

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

JRPP No	2015SYW087
DA Number	DA/1006/2014/A Section 96 Application (Lodged 27 April 2015)
Local Government Area	Hornsby Shire Council
Proposed Development	Section 96(2) Modification of approved 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 / Beecroft Developments Pty Ltd, Mrs M A McLelland
Number of Submissions	Five
Regional Development Criteria (Sched 4A of the Act)	General Development over \$20 Million
List of All Relevant s79C(1)(a) Matters	Section 96(2) Environmental Planning and Assessment Act, 1979 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, Legal Advice, Approved Plans, Notice of Determination
Recommendation	Approval
Report by	Garry Mahony, Senior Town Planner

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

- The application is for modification of the approved construction of a mixed use commercial and residential development comprising a supermarket, specialty shops, commercial premises and 122 dwellings.
- The proposed modification is substantially the same development as approved pursuant to Section 96 of the *Environmental Planning and Assessment Act, 1979* and is generally in compliance with *Hornsby Development Control Plan 2013*. The proposed non-compliance with the *Hornsby Local Environmental Plan 2013* maximum building height would not increase the bulk and scale of the approved development or detract from the streetscape and is acceptable.
- Five submissions have been received in respect of the application.
- It is recommended that the application be approved.

RECOMMENDATION

THAT pursuant to Section 96(2) of the *Environmental Planning and Assessment Act, 1979*, Development Application No. 1006/2014/A for demolition of existing Beecroft Module Shopping Centre and adjoining commercial building and construction of a mixed use commercial and residential development comprising a supermarket, specialty shops, commercial premises and 122 dwellings at Lot 11 DP 601185, Lot B DP 177495, Lot 1DP 1096815, Lot 1 DP 900898, Lot B DP 4367, Lot 12 DP 601185, Lot 1 DP 211441 Nos. 87-95 Beecroft Road and Nos. 16-24 Hannah Street, Beecroft be amended as detailed in Schedule 1 of this report.

BACKGROUND

On 17 December 2014, the Sydney West Joint Regional Planning Panel approved Development Application No. DA/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 shops, commercial premises and 122 dwellings, at Nos. 87-91 & 95 Beecroft Road and Nos. 16-24 Hannah Street, Beecroft.

The approved development resulted in the adjoining property, No. 93 Beecroft Road, Beecroft (Lot 2 DP 211441) becoming isolated in respect to future development consistent with Council's planning controls. The site has an area of 147.1m² and includes an existing single storey, part two storey commercial building.

On 9 January 2015, the approved development site was purchased by the current owner, Beecroft Investment Pty Ltd. The current owner subsequently negotiated purchase of the isolated site at No. 93 Beecroft Road.

On 19 February 2015, 3 March 2015 and 20 March 2015 the applicant attended meetings with Council officers to discuss proposed modifications and the inclusion of No. 93 Beecroft Road in the redevelopment.

SITE

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

The inclusion of No. 93 Beecroft Road results in a regular shaped site with an area of 5,972.4m² and a frontage of 85m to Beecroft Road and a frontage of 65m to Hannah Street.

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 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 of Beecroft Road and Hannah Street is used for health consulting rooms.

The site is within the Beecroft-Cheltenham Heritage Conservation Area. The heritage 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 Beecroft Roads intersections with Hannah Street and Copeland Road. Beecroft Road links the Cumberland Highway (Pennant Hills Road) and the M2 Motorway and is the connector road between the suburbs of Pennant Hills and Epping.

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

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

APPROVED DEVELOPMENT

The approved development is for construction of 4 x four to six storey residential flat buildings over a retail podium for supermarket, specialty shops and commercial tenancies. The residential flat buildings contain 122 units 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 approved development includes the following components.

Building A is five to six storey, has a height RL of 168.3m and includes 39 dwellings 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 two commercial units (56.9m^2 and 217.3m^2) fronting Beecroft Road and a commercial unit (59.9m^2) fronting the plaza.

Building B is five storey, has a height RL of 165.28m and includes 35 dwellings 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 (53.8m^2) fronting the plaza.

Building C is four storey, has a height RL of 160.76m 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 (95.8m^2 , 53.3m^2 and 85.3m^2) fronting the plaza.

Building D is five storey, has a height RL of 165.82 (tower) and 164.4 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 (72.1m^2 , 63.1m^2 and 53.8m^2) fronting the courtyard and a commercial unit (100.6m^2) and two shops (45.6m^2 and 70.6m^2) at the street frontages.

The retail podium includes a shopping centre with a supermarket (2,401.4m²), seven specialty shops (total 1,418.3m²), and two shops (98.2m² and 68.1m²) and two specialty shops (7.5m² and 28.2m²) at the Hannah Street frontage.

The Hannah Street frontage includes the vehicle access to the basement car park. The 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, 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 residential lifts for Buildings A, B, C and D and bicycle parking.

The central courtyard includes a residential courtyard, an upper commercial plaza and a lower commercial plaza. The central courtyard is open to public access via 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 central courtyard includes retail lift, street furniture and landscaping to complement the commercial use and separation of the communal residential open space area. A pathway connection is provided for future development east and north of the site.

PROPOSED MODIFICATION

The proposed modification is to include the site of No. 93 Beecroft Road in the development amending Building D, the shopping centre level and basements 1, 2 and 3. The modification also includes revision of the courtyard, shopping centre and basement car park layouts and reconfiguration of Buildings A, B and C.

The proposed modification is detailed as follows.

- Building A has an RL height of 168.3m and remains five and six storey. The lower ground floor retail plant room, service areas and storerooms have been reconfigured and revised. The residential lobby has been enlarged and the lift relocated and fire stair access provided to the courtyard. The unit layout and number of units has been revised to include 40 units comprising 27 x 1 bedroom units, 2 x 1 bedroom + study units, 9 x 2 bedroom units and 2 x 3 bedroom units. The layout of the two commercial units front Beecroft Road and the commercial unit fronting the plaza have been revised. The courtyard elevations have been amended with revised articulation to reduce the 4m x 4m indentation.
- Building B remains five storey and has an RL of 165.3m. The lobby has been enlarged and the lift relocated and fire stair access provided to the courtyard. The unit mix and floor layouts have been revised for 35 units comprising 18 x 1 bedroom units, 6 x 2 bedroom units, 1 x 2 bedroom + study units, 9 x 3 bedroom units and a 1 x 3 bedroom + study unit. The commercial unit fronting the plaza has been revised. The courtyard elevations have been amended with revised articulation to reduce the 4m x 4m indentation.

-
- Building C has an RL height of 161.08m and remains four storey. The ground floor residential lobby has been relocated to the western elevation. The lift relocated and fire stair access provided to the plaza at the western elevation. The ground floor now includes a retail lobby off the plaza with goods lift and lift access to the shopping centre. The unit mix and floor layout has been revised for 24 units comprising 6 x 1 bedroom units, 10 x 2 bedroom units, 2 x 2 bedroom + study units, 5 x 3 bedroom units and a 1 x 3 bedroom + study unit. The courtyard elevations have been amended with revised articulation to reduce the 4m x 4m indentation.
 - Building D has an RL of 164.1m and an RL of 166.12m for the tower and is a four to five storey building. The building is revised and extended to incorporate No. 93 Beecroft Road in the mixed use development. The lower ground floor includes two large commercial units fronting the plaza and two commercial (shops) units fronting Hannah Street. The lower ground floor includes a residential lobby and lift, off the plaza. The ground floor includes two commercial units fronting Beecroft Road separated by the residential lobby. The building includes 31 residential units comprising 15 x 1 bedroom units, 9 x 1 bedroom + study units, 33 x 2 bedroom units, 3 x 2 bedroom + study units, 17 x 3 bedroom units and 2 x 3 bedroom + study units. The building revision and extension generally conforms with the indicative building envelope for the No. 93 Beecroft Road site as detailed on the approved plans.
 - The commercial plaza is modified to accommodate amended Building D with additional commercial frontage to the plaza and residential lobby, relocation of the lift to the retail lobby in Building C, repositioning skylights to the shopping mall, and reduction in plaza area with alignment of the commercial plaza to the commercial frontages. The communal residential courtyard generally remains the same with slight increase in area with the alignment with residential courtyards.
 - The proposed modification includes the relocation of the electrical substation from the basement to the north-west frontage, replacing the pedestrian link to Beecroft Road. The electrical substation is subject to Ausgrid requirements and easement for access at the Beecroft Road frontage.
 - The shopping centre level is modified to incorporate No. 93 Beecroft Road (retail space), relocate the residential lifts for Buildings A, B, C and D and relocate the goods lift and fire stairs. The layout of the shopping centre has been revised to relocate the escalator to the centre of the shopping mall, increase the supermarket frontage to the shopping mall, and incorporate the specialty retail stores into combined retail space. The approved shops on Hannah Street remain unchanged.
 - Basement 1 includes the accessway off Hannah Street which remains as approved with the dual ingress and single egress lanes. The proposed modification includes No. 93 Beecroft Road (car parking), the relocation of the lifts and fire stairs and the escalator, revised car parking layout for 88 retail/commercial car parking spaces and 2 motorcycle spaces and revised ramp access Basement 2.
 - Basement 2 includes the loading dock, loading/unloading areas, commercial waste storage and residential bin storage which are generally as approved. The basement is revised to include No. 93 Beecroft Road (car parking), relocated lifts, escalator, garbage rooms, revised ramp access and car parking layout for 103 retail/commercial car parking spaces and 2 motorcycle spaces.

- Basement 3 has been revised to include No. 93 Beecroft Road (car parking), the amended ramp access and relocation of the lifts and fire stairs. The car parking layout has been revised to include 150 residential spaces and 19 visitor spaces. The revised layout includes residential storage areas.

The application includes the proposed modification of consent conditions noted as follows:

- a.** Amend Condition No. 2 e) to allow pruning of existing trees to be undertaken in accordance with an approved arborist's report.

Refer to discussion in Section 2.10.7.
- b.** Amend Condition No. 3 to allow for the provision of multiple staged Construction Certificates to be issued.

Refer to discussion in Section 3.2.
- c.** Amend Condition No. 4 to allow demolition work prior to the payment of the Section 94 Development Contribution.

Refer to discussion in Section 2.11.
- d.** Amend Condition No. 7 to allow the demonstration of the fire safety provisions only be required for the final Construction Certificate and not with the first demolition and excavation approval.

Refer to discussion in Section 3.2.
- e.** Amend Condition No. 12 d) to allow vehicles to enter and exit the site in a forward direction during the construction phase only, in accordance with the approved traffic management plan.

Refer to discussion in Section 2.10.14
- f.** Amend Condition No. 17 a) to require the replacement of only existing damaged kerb and gutter along the frontages of the site.

Refer to discussion in Section 2.10.14.
- g.** Amend Condition No. 17 b) and Condition No. 54 to allow for construction /reinstatement of footpaths to be concrete along Beecroft Road and brick paving along Hannah Street.

Refer to discussion in Section 2.10.14.
- h.** Amend Condition No. 17 c) to have RMS approval of the road works prior to the issuing of the relevant Construction Certificate.

Refer to discussion in Section 2.10.14.
- i.** Amend Condition No. 22 for details of the Adaptable Units to be required prior to the issue of the relevant Construction Certificate.

Refer to discussion in Section 2.10.11.

- j. Amend Condition No. 31 to allow earthworks and excavation on Saturdays, in addition to Monday to Friday.

Refer to discussion in Section 3.2.

- k. Amend Condition No. 32 to allow a Construction Zone on Beecroft Road outside clearway hours and full time on Hannah Street.

Refer to discussion in Section 2.10.14.

- l. Amend Condition No. 66 to clarify stormwater drainage works required to be approved by the Roads and Maritime Services.

Refer to discussion in Section 3.2.

The main changes to the approved development that would result from the proposed modification are summarised in the following table.

Key Specifics	Approved	Proposed
Site Area	5,825.3m ²	5,972.4m ²
No. Dwellings	122	130
Housing Mix	70 x 1 br (57%) 33 x 2 br (27%) 19 x 3 br (16%)	75 x 1 br (57%) 36 x 2 br (28%) 19 x 3 br (15%)
Retail Space	5,058.4m ²	4,862.3m ²
Commercial Space	856.6m ²	1,100.6m ²
Car Parking - Residential	133	169
Car Parking – Retail/Commercial	170	191

ASSESSMENT

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

1. STRATEGIC CONTEXT

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

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

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

The proposed modification would be consistent with '*A Plan for Growing Sydney*', by providing additional dwellings and would contribute to housing choice in the locality.

2. STATUTORY CONTROLS

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

2.1 Section 96(2) Environmental Planning and Assessment Act, 1979 (EP & A Act)

The proposed modification is subject to the provisions Section 96(2) of the EP & A as follows:

(2) Other modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.

- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.*
- (4) *The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.*

In respect to Section 96(2)(a) the applicant submitted legal advice from Patrick Holland of McCullough Roberston, Lawyers. The advice includes case law precedence and quantitative and qualitative assessments and the opinion that the proposed modification is substantially the same development as approved. The modified development remains a mixed use commercial and residential development. The key change to the approved development relates to the incorporation of property No. 93 Beecroft Road which results in the orderly development of the land with minimal additional environmental impacts. Accordingly, the conclusion of the submitted legal advice is supported that the modified proposal is substantially the same development as approved. The legal advice is acknowledged and forms an attachment to this report.

In respect to Section 96(2)(b) the application was not required to be referred to another authority.

In respect to Section 96(2)(c) and (d) the application was notified in accordance with the *Hornsby Development Control Plan 2013* and the submissions received in response considered in the assessment of the application.

2.2 Hornsby Shire Local Environmental Plan 2013

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

2.1.1 Zoning

The subject land is zoned *B2 Local Centre* under 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 as modified is defined as 'shop top housing' and is permissible in the zone with development consent.

2.1.2 Height of Buildings

Clause 4.3 of the *HLEP* provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height

for the subject site is 17.5m. The development standard was subject to variation pursuant to Clause 4.6 of *HLEP* to permit non-compliance with the maximum building height in respect to Building A height RL 168.3 exceeding 17.5m height by 1.7m and Building B height RL 165.3 exceeding 17.5m height by 3.94m.

The proposed modification maintains the approved building height of Building A and Building B.

Proposed Building C is increased in height from RL 160.76m to RL 161.08m and exceeds the 17.5m maximum building height by 200mm at the south east corner of the roof.

The tower of the proposed Building D is increased in height from RL 165.82 to RL 166.12. The building overall is reduced in height from RL 164.4m to RL 164.10m. The increase in height of the tower is in compliance with the maximum 17.5m building height.

The proposed increase in building height is relatively minor and would not alter the approved bulk and scale, visual quality, streetscape or residential amenity. Accordingly, the non-compliance with the maximum building height is acceptable.

The proposed modification which would result in non-compliance with the maximum building height development standard may be approved pursuant to Section 96 E P & A Act as determined in the Land and Environment Court decision *Gann v Sutherland Shire Council (2008)*.

2.1.3 Floor Space Ratio

Clause 4.4 of the *HLEP* provides a maximum floor space ratio development standard for the land as shown on the Floor Space Ratio Map. The site is within 'Area 5' on the HLEP Map where the floor space ratio of 1:1 may be exceeded for shop top housing, subject to other permitted land use having a floor space ratio (FSR) of not less than 0.5:1.

The proposed modification has a commercial/retail gross floor area of 5,962.9m² (FSR 0.998:1). The proposed modification of floor plans for Buildings A, B, C and D would increase the commercial space from 856.6m² to 1,100.6m². The proposed FSR is in compliance with the development standard.

2.1.4 Heritage Conservation

Clause 5.10 of the HLEP sets out heritage conservation provisions for Hornsby Shire. The approved development adjoins a heritage item at No. 83 Beecroft Road, Beecroft and is within the Beecroft-Cheltenham Heritage Conservation Area. The adjoining heritage item is on land zoned R4 High Density Residential.

The adjoining heritage item at No. 83 Beecroft Road, Beecroft (Mandalay), is a rare example in the area of a late Victorian period house in traditional Georgian style, in good condition. The future context of No.83 Beecroft Road is one of an isolated single storey heritage listed cottage surrounded by high rise development. The approved development was supported on heritage grounds for a number of reasons, including the proposed landscaping, setbacks on the northern boundary and stepping of the development in relation to the heritage item.

The proposed modification involves the establishment of two electricity substation kiosks and a fire wall on the northern boundary adjacent to No.83 Beecroft Rd, with reduced landscaping. The applicant has submitted a letter dated 3 July 2015 advising that due to Ausgrid requirements the only option available for the location of the two kiosks is the one proposed.

The proposed kiosks would have an adverse impact on the heritage item due to their location, size and the resulting insufficient area to provide landscaping to reduce the impact due to the Ausgrid

access requirements. Notwithstanding, given that the overall development would contribute to the heritage streetscape, the impact is not so significant as to warrant refusal of the application.

2.1.4 Earthworks

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

The current consent conditions Nos. 10 and 11 would address the additional excavation work required for No. 93 Beecroft Road being included in the development site as proposed, subject to modification of Condition No. 11 to delete the requirement for the submission of a Dilapidation Report for No. 93 Beecroft Road.

2.2 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 proposed modification includes a BASIX Certificate for the units as proposed and is considered to be satisfactory.

2.3 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.

2.4 State Environmental Planning Policy (Infrastructure) 2007

The application has been assessed against the requirements of *State Environmental Planning Policy (Infrastructure) 2007* in respect to traffic generating development and frontage to a State road.

Roads and Maritime Services granted its concurrence to the approved development in respect to traffic generation and the operation of the Hannah Street and Beecroft Road intersection, subject to recommended conditions.

The applicant submitted a review of the traffic and car parking aspects of the proposed modification, prepared by Colston Budd Hunt & Kafes Pty Ltd. The review found the traffic effects of the proposed modification to be the same as the approved development.

The applicant submitted an Environmental Noise Impact Assessment which is a revision of the previous assessment submitted for the approved development. The assessment includes an analysis of noise levels from traffic on Beecroft Road pursuant to Clause 102 of the Policy and includes recommended noise mitigation measures necessary for the proposed modified development to comply with the prescriptive measure for internal noise levels of residential units not to exceed 35dB(A).

Modification of Condition No. 23 is recommended for implementation of the revised acoustic design measures.

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

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

The proposed modification includes the site of No. 93 Beecroft Road which is occupied by a small commercial building constructed to the boundaries of the site. It is unlikely previous land use of the small commercial site would have resulted in soil contamination.

The site of No. 93 Beecroft Road adjoins the site of the former service station which has been remediated in accordance with Environment Protection Authority Approved Guidelines and is suitable for residential use as stated in the previously submitted Site Audit Report dated September 2009, prepared by Environ Australia Pty Ltd.

Current consent condition No 8 addresses potential migration of soil contamination from the service station site. The condition would also address the potential migration of contaminants from the service station site onto the site of No. 93 Beecroft Road.

2.6 State Environmental Planning Policy No. 65 – Design Quality of 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 proposed modification would incorporate the site of No. 93 Beecroft Road in the approved development and reconfigure layouts of residential units of Buildings A, B, C and D and the elevations fronting the plaza.

The applicant has submitted a “Design Verification Statement” prepared by a qualified Architect together with an Urban Design Report stating how the amended development achieves the design principles of *SEPP 65*. The Urban Design Report forms an attachment to this report.

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

Principle	Compliance
1. Context	Yes
<p>The applicant states the proposed modification provides a unified response to the now consolidated site and complements the approved development. The statement includes the following discussion:</p> <p><i>The overall heights, setback upper storeys, strong podium and gradual stepping of the massing with the topography as well as fragmented building lengths follow the approved street-wall response to create a cohesive streetscape character. The proposed amendments also follow the approval’s choice of traditional language and individual pavilion buildings above the podium level consolidating the sensitive streetscape response to Beecroft Road.</i></p> <p>Comment: The proposed addition to Building D would complete the development in the Beecroft Road frontage and reinforce the approved streetscape response to enhance the</p>	

<p>Beecroft Heritage Precinct.</p> <p>The proposed addition and reconfiguration of the approved buildings maintain the central plaza arrangement, pedestrian linkages and would conform with approved developments north of the site.</p>	
2. Scale	Yes
<p>The proposed modification conforms to the scale of the approved Beecroft Road elevation for stepping of Building A to Building D with regard to the site topography and the Hannah Street elevation. The proposed two storey podium of Building D conforms to that of Building A, presents a strong element in the Beecroft Road streetscape and maintains the hierarchy relationship with the corner tower. The statement includes the following discussion:</p> <p><i>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.</i></p> <p><i>The proposed amendments to Building D are organised around a publicly accessible space and the footprint, scale and overall height of the proposed extension responds sensitively to the streetscape and the internal courtyard. The proposed amendments respond appropriately to the desired future character of the precinct.</i></p> <p>Comment: The scale of the proposed modification conforms to the approved development and is generally in accordance with the height control and setbacks for the precinct as prescribed within the Hornsby DCP.</p>	
3. Built Form	Yes
<p>The applicant states the design concept of the approved development is maintained for the proposed modification in providing a strong base with recessed upper levels. The statement includes the following discussion:</p> <p><i>The proposed modifications follow the principles of the original approval and respond to the approved built form across all levels. This reinforces the perception of each building as individual pavilion buildings linked by a network of internal open spaces.</i></p> <p><i>The proposed additions also respond to key existing and approved street setbacks and street wall heights reinforcing view corridors and pedestrian links that could only be suggested in the previous approval as any potential future development for Lot 2 (DP 211441) could only be suggested but not guaranteed. In general, this addition complements the approval's quality of interface to the street and internal areas with the introduction of retail and commercial uses along the street edges and direct street entries to and from internal open spaces.</i></p> <p>Comment: The proposal maintains the pedestrian linkages and breaks the perception of a continuous wall along Beecroft Road. The proposed modification maintains the approved built form which contributes to the Beecroft Heritage Precinct.</p>	

4. Density	Yes
<p>The applicant states that the proposed housing mix will cater for a diverse housing market and more affordable housing units in the area. The site is in close proximity to Beecroft Railway Station and the existing available infrastructure supports the development.</p> <p>Comment: The proposed modification would increase the number of dwellings from 122 to 130 dwellings and would maintain the approved housing mix.</p> <p>The proposed increase in the number of dwellings would not diminish the environmental quality of the development. The proposed density is sustainable in respect to available infrastructure, public transport and community facilities.</p>	
5. Resource, Energy and Water Efficiency	Yes
<p>The applicant states the approved development is assessed as energy efficient.</p> <p>Comment: The applicant has submitted a BASIX Certificate for the proposed modified development. In achieving the required BASIX targets for sustainable water use, thermal comfort and energy efficiency, the proposed development would achieve efficient use of natural resources, energy and water throughout its full life cycle, including demolition and construction.</p>	
6. Landscape	Yes
<p>The applicant states the proposed modification consolidates the site and would complete the landscaping at the Beecroft Road frontage. The proposed addition to Building D formalises the courtyard design. The modification includes reconfiguration of the courtyard to create residential and public spaces and pedestrian links. The statement includes the following discussion:</p> <p><i>The proposed additions maintain the high levels of aesthetic quality and amenity for both future residents and the community at large with the introduction of semi- and private open spaces and a series of publicly accessible areas, pedestrian links and improved public domain areas. The updated landscape strategy for the plaza and the public domain of Beecroft Road enhance the development's natural environment as it responds well to the changes of topography. An important outcome of the amended landscape design is the reinforcement of the site's interconnectedness and high levels of open space, which meet the objectives of the RFDC.</i></p> <p>Comment: The proposed modification would consolidate the site and formalise the landscaping at the Beecroft Road frontage. The modification reinforces the approved pedestrian links and integrates the setting for public and private spaces. The proposed landscaping meets the RFDC required minimum for communal open space and deep soil landscaping.</p> <p>The proposed landscaping would define pedestrian links and enhance the setting of the</p>	

central plaza as public space.	
7. Amenity	Yes
<p>The applicant submits the proposed modification maximises the number of units with cross ventilation and solar access and limits the number of south facing units. The proposed units are designed for privacy of residents and neighbours. Noise impacts from Beecroft Road and the commercial operations of the development are addressed by the proposal.</p> <p>Comment: The proposed units are designed with appropriate room dimensions and layout to maximise amenity for future residents. The proposal incorporates good design in terms of achieving natural ventilation, solar access and acoustic privacy. All units incorporate balconies accessible from living areas and privacy has been achieved through appropriate design and orientation of balconies and living areas. Storage areas have been provided within each unit and in the basement levels. The proposal would provide convenient and safe access via a central lifts connecting the basement and all other levels.</p>	
8. Safety and Security	Yes
<p>The applicant states the proposed modification is in accordance with the safety and security considerations addressed in the approved development.</p> <p>Comment: The proposed additions and the reconfiguration of Buildings A, B, C and D maintain the approved design for crime prevention in accordance with <i>Crime Prevention Through Environmental Design Principles (CPTED)</i>. The current consent conditions are appropriate in this regard.</p>	
9. Social Dimensions and Housing Affordability	Yes
<p>The applicant states the proposal provides a mix of 1, 2 and 3 bedroom units and would contribute to more affordable housing in the area. The statement includes the following matter:</p> <p><i>This will provide a broad range of housing types for the local area to address the shifting demographics of the area, which includes older people downsizing from large family homes to smaller, more manageable accommodation in the same area.</i></p> <p>Comment: The modified proposal incorporates a range of unit sizes to cater for different budgets and housing needs. The development complies with the housing choice requirements of the Hornsby DCP by providing a component of adaptable housing and a mix of 1, 2 and 3 bedroom dwellings. The proposal responds to the social context in terms of providing a range of dwelling sizes with good access to social facilities and services as the site is located in close proximity to Beecroft railway station and shops.</p>	
10. Aesthetics	Yes

The applicant states the modification is essentially the same as the approved development which responds to the site constraints and the planning principles and objectives relating to the site. The statement includes the following matter:

The design is of a high quality which will establish this site as well designed development and contribute to the overall built form in the area. The design responds to the future planning of the area, while considering the heritage significance of the precinct.

Comment: The proposed modification maintains the approved built form, materials and finishes and design quality consistent with the design principles contained within the Residential Flat Design Code and the Hornsby DCP.

2.7 State Environmental Planning Policy No. 65 – Residential Flat Design 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 SEPP 65. The following table sets out the amended 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	35%	30%	Yes
Ground Level Private Open Space	25m ² -107m ²	25m ²	Yes
Minimum Dwelling Size	1 br– 50m ² –73m ²	1 br – 50m ²	Yes
	2 br– 70m ² -85m ²	2 br – 70m ²	Yes
	3 br– 95m ² -125m ²	3 br – 95m ²	Yes
Maximum Kitchen Distance	8m	8m	Yes
Minimum Balcony Depth	3m	2m	Yes
Minimum Ceiling Height	2.7m	2.7m	Yes
Total Storage Area	1 bed - 6m ³ (Min)	1 bed - 6m ³ (Min)	Yes

	2 bed - 8m ³ (Min) 3 bed - 10m ³ (Min)	2 bed - 8m ³ (Min) 3 bed - 10m ³ (Min) 50% accessible from the apartments	
Dual Aspect and Cross Ventilation	72%	60%	Yes
Adaptable Housing	30%	10%	Yes

As detailed in the above table, the proposed modification complies with the prescriptive measures within the *Residential Flat Design Code (RFDC)*. Below is a brief discussion regarding the relevant development controls and best practice guidelines.

2.7.1 Ground Floor Apartments and Private Open Space

The proposed modification reconfigures the unit layout with the amended lobby to the ground floor entry to the buildings, the provision for fire exits and the amended building facades to the courtyard.

The ground floor unit access to open space courtyard areas is maintained for the 15 proposed units. The open space areas are integrated with the unit living areas and landscaped to provide appropriate screening.

The ground floor units include a range of 1, 2 and 3 bedroom units and adaptable units (30%).

The proposed ground floor units are satisfactory in meeting the best practice requirements of the *RFDC*.

2.7.2 Apartment Layout

The proposed modification includes 8 additional units increasing the total number of units from 122 to 130 units. The proposed mix of units would comprise 65 x 1 bedroom units, 10 x 1 bedroom + study units, 33 x 2 bedroom units, 3 x 2 bedroom + study units, 17 x 3 bedroom units and 2 x 3 bedroom + study units.

The proposed reconfiguration of Building A includes 40 units, an addition of one additional unit and a change in the dwelling mix to include 26 x 1 bedroom, 3 x 1 bedroom + study, 9 x 2 bedroom and 2 x 3 bedroom units.

The proposed reconfiguration of Building B with 35 units includes a change in the number one bedroom units from 19 to 18 units, an addition of 1 x 1 bedroom + study unit and a reduction of 2 x 2 bedroom units.

The proposed reconfiguration of Building C with 24 units includes an additional 1 x 1 bedroom unit, a reduction of 1 x 1 bedroom + study unit, an increase of 2 x 2 bedroom units and a reduction of 1 x 2 bedroom + study unit.

The proposed addition and reconfiguration of Building D increases the number of units from 24 to 31 units within the amended building comprising 15 x 1 bedroom, 7 x 1 bedroom + study, 8 x 2 bedroom and 1 x 3 bedroom units.

The proposed additional and reconfigured units meet the RFDC minimum area size requirement and provide well designed and usable layouts in accordance with the RFDC best practice requirements.

2.7.3 Internal Circulation

The proposed addition and reconfiguration of the residential flat buildings maintain compliance with the RFDC best practice requirements, providing adequate circulation space, natural light and amenity to lift lobbies and corridors.

2.7.4 Visual and Acoustic Privacy

The proposed addition to Building D forms an L shaped building. The building design addresses the interface between the adjoining facades with balconies at the northern and western elevations. The building is acceptable in providing for visual privacy. The proposed reconfiguration of Buildings A, B, C and D maintains the separation between buildings as approved.

The applicant submitted a revised Environmental Noise Impact Assessment prepared by Acoustic Logic in respect to the proposed modification and the additional units fronting Beecroft Road. The assessment reiterates previous recommended measures to mitigate traffic noise on Beecroft Road and the operation of the shopping centre and loading docks.

Modification of Conditions Nos. 1 and 23 is recommended to address the revised acoustic assessment.

2.7.5 Mixed Use

The proposed modification incorporates No. 93 Beecroft Road with the inclusion of additional commercial space and reconfigures the shopping centre level with relocation of lifts, fire stairs and the escalator from the basement car park. The reconfiguration improves pedestrian movement, retail exposure and the functional layout of the shopping centre.

The proposed modification retains the approved shops at the Hannah Street frontage and incorporates No. 93 Beecroft Road in the commercial frontages to Beecroft Road promoting further activation of the traditional shopping strip and the pedestrian links to the commercial plaza.

The proposed modification meets the mixed use design objectives of the RFDC.

2.7.6 Safety

The proposed modification of the building entry and lobby areas would improve surveillance and resident safety. The proposed interface design between the commercial and residential spaces would reinforce the distinction between the public and private domain. The pedestrian access points to the

shopping centre, vehicle access and separation between commercial and residential car parks are maintained for the proposed modification.

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

The current consent conditions are appropriate for access control and crime prevention.

2.7.7 Storage

The proposed modification includes additional residential basement storage in accordance with the current consent condition No. 2 d) and the RFDC.

The condition is appropriate in addressing the residential storage requirements.

2.8 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The modified proposal has been assessed against the requirements of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*. This Policy provides general planning considerations and strategies to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained.

Subject to the implementation of installation of sediment and erosion control measures and stormwater management to protect water quality, the proposal would have minimal potential to impact on the Sydney Harbour Catchment. These matters are addressed by the current consent conditions.

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

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

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

2.10 Hornsby Development Control Plan 2013

The proposed modification has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the *Hornsby Development Control Plan 2013 (HDCP)*. The modification incorporates No. 93 Beecroft Road in the development amending Building D, the shopping centre level and basements 1, 2 and 3. The modification also includes revision of the courtyard, shopping centre and basement car park layouts and reconfiguration of Buildings A, B and C.

The proposed modification is generally in accordance with the *HDCP* controls for the Beecroft Heritage Precinct and the approved plans. The modifications in respect to the *HDCP* controls are detailed below, as well as a brief discussion on compliance with relevant desired outcomes.

2.10.1 Desired Future Character

The proposed amendment to Building D, with the inclusion of No 93 Beecroft Road in the development, includes ground floor commercial space and would complement Building A in activating the Beecroft Road frontage of the commercial area.

The proposed modification is 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 modification is in accordance with the approved development in meeting the desired future character of the Beecroft Heritage Precinct commercial area.

2.10.2 Heritage Conservation

The proposed amendment to Building D maintains the approved built form and architectural treatment which 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 also to discussion in Section 2.1.4.

2.10.3 Site Requirements

The proposed modification would incorporate No. 93 Beecroft Road (Lot 2 DP 211441) in the development site and resolve the issue of the isolated site. The incorporation would complete the Beecroft Road frontage of the development and provide a cohesive streetscape and pedestrian environment.

The proposed modification meets the HDCP desired outcome for site requirements.

2.10.4 Height

The proposed modification maintains the approved building height of four to six storey buildings. The approved non-compliance with the maximum building height of 17.5m is also maintained.

The proposed modification includes an amendment to the height of Building C increasing the height by 230mm which would exceed the maximum building height by 200mm. The proposed modification would increase the height of the tower of Building D by 300mm in compliance with the maximum 17.5m height limit.

The proposed increase in the height of Building C and the tower of Building D are relatively minor and would not contribute to bulk and scale of the development or negatively impact on the heritage streetscape.

The proposed modification is acceptable in respect to building height. Refer also to discussion in Section 2.1.2.

2.10.5 Setbacks

The proposed modification including the amendment to Building D is in compliance with the HDCP setback requirements for development within the Beecroft Heritage Precinct commercial centre.

2.10.6 Building Form and Separation

The built form of the proposed modification is essentially the same as approved with amendments to the building elevations fronting the commercial plaza and the communal residential courtyard. The amendments maintain the built form in compliance with the HDCP articulation prescriptive measure other than a 4m x 4m indentation of Building A and Building B which is amended to 4m x 2m and a 4m x 4m indentation of Building C which is deleted. The amendments form part of the reconfiguration of the buildings to provide for fire exit, lift relocation and revised entry lobby and would maintain the architectural aesthetic which is acceptable in respect to visual quality and the public domain of the plaza.

The proposed modification maintains the approved spatial arrangement of the buildings around the commercial plaza and communal residential courtyard.

The proposed 7.0m separation between amended Building D and Building A is greater than the approved 5.0m separation between Building A and the existing commercial building at 93 Beecroft Road. The proposed interface between units of the opposing buildings is appropriately designed for screening of habitable spaces and is acceptable for privacy. The proposed separation is in accordance with the HDCP requirements for open-air pedestrian walkways that are at least 6m wide at street level.

2.10.7 Landscaping

The proposal modification includes a revised landscape plans for the reconfiguration of the commercial plaza and communal residential courtyard and relocation of the electrical substation.

The consent conditions Nos. 55, 56 and 57 remain current in respect to the modified landscaping plans.

The submitted Unban Design Report includes the following statement:

According to the original Landscape Design Report, "the landscape design for Module Shopping Centre Beecroft Redevelopment aims to provide an attractive and functional public domain for residents, office workers and shoppers, while addressing the design of public domain interfaces and private residential courtyards". The proposed additions follow the original principles for the site. These include the following:

- *Address the public domain interfaces to the surrounding streets, namely Hannah street and Beecroft Road;*
- *Provide a dynamic internal landscape that caters to a variety of uses, taking into account the view from the apartments;*
- *Create through-site links from Beecroft Road and Hannah Street;*

- *Address the level change in the landscape to provide equal access across the site;*
- *Integrate the landscape with the architecture; and*
- *Create attractive and functional private spaces for residents, ensuring privacy is maintained.*

The proposed modification would achieve the above principles and meet the landscaping desired outcome of the HDCP, subject to the current consent conditions.

The proposed modification includes the modification of Condition No. 2 e) to allow pruning of existing trees to be undertaken in accordance with an approved arborist's report.

Condition No. 2 e) reads as follows:

- e) *The existing ornamental pear tree on the eastern side of the vehicle access in Hannah Street shall be retained.*

The condition is for plan amendment to retain the tree. The proposed modification is to provide for the pruning of the ornamental pear trees at the Hannah Street frontage to protect the trees during construction of the development.

Comment: Recommend Condition No. 30 be amended to read:

- 30. 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. Any pruning of ornamental pear trees on Hannah Street is to be undertaken in accordance with an arborist's report prepared by qualified personnel.

2.10.8 Open Spaces

The proposed modification maintains the open space areas for the reconfigured and proposed units in accordance with the prescriptive measure of the *HDCP*.

Condition No. 46 c) is maintained for screening of outdoor clothes drying areas from view of publicly accessible areas.

2.10.9 Privacy and Security

The proposed modification maintains the approved layout and design of the proposed development in providing for casual surveillance and good sight lines of the access points on Beecroft Road and Hannah Street.

The modification amends the commercial plaza area fronting Building A and Building B to address the commercial tenancies. In this regard, it is appropriate for Condition No. 2 b) to be deleted.

The proposed modification is acceptable subject to remaining conditions being maintained.

2.10.10 Sunlight and Ventilation

The proposed modification is in compliance with the HDCP requirement for at least 70% of units to receive 2 or more hours of unobstructed sunlight to living room windows and private open space. The solar access analysis submitted by the applicant demonstrates 76% of units are in compliance with this requirement.

The proposed reconfiguration of the approved units and the proposed additional units are in compliance with the HDCP minimum of 60% of units with natural cross ventilation. The proposal achieves 72% of units.

The proposed modification would not increase overshadowing to that of the approved development in respect to residential units on the southern side of Hannah Street opposite the site.

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

2.10.11 Housing Choice

The proposed modification includes 130 dwellings comprising 65 x 1 bedroom units, 10 x 1 bedroom + study units, (58%) 33 x 2 bedroom units, 3 x 2 bedroom + study units, (27%) 17 x 3 bedroom units and 2 x 3 bedroom + study units (15%).

The proposed dwelling mix is in accordance with Council's planning controls for a minimum of 10% of 1, 2 and 3 bedroom units and is consistent with the approved housing mix. The unit numbering is non-sequenced on the submitted plans. An additional condition No. 52A is recommended for unit numbering to be authorised by Council.

The application includes proposed modification of Condition No. 22 to accord with the reconfiguration of Buildings A, B C and D for the revised adaptable units.

The proposed revised adaptable units are in accordance with the HDCP requirements. The proposed rewording of the condition for the numbering of the revised adaptable units is recommended.

2.10.12 Vehicle Access and Parking

a. Car Parking

The HDCP has a residential parking requirement of 0.75 spaces/dwelling for 0-1 bedroom units, 1 space/dwelling for 2 bedroom units and 1.5 spaces/bedroom for 3 or more bedroom units, and 1 visitor space per 7 units where the development is < 800 metres from a railway station.

The proposed modification is for 75 x 1 bedroom units, 36 x 2 bedroom units and 19 x 3 bedroom units. In accordance with the DCP there is a requirement for 140 parking spaces, being 121 residential and 19 visitor parking spaces.

A total of 169 parking spaces, 150 residential and 19 visitor spaces, are proposed on Basement 3.

Residential parking spaces are to be secure spaces, both vehicle and pedestrian, with access controlled by card or numeric pad. Visitors must be able to access the visitor parking spaces in the basement car park at all times. The current consent conditions are appropriate in this regard.

The HDCP requires that at least one third of adaptable units (i.e. 10% of all units) are to be provided with a parking space designed for people with a disability. Therefore, 13 parking spaces designed for people with disabilities are required and 13 accessible parking spaces are proposed on Basement 3.

The HDCP has a retail/commercial parking requirement of 1 space per 29m² GLFA for retail located < 800m from a railway station. The proposed retail area of 4,398m² GFA equates to 3,299m² GLFA using RMS conversion rate. This gives a retail parking requirement of 114 spaces. The parking requirement for commercial area is 1 space per 48m² GFA, giving a commercial parking requirement

of 23 spaces for the 1,102m² GFA commercial component. The total retail/commercial requirement is 137 spaces. The submitted plans detail 191 retail/commercial parking spaces in Basement 1 and 2.

The proposed parking provision satisfies the requirements of HDCP.

The submitted plans do not include provision for bicycle parking for residents and visitors or for staff of the commercial development.

Modification of Condition No. 47 is recommended for parking provision including bicycle parking and the addition of Condition No. 2 g) for staff bicycles and change facilities.

b. Access

The approved Hannah Street entrance to the car park and loading docks remains unchanged.

The basement car park ramps and circulation aisles are reconfigured for the incorporation of No. 93 Beecroft Road. The proposed reconfiguration of the basement parking layout improved vehicle circulation with the amended ramp up – ramp down arrangement.

Current consent Condition No. 47 is applicable to the proposed modification.

The proposed modification is satisfactory in respect to the HDCP desired outcome for vehicle access and parking.

2.10.13 Public Domain

The proposed modification maintains the approved pedestrian links off Beecroft Road and Hannah Street through to the commercial plaza and the retail mall entry.

The proposed relocation of electricity substation would prevent pedestrian access to Beecroft Road from the northern section of the communal residential courtyard. The approved development includes provision for access through the site from the adjoining approved residential development (DA/81/2014).

To maintain the access for adjoining residents, modification of Condition No. 43 k) is recommended for access through the residential courtyard.

2.10.14 Traffic Management Works

The proposed modification does not necessitate additional traffic management works to that of the approved development.

The application includes proposed modification of Condition No. 12 d) to allow vehicles to enter and exit the site in a forward direction during the construction phase only, in accordance with the approved traffic management plan.

Condition No. 12 reads as follows:

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.*

The condition is a design requirement and is to be met for the issue of a construction certificate. The condition is not applicable to construction vehicles which are to be managed in accordance with Condition No. 18 and Condition No. 19. Accordingly the proposed modification of Condition No. 12 d) is not warranted.

The application includes the proposed modification of Condition No. 17 a) to require the replacement of damaged kerb and gutter along the frontages of the site.

The existing kerb and gutter is in poor condition and requires replacement together with the reinstatement of existing vehicle crossings on Beecroft Road with kerb and gutter. Therefore, the proposed modification of Condition No. 17 a) is not supported.

The application includes the proposed modification of Condition No. 17 b) and Condition No. 54 to allow for construction /reinstatement of footpaths to be concrete along Beecroft Road and brick paving along Hannah Street.

The existing Beecroft Road footpath within the Beecroft commercial area is being progressively upgraded for brick paving at the frontage of approved development sites. Accordingly, the proposed modification of Condition No. 17 b) and Condition No. 54 is not supported.

The application includes the proposed modification of Condition No. 17 c) to have RMS approval of the road works prior to the issuing of the relevant Construction Certificate.

Condition No. 17 c) reads as follows:

- 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.*

The proposed modification is for the condition to read:

- 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 the issue of the corresponding Construction Certificate by Council prior to the commencement of the road works.*

Comment: Recommend Condition No. 17 c) be modified as proposed.

The application proposes modification of Condition No. 32 to allow a Construction Zone on Beecroft Road outside clearway hours and a full time Construction Zone on Hannah Street.

Condition No. 32 reads as follows:

32. 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.

The proposed modification is consistent with Work Zones approved by Council for large development sites.

Comment: Recommend Condition No. 32 be modified to read:

32. Construction Vehicles

All construction vehicles associated with the development are to be contained on site or in a Local Traffic Committee (LTC) approved "Work Zone" on Hannah Street and a Roads and Maritime Services approved "Work Zone" on Beecroft Road.

2.10.15 Key Development Principles

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

2.11 Section 94 Development Contributions Plan 2012-2021

The proposed modification is subject to the Hornsby Development Contributions Plan for the additional commercial floor space and additional dwellings.

The application includes the modification of Condition No. 4 to allow demolition works to be carried out prior to the payment of the Section 94 Contribution.

The proposed modification of the Section 94 Contribution condition has been the subject of Section 96 applications approved by Council for similar developments. Accordingly, Condition No. 4 modified to allow demolition works prior to payment of the contribution and is updated and amended for the proposed additional dwellings and commercial space.

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 proposed modification would not alter the approved development in respect to the natural environment, subject to current consent conditions.

3.2 Built Environment

The proposed modification maintains the approved built form which is consistent with the built form envisaged for the Beecroft Heritage Precinct.

The proposed modification would increase the number of dwellings from 122 to 130 units. The increase in traffic generation is relatively minor and would be within the capacity of the local road network and the traffic controlled intersections on Beecroft Road.

The current consent conditions are appropriate for the proposed modification in respect to traffic and road safety.

The application includes proposed modification of Condition No. 3 to allow for the provision of multiple staged Construction Certificates to be issued.

Condition No. 3 reads as follows:

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.

The current consent condition would not prevent the issue of multiple construction certificates and should not require modification.

The application includes the modification of Condition No. 7 for Fire Safety Upgrade. The condition is applicable to existing buildings and should be deleted.

It is recommended Condition No. 7 be deleted and replaced with Condition No. 72 requiring an annual Fire Safety Statement.

The application includes modification of Condition No. 31 to allow earthworks and excavation on Saturdays, in addition to Monday to Friday.

The condition is to provide weekend respite from construction impacts for adjacent residents. The proposed modification of the condition is not supported.

The application includes modification of Condition No. 66 to clarify stormwater drainage works required to be approved by Roads and Maritime Services.

The modification involves a word change in the first paragraph of the condition for 'such' instead of 'any'. Modification of Condition No. 66 is recommended accordingly.

3.3 Social Impacts

The proposed modification would be consistent with the approved development in respect to increased activity within Beecroft Village and the availability of housing in the locality.

3.4 Economic Impacts

The proposed modification would maintain the positive economic impact of the approved development in respect to employment generation and the local economy.

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 Module Shopping Centre is suitable for the proposed development as modified.

5. PUBLIC PARTICIPATION


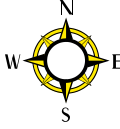
Section 79C(1)(d) of the Act requires Council to consider “any submissions made in accordance with this Act”.

5.1 Community Consultation

The proposed modification was placed on public exhibition and was notified to adjoining and nearby landowners between 13 May and 11 June 2015 in accordance with the Notification and Exhibition requirements of the HDCP. During this period, Council received four submissions. Subsequent amended plans were placed on notification between 29 June and 13 July 2015. Council received one submission in response. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

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

Five submissions objected to the proposed modification. The grounds of objection are discussed as follows.

5.1.1 Relocation Substation

The proposed relocation of the electrical substation from the basement to the Beecroft Road frontage adjoining the heritage item at No. 83 Beecroft Road was raised as a concern.

The proposed relocation of the substation to the northern boundary at the Beecroft Road frontage is in accordance with Ausgrid requirements. An alternative location is not available for the substation.

The proposed relocation would impact on the significance of the adjoining heritage item. Notwithstanding, the proposed relocation is warranted to meet Ausgrid requirements and is acceptable with regard to the merit of the development in complementing the heritage streetscape of Beecroft Road.

5.1.2 Maximum Building Height

The proposed further non-compliance with the 17.5m maximum building height was raised as a concern.

The proposed increase in the approved height of Building C and Building D is relatively minor and would not contribute to bulk and scale of the development or impact on the heritage streetscape.

The proposed further non-compliance with the maximum building height is therefore acceptable.

5.1.3 Construction Vehicles

The cumulative impact of construction vehicles on amenity of local streets was raised as a concern.

Council has in place current consent conditions No. 18 and 19 which are implemented for the control of construction vehicle traffic. Compliance with the conditions is monitored by Council.

5.1.4 Footpath Paving and Kerb & Gutter

The proposed modification not to require brick paving on Beecroft Road and replacement of kerb and gutter was raised as a concern.

The proposed modification of consent Condition No. 17 b) to replace brick paving of the Beecroft Road footpath with concrete is not recommended as the condition requires brick paving to complement the heritage streetscape and the public domain.

The proposed modification of consent Condition No. 17 a) to replace kerb and gutter damaged by construction works is not recommended as the existing kerb and gutter is in need of replacement.

5.1.5 Construction on Saturdays

The proposed modification to allow excavation works on Saturdays was raised as a concern.

The proposed modification of consent Condition No. 31 to allow excavation works on Saturdays is not recommended as the condition is to provide weekend respite from construction impacts for adjacent residents.

5.1.6 Insufficient Parking

The proposed increase in residential units was raised as a concern regarding available car parking.

The proposal includes the required number of car parking spaces for the proposed units and retail/commercial space, in accordance with HDCP.

5.1.7 Insufficient Landscaping Beecroft Road

The lack of landscaping on Beecroft Road was raised as a concern.

The proposal is within the commercial area of the Beecroft Heritage Precinct and is in compliance with the setback requirements of HDCP. The proposed landscaping at the Beecroft Road frontage is satisfactory subject to recommended Condition No. 45 for replacement planting.

5.1.8 Tower Unacceptable Visual Impact

The design merit of the tower at the corner Beecroft Road and Hannah Street was raised as a concern.

The approved development includes a corner tower element which was supported by Council's Heritage Advisory Committee in providing a strong articulated element within the commercial area of the Beecroft Heritage Precinct. The proposed modification would maintain the appearance of the tower element in the streetscape. The proposed increase in the height of the tower from 165.82m RL to 166.12m RL would not alter the appearance of the tower in the streetscape.

5.1.9 Construction Zone to Be Within Site

The modification to allow work zones at the Beecroft Road and Hannah Street frontage of the site was raised as a concern.

The proposed modification to allow work zones on Beecroft Road and Hannah Street is in keeping with work zone permit applications for similar large scale developments with access constraints and is acceptable to Council subject to permit requirements of the Local Traffic Committee and the Roads and Maritime Services.

5.1.10 High Proportion One Bedroom Units

The proposed dwelling mix for a high proportion of one bedroom units was raised as a concern.

The proposed dwelling mix includes 57.6% one bedroom units, which is consistent with the approved plans which include 57.3% of one bedroom units.

5.1.11 Public Transport Disruption

The disruption to public transport resulting from State government transport infrastructure improvements was raised as a concern.

Disruption resulting from transport infrastructure development was not included in the traffic and parking assessment. The disruption is incidental to State government initiatives for improvements to the Sydney transport network and is to be managed by NSW Transport.

5.1.12 Hannah Street Road Blister

The need for a road blister on the western side of the approved driveway on Hannah Street was raised as a concern.

Condition No. 47 f) is current for the existing road blister on the western side of the existing driveway to be relocated to the western side of the approved driveway, for traffic and road safety.

5.2 Public Agencies

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

6. THE PUBLIC INTEREST

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

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

The 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 modification would be in the public interest.

CONCLUSION

The application is for modification of the approved construction of a mixed use commercial and residential development comprising a supermarket, specialty shops, commercial premises and 122 dwellings.

The proposed modification is to include the site of No. 93 Beecroft Road in the development amending Building D, the shopping centre level and basements 1, 2 and 3. The modification includes revision of the courtyard, shopping centre and basement car park layouts, reconfiguration of Buildings A, B and C and modification of consent conditions. The proposed modification would increase the number of dwellings to 130 units.

The proposed modification is substantially the same development as approved pursuant to Section 96 of the E P & A Act.

The proposed addition to Building D and the reconfiguration of Buildings A, B and C are satisfactory in compliance with SEPP 65 and the RFDC. The proposed increase in building height of Building C and Building D is a minor increase and would not contribute to bulk and scale or detract from the heritage streetscape. The non-compliance with the 17.5m maximum building height at the south eastern corner of the roof of Building C is acceptable.

The proposed relocation of the electrical substation from the basement to the north-west frontage of the site at Beecroft Road would detract from the significance of the adjoining heritage item at No. 83 Beecroft Road. The impact is unavoidable and acceptable with regard to the merit of the mixed use development in contributing to the heritage streetscape.

The proposed modification maintains the approved built form in meeting the HDCP key development principles for the Beecroft Heritage Precinct and the desired future character of the area. The proposed reconfiguration of the commercial plaza, shopping centre and basement car park complies with the HDCP requirements for vehicle access and parking subject to recommended conditions.

The current consent conditions address the proposed modification or are otherwise amended accordingly.

Five submissions were received in response to notification of the proposed modification.

The application is recommended for approval.

Attachments:

1. Locality Plan
2. Site Plan
3. Basement Plans
4. Floor Plans
5. Elevations
6. Shadow Plans
7. Perspective
8. Legal Advice
9. Urban Design Report
10. Approved Plans
11. Notice of Determination

SCHEDULE 1

Date of this modification: 5 August 2015

Details of this modification: Include No. 93 Beecroft Road in the development amending Building D, the shopping centre level and basements 1, 2 and 3. The modification includes revision of the courtyard, shopping centre and basement car park layouts, reconfiguration of Buildings A, B and C and modification of consent conditions. The proposed modification would increase the number of dwellings to 130 units.

Conditions Added: 2 f), 52A, 72

Conditions Deleted: 2 b), 7

Conditions Modified: 1, 4, 11, 17 c), 22, 23, 30, 32, 43 k), 47, 66

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/S96/2001 B – Site Plan	DKO Architecture Pty Ltd	April 2015
10733/S96/2002 B – Basement 3	DKO Architecture Pty Ltd	April 2015
10733/S96/2003 B – Basement 2	DKO Architecture Pty Ltd	April 2015
10733/S96/2004 B – Basement 1	DKO Architecture Pty Ltd	April 2015

10733/S96/2005 C – Ground Level	DKO Architecture Pty Ltd	April 2015
10733/S96/2006 C – Level 1	DKO Architecture Pty Ltd	April 2015
10733/S96/2007 B – Level 2	DKO Architecture Pty Ltd	April 2015
10733/S96/2008 B – Level 3	DKO Architecture Pty Ltd	April 2015
10733/S96/2009 B – Level 4	DKO Architecture Pty Ltd	April 2015
10733/S96/2010 B – Level 5	DKO Architecture Pty Ltd	April 2015
10733/S96/2011 B – Level 6	DKO Architecture Pty Ltd	April 2015
10733/S96/2012 B – Roof Plan	DKO Architecture Pty Ltd	April 2015
10733/S96/2013 A – Adaptable Apartment Layouts	DKO Architecture Pty Ltd	April 2015
10733/S96/2014	DKO Architecture Pty Ltd	April 2015
10733/S96/3001 B – North Elevation	DKO Architecture Pty Ltd	April 2015
10733/S96/3002 B – Hannah Street Elevation	DKO Architecture Pty Ltd	April 2015
10733/S96/3003 B – East Elevation	DKO Architecture Pty Ltd	April 2015
10733/S96/3004 – Beecroft Road Elevation	DKO Architecture Pty Ltd	April 2015
10733/S96/3005 A – External Finishes Board	DKO Architecture Pty Ltd	April 2015
10733/S96/4001 B – Sections 1	DKO Architecture Pty Ltd	April 2015
10733/S96/4002 B – Sections 2	DKO Architecture Pty Ltd	April 2015
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 E	Oculus	April 2015
Landscape Concept – Hannah Street Ground Level + Level 1 Rev E	Oculus	April 2015
Landscape Concept – Plaza Detail Plan Rev E	Oculus	April 2015
Landscape Concept – Planting Layout Rev E	Oculus	April 2015
Landscape Concept – Soil Depth Profile Rev E	Oculus	April 2015
Landscape Concept – Planting And Materials Palette Rev E	Oculus	April 2015

Document	Prepared by	Dated
Traffic Report	Colston Budd Hunt &	August 2014 / 23 April 2015

	Kafes Pty Ltd	
Heritage Impact Statement	Paul Davies Pty Ltd	August 2014
Waste Management Plan	GAT & Associates	Undated
Waste Management Plan	Leigh Design	23 April 2015
Environmental Noise Impact assessment	Acoustic Logic	26/08/2014 / 14/04/2015
Building Code of Australia Report	McKenzie Group	24.08.14 / 24.04.15
Accessibility Review	McKenzie Group	01/09/14
DDA Compliance Statement	Before Compliance Pty Ltd	23 April 2015
SEPP 65 Design Verification Statement	DKO Architecture Pty Ltd	31 August 2014 / 16 July 2015
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
On-site Stormwater Management Plan	Robert Bird Group	17 April 2015

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) Deleted.
- 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.
- e) The existing ornamental pear tree on the eastern side of the vehicle access in Hannah Street shall be retained.
- f) The commercial component of the development is to provide for 10 bicycle parking spaces for staff and end of destination facilities in the form of at least one shower cubicle with ancillary change rooms.

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	\$427,412.25
Open Space and Recreation	\$1,440,072.60
Community Facilities	\$200,819.75
Plan Preparation and Administration	\$7,785.95
TOTAL	\$2,076,090.55

being for 75 x 1 bedroom units, 36 x 2 bedroom units, 19 x 3 bedroom units, 1,100.6m² new commercial floor space and 2,532.3m² new retail floor space.

- b) The value of this contribution is current as at 22 July 2015. If the contributions are not paid within the financial quarter that this condition was generated, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 94 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

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

$$\text{CPI}_{DC}$$

Where:

$\text{\$C}_{PY}$ is the amount of the contribution at the date of Payment

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

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:
- i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - ii) prior to the issue of the first Construction Certificate (excluding demolition works) where the development is for building work; or

- iii) prior to issue of the Subdivision Certificate or first Construction Certificate (excluding demolition works), whichever occurs first, where the development involves both subdivision and building work; or
- iv) prior to the works commencing (excluding demolition works) 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. Deleted

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
- 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 the corresponding Construction Certificate by Council prior to the commencement of 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 A206, A306, A506, A606, B101, B103, B201, B203, B209, B301, B303, B306, B309, B503, B509, C101, C103, C201, C203, C208, C301, C303, C308, D202, D203, D302, D303, D305, D306, D307, D308, D502, D503, D505, D506, D507, D508, D606 and D607 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 14/04/2015.

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.

25. Northern Boundary

The development shall be setback from the northern boundary to provide 1.2 metre wide landscaping clear of any structures or retaining works. Details are to be provided to the Group Manager, Planning Division prior to the lodgement of any construction certificate.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
--

26. 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.

27. 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.

28. 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*.

29. 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.

30. 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. Any pruning of ornamental pear trees on Hannah Street is to be undertaken in accordance with an arborist's report prepared by qualified personnel.

REQUIREMENTS DURING CONSTRUCTION

31. 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.

32. Construction Vehicles

All construction vehicles associated with the development are to be contained on site or in a Local Traffic Committee (LTC) approved "Work Zone" on Hannah Street and a Roads and Maritime Services approved "Work Zone" on Beecroft Road.

33. 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.

34. 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.

35. Street Sweeping

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

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. 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.

42. Fulfilment of BASIX Commitments

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

43. Safety and Security

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

44. 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.

45. Sydney Water – s73 Certificate

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

46. 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.

47. Parking Provision

- a) The basement car park B3 must include a minimum of 169 resident car parking spaces including 13 disabled spaces, 18 visitor car parking spaces, 3 residential motor cycle parking spaces and 39 resident bicycle spaces including 13 bicycle spaces for visitors.
- b) The basement car park B2 and B1 must include a minimum of 191 commercial car parking spaces including 6 disabled spaces, 4 commercial motor cycle spaces and 10 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.

48. 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.

49. 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.

50. 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.

51. 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.

52. 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".

52A Unit Numbering

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

53. 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.

54. 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.

55. 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.

56. 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 supermarket wall at 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.

57. 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.

58. 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.

59. 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.

60. 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.

61. 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.

62. 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*.

63. Car Park Sign

An electronic sign displaying parking availability by number of spaces shall be installed prominently at the entry to the car park to provide advice to drivers approaching in Hannah Street.

<p>CONDITIONS OF CONCURRENCE – ROADS AND MARITIME SERVICES</p>

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

- 64.** 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.

- 65.** 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 it 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.

- 66.** 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 such 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.

- 67.** 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*.

68. All works associated with the proposed development to be at no cost to Roads and Maritime Services.

OPERATIONAL CONDITIONS

69. 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.

70. 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.

71. 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.

72. 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.

- 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). (HDCP 1B.6.1.c).

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

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.