

# JRPP PLANNING REPORT

<b>JRPP NO:</b>	2009SYW028
<b>DA NO:</b>	891/2010/JP
<b>APPLICANT:</b>	John R Brogan and Associates Pty Ltd
<b>PROPOSAL:</b>	Demolition of Existing Structures and Construction of a Bulky Goods Retail Development for Bunnings Warehouse
<b>PROPERTY:</b>	Lot 1 DP 796954, No. 14 Victoria Avenue, Castle Hill
<b>LODGE MENT DATE:</b>	12 December 2009
<b>REPORT BY:</b>	Gavin Cherry – Development Assessment Coordinator The Hills Shire Council
<b>RECOMMENDATION:</b>	Approval

## BACKGROUND

## MANDATORY REQUIREMENTS

Applicant:	John R Brogan and Associates Pty Ltd	1.	<u>LEP 2005</u> – Permissible with consent.
Owner:	Bunnings Properties Pty Ltd	2.	<u>SEPP (Major Development) 2005</u> – Satisfactory.
Zoning:	Light Industry 4(b)	3.	<u>SEPP (Infrastructure) 2007</u> – Satisfactory.
Area:	1.96 hectares	4.	<u>SEPP No. 64 – Advertising Signage</u> – Complies.
Existing Development:	Light Industrial Development	5.	<u>BHDCP, Part C, Section 9 – Light Industry</u> – Variation, see report.
Capital Investment Value:	\$19,500,000.00	6.	<u>BHDCP, Part D, Section 1 – Parking</u> – Complies.
		7.	<u>BHDCP, Part D, Section 2 – Signage</u> – Variation, see report.
		8.	<u>Section 79C (EP&amp;A Act)</u> – Satisfactory.

## 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:	Eight (8).		
4. Submissions Received:	Nil.		

## HISTORY

<b>28/01/2009</b>	Prelodgement Meeting with the applicant and Council officer.
<b>12/12/2009</b>	Subject Development Application lodged with Council.
<b>12/01/2010</b>	Letter sent to the applicant requesting the submission of amended signage and stormwater drainage details and a detailed arborist report.
<b>22/02/2010</b>	Further letter sent to the applicant requesting confirmation on the site area due to discrepancies within the deposited plan.
<b>04/03/2010</b>	Briefing provided to the Joint Regional Planning Panel.
<b>22/03/2010</b>	Further letter sent to the applicant requesting the submission of all outstanding information within fourteen (14) days.
<b>13/04/2010</b>	Additional information submitted to Council including amended drainage detail and an arborist report.
<b>22/04/2010</b>	Briefing held at Council's Administration Building at the request of the Joint Regional Planning Panel to discuss the status of the Development Application.
<b>29/04/2010</b>	Amended signage plans resubmitted to Council to rectify scale discrepancies.
<b>17/05/2010</b>	Further correspondence sent to the applicant requesting an amended engineering design drawing for the Victoria Avenue / Salisbury Road roundabout and a cash contribution towards infrastructure works associated with the Victoria Avenue / Salisbury Road roundabout.
<b>27/05/2010</b>	Response from the applicant received including an amended engineering design drawing and commentary on why a cash contribution is considered unreasonable.

## PROPOSAL

The Development Application is for the demolition of existing structures and construction of a new bulky goods warehouse for Bunning's including an outdoor nursery, timber trade area, undercroft parking, signage and fitout.

The proposed development includes provision of 650 car parking spaces and external signage totalling 881.87m<sup>2</sup> of advertising signage area.

The application was also referred to the NSW Roads and Traffic Authority pursuant to State Environmental Planning Policy (Infrastructure) 2007, NSW Police and Sydney Metro with respect to the North West Rail alignment.

## 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 \$19,500,000.00 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 Development Application is for the construction and occupation of a light industrial building for a bulky goods premises. Pursuant to the definitions contained within Baulkham Hills Local Environmental Plan 2005, a bulky goods premises is defined as:-

*"bulky goods premises means a building or place used primarily for the sale by retail, wholesale or action of (of for the hire or display of) goods that are of such size and eight to require:*

- (i) *a large area for handling, storage or display;*
- (ii) *direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchasing or hire, but does not include a building or place used for the sale of foodstuffs or clothing unless the sale is ancillary to the sale or hire of such goods."*

In order to consider the proposed occupation as a bulky goods premises, the definition was considered as follows:

- (i) *a large area for handling, storage or display,*

The use of the building is for the sale of principally large scale timber, power gardening equipment, garden supplies, construction equipment, paint, fixtures as well as smaller ancillary goods. The majority of the items are considered to be of a size and scale which require a large area for handling, storage and display.

- (ii) *direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchasing or hire*

The size of many of these goods do not fit within a shopping trolley, which would be expected for goods within a retail centre, and as such is more appropriately located within a development of this nature.

The development is a purpose built facility which is specifically designed to meet the necessary vehicular access requirements of the development by providing direct and convenient loading areas and car parking spaces, serviced directly by large lifts designed to handle large bulky goods.

In this regard, the proposed bulky goods occupation is considered to comply with the bulky goods premises definition contained within Local Environmental Plan 2005.

### **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:-

<b>DCP STANDARD</b>	<b>PERMISSIBLE / REQUIRED</b>	<b>PROPOSED</b>	<b>COMPLIES</b>
Floor Space Ratio	1:1	0.815:1 16,060m <sup>2</sup> /19700m <sup>2</sup>	Yes
Floor Areas	50% of buildings / units may be 100m <sup>2</sup> - 150m <sup>2</sup>  All others must be min 150m <sup>2</sup>	N/A – one large tenancy proposed.	Yes
Max Ancillary Office Floor Area	Max 50% of the unit floor area can be ancillary office.  Note: This does not apply as the DCP advises Castle Hill Light Industrial Area is exempt to attract technology based industries.	N/A – one large tenancy proposed for bulky goods.	Yes
Setback – Victoria Avenue	Building – Minimum 15m  Parking – Minimum 23m (parking permitted within 10m)	15.0 metres  Parking in basement underground	Yes  N/A
Setback – Salisbury Avenue	Building – Minimum 15m	12.3m to entrance feature with remainder at 15.9 metres	No – however the variation is considered satisfactory

	Parking - Minimum 23m (parking permitted within 10m)	Parking in basement underground	as detailed below. N/A
Setback - other	5 metres to the Building and 2 metres for ground level parking.	West: 15.3m North: 9.0m	Yes Yes
Height - Ceiling	Max. 15 metres	13.0m	Yes
Height - Ridge	Max. 20 metres	15.0m	Yes
Hours of Operation	7.00am - 6.00pm or submission of an acoustic report advising "low noise generating" (but cannot be adjoining residential development)	7.00am - 9.00pm (Monday - Friday)  8.00am - 6.00pm (Saturday, Sunday and public holidays).  Deliveries to be between 7.00am and 10.00pm.	Yes
Fencing	Only low ornamental type fencing may be erected in building setback	No fencing is proposed.	N/A
Visitor Parking	1 space per 2 units constructed.	1 x unit = no additional parking required.	Yes
Parking Landscaping	2m landscape after every 10 spaces	Basement parking cannot accommodate this requirement which is for external parking areas.	Yes

### 3.1 Setback Compliance – Salisbury Road

Clause 2.6 of Baulkham Hills Development Control Plan, Part C, Section 9 – Light Industry provides the following development standards concerning front setback requirements:-

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

Sheet 2 of Appendix 1 provides the following front setback requirement concerning the subject site:-

*"15 metres where parking is not located forward of the building line"*

Clause 2.6 of Baulkham Hills Development Control Plan, Part C, Section 9 – Light Industry also provides the following objective relating to front setbacks:-

- "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 proposed development provides a minimum front setback to Salisbury Avenue of 12.3 metres being a variation to the DCP of 2.7 metres for a 48 metre wall length.

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

- the proposed setback encroachment is associated with a glass encased travelator and vestibule which is a low structure which diminishes in visual presentation as it proceeds down to the basement;
- The variation is associated with a small section of the elevation and provides a positive presentation to the street;
- The majority of the building exceeds the required setback with generous landscaped area;
- The proposed variation provides articulation to this elevation of the development.

**Comments:-**

The proposed variation relates to the provision of the lift core and travelator ramps from the basement car park to the ground floor and lobby area. The protrusion within the setback provides an articulation element to the front façade of the development and provides an entry feature which is typical of virtually all Bunnings Warehouse developments proposed.

The proposed variation is not considered to provide an unsatisfactory impact upon neighbouring properties (given the sites location on the corner of two roads). The proposal does not result in adverse overshadowing or privacy loss and ensures the provision of a desirable and aesthetically pleasing working environment and streetscape presentation. As a result the proposed development ensures compliance with the Objectives of Clause 4.6 as detailed above.

Given the justifications provided by the applicant and the provision of a landscaped setback presentation to Salisbury Road and adjoining developments, the proposed variation to the front setback is considered satisfactory with respect to BHDCP Part C, Section 9 – Light Industry.

**4. Compliance with BHDCP Part D, Section 1 – Parking**

The proposed Development Application was assessed against the relevant development standards within BHDCP Part D, Section 1 – Parking and complies as detailed below:-

DCP STANDARD	PERMISSIBLE / REQUIRED	PROPOSED	COMPLIES
Car Parking	1 space per 40m2 of gross floor area for bulky goods retailing.  Total required parking is 402 for GFA but 464 for NLFA (including the outdoor areas).	650 spaces	Yes
Disabled Parking	Disabled Parking: 2% of total required parking being 10 spaces.	10 spaces.	Yes

## 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 1 – Signage as demonstrated below:-

DCP STANDARD	PERMISSIBLE / REQUIRED	PROPOSED	COMPLIES
General Signage Requirements	Advertising shall not incorporate flashing lights or animated or moving components.	No flashing components	Yes
	Signs shall be permanently fixed to the premises.	Fixed to building and plinth	Yes
	Advertising shall not be located or constructed in such a manner as to obstruct any other approved sign.	No other signs are obstructed	Yes
	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.	No other signs are obstructed or provide a distraction for passing motorists	Yes
	Signs shall not be constructed of canvas, calico or any like material.	Solid fascia signs proposed.	Yes
	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
	Projecting wall signs and flush wall signs shall not extend above the wall to which they are attached.	The signs do not extend above the wall.	Yes
	All proposed signage is to be consistent with the objectives of State Environmental Planning Policy	The proposed signs are "business	Yes

	No.64 – Advertising and Signage as specified in clause 3(1)(a) of the SEPP.	identification signs” and comply with the objectives of the SEPP.	
	Applications for signage must demonstrate how the proposed signage satisfies the assessment criteria specified in Schedule 1 of State Environmental Planning Policy No.64 – Advertising and Signage.	The proposed signs are “business identification signs” and comply with the objectives of the SEPP.	Yes
	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
Signage Requirements with a Business Zone	The combined sign area of all signs on the facade of a building will be permitted on the basis of 0.5m <sup>2</sup> of sign per one (1) metre of length of the building façade which addresses the primary frontage of the site.  Salisbury Road (South Elevation): 167m frontage being 83.5m <sup>2</sup> permissible.	144.3m <sup>2</sup> + 158.4m <sup>2</sup> = 302.7m <sup>2</sup>	No – Variation of 219.2m <sup>2</sup> however the variation is considered satisfactory as detailed below.
	Where the building has more than one (1) frontage, the maximum advertising area for a sign on any side elevation shall not exceed 0.25m <sup>2</sup> of sign per one (1) metre of length of the façade of the building.  Victoria Avenue (East Elevation): 79m frontage being 19.75m <sup>2</sup> permissible.	102.6m <sup>2</sup> + 111.52m <sup>2</sup> + 28.2m <sup>2</sup> = 242.32m <sup>2</sup> . However exclusion of the 28.2m <sup>2</sup> sign (considered to be excessive) reduces the signage total to 214.12m <sup>2</sup> .	Variation of 214.12m <sup>2</sup> following exclusion of 1 sign. The variation however is considered satisfactory subject to this exclusion



	Where the building has more than one (1) frontage, the maximum advertising area for a sign on any side elevation shall not exceed 0.25m <sup>2</sup> of sign per one (1) metre of length of the façade of the building.  Western Boundary: 79m frontage being 19.75m <sup>2</sup> permissible.	104.65m <sup>2</sup>	Variation of 84.90m <sup>2</sup> which is considered satisfactory as detailed below.
	Where the building has more than one (1) frontage, the maximum advertising area for a sign on any side elevation shall not exceed 0.25m <sup>2</sup> of sign per one (1) metre of length of the façade of the building.  Northern Boundary: 167m frontage being 41.75m <sup>2</sup> permissible.	232.2m <sup>2</sup> however the scale is not consistent with other elevations and should be conditioned to be consistent with the southern elevation being 144.3m <sup>2</sup>	Variation of 102.55m <sup>2</sup> if conditioned to be the same as the southern elevation as detailed below.

## 5.1 Advertising Signage Compliance

The proposed development provides a significant variation to the advertising signage development standards within BHDGP Part D, Section 2 – Signage.

The original Development Application lodged with Council for consideration provided a total signage area of 1,950.71m<sup>2</sup>. This proposed signage area was considered unsatisfactory and out of scale with the proposed building. In response to Council's requests, the applicant provided amended signage detail reducing the proposed signage area to 881.87m<sup>2</sup>. This provision is considered to be more in keeping with the bulk and scale of the proposed development however further minor amendments are recommended to be adopted to further reduce the signage area proposed. The amendments detailed within the above table include the following:-

- Northern Elevation: 232.2m<sup>2</sup> of signage area is proposed however the scale is not consistent with other elevations and should be conditioned to be consistent with the southern elevation being 144.3m<sup>2</sup>.
- Eastern Elevation: 242.32m<sup>2</sup> of signage area is proposed however exclusion of the 28.2m<sup>2</sup> sign (considered to be excessive) reduces the signage total to 214.12m<sup>2</sup>.

The resulting signage calculation following these recommended amendments is further reduced to 765.77m<sup>2</sup> which represents 40% of the original signage proposed.

The reduced signage is considered satisfactory as the signage is considered to be in keeping with the bulk and scale of the development and provides a signage branding

which is consistent with other Bunnings Developments in The Hills Shire Local Government Area. The signage proposed also does not occupy all the allocated areas with signage media as the hammer logo and associated slogan when excluded from the background wall colour comprises only half of the area depicted on the plans. In this regard the hammer logo and slogan become an ancillary feature of the building façade, iconic of all Bunnings Developments but not visually obtrusive or offensive within the streetscape.

Given the scale of signage reduction proposed by the applicant, and the consistent scale of signage to the built form evident on other Bunnings development sites, the proposed variation to BHDGP Part D, Section 2 – Signage is considered satisfactory.

## 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."*

Schedule 1 within the SEPP has been considered as demonstrated below:-

Assessment Criteria	Proposal	Compliance
<b>Character of the Area</b>  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 exceeds the DCP requirements but is compatible with other Bunnings developments within the LGA. The building is large in bulk and scale and the signage (as amended in red) is considered to be in scale, especially as the majority of the signage panels comprise the green branding background rather than full signage media.	Yes
<b>Special areas</b>  Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal does not detract from the existing character of the park and while a variation is proposed, the variation is considered to be in scale, especially as the majority of the signage panels comprise the green branding background rather than full signage media.	Yes
<b>Views and vistas</b>		

Does the proposal obscure or compromise important views?	No the signage is contained wholly on the external face of the building.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	No – the signage is contained wholly on the external face of the building.	Yes
Does the proposal respect the viewing rights of other advertisers?	No – the signage is contained wholly on the external face of the building.	Yes
<b>Streetscape, setting or landscape</b>		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage exceeds the DCP requirements but is compatible with other Bunnings developments within the LGA. The building is large in bulk and scale and the signage (as amended in red) is considered to be in scale, especially as the majority of the signage panels comprise the green branding background rather than full signage media.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal provides a development which does not adversely affect the streetscape or landscaping setting of the site and provides visual interest at the intersection.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal does not rationalise as the redevelopment provides greater signage than that existing but does provide signage which is sympathetic to the development on which it relates.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No – the signage is contained wholly on the external face of the building.	Yes
<b>Site and building</b>		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is	The building is large in bulk and scale and the signage (as amended in red) is considered to be in scale, especially as the majority of the signage panels	Yes

to be located?	comprise the green branding background rather than full signage media.	
Does the proposal respect important features of the site or building, or both?	The proposal does not detrimentally affect important site features.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal does not rationalise existing signage as the redevelopment provides greater signage than that existing but does provide signage which is sympathetic to the development on which it relates. The signage is consistent with other Bunnings developments and is considered satisfactory.	No – however the proposed signage is considered satisfactory as the signage is consistent with other Bunnings developments and is considered satisfactory.
<b>Illumination</b>		
Would illumination result in unacceptable glare?	No illumination is proposed.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	No illumination is proposed	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	No illumination is proposed	Yes
Is the illumination subject to a curfew?	No illumination is proposed	Yes
<b>Safety</b>		
Would the proposal reduce the safety for any public road?	No safety is affected.	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?	No safety is affected.	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No safety is affected.	Yes

## 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 Sections 2 - 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 Sections 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 development does not result in any adverse environmental, social or economic impacts as detailed within the body of this report.

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

Satisfactory – The proposed development provides a built form, bulk and scale which is consistent with other developments within the light industrial zone and has satisfactorily addressed the relevant development standards and objectives of Council's Development Control Plan.

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

No submissions were received to the proposed development.

**(e) the public interest.**

Satisfactory – The proposed development provides a built form, bulk and scale which is consistent with other developments within the light industrial zone and has satisfactorily addressed the relevant development standards and objectives of Council's Development Control Plan.

## **8. CONSIDERAION OF ECONOMIC IMPACTS**

In accordance with the aims and objectives of BHLEP 2005 and objective (e) of the Light Industrial 4(b) zone, two principle documents have been reviewed in the assessment of economic impact, these include:

- Retail and Commercial centres study prepared by Leyshon Consulting Pty Ltd dated September 1997;

- Economic Impact Assessment prepared by Leyshon Consulting Pty Ltd dated November 2009

## 8.1 Overview of Literature and Previous Determinations

The 1997 Retail and Commercial Centres Study (RCCS) prepared by Leyshon Consulting, identified Castle Hill as the dominant commercial centre within Baulkham Hills Shire and classified it as a sub – regional centre with a retail floor space of 70,100m<sup>2</sup>. The RCCS also recommended that Castle Hill and the Rouse Hill Regional Centre as the dominant centres, and be the preferred focus for major retail and non-retail development. This analysis was reiterated by Leyshon in June 2003 with a report entitled 'Analysis of Floor Space Demand 2001 - 2021'. This document provided an overview of the potential demand for retail and commercial floor space within the Castle Hill Town Centre between 2001 and 2021 and identified the trade area to include all of The Hills Shire, as well as Cherrybrook, Pennant Hills, Winston Hills, parts of Blacktown including Parklea, Stanhope Gardens, Glenwood, and Riverstone, and parts of Hawkesbury LGA including Windsor and Bligh Park as it was considered appropriate to consider a trade area, which extended beyond the boundaries of The Hills Shire LGA.

The Hills 2026 Community Strategic Direction which comprises the Centres Direction forecasts population and retail floor space demand within the Local Government Area until 2031. It is noted that this amended study re-defines the previous demand catchments to include the Hills Shire Local Government Area alone. As part of this strategy, a Retail Floor Space and Demand Analysis was undertaken by Hill PDA Pty Ltd which sought to identify a revised retail hierarchy from that identified in 1997 and 2003 and also identified a potential demand of an additional 81,000m<sup>2</sup> of bulky goods retail floor space within the Local Government Area by 2031. This study excludes any developments undertaken after 2006 which would therefore exclude the approved Stage 4 Extensions to the Supa Centre at No. 16 Victoria Avenue, Castle Hill, a Bulky Goods Retailing Development at No. 21 – 23 Victoria Avenue and the proposed development. As a result the additional bulky goods retail floor space approved, but not considered within the centres direction, is as follows:-

- DA 1364/2007/HB (Stage 4 Extensions to Hills Supa Centre): 15,610m<sup>2</sup> of GFA
- DA 1857/2008/HB (No. 21 – 23 Victoria Avenue, Castle Hill): 22,830m<sup>2</sup> of GFA
- DA 891/2010/JP (Subject Development Application): 16,060m<sup>2</sup> of GFA
- Total Additional Bulky Goods Retail Floor Space: 54,500m<sup>2</sup>

While it is noted that the above calculation would utilise some of the bulky goods retail floor space demand to the year 2031 identified within the Centres direction (being 67%), the subject Development Application has provided an Economic Impact Assessment examining the impacts of the proposed development on the forecast bulky goods floor space surplus / deficit within the catchment.

The Economic Impact Statement has considered a projected demand period between 2009 and 2016 and identified that at an anticipated 2011 opening, the sales impact of the Bunnings development on existing bulky goods retail activity would be classified at the bottom end of the high / very high impact range capturing 16.1% of the available spending in the trade area. This equates to a bulky goods retail floor space demand between 2009 and 2016 of an additional 11,542m<sup>2</sup> and a hardware floor space demand between 2009 and 2016 of an additional 17,550m<sup>2</sup>. Given the proposed development provides a floor area of 16,060m<sup>2</sup> which includes a mix of bulky goods and specific hardware floor area, it is considered reasonable to argue that the proposed development would consume the majority of the 2009 – 2016 forecast potential but would not result in an oversupply of such uses within the Castle Hill trading zone or broader catchment area within the timeframe. In addition this would enable future expansion of remaining additional bulky goods floor area capable of being accommodated up until 2031 (as evidenced within the Hills Centre Direction as detailed above).

In addition to the forecast demand rates relating to floor area, the submitted Economic Impact Statement has confirmed that the annual retail sales projected to be captured by the proposed development are equivalent to 7.5% of the estimated total available spending in the trade area in 2011. A more accurate projection of hardware type uses within the development however provides a calculation which is equivalent to 16.1% of the available spending for this type of sale activity. Given that such sales are expected to grow by some \$35 million per annum between 2009 and 2016 (across the trade area), it is considered satisfactory to assume that there will be no net impact on other existing bulky goods type retailers up to 2016 and ample opportunity for further floor area to be provided in the trade zone until 2031 without adverse impact on existing developments and the economic viability of the broader trade area.

As a result the proposed development and resulting impact on bulky goods floor space provision and economic impact within the trade area catchment is considered satisfactory.

### **WASTE MANAGEMENT COMMENTS**

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

### **HEALTH & ENVIRONMENTAL PROTECTION COMMENTS**

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

### **TREE MANAGEMENT COMMENTS**

The 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 including all *Kunzea ambigua* to be supplemented with *Backhousia citriodora* and all *Acacia* species are to be supplemented with *Syzygium leuhmannii*.

### **ENGINEERING COMMENTS**

The Development Application was referred to Council's Engineering Section to review the car parking arrangements and proposed stormwater drainage measures associated with the proposal. No objection is raised to the proposed development subject to conditions of consent.

### **SYDNEY METRO COMMENTS**

The Development Application was referred to Sydney Metro as the subject site is immediately adjacent to the north west rail Corridor alignment.

No objection is raised to the proposed development as outlined within correspondence dated 19 January 2010. Refer to Attachment No. 13 and Condition No. 9.

### **NSW POLICE COMMENTS**

The Development Application was referred to the NSW Police Force for comments under Council's adopted "Safer by Design" Protocol.

No objection is raised to the proposed development subject to comments and conditions of consent dated 21 December 2009. Refer to Attachment No. 12 and Condition No. 2.

## **NSW ROADS & TRAFFIC AUTHORITY COMMENTS AND COUNCIL'S TRAFFIC MANAGEMENT COMMENTS**

The Development Application was referred to the NSW RTA for comment pursuant to State Environmental Planning Policy (Infrastructure) 2007. Comments received from the RTA dated 9 February 2010, provided conditions of consent which also included a request for Council to consider infrastructure upgrades within the Castle Hill Light Industrial Area and general disagreements with the submitted modelling within the Traffic and Parking Study Refer to Attachment No. 11.

### **Comments in Response**

In response to the NSW RTA's comments, Council's Traffic Management Section have provided the following assessment:-

"In April 2009, the RTA commissioned traffic consultants to prepare a Traffic Study on the Castle Hill Trading Zone. This report identified two existing roundabouts at the Victoria Avenue / Salisbury Road intersection and the Victoria Avenue / Carrington Road intersection which require upgrade.

Preliminary estimates for the signal upgrades for the Victoria Avenue / Salisbury Road intersection are around \$800,000.00. As the proposed Bunnings Development represents approximately 50% of the overall increase in traffic through the intersection, a contribution towards the cost of the intersection construction is recommended to be imposed.

While these requests / requirements can be addressed by way of conditions of consent, the applicant was requested to review the comments provided below (and the apportionment of the requested contribution) and advise of any concerns with the requested works:-

- The applicant is required to submit detailed design drawings of the widening of two lanes of the eastbound approach to the Salisbury Road roundabout for Council's approval prior to construction; and
- The signalised upgrades will be required as development proceeds in the adjacent sites at which time a \$400,000 contribution in the form of a bond will be required by Council. These bonds shall have an expiry period of five years after the date of issue of the consent, after which time the bank guarantee or bond shall be released."

As detailed above, it was considered that the requested / recommended infrastructure upgrade works and associated cash contribution would provide sufficient infrastructure to cater for the modelled demand associated with the proposed development, without revisiting the traffic modelling data within the submitted Traffic Report or the issues raised with respect to that modelling by the RTA.

### **Applicants Response:**

In response to the above recommended requirements, the applicant provided further correspondence dated 17 May 2010 which included preliminary sketch drawings of the eastbound approach to the Salisbury Road roundabout. A detailed design plan is therefore recommended to be conditioned to be provided prior to the issue of the Construction Certificate. Refer to Condition No.39.

The applicant however has raised objection to the imposition of the abovementioned monetary bond by raising the following issues:-



- *Concerns is raised in relation to the equity and justification of this proposed requirement. The RTA study is far reaching in relation to its assessment of regional traffic growth which no doubt have important implications along Windsor Road and Showground Road. However, the input and considerations in relation to the intersections along Victoria Avenue (apart from the Showground Road intersection) are far more localised in relation to specific interactive relationships.*
- *In section 5 of the PB Report the development proposals which were taken into account are listed, however of the 5 which would directly generate and attract traffic within the local area not all will necessarily proceed and others are only contemplated.*
- *It is noted that in the Traffic Study for the 21-23 Victoria Avenue development scheme, the peak traffic flows on the western arm of Hudson Avenue (with Stage 4 of the Homemakers development) would be some 1,100 to 1,400 vph. It is apparent that if Hudson Avenue were closed, the great majority of the significant traffic volumes would be diverted through the Victoria Avenue/Salisbury Avenue intersection (presumably a principal factor in the assessed need to upgrade this intersection). Because it is no longer proposed to close Hudson Avenue or to proceed with Homemakers Stage 5 or with some of the other developments taken into account, the conclusions of the study in relation to the Victoria Avenue/Salisbury Avenue intersection are entirely invalid in relation to the proposed Bunnings development.*
- *It is particularly relevant to note that the TTPA traffic analysis done as part of the Bunnings Development Application also modelled the generation of Stage 4 of Homemakers Centre, the Tavern extensions and the Hills Lifestyle Centre, and did not discount for existing site generation. That analysis concluded that the Victoria Avenue / Salisbury Avenue intersection would operate satisfactorily without upgrade works. Bunnings is nevertheless prepared to provide for a two-lane approach on Salisbury Road. Signalisation of the intersection is not a planning consequence of Bunnings' proceedings.*

### **Comments in Response to Applicants Submission:**

As a consequence of the above comments, the matter was re-referred to Councils Traffic Management Section for further comment and embellished assessment. The additional comments resulting from this further review are detailed below:-

"The RTA Guide to Traffic Generating Developments quote a traffic generation rate of 0.5 trips/100m<sup>2</sup> for warehouse developments resulting in 32 peak hour trips from the existing 6,475m<sup>2</sup> warehouse. The traffic consultant has also used surveyed traffic data of several existing Bunning's centres to establish a traffic generation rate of 4.4 trips/100m<sup>2</sup> for Saturday midday peaks when taking into account a 30% reduction for passing trade and 50% reduction for the second floor.

The net result is that the proposed development will typically generate around 703 Saturday Mid Day Peak Hour Trips.

The consultant has distributed the increased traffic to the surrounding road network and carried out a SIDRA analysis of the major intersections to determine the existing and post development levels of service.

This analysis identified that the Victoria Avenue/Salisbury Road roundabout controlled intersection currently operates at an overall Level of Service A during the Sat MD peak and retains this Level of Service A post development. However certain approaches to the roundabout fall to Level of Service C as a result of the increased traffic.

Accordingly to improve the service levels for these approaches it is recommended that the Salisbury Road eastbound approach be widened from the existing single lane configuration to accommodate two approach lanes.

In April 2009 the Roads and Traffic Authority commissioned traffic consultants Parsons Brinkerhoff to prepare a Traffic Study Report on the Castle Hill Trading Zone. The aim of the report was to estimate the future growth of traffic movements in the area up to 2021 and determine what effects this growth including the possible implementation of a bus transit-way along Victoria Avenue will have on the efficiencies of surrounding road network.

This report identified that the two existing roundabouts at the Victoria Ave/Salisbury Road and Victoria Ave/Carrington Road require upgrading to signalized intersection control. Preliminary estimates for the signal upgrades of Victoria Ave/Salisbury Rd and Victoria Ave/Carrington Rd is around \$800,000 and \$600,000 respectively.

To this end the previously approved Development Application for a bulky goods development on the corner of Victoria Ave/Salisbury Rd (DA 1857/2008/HB) was conditioned to contribute 40% to the cost of the signal upgrade.

In addition the proposed tavern re-development site (DA1668/2009/HB) generating approximately half the number of traffic movements of the bulky goods development was also conditioned to contribute 20% of the cost (\$160,000) in the form of a bank guarantee or bond for the future intersection upgrade.

The addition of approx 703 vehicles per hour on a Saturday midday as a result of this development through this intersection could potentially account for an increase from 2202 overall vehicles through the roundabout to 2905 vehicles not taking into account any additional traffic from prospective surrounding developments.

If the surrounding developments are also taken into account as evidenced by the SIDRA printout attached to the report the total Sat MD peak hour traffic increases to a total of 3569 vehicles through the Salisbury Ave roundabout.

As the Bunning's development represents approximately 50% of the overall increase in traffic through the intersection it is reasonable to request that 50% or \$400,000 of the \$800,000 cost for the future upgrade to traffic signals be imposed on the applicant. The proposed widening of Salisbury Rd for two approach lanes specified above shall be in accordance with Council's concept design that will ultimately replace the roundabout with traffic signals.

The signalised upgrades of each intersection will be required as development proceeds on the adjacent sites at which time an appropriate contribution in the form of a bond will be required by Council. These bonds shall have an expiry period of five (5) years after the date of issue of the consent, after which the bank guarantee or bond shall be released.

### **Pedestrian Impact**

The Victoria Ave Light Industrial Precinct is a significant employment area. Victoria Avenue and Carrington Road will form part of a NSW State Government Strategic Bus Corridor connecting Blacktown with Castle Hill. In the original planning for this employment area during the period 1975 - 1985, the traffic facilities built within the Victoria Ave Precinct were considered suitable for access to the area.

This situation has changed considerably over the last 10 years, with sustainability issues across the entire North West metropolitan area becoming critical. One of the most important issues is the provision of alternative transport options to and from employment precincts. This is the main reason why the Strategic Bus Corridor will run along Victoria Ave and Carrington Rd.

The proposed Bunnings development will be a major pedestrian generator, both from employees using the new bus corridor, and as a "walk up" node by customers to and from other nearby businesses. There are currently no prioritised pedestrian crossing facilities along Victoria Rd near this site, and this lack of pedestrian facilities is the main reason for the proposal to replace the existing roundabout with traffic signals.

The report accompanying the Bunnings development does not address this major issue in any way. As a planning authority, Council is responsible for approving orderly development, particularly in employment areas where the needs of traffic and pedestrian access are significantly concentrated. This planning responsibility also includes designing for infrastructure on the basis of existing demand together with projected re-development.

In conjunction with the RTA, Council is now planning for the provision of traffic signals at the intersection fronting the Bunnings Development to accommodate the demands of this proposal and the surrounding sites.

It is acknowledged that the future traffic generation of the Bunnings development will not cause the existing roundabout traffic performance to fail, but this outcome does not deal with pedestrian connectivity issues, nor does it deal with future development projections of the immediate surrounding area.

It is further acknowledged that a Section 94 Contribution Scheme for the entire Victoria Avenue precinct may provide an appropriate mechanism to collect funds over many years, but no such Contribution Plan is in place, nor was one needed when planning was undertaken for the precinct 35 years ago. It is extremely important to note that while a Contribution Plan could now be developed for the area, the rate of re-development would indicate that traffic signals at this location would not be built for many decades. This timeframe is not satisfactory and would not be in accordance with the Department of Planning requirements for the implementation of Section 94 Infrastructure Programs.

The responsibility for funding the provision of this facility therefore lies with the adjacent development that are creating the demand, and Council is responsible for apportioning an appropriate contribution on each re-development proposal, and building that facility within an acceptable time frame.

Council's Manager – Infrastructure Planning will therefore be required to appropriately modify the apportionment during the next five (5) years as a result of any future new approved developments in the vicinity of the intersection, and build the traffic facilities in accordance with that timeframe.

To resolve the projected intersection capacity and pedestrian connectivity issues, the existing roundabout at the intersection of Victoria Ave and Salisbury Rd will need to be replaced with traffic signals within 5 years. To facilitate this work the applicant will be required to comply with the following :-

1. Widening Salisbury Road to two lanes on the eastbound approach to the roundabout at Victoria Ave. A detailed engineering design of this widening will need to be submitted for Council's approval prior to construction.
2. The replacement of the roundabout at the intersection of Victoria Ave and Salisbury Rd with traffic signals will be required as development proceeds in the adjacent sites. An apportioned contribution of \$400,000 in the form of a bank guarantee or bond will be required by Council from the developer. This bond shall have an expiry period of five (5) years after the date of issue of the consent, after which the bank guarantee or bond shall be released.
3. Council's Manager – Infrastructure Planning will be required to appropriately modify the apportionment during the next five (5) years as a result of any future approved developments in the vicinity of the intersection."

As a result of these requirements, the recommended conditions of consent include requirements for a detailed engineering design drawing prior to the issue of the Construction Certificate and payment of the required cash contribution to be held for a maximum period of five (5) years.

## **CONCLUSION**

The proposed Development Application has been assessed against Section 79C of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy 64 – Advertising Signage, State Environmental Planning Policy (Infrastructure) 2007, Baulkham Hills Development Control Plan 2005 and relevant sections of Baulkham Hills Development Control Plan and is considered satisfactory.

The proposed variation to the setback requirements within the DCP is considered satisfactory as the encroachment relates to the provision of the lift core and travelator ramps from the basement car park to the ground floor and lobby area. The protrusion within the setback provides an articulation element to the front façade of the development and provides an entry feature which is typical of virtually all Bunnings Warehouse developments proposed.

The proposed variation to advertising signage area is considered satisfactory as the reduced signage is considered to be in keeping with the bulk and scale of the development and provides a signage branding which is consistent with other Bunning Developments in the locality. The signage proposed also does not occupy all the allocated areas with signage media as the hammer logo and associated slogan when excluded from the background wall colour comprises only half of the area depicted on the plans. In this regard the hammer logo and slogan become an ancillary feature of the building façade, iconic of all Bunnings Developments but are not considered visually obtrusive or offensive within the streetscape.

The inclusion of a monetary contribution for future infrastructure upgrade works is maintained as there is sufficient nexus between the demand generation resulting from the proposed development and necessity to provide upgraded traffic management infrastructure at this location to cope with the proposed development.

The application was placed on public exhibition for a period of fourteen (14) days with no submissions received.

As a result the proposed Development Application is considered satisfactory.

## **RECOMMENDATION**

The Development Application be approved subject to the following conditions of consent:-

### **GENERAL MATTERS**

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

The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.

Amendments in red require signage area and location to be in accordance with the elevation drawings (Drawing No. 130 and 131) and not that depicted on the sections drawings and landscape sections / elevations.

Amendments in red also include reduction in signage area associated with the following elevations:-

- Northern Elevation: 232.2m<sup>2</sup> is proposed however the scale is not consistent with other elevations and is to be reduced to 144.3m<sup>2</sup>.
- Eastern Elevation: 242.32m<sup>2</sup> is proposed however deletion of the 28.2m<sup>2</sup> sign is required being a reduction in the signage area on this elevation to 214.12m<sup>2</sup>.

#### REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
000	Cover Sheet	A	10/12/2009
010	Demolition Plan	A	10/12/2009
030	Parking Level 2 Plan	A	10/12/2009
031	Undercroft Parking Level 1 Plan	A	10/12/2009
032	Warehouse Level 1	A	10/12/2009
033	Warehouse Level 2	A	10/12/2009
100	Undercroft Parking Level 2 – 1/2	A	10/12/2009
101	Undercroft Parking Level 2 – 2/2	A	10/12/2009
102	Undercroft Parking Level 1 – 1/2	A	10/12/2009
103	Undercroft Parking Level 1 – 2/2	A	10/12/2009
104	Warehouse Level 1 – 1	A	10/12/2009
105	Undercroft Warehouse Level 1 – 2	A	10/12/2009
106	Warehouse Level 2 – 1	A	10/12/2009
107	Warehouse Level 2 – 2	A	10/12/2009
108	Roof Level 1 – 1	A	10/12/2009
109	Roof Level 2 – 2	A	10/12/2009
120	Sections 1 / 3	A	10/12/2009
121	Sections 2 / 3	A	10/12/2009
122	Sections 3 / 3	A	10/12/2009
125	Detail North Boundary Sections	A	10/12/2009
126	Detail South Boundary Sections	A	10/12/2009
130	Elevations 1/2	B	12/04/2010
131	Elevations 2/2	B	12/04/2010
1629 LP-01	Landscape Plan	C	06/04/2010
1629 LP-02	Landscape Sections / Elevations	C	06/04/2010

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.

#### **2. Compliance with NSW Police Service Requirements**

Compliance with the requirements of the NSW Police Service dated 21 December 2009 and attached to this consent.

#### **3. Compliance with NSW RTA Requirements**

Compliance with the requirements of the NSW Roads and Traffic Authority (RTA) dated 9 February 2010 being restricted to Items 3 – 9.

#### **4. Provision of Parking Spaces**

The development is required to be provided with 650 off-street car parking spaces including ten (10) disabled parking spaces. These car parking spaces shall be available for off street parking at all times.

#### **5. Separate application for other signs**

A separate application is required to be submitted to, and approved by Council prior to the erection of any advertisements or advertising structures other than the sign(s) approved in this consent.

#### **6. 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.

#### **7. 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.

#### **8. Prior to Demolition Works Commencing**

Prior to any demolition works commencing on the site, the applicant is to notify all adjoining and adjacent neighbours and Council, five (5) working days prior to work commencing.

#### **9. Compliance with Sydney Metro Requirements**

Compliance with the requirements of Sydney Metro attached to this consent and dated 19 January 2010 as detailed below:-

**Sydney Metro Conditions  
14 VICTORIA AVENUE CASTLE HILL (891/2010/JP)**

*The owners of the site of the approved development must:*

*(a) Allow in the design, construction and maintenance of the approved development for the future operations of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents and electromagnetic fields.*

*(b) Prior to the issue of any occupancy certificate, provide Sydney Metro with drawings, reports and other information related to the design, construction and maintenance of the approved development to allow Sydney Metro to fully understand the interaction between the approved development and the rail tunnels.*

#### **10. Adherence to Waste Management Plan**

The Waste Management Plan submitted to Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste material nominated for recycling must be reused or recycled. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act (1997) and only to a place that can lawfully be used as a waste facility. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

#### **11. Tree Removal**

Approval is granted for the removal of trees numbered 1-4, 6, 9-58, 60-61, 64-74, 76-87 as indicated in Arborist report prepared by Abel Ecology dated 06/04/2010 as they will be 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.

#### **12. Tree/s to be retained**

To maintain the treed environment of the Shire, trees numbered 5, 7-8, 59, 62-63, 75 as per Arborist Report prepared by Abel Ecology are to be retained.

### **13. 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. All ground covers planted as part of the approved landscape plan are to be minimum 150mm pot size.

Kunzea ambigua is to be supplemented with Backhousia citriodora and all Acacia species are to be supplemented with Syzygium leuhmannii

### **14. 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.

### **15. 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.

### **16. 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* (PEO 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.

**17. 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.

**18. 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.

**19. Waste Management- Commercial/Industrial**

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclable materials emanating from the premises must be stored in designated waste storage bins as specified in the Bunnings/SITA Recycling and Waste Management Report submitted with the Development Application. Arrangements must be in place in all areas of the development for the separation of recyclable materials from general waste and for the movement of recyclable materials and general waste to the main waste/recycling bins

**20. Construction and Fit-out of Food Premises**

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard – Design, construction and fit-out of food premises AS 4674-2004 and the provisions of the Food Safety Standards Code (Australia).

Note: Copies of AS 4674-2004 may be obtained from Standards Australia Customer Service on telephone 1300 654 646 or by visiting the website: [www.standards.com.au](http://www.standards.com.au)

Copies of the Food Safety Standards Code (Australia) may be obtained by contacting the Food Standards Australia New Zealand Authority on Telephone: (02) 6271-2222, e-mail: [info@foodstandards.gov.au](mailto:info@foodstandards.gov.au) or by visiting the website: [www.foodstandards.gov.au](http://www.foodstandards.gov.au)

**21. Coving (Food Shop)**

The intersection of floors with walls and exposed plinths in food preparation, storage and servery are to be coved. Coving is defined as a concave curve at the junction of two surfaces with the radius of the curve to be not less than 25mm.



## **22. Walls and Partitions (Food Shop)**

All walls are to be solid construction. Solid construction is defined as brick, concrete blocks, structural fibrous cement or preformed panels that are filled with suitable material.

## **23. Hand Wash Basin (Food Shop)**

Hand-wash Basins:

1. Must be provided and must not be obstructed. Must be accessible at bench height and no further than 5 metres from any place where open food is handled or prepared; and
2. Must be fitted with a tap that operates hands free with a permanent supply of warm running potable water delivered through a single outlet. A soap dispenser and paper towel holder shall be provided adjacent to the hand-wash basin.

## **24. 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.

## **25. Gutter and Footpath Crossing Application**

The submission to Council of an application for gutter and footpath crossings, accompanied by the current fee as prescribed in Council's Schedule of Fees and Charges.

## **26. 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.

## **27. 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 or subdivision certificate.

## **28. Minor Engineering Works**

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

- a) THSC Design Guidelines Subdivisions/ Developments (January 2010)
- b) THSC Works Specifications Subdivisions/ Developments (January 2010)

NOTE: Works on existing public roads or reserves and any land under the care and control of Council must be approved and inspected by Council (including payment of all applicable fees) in accordance with the Roads Act 1993 and/ or the Local Government Act 1993.

### **i. Concrete Footpath – 1.5m wide**

Concrete footpath paving 1.5m wide across the Salisbury Road frontage of the development site and pedestrian access ramps where required.

### **ii. Shared Concrete Footpath/ Cycleway – 2.5m wide**

A shared concrete footpath/ cycleway 2.5m wide across the Victoria Avenue frontage of the development site and pedestrian access ramps where required.

### **iii. Footpath Verge Formation**

A gradient between 2% and 4% (falling from the boundary to the top of kerb) is required in the Victoria Avenue and Salisbury Road footpath verge fronting the development site. This work must include:

- The construction of any retaining walls within the site necessary to ensure complying grades within the footpath verge area.
- Any necessary adjustment or relocation of services to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

### **iv. Gutter Removal**

The removal of all disused layback and footpath crossings and their replacement with full kerb and gutter together with the restoration of the adjoining footpath verge area.

### **v. Heavy Duty Crossings**

Heavy duty gutter and footpath crossings at the northernmost driveway on Victoria Avenue and the westernmost driveway on Salisbury Road.

The size and layout of these driveway crossings must ensure that an Articulated Vehicle is able to enter or exit the site from the kerbside lane based on the swept turning path template for this vehicle from AS 2890.2:2002.

### **vi. Medium Duty Crossings**

Medium duty gutter and footpath crossings at all other points of vehicular access to the site.

### **vii. Driveway Stormwater Runoff**

On high level sites a grated drain must be provided on the driveway(s) at the property boundary.

## **29. Vehicular Access and Parking**

The formation, surfacing and drainage of all vehicular access and parking areas is required. 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 2890.2:2002 – Parking facilities – Part 2: Off-street commercial vehicle facilities.
- c) AS 2890.6:2009 – Parking Facilities – Off-street parking for people with disabilities.
- d) BHDCP Part D Section 1 – Parking.

NOTE: Where conflict exists the Australian Standard(s) must be adopted.

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 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.

## **PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE**

### **30. 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.

### **31. Landscape Bond**

A landscape bond in the amount \$50,000 is to be lodged with Council prior to the issue of the Construction Certificate. It shall be refunded 6 months following the issue of the Occupation Certificate 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.

### **32. Submit Waste Management Plan – Demolition & Construction**

Prior to the issue of the Construction Certificate a Waste Management Plan in relation to the demolition and construction stage of the development must be submitted to and approved by Council. The Plan shall address the following during the demolition and construction stage of the development;

1. The type of waste materials;
1. The estimated volume (m3) or area (m2) of waste materials;
2. The proposed reuse or recycling methods;
3. Waste contractor information;
4. Address of recycling outlets and/or landfill sites

### **33. Onsite Stormwater Detention – Upper Parramatta River Catchment Area**

Onsite Stormwater Detention (OSD) is required in accordance with Council's requirements for the Upper Parramatta River Catchment area.

NOTE: The stormwater concept plan (Ref 00488\_C100 to 00488\_C800 Revision B) prepared by C&M Consulting Engineers dated 12/03/2009 (sic) is for DA purposes only and is not to be used for construction.

Comprehensive design plans generally in accordance with the above approved concept design showing full construction details must be prepared by an accredited OSD designer along with:

- A completed OSD Drainage Design Summary (Calculation) Sheet.
- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes.
- A completed OSD Detailed Design Checklist.
- A maintenance schedule prepared by the designer of the OSD system.

The drainage design must include rainwater reuse and a stormwater quality treatment device generally as shown on the concept plan and complying with Council's ESD objectives.

The design and construction of the Onsite Stormwater Detention (OSD) system 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.

NOTE: A Design Compliance Certificate (DCC) certifying the detailed design of the OSD system can be issued by Council subject to the following being provided:

- i. A completed application form.
- ii. Four (4) copies of the design plans and specifications.

- iii. Payment of the appropriate application fee.

**34. 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 \$88875.00 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 (295m) plus an additional 50 metres on either side and the road width from the back of kerb on both sides or \$10,000.00 (whichever is the greater).

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

NOTE: 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.

**35. Security Bond – External Works**

In accordance with Section 80A(6)(b) of the Environmental Planning and Assessment Act 1979 a security bond to the value of \$10000.00 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 \$10000.00 (whichever is the greater).

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

NOTE: 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 the satisfaction of Council.

**36. Bank Guarantee(s)**

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 891/2010/JP.
- c) Specifically reference the item(s) 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.

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

**37. Draft Legal Document(s)**

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

**38. Basement Car Park and Subsurface Drainage**

The stormwater pump-out system must provide for the following:

- a) A holding tank sized to store the run-off from a 1:100 year ARI (12 hour) storm event.
- b) A two pump (alternating) system capable of emptying the holding tank at the lowest of either the Permissible Site Discharge (PSD) rate or the rate of inflow for a 1:5 year ARI (5 hour) storm event.
- c) An alarm system to alert a pump failure.

- d) 100.0mm freeboard to all nearby parking spaces.
- e) The system must be connected to the Onsite Stormwater Detention (OSD) system before being discharged to the street (under gravity).

All relevant plans, calculations, hydraulic details and manufacturer specifications for the pump(s) must be submitted along with certification from the designer to ensure the design complies with the above requirements.

#### **39. Engineering Design Drawing Requirement – Road Widening**

A detailed engineering design drawing is to be submitted to Council for Council's approval prior to the issue of the construction certificate. This drawing is required to indicate the widening of Salisbury Road to two lanes on the eastbound approach to the roundabout at Victoria Avenue.

#### **40. Cash Contribution Requirements**

A cash contribution to the sum of \$400,000.00 in restricted reserve is to be submitted to Council prior to the issue of the Construction Certificate. This contribution is for the replacement of the roundabout at the intersection of Victoria Ave and Salisbury Rd with traffic signals.

The cash contribution is to be reimbursed to the applicant if these have not been undertaken within five (5) years from the date of this consent.

**Note:** Council's Manager – Infrastructure Planning will be required to appropriately modify the apportionment during the next five (5) years as a result of any future approved developments in the vicinity of the intersection.

### **PRIOR TO WORK COMMENCING ON THE SITE**

#### **41. Principal Certifying Authority**

A sign is to be erected in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000.

#### **42. 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.

#### **43. Consultation with Service Authorities**

Applicants are advised to consult with Telstra and Australia Post regarding the installation of telephone conduits and letterboxes respectively.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the building plans will be stamped indicating that no further requirements are necessary.

#### **44. 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.

#### **45. 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.

#### **46. Erosion and Sedimentation Controls**

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance 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).

#### **47. 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).

#### **48. Protection of Existing Trees**

The trees that are to be retained are to be protected during all works with 1.8m high chain wire 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. 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. 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:

Designated construction access and delivery routes; and

Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

#### **51. Separate OSD Detailed Design Approval**

No work is to commence on the site until a detailed design for the OSD system has been approved/ certified by either Council or an Accredited Certifier.

### **DURING CONSTRUCTION**

#### **52. 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.

#### **53. 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.**

#### **54. Further Contamination Assessments**

Following demolition of the existing warehouse and concrete floor slabs, the site shall be inspected by a suitably qualified environmental consultant. Fill soil samples shall be obtained from a minimum of seven locations within the demolished warehouse footprint and analysed for heavy metals, TPH/BTEX, OCP/OPPs, PAHs and asbestos. TCLP testing for waste classification purposes should be undertaken if required.

The former location of the above ground tank shall be established and a minimum of two surficial soil samples be obtained from the area and analysed for TPH/BTEX, oil and grease.

### **PRIOR TO ISSUE OF A OCCUPATION CERTIFICATE**

#### **55. 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](http://www.sydneywater.com.au) and then refer to Water Servicing Co-ordinator under "Developing Your Land" or telephone 13 20 92 for assistance.

#### **56. Food Shop Registration requirements**

Occupation of the premises shall not occur until:

- a) A registration application has been submitted to Council's Health and Environmental Protection for the Food Shop, and
- b) Notification to the NSW Food Authority under Food Safety Standard 3.2.2 Division 2 Section 4 Notification. This requirement is to be met by notifying through the following website: [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au)

Evidence of compliance of the above shall be submitted to Council prior to commencement of business.

#### **57. Final Inspection**

Prior to the issuing of an Occupation Certificate, the food premises shall be inspected by an authorised officer of Council under the Food Act 2003, to determine compliance with the Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design Construction and Fit-out of Food Premises.

#### **58. Post-Construction Public Infrastructure Dilapidation Report**

Prior to the issue of an Occupation and/ or Subdivision 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.

#### **59. Pump Out System Certification**

The construction of the stormwater pump-out system shall be certified as complying with the approved design by a suitably qualified hydraulic engineer.

#### **60. OSD System Certification**

The Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of the Principal Certifying Authority (PCA) prior to the issuing of an Occupation Certificate.

The following documentation is required to be prepared and submitted upon completion of the OSD system and prior to a final inspection:

- a) Works As Executed (WAE) plans prepared on a copy of the approved plans.
- b) A certificate from a suitably accredited engineer or surveyor verifying that the OSD system (as constructed) will function hydraulically.
- c) A certificate from a suitably accredited engineer verifying that the structures associated with the OSD system (as constructed) are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime (a certificate of structural adequacy).

NOTE: Where Council is not the PCA for the development a copy of the above documentation must be submitted to Council.

#### **61. 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 – OSD Modification**

A restriction as to user restricting development over or the varying of the finished levels of the OSD structures and associated components as constructed.

##### **ii. Positive Covenant – OSD Maintenance**



A positive covenant to ensure the on-going maintenance of the OSD structure and associated components as constructed.

**iii. Positive Covenant – Stormwater Pump Maintenance**

A positive covenant to ensure on-going maintenance of the stormwater pump-out system is carried out at six (6) monthly intervals (minimum). The wording must specifically indemnify Council from all costs associated with the maintenance of the system.

NOTE: The wording of the above must nominate The Hills Shire Council as the authority to release, vary or modify such.

**b) Registration of Request Documents**

The endorsed request documents must be lodged with the NSW Department of Lands and a copy of the registered documents submitted to Council.

NOTE: An updated title search document will not suffice. A copy of the actual endorsed document(s) must be submitted to satisfy this requirement.

**THE USE OF THE SITE**

**62. 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.

**63. Servicing of Bins**

Council contracted or private garbage/recycling collection vehicles servicing the development are not permitted to reverse in or out of the site. Collection vehicles must be travelling in a forward direction at all times to service bins.

**64. Hours of Operation**

The hours of operation being restricted to the following: -

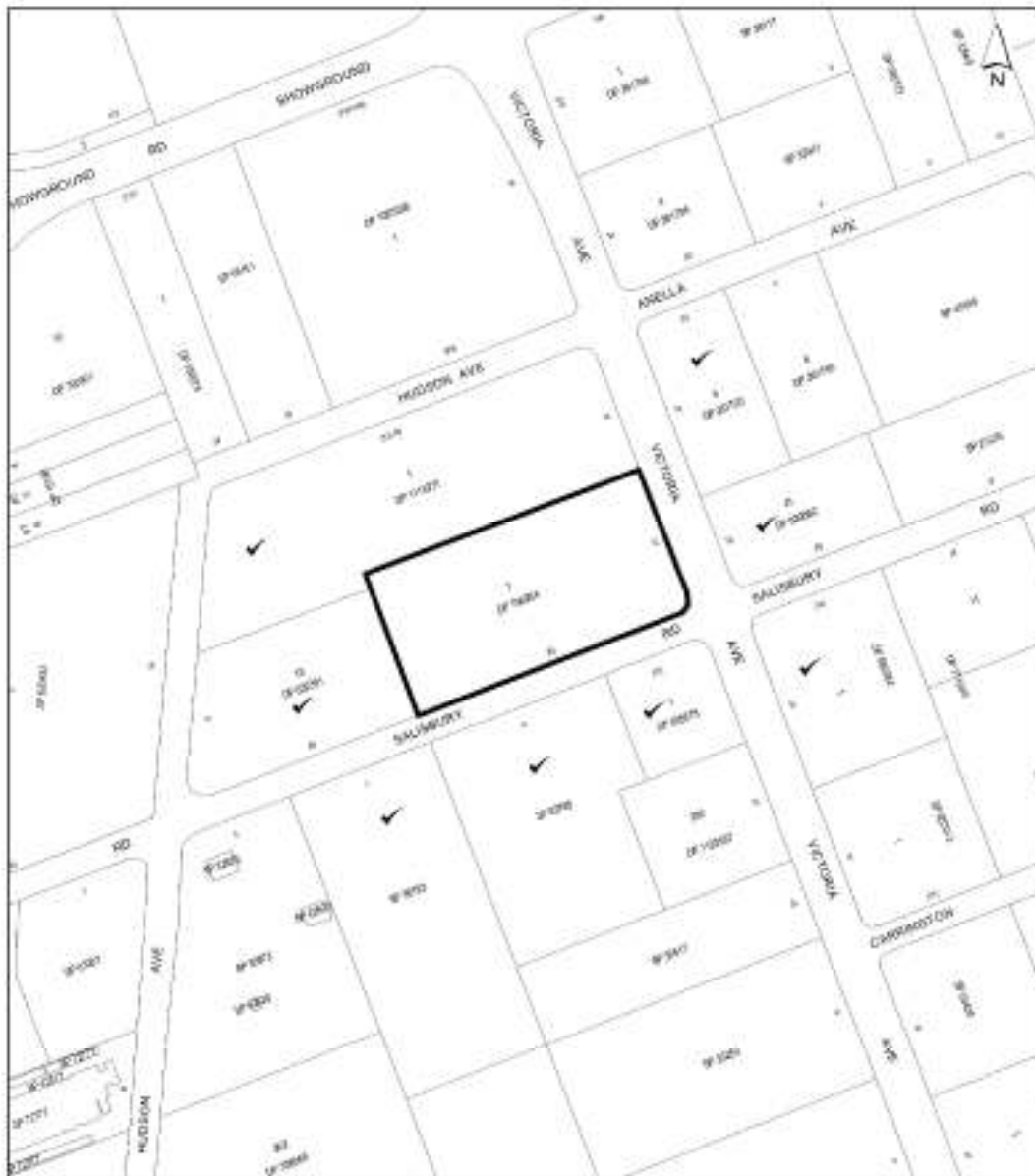
- 7.00am – 9.00pm Monday to Friday
- 8.00am – 6.00pm Saturday, Sunday and Public Holidays
- Deliveries are permitted between 7.00am and 10.00pm Monday to Friday only

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

**ATTACHMENTS**

1. Locality Plan
2. Aerial Photograph
3. Site Plan
4. Basement Floor Plans
5. Ground Floor Plan
6. First Floor Plan
7. Roof Plan
8. Elevation Drawings
9. Sections Drawings
10. Landscape Plan
11. NSW RTA Comments
12. NSW Police Service Comments
13. Sydney Metro Comments

## ATTACHMENT 1 – LOCALITY PLAN



**SUBJECT SITE**



**PROPERTIES NOTIFIED**



### THE HILLS SHIRE COUNCIL

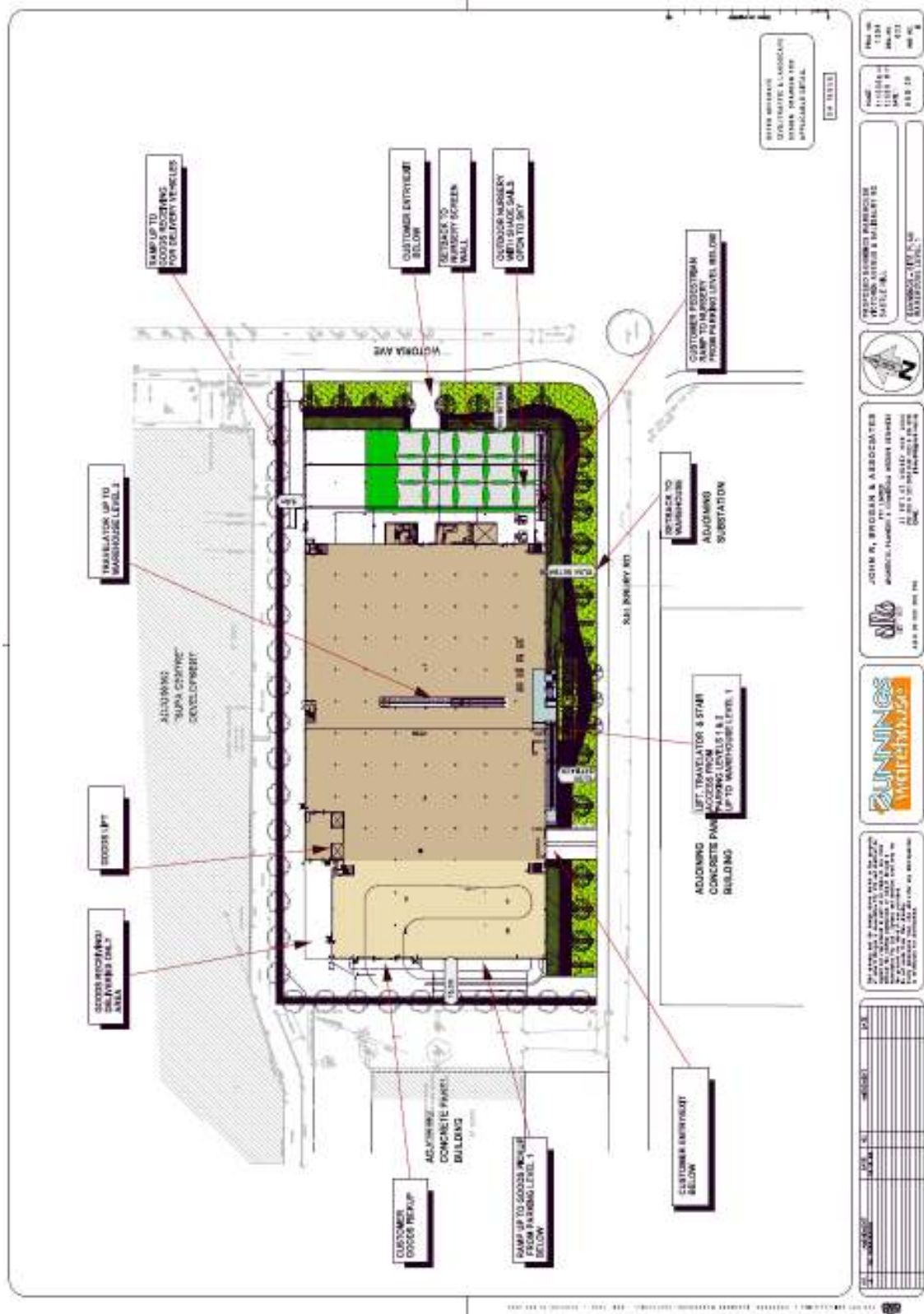
THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE.

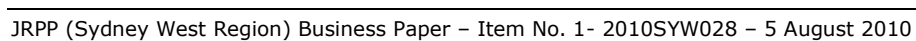
BASED: CADASTRE, COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THIS COPYRIGHT.

## ATTACHMENT 2 – AERIAL PHOTOGRAPH



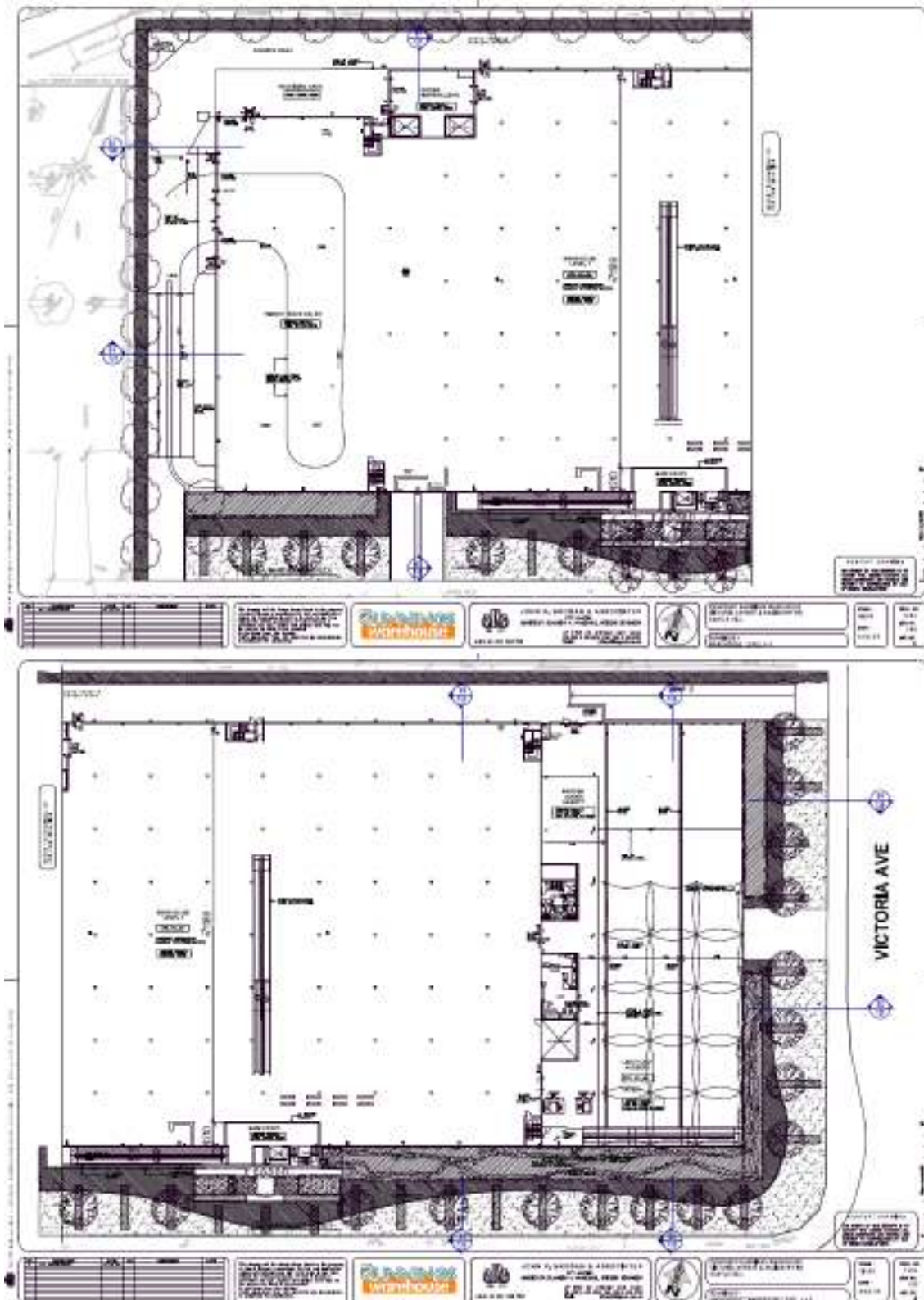
## ATTACHMENT 3 – SITE PLAN



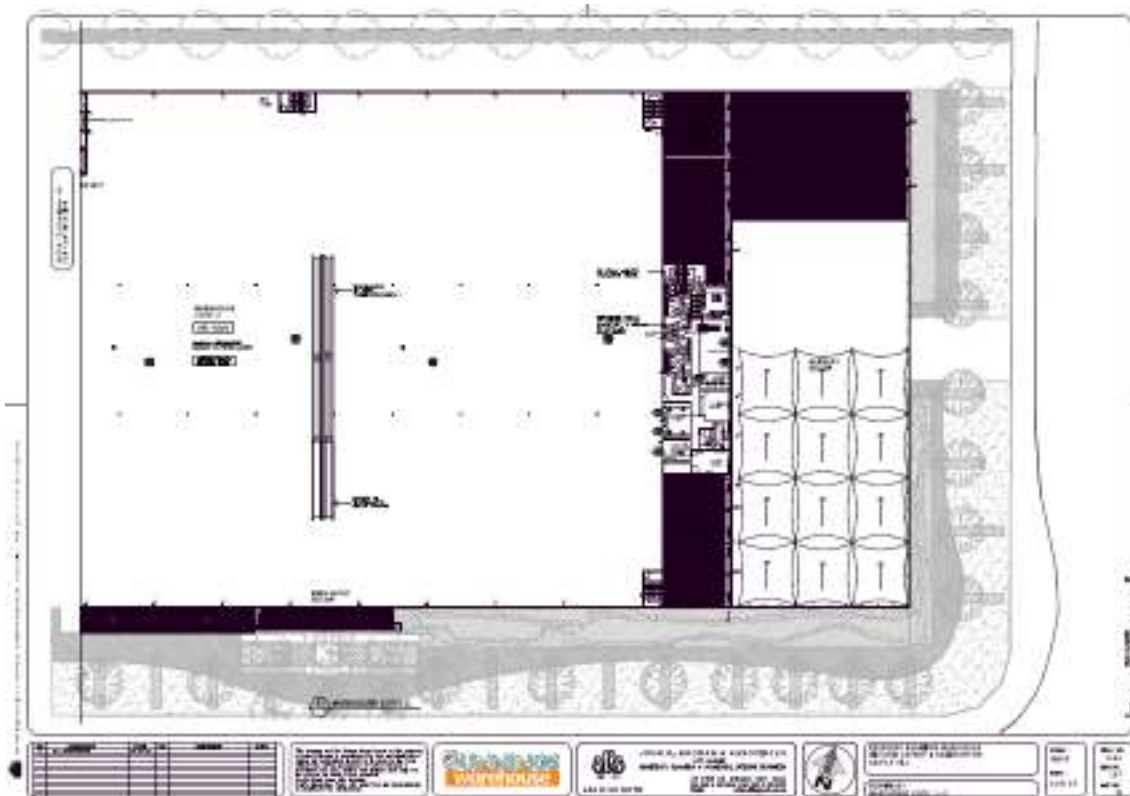
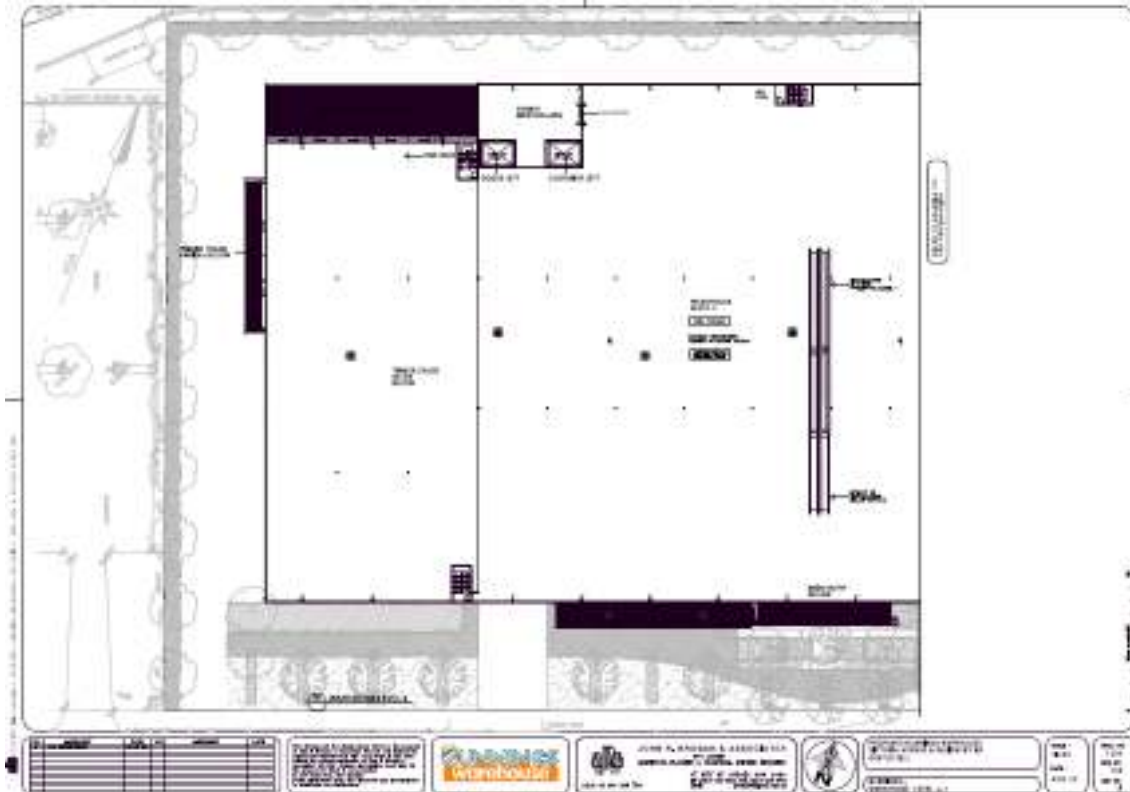




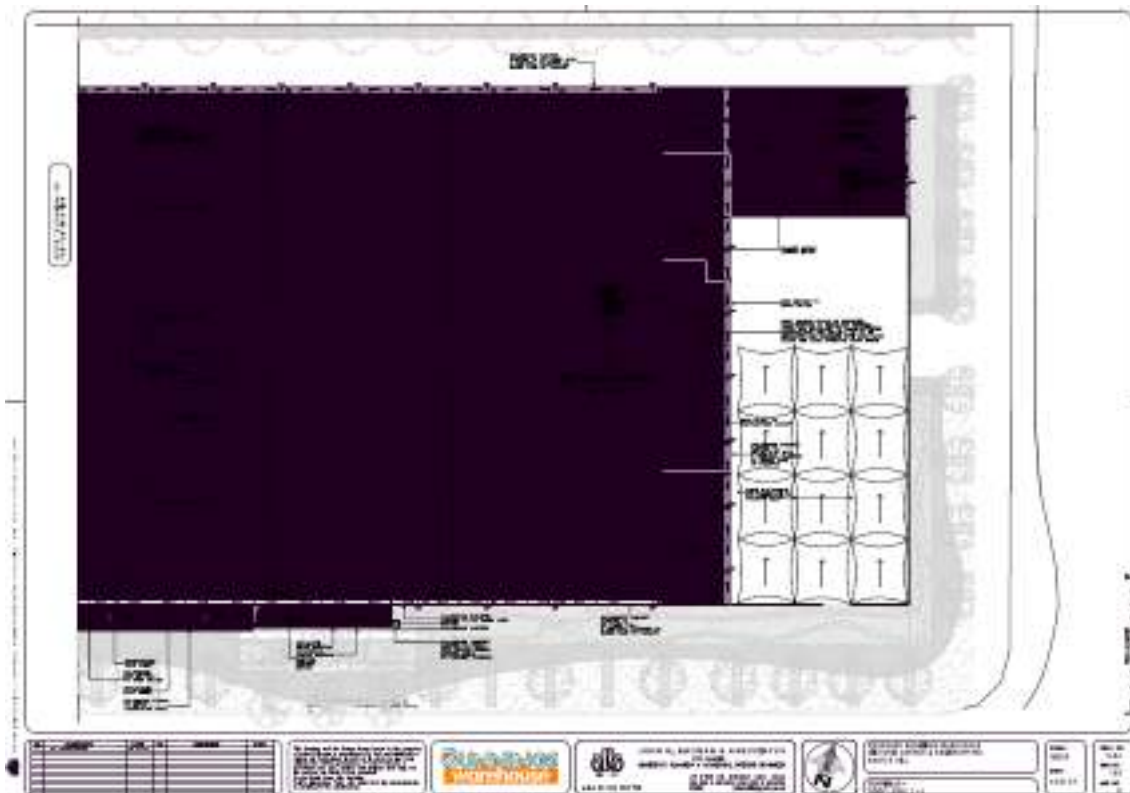
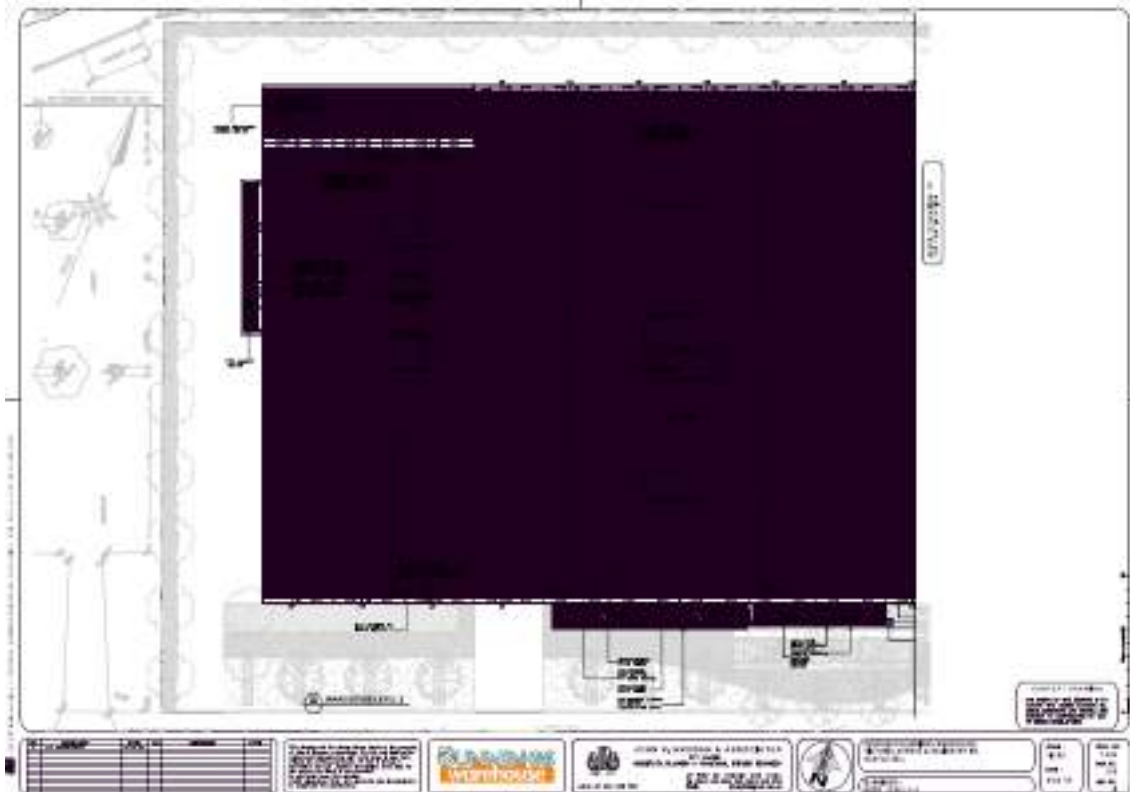
## ATTACHMENT 5 – GROUND FLOOR PLAN



## ATTACHMENT 6 – FIRST FLOOR PLAN

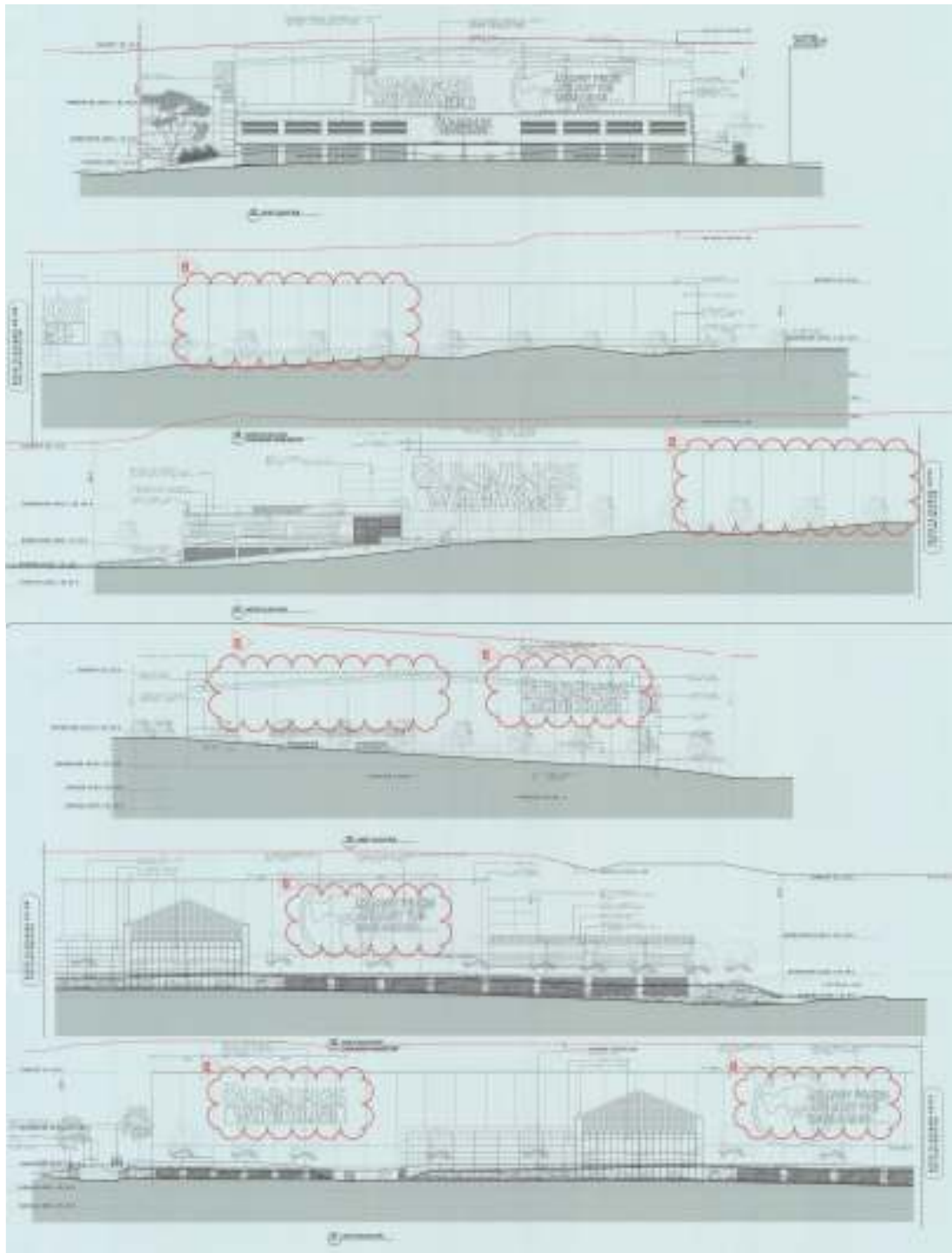


## ATTACHMENT 7 – ROOF PLAN

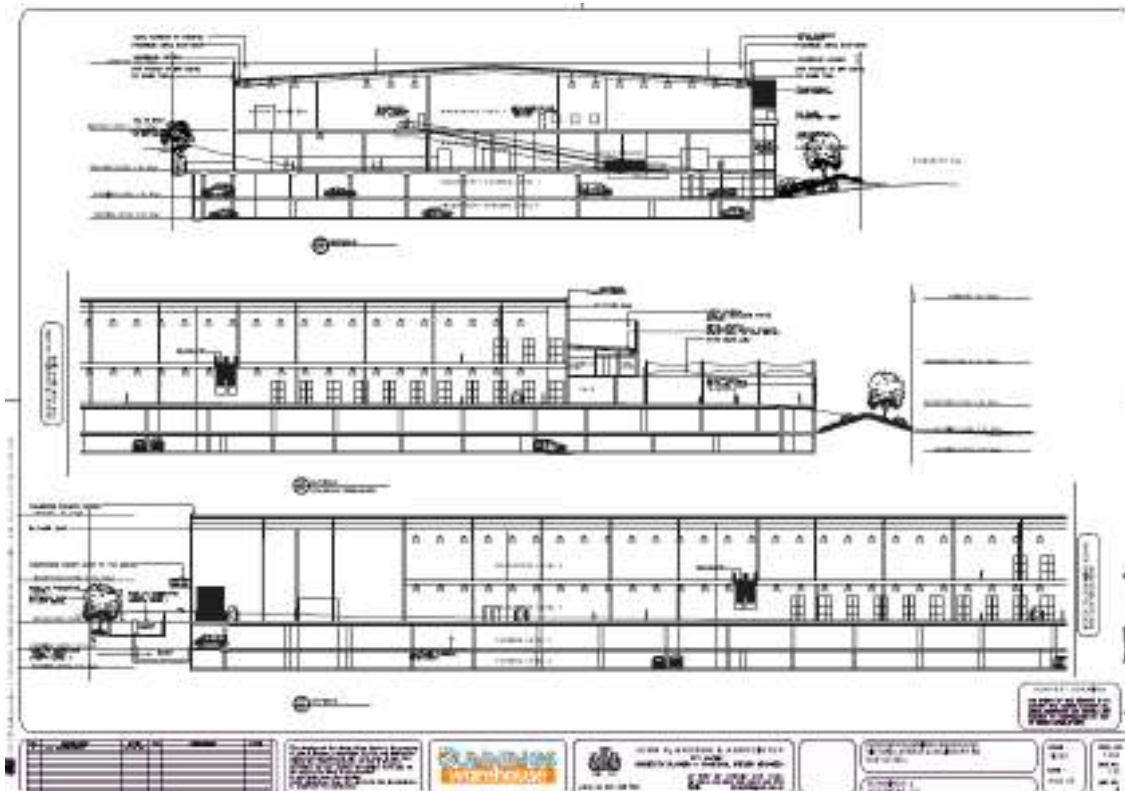
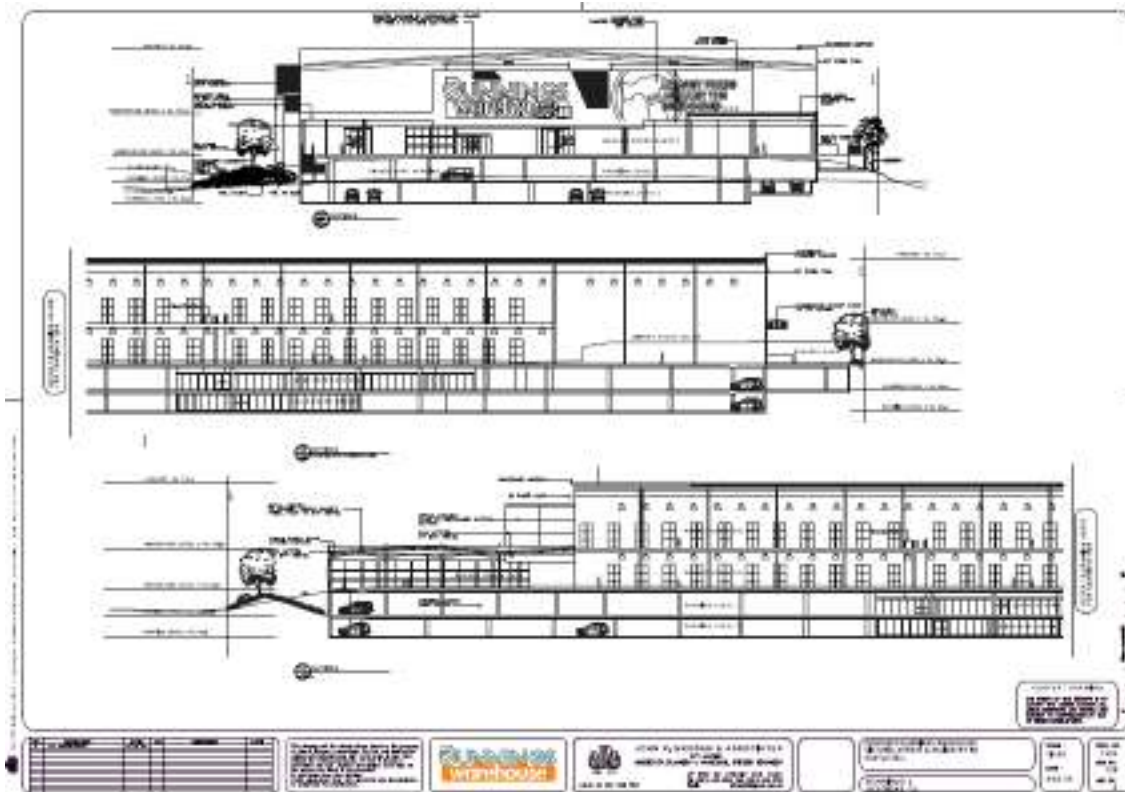


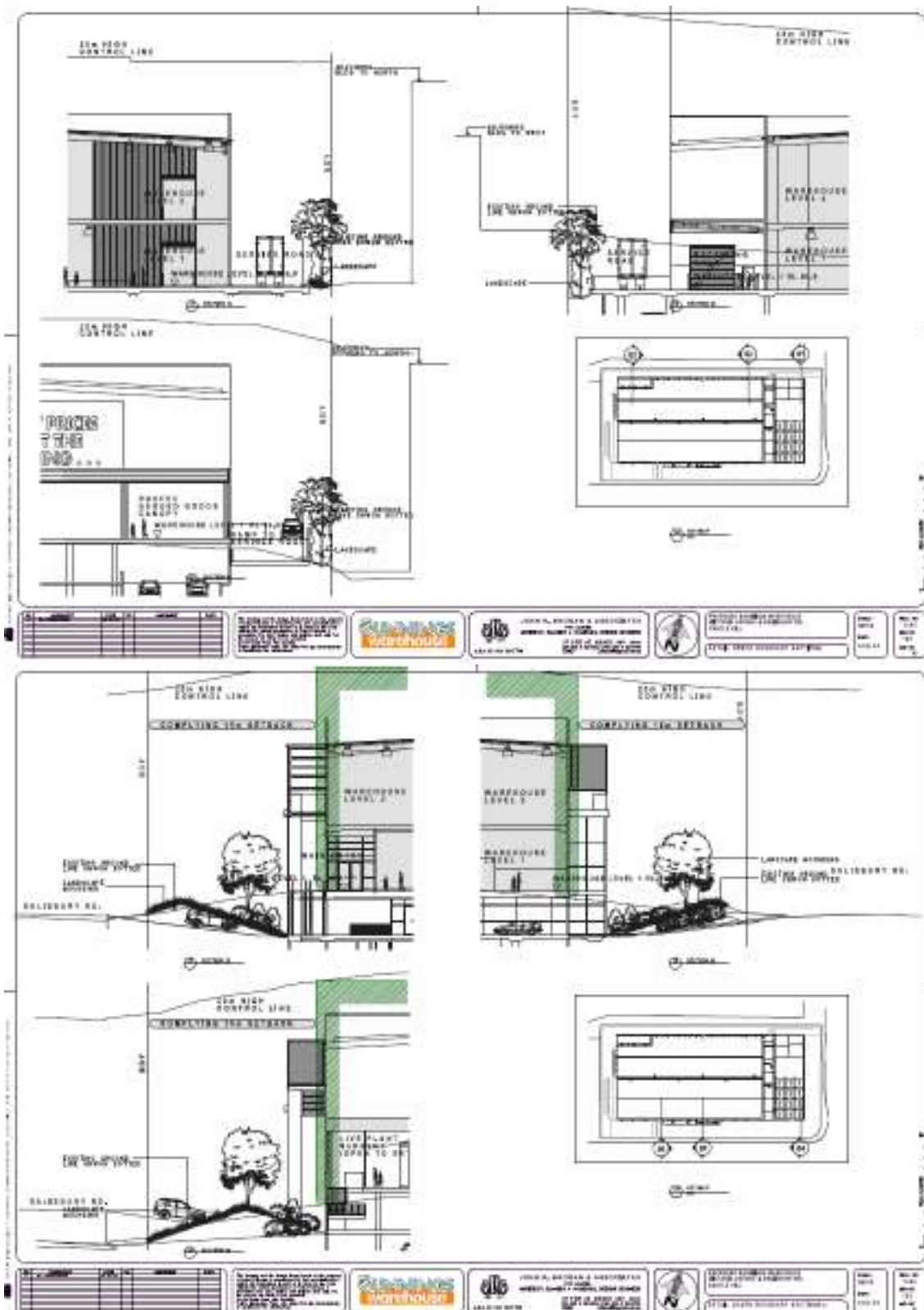


## ATTACHMENT 8 – ELEVATION DRAWINGS

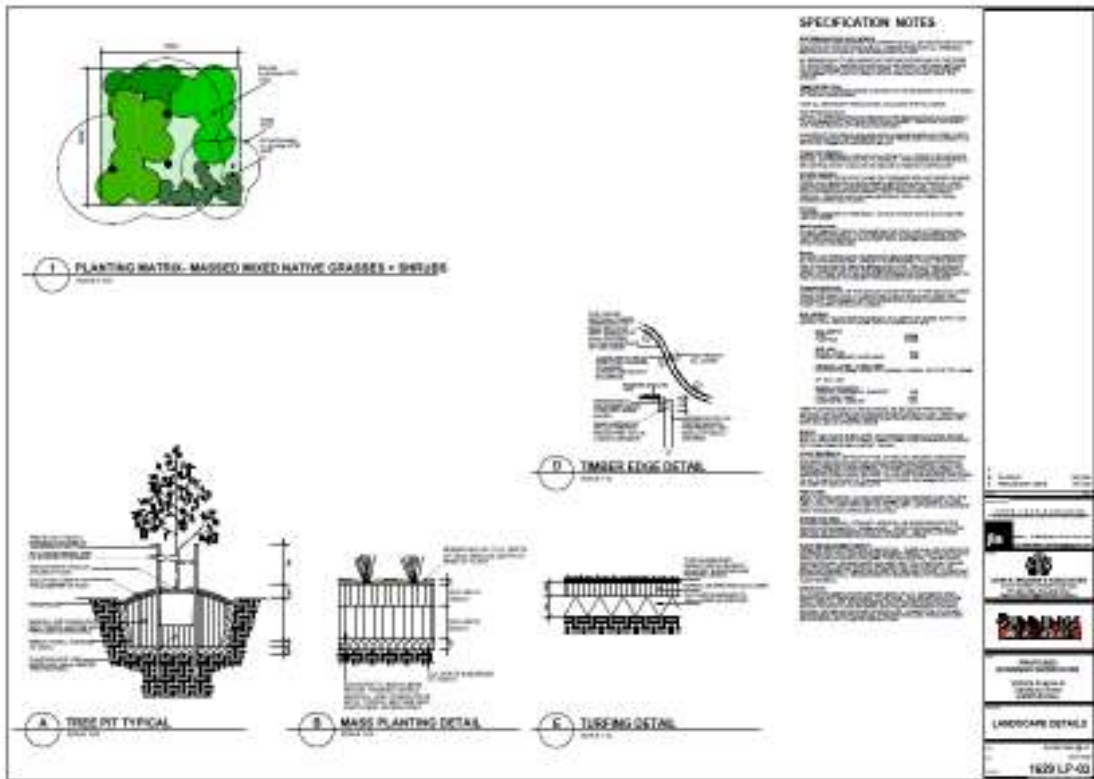
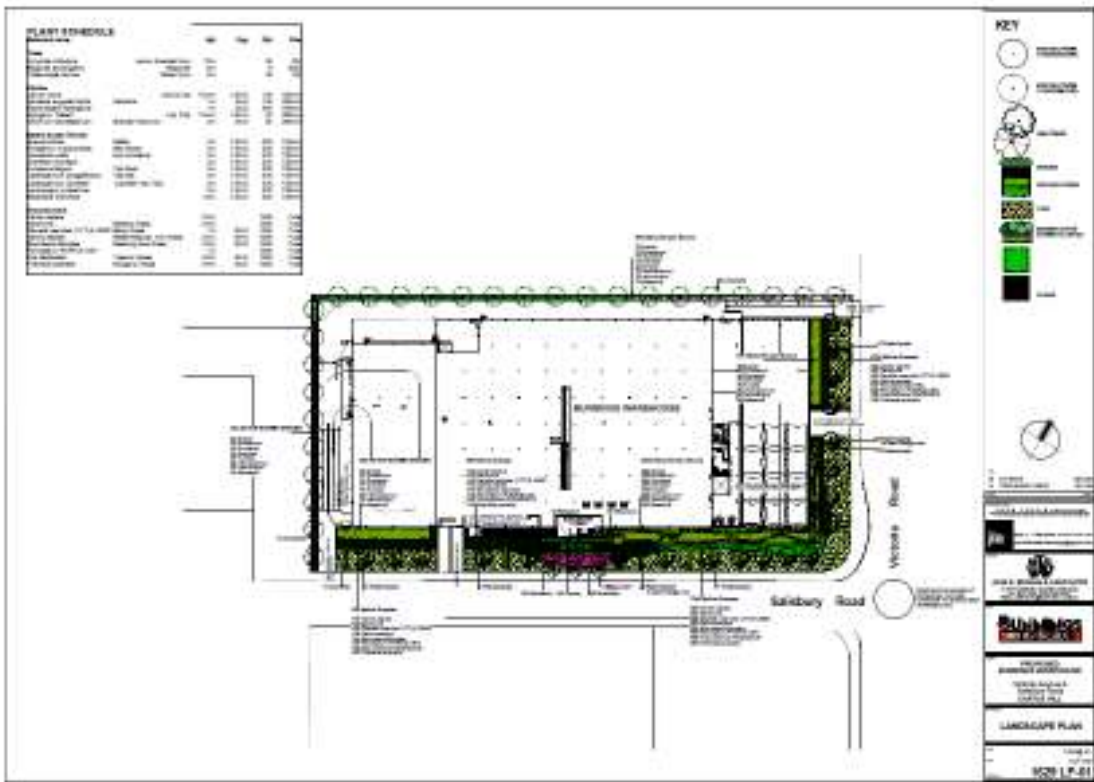


## ATTACHMENT 9 – SECTION DRAWINGS






ATTACHMENT 10 – LANDSCAPE PLANS





## ATTACHMENT 11 – NSW RTA COMMENTS

Our Reference: Your Reference: Contact: Telephone	RDC 09M2125 – SYD09/00854 891/2010 Angela Malloch 8849 2041	

The General Manager  
The Hills Shire Council  
DX 8455  
Castle Hill

### PROPOSED BUNNINGS AT 14 VICTORIA AVENUE, CASTLE HILL

Attention: Gavin Cherry

Dear Sir/Madam,

I refer to your letter of 18th December 2009 (Council Ref DA-891/2010), concerning the above-mentioned 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 13th January 2009.

- A consistent traffic generation rate should be applied for all peak hours, it is noted that the nursery area has not been included for calculation of traffic generation for the Saturday peak.
  - Passing trade was calculated at 30% in the traffic report however it is not clear how it was factored into the modelling. The RTA does not support the suggested rate of 30% however it is willing to consider a rate of 10%.
  - A 50% reduction for the second storey is not supported by the RTA as the claims made in attachment by Peter Leyshon are not substantiated by any data and is only an estimation.
  - The RTA supports the proposed interim traffic management measure for a two lane approach on Salisbury Road to the existing roundabout at Victoria Avenue.
2. The Parsons Brinckerhoff traffic report completed on behalf of the RTA recommended the replacement of the roundabout at the intersection of Victoria Avenue and Salisbury Road with traffic signals. Council is requested to seek an appropriate contribution based on the site's traffic generation from the developer to be used towards the replacement of the roundabout at Victoria Avenue and Salisbury Road.
  3. Car parking provision to be according to Council's requirements.

#### Roads and Traffic Authority

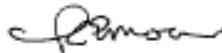
27-31 Argyle Street Parramatta NSW 2150  
PO Box 973 Parramatta CBD NSW 2150 DX28555 Parramatta  
[www.rta.nsw.gov.au](http://www.rta.nsw.gov.au) | 13 17 82

4. The internal aisle ways are to be marked with pavement arrows to direct traffic movements in/out of the site and guide traffic circulation through the car park. It is recommended that the developer consider the installation of directional signage in the car park.
5. The layout of the proposed car parking areas associated with the subject development (including grades, ramps, turn paths, sight distance requirements, aisle widths and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicles.
6. Provision should be made for designated car and trailer parking.
7. The required sight lines to pedestrians or other vehicles in or around the entrances are not to be compromised by landscaping, signage, fencing or other materials.
8. All vehicles should be able to enter and exit the subject site in a forward direction.
9. All works associated with the proposed development are to be carried out at no cost to the RTA.

In accordance with Clause 104 (4) of State Environmental Planning Policy (Infrastructure) 2007, it is essential that a copy of the Department'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.

Any inquiries in relation to this development application can be directed to Angela Malloch on telephone 8849 2041 or facsimile 8849 2918.

Yours sincerely,



Ken Moon  
Landuse Planning & Assessment Manager  
Transport Planning, Sydney Region

9 February 2010

## ATTACHMENT 12 – NSW POLICE SERVICE COMMENTS



### **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

Tuesday 21<sup>st</sup> December 2009

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

DOC. No.:
BOX No.:
29 DEC 2009
THE HILLS SHIRE COUNCIL

Dear Mr Cherry,

**Subject: Development Application No. 891/2010/JP – Proposed Bunnings Warehouse and associated car park**

**Property: Lot 1 DP 796954**

**Police Ref: 2009\_220067**

We refer to your development application which seeks approval for proposed Bunnings Warehouse and associated car parking. After perusing the paperwork and plans associated with this proposal, Police have a few 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. There are two Bunnings Warehouses currently in The Hills Command. These premises are often targeted by shoplifting offenders and Police recommend that if this proposal is given consent, a high resolution CCTV system be installed inside the premises to monitor customers within the store.

## **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. This is particularly important to consider in relation to the underground car park of this proposed development. Underground car parks often provide opportunities for offenders to break into and stealing items from motor vehicles. Either CCTV or the use of the car park by some form of employees (eg a car washing business) may improve the security of this area.

- **Environmental Maintenance**

Clean, well-maintained areas often exhibit strong territorial cues. Rundown 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 car 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.

Police also recommend that the under cover car parking areas be painted white which will greatly help to reflect light. Painted facilities not only look larger and more spacious than unpainted car parks, but can greatly reduce the number of lights required to illuminate the car park and on-going energy costs. Also, lighting needs to be sufficient to ensure safe walk-throughs between the car park and building areas.

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

Respectfully yours,



*C. Walker*

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 13 – SYDNEY METRO COMMENTS



Level 10, 321 Kent Street, Sydney NSW 2000  
PO Box Q286, QVB Post Office NSW 1230  
T 02 8238 2700 F 02 8238 2707



Mr Paul Osborne  
Manager Development Assessment  
The Hills Shire Council  
PO Box 76  
CASTLE HILL NSW 1765

Ref. A86271

Attention: Gavin Cherry

29 January 2010

Dear Mr Osborne,

### **NORTH WEST METRO/RAIL LINK –14 VICTORIA AVENUE CASTLE HILL (891/2010/JP)**

I refer to your letter of 18 December 2009 concerning the above development application referred to Sydney Metro. The proposal involves the demolition of existing structures for the construction of a new bulky goods warehouse including basement levels.

Sydney Metro has reviewed the application and taken into consideration the likely effect of the proposed development on:

1. the practicability and cost of carrying out development for the purposes of the North West Metro/Rail Link on the relevant land in the future;
2. the structural integrity or safety of, or ability to operate, the North West Metro/Rail Link; and
3. the land acquisition costs and the cost of the construction, operation or maintenance of the North West Metro/ Rail Link.

In this regard, an engineering assessment has been undertaken on the potential impact of the proposed development on the North West Metro/Rail Link. While this assessment has indicated that the development as proposed is unlikely to impact on the structural integrity of the North West Metro/Rail Link, modifications to the design could impact upon the North West Metro/ Rail Link. Moreover, Sydney Metro requires that the building is designed to take into account any noise, vibration and electrolysis associated with the operations of the North West Metro/ Rail Link.

Sydney Metro therefore has no objection to any approval of the proposed development subject to the attached conditions being included in any such development consent. It should be noted that these conditions relate only to the designs submitted. Any modifications to the design of the development affecting the foundations of the proposed development would require Sydney Metro's re-evaluation of its comments and associated conditions.



Please contact Ben Hendriks on 8238 2779, should you wish to discuss this matter further.

Yours sincerely



**Martin Halliday**  
General Manager  
Station Precincts and Planning Approvals

Attachments: Sydney Metro Conditions  
14 VICTORIA AVENUE CASTLE HILL (891/2010/JF)

**Sydney Metro Conditions**  
**14 VICTORIA AVENUE CASTLE HILL (891/2010/JF)**

*The owners of the site of the approved development must:*

- (a) Allow in the design, construction and maintenance of the approved development for the future operations of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents and electromagnetic fields.*
- (b) Prior to the issue of any occupancy certificate, provide Sydney Metro with drawings, reports and other information related to the design, construction and maintenance of the approved development to allow Sydney Metro to fully understand the interaction between the approved development and the rail tunnels.*