

JRPP PLANNING REPORT

JRPP NO:	2009SYW009
DA NO:	318/2010/JP
APPLICANT:	Oz Design Furniture Pty Ltd
PROPOSAL:	Staged Warehouse and Ancillary Office Development for the Construction, Fitout and Occupation by Oz Design
PROPERTY:	Lot 2 DP 251094 Mile End Road, Rouse Hill
LODGEMENT DATE:	27 August 2009
REPORT BY:	Gavin Cherry – Development Assessment Coordinator The Hills Shire Council
RECOMMENDATION:	Approval

BACKGROUND

MANDATORY REQUIREMENTS

Applicant:	Oz Design Furniture Pty Ltd	1.	<u>LEP 2005</u> – Permissible with consent.
Owner:	N. and D. Shedden	2.	<u>SEPP (Major Development) 2005</u> – Satisfactory.
Zoning:	Light Industry 4(b)	3.	<u>SEPP (Infrastructure) 2007</u> – Satisfactory.
Area:	6,7310m ²	4.	<u>SEPP 64 – Advertising Signage</u> – Satisfactory.
Existing Development:	Dwelling House	5.	<u>BHDCP, Part C, Section 9 – Light Industry</u> – Variations, see report.
Capital Investment Value:	\$26,350,000.00	6.	<u>BHDCP Part E, Section 15 – Kellyville / Rouse Hill</u> – Complies subject to conditions of consent.
		7.	<u>BHDCP Part D, Section 2 – Signage</u> – Variations for Stage 1 only, see report.
		8.	<u>Section 79C of the EP&A Act 1979</u> – Satisfactory.
		9.	<u>Section 94 Contributions:</u> <u>Stage 1:</u> \$610,648.50 <u>Stage 2:</u> Additional \$1,122,259.05 <u>Stage 3:</u> Additional \$1,179,423.96

SUBMISSIONS**REASONS FOR REFERRAL TO JRPP**

1. Exhibition:	Yes fourteen (14) days.	1.	Capital Investment Value in excess of \$10 Million pursuant to SEPP (Major Development) 2005.
2. Notice Adj Owners:	Yes fourteen (14) days.		
3. Number Advised:	Thirty Six (36) properties.		
4. Submissions Received:	Five (5).		

HISTORY

22/05/2009	Pre-lodgement Meeting with Council Officers.
27/08/2009	Subject Development Application lodged with Council.
01/09/2009	Referrals sent to the NSW Rural Fire Service, NSW Office of Water, NSW Roads and Traffic Authority, NSW Police Service and Sydney Water for comments and conditions.
10/09/2009	Development Application placed on public exhibition until 15 October 2009.
15/09/2009	<p>Letter sent to the applicant requesting the submission of additional and amended information concerning:-</p> <ul style="list-style-type: none"> • Compliance with (or justification addressing) the requirements of the DCP concerning building height, building setbacks and landscaping setbacks • Section Drawings (omitted from the application) • Additional information to rectify discrepancies with the floor area calculations • Submission of missing floor and elevation plans • Additional car parking calculations addressing the above numerical discrepancies • Amended Traffic and Parking Assessment Report addressing the above numerical discrepancies • Amended plans correcting incorrect notations • Additional Flora and Fauna assessment and amended setbacks to significant vegetation • Additional Acoustic Information • Additional Salinity Information • Amended engineering drawings, amended notations and longitudinal sections • Additional flood modelling information
13/10/2009	Letter sent to the applicant outlining additional issues raised by the NSW Police, NSW RTA, NSW Office of Water and Sydney Water.
22/10/2009	Response received from the applicant however this response did not satisfactorily address all issues raised.

26/10/2009	Further referral sent to the NSW Police and NSW RTA for consideration and comment.
06/11/2009	Further comments received from the NSW RTA.
12/11/2009	Site inspection undertaken between Council staff, the applicant and associated consultants.
30/11/2009	Further comments received from the NSW Police.
03/12/2009	Further letter sent to the applicant reiterating previous requests for information and responses to the partial information submitted on 22 October 2010.
19/01/2010	Further information submitted to Council from the applicant however this further response again did not satisfactorily address all issues raised.
19/01/2010	Further referral sent to the NSW Office of Water and Sydney Water for consideration and comment.
10/02/2010	Further comments received from Sydney Water requesting the submission of amended information.
26/02/2010	Further comments received from the NSW Office of Water advising that previous requests for amended information remain outstanding.
09/03/2010	Further letter sent to the applicant reiterating previous, and raising further issues regarding stormwater drainage, car park design, landscaping requirements, planning and DCP compliance requirements, Sydney Water, NSW Police and NSW Office of Water requirements.
22/03/2010	Further information received in response to the comments from the NSW Police Service.
23/03/2010	Further referral sent to the NSW Police Service.
12/04/2010	Further comments received from the NSW Police providing recommended requirements.
14/04/2010	Further letter sent to the applicant requesting the submission of all outstanding information by 28 April 2010.
22/04/2010	Briefing held at Council's Administration Building at the request of the Joint Regional Planning Panel to discuss the status of the Development Application.
29/04/2010	Final Notice letter sent to the applicant requesting the submission of all outstanding information by 6 May 2010. This letter advised no further extensions would be granted.
05/05/2010	Additional information submitted to Council for assessment including amended architectural plans, stormwater drainage plans, flood study, traffic and parking study, acoustic

	assessment and additional information concerning the proposed variations to the DCP.
11/05/2010	Documentation referred to the NSW Office of Water and Sydney Water for comment.
22/05/2010	Various engineering design drawings submitted to Council.
25/05/2010	Status Report sent to the Joint Regional Planning Panel Secretariat.
31/05/2010	Email received from the applicant requesting confirmation on engineering issues previously raised.
10/06/2010	Further letter sent to the applicant reiterating previous engineering and parking provision issues raised and additional engineering issues resulting from the submission of amended plans. This letter advised that comments from the NSW Office of Water remained outstanding.
15/06/2010	Amended plans and information submitted to Council. These plans did not address the issues raised by Council in letter dated 10/06/2010.
09/07/2010	Further amended plans and amended flood study submitted in response to Council's letter dated 10/06/2010.
14/07/2010	Amended Plans and Flood Study referred to the NSW Office of Water (to be reviewed in conjunction with the existing referral sent on 11/05/2010).
27/07/2010	General Terms of Approval received from the NSW Office of Water.

PROPOSAL

The Development Application is for the construction of a staged warehouse development with ancillary office space at Lot 2 DP 251094 Mile End Road, Rouse Hill. The proposal includes the following:-

- Stage 1 – 5,730m² of warehouse floor area, 220m² of ancillary commercial gross floor area and provision for 17 car parking spaces;
- Stage 2 – 16,665m² of warehouse gross floor area and 220m² of ancillary commercial gross floor area with provision for 66 car parking spaces. These area and parking calculations include works within Stage 1.
- Stage 3 (described by the applicant as the Master Plan Stage) - 2 x 4 storey office / warehouse buildings comprising 14,378m² of warehousing and light industry floor area and 13,999m² of ancillary office floor area with provision for 707 car parking spaces. These area and parking calculations include works within Stage 1 and Stage 2.

The subject site is known as Lot 2 DP 251094 Mile End Road, Rouse Hill, and has a total area of approximately 67,310m² with a frontage to Mile End Road of 262.9 metres and a depth of between 260 metres and 306 metres.

The land slopes from Mile End Road for the northern-most two thirds of the property with an average slope of 7% (being a cross fall of approximately 20 metres). A dam is located towards the rear of the site where the site slopes up (9%) towards the rear boundary to a relatively flat area (being approximately 9 metres higher than the dam). The dam is located within an ephemeral drainage line which forms a minor tributary of Second Ponds Creek.

The site is dissected by a depression in a south/ north direction that has been identified as a natural watercourse. Along the length of this watercourse is the large existing farm dam within the subject site. The application includes the de-silting and filling of the existing dam and the reconstruction of the natural watercourse within a 10 metre wide corridor in a realigned location on the site that fits with the proposed built form. The realigned watercourse has been designed as a naturalised channel in accordance with the requirements of both Council and the NSW Department of Environment, Climate Change and Water (DECCW) being the NSW Office of Water. In addition Sydney Water have also been consulted as they own the property immediately downstream of the subject site to which the realigned channel discharges to.

Note that while the plans indicate proposed allotment boundaries as part of a subdivision proposal, a five (5) lot subdivision is not included within the current development application and has been separately lodged with Council for assessment.

ISSUES FOR CONSIDERATION

1. Compliance with SEPP (Major Development) 2005

Clause 13(1) of SEPP (Major Development) 2005 provides the following referral requirements to a Joint Regional Planning Panel:-

“(1) This Part applies to the following development:

- (a) *development that has a capital investment value of more than \$10 million,*
- (b) *development for any of the following purposes if it has a capital investment value of more than \$5 million:*
 - (i) *affordable housing, air transport facilities, child care centres, community facilities, correctional centres, educational establishments, electricity generating works, electricity transmission or distribution networks, emergency services facilities, health services facilities, group homes, places of public worship, port facilities, public administration buildings, public ferry wharves, rail infrastructure facilities, research stations, road infrastructure facilities, roads, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, wharf or boating facilities,*
- (c) *Crown development that has a capital investment value of more than \$5 million,*
- (d) *Development for the purposes of eco-tourism facilities that has a capital investment value of more than \$5 million,*
- (e) *Designated development,*

(f) *Subdivision of land into more than 250 lots."*

The proposed development provides a capital investment value of \$26,350,000.00 thereby requiring referral to, and determination by, a Joint Regional Planning Panel. In accordance with this requirement the application was referred to, and listed with, the JRPP for determination.

2. Compliance with Local Environmental Plan 2005

The proposal for a warehouse and ancillary office development within the Light Industry 4(b) zone is permissible development pursuant to Baulkham Hills Local Environmental Plan 2005.

In addition the following relevant clauses within BHLEP 2005 have been considered and addressed below:-

"23 Development of flood liable land

- i) *Consent must not be granted for development of land that, in the opinion of the consent authority, may be subject to flooding, unless the consent authority has taken into account the following aim of this plan:*
 - *to reduce the impact of flooding on owners and occupiers and to reduce private and public losses resulting from flooding, whilst ensuring the environment is conserved and protected.*
- ii) *Despite any other provision of this plan, development must not be carried out on land that is subject to the flood standard, except with development consent."*

Comment

The proposed works do not result in any adverse flood impact on the site, adjacent sites or down stream properties and are considered satisfactory as they have been endorsed by both Sydney Water and the NSW Office of Water subject to compliance with General Terms of Approval.

"25 Protection of riparian land near creeks

- i) *Consent must not be granted to the carrying out of development within 200 metres of a creek, unless the consent authority is satisfied that the development will not have a detrimental impact on natural ecosystems, flora and fauna, water quality, natural drainage channels, visual amenity, flooding, soil erosion or topographical features."*

Comment

The proposed works are not considered to have a detrimental impact on the natural environment or general amenity of the surrounding locality. The proposal is therefore considered satisfactory and has been endorsed by both Sydney Water and the NSW Office of Water subject to compliance with General Terms of Approval.

3. Compliance with BHDCP Part C, Section 9 – Light Industry

The proposed Development Application was assessed against the relevant development standards within BHDCP Part C, Section 9 – Light Industry as demonstrated below:-

DCP STANDARD	REQUIRED	PROPOSED	COMPLIANCE
Floor Space Ratio	1:1	0.846:1 (Stage 3 after subdivision)	Yes
Floor Areas	50% of buildings / units may be 100m ² - 150m ² All others must be min 150m ²	Single large warehouse proposed	Yes
Max Ancillary Office Floor Area	Max 50% of the unit floor area can be ancillary office.	Stage 1 & 2: Minimal office proposed Stage 3: 13,999m ² (Office) / 14,378m ² (Light Industry) = 49% of the proposed gross floor area.	Yes Yes
Setback – Mile End Road	Minimum 20 metres	57.0 metres	Yes
Setback –	Rear: 10 metres to all works Side: 5 metres to Building and 2 metres to Parking 40 metres to top of creek or to requirements of DNR (now replaced by the NSW Office of Water).	5.5 metres 2m to driveway 20m to external wall 13.5m to the awning General Terms of Approval were received from the NSW Office of Water and Sydney Water raising no objection to the proposed works subject to conditions of consent.	No – variation considered satisfactory as detailed below. Refer to Section 3.2 of this report for further detail. Yes Yes
Height	Maximum 15 metres	Maximum 23.8	No – variation

	(within 30 metres of residential properties then a maximum height of 10 metres is applied)	metres (Northern Elevation) to natural ground level but 21.4 metres to finished ground level.	considered satisfactory as detailed below. Refer to Section 3.1 of this report for further detail.
Fencing	<p>Only low ornamental fencing permitted.</p> <p>Fencing along trunk drainage boundary to integrate with landscaping</p> <p>Chain wire fencing to be black or dark green</p> <p>Pre-painted solid fencing is not permitted.</p>	Perimeter fencing and an access gate has been requested by the NSW Police Force to prevent trespass. The applicant has confirmed that the existing post and rail fencing will remain.	Yes – as existing on site.
Loading Docks	Merit Assessment – Details Required.	Loading dock adjacent to western boundary, not visible from road and adequately setback with landscape strips.	Yes
Hours of Operation	7.00am - 6.00pm without further acoustic testing.	7.00am – 6.00pm Monday – Saturday with potential internal operation for the internal warehouse and office areas until 10.00pm and Sunday operation.	Yes – acoustic report submitted and considered satisfactory.
Parking Landscaping	<p>2 metres between parking and property boundaries</p> <p>2 metres landscape after every 10 spaces</p>	<p>2.0m proposed to the western, proposed northern and eastern boundaries.</p> <p>2.0m proposed between every 10 parking spaces and parking rows.</p>	<p>Yes</p> <p>Yes</p>
Bicycle Parking	2 plus 5% of total parking required. (Not clustered in more than 16)	Amended plans do not depict the required bicycle parking.	No – however this has been recommended as a condition of consent within each stage to

			ensure compliance.
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3.1 Building Height

Clause 2.7(a) of Baulkham Hills Development Control Plan, Part C, Section 9 – Light Industry provides the following development standard regarding height:-

"(a) In all industrial zones other than the Castle Hill Industrial area, the maximum building height of any structure or building shall be no more than 15 metres above ground level except:-

- where the building is within 30 metres of a residential property boundary where the height will be a maximum of 10 metres; or*
- the area is the subject of Appendix 1 Sheet 6 where the building height envelope specified on Sheet 6 applies."*

In addition Clause 2.7 provides the following applicable objectives:-

"(i) To ensure that building heights respond to the existing landform of the neighbourhood, including ridgelines and drainage depressions.

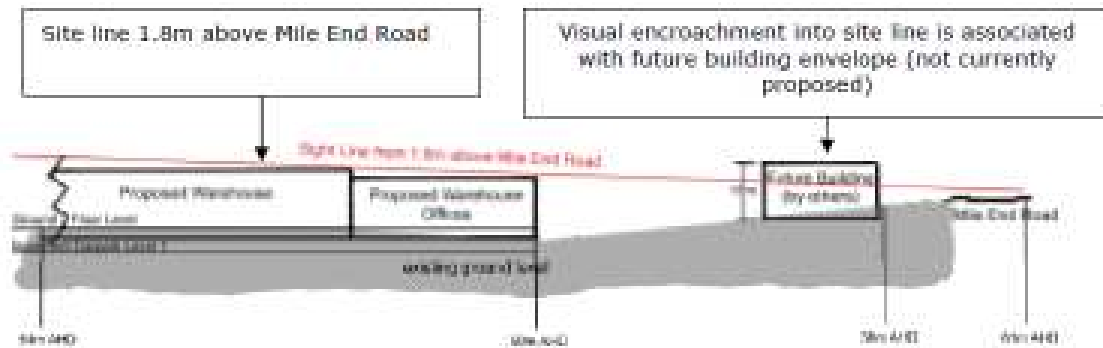
(ii) To protect privacy and amenity of surrounding allotments and residential development.

(iii) To minimise overshadowing of adjoining allotments."

The applicant has provided the following justification for the proposed height variation:-

- The buildings are located within the lowest part of the land and integrate with the landscape and topography;
- The departures from the height plane are largely due to the existing dam located on the land;
- The points of encroachment are only visible from Sydney Water land and an adjacent industrial zoned allotment; and
- The buildings are not within 30 metres of a residential property.

In addition the applicant has provided the following sight line diagram to support and justify the proposed height variation:-



Comment:

The subject site has an existing dam and has a significant depression in the centre of the site. The land also slopes down significantly from Mile End Road to the rear of the site. In this regard the proposed development provides a maximum height above natural ground level of 23.8 metres at the low point of the site.

The proposed development and resulting ridge levels have been considered against the existing and proposed allotment boundaries to ascertain the impact of the development and resulting building height variation as viewed from the public domain and adjacent properties.

The proposed development will not provide a dominant built form as viewed from the public domain being approximately 8 metres in height above the natural ground level of the front boundary. Future development of the front portion of the site would further screen the building from the public domain.

The development as viewed from the southern neighbouring property provides a height of 16.4 metres above natural ground level at the boundary. The minor visual encroachment of 1.4 metres is considered justifiable given the setback to the Mile End Road.

The development as viewed from the north western boundary has a 6.4 metre height variation above the 15 metre limit. Given the adjacent property is Sydney Water land and provides substantial vegetation, the encroachment is considered justifiable and satisfactory.

The development as viewed from the proposed internal boundary provides the most significant building height being 24.9 metres above natural ground level at the proposed boundary. This height is due to the existing ground level depression (associated with the existing dam and drainage channel) and the required amended drainage channel.

The visual impact of the development is not significant given the slope of the land. The variation generates no amenity or privacy impacts due to the existing scale of vegetation and use of the rear land by Sydney Water.

With respect to the drainage depression, the application includes the de-silting and filling of the existing dam and the reconstruction of the natural watercourse within a 10 metre wide corridor in a realigned location on the site that fits with the proposed built form. The realigned watercourse has been designed as a naturalised channel in accordance with the requirements of both Council and the NSW Department of Environment, Climate Change and Water (DECCW) being the NSW Office of Water and ensures satisfactory consideration of the existing topography and drainage requirements of the site have been addressed.

As a result the proposed variation to maximum building height within the DCP is considered supportable.

3.2 Rear Setback

Clause 2.6(a) of BHDCP Part C, Section 9 – Light Industry provides the following development standards concerning rear setback requirements:-

"a) The building setbacks to roads, open space, trunk drainage and other lands, are shown in Appendix 1, Sheets 2 – 7"

Sheet 7 of Appendix 1 requires a ten (10) metre landscaped setback along the rear property boundary. The proposed development provides a minimum 5.650 metre setback to the rear property boundary. It is noted that the original design submitted to Council provided a 3.0 metre setback buffer.

In addition Clause 2.6 provides the following applicable objectives:-

- "i. To provide an open streetscape with substantial areas for landscaping and screen planting.*
- ii. To provide an effective buffer to preserve the natural features and creeks in accordance with Council's ESD Objective 4 .*
- iii. To minimise overshadowing of adjoining properties.*
- iv. To protect privacy and amenity of any adjoining land uses.*
- v. To provide a desirable and aesthetically pleasing working environment."*

The applicant has provided the following justification for the proposed variation:-

- The land adjoining the site (to the rear) is zones "Special Uses Sewerage Treatment Works" and the DCP provides no justification for the 10 metre setback requirement;
- Any buffer required for Sydney Water purposes should be located on Sydney Water's land;
- The use of the adjoining land is not visually offensive with industrial development not requiring extensive buffer treatments; and
- The landscape buffer has been approved with asset protection zone encumbrances within adjacent subdivisions;

Comment:

The rear setback development standard of 10 metres was provided to provide a landscape treatment between the subject site (and future development of the allotment) and the adjacent Sydney Water Land. The setback however was also incorporated into the DCP to protect identified threatened species (communities) within the rear Sydney Water allotment of which adjacent development on the site could adversely impact upon as well as mapping of endangered communities on the subject site.

Vegetation on the site comprises the endangered ecological communities Cumberland Plain Woodland and Shale-Sandstone Transition Forest. While these communities are

represented largely in the form of isolated trees, the diversity of native understorey species in these areas is unusually high (89 native species) for local stands of this vegetation.

The north-western boundary, and the northerly 100m of the northeast boundary of the subject site adjoins highly significant, intact Cumberland Plain Woodland and Shale-Sandstone Transition Forest (SSTF) (both Endangered Ecological Communities under the Threatened Species Conservation Act 1995). Furthermore, intact SSTF extends into the boundaries of the subject site for a distance of 10m to 20m.

In response to concerns raised, a joint site inspection with Council staff, the applicant and associated consultants was arranged on 12 November 2009. This inspection identified the location of trees to be retained and reiterated the need for an increased setback from the 3.0 metres originally proposed. In response to this request a detailed Flora and Fauna Assessment was submitted to Council in conjunction with amended plans depicting a rear setback of between 5.65 metres and 11.5 metres. This amended design seeks to retain all existing trees located within 10 metres of the boundary in a variable 5.65 to 11.5m setback and provides permeable grass-crete substrate utilising native grasses in nearby car parking spaces.

As it is considered that the abovementioned measures would be sufficient to buffer the proposed development from the existing endangered vegetation on the adjoining property, the proposed variation to the rear setback requirements within the DCP is considered supportable.

4. Compliance with BHDGP Part D, Section 1 – Parking

The proposed development application was assessed against the relevant development standards within BHDGP Part D, Section 1 – Parking as demonstrated below:-

DCP STANDARD	REQUIRED	PROPOSED	COMPLIANCE
General Car Parking	<p>Warehousing: 1 space per 50m² of gross floor area.</p> <p>Ancillary Office: 1 space per 25m² of gross floor area.</p> <p>Light Industry (Production): 1 space per 50m² or 1 space per 2 employees, whichever is greater.</p> <p>Stage 1: 5730m² of warehousing floor area and 230m² of ancillary office floor area requiring 123.4 parking spaces (rounded up to 124 parking spaces).</p>	Stage 1: 17 spaces	<p>No – however the resulting variations at Stage 1, 2 and 3 are considered satisfactory due to the purpose built nature of the development and the intensity of activity on site and the number of employees proposed.</p> <p>No – Deficit of 107 spaces.</p>

	<p>Stage 2: 16,665m² of warehousing floor area and 220m² of ancillary office floor area requiring 342.1 parking spaces (rounded up to 343 parking spaces).</p> <p>Stage 3: 14,378m² of warehousing and light industry floor area and 13,999m² of ancillary office floor area requiring 847.12 parking spaces (rounded up to 848 parking spaces).</p>	<p>Stage 2: 66 spaces</p> <p>Stage 3: 707 spaces</p>	<p>No – Deficit of 277 spaces.</p> <p>No – Deficit of 141 spaces.</p>
Visitor Car Parking	1 space per 2 units for multi unit developments	As the development is a single entity, no additional visitor parking is required.	N/A
Minimum Parking	Buildings between 100m ² and 150m ² require minimum 3 spaces.	Not Applicable for this development type as the warehouses are no individual units.	N/A
Disabled Parking	Disabled Parking: DCP does not require disabled parking for industrial developments.	12 disabled spaces proposed.	Yes
Motorcycle Parking	Motorcycle: 1 space per 50 cars = 17.12 motorcycle spaces being 18 motorcycle spaces.	Only 15 spaces identified however the plan incorrectly refers to 20.	No – The amended plans still provide insufficient motorcycle parking (being 15 spaces rather than the 20 spaces noted on the plans) however the variation of 3 spaces is considered satisfactory as the development is a purpose built facility with parking designed to suit the needs of

			the existing employees.
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4.1 Car Parking Variation

Table 1 of BHDCP Part D, Section 1 – Parking requires parking to be provided at the following rates:-

- Warehousing: 1 space per 50m² of gross floor area.
- Ancillary Office: 1 space per 25m² of gross floor area.
- Light Industry (Production): 1 space per 50m² or 1 space per 2 employees, whichever is greater.

An assessment against these parking requirements was undertaken which identified the following parking requirements for each stage of the development:-

- Stage 1: 17 spaces (however a deficit of 107 spaces has been identified)
- Stage 2: 66 spaces (however a deficit of 277 spaces has been identified)
- Stage 3: 707 spaces (however a deficit of 141 spaces has been identified)

Clause 2.1 of BHDCP Part D, Section 1 – Parking provides the following applicable objective:-

"(i) *To provide sufficient parking that is convenient for the use of residents, employees and visitors of the development.*"

The applicant has provided the following justification for the proposed variations:-

- Examination of existing Oz Design Warehouse developments was undertaken which showed that the Council's parking requirements significantly exceed the demand requirements of the development;
- Surveys at 3 existing major furniture distribution facilities demonstrated that only 30 – 40 spaces were occupied at any one time (being Fantastic Furniture, Fairfield and Freedom Furniture, Kings Park);
- The proposed parking for stage 1, 2 and 3 exceeds that required for the employees present within each stage (i.e approximately 10 persons in stage 1 and 20 persons in stage 2)

Comment

The development provides warehouse occupation within Stage 1 and Stage 2 and as such the intensification of use on site and resulting car parking demand is considered to be minimal. The development will provide approximately 10 persons in stage 1 and 20 persons in stage 2 which is more than accommodated through the provision of 15 car parking spaces within Stage 1 and 81 parking spaces within Stage 2.

In order to demonstrate that the variation proposed relates wholly to the warehouse / light industrial component of the development, the applicant has provided parking breakdowns which depict compliant office floor area parking allocation but non compliant warehouse / light industrial car parking allocations for Stage 3. The ancillary office component of the development requires 560 car parking spaces. Given 707 car parking spaces are proposed, this results in 147 car parking spaces being dedicated to the warehouse / light industrial component. Given the preceding Stage 1 and 2 components

are predominantly warehouse in operation with the allocation of 17 and 66 car parking spaces, the Stage 3 allocation of 147 spaces (being a numerical variation) is considered satisfactory as the warehouse component is not considered to be the highest intensity of use on the development site.

When considering the NSW Roads and Traffic Authorities requirements within their "Guide to Traffic Generating Development", the development would require 1 parking space per 300m² of warehouse floor area. Adopting the RTA's parking requirements, the proposed development would require the following parking within each stage:-

- Stage 1: 28 spaces (with 17 spaces proposed being a deficit of 11 spaces)
- Stage 2: 65 spaces (with 66 spaces proposed being a surplus of 1 space)
- Stage 3: 608 spaces (with 707 spaces proposed being a surplus of 99 spaces)

In this regard the only variation to the RTA's requirements is within Stage 1, associated with 10 employees which is rectified with the construction of the Stage 2 and Stage 3 works.

Given the demand generations demonstrated on similar sites within the Blacktown Local Government Area and the modelling data and demand analysis for the subject development, the proposed variation to on site parking contained within BHDCP Part D, Section 1 – Parking is considered supportable.

4.2 Motorcycle Parking Provision

BHDCP Part D, Section 1 – Parking requires motorcycle parking to be provided at the following rates:-

- 1 motorcycle parking space per 50 required car parking spaces

As a result the proposed development requires the provision of 18 motorcycle parking spaces (rounded up as per the DCP requirements) and while the amended plans submitted to Council refer to the provision of 20 motorcycle parking spaces, the plans reflect the provision of 15 motorcycle parking spaces representing a 3 space deficit.

The resulting variation of 3 spaces is considered satisfactory in this instance as the development is a purpose built facility with parking provision designed to suit the needs of the existing employees. It is not anticipated that a high volume of visitors will attend the site. As a result the provision of additional visitor motorcycle parking is not considered to be a requirement for this type of development. The provision of 15 motorcycle parking spaces is considered to be sufficient to cater for the needs of the existing Oz Design workforce and as such is considered satisfactory.

5. Compliance with BHDCP Part D, Section 2 – Signage

The proposed development application was assessed against the relevant development standards within BHDCP Part D, Section 2 – Signage as demonstrated below:-

DCP STANDARD		PERMISSIBLE	PROPOSED	COMPLIANCE
3.1	a)	Advertising shall not incorporate flashing lights or animated or moving components.	No animated or moving parts proposed.	Yes
	b)	Signs shall be	Fixed	Yes

		permanently fixed to the premises.		
	c)	Advertising shall not be located or constructed in such a manner as to obstruct any other approved sign.	Signage does not obstruct view of existing signs.	Yes
	d)	Permanent signs shall not be located or constructed in such a manner as to obstruct the view of traffic lights or street signs, nor detrimentally obstruct motorists' or pedestrians' vision at an intersection or on any public road.	Signage does not obstruct view of traffic lights, street signs or pedestrian and vehicular movements / sight lines.	Yes
	e)	Signs shall not be constructed of canvas, calico or any like material.	Signs are not proposed of canvas, calico or the like.	Yes
	f)	A free-standing pylon sign shall not exceed ten (10) metres in height, measured from the existing ground level to the top of the structure, provided that the height of any pole sign shall have regard to the nature and height of development in the immediate vicinity.	N/A	N/A
	g)	Projecting wall signs and flush wall signs shall not extend above the wall to which they are attached.	Does not extend above wall.	Yes
	h)	All proposed signage is to be consistent with the objectives of State Environmental Planning Policy No.64 – Advertising and Signage as specified in clause 3(1)(a) of the SEPP.	See separate assessment within Item 6 of this report.	See separate assessment within Item 6 of this report.
	i)	Applications for signage must demonstrate how the proposed signage	See separate assessment within Item 6 of this report.	See separate assessment within Item 6 of

		satisfies the assessment criteria specified in Schedule 1 of State Environmental Planning Policy No.64 – Advertising and Signage.		this report.
	j)	No structure will be erected within 3 metres of the kerb or carriageway. Any structure within 5 metres of the kerb or carriageway will be of frangible design.	N/A	N/A
3.5	a)	<p>Only one (1) free-standing pylon sign shall be permitted on any parcel of land zoned light industry or Business Park, and shall meet the following requirements:-</p> <ul style="list-style-type: none"> • The height of any free-standing pylon sign shall not exceed ten (10) metres measured from the existing ground level to the top of the structure and shall have regard to the nature and height of development in the immediate vicinity; • The maximum width of the entire structure shall be two (2) metres. • The maximum advertising display area within the structure shall be no greater than 12.0m² with maximum advertising dimensions of 1.5 metres in width and 8.0 metres in height. No advertising shall be permissible within the bottom 2.0 metres of the structure. • The free-standing pylon 	N/A	N/A

		<p>sign may identify the names of the occupant(s) of individual unit/suite in the premises and may include a logo or symbol that identifies the business, but does not include general advertising of products, goods or services; and</p> <ul style="list-style-type: none"> • The free-standing pylon sign may be erected in the landscaped setback area. 		
	b)	<p>Only one (1) free-standing tenancy listing board shall be permissible per parcel of land zoned light industry or Business Park meeting the following requirements:-</p> <ul style="list-style-type: none"> • The maximum size of the tenancy listing board shall not exceed 6.0m². • The height shall not exceed two (2) metres measured from the existing ground level to the top of the structure and the width of the structure shall not exceed 3 metres; • The structure is to be located at the entry to the site and may be incorporated with an area containing mail boxes for individual units; • The tenancy listing board shall include the property address and identify the names of the occupant(s) of each unit/suite in the premises, but does not include general advertising of products, goods or services. 	N/A	N/A

		<p>Colour and font used on the tenancy listing board is to be consistent; and</p> <ul style="list-style-type: none"> The structure may be erected in the landscaped setback area. 		
	c)	<p>The combined sign area of all signs on the facade of a building will be permitted on the basis of 0.5m² of sign per one (1) metre of length of the building façade which addresses the primary frontage of the site.</p> <p>Stage 1: Mile End Road: 50.4m being 25.2m²</p> <p>Stage 2: Mile End Road: 100.6m being 50.3m²</p> <p>Stage 3: Mile End Road: 100.6m being 50.3m²</p>	<p>30.08m²</p> <p>30.08m²</p> <p>30.08m²</p>	<p>No – Stage 1 only.</p> <p>Yes</p> <p>Yes</p>
	d)	<p>Where the building has more than one (1) frontage, the maximum advertising area for a sign on any side elevation (in addition to signage specified in clause (c) above) shall not exceed 0.25m² of sign per one (1) metre of length of the façade of the building.</p> <p>Hudson Ave: 235.2m being 58.75m² permissible.</p>	N/A	N/A
	e)	<p>Where a premises or building contains multiple occupancies, the maximum area of signage allowed on the façade of each occupancy shall be determined on the basis of 0.5m² per 1 metre of length of façade of the subject unit or suite.</p>	N/A	N/A

3.10	a)	Any illuminated signage shall not adversely impact upon adjoining properties and shall be designed to ensure that no light spills onto adjoining or adjacent properties.	The proposed signage is not illuminated	N/A
	b)	Any illumination of signage shall be switched off upon the closure of business each day. Should the business operate during normal business hours only, illumination shall be switched off by 9 p.m. daily.	The proposed signage is not illuminated	N/A
	c)	Illuminated signage is prohibited within Residential zones other than an illuminated cube light to identify health care premises.	N/A	N/A
	d)	Illuminated signs are not to be used on the land upon which a heritage item is located.	N/A	N/A
3.11	a)	The following types of advertisements and advertising structures shall not be erected or displayed: <input type="checkbox"/> Roof-top signs; <input type="checkbox"/> Air borne signs (blimps); <input type="checkbox"/> A-frame board signs or moveable placards.	N/A	N/A
		Where a sign is erected without Council's consent or not in accordance with Council's consent, Council may alter, demolish or remove the sign and may recover from the advertiser all expenses incurred.	N/A	N/A
		The provisions of this Policy do not apply to	N/A	N/A

		signs which, from time to time, are required to be erected by Council or any other body or person under the provisions of any Act.		
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5.1 Stage 1 Signage Variation

The proposal includes a minor signage variation associated with the Stage 1 construction. Pursuant to the DCP, the maximum signage permitted is 25.2m² however the proposal includes 30.08m². It is noted that this signage remains unchanged throughout Stages 2 and 3 construction works and as such at Stage 2 and 3 the development complies with the DCP requirements.

Given the resulting variation is only 4.88m² and is rectified by Stage 2, the resulting Stage 1 variation is considered satisfactory as the signage is proportionate to the size and scale of the building and is not offensive within the streetscape due to the generous front setback of the proposed development.

6. Compliance with SEPP 64 – Advertising Signage

State Environmental Planning Policy No. 64 – Advertising Signage requires consideration of the following design considerations:-

"A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1."*

An assessment against Schedule 1 of SEPP 64 – Advertising Signage is provided below:-

Assessment Criteria	Proposal	Compliance
Character of the Area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is not considered a proliferation of visual media within the streetscape and complies with the Stage 2 and 3 requirements.	Yes
Special areas Does the proposal detract from the amenity or visual	The proposed signage is not considered a proliferation of	Yes

quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	visual media within the streetscape and complies with the Stage 2 and 3 requirements of the DCP. The signage is also not considered to detract from the amenity, visual or environmental features of the site and is considered satisfactory with respect to the surrounding industrial and residential zoned properties.	
Views and vistas		
Does the proposal obscure or compromise important views?	The signage does not compromise important views.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	No	Yes
Does the proposal respect the viewing rights of other advertisers?	The proposal does not have a detrimental impact on the viewing rights of other advertisers.	Yes
Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage is not considered a proliferation of visual media within the streetscape and complies with the Stage 2 and 3 requirements and the locality setting.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?		
Does the proposal reduce clutter by rationalising and simplifying existing advertising?		
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?		
Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed	The proposed signage is not considered a proliferation of visual media within the streetscape and complies with the Stage 2 and 3 requirements	Yes

<p>signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>and the locality setting. The signage is also in scale with the bulk and scale of the development.</p>	
<p>Illumination</p> <p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Is the illumination subject to a curfew?</p>	<p>The site is located within a Light Industrial zone with nil illumination.</p>	<p>Yes</p>
<p>Safety</p> <p>Would the proposal reduce the safety for any public road?</p> <p>Would the proposal reduce the safety for pedestrians or bicyclists?</p> <p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>It is not considered that the proposal reduces safety as specified in SEPP 64</p>	<p>Yes</p>

7. Compliance with Section 79C of the EP & A Act 1979

The proposal has been assessed against Section 79C of the Environmental Planning and Assessment Act 1979 as follows:-

(a) (i) Any environmental planning instrument

Satisfactory as detailed within Section 1 - 6 of this report above.

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

Not Applicable – there is no draft planning instrument applicable to the proposed development.

(iii) any development control plan, and

Satisfactory as detailed within Section 3 - 5 of this report above.

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

Not Applicable – there is no planning agreement applicable to the proposed development.

(iv) any matters prescribed by the regulations,

Satisfactory.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Satisfactory – The proposed works are not considered to provide an adverse impact on the natural and built environment and ensure the retention of significant vegetation where possible. The proposed engineering works and landscaping proposed within the existing water course have been reviewed by Sydney Water, the NSW Office of Water and Council's Engineering Section and are considered to be satisfactory.

(c) the suitability of the site for the development,

Satisfactory – The proposed development provides works which respond to the existing natural features of the site without adverse impact on the existing water course, rear vegetation and neighbouring properties.

(d) any submissions made in accordance with this Act or the regulations,

Satisfactory - The issues raised within the received submissions are addressed below within Item 8 of this report.

(e) the public interest.

Satisfactory – The proposed development is not considered to provide unsatisfactory social or environmental impacts within the locality.

8. Issues Raised in Submission

The Development Application was placed on public notification for a period of fourteen (14) days. Five (5) submissions were received during the notification period however two (2) of these submissions were anonymous.

While the issues raised are not considered to warrant refusal or amendment of the Development Application, the issues have been addressed within the table below:-

ISSUE	RESPONSE	OUTCOME
The traffic and parking analysis provided for both	Both the NSW Roads and Traffic Authorities Regional	Issue addressed.

<p>stages 1 & 2 covers all aspects of traffic circulation, ingress, egress and parking for employees. The complete lack of analysis for the master plan stage is unacceptable and suggests that the first two stages of analysis may in fact be inaccurate. The proposed truck volumes set out within the report are significantly below the RTA guidelines and the site design does not agree with these proposed volumes by any means.</p>	<p>Traffic Committee and Council's Traffic Management Section have reviewed the submitted Traffic and Parking Study and proposed development against existing traffic modelling data and the proposed development and associated traffic generation calculations are considered satisfactory for both Stages 1, 2 and 3 subject to conditions of consent.</p>	
<p>This section of road is not designed for high volume articulated truck traffic, nor is it suitable for the additional load that 700+ employees will create.</p>	<p>Both the NSW Roads and Traffic Authorities Regional Traffic Committee and Council's Traffic Management Section have reviewed the proposal and the proposed development is considered satisfactory having regard to the Light Industry 4(b) zoning of the site.</p>	<p>Issue addressed.</p>
<p>Why do they require 13 trucking bays for a proposed maximum of 30 trucks per week?</p> <p>Will Mile End Road be reclassified to force the trucks to enter from Annangrove Road turning at Withers Road?</p> <p>Will restrictions be put on the hours of operation to remove truck traffic outside of standard business hours?</p>	<p>The proposal is for a warehouse and office development and the proposed truck bays provide provision for storage of vehicles on site.</p> <p>There is no intention to change the classification of Mile End Road which is currently a Council owned road without restrictive load limits that would preclude access to the proposed development.</p> <p>The site and the majority of properties on the northern side of Mile End Road are zoned Light Industry 4(b) permitting industrial development of this nature. The purpose built nature of the development and associated generous front setback is considered to mitigate the need for</p>	<p>Issues addressed.</p>

Will the approval be restricted to the current owners and proposed usage, due to the significant difference between the site capabilities and the proposed usage?	<p>restricted conditions concerning access. Refer to comments below regarding hours of operation for further discussion.</p> <p>Any development consent relates to the land rather than the occupant. Any change in occupation would still require strict adherence to all conditions of consent imposed if the application is approved.</p>	
Concern is raised with the proposed office hours of operation until 10.00pm and operation on Sundays.	<p>The development is proposed to operate between 7.00am to 6.00pm Monday to Saturday with potential extended operation until 10.00pm and on Sundays for internal warehouse and office activities. As noise generating works (such as heavy vehicular movements) are limited to between 7.00am and 6.00pm Monday to Saturday) the proposed typical hours of operation are considered satisfactory. The potential extended hours of operation for internal warehouse and office activities are also considered satisfactory (until no later than 10.00pm) provided the works are inaudible at any residential receiver boundary. Given the proposed setback of the development from Mile End Road, it is not considered that the proposed internal activities will adversely impact upon neighbouring residential amenity and are considered satisfactory.</p>	Issue addressed.
Tree planting should be undertaken around the site and around the proposed buildings.	The applicant has submitted a detailed landscape plan for each stage which was assessed by Council's Tree Management Section and is	Issue addressed.

	considered satisfactory.	
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ENGINEERING COMMENTS

The proposed Development Application was referred to Council's Engineering Department to review the design of the proposed car parking structure and stormwater drainage requirements including works within an existing water course running from the Sydney Water land at the rear through the centre of the site into the southern adjoining property. No objection is raised to the proposed development subject to conditions of consent.

TRAFFIC COMMENTS

The application was referred to Council's Traffic Projects Officer who has made the following comments with respect to the proposed works:-

a) Existing Traffic Environment

This application proposes to construct on a staged basis warehousing and ancillary office floor space at Lot 2 Mile End Road, Rouse Hill. A traffic report prepared by Transport and Traffic Planning Associates has been submitted in support of the application.

As part of the Kellyville/Rouse Hill DCP map requirements, Mile End Road is classified as a Class 3 Sub Arterial Road and will ultimately be constructed with a 13 metre wide carriageway and two 3.5m wide footpaths. Also included as part of the DCP is the provision of a 2.5m wide cycleway on the northern side of Mile End Road.

b) Traffic Generation

The consultant has estimated the ultimate potential traffic generation of the proposed development at the completed Master Plan Stage at 262 vehicle trips per hour (vtph) based on the RTA Guideline rate of 0.5 vtph per 100m² GFA for warehousing and 1.5 vtph per 100m² GLA for office floor space.

A SIDRA analysis was also carried out to determine the impact this additional traffic will have on the surrounding road network and determined that the signalised intersection of Withers Road/Mile End Rd will continue to operate at a satisfactory Level of Service C both prior to and following completion of the proposed development.

c) Access and Sight Distance Requirements

Part of this Development Application also includes the construction of a new access road (150m long) on the northern side of Mile End Road servicing the proposed development and 3 other allotments.

The location of the proposed driveways for the warehousing and office development provide sight distance and maneuverability for the anticipated vehicles servicing the site. Similarly the proposed uncontrolled intersection of the new road and Mile End Road provides appropriate sight distance for turning vehicles in accordance with the appropriate Austroads and RTA Guideline requirements.

d) Recommendations

Based on the above assessment there is no objections to the proposed development in terms of traffic impact however a 2.5m wide cycle way across the Mile End Road frontage of the site is required as per BHDCP Part E, Section 15 – Kellyville / Rouse Hill.

WASTE MANAGEMENT COMMENTS

The proposed Development Application was referred to Council's Waste Management Section to review construction and on going use waste requirements. No objection is raised to the proposed development subject to conditions of consent.

ENVIRONMENTAL HEALTH AND SUSTAINABILITY COMMENTS

The proposed Development Application was referred to Council's Health and Environmental Protection Section to review the environmental impacts of works adjacent to the water course as well as acoustic implications for the development. No objection is raised to the proposed development subject to conditions of consent.

FLORA AND FAUNA COMMENTS

The Development Application and associated NSW Rural Fire Service requirements were referred to Council's Flora and Fauna Projects Officer to review the following components:

- The proposal to retain all existing trees located within 10 metres of the boundary in a variable 5.65 to 11.5m setback considering APZ requirements; and
- The proposal to provide permeable grass-crete substrate utilising native grasses in nearby car parking spaces.

Council's Flora and Fauna Projects officer has confirmed that the abovementioned measures would be sufficient to buffer the proposed development from the existing endangered vegetation on the adjoining property, considering the present condition of on-site and adjoining vegetation.

As a result no objection is raised to the proposed Development Application with no specific conditions of consent recommended.

TREE MANAGEMENT COMMENTS

The proposed Development Application was referred to Council's Tree Management Section to review the proposed landscaping and associated tree removal. No objection is raised to the proposed development subject to conditions of consent.

HERITAGE COMMENTS

The application was referred to Council's Heritage Planner who has made the following comments with respect to the proposed works:-

"The applicant seeks approval for staged construction of an industrial development consisting of a warehouse and offices, car parking and a public road of approximately 90m in length from Mile End Road.

The site itself is not listed as a heritage item but the NPWS Aboriginal Sites Register shows that 37 sites were previously recorded within a 2 kilometre radius of the study area.

The Aboriginal Site Survey Report included in the submission of the Development Application was originally undertaken for the previously approved subdivision for the same property. It is stated that these reports effectively deal with all required issues of an archaeological nature. The Aboriginal Site Survey Report concludes that there is no

evidence of previous Aboriginal occupation. The reports prepared by the Deerubin Local Aboriginal Land Council, Darug Tribal Aboriginal Corporation and Darug Custodian Aboriginal Corporation state they have no objections to the proposed development on the grounds of Aboriginal cultural heritage.

In conclusion, no objection is raised from a heritage perspective to the proposed development subject to the following recommended conditions:-

1. ABORIGINAL SITES OR RELICS

If, during the course of any works, any evidence of Aboriginal archaeological site or relic is found, all works on the site are to cease and the Department of Environment and Climate Change and the NSW Heritage Branch are to be notified immediately.

2. EUROPEAN SITES OR RELICS

If, during the earthworks, any evidence of European archaeological site or relic is found, all works on the site are to cease and the NSW Heritage Branch contacted immediately. All relics are to be retained in situ unless otherwise directed by the NSW Heritage Branch."

NSW POLICE COMMENTS

No objection is raised to the proposed development subject to comments and conditions of consent dated 15 September 2009 and 17 November 2009. Refer to Attachment No. 33. The requirements are summarised below:-

- Lighting to meet Australian Standards;
- On going vegetation management to reduce concealment and entrapment opportunities;
- Erection of boundary fencing and an access gate to control out of hours access to the car park;
- Provision of CCTV facilities to monitor the car park egress / ingress points and all public areas of the development; and
- Strategically placed sensor lighting throughout the development.

NSW ROADS & TRAFFIC AUTHORITY COMMENTS

The application was referred to the NSW RTA for comment pursuant to State Environmental Planning Policy (Infrastructure) 2007. Comments received from the RTA dated 6 October 2009 and 2 November 2009, provided conditions of consent which also included a request for Council to consider the traffic modelling calculations within the application. Refer to Attachment No. 34.

Comment in Response:

The NSW RTA commentary and additional traffic modelling data submitted from the applicant was re-assessed by Council's Traffic Management Section as detailed below:-

"When this application was considered at the SRDAC meeting of the 23/9/2009 the NSW RTA raised some concerns with respect to the traffic generation rate of 1.5 vtpm per 100m² GFA for commercial office floor space that had been adopted by Transport and Traffic Planning Associates (TTPA) in its accompanying traffic report. The NSW RTA in its letter to Council dated 6/10/2009 requested the applicant submit justification for adoption of the lower rate.

Following the submission by TTPA in response to these concerns the RTA in its letter dated 2/11/2009 acknowledged that some of the RTA rates were outdated and on this basis accepted the arguments put forward by the consultant justifying the lower 1.5 vtpm per 100m² GLA.

Similarly some of the parking provision rates within Council's Parking DCP would also appear to be outdated, particularly with respect of the parking provision for warehousing. Council's DCP states that 1 space per 50m² is required. Whereas the RTA rate for warehousing is 1 space per 300m². The Council rate would appear to originate from the smaller warehousing facilities in light industrial complexes such as those found in the Victoria Avenue precinct where there are multiple tenancies. In this case the larger scale single occupancy warehouse facility the parking provision rate of 1 space per 106m² GFA suggested by the applicant is considered satisfactory."

As a result the proposed car parking provision and comments provided from the NSW RTA are considered to be sufficiently addressed and satisfactory.

NSW OFFICE OF WATER COMMENTS

No objection is raised to the proposed development subject to General Terms of Approval dated 27/07/2010. Refer to Attachment No. 35.

NSW RURAL FIRE SERVICE COMMENTS

No objection is raised to the proposed development subject to comments and conditions of consent dated 17 September 2009. Refer to Attachment No. 36. The NSW Rural Fire Service has conditioned compliance with the recommendations and requirements detailed within the submitted Bushfire Threat Assessment Report prepared by Travers Bushfire and Ecology Pty Ltd dated 8 September 2009. This report requires an Asset Protection Zone as detailed within the plan below. A site inspection has also confirmed that the required Asset Protection Zone will not result in detrimental impact on the rear protected vegetation.



SYDNEY WATER COMMENTS

No objection is raised to the proposed development subject to comments and conditions of consent dated 27/07/2010. Refer to Attachment No. 37.

CONCLUSION

The proposed development has been assessed against Section 79C of the Environmental Planning and Assessment Act 1979, Local Environmental Plan 2005 and Baulkham Hills Development Control Plan and is considered satisfactory.

The proposed variation to the rear setback requirements within the DCP is considered satisfactory. The proposed encroachment was addressed within an amended Flora and Fauna Assessment in conjunction with amended plans depicting a rear setback of between 5.65 metres and 11.5 metres. This amended design seeks to retain all existing trees located within 10 metres of the boundary in a variable 5.65 to 11.5m setback and provides permeable grass-crete substrate utilising native grasses in nearby car parking spaces. As it is considered that the abovementioned measures would be sufficient to buffer the proposed development from the existing endangered vegetation on the adjoining property, the proposed variation to the rear setback requirements within the DCP is considered supportable.

The proposed variation to the building height requirements within the DCP is considered satisfactory as the visual impact of the development and the height visible from outside the site provides a building which is substantially less than 10 metres in height (as viewed from Mile End Road and the north western boundary) with a 1.4 metre visible variation as viewed from the southern adjoining property. The variation is only noticeable from within the Sydney Water land and the proposed allotments which provides nil amenity or privacy impacts due to the existing scale of vegetation and use of the rear land by Sydney Water. As a result the proposed variation to maximum building height within the DCP is considered supportable.

The proposed variation to advertising signage area is considered satisfactory as the signage is considered to be compatible with the bulk and scale of the development and ensures compliance with the DCP requirements following construction of Stage 2 and Stage 3 works.

The proposed variations to car parking and motorcycle provision requirements within the DCP are considered satisfactory as the development is a purpose built facility catering for an existing established workforce. The parking deficits at Stage 1 and 2 are associated with the small scale operations on the site being storage and distribution only with the majority of site activity occurring at Stage 3 with the incorporation of the ancillary commercial components of the development. As the proposed parking is consistent with the nominated employees on site throughout the respective stages and has considered demand generated from other similar developments in surrounding local government areas, the proposed variations are considered supportable.

The application was placed on public exhibition for a period of fourteen (14) days with five (5) submissions received. The issues raised within the received submissions have been addressed within the body of this report and are not considered to warrant amendment or refusal of the application.

As a result the proposed Development Application is considered satisfactory.

IMPACTS:

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

Hills 2026

The proposed amended development is consistent with the planning principles, vision and objectives outlined within "Hills 2026 – Looking Towards the Future" as the proposed development provides balanced urban growth, satisfactory traffic mobility and employment generation. In addition, the resulting built form is not considered to detrimentally impact upon environmental or social amenity.

RECOMMENDATION

The application be approved subject to conditions of consent.

STAGE 1 CONDITIONS OF CONSENT

GENERAL MATTERS

1. Development in Accordance with Submitted Plans (as amended)

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent. No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required

The amendments in red:-

- Exclude all reference to subdivision as subdivision is not included within this determination.

REFERENCED PLANS

DRAWING NO	DESCRIPTION	REVISION	DATE
005.1	Stage 1 – Site Works Plan	11	07/07/2010
100.1	Stage 1 – Ground Floor Plan	4	06/04/2010
101.1	Stage 1 – Level 1 Floor Plan	4	06/04/2010
102.1	Stage 1 – Mezzanine Floor Plan	4	06/04/2010
199.1	Stage 1 – Roof Plan	2	11/08/2009
200.1	Stage 1 – Elevations	3	19/08/2009
300.1	Stage 1 – Sections	2	06/03/2010
SK01.1Q	Stage 1 – Landscape Concept Plan	Q	27/04/2010
SK02.1Q	Stage 1 – Landscape Concept Sections	Q	27/04/2010
-	Schedule of External Colours & Finishes	-	-

2. External Finishes

External finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.

3. Tree Removal

Approval is granted for the removal of trees as indicated on Landscape Concept Plan Stage 1 prepared by EDAW AECOM affected by the proposed development.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

4. Compliance with NSW Rural Fire Service Requirements

Compliance with the requirements of the NSW Rural Fire Service attached to this consent and dated 17 September 2009.

5. Compliance with NSW Police Requirements

Compliance with the requirements of the NSW Police Service attached to this consent and dated 15 September 2009 , 17 November 2009 and 1 April 2010. The requirements are summarised below:-

- Lighting to meet Australian Standards;
- On going vegetation management to reduce concealment and entrapment opportunities;
- Erection of boundary fencing and an access gate to control out of hours access to the car park;
- Provision of CCTV facilities to monitor the car park egress / ingress points and all public areas of the development; and
- Strategically placed sensor lighting throughout the development.

6. Compliance NSW Office of Water Requirements

Compliance with the requirements of the NSW Office of Water attached to this consent and dated 27/07/2010.

7. Compliance with NSW Roads and Traffic Authority Requirements

Compliance with the requirements of the NSW Roads and Traffic Authority attached to this consent and dated 6 October 2009 excluding Points 1 and 2.

8. Compliance with Sydney Water Requirements

Compliance with the requirements of Sydney Water attached to this consent and dated 27/07/2010.

9. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size.

10. Tree/s to be retained

To maintain the treed environment of the Shire, trees indicated on Landscape Concept Plan Stage 1 prepared by EDAW AECOM to be retained.

11. Provision of Parking and Bicycle Spaces

The development is required to be provided with seventeen (17) off-street car parking spaces and a minimum of three (3) bicycle parking spaces. These car parking spaces shall be available for off street parking at all times.

12. Separate application for other signs

A separate application being submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures other than the signage approved within this consent (Stage 1).

13. Protection of Existing Vegetation

Care is to be exercised during the construction of the proposed works to ensure natural vegetation and topography on the subject site is not unnecessarily disturbed.

Any excavated material not used in the construction of the subject works is to be removed from the site and under no circumstances is to be deposited in bushland areas.

14. Protection of Public Infrastructure

Council must be notified of any damage to the public infrastructure such as road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the development.

Adequate protection must be provided for public infrastructure prior to work commencing and during building operations.

Any damage to public infrastructure caused during construction shall be made good prior to the issue of an Occupation Certificate.

15. Overland Flow

Provision for overland flow must be maintained along all proposed and existing Council drainage easements. Access for earthmoving equipment shall be maintained along all existing and proposed drainage easements in favour of Council that have a piped component (ie; not the reconstructed watercourse). No overland flow is to be diverted out of the easements.

16. Fencing over Council Drainage Easement(s)

New or replacement fencing across drainage easements in favour of Council must be approved by Council. Open style fencing must be used.

17. Earthworks in Council Drainage Easement(s)

With the exception of those works approved by Council as part of an Engineering Construction Certificate as outlined elsewhere in this consent, the existing ground levels within the drainage easement(s) shall not be altered by cut and / or fill. Any fill, stockpiles, building materials and sheds shall not be placed within the easement(s).

18. Works Adjacent to Piped Drainage Easement

Buildings and structures (including footings and brick fences) adjacent to easements must be located wholly outside the easement and be designed by a structural engineer to ensure that no load is imparted on the pipe in the easement.

19. Separate Development Application for Subdivision

A separate development application must be submitted to Council for any proposed strata titled subdivision of the approved development.

20. Minor Engineering Works

The design and construction of the minor engineering works listed below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Copies of which can be found on Council's website:

<http://www.thehills.nsw.gov.au/Engineering-Specifications.html>

Works on existing public roads or reserves and any land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 and/ or the Local Government Act 1993.

i. Heavy Duty Crossings

Heavy duty gutter and footpath crossings at all points of vehicular access. The location and width of all footpath crossings must be as shown on the approved plans.

ii. All Weather Access

Formed all weather vehicular access extending to the car parking area.

iii. Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge. Internal site drainage is to be provided based on a 1:10 year ARI storm event.

21. Vehicular Access and Parking

The design and construction of all vehicular access and parking areas must comply with:

- a) AS/ NZS 2890.1:2004 – Parking facilities – Part 1: Off-street car parking
- b) AS/ NZS 2890.6:2009 – Parking facilities – Part 1: Off-street parking for people with disabilities
- c) AS 2890.2:2002 – Parking facilities – Part 2: Off-street commercial vehicle facilities

d) BHDCP Part D Section 1 – Parking

The following must be provided:

- i. All internal car parking spaces and access roads must be prominently and permanently line-marked, signposted and maintained to ensure entry and exit to the site is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- ii. All access roads and car parking areas are to be separated from landscaped areas by a concrete kerb or wall.

22. Engineering Works – Detailed Design and Construction Approval

The design certification and construction approval of the engineering works nominated later in this consent require separate approval prior to the commencement of any works as follows:

- a) Works on existing public roads or reserves and any land under the care and control of Council require an Engineering Construction Certificate (ECC) in accordance with the Roads Act 1993 and/ or the Local Government Act 1993. The proposed new road that is to be dedicated to Council at a later date is included in the above.

An ECC can only be issued by Council.

- b) All other engineering works associated with the building approval must be approved by either Council or an Accredited Certifier. This certification must be included with the documentation approved as part of any Construction Certificate.

The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

For Council to issue either an ECC the following must be provided:

- i. A completed application form.
- ii. Four (4) copies of the design plans and specifications.
- iii. Payment of the appropriate application and inspection fees.

23. Supervision of Works

All work in the road reserve shall be supervised by a suitably qualified and experienced Civil Engineer, Registered Surveyor or Civil Engineering Foreman. The supervisor's name, address and contact phone number shall be submitted to Council prior to the commencement of construction in the road reserve.

In this regard a construction programme and anticipated duration of construction for all work in the road reserve shall be submitted in writing to Council prior to the commencement of any works in the road reserve.

24. Gutter and Footpath Crossing Application

The submission to Council of an application for all gutter and footpath crossings, accompanied by the current fee as prescribed in Council's Schedule of Fees and Charges. This includes crossings from the proposed internal road that is to be eventually dedicated to Council.

25. Public Liability Insurance

All contractors working in the public road shall take out public liability insurance for a minimum amount of \$10 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be submitted to Council prior to the commencement of construction in the road reserve.

26. Street Trees

Street trees and tree guards must be provided at a rate of two (2) trees per allotment frontage. The location of street trees must compliment driveway locations. The species and size of all street trees must comply with Council's requirements.

Street trees are required to be provided at the time of subdivision construction unless otherwise approved.

NOTE: Street trees and tree guards can be provided by Council in accordance with Council's adopted Schedule of Fees and Charges.

27. Upgrading of Existing Water and Sewerage Services

Should the development necessitate the installation (or upgrade) of water and/ or sewerage services within an area which is either heavily vegetated or traversed by a natural watercourse, such services must be located in a route that causes the least amount of impact on the natural environment.

Excavation by hand and/ or small machinery is required where the ecological impact would otherwise be considered excessive.

28. Recycled Water

The subject site must be connected to Sydney Water's Rouse Hill Recycled Water Scheme. This connection must be included as part of the Section 73 Compliance Certificate acquired for the development.

29. Street Naming

If / when the applicant wishes to name the proposed road in conjunction with any proposal to dedicate the same a written application for street naming must be submitted to Council for approval.

The street name(s) must comply with Guidelines for the Naming of Roads produced by the NSW Geographical Names Board. The guidelines can be obtained from the Boards website: <http://www.gnb.nsw.gov.au/>. The application must nominate three (3) suggested names per street (in order of preference) and must relate to the physical, historical or cultural character of the area.

30. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

31. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Particular attention shall be drawn to, but not limited to, the following matters:

1. The condition regarding Fire Engineering Solution
2. The potential non-compliance with D1.7(a) and (d) of the Building Code of Australia as a result of further tenancy subdivisions, in particular at the north eastern and south western office towers.

32. Garbage Collection – Commercial/Industrial

Collection of waste and recycling material, generated by the premises, must not cause nuisance or interference with the amenity of the surrounding area.

33. Waste Storage and Separation – Construction and Demolition

The reuse and recycling of waste materials must be maximised during construction and demolition. The separation and recycling of the following waste materials is required:

- a) Masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- b) Timber waste to be separated and sent for recycling;
- c) Metals to be separated and sent for recycling;
- d) Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and

- e) Mixed waste (plastic wrapping, cardboard etc) to be sent to a licensed recycling or disposal facility.

This can be achieved by constructing a minimum of five trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste. Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

34. Waste Collection

Waste and recycling material, generated by the premises, must only be collected between the hours of 6am and 10pm except for Sundays and public holidays, where collection shall be between 8am and 10pm.

35. Surplus Excavated Material

The disposal / landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. Any unauthorized disposal of waste, which includes excavated material, is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

36. Imported 'waste derived' fill material

1. The only waste derived fill material that may be received at the development site is:
 - a. virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); or
 - b. any other waste-derived material the subject of a resource recovery exemption under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.
2. Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

NOTE: The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997* (POEO Act). However, a licence is not required by the occupier of the land if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a **resource recovery exemption** under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

Resource recovery exemptions are available on Department of Environment and Climate Change's website at: <http://www.environment.nsw.gov.au/waste/>

Definition of 'virgin excavated natural material' within the meaning of the POEO Act:

Natural material (such as clay, gravel, sand, soil or rock fines) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues (as a result of industrial, commercial, mining or agricultural activities), and that does not contain any sulfidic ores or any other waste.

Definition of 'waste' within the meaning of the POEO (Waste) Regulation:

In relation to substances that are applied to land, the application to land by:

- (a) spraying, spreading or depositing on the land, or
 - (i) ploughing, injecting or mixing into the land, or
 - (ii) filling, raising, reclaiming or contouring the land,
- (b) in relation to substances that are used as fuel, all circumstances.

See Clause 3B of the Regulation for exemptions.

37. Fire Engineering Solution

The fire engineering solution (and its fire modelling) proposed to be implemented during construction shall be staged in such a manner to take into consideration the fact that certain means of egress and fire safety systems may not be available during the construction of subsequent stages or when the subsequent stages are not being constructed.

The fire engineering solution shall establish limiting criteria to guide the subsequent fitout process within the building envelope. Alternatively, each separate development application for the occupation and fitout of any part of the building shall be accompanied and supported by a fire engineering re-assessment report.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

38. Landscape Bond

A landscape bond in the amount \$15,000 is to be lodged with Council prior to the issue of the Stage 1 Construction Certificate. It shall be refunded 6 months following the issue of the Occupation Certificate for Stage 1 and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team, that the works have been carried out in accordance with the approved landscape plan.

39. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

40. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979 a security bond to the value of \$137,256.00 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The above amount is calculated at the rate of \$30.00 per square metre based on the public road frontage of the subject site (244m) plus an additional 50m on either side (344m total) and the road width from the back of kerb on both sides (13.3m) or \$10,000.00, whichever is the greater.

The bond shall be lodged with Council prior to the issue of a Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these remaining costs.

41. Security Bond – External Works

In accordance with Section 80A(6)(b) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and subsequent performance of all works external to the site. The above amount is 150% of the total value of providing all such works or \$10,000.00, whichever is the greater.

The bond shall be lodged with Council prior to the issue of a Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being completed to Council's satisfaction.

42. Bank Guarantees

Should a bank guarantee be the proposed method of submitting a security bond the guarantee is to:

- a) Have no expiry date.
- b) Be forwarded direct from the issuing bank with a suitable cover letter that refers to Development Consent DA 318/2010/JP.
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee notice in writing will be forwarded to the applicant fourteen (14) days prior to such action being taken.

No bank guarantee will be accepted that has been issued directly by the applicant.

43. Draft Legal Documents

Draft copies of all legal documents (deed of agreement, request documents, plan of easement and the like) required as part of this consent shall be submitted to Council for checking prior to the issue of a Construction Certificate.

44. Engineering Works and Design

The design and construction of all the engineering works outlined below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Copies of which can be found on Council's website:

<http://www.thehills.nsw.gov.au/Engineering-Specifications.html>

Any variance from the above require separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined elsewhere in this consent. The following engineering works are required:

i. Full Width Road Construction

The full width construction of the roads listed including footpath paving and other ancillary work to make this construction effective.

Proposed roads must be constructed to the following requirements:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)	Traffic Loading: N (ESA)
Road 1 (Deferred Dedication)	Road Type: BHDCE Enhanced Collector 3 3m/ 13m/ 3m (19m)	5*10(7)

ii. Partial Road and Kerb and Gutter Construction

Partial road pavement and associated drainage, kerb and gutter, concrete footpath paving and footpath formation along the Mile End Road frontage of the development site

from the extent of the existing construction at the southern site boundary to a point 6m beyond the tangent in the kerb return on the northern side of the proposed intersection between Mile End Road and the proposed road transitioning into the existing reconstructed road opposite. These works shall include any necessary service adjustments and ancillary work required to make the construction effective.

The works must ensure the finished complies with the following requirements:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)	Traffic Loading: N (ESA)
Mile End Road	Road Type: BHDCP Enhanced Collector 3 2.5m/ 13m/ 2.5m (Existing Road Reserve)	5*10(7)

iii. Concrete Footpath Paving

Concrete footpath paving in accordance with the requirements of Part E Section 15 – Kellyville/ Rouse Hill Release Area from the Baulkham Hills Development Control Plan 2007. Pedestrian access ramps must be provided where required.

iv. Street Names Signs

Street name signs and posts as approved by Council should approval be sought to name the proposed road.

v. Service Conduits

Service conduits laid in strict accordance with the relevant service authorities requirements. Services must be shown on the engineering drawings.

vi. Gutter Crossings

Gutter crossings where shown on the approved plans.

vii. Stormwater Drainage – Temporary Management

Suitable measures (grassed swale drains etc;) must be installed to intercept/ control/ redirect surface stormwater runoff from upstream undeveloped properties.

viii. Stormwater Connection to Strangers Creek

The stormwater connection to the Sydney Water owned land downstream requires separate design and construction approval from Sydney Water. This approval must be obtained prior to any works commencing. The Sydney Water approved design must be reflected on the engineering drawings submitted to Council.

ix. Reconstruction of Natural Watercourse

The natural watercourse that traverses the site is to be reconstructed in accordance with:

- a) The conditions of this consent.
- b) The following engineering drawings prepared by Barker Ryan Stewart:

Name:	Drawing:	Revision:	Date:
Concept Riparian Channel Design	03125E1	R	07/07/2010
Catchment Plan and Drop Structure	03125E2	O	23/06/2010
Riparian Channel Longitudinal Section	03125E3	H	08/04/2010
Riparian Channel Longitudinal Section	03125E4	H	30/06/2010
Riparian Channel Cross Sections	03125E5	H	30/06/2010
Riparian Channel Cross Sections	03125E6	F	23/06/2010
Water Quality Basins	03125E7	F	24/06/2010
Stilling Basin and Sections	03125E8	A	30/06/2010
Road 1 Longitudinal Section and	03125E9	C	21/12/2009

Typical Cross Section			
Car Park Longitudinal Section	03125E10	A	08/04/2010
Stage 1 Concept Drainage Design Plan	3145E111	H	07/07/2010
Stage 2 Concept Drainage Design Plan	3145E122	H	07/07/2010
Stage 3 Concept Drainage Design Plan	3145E133	L	07/07/2010

- c) The Stormwater Management Plan (Revision F dated 08/07/2010) prepared by Barker Ryan Stewart.

The design and construction of rip-rap aprons associated with erosion protection works must incorporate a keyed toe at downstream extremities to resist prograding erosion.

x. Water Quality Treatment Elements

The design and construction of the water quality treatment elements must be carried out in accordance with:

- a) The conditions of this consent.
b) The following engineering drawings prepared by Barker Ryan Stewart:

Name:	Drawing:	Revision:	Date:
Concept Riparian Channel Design	03125E1	R	07/07/2010
Catchment Plan and Drop Structure	03125E2	O	23/06/2010
Riparian Channel Longitudinal Section	03125E3	H	08/04/2010
Riparian Channel Longitudinal Section	03125E4	H	30/06/2010
Riparian Channel Cross Sections	03125E5	H	30/06/2010
Riparian Channel Cross Sections	03125E6	F	23/06/2010
Water Quality Basins	03125E7	F	24/06/2010
Stilling Basin and Sections	03125E8	A	30/06/2010
Road 1 Longitudinal Section and Typical Cross Section	03125E9	C	21/12/2009
Car Park Longitudinal Section	03125E10	A	08/04/2010
Stage 1 Concept Drainage Design Plan	3145E111	H	07/07/2010
Stage 2 Concept Drainage Design Plan	3145E122	H	07/07/2010
Stage 3 Concept Drainage Design Plan	3145E133	L	07/07/2010

- c) The Stormwater Management Plan (Revision F dated 08/07/2010) prepared by Barker Ryan Stewart.

xi. Cycleway – Mile End Road

A 2.5m wide cycle way across the Mile End Road frontage of the property from the extent of the existing construction at the southern site boundary to a point 6m beyond the tangent in the kerb return on the northern side of the proposed intersection between Mile End Road and the proposed road in accordance with the Kellyville/ Rouse Hill DCP.

45. Works on Adjoining Land

Where the engineering works included in the scope of this consent extend into adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council prior to the issue of a Construction Certificate.

46. Stormwater Discharge Acceptance

Where the engineering works included in the scope of this consent necessitate the discharge of stormwater onto adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council.

47. Landscape Plan (Kellyville/ Rouse Hill Release Area)

A landscape plan outlining the street tree planting proposal for the development prepared by a landscape architect must be submitted and approved by Council in

accordance with clause 2.5(m) from Part E Section 15 – Kellyville/ Rouse Hill Release Area of the Baulkham Hills Development Control Plan 2007.

48. Issue of Permit – Water Management Act 2000

The submission to Council of proof that a Controlled Activity Authority has been issued by the Department of Environment, Climate Change and Water (DECCW) under the provisions of the Water Management Act 2000.

49. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

STAGE 1

Purpose	Rate per additional m2	Total 5,950m2
Land	\$ 16.97	\$ 100,971.50
Capital	\$ 85.66	\$ 509,677.00
Total	\$ 102.63	\$ 610,648.50

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 11.

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

50. Submission of a Waste Management Plan

A Waste Management Plan is required to be submitted and approved by Council's Waste Management Section prior to the construction certificate being issued.

51. Water Sensitive Urban Design Elements

The applicant is to provide to Council or a suitably qualified private certifier for approval, detailed water sensitive urban design plans for the development site, suitable for construction, and inclusive of detailed and representative long section and cross sections of proposed infrastructure.

Water sensitive urban design elements, consisting of rain gardens, swales, vegetated buffers, pit inserts and rainwater pods, draining into a CDS gross pollutant trap are to be located generally in accordance with the approved plans.

In support of the detailed design for the water sensitive urban design elements, the applicant is to provide to Council or a suitably qualified private certifier for approval, detailed water quality and quantity modelling of the entire stormwater system for the proposed development. Such detailed modelling is required to inform and support the detailed design and construction of the proposed water sensitive urban design elements.

Modelling of the detailed design for construction is to demonstrate a reduction in annual average pollution export loads from the development site in line with the latest Department of Environment, Climate Change and Water (DECCW) environmental targets of:

- 90% reduction in the annual average load of gross pollutants.
- 85% reduction in the annual average load of total suspended solids.
- 65% reduction in the annual average load of total phosphorous.

- 45% reduction in the annual average load of total nitrogen.

All model parameters and data outputs are to be provided to Council.

Rain gardens, swales and vegetated buffers:

The applicant is to design and construct the proposed rain gardens, swales and vegetated buffers in accordance with best practice water sensitive urban design techniques, generally utilising the input parameters provided within the MUSIC Model, Burns-Typical Unit Module.sqz.

The applicant is to utilise latest best practice guidelines in designing the rain gardens, swales and vegetated buffers. Such guidelines include but are not limited to:

- a) Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tech.htm>; and
- b) Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>.

The rain gardens, swales and vegetated buffers are to be generally constructed in accordance with the approved plans.

Pit inserts:

Pit inserts, Enviropod 200 or similar, are to be installed to all stormwater pits that drain open space hardstand areas, such as footpaths, driveways and carparks, within the proposed development.

Maintenance:

The property owner is to undertake appropriate ongoing maintenance of the water sensitive urban design elements to ensure effective future performance in the treatment of stormwater runoff from the site.

PRIOR TO WORK COMMENCING ON THE SITE

52. Protection of Existing Trees

The tree/s that is/are to be retained is/are to be protected during all works with 1.8m high chainwire fencing which is to be erected at least three (3) metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within the root protection zone,
- Placement of fill within the root protection zone,
- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

The installation of services within the root protection zone is not to be undertaken without consultation with Council's Tree Management Officer.

53. Traffic Control Plan

A Traffic Control Plan (TCP) is required to be prepared and submitted in strict compliance with the requirements of the current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and the current RTA Traffic Control and Work Sites Manual. The persons preparing the TCP must have the relevant RTA accreditation to do so.

Where subsequent amendments to the approved TCP are required a new plan shall be prepared and submitted to Council prior to implementation.

54. Pre-Construction Public Infrastructure Dilapidation Report

Prior to work commencing you are required to submit to Council a public infrastructure inventory report recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

- a) Designated construction access and delivery routes.
- b) Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

55. Demolition Works & Asbestos Removal/Disposal

The demolition of any existing structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001 Part 8* and the *Australian Standard AS 2601-1991: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have loads covered and are not to track any soil or waste materials on the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoarding or fence. All demolition waste is to be removed from the site according to the Council's approved waste management plan. – Demolition Waste Section. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority Guidelines and requirements. The asbestos must be removed by a bonded asbestos licensed operator. Supporting documentation (dockets/Receipts), verifying recycling and disposal must be kept, to be checked by Council if required.

56. Management of Building Sites – Builder's Details

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

57. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

58. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

DURING CONSTRUCTION

59. Documentation On Site

A copy of the development consent and stamped plans together with the following documents shall be kept during construction.

- Arborist Report
- Waste Management Plan
- Erosion and Sedimentation Control Plan
- Traffic Control Plan

60. Standard of Works

All work shall be completed in accordance with the development consent and Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works and public utility relocation shall incur no cost to Council.

61. Engineering Construction Inspections

Construction inspections are required for the engineering works included in this consent at the completion of the following inspection stages:

- a) Prior to commencement of work.
- b) Traffic control to AS 1742-3.
- c) Bedding of pipes in trenches.
- d) Trench backfill within roads.
- e) Formwork for concrete structures.
- f) Sub-grade proof roller test.
- g) Proof roller test for kerb.
- h) Sub-base course proof roller test.
- i) Base course proof roller test.
- j) Prior to placing of fill.
- k) Road crossing.
- l) Final inspection.
- m) Asphaltic concrete surfacing.

The inspection of works approved by Council as part of an Engineering Construction Certificate as explained earlier in this consent can only be carried out by Council. An initial site inspection is required prior to commencement of works. 24 hours notice must be given for all inspections.

62. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

63. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

64. Aboriginal Sites of Relics

If, during the course of any works, any evidence of a Aboriginal archaeological site or relic is found, all works on the site are to cease and the Department of Environment and Climate Change and the NSW Heritage Branch are to be notified immediately.

65. European Sites of Relics

If, during the earthworks, any evidence of a European archaeological site or relic is found, all works on the site are to cease and the NSW Heritage Branch contacted immediately. All relics are to be retained in situ unless otherwise directed by the NSW Heritage Branch.

66. Contamination assessment

1. After removal/clearing of the buildings, gazebo, bitumen driveway and car park, sampling and testing of the soil beneath these features are to be carried out and a report submitted to Council for consideration.
2. Assessment of the dam and pond water must be carried out prior to de-watering. De-watering shall only occur in consultation with Council.
3. At the completion of de-watering, the dam and pond sediment shall be assessed to ascertain the contamination status and a report submitted to Council for consideration.
4. Any new information, which comes to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council.

PRIOR TO ISSUE OF A OCCUPATION CERTIFICATE

67. Section 73 Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Development and Plumbing section of the web site www.sydneywater.com.au and then refer to Water Servicing Co-ordinator under "Developing Your Land" or telephone 13 20 92 for assistance.

68. Post-Construction Public Infrastructure Dilapidation Report

Prior to the issuing of an Occupation Certificate you are required to submit to Council an updated public infrastructure inventory report identifying any damage to such and means of rectification for the approval of Council.

69. Legal Agreement – Encroachment into Drainage Easement

The completion and registration of a legal agreement acceptable to and in favour of Council preserving Council's right of access and preserving overland flow along the drainage easement being created under this consent. This legal agreement shall be registered on the certificate of title of the property under Section 88E of the Conveyancing Act 1919 (or recorded as a positive covenant).

The wording of the "Deed of Agreement" must be to the satisfaction of Council's Corporate Lawyer.

The deed shall be submitted to Council for checking/ endorsement along with the applicable fee from Council's Schedule of Fees and Charges. Sufficient time must be allowed for the preparation of a report to Council and execution of the deed prior to the issuing of an Occupation Certificate.

70. 1 in 100 Year (1% AEP) Plan

A plan of survey prepared by a registered surveyor that shows the Probable Maximum Flood (PMF) and 1:100 year ARI storm flood levels associated with the constructed drainage system traversing the site. The plan must reflect the works carried out as shown on the WAE plans for the development and clearly indicate the extent of inundation for the above storm events.

71. Works as Executed (WAE) Plans

Works As Executed (WAE) plans prepared by a suitably accredited engineer or registered surveyor must be submitted to Council when the engineering works are complete. All WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments on a copy of the approved engineering plans.

An electronic copy of the WAE plans (in AutoCAD ".DWG" format) must also be submitted along with pavement density results, pavement certification, concrete core test results and site fill results (where applicable).

72. Performance/ Maintenance Security Bond

The submission of a performance/ maintenance bond of 5% of the total cost of the subdivision/ engineering works (minimum \$5,000.00). The bond shall be held for a defect liability period of no less than one (1) year to guarantee the performance of the works. This period may be extended to allow for the completion of necessary maintenance or in the case of outstanding works.

NOTE: The release of the maintenance bond shall be subject to a written application and a satisfactory final inspection.

73. Creation and Registration of Restrictions and Positive Covenants

a) Creation of Restrictions and Positive Covenants

The submission to Council for endorsement of all necessary documentation together with the relevant endorsement fee prescribed in Council's Schedule of Fees and Charges for the creation of the following over the title of the property:

i. Restriction – Water Sensitive Urban Design Elements

A restriction as to user restricting the development over or varying of the finished levels and layout of the rain gardens, swales, vegetated buffers, pit inserts and rainwater pods and associated components as constructed.

ii. Restriction/ Positive Covenant – Riparian Corridor

The creation of all necessary restrictions and/ or positive covenants associated with the proposed riparian corridor in accordance with the requirements of DECCW.

iii. Positive Covenant – Reconstructed Watercourse

The creation of a positive covenant on the title of the subject site to ensure the ongoing management and maintenance of all structures associated with the approved reconstructed watercourse (including but not limited to bridge crossings, drop structures, basins and the like) is the responsibility of the owner of the lot. The positive covenant must specifically reference Council's ability to drain water through the reconstructed watercourse in accordance with the easement required to be created elsewhere in this consent.

b) Registration of Request Documents

The endorsed request documents must be lodged with the NSW LPMA and a copy of the registered documents submitted to Council. A copy of the actual endorsed documents must be submitted to satisfy this requirement.

74. Construction Certification of Bridge Structures

Structural adequacy certification of all bridge structures must be submitted by a suitably qualified practicing structural engineer along with the works as executed (WAE) plans for

the same. The certification must state that the bridges have been constructed in accordance with the approved design.

75. Completion of All Works

The completion of all subdivision works in accordance with this consent.

76. Department of Environment, Climate Change and Water (DECCW) Approval of Completed Works

The submission to Council of written evidence from the Department confirming that all works associated with the Controlled Activity Authority have been completed to their satisfaction and that no objection is raised to the issuing of an Occupation Certificate for the subject development.

77. Classified Roads (Kellyville/ Rouse Hill Release Area)

Submit to Council written evidence that satisfactory arrangements have been made with the NSW Roads and Traffic Authority (RTA) with respect to classified roads for development within the Kellyville/ Rouse Hill Release Area.

78. Confirmation that Pipes are Located within Easements

Submission of a letter from a Registered Surveyor certifying that all pipes and drainage structures are located within the proposed easements to drain water.

79. Removal of Erosion and Sediment Control Measures

The submission to Council of a \$5,000.00 bond for the satisfactory removal of all erosion and sediment control devices including the removal of any collected debris and/ or other materials.

80. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become Council assets must be inspected by a CCTV and a report on such prepared. A hard copy printout of the report must be submitted along with a copy the CCTV inspection on either VHS or DVD (in a WMA format).

81. Issue of Occupation Certificate

A final inspection shall be carried out to ensure compliance with all the conditions of the Development Consent, prior to the issue of an Occupation Certificate. Such certificates shall be issued prior to the occupation/use of any stage of the development.

82. Fire – Isolated Exits

A Fire Safety Notice "OFFENCE RELATING TO FIRE EXITS", in the form as prescribed by Clause 183 of the Environmental Planning and Assessment Regulation 2000, shall be displayed in a conspicuous position on or adjacent to each exit door giving access to a required fire isolated stairway, passageway or ramp. It shall be displayed on the side facing persons seeking egress to, but not within, that stairway, passageway or ramp.

83. Interim Fire Safety Certificate

An Interim Fire Safety Certificate must be issued prior to the issue of an Interim Occupation Certificate to use or change the use of a building, except in the case of a Class 1a or Class 10 building(s).

84. Deferred Dedication of Public Road

The design/ construction/ certification of the proposed road network must be carried out in accordance with the requirements outlined elsewhere in this consent. A further assessment must be made as to the construction standard and condition of this road when application is made at a later date to have this road dedicated as public road. This must form part of a separate application.

85. Sydney Water Approval for Constructed Works

Confirmation from Sydney Water that the works as constructed are satisfactory, specifically in relation to the interface with the downstream property owned by Sydney Water, is required to be provided prior to the issuing of an Occupation Certificate for the development.

86. Creation of Council Drainage Easements

All necessary easements in favour of Council must be created prior to the issuing of an Occupation Certificate.

Easements are required in the following locations, at a minimum:

- a) Over the drainage pipeline/ overland flow path from Mile End Road.
- b) Over the drainage pipeline/ overland flow path from the proposed road.
- c) Over the drainage infrastructure in the proposed road.
- d) Over the realigned and reconstructed watercourse within the subject site.

The minimum width of easements (a) and (b) above is 5m. The minimum width of the easement (d) above is 10m. The easement (c) above will need to be removed before the road can be dedicated at a later date. The easements must encompass all public drainage pipelines and associated structures.

NOTE: Easements for services may also be required in the proposed road (as it is not proposed to be dedicated at this stage) to satisfy the requirements of the various service authorities.

A separate positive covenant and deed of agreement for the encroachments within these easements is required as outlined elsewhere in this consent.

The endorsed easement plan must be lodged with the NSW LPMA and a copy of the registered documents submitted to Council. A copy of the actual endorsed documents must be submitted to satisfy this requirement.

THE USE OF THE SITE

87. Hours of Operation

The hours of operation being restricted to the following: -

- 7.00am – 6.00pm (Monday – Saturday)

Activities such as extended operation within the commercial office component of the development, which are not audible from nearby residential properties, can occur outside of the above operating hours until no later than 10.00pm.

Any alteration to the above hours of operation will require the further approval of Council.

88. Security Screens/Locking Devices (Fire Safety)

All required fire exits or paths of travel to an exit shall not be fitted with security screens and/or locking devices that will impede safe egress of the building occupants and visitors without prior consent from Council.

89. No Obstruction to Path of Travel

The placement of storage racks, cabinets, floor stock, pallets or the like, shall not obstruct any path of travel to an exit nor the efficient operation and effective coverage of any fire hose reel, fire hydrant, fire extinguisher or other essential fire safety measures.

90. Waste Storage and Collection – Commercial/Industrial

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclables emanating from the premises must be stored in the designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste.

91. Air condition condensers

Any condenser units associated with air conditioning that may be installed shall be placed no closer than the front of the office building and have a total sound power level not exceeding 88 dB(A).

92. Restriction on Heavy Vehicles

- Container trucks movements (arrival/departure) shall not exceed more than one in any sixty minute period on any day.
- The use of heavy vehicles on the site shall be prohibited on Sundays and public holidays.

STAGE 2 CONDITIONS OF CONSENT

GENERAL MATTERS

1. Development in Accordance with Submitted Plans (as amended)

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent. No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required

The amendments in red:-

- Exclude all reference to subdivision as subdivision is not included within this determination.
- Amend a notation on the Stage 2 – Concept Landscape Plan to correct reference to Stage 1.

REFERENCED PLANS

DRAWING NO	DESCRIPTION	REVISION	DATE
005.2	Stage 2 – Site Works Plan	10	07/07/2010
098.2	Stage 2 - Lower Ground Floor Warehouse Plan	3	06/04/2010
100.2	Stage 2 – Ground Floor Plan	4	06/04/2010
101.2	Stage 2 – Level 1 Floor Plan	4	06/04/2010
102.2	Stage 2 – Level 2 / Mezzanine Floor Plan	4	06/04/2010
199.2	Stage 2 – Roof Plan	2	11/08/2009
200.2	Stage 2 – Elevations	3	19/08/2009
300.2	Stage 2 – Sections	2	06/03/2010
SK01.2Q	Stage 2 – Landscape Concept Plan	Q	27/04/2010
SK02.2Q	Stage 2 – Landscape Concept Sections	Q	27/04/2010
-	Schedule of External Colours & Finishes	-	-

2. External Finishes

External finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.

3. Tree Removal

Approval is granted for the removal of trees as indicated on Landscape Concept Plan Stage 1 prepared by EDAW AECOM affected by the proposed development.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

4. Compliance with NSW Rural Fire Service Requirements

Compliance with the requirements of the NSW Rural Fire Service attached to this consent and dated 17 September 2009.

5. Compliance with NSW Police Requirements

Compliance with the requirements of the NSW Police Service attached to this consent and dated 15 September 2009 , 17 November 2009 and 1 April 2010. The requirements are summarised below:-

- Lighting to meet Australian Standards;

- On going vegetation management to reduce concealment and entrapment opportunities;
- Erection of boundary fencing and an access gate to control out of hours access to the car park;
- Provision of CCTV facilities to monitor the car park egress / ingress points and all public areas of the development; and
- Strategically placed sensor lighting throughout the development.

6. Compliance NSW Office of Water Requirements

Compliance with the requirements of the NSW Office of Water attached to this consent and dated 27/07/2010.

7. Compliance with NSW Roads and Traffic Authority Requirements

Compliance with the requirements of the NSW Roads and Traffic Authority attached to this consent and dated 6 October 2009 excluding Points 1 and 2.

8. Compliance with Sydney Water Requirements

Compliance with the requirements of Sydney Water attached to this consent and dated 27/07/2010.

9. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size.

10. Tree/s to be retained

To maintain the treed environment of the Shire, trees indicated on Landscape Concept Plan Stage 1 prepared by EDAW AECOM to be retained.

11. Provision of Parking and Bicycle Spaces

The development (Stage 1 and 2) is required to be provided with sixty six (66) off-street car parking spaces and a minimum of six (6) bicycle parking spaces. These parking spaces shall be available for off street parking at all times.

12. Separate application for signs

A separate application being submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.

13. Protection of Existing Vegetation

Care is to be exercised during the construction of the proposed works to ensure natural vegetation and topography on the subject site is not unnecessarily disturbed.

Any excavated material not used in the construction of the subject works is to be removed from the site and under no circumstances is to be deposited in bushland areas.

14. Protection of Public Infrastructure

Council must be notified of any damage to the public infrastructure such as road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the development.

Adequate protection must be provided for public infrastructure prior to work commencing and during building operations.

Any damage to public infrastructure caused during construction shall be made good prior to the issue of an Occupation Certificate.

15. Overland Flow

Provision for overland flow and access for earthmoving equipment shall be maintained along all existing and proposed drainage easements in favour of Council. No overland flow is to be diverted out of the easement(s).

16. Fencing over Council Drainage Easement(s)

New or replacement fencing across drainage easements in favour of Council must be approved by Council. Open style fencing must be used.

17. Earthworks in Council Drainage Easement(s)

Unless otherwise approved by Council, the existing ground levels within the drainage easement(s) shall not be altered by cut and/ or fill. Any fill, stockpiles, building materials and sheds shall not be placed within the easement(s).

18. Works Adjacent to Piped Drainage Easement

Buildings and structures (including footings and brick fences) adjacent to easements must be located wholly outside the easement and be designed by a structural engineer to ensure that no load is imparted on the pipe in the easement.

19. Separate Development Application for Subdivision

A separate development application must be submitted to Council for any proposed strata titled subdivision of the approved development.

20. Minor Engineering Works

The design and construction of the minor engineering works listed below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Copies of which can be found on Council's website:

<http://www.thehills.nsw.gov.au/Engineering-Specifications.html>

Works on existing public roads or reserves and any land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 and/ or the Local Government Act 1993.

i. Heavy Duty Crossings

Heavy duty gutter and footpath crossings at all points of vehicular access. The location and width of all footpath crossings must be as shown on the approved plans.

ii. All Weather Access

Formed all weather vehicular access extending to the car parking area.

iii. Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge. Internal site drainage is to be provided based on a 1:10 year ARI storm event.

21. Vehicular Access and Parking

The design and construction of all vehicular access and parking areas must comply with:

- a) AS/ NZS 2890.1:2004 – Parking facilities – Part 1: Off-street car parking
- b) AS/ NZS 2890.6:2009 – Parking facilities – Part 1: Off-street parking for people with disabilities
- c) AS 2890.2:2002 – Parking facilities – Part 2: Off-street commercial vehicle facilities
- d) BHDCP Part D Section 1 – Parking

The following must be provided:

- i. All internal car parking spaces and access roads must be prominently and permanently line-marked, signposted and maintained to ensure entry and exit to the site is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.

- ii. All access roads and car parking areas are to be separated from landscaped areas by a concrete kerb or wall.

22. Engineering Works – Detailed Design and Construction Approval

The design certification and construction approval of the engineering works nominated later in this consent require separate approval prior to the commencement of any works as follows:

- a) Works on existing public roads or reserves and any land under the care and control of Council require an Engineering Construction Certificate (ECC) in accordance with the Roads Act 1993 and/ or the Local Government Act 1993. The proposed new road that is to be dedicated to Council at a later date is included in the above.

An ECC can only be issued by Council.

- b) All other engineering works associated with the building approval must be approved by either Council or an Accredited Certifier. This certification must be included with the documentation approved as part of any Construction Certificate.

The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

For Council to issue either an ECC the following must be provided:

- i. A completed application form.
- ii. Four (4) copies of the design plans and specifications.
- iii. Payment of the appropriate application and inspection fees.

23. Supervision of Works

All work in the road reserve shall be supervised by a suitably qualified and experienced Civil Engineer, Registered Surveyor or Civil Engineering Foreman. The supervisor's name, address and contact phone number shall be submitted to Council prior to the commencement of construction in the road reserve.

In this regard a construction programme and anticipated duration of construction for all work in the road reserve shall be submitted in writing to Council prior to the commencement of any works in the road reserve.

24. Gutter and Footpath Crossing Application

The submission to Council of an application for all gutter and footpath crossings, accompanied by the current fee as prescribed in Council's Schedule of Fees and Charges. This includes crossings from the proposed internal road that is to be eventually dedicated to Council.

25. Public Liability Insurance

All contractors working in the public road shall take out public liability insurance for a minimum amount of \$10 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be submitted to Council prior to the commencement of construction in the road reserve.

26. Upgrading of Existing Water and Sewerage Services

Should the development necessitate the installation (or upgrade) of water and/ or sewerage services within an area which is either heavily vegetated or traversed by a natural watercourse, such services must be located in a route that causes the least amount of impact on the natural environment.

Excavation by hand and/ or small machinery is required where the ecological impact would otherwise be considered excessive.

27. Recycled Water

The subject site must be connected to Sydney Water's Rouse Hill Recycled Water Scheme. This connection must be included as part of the Section 73 Compliance Certificate acquired for the development.

28. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

29. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Particular attention shall be drawn to, but not limited to, the following matters:

3. The condition regarding Fire Engineering Solution

The potential non-compliance with D1.7(a) and (d) of the Building Code of Australia as a result of further tenancy subdivisions, in particular at the north eastern and south western office towers.

30. Garbage Collection – Commercial/Industrial

Collection of waste and recycling material, generated by the premises, must not cause nuisance or interference with the amenity of the surrounding area.

31. Waste Storage and Separation – Construction and Demolition

The reuse and recycling of waste materials must be maximised during construction and demolition. The separation and recycling of the following waste materials is required:

- a) Masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- b) Timber waste to be separated and sent for recycling;
- c) Metals to be separated and sent for recycling;
- d) Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- e) Mixed waste (plastic wrapping, cardboard etc) to be sent to a licensed recycling or disposal facility.

This can be achieved by constructing a minimum of five trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste. Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

32. Waste Collection

Waste and recycling material, generated by the premises, must only be collected between the hours of 6am and 10pm except for Sundays and public holidays, where collection shall be between 8am and 10pm.

33. Surplus Excavated Material

The disposal / landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. Any unauthorized disposal of waste, which includes excavated material, is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

34. Imported 'waste derived' fill material

3. The only waste derived fill material that may be received at the development site is:
 - a. virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); or
 - b. any other waste-derived material the subject of a resource recovery exemption under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.
4. Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

NOTE: The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997* (POEO Act). However, a licence is not required by the occupier of the land if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a **resource recovery exemption** under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

Resource recovery exemptions are available on Department of Environment and Climate Change's website at: <http://www.environment.nsw.gov.au/waste/>

Definition of 'virgin excavated natural material' within the meaning of the POEO Act:

Natural material (such as clay, gravel, sand, soil or rock fines) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues (as a result of industrial, commercial, mining or agricultural activities), and that does not contain any sulfidic ores or any other waste.

Definition of 'waste' within the meaning of the POEO (Waste) Regulation:

In relation to substances that are applied to land, the application to land by:

- (c) spraying, spreading or depositing on the land, or
 - (iii) ploughing, injecting or mixing into the land, or
 - (iv) filling, raising, reclaiming or contouring the land,
- (d) in relation to substances that are used as fuel, all circumstances.

See Clause 3B of the Regulation for exemptions.

35. Fire Engineering Solution

The fire engineering solution (and its fire modelling) proposed to be implemented during construction shall be staged in such a manner to take into consideration the fact that certain means of egress and fire safety systems may not be available during the construction of subsequent stages or when the subsequent stages are not being constructed.

The fire engineering solution shall establish limiting criteria to guide the subsequent fitout process within the building envelope. Alternatively, each separate development application for the occupation and fitout of any part of the building shall be accompanied and supported by a fire engineering re-assessment report.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

36. Landscape Bond

A landscape bond in the amount \$15,000 is to be lodged with Council prior to the issue of the Stage 2 Construction Certificate or the bond from Stage 1 is to be carried over to

Stage 2. It shall be refunded 6 months following the issue of the Occupation Certificate for Stage 2 (unless carried over to Stage 3) and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team, that the works have been carried out in accordance with the approved landscape plan.

37. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

38. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979 a security bond to the value of \$137,256.00 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The above amount is calculated at the rate of \$30.00 per square metre based on the public road frontage of the subject site (244m) plus an additional 50m on either side (344m total) and the road width from the back of kerb on both sides (13.3m) or \$10,000.00, whichever is the greater.

The bond shall be lodged with Council prior to the issue of a Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these remaining costs.

39. Bank Guarantees

Should a bank guarantee be the proposed method of submitting a security bond the guarantee is to:

- a) Have no expiry date.
- b) Be forwarded direct from the issuing bank with a suitable cover letter that refers to Development Consent DA 318/2010/JP.
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee notice in writing will be forwarded to the applicant fourteen (14) days prior to such action being taken.

No bank guarantee will be accepted that has been issued directly by the applicant.

40. Draft Legal Documents

Draft copies of all legal documents (deed of agreement, request documents, plan of easement and the like) required as part of this consent shall be submitted to Council for checking prior to the issue of a Construction Certificate.

41. Engineering Works and Design

The design and construction of all the engineering works outlined below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Copies of which can be found on Council's website:

<http://www.thehills.nsw.gov.au/Engineering-Specifications.html>

Any variance from the above require separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined elsewhere in this consent. The following engineering works are required:

i. Service Conduits

Service conduits laid in strict accordance with the relevant service authorities requirements. Services must be shown on the engineering drawings.

ii. Gutter Crossings

Gutter crossings where shown on the approved plans.

iii. Stormwater Drainage – Temporary Management

Suitable measures (grassed swale drains etc;) must be installed to intercept/ control/ redirect surface stormwater runoff from upstream undeveloped properties.

iv. Filling of Existing Dam

The existing dam must be de-silted and filled in accordance with the conditions of this consent.

v. Water Quality Treatment Elements

The design and construction of the water quality treatment elements must be carried out in accordance with:

- a) The conditions of this consent.
- b) The following engineering drawings prepared by Barker Ryan Stewart:

Name:	Drawing:	Revision:	Date:
Concept Riparian Channel Design	03125E1	R	07/07/2010
Catchment Plan and Drop Structure	03125E2	O	23/06/2010
Riparian Channel Longitudinal Section	03125E3	H	08/04/2010
Riparian Channel Longitudinal Section	03125E4	H	30/06/2010
Riparian Channel Cross Sections	03125E5	H	30/06/2010
Riparian Channel Cross Sections	03125E6	F	23/06/2010
Water Quality Basins	03125E7	F	24/06/2010
Stilling Basin and Sections	03125E8	A	30/06/2010
Road 1 Longitudinal Section and Typical Cross Section	03125E9	C	21/12/2009
Car Park Longitudinal Section	03125E10	A	08/04/2010
Stage 1 Concept Drainage Design Plan	3145E111	H	07/07/2010
Stage 2 Concept Drainage Design Plan	3145E122	H	07/07/2010
Stage 3 Concept Drainage Design Plan	3145E133	L	07/07/2010

- c) The Stormwater Management Plan (Revision F dated 08/07/2010) prepared by Barker Ryan Stewart.

42. Works on Adjoining Land

Where the engineering works included in the scope of this consent extend into adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council prior to the issue of a Construction Certificate.

43. Stormwater Discharge Acceptance

Where the engineering works included in the scope of this consent necessitate the discharge of stormwater onto adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council.

44. Issue of Permit – Water Management Act 2000

The submission to Council of proof that a Controlled Activity Authority has been issued by the Department of Environment, Climate Change and Water (DECCW) under the provisions of the Water Management Act 2000.

45. Section 94 Contribution

STAGE 2

Purpose	Rate per additional m2	Total 10,935m2
Land	\$ 16.97	\$ 185,566.95
Capital	\$ 85.66	\$ 936,692.10
Total	\$ 102.63	\$ 1,122,259.05

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 11.

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

46. Submission of a Waste Management Plan

A Waste Management Plan is required to be submitted and approved by Council's Waste Management Section prior to the construction certificate being issued.

47. Water Sensitive Urban Design Elements

The applicant is to provide to Council for approval, detailed water sensitive urban design plans for the development site, suitable for construction, and inclusive of detailed and representative long section and cross sections of proposed infrastructure.

Water sensitive urban design elements, consisting of rain gardens, swales, vegetated buffers, pit inserts and rainwater pods, draining into a CDS gross pollutant trap are to be located generally in accordance with the approved plans.

In support of the detailed design for the water sensitive urban design elements, the applicant is to provide to Council for approval, detailed water quality and quantity modelling of the entire stormwater system for the proposed development. Such detailed modelling is required to inform and support the detailed design and construction of the proposed water sensitive urban design elements.

Modelling of the detailed design for construction is to demonstrate a reduction in annual average pollution export loads from the development site in line with the latest Department of Environment, Climate Change and Water (DECCW) environmental targets of:

- 90% reduction in the annual average load of gross pollutants.
- 85% reduction in the annual average load of total suspended solids.
- 65% reduction in the annual average load of total phosphorous.
- 90% reduction in the annual average load of total nitrogen.

All model parameters and data outputs are to be provided to Council.

Rain gardens, swales and vegetated buffers:

The applicant is to design and construct the proposed rain gardens, swales and vegetated buffers in accordance with best practice water sensitive urban design techniques, generally utilising the input parameters provided within the MUSIC Model, Burns-Typical Unit Module.sqz.

The applicant is to utilise latest best practice guidelines in designing the rain gardens, swales and vegetated buffers. Such guidelines include but are not limited to:

- a) Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tech.htm>; and
- b) Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>.

The rain gardens, swales and vegetated buffers are to be generally constructed in accordance with the approved plans.

Pit inserts:

Pit inserts, Enviropod 200 or similar, are to be installed to all stormwater pits that drain open space hardstand areas, such as footpaths, driveways and carparks, within the proposed development.

Maintenance:

The property owner is to undertake appropriate ongoing maintenance of the water sensitive urban design elements to ensure effective future performance in the treatment of stormwater runoff from the site.

PRIOR TO WORK COMMENCING ON THE SITE

48. Protection of Existing Trees

The tree/s that is/are to be retained is/are to be protected during all works with 1.8m high chainwire fencing which is to be erected at least three (3) metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within the root protection zone,
- Placement of fill within the root protection zone,
- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

The installation of services within the root protection zone is not to be undertaken without consultation with Council's Tree Management Officer.

49. Pre-Construction Public Infrastructure Dilapidation Report

Prior to work commencing you are required to submit to Council a public infrastructure inventory report recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

- a) Designated construction access and delivery routes.
- b) Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

50. Demolition Works & Asbestos Removal/Disposal

The demolition of any existing structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001 Part 8* and the *Australian Standard AS 2601-1991: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have loads covered and are not to track any soil or waste materials on the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoarding or fence. All demolition waste is to be removed from the site according to the Council's approved waste management plan. – Demolition Waste Section. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority Guidelines and requirements. The asbestos must be removed by a bonded asbestos

licensed operator. Supporting documentation (dockets/Receipts), verifying recycling and disposal must be kept, to be checked by Council if required.

51. Management of Building Sites – Builder’s Details

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

52. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

53. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

DURING CONSTRUCTION

54. Documentation On Site

A copy of the development consent and stamped plans together with the following documents shall be kept during construction.

- Arborist Report
- Waste Management Plan
- Erosion and Sedimentation Control Plan
- Traffic Control Plan

55. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

56. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as “Critical Stage Inspections” to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

57. Aboriginal Sites of Relics

If, during the course of any works, any evidence of a Aboriginal archaeological site or relic is found, all works on the site are to cease and the Department of Environment and Climate Change and the NSW Heritage Branch are to be notified immediately.

58. European Sites of Relics

If, during the earthworks, any evidence of a European archaeological site or relic is found, all works on the site are to cease and the NSW Heritage Branch contacted immediately. All relics are to be retained in situ unless otherwise directed by the NSW Heritage Branch.

59. Contamination Assessment

5. After removal/clearing of the buildings, gazebo, bitumen driveway and car park (for any outstanding works from Stage 1), sampling and testing of the soil beneath these features are to be carried out and a report submitted to Council for consideration.
6. Assessment of the dam and pond water must be carried out prior to de-watering (for any outstanding works from Stage 1). De-watering shall only occur in consultation with Council.
7. At the completion of de-watering, the dam and pond sediment shall be assessed to ascertain the contamination status and a report submitted to Council for consideration.
8. Any new information, which comes to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council.

PRIOR TO ISSUE OF A OCCUPATION CERTIFICATE

60. Section 73 Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Development and Plumbing section of the web site www.sydneywater.com.au and then refer to Water Servicing Co-ordinator under "Developing Your Land" or telephone 13 20 92 for assistance.

61. Post-Construction Public Infrastructure Dilapidation Report

Prior to the issuing of an Occupation Certificate you are required to submit to Council an updated public infrastructure inventory report identifying any damage to such and means of rectification for the approval of Council.

62. Legal Agreement – Encroachment into Drainage Easement

The completion and registration of a legal agreement acceptable to and in favour of Council preserving Council's right of access and preserving overland flow along the drainage easement being created under this consent. This legal agreement shall be registered on the certificate of title of the property under Section 88E of the Conveyancing Act 1919 (or recorded as a positive covenant).

The wording of the "Deed of Agreement" must be to the satisfaction of Council's Corporate Lawyer.

The deed shall be submitted to Council for checking/ endorsement along with the applicable fee from Council's Schedule of Fees and Charges. Sufficient time must be allowed for the preparation of a report to Council and execution of the deed prior to the issuing of an Occupation Certificate.

63. Construction Certification of Bridge Structures

Structural adequacy certification of all bridge structures must be submitted by a suitably qualified practicing structural engineer along with the works as executed (WAE) plans for the same. The certification must state that the bridges have been constructed in

64. Department of Environment, Climate Change and Water (DECCW) Approval of Completed Works

The submission to Council of written evidence from the Department confirming that all works associated with the Controlled Activity Authority have been completed to their satisfaction and that no objection is raised to the issuing of an Occupation Certificate for the subject development.

65. Classified Roads (Kellyville/ Rouse Hill Release Area)

Submit to Council written evidence that satisfactory arrangements have been made with the NSW Roads and Traffic Authority (RTA) with respect to classified roads for development within the Kellyville/ Rouse Hill Release Area.

66. Issue of Occupation Certificate

A final inspection shall be carried out to ensure compliance with all the conditions of the Development Consent, prior to the issue of an Occupation Certificate. Such certificates shall be issued prior to the occupation/use of any stage of the development.

67. Fire – Isolated Exits

A Fire Safety Notice "OFFENCE RELATING TO FIRE EXITS" , in the form as prescribed by Clause 183 of the Environmental Planning and Assessment Regulation 2000, shall be displayed in a conspicuous position on or adjacent to each exit door giving access to a required fire isolated stairway, passageway or ramp. It shall be displayed on the side facing persons seeking egress to, but not within, that stairway, passageway or ramp.

68. Interim Fire Safety Certificate

An Interim Fire Safety Certificate must be issued prior to the issue of an Interim Occupation Certificate to use or change the use of a building, except in the case of a Class 1a or Class 10 building(s).

THE USE OF THE SITE

69. Hours of Operation

The hours of operation being restricted to the following: -

- 7.00am – 6.00pm (Monday – Saturday)

Activities such as extended operation within the commercial office component of the development, which are not audible from nearby residential properties, can occur outside of the above operating hours until no later than 10.00pm.

Any alteration to the above hours of operation will require the further approval of Council.

70. Security Screens/Locking Devices (Fire Safety)

All required fire exits or paths of travel to an exit shall not be fitted with security screens and/or locking devices that will impede safe egress of the building occupants and visitors without prior consent from Council. This condition does not apply to the entry door of the sole occupancy residential units.

71. No Obstruction to Path of Travel

The placement of storage racks, cabinets, floor stock, pallets or the like, shall not obstruct any path of travel to an exit nor the efficient operation and effective coverage of any fire hose reel, fire hydrant, fire extinguisher or other essential fire safety measures.

72. Waste Storage and Collection – Commercial/Industrial

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclables emanating from the premises must be stored in the designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste.

73. Air Condition Condensers

Any condenser units associated with air conditioning that may be installed shall be placed no closer than the front of the office building and have a total sound power level not exceeding 88 dB(A).

74. Restriction on heavy vehicles

1. Container trucks movements (arrival/departure) shall not exceed more than one in any sixty minute period on any day.
2. The use of heavy vehicles on the site shall be prohibited on Sundays and public holidays prior to 8:00 am.

STAGE 3 CONDITIONS**GENERAL MATTERS****1. Development in Accordance with Submitted Plans (as amended)**

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent. No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required

The amendments in red:-

- Exclude all reference to subdivision as subdivision is not included within this determination.

REFERENCED PLANS

DRAWING NO	DESCRIPTION	REVISION	DATE
005	Master Plan – Site Works Plan	17	07/07/2010
098	Master Plan – Basement Carpark 1 Plan	6	09/07/2010
099	Master Plan – Lower Ground Floor Plan & Basement Carpark 2 Plan	7	09/02/2010
100	Master Plan – Ground Floor Plan	6	29/04/2010
101	Master Plan – Level 1 Floor Plan	6	29/04/2010
102	Master Plan – Level 2 / Mezzanine Floor Plan	6	29/04/2010
199	Master Plan – Roof Plan	3	07/01/2010
200	Master Plan – Elevations	3	19/08/2009
300	Master Plan – Sections	2	06/06/2010
SK01.3Q	Final Stage – Landscape Concept Plan	Q	27/04/2010
SK02.3Q	Stage 3 – Landscape Concept Sections	Q	27/04/2010
-	Schedule of External Colours & Finishes	-	-

2. External Finishes

External finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.

3. Tree Removal

Approval is only granted for the removal of trees as indicated on Landscape Concept Plan Stage 1 prepared by EDAW AECOM affected by the proposed development.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

4. Compliance with NSW Rural Fire Service Requirements

Compliance with the requirements of the NSW Rural Fire Service attached to this consent and dated 17 September 2009.

5. Compliance with NSW Police Requirements

Compliance with the requirements of the NSW Police Service attached to this consent and dated 15 September 2009 , 17 November 2009 and 1 April 2010.

6. Compliance NSW Office of Water Requirements

Compliance with the requirements of the NSW Office of Water attached to this consent and dated 27/07/2010.

7. Compliance with NSW Roads and Traffic Authority Requirements

Compliance with the requirements of the NSW Roads and Traffic Authority attached to this consent and dated 6 October 2009 excluding Points 1 and 2.

8. Compliance with Sydney Water Requirements

Compliance with the requirements of Sydney Water attached to this consent and dated 27/07/2010.

9. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size.

10. Tree/s to be retained

To maintain the treed environment of the Shire, trees indicated on Landscape Concept Plan Stage 1 prepared by EDAW AECOM to be retained.

11. Provision of Parking and Bicycle Spaces

The development (All Stages) is required to be provided with 707 off-street car parking spaces and a minimum of 18 bicycle parking spaces. These parking spaces shall be available for off street parking at all times.

12. Separate application for signs

A separate application being submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.

13. Protection of Existing Vegetation

Care is to be exercised during the construction of the proposed works to ensure natural vegetation and topography on the subject site is not unnecessarily disturbed.

Any excavated material not used in the construction of the subject works is to be removed from the site and under no circumstances is to be deposited in bushland areas.

14. Protection of Public Infrastructure

Council must be notified of any damage to the public infrastructure such as road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the development.

Adequate protection must be provided for public infrastructure prior to work commencing and during building operations.

Any damage to public infrastructure caused during construction shall be made good prior to the issue of an Occupation Certificate.

15. Overland Flow

Provision for overland flow must be maintained along all proposed and existing Council drainage easements. Access for earthmoving equipment shall be maintained along all existing and proposed drainage easements in favour of Council that have a piped component (ie; not the reconstructed watercourse). No overland flow is to be diverted out of the easements.

16. Fencing over Council Drainage Easement(s)

New or replacement fencing across drainage easements in favour of Council must be approved by Council. Open style fencing must be used.

17. Earthworks in Council Drainage Easement(s)

With the exception of those works approved by Council as part of an Engineering Construction Certificate as outlined elsewhere in this consent, the existing ground levels within the drainage easement(s) shall not be altered by cut and / or fill. Any fill, stockpiles, building materials and sheds shall not be placed within the easement(s).

18. Works Adjacent to Piped Drainage Easement

Buildings and structures (including footings and brick fences) adjacent to easements must be located wholly outside the easement and be designed by a structural engineer to ensure that no load is imparted on the pipe in the easement.

19. Separate Development Application for Subdivision

A separate development application must be submitted to Council for any proposed strata titled subdivision of the approved development.

20. Minor Engineering Works

The design and construction of the minor engineering works listed below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Copies of which can be found on Council's website:

<http://www.thehills.nsw.gov.au/Engineering-Specifications.html>

Works on existing public roads or reserves and any land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 and/ or the Local Government Act 1993.

i. Heavy Duty Crossings

Heavy duty gutter and footpath crossings at all points of vehicular access. The location and width of all footpath crossings must be as shown on the approved plans.

ii. All Weather Access

Formed all weather vehicular access extending to the car parking area.

iii. Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge. Internal site drainage is to be provided based on a 1:10 year ARI storm event.

21. Vehicular Access and Parking

The design and construction of all vehicular access and parking areas must comply with:

- a) AS/ NZS 2890.1:2004 – Parking facilities – Part 1: Off-street car parking
- b) AS/ NZS 2890.6:2009 – Parking facilities – Part 1: Off-street parking for people with disabilities
- c) AS 2890.2:2002 – Parking facilities – Part 2: Off-street commercial vehicle facilities

d) BHDCP Part D Section 1 – Parking

The following must be provided:

- i. All internal car parking spaces and access roads must be prominently and permanently line-marked, signposted and maintained to ensure entry and exit to the site is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- ii. All access roads and car parking areas are to be separated from landscaped areas by a concrete kerb or wall.

22. Engineering Works – Detailed Design and Construction Approval

The design certification and construction approval of the engineering works nominated later in this consent require separate approval prior to the commencement of any works as follows:

- a) Works on existing public roads or reserves and any land under the care and control of Council require an Engineering Construction Certificate (ECC) in accordance with the Roads Act 1993 and/ or the Local Government Act 1993. The proposed new road that is to be dedicated to Council at a later date is included in the above.

An ECC can only be issued by Council.

- b) All other engineering works associated with the building approval must be approved by either Council or an Accredited Certifier. This certification must be included with the documentation approved as part of any Construction Certificate.

The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

For Council to issue either an ECC the following must be provided:

- i. A completed application form.
- ii. Four (4) copies of the design plans and specifications.
- iii. Payment of the appropriate application and inspection fees.

23. Supervision of Works

All work in the road reserve shall be supervised by a suitably qualified and experienced Civil Engineer, Registered Surveyor or Civil Engineering Foreman. The supervisor's name, address and contact phone number shall be submitted to Council prior to the commencement of construction in the road reserve.

In this regard a construction programme and anticipated duration of construction for all work in the road reserve shall be submitted in writing to Council prior to the commencement of any works in the road reserve.

24. Gutter and Footpath Crossing Application

The submission to Council of an application for all gutter and footpath crossings, accompanied by the current fee as prescribed in Council's Schedule of Fees and Charges. This includes crossings from the proposed internal road that is to be eventually dedicated to Council.

25. Public Liability Insurance

All contractors working in the public road shall take out public liability insurance for a minimum amount of \$10 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be submitted to Council prior to the commencement of construction in the road reserve.

26. Upgrading of Existing Water and Sewerage Services

Should the development necessitate the installation (or upgrade) of water and/ or sewerage services within an area which is either heavily vegetated or traversed by a

natural watercourse, such services must be located in a route that causes the least amount of impact on the natural environment.

Excavation by hand and/ or small machinery is required where the ecological impact would otherwise be considered excessive.

27. Recycled Water

The subject site must be connected to Sydney Water's Rouse Hill Recycled Water Scheme. This connection must be included as part of the Section 73 Compliance Certificate acquired for the development.

28. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

29. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Particular attention shall be drawn to, but not limited to, the following matters:

4. The condition regarding Fire Engineering Solution
5. The potential non-compliance with D1.7(a) and (d) of the Building Code of Australia as a result of further tenancy subdivisions, in particular at the north eastern and south western office towers.

30. Garbage Collection – Commercial/Industrial

Collection of waste and recycling material, generated by the premises, must not cause nuisance or interference with the amenity of the surrounding area.

31. Waste Storage and Separation – Construction and Demolition

The reuse and recycling of waste materials must be maximised during construction and demolition. The separation and recycling of the following waste materials is required:

- a) Masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- b) Timber waste to be separated and sent for recycling;
- c) Metals to be separated and sent for recycling;
- d) Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- e) Mixed waste (plastic wrapping, cardboard etc) to be sent to a licensed recycling or disposal facility.

This can be achieved by constructing a minimum of five trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste . Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

32. Waste Collection

Waste and recycling material, generated by the premises, must only be collected between the hours of 6am and 10pm except for Sundays and public holidays, where collection shall be between 8am and 10pm.

33. Surplus Excavated Material

The disposal / landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the

commencement of works. Any unauthorized disposal of waste, which includes excavated material, is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

34. Imported 'waste derived' fill material

5. The only waste derived fill material that may be received at the development site is:
 - a. virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); or
 - b. any other waste-derived material the subject of a resource recovery exemption under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.
6. Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

NOTE: The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997* (POEO Act). However, a licence is not required by the occupier of the land if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a **resource recovery exemption** under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

Resource recovery exemptions are available on Department of Environment and Climate Change's website at: <http://www.environment.nsw.gov.au/waste/>

Definition of 'virgin excavated natural material' within the meaning of the POEO Act:

Natural material (such as clay, gravel, sand, soil or rock fines) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues (as a result of industrial, commercial, mining or agricultural activities), and that does not contain any sulfidic ores or any other waste.

Definition of 'waste' within the meaning of the POEO (Waste) Regulation:

In relation to substances that are applied to land, the application to land by:

- (e) spraying, spreading or depositing on the land, or
 - (v) ploughing, injecting or mixing into the land, or
 - (vi) filling, raising, reclaiming or contouring the land,
- (f) in relation to substances that are used as fuel, all circumstances.

See Clause 3B of the Regulation for exemptions.

35. Fire Engineering Solution

The fire engineering solution (and its fire modelling) proposed to be implemented during construction shall be staged in such a manner to take into consideration the fact that certain means of egress and fire safety systems may not be available during the construction of subsequent stages or when the subsequent stages are not being constructed.

The fire engineering solution shall establish limiting criteria to guide the subsequent fitout process within the building envelope. Alternatively, each separate development

application for the occupation and fitout of any part of the building shall be accompanied and supported by a fire engineering re-assessment report.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

36. Landscape Bond

A landscape bond in the amount \$15,000 is to be lodged with Council prior to the issue of the Stage 3 Construction Certificate or the bond from Stage 2 is to be carried over to Stage 3. It shall be refunded 6 months following the issue of the Occupation Certificate for Stage 3 and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team, that the works have been carried out in accordance with the approved landscape plan.

37. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

38. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979 a security bond to the value of \$137,256.00 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The above amount is calculated at the rate of \$30.00 per square metre based on the public road frontage of the subject site (244m) plus an additional 50m on either side (344m total) and the road width from the back of kerb on both sides (13.3m) or \$10,000.00, whichever is the greater.

The bond shall be lodged with Council prior to the issue of a Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these remaining costs.

39. Bank Guarantees

Should a bank guarantee be the proposed method of submitting a security bond the guarantee is to:

- a) Have no expiry date.
- b) Be forwarded direct from the issuing bank with a suitable cover letter that refers to Development Consent DA 318/2010/JP.
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee notice in writing will be forwarded to the applicant fourteen (14) days prior to such action being taken.

No bank guarantee will be accepted that has been issued directly by the applicant.

40. Engineering Works and Design

The design and construction of all the engineering works outlined below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments

b) Council's Works Specifications Subdivisions/ Developments

Copies of which can be found on Council's website:

<http://www.thehills.nsw.gov.au/Engineering-Specifications.html>

Any variance from the above require separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined elsewhere in this consent. The following engineering works are required:

i. Service Conduits

Service conduits laid in strict accordance with the relevant service authorities requirements. Services must be shown on the engineering drawings.

ii. Gutter Crossings

Gutter crossings where shown on the approved plans.

iii. Stormwater Drainage – Temporary Management

Suitable measures (grassed swale drains etc;) must be installed to intercept/ control/ redirect surface stormwater runoff from upstream undeveloped properties.

iv. Water Quality Treatment Elements

The design and construction of the water quality treatment elements must be carried out in accordance with:

a) The conditions of this consent.

b) The following engineering drawings prepared by Barker Ryan Stewart:

Name:	Drawing:	Revision:	Date:
Concept Riparian Channel Design	03125E1	R	07/07/2010
Catchment Plan and Drop Structure	03125E2	O	23/06/2010
Riparian Channel Longitudinal Section	03125E3	H	08/04/2010
Riparian Channel Longitudinal Section	03125E4	H	30/06/2010
Riparian Channel Cross Sections	03125E5	H	30/06/2010
Riparian Channel Cross Sections	03125E6	F	23/06/2010
Water Quality Basins	03125E7	F	24/06/2010
Stilling Basin and Sections	03125E8	A	30/06/2010
Road 1 Longitudinal Section and Typical Cross Section	03125E9	C	21/12/2009
Car Park Longitudinal Section	03125E10	A	08/04/2010
Stage 1 Concept Drainage Design Plan	3145E111	H	07/07/2010
Stage 2 Concept Drainage Design Plan	3145E122	H	07/07/2010
Stage 3 Concept Drainage Design Plan	3145E133	L	07/07/2010

c) The Stormwater Management Plan (Revision F dated 08/07/2010) prepared by Barker Ryan Stewart.

41. Works on Adjoining Land

Where the engineering works included in the scope of this consent extend into adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council prior to the issue of a Construction Certificate.

43. Stormwater Discharge Acceptance

Where the engineering works included in the scope of this consent necessitate the discharge of stormwater onto adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council.

44. Issue of Permit – Water Management Act 2000

The submission to Council of proof that a Controlled Activity Authority has been issued by the Department of Environment, Climate Change and Water (DECCW) under the provisions of the Water Management Act 2000.

45. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

STAGE 3

Purpose	Rate per additional m2	Total 11,492m2
Land	\$ 16.97	\$ 195,019.24
Capital	\$ 85.66	\$ 984,404.72
Total	\$ 102.63	\$ 1,179,423.96

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 11.

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

46. Submission of a Waste Management Plan

A Waste Management Plan is required to be submitted and approved by Council's Waste Management Section prior to the construction certificate being issued.

47. Water Sensitive Urban Design Elements

The applicant is to provide to Council or a suitably qualified private certifier for approval, detailed water sensitive urban design plans for the development site, suitable for construction, and inclusive of detailed and representative long section and cross sections of proposed infrastructure.

Water sensitive urban design elements, consisting of rain gardens, swales, vegetated buffers, pit inserts and rainwater pods, draining into a CDS gross pollutant trap are to be located generally in accordance with the approved plans.

In support of the detailed design for the water sensitive urban design elements, the applicant is to provide to Council or a suitably qualified private certifier for approval, detailed water quality and quantity modelling of the entire stormwater system for the proposed development. Such detailed modelling is required to inform and support the detailed design and construction of the proposed water sensitive urban design elements.

Modelling of the detailed design for construction is to demonstrate a reduction in annual average pollution export loads from the development site in line with the latest Department of Environment, Climate Change and Water (DECCW) environmental targets of:

- 90% reduction in the annual average load of gross pollutants.
- 85% reduction in the annual average load of total suspended solids.
- 65% reduction in the annual average load of total phosphorous.
- 45% reduction in the annual average load of total nitrogen.

All model parameters and data outputs are to be provided to Council.

Rain gardens, swales and vegetated buffers:

The applicant is to design and construct the proposed rain gardens, swales and vegetated buffers in accordance with best practice water sensitive urban design

techniques, generally utilising the input parameters provided within the MUSIC Model, Burns-Typical Unit Module.sqz.

The applicant is to utilise latest best practice guidelines in designing the rain gardens, swales and vegetated buffers. Such guidelines include but are not limited to:

- a) Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tech.htm>; and
- b) Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>.

The rain gardens, swales and vegetated buffers are to be generally constructed in accordance with the approved plans.

Pit inserts:

Pit inserts, Enviropod 200 or similar, are to be installed to all stormwater pits that drain open space hardstand areas, such as footpaths, driveways and carparks, within the proposed development.

Maintenance:

The property owner is to undertake appropriate ongoing maintenance of the water sensitive urban design elements to ensure effective future performance in the treatment of stormwater runoff from the site.

PRIOR TO WORK COMMENCING ON THE SITE

48. Protection of Existing Trees

The tree/s that is/are to be retained is/are to be protected during all works with 1.8m high chainwire fencing which is to be erected at least three (3) metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within the root protection zone,
- Placement of fill within the root protection zone,
- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

The installation of services within the root protection zone is not to be undertaken without consultation with Council's Tree Management Officer.

48. Pre-Construction Public Infrastructure Dilapidation Report

Prior to work commencing you are required to submit to Council a public infrastructure inventory report recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

- a) Designated construction access and delivery routes.
- b) Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

49. Demolition Works & Asbestos Removal/Disposal

The demolition of any existing structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001 Part 8* and the *Australian Standard AS 2601-1991: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have loads covered and are not to track any soil or waste materials on the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application

is to be made to Council to enclose the public place with a hoarding or fence. All demolition waste is to be removed from the site according to the Council's approved waste management plan. – Demolition Waste Section. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority Guidelines and requirements. The asbestos must be removed by a bonded asbestos licensed operator. Supporting documentation (dockets/Receipts), verifying recycling and disposal must be kept, to be checked by Council if required.

50. Management of Building Sites – Builder's Details

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

51. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

52. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

DURING CONSTRUCTION

53. Documentation On Site

A copy of the development consent and stamped plans together with the following documents shall be kept during construction.

- Arborist Report
- Waste Management Plan
- Erosion and Sedimentation Control Plan
- Traffic Control Plan

54. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

55. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying

Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

56. Aboriginal Sites of Relics

If, during the course of any works, any evidence of a Aboriginal archaeological site or relic is found, all works on the site are to cease and the Department of Environment and Climate Change and the NSW Heritage Branch are to be notified immediately.

57. European Sites of Relics

If, during the earthworks, any evidence of a European archaeological site or relic is found, all works on the site are to cease and the NSW Heritage Branch contacted immediately. All relics are to be retained in situ unless otherwise directed by the NSW Heritage Branch.

58. Contamination Assessment

9. After removal/clearing of the buildings, gazebo, bitumen driveway and car park (for any outstanding works from Stage 1 and 2), sampling and testing of the soil beneath these features are to be carried out and a report submitted to Council for consideration.
10. Assessment of the dam and pond water must be carried out prior to de-watering (for any outstanding works from Stage 1 and 2). De-watering shall only occur in consultation with Council.
11. At the completion of de-watering, the dam and pond sediment shall be assessed to ascertain the contamination status and a report submitted to Council for consideration.
12. Any new information, which comes to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council.

PRIOR TO ISSUE OF A OCCUPATION CERTIFICATE

59. Section 73 Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Development and Plumbing section of the web site www.sydneywater.com.au and then refer to Water Servicing Co-ordinator under "Developing Your Land" or telephone 13 20 92 for assistance.

60. Post-Construction Public Infrastructure Dilapidation Report

Prior to the issuing of an Occupation Certificate you are required to submit to Council an updated public infrastructure inventory report identifying any damage to such and means of rectification for the approval of Council.

61. Department of Environment, Climate Change and Water (DECCW) Approval of Completed Works

The submission to Council of written evidence from the Department confirming that all works associated with the Controlled Activity Authority have been completed to their satisfaction and that no objection is raised to the issuing of an Occupation Certificate for the subject development.

62. Classified Roads (Kellyville/ Rouse Hill Release Area)

Submit to Council written evidence that satisfactory arrangements have been made with the NSW Roads and Traffic Authority (RTA) with respect to classified roads for development within the Kellyville/ Rouse Hill Release Area.

63. Issue of Occupation Certificate

A final inspection shall be carried out to ensure compliance with all the conditions of the Development Consent, prior to the issue of an Occupation Certificate. Such certificates shall be issued prior to the occupation/use of any stage of the development.

64. Fire – Isolated Exits

A Fire Safety Notice "OFFENCE RELATING TO FIRE EXITS" , in the form as prescribed by Clause 183 of the Environmental Planning and Assessment Regulation 2000, shall be displayed in a conspicuous position on or adjacent to each exit door giving access to a required fire isolated stairway, passageway or ramp. It shall be displayed on the side facing persons seeking egress to, but not within, that stairway, passageway or ramp.

65. Interim Fire Safety Certificate

An Interim Fire Safety Certificate must be issued prior to the issue of an Interim Occupation Certificate to use or change the use of a building, except in the case of a Class 1a or Class 10 building(s).

THE USE OF THE SITE

66. Hours of Operation

The hours of operation being restricted to the following: -

- 7.00am – 6.00pm (Monday – Saturday)

Activities such as extended operation within the commercial office component of the development, which are not audible from nearby residential properties, can occur outside of the above operating hours until no later than 10.00pm.

Any alteration to the above hours of operation will require the further approval of Council.

67. Security Screens/Locking Devices (Fire Safety)

All required fire exits or paths of travel to an exit shall not be fitted with security screens and/or locking devices that will impede safe egress of the building occupants and visitors without prior consent from Council.

the efficient operation and effective coverage of any fire hose reel, fire hydrant, fire extinguisher or other essential fire safety measures.

69. Waste Storage and Collection – Commercial/Industrial

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclables emanating from the premises must be stored in the designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste.

70. Air condition condensers

Any condenser units associated with air conditioning that may be installed shall be placed no closer than the front of the office building and have a total sound power level not exceeding 88 dB(A).

71. Restriction on Heavy Vehicles

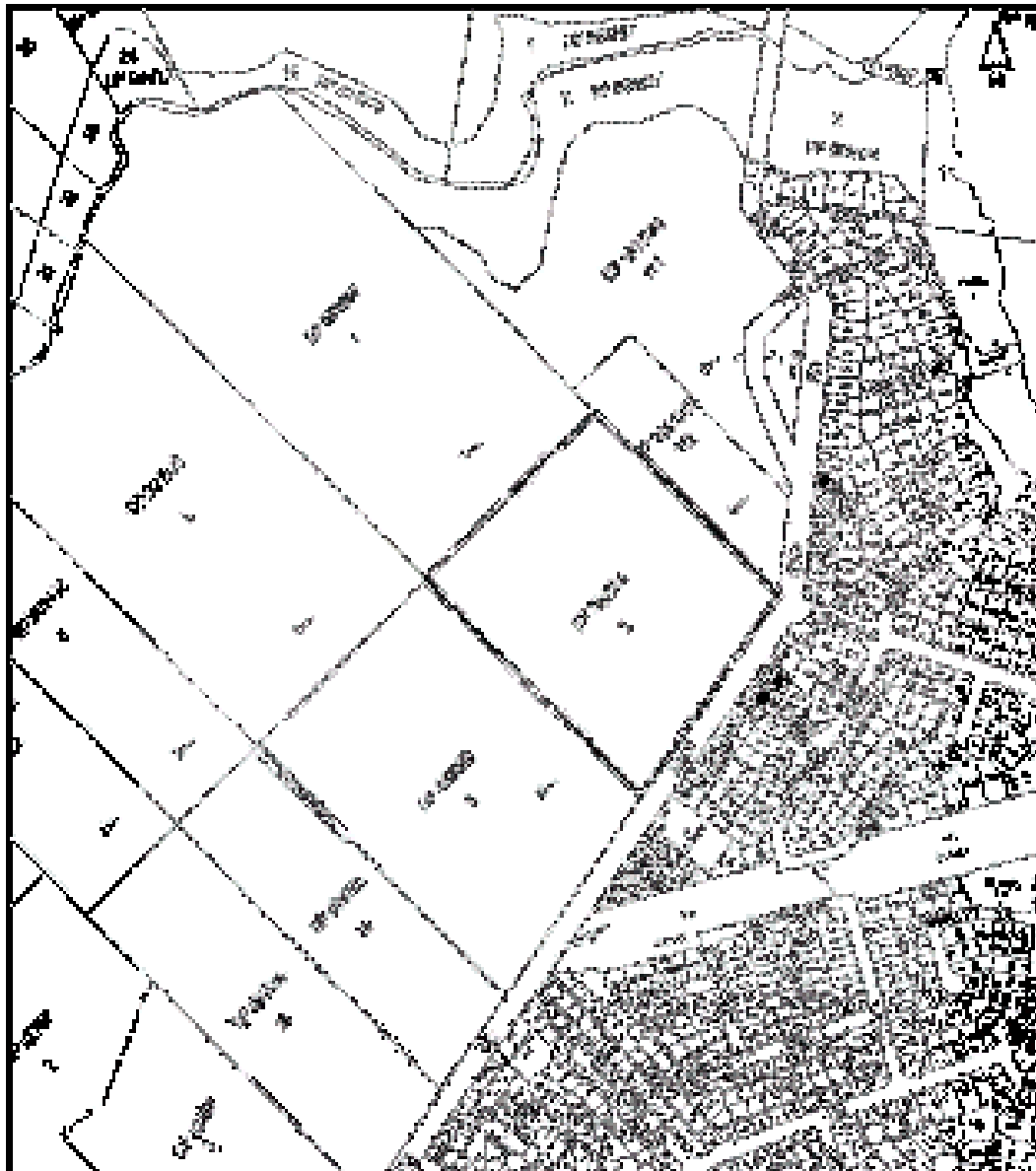
3. Container trucks movements (arrival/departure) shall not exceed more than one in any sixty minute period on any day.
4. The use of heavy vehicles on the site shall be prohibited on Sundays and public holidays prior to 8:00 am.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Stage 1 – Site Works Plan
4. Stage 1 – Ground Floor Plan
5. Stage 1 – Level 1 Floor Plan
6. Stage 1 – Mezzanine Floor Plan
7. Stage 1 – Roof Plan
8. Stage 1 – Elevations
9. Stage 1 – Sections
10. Stage 1 – Concept Landscape Plan
11. Stage 1 – Concept Landscape Sections
12. Stage 2 – Site Works Plan
13. Stage 2 – Lower Ground Floor Plan
14. Stage 2 – Ground Floor Plan
15. Stage 2 – Level 1 Floor Plan
16. Stage 2 – Level 2 / Mezzanine Floor Plan
17. Stage 2 – Roof Plan
18. Stage 2 – Elevations
19. Stage 2 – Sections
20. Stage 2 – Concept Landscape Plan
21. Stage 2 – Concept Landscape Sections
22. Master Plan Stage – Site Works Plan
23. Master Plan Stage – Basement Car Park 1 Plan
24. Master Plan Stage – Lower Ground Floor & Basement Car Park 2 Plan
25. Master Plan Stage – Ground Floor Plan
26. Master Plan Stage – Level 1 Floor Plan
27. Master Plan Stage – Level 2 / Mezzanine Floor Plan
28. Master Plan Stage – Roof Plan
29. Master Plan Stage – Elevations
30. Master Plan Stage – Sections
31. Master Plan Stage – Concept Landscape Plan
32. Master Plan Stage – Concept Landscape Sections
33. NSW Police Service Comments
34. NSW Roads and Traffic Authority Comments
35. NSW Office of Water Comments
36. NSW Rural Fire Service Comments
37. Sydney Water Comments

ATTACHMENT 1 – LOCALITY PLAN

ATTACHMENT 1 – LOCALITY PLAN



- ☐ PROPERTY NOTE
- ☒ PROPERTIES NOTIFIED
- ☒ SUBMISSIONS RECEIVED



THE HILLS SHIRE COUNCIL

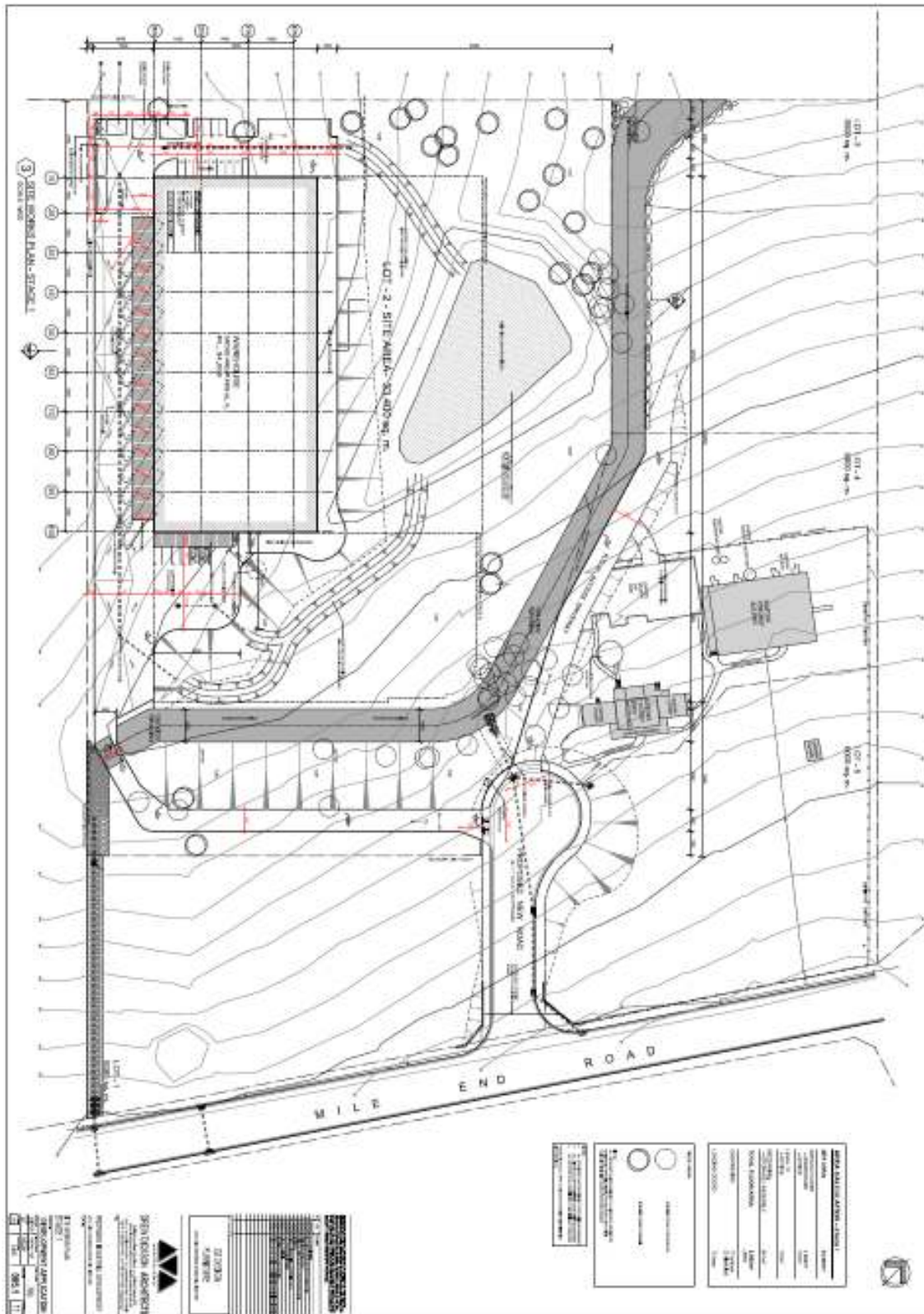
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BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI) CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THIS COPYRIGHT.

ATTACHMENT 2 – AERIAL PHOTOGRAPH



ATTACHMENT 3 – STAGE 1 – SITE WORKS PLAN



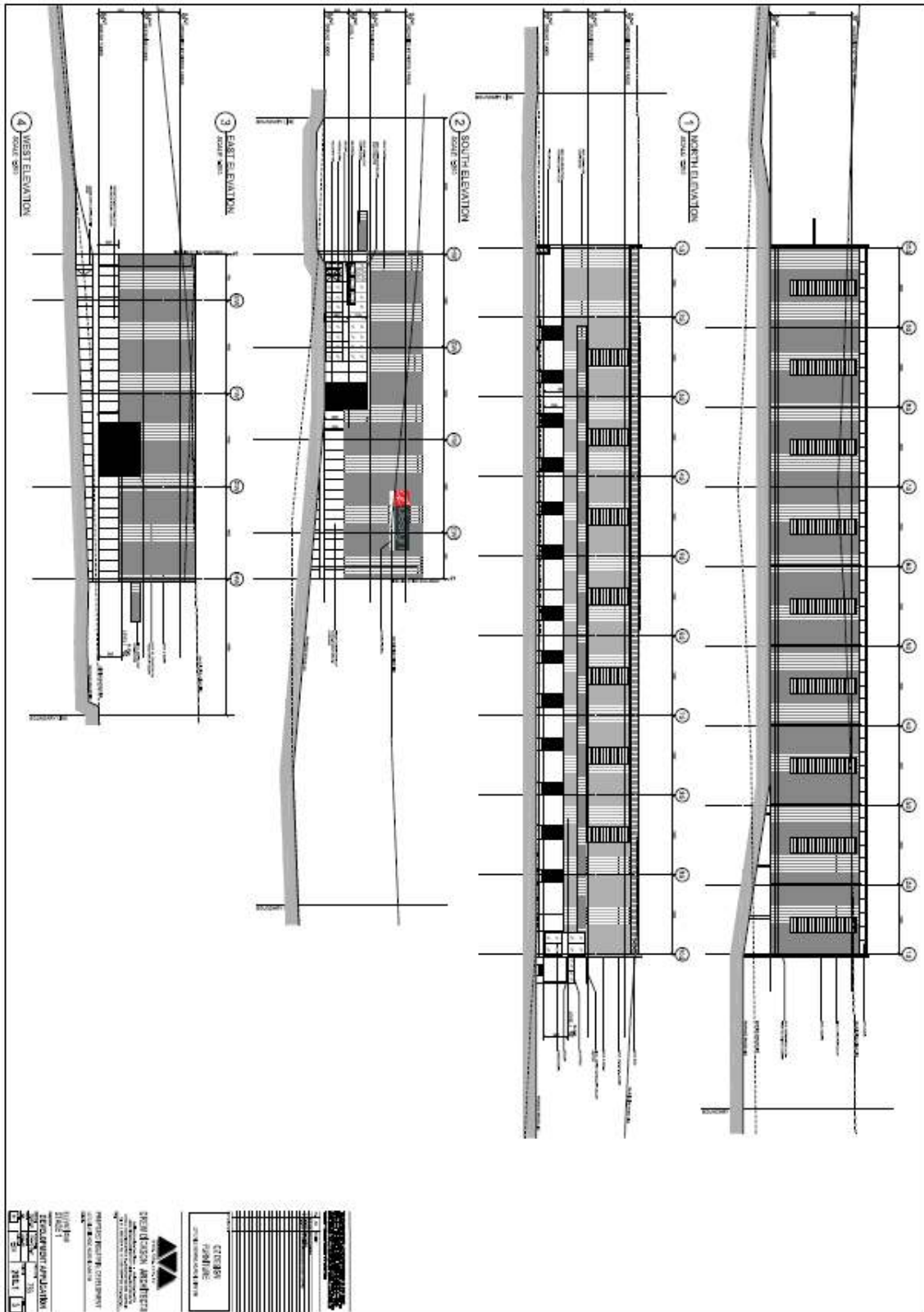
LOT-2 SITE AREA: 33,420 sq. m.

BASEMENT 2 CARPORT NO. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817,

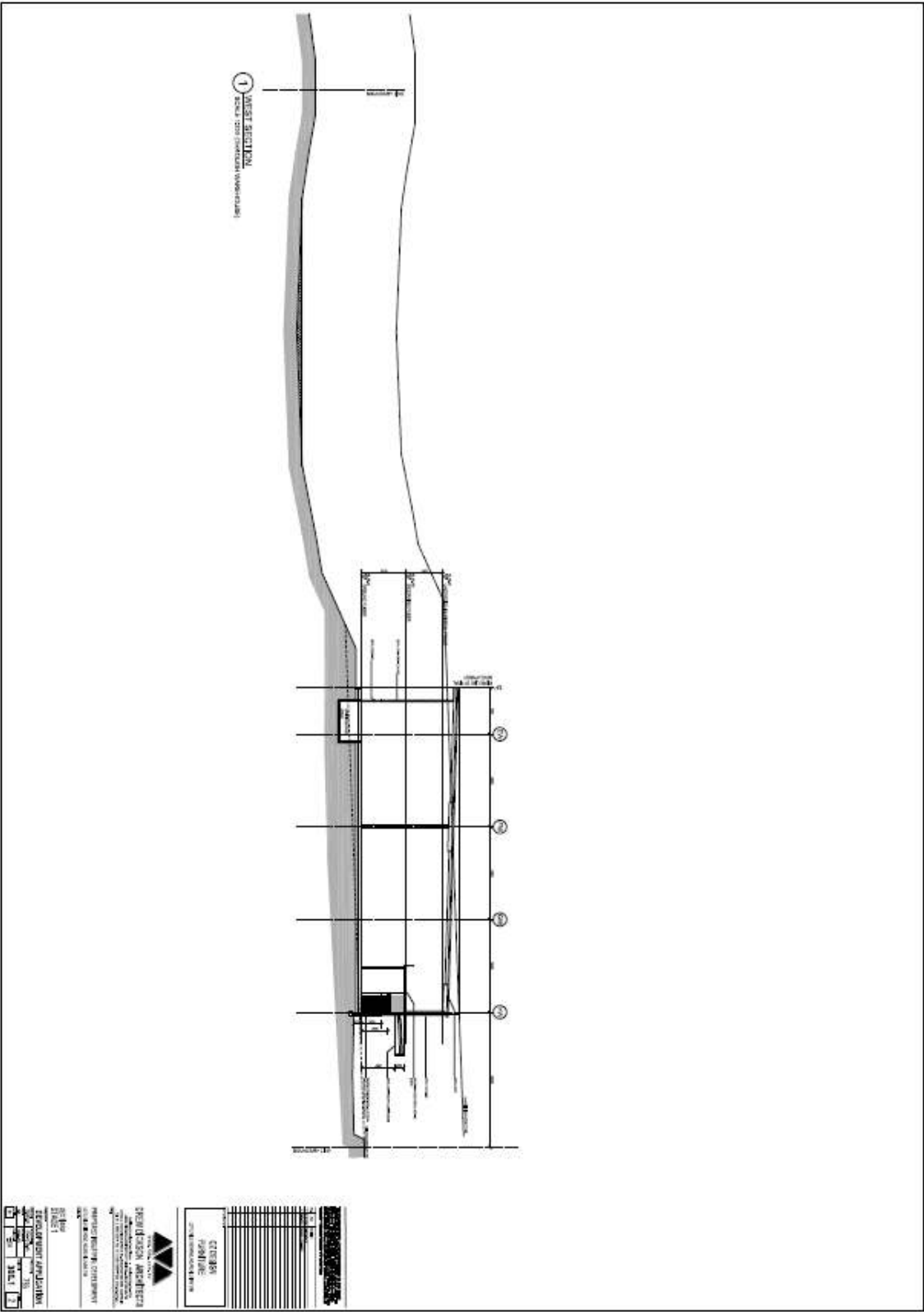
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ATTACHMENT 8 – STAGE 1 – ELEVATIONS



ATTACHMENT 9 – STAGE 1 – SECTION



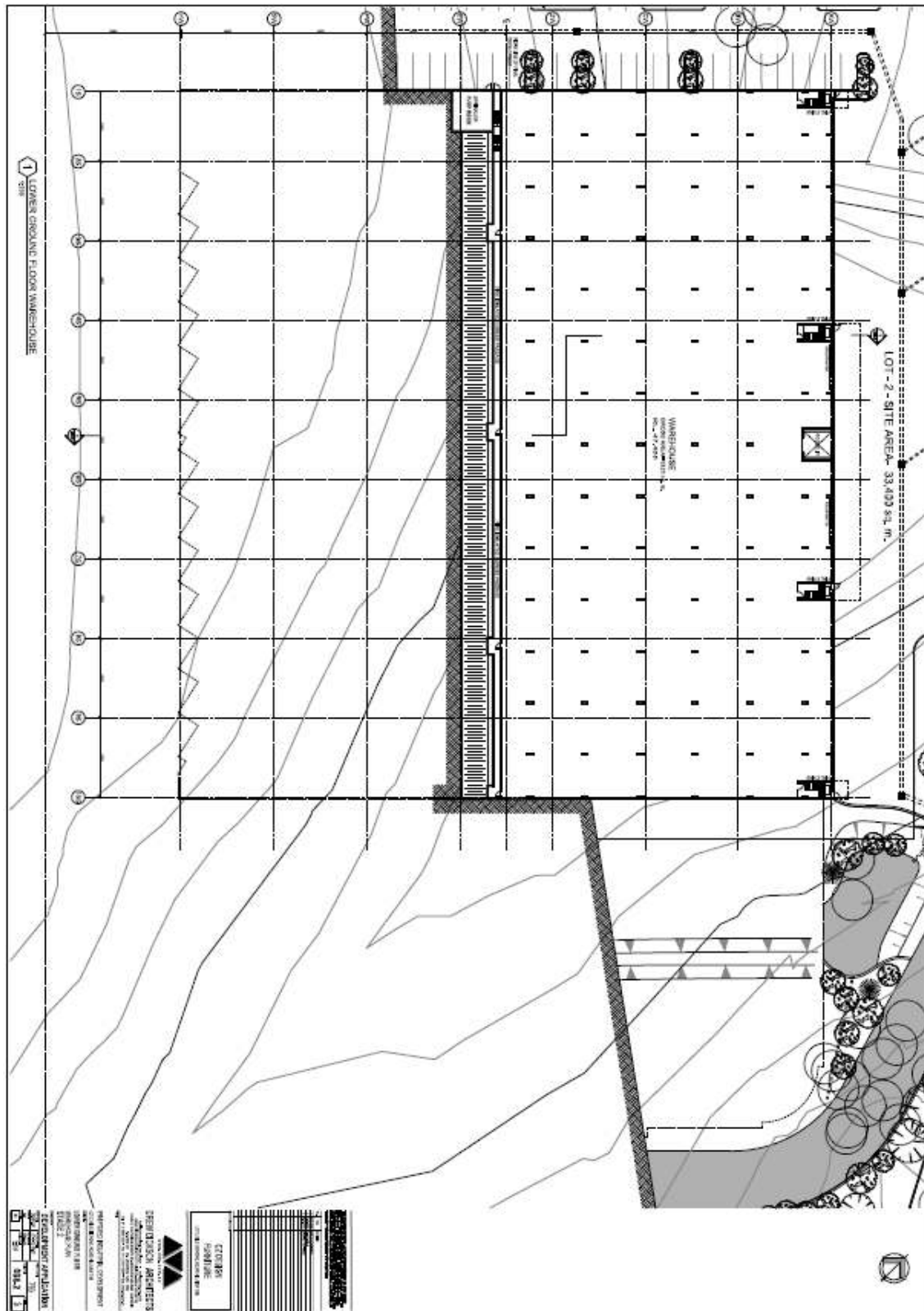
ATTACHMENT 10 – STAGE 1 – CONCEPT LANDSCAPE PLAN



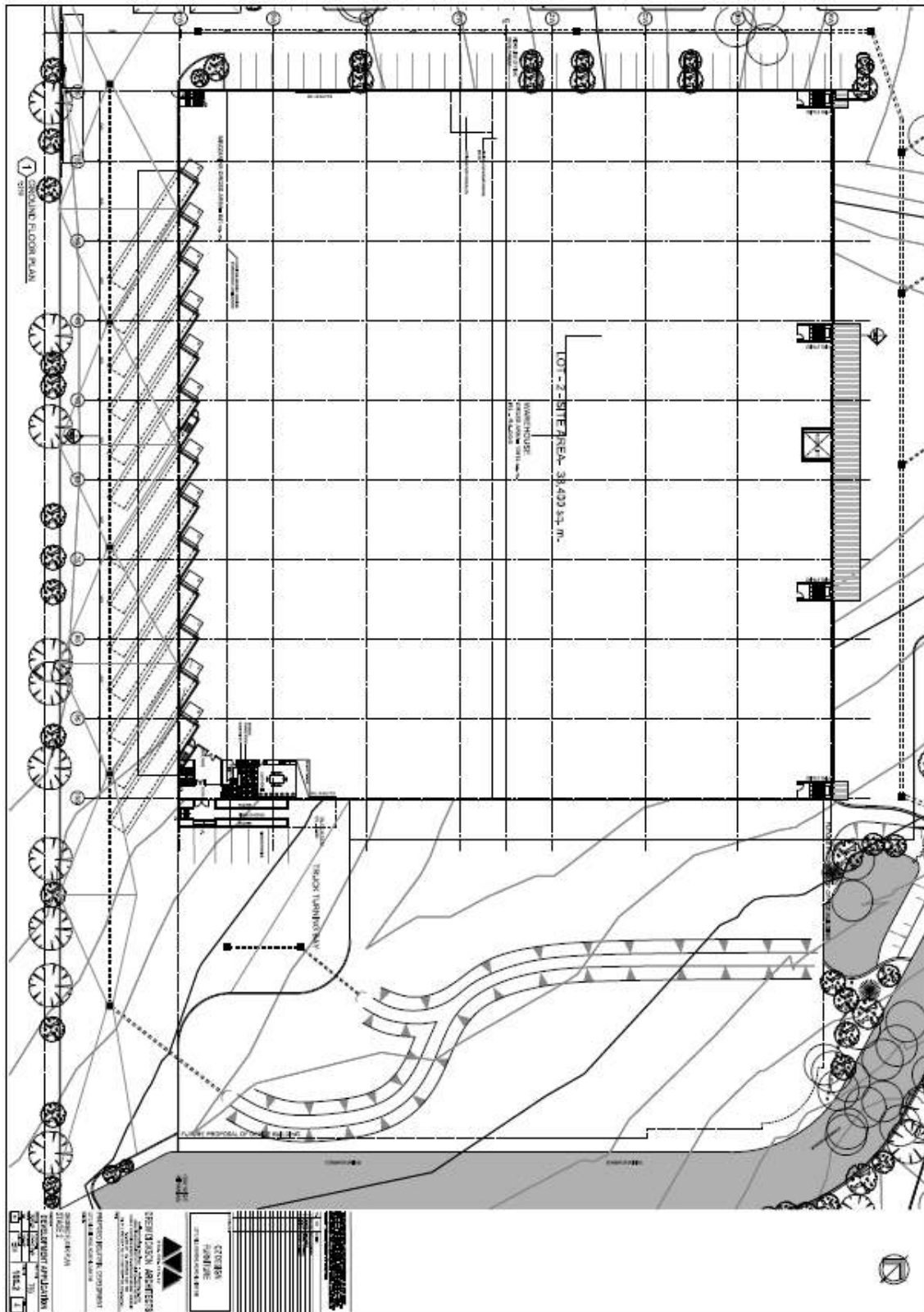
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ATTACHMENT 13 – STAGE 2 – LOWER GROUND WAREHOUSE FLOOR PLAN



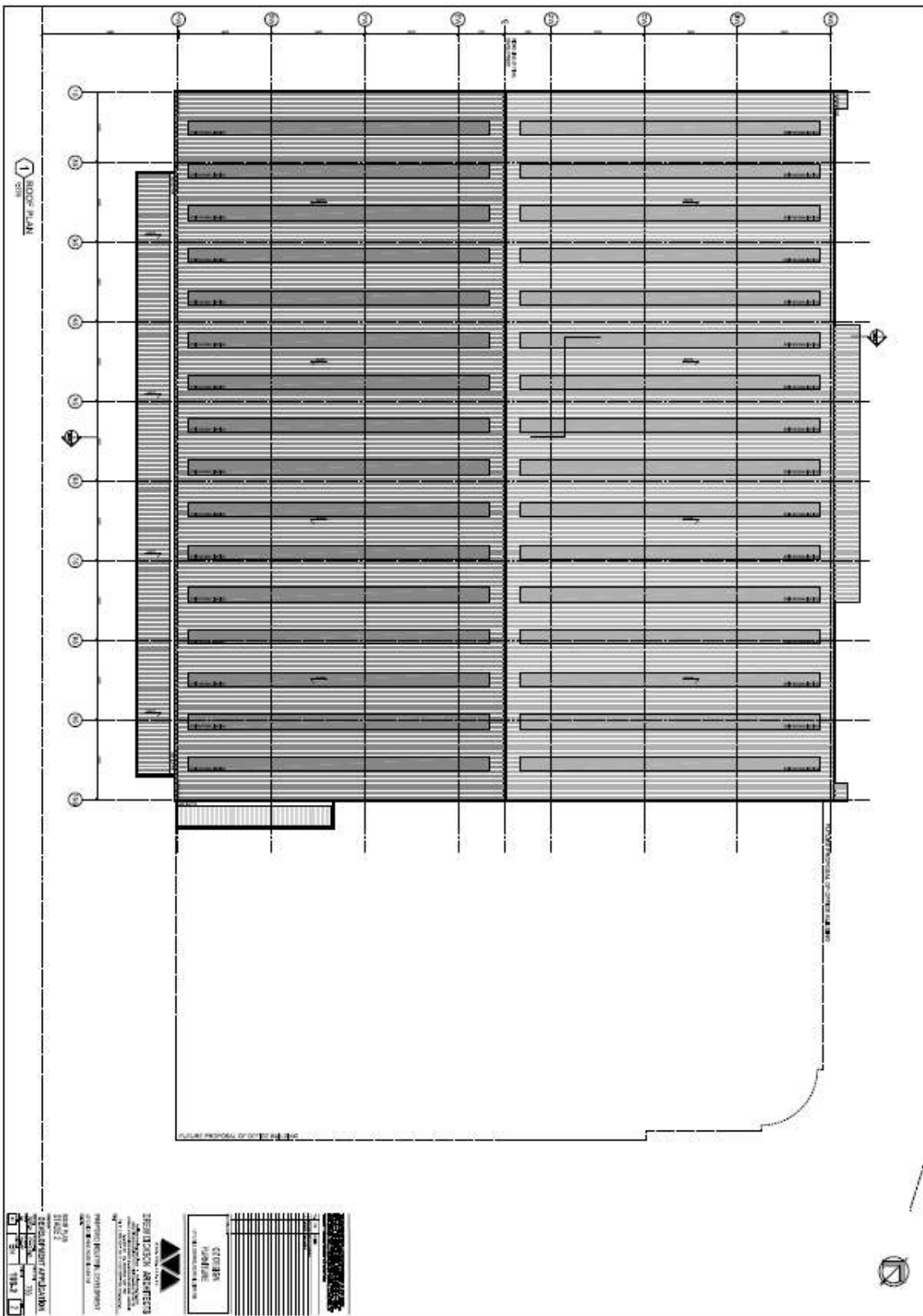
ATTACHMENT 14 – STAGE 2 – GROUND FLOOR PLAN



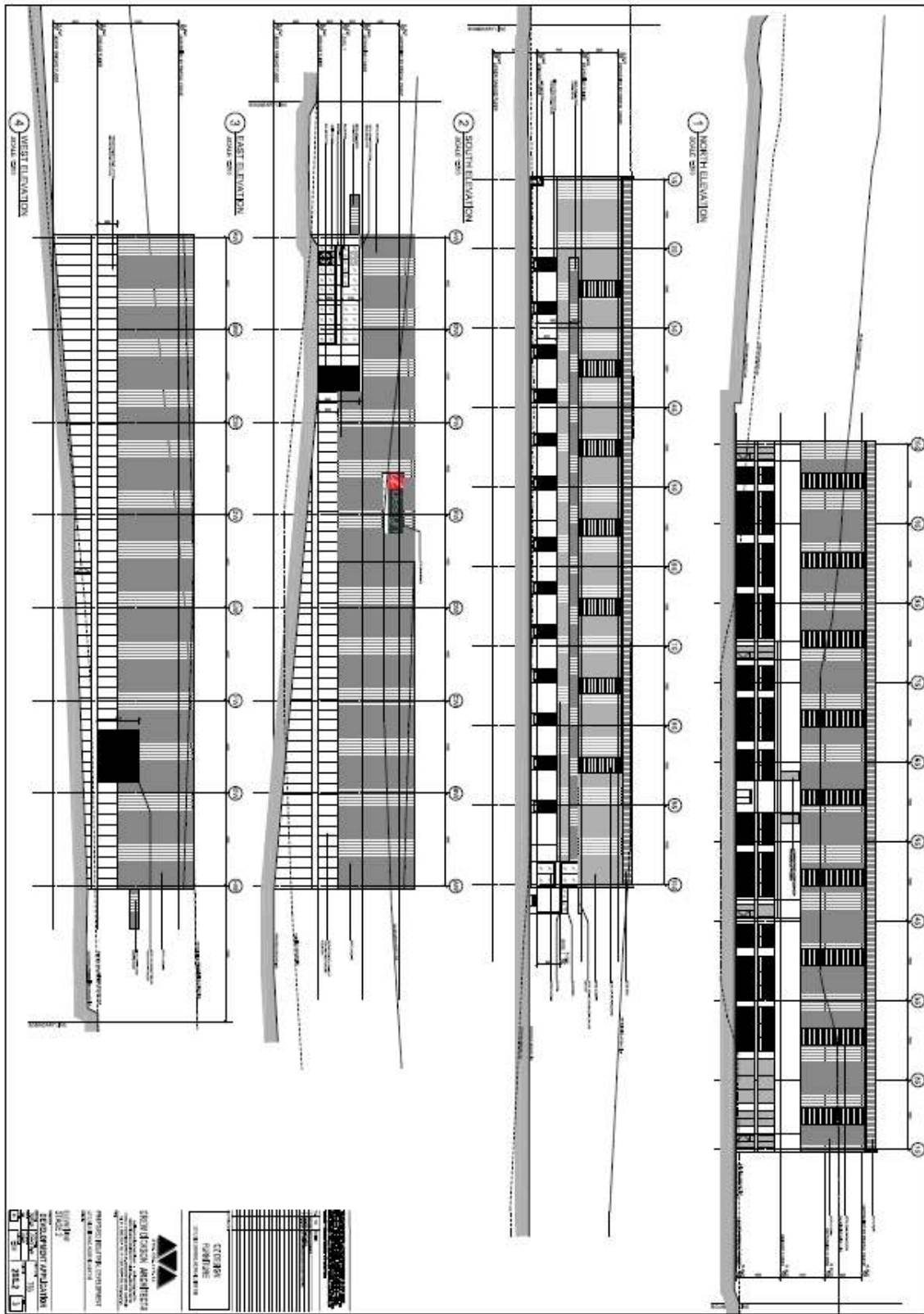
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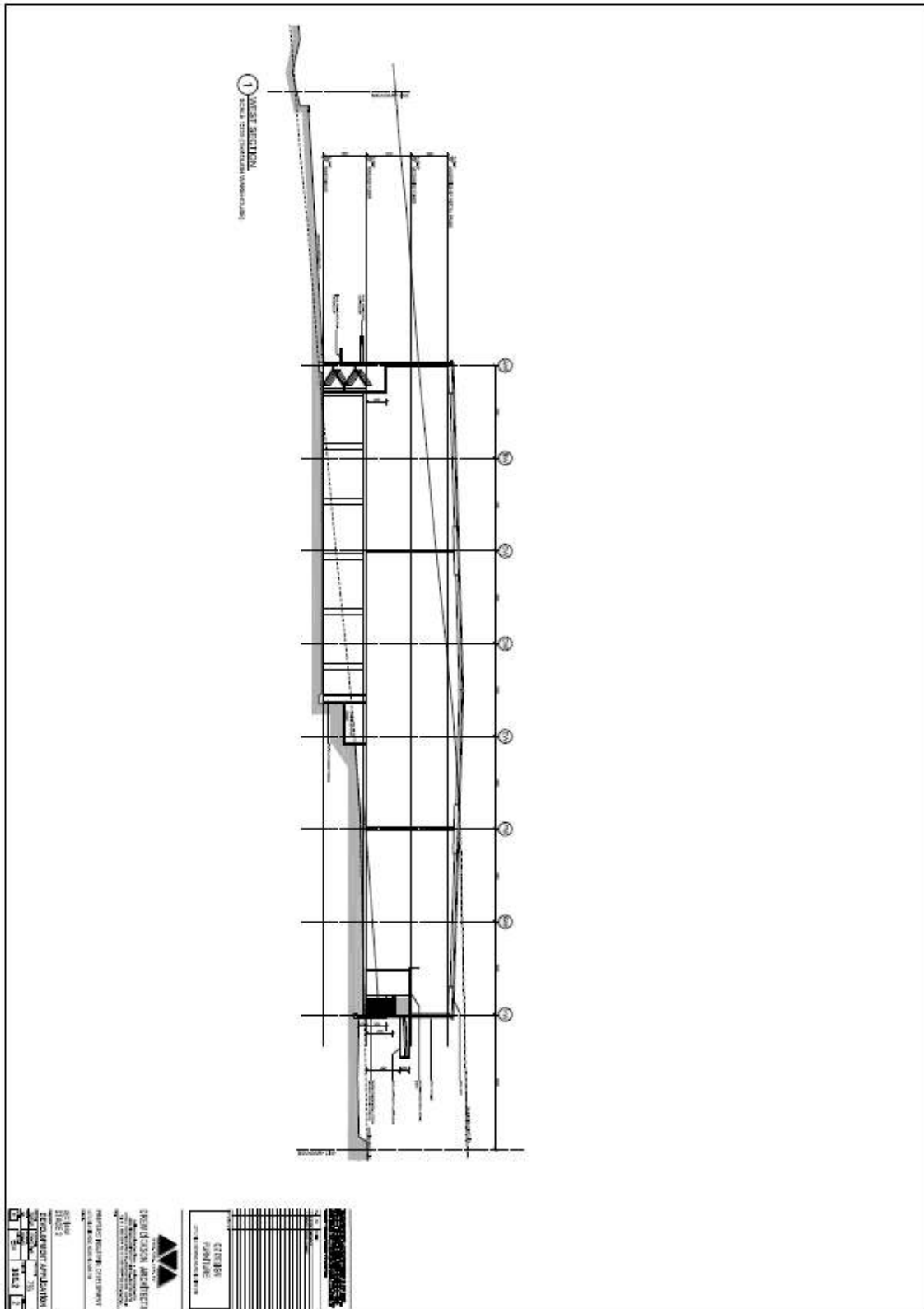
ATTACHMENT 17 – STAGE 2 – ROOF PLAN



ATTACHMENT 18 – STAGE 2 – ELEVATIONS

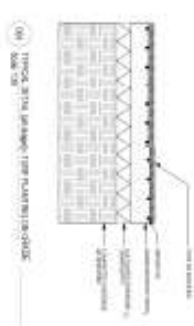
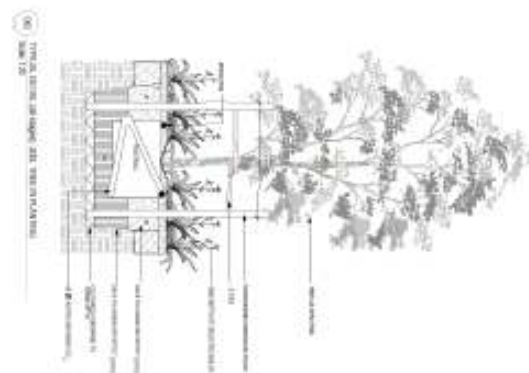


ATTACHMENT 19 – STAGE 2 – SECTION



[illegible]

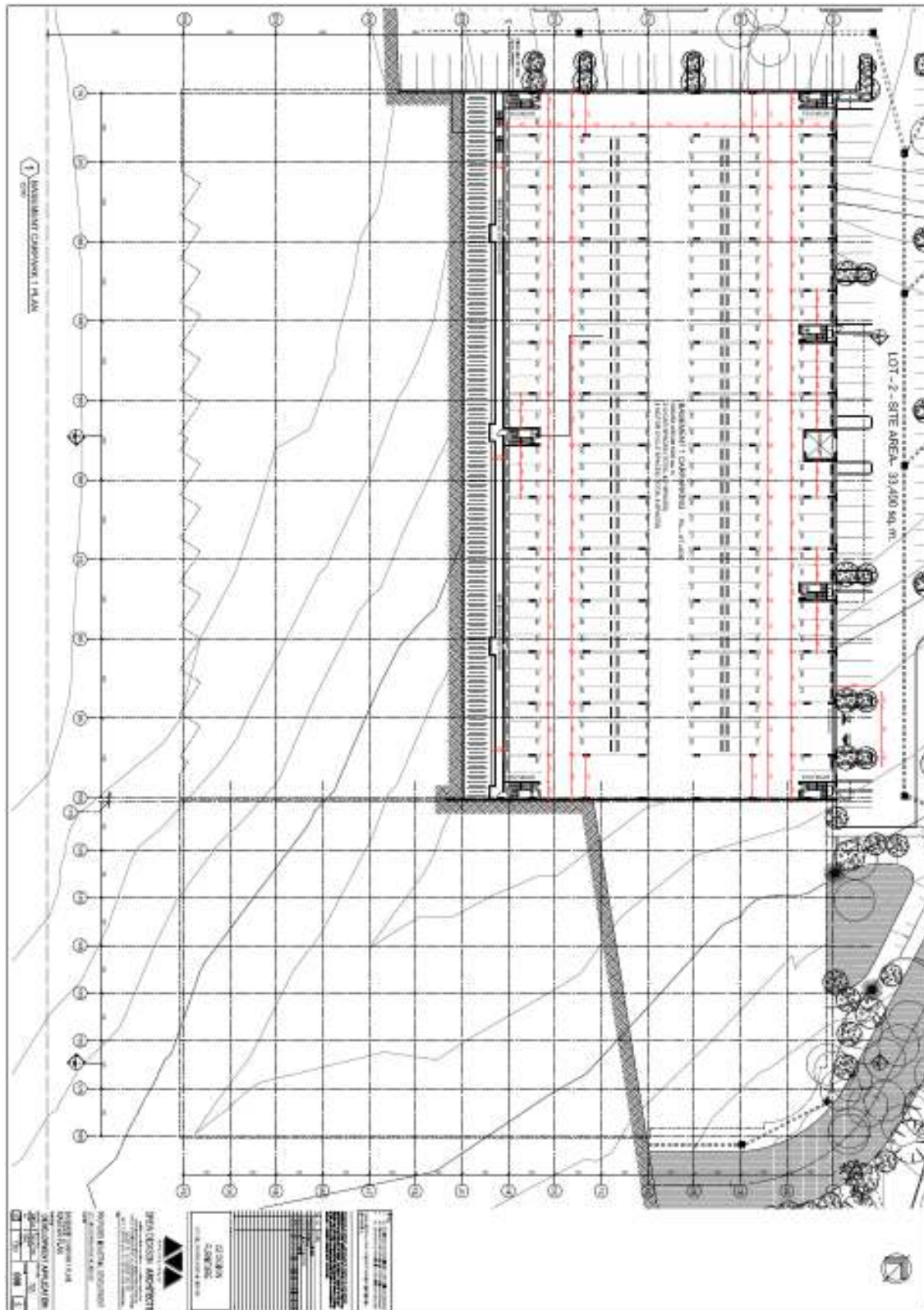
Landscape Concept - Section 1, stage 2 | Typical Detail - all stages
Lot 2, Mile End Road, Rouse Hill
 Dr Design Furniture, © Jane Dutton Architects



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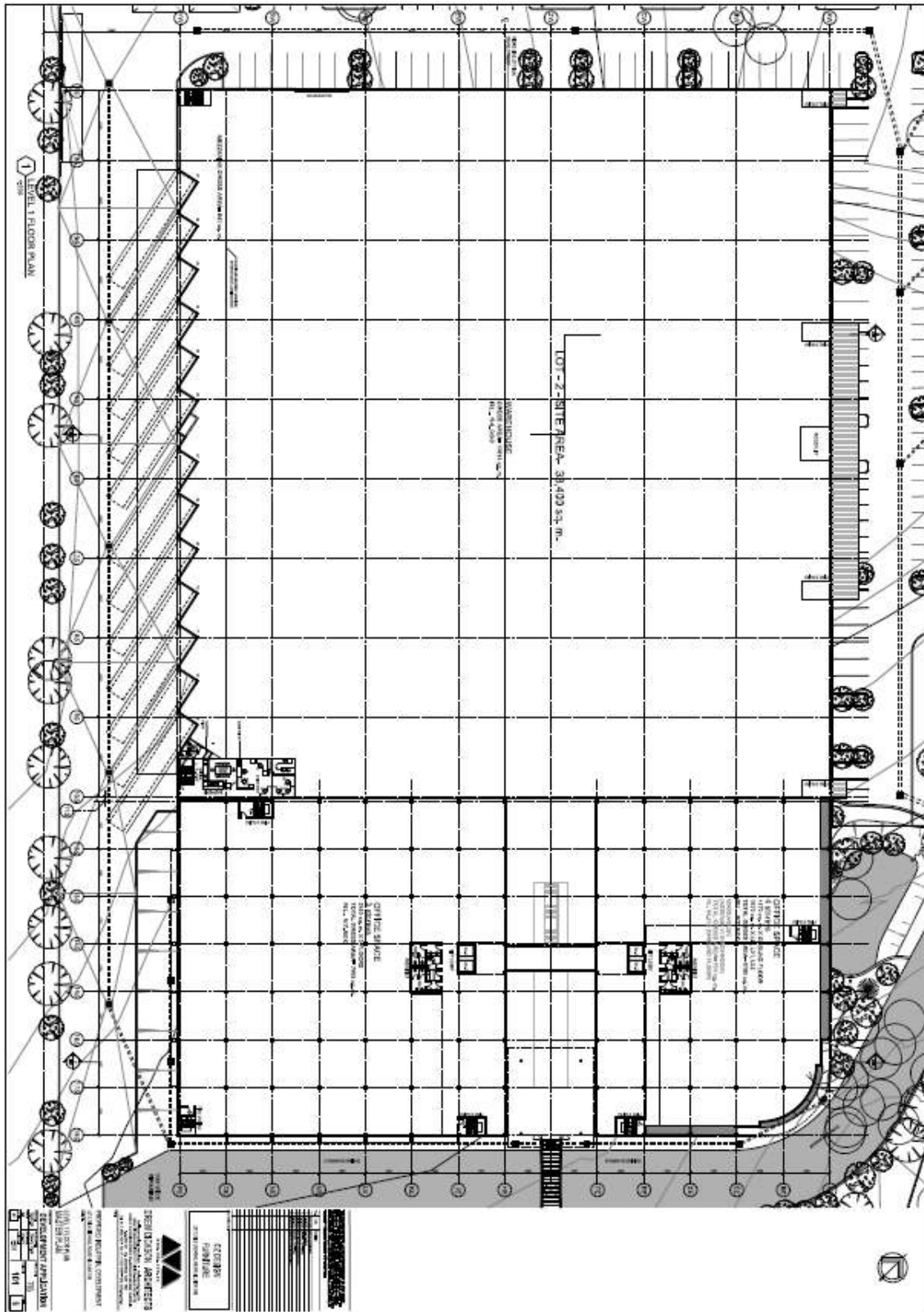
ATTACHMENT 23 – MASTER PLAN – BASEMENT CAR PARK 1 PLAN



[illegible]

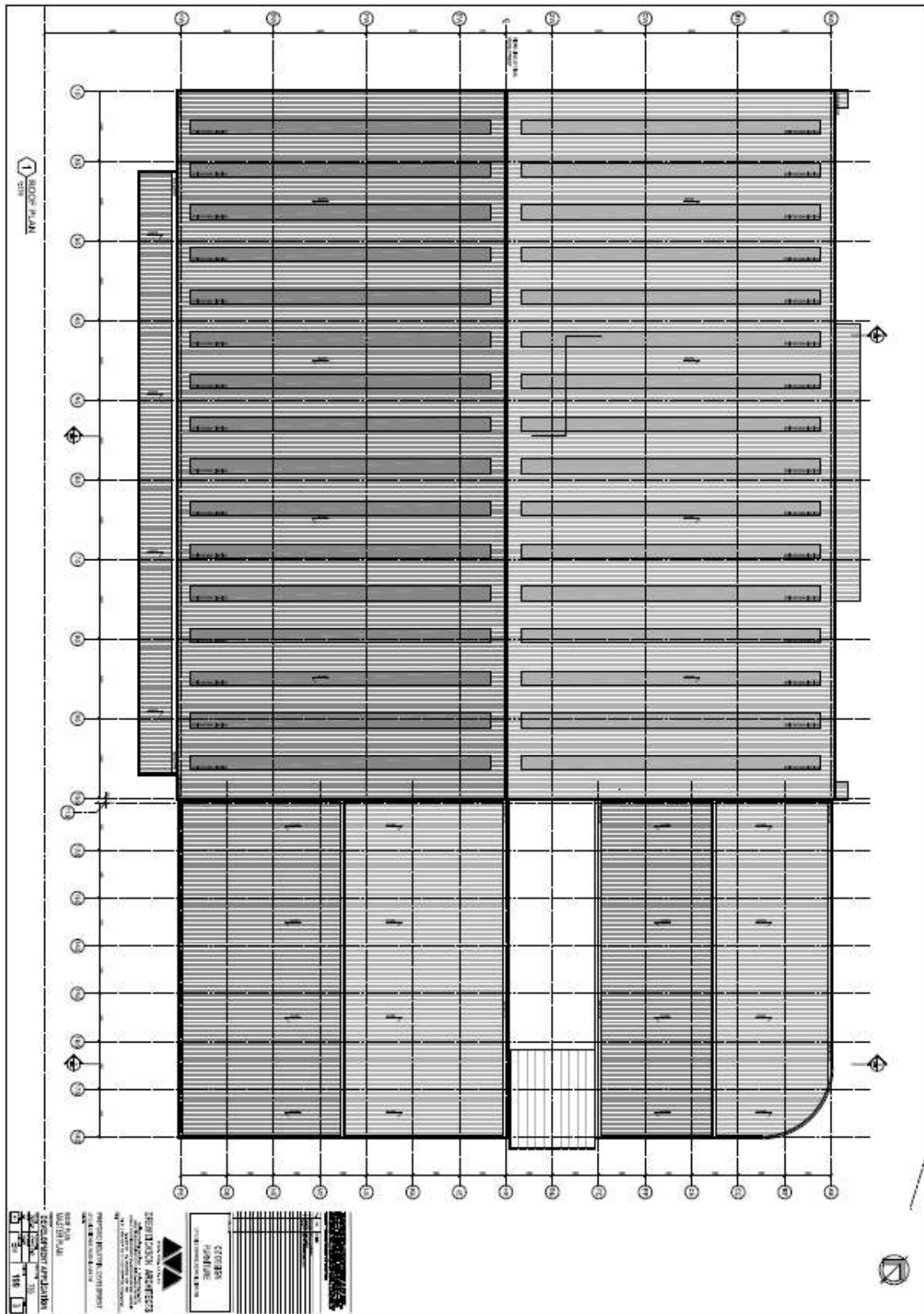
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ATTACHMENT 26 – MASTER PLAN – LEVEL 1 FLOOR PLAN

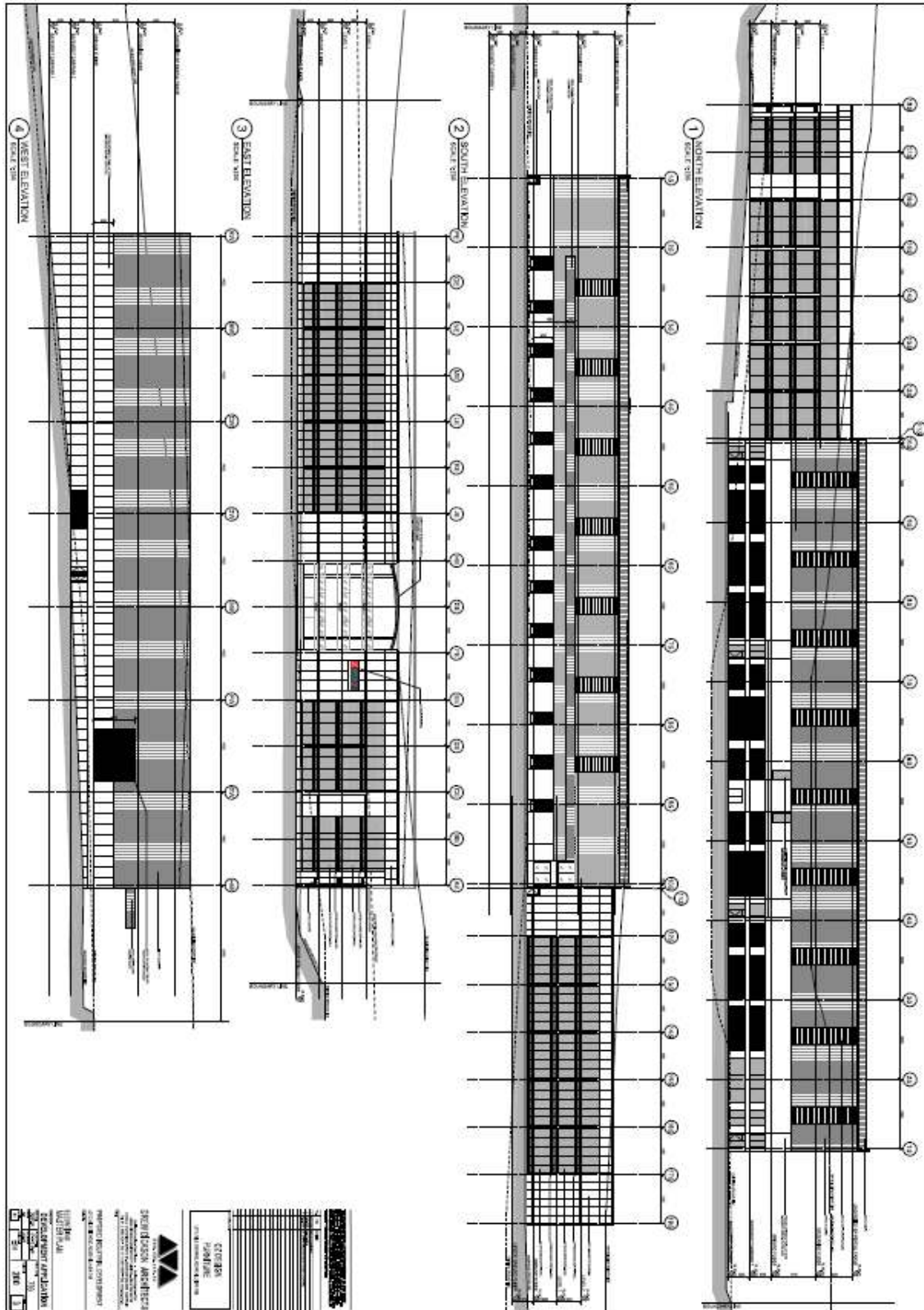


[illegible]

ATTACHMENT 28 – MASTER PLAN – ROOF PLAN



ATTACHMENT 29 – MASTER PLAN – ELEVATIONS



[illegible]

[illegible]

01 Section 1: A cross-section of a road with a guardrail, showing a 1.5m wide average, a 1.5m wide average, and a 1.5m wide average.

02 Section 2: A cross-section of a road with a guardrail, showing a 1.5m wide average, a 1.5m wide average, and a 1.5m wide average.

03 Section 3: A cross-section of a road with a guardrail, showing a 1.5m wide average, a 1.5m wide average, and a 1.5m wide average.

04 Section 4: A cross-section of a road with a guardrail, showing a 1.5m wide average, a 1.5m wide average, and a 1.5m wide average.

05 Section 5: A cross-section of a road with a guardrail, showing a 1.5m wide average, a 1.5m wide average, and a 1.5m wide average.

ATTACHMENT 33 – NSW POLICE SERVICE COMMENTS

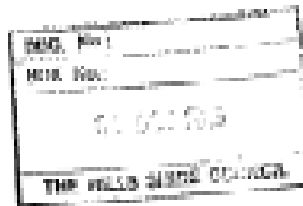


NSW POLICE FORCE **THE HILLS LOCAL AREA COMMAND**

Castle Hill Police Station
Cnr Castle & Pennant St
Castle Hill NSW 2158
Ph: 9630 5400
Fax: 9630 5303

Tuesday 15th September 2009

Carvin Cherry
Senior Team Planner
The Hills Shire Council
P.O. Box 75
Castle Hill NSW 1765



Dear Mr Cherry,

Subject: Development Application No.318/2010/JP – Proposed Staged Warehouse Development with Ancillary Office Space

Property: Lot 2 DP 251094 Mile End Road, Rouse Hill

Police Ref: 2009/170273

We refer to your development application which seeks approval for a proposed staged warehouse development with ancillary office space on Mile End Road at Rouse Hill.

After perusing the paper work and plans associated with this proposal, Police have a number of concerns with the application. There are a number of Crime Prevention Through Environmental Design (CPTED) factors that should be considered in this development.

Surveillance

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical. Good surveillance means that people can see what others are doing. People feel safe in public areas when they can easily see and interact with others. Would-be offenders are often deterred from committing crime in areas with high levels of surveillance. The setback of the proposed buildings and car park means that the entire development is mostly concealed from the view of passing vehicular traffic, pedestrians and local residents. The result is that there is minimal natural surveillance. This is a concern for police as concealed, secluded areas can often become a target for crimes such as malicious damage.

- **Lighting and Technical Supervision**

Lighting should meet minimum Australian standards. Effective lighting contributes to safety by improving visibility, increasing the chance that offenders can be detected and decreasing fear. Special attention should be made to lighting the entry and exit points from the buildings and car parks.

- **Landscaping**

The safety objective of 'to see and be seen' is important in landscaped areas. Dense vegetation can provide concealment and entrapment opportunities. Police note that on page 18 of the Statement of Environmental Effects, reference is made to implementing landscaping to "reduce the visual bulk of the building and screen car5 parking areas". Police would recommend that ongoing vegetation maintenance and management is a necessity to reduce concealment and entrapment opportunities as well as increase surveillance throughout the location.

Access Control

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime. By making it clear where people are permitted to go or not go, it becomes difficult for potential offenders to reach and victimise people and their property. Illegible boundary markers and confusing spatial definition make it easy for criminals to make excuses for being in restricted areas.

Police recommend the installation of a gate at the entrance to the car park to restrict access after hours. Secluded car park areas can often be utilised by youths in vehicles who claim the area as a local 'hang out' location after hours. With consideration to the setback of the car park and buildings, Police feel that the seclusion of the area may lead to the area becoming a hot spot for anti-social behaviour and driving offences.

Police note from page 23 of the Statement of Environmental Effects that "No fencing is proposed". As police recommend a gate to control vehicular access to the car park after hours, we also suggest the installation of fencing, at least around the two sides and rear of the property, to restrict access to the location on foot. In the instance that an offence is committed (eg a break and enter) at the location and the police are called, it is beneficial to have the area securely fenced to reduce escape routes for would-be offenders.

Police suggest the use of CCTV to monitor the car park access/egress points and all public areas of the development. Based on information received from the Australian Federal Police, CCTV footage is effective in criminal matters when the images display shots of an alleged offender from the shoulder upwards. CCTV cameras need to be able to zoom in on a person of interest without loss of focus.

Territorial Reinforcement

With few exceptions, criminals do not want to be detected, challenged or apprehended. For offenders, the capability of guardianship (to detect, challenge or apprehend) is an important consideration. It is argued that employees are more effective as guardians (crime deterrents) than passing members of the community.

Territorial reinforcement can be achieved through:

- ✓ Design that encourages people to gather in public space and to feel some responsibility for its use and condition
- ✓ Design with clear transitions and boundaries between public and private space
- ✓ Clear design cues on who is to use space and what it is to be used for. Care is needed to ensure that territorial reinforcement is not achieved by making public spaces private spaces, through gates and enclosures.

- **Environmental Maintenance**

Clean, well-maintained areas often exhibit strong territorial cues. Run-down areas negatively impact upon perceptions of fear and may affect community confidence to use public space and ultimately, it may affect crime opportunity. Vandalism can induce fear and avoidance behaviour in a public space, therefore the rapid repair of vandalism and graffiti, the replacement of our park lighting and general site cleanliness is important to create a feeling of ownership. Ownership increases the likelihood that people will report or attempt to prevent crime.

Many graffiti vandals favour porous building surfaces, as 'tags' are difficult to remove. Often a ghost image will remain even after cleaning. Easily damaged building materials may be less expensive to purchase initially, but their susceptibility to vandalism can make them a costly proposition in the long term, particularly in at-risk areas. This should be considered when selecting materials for construction.

Other Matters

Unfortunately, offenders target this type of development, both in its construction phase and when the building/s are occupied. Police would support the use of security sensor lights and a security company to monitor the site while construction is in progress.

If there are any questions in relation to this report please contact me at Castle Hill Police Station on 9680 5399.

Respectfully yours,



Callie Walker
Constable
Crime Prevention Officer
Castle Hill Police

The NSW Police Force (NSWPF) has a vital interest in ensuring the safety of members of the community and their property. By using recommendations contained in this evaluation, any person who does so, acknowledges that:

- It is not possible to make areas evaluated by the NSWPF absolutely safe for the community and their property*
- Recommendations are based upon information provided to, and observations made by the NSWPF at the time the evaluation was made*
- The evaluation is a confidential document and is for use by the council or organisation referred to on page one*
- The contents of this evaluation are not to be copied or circulated otherwise than for the purpose of the council or organisation referred to on page one.*
- The NSW Police Force hopes that by using recommendations contained within this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that the area evaluated will be free from criminal activity if its recommendations are followed.*



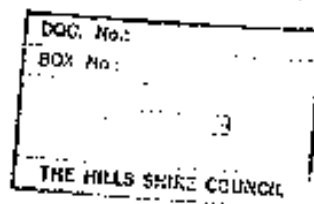
NSW POLICE FORCE
THE HILLS LOCAL AREA COMMAND

Castle Hill Police Station
Cnr Castle & Pennant St
Castle Hill NSW 2154
Ph: 9680 5399
Fax: 9680 5303

D/2009/205748

Tuesday 17th November 2009

Gavin Cherry
Senior Town Planner
The Hills Shire Council
P.O. Box 75
Castle Hill NSW 1765



Dear Mr Cherry,

**Subject: Amended Information relating to Development Application
No.318/2010/JF - Proposed Staged Warehouse Development with
Ancillary Office Space**

Property: Lot 2 DP 251094 Mile End Road, Rouse Hill

Police Ref: 2009/170273

We refer to the amended information relating to a development application which seeks approval for a proposed staged warehouse development with ancillary office space on Mile End Road at Rouse Hill. Police have reviewed the amendments and note that there have been only minimal changes in relation to safer by design issues.

Police support the applicant's comments in relation to the property currently being fenced along all boundaries with a gate restricting access from Mile End Road. Police believe this will be beneficial during the construction phase. Police still hold concerns however in relation to what fencing and gates will be in place, if any, when the proposed development is completed. Police strongly suggest a boom gate restricting vehicular entry be installed as a minimum.

In relation to the other concerns raised, police are not able to see any significant improvements in the amended information. In particular, police hold concerns in relation to the lack of surveillance of the site. The original police comments in relation to surveillance matters were in no way based on a 'misunderstanding' as claimed by the applicant in the amended information.

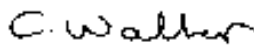
As stated in the original police comments, the setback of the proposed buildings, and car park, mean that the entire development is mostly concealed from the view of passing vehicular traffic, pedestrians and local residents. The result is that there is minimal natural surveillance. This is a concern for police as concealed, secluded areas can often become a target for crimes such as malicious damage.

Additional to this, secluded car park areas can often be utilised by youths in vehicles who claim the area as a local 'hang out' location after hours. With consideration to the setback of the car park and buildings, Police feel that the seclusion of the area may lead to the area becoming a hot spot for anti-social behaviour and driving offences.

Police believe the site could be designed more appropriately to reduce the seclusion, especially of the car park area. There is plenty of opportunity for natural surveillance by passing vehicular traffic, pedestrians and local residents if the layout of the proposal were to be changed with natural surveillance as a consideration. If this natural surveillance issue is not addressed then police believe that large proportions of the site will need to be covered by CCTV surveillance as a minimum. Without changes, the current design will also require much stricter access control measures to be implemented to prevent trespassers and anti-social behaviour.

If there are any questions in relation to this report please contact me at Castle Hill Police Station on 9680 5399.

Respectfully yours,


Callie Walker
Constable
Crime Prevention Officer
Castle Hill Police

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- Recommendations are based upon information provided to, and observations made by the NSWPF at the time the evaluation was made*
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- The NSW Police Force hopes that by using recommendations contained within this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that the area evaluated will be free from criminal activity if its recommendations are followed.*



NSW POLICE FORCE

THE HILLS LOCAL AREA COMMAND

Castle Hill Police Station
Cnr Castle & Pennant St
Castle Hill NSW 2154
Ph. 9680 5399
Fax: 9680 5303

Thursday 1st April 2010

Gavin Cherry
Development Assessment Co-ordinator
The Hills Shire Council
P.O. Box 75
Castle Hill NSW 1765

DOC. No.:
12 APR 2010
THE HILLS SHIRE COUNCIL

Dear Mr Cherry,

Subject: Development Application No.318/2010/JP – Proposed Staged Warehouse Development with Ancillary Office Space

Property: Lot 2 DP 251094 Mile End Road, Rouse Hill

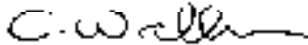
Police Ref: 2010/51063

We refer to your additional information forwarded in relation to a development application which seeks approval for a proposed staged warehouse development with ancillary office space on Mile End Road at Rouse Hill.

After perusing the paperwork Police are pleased with the changes to be implemented. Police did have a meeting with the applicant and discuss the necessary security changes that needed to be made. The main focus of discussion centred on the need for proper access control. The entirety of the property needs to be fenced in some way to prevent trespassing. Also a gate prohibiting after hours vehicle access is essential. Police support the inclusion of CCTV on the access points to the building as well as strategically placed sensor lighting throughout the development.

If there are any questions in relation to this report please contact me at Castle Hill Police Station on 9680 5399.

Respectfully yours,



Callie Walker
Constable
Crime Prevention Officer
Castle Hill Police

The NSW Police Force (NSWPF) has a vital interest in ensuring the safety of members of the community and their property. By using recommendations contained in this evaluation, any person who does so, acknowledges that:

- It is not possible to make areas evaluated by the NSWPF absolutely safe for the community and their property*
- Recommendations are based upon information provided to, and observations made by the NSWPF at the time the evaluation was made*
- The evaluation is a confidential document and is for use by the council or organisation referred to on page one*
- The contents of this evaluation are not to be copied or circulated otherwise than for the purpose of the council or organisation referred to on page one.*
- The NSW Police Force hopes that by using recommendations contained within this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that the area evaluated will be free from criminal activity if its recommendations are followed.*

ATTACHMENT 34 – NSW ROADS AND TRAFFIC AUTHORITY COMMENTS

Our Reference: RDC 09M1286
Your Reference: DA-318/2010
Contact: Stuart Geneave
Telephone: 8849 2041

SRDAC

**SYDNEY
REGIONAL
DEVELOPMENT
ADVISORY
COMMITTEE**

The General Manager
The Hills Shire Council
DX 8455
Castle Hill

Attention: Shannon Butler

PROPOSED WAREHOUSE & OFFICE DEVELOPMENT AT LOT 2 DP 251094 MILE END ROAD, ROUSE HILL

Dear Sir/Madam,

I refer to your letter of 1 September 2009, concerning the abovementioned Development Application which was referred to the Roads and Traffic Authority (RTA) for comment in accordance with Clause 104 of State Environmental Planning Policy (Infrastructure) 2007. I wish to advise that the Sydney Regional Development Advisory Committee (SRDAC) considered the traffic impact of this application at its meeting on 23 September 2009.

The RTA has reviewed the development application and provides the following advisory comments to Council for consideration in its determination of the development application:

1. In accordance with the Annangrove Road Light Industrial Area - Section 94 Contributions Plan, Council is to collect appropriate developer contributions towards proposed roads and traffic including public transport facilities.
2. The traffic assessment report indicated a traffic generation rate of 1.5 veh/100m² was used for the office component of subject development. This is less than rate of 2.0 veh/100m² indicated in the Guide to Traffic Generation Development (RTA 2002). The rate should be changed to the recommended rate unless further information can be provided to justify the reduced rate.

The traffic generation and car parking demand analysis for the proposed development shall be updated accordingly.

3. The proposed access road is to be designed and constructed to Council's standards. Council should be satisfied with the longitudinal grade of the proposed access road exceeding their guidelines.
4. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS2890.2- 2002 for heavy vehicle usage.

Roads and Traffic Authority
ABN 64 480 155 255



27-31 Argyle Street,
Parramatta NSW 2150

PO Box 973 Parramatta CBD NSW 2124
DX 28555 Parramatta

T 131 782

www.rta.nsw.gov.au

5. Car parking provision to Council's satisfaction, and the Council should be satisfied with the provision for car parking between the three stages of construction.
6. The proposed turning areas within the car park are to be kept clear of any obstacles, including parked cars, at all times.
7. Signage should be installed to indicate truck ingress and egress for site.
8. Consideration should be given to providing bicycle parking facilities to encourage bicycle use for travelling to and from the development.
9. The required sight lines to pedestrians or other vehicles in or around the car park and entrance are not to be compromised by landscaping or signage.
10. All vehicles should be wholly contained on site before being required to stop.
11. All vehicles should enter and exit the site in a forward direction.
12. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council, for approval, prior to the issue of a construction certificate.
13. All construction vehicles are to be contained wholly within the site.
14. All works associated with the proposed development are to be carried out at no cost to the RTA.

Any inquiries in relation to this development application can be directed to the nominated Land Use & Transport Planner, Andrew Popoff on phone 8849 2180, or facsimile 8849 2918.

In accordance with Clause 104(4) of State Environmental Planning Policy (Infrastructure) 2007, it is essential that a copy of Council's determination on the proposal (conditions of consent if approved) is forwarded to the RTA at the same time it is sent to the developer.

Yours sincerely



Ken Moon
Chairman Sydney Regional Development Advisory Committee (SRDAC)

06 October 2009

Our Reference:
Your Reference:
Contact:
Telephone:

RDC 09M1286a
318/2010JP
Stuart Genevieve
8849 2041



The General Manager
The Hills Shire Council
DX 8455
CASTLE HILL

Attention: Gavin Cherry

**PROPOSED WAREHOUSE & OFFICE DEVELOPMENT AT LOT 2 DP 251874
MILE END ROAD, ROUSE HILL**

Dear Sir/Madam,

I refer to your letter of 26 October 2009 (Reference: DA 318/2010JP) regarding to the above-mentioned development application and response to Item 2 of the SRDAC letter to council dated 6 October 2009.

With review of the information provided by Transport and Traffic Planning Associates to justify the reduced traffic generation rate of 1.5veh per 100m² the RTA would like to provide the following comments:

The Guide to Traffic generating Developments refers the '80% of employees leave the site in the evening peak hour.. the introduction of flexitime has reduced this number to a single public service office and also mentions 'This figure is probably lowest where there is a combination of different business within the one development.' It appears the office space of the development will be utilised by the one business and it is not clear if O2 Design Furniture provide flexitime arrangements for staff.

In regards to the Rhodes Peninsula development and adopted traffic generation rates mentioned in Transport and Traffic Planning Associates response as a comparison, traffic likely to be generated by the Rhodes Peninsula development was seen to differ from average traffic generation rates due to the location of the development, and the existing adjacent transport network services. With the proposed development there are limited public transport services.

However the RTA does understand some of the traffic generation rates may be outdated and recognises Transport and Traffic Planning Associates justification to adopt the traffic generation rate of 1.5veh per 100m² in this instance.

Any inquiries in relation to this development application can be directed to the nominated Assistant Planner, Stuart Genevieve on telephone 8849 2041 or facsimile 8849 2918.

Yours sincerely,

Gordon Trotter
A/Senior Land Use Planner
Transport Planning, Sydney Region
2 November 2009

ATTACHMENT 35 – NSW OFFICE OF WATER COMMENTS



**Office
of Water**

The General Manager
The Hills Shire Council
PO Box 75
Castle Hill NSW 1765

Contact: Nicki Allwood
Phone: 02 9895 6250
Fax: 9895 7501
Email: nicki.allwood@water.nsw.gov.au

Our ref: 10-EPMA2009/1961
Our file: 9052432
Your ref: 318/2010/JP

DOC. No.:	
BOX No.:	
29 JUL 2010	
THE HILLS SHIRE COUNCIL	

Attention: Gavin Cherry

27 July 2010

Dear Sir/Madam

**Re: Integrated Development Referral – General Terms of Approval
318/2010/JP - Construction of a warehouse development with ancillary office
space,
Lot 2 DP251094, Mile End Road ROUSE HILL**

I refer to your recent letter regarding an Integrated Development Application (DA) proposal for the subject property. Attached, please find the NSW Office of Water's General Terms of Approval (GTA) for 'works' requiring a Controlled Activity Approval under the *Water Management Act 2000 (WMA)*, as detailed in the subject DA.

Please note Council's statutory obligations under section 91A(3) of the *Environmental Planning and Assessment Act, 1979 (EPAA)* which requires a consent, granted by a consent authority, to be consistent with the GTA proposed to be granted by the approval body.

If the proposed development is approved by Council, the NSW Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The NSW Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional 'works' on waterfront land (ie in or within 40 metres from top of highest bank of a watercourse, foreshore, or lake). Once notified, the NSW Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed 'works' are part of Council's proposed consent conditions and the 'works' do not appear in the original documentation.
- The NSW Office of Water should be notified if Council receives an application to modify the consent conditions. **Failure to notify may render the consent invalid.**
- The NSW Office of Water requests notification of any legal challenge to the consent.

Under Section 91A(6) of the EPAA, Council must provide the NSW Office of Water with a copy of any determination/s including refusals

As a controlled activity (ie the 'works') cannot commence before the applicant obtains a Controlled Activity Approval, the NSW Office of Water recommends that the following condition be included in the development consent:

www.water.nsw.gov.au | NSW Office of Water is a separate office within the Department of Environment, Climate Change and Water
Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 | PO Box 3720 Parramatta NSW 2124 Australia
t +61 2 9895 0211 | e information@water.nsw.gov.au | AFN 47 681 556 763

"The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council".

The attached GTA are not the Controlled Activity Approval. The applicant must apply (to the NSW Office of Water) for a Controlled Activity Approval after consent has been issued by Council but before the commencement of any 'works'.

Finalisation of a Controlled Activity Approval can take up to 8 weeks from the date the NSW Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form together with any required plans, documents, the appropriate fee and security (ie bond, if applicable) and proof of Council's development consent.

Application forms for the Controlled Activity Approval are available from the undersigned or from the NSW Office of Water's website
<http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx>

The NSW Office of Water requests that Council provide a copy of this letter to the applicant.

Yours Sincerely



Nikki Allwood
Licensing Officer (Controlled Activities)
NSW Office of Water
Licensing South



**Office
of Water**

General Terms of Approval – for works requiring a Controlled Activity Approval under the Water Management Act 2000

Our Reference	10 ERM2008/0061	File No:	9052432
Site Address	Lot 2 DP251094, Mile End Road ROUSE HILL		
DA Number	318/2010/JF		
LGA	The Hills Shire Council		
Number	Condition		
Plans, standards and guidelines			
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 318/2010/JF and provided by Council.</p> <p>(i) Site plan, map and/or surveys</p> <p>(ii) Structural design and specifications</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA Invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>		
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>		
3	<p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Vegetation Management Plan</p> <p>(ii) Works Schedule</p> <p>(iii) Soil and Water Management Plan</p>		
4	<p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at www.ders.nsw.gov.au/water_traderights_controlled.shtml</p> <p>(i) Vegetation Management Plans</p> <p>(ii) Riparian Corridors</p> <p>(iii) In-stream works</p> <p>(iv) Outlet structures</p> <p>(v) Watercourse crossings</p>		
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water</p>		

www.water.nsw.gov.au | The NSW Office of Water is a separate office within the Department of Environment, Climate Change and Water
Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 | PO Box 3720 Parramatta NSW 2124 Australia
t +61 2 9885 5211 | e information@water.nsw.gov.au | AURN 41 591 558 753

Our Reference	10 ERM2008/0961	File No:	9052432
Site Address	Lot 2 DP251094, Mile End Road ROUSE HILL		
DA Number	318/2010/JP		
LGA	The Hills Shire Council		
Number	Condition		
Rehabilitation and maintenance			
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.		
7	The consent holder must reinstale waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.		
Reporting requirements			
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.		
Security deposits			
9	The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to the NSW Office of Water as and when required.		
Access-ways			
10	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.		
Bridges, causeway, culverts, and crossing			
11	The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.		
Disposal			
12	The consent holder must ensure that no material(s) or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.		
Drainage and Stormwater			
13	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.		
Erosion control			
14	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.		
Excavation			
15	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.		
Maintaining river			

Our Reference	10-ERM2008/0961	File No:	9052432
Site Address	Lot 2 DP251094, Mile End Road ROUSE HILL		
DA Number	318/2010/JP		
LGA	The Hills Shire Council		
Number	Condition		
16	The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by the NSW Office of Water.		
River bed and bank protection			
17	The consent holder must establish a riparian corridor along the Unnamed Tributary of Second Ponds Creek in accordance with a plan approved by the NSW Office of Water.		
END OF CONDITIONS			

ATTACHMENT 36 - NSW RURAL FIRE SERVICE COMMENTS

All communications to be addressed to:

Baulkham Hills FCC Office
1a Angus Rd
Kenthurst NSW 2156

Baulkham Hills FCC Office
PO Box 35
Kenthurst NSW 2156

Telephone: 9654 1244

Facsimile: 9654 2268

e-mail: baulkhamhills.fcc@rfs.nsw.gov.au



The General Manager
The Hills Shire Council
PO Box 75
Castle Hill NSW 1765

Your Ref: 31/2010/JP
Our Ref: Mile End Road
DA09090762933 HS

ATTENTION: Shannon Butler

17 September 2009

Dear Shannon

Land Use Application for 2//251094 Mile End Rd Rouse Hill 2155

I refer to your letter dated 1 September 2009 seeking advice regarding bush fire protection for the above Land Use Application in accordance with Section 79BA of the 'Environmental Planning and Assessment Act 1979'.

The Service provides the following recommended conditions:

General Advice – consent authority to note

The development is to comply with the recommendations listed in the Bushfire Protection Assessment Report, prepared by Travers Bushfire & Ecology, August 2009.

For any queries regarding this correspondence please contact Helen Stewart on 9654 1244.

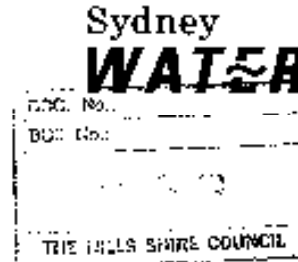
Yours sincerely

John Hojel
Fire Control Officer

ATTACHMENT 37 – SYDNEY WATER COMMENTS

26 May 2010

Gavin Cherry
The Hills Shire Council
PO Box 75
Castle Hill NSW 2154



Dear Mr Cherry,

Re: DA 318/2010/JP Construction of a warehouse development with ancillary office space Lot 2 DP 251094 Mile End Road, Rouse Hill

Thank you for your letter of 11 May 2010 regarding DA318/2010/JP for the construction of a warehouse development with ancillary office space at Lot2 DP251094 Mile End Road, Rouse Hill. Sydney Water has previously responded to this DA in letters dated 7 October 2009 and 8 February 2010. Sydney Water has reviewed the proposal and provides the following comments for Council's consideration.

Stormwater

The development site is immediately upstream of Sydney Water property and discharges stormwater runoff to the existing overland flow path that passes through our site. There is some potential for the development to contribute to accelerated erosion processes along the existing flow path downstream of the development.

The applicant has provided revised stormwater drainage design plans:

- Plan No. 03145E1 Revision P
- Plan No. 03145E2 Revision M
- Plan No. 03145E3 Revision H
- Plan No. 03145E4 Revision G
- Plan No. 03145E5 Revision G
- Plan No. 03145E6 Revision E
- Plan No. 03145E7 Revision E
- Plan No. 03145E8 Revision C
- Plan No. 03145E9 Revision A

The proposed stormwater management systems for the development incorporates 'soft engineering' Water Sensitive Urban Design facilities that attempt to minimise potential adverse impacts on the Sydney Water property. Although the proposal cannot guarantee no adverse impacts, it represents a fair and reasonable attempt to improve the stormwater impacts of the proposed development.

Sydney Water has no objections to the proposed development.

Sydney Water Corporation ABN 49 750 271 000
1 Smith Street Parramatta 2150 | PO Box 999 Parramatta 2124 | 02 94 35 35 00 | www.sydneywater.com.au
Delivering essential and sustainable water services for the benefit of the community

Sydney Water Servicing

Sydney Water will further assess the impact of individual developments when the proponent applies for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of the development and to assess if amplification and/or changes to the system are applicable. Sydney Water requests Council continue to instruct proponents to obtain a Section 73 Certificate from Sydney Water.

The proponent must fund any adjustments needed to Sydney Water Infrastructure as a result of any development. The proponent should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. Details are available from any Sydney Water Customer Centre on 13 20 92 or Sydney Water's website at www.sydneywater.com.au

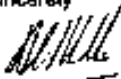
Sydney Water e-planning

Sydney Water has created a new email address for planning authorities to use to submit statutory or strategic planning documents for review. This email address is urbangrowth@sydneywater.com.au. The use of this email will help Sydney Water provide advice on planning projects faster, in line with current planning reforms. It will also reduce the amount of printed material being produced. This email should be used for:

- Section 62 consultations under the *Environmental Planning and Assessment Act 1979*
- consultations where Sydney Water is an adjoining land owner to a proposed development
- Major Project applications under Part 3A of the *Environmental Planning and Assessment Act 1979*
- consultations and referrals required under any Environmental Planning Instrument
- draft LEPs, SEPPs or other planning controls, such as DCPs
- any proposed development or rezoning within a 400m radius of a Sydney Water Sewage Treatment Plant
- any proposed planning reforms or other general planning or development inquiries

If you require any further information, please contact Alexandra Plumb of the Urban Growth Branch on 02 8549 6066 or e-mail alexandra.plumb@sydneywater.com.au

Yours sincerely



Adrian Miller
Manager Urban Growth Strategy and Planning

Sydney Water Corporation 61/61 276 276/616
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