

JRPP PLANNING REPORT

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| JRPP NO: | 2009SYW029 |
| DA NO: | 853/2010/JP |
| PROPOSED DEVELOPMENT: | DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A BULKY GOODS PREMISES (BUNNINGS WAREHOUSE) |
| PROPERTY: | Lot 10 DP 1071664, No. 352 Annangrove Road, Rouse Hill |
| APPLICANT: | JOHN R BROGAN & ASSOCIATES P/L |
| LODGEMENT DATE: | 8 DECEMBER 2009 |
| REPORT BY: | GREG SAMARDZIC SENIOR TOWN PLANNER THE HILLS SHIRE COUNCIL |
| RECOMMENDATION: | APPROVAL |

BACKGROUND

MANDATORY REQUIREMENTS

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| Applicant: | John R Brogan and Associates P/L | 1. | <u>SEPP (Major Development) 2005</u> - Complies |
| Owner: | RHSC P/L | 2. | <u>SEPP (Infrastructure) 2007</u> - Complies |
| Zoning: | Light Industry 4(b) | 3. | <u>SEPP 64 – Advertising and Signage</u> - Complies |
| Area: | 19,059m ² | 4. | <u>BHLEP 2005</u> - Permissible with consent |
| Existing Development: | Vacant dwelling and dam | 5. | <u>BHDCP Part C Section 9 – Light Industry</u> - Variations, see report |
| Capital Investment Value: | \$12.8m | 6. | <u>BHDCP Part D Section 1 – Parking</u> - Variations, see report |
| | | 7. | <u>BHDCP Part D Section 2 – Signage</u> - Variations |
| | | 8. | <u>Section 94 Contribution</u> - \$1,209,225.90 |
| | | 9. | <u>Section 79C (EP&A Act)</u> - Satisfactory |

SUBMISSIONS

REASONS FOR REFERRAL TO JRPP

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| 1. Exhibition: | Yes, thirty (30) days | 1. | Capital Investment Value in excess of \$10 Million pursuant to SEPP (Major Development) 2005 |
| 2. Notice Adj Owners: | Yes, thirty (30) days | 2. | Submission received |
| 3. Number Advised: | One-hundred and forty four (144) | 3. | Proposed variations to BHDCP: (i) Part C Section 9 – Light Industry; (ii) Part D Section 1 – Parking; and (iii) Part D, Section 2 – Signage. |
| 4. Submissions | One (1) | | |

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| Received: | | | |
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HISTORY

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| 09/01/2007 | Approval granted to DA 357/2007/HB for a bulky goods retail and industrial unit development. |
| 16/05/2007 | Approval granted to DA 1094/2007/ZA for subdivision to create seventy (72) strata lots and one (1) common property lot. |
| 21/06/2007 | Approval granted to DA 1829/2007/HA for temporary advertising signage. |
| 20/12/2007 | Approval granted for Section 96 modification to DA 357/2007/HB. |
| 20/12/2007 | Approval granted to DA 579/2008/HC for two (2) industrial units, car parking for 26 vehicles and signage. |
| 07/01/2008 | Approval granted to DA 646/2008/ZA for a two (2) lot subdivision (boundary adjustment of Lots 10, 14, 15 and 16, DP 1071664) of No. 352 Annangrove Road and Nos. 14 – 16 Windsor Road, Rouse Hill. |
| 16/01/2009 | Approval granted for Section 96 modification to DA 646/2008/ZA. |
| 28/10/2009 | Pre-lodgement meeting held with applicant to discuss the subject proposal. |
| 08/12/2009 | Subject Development Application lodged. |
| 10/12/2009 | Subject Development Application referred to the Joint Regional Planning Panel. |
| 11/12/2009 | Letter sent to the applicant requesting additional copies of the Development Application documentation. The letter also advised the applicant to lodge a separate Development Application for the proposed landscaping works on the adjoining Lot 116, DP1132876 fronting Windsor Road. In this regard, if these works were included in the subject DA then the development, being a bulky goods premises along a classified road (Windsor Road) would be prohibited, pursuant to Clause 53 of the Baulkham Hills Local Environmental Plan 2005. |
| 14/12/2009 | Separate Development Application (DA893/2010/HA) lodged for new landscaping with associated mounding and earthworks on Lot 116, DP1132876 fronting Windsor Road (the adjoining property). This proposal is not subject to the provisions of SEPP (Major Development) 2005, as the estimated value of the development is less than \$10 Million, and Council is the consent authority for this application. |
| 19/02/2010 | Letter sent to the applicant requesting additional information/amended plans to address stormwater management, flooding, water sensitive urban design requirements, design of driveways, setbacks and advertising signage, flora and fauna impacts, bushfire management |

requirements, the comments from the RTA (requiring submission of a Road Safety Audit report), soil salinity and issues raised in the submission.

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| 19/02/2010 | Road Safety Audit report submitted by applicant. |
| 09/04/2010 | Follow-up letter sent in response to Council's letter of 19 February 2010 requesting additional information. |
| 23/04/2010 | Approval granted to DA 893/2010/HA for new landscaping with associated mounding and earthworks on Lot 116, DP1132876 fronting Windsor Road (the adjoining property). |
| 27/04/2010 | Additional information lodged in response to Council's request of 19 February 2010. |
| 30/04/2010 | Request sent to applicant to submit documentation to address site access issues requiring submission of relevant owners consent from the adjoining owners regarding the proposed seagull access. |
| 05/05/2010 | Additional information lodged in response to Council's request of 30 April 2010. A letter from the applicant's solicitor was submitted advising that agreement (with submission of a deed) has been reached for the shared seagull access off Annangrove Road to be shared with the adjoining hotel site. |
| 17/05/2010 | Additional information lodged being a covering letter addressing setback and signage variations including details of the proposed pylon sign. |
| 25/05/2010 | Status report sent to the Joint Regional Planning Panel. |
| 09/06/2010 | Letter sent to the applicant requesting additional information and amended plans to address stormwater and car parking and driveway engineering requirements. |
| 17/06/2010 | Correspondence sent to the applicant forwarding Sydney Water concerns regarding stormwater disposal. |
| 21/06/2010 | Meeting between Council staff, the applicant and the applicant's engineering consultant to discuss Council's letter dated 17 June 2010 which required amended plans in relation to driveway grades, car parking design and design detail of the overland flow path. |
| 21/06/2010 | Revised civil engineering drawings and drainage calculations submitted. |
| 05/07/2010 | Amended under-croft parking level architectural plans showing numbered car parking spaces submitted. |
| 06/07/2010 | Stormwater Management plan submitted to address Sydney Water requirements. |

PROPOSAL

The Development Application is for the demolition of existing structures and erection of a bulky goods (Bunnings Warehouse) warehouse development at Lot 10, DP 1071664, 352 Annangrove Road, Rouse Hill.

The total trading area of the development is 11,810m², comprising 9,450m² of gross floor space and 2,360m² of outdoor nursery area. The proposal includes a timber trade area, café, children's play area, administration facilities, undercroft parking with 409 car parking spaces, facade signage on all four (4) building elevations and a pylon sign adjacent to Annangrove Road.

The building will be setback 20m from Annangrove Road (western front boundary), between 2m to 5m from the northern (side) boundary, 5m from the eastern (rear) boundary and between 4m to 7.5m from the southern (side) boundary. Furthermore, the building will be setback 30m from Windsor Road.

The subject site has a cross fall of 10m from the front boundary to the rear boundary. As a result, some of the car parking that is provided will be within an elevated parking level that presents as a 7m high structure at the rear of the site.

The building is generally 15m high, however, portions of the building will be up to 16.5m above ground level. The building is proposed to be constructed of reinforced concrete panel walls with zincalume roof sheeting, fibre cement sheet cladding, metal roller shutter doors and glazing.

Vehicular access to the site is proposed via a new seagull intersection in Annangrove Road that will accommodate left-in, left-out, right-in and right-out vehicle movements. This intersection is also proposed to accommodate right-turn vehicle movements into the approved hotel development at No. 350 Annangrove Road. To accommodate the proposed access arrangements, the approved access to the adjoining hotel at No. 350 Annangrove Road which has egress from the western driveway and ingress via the eastern driveway, will need to be reconfigured to provide ingress via the western driveway and egress from the eastern driveway. Council's Traffic section has confirmed the "reversing" of the traffic movements for the approved hotel development will be acceptable, and this arrangement can be addressed by a condition of consent.

Furthermore, a right of way (with approximate dimensions of 2m wide by 20m long) is proposed over the adjoining hotel property at 350 Annangrove Road to accommodate the access arrangements for the proposed development. The arrangement is supported by a letter from the applicants solicitor with submission of a deed agreement in place with the adjoining landowner for works to occur on their land.

The proposed arrangements are intended to be in place on a temporary basis, and ultimately, right turn access into both the hotel at No. 350 Annangrove Road and the proposed Bunning's site at No. 352 Annangrove Road will be restricted to left in/left out by virtue of the construction of a central concrete median island in Annangrove Road.

Proposed landscaping and associated mounding and earthworks on the adjoining property fronting Windsor Road (Lot 116, DP1132876) are detailed on the DA plans, however these works have been considered under a separate Development Application (DA 893/2010/HA) which has been approved by Council.

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 \$12.8 Million 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 SEPP (Infrastructure) 2007

Clause 104 of SEPP (Infrastructure) 2007 requires the proposed development to be referred to the Roads and Traffic Authority, as it is identified as traffic generating development in Schedule 3 of the SEPP.

The RTA have provided comments on the proposal and their comments (see Attachment 7) have been taken into consideration by Council's Traffic section. Furthermore, access arrangements to the site, vehicle movements and potential traffic safety, road congestion and parking implications of the development have also been considered by Council's Traffic section.

THE ROADS AND TRAFFIC AUTHORITY (RTA) COMMENTS

The RTA in their correspondence of 4 February 2010 recommended conditions in relation to the provision of designated car and trailer parking, the marking of internal aisle ways with pavement arrows and the installation of directional signage in the car park.

In this correspondence, the RTA raised concern with the proposed seagull access in relation to the Annangrove/Windsor Road intersection. As a result, the RTA requested submission of an independent Road Safety Audit.

The applicant submitted the requested audit which was referred to the RTA for comment. The RTA in their second correspondence dated 9 April 2010 stated that the audit did not address their concerns. It was stated that they undertook their own audit which confirmed

their concerns of the proposed access to the intersection and for traffic using the outside right turn lane on Windsor Road turning right onto Annangrove Road for large vehicles trying to access the seagull intersection as these vehicles usually use the left lane.

Further, the RTA were of the opinion that the seagull intersection is not designed to Australian Standards. The entry and exit was identified as an issue as vehicles will confuse the exit from Bunnings as a normal entry. The RTA stated that the location of the tavern parking area is located in close proximity to the combined entry driveway. A concern was that a vehicle entering/leaving the first car space within this car park will force the right turning motorist (from the right turn lane in Annangrove Road) to wait across the footpath or the travelling lanes along Annangrove Road until the entrance to the car park is clear.

The RTA advised that they have modelled the future operation of the Annangrove/Windsor Road intersection for 2026 which shows queue lengths in PM peak times extending past the proposed entry/exit point. Due to the expected queuing, the RTA recommended that Council consider bringing forward their ultimate plans for the installation of a median along Annangrove Road restricting access to Bunnings and the hotel to left in/left out.

To achieve this, the RTA requested that Council consider gaining contributions from Bunnings for the widening of Annangrove Road and the installation of a median strip extending a minimum distance of 50m to the north of the hotel to discourage U-turn movements.

COUNCIL'S TRAFFIC SECTION COMMENTS

The subject application proposes to construct a 11,810m² Bunning's warehouse comprising 9,450m² of retail floor space and 2,360m² of nursery at No. 352 Annangrove Road, Rouse Hill on the south western corner of Windsor Road.

A traffic impact statement was prepared and submitted in support of the application. The application was also referred to the Sydney Regional Development Advisory Committee (SRDAC) in accordance with the provisions of Infrastructure SEPP 2007.

The comments from SRDAC have previously been submitted to Council for notation however in essence these comments or concerns primarily relate to vehicular access arrangements. The proposal put forward by Bunning's traffic consultant intends to share right turn movements into the site with the adjoining approved hotel development at No. 350 Annangrove Road.

This proposal requires reconfiguration of the approved separate access arrangements for the adjoining hotel development where the ingress driveway is currently located adjacent to the eastern boundary of the site and the egress driveway exiting the site is adjacent to the western boundary. The hotel owners have been consulted and a deed agreement has been submitted with respect to reversing the direction of the driveways however any changes to the approved design must be at the full cost to Bunning's.

No objection is raised to the proposal in terms of the potential traffic impact in relation to traffic generation or parking provision, however the proposed access arrangements requires further consideration.

Ultimately right turn access into both the hotel and the subject development site will be restricted to left in/left out by virtue of the construction of a central concrete median island.

Right turn access both into and out of the development can be allowed on a short term basis. This will be on the proviso that if any adverse accident history develops or vehicles start queuing back through the Windsor Road intersection as a result of allowing the vehicles to turn right, Council will request the applicant extend the existing concrete median island in an easterly direction restricting access to left in/left out only. The

alterations to the access arrangements for the hotel will be required to be changed back to its original configuration.

There are no objections to the proposal with respect to the traffic generation or parking provision however vehicular access related conditions are to be included with any consent.

The RTA have been advised on Council's support to approve the seagull intersection on a short term basis.

3. Compliance with SEPP 64 – Advertising and 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 |
|--|--|-----------------------------|
| Character of the Area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? | The proposed signage 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 is considered to be in scale, especially as the majority of the signage panels comprise the well known green branding background. | Yes |
| Special areas 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 locality and while a variation to Council's DCP for signage is proposed, the variation is considered to be in scale, especially as the majority of the signage panels comprise the green branding background. | Yes |
| Views and vistas Does the proposal obscure or compromise important views? | The signage is contained wholly on the external face of the building with the exception of the proposed pylon sign. It is recommended that a condition | Yes – subject to conditions |

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| | be imposed requiring amendment to the proposed pylon sign to ensure compliance with Council's DCP. | |
| Does the proposal dominate the skyline and reduce the quality of vistas? | The signage is contained wholly on the external face of the building with the exception of the proposed pylon sign. | Yes |
| Does the proposal respect the viewing rights of other advertisers? | The signage is contained wholly on the external face of the building with the exception of the proposed pylon sign. | Yes |
| Streetscape, setting or landscape | | |
| Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? | The proposed signage exceeds DCP requirements but is compatible with other Bunnings developments. The building is large in bulk and scale and the signage is considered to be in scale, especially as the majority of the signage panels comprise the green branding background. The signage will be compatible with the streetscape which is part of the Annangrove Road light industrial precinct. The subject premises and the adjoining premises fronting Windsor Road will be appropriately landscaped to provide a visual buffer. | Yes |
| Does the proposal contribute to the visual interest of the streetscape, setting or landscape? | The signage will contribute to the visual setting of the Annangrove Road industrial precinct. | Yes |
| Does the proposal reduce clutter by rationalising and simplifying existing advertising? | The proposal 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? | The signage is contained wholly on the external face of the building with the exception of the pylon sign. | Yes |
| Site and building | | |
| Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? | The building is large in bulk and scale and the signage is considered to be in scale, especially as the majority of the signage panels comprise the green branding background. | Yes |

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| 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 signage is sympathetic to the development on which it relates. | Yes |
| Illumination | | |
| 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 |
| Safety | | |
| 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 |

The evaluation of the application having regard to the assessment criteria contained within SEPP 64 indicates that the proposal satisfies the objectives of the SEPP. Accordingly, approval is recommended subject to a condition to be applied for the proposed pylon sign to ensure compliance with Council DCP requirements.

4. Compliance with Local Environmental Plan (BHLEP) 2005

The proposal for a bulky goods premises which is permissible with consent from Council in the Light Industry 4(b) zone.

Pursuant to the definitions contained within BHLEP 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 weight 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 BHLEP 2005.

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

"23 Development of flood liable land

- (1) *Consent must not be granted for development of land that, in the opinion of the consent authority, may be subject to flooding, unless the consent authority has taken into account the following aim of this plan:*

to reduce the impact of flooding on owners and occupiers and to reduce private and public losses resulting from flooding, whilst ensuring the environment is conserved and protected.

- (2) *Despite any other provision of this plan, development must not be carried out on land that is subject to the flood standard, except with development consent."*

Comment

The applicant has submitted a civil engineering report for the proposed development that advises that the 1 in 100 year flood level in Second Ponds Creek adjacent to the site is RL37.8, and the extent of flooding from Second Ponds Creek does not encroach on the development site and is confined within the adjoining Sydney Water land to the south of the site.

Council officers noted that the flood level was based on advice from August 2006, and since that time Sydney Water have had an updated model prepared for this section of Second Ponds Creek.

The applicant was requested to obtain updated flooding data for the site and provide additional information to demonstrate there will be no flooding impacts on the proposal. Subsequent additional information has been submitted and Council's Subdivision Section has raised no objection to the proposal in relation to flooding and stormwater issues.

"25 Protection of riparian land near creeks

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

Comment

The proposed works are not considered to have a detrimental impact on the natural environment or general amenity of the surrounding locality. The proposed works have been reviewed by the NSW Office of Water and they have issued their General Terms of Approval (see Attachment 9).

"34 Environmental management and monitoring

Consent must not be granted to development within Zone 1 (a), 1 (b), 1 (c), 1 (d), 7 (a) or 8 (a), unless the consent authority is satisfied that the proposed development takes into account the following environmental features adequately and that those features will continue to be monitored:

- (a) *water quality,*
- (b) *soil erosion,*
- (c) *air quality,*
- (d) *noise,*
- (e) *salinity,*
- (f) *bush fire hazard,*
- (g) *flora and fauna,*
- (h) *the continued monitoring of the above issues."*

Comment

The subject site is located within an area identified as having high salinity potential.

The applicant has advised that in the event acid sulfate soils are found they will be dealt with in accordance with requirements and established practice. Council's Environmental Health and Sustainability section has raised no objection in relation to salinity subject to a condition requiring submission of an appropriate salinity assessment or requiring minimum development standards.

It is noted that Council's assessment for DA 357/2007/HB, for an approved Bulky Goods Retail, Retail Shops and Industrial Unit Development, did not identify any potential salinity issues on the site.

Accordingly, the proposal is considered to comply with Clause 34 of the LEP.

"39 Development in vicinity of a heritage item or heritage conservation area

- (1) *Before granting consent to development in the vicinity of a heritage item or a heritage conservation area, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item or the heritage conservation area.*
- (2) *This clause extends to development:*
 - (a) *that may have an impact on the setting of a heritage item or heritage conservation area, for example, by affecting a significant view to or from the item or conservation area, or by overshadowing, or*
 - (b) *that may undermine or otherwise cause physical damage to a heritage item or heritage conservation area, or*
 - (c) *that will otherwise have any adverse impact on the heritage significance of a heritage item or heritage conservation area.*
- (3) *The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item or heritage conservation area.*
- (4) *The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item or heritage conservation area."*

Comment

The subject site is in the vicinity of the former Rouse Hill Public School, which is included in the Rouse Hill Estate listed in the Sydney Region Growth Centres SEPP. Council's Heritage Inventory Sheet provides the following statement of significance:

"Evidence of growth of rural population in the area to justify government action to provide a new school building. Its creation was precipitated by reaction to sectarian intolerance."

The applicant has provided a heritage impact statement with the proposal which concludes that the impact on views to and from Rouse Hill Public School are considered acceptable.

Council's heritage officer raised some concern with the adequacy of the submitted heritage impact statement (HIS) as it did not specifically address the provisions of SEPP (Sydney Region Growth Centres) 2006, which state that Council cannot consent to development within the "cultural heritage landscape area" unless it has considered whether or not the development will adversely impact on the cultural heritage values of the Rouse Hill House Estate.

Council's heritage officer requested the submission of additional information to address this issue, however, no additional information was submitted by the applicant.

It was requested that a statement addressing the potential impact of the pylon sign on the identified heritage items be submitted.

Although, additional heritage advice was yet to be submitted, it is noted that the subject site is located outside the "cultural heritage landscape area" identified by the SEPP (Sydney Region Growth Centres) and accordingly, the development controls in the SEPP do not apply to the proposal.

Furthermore, the proposed development is comparable in bulk, scale and configuration to the Bulky Goods Retail, Retail Shops and Industrial Unit Development (DA 357/2007/HB) which has been approved for the site.

Development Consent No. 357/2007/HB comprises of two (2) separate buildings to be constructed of glass and masonry panelling with a flat metal roof, setback 44.5m from Annangrove Road and 23.5m from the southern boundary. The front building has a height of 14.75m and the rear building height varies from 13.75m to 17.75m. The total floor area of the approved development is 9,453.3m².

The proposed development will have 9,450m² of gross floor space and will be setback 20m from Annangrove Road and between 4m to 7.5m from the southern boundary. Furthermore, the proposed Bunnings Warehouse will be a maximum height of 16.5m.

It is recommended that a condition be imposed on any consent, requiring amendment to the pylon sign to ensure compliance with Council's DCP in particular in relation to maximum width requirements.

In light of the above, the proposed development is considered to be satisfactory on heritage grounds.

"51A Noise attenuation for development along a classified road or bus transitway

- (1) *This clause applies to land within 100 metres of a classified road or a bus transitway.*
- (2) *Consent must not be granted to the carrying out of development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *a noise and vibration assessment has been undertaken for the development, and*
 - (b) *appropriate measures to minimise noise and vibration impact have been included.*
- (3) *If any development is identified in the noise and vibration assessment referred to in subclause (2) as being subject to high noise levels:*
 - (a) *noise-sensitive uses must be located away from the noise source, and*
 - (b) *the development must be protected by appropriate noise shielding or attenuation techniques as part of the design and construction of the development."*

Comment

The applicant has submitted a Noise Impact Assessment report for the proposal which finds that the proposed development will comply with the appropriate noise criteria, noise from occasional night time deliveries will also meet sleep disturbance noise criteria and traffic noise increases will have a negligible impact.

Council's Environmental Health and Sustainability section has reviewed the Noise Impact Assessment report and raised no objections to the proposal, on an acoustic basis.

5. Compliance with BHDCP Part C Section 9 – Light Industry

| DEVELOPMENT STANDARD | DCP REQUIREMENTS | PROPOSED DEVELOPMENT | COMPLIANCE |
|----------------------|-------------------|----------------------|------------|
| Development Sites | Min. site area of | 19,059m ² | Yes. |

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| | 8,000m ² . Min. road frontage of 60m. | Circa 85m. | Yes. |
| Floor Space | 1:1 Max 50% of the unit floor area can be ancillary office. | 0.49:1 9,450m ² /19,059m ² (2,360m ² outdoor nursery not included as GFA) 460m ² or <1%. | Yes. Yes. |
| Setbacks | Min. 20m – Annangrove Road. Min 30m – Windsor Road. Min. 5m building setback to all other site boundaries. Ground level parking permitted within 2m of boundary. Min. 40m to top of creek bank. All building setbacks are to be landscaped in accordance with DCP. | 20m. Travelator and entry portico setback 25m. Building will be setback between 2m and 5m from the northern side boundary. Car parking is proposed within 2m of boundary, however will be elevated above ground level. >50m. Does not comply as driveways and building are proposed within setbacks. | Yes. No - but considered minor and acceptable as these elements would be satisfactorily screened by landscaping. Refer comments below. No – but acceptable as it relates to the car park and driveway areas and the main part of the building achieves the required setbacks. Refer comments below. Yes. No - but variation considered acceptable as parking permitted within 10m of required setbacks. Refer comments below. |
| Building Heights | Max. 15 metres. | Up to 16.5m. | No – but variation is minor and considered and will not result in adverse visual impacts. Refer comments below. |
| Building Materials | Suitable for purpose, durable, and environmentally | Materials include FC sheet cladding, RC panel walls, metal | Yes |

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| | <p>appropriate and from renewable sources.</p> <p>Showroom or office external walls should be brick, pre-cast panel or glass.</p> <p>Walls that are visible to be treated to ensure visual amenity.</p> <p>Roofs to be pre-colour coated masonry, tile or metal.</p> <p>Natural ventilation encouraged.</p> | <p>roller shutters, RC panel walls, zincalume roof sheeting, aluminium framed glazing, shade sails, green shade cloth on steel meshed frames. and design complies.</p> <p>Design complies.</p> <p>Zincalume roof sheeting.</p> <p>Air-conditioning and ceiling fans proposed.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| Signage | Comply with DCP requirements | See compliance table for Council's DCP for signage below. | No – see compliance table below |
| Fencing | Chain wire metal fencing to be black or dark green. | Black PVC Chain Wire Mesh. | Yes |
| Hours of Operation | Bulky Goods Retailing limited to 7.00am – 6.00pm 7 days per week (and 7.00am – 9.00pm Thursday). | 7.00am – 9.00pm Mon to Fri and 8.00am – 6.00pm weekends and public holidays, and deliveries between 7.00am – 10.00pm Mon to Fri. | No – but assessed to be acceptable by Council's Environmental Health and Sustainability section. Refer comments below |
| Energy Efficiency | Offices > 100m ² to achieve 4-star Building Greenhouse rating. | Energy Report provided. | Yes |
| Biodiversity | Conserve and protect threatened flora and fauna species and communities. | Satisfactory- see Flora and Fauna Comments section of this report. | Yes |
| Erosion and Sediment Control | Provide suitable erosion and sediment control measures. | Measures to be provided. | Yes |
| Landscaping and Tree Preservation | Existing trees and surrounding shrubs, groundcovers and grasses should be preserved. | Proposed removal of trees from Lot 116 DP1132876 (adjoining property) have been approved under a separate | Yes |

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| | | Development Application (DA 893/2010/HA). | |
| Car Parking | 1/40m ² of 9,450m ² gross floor space = 236 spaces. | 409 spaces. | Yes |
| Vehicular Access | Comply with Australian Standard. | Assessed to be satisfactory, subject to the imposition of conditions. | Yes – subject to imposition of conditions (refer to Condition Nos. 32 and 44). |
| Bicycle Parking | 2 spaces + 5% of the total required car spaces (12) = 14 | Can be addressed by condition of consent. | Yes – subject to imposition of conditions (refer to Condition No. 6). |
| Loading Facilities | Not visible from adjoining residential areas and do not transit noise to adjoining residential areas. Not provided on any street elevation, or otherwise screened with landscaping. Turning to comply with AUSTROADS standards and bays to accommodate size of trucks. | Roller shutters to be 6m above NGL and face south-east. Residential properties are 200m from the rear property boundary. Assessed to be satisfactory, subject to the imposition of conditions. | Yes. Yes |
| Pedestrian Access and Movement | Comply with AS1428.1. | Design is satisfactory. | Yes |
| Services | Services to be available for the development. | Can be addressed by condition of consent. | Yes – subject to imposition of conditions (refer to Condition Nos. 35 and 60). |
| Stormwater Management | Comply with Council DCP. | Design is satisfactory. | Yes |
| Water Efficiency | Recycle and re-use water. | Proposal complies. | Yes |
| Pollution Control | Comply with Council DCP. | Proposal complies. | Yes |
| Waste Management | Comply with Council DCP. | Proposal complies. | Yes |
| Heritage | Consider impact on heritage including Rouse Hill House Estate. | Assessed to be satisfactory. | Yes |

Variation to Setbacks

Clause 2.6(a) of BHDCP Part C, Section 9 requires a minimum 30m building setback to Windsor Road.

The proposed travelator and entry portico is set back 25m from Windsor Road.

Clause 2.6(b) of BHDCP Part C, Section 9 – Light Industry provides the following:-

"b) A minimum building setback of 5 metres for buildings and 2 metres for ground level car parking will be required to all other site boundaries not indicated on Sheets 2 -7."

The proposed building will be setback between 2m and 5m from the northern side boundary. Car parking is proposed within 2m of the boundary and will be elevated above ground level.

Clause 2.6(e) of BHDCP Part C, Section 9 – Light Industry provides the following:-

"e) All building setbacks are to be landscaped in accordance with section of 2.15 of this Section of the DCP and with the provisions of Part D Section 3 – Landscaping."

Driveways and part of building within setback areas.

Clause 2.6 provides the following relevant objectives relating to 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 applicant has provided the following justifications for the proposed setback variations:-

- Boundary setbacks – there is considerable landscaping between Windsor Road and the proposal. The landscaping will achieve a superior built form/landscaping result.*
- Building setbacks to site boundaries – the building itself is set back 8 metres from the adjoining northern boundary. The driveway (part ramp structure) accessing the rear unloading/service areas passes down the northern boundary and behind it has a 2m deep landscaped area that is proposed to be mass planted (with the exception of that part of the site affected by the shared driveway design to Annangrove Road). The ramp structure is below the parapet of the building. Given that this a common boundary of 2 industrial allotments well removed from view, it is unnecessary to request full compliance.*

Comments:-

The setback to Windsor Road is considered satisfactory as Development Consent No. 893/2010/HA for new landscaping on the adjoining allotment will ensure satisfactory screening. The works will include planting of ninety (90) new Grey Box and Forest Red Gum trees, mass planting with a variety of native grasses including Matt Rush and Kangaroo Grass and construction of three (3) earth mounds on the southern part of the site.

The landscaping works on this adjoining premises are associated with the subject proposal. The works will contribute to a high standard of industrial development that is

aesthetically pleasing, functional and relates sympathetically to nearby and adjoining developments. The proposal allows for integration of buildings and landscaped areas.

The side setback variation is considered satisfactory as the setbacks do not adversely affect the operation and location of adjoining hotel development. The proposal is satisfactory as the variation relates to driveway and car park areas and the main part of the building achieves the required setbacks.

Given the adjoining hotel development is also an industrial allotment and the minor extent of the non-compliance, minimal impact will arise between the development and the adjoining development. It is considered that the location of the development is satisfactory and will be well integrated with the industrial precinct in the locality.

There will be no overshadowing impacts caused by the development onto the adjoining allotment. It is noted that the owners of the hotel development have not objected to the proposed development.

The variations to the side setbacks are above natural ground level and the proposal provides satisfactory visual interest and articulation of the façade. Compliance with the required 5 metre setback would provide little visual difference.

Given the justifications provided by the applicant, the proposed variations to setbacks are considered satisfactory.

Variation to Building Heights

Clause 2.7(a) of BHDCP Part C, Section 9 provides the following development standard:-

"a) In all industrial zones other than the Castle Hill Industrial Area the maximum building height of any structure or building shall be no more than 15m above ground level."

A maximum building height of 16.5m is proposed.

Clause 2.7 provides the following relevant objectives relating to building heights:-

- "i. To ensure that building heights respond to the existing landform of the neighbourhood, including ridgelines and drainage depressions.*
- ii. To protect privacy and amenity of surrounding allotments and residential development.*
- iii. To minimise overshadowing of adjoining properties."*

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

- There are minor intrusions beyond the 15m height limit at the north-eastern section of the site. As a function of horizontal roof elements and the site slopes from west to east, no adverse visual impact will occur.*

Comments:-

The building height variation is considered satisfactory as it only constitutes a minor section of the proposed building.

The development satisfactorily responds to the landform of the site and the variation is due to the fall from the west to the east. The variation to the building height does not impact upon adjoining and surrounding properties in relation to privacy and overshadowing.

The extent of landscaping will soften the visual impact of the development. The variation will not adversely impact on surrounding residential properties (the site is located approximately 200 metres to the nearest residential allotments and approximately 80m to the nearest rural residence).

The existing trunk drainage reserve located between the subject site and the residential allotments in Bardsley Circuit provides effective buffer screening and reduces the visual impact of the development. The proposal has been designed to ensure the provision of a desirable and aesthetically pleasing industrial development and compliance with the objectives of Clause 2.7 as outlined above.

In this regard, the proposed variation to the building height requirements is considered satisfactory.

Variation to Hours of Operation

Clause 2.11(a) of BHDGP Part C, Section 9 provides the following development standard:-

"(a) Hours of operation within industrial areas (except for Bulky Goods Retail activities) are restricted to 7.00am to 6.00pm Monday to Saturday with no work or activity to be carried out on Sundays or public holidays, except as provided below."

Clause 2.11(b) of BHDGP Part C, Section 9 provides the following development standard:-

"(b) Hours of operation for Bulky Goods Retail activities are to be restricted to between 7.00a.m. and 6.00p.m. each day except for Thursday when the activity can continue past 6.00p.m. to 9.00p.m. but only if the site does not adjoin or is not adjacent to a residential zone."

The proposed hours are 7.00am–9.00pm Monday to Friday and 8.00am–6.00pm on weekends and public holidays with deliveries between 7.00am–10.00pm Monday to Friday.

It is noted that Clause 2.11(c) states:

"(c) Notwithstanding a) and b) above:

- occupants of sites that are not adjoining or adjacent to a residential property may request that the site be considered as a "Low Noise Generating use.*
- Low noise generating uses may be permitted extended days and hours (up to 24 hours) of operation beyond those specified in a) and b) above.*
- In order to be considered as a Low Noise Generating use the planning application submitted must be accompanied by a report from an acoustic consultant that demonstrates that the proposed use will not generate noise in excess of 5dB(A) above the background noise levels, where measured at any boundary adjoining or adjacent to a residential property. This report must include all activities including any vehicle (especially heavy vehicle) movements to and from the site."*

Clause 2.1 provides the following relevant objective relating to hours of operation:-

"(i) To ensure that industrial developments operate in a manner compatible with adjoining land uses."

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

- *The minor extension required in order to comply with Bunnings usual trading hours would not be an issue for this location. See acoustic report provided.*

Comments:-

The proposed hours of operation exceed the above permitted hours found under the DCP. However, the subject development site does not immediately adjoin a residential area and is separated by a trunk drainage reserve to the east. The site is located approximately 200 metres to the nearest residential allotments. The site is approximately 80m to the nearest rural residence to the west.

A acoustic report was submitted as part of the subject application to justify operation until 9pm (including deliveries until 10pm). The acoustic report has been assessed by Council's Environmental Health and Sustainability section and no objection is raised. The acoustic report found that all noise goals will be met and noise from occasional night time deliveries will meet sleep disturbance noise goals.

The proposed hours of operation are similar to other Bunnings operations. The proposed hours do not exceed the approved hours of the adjoining hotel development. The hotel development has approval to operate until 3am between Monday-Saturday and 12 midnight on Sunday. The hours are considered to be compatible with adjoining land uses.

6. Compliance with BHDCP Part D Section 1 – Parking

| DEVELOPMENT STANDARD | DCP REQUIREMENTS | PROPOSED DEVELOPMENT | COMPLIANCE |
|-----------------------------|--|---|---|
| Car Parking | Min. 1 space/40m ² of GFA (9,450m ²) for bulky goods retailing = 236 spaces. + Min. 1 space per 18.5m ² of GLFA (2,360m ²) for landscape supplies = 128 spaces Total min. of 364 spaces. | 416 spaces | Yes |
| Disabled Parking | Disabled Parking: min. 2% of total required parking = 8 spaces | 9 spaces. | Yes |
| Motorcycle Parking | Min. 1 space per 50 cars = 8 motorcycle spaces. | 5 spaces provided - however motorcycle parking is not considered necessary for a bulky goods development which is likely to require a car or vehicle capable of carrying loads. | No - but variation considered acceptable. Refer comments below. |
| Bicycle Parking | 2 spaces + 5% of the total required car spaces (12) = | Can be addressed by condition of consent. | Yes – subject to imposition of conditions (refer to |

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| | 14. | | Condition No. 6). |
| Parents with Prams | <p>1 space per 100 spaces for parents with prams in shopping centres. As such 5 parents with prams spaces are required.</p> <p>While this is a bulky goods development and separately defined from "shops" the proposal is still considered to require this provision.</p> | Can be addressed by condition of consent. | Yes – subject to imposition of conditions (refer to Condition No. 6). |

Variation to Motorcycle Parking

Clause 2.4(a) of BHDCP Part D, Section 1 provides the following:-

"a) *Motorcycle parking is to be provided for all developments with on-site parking of more than 50 car parking spaces, at a rate of 1 motorcycle parking space for every 50 car parking spaces or part thereof.*"

Five (5) motorcycle parking spaces are provided.

Clause 2.4 provides the following relevant objective relating to motorcycle parking:-

"(i) *To have equitable provision of parking for motorcyclists.*"

Comments:-

Motorcycle parking is not considered necessary for a bulky goods development which is likely to require a car or vehicle capable of carrying loads. The nature of the use indicates that it would not generate a large portion of motorcycle parking.

It is noted that a total of 409 car parking spaces are provided which represents an additional 45 spaces from the minimum required under the DCP. It is considered that any additional motorcycles can be accommodated within these spaces should the need be present.

7. Compliance with BHDCP Part D Section 2 – Signage

| DEVELOPMENT STANDARD | DCP REQUIREMENTS | PROPOSED DEVELOPMENT | COMPLIANCE |
|----------------------|--|---|--|
| 2.1 | a) Advertising shall not incorporate flashing lights or animated or moving components. | No flashing components. | Yes. |
| | b) Signs shall be permanently fixed to the premises. | <p>Fixed to building and separate sign mounted on pylon.</p> <p>It is recommended that a condition be</p> | Yes – subject to a condition (refer to Condition No. 1). |

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| | | imposed requiring amendment to pylon sign to comply with DCP. | |
| | c) Advertising shall not be located or constructed in such a manner as to obstruct any other approved sign. | No other signs are obstructed. | Yes. |
| | d) Permanent signs shall not be located or constructed in such a manner as to obstruct the view of traffic lights or street signs, nor detrimentally obstruct motorists' or pedestrians' vision at an intersection or on any public road. | No other signs are obstructed or provide a distraction for passing motorists. | Yes. |
| | e) Signs shall not be constructed of canvas, calico or any like material. | Solid fascia signs proposed. | Yes. |
| | f) A free-standing pylon sign shall not exceed ten (10) metres in height, measured from the existing ground level to the top of the structure, provided that the height of any pole sign shall have regard to the nature and height of development in the immediate vicinity. | One (1) pylon sign proposed. It is recommended that a condition be imposed requiring amendments to the sign to ensure that the width will be a maximum of 2m and that no advertising within the bottom 2m of the structure | Yes – subject to a condition (refer to Condition No. 1). |
| | g) 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 |
| | h) All proposed signage is to be consistent with the objectives of State Environmental Planning Policy No. 64 – Advertising and Signage as specified in clause 3(1)(a) of the SEPP. | The proposed signs are “business identification signs” and comply with the objectives of the SEPP. | Yes |
| | i) Applications for | The proposed signs | Yes |

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| | 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. | are “business identification signs” and comply with the objectives of the SEPP. | |
| | j) No structure will be erected within 3 metres of the kerb or carriageway. Any structure within 5 metres of the kerb or carriageway will be of frangible design. | Not applicable. | Not applicable. |
| 2.5 | <p>a) Only one (1) free-standing pylon sign shall be permitted on any parcel of land zoned light industry or business park, and shall meet the following requirements:-</p> <ul style="list-style-type: none"> • The height of any free-standing pylon sign shall not exceed ten (10) metres measured from the existing ground level to the top of the structure and shall have regard to the nature and height of development in the immediate vicinity; • The maximum width of the entire structure shall be two (2) metres. • The maximum advertising display area within the structure shall be no greater than 12m² with maximum advertising | <p>One (1) pylon sign proposed with a maximum height of 8m and width of 4.050m.</p> <p>It is recommended that a condition be imposed requiring amendment to ensure that the width be a maximum of 2m and that no advertising be permissible within the bottom 2m of the structure.</p> | Yes – subject to a condition (refer to Condition No. 1). |

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| | <p>dimensions of 1.5 metres in width and 8.0 metres in height. No advertising shall be permissible within the bottom 2.0 metres of the structure.</p> <ul style="list-style-type: none"> • The free-standing pylon sign may identify the names of the occupant(s) of individual unit/suite in the premises and may include a logo or symbol that identifies the business, but does not include general advertising of products, goods or services; and • The free-standing pylon sign may be erected in the landscaped setback area. | | |
| | <p>c) The combined sign area of all signs on the facade of a building will be permitted on the basis of 0.5m² of sign per one (1) metre of length of the building façade which addresses the primary frontage of the site.</p> <p>Annangrove Road: 68.5m frontage = 34.25m² maximum permitted.</p> | <p>72m² - East 320m² - South 50m² - West 108m² - North 550m² - Total</p> <p>Total of 515.75m².</p> | <p>No – signage typical for a Bunnings development (refer commentary below).</p> |

Variation to Signs in Light Industry and Business Park Zones

Clause 2.5(a) of BHDCP Part D, Section 1 allows for one (1) free-standing pylon sign subject to the height not exceeding 10m and the maximum width not exceeding 2m. The maximum advertising display area within the structure shall be no greater than 12m² with maximum advertising dimensions of 1.5m in width and 8m in height. No advertising shall be permissible within the bottom 2m of the structure.

The proposed pylon sign has a maximum height of 8m and width of 4.050m. The sign contains the Bunnings Warehouse logo at the top section of the sign with the remainder of the sign having the standard green background.

Clause 2.5(c) of BHDCP Part D, Section 1 provides the following:-

"c) *The combined sign area of all signs on the facade of a building will be permitted on the basis of 0.5m² of sign per one metre of length of the building façade which addresses the primary frontage of the site.*"

The subject development site to Annangrove Road has a 68.5m frontage allowing a maximum of 34.25m² signage. A total 550m² of signage is proposed.

Clause 2.5 provides the following relevant objectives relating to signage within light industry zones:-

- "(i) *To provide the opportunity for an approved use to adequately identify the nature of the business conducted on the premises.*
- (ii) *To ensure through design controls that the signage proposed is in sympathy with the building design and architectural treatment of the building.*
- (iii) *To limit the total advertising area of signage in proportion to the building design.*"

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

- *The proposed signage are standard Bunnings identification signs, they are painted wall signs and they are not bright fluorescent or LCD signs. Their siting and size have been architecturally designed to be in scale with their green façade backdrop and the signs are coordinated and limited in number. They are considered acceptable in their context and are generously setback from any road frontages and available vantage points.*

Comments:-

The proposed width of the pylon sign is considered to be excessive. The sign at this width is solid from the ground level to the top of the sign. It is recommended that a condition be imposed to require the pylon sign be a maximum width of 2m and that there be no advertising within the bottom 2m of the structure to the ground level to comply with Council's signage requirements.

The proposed signage on the building façade (on all elevations) represents a total variation of 515.75m² and is large variation to Council's façade signage requirements.

The subject site facing Annangrove Road has a 68.5m frontage allowing a maximum of 34.25m² of signage. The proposed signage facing Annangrove Road total of 50m² and would only represent a variation of 15.75m².

The signage on the eastern and southern elevations will be screened from residential allotments to the east and to Windsor Road to the south by existing and proposed landscaping. There is extensive vegetation within the Second Ponds Creek trunk drainage reserve which is located between the development site and residences. Development Consent No. 893/2010/HA has been issued for landscaping and associated mounding works on the adjoining property fronting Windsor Road. The works include planting of ninety (90) new Grey Box and Forest Red Gum trees and mass planting with a variety of native grasses including Matt Rush and Kangaroo Grass. It is noted that there is some additional landscaping within the Windsor Road reserve.

The signage on the northern elevation will only be viewed obliquely from Annangrove Road due to the location of the adjoining hotel building which is located approximately 20m from Annangrove Road.

These signs are almost considered to be 'exempt' under Council's DCP as these signs will not be highly visible from a public place. It is considered that signage on these elevations is satisfactory. The variation is predominately due to the proposed standard painted green background corporate branding.

Given the size of the building, existing site conditions and location of the site near an arterial road, this proposed signage is considered satisfactory. It is recognised that the signage involved is typical for such a Bunnings development that includes the standard painted green backdrop.

The variation to façade signage is considered satisfactory as it will be able to adequately identify the business to be conducted.

8. Issues Raised in Submissions

The application was placed on exhibition for a period of forty (40) days. One (1) submission was received during the notification period.

The table below addresses the issues raised.

| ISSUE/OBJECTION | COMMENT | OUTCOME |
|---|---|---|
| Concerns with the timing of the notification period between 18/12/09-28/1/10. Whilst this period would normally be reasonable, it covers the Christmas/New Year/school holiday break and seems poor timing to send notification that could affect residents and may not be available to respond. | A typical notification period is fourteen (14) days. As the proposal was lodged shortly before the holiday period the notification period was extended to forty (40) days. This period is considered to be a sufficient period for surrounding owners to make submissions. | Issue addressed |
| Annangrove Road is a rural road with no kerb and guttering on this road at the Windsor Road end. The road is two (2) way single carriageway and there may be traffic issues with entering/exiting the site both now and once finished. The building will be located on the corner of the intersection and there is not a lot of length from the corner of Windsor Road to allow traffic to flow easily in/out. There are concerns that this could pose a potential danger to both motorists and pedestrians whilst significantly increasing traffic flow in both directions along Annangrove Road. It was | Council's Traffic section and the Roads and Traffic Authority (RTA) have assessed the submitted traffic and road safety audit report. It is proposed to share right turn movements into the site with the adjoining hotel development. This requires reconfiguration of the approved separate access arrangements of the hotel where the ingress driveway is currently located adjacent to the eastern boundary of the site and the egress driveway is adjacent to the western boundary. The hotel owners have been consulted and a deed of agreement with respect to sharing the same access with a new seagull intersection has been submitted. Ultimately right turn access into | Issue addressed – refer to Condition No. 41 and 44. |

| ISSUE/OBJECTION | COMMENT | OUTCOME |
|--|--|---|
| mentioned in the paper that there will be car spaces for 409 vehicles which is a significant increase in traffic flow for a rural single carriageway. | both the hotel and the Bunnings site will be restricted to left in/left out by virtue of the construction of a central concrete median island. Right turn access both into/out of the development could be permissible on a short term basis (as a result of RTA concerns in relation to potential access problems) on the basis that if any adverse accident history develops or vehicles start queuing back through to the Windsor Road intersection, Council will request the applicant extend the existing concrete median island in an easterly direction restricting access to left in/left out only. Once this occurs, the alterations made to the access arrangements for the hotel will require the access arrangements to revert back to its original configuration. | |
| The site backs onto Second Ponds Creek, a local habitat for fauna and flora. This creek runs through Rouse Hill Regional Park. There are concerns that the impact of a development of this size along with the adjoining brewery/pub may have on the creek and its surrounds. Wherever human beings build something, pollution tends to follow. There are bats, birds, frogs, lizards etc living/around this creek and the negative impact on their habitat should be considered. There would be run-off from the property in relation to cleaning of the buildings/surrounds. The impact may affect the Regional Park which comes under the jurisdiction of NSW Parks and Wildlife. | A flora and fauna assessment has been submitted. Council's flora and fauna projects officer has assessed the subject proposal and raise no objection. The proposal involves the removal of 3 Eucalyptus tereticornis trees (part of the Critically Endangered Ecological Community <i>Cumberland Plain Woodland</i>) and is considered to be satisfactory. NSW Office of Water have issued their General Terms of Approval (GTA) for drainage work within 40m of Second Ponds Creek requiring submission of a vegetation management plan, erosion and sediment control plan and soil and water management plan. The GTA also includes amendments to the stormwater drainage rock headwall and outlet details to include incorporation of vegetation and compliance with outlet structure guidelines. The developer will be required to ensure that all works within the creek catchment be under direct supervision of a qualified professional. The same professional needs to monitor all | Issue addressed – refer to Condition No. 2. |

| ISSUE/OBJECTION | COMMENT | OUTCOME |
|--|---|-----------------|
| | rehabilitation and maintenance activities. All drainage works must capture and convey runoff, discharges and flood flows to low flow water levels. The developer will need to stabilise rain discharge points to prevent erosion. | |
| A direct impact on residents would be noise generated by the ongoing operation of the business. There will be an outdoor nursery of 2,260m ² and a timber yard which means noise will be generated outside the building through the operation hours by customers, staff and machinery such as forklifts. The hours were reported in the paper as 7am-9pm Monday to Friday (deliveries until 10pm) and 8am-6pm Saturday to Sunday (which is consistent with opening hours for other Bunnings in the Hills Shire). As these hours are lengthy, there are concerns that ambient noise travelling across to our homes. We already contend with traffic noise from Windsor Road. | An acoustic report was submitted as part of the subject application to justify the operation until 9pm (including deliveries until 10pm). The acoustic report has been assessed by Council's Environmental Health and Sustainability section who raise no objection. The acoustic report found that all noise goals will be met for all potential sources (based on predicted noise levels from other Bunnings operations) and noise from occasional night time deliveries will meet sleep disturbance noise goals. | Issue addressed |

9. CONSIDERAION OF ECONOMIC IMPACTS

In accordance with the aims and objectives of BHLEP 2005 and objective (e) of the Light Industrial 4(b) zone, an Economic Impact Assessment prepared by Leyshon Consulting P/L dated November 2009 has been submitted.

In 1997, a Retail and Commercial Centres Study (RCCS) was also prepared by Leyshon, which identified Castle Hill and the Rouse Hill Regional Centre as the dominant centres. This analysis was reiterated by Leyshon in June 2003 with a report entitled 'Analysis of Floor Space Demand 2001 - 2021'.

The Hills 2026 Community Strategic Direction which comprises the Centres Direction forecasts population and retail floor space demand within the Local Government Area (LGA) until 2031. A Retail Floor Space and Demand Analysis was undertaken by Hill PDA P/L which sought to identify a revised retail hierarchy from that previously identified and also identified a potential demand of an additional 81,000m² of bulky goods retail floor space within the LGA by 2031.

The Economic Impact Statement has considered that its primary trade area as: Rouse Hill, Box Hill, Nelson, Beaumont Hills, Kellyville Ridge, Riverstone, Annangrove, Vineyard and part of Kellyville. The report considered that Schofield, Marsden Park, Colebee and part of Quakers Hill.

Within the Rouse Hill area, the major competitor is Hudsons from Annangrove. The nearest Bunnings are at Norwest and McGraths Hill. The Rouse Hill Town Centre (RHTC) dominates retailing in the trade area however it does not contain hardware stores.

The population of the trade area is expected to rise and it is considered that the trade area's key demographic attribute is its well above average incomes, resulting in an above average demand for hardware products. Any impact of the proposal may be on existing hardware stores described above however would only be short term due to the obvious opening of such a store. The statement stated that the proposal will not detrimentally affect the range of services offered by existing shops in any nearby business centres.

Bunnings advise that they will employ approximately 150 workers if the Bunnings store proceeds.

The proposal and resulting impact on bulky goods floor space provision and economic impact within the trade area catchment is considered satisfactory and will provide a net community benefit associated with the establishment of a new Bunnings at Rouse Hill.

10. Compliance with Section 79C of the Environmental Planning & Assessment 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 1-4 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 5-7 of this report above.

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

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

(iv) any matters prescribed by the regulations,

Satisfactory.

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

Satisfactory – the proposed works will have a built form that is consistent with the Annangrove Road Industrial precinct and will not environmentally degrade Second Ponds Creek. The subject proposal will not have an adverse impact on the heritage

values of Rouse Hill Estate. The proposal is not considered to provide unsatisfactory social, environmental or economic impacts in the locality.

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

Satisfactory – the proposal provides works which respond to the existing nature of the subject site and provides a built form bulk and scale which is consistent with the existing and future intended locality.

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

One submission received as detailed within section 8 of this report above.

(e) the public interest.

Satisfactory – the subject application represents a satisfactory visual presentation from nearest residential properties on the opposite side of Second Ponds Creek and is not considered to provide unsatisfactory social or environmental impacts in the locality.

ENGINEERING COMMENTS

The proposal was referred to Council's Subdivision section to review drainage, car parking and driveway requirements. No objection is raised to the proposed development subject to conditions of consent.

WASTE COMMENTS

The proposal 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.

ENVIRONMENTAL HEALTH & SUSTAINABILITY COMMENTS

The proposal was referred to Council's Health and Environmental Protection section to review the environmental impacts of works adjacent to Second Ponds Creek as well as acoustic and salinity implications. No objection is raised to the proposed development subject to conditions of consent.

FLORA & FAUNA COMMENTS

The proposal was referred to Council's Flora and Fauna Projects Officer to review potential impacts on any threatened flora and fauna species. No objections are raised to the proposed removal of three (3) Eucalyptus tereticornis trees (part of the Critically Endangered Ecological Community Cumberland Plain Woodland).

OFFICE OF WATER

No objection is raised to the proposal subject to General Terms of Approval dated 22 January 2010 (see Attachment 9).

NSW POLICE COMMENTS

The NSW Police Force's Crime Prevention Officer (Castle Hill Branch) has reviewed the application (see Attachment 8) and issued a correspondence dated 17 March 2010. No objections are raised subject to conditions in relation to use of CCTV, use of porous building surfaces to prevent graffiti, the car park area to be painted white and the use of security sensor lights and a security company to monitor the site during construction.

However the police had concerns with the proposed seagull intersection to be shared with the hotel use. Police believe it will put Bunnings customers in direct contact with patrons of the hotel in particular for late night customers up to 9pm on Thursdays and Fridays. Police had concern with patrons of the hotel occupying the car parking spaces of Bunnings after hours. Police requested that vehicular access to the development be re-orientated to separate the customers. Police recommended that access control be used in the car park for it to be closed after hours.

Council's Traffic section took into consideration the above police comments and as detailed under section 2 of this report, no objections is raised to the proposed seagull intersection in terms of traffic generation and safety.

Ultimately right turn access into both the hotel and the subject development site will be restricted to left in/left out by virtue of the construction of a central concrete median island.

Council's Traffic Section considered that right turn access both into and out of the development can be permissible on a short term to monitor the situation. This will be on the provision that if any adverse accident history develops or vehicles start queuing back through the Windsor Road intersection as a result of allowing the vehicles to turn right, Council will request the applicant extend the existing concrete median island in an easterly direction restricting access to left in/left out only. The alterations to the access arrangements for the hotel will require to be changed back to its original configuration. A condition is imposed requiring submission of a bond from the applicant should this occur.

The use of the Bunnings car park by hotel patrons is primarily a management issue and can be monitored by their security staff and installation of a gate to the entrance of the car park area.

SYDNEY WATER COMMENTS

The proposal was referred to Sydney Water due to the proposed stormwater connection to Second Ponds Creek which under their jurisdiction as a truck drainage system.

Sydney Water in their correspondence dated 2 June 2010 advised Council that the applicant undertake MUSIC modelling to demonstrate expected performance of the proposed site water quality treatment in accordance with WSUD best practice, that only stormwater runoff from the roof, driveway and parking areas that receive rainwater are permitted to drain into the stormwater system and that the site stormwater may discharge to the creek at a single location.

In relation to Sydney Water sewerage servicing, it was advised that this will be dealt when a Section 73 Certificate is obtained. It is recommended that this be a condition of consent.

The issues raised in relation to stormwater was referred to the applicant to address. A stormwater management plan was submitted to address Sydney Water requirements. The plan was forwarded to Sydney Water who advised that there was no objection to the proposal.

CONCLUSION

The proposed development has been assessed under Section 79C of Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy No. 64 – Advertising and Signage, Baulkham Hills Local Environmental Plan 2005, Baulkham Hills Development Control Plan Part C, Section 9 – Light Industry, Part D, Section 1 – Parking and Part D, Section 2 – Signage.

As detailed above, the proposed development provides variations to the applicable development standards within BHDGP Part C, Section 9 – Light Industry and Part D,

Section 2 – Signage. The variations relate to building height, setbacks, hours of operation, motorcycle parking and signage area, however these variations are considered satisfactory.

The proposal does not compromise the amenity of adjoining and surrounding industrial and residential developments. The bulk and scale of the building is satisfactory and provides satisfactory visual articulation.

The variation to the building height control is due to the slope of the site and the variation is considered to be minor. It is noted that this non-compliant section of the building is located approximately 200 metres away from the nearest residential allotment.

The variations to building setbacks results from travelators, entry portico, elevated car parking and driveways encroaching on minimum setback requirements. Redesigning the development to comply with the required setbacks will provide little visual difference. The variations also do not compromise the extent of landscaping opportunities and do not result in unsatisfactory amenity impacts such as overshadowing and privacy loss for the adjoining developments.

The proposed hours of operations are considered to be satisfactory for such a business and such an operation will not adversely affect the nearest residential area approximately 200 metres away. The submitted acoustic report has demonstrated that the proposal will comply all noise criteria and guidelines and the impact will be negligible.

It is recommended that the proposed pylon sign be amended to comply with Council's DCP.

The issues raised in the submission have been addressed within the report and appropriate conditions can be recommended in relation to the traffic and environmental drainage concerns.

Council is satisfied after reviewing all engineering information submitted from the applicant that the proposal addresses all relevant drainage engineering issues. Sydney Water has indicated that the proposal is satisfactory in relation to proposed drainage works to be undertaken within Second Ponds Creek trunk drainage reserve. It is noted that the Office of Water have issued their General Terms of Approval (GTA).

The concerns raised by the RTA and NSW Police in relation to the proposed seagull intersection have been addressed within the report. It is considered that the intersection can be used in the short term subject to monitoring the situation to determine if the intersection operates properly.

Given the proposed development and resulting variations to the DCP are considered satisfactory, it is considered appropriate for the subject application to be approved subject to conditions.

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 include reduction of the width of the pylon sign to a maximum width of 2m.

REFERENCED PLANS AND DOCUMENTS

| DRAWING NO. | DESCRIPTION | REVISION | DATE |
|-------------|--|----------|----------|
| 031 | Site Plan – Warehouse Level | A | 16.11.09 |
| 100 | Floor Plan – Undercroft Parking Level 1/2 | D | 21.06.10 |
| 101 | Floor Plan – Undercroft Parking Level 2/2 | D | 21.06.10 |
| 102 | Floor Plan – Warehouse Level 1/2 | A | 16.11.09 |
| 103 | Floor Plan – Warehouse Level 2/2 | A | 16.11.09 |
| 104 | Floor Plan – Warehouse Mezzanine Level 1/2 | A | 16.11.09 |
| 105 | Floor Plan – Warehouse Mezzanine Level 2/2 | A | 16.11.09 |
| 110 | Roof Plan – Level 1/2 | A | 16.11.09 |
| 111 | Roof Plan – Level 2/2 | A | 16.11.09 |
| 120 | Sections 1/2 | B | 16.11.09 |
| 121 | Sections 2/2 | B | 16.11.09 |
| 125 | Detail Sections ½ North Boundary | A | 20.04.10 |
| 130 | Elevations 1/2 | A | 16.11.09 |
| 131 | Elevations 2/2 | B | 20.04.10 |
| 200 | Pylon Sign Detail | A | 04.05.10 |
| 1625 LP-01 | Landscape Plan | C | 27/05/10 |
| 1625 LP-02 | Sections & Elevations | B | 16/11/09 |
| 1625 LP-03 | Details | B | 16/11/09 |

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 Office of Water Requirements

Compliance with the requirements of the NSW Office of Water attached to this consent and dated 22 January 2010.

3. Compliance with NSW Police Service Requirements

The proposed development is to be undertaken in accordance with the requirements of the NSW Police – Local Area Command dated 17 March 2010 comprising the following:-

- Use of CCTV coverage to monitor the store inside and undercover car park area.
- The underground car parking areas be painted white to help reflect light.
- Access control or gates to be used in the car park area to allow it to be closed off after hours.
- The use of sensor lights and a security company to monitor the site while construction is in progress.
- Use of porous building surfaces when selecting building materials.

4. Compliance with NSW RTA Requirements

The proposed development is to be undertaken in accordance with the following:-

- The internal aisle ways to be marked with pavement arrows to direct traffic movements in/out of the site and guide traffic circulation through the car park. Installation of directional signage in the car park is required.
- All works associated with the proposed development are to be carried out at no cost to the RTA.

5. NSW Rural Fire Service Requirements

General Conditions

1. The development is to comply with the recommendations listed in Section 4 of the Bushfire Assessment Report, prepared by Abel Ecology, August 2006, with exception that the following conditions also be recommended:

Asset Protection Zones - The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

2. At the commencement of building works and in perpetuity the entire property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service document Standards for Asset Protection Zones. The IPA is critical to providing a defensible space and managing heat intensities at the building surface and shall comprise of:
 - Minimal fine fuel at ground level;
 - Vegetation that does not provide a continuous path to building/s for the transfer of fire;
 - Shrubs and trees that do not form a continuous canopy and vegetation that is planted/cleared into clumps rather than continuous rows;
 - Shrubs and trees are pruned or removed so they do not touch or overhang the building/s; and
 - Vegetation that is located far enough away from the building/s so that plants will not ignite the building/s by direct flame contact or radiant heat emission.

Landscaping

3. Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006. In this regard the following landscaping principles are to be incorporated into the development:
 - Suitable impervious areas being provided immediately surrounding the building such as paths and driveways;
 - Grassed areas/mowed lawns/ or ground cover plantings being provided in close proximity to the building;
 - Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building;
 - Use low flammability vegetation species and avoid species with rough fibrous bark or which retain/shed bark in long strips or retain dead material in their canopies.
 - Avoid climbing species to walls; and
 - Locate combustible materials such as woodpiles and flammable liquids away from the building.

6. Provision of Parking Spaces

The development is required to be provided with 409 off-street car parking spaces including 9 disabled parking spaces, 5 parents with prams spaces, 5 motorcycle spaces, 14 bicycle spaces. These car parking spaces shall be available for off street parking at all times.

7. External Finishes

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

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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

17. 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

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 or by visiting the website: www.foodstandards.gov.au

18. 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.

19. 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.

20. 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.

21. Contamination

Any new information, which comes to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council.

22. 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.

23. Gutter & 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.

24. 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.

25. Protection of Public Infrastructure

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

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

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

26. Overland Flow

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

27. Fencing over Council Drainage Easement(s)

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

28. Earthworks in Council Drainage Easement(s)

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

29. Works Adjacent to Piped Drainage Easement

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

30. Separate Development Application for Subdivision

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

31. Minor Engineering Works

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

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

Copies of the above documents can be found on Council's website:

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

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. Gutter Removal

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

ii. Heavy Duty Crossings

Heavy duty gutter and footpath crossings at all points of vehicular access.

The design and layout of the driveway from Annangrove Road must be generally as shown on the general arrangement plan (Drawing 00452_C201 Revision G) prepared by C&M Consulting Engineers.

ii. Site Stormwater Drainage

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

32. Vehicular Access and Parking

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

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

NOTE: Where conflict exists the Australian Standard is to be used.

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.

33. Upgrading of Existing Water and Sewerage Services

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

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

34. Recycled Water

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

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

35. 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.

36. Section 94 Contribution

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

Payments comprise of the following:-

Industrial

| Purpose | Rate per additional m2 | Total 11810m2 |
|--------------|------------------------|------------------------|
| Land | \$ 16.97 | \$ 200,415.70 |
| Capital | \$ 85.66 | \$ 1,011,644.60 |
| Total | \$ 102.63 | \$ 1,212,060.30 |

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

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

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

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

37. 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;
2. The estimated volume (m3) or area (m2) of waste materials;
3. The proposed reuse or recycling methods;
4. Waste contractor information;
5. Address of recycling outlets and/or landfill sites.

38. Salinity Assessment

Prior to the issue of the Construction Certificate, the applicant shall either:

1. prepare a salinity assessment for the site consistent with the Department of Land and Water Conservation (2002) Guide: *Site Investigations for Urban Salinity*, and if salinity is identified as being a potential issue on the site, identify construction techniques to alleviate the issue/s; or
2. submit details that the following construction matters will be implemented:
 - a layer of sand at least 50 mm deep under the slab will be provided;
 - a damp proof membrane will be laid under the slab (NSW BCA 3.2.2.6);
 - the damp proof membrane will be extended to the outside face of the external edge beam up to the finished ground level. (*as per clause 3.2.2.6 and figure 3.2.2.3 of the BCA*);
 - Class 32 Mpa (N32) concrete will be used OR a sulphate resisting Type SR cement with a water cement ratio of 0.5 will be used;
 - slabs will be vibrated and cured for a minimum of three days
 - the minimum cover to reinforcement will be 50 mm from unprotected ground;
 - the minimum cover to reinforcement will be 30 mm from a membrane in contact with the ground;

- the minimum cover to reinforcement will be 50 mm for strip footings and beams irrespective of whether a damp proof membrane is used; and
- admixtures for waterproofing and/or corrosion prevention will be used.

39. Acquisition of an Easement on Adjoining Downstream Property

The creation of all necessary easements over the downstream property (Lot 43 DP 834049) generally as shown on the engineering design prepared by C&M Consulting Engineers (Drawing 00452_C201 Revision G and Drawing 00452_C202 Revision F) and in accordance with the requirements of the landowner (Sydney Water). These easements must be created prior to the issuing of a Construction Certificate.

All costs incurred must be borne by the applicant.

40. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979 a security bond to the value of \$54,900.00 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 (83m) plus an additional 50 metres on either side and the road width (10m) 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.

41. Security Bond – Traffic

Right turn movements from Annangrove Road into and out of the development are approved temporarily. This access arrangement will be subject to review to determine if an adverse accident history has developed or if the right turn queue lengths extends through the signalised Windsor Road intersection. Should the above develop, restriction of access to left in/left out by extending the existing concrete median island in an easterly direction for a distance of approximately 42m is to occur. Re-instatement of the existing approved driveway configuration is to occur if access to the development is restricted to left in/ left out.

A \$10,000 bond is to be submitted to Council covering the cost of construction of 42m of central concrete median island. The bond will be held by Council for a period of twelve (12) months from commencement of operation.

42. Bank Guarantees

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

- Have no expiry date;
- Be forwarded direct from the issuing bank with a suitable cover letter that refers to Development Consent DA 853/2010/JP.
- Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

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

43. Draft Legal Documents

Draft copies of the legal documentation associated with the release and re-creation of the Council drainage easement within the subject site as nominated elsewhere in this consent must be submitted to Council for checking prior to the issue of a Construction Certificate.

44. Engineering Works and Design

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

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

Copies of the above documents can be found on Council's website:

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

Any variance from the above require separate approval from Council.

Works on existing public roads or reserves and any land under the care and control of Council require an Engineering Construction Certificate (ECC) in accordance with the Roads Act 1993 and/ or the Local Government Act 1993. An ECC can only be issued by Council. The proposed works fall into this category.

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

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

The following engineering works are required:

i. Interim Access Arrangements – Annangrove Road

Right turn movements from Annangrove Road into and out of the development will be permissible on a short term basis in accordance with the proposal identified in the traffic consultants report submitted with the DA.

This temporary access arrangement must be constructed in accordance with the requirements of Council's traffic team.

ii. Stormwater Extension

A separate piped/ overland flow path stormwater drainage connection between Annangrove Road and Second Ponds Creek (Lot 43 DP 834049) through the development site must be constructed generally in accordance with the engineering design prepared by C&M Consulting Engineers (Drawing 00452_C201 Revision G and Drawing 00452_C202 Revision F) with the following amendments:

- The layout of the stormwater pipeline must be amended to reflect the location of the existing headwall at the sites Annangrove Road boundary.
- All overland flow is to be directed towards the proposed formed overland flow path located generally along the sites northern boundary. The easement associated with the same must encompass the area affected by the 1 in 100 ARI storm event.
- Bends approaching ninety degrees in pipelines to be dedicated to Council are to be avoided wherever possible.

iii. Stormwater Connection to Second Ponds Creek

All works on the adjoining downstream property (Lot 43 DP 834049) must be designed and carried out generally as shown on the general arrangement plan (Drawing 00452_C202 Revision F) prepared by C&M Consulting Engineers and in accordance with the requirements of the landowner (Sydney Water).

45. Works on Adjoining Land

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

46. Stormwater Discharge Acceptance

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

PRIOR TO WORK COMMENCING ON THE SITE

47. Principal Certifying Authority

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

48. 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.

49. 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.

50. Demolition Works & Asbestos Removal/Disposal

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

51. Traffic Control Plan

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

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

52. 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.
- Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

53. 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.

54. 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).

55. Stabilised Access Point

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

DURING CONSTRUCTION

56. 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.

57. 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.

58. Standard of Works

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

59. Engineering Construction Inspections

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

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

NOTE: The inspection of works approved by Council can only be carried out by Council. An initial site inspection is required prior to commencement of works. 24 hours notice must be given for all inspections.

PRIOR TO ISSUE OF A OCCUPATION CERTIFICATE

60. Section 73 Certificate

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

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

61. Compliance with Requirements of Development Application

Compliance with all conditions of approval of the Development Consent on the subject property.

62. 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

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

63. 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.

64. Removal of Existing Council Drainage Easement

The existing 3.05m wide Council drainage easement located along the sites northern boundary is to be removed to facilitate the creation of a suitable replacement easement generally in accordance with the engineering design prepared by C&M Consulting Engineers (Drawing 00452_C201 Revision G and Drawing 00452_C202 Revision F). The relevant documentation associated with the release of this easement must be submitted to Council for endorsement and the applicable fee paid.

NOTE: Sufficient time must be allowed for the preparation of a report and the execution of the documentation by Council prior to the lodgement of an Occupation Certificate.

65. Creation of a Replacement Drainage Easement

The existing 3.05m Council drainage easement within the site is to be removed and replaced with a separate piped/ overland flow path drainage network requiring separate easements for each generally as shown on the engineering design prepared by C&M Consulting Engineers (Drawing 00452_C201 Revision G and Drawing 00452_C202 Revision F). The easement plan is to be submitted to Council for endorsement prior to registration. Evidence confirming the creation/ registration of the easement must be submitted to Council prior to the issuing of an Occupation Certificate.

66. 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.

67. Legal Agreement – Encroachment into Drainage Easement

The completion and registration of a legal agreement acceptable to and in favour of Council preserving Council's right of access to pipelines and preserving overland flow along the proposed drainage easement over which the proposed building encroaches. This legal agreement shall be registered on the certificate of title of the property under Section 88E of the Conveyancing Act 1919 or recorded as a Positive Covenant.

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

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

68. 1 in 100 Year (1% AEP) Plan

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

69. Works As Executed (WAE) Plans

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

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

70. Confirmation that Pipes are Located within Easements

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

71. Prior Release of Subdivision Certificate

An Occupation Certificate cannot be issued prior to the Subdivision Certificate for the preceding stage/ subdivision pursuant to Development Consent DA 646/2008/ZA.

72. Removal of Erosion and Sediment Control Measures

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

73. Stormwater CCTV Recording

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

74. Public Asset Creation Summary

The submission of the following information is required:

- a) The length and tendered cost of all constructed road works (public roads).
- b) The land area dedicated as public road.
- c) The length and cost of all constructed drainage works (excluding common or inter-allotment drainage lines).
- d) The length, width and cost of constructed concrete foot-paving.
- e) The length, width and cost of constructed cycleway.

NOTE: This information must be tabulated and sorted by street name (all works) and pipe size (for drainage works).

THE USE OF THE SITE**75. 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.

76. 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.

77. 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.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Under-croft Parking Level
4. Warehouse Level

5. Elevations
6. Pylon Sign
7. NSW RTA Comments
8. NSW Police Service Comments
9. NSW Office of Water General Terms of Approval
10. Sydney Water Comments
11. Pre-lodgement Notes

ATTACHMENT 1 - LOCALITY PLAN



- ☐ **SUBJECT SITE**
- ✓ **PROPERTIES NOTIFIED**
- **SUBMISSION RECEIVED**

NOTE: THE HILLS DISTRICT HISTORICAL SOCIETY ALSO NOTIFIED



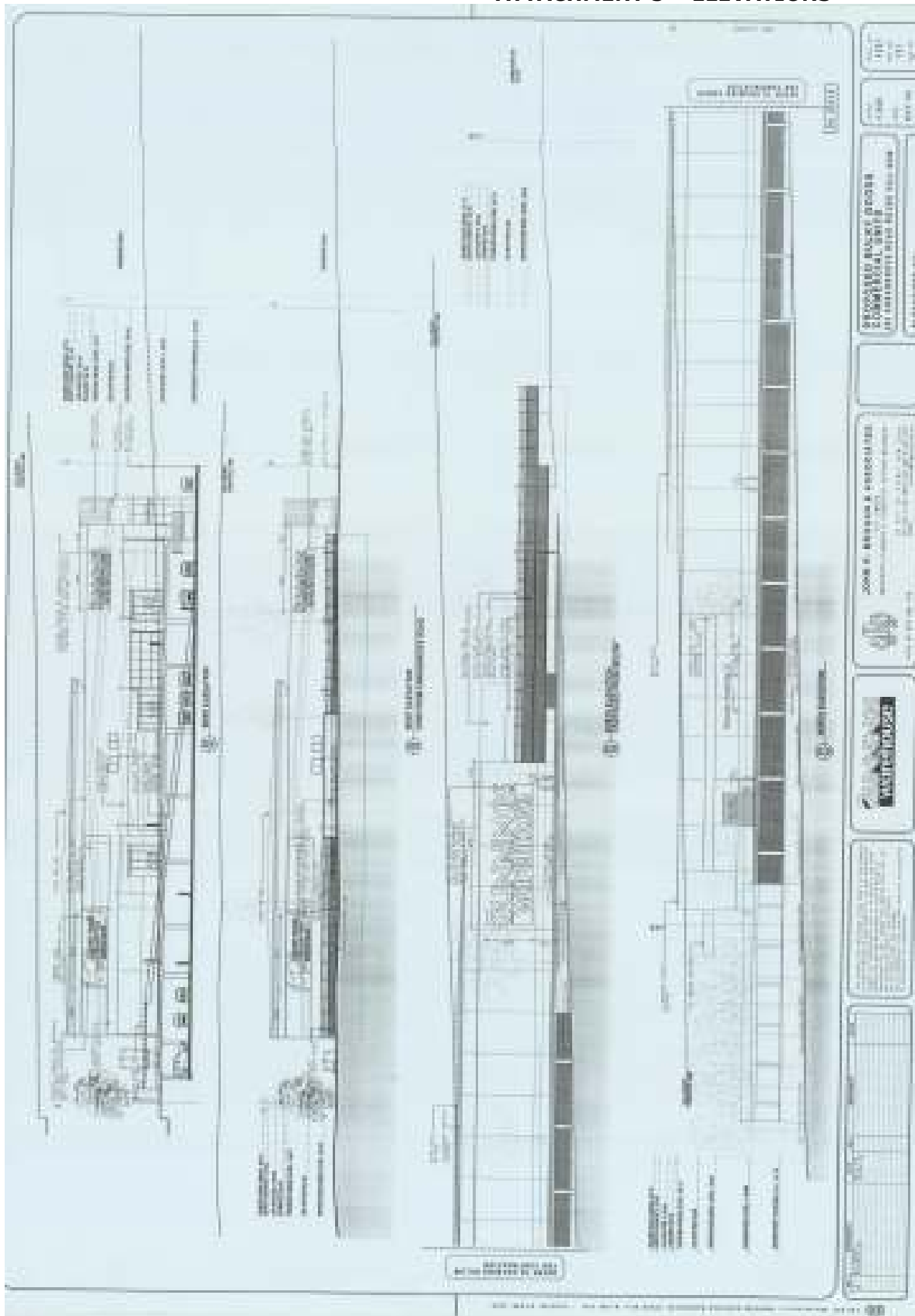
THE HILLS SHIRE COUNCIL

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.
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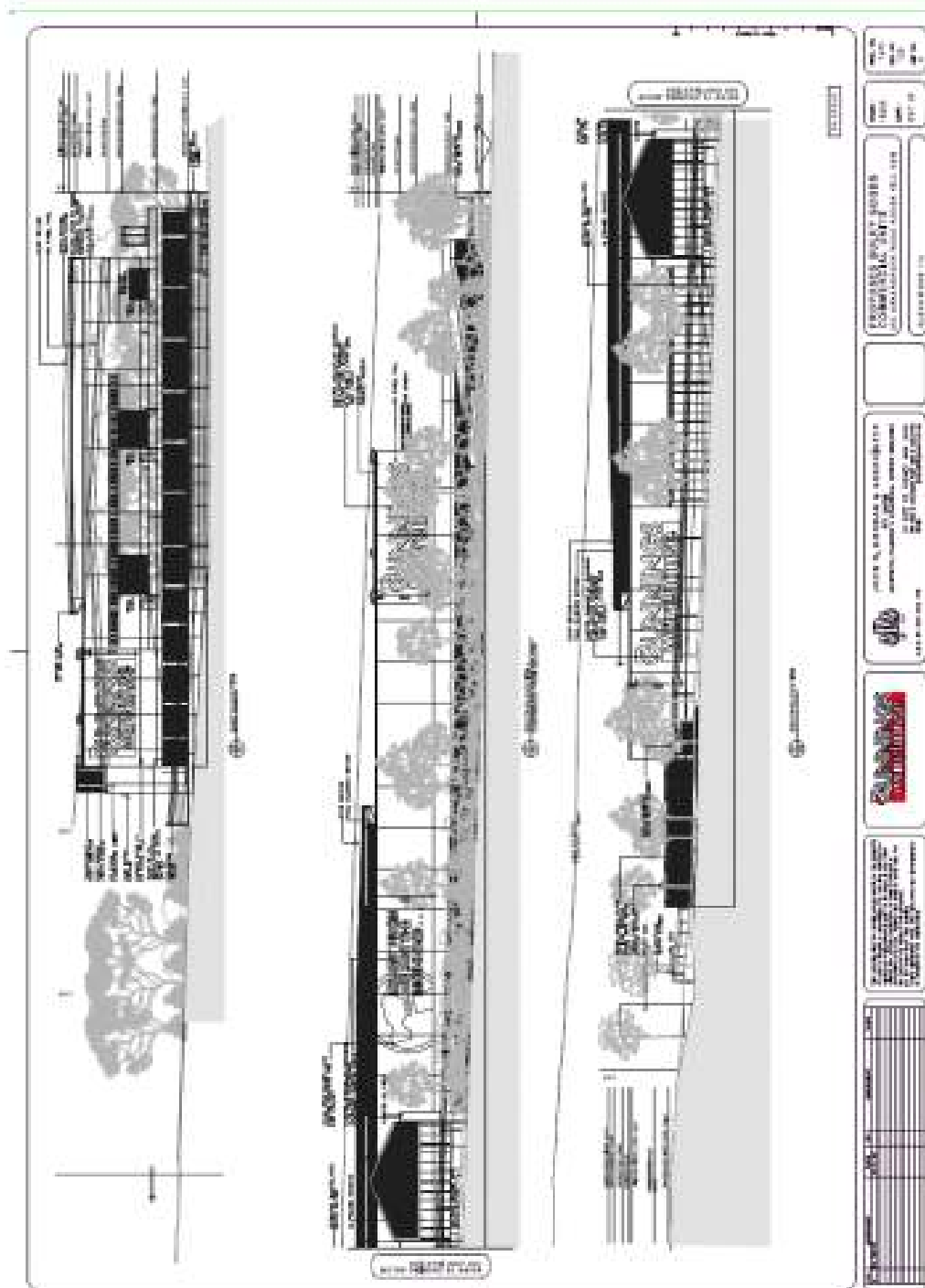
ATTACHMENT 4 – WAREHOUSE LEVEL



ATTACHMENT 5 – ELEVATIONS



ATTACHMENT 5 – ELEVATIONS



ATTACHMENT 6 – PYLON SIGN



ATTACHMENT 7 – NSW RTA COMMENTS

Our Reference: RDC 09M0077 – SYD09/00847
Your Reference: 05/02010
Contact: Angela Malloch
Telephone: 8849 2041



The General Manager
The Hills Shire Council
Doc 8855
Carle Hill

PROPOSED BUNNINGS AT 352 ANNANGROVE ROAD, ROUSE HILL

Attention: Gavin Cherry

Dear Sir/Madam,

I refer to your letter of 11th December 2009 (Council Ref DA-853/2010), 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.

1. The RTA has previously acquired a strip of land for road along the frontage of the subject property, as shown by blue colour on the attached plan. Further an easement for drainage has been created across the subject property, as shown by brown colour on the attached plan.

The RTA has no further approved proposal that requires any part of the subject property for road purposes.

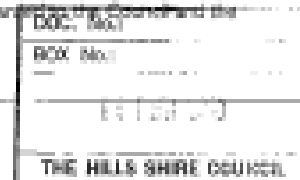
Therefore there are no objections to the development proposal on property grounds, subject to the integrity of the easement not being compromised by the proposed development.

2. The RTA raises serious safety concerns with the proposed access as it is in close proximity to two lanes merging on Annangrove Road with vehicles travelling in the left lane wishing to enter the site being required to cross over two lanes from the merge lane into the eastbound through lane on Annangrove Road and then into the right turn bay. Motorists then are faced with an entry driveway to both the proposed Bunnings site and adjacent hotel/brewery driveway requiring them to make an instant decision as to what driveway they wish to enter.

Accordingly, the RTA requires the proponent to obtain an independent Road Safety Audit to review the safety of the proposed access arrangement onto Annangrove Road. The audit should be completed in accordance with Austroads' Guidelines for Road Safety Audits. When the audit is finalised the results are to be forwarded to the Council and the RTA for review and comment.

Roads and Traffic Authority

25 St. Argyle Street Parramatta NSW 2150
PO Box 970 Parramatta NSW 2150 02 9633 2000
www.rta.nsw.gov.au | 88 13 88



3. It is noted that Council's ultimate plans are for the installation of a median on Annangrove Road and Council may consider bringing forward these plans to restrict movements to left in and left out, which would alleviate the safety issues the RTA has with the proposed seagull access.
4. Alternatively Council may wish to consider the installation of a roundabout to access the subject site and adjoining properties. This arrangement would reduce the number of conflict points and would have "in principle" RTA support.

If roundabout is considered a viable option, the developer will be required to model the proposed arrangement. The proposed arrangement is to reduce the potential for queuing back to the intersection of Windsor Road/Annangrove Road.

5. The RTA has the following comments on traffic report:
 - 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%.
 - Post development traffic generation for all modelled intersections should be calculated correctly i.e. less traffic is proposed post development (p12).
6. Provision should be made for designated car and trailer parking.
7. The internal side 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.
8. 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

4 February 2010

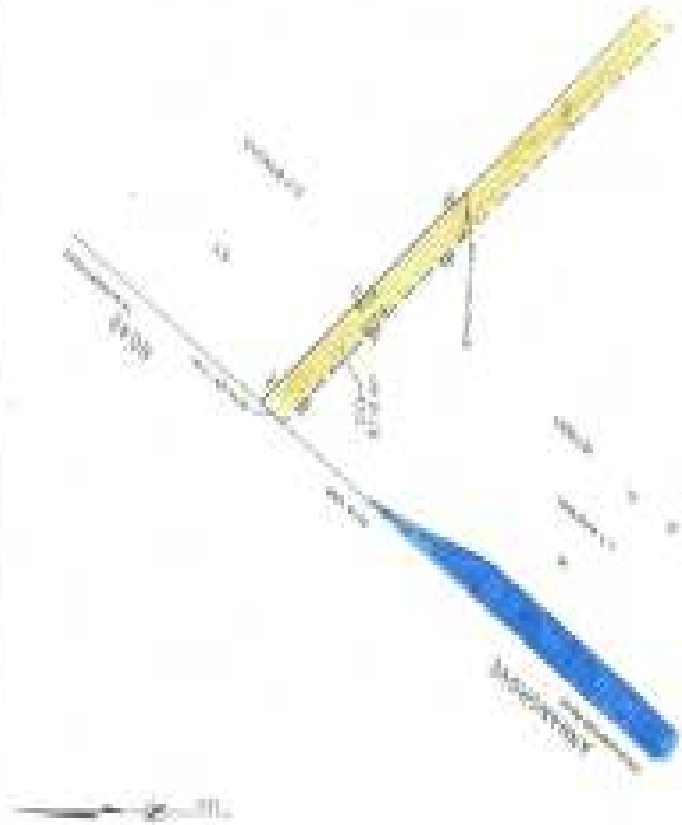


FIGURE 1: Preliminary Site Plan for the Project

Our Ref: RDC/09HG007 SYD09/00947
Contact: Angela Malloch T 8849 3048
Your Ref: DA855001/0/0



The General Manager
The Hills Shire Council
OX 8465
Castle Hill

Attention: Gavin Cherry

**PROPOSED BURNINGS AT 151 ANNANGROVE ROAD, ROUSE HILL
REVIEW OF ROAD SAFETY AUDIT**

Dear Sir,

Reference is made to the submitted road safety audit for the subject development application forwarded to the Roads and Traffic Authority (RTA) for review and comment.

The RTA has reviewed the submitted Road Safety Audit and does not support the proposed access arrangements for the following reasons:

- The road safety audit does not address the RTA's concerns in correspondence dated 4 February 2010.

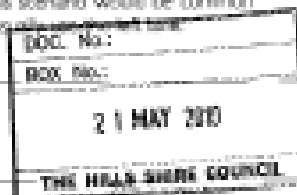
"The RTA raises serious safety concerns with the proposed access as it is in close proximity to two lanes merging on Annangrove Road with vehicles travelling in the left lane wishing to enter the site being required to cross over two lanes from the merge lane into the eastbound through lane on Annangrove Road and then into the right turn bay. Motorists then are faced with an entry driveway to both the proposed Burnings site and adjacent hotel/brewery driveway requiring them to make an instant decision as to what driveway they wish to enter."

As a consequence the RTA has undertaken its own safety audit which has identified the following deficiencies/concerns:

- The close proximity of the proposed seagull intersection to the existing signals on Windsor Road will potentially lead to traffic weaving for vehicles turning left from Windsor Road to access the seagull intersection.
- There is also concern for traffic using the outside right turn lane on Windsor Road turning right onto Annangrove Road trying to access the seagull intersection. This scenario would be common for large vehicles accessing the seagull intersection as these vehicles usually use the right lane.

Roads and Traffic Authority

27-31 Apple Street Parramatta NSW 2150
PO Box 102 Parramatta NSW 2150 SYDNEY Australia
www.rta.nsw.gov.au | 13 17 82



- The existing crest on Annangrove Road in approach to the traffic signals on Windsor Road is not addressed in the road safety audit such as the effects on sight distances.
- The proposed signal intersection is not designed to Australian Standards.
- The entry and exit was identified as an issue as vehicles will confuse the exit from Bunnings as a normal entry and will enter here. The proposed signage (Bunnings) is considered confusing as it will face Windsor Road which would make it look even more like an entry point.
- The location for the tavern parking area is located within close proximity to the proposed combined entry driveway. A vehicle entering/leaving the first car space within this car park will force the right turning motorist (from the right turn lane in Annangrove Road) to wait across the footpath or the travelling lanes along Annangrove Road until the entrance to the car park is clear (this would be particularly the case if there are multiple vehicles queued to enter the tavern car park).

Notwithstanding, the RTA has modelled the future operation of Annangrove Road/Windsor Road intersection for 2026, which shows queue lengths in the PM peak extending past the proposed Bunnings/Tavern entry and exit. As a result of the extensive queuing expected on Annangrove Road it will be difficult to enter and exit Bunnings/Tavern.

Due to the extensive queuing expected on Annangrove Road the RTA advises that Council should consider bringing forward their ultimate plans for the installation of a median along Annangrove Road, restricting access to the Bunnings/Tavern site to left in/left out.

To achieve this Council may wish to consider gaining contributions from Bunnings for the widening of Annangrove Road and the installation of a median strip extending a minimum distance of 50 metres to the north of the Tavern/Brewery site to discourage U-turn movements.

Should you require any further clarification in relation to this matter, please call the contact officer named at the top of this letter.

Yours faithfully,



Ken Moon
Land Use Planning and Assessment Manager
Transport Planning, Sydney Region
9 April 2010

ATTACHMENT 8 – NSW POLICE SERVICE COMMENTS



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

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

Tuesday 17th March 2010

Jason Wong
Town Planner
The Hills Shire Council
P.O. Box 75
Castle Hill NSW 1765

| |
|-------------------------|
| DOC. No.: |
| BOX No.: |
| 30 MAR 2010 |
| THE HILLS SHIRE COUNCIL |

Dear Mr Wong,

Subject: Development Application No. 853/2010/JF – Proposed Bunnings Warehouse with associated car park and landscaping.

Property: Lot 10 DP 1071664, 352 Annangrove Road, Rouse Hill

Police Ref: 2010_46707

We refer to your development application which seeks approval for a 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 operating 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. Run-down areas negatively impact upon perceptions of fear and may affect community confidence to use public space and ultimately, it may affect crime opportunity. Vandalism can induce fear and avoidance behaviour in a public space, therefore the rapid repair of vandalism and graffiti, the replacement of 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

A major concern Police have with this application is its proximity to the approved location for a large scale licensed premises. Police believe there may be some conflict between customers of the Bunnings Warehouse and patrons of the licensed premise, especially intoxicated patrons. The proposed development seeks approval for the vehicular ingress/egress to be via a "new seagull intersection to be shared with the neighbouring approved hotel when it is built". Police believe this will put customers of the development in direct contact with patrons of the hotel, which is a particular concern when considering late night customers (up until 3pm on Thursday and Friday nights). Police also hold concerns in relation to patrons of the licensed premises occupying the parking spaces of the Bunnings after hours, especially during the peak summer months.

Police believe that the vehicular access to the development needs to be re-oriented to separate the customers of the development from patrons of the licensed premises. Additionally, Police strongly recommend that some form of access control be used in the car park of the Bunnings to allow it to be closed off after hours, prohibiting unauthorised parking by licensed premises patrons. If the access proposed in the current application is given approval, Police foresee the car park and surrounding area on Thursday, Friday and Saturday nights being subjected to malicious damage and anti-social behaviour problems.

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.

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

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

Respectfully yours,



Callie Walker
Constable
Crime Prevention Officer
Castle Hill Police

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

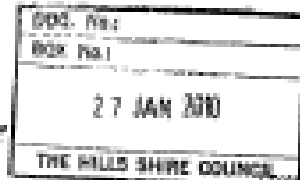
- It is not possible to make areas evaluated by the NSWPF absolutely safe for the community and their property*
- Recommendations are based upon information provided to, and observations made by the NSWPF at the time the evaluation was made*
- The evaluation is a confidential document and is for use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

ATTACHMENT 9 – NSW OFFICE OF WATER GENERAL TERMS OF APPROVAL



**Office
of Water**

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



Project: Gina Potter
Phone: 62 6665 7556
Fax: 62 6665 7501
Email: gina.potter@dnr.nsw.gov.au

Our ref: 10 0960006/1218
Our file: 0602807
Your ref: 0602810UP

Attention: Jason Wong

22 January 2010

Dear Mr Wong

**Re: Integrated Development Referral – General Terms of Approval
853/2010UP - Construct new bulky goods warehouse,
352 Annangrove Road ROUSE HILL - Lot 16 DP1071664**

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

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

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

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

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



Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 PO Box 2700 Parramatta NSW 2150 Australia
t + 61 2 9605 0211 | e information@water.nsw.gov.au | www.water.nsw.gov.au | ARIA 4T 601 556 760

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

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

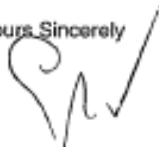
The attached GTA are not the Controlled Activity Approval. The applicant must apply (to the NSW Office of Water) for a Controlled Activity Approval after consent has been issued by Council but before the commencement of any 'works'.

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

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

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

Yours Sincerely



Gina Potter
Licensing Officer (Controlled Activities)
NSW Office of Water
Licensing South

Local Council - Council of the Shire of ...
Licensing South



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

| | | | |
|---------------------------------|---|----------|---------|
| Our Reference | 10 ERN2009/1315 | File No: | 9052937 |
| Site Address | 352 Annangrove Road ROUSE HILL - Lot 10 DP1071664 | | |
| DA Number | 853/2010/UP | | |
| LGA | Baulkham Hills Shire Council | | |
| Number | Condition | | |
| Plans, standards and guidelines | | | |
| 1 | <p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 853/2010/UP and provided by Council:</p> <p>(i) Site plan, map and/or surveys</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p> | | |
| 2 | <p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the reidentified.</p> | | |
| 3 | <p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Vegetation Management Plan</p> <p>(ii) Erosion and Sediment Control Plan</p> <p>(iii) Soil and Water Management Plan</p> <p>(iv) Amendments to Plans – Stormwater Drainage Rock Headwall and Outlet Details Plan No 00482_C300, dated 01/1/2009, prepared by C&M Consulting Engineers must be in accordance with the guidelines. Drainage Headwall & Outlet should show rock rip-rap incorporating vegetation, not aggregate.</p> | | |
| 4 | <p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at www.dew.nsw.gov.au/water_trade/rights_controlled.shtml</p> <p>(i) Vegetation Management Plans</p> <p>(ii) Outlet structures</p> | | |
| 5 | <p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of compliance to the NSW Office of Water.</p> | | |
| 6 | <p>The consent holder must reinstata waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.</p> | | |

| | | | |
|-------------------|--|----------|---------|
| Our Reference | 10 ERM2009/1315 | File No: | 9052937 |
| Site Address | 352 Annangrove Road ROUSE HILL - Lot 10 DP1071664 | | |
| DA Number | 853/2010/JP | | |
| LGA | Baulkham Hills Shire Council | | |
| Number | Condition | | |
| 7 | The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required. | | |
| 8 | The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water. | | |
| 9 | The consent holder must ensure that no materials or cleared vegetation that may obstruct flow, wash into the water body or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water. | | |
| 10 | The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water. | | |
| 11 | The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water. | | |
| 12 | The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised. | | |
| 13 | The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water. | | |
| END OF CONDITIONS | | | |

8 July 2010

Greg Semadeni
The Hills Shire Council
PO Box 73
Castle Hill NSW 2154

**Sydney
WATER**

Dear Mr Semadeni:

Re: DA85310UP Demolition of existing structures and construction of a bulky goods premises (Burnings Warehouse) 352 Annangrove Road, Rouse Hill

I am writing to advise Council that Sydney Water's Stormwater Group received revised Engineering Plans from C&M Consulting Engineers in regards to the development at 352 Annangrove Road, Rouse Hill.

The submitted plans reflect discussed and agreed changes intended to address the issues previously raised by Sydney Water's Stormwater Group.

These changes related to:

1. Method of removal of the existing dam that straddles the common boundary with the Sydney Water trunk drainage corridor.
2. Water quality management measures.
3. Stormwater connection to the creek.

Sydney Water's Stormwater Group raises no objection to the proposed development on the basis of the amended plans.

If you require any further information regarding stormwater, please contact Ray Parnell of Sydney Water Stormwater Group on 8842-4162.

Sydney Water Servicing

Sydney Water will further assess the impact of the development when the proponent applies for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of the development and to assess if amplification and/or changes to the system are applicable. Sydney Water requests Council continue to instruct proponents to obtain a Section 73 Certificate from Sydney Water.

The proponent must fund any adjustments needed to Sydney Water infrastructure as a result of any development. The proponent should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. Details are available from any Sydney Water Customer Centre on 13 30 32 or Sydney Water's website at www.sydneypwater.com.au.

Sydney Water Corporation 400-40 110 (24/7) 1800 400 4000 (9-5pm) | 111 Don Ross Freeway (to 11 km) | 3rd Fl Sydney | 1512 15 00 | www.sydneypwater.com.au
Recovering essential and sustainable water resources for the benefit of the community

Sydney Water e-planning

Sydney Water has created a new email address for planning authorities to use to submit statutory or strategic planning documents for review. This email address is urbangrowth@sydneywater.com.au. The use of this email will help Sydney Water provide advice on planning projects faster, in line with current planning reforms. It will also reduce the amount of printed material being produced. This email should be used for:

- Section 62 consultations under the Environmental Planning and Assessment Act 1979
- consultations where Sydney Water is an adjoining land owner to a proposed development
- Major Project applications under Part 3A of the Environmental Planning and Assessment Act 1979
- consultations and referrals required under any Environmental Planning Instrument
- draft LEPs, SEPPs or other planning controls, such as DCPs
- any proposed development or rezoning within a 400m radius of a Sydney Water Sewage Treatment Plant
- any proposed planning reforms or other general planning or development inquiries

If you require any further information, please contact David Damer of the Urban Growth Branch on 02 8549 5241 or e-mail daviddamer@sydneywater.com.au

Yours sincerely



Austin Miller
Manager Urban Growth Strategy and Planning

The Hills Shire Council



**PLANNING SERVICES - DEVELOPMENT ASSESSMENT
PRE-LODGE MENT ASSESSMENT**

(28 OCTOBER 2009)

APPLICANT: Colston Budd Hunt & Kafes Pty Ltd (Lindsay Hunt)
TELEPHONE: (02) 9411 2411
PROPERTY:. Lot 10 DP 1071664, No. 352 Annangrove Road, Rouse Hill

ZONING: Light Industry 4(b)
SITE AREA: 1.819 Hectares
SUBJECT: Proposed Bulky Goods Retail Development

OFFICERS IN ATTENDANCE:

- Paul Osborne (Manager – Development Assessment Services)
- Gavin Cherry (Development Assessment Coordinator)
- Ben Hawkins (Senior Subdivision Engineer)
- Juliana Naidovski (Health and Environmental Protection Officer)
- Stephen Barnes (Traffic Projects Officer)

ISSUES DISCUSSED:.

PROPOSAL

- Bulky Goods Retail Development comprising 11,810m² of Bulky Goods Retail floor area
- Provision of 416 car parking spaces
- Rear elevated loading dock / driveway access
- Elevated driveway access adjacent to the north eastern boundary
- Shared driveway access with No. 350 Annangrove Road, Rouse Hill
- Diminished landscape setback fronting Annangrove Road with descending driveway access to lower level
- Potential car wash facility at the rear of the site (no detail provided)
- Underfloor car parking proposed with access from Annangrove Road

ENGINEERING / TRAFFIC MANAGEMENT COMMENTS

- All car parking, loading docks and driveway access is required to comply with the Australian Standards - AS2890.1 (2004) and BHDCP Part D, Section 1 – Parking.
- The Traffic and Parking Assessment is required to address the survey demand rate adopted for parking provision and consider neighbouring Bunning's Stores.
- The application is required to nominate the largest service vehicle and design access and turning circles accordingly.
- Concept stormwater plans are to be submitted. It is understood the concept scheme may reflect previous proposal on this site.
- Any stormwater disposal works adjacent to or within the trunk drainage corridor will require concurrence from Sydney Water and the Office of Water or Hawkesbury / Nepean (formerly the Department of Water and Energy).
- Shared driveway access will require owners consent and reciprocal rights of carriageway.
- A longitudinal section drawing is required for the extent of the driveways.
- Water Quality Treatments to be considered and discussed with Sydney Water.
- Once Annangrove Road is upgraded, a median extension and left in / left out restrictions will be imposed.

HEALTH AND ENVIRONMENTAL PROTECTION COMMENTS

- An acoustic report is required to consider the noise of the rear loading dock and general operation of the development. Particular consideration is to be given to noise barrier requirements adjacent to the trunk drainage corridor and residents on the southern side of this corridor.
- Sewer connection is to be investigated with Sydney Water.
- Any proposed food preparation / café / restaurant facilities are to give consideration to NSW Food Safety Standards.
- A contamination report is required to be submitted.

PLANNING COMMENTS

- The proposed development includes landscape setback variations to Annangrove Road, Windsor Road and the North Eastern boundary (5.0m required for an elevated car parking structure). The proposed variations are required to be justified within the Statement of Environmental Effects and ensure sufficient

planting (quantity and pot sizes) is proposed to ameliorate the visual presentation of the encroachments.

- Section drawings through the north eastern boundary are to be submitted to verify the changing grades and extent of finished floor levels above natural ground level, as the driveway ascends towards the rear corner boundary.
- The application will be referred to the Hills Historical Society and Progress Association.
- A Heritage Impact Statement is required to address the impacts of the development (external colours and signage) on the heritage conservation area and neighbouring heritage items.
- Detailed landscape plans are required to be submitted and ensure landscaping within the riparian / trunk drainage corridor is to the satisfaction of the NSW Office of Water / Hawkesbury Nepean.
- The proposed signage is required to comply with BHDGP Part D, Section 2 – Signage. This includes building identification signage and directional signage within the site.
- The Statement of Environmental Effects is required to address the LEP prohibition on bulky goods retailing along classified road. This justification should consider the landscape buffer allotment between Windsor Road and the subject site.
- The Development Application will require nominated integrated referral to the Office of Water and Energy. The application will also require referral to the NSW Rural Fire Service, NSW RTA and NSW Police during the assessment.

PLEASE NOTE THAT THE APPLICATION WILL NOT BE ACCEPTED UNLESS ALL THE REQUIRED INFORMATION IS SUBMITTED.

FURTHER MEETING REQUIRED: **No - Subject to submission of all required information**

| |
|---|
| <p>Please note that it is the responsibility of the applicant to address all issues raised and any further issues that may arise as a result of more detailed information being provided and/or detailed assessment being undertaken.</p> |
|---|

NOTE:

Development Applications presented to the Duty Planner at Customer Service for lodgement will not be accepted after 4PM

Applicants lodging large Development Applications should provide a PDF copy of all documents on disc.

PRELODGE



MANAGER – DEVELOPMENT ASSESSMENT
(28/10/2009)

Required

(Yes ✓ / No -)

- ✓ **Owner's consent** (If Company, then under Company Seal and stating capacity of signatory)
- ✓ **Fee**
- ✓ **PDF Disc copy of all documents (large DA's only)**
- ✓ **Advertised development**
- ✓ **Number of sets of plans (A1)** (Number Required) - 8
Coloured set of plans (Number Required) - Additional 2
A4 set of plans (Number Required) - Nil
Subdivision plans (Number Required) - Nil

Written Statement of Environmental Effects - 10

Issues that should be addressed include:

- | | |
|--|---|
| <ul style="list-style-type: none">• S.79C Heads of Consideration• Detailed description of proposal• Statutory provisions• Zoning LEP (Objectives) | <ul style="list-style-type: none">• BHDCP Part C, Section 9 – Light Industry• BHDCP Part D, Section 1 – Parking• BHDCP Part D, Section 2 – Signage• BHDCP Part D, Section 3 – Landscaping• BHLEP 2005 |
|--|---|

- ✓ **Integrated Referral Required to:** NSW Office of Water
(A cheque for \$250 is required to be submitted with the DA for each approval body)
- ✓ **Schedule of areas** (Floor Space Ratio, landscaped area, on site parking rates etc.)
- ✓ **Studies** (all studies are to be carried out by a suitably qualified person) **(4 Copies of each).**
Traffic Report / Soil Contamination / Economic/Retail Study / Heritage Assessment / Bushfire Report
- ✓ **External Consultation Recommended (prior to lodgement)**
NSW Office of Water and Energy / Sydney Water

- ✓ **Plans**
- ✓ Survey Plan (carried out by a suitably qualified person)
{contours (AHD), vegetation (girth & spread of canopy), existing structures, natural features}
- ✓ stormwater drainage details
- ✓ Shadow diagrams (9am, 12.noon, 3pm on 21 June.)
- ✓ Waste Management Plan
- ✓ Water Supply and Sewage Disposal
- ✓ Cross sections and long sections
- ✓ Natural and finished levels
- ✓ Landscape Plan and fencing details
- ✓ Driveway grades
- ✓ Coloured perspective

NOTE: APPLICATIONS WILL NOT BE ACCEPTED UNLESS ALL THE REQUIRED INFORMATION REQUESTED ABOVE IS SUBMITTED.