

JRPP PLANNING REPORT

| | |
|------------------------|---|
| JRPP NO: | 2010SYW029 |
| DA NO: | 1553/2010/JP |
| APPLICANT: | Capital Corporation Pty Ltd |
| PROPOSAL: | Proposed Multi Storey Mixed Use Commercial Development Including A Restaurant, Commercial Office Floor Area And 106 Serviced Residential Apartments |
| PROPERTY: | Lot 204 DP 816343 No. 22 Brookhollow Avenue, Baulkham Hills |
| LODGEMENT DATE: | 18 May 2010 |
| REPORT BY: | Gavin Cherry Development Assessment Coordinator |
| RECOMMENDATION: | Approval |

BACKGROUND

MANDATORY REQUIREMENTS

| | | | |
|-----------------------|--|----|--|
| Owner: | Capital Corporation Pty Ltd | 1. | <u>LEP 2005</u> – Permissible with consent. |
| Zoning: | Employment 10(a)(Business Park) | 2. | <u>SEPP (Infrastructure) 2007</u> – Complies. |
| Area: | 10,600m ² | 3. | <u>SEPP (Major development) 2005</u> – Complies. |
| Existing Development: | Small Scale Commercial Buildings and Associated Parking. | 4. | <u>BHDCP Part E, Section 14 – Norwest Business Park</u> – Variation proposed – see report. |
| | | 5. | <u>BHDCP Part D, Section 1 – Parking</u> – Potential variation proposed – see report. |
| | | 6. | <u>BHDCP Part D, Section 2 – Signage</u> – Variations proposed – see report. |
| | | 7. | <u>Section 79C (EP&A Act 1979)</u> – Complies. |

SUBMISSIONS

REASONS FOR REFERRAL TO JRPP

| | | | |
|----------------|---------------------------------|----|---|
| 1. Exhibition: | Not Required as per BHLEP 2005. | 1. | Capital Investment Value in excess of \$10 million. |
|----------------|---------------------------------|----|---|

| | | | |
|--------------------------|----------------|--|--|
| 2. Notice Adj Owners: | Yes – 14 days. | | |
| 3. Number Advised: | Fifteen (15). | | |
| 4. Submissions Received: | Three (3). | | |

HISTORY

| | |
|-------------------|--|
| 12/12/2006 | Development Application 411/2007/HA approved for a Commercial Development including a six (6) storey commercial building with seventy three (73) offices, four (4) levels of terraced car parking for 430 cars, café/ restaurant and function room. This proposal has not proceeded. |
| 07/05/2008 | Section 96(2) Modification (411/2007/HA/A) approved for Amendments to an Approved Development. This proposal has not proceeded. |
| 18/05/2010 | Subject Development Application lodged with Council. |
| 21/06/2010 | Letter sent to the applicant requesting amended flooding information, stormwater drainage plans, arborist statement, car parking design, signage calculations, side setback compliance and justification for the proposed front setback variation. |
| 05/07/2010 | Partial information submitted to Council for assessment. The remaining information includes an updated Arborist Statement and Easement Flood Study. |
| 13/07/2010 | Additional Hydraulic Statement submitted to Council. |
| 21/07/2010 | Amended Arborist Statement and Flood Information submitted to Council. |
| 04/08/2010 | Meeting undertaken with the applicant at Council to review previous flood requests. |
| 11/08/2010 | Meeting undertaken with the applicant at Council to review draft amended plans and tree management issues. |
| 11/08/2010 | Amended site survey and cross sections submitted to Council. |
| 25/08/2010 | Amended Tree Section reducing the extent of excavation along the western boundary drawing and additional flooding information submitted to Council. |

PROPOSAL

The Development Application is for the demolition of existing structures and construction of a mixed use development comprising the following:-

- 135m² of Café / Restaurant Gross Floor Area;
- 281m² of Lobby Gross Floor Area;
- 5,033m² of Commercial Gross Floor Area;
- 106 Serviced Residential Apartments;

- 327 Car Parking Spaces with 63 Car Parking Spaces allocated to the Serviced Apartments;
- Advertising Signage; and
- Landscaping Works.

The proposal provides a seven (7) storey building fronting Brookhollow Avenue with a triple deck car park (partially excavated below natural ground level) adjacent to rear adjoining residential properties. The car parking structure is setback 15 metres from the residential interface.

The serviced apartments are intended mainly for business travellers with a 24 hour reception desk. 25 full time employees are proposed with the majority of employees on site between the hours of 8.00am and 2.00pm. The proposed restaurant is intended to operate between 6.00am and 12 midnight, seven (7) days a week and the commercial tenancies are proposed to operate 24 hours a day, seven (7) days a week.

The proposal also includes the provision of a 15 metre wide landscape strip between the excavated car parking structure and southern property boundary. This landscaped interface between the subject site and adjoining residential properties includes a dense mixture of trees and shrubs including, but not limited to, Blueberry Ash, Illawarra Flame Trees, Forest Oak, Photinias, Honey Myrtles and Bottlebrush species as well as supplementary ground covers, boulder retaining walls and the retention of two large existing trees within the rear setback.

The subject site known as Lot 204 DP 816343, No. 22 Brookhollow Avenue, Baulkham Hills within Norwest Business Park and has a total area of 10,600m².

The subject site is zoned Employment 10(a)(Business Park) pursuant to the provisions of Baulkham Hills Local Environmental Plan 2005.

The application was also referred to the NSW Roads and Traffic Authority pursuant to State Environmental Planning Policy (Infrastructure) 2007 and the NSW Police Force. Their comments are also addressed further within this report.

It is also noted that an existing consent was issued on 12/12/2006 for a similar commercial development including a six (6) storey commercial building with seventy three (73) offices, four (4) levels of terraced car parking for 430 cars, café/ restaurant and function room being Development Consent No. 411/2007/HA. Refer to Attachment 4 for comparative details.

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 \$20 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 Baulkham Hills Local Environmental Plan 2005

The proposed mixed use development includes three (3) forms of development on the site. These forms of development include commercial premises, a café and serviced residential apartments.

The proposed commercial component of the development on the ground floor, level 1 and level 2 is most appropriately defined within BHLEP 2005 as a "commercial premises" being:-

"commercial premises means a building or place used as an office or for other business or commercial purposes but, in the Table to clause 13, does not include a building or place elsewhere specifically defined in this clause or a building or place used for a land use elsewhere specifically defined in this clause."

The proposed café component of the development on the ground floor is most appropriately defined within BHLEP 2005 as a "restaurant" being:-

"restaurant means a building or place the principal purpose of which is the provision of food to people for consumption on the premises."

The proposed residential serviced apartments component of the proposed development is most appropriately defined within BHLEP 2005 as a "motel" being:-

"motel means a building or buildings used for the short-term accommodation of travellers, whether or not the building or buildings are also used in the provision of meals to those travellers or the general public."

While it is noted that this definition refers to "short stay accommodation", this classification is considered reasonable to apply to long term corporate leases and the like as the inhabitants of the units are generally not the same people but rather different employees of the respective companies over the course of the lease period. It is noted that this definition was applied to the Crown Plaza Hotel Development already approved and operating within the Business Park at No. 1 Columbia Way, Baulkham Hills.

As a result all three (3) components of the proposed mixed use development are considered permissible development within the Employment 10(a)(Business Park) Zone.

In addition, the following relevant clause within BHLEP 2005 has been considered and addressed below:-

"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*
café 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 ☐artilage and setting of the heritage item or heritage conservation area.*
2. *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 proposed works have been assessed by Council's Heritage Planner and are not considered to have an impact on the heritage item within the Business Park being Bella Vista Farm Park. As the proposed development is located 1.4 kilometres from the Bella Vista Farm Park and is not readily visible from the heritage item (and the associated important natural and built features), the proposed development is considered satisfactory with respect to Clause 39 of BHLEP 2005.

3. Compliance with BHDCP Part E, Section 14 – Norwest Business Park

The proposed development has been assessed against the relevant development standards and objects of Baulkham Hills Development Control Plan as detailed below:-

| BHDCP STANDARD | REQUIRED | PROPOSED | COMPLIANCE |
|-----------------------------|--|---|--|
| Lot Area | <u>10(a) Zone:</u> Min 8,000m ² | 10,600 m ² | Yes |
| Floor Space Ratio / Max GFA | <u>10(a) Zone:</u> 1:1 | 1.05:1 (11,093m ² / 10,600m ²) | No – refer to detailed justification within Section 3.1 below. |
| Site Coverage | Maximum 50% (site coverage excludes uncovered car parking areas and driveways) | 44% including uncovered car parking as per the DCP | Yes |
| Setback – Public Roads | Minimum 20 metres with no parking | 19.272 metres | No – refer to |

| | | | |
|---|--|---|--|
| | forward of the building line | with two (2) parking spaces forward of the building line. | detailed justification within Section 3.2 below. |
| Setbacks – Corner Lots | Minimum 20 metres with no parking forward of the building line to the primary road frontage and 20 metres to the secondary road however parking is permitted to be provided forward of this building line (secondary road frontage) to a minimum setback of 10 metres Building setbacks on corner lots are to be splayed to provide adequate sight lines at road intersections. | N/A | N/A |
| Setbacks – Side and Rear (no residential / rural / open space interfaces) | <u>Building</u> : Min 10 metres <u>Parking</u> : Min 5 metres | 5.0 metres (western boundary for driveway) 5.0 metres (eastern boundary) Building 10.0 metres to west and east | Yes Yes Yes |
| Setbacks – Side and Rear (residential / rural / open space interface) | Minimum 15 metres exclusively for landscaping | 20 metres | Yes |
| Setbacks – Bella Vista Farm Park | Minimum 15 metres exclusively for landscaping to screen view from the farm BUT NOT to obscure significant views available to and from the farm. | N/A | N/A |
| Setback – Riparian Corridor | Merit subject to comments from the NSW Office of Water | N/A | N/A |
| Building Height | RL 116 (AHD) | RL 109.6 | Yes |
| Building Materials | Select materials which minimise environmental impact. External finishes to be consistent with surrounding developments and landscape features. All roof ventilators, exhaust towers and plant equipment is not to be visible from the public domain Any roof structure or external wall south of Norwest Blvd which is visible from Bella Vista Farm Park shall be dark with non reflective muted colour tones. | Impacts minimised. Consistent and satisfactory (except for Heritage's concerns) 2.8m high screen around plant equipment. Light green colour selected – Applicant to address variation. | Yes Yes Yes Yes – refer to Heritage Comments for further assessment detail. |
| Fencing | No fencing other than low ornamental type may be erected. Fencing along rear boundaries adjacent to drainage or open space shall be integrated with the | No fencing proposed in front setback N/A | Yes |

| | | | |
|----------------------|--|--|---|
| | <p>landscaping.</p> <p>All chain wire fencing is to be black or dark green.</p> <p>Pre painted solid metal fencing is not acceptable.</p> <p>Fencing immediately adjacent to Bella Vista Farm Park conservation area shall be simple, low level, rural type timber construction.</p> | <p>N/A</p> <p>N/A</p> <p>N/A</p> | |
| Hours of Operation | 24 hrs, 7 days a week where there is no adverse impacts. Otherwise a maximum of 7.00am to 6.00pm Monday to Saturday with no work on Sunday or public holidays. | <p>24hrs for medina hotel suites, lobby / reception and commercial tenancies.</p> <p>6.00am to 12 Midnight (Monday to Sunday) for the Restaurant / Café.</p> | Yes |
| Loading Docks | <p>Not visible from public domain and must provide buffer landscaping treatments.</p> <p>Loading docks are not to transmit excessive noise.</p> | Not easily visible from public domain (due to the distance from street). | Yes |
| Bicycle Parking | Bicycle: 2 spaces plus 5% of total spaces where development exceeds 4,000m ² being 19 spaces | 17 spaces. | No – to be conditioned to ensure compliance. |
| Energy Efficiency | <p>Min 4 star greenhouse rating</p> <p>Consider orientation of roof pitch, provision of solar panels, insulation, ventilation and orientation.</p> | Insufficient details at DA Stage. Conditioned to comply prior to the issue of the Construction Certificate. | To be conditioned to ensure compliance. |
| Safer by Design | Consider natural surveillance, lighting, landscaping and building design. | Referred to NSW Police. Comments received. | To be conditioned as per Police requirements. |
| Landscaping | <p>Grassed embankments are not to exceed 1:6 slopes with vegetated embankments planted with soil stabilising species at max 1:3 grade.</p> <p>Earth mounding is desirable to mitigate noise impacts.</p> <p>Development south of Norwest Boulevard shall ensure consideration has been given to the Bella Vista Farm Conservation Management Plan.</p> | <p>Amended plans provide a compliant gradient of 1:3.</p> <p>N/A</p> <p>Referred to Heritage for comment. No objection raised to bulk and scale.</p> | Yes |
| Parenting Facilities | Parenting rooms are required for new retail developments or extensions of existing retail developments which exceed 3,000m ² in gross floor area. Refer to Clause 2.4.13 for design considerations. | N/A | N/A |

3.1 Floor Space Ratio Variation

Clause 2.2.3 of Baulkham Hills Development Control Plan Part E, Section 14 – Norwest Business Park provides the following development standard relating to floor space ratio:-

"a) The floor space ratio for development on land zoned Employment Area 10 (a) (Business Park) shall not exceed 1:1."

Clause 2.2.3 of Baulkham Hills Development Control Plan Part E, Section 14 – Norwest Business Park also provides the following objectives regarding floor space ratio:-

"(i) To ensure that the scale and bulk of developments complements the character of the area in accordance with Council's ESD objective 7.

3. To ensure that the bulk and scale of developments does not reduce the amenity of adjacent commercial or residential development."

The applicant has submitted the following justification for the proposed floor space ratio variation. Note that while a SEPP 1 Objection was submitted, the LEP clause referenced within the SEPP 1 Objection does not relate to the subject site. As a result the justification has been considered as a variation to the DCP development standard:-

- The variation is considered to be relatively minor representing a variation of approximately 4.7%;
- The design of the building and site layout has mitigated any appearance of bulk;
- The proposal provides a less bulky appearance to the previously approved development over this site as the proposed development is narrowed which is offset by a minor increase in height;
- No significant overshadowing is created and no detrimental impacts on the privacy of amenity of neighbouring residential properties;
- The proposal will have a reduced traffic impact than the previous approved development;
- The proposed development provides a variety of commercial uses and supporting uses within the Business Park; and
- The proposed is in keeping with the objectives of the zone.

Comments

The proposed variation and the applicants justification has been assessed against the above objectives and the variation is considered satisfactory for the following reasons:-

- The additional gross floor area is contained within a compliant building envelope (excluding the balcony setback encroachment) and provides negligible impacts to neighbouring commercial and residential developments;
- The floor space ratio development standards are designed to limit the intensity of activity on the site associated with the development. As the majority of the development is residential serviced apartments and not commercial gross floor area, the site patronage and intensity is regulated by the number of bedrooms (and beds). This provides a substantially less intense site patronage than a commercial development, with an expectation of 1 person per 25m² of gross floor area;

- The design of the development has considered the context and location of the site and sought to minimise all external impacts such as noise generation, overshadowing and privacy reduction; and
- The proposed variation of 0.05:1 is similar to other developments within the business park with minor floor space ratio variations such as the Sky City Development (18 – 22 Lexington Drive), FKP Stage 2 and 3 Development (24 – 32 Lexington Drive) and Atlas Development (2 – 8 Brookhollow Avenue which is currently under construction).

In this regard, the proposed variation to the maximum allowable floor space ratio is considered satisfactory with respect to BHDCP Part E, Section 14 – Norwest Business Park as the additional gross floor does not adversely impact upon the bulk and scale of the development and its relationship to existing development within the Business Park.

3.2 Front Setback Variation

Clause 2.2.4 of Baulkham Hills Development Control Plan Part E, Section 14 – Norwest Business Park provides the following development standards relating to setbacks:-

"(a) The building setback to all public roads is to be a minimum of 20 metres"

In addition the "Typical Setback Diagram" within Clause 2.2.4 stipulates that no car parking is to be provided within the front setback area.

Clause 2.2.4 of Baulkham Hills Development Control Plan Part E, Section 14 – Norwest Business Park also provides the following objectives regarding setbacks:-

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

The proposed development provides a minor setback encroachment associated with the corner of one (1) balcony as well as the provision of two (2) parking spaces forward of the building line. The applicant has submitted the following justification for the proposed front setback variations:-

- The front setback has been designed to the setback of adjacent developments rather than following the curved alignment of the road;
- This approach has created and improved streetscape and does not create a negative impact on privacy or overshadowing; and
- The front setback zone will be intensely landscaped.

Comments

The proposed variation and the applicants justification has been assessed against the above objectives and the variation is considered satisfactory for the following reasons:-

- The two (2) parking spaces forward of the building line are a disabled parking space and a courier bay and are provided within the front setback for quick and efficient courier and disabled access to the development via a disabled access ramp within the front setback; and
- The proposed encroachment does not compromise the front streetscape treatment as the spaces can be screened from view by the proposed landscaping;
- The proposed balcony protrusion within the front setback is considered a minor variation as the encroachment of 728mm does not compromise ground floor landscaping or the visual presentation of the development within the streetscape;
- The encroachment results from the curved alignment of Brookhollow Avenue and is not considered to warrant further setback / articulation of the development to provide strict compliance.

As a result the proposed variation to the front setback requirements is considered satisfactory with respect to BHDCP Part E, Section 14 – Norwest Business Park.

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

The proposed development has been assessed against the relevant development standards and objectives of Baulkham Hills Development Control Plan as detailed below:-

| DCP STANDARD | PERMISSIBLE / REQUIRED | PROPOSED | COMPLIES |
|--------------|---|------------|---|
| Parking | Ground Floor: "Commercial Premises" & "Restaurant in a commercial building" (including the lobby) – 1 space per 25m ² of GFA being 35.8 spaces associated with 895m ² . | See below | See below |
| | Level 1: "Commercial Premises" – 1 space per 25m ² of GFA being 48.76 spaces associated with 1219m ² . | See below | See below |
| | Level 2: "Commercial Premises" – 1 space per 25m ² of GFA being 61 spaces associated with 1525m ² . | See below | See below |
| | Level 3: "Commercial Premises" – 1 space per 25m ² of GFA being 72.4 spaces associated with 1810m ² . | See below | See below |
| | Level 4 – Level 6: "Hotel / Motel" – 1 space per guest room and 1 space per 2 employees in addition to any restaurant or public bar requirements being 106 spaces (associated with 106 rooms) and 13 spaces (associated with 25 staff on the premises at any one time) resulting in a total of 119 spaces. | See below | See below |
| | TOTAL REQUIRED: 336.96 (337) spaces when the lobby is included within the assessment. Otherwise 327 spaces are required if the lobby is excluded from the calculation. | 327 spaces | No – subject to interpretation of the DCP – refer to detailed justification with Section 4.1 below. |

| | | | |
|--------------------|---|--|------------------------|
| Disabled Parking | Disabled Parking: 2% of required parking being 7 spaces. | 8 spaces | Yes |
| Motorcycle Parking | Motorcycle: 1 space per 50 cars = 6 spaces | 7 spaces | Yes |
| Loading Facilities | <ul style="list-style-type: none"> • 1 for first 1,860m² • 1 for the next 3,720m² • 1 for the next 3,720m² • 1 for each extra 9250m² <p>Being a total of 3 loading docks / bays</p> | <p>1 x courier bay within the front setback.</p> <p>Loading bay / dock adjacent to eastern boundary for truck access</p> <p>Drop off courier zones adjacent to loading dock.</p> | Yes – 3 bays proposed. |
| Set-down Areas | Merit assessment as per the developments needs | 3 set down areas depicted on plans (Ground Floor) | Yes |

4.1 Car Parking Variation

Baulkham Hills Development Control Plan, Part D, Section 1 – Signage provides varied development standards relating to car parking provision for restaurant, commercial and motel occupations as detailed above. The restaurant and commercial parking requirements relate to gross floor area which includes any ground floor lobby area. The motel requirements however do not include a central lobby area and rely upon the capacity of the accommodation provided to dictate parking requirements.

If the ground floor lobby area is included (as would be required for a typical commercial development), the proposed development provides a parking deficit of 10 parking spaces. If the lobby was treated as ancillary to the residential serviced apartments (as is usually the case for a stand alone motel development), then the proposed development provides compliant car parking provision without any surplus.

Given the lobby area provides a dual use service and is not a patron attractor in its own right, it is considered reasonable to apply with motel assessment criteria to the assessment and exclude the ground floor lobby from the car parking calculations. As a result of this assessment methodology, the proposed development provides compliant car parking with respect to the DCP.

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

The proposed development has been assessed against the relevant development standards and objectors of Baulkham Hills Development Control Plan as detailed below:-

| GENERAL SIGNAGE DESIGN REQUIREMENTS | | | | |
|-------------------------------------|----|--|---|------------|
| CONTROL | | PERMISSIBLE | PROPOSED | COMPLIANCE |
| 2.1 | a) | Advertising shall not incorporate flashing lights or animated or moving components. | No flashing or animated parts proposed. | Yes |
| | b) | Signs shall be permanently fixed to the premises. | Fixed to external wall | Yes |
| | c) | Advertising shall not be located or constructed in such a manner as to obstruct any other approved | No obstruction proposed. | Yes |

| | | | | |
|---|----|---|---|--|
| | | sign. | | |
| | 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 obstruction proposed. | Yes |
| | e) | Signs shall not be constructed of canvas, calico or any like material. | No material type signage 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. | 2m (width) x 10m (height) | Yes |
| | g) | Projecting wall signs and flush wall signs shall not extend above the wall to which they are attached. | No extension proposed. | Yes |
| | h) | All proposed signage is to be consistent with the objectives of State Environmental Planning Policy No.64 – Advertising and Signage as specified in clause 3(1)(a) of the SEPP. | See below | See below |
| | i) | Applications for signage must demonstrate how the proposed signage satisfies the assessment criteria specified in Schedule 1 of State Environmental Planning Policy No.64 – Advertising and Signage. | See below | See below |
| | 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. | 5.2 metres from kerb | Yes |
| BUSINESS PARK, LIGHT INDUSTRY ZONE AND CAR SALES YARD SIGNAGE REQUIREMENTS | | | | |
| CONTROL | | PERMISSIBLE | PROPOSED | COMPLIANCE |
| 2.5 & 2.9 | 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:- • 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; | 1 x pylon sign in front setback (2m x 10m). The car park pylon is attached to the wall and is not visible from the public domain. 10m in height | Yes Yes |

| | | | | |
|--|----|---|--|--|
| | | <ul style="list-style-type: none"> The maximum width of the entire structure shall be two (2) metres. The maximum advertising display area within the structure shall be no greater than 12.0m² with maximum advertising dimensions of 1.5 metres in width and 8.0 metres in height. No advertising shall be permissible within the bottom 2.0 metres of the structure. The free-standing pylon 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>2m in width</p> <p>8.2m² advertising area however graphics are 2 metres in width (but only 4.1m in height).</p> <p>No signage within bottom 2 metres.</p> <p>Identifies Medina Apartments only.</p> <p>Within front landscaped setback</p> | <p>Yes</p> <p>No – refer to detailed justification within Section 5.1 below.</p> <p>Yes</p> <p>Yes</p> |
| | b) | <p>Only one (1) free-standing tenancy listing board shall be permissible per parcel of land zoned light industry or Business Park meeting the following requirements:-</p> <ul style="list-style-type: none"> The maximum size of the tenancy listing board shall not exceed 6.0m². The height shall not exceed two (2) metres measured from the existing ground level to the top of the structure and the width of the structure shall not exceed 3 metres; The structure is to be located at the entry to the site and may be incorporated with an area containing mail boxes for individual units; The tenancy listing board shall include the property address and identify the names of the occupant(s) of each unit/suite in the premises, but does not include general advertising of products, goods or services. Colour and font used on the tenancy listing board is to be consistent; and The structure may be erected in the landscaped setback area. | N/A | N/A |
| | c) | <p>The combined sign area of all signs on the facade of a building will be permitted on the basis of 0.5m² of sign per one (1) metre of length of the building façade which addresses the primary frontage of the site.</p> | <p>7.4m² ("Future Tenancy Signage).</p> <p>1.41m² (Medina – at the entry).</p> <p>3.22m² (Future</p> | Yes |

| | | | | |
|--|----|---|---|---|
| | | Maximum signage permitted is 24m ² (associated with 48 metre approximate building facade). | Signage –Building 5 – Stair) Max 12.03m ² Proposed: | |
| | d) | Where the building has more than one (1) frontage, the maximum advertising area for a sign on any side elevation (in addition to signage specified in clause café above) shall not exceed 0.25m ² of sign per one (1) metre of length of the façade of the building. East: Maximum signage permitted is 15.5m ² (associated with 61 metre frontage). West: Maximum signage permitted is 2.75m ² (associated with 11 metre building façade length). | 18m ² (Medina) 4.6m ² ((Medina) | No – 2.5m ² variation – refer to detailed justification within Section 5.2 below. No – 1.85m ² variation – refer to detailed justification within Section 5.2 below. |
| | e) | Where a premises or building contains multiple occupancies, the maximum area of signage allowed on the façade of each occupancy shall be determined on the basis of 0.5m ² per 1 metre of length of façade of the subject unit or suite. | N/A | N/A |
| | h) | Only 1 directional sign per vehicular entry / exit point is permitted and shall be for directional purposes only, located at the entry, max height of 0.6m and max area of 0.5m ² . | N/A | N/A |

ILLUMINATION OF SIGNS

| CONTROL | | PERMISSIBLE | PROPOSED | COMPLIANCE |
|---------|----|---|--|---|
| 2.11 | a) | Any illuminated signage shall not adversely impact upon adjoining properties and shall be designed to ensure that no light spills onto adjoining or adjacent properties. | The business operates 24 hours a day however there is no illuminated signage which faces the adjoining residential properties at the rear. | Yes – Condition of consent recommended to ensure compliance with the relevant Australian Standards. |
| | b) | Any illumination of signage shall be switched off upon the closure of business each day. Should the business operate during normal business hours only, illumination shall be switched off by 9 p.m. daily. | The business operates 24 hours a day however there is no illuminated signage which faces the adjoining residential properties at the rear. | Yes |
| | c) | Illuminated signage is prohibited within Residential zones other than an illuminated cube light to identify health care premises. | Not Applicable. | |
| | d) | Illuminated signs are not to be used on the land upon which a heritage item is located. | No heritage item is located on this site. | |

5.1 Pylon Signage Variation

The proposed pylon sign provides a variation to the following development standards contained within BHDCP Part D, Section 2 – Signage:-

- *The maximum width of advertising signage shall be no more than 1.5 metres*

Comment:-

The proposed pylon sign complies with the objectives of BHDCP Part D Section 2 – Signage as the sign will ensure identification of the commercial development within a design, which is compatible with the proposed design and architectural treatment of the building. The scale of the proposed signage will also be in keeping with the streetscape, as it is located in a landscaped setting and does not present as an obtrusive structure within the streetscape.

While the proposed signage content being 2.0 metres in width represents a variation of 500mm, the proposed sign provides a size and scale which is considered appropriate as it allows for adequate identification of the commercial occupations within a structure which complies with the structural height and width controls for pylon signs within the DCP. As a result the proposed variation to signage width is considered satisfactory with regard to BHDCP Part D Section 2 – Signage

5.2 Signage Area Variation

The proposed development provides a minor variation to the advertising signage development standards within BHDCP Part D, Section 2 – Signage as follows:-

- Eastern Elevation: 2.5m² variation to the secondary elevation signage development standards within the DCP; and
- Western Elevation: 1.85m² variation to the secondary elevation signage development standards within the DCP.

In response to the identified variation, the applicant provided the following justification to support the proposal:-

- The proposed signage fulfills the objectives of the DCP by identifying the uses within the building and provides a sympathetic design and finish which is in proportion to the building;
- The proposed signage is in creating visual interest on the long eastern façade;
- The proposed amount of signage is reasonable for a commercial development within the commercial setting of a business park.

Comments

The proposed variation and the applicants justification has been assessed against the above objectives and the variation is considered as follows:-

- The signage is considered to be in keeping with the bulk and scale of the development.
- The site provides a narrow frontage and due to the curved alignment of the road and orientation of the allotment along Brookhollow Avenue, the eastern and western side elevations provide the greatest opportunity for visual identification of the development.

- The proposed signage on the primary elevation (fronting the street) is less than the maximum signage permitted and therefore provides a recessive element to the architectural treatment of the building;
- The variation on the eastern and western elevations is considered minor and if the wording of 'Medina' was included without the background panel area, the proposed signage would comply with the DCP.

As a result the proposed variation to BHDGP Part D, Section 2 – Signage is considered satisfactory.

6. Compliance with SEPP No. 64 – Advertising Signage

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

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

(a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and

(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1."

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

| Assessment Criteria | Proposal | Compliance |
|--|--|------------|
| 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 commercial developments within the locality. The building is typical of developments within Norwest Business Park and the signage is considered to be consistent in scale with the built form proposed. | 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 park. | Yes |
| Views and vistas Does the proposal obscure or | No – the signage is contained | Yes |

| | | |
|---|--|-----|
| compromise important views? | wholly on the external face of the building or on the pylon signage structure and does not dominate the skyline or reduce the quality of vistas. | |
| Does the proposal dominate the skyline and reduce the quality of vistas? | No – the signage is contained wholly on the external face of the building or on the pylon signage structure. | Yes |
| Does the proposal respect the viewing rights of other advertisers? | No – the signage is contained wholly on the external face of the building or on the pylon signage structure. | 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 the DCP requirements but is compatible with other commercial developments within the LGA. The building is typical of developments within Norwest Business Park and the signage is considered to be in scale with the built form proposed. | Yes |
| Does the proposal contribute to the visual interest of the streetscape, setting or landscape? | The proposed external colours and finishes and signage elements provide visual interest within the streetscape. | Yes |
| Does the proposal reduce clutter by rationalising and simplifying existing advertising? | The proposal does not rationalise signage as the redevelopment provides greater signage than that existing but does provide signage which is sympathetic to the development on which it relates. | Yes |
| Does the proposal protrude above buildings, structures or tree canopies in the area or locality? | No – the signage is contained wholly on the external face of the building or the proposed pylon structure. | 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 typical of other development within Norwest Business Park in terms of bulk and scale and the signage is considered to be in scale with the built form proposed. | Yes |

| | | |
|---|--|--|
| Does the proposal respect important features of the site or building, or both? | The proposal does not detrimentally affect important site features. | Yes |
| Does the proposal show innovation and imagination in its relationship to the site or building, or both? | The proposal does not rationalise as the redevelopment provides greater signage than that existing but does provide signage which is sympathetic to the development on which it relates. | Yes |
| Illumination | | |
| Would illumination result in unacceptable glare? | The signage is recommend to be conditioned to comply with the Australian Standards for outdoor lighting. | Yes |
| Would illumination affect safety for pedestrians, vehicles or aircraft? | The proposed signage illumination is not considered to provide adverse safety impacts. | Yes |
| Would illumination detract from the amenity of any residence or other form of accommodation? | The proposed signage illumination is not considered to provide amenity impacts. | Yes |
| Is the illumination subject to a curfew? | The signage is not subject to a curfew as the Services Apartments operate 24 hours a day however the signage will be conditioned to comply with the Australian Standards for outdoor lighting. | Not Applicable as the development operates 24 hours a day. The signage will be conditioned to comply with the Australian Standards for outdoor lighting. |
| 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 |

7. Assessment of the Bulk and Scale with Respect to Existing Development

A briefing to the Joint Regional Planning Panel on 1 July 2010 requested specific consideration be given to the bulk and scale of the proposed development having

consideration to the bulk and scale of existing adjacent developments surrounding the subject site.

While it is noted that existing development on the subject site and developments at Nos. 18 – 20 and 24 Brookhollow Avenue are between (1) and two (2) storey in nature compared to other developments within the Business Park, these developments are some of the oldest developments within the business park and predate the adoption of revised development standards. These developments whilst being limited to two (2) storeys in height, are systematically being demolished and re-developed in accordance with the revised development standards within the DCP and the envisaged development potential of the business park. This is evident along Lexington Drive with nine (9) new multi storey commercial developments being approved for construction since the year 2000 which include, but are not limited to, the T1 Building (5 Storeys), Sky City (7 Storeys), FKP Stages 2 and 3 (8 Storeys), Versatile Ceramics (6 Storeys) and Eclipse (5 Storeys which is yet to be constructed).

It is also noted that directly opposite the subject site a is a multi storey commercial development at Nos. 1 – 9 Brookhollow Avenue which is effectively five (5) storeys in height. In addition the development at Nos. 2 – 8 Brookhollow Avenue is currently under construction which provides a part 3 and part 7 storey commercial development being only 150 metres to the east of the subject site.

As a result the proposed development and the resulting bulk and scale is not considered to be out of character within the business park, or more specifically the redevelopment works and existing buildings along Brookhollow Avenue.

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

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

(a) (i) Any environmental planning instrument

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

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

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

(iii) any development control plan, and

Satisfactory as detailed within Sections 2 – 5 of this report above.

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

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

(iv) any matters prescribed by the regulations,

Satisfactory.

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

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

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

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

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

The issues raised within the received submissions have been addressed within Section 9 of this report below.

(e) the public interest.

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

9. Issues Raised in Submissions

The subject proposal was notified to adjoining and surrounding properties (15 in total) between 21 May 2010 and 7 June 2010. Three (3) submissions were received during the notification period. The issues raised within the received submissions are addressed below:-

| ISSUE/OBJECTION | COMMENT | OUTCOME |
|---|--|------------------|
| Concern is raised with the overall size and complexity of the development without sufficient consideration of the adjacent residential dwellings. | The proposed development provides a bulk and scale which complies with the height requirements and substantially complies with the setback requirements of the DCP (being a minor front setback variation). The development provides generous setbacks to the rear boundary adjoining existing residential developments and maximising solar access to these properties as the building is located as close as possible to Brookhollow Avenue. The car park structure is also excavated substantially below natural ground level further minimises the visual impact and acoustic impact of the parking area with a 15 metre landscape setback to the residential interface. | Issue addressed. |

| ISSUE/OBJECTION | COMMENT | OUTCOME |
|---|---|---|
| | It is therefore considered that the proposed development adequately addresses the residential interface. | |
| The previous development approved in 2006 was more reasonable and more fitting with the residential / commercial interface. | The previous development is not longer being pursued thereby resulting in the current application. The commercial / residential interface, resulting built form design and amenity considerations are considered to have been satisfactorily addressed as detailed above. | Issue addressed. |
| Why is more commercial office space being proposed when existing commercial space has been vacant for years ?. This is evident at 38 Brookhollow Avenue, Baulkham Hills. | The inclusion of commercial floor space within the development is an option for the applicant to pursue pursuant to Council's Environmental Planning Instruments. The viability of the floor area is also a requirement for the applicant to consider in their design, however as the dominant use of the proposed development is the residential serviced apartments, it is considered reasonable to assume that this use will provide an attraction for small business operators and the like to occupy the premises as a dual use development. | Issue addressed. |
| The proposed development will alter the existing two and three storey presentation along Brookhollow Avenue and is considered excessive in size when compared to adjacent developments. | The issue of existing streetscape presentation and built form comparisons has been addressed within Section 7 of this report and is considered satisfactory. | Issue addressed. Refer to Section 7 of this report for clarification. |
| The car park setback of 15 metres is too close. Concern is raised with light spill, noise, privacy and safety due to the 24 hours operation and the existence of an existing pool within a neighbouring property. | <p>The development complies with the 15 metre setback requirements within the DCP and is considered to provide satisfactory separation as the development could potentially provide a multi storey building at the 15 metre setback line.</p> <p>The car park structure is also excavated substantially below natural ground level further minimising the visual impact and acoustic impact of the parking area with the 15 metre</p> | Issue addressed. |

| ISSUE/OBJECTION | COMMENT | OUTCOME |
|---|--|-------------------------|
| | <p>landscape setback substantially vegetated with the retention of an existing large tree to provide further privacy and acoustic attenuation at the residential interface.</p> <p>The proposal is not considered to provide unsatisfactory impacts on light spill, safety or noise from the 24 hour operation or existing pool due to the proposed separation, fencing and proposed landscape treatments.</p> <p>In addition acoustic assessments have been undertaken confirming that the proposed fencing and car park treatments comply with the acoustic requirements of the EPA's Industrial Noise Policy.</p> | |
| <p>The building (being 33 metres away) is too close.</p> <p>Concern is also raised with open windows and balconies facing our properties, lighting spill from fixtures and inside the residential units, noise from air conditioning units, signage above our fence line.</p> | <p>The development complies with the 15 metre setback requirements within the DCP with the building being setback between 33 and 65 metres from the residential interface with the majority of the development in excess of 60 metres. This setback is considered to provide sufficient separation to ameliorate issues of noise, lighting and privacy loss. In addition the landscaped 15 metre setback between the excavated car parking structure and southern boundary provides a dense mix of tree and shrub plantings to further reduce noise impacts and privacy loss.</p> <p>The serviced residential apartments provide no balconies facing towards the adjacent residential properties.</p> <p>The bedrooms will likely be fitted out with curtains / blinds to ameliorate internal light spill with the only other rooms along this elevation being bathrooms.</p> <p>No air conditioning units are proposed with the current application. Any units if</p> | <p>Issue addressed.</p> |

| ISSUE/OBJECTION | COMMENT | OUTCOME |
|--|---|---|
| | <p>constructed in the future would be required to comply with the EPA's Industrial Noise Policy.</p> <p>The rooms and windows orientated towards the adjacent residential properties are associated with bedrooms and bathrooms and are not considered to provide an adverse privacy loss of amenity impact.</p> <p>There is no signage proposed on the southern elevation of the development.</p> | |
| <p>Will the removed vegetated be replaced to an equal or better standard.</p> | <p>A detailed Landscape Plan, planting Matrix and Planting Cross Sections have been submitted and reviewed by Council's Tree Management Section and are considered satisfactory.</p> <p>The rear landscaping interface retains two existing large trees with mass planting proposed on the proposed 15 metre embankment.</p> | <p>Issue addressed.</p> |
| <p>Instead of a 1.8 metre imperforate screen, we suggest a 3.0 metre timber paling fence be erected along the rear boundary.</p> | <p>The Acoustic Report (Clause 9) confirms that a solid 1.8m imperforate fence is required on the top of the bank (boundary) between the site and Nos. 42, 44 and 48. The report confirms that the fence can be timber palings or 9mm FC sheet or colorbond. A condition of consent is recommended to provide a 1.8m timber paling fence as per these requirements.</p> <p>A 3.0 metre fence is therefore not considered justifiable or reasonable in this instance and would constitute a civil dividing fence matter to be discussed between the applicant and all residents along the interface.</p> | <p>Issue addressed.</p> |
| <p>What would be the scheduled construction days and hours be?</p> | <p>A condition of consent is recommended to limit hours of work to between 7.00am – 5.00pm Monday to Saturday only.</p> | <p>Issue addressed. Refer to recommended conditions of consent.</p> |

| ISSUE/OBJECTION | COMMENT | OUTCOME |
|---|---|--|
| Will there be any financial cost to us what so ever for the proposed site? | The proposed development is not considered to result in any financial costs to neighbouring residents with the exception of any dividing fence issues should a higher fence be pursued between the parties. | Issue addressed. |
| Concern is raised regarding property devaluation resulting from a potential noisy and imposing commercial development. | No evidence has been submitted to substantiate devaluation resulting from the proposed development. | Issue addressed. |
| We would never have purchased if we believed a 7 storey development could be constructed. | The proposed development complies with the DCP height requirements which came into force in 1993 under preceding DCP No. 87 – Norwest Estate. These standards have been publicly available since the gazettal and adoption of this instrument. | Issue addressed. |
| The density of the development is excessive with commercial floor area, restaurant and serviced apartments. The density is way beyond that of a reasonable development. | While there is no density requirements within Norwest Business Park, the proposal does exceed the maximum floor space ratio by 5% however this variation is considered satisfactory as the mixed use development is considered to be less intense than a multi storey commercial development which would include greater employee numbers and higher car parking requirements. Refer to Section 3 of this report for further clarification. | Issue addressed – Refer to Section 3 of this report for further clarification. |
| The noise and air pollution from 300 extra motor vehicles is unsatisfactory. | The proposed car parking is consistent with all other car parking requirements within the Business Park. The proposed 15 metre setback and partially excavated car park structure is considered to satisfactorily mitigate any detrimental acoustic or air pollution issues which may result from the development. | Issue addressed. |
| Concern is raised with respect to additional traffic generated by the development as the road network is already | The Development Application was referred to the NSW RTA's Regional Traffic Advisory Committee and Council's Traffic Management Section and is | Issue addressed. |

| ISSUE/OBJECTION | COMMENT | OUTCOME |
|-----------------|---|---------|
| struggling. | considered satisfactory as detailed within the Traffic Management comments below. | |

ENGINEERING COMMENTS

No objection is raised to the proposed Development Application subject to conditions of consent.

TRAFFIC MANAGEMENT COMMENTS

The application was referred to Council's Principal Traffic and Transport Coordinator who has made the following comments with respect to the proposed works:-

"1. Traffic Impact

Existing Traffic Environment

This application proposes to construct 5,033m² of commercial office space with a 135m² café and 106 serviced apartments all serviced by 327 off street car parking spaces. A traffic report prepared by Gennaoui Consulting has been submitted in support of the application.

Access to the proposed office building on Brookhollow Avenue is proposed via a 6.5m wide combined entry/egress driveway located on the western side of the site. A separate exit only driveway 4.5m wide, 40m to the east is also proposed adjacent to the eastern boundary.

Norwest Boulevard is a classified state-arterial road providing a vital link to the Norwest Business Park between the two State Arterial Roads of Windsor Road and Old Windsor Road. The operational performance of the road network through the Northwest Business Park has been the subject of ongoing assessment to ensure that the significant delays currently experienced particularly during the morning commuter peak periods is minimised. Such measures considered on a long term basis to improve efficiency includes the future replacement of all the roundabouts along Norwest Boulevard including Brookhollow Avenue.

Proposed Development – Traffic Generation

The RTA Guidelines has a typical rate of 2.0 trips/100m² for commercial office space. Applying this rate to the 5033m² of proposed office space development results in a predicted traffic generation of 101 peak hour trips. However the traffic consultant Gennaoui Consulting has carried out extensive traffic surveys of the existing commercial developments in Norwest generally and derived a typical rate of 1.68 trips/100m² for traffic generation of 85 morning peak hour trips for this component of the development.

Applying the RTA traffic generation rate of 5 trips/100m² for the 135m² cafe results in 7 PM peak hour trips. However the consultant contends that as the primary purpose of the café in this instance is ancillary to the office and serviced apartment use a total peak traffic generation of 2 trips is considered more appropriate.

The serviced apartment component assuming 85% occupancy rate and 90% driving with 80% of the trips occurring in 1 hour results in 65 peak hour trips.

On this basis the development as a whole is expected to generate in the vicinity of 152 peak hour trips during the morning peak hour.

The traffic consultants associated with other developments in Brookhollow Avenue have previously analysed the effect additional traffic will have on the adjoining road network. This analysis determined that the existing roundabout at the intersection of Norwest Boulevard and Brookhollow Avenue post development will fall to an unacceptable Level Of Service F during the afternoon peak. Similarly the signalised intersection of Norwest Boulevard and Windsor Road will also be subject to increased delays during the afternoon peak falling from an overall Level of Service E to F.

To reduce the impact any future developments in Brookhollow Avenue will have on both of the above issues Council have previously imposed the following road network improvements to those applications as a condition of consent:-

- 16,715m2 office development 2-8 Brookhollow Ave (285 morning peak hour trips)
 - contribution towards the cost (approx \$65,000) of providing an additional right turn storage lane from Norwest Boulevard into Windsor Road.

The above issue has been discussed with the Roads and Traffic Authority at the Sydney Regional Development Advisory Committee meeting on the 16 June 2010.

Recommendations

Based on the above and when having regard that this proposed development is expected to generate around 152 morning peak hour trips or 53% of the traffic generation of the development at 2-8 Brookhollow Avenue it is deemed appropriate that Council seek a contribution of \$34,450 towards the cost of providing an additional right turn storage lane in Norwest Boulevard at the intersection of Windsor Road."

TREE MANAGEMENT COMMENTS

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

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

The proposed Development Application was referred to Council's Health and Environmental Protection Section to review the environmental impacts of works including the acoustic implications for the car park structure at the rear of the site. No objection is raised to the proposed development subject to conditions of consent including compliance with the recommendations contained within Clause 9 of the submitted Acoustic Report prepared by Acoustic Logic Consultancy and dated 23 April 2010.

WASTE MANAGEMENT COMMENTS

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

HERITAGE COMMENTS

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

Significance

Council's Heritage Inventory Sheet provides the following statement of significance for Bella Vista Farm Conservation Area:

'A complex of farmstead outbuilding set in the 19th century landscape which demonstrates the agricultural enterprises of the Cumberland Plains during the 19th century. Shows evidence of growth and change over its 120 years of use by one self sufficient family. The avenues of pines and early planting along the ridge from a 19th century landmark in the district.'

Assessment

A previous assessment of the development undertaken found that the roof and lime green detailing of the proposed dwelling was not in accordance with The Norwest Business Park Development Control Plan (DCP) clause 2.4 (j) and (k). However, upon further consideration and an additional site inspection the proposed development is expected to have limited visual impact on the heritage significance of Bella Vista Farm Park ("The Park"). The proposed development in terms of colour choice will have limited impact on the views from the heritage site given the following reasons:

- Distance: The proposed development is located 1.3kms from The Park (refer to Figure 4), surrounded by one and two-storey residential dwellings and multi-storey commercial developments, all of which can be easily viewed from The Park (as seen in figure 1).



Figure 1: Dwellings surrounding the subject site as seen from The Park

- Orientation: The orientation of the development is such that much of the green detailing (including the lime green strip) is facing north, away from the sightline of The Park (as seen in Figure 2).



Figure 2: North façade of the proposed building, which orientates away from The Park.

- Vegetation: Proposed landscaping combined with retention of the eucalypt tree (as seen in Figure 3) will act as a visual screen that would block a portion of the development from the view of the heritage item. Much of the bright green detailing that is in question will also be screened by the proposed and existing vegetation.



Figure 3: Zoomed view of subject site area (from The Park) highlighting Eucalypt tree that is to be retained



Figure 4 – Distance between subject site and heritage item

Conclusion

The proposed development of a mixed use multi-storey commercial building is expected to have minimal impact on the heritage item given the reasons of distance, orientation and vegetation. The proposed development is supported."

ROADS & TRAFFIC AUTHORITY COMMENTS

No objection is raised to the proposed development subject to comments and conditions of consent dated 23/06/2010. Refer to Attachment No. 26.

The NSW RTA have requested the imposition of monetary contributions towards infrastructure upgrades within Norwest Boulevard. The required contribution and rationale for its calculation (being less than that depicted within the NSW RTA's comments) is detailed above within the Traffic Management Comments.

NSW POLICE COMMENTS

No objection is raised to the proposed development subject to comments and conditions of consent dated 1 June 2010. Refer to Attachment No. 27. These requirements are summarised below:-

- Secured and restricted stairwell access;
- Swipe card lift access to increase security;
- Provision of a CCTV security system;
- Restricted car park access out of normal business hours; and
- Provision of a lockable safe in each of the serviced apartment suites or similar security provision.

NORWEST ASSOCIATION COMMENTS

No objection is raised to the proposed development subject to conditions of consent detailed within correspondence dated 14 May 2010.

CONCLUSION

The proposed development has been assessed against Section 79C of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No. 64 – Advertising Signage, Local Environmental Plan 2005 and Baulkham Hills Development Control Plan and is considered satisfactory.

The proposed floor space ratio variation is considered satisfactory as the floor space ratio development standard is designed to limit the intensity of activity on the site associated with the development. As the majority of the development is residential serviced apartments and not commercial gross floor area, the site patronage and intensity is regulated by the number of bedrooms (and beds). This provides a substantially less intense site patronage than a commercial development, with an expectation of 1 person per 25m² of gross floor area.

The proposed front setback variation is considered satisfactory as the two (2) parking spaces forward of the building line are a disabled parking space and a courier bay and are provided within the front setback for quick and efficient courier and disabled access to the development via a disabled access ramp within the front setback. The proposed encroachment does not compromise the front streetscape treatment as the spaces can be screened from view by the proposed landscaping. The proposed balcony protrusion within the front setback is considered a minor variation as the encroachment of 728mm does not compromise ground floor landscaping or the visual presentation of the development within the streetscape. The encroachment results from the curved alignment of Brookhollow Avenue and is not considered to warrant further setback / articulation of the development to provide strict compliance.

The proposed car parking variation is considered satisfactory as the variation results from the interpretation of the use of the lobby. If the lobby is treated solely with the motel portion of the development, then the proposed car parking provision is compliant with the DCP. The utilisation of the lobby area for the proposed commercial offices however results in a minor variation which is considered satisfactory as the lobby provides an ancillary function to the commercial premises and motel components of the development and is not an attractor in its own right.

The proposed pylon signage variation is considered satisfactory as the proposed sign provides a size and scale which is considered appropriate as it allows for adequate identification of the commercial occupations within a structure which complies with the structural height and width controls for pylon signs within the DCP. As a result the proposed variation to signage width is considered satisfactory with regard to BHDGP Part D Section 2 – Signage

The proposed building signage variation is considered satisfactory as the front elevation complies with the DCP. The variation on the eastern and western elevations (being the side elevations) is considered minor and if the wording of 'Medina' was included without the background panel area, the proposed signage would comply with the DCP.

The application was placed on public exhibition for fourteen (14) days. The issues raised within the received submissions have been considered and addressed within the body of this report and are not considered sufficient reasons to amend or refuse the Development Application.

As a result the proposed development is considered satisfactory.

IMPACTS:

Financial

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

Hills 2026

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

RECOMMENDATION

The application be approved subject to conditions of consent.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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.

REFERENCED PLANS AND DOCUMENTS

| DRAWING NO. | DESCRIPTION | REVISION | DATE |
|-------------|---------------------------------|----------|------------|
| DA001 | Cover Sheet | D | 20/08/2010 |
| DA002 | Site Analysis / Site Demolition | A | 29/04/2010 |
| DA010 | Site Plan | C | 20/08/2010 |
| DA110 | Ground Floor Plan | C | 24/06/2010 |
| DA111 | Level 1 | D | 24/06/2010 |
| DA112 | Level 2 – Tenancy | C | 24/06/2010 |
| DA113 | Level 3 – Tenancy | A | 29/04/2010 |
| DA114 | Level 4 | A | 29/04/2010 |
| DA115 | Level 5 | A | 29/04/2010 |
| DA116 | Level 6 | A | 29/04/2010 |
| DA117 | Level 7 Plan | A | 29/04/2010 |
| DA150 | Car Park Ground | C | 24/06/2010 |
| DA151 | Car Park Mezzanine | C | 24/06/2010 |
| DA152 | Car Park Roof Level | C | 24/06/2010 |
| DA200 | Elevations North and East | A | 29/04/2010 |
| DA201 | Elevations south and West | A | 29/04/2010 |
| DA300 | Sections | A | 29/04/2010 |
| DA301 | Sections | A | 29/04/2010 |
| DA302 | Traffic Sections | B | 05/08/2010 |
| DA303 | Landscape Sections | A | 24/06/2010 |
| DA304 | Various Sections | B | 20/08/2010 |

| | | | |
|---------|--------------------------------------|---|------------|
| DA305 | Driveway / Footpath Sections | A | 06/09/2010 |
| DA500 | Perspectives | A | 29/04/2010 |
| DA501 | Perspectives 2 | A | 29/04/2010 |
| DA502 | Perspectives 3 | A | 29/04/2010 |
| DA503 | Photomontage | A | 29/04/2010 |
| DA600 | Signage | B | 24/06/2010 |
| DA700 | Detail – Parking Plan | - | 20/08/2010 |
| LDA-001 | Ground Floor Landscape Concept Plan | C | 23/06/2010 |
| LDA-002 | Landscape Statement and Sections | C | 23/06/2010 |
| LDA-003 | Levels 1 & 2 Landscape Concept Plans | B | 06/05/2010 |
| LDA-004 | Landscape Plan | D | 24/08/2010 |
| LDA-005 | Landscape Plan and Details | D | 24/08/2010 |
| LDA-006 | Landscape Levels 1 & 2 | B | 24/08/2010 |
| - | Schedule of Finishes Board | - | - |

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. External Finishes

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

3. Tree Removal

Approval is granted for the removal of thirteen (13) trees as shown on Landscape Plan Drawing No's LDA-004 & LDA-005 Issue D prepared by Scape and dated August 2010.

All other trees are to remain and are to be protected during all works.

4. Compliance with NSW RTA Requirements

Compliance with the requirements of the NSW Roads and Traffic Authority (RTA) attached to this consent and dated 23/06/2010 with the exclusion of Point 1.

5. Compliance with NSW Police Requirements

Compliance with the requirements of the NSW Police attached to this consent and dated 1 June 2010. These requirements relate to the following:-

- Secured and restricted stairwell access;
- Swipe card lift access to increase security;
- Provision of a CCTV security system;
- Restricted car park access out of normal business hours; and
- Provision of a lockable safe in each of the serviced apartment suites or similar security provision.

6. Compliance with Norwest Association Requirements

Compliance with the requirements of Norwest Association attached to this consent and dated 14 May 2010 with the exception of the plan revision numbers detailed within Point 1.

7. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers to be planted at 5/m².

8. Property Numbering for Integrated Housing, Multi Unit Housing, Commercial Developments and Industrial Developments

The responsibility for property numbering is vested solely in Council.

The property address for this development is:- **22 Brookhollow Avenue Baulkham Hills**

Unit numbering is as per Plan Numbers 110 – 116, prepared by Scott Carver Pty Ltd dated 20th May 2010

Please refer to approved numbering correspondence and plan. These unit numbers, as issued, are to be displayed clearly on all unit door entrances.

Clear and accurate external directional signage is to be erected on site at driveway entry points and on buildings. Unit numbering signage is also required on stairway access doors and lobby entry doors. It is essential that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination with ease and speed, in the event of an emergency.

9. Provision of Parking Spaces

The development is required to be provided with 327 off-street car parking spaces including 8 disabled parking spaces. In addition 19 bicycle parking spaces and 7 motorcycle parking spaces are to be provided. All parking spaces shall be available for off street parking at all times.

10. Australia Post Mail Box Requirements

Australia post requires there be one (1) single group of cluster mail boxes. Should more than one (1) cluster be required, contact Australia Post for their approval. The number of mail boxes be provided is to be equal to the number of units plus one (1) for the proprietors. Mail boxes are to have a minimum internal dimension of 230mm wide x 160mm High x 330mm long and are to be provided with an opening of 230mm x 30mm for the reception of mail.

11. Separate Development Application for Occupations

A separate development application is required for the occupation of the approved commercial tenancies and cafe. This application is required to provide assessment against:

- Local Environmental Plan 2005; and
- Baulkham Hills Development Control Plan.

The above assessment should specifically address the following:

- Proposed use and its Permissibility
- Hours of Operation
- Delivery Details
- Staff Numbers
- Signage, and
- Parking Provision

12. 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.

13. Protection of Public Infrastructure

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

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

Any damage to public infrastructure caused during construction shall be made good prior to the issue of an occupation or subdivision certificate.

14. 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).

15. 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.

16. 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.

17. Vehicular Access and Parking

The formation, surfacing and drainage of all vehicular access and parking areas is required. The design and construction of all vehicular access and parking areas must comply with:

- a) AS/ NZS 2890.1:2004 – Parking facilities – Part 1: Off-street car parking
- b) AS 2890.2:2002 – Parking facilities – Part 2: Off-street commercial vehicle facilities
- c) AS 2890.6:2009 – Parking facilities – Part 6: Off-street parking for people with disabilities
- d) BHDGP Part D Section 1 – Parking

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

The following must be provided:

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

18. Engineering Works – Detailed Design and Construction Approval

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

- a) Works on existing public roads or reserves and any land under the care and control of Council require an Engineering Construction Certificate (ECC) in accordance with the Roads Act 1993 and/ or the Local Government Act 1993. This includes the construction of new roads which are to be dedicated as public road.

NOTE: An ECC can only be issued by Council.

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

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

NOTE: A Design Compliance Certificate (DCC) certifying the detailed design of the OSD system can be issued by Council.

For Council to issue either a ECC and/ or a DCC 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(s); and
- v. Payment of a suitable bond for any required security bonds.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. Protection of Internal Noise Levels (Residential Unit/Townhouse/Villa Development)

An acoustic statement is required to be submitted prior to the issue of the Construction Certificate ensuring the following is achieved:

- a. The L_{10} (20 minute) internal noise level with windows and external façade doors closed shall not be greater than 40 dB(A).
- b. The L_{10} (20 minute) internal noise level, with windows and external façade doors normally open, shall be less than 50 dB(A)

The requirements of (b) may be equally satisfied by the alternative provision of either a mechanical or natural ventilation system or a special acoustic design solution as approved by Council.

27. Sound Level Output

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the closest neighbour's boundary.

28. Construction Noise

Upon receipt of a justified complaint in relation to noise pollution emanating from rock breaking as part of the excavation and construction processes, rock breaking will be restricted to between the hours of 9am to 3pm, Monday to Friday.

Details of noise mitigation measures and likely duration of the activity, will also be required to be submitted to Council seven (7) days of receiving notice from Council.

29. 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.

30. 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.

31. Noise to Surrounding Area

There shall be no amplified music or speakers external to the building.

32. Garbage Storage – Odour Control

A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined by the Protection of the Environmental Operations Act, 1997.

33. 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 a designated waste storage area. Arrangement 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 storage room/area

The waste storage area must be:

- i). provided with a hose tap connected to the water supply;

- ii). paved with impervious floor materials;
- iii). graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
- iv). adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
- v). fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

34. Stormwater Treatment-Car parks

The car parking area(s) must drain to a stormwater treatment device capable of removing litter, oil, grease and sediment prior to discharge to the stormwater system. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the *Protection of the Environment Operations Act 1997*.

35. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Consultancy, referenced as 2010403/1404A/R2/GW, dated 23 April 2010 and submitted as part of the Development Application are to be implemented as part of this approval. In particular: a solid impermeate screen is required on the southern boundary of the project site, built from the top of the embankment level extending up to 1.8m in height for properties 42, 44 and 48 Fairmont Avenue. The solid impermeate screen can be constructed from timber paling fence or 9mm FC sheet or colourbond or equal.

36. 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.

37. Imported 'Waste Derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); or
- any other waste-derived material the subject of a resource recovery exemption under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

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

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

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

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

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

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

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

See Clause 3B of the Regulation for exemptions.

38. Dust Control

The following measures must be taken to control the emission of dust:

- dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work;
- all dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system;
- all stockpiles of materials that are likely to generate dust must be kept damp or covered.

39. Restricted Operation of Serviced Apartments

All of the serviced suites subject to this application shall be used and occupied in the following manner:

- (a) The serviced suites are to be used for temporary accommodation only, and are not to be occupied on a permanent basis as an apartment building. All occupancy times for any one period shall vary from one day to a maximum period of (90) ninety days without exception; and
- (b) The owners of the serviced suites, however may occupy any suite within the complex as a normal customer (ie. for a maximum period of 90 days).

40. Cooling Tower Access for Maintenance

Easy and safe access for cleaning, inspection and maintenance shall be available to the cooling towers and all other plant and equipment.

41. Cooling Tower Location

Cooling Towers shall be located so as to –

- a) Discharge exhaust away from occupied areas, pedestrian thoroughfares, are intakes (including lift vents), building openings and trafficable areas; and
- a) Avoid contamination by the exhaust discharges from air handling systems, such as kitchen exhaust effluent or other cooling towers.

Cooling tower enclosures shall not interfere with the required airflow through the tower nor result in the recirculation of discharge air.

42. Design and Orientation of Cooling Towers

The design, orientation and placement of cooling towers shall be such that direct sunlight is excluded from the wetted areas of the cooling towers.

43. Noise Minimisation Signs

Signs reminding staff and visitors to minimise noise at night shall be installed at entry and exit points from the car park.

44. Carpark Surface Finish

The paving conditions of the car park shall be sufficiently smooth and level to ensure minimal vertical displacement and potential for noise generated by wheels to concrete impacts, and floor grating impacts. The surface of the car park should be covered with a surface coating that does not promote squealing of car tyres.

45. Drainage and Access Grates within Trafficable Paths

Drainage and access grates within vehicle trafficable paths are to be finished flush with the car park grade and are to be mechanically fixed in place.

46. Widening Drainage Easement - Overland Flowpath

Creation of suitable drainage easement minimum of 5m wide along the eastern boundary, i.e to widen the existing easement of 2m wide in accordance with Council's standards, in favour of Council over the subject title of the development site, in order to provide unobstructed flood flow path.

The submission to Council for endorsement of all necessary documentation (either a Request document / plan or Section 88B instrument and plan) together with the relevant endorsement fee prescribed in Council's Schedule of Fees and Charges.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

47. Landscape Bond

To ensure the public amenity of the streetscape a landscape bond in the amount of \$50,000.00 is to be lodged with Council prior to the issue of the Construction Certificate. It shall be refunded 6 months following the issue of the Final Occupation Certificate and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team, that the works have been carried out in accordance with the approved landscape plan.

48. 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.

49. Basement Car Park and Subsurface Drainage

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

- a) A holding tank sized to store the run-off from a 1:100 year ARI (12 hour) storm event;
- b) A two pump (alternating) system capable of emptying the holding tank at the lowest of either the Permissible Site Discharge (PSD) rate or the rate of inflow for a 1:5 year ARI (5 hour) storm event;
- c) An alarm system to alert a pump failure;
- d) 100.0mm freeboard to all nearby parking spaces;
- e) The system must be connected to the Onsite Stormwater Detention (OSD) system before being discharged to the street (under gravity).

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

50. 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 \$45,000 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 plus an additional 50 metres on either side and the road width from the back of kerb on both sides, or \$10,000.00 (whichever is the greater).

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

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

51. Security Bond – External Works

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

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

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

52. Bank Guarantee(s)

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

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a suitable cover letter that refers to Development Consent No. DA 1553/2010/JP;
- c) Specifically reference the item(s) and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

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

53. 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) THSC Design Guidelines Subdivisions/ Developments (January 2010)
- b) THSC Works Specifications Subdivisions/ Developments (November 2010)

Any variance from the above require separate approval from Council.

The works listed below require either an Engineering Construction Certificate (ECC) and/ or design certification from either Council or an Accredited Certifier as outlined elsewhere in this consent. The following engineering works are required:

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 footpath crossing shall be a minimum of 6m wide at the boundary splayed to a minimum of 8 m wide at the kerb.

iii. Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the Brookhollow footpath verge fronting the development site to ensure a gradient between 2% and 4% (falling from the boundary to the top of kerb) is provided. This work must include:

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

iv. OSD Norwest Business Park

Onsite Stormwater Detention (OSD) is required to be provided to maintain predevelopment stormwater flows up to the 1 in 100 year ARI storm event where the total impervious (hardstand) area exceeds 60% of the overall site area.

v. Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

vi. Driveway Stormwater Runoff

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

vii. Stormwater Quality Control Device

Provision of a stormwater quality control interception pit to treat and control stormwater discharge prior to discharge to the downstream stormwater drainage system. A maintenance schedule must be submitted with the engineering plans.

viii. Flooding

In order to ensure the proposed development does not have adverse impact on the existing flood behaviour and provision of adequate flood protection to the development based on best engineering practices of floodplain management and infrastructure assets, the construction of the overland flow path and associated retaining wall, landscape and earth works located along the eastern boundary shall be generally in accordance with the plans 'Driveway/ Footpath Sections' Drawing DA 305 Issue A dated 06/09/2010.

Note: Construction of all walls provided to limit the extent of overland flows with an impervious membrane so as to prevent the ingress of overland flow and groundwater to the development and to be designed to withstand the flood flow velocity up to the 1 in 100 year ARI design storm. In this regard, a structural certification is to be provided with the Construction Certificate Application.

54. 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.

55. 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 stages of the development must be submitted to and

approved by Council. The Plan shall address the following during the demolition and construction stage;

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

The Western Sydney Recycling Directory is available to assist the applicant in selecting appropriate contractors and facilities. The Directory may be obtained from Council's website www.thehills.nsw.gov.au or by contacting Council's Waste Management Project Officer on 9762 1112.

56. Traffic Management Contribution

In accordance with the applicant's emailed dated 18 August 2010, a cash contribution to the sum of \$34,450 in restricted reserve is to be submitted to Council prior to the issue of the Construction Certificate for construction in the future works program.

The cash contribution is to be reimbursed to the applicant if the required works, detailed within the NSW RTA's correspondence dated 23 June 2010, have not been undertaken within five (5) years from the date of this consent.

57. Energy Efficiency Requirements

The development is required to comply with Clause 2.4.5 of BHDCP Part E, Section 14 – Norwest Business Park. Details are required to be submitted to the certifying authority demonstrating that the development achieves a minimum 4 star building greenhouse rating in respect to energy efficiency.

58. Construction and Fit-out of Food Premises

Detailed floor plans, sections and elevations including and specifications for the construction of the food premises are to be submitted with the Construction Certificate.

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, Food Act 2003 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 65 46 46 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

PRIOR TO WORK COMMENCING ON THE SITE

59. Protection of Existing Trees

To ensure the treed environment of the Shire all trees to be retained are to be protected in accordance with measures outlined in Arboricultural Impact Assessment prepared by Urban Tree Management and dated 9 July 2010 and must conform with AS4970-2009 Protection of trees on development sites.

60. 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.

61. Pre-Construction Public Infrastructure Dilapidation Report

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

Designated construction access and delivery routes; and

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

62. 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.

63. 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.

64. Principal Certifying Authority

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

65. 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.

66. 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).

67. Builder and PCA Details Required

Notification in writing of the builder’s name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with the Regulations.

68. Erosion and Sedimentation Controls – Major Works

Erosion and sedimentation control devices are to be provided in accordance with Council’s “Works Specification - Subdivisions/Developments” (August 1997). All devices are to be established prior to the commencement of engineering works and maintained for a minimum period of six (6) months after the completion of all works. Periodic maintenance

of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

On completion of works all land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

69. Site Water Management Plan

A Site Water Management Plan is to be submitted to Council for approval. The plan is required to be site specific and be in accordance with "Managing Urban Stormwater - Soils and Construction" (The Blue Book) produced by the NSW Department of Housing.

70. Erosion & Sediment Control Plan Kept on Site

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and made available to Council officers on request.

DURING CONSTRUCTION

71. Standard of Works

All work shall be completed in accordance with the development consent and THSC Works Specification for 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.

72. 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.

73. Survey Report

Survey Certificate to be submitted to the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

74. 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.

75. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

76. Proposed Mechanical Plant Details

Details shall be submitted to Council on the proposed mechanical plant to be installed at the project site. The details are to be accompanied by an acoustical assessment of the potential cumulative noise impacts of the mechanical plant on surrounding receivers, and details on the ameliorative measures that may be required to achieve noise objectives.

PRIOR TO ISSUE OF A OCCUPATION CERTIFICATE

77. Landscaping Prior to Issue of Occupation Certificate

The landscaping of the site being carried out prior to issue of the Occupation Certificate (within each stage if applicable) in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with BHDCP Part D, Section 3 – Landscaping.

78. 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.

79. Provision of Electricity Services

Submission of a compliance certificate from the relevant provider confirming satisfactory arrangements have been made for the provision of electricity services (including undergrounding of services where appropriate).

80. Provision of Telecommunications Services

The submission of a compliance certificate from the relevant telecommunications provider, authorised under the Telecommunications Act confirming satisfactory arrangements have been made for the provision of, or relocation of, telecommunication services including telecommunications cables and associated infrastructure. This includes undergrounding of aerial telecommunications lines and cables where required by the relevant telecommunications carrier.

81. 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.

82. Pump Out System Certification

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

83. 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 BHSC Design Guidelines for Subdivisions/ Developments (June 1997) 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).

84. OSD and Rainwater Reuse System Certification

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

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

- a) Works As Executed (WAE) plans prepared on a copy of the approved plans;

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

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

85. Creation and Registration of Restrictions and Positive Covenants

a) Creation of Restrictions and Positive Covenants

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

i. Restriction – OSD & Rainwater Reuse Modification

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

ii. Positive Covenant – OSD & Rainwater Reuse Maintenance

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

iii. Positive Covenant – Stormwater Pump Maintenance

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

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

b) Registration of Request Documents

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

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

86. 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.

87. Regulated Systems

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- a) The Building Code of Australia,
- b) AS 1668 Part 1 & 2 – 1991,
- c) The Public Health Act – 1991
- d) Public Health (Microbial Control) Regulation 2000,
- e) Work Cover Authority,

- f) AS 3666 –1989 Air Handling and water system of building microbial control
Part 1 - Design installation and commissioning
Part 2 - Operation and maintenance
Part 3 - Performance based maintenance of cooling water systems.

An application to register any regulated system installed must be made to Council prior to commissioning.

88. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components used and certify to Council as to their correct installation and that the required criteria's have been met.

89. 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.

90. Inspection of Bin Bay Storage Area(s)

Inspection of the bin bay storage area(s) is to be undertaken by Council's Waste Management Project Officer to ensure compliance with Council's design specifications.

91. Registration of Drainage Easement

Submission to Council of suitable documentary evidence that indicates the creation of easement required by this consent has been registered with the NSW Land and Property Information (NSW LPI).

THE USE OF THE SITE

92. Hours of Operation

The hours of operation being restricted to the following: -

- Serviced Apartments: 24 hours a day (Monday to Sunday);
- Restaurant / Café: Between 6.00am and 12 midnight (Monday to Sunday); and
- Commercial Premises: 24 hours a day (Monday to Sunday)

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

93. Grease Trap (Food Premises)

Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water. The proprietor/owner shall contact the Trade Waste Office of Sydney Water so as to ensure that the sewerage pre-treatment system installed is appropriate for the proposed use of the premises.

94. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 The Control of Obtrusive Effects of Outdoor Lighting* with no illuminated signage permitted to face or adversely illuminate the southern adjoining residential properties.

95. Final Acoustic Report

Within three months from the issue of an occupation certificate, an acoustical assessment is to be carried out by an appropriately qualified person, in accordance with the EPA's (DECC) Industrial Noise Policy and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that the use of the does not give rise to

“offensive noise” as defined under the provision of the Protection of the Environment Operation Act 1997.

96. Hours of operation of the loading dock

Delivery of goods shall be restricted to the following times;

Monday to Saturday – 7.00am to 8.00pm

Sunday and public holidays – 8.00am – 8.00pm

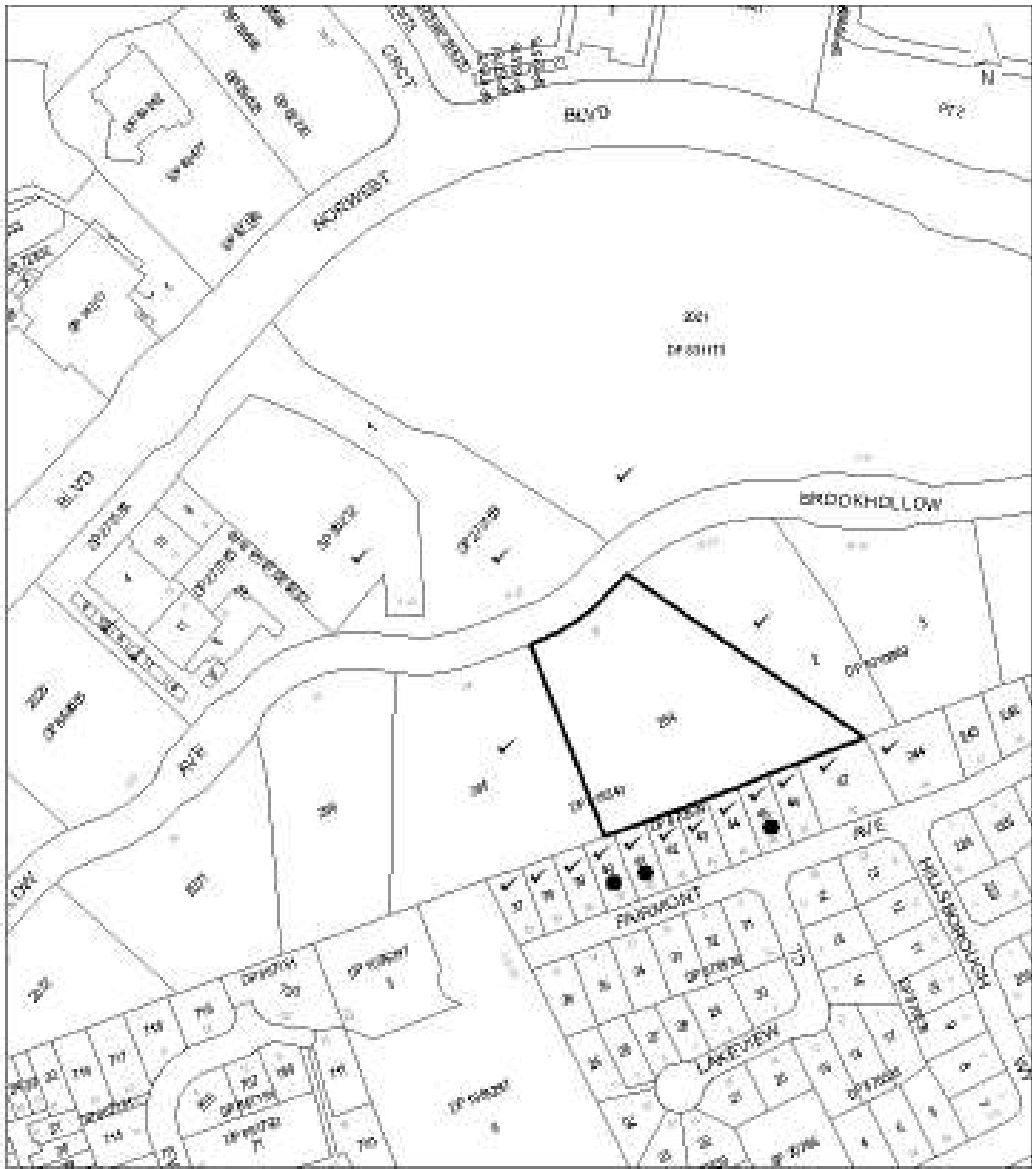
97. Offensive Noise - Acoustic Report

The proposed use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties. Should an offensive noise complaint be received and verified by Council an acoustic assessment is to be undertaken (by an accredited Acoustic Engineer), and an acoustic report is to be submitted to Council for review of the reports recommendations. Any noise attenuation recommendations must be implemented.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Site Analysis / Site Demolition Plan
4. Site Plan
5. Original DA Comparison
6. Ground Floor Plan
7. Level 1 Plan
8. Level 2 Plan
9. Level 3 Plan
10. Level 4 Plan
11. Level 5 Plan
12. Level 6 Plan
13. Level 7 Plan
14. Car Park Ground
15. Car Park Mezzanine
16. Car Park Roof Level
17. Elevations
18. Sections
19. Proposed Signage
20. Shadow Diagrams
21. Concept Landscape Plan
22. Landscape Plan Sections
23. Detailed Landscape Plans
24. Traffic / Driveway Sections
25. Tree Retention Sections
26. Colour Perspectives
27. Norwest Association Comments
28. NSW RTA Comments
29. NSW Police Service Comments

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSION RECEIVED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL, 80 DO NOT GUARANTEE OR WARRANT THE ACCURACY OR RELIABILITY OF THE
INFORMATION PROVIDED BY OR FOR THE HILLS SHIRE COUNCIL OR ITS OFFICERS OR AGENTS.
THE HILLS SHIRE COUNCIL, 80 DO NOT GUARANTEE OR WARRANT THE ACCURACY OR RELIABILITY OF THE
INFORMATION PROVIDED BY OR FOR THE HILLS SHIRE COUNCIL OR ITS OFFICERS OR AGENTS.

ATTACHMENT 2 – AERIAL PHOTOGRAPH

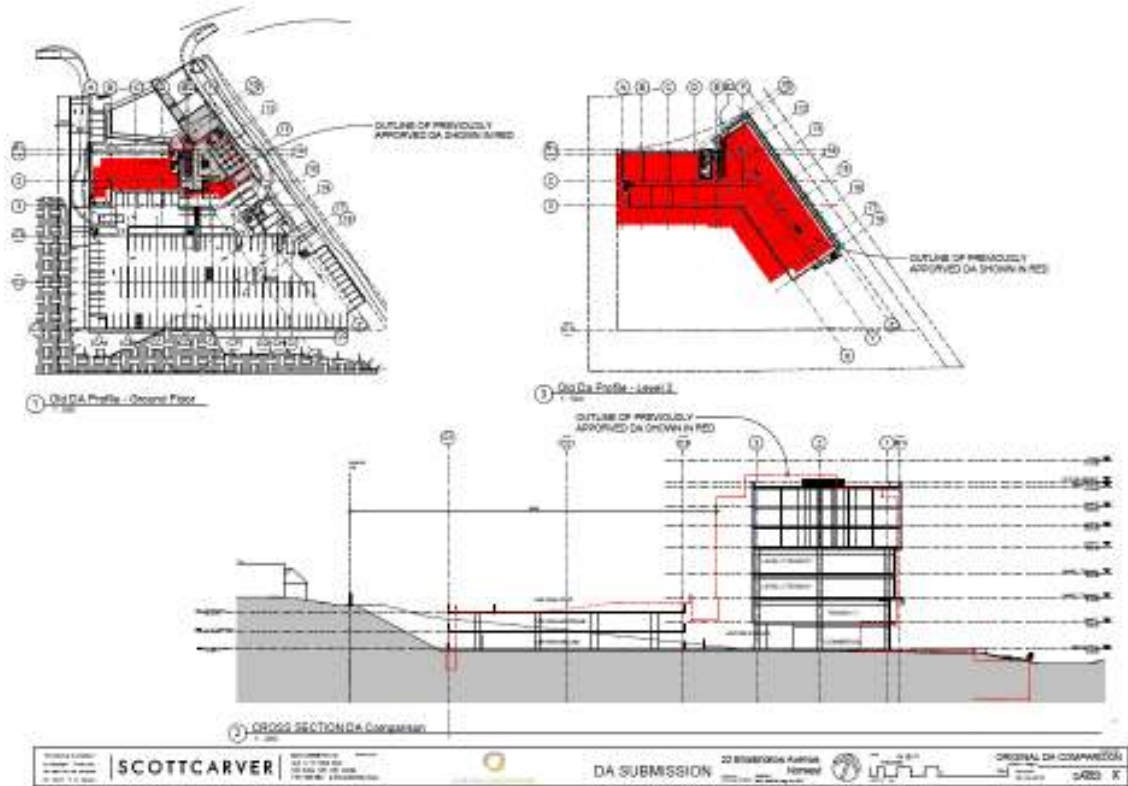


ATTACHMENT 3 – SITE ANALYSIS / DEMOLITION PLAN

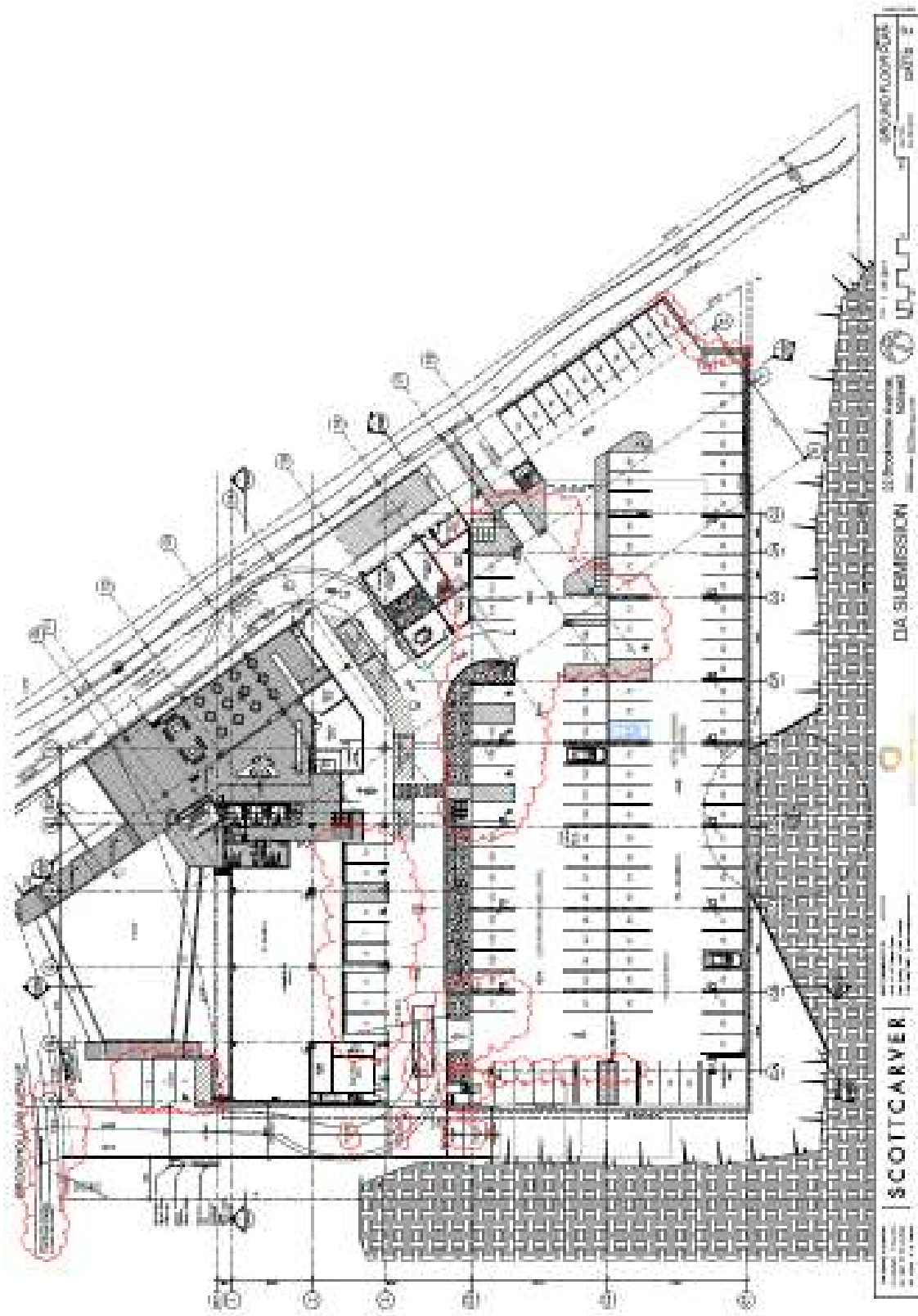


The site plan illustrates the proposed development at Brookhollow Avenue. It features a large rectangular building footprint with an adjacent parking lot. The plan also shows the layout of surrounding streets, including Brookhollow Avenue and the proposed development area. Key features include the building footprint, parking lot, and surrounding infrastructure.

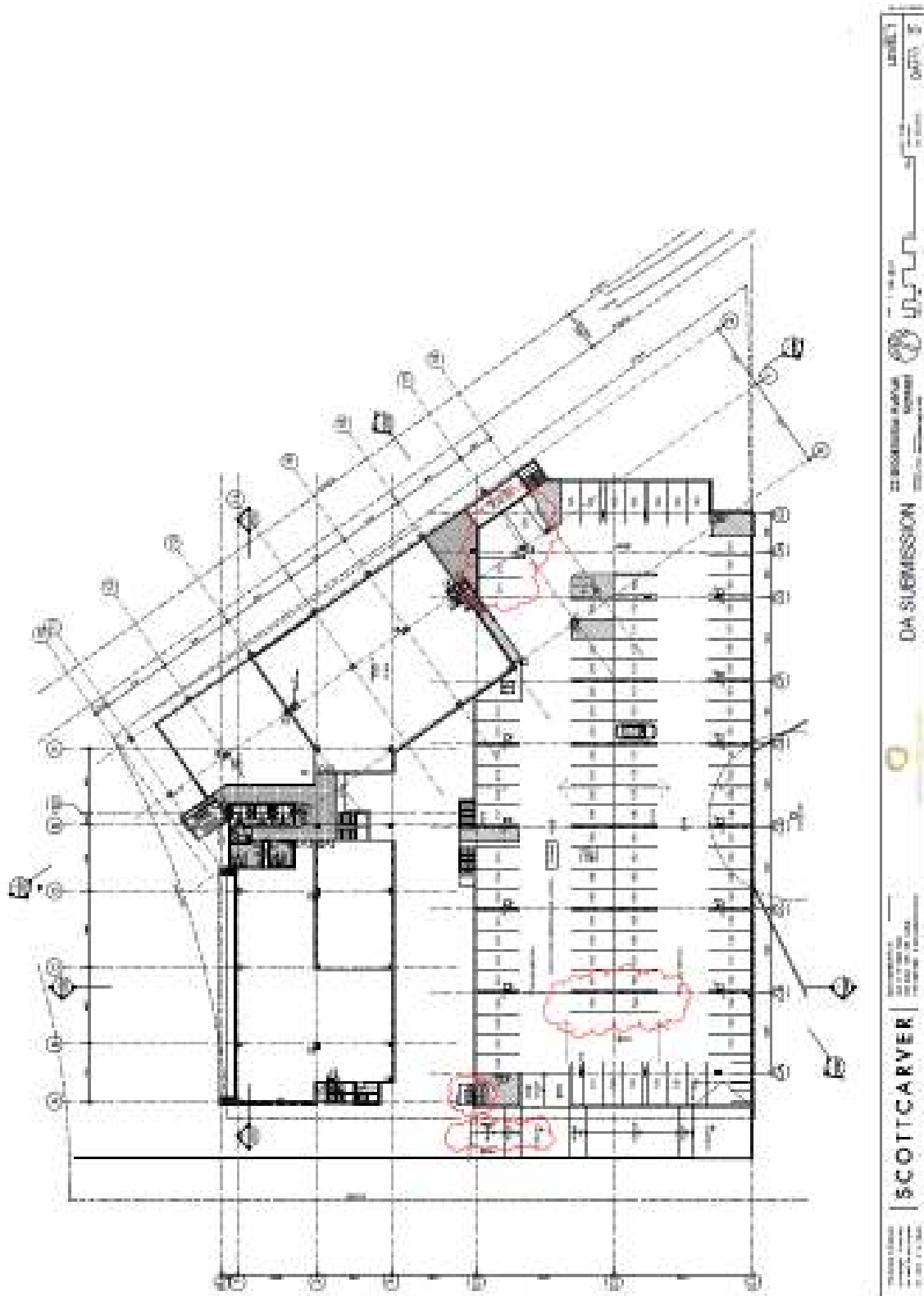
ATTACHMENT 5 – COMPARITIVE PLAN OF PREVIOUS APPROVAL



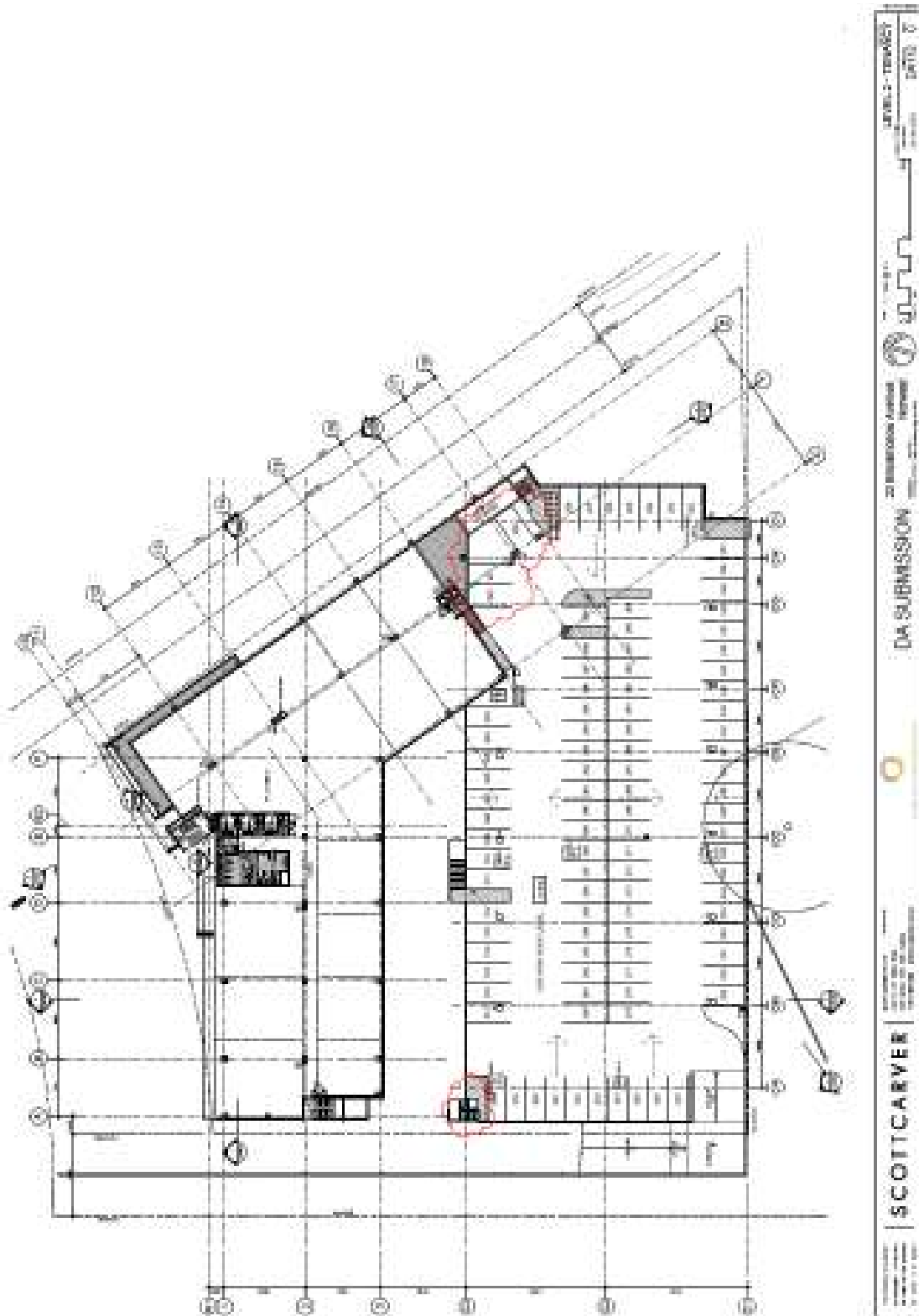
ATTACHMENT 6 – GROUND FLOOR PLAN



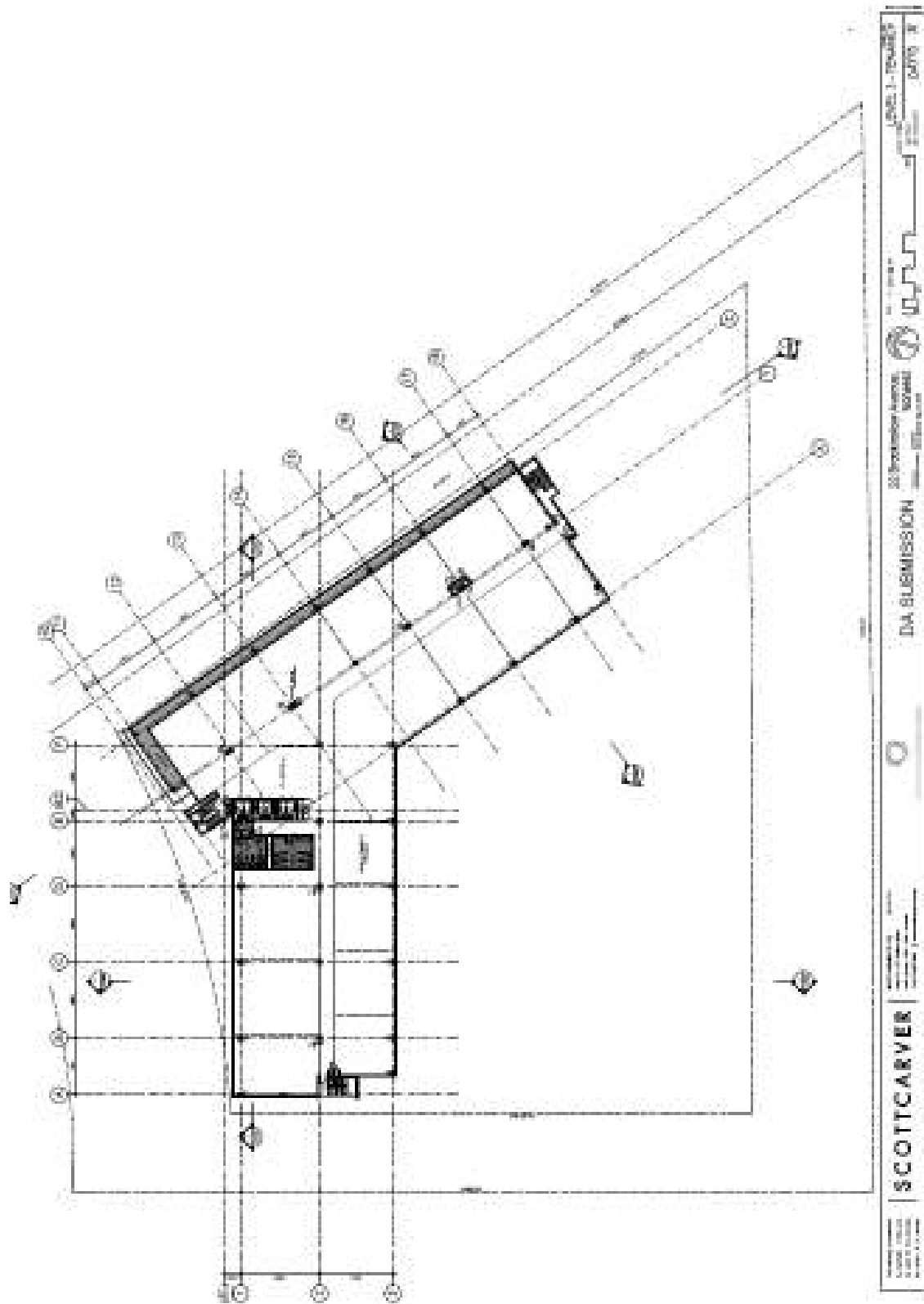
ATTACHMENT 7 – LEVEL 1 PLAN



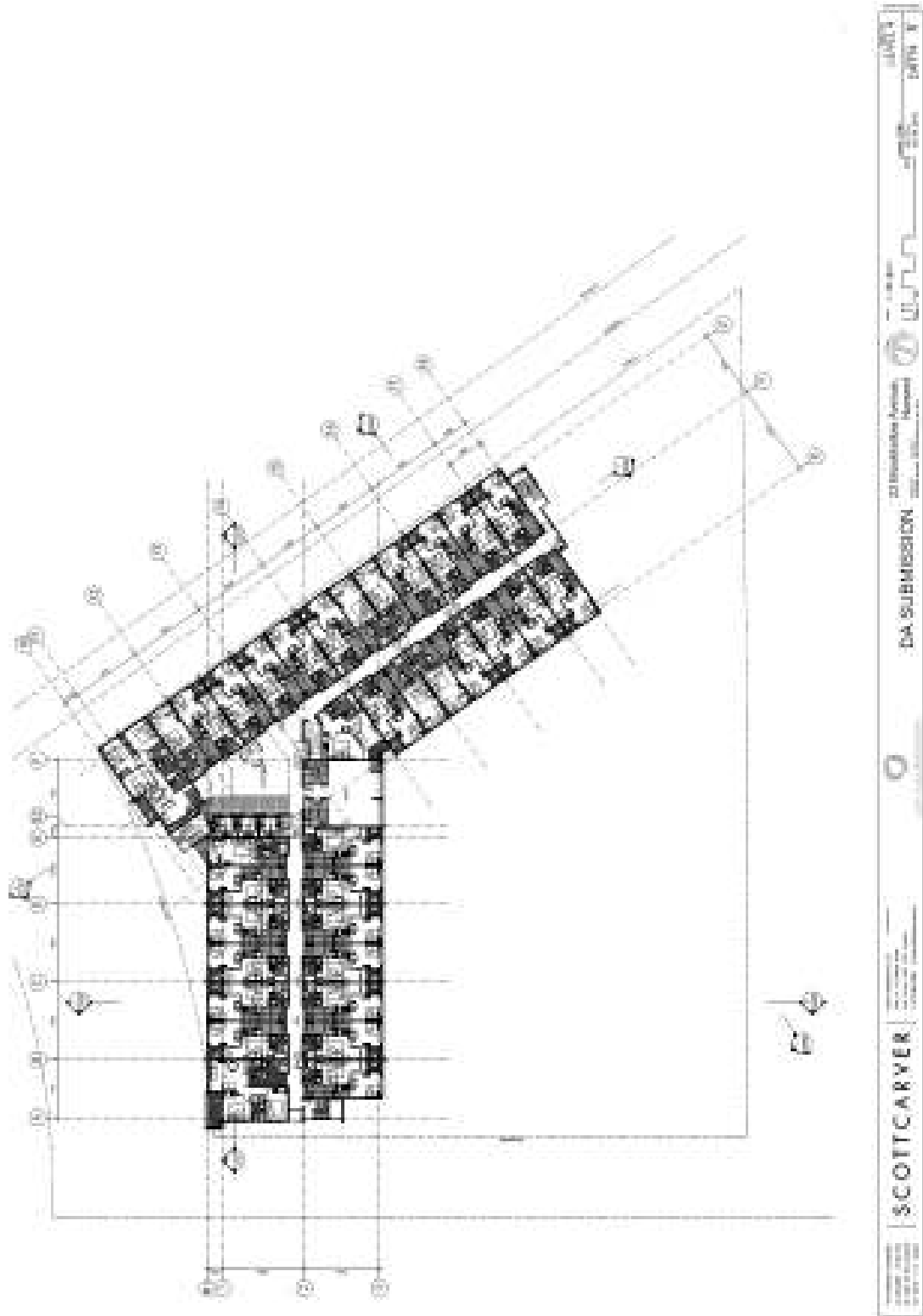
ATTACHMENT 8 – LEVEL 2 PLAN

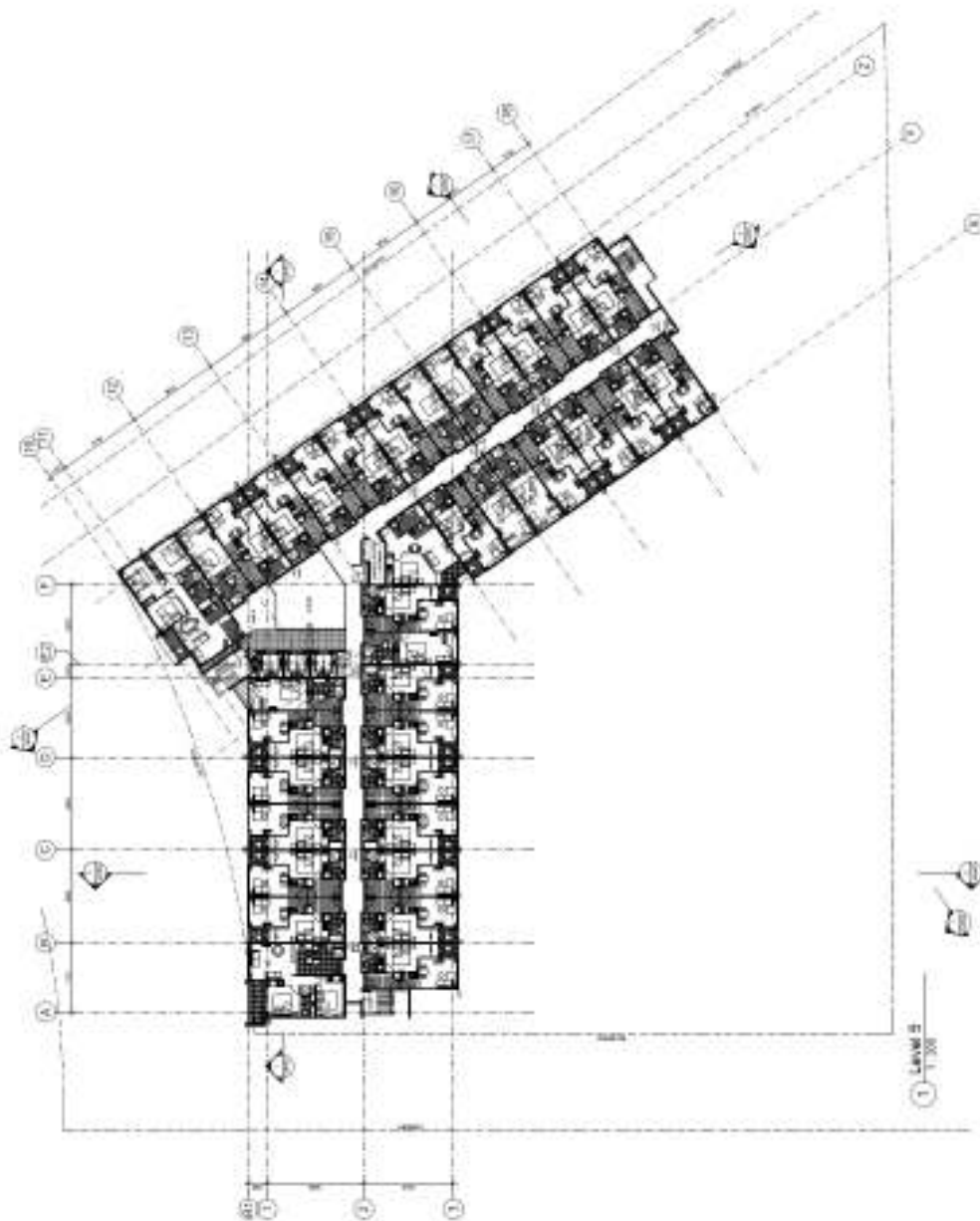


ATTACHMENT 9 – LEVEL 3 PLAN

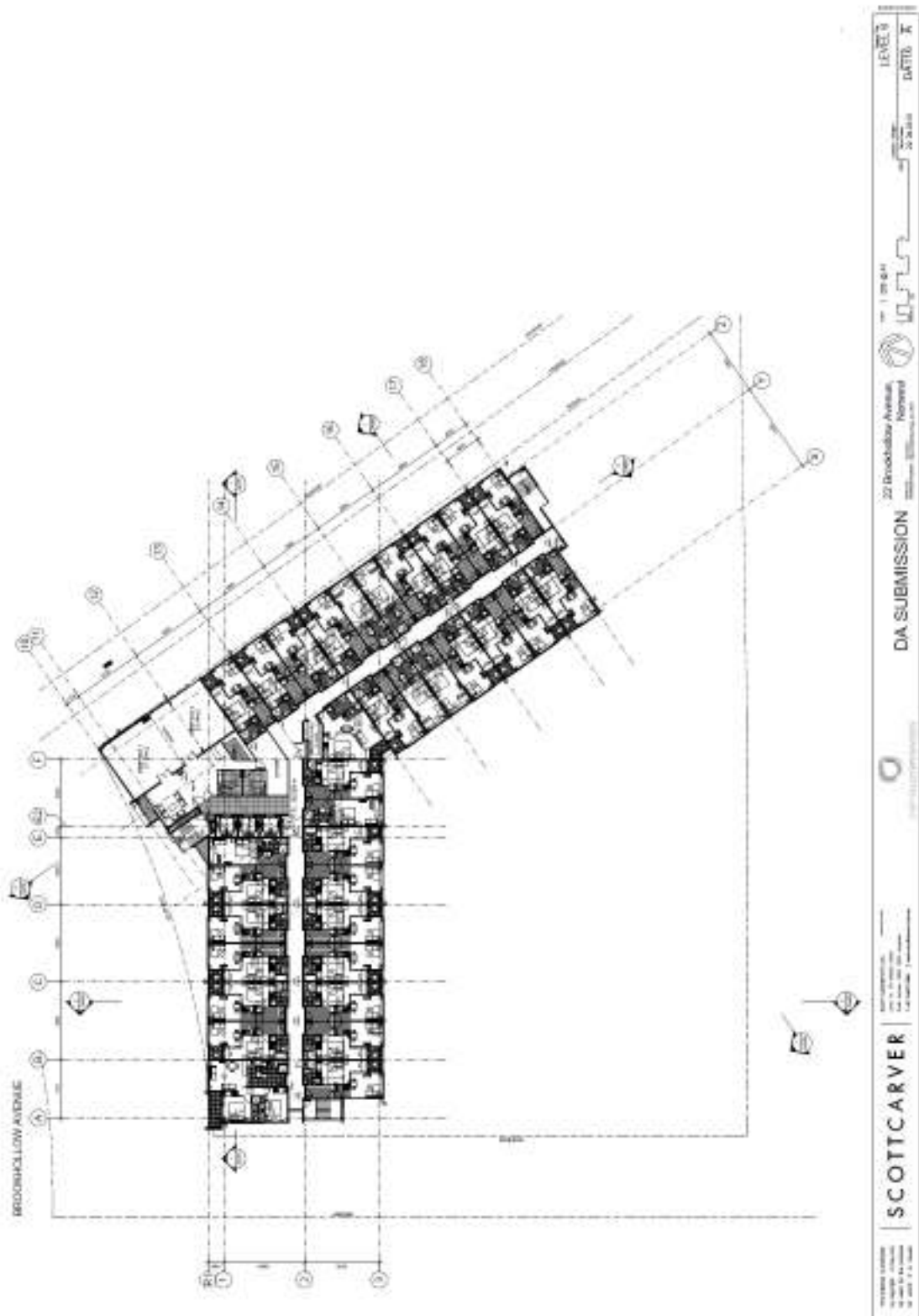


ATTACHMENT 10 – LEVEL 4 PLAN



[illegible]

ATTACHMENT 12 – LEVEL 6 PLAN



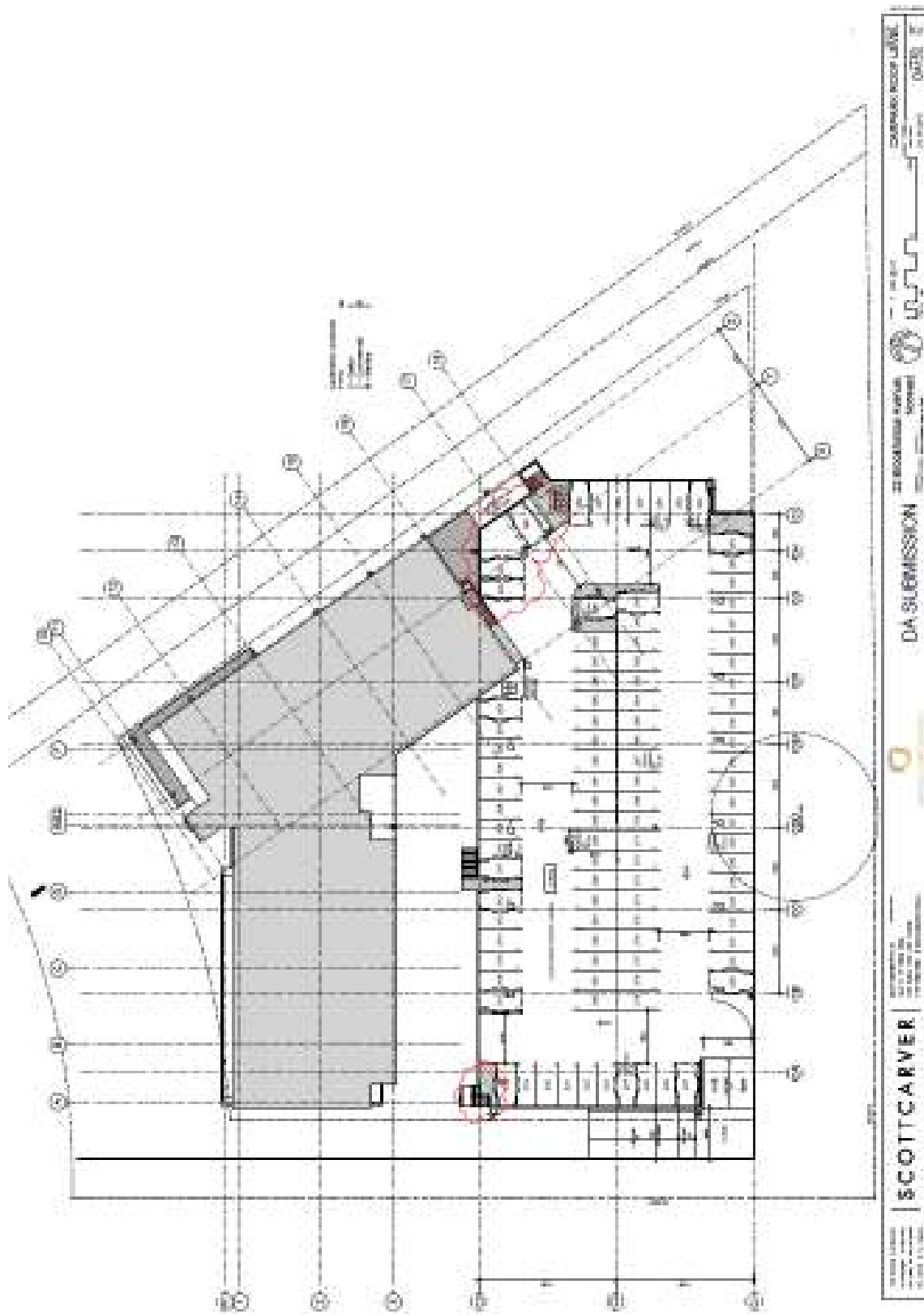
ATTACHMENT 14 – CARPARK GROUND



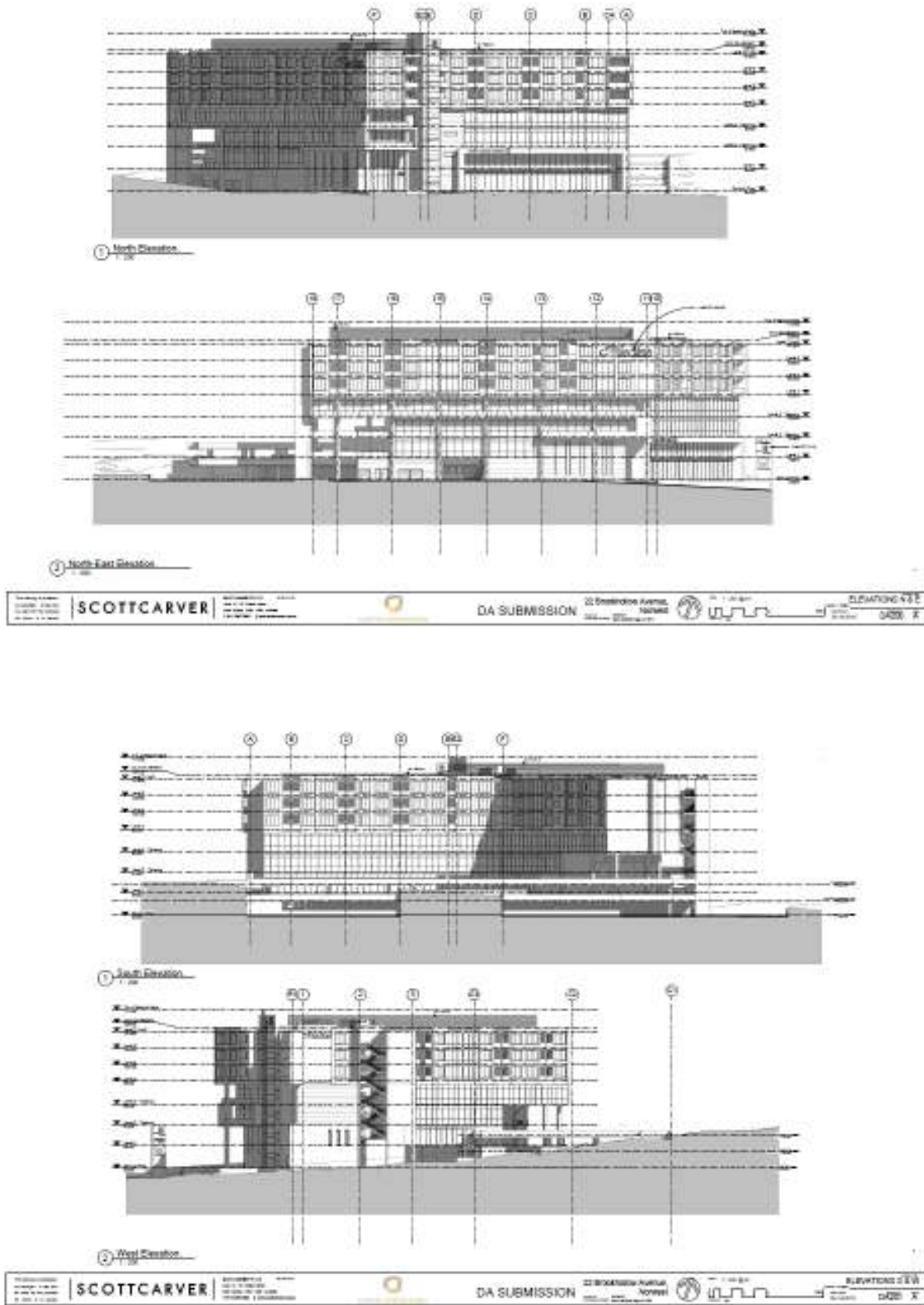
ATTACHMENT 15 – CARPARK MEZZANINE



ATTACHMENT 16 – CARPARK ROOF LEVEL



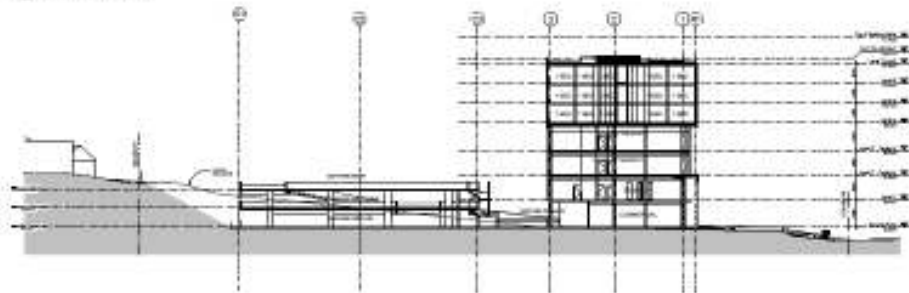
ATTACHMENT 17 – ELEVATIONS



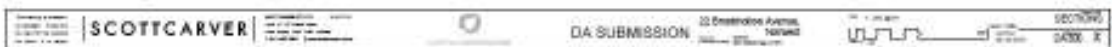
ATTACHMENT 18 –SECTIONS



① CROSS SECTION 1



② CROSS SECTION 2



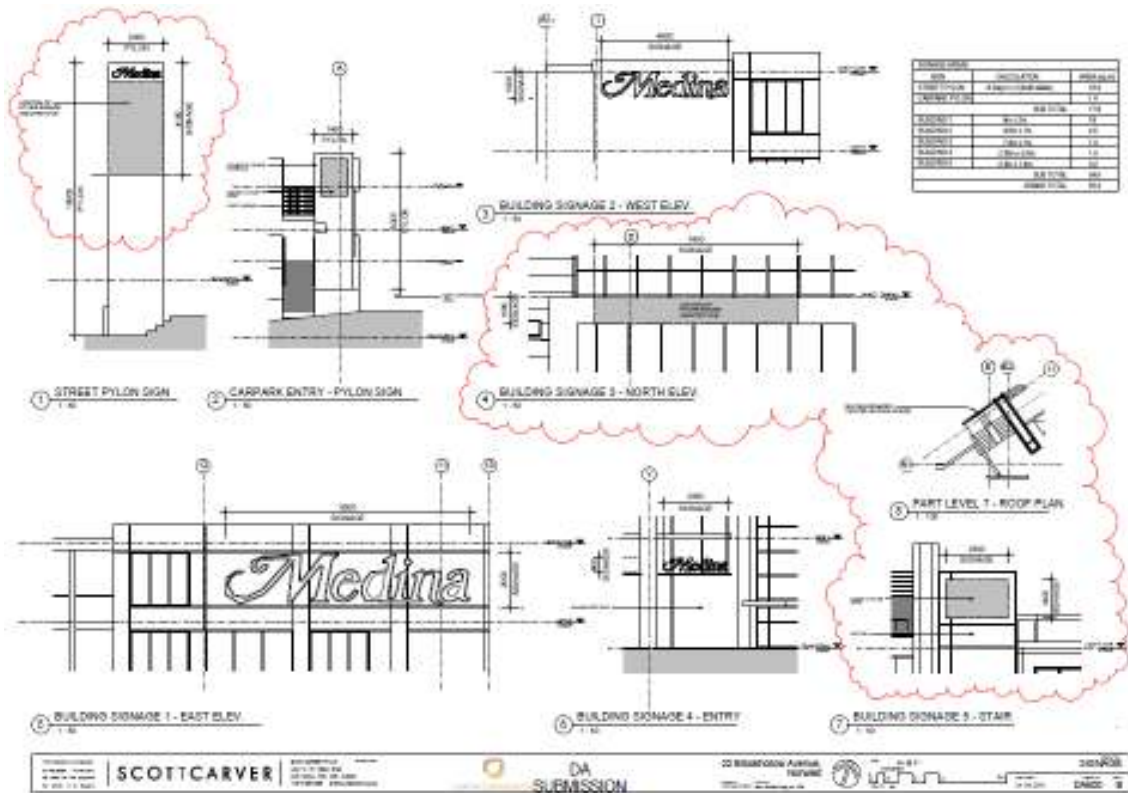
③ LONG SECTION



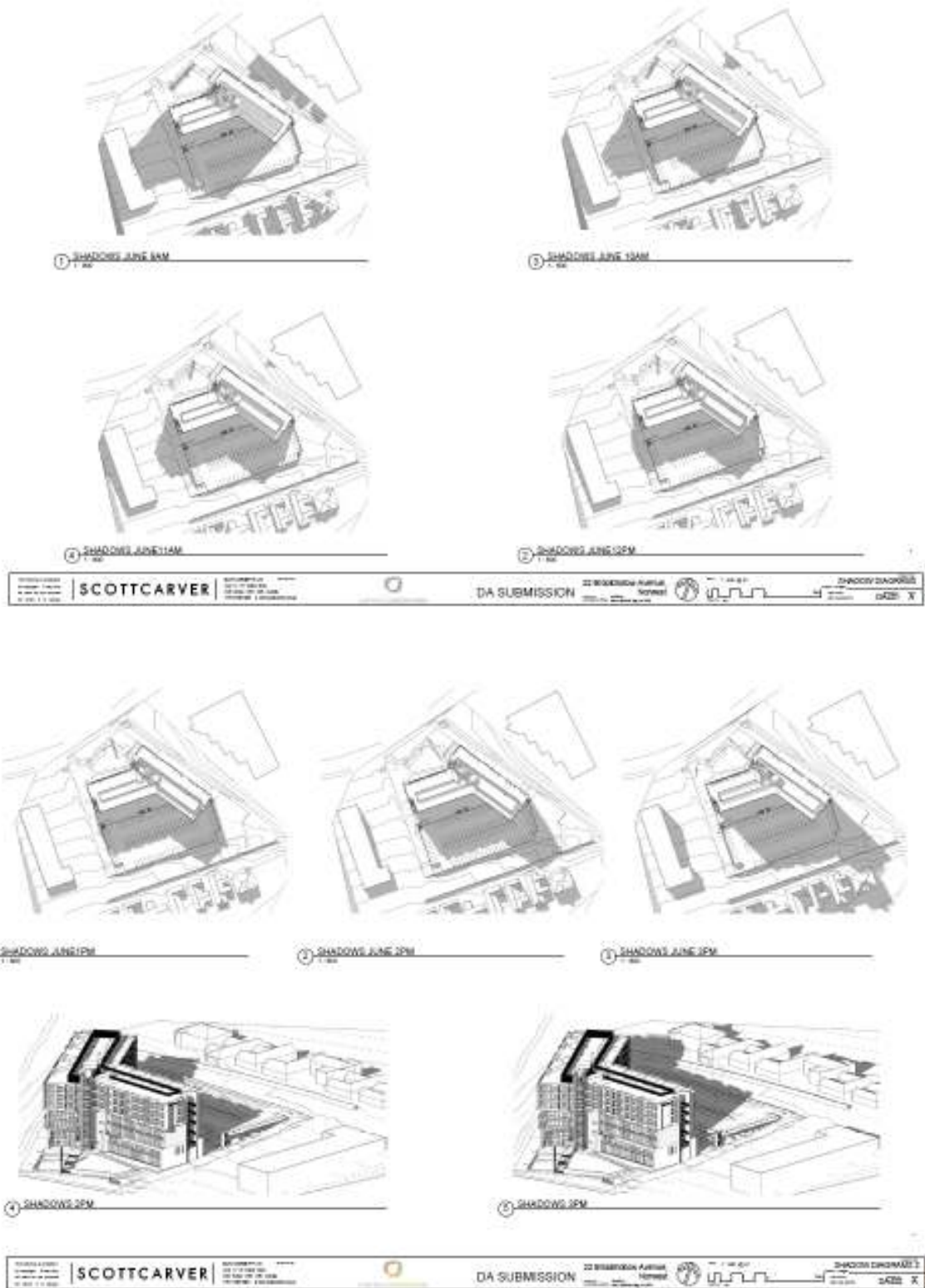
④ CROSS SECTION



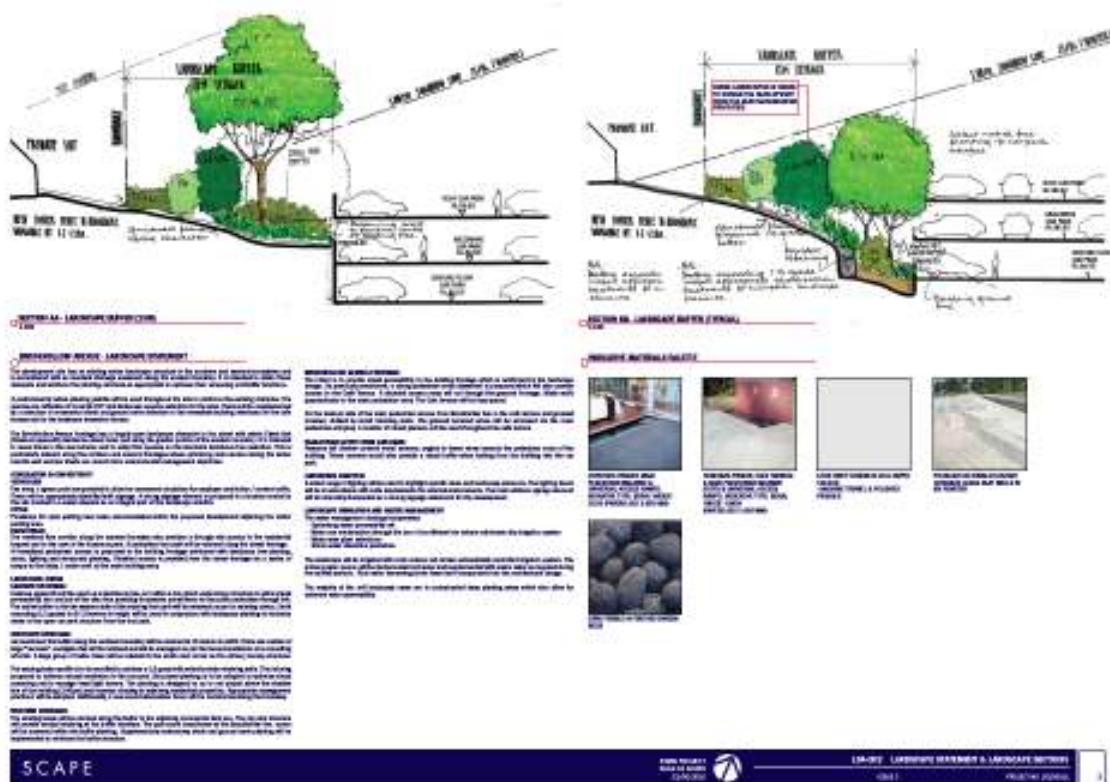
ATTACHMENT 19 – SIGNAGE



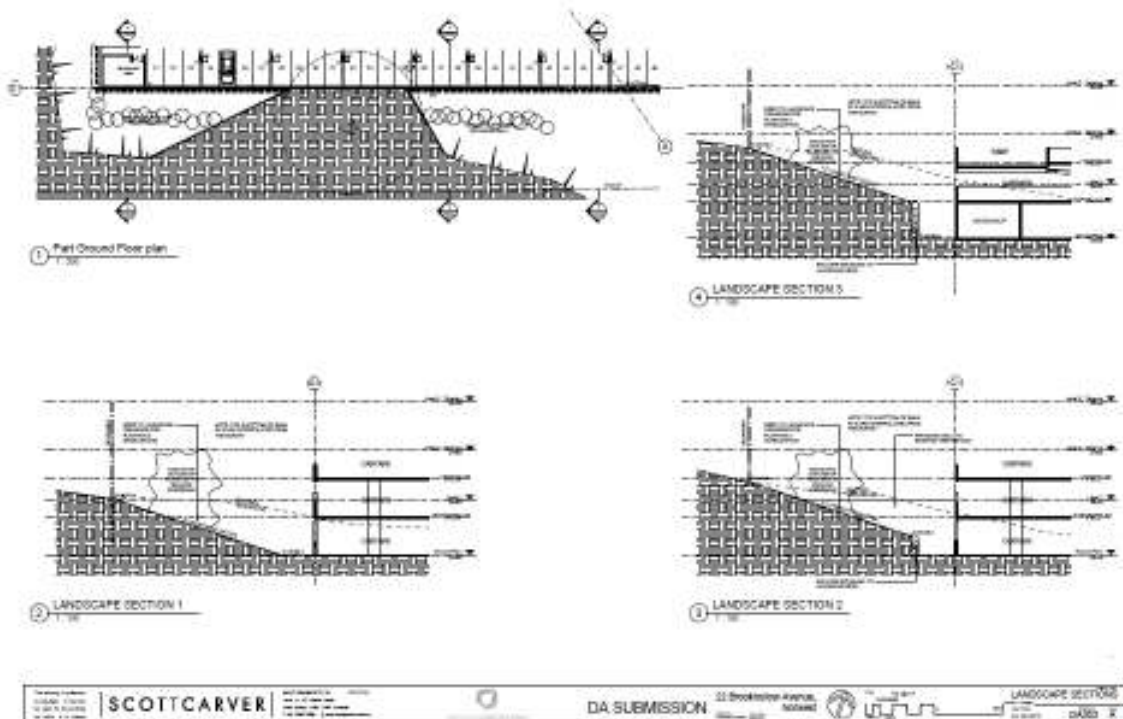
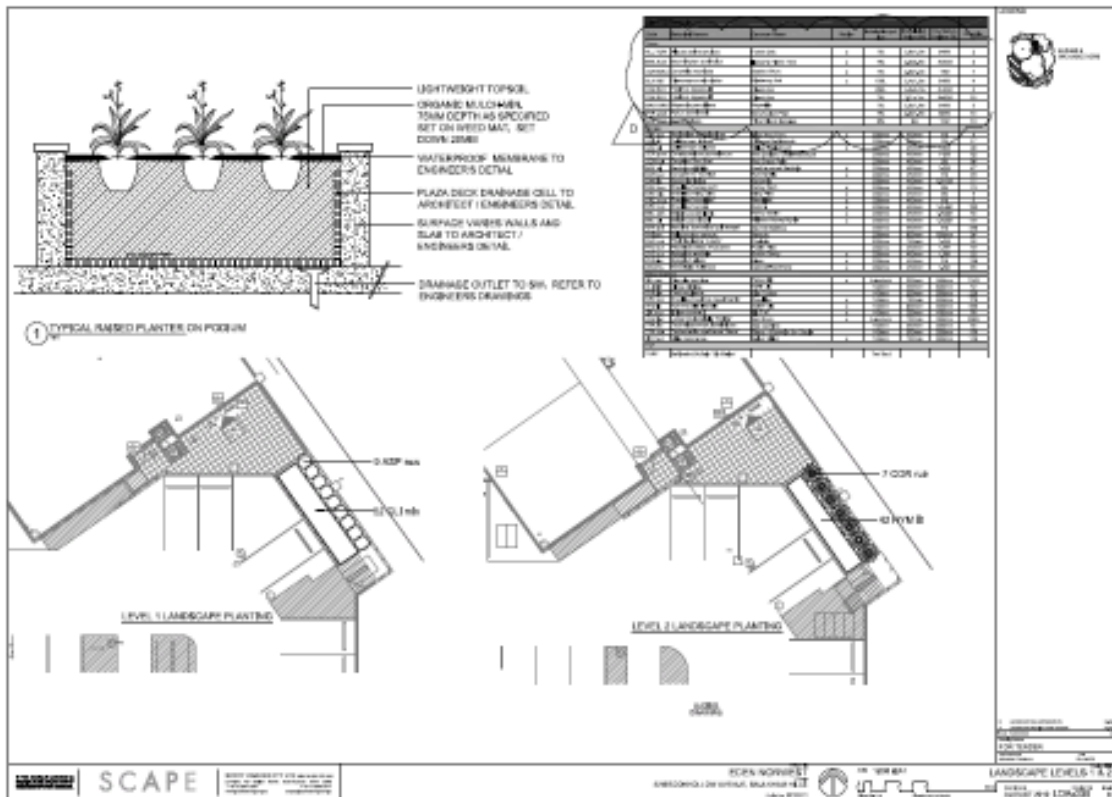
ATTACHMENT 20 – SHADOW DIAGRAMS



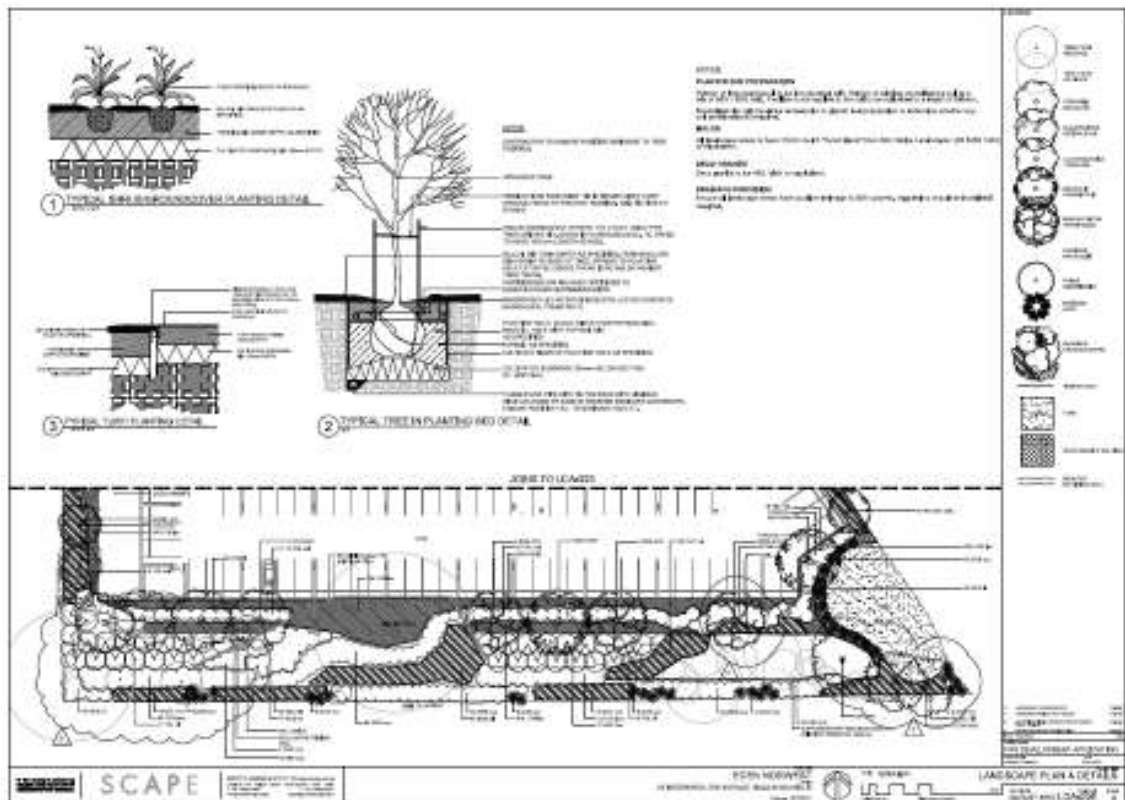
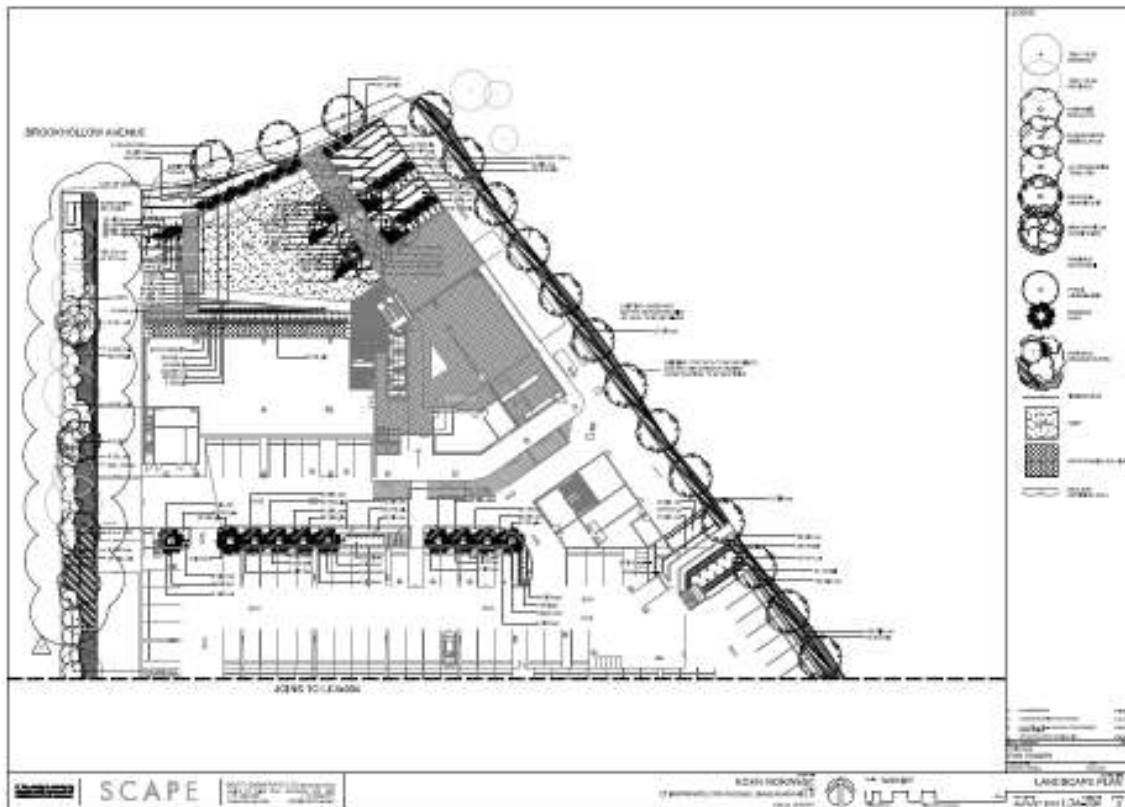
ATTACHMENT 21 – CONCEPT LANDSCAPE PLANS



ATTACHMENT 22 – LANDSCAPE SECTIONS

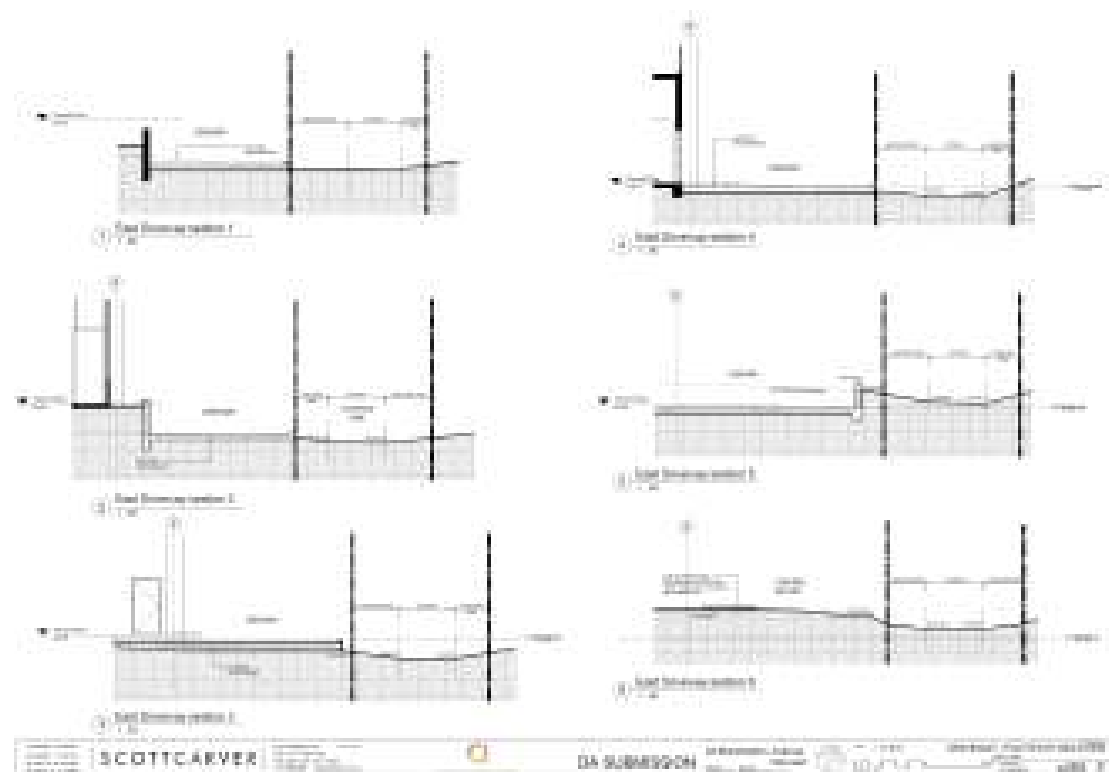


ATTACHMENT 23 – DETAILED LANDSCAPE PLANS



The architectural drawings for the Scott Carver House include:

- Top Down Parking Bay Section:** A plan view showing the layout of the parking bays, including dimensions and the placement of the car.
- Longitudinal Section:** A cross-section of the parking bay, showing the height of the car and the structure.
- Parking Bay Types:** A series of five diagrams showing different parking bay configurations, labeled "PARKING BAY TYPES".
- Longitudinal Section 2:** A cross-section of the parking bay, showing the height of the car and the structure.
- Longitudinal Section 1:** A cross-section of the parking bay, showing the height of the car and the structure.



ATTACHMENT 25 – TREE RETENTION SECTIONS



ATTACHMENT 26 – COLOUR PERSPECTIVES





ATTACHMENT 27 – NORWEST LAND REQUIREMENTS

**NORWEST ASSOCIATION LIMITED
CONDITIONS OF DEVELOPMENT CONSENT**



Application No: DA 337

Site: 22 Brookholw Avenue, Baulkham Hills

Project: Mixed Use Commercial Office and
Serviced Apartment Building

Applicant: Capital Corporation

Approval Date: 14 May 2010

Norwest Association Limited
ACN 003 443 883

Suite 402, 5 Celebration Drive
Norwest Business Park
Bella Vista NSW 2153

Telephone (02) 8824 9821
Facsimile (02) 8824 8497

1. The development is approved in accordance with the details submitted with the application and correspondence dated 10 May 2010, stamped Statement of Environmental Effects dated April 2010, and drawings as follows:

| Drawing Number | Title |
|----------------|----------------------------------|
| DA 001 B | Cover Sheet |
| DA 002 A | Site Analysis |
| DA 003 A | Original DA Comparison |
| DA 010 A | Site Plan |
| DA 110 B | Ground Floor Plan |
| DA 111 B | Level 1 Plan |
| DA 112 B | Level 2 Plan |
| DA 113 A | Level 3 Plan |
| DA 114 A | Level 4 Plan |
| DA 115 A | Level 5 Plan |
| DA 116 A | Level 6 Plan |
| DA 117 A | Level 7 Plan |
| DA 150 B | Car park Ground Floor Plan |
| DA 151 B | Car Park Mezzanine Floor Plan |
| DA 152 B | Car Park Roof Plan |
| DA 201 A | Elevations S & W |
| DA 202 A | Elevations N & E |
| DA 300 A | Sections |
| DA 301 A | Sections |
| DA 600 B | Signage Plan |
| Un-numbered | Finishes Board |
| DA 401 A | Shadow Diagrams |
| DA 402 A | Shadow Diagrams |
| DA 500 A | Perspectives |
| DA 501 A | Perspective 2 |
| DA 502 A | Perspective 3 |
| LDA 001 B | Landscape Plan Ground Floor |
| LDA 002 B | Sections and Landscape Statement |
| LDA 003 B | Level 1 & 2 Plans |

NAL Conditions of Approval

| | |
|-----------|-------------------|
| LDA 004 B | Landscape Plan |
| LDA 005 B | Landscape Details |

2. The provision of 327 car parking spaces as part of the overall development of the site. All car parking is to be accessible to visitors and employees.
3. The serviced apartment component of the development is to comprise a maximum of 106 serviced apartments.
4. Hours of operation for the development including the Serviced Apartments are Monday to Sunday, 24 hours per day.
5. All operations of the serviced apartments are to comply with the Operational Management Plan and details as outlined in correspondence date 27 April 2010 submitted with the application.
6. All building services, plant, equipment and car park lighting is to be screened from public view and adjoining residential properties.
7. Building material details and finishes are to be in accordance with the finishes details submitted with the proposal.
8. Landscaping to be provided in accordance with Drawings LDA 001, LDA 002, LDA 003, LDA 004 and LDA 005 including the following:
 - Street trees Claret Ash (*Fraxinus Raywoodii*) for Brookhollow Avenue to be planted on the property alignment at 8m centres using mature stock of minimum 200 litre bag/pot size.
 - A brick paver footpath, 1.25m wide for the full frontage of the site to Brookhollow Avenue.
 - An automated drip irrigation system to all landscaped areas of the site, connected to the stormwater harvesting tank.
 - Maintenance of the overland flow path during construction.
9. The hours of work during construction and internal fitout are limited to 7.00am to 5.00pm Monday to Saturday with no work on Sundays or public holidays.
10. All waste to be removed in accordance with the details as set out in the Statement of Environmental Effects and to the requirements of Council.
11. The lodgement of a Compliance Bond (Bank Guarantee (no end date) or cheque) for the sum of \$25,000.00 for satisfactory completion of all building work and landscaping. In this regard it is acknowledged that the existing bond held in compliance with DA 167 Condition 7 will be retained for the purposes of this condition.
12. Temporary Real Estate Signage for all multiple owned non-residential development within the Norwest Business Park must comply with the Norwest Master Scheme – By Law No.1 Temporary Real Estate Signage Code.

NAL Conditions of Approval

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

13. The applicant is to submit a Infrastructure Condition (Dilapidation) Report detailing the status and physical condition of existing paths and site boundary works including kerbs and road crossings adjacent to the site. This report is to also include the pathway and landscaping adjacent to the eastern boundary of the site.
14. The applicant/developer to ensure all drainage and water management complies with Section 12 of the Norwest Master Scheme, with particular emphasis on water quality and method of treatment prior to discharge to the Norwest Estate stormwater system. To the extent that the development exceeds 60% of the site area with impervious cover, the 1 in 100 year Annual Recurrence Interval Storm Event Discharge is to be retained on-site and discharged via a controlled discharged rate outlet structure.
15. The development is to comply with the noise recommendations contained in the Acoustic Logic Consultancy Report dated 23 April 2010.

PRIOR TO RELEASE OF COMPLIANCE BOND

16. The applicant/developer is required to certify reinstatement of any works, infrastructure, paving or landscaping adjacent to the site boundary disturbed during the construction phase.
17. The applicant/developer is to provide certification by a suitably qualified landscape architect at the completion of the landscaping that the landscaping as installed fully satisfies the design intent of the approved landscape concept and complies with the approved landscape plans.
18. The applicant/developer is to satisfactorily complete all building works in accordance with the approved plans and details.



MICHAEL WATT
Director
Norwest Association Limited

NAL Conditions of Approval

ATTACHMENT 28 – NSW RTA REQUIREMENTS

Our Reference: RDC 10M1967 – SYD10M00421
Your Reference: DA 1553/2010/P
Contact: Andrew Popoff
Telephone: 8849 2180

SRDAC

**SYDNEY
REGIONAL
DEVELOPMENT
ADVISORY
COMMITTEE**

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

Attention: Gavin Cherry

PROPOSED MIXED USE DEVELOPMENT AT 22 BROOKHOLLOW AVENUE, BAULKHAM HILLS.

Dear Sir/Madam,

Reference is made to Council's correspondence dated 20 May 2010 with regard to the above-mentioned development application, which was referred to the Roads and Traffic Authority (RTA) in accordance with Clause 104 and Column 2 of Schedule 3 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 development application at its meeting held on 16 June 2010.

Below are the committee's recommendations and RTA comments for consideration in the determination of the development application:

1. The Gennaoui Traffic Report dated (June 2008) which accompanied the previously approved development at 2 – 8 Brookhollow Avenue (DA 1548/2008/HA) clearly indicated that the Windsor Road / Norwest Blvd intersection will operate with a Level of Service "F" (ie: over capacity) during the weekday AM / PM peaks.

As the development traffic would be worsening the level of queuing and congestion at this intersection during the AM / PM peaks, the Authority would support Council in requesting the developer to provide a contribution of \$62,292.50 to facilitate the possible upgrade of the Windsor Road / Norwest Blvd intersection (as depicted in the attached concept plan). This contribution should be submitted to and held by Council.

Should there be no significant road / signal work upgrades occurring at the intersection of Windsor Road / Norwest Blvd within 5 years of the determination of this application, then Council is to return the contribution to the applicant.

2. Car parking provision to Council's satisfaction.
3. The layout of the proposed car parking areas associated with development (including driveways, grades, turn paths, sight distance requirements, aisle widths, and parking bay

Page 1 of 2

Roads and Traffic Authority
ABN 64 480 155 255



27-31 Argyle Street
Parramatta NSW 2150

PO Box 973 Parramatta CBD NSW 2124
DX 28555 Parramatta

T 131 760

www.rta.nsw.gov.au

dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2- 2002 for service vehicles.

4. The proposed parking areas for Office / Serviced Apartments should be clearly segregated and signposted accordingly.
5. All works / regulatory signposting associated with the proposed development are to be 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 Council's determination on the proposal (conditions of consent if approved) is forwarded to the RTA at the same time it is sent to the developer.

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
Chairman, Sydney Regional Development Advisory Committee

23 June 2010



ATTACHMENT 30 – NSW POLICE REQUIREMENTS



NSW POLICE FORCE
THE HILLS LOCAL AREA COMMAND

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

Tuesday 1st June 2010

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

| |
|-------------------------|
| DOC. No.: |
| BOX No.: |
| - 8 JUN 2010 |
| THE HILLS SHIRE COUNCIL |

Dear Mr Cherry,

**Subject: Development Application 1553/2010/JP, for a proposed
Commercial Office and 106 Serviced Apartments**

**Property: Lot 204 DP 816343, No. 22 Brookhollow Avenue
Baulkham Hills**

Police Ref: 2010_89698

Police have received Council's correspondence in relation to a development application for a commercial office building with 106 serviced apartments. Police note that the applicant has included an 8 page Crime Prevention Through Environmental Design Assessment (appendix L) as part of the application. Police however, have a number of further recommendations in relation to the development.

As the applicant has highlighted, Break and Enter offences into commercial premises are of primary concern in the Bella Vista/Norwest location. Police have found that poorly secured access points can often make one building a target over another. Police suggest that all fire exit stairwells be properly secured so as to only allow downwards travel and exit from the building. No person should be able to move up a level in the building through a fire escape stairwell without a key. Likewise, any other internal staircases should be suitably monitored to restrict unauthorised access. Police also suggest that the proposed lifts in the development be controlled by way of a swipe card system to increase security.

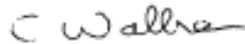
Additional to this, Police would strongly recommend a CCTV system be installed to monitor the access points to and from the building. Monitoring of the entire public area of the development may not be necessary but Police would suggest, as a minimum, that the pedestrian access points to the building be covered by CCTV. Based on information received from the Australian Federal Police, CCTV footage is effective in criminal matters when the images display shots of an alleged offender from the shoulder upwards. CCTV cameras need to be able to zoom in on a person of interest without loss of focus.

Police would also suggest that the vehicular access point to the car park be restricted, especially after hours, by some type of gate or roller shutter which is operated by swipe card. Due to the car park being somewhat isolated at the rear of the building, Police believe restricting after hours access may decrease the risk of motor vehicle theft as well as stealings occurring from parked motor vehicles.

Finally, Police believe the provision of some form of lockable safe in each of the serviced apartments will be necessary. This decreases the chances of any opportunistic type thefts being committed by service staff and provides an additional security options for persons staying in the apartments.

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.*