

JRPP NO:	2010 SYW035
DA NO:	1674/2010/JP
PROPOSED DEVELOPMENT:	PROPOSED SUPERMARKET, SPECIALTY SHOPS AND ASSOCIATED WORKS
SUBJECT SITE:	LOT 1 DP 528019 AND LOT 37 DP 38439 NO. 73 - 75 WINDSOR ROAD, BAULKHAM HILLS
APPLICANT:	TPG NSW PTY LTD
REPORT BY:	KRISTINE MCKENZIE - PRINCIPAL EXECUTIVE PLANNER
RECOMMENDATION:	REFUSAL OF THE DEVELOPMENT APPLICATION

Assessment Report and Recommendation

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	Fabcot Pty Ltd	1.	<u>LEP 2005</u> – Unsatisfactory – see report.
Zoning:	Business 3(a), Special Uses 5(a) (Existing and Proposed Roads) and Residential 2(a2)	2. 3.	<u>DCP Part C Section 8 - Business</u> – Unsatisfactory. <u>DCP Part E Section 17 – Balmoral Road Release Area</u> – Unsatisfactory.
Area:	7295m ² (area of site the subject of the DA). 23,340m ² (whole site)	4.	<u>Section 79C (EP&A Act)</u> – Unsatisfactory.
Existing Development:	Dwelling house on each lot and associated works	5.	<u>Section 94 Contribution</u> – No
Capital Investment Value:	\$14,404,990.00		

SUBMISSIONS

REASONS FOR REFERRAL TO JRPP

1. Exhibition:	Not required	1.	Capital Investment Value in excess of \$10 Million pursuant to SEPP (Major Development) 2005
2. Notice Adj Owners:	Yes, fourteen (14) days	2.	Submission received
3. Number Advised:	Eighteen (18)	3.	Recommended for Refusal
4. Submissions Received:	One (1)		

HISTORY

08/06/2010	Subject Development Application lodged.
12/07/2010	Letter sent to the applicant seeking additional information regarding road access, consistency with Centres Direction and strategic planning for the area, water and sewer services, compliance with DCP Part C Section 8 – Business, waste management, impact on threatened species, road design and drainage, soil salinity assessment, site contamination and noise impact.
04/08/2010	Additional information received from the applicant.
05/08/2010	Briefing provided to Joint Regional Planning Panel.
10/09/2010	Email sent to applicant seeking clarification of height.
16/09/2010	Response received from applicant in regard to height.

PROPOSAL

The applicant seeks approval for the erection of a supermarket, specialty shops, carparking and associated works. Specifically the works include the following:

- Retail area of 4,050m²;
- Carparking area for 202 vehicles within an at-grade parking area and a lower level carpark;
- Retention of the existing dwellings on the site (located in proximity to Windsor Road);

The proposal will be constructed over three (3) levels as follows:

- (i) Basement level – carparking for 163 cars, plant areas store room, lift and travelator;
- (ii) Ground level – supermarket, specialty shops, amenities and at-grade carpark for 39 cars;
- (iii) Upper level plan – loading dock, supermarket office and staff amenities.

The site is zoned Special Uses 5(a) (Existing and Proposed Roads), Residential 2(a2) and Business 3(a). The proposed works are located within the portion of the land zoned Business 3(a).

The proposed hours of operation are 7am to 10pm seven (7) days per week. Deliveries are proposed between the hours of 6am to midnight daily.

The proposed development will employ around 200 persons which includes full-time, part-time and casual staff.

The site contains two (2) proposed roads as part of the overall Balmoral Road Release Area road layout. The applicant proposes to construct the roads where they are located within the subject site, however the road link to Windsor Road is located on the adjoining property at No. 77 Windsor Road and as such is not part of the proposed works. The applicant has advised that they seek the imposition of a Deferred Commencement consent

condition in regard to the future provision of this road ie: that the development cannot proceed until such time as the road link is constructed and in place.

The proposal does not include any subdivision of the site.

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 has a capital investment value of \$14,404,909 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. Road Access

The subject site is located within the Balmoral Road Release Area. The area was rezoned from rural land to predominantly residential land on 13 April 2006. Development Control Plan Part E Section 17 – Balmoral Road Release Area contains the relevant standards for development within the area and includes a proposed road layout plan. A copy of the proposed road layout plan is Attachment 4.

The proposed road layout plan includes the following future roads:

- (i) proposed road located on the adjoining property (No. 77 Windsor Road) which adjoins the western boundary of the subject site. This road is known as 'Wager Road' and provides a direct link to Windsor Road from development to the east and west;*

- (ii) proposed road located on the southern portion of the subject site. This road is known as 'Stone Mason Drive' and provides a major link from the existing Spurway Drive to Fairway Drive;
- (iii) proposed road located centrally on the subject site which forms a 'boundary' around the Business 3(a) site and which also affects Nos. 71 and 69 Windsor Road (half road construction across these lots). This road is known as 'Treffone Avenue'.

The proposal includes the construction of Stone Mason Drive and Treffone Avenue in order to provide access to the development. However the applicant has sought the imposition of a Deferred Commencement consent condition in regard to the future provision of Wager Road ie: that the development cannot proceed until such time as the road link is constructed and in place. Wager Road provides an integral link to the development site and, if constructed, would allow the development to be constructed and operational.

In this regard both the RTA and Council's Traffic Section have raised concern with the applicant's request and have advised that on the basis there is not road access available they do not support the proposal.

In respect to the issue of a Deferred Commencement consent concern is raised regarding this request in respect to the orderly development of land. The applicant was requested to provide further justification to support the request including details of any discussion/negotiation with the adjoining property owner to the west (No. 77 Windsor Road). The applicant responded as follows:

"The location of the roads within the Balmoral Road Release Area are shown in the DCP Map. The DCP Map was adopted by Council and came into effect at the time the area was released in 2006. The DCP provides for certainty and the applicant is willing to accept a Deferred Commencement condition in accordance with the provisions of the DCP Map. Representatives of the owner of the land at 73-75 Windsor Road have had discussions with the owner of 77 Windsor Road and these discussions are ongoing".

In regard to the applicant's comments, it is noted that a submission was received to the Development Application on behalf of the adjoining property owner. The concerns related to the applicant's request for a Deferred Commencement consent to be issued in relation to road construction on the basis that: the road is not located on the development site, there is no certainty in respect to the road construction, and road access is fundamental to the development.

The request for the issue of a Deferred Commencement consent is considered unsatisfactory on the basis that:

- There is no certainty in respect to the construction of Wager Road. This would result in an approval being issued which could not be acted upon for a undetermined period of time. In this respect the applicant has submitted no written evidence to reflect any discussions or agreements with the adjoining property owner. The progression of the Deferred Commencement matter is largely outside the control of the applicant.
- Based on the above comment, there is no certainty in respect to the timeframe for connection of the development to any public roads which would allow the development to be utilised. In this respect the connection of Stone Mason Drive to an existing road in either a westerly or easterly direction relies upon the development of a number of sites.
- The uncertainty in regard to the road construction results in concerns in respect to the orderly development of land. In this regard an approval of this nature, where isolated from public road access, does not reflect orderly and efficient development of land.

Accordingly, the applicant has not demonstrated that the development reflects the orderly development of land and there has been insufficient evidence submitted to reflect that the construction of Wager Road will occur in a timely fashion to support the issue of a Deferred Commencement consent.

3. LEP 2005 Considerations

(i) Zoning

The site is zoned Special Uses 5(a) (Existing and Proposed Roads), Residential 2(a2) and Business 3(a). The proposed works are located within the portion of the land zoned Business 3(a). The proposal is a permissible use within the Business 3(a) zone.

The objectives of the Business 3(a) zone are:

- (a) to encourage appropriate development for accommodating the retail, commercial and social needs of the community, and
- (b) to encourage the development and expansion of business activities that will contribute to the economic growth of, and the creation of, employment opportunities within the local government area, and
- (c) to encourage a wide range of retail, commercial, community, leisure and entertainment facilities in the major business centres of the local government area, and
- (d) to integrate retail and commercial activities within a network of public and civic spaces, and
- (e) to ensure the scale and type of business development within the zone is compatible with the character and amenity of surrounding land, and
- (f) to integrate retail and commercial activities with public transport facilities, and
- (g) to promote development that encourages public transport use and minimises private traffic generation, and
- (h) to provide for mixed use development, including housing, in conjunction with retail, commercial and professional services.

In respect to Objective (a) concerns are raised that on the basis of the development providing no public road access that the proposal does not reflect 'appropriate' development. As detailed in Section 2 above, the applicant has not demonstrated that the development reflects the orderly development of land given that there is no certainty in regard to the provision of public road access to ensure that the development can be appropriately accessed.

In respect to Objective (e) concerns are raised that the proposed scale and form of the development is unsatisfactory in regard to Council's strategic vision for the development of the area and the relationship to planning framework which identifies the site as appropriate for neighbourhood shops as detailed in Section 3 below.

(ii) Services

Clause 45(a) of LEP 2005 states as follows:

- (a) Consent must not be granted for the erection of a building, the carrying out of a work or a change of building use unless the consent authority is satisfied that adequate arrangements have been made for any provision or augmentation of the

following that will be needed because of the carrying out of the proposed development:

- (a) a water supply, sewerage or drainage services,
- (b) an electricity supply or telephone service,
- (c) roads.

In respect to water supply and sewerage disposal, the applicant was requested to provide a Feasibility Letter from Sydney Water. In response the applicant provided a 'Hydraulic and Fire Protection Services Investigation' which indicates that water and sewer services can be provided to the site.

However it is Council's practice to require development of this scale and nature to be provided with advice from Sydney Water, particularly given that the area is one which is predominantly 'greenfield' and undergoing redevelopment.

Further, Clause 45(a) refers to Council being satisfied that roads are provided to the development. As detailed in Section 1 above the proposal is considered unsatisfactory in regard to road access.

Accordingly the proposal is considered unsatisfactory in regard to the provisions of Clause 45(a).

4. Strategic Considerations

The proposal was reviewed by Council's Principal Forward Planner who provided the following comments:

(i) Balmoral Road Release Area

In October 2003, the vision and development principles for the release area were articulated in the Balmoral Road Release Area (BRR) Structure Plan. The development principles in relation to commercial development were:

- (i) Three major nodes to be supported by residential precincts, being Norwest Marketown (existing), the future transit centre at Burns Road, and the redevelopment of western side of existing Kellyville village commercial centre on Windsor Road.
- (ii) Controls to be applied to ensure co-ordinated redevelopment of existing commercial development in Kellyville village.
- (iii) Additional small neighbourhood centres are to be sited in locations to create nodes for "walkable" neighbourhoods.

Accordingly, the Structure Plan identified the sites at Stone Mason Drive and Memorial Avenue for neighbourhood shops. In April 2006 the BRR was rezoned for urban development and the subject site was zoned Business 3(a)(Retail). This zone permits all types of retail uses, is the only zone which permits shops and is used to zone all centres in the Shire from major centres like Castle Hill to small groups of shops known as neighbourhood centres.

(ii) The Centres Hierarchy

The Centres Direction (adopted in 2008) outlines Council's strategic planning framework for the development and growth of centres in the Shire and includes the Centres Hierarchy. The Centres Hierarchy classifies centres based on size, location and function and is the basis for the achievement of:

- Orderly and sustainable retail development throughout the Shire;
- Centres that are spatially distributed to meet community needs i.e. retail demand and are appropriate in scale and design for their location;
- A diverse range of centres, from large major centres and town centres to small, walkable and easily accessible neighbourhood centres; and
- Centres that are vibrant and viable, with minimal impacts on surrounding land uses, for example dwellings.

There should be little competition between centres as each centre is planned to operate in different segments of the market. Consistent with the BRRA Structure Plan, the Centres Hierarchy identifies Stone Mason Drive centre as a neighbourhood centre. *The Draft North West Subregional Strategy describes a neighbourhood centre as one or a small cluster of shops containing 150 – 900 dwellings (page 55).* This allows a neighbourhood centre to be small scale and provide for immediate needs. Windsor Road Village is the nearest village where there is capacity for the development of additional retail to meet weekly shopping needs such as a supermarket. Norwest Market Town is also nearby providing for weekly grocery and fresh food shopping. This centre is identified as a village with the potential to transition to a town centre.

The Stone Mason Drive Neighbourhood Centre falls within the Release Area sector which includes land within the Balmoral Road, Kellyville / Rouse Hill, North Kellyville and future Box Hill release areas. The demand in the Release Area sector to 2021 will be for an additional four (4) supermarkets. Sufficient zoned land for these supermarkets has been provided in Windsor Road village, Wrights Road Town Centre, Rouse Hill major centre, North Kellyville and Box Hill. The timing for the delivery of these supermarkets will be driven by the demand generated by the incoming population over the next ten to twenty years.

It is estimated that the Stone Mason Drive Neighbourhood Centre will be supported by a population of approximately 2,300 persons residing within a 5 to 10 minute walking distance. There is also the expectation that residents using Stone Mason Drive to access further parts of the release area will use the centre. The anticipated population within this area will generate the need for 900 - 1000m² of retail floor space, equating to approximately 10 speciality shops.

(iii) Development of a Neighbourhood Centre

It is envisaged that the Stone Mason Drive Neighbourhood Centre will provide a range of local services and have a strong relationship and connectivity with the future local park located opposite the site, creating a unique place where local residents will be able to socialise and recreate. The built form will play an important role in how the centre is used and in the character it contributes to the area. Key principles in achieving the desired built form include:

- Ensuring the development responds to the existing natural environment including the slope of the land, to create a sympathetic visual appearance.
- Ensuring the bulk and scale of the built form is sympathetic to the future two storey surrounding residential development.
- Clearly and consistently defining the street edge through use of appropriate setbacks and active street fronts.
- Ensuring the design makes use of views from the site to the south and west to local and district landmarks.
- Providing convenient, at-grade parking preferably in a highly visible, 'on-street' type scenario.
- Contributing to the creation of a unique local identity through the provision of quality public domain and the use of high quality and consistent materials, landscaping, signage etc.

The development application represents a size and scale well beyond what is anticipated for a neighbourhood centre. The development is internalised and has no relationship with the site's context, setting or future surrounding residential development or open space. The built form and overall design is considered to be counteractive to the principles of a walkable neighbourhood and the creation of a local identity.

(iv) Baulkham Hills Development Control Plan Part C Section 8 Business

2.2 Hierarchy of Business Centre of the DCP states:

"There are a number of neighbourhood centres and shop groups throughout the Shire. These centres primarily provide for the retail convenience and daily shopping needs of local residents. Frequently these centres comprise a small number of shops (such as butcher, green grocer, chemist, newsagent and mixed business) and may include personal and professional services (such as hairdresser, doctor's surgery). Council will not consent to development in neighbourhood centres which does not meet the convenience needs of residents."

The DCP recognises the important role that neighbourhood centres play in meeting residents shopping needs. While a large supermarket in this location may provide a good range of grocery items, it will not provide the full variety of goods and services or a choice or variety of retailers. It is acknowledged that the development application provides 275m² of floor space for speciality retail, however this would generally only equate to 2 or 3 shops. The hours of opening are proposed to be 6am to midnight which could be construed as convenient, however this is not what is intended when discussing the convenience needs of residents which are more related to location and accessibility.

3.4 Floor Space Ratio

The site is currently zoned Business 3(a)(Retail) which permits all types of retail and is the only retail zone in the Baulkham Hills LEP 2005. The size, height and scale of development is controlled by the provisions of the Baulkham Hills Development Control Plan which provides an FSR of 1:1 and a building height of 12 metres. These are general controls applied to all business land in the Shire.

A Neighbourhood Centre is to incorporate a range of additional uses such as a medium density residential, child care centres, medical centres, recreation facilities such as gyms, restaurants, small scale commercial premises for local businesses and other local activities. The FSR is not an indicator of the extent of retail floor space that is anticipated or needed. All the different activities anticipated in a centre are to be accommodated within a FSR of 1:1 to ensure that the bulk and scale of the development is in keeping with the site area and its surround, and that the development does not reduce the amenity of adjacent residential or other land uses.

(v) Part E Section 17 Balmoral Road Release Area.

The following objectives apply to land zoned Business 3(a) (Retail) within the BRRA.

- (i) To promote innovation, creativity and an attractive cohesive development in the design of commercial centres.*
- (ii) To create an environment that discourages and prevents crime.*
- (iii) To provide a built form that closely relates to the topography and landscape of the site.*
- (iv) To ensure the bulk and scale of the development does not reduce the amenity of adjacent residential land uses.*

There are no specific development controls for this site, however the DCP notes that an amendment to Council's DCP Part C Section 8 – Business shall be prepared in respect to each of the three areas within the BRRRA zoned Business 3(a) (Retail). This process is currently being undertaken for the subject site through the Stone Mason Drive Neighbourhood Centre Master Plan project.

(vi) The Road Network

The Baulkham Hills Development Control Plan Part E Section 17 Balmoral Road Release Area 4.1 Local Road Hierarchy requires that the street and road network should conform to the pre-planned road layout as shown on the accompanying development control plan map. This plan shows vehicular access to the site via Stone Mason Drive which runs parallel with Windsor Road and connects residents to Windsor Road, Fairway Drive and Memorial Avenue. Wager Road will also provide direct access to the site via Windsor Road however is limited to a left turn entry and exit. Stone Mason Drive is also accessed from Windsor Road by Spurway Drive which is also proposed to be limited to left in / left out access.

The road network is designed to ensure sufficient carriageway and verge widths are provided to allow streets to perform their designated functions within the street network and encourage the use by pedestrians and cyclists. In this regard the street geometry is consistent with the needs of the street function, physical land characteristics and safety. Suitable land uses and their size and scale, have also been identified with this in mind.

The development application represents a much larger, more intrusive development than planned at the location. It has the potential to be a greater attractor than is envisaged and is likely to have an adverse impact on the planned road network and surrounding development.

(vii) Uncertified Draft LEP 2010

The Uncertified Draft LEP 2010 was endorsed by Council on 13 July 2010 with a resolution to seek a Section 65 Certificate from the Department of Planning to exhibit the draft LEP.

In recognition of the need to distinguish between different types of centres within the Shire in accordance with the Centres Hierarchy, the Uncertified Draft LEP uses a number of different business zones to zone the existing Business 3(a) land including the B1 Neighbourhood zone. The Uncertified Draft LEP proposes to zone the subject site B1 Neighbourhood Centre.

The objectives of the B1 zone are:

- *To provide a range of small - scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To ensure the scale and type of development is compatible with the character and amenity of the existing and future surrounding area.*
- *To allow for residential development that contributes to the economic and social vitality of the neighbourhood centre and does not detract from the primary function of the zone.*
- *To promote activities in accessible locations that encourage walking and cycling.*

To reflect land uses in existing neighbourhood centres in the Shire and achieve the desired development outcomes in future neighbourhood centres, retail premises other than neighbourhood shops, restaurants, and take away food and drink premises are proposed to be prohibited in the B1 zone. Neighbourhood shops are small - scale shops selling daily convenience goods such as food and newspapers to provide for the day – to – day needs of people who live and work in the local area. They are limited to 100m² of gross retail floor space. This effectively prohibits larger shops such as supermarkets in this zone.

(vii) Draft Competition SEPP

Following a review undertaken last year by the NSW Department of Planning and the Better Regulation Office into how economic growth and competition were impacted by the planning system, a new draft State Environmental Planning Policy (SEPP) has been prepared and has now been placed on public exhibition.

The draft SEPP proposes that:

- the commercial viability of a proposed development may not be taken into consideration by a consent authority, usually the local council, when determining development applications;
- the likely impact of a proposed development on the commercial viability of other individual businesses may also not be considered; except
 - if the proposed development is likely to have an overall adverse impact on the extent and adequacy of local community services and facilities, taking into account those to be provided by the proposed development itself; and
 - any restrictions in local planning instruments on the number of a particular type of retail store in an area, or the distance between stores of the same type, will have no effect.

In this regard, it is considered that the proposed development by its size, scale, and built form will prevent the ability of a neighbourhood centre from developing on adjoining land, or that the envisaged local services and facilities being able to be provided. If the development was to proceed, it also may impact on the ability of the other centres such as Windsor Road, Kellyville from developing additional retail services and facilities. This will impact on the achievement of the spatial distribution of centres and their identified role and function.

Based on the above comments the proposal is considered unsatisfactory and should be refused on the following strategic considerations:

- (a) The proposed development is not consistent with the strategic planning framework adopted by Council, including the Balmoral Road Release Area Structure Plan and the Centres Hierarchy, that identifies the site as a neighbourhood centre.
- (b) The proposed development by way of its size, scale beyond and the built form is not representative of a neighbourhood centre and does not facilitate accessibility, connectivity to surrounding development or the creation of a local identity.
- (c) The proposed development is not consistent with the requirements of a neighbourhood centres as expressed by the Development Control Plan Part C Section 8 Business 2.2 in terms of meeting the daily convenience needs of residents.
- (d) The proposed development is likely to have an adverse impact on the planned road network and surrounding development as identified in the Development Control Plan Part E Section 17 Balmoral Road Release Area 4.1 Local Road Hierarchy.
- (e) The proposed development is likely to have an overall adverse impact of the extent and adequacy of local community services and facilities that are anticipated to develop or be provided in this location and other planned centres in the locality (Draft Competition SEPP).

5. Compliance with DCP Part C Section 8 – Business

The following table details the proposal's compliance with the provisions of DCP Part C Section 8 – Business.

Development Standard	BHDCP Part C Section 8 Requirements	Proposed Development	Compliance
Precinct Plan Maps	Consistency with the planned character and development of the area	Satisfactory	Yes
Site Analysis	Submission of a site plan addressing social and environmental issues and a site analysis	Satisfactory	Yes
Site Frontage	Minimum 18m	Approx. 101m along western boundary (Wager Road), 125m along northern boundary (Treffone Avenue), 95m along eastern boundary and 92m along southern boundary (Stone Mason Drive).	Yes
Floor Space Ratio	For all commercial and retail development within 3(a) & 3(b) – Maximum 1:1	0.54:1	Yes
Setbacks	<p>Single and two storey retail/commercial development located along a public road may utilize a zero setback, other than in those site specific areas specified on the precinct plan maps.</p> <p>For buildings greater than two storeys or 8 metres in height, the remaining storeys are to be setback within a building height plane of 45° starting from a height of 8 metres.</p> <p>6m if opposite or adjacent to Residential, Special Uses or Open Space zones or as specified on the precinct plan maps.</p>	<p>Applies to east boundary – see below.</p> <p>Does not comply with height at eastern boundary approx. 10m and no building height plane setback.</p> <p>The site adjoins residential land to the north and west, business land to the east and open space land to the south and as such the building is required to be set back 6m to the north, south and west boundaries and nil setback to the east. The applicant has proposed a nil setback to the east and 6m</p>	<p>Yes</p> <p>No</p> <p>Yes</p>

	<p>Redevelopment of any commercial/retail development, operating under existing use rights in a residential zone shall comply with the residential setback applying to the locality.</p> <p>Minimum 40m from the top of the bank of the creek or otherwise to the requirements of the NSW Office of Water.</p> <p>Development affected by a road widening proposal, minimum setback is measured from the new alignment.</p>	<p>setback to the building to the north, south and west boundaries.</p> <p>NA</p> <p>NA</p> <p>NA – the site as a whole is effected by road widening adjacent to Windsor Road however the development site is not effected.</p>	
Building Height	3(a) Zone – max. 12m or 3 storeys or as specified on the precinct plan maps.	The proposal is in part 3 storey in height and has a maximum height of approximately 12m.	Yes
Building Design and Materials	<p>Comply with EP&A Act 1979 and BCA.</p> <p>External walls shall be constructed of brick, glass, pre-cast exposed aggregate panels of similar material. Under no circumstances will masonry block work be permitted on external walls.</p> <p>Balconies/terraced areas adjacent to residential zones to be suitably screened to prevent overlooking and privacy impacts on adjoining properties.</p> <p>Roof ventilators, exhaust towers, hoppers and the like shall not be visible from any public place or residential area.</p> <p>Materials:</p> <ul style="list-style-type: none"> ➤ Use low reflectivity materials on facades. ➤ Avoid materials that contribute to poor internal air 	<p>The proposed materials of construction are considered satisfactory and utilises a variety of materials. The design is modern in appearance and will be in keeping with the future development of the BRRA.</p> <p>NA</p> <p>Enclosed air conditioning and plant on roof and a condenser deck. Location considered satisfactory.</p> <p>Materials are satisfactory.</p>	Yes

	<p>quality.</p> <ul style="list-style-type: none"> ➤ Preference should be given to materials derived from renewable sources or those that are sustainable and generate a lower environmental cost, recycled material or materials with low embodied energy, better lifecycle costs and durability. ➤ Designed in accordance with "Designing Safer Communities Guidelines" with visible entrances, no entrapment spaces and utilise anti-graffiti surfaces. Lighting should be unobstructed, appropriate and vandal proof. ➤ Schedule of external finishes, perspective and landscaping details to be submitted with the DA. 		
Signage	<p>Shall be designed in accordance with BHDCP Part D Section 2 – Signage (refer to Compliance Table for Signage).</p> <p>Should be legible and safe access routes identified.</p>	No signage is proposed as part of this application.	Yes
Hours of operation	<p>Must be compatible with adjoining land uses.</p> <p>Must take into account the operation of loading docks, waste collection services and use of cleaning/maintenance vehicles out of hours.</p>	<p>The proposed hours of operation are 7am to 10pm seven (7) days per week.</p> <p>Deliveries are proposed between the hours of 6am to midnight daily.</p>	The delivery hours are considered excessive.
Energy Efficiency	Minimum 4 star Building Greenhouse Rating.	Satisfactory energy efficient measures used however does not address 4BGR. Applicant has advised the proposal will meet Section J of the BCA which is satisfactory.	Yes
Biodiversity	<p>Significant flora and fauna species, ecological communities and their habitats to be preserved.</p> <p>Retain existing bushland and fauna habitats, including identifiable corridors and linkages.</p>	Unsatisfactory impact – see Sustainability comments.	No

Erosion and Sediment Control	DA to be accompanied with a Sediment and Erosion Control Plan prepared in accordance with "Managing Urban Stormwater - Soils and Construction" produced by the NSW Department of Housing.	Appropriate conditions could be imposed.	Yes
Landscaping and Tree Preservation	All landscaped areas to have a minimum width of 2 metres.	2m landscape strip provided between ramp access and boundary adjacent to western boundary.	Yes
	Grassed embankments not to exceed a 1:6 slope.	Landscape plan satisfactory.	Yes
	<p>Shall incorporate natural surveillance, good sightlines, lighting and active use of open space.</p> <p>Endangered ecological communities to be preserved and maintained in accordance with a Vegetation Management Plan.</p> <p>DA to be accompanied with:</p> <ul style="list-style-type: none"> ➤ Landscaping Plan (prepared in accordance with BHDC Part D Section 3 - Landscaping) ➤ Tree Management Details/Arborist Report ➤ Vegetation Management Plan if endangered ecological communities exist. 	No arborist details submitted.	No
Road Widening	Applies to development sites on the eastern side of Old Northern Road, Baulkham Hills. No consent to be granted in this area unless so much of the site area required for road widening as identified by the RTA has been transferred, without cost, to Council.	NA	NA
Terminus Street Car Park	Existing car parking provision within the public car park located between Terminus Street and McDougal Lane, Castle Hill, identified on map sheet No.11 of the Precinct Plan maps shall not be reduced through any site redevelopment.	NA	NA

Vehicular Access	<p>Vehicular access to main roads shall not be permitted where alternative access is available or can be acquired.</p> <p>Adequate vehicular entry and exit from the development is to be provided.</p> <p>Vehicular ingress and egress to the site must be in a forward direction at all times.</p> <p>Driveways from public roads to be:</p> <ul style="list-style-type: none"> ➤ perpendicular to the road within the building setback; ➤ separated or divided at the property boundary for ingress and egress movements; ➤ sight distances are to be in accordance with Part D Section 1 – Parking and Council’s Design Guidelines for Subdivisions / Developments. <p>For developments within 3(a) zone located:</p> <ul style="list-style-type: none"> ➤ on the western side of Post Office Road, Glenorie, vehicular access shall be restricted and future access roads provided, as specified on Map Sheet No.5. ➤ on the northern side of Windsor Road, Kellyville, provision shall be made for rights of carriageway as specified on Map Sheet No. 6. ➤ Located on the northern side of Wrights Road, Kellyville, vehicular access shall be provided as per Map Sheet No. 12 to align with entry/exit from Wrights Road Reserve. 	Vehicle access is unsatisfactory. See section 1 and Subdivision comments.	No
Car Parking	1 space 18.5m2 of net floor space for general business and retail	NB: DCP Part D Section 1 – Parking requires a rate of 1 space per 18.5m2 of GLFA. The proposal has a GLFA of 3705m ² which requires 201 spaces (200.3 spaces). 202 spaces are	Yes

	<p>All driveway and parking areas to be screened by a min. of 2m wide landscaped strips.</p> <p>External parking areas to be provided with 2m wide landscaping strips at a rate of 1 every 10 car parking spaces.</p> <p>Stacked car parking will not be included in the assessment of the number of car parking spaces.</p> <p>Parking provision for parents with prams is to be provided in accordance with the requirements of BHDCP Part D Section 1 – Parking.</p> <p>Disabled parking provision is to be provided in accordance with the requirements of Part D Section 1 – Parking and Council policy entitled “Making Access for All 2002”.</p> <p>Motorcycle Parking: 1 space per 50 car spaces.</p>	<p>provided.</p> <p>2m landscape strip provided between ramp access and boundary adjacent to western boundary.</p> <p>Adequate planter boxes provided.</p> <p>No stacked parking provided.</p> <p>1 space per 100 spaces are required to be parents with pram spaces ie: 2 spaces required – 2 spaces provided.</p> <p>2% of spaces are required to be disabled spaces ie: 5 spaces (4.02 spaces) required – 6 spaces provided.</p> <p>Based on 205 spaces, 5 motorcycle spaces are required – 8 spaces provided.</p>	
Bicycle Parking	<p>Applicable to any new commercial/retail development exceeding 5,000m² in floor area and any extensions to existing commercial/retail developments which will increase the size of the total development to greater than 5,000m².</p> <p>➤ Min. 2 spaces plus 5% of the total number of car parking spaces required for the abovementioned development.</p> <p>➤ Located in close proximity to the buildings entrance and clustered in lots not exceeding 16 spaces.</p> <p>Consideration should be</p>	<p>The development does not exceed 5000m² and as such bicycle parking is not required, however the 12 bicycle spaces will be provided.</p>	Yes

	given to the provision of undercover facilities		
Loading Facilities	<ul style="list-style-type: none"> ➤ 1 loading dock space per development suitable to the size of proposal. ➤ Turning provisions per AUSTROADS ➤ To be commensurate with the size and nature of proposal. ➤ Not visible from adjoining residential areas and no excessive noise transmission. 	Loading dock provided for supermarket which is satisfactory in respect to its location, size and usability. A second loading dock is provided for the specialty stores commensurate with size and use.	Yes
Pedestrian access and movement	<ul style="list-style-type: none"> ➤ Compliance with min. dimensional requirements of AS 1428.1 – 2001 Design for Access & Mobility. ➤ Street furniture and obstructions be kept clear of pathways ➤ Overhanging objects not lower than 2100mm above pathways. ➤ Access symbols to be provided as per Council's "Making Access for All" document. ➤ Pathways to be in accordance with "Designing Safer Communities Guidelines". 	Applicant has confirmed that all access will be in accordance with AS 1428.1 – 2001. Disabled spaces are located in convenient locations. A travelator and lift are provided from the lower carpark to the entrance.	Yes
Parenting facilities	To be provided for new retail development exceeding 3,000m ² or extensions which will exceed total floor area greater than 3000m ² .	Notation on plans to indicate fit-out will comply with DCP requirements. This could be conditioned.	Yes
Stormwater Facilities	Employ Water Sensitive Urban Design (WSUD) principles, with 2 measures required to be utilised.	Rainwater utilisation, on-site infiltration system and stormwater utilisation will be utilised.	Yes
Waste Management	Waste Management Plan to have regard to development controls 3.23(a) to (d) and 3.24 A & B	Satisfactory waste management for both construction and on-going.	Yes
Heritage	Address provisions of BHDCP Part D Section 5 – Heritage.	NA	NA
Developer Contributions	<ul style="list-style-type: none"> ➤ Refer to relevant Contributions Plan ➤ Council may seek contributions for: <ul style="list-style-type: none"> - open space embellishment; 	NA to retail development in BRRA.	NA

	<ul style="list-style-type: none"> - roads, traffic management and drainage facilities; - community facilities; and - any specialist studies or investigations 		
Site investigation	Submission of Contamination Report for DAs within Wrights Road Precinct and a validation report upon completion of works.	NA	NA
Wrights Road Town Centre	<p>Have regard to development controls relating to:</p> <ul style="list-style-type: none"> ➤ civic amenity and urban design; ➤ Site identity through gateway architectural elements; ➤ Articulations in elevations visible from public view; ➤ Views to open space; ➤ Provision of a central space; ➤ Convenient and direct pedestrian links with no vehicle conflict; ➤ Pedestrian access provision: <ul style="list-style-type: none"> - in at least one location along the eastern boundary from adjoining cycleway; - in at least one location along the western boundary to facilitate ease of movement to/from adjacent existing retail development; - along the Wrights Road frontage ➤ Loading areas to be located with minimum pedestrian/vehicle conflicts, streetscape impact and relationship with adjoining land; ➤ Bulk of parking at basement level with some at-grade parking for patrons' access convenience. 	NA	NA

6. RTA and Police Comments

(i) RTA Comments

Under the requirements of Schedule 3 of the State Environmental Planning Policy – Infrastructure 2007, the application required referral to RTA as the proposal is for 'shops' which exceed 2000m² in floor area.

The RTA advised that the development is not supported on the basis that there is no vehicle access to Windsor Road, that the access road is located on an adjoining property and does not form part of the application, and the timing of the road access is unknown.

(ii) Police Comments

The proposal was also referred to the NSW Police Service having regard to the Protocol between the Police and Council. The Police raised no objection in principle to the proposal.

7. Submissions

The proposal was notified to the adjoining property owners for a period of fourteen (14) days. There was one (1) submission received on behalf of an adjoining property owner. The concerns related to the applicant's request for a Deferred Commencement consent to be issued in relation to road construction on the basis that: the road is not located on the development site, there is no certainty in respect to the road construction, and road access is fundamental to the development.

8. Compliance with Section 79C of the Environmental Planning and Assessment Act, 1979

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

(a) (i) Any environmental planning instrument

Unsatisfactory as detailed within Sections 1 and 3 of this report.

(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

Unsatisfactory as detailed within Section 2 and 5 of this report in respect to road access.

(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,

Not relevant.

(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,

Unsatisfactory - in respect to impact on flora and fauna, tree removal, strategic considerations, drainage, vehicle access, salinity and site contamination.

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

Unsatisfactory - in respect to impact on flora and fauna and tree removal..

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

Unsatisfactory - the proposal was notified for a period of fourteen (14) days in accordance with Council's DCP requirements and one (1) submission was received.

(e) the public interest.

Unsatisfactory - the proposed development is considered satisfactory in regard to social and environmental impacts and will provide a benefit to residents both within and outside of the Shire through the provision of additional capacity for health services.

SUBDIVISION ENGINEERING COMMENTS

Council's Senior Subdivision Engineer reviewed the original and revised proposal. In respect to the revised information the following matters have not been appropriately addressed:

- (i) The proposed development does not have public road access until the completion of Wager Road (Road A) as per the predetermined road pattern in accordance with Council's DCP. No concurrence from the affected property owner has been provided in regard to the construction of road access.

- (ii) Proposed Treffone Avenue (Road B) is an 'Access Street' which is required to be 15.5m wide in accordance with the road hierarchy. An Access Street is a street providing local residential access with shared traffic and pedestrian use.

The development proposes to use Treffone Avenue for heavy vehicles associated with commercial activities which does not comply with the objectives in respect to access streets. Accordingly, the application cannot be supported for approval unless a redesign is provided seeking access from other street frontages (Collector Roads).

- (iii) In order to ensure the compatibility of the proposed road design (levels) with the proposed building levels, and to identify the scope of works associated with the construction of these roads, a 'Concept Road Design Plan' (master plan for the road network) has been requested. This concern has not been addressed.

- (iv) A 'Drainage Concept Plan' prepared by VDM Consulting Engineers (Revision B) dated 28/07/2010 generally addresses the road drainage network. The proposal includes two (2) 'points of stormwater discharge' into the adjoining property which are to be linked with the future Wager Road drainage network. No concurrence from the affected property owner has been provided in regard to the proposed points of discharge.

- (v) The amended SEE and the 'Drainage Concept Plan' refers to incorporation of an OSD facility and Water Sensitive Urban Design (WSUD) measures. The WSUD

design is required to be accompanied with the appropriate calculations including a MUSIC model for assessment.

- (vi) The proposed heavy vehicle access from Treffone Avenue cannot be supported as it does not comply with the road hierarchy (see above), may result in traffic conflict with the intended road users (residential and industrial vehicles) and is inconsistent with the road design standards. The proposal should be redesigned with alternative access from other Collector roads fronting the site.
- (vii) The proposed vehicular access and parking including the circulation have not been detailed with adequate dimensions and cross-sections to complete an assessment against relevant design standards as requested previously.

On the basis of the above comments the application is considered to be incomplete and the proposal cannot be supported for approval.

TRAFFIC MANAGEMENT COMMENTS

This application proposes to construct a 3,300m² supermarket and 260m² specialty shop with provision for 205 parking spaces. The site is located at 73-75 Windsor Road, Baulkham Hills with a road frontage to the State Arterial of Windsor Rd however vehicular access is proposed via several yet to be constructed roads within the Balmoral Road Release Area.

The applicant states that there is no intention of these roads being constructed as part of this application and it is their intention that the proposed development would not be constructed until such time as the road network is in place.

In this regard an assessment of the traffic impact of the proposal cannot be undertaken until such time as traffic access is available and the road construction is included as part of the application.

TREE MANAGEMENT COMMENTS

The proposal has been reviewed and the proposed landscape plan submitted is satisfactory. However the application was not accompanied by an arborist report detailing the location, health and other appropriate information regarding trees located on the site. As such the proposal cannot be supported.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

Council's Environmental Health Officer has reviewed the original and revised proposal. In respect to the revised information the following matters have not been appropriately addressed:

- (i) A soil salinity assessment was not submitted to Council in accordance with the request for additional information. In this regard the Balmoral Road Release Area has been identified as an area of moderate to high potential for soil salinity. A soil salinity assessment is required that is consistent with the advice contained in the Department of Water and Energy publication entitled "Site Investigations for Urban Salinity" and "Building in a Saline Environment" dated 2002.
- (ii) A preliminary contamination assessment was submitted however it was not conducted in accordance with the referenced guideline documents as requested and it triggered the need for further soil sampling due to previous uses of the subject sites including a small orchard. The additional soil sampling required was not provided.

It is noted that amended acoustic report and details of the method of restricting access to the loading dock after hours was reviewed and was considered satisfactory.

In respect to the matters above the proposal remains unsatisfactory and cannot be supported.

WASTE MANAGEMENT COMMENTS

No objection raised to the proposed based on the additional waste management information provided by the applicant.

FORWARD PLANNING COMMENTS

Refer to Section 3 above.

SUSTAINABILITY COMMENTS

The proposed development requires the removal of a stand of the Critically Endangered Ecological Community ('CEEC'), *Cumberland Plain Woodland*.

Cumberland Plain Woodland has been identified throughout the site but in particular within the north-west corner of the site (Lot 37 DP 38439). No attempt has been made to retain any portion of this ecological community regardless of its potential to support the range of threatened and rare biodiversity known to forage and roost within the Balmoral Release Area, such as the Vulnerable microbat species *Miniopterus schreibersii*. Furthermore, the stand within Lot 37 DP 38439 is connected with 1.4 hectares of identified *Cumberland Plain Woodland* in the adjoining site which, in its entirety, appears to meet the condition thresholds of a National Ecological Community.

While the proponent has advised that the development does not pose a significant threat to the Critically Endangered *Cumberland Plain Woodland* present on site, the development is located such that the entire stand in the north-west corner of Lot 37 DP 38439 would require removal. The complete removal of the CEEC present is deemed to constitute a significant impact and as such, the development does not pass the Seven-Part Test and will require a Species Impact Statement ('SIS').

The siting of the proposed development in its current form, requiring such vegetation removal, has not been justified given the suitable cleared areas available for its siting.

As such the proposal is required to be supported by a Species Impact Statement and/or redesigned to accommodate for the retention of some of the Critically Endangered Ecological Community, *Cumberland Plain Woodland*.

CONCLUSION

The proposed supermarket and specialty shop development has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act and Development Control Plan Part E Section 17 – Balmoral Road Release Area and Part C Section 8 – Business and is considered unsatisfactory.

The applicant has sought a 'Deferred Commencement' consent in relation to the non-provision of road access. This is considered unsatisfactory on the basis that there is no certainty in regard to the provision of road access and accordingly the proposal is unsatisfactory in regard to the orderly development of land and the provisions of road access under LEP 2005.

In regard to strategic considerations, Council has identified the site as being suitable for neighbourhood shops. The current proposal is considered to be a larger and denser form of retail development than a neighbourhood centre and is therefore inconsistent with the

Council's strategic vision. The proposal is also inconsistent with Council's Uncertified Draft LEP which will identify the site as a neighbourhood centre and limit shop sizes to 100m². Whilst the Uncertified Draft LEP is not yet on exhibition the document provides a consistent approach with the Balmoral Road Structure Plan which has been in place since 2003.

In addition to the above, the proposal is unsatisfactory in broad terms with a number of Council requirements in respect to impact on flora and fauna, tree removal, engineering and drainage considerations, water and sewer services, salinity and site contamination.

Accordingly the proposed development is unsatisfactory and refusal of the application is recommended.

IMPACTS:

Financial

Refusal of this application may be subject to a Class 1 Appeal which will require legal cost to defend such appeal.

Hills 2026

The social and environmental impacts have been identified and addressed in the report. The proposed supermarket and specialty shop development is considered to be inappropriate development given that the proposal does not have public road access. The proposal also is inconsistent with strategic considerations and is considered to be an inappropriate form of development.

RECOMMENDATION

The Development Application be refused for the following reasons:

1. The proposed development is unsatisfactory in respect to the Clause 45(a) of Local Environmental Plan 2005 in that it has not been demonstrated that the site can be adequately serviced in respect to water and sewer services and adequate public road access will not be provided (Section 79C (a)(i) of the Environmental Planning and Assessment Act, 1979).
2. The proposed development is unsatisfactory as the non-provision of public road access does not demonstrate the orderly development of the site (Section 79C (a)(i) of the Environmental Planning and Assessment Act, 1979).
3. The proposed development is unsatisfactory in respect to Baulkham Hills Development Control Plan Part E Section 17 Balmoral Road Release Area in relation to the provision of adequate public road access to service the development and on this basis is not supported by the Roads and Traffic Authority (Section 79C (a)(iii) of the Environmental Planning and Assessment Act, 1979).
4. The proposed development is unsatisfactory in respect to the requirements of Baulkham Hills Development Control Plan Part E Section 17 Balmoral Road Release Area in relation to Section 2.2 and Section 3.1 and the impact on the environment, site characteristic, natural vegetation and bushland and biodiversity in respect to the removal of Cumberland Plain Woodland (Section 79C (a)(iii) of the Environmental Planning and Assessment Act, 1979).
5. The proposed development is unsatisfactory in respect to the adverse impact upon the environment in regard to the loss of Cumberland Plain Woodland and that the proposed tree removal was not supported by an arborist report (Section 79C (b) of the Environmental Planning and Assessment Act, 1979).

6. The proposal is unsatisfactory in respect to strategic considerations as the site is identified as being appropriate for a Neighbourhood Centre development as follows:
- (a) The proposed development is not consistent with the strategic planning framework adopted by Council, including the Balmoral Road Release Area Structure Plan and the Centres Hierarchy, that identifies the site as a neighbourhood centre.
 - (b) The proposed development by way of its size, scale beyond and the built form is not representative of a neighbourhood centre and does not facilitate accessibility, connectivity to surrounding development or the creation of a local identity.
 - (c) The proposed development is not consistent with the requirements of a neighbourhood centres as expressed by the Development Control Plan Part C Section 8 Business 2.2 in terms of meeting the daily convenience needs of residents.
 - (d) The proposed development is likely to have an adverse impact on the planned road network and surrounding development as identified in the Development Control Plan Part E Section 17 Balmoral Road Release Area 4.1 Local Road Hierarchy.
 - (e) The proposed development is likely to have an overall adverse impact of the extent and adequacy of local community services and facilities that are anticipated to develop or be provided in this location and other planned centres in the locality (Draft Competition SEPP).

(Section 79C (b) of the Environmental Planning and Assessment Act, 1979).

7. The proposed development is unsatisfactory in respect to engineering considerations as follows:
- (a) The proposed development does not have public road access until the completion of Wager Road as per the predetermined road pattern in accordance with Council's Development Control Plan.
 - (b) Treffone Avenue is an 'Access Street' which is a street providing local residential access with shared traffic and pedestrian use. The proposal is for heavy vehicle use which may cause conflict between heavy vehicles, general traffic and pedestrians.
 - (c) Unsatisfactory or insufficient information has been provided regarding road design, drainage and vehicular access and parking

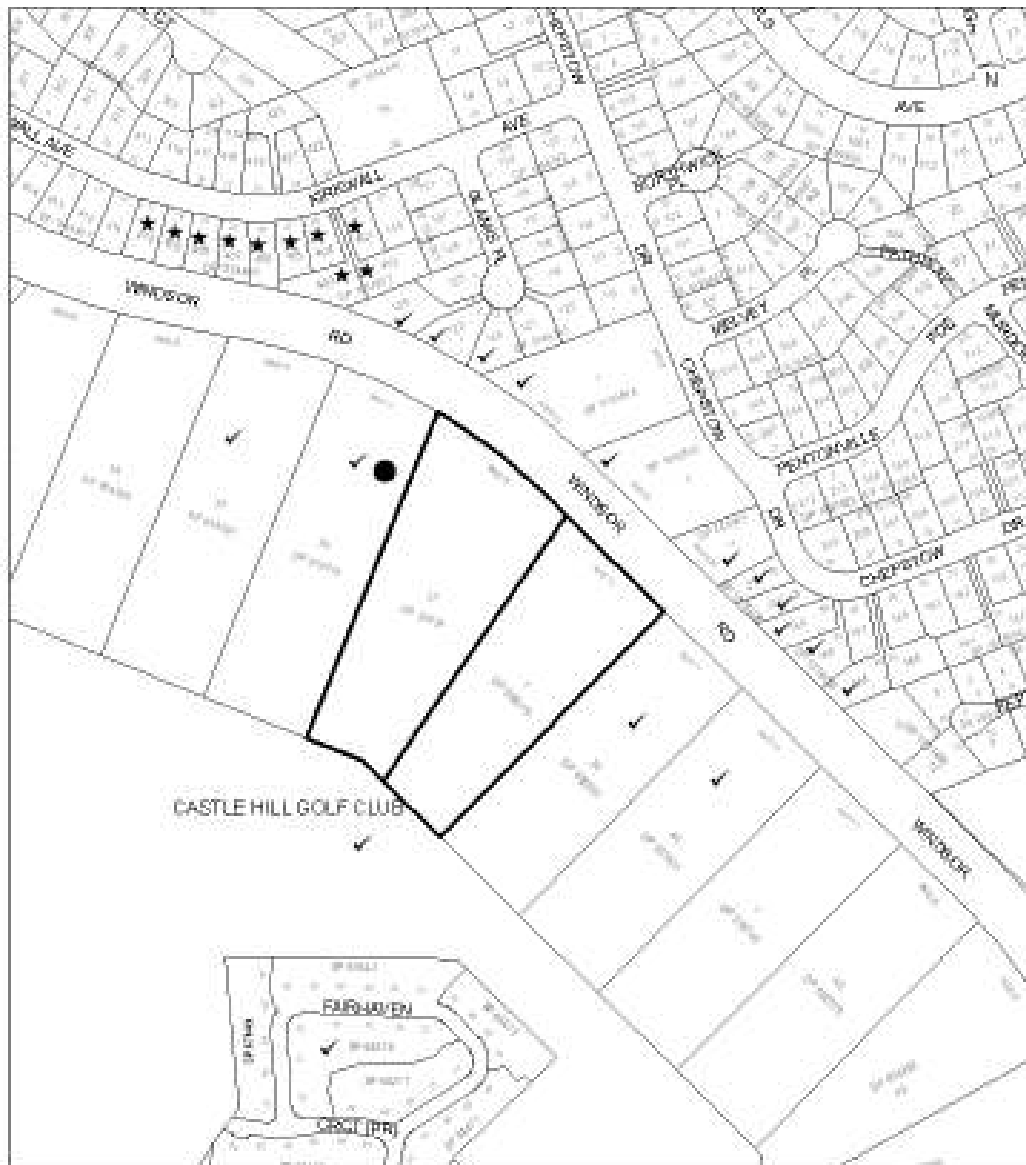
(Section 79C (b) of the Environmental Planning and Assessment Act, 1979).

8. The proposed development has not adequately demonstrated that the proposal is satisfactory in respect to building height plane, soil salinity and site contamination (Section 79C (b) of the Environmental Planning and Assessment Act, 1979).
9. The proposed development is unsatisfactory given the adverse impact upon flora, fauna and trees due to the siting and design of the proposal (Section 79C (c) of the Environmental Planning and Assessment Act, 1979).
10. The proposed development is unsatisfactory given that one (1) submission was received in regard to the non-provision of public road access and is not in the public interest (Section 79C (d) and (e) of the Environmental Planning and Assessment Act, 1979).

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Zoning Plan
4. DCP Proposed Road Layout Plan
5. Threatened Species Plan
6. Site Plan
7. Basement Plan
8. Ground Level Plan
9. Upper Level Plan
10. Elevations

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSION RECEIVED
- ★ THESE PROPERTIES NOTIFIED UNDER THE PARENT LOT (AS PER PROPERTY DETAILS AT TIME OF LODGEMENT)

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL, BY DEPUTY GENERAL MANAGER, CONFIRMS THE ACCURACY, COMPLETENESS AND RELIABILITY OF THE SPATIAL INFORMATION HELD BY THE COUNCIL AT THE TIME OF THIS PLAN.

SPATIAL DATA IS PROVIDED AS A PROPERTY INFORMATION TOOL. SPATIAL DATA IS PROVIDED AS A GUIDE ONLY. SPATIAL DATA IS NOT TO BE USED FOR ANY OTHER PURPOSE. SPATIAL DATA IS NOT TO BE USED FOR ANY OTHER PURPOSE. SPATIAL DATA IS NOT TO BE USED FOR ANY OTHER PURPOSE.

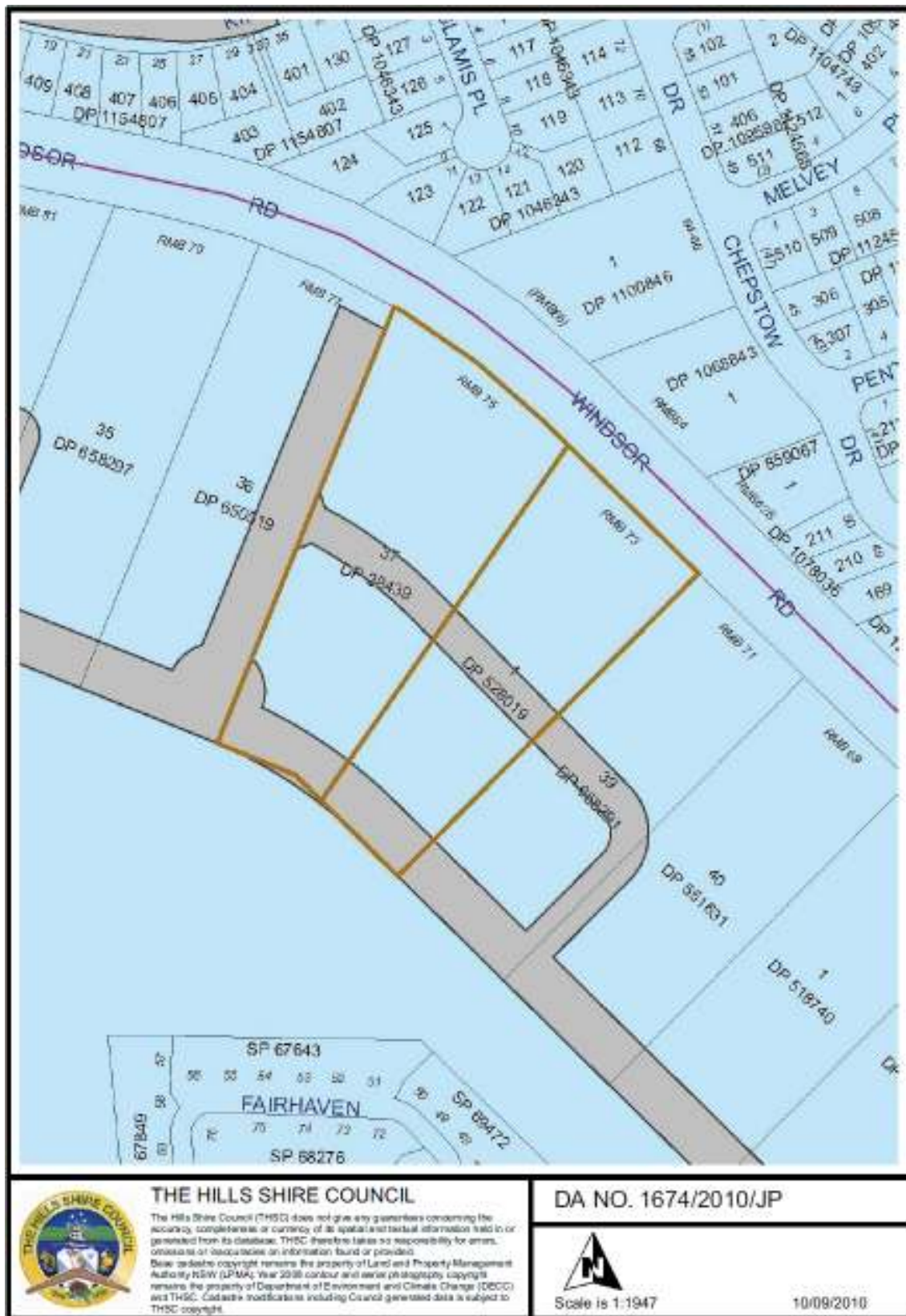
ATTACHMENT 2 – ZONING PLAN



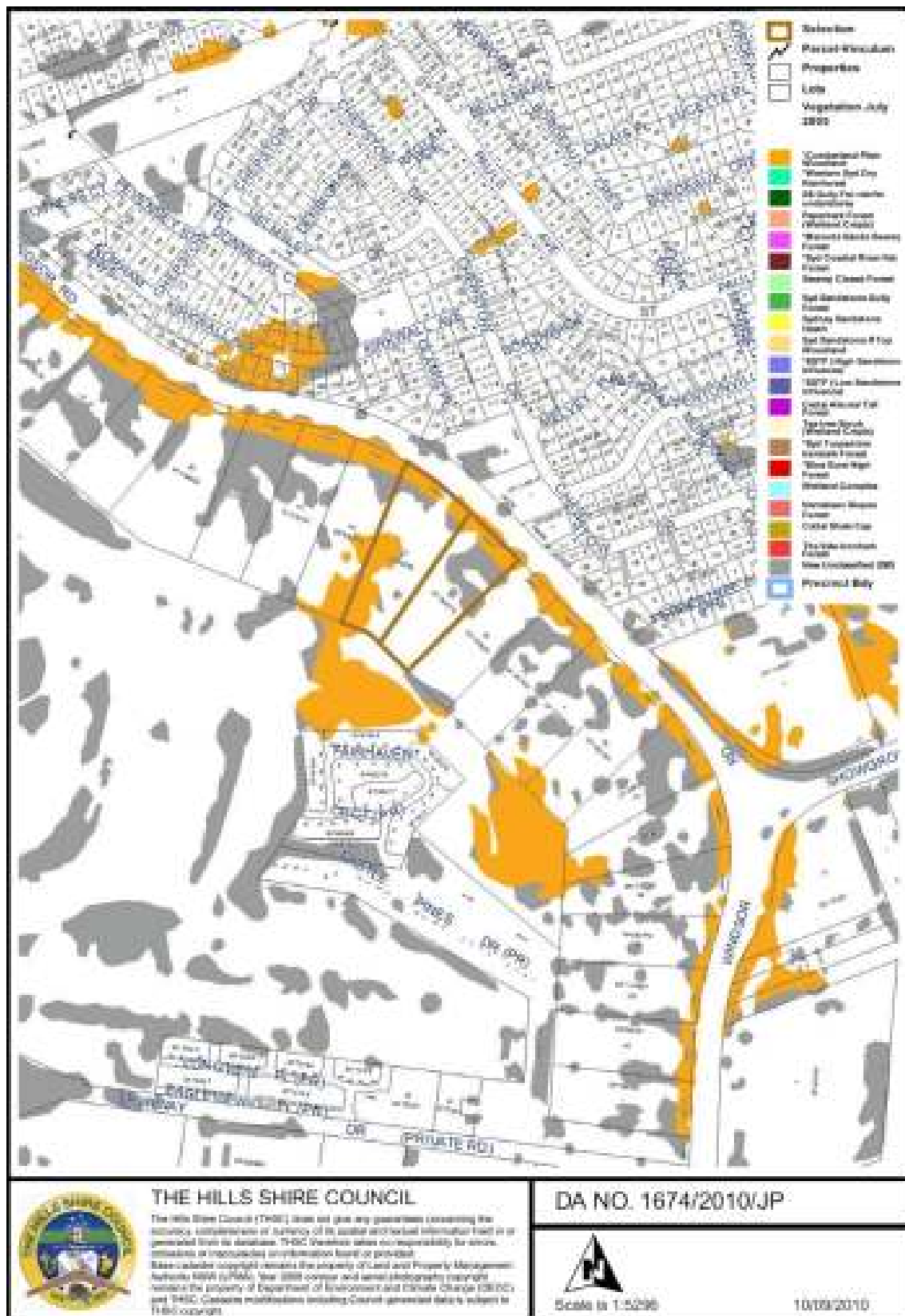
ATTACHMENT 3 – AERIAL PHOTOGRAPH



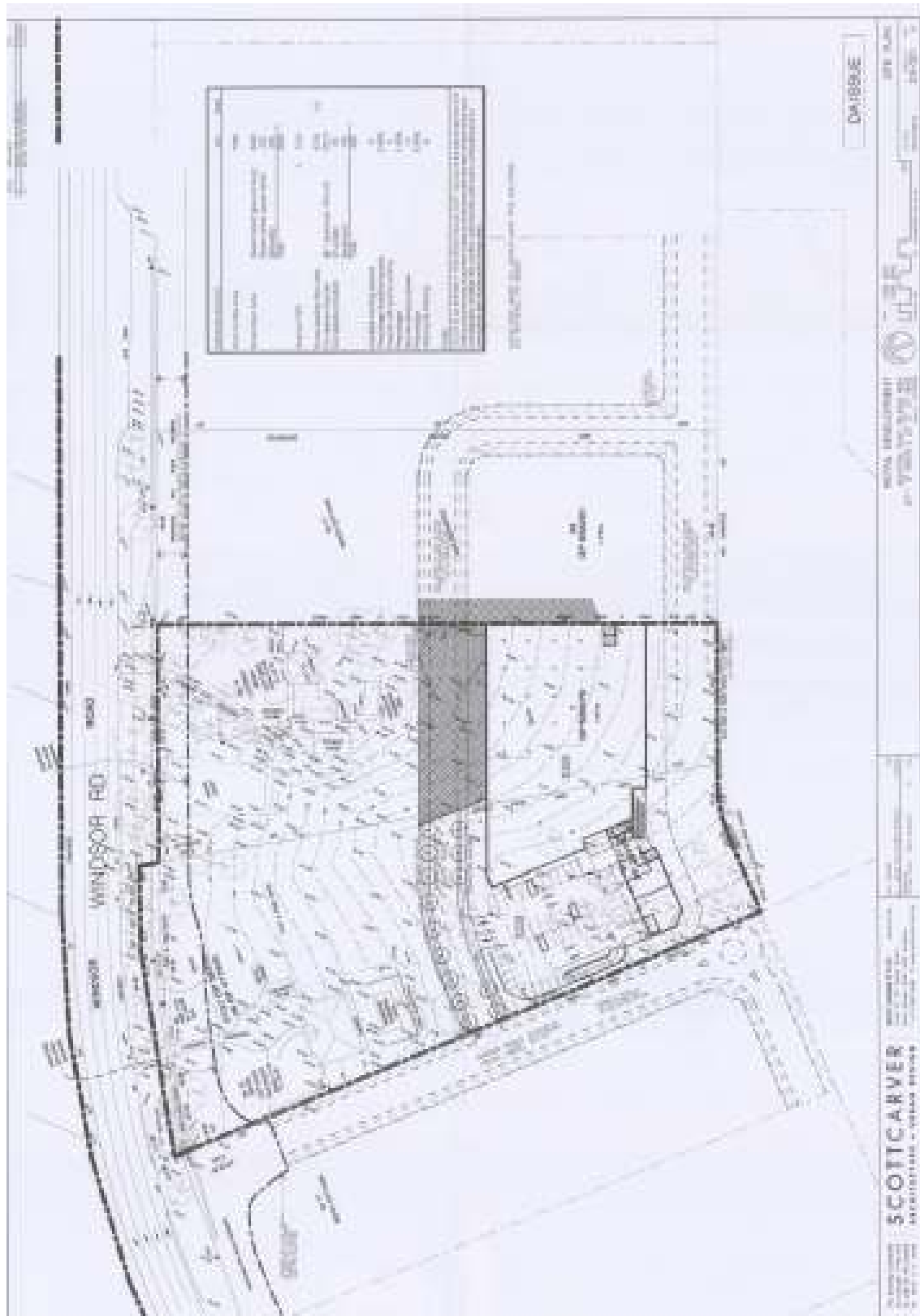
ATTACHMENT 4 – DCP PROPOSED ROAD LAYOUT PLAN



ATTACHMENT 5 – THREATENED SPECIES PLAN



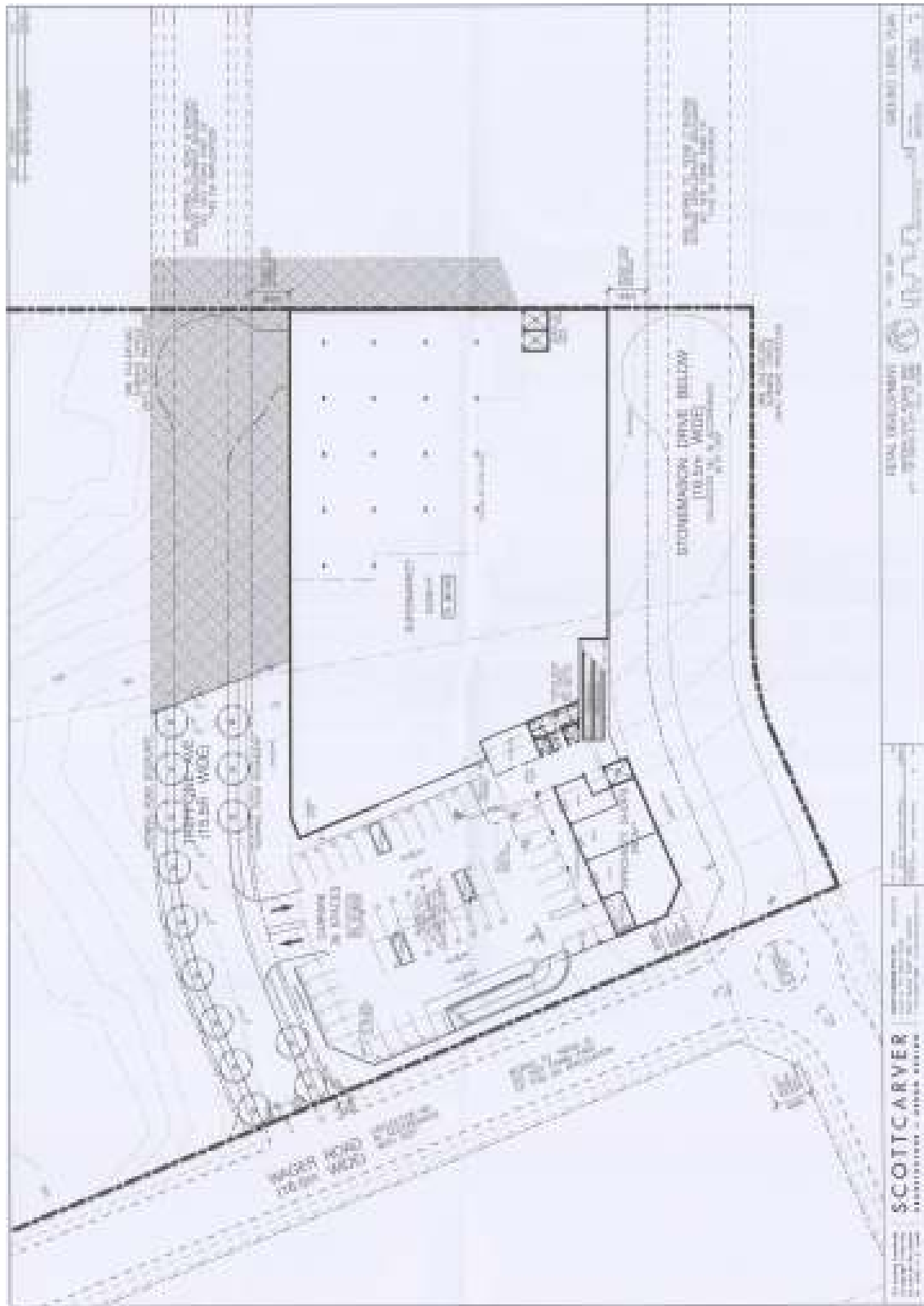
ATTACHMENT 6 – SITE PLAN



ATTACHMENT 7 – BASEMENT PLAN



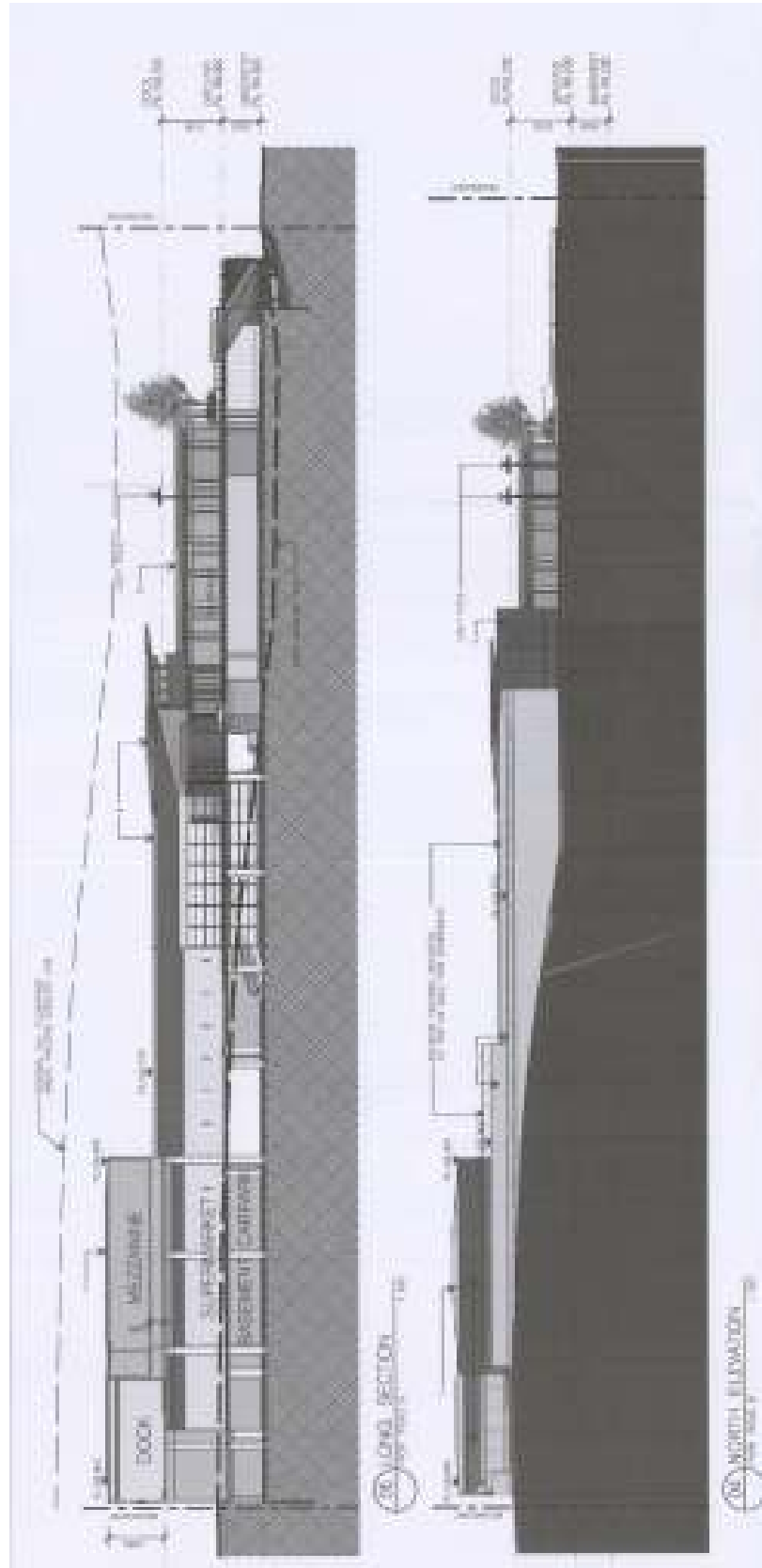
ATTACHMENT 8 – GROUND LEVEL PLAN



ATTACHMENT 9 – UPPER LEVEL PLAN



ATTACHMENT 10 – ELEVATIONS



ATTACHMENT 10 - ELEVATIONS

