these requirements to be obtained from Roads and Maritime Services Project Manager, Traffic Projects Section, Parramatta (telephone 8849 2138).

Detailed design plans of the proposed kerb and gutter for Beecroft Road are to be submitted to Roads and Maritime Services for approval prior to the commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime Services.

Reason: All vehicular access to the site will be from Hannah Street.

63. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and maritime for assessment, in accordance with Technical direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime Services.

The report and any enquiries to be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and maritime Services
PO Box 973 Parramatta CBD 2124
Telephone 8849 2114
Fax 8849 2766

If is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

64. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to roads and maritime services for approval, prior to the commencement of any works.

Details to be forwarded to:

The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime Services approval is issued. With regard to the Civil Works requirement please contact the Roads and maritime Services Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

65. The proposed development is to be designed such that traffic noise from Beecroft Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102(3) of *State Environmental Planning Policy (Infrastructure) 2007*.
66. All works associated with the proposed development to be at no cost to Roads and Maritime Services.

67. Landscape Establishment

- a) The landscape works including landscaping within private courtyards along the eastern boundary must be maintained into the future to ensure the establishment and successful growth of plant material to meet the intent of the landscape design. This must include but not be limited to watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.
- b) The landscaping of the vehicle access must not restrict sight distance to pedestrians and cyclists travelling along the Hannah Street footpath.

68. Waste Management

The operational use of the development's waste management system is to be conducted in accordance with the Waste Management Plan prepared by Leigh Design dated 28 August 2014 and the following requirements.

- a) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas, ensuring the chute system and related devices are maintained in effective and efficient working order, managing the communal composting area, managing the bulky item storage area, arranging the prompt removal of dumped rubbish, and ensuring all residents are informed of the use of the waste management system.
- b) All commercial tenants must keep written evidence on site of a valid contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site.
- c) The site must have a sufficient number of bins to contain the volume of waste and recycling expected to be generated between collection services.
- d) Waste collection vehicles are to be given priority in the operation of the specialty shops loading dock.

69. Service Vehicle Management Plan

The development is to operate in accordance with the Service Vehicle Management Plan recommended by Colston Budd Hunt & Kafes Pty Ltd in the Traffic Report dated August 2014. The plan is to include the following additional requirements:

- a) Access to the site for Heavy Rigid Vehicles HRV 12.5m and longer is prohibited during school zone times (8.00am-9.30am and 2.30pm-4.00pm, school days).
- b) A vertical clearance of 4.5 metres is to be maintained from Hannah Street to the loading dock level.
- c) Residential services and removalists vehicles are to use the loading dock on basement Level 2 to load/unload goods and use the goods lift to access the residential basement levels.

- END OF CONDITIONS -

ADVISORY NOTES

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

Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires:

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

Long Service Levy

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

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

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

Tree and Vegetation Preservation

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

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

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

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

Disability Discrimination Act

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

Dial Before You Dig

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

Telecommunications Act 1997 (Commonwealth)

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

Food Premises

The NSW Food Authority requires businesses to electronically notify the Authority prior to the commencement of its operation. Note: NSW Food Authority can be contacted at www.foodnotify.nsw.gov.au.

Prior to the commencement of the business, the operator is requested to contact Council's Compliance & Certification Team to arrange an inspection for compliance against the relevant legislation and guidelines outlined in this approval. *Contact Council's Administration Officer on 9847 6784.*

Asbestos Warning

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

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

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

House Numbering

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