

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

<b>JRPP No</b>	2015SYW207
<b>DA Number</b>	DA/1006/2014/B Section 96 Application (Lodged 20 November 2015)
<b>Local Government Area</b>	Hornsby Shire Council
<b>Proposed Development</b>	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
<b>Street Address</b>	Nos. 87-95 Beecroft Road and Nos. 16-24 Hannah Street, Beecroft
<b>Applicant/Owner</b>	GAT & Associates / Beecroft Developments Pty Ltd
<b>Number of Submissions</b>	Nil
<b>Regional Development Criteria (Sched 4A of the Act)</b>	General Development over \$20 Million
<b>List of All Relevant s79C(1)(a) Matters</b>	Section 96(2) Environmental Planning and Assessment Act, 1979 Hornsby Local Environmental Plan 2013 Hornsby Development Control Plan 2013
<b>List all documents submitted with this report for the Panel's consideration</b>	Architectural Plans, Approved Plans, Notice of Determination
<b>Recommendation</b>	Approval
<b>Report by</b>	Garry Mahony, Senior Town Planner

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## 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 second entry on the Hannah Street frontage of the shopping centre would not diminish the active street frontage or detract from the streetscape.
- No 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 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 1 DP 1096815, Lot 1 DP 900898, Lot B DP 4367, Lot 12 DP 601185, Lot 1 DP 211441 & Lot 2 DP 211441, Nos. 87-95 Beecroft Road and Nos. 16-24 Hannah Street, Beecroft be amended as detailed in Schedule 1 of this report.

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## 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.

On 5 August 2015, the Sydney West Joint Regional Planning Panel approved Section 96(2) Modification DA/1006/2014/A to include No. 93 Beecroft Road in the approved development amending Building D, the shopping centre level and basements 1, 2 and 3. The modification included revision of the courtyard, shopping centre and basement car park layouts, reconfiguration of Buildings A, B and C and modification of consent conditions. The modification increased the number of units from 122 to 130 units.

On 3 February 2016, Council approved Section 96(1A) Modification DA/1006/2014/C for deletion of Condition No. 43 (i) for basement paint finish and amend Condition No. 14 a) for stormwater detention.

## SITE

The commercial site occupies the elevated north western part of the Beecroft Commercial Centre and is bounded by Beecroft Road and Hannah Street. The site is regular in shape with an area of 5,972.4m<sup>2</sup> and a frontage of 85m to Beecroft Road and a frontage of 65m to Hannah Street.

The site is currently enclosed by hoarding for the construction of the approved mixed use development. The Beecroft Module Shopping Centre has been demolished.

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 which is under construction. 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 adapted for reuse as 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 Road 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 serving 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 130 units comprising 75 x 1 bedroom units, 36 x 2 bedroom and 19 x 3 bedroom units.

The approved development includes the following components.

Building A is five to six storey, has a height RL of 168.3m and includes 40 dwellings comprising 29 x 1 bedroom units, 9 x 2 bedroom units, and 2 x 3 bedroom units. The building includes two commercial units fronting Beecroft Road and a commercial unit fronting the plaza.

Building B is five storey, has a height RL of 165.3m and includes 35 dwellings comprising 18 x 1 bedroom units, 7 x 2 bedroom units and 10 x 3 bedroom units. The building includes a commercial unit fronting the plaza.

Building C is four storey, has a height RL of 160.08m and has frontage to Hannah Street. The building includes 24 units comprising 6 x 1 bedroom units, 12 x 2 bedroom units and 6 x 3 bedroom units. The building includes 3 x commercial units fronting the plaza.

Building D is five storey, has a height RL of 166.12m (tower) and 164.1m and has frontage to the corner of Beecroft Road and Hannah Street. The building includes 31 units comprising 22 x 1 bedroom units, 8 x 2 bedroom units and 1 x 3 bedroom unit. The building includes 2 x commercial units fronting the courtyard and two commercial units and two shops at the street frontages.

The retail floor includes a shopping centre with a supermarket, specialty shops, and at the Hannah Street frontage two shops and two specialty shops. The centre includes lift and escalator to the basement car park.

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 the accessway off Hannah Street with the dual ingress and single egress lanes. The basement car parking layout is for 88 retail/commercial car parking spaces and 2 motorcycle spaces.
- Basement 2 includes the loading dock, loading/unloading areas, commercial waste storage and residential bin storage. The basement layout for 103 retail/commercial car parking spaces and 2 motorcycle spaces.
- Basement 3 car parking layout is for 150 residential spaces and 19 visitor spaces and includes residential storage areas.

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## PROPOSED MODIFICATION

The proposed modification is to amend the shopping centre mall entry on Hannah Street as follows:

- Provision for a second mall entry west of the approved entry and on the western side of the steps to the pedestrian lane to the courtyard plaza. The second mall entry would have a floor to ceiling height of 5m and provide an entry statement to the shopping centre mall. The second entry would include steps down to the mall. The approved mall entry would remain at grade.
- The approved entry would reduce in width from 5m to 3.585m and be recessed 1.8m to include a 2m x 3.4m x 2.6m h shopfront glass installation (pod) at the entry. The pod is proposed to showcase community art.
- The proposed second entry would reduce commercial floor space by 10.7m<sup>2</sup> and the linear shop frontage by 3.23m. The number of approved commercial premises fronting Hannah Street would remain the same (four). The commercial premises directly adjoining the western side of the second entry would have access off the mall entry and the street frontage.
- The proposed second mall entry would include a second pod to showcase community art.
- The proposed community art pods would have a floor area of 6.1m<sup>2</sup> and be constructed in expressed steel frame with clear glass infill.

The approved materials and finishes of the Hannah Street façade remain the same for the proposed modification.

The applicant submits the proposed second entry will improve the activation of the entry, increase the quality of the arrival sequence for customers of the shopping centre, improve the visibility of the mall and improve connectivity with shops on Hannah Street.

## 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 maintains the number of approved dwellings and would be consistent with 'A Plan for Growing Sydney'.

## 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*

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*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 proposed modification maintains the streetscape presentation and number of shop fronts and is substantially the same development as approved.

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 no submissions were received in response to the notification.

## **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)*.

### **2.2.1 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.

### **2.2.2 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 would reduce the commercial/retail gross floor area from 5,962.9m<sup>2</sup> to 5,952.2m<sup>2</sup> (FSR 0.9966:1) in compliance with the development standard > 0.5:1.

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

The applicant states that in refining their design, another pedestrian entry is required to improve the retail component of the development and pedestrian access into and out of the site from Hannah Street.

The amended proposal reduces the width of shop front along the Hannah Street component of the development. However, the external appearance of the Hannah Street façade remains similar to that approved. The new pedestrian entry areas are located behind recessed glass doors on either side of the existing open Hannah St entry, where glass fronted shops were located. The new frontage includes two glass display areas for art/community displays and the applicant proposes to use the same colour scheme and materials as approved.

Visually, the change in appearance to the Hannah Street frontage and streetscape is minor and would not adversely impact on the heritage conservation area or on heritage items in the vicinity.

The proposed modified development would have a similar external appearance as the approved Hannah Street elevation and would not alter the impact of the development from that previously approved.

### **2.3 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.

### **2.4 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 proposed modification is generally in accordance with the *HDCP* controls for the Beecroft Heritage Precinct. The modifications in respect to the *HDCP* controls for the desired future character of the Beecroft Heritage Precinct are detailed below.

#### **2.4.1 Desired Future Character**

The proposed second entry to the shopping centre mall and amendment of the approved entry would maintain the approved 'fine grain' shopfront treatment of the retail podium on Hannah Street. In this regard the applicant submitted an Urban Design Report prepared by GM Urban Design & Architecture dated November 2015. The report includes the following comments:

*The proposed changes to the Ground Level Plan include the provision of a second more strategically located and visually aligned entrance to the internal retail area. The secondary*



*entrance would be immediately to the west of the open steps leading into the commercial plaza above the podium.*

*The addition of the secondary entrance takes advantage of the change in levels, which provides for a double height entrance, which is a superior entry sequence into the rest of the retail centre.*

*While the amount of linear frontage has experienced a marginal reduction, it is GMU's opinion that the 'fine grain' quality has increased. The original approval had 3 shops to the west of the plaza steps and the current proposal has maintained the same number of shops with the added benefit of two additional retail pods for community use. This adds a different layer of interest to the elevations as the community/art pods are intended as areas where community displays can be located all year round providing an area of interest to local and community groups.*

*The proposed changes to the original approval on the site provide a well-considered solution that maintains the urban design principles, traditional architectural expression and interface to the lower ground level of the originally approved streetscape along Hannah Street while providing an improved shopping experience to future patrons of the shopping centre.*

The comments are supported in respect to proposal's contribution to the desired future character of the Beecroft Heritage Precinct – Commercial Area, in accordance with the *HDCP*.

Modification of Condition No. 1 is recommended for the revised floor plan and elevations for the proposed second entry.

The submitted Hannah Street elevation drawings include dotted red line outline for future signage above and around the shop fronts and noted on the plan legend as 'Indicative Retail Signage Location'. The future signage for the shopping centre is to be subject to a separate development application. An additional Condition No 2 g) is recommended for the plans to be amended by deletion of the indicative signage.

### **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.

#### **3.2 Built Environment**

The proposed modification for the second retail mall entry would maintain the approved 'fine grain' of the Hannah Street façade.

#### **3.3 Social Impact**

The proposal includes two community art pods at the Hannah Street entries to the shopping centre.

The submitted Statement of Environmental Effects includes the following comment regarding the pods:

*The pods will provide a highly visible space within the Beecroft precinct where community groups, Council, schools or interest groups can display their art work, projects, or information. Schools may use the space to display HSC art work, or community groups may use the space to display information about what their group does and how people can get involved.*

The *Hornsby Shire Council Operation Plan 2015-2016* includes a key action for more opportunities for Arts in the Shire including art installations. Council's research in developing a Public Art Policy indicates that public art can help to support an engaged and confident community, whilst creating a desirable place to live, create and work.

The proposed community art pods would be of positive social impact. An additional Condition No. 73 is recommended for the management of the pods and for the pods not to be used for commercial advertising.

#### **4. PUBLIC PARTICIPATION**

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

##### **4.1 Community Consultation**

The proposed modification was placed on public exhibition and was notified to adjoining and nearby landowners between the 3<sup>rd</sup> and 17<sup>th</sup> December 2015 in accordance with the Notification and Exhibition requirements of the *HDCP*. During this period, Council received no submissions.

#### **5. 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 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 generally meets the desired outcomes of Council's planning controls and is satisfactory having regard to the matters for consideration under Section 96(2) of the *Environmental Planning and Assessment Act 1979*.

Additional conditions are recommended to address signage and the community art pods.

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Approval of the application is recommended.

**Attachments:**

1. Locality Plan
2. Site Plan
3. Ground Level Plan
4. Hannah Street Streetscape Plan
5. Hannah Street Elevation
6. Hannah St Mall Entries
7. Perspective Views
8. Pod Precedent Images
9. Approved Plans
10. Notice of Determination

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**SCHEDULE 1**

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**Date of 1<sup>st</sup> modification:** 5 August 2015

**Details of modification:** DA/1006/2014/A Section 96(2) Modification to 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), 2 g), 2 h), 24 d), 52A, 72

**Conditions Deleted:** 2 b), 7

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

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**Date of 2<sup>nd</sup> modification:** 3 February 2016

**Details of modification:** DA/1006/2014/C Section 96(1A) Modification for deletion of Condition No. 43 (i) for basement paint finish and amend Condition No. 14 a) for stormwater detention.

**Conditions Added:** Nil

**Conditions Deleted:** 43 (i)

**Conditions Modified:** 14 a)

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**Date of this modification:** March 2016

**Details of this modification:** DA/1006/2014/B Section 96(2) Modification

**Conditions Added:** 2 g), 73

**Conditions Deleted:** Nil

**Conditions Modified:** 1

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## 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 C – Site Plan	DKO Architecture Pty Ltd	November 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 D – Ground Level	DKO Architecture Pty Ltd	November 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/S96/8002 A – Hannah St Streetscape Plan	DKO Architecture Pty Ltd	November 2015
10733/S96/8004 D – Hannah Street Elevation	DKO Architecture Pty Ltd	November 2015
10733/S96/8005 A – Hannah St Mall Entries – Detail Elevation	DKO Architecture Pty Ltd	November 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 & Kafes Pty Ltd	August 2014 / 23 April 2015
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	DKO Architecture Pty Ltd	31 August 2014 / 16 July 2015

Verification Statement		
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 6m<sup>3</sup> for one bedroom units, 8m<sup>3</sup> for two bedroom units and 10m<sup>3</sup> 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.
- g) The indicative retail signage locations detailed on the elevation drawings are not approved under this consent.

## 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
<b>TOTAL</b>	<b>\$2,076,090.55</b>

being for 75 x 1 bedroom units, 36 x 2 bedroom units, 19 x 3 bedroom units, 1,100.6m<sup>2</sup> new commercial floor space and 2,532.3m<sup>2</sup> 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:

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

$$CPI_{DC}$$

Where:

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

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

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

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

- c) The monetary contributions shall be paid to Council:
- prior to the issue of the Subdivision Certificate where the development is for subdivision; or
  - prior to the issue of the first Construction Certificate (excluding demolition works) where the development is for building work; or
  - 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
  - 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.**



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**Council's Development Contributions Plan may be viewed at [www.hornsby.nsw.gov.au](http://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](http://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.

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**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.

<b>REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS</b>
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**26. Erection of Construction Sign**

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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 be 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.*

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*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 signa* 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](http://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.

### CONDITIONS OF CONCURRENCE – ROADS AND MARITIME SERVICES

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

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.

<b>OPERATIONAL CONDITIONS</b>
-------------------------------

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.

**73. Community Art Pods**

The two community art pods on Hannah Street are to provide for community art installations, public exhibitions and community information in accordance with the following requirements:

- a) A management plan is to be implemented for the operation of the community art pods at nominal cost to exhibitors, to ensure an equitable installation period and a wide range of community participants. A copy of the management plan is to be provided to Council's Community & Cultural Development Team.
- b) The community art pods are to operate in accordance with the management plan.
- c) The use of the community art pods for commercial advertising is not permitted.

**- 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](http://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](http://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](http://www.environment.nsw.gov.au)

[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)

[www.adfa.org.au](http://www.adfa.org.au)

[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

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

### **House Numbering**

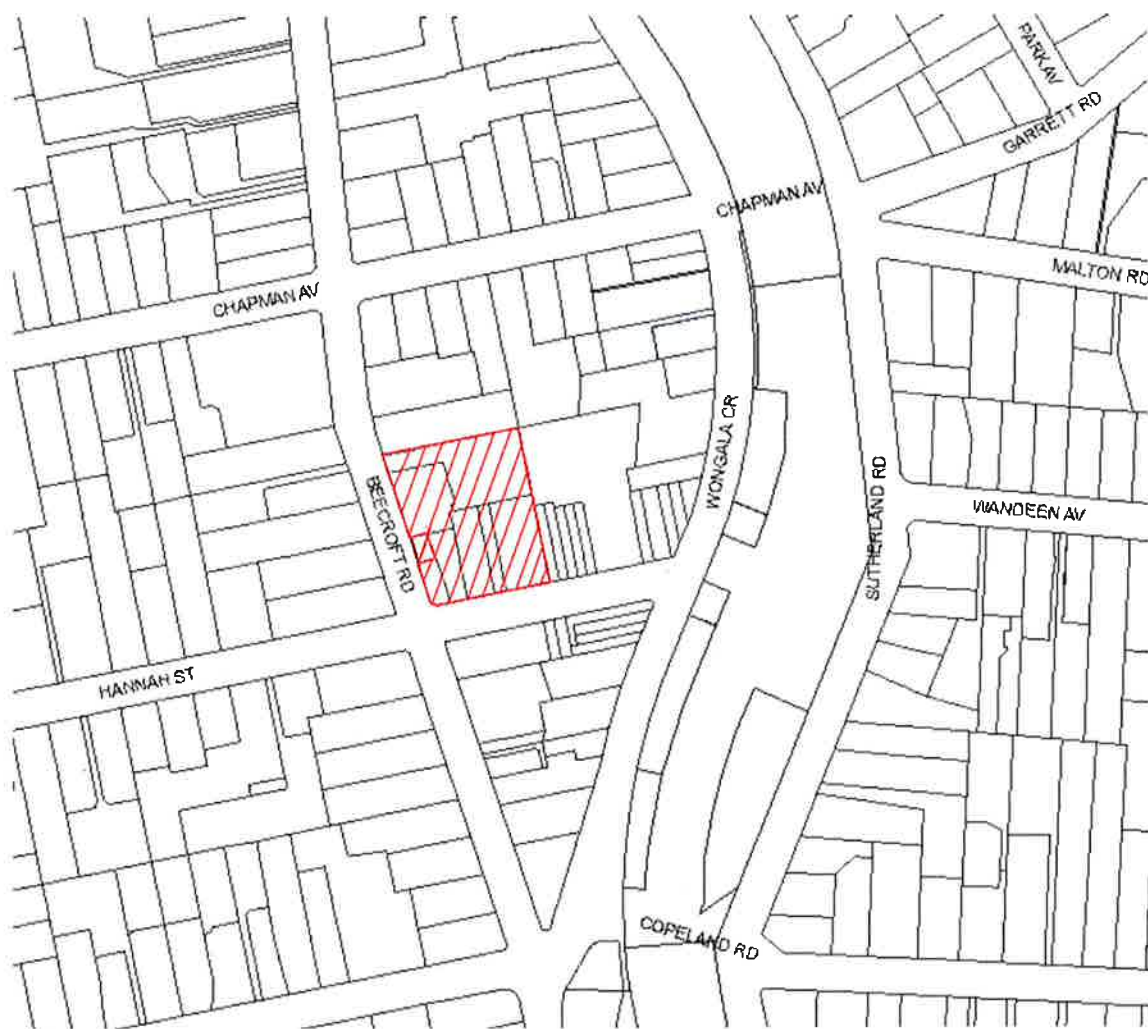
House numbering can only be authorised by Council. Before proceeding to number each premise in the development, the allocation of numbers is required to be obtained from Council's Planning Division prior to the issue of a Subdivision Certificate. The authorised numbers are required to

---

comply with Council's Property Numbering Policy and be displayed in a clear manner at or near the main entrance to each premise.

**Electronic Determination  
2015SYW207  
DA1006/2014/B  
Section 96(2) Modification  
87-95 Beecroft Rd &  
16-24 Hannah St Beecroft**

**Attachment 1  
Locality Plan**



**LOCALITY PLAN**

**DA/1006/2014/B**

**87-95 Beecroft Road and 16-24 Hannah Street, Beecroft**



**Electronic Determination  
2015SYW207  
DA1006/2014/B  
Section 96(2) Modification  
87-95 Beecroft Rd &  
16-24 Hannah St Beecroft**

**Attachment 2  
Site Plan**

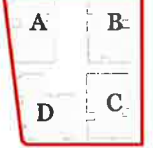
CHAPMAN AVE

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Figured dimensions take precedence over drawings and job dimensions.  
All shop drawings shall be submitted to the Architect/Consultant, and modifications shall not be made prior to return of requested shop drawings to the Architect/Consultant.

NOT FOR CONSTRUCTION

KEY PLAN



C 18.11.15 MR/US NB SECTION 96 SUBMISSION  
B 16.06.15 MR/DN RM/NB SECTION 96 SUBMISSION  
A 27.04.15 MR/US RM/NB SECTION 96 SUBMISSION  
Rev Date By Cld Description

Client:  
Landream T (03) 989 3333



Consultants:  
Structural Engineer:  
Robert Bird Group T (02) 8246 5200



Services Engineer:  
ADP Consulting T (02) 8203 5447



Fire Engineer:  
Affinity Fire Engineering T (04) 9997 7202



Project Manager:  
Urban Pty Ltd T (02) 8298 6400



HANNAH STREET

WONGALA CRES

BEECROFT ROAD



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Project Name  
Project Number  
Project Address

Drawn By  
Checked By  
Date  
Scale

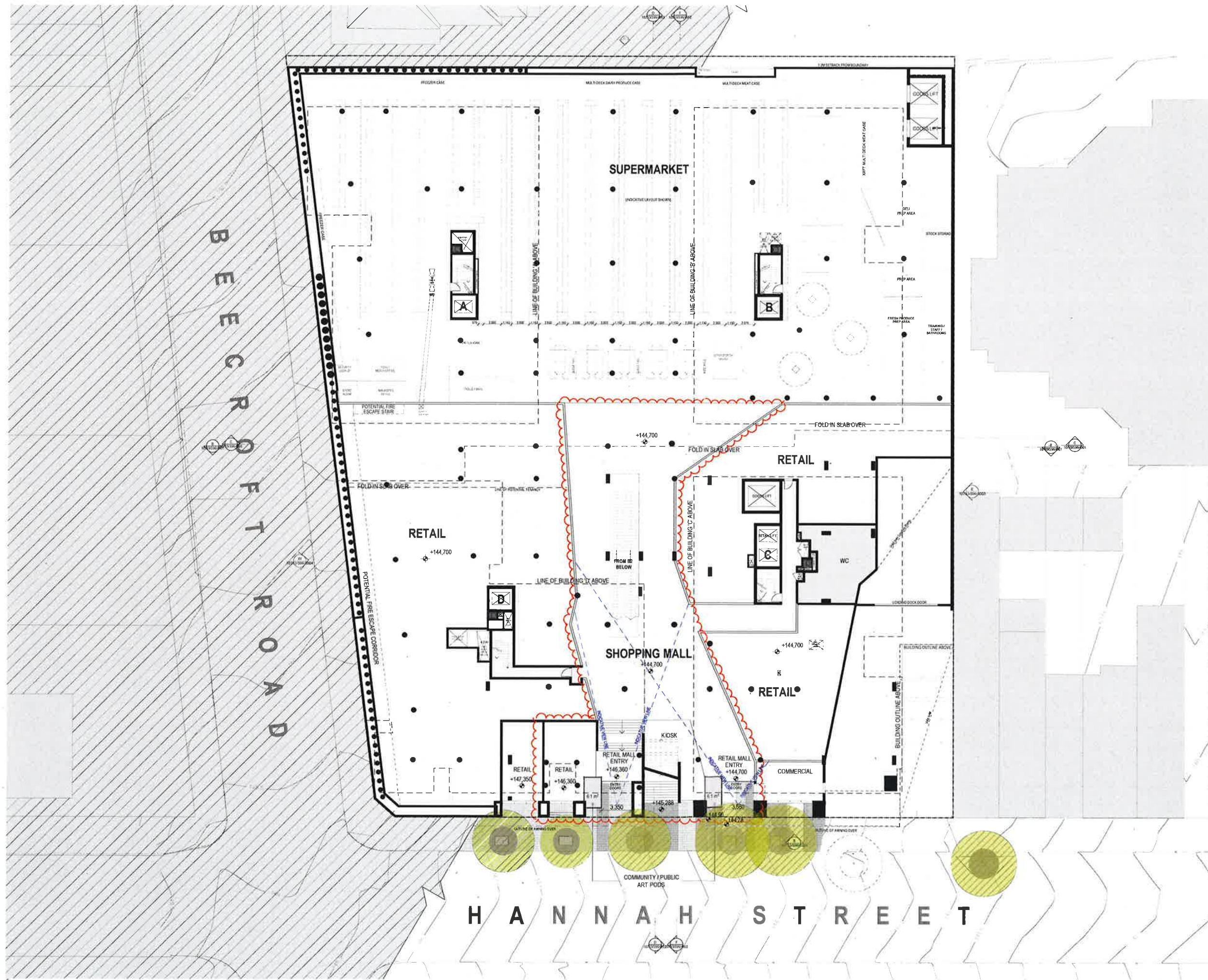
Drawing Series  
Drawing Name

Drawing Number  
Revision

**Electronic Determination  
2015SYW207  
DA1006/2014/B  
Section 96(2) Modification  
87-95 Beecroft Rd &  
16-24 Hannah St Beecroft**

**Attachment 3  
Ground Level Plan**

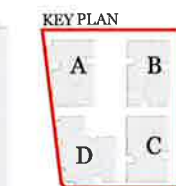




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shall also be subject to the Architect's instructions and  
manipulation shall not constitute prior to return of completed shop  
drawings to the Architect/Consultant

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LEGEND:  
INDICATIVE VIEW LINE FROM ENTRY

D	16.11.15	MR/JS	NB	SECTION 96 SUBMISSION
C	07.07.15	MR/DN	RM/NB	ADJUSTED RETAIL MALL ENTRY
B	16.06.15	MR/DN	RM/NB	SECTION 96 SUBMISSION
A	27.04.15	MR/JS	RM/NB	SECTION 96 SUBMISSION
Rev	Date	By	Ckd	Description

Client:  
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David Randerson 8542

Project Name: BEECROFT PLACE  
Project Number: 10733  
Project Address: cnr Hannah St / Beecroft Rd,  
Beecroft, NSW 2119  
Drawn By: MR, JS  
Checked By: NB, RM  
Date: November 2015  
Scale: 1:200 @ A1 size

Drawing Series: S96/2 Dual Retail Entry  
Drawing Name: Ground Level Plan

Drawing Number: 10733/S96/2005  
Revision: D



**Electronic Determination  
2015SYW207  
DA1006/2014/B  
Section 96(2) Modification  
87-95 Beecroft Rd &  
16-24 Hannah St Beecroft**

**Attachment 4  
Hannah Street  
Streetscape Plan**

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KEY PLAN



A 16 11 15 CCJS NB/MR SECTION 96 SUBMISSION  
Rev Date By Ctd Description

Client:  
Landream T (03) 989 3333



Consultants:  
Structural Engineer:  
Robert Bird Group T (02) 8246 3200



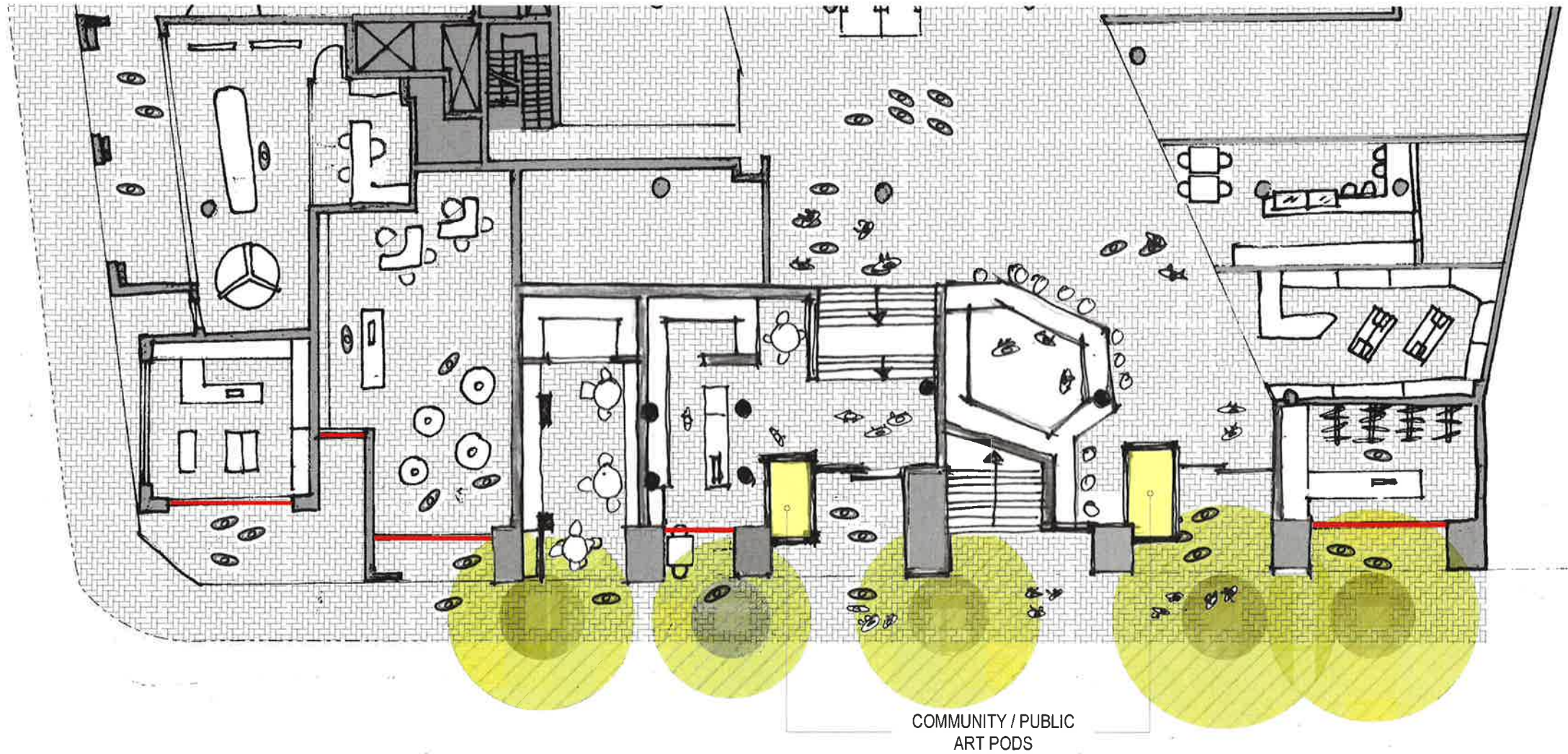
Services Engineer:  
ADP Consulting T (02) 8203 5447



Fire Engineer:  
Affinity Fire Engineering T (04) 9997 7202



Project Manager:  
Urban Pty Ltd T (02) 8298 6400



HANNAH STREET

1 Hannah St- Proposed Streetscape plan  
Note: Indicative only - refer to Ground Level Plan.  
Streetscape drawing combines Ground Floor, Level 1 and Level 2 to show tenancies as they continue at street level.



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Project Number: 10733  
Project Address: 201 Hannah St / Beecroft Rd, Beecroft, NSW 2119  
Drawn by: CC, JS  
Checked by: NH, MR  
Date: November 2015  
Scale: 1:100 @ A1 size

Drawing Series: S96/2 Dual Retail Entry  
Drawing Name: Hannah Street Streetscape Plan

Drawing Number: 10733/S96/8002  
Revision: A

**Electronic Determination  
2015SYW207  
DA1006/2014/B  
Section 96(2) Modification  
87-95 Beecroft Rd &  
16-24 Hannah St Beecroft**

**Attachment 5  
Hannah Street  
Elevation**



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All shop drawings shall be submitted to the Architect, Council, and  
authorities shall not constitute proof to return of requested shop  
drawings to the Architect/Council

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KEY PLAN



INDICATIVE FINISHES

- FB 1. Face Brick (Brown)
- FB 2. Face Brick (Dark Grey)
- RB 1 Rendered Brick (Light)
- RB 2 Rendered Brick (Dark)
- LW 1 Rendered concrete

Indicative retail signage location



PS 1 Painted Steel

Rev	Date	By	Ctd	Description
D	16/11/15	MR/JS	NB	SECTION 96 SUBMISSION
C	13/07/15	MR/DN	RM/NB	SECTION 96 SUBMISSION
B	16/06/15	MR/DN	RM/NB	SECTION 96 SUBMISSION
A	27/04/15	MR/JS	RM/NB	SECTION 96 SUBMISSION



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Structural Engineer:  
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Services Engineer:  
ADP Consulting T (02) 8203 5447

Fire Engineer:  
Affinity Fire Engineering T (04) 9997 7202

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David Hamilton 8542

Project Name	Project Number	Project Address	Drawn By	Checked By	Date	Scale
BEECROFT PLACE	10733	cnr Hannah St / Beecroft Rd, Beecroft, NSW 2119	MR JS	NH, RM	November 2015	1:200 @ A1 size

Drawing Series  
Drawing Name

S96/2 Dual Retail Entry  
Hannah Street Elevation

Drawing Number  
Revision

10733/S96/8004  
D



1 Hannah St Elevation - AS APPROVED  
1:200



2 Hannah St Elevation - PROPOSED  
1:200



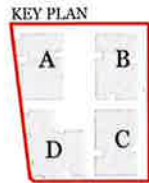
**Electronic Determination  
2015SYW207  
DA1006/2014/B  
Section 96(2) Modification  
87-95 Beecroft Rd &  
16-24 Hannah St Beecroft**

**Attachment 6  
Hannah Street Mall  
Entries**

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NOT FOR CONSTRUCTION



1 Hannah St Elevation - Mall Entry Detail  
1:100

Note: to be read in conjunction with Hannah Street Elevation drawing 10733/S96/8004.



INDICATIVE POD CONSTRUCTION:  
- EXPRESSED STEEL FRAME PAINTED GREY.  
- CLEAR GLASS INFILL FOR MAXIMUM TRANSPARENCY

A 16 11 15 MR NB SECTION 96 SUBMISSION  
Rev Date By Ckd Description

Client:  
Landream T (03) 989 3333



Consultants:  
Structural Engineer:  
Robert Bird Group T (02) 8246 3200 Robert Bird Group

Services Engineer:  
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Fire Engineer:  
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Project Manager:  
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Project Name: BEECROFT PLACE  
Project Number: 10733  
Project Address: cnr Hannah St / Beecroft Rd,  
Beecroft, NSW 2119  
Drawn By: MR  
Checked By: NB  
Date: November 2015  
Scale: 1:100 @ A1 size

Drawing Series: S96/2 Dual Retail Entry  
Drawing Name: Hannah St Mall Entries - Detail  
Elevation

Drawing Number: 10733/S96/8005  
Revision: A

**Electronic Determination  
2015SYW207  
DA1006/2014/B  
Section 96(2) Modification  
87-95 Beecroft Rd &  
16-24 Hannah St Beecroft**

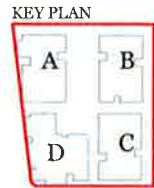
**Attachment 7  
Perspective Views**



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Pegged dimensions take precedence over drawings and job dimensions  
All shop drawings shall be submitted to the Architect, Council and  
in accordance with the relevant permit to return of completed shop  
drawings by the Architect's stamp

NOT FOR CONSTRUCTION



D	04.11.15	JS/MB	NB	PROPOSED S96/2 AMENDMENTS
C	02.11.15	JS/MB	NB	PROPOSED S96/2 AMENDMENTS
B	29.10.15	JS/MB	NB	PROPOSED S96/2 AMENDMENTS
A	16.09.15	MR	NB	PROPOSED S96/2 AMENDMENTS
Rev	Date	By	Ckd	Description

Clients:  
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Services Engineer:  
ADP Consulting T (02) 8203 5447



Fire Engineer:  
Affinity Fire Engineering T (04) 9997 7202



Project Manager:  
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NSW Nominated Architects  
Koon de Keijzer 5767 R  
David Randerson 8542

Project Name  
Project Number  
Project Address  
Drawn By  
Checked By  
Date  
Scale

BEECROFT PLACE  
10733  
cnr Hannah St / Beecroft Rd,  
Beecroft, NSW 2119  
JF, MB, SO, DN, JS  
NB, RM  
November 2015

Drawing Series  
Drawing Name

S96/2 Dual Retail Entry  
Perspective Views

Drawing Number  
Revision

10733/S96/8001  
D

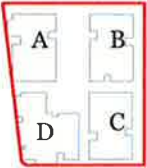


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Figured dimensions take precedence over drawings and job dimensions  
All shop drawings shall be submitted to the Architect, Consultant, and  
manufacturer shall not commence prior to return of inspected shop  
drawings by the Architect/Consultant

NOT FOR CONSTRUCTION

KEY PLAN



D	04.11.15	JS/MR	NB	PROPOSED S96/2 AMENDMENTS
C	02.11.15	JS/MR	NB	PROPOSED S96/2 AMENDMENTS
B	29.10.15	JS/MR	NB	PROPOSED S96/2 AMENDMENTS
A	16.09.15	MR	NB	PROPOSED S96/2 AMENDMENTS
Rev	Date	By	Ckd	Description

Client:  
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Consultants:  
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Services Engineer:  
ADP Consulting T (02) 8203 5447



Fire Engineer:  
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Project Manager:  
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ABN: 61 956 700 590

NSW Nominated Architects  
Kees de Krijger 5767 &  
David Randerson 8542

Project Name  
Project Number  
Project Address  
BEE'CRÖP' PLACE  
10733  
cnr Hannah St / Beecroft Rd,  
Beecroft, NSW 2119  
Drawn By  
Checked By  
Date  
Scale  
JF, MR, SO, DN, JS  
NB, RM  
November 2015

Drawing Series  
Drawing Name  
S96/2 Dual Retail Entry  
Perspective Views

Drawing Number  
Revision  
10733/S96/8002  
D

**Electronic Determination  
2015SYW207  
DA1006/2014/B  
Section 96(2) Modification  
87-95 Beecroft Rd &  
16-24 Hannah St Beecroft**

**Attachment 8  
Pod Precedent  
Images**





Temporary artist colony, Northern Ireland



Murray Street Mall, Perth



Storefront art display



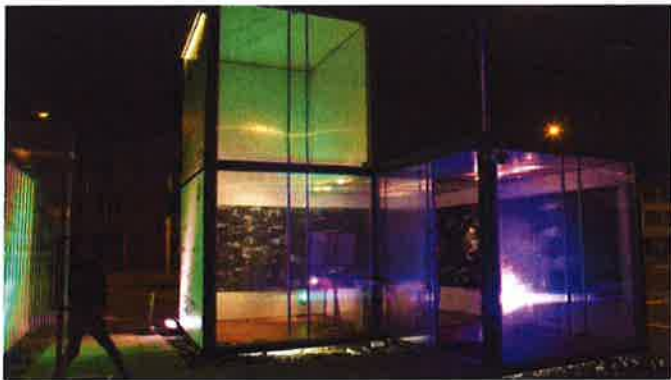
Storefront art display



Golden Glory is a Gilded Temporary Art Pavilion in Germany



Tonsley Park Redevelopment, Adelaide ( Flinders University's School of Computer Science, Engineering and Mathematics)



Art Pod, Christchurch



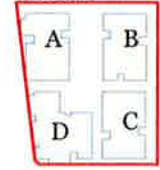
Storefront art display

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Builder/Contractor shall verify all dimensions before any construction  
Figured dimensions take precedence over dimensions and all dimensions  
All shop drawings shall be submitted to the Architect/Consultant and  
manufacturer shall not commence work to return of completed shop  
drawings by the Architect/Consultant

**NOT FOR CONSTRUCTION**

KEY PLAN



A 04 11 15 JS/MR NB PROPOSED S96/2 AMENDMENTS  
Rev Date By Ckd Description

Client:  
Landream T (03) 989 3333



Consultants:  
Structural Engineer:  
Robert Bird Group T (02) 8246 3200 RobertBirdGroup

Services Engineer:  
ADP Consulting T (02) 8203 5447



Fire Engineer:  
Affinity Fire Engineering T (04) 9997 7202



Project Manager:  
Urban Pty Ltd T (02) 8298 6400



DKO Architecture (NSW) Pty Ltd  
C19, 38-48 MacArthur Street  
Ultima, NSW 2007  
T +61 2 8346 4500  
info@dko.com.au  
www.dko.com.au  
ABN: 81 956 706 590

Project Name: BEECHOFF PLACE  
Project Number: 10733  
Project Address: cnr Hannah St / Beecroft Rd,  
Beecroft, NSW 2119  
Drawn By: JF, MK, SO, DN, JS  
Checked By: NB, RM  
Date: November 2015  
Scale:

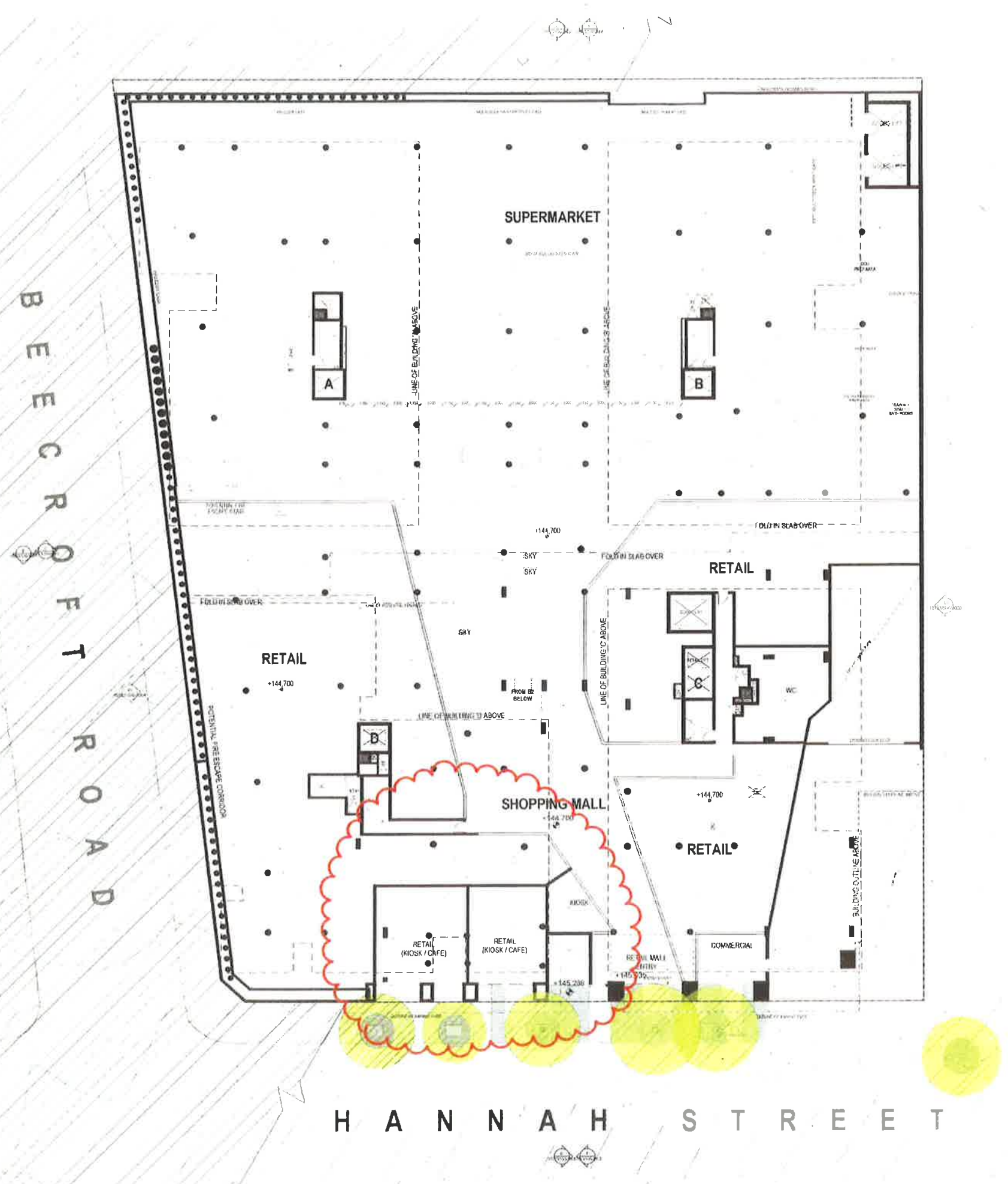
Drawing Series: S96/2 Dual Retail Entry  
Drawing Name: Precedent Study

Drawing Number: 10733/S96/8003  
Revision: A

**Electronic Determination  
2015SYW207  
DA1006/2014/B  
Section 96(2) Modification  
87-95 Beecroft Rd &  
16-24 Hannah St Beecroft**

**Attachment 9  
Approved Plans**

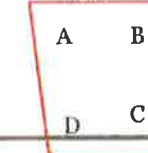




DO NOT SCALE  
THIS DRAWING IS FOR INFORMATION ONLY  
AND IS NOT TO BE USED FOR CONSTRUCTION

NOT FOR CONSTRUCTION

KEY PLAN



This document is approved subject to the notes,  
advice and conditions listed in Development  
Consent No. 04/2006/2014/A dated 5 August 2015

GENERAL MANAGER

Per *[Signature]*

Rev	Date	By	Ckd	Description
C	07/07/15	MR/DH/RW/B		ADJUSTED RETAIL MALL ENTRY
B	16/06/15	MR/DH/RW/B		SECTION 86 SUBMISSION
A	27/04/15	MR/DH/RW/B		SECTION 86 SUBMISSION

Client:  
Landream 1 (03) 989 3333



Structural Engineer:  
Robert Hind Group 1 (02) 8246 2000



Services Engineer:  
ADP Consulting 1 (02) 8201 2447



Fire Engineer:  
Bee Fire 1 (02) 8201 2447



Project Manager:  
Urban 1 (02) 8201 2447



DKO Architecture (NSW) Pty Ltd  
1/111 Macquarie Street  
Sydney, NSW 2000  
T: +61 2 9246 4500  
www.dko.com.au  
ABN: 61 950 706 599

Project Name: BEECROFT PLACE  
Project Number: 10733  
Project Address: 10733 Beechcroft Rd,  
Leecroft, NSW 2119  
Drawn By: JG, MR, SD, DS  
Checked By: SH, RM  
Date: April 2015  
Scale: 1:200 @ A1 size

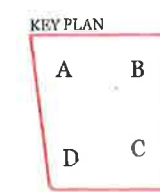
Drawing Series: 10733  
Drawing Name: General Layout Plan

Drawing Number: 10733/S96/2005  
Revision: C





NOT FOR CONSTRUCTION



**HORNSBY SHIRE COUNCIL**

This document is approved subject to the notes, advice and conditions listed in Development Consent No. 08/kn6/2014/A dated 5 August 2015

**GENERAL MANAGER**

Per Orsham

- C 07/07/15 MRJIS RMVND ADJUSTED RETAIL MALL ENTRY
- A 27/04/15 MRJIS RMVND SECTION 96 SUBMISSION
- Client: Landream 1 (03) 989 3333
- Structural Engineer: Robert Dini Group 7 (02) 8246 3200
- Services Engineer: ADP Consulting 1 (02) 8293 5447
- Fire Engineer: Raw Fire 1 (02) 9293 6666
- Project Manager: Urban Pty Ltd 1 (02) 8208 6400



DKO Architects (NSW) Pty Ltd  
 10/11-13/15 Macquarie Street  
 Sydney, NSW 2000  
 T +61 2 9246 4500  
 info@dko.com.au  
 www.dko.com.au  
 AHS: 81 9556 206 590

Project Name: BEECROFT PLACE  
 Project Number: 10733  
 Drawn By: JH, ME, SD, DS  
 Checked By: NH, RM  
 Date: April 2015  
 Scale: 1:200 @ A1 size

Drawing Number: 10733/S96/2006  
 Revision: C



Hannah St Elevation  
1:200

**HORNSBY SHIRE COUNCIL**

This document is approved subject to the notes, advice and conditions listed in Development Consent No. DA/1006/2014/1 dated 5 August 2015

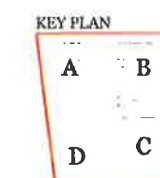
**GENERAL MANAGER**

Per *Graham*




1. The purpose of this document is to provide information to the public regarding the proposed development and the conditions of the Development Consent.

2. The information provided in this document is for general information only and does not constitute an offer of any financial product or service.

**NOT FOR CONSTRUCTION**



**INDICATIVE FINISHES**

-  FB 1. Face Brick (Brown)
-  FB 2. Face Brick (Dark Grey)
-  RB 1 Rendered Brick (Light)
-  RB 2 Rendered Brick (Dark)
-  LW 1 Rendered concrete
-  Indicate retail signage location

Rev	Date	By	Cnd	Description
C	13.07.15	MRDN RMNB	SECTION 96 SUBMISSION	
B	16.06.15	MRDN RMNB	SECTION 96 SUBMISSION	
A	27.04.15	MRJUS RMNB	SECTION 96 SUBMISSION	

Client:  
Landream T (03) 989 3333



Consultants:  
Structural Engineer:  
Robert Bird Group T (02) 8246 3200



Service Engineer:  
ADP Consulting T (02) 8403 5447



Fire Engineer:  
Raw Fire T (02) 9499 6665



Project Manager:  
Urban Pty Ltd T (02) 8948 6400



**DKO**

DKO Architecture (NSW) Pty Ltd  
C/o, 38-48 MacArthur Street  
Ultimo, NSW 2007  
T +61 2 9246 4500  
info@dko.com.au  
www.dko.com.au  
ABN: 61 956 706 590

NSW Nominated Architects  
Koon de Kijzer 57678  
David Randerson 8542

Project Name: WHEELHOP PLACE  
Project Number: 10733  
Project Address: 10733, 10735, 10737, 10739, 10741, 10743, 10745, 10747, 10749, 10751, 10753, 10755, 10757, 10759, 10761, 10763, 10765, 10767, 10769, 10771, 10773, 10775, 10777, 10779, 10781, 10783, 10785, 10787, 10789, 10791, 10793, 10795, 10797, 10799, 10801, 10803, 10805, 10807, 10809, 10811, 10813, 10815, 10817, 10819, 10821, 10823, 10825, 10827, 10829, 10831, 10833, 10835, 10837, 10839, 10841, 10843, 10845, 10847, 10849, 10851, 10853, 10855, 10857, 10859, 10861, 10863, 10865, 10867, 10869, 10871, 10873, 10875, 10877, 10879, 10881, 10883, 10885, 10887, 10889, 10891, 10893, 10895, 10897, 10899, 10901, 10903, 10905, 10907, 10909, 10911, 10913, 10915, 10917, 10919, 10921, 10923, 10925, 10927, 10929, 10931, 10933, 10935, 10937, 10939, 10941, 10943, 10945, 10947, 10949, 10951, 10953, 10955, 10957, 10959, 10961, 10963, 10965, 10967, 10969, 10971, 10973, 10975, 10977, 10979, 10981, 10983, 10985, 10987, 10989, 10991, 10993, 10995, 10997, 10999, 11001, 11003, 11005, 11007, 11009, 11011, 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**Electronic Determination  
2015SYW207  
DA1006/2014/B  
Section 96(2) Modification  
87-95 Beecroft Rd &  
16-24 Hannah St Beecroft**

**Attachment 10  
Notice of  
Determination**



Gat & Associates  
PO Box 96  
HABERFIELD NSW 2045

## NOTICE OF DETERMINATION

Approval

Development Application No: DA/1006/2014/C

Pursuant to Section 96 1A.) of the *Environmental Planning and Assessment Act 1979* consent is granted to the development, it being noted that Council is satisfied that the development remains substantially the same development as that originally approved.

The development consent is subject to the conditions specified within this notice and will lapse unless the development is physically commenced within five years of the effective date of the original determination.

Section 97 of the Act allows an applicant who is dissatisfied with the determination of a consent authority, a right of appeal to the Land and Environment Court within 6 months from the date of this notice.

---

<b>Property:</b>	Lot 11 DP 601185, Lot B DP 177495, Lot 1 DP 1096815, Lot 1 DP 900898, Lot B DP 4367, Lot 12 DP 601185, Lot 1 DP 211441 No. 87-91 & 95 Beecroft Road & 16-24 Hannah Street, BEECROFT NSW 2119
<b>Original development:</b>	Demolition of 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.
<b>Effective date of original determination:</b>	17 December 2014.

---

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**Date of 1<sup>st</sup> 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), 2 g), 2 h), 24 d), 52A, 72

**Conditions Deleted:** 2 b), 7

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

---

**Date of this modification:** 3 February 2016

**Details of this modification:** Deletion of Condition No. 43 (i) for basement paint finish and amend Condition No. 14 a) for stormwater detention.

**Conditions Added:** Nil

**Conditions Deleted:** 43 (i)

**Conditions Modified:** 14 a)

---

Per:

Manager, Assessments  
Planning Division

Contact: Garry Mahony (9847 6868 – 8.30 am to 5.00 pm)



**CONDITIONS OF APPROVAL****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:

<b>Plan No.</b>	<b>Drawn by</b>	<b>Dated</b>
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 & Kafes Pty Ltd	August 2014 / 23 April 2015
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 6m<sup>3</sup> for one bedroom units, 8m<sup>3</sup> for two bedroom units and 10m<sup>3</sup> 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.
- g) The plaza goods lift is to access Basement Level 3 and is to be made available for residential use.
- h) The substation facility is to include design for a landscape planter for an ornamental pear tree on the southern side of the facility.

## 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

<b>TOTAL</b>	<b>\$2,076,090.55</b>
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being for 75 x 1 bedroom units, 36 x 2 bedroom units, 19 x 3 bedroom units, 1,100.6m<sup>2</sup> new commercial floor space and 2,532.3m<sup>2</sup> 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:

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

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

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

$\text{CPI}_{DC}$  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](http://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](http://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 210 litres per second in the 50 year storm event.
- 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.
- d) The chute system supplier/manufacture is required to confirm that the each residential chute service room has sufficient space for the installation, operation and maintenance of the volume handling equipment (which automatically changes the bin under the chute when it becomes full) holding at least 2 of 660 L bins (and no compaction).

*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) Deleted.
- 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 be 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 to the western side of the driveway and to include an ornamental pear tree.
- 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 is to include a ticket validating machine for visitors to open the egress gate on Hannah Street. The Hannah Street egress is 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](http://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.

### CONDITIONS OF CONCURRENCE – ROADS AND MARITIME SERVICES

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

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:

#### **Hornsby Shire Council**

ABN 20 706 996 972

296 Peats Ferry Rd, Hornsby 2077

PO Box 37, Hornsby NSW 1630

Phone 02 9847 6666

Fax 02 9847 6999

Email [hsc@hornsby.nsw.gov.au](mailto:hsc@hornsby.nsw.gov.au)

Web [hornsby.nsw.gov.au](http://hornsby.nsw.gov.au)

- 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](http://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](http://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](http://www.environment.nsw.gov.au)

[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)

[www.adfa.org.au](http://www.adfa.org.au)

[www.workcover.nsw.gov.au](http://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.