

# JRPP PLANNING REPORT

<b>JRPP NO:</b>	<b>2011SYW061</b>
<b>DA NO:</b>	<b>1481/2011/JP</b>
<b>PROPOSED DEVELOPMENT:</b>	<b>DEMOLITION OF EXISTING STRUCTURES ON PART OF THE SITE FOR CONSTRUCTION OF A STAGED MOTOR SHOWROOM AND DEALERSHIP DEVELOPMENT</b>
<b>SUBJECT SITE:</b>	<b>LOT 51 DP 1060302 - 2A VICTORIA AVENUE, CASTLE HILL</b>
<b>APPLICANT:</b>	<b>MR J HUBBARD</b>
<b>LODGEMENT DATE:</b>	<b>12 MAY 2011</b>
<b>REPORT BY:</b>	<b>DEVELOPMENT ASSESSMENT CO-ORDINATOR GAVIN CHERRY</b>
<b>RECOMMENDATION:</b>	<b>APPROVAL</b>

## EXECUTIVE SUMMARY

The Development Application is for the demolition of existing structures on the front portion of the subject site for the development of a staged motor showroom room / dealership development. The dealerships are to be constructed within three (3) stages including four (4) separate dealership tenancies. The rear portion of the site is to be retained for light industry and warehousing occupations which will be subject to separate Development Applications or Complying Development Certificates for occupation.

The proposed development results in the retention of an existing setback variation adjacent to Windsor Road and the provision of a new setback variation adjacent to the northern (side) property boundary. BHDCA Part C, Section 9 – Light Industry requires the provision of a 20 metre landscaped setback to Windsor Road (exclusive of any car parking) and a side setback of 5.0 metres to any proposed building. The proposed development maintains the existing landscape buffer to Windsor Road being a minimum 12.6m however the majority of parking is setback 15m to Windsor Road. This existing car parking area is also situated approximately 3.0 metres lower than the road with existing retaining walls as indicated on the landscape and architectural plans. As a result this existing car parking area is not readily visible from Windsor Road. The proposed side boundary setback is 2.5 metres which maintains a consistent setback to the existing development retained at the rear of the site. While it is noted that the proposed works are closer to Victoria Avenue, the embellished internal landscaping treatments and additional landscaping in the side and front setback areas will ensure that the development is compatible with the existing character of the area.

The proposal also seeks a 207 parking space variation to BHDCA Part D, Section 1 – Parking. However the proposed variation is considered satisfactory as the proposed parking provision is considered to be more than adequate based on survey demand data associated with the operation a motor showroom / dealership development with sufficient

demonstration that the parking will accommodate all employee, customer and servicing requirements associated with the four (4) proposed dealership tenancies.

The Development Application was publicly notified and as a result three (3) submissions were received raising issues of concern with the proposal. It is noted that one (1) of these submissions was received from a tenant within the subject site and one (1) submission has been commissioned from an unknown property owner. The issues raised within the received submission relate to character, traffic generation and parking, LEP compliance, strategic planning directions and suitability of the proposed development.

There has been concerns raised that the proposal does not maximise development potential for the site. However it is noted that redevelopment of a higher density form could still be pursued in the future, should the current owner or future owner wish to pursue this potential.

The issues raised in the received submissions have been considered and addressed within the body of this report and are not considered to warrant further amendment or refusal of the Development Application.

The Development Application is recommended for approval subject to conditions of consent.

## BACKGROUND

## MANDATORY REQUIREMENTS

Owner:	AHG Property Pty Ltd	1.	<u>BHLEP 2005</u> – Permissible with Consent.
Zoning:	Light Industry 4(b)	2.	<u>Draft THLEP 2010</u> – Permissible under the Draft LEP as amended and approved by Council.
Area:	43,310m <sup>2</sup>	3.	<u>SEPP 64 – Advertising Signage</u> – Satisfactory.
Existing Development:	Light Industrial Development	4.	<u>SEPP (Infrastructure) 2007</u> – Satisfactory.
		5.	<u>SEPP (Major Development) 2005</u> – Satisfactory and referred to the JRPP for determination.
		6.	<u>Safer By Design Protocol</u> – Satisfactory.
		7.	<u>BHDCP Part C, Section 9 – Light Industry</u> – Variation, see report.
		8.	<u>BHDCP Part D, Section 1 – Parking</u> – Variation, see report.
		9.	<u>BHDCP Part D, Section 2 – Signage</u> – Complies.
		10.	<u>Section 79C (EP&amp;A Act)</u> – Complies.

		11.	<u>Section 94 Contributions</u> - No applicable plan and no contributions required. There is a Draft Section 94A Contributions Plan in preparation however this is yet to be adopted by Council.
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## 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.	2.	Submission Received.
3. Number Advised:	Sixty Eight (68).	3.	Variations to BHDCP.
4. Submissions Received:	Three (3)  Note that one (1) objector is a tenant from inside the subject site.		

## HISTORY

<b>13/12/2010</b>	Development Application 825/2011/HA lodged for the construction of a temporary motor showroom facility within the existing car parking area.
<b>15/03/2011</b>	Development Application 825/2011/HA withdrawn.
<b>19/04/2011</b>	Development Application No. 1154/2011/HA approved for temporary occupation and fitout of Units A10, A11, E1 and E11 for a Motor Showroom. The occupation was proposed for two (2) years, after which a site-wide upgrade of the light industrial complex was intended to be undertaken (being the subject of the current Development Application).
<b>12/05/2011</b>	Subject Development Application lodged with Council.
<b>14/06/2011</b>	Letter sent to the applicant requesting additional information concerning hazardous material storage, acoustics, drainage, car parking design, plan discrepancies, car parking generation, landscaping and DCP compliance.
<b>27/06/2011</b>	Amended stormwater drainage information submitted.
<b>15/07/2011</b>	Amended and additional information submitted.
<b>26/07/2011</b>	Further letter sent to the applicant requesting additional drainage details.
<b>02/08/2011</b>	Amended drainage details submitted.

<b>23/08/2011</b>	Council approved amendment to the Draft The Hills Local Environmental Plan 2010 to permit vehicle sales or hire premises within the Draft B5 zone.
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## PROPOSAL

The proposal includes demolition of existing structures (55 industrial units) on the front portion of the subject site with the following subsequent staged construction for four (4) individual motor showroom dealerships:-

<b>Stage 1</b>	2,710m <sup>2</sup> of gross floor area 27 servicing bays 53 customer parking spaces 63 display parking spaces 3 additional wash bays
<b>Stage 2</b>	2,670m <sup>2</sup> of gross floor area 22 serving bays (and an additional 2 inspection bays at the entrance) 46 customer parking spaces 107 display parking spaces 2 additional wash bays Drive through clearway canopy proposed
<b>Stage 3</b>	3,000m <sup>2</sup> of gross floor area 20 servicing bays 67 customer parking spaces 100 display parking 2 additional wash bays

The retained site area towards the rear of the allotment provides for 4,690m<sup>2</sup> of gross floor area with 123 dedicated car parking spaces. This area is retained as light industrial units however the tenancy of each occupation will be subject to separate Development Applications or Complying Development Certificates as each tenant is currently on a month by month lease.

The application includes advertising signage for the proposed Hyundai dealership contained within Stage 2. This signage is contained on the building. The application as originally lodged included pylon signage however this component has since been removed from the proposal as has indications of signage for the other future dealership tenancies.

The proposed hours of operation are as follows:-

- Sales: Monday to Saturday between 8.00am and 6.00pm and Sunday Operation between 9.00am and 6.00pm; and
- Servicing: Monday to Friday between 7.30am and 6.00pm (Thursday night until 8.00pm), Saturday between 7.30am and 1.00pm and no servicing activities on Sunday.

The number of estimated employee volumes within the development is as follows:-

	Dealership 1	Dealership 2	Dealership 3A	Dealership 3B	Total
New cars	9.7	9.0	5.7	5.7	30.0
Used cars	5.0	5.0	0.5	0.5	11.0
Finance	2.3	2.3	0.7	0.7	6.0
Aftercare	1.5	1.5	0.5	0.5	6.0
Service	18.3	16.3	8.2	8.2	51.0
Parts	2.0	2.0	0.5	0.5	5.0
Admin	2.5	2.5	1.5	1.5	8.0
DP	1.0	1.0	0.5	0.5	3.0
Sales Support	1.6	1.6	0.9	0.9	5.0
Total	44	42	19	19	125

The applicant has also provided an estimated customer volume breakdown within the development as follows:-

Matter		Dealership 1	Dealership 2	Dealerships 3A and 3B	Total
Customers	Average number of customers per average week day	50	45	45	140
	Average number of customers per average weekend day	45	40	40	125
	Average number of customers on site at any one time	6	5	5	16
Staff	Average number of staff on site at any one time	44	42	38	125
Total	Average number of people on site at any one time	50	47	43	140

The subject site known as Lot 51 DP 1060302, No. 2A Victoria Avenue, Castle Hill and has a total area of 43,310m<sup>2</sup> with frontage to Windsor Road and Victoria Avenue.

The subject site is zoned Light Industry 4(b) pursuant to the provisions of Baulkham Hills Local Environmental Plan 2005. A "motor showroom" is permissible development within this zone.

The subject site is proposed to be zoned B5 – Business Development pursuant to the provisions of Draft Local Environmental Plan 2010. The draft LEP as exhibited prohibited the proposed form of development within the B5 zone. Following the exhibition of the Draft LEP and review of the received submissions, the Draft LEP was subsequently amended to permit a "vehicle sales and hire premises" as a permissible form of development. This amendment to the LEP was then reported to, and approved by, Council on 23 August 2011. Further detail concerning permissibly under the Draft LEP is addressed within Section 2 of this report.

## ISSUES FOR CONSIDERATION

### 1. Compliance with Baulkham Hills Local Environmental Plan 2005

The proposal is most appropriately defined as a "motor showroom" pursuant to Baulkham Hills Local Environmental Plan 2005. A "motor showroom" is defined as the following:-

*"motor showroom means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not accessories for motor vehicles, caravans or boats are sold or displayed there."*

As a motor showroom is a permissible form of development within the Light Industry 4(b) zone and is considered satisfactory.

### 2. Compliance with Draft The Hills Local Environmental Plan 2010

The proposed development is most appropriately defined as a "vehicle sales or hire premises" within the proposed B5 Business Development Zone. This definition is detailed below:-

*"vehicle sales or hire premises means a building or place used for the display, sale (whether by retail or wholesale) or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there."*

This form of use is currently prohibited in the proposed B5 Business Development Zone pursuant to the exhibited Draft The Hills Local Environmental Plan 2010 as a 'vehicle sales or hire premises' is contained within the retail premises group term within the Draft LEP and therefore not permissible.

On 23 August 2011 however Council approved to amend Draft The Hills Local Environmental Plan 2010 to permit a "vehicle sales or hire premises" within the B5 zone noting that this amendment is subject to the approval and gazettal of the draft amended LEP by the Department of Planning.

The Draft LEP amendment was approved on the grounds that this form of use is consistent with the objectives of the zone which is to enable a mix of business, warehouse and specialised uses that require a large floor area and meet community demand. It was also considered appropriate to permit this form development given the existing provision of similar uses along Victoria Avenue (including adjacent to and directly opposite the subject site).

The Draft LEP 2010 has been updated (post exhibition) to reflect the latest version of the Standard Instrument and intended permitted land uses, which will ensure that the proposal will be both permissible and satisfactory within the zone.

In addition it is noted that Clause 1.8A of Draft LEP 2010 provides the following:-

#### **"1.8A Savings provision relating to development applications"**

*If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies, and the application has not been finally determined before that commencement, the application must be determined as if this Plan had been exhibited but had not commenced."*

As a result is considered that the proposal can be determined under BHLEP 2005 being a permissible form of development within the Light Industry 4(b) zone, with consideration of the Draft LEP 2010 provided above, but not precluding its approval.

In addition to the issue of permissibility, the Draft LEP provides new development standards which are not currently contained within the current BHLEP 2005. These new draft development standards are detailed and addressed below:-

- A maximum floor space ratio requirement of 1:1 has been incorporated into the LEP maps. The proposal complies with this draft development standard by providing a floor space ratio of 0.3:1. This floor space ratio calculation is detailed below within the table contained within Section 3 of this report; and
- A maximum building height of 20 metres has been incorporated into the LEP maps. The proposal complies with this draft development standard by providing a maximum building height of 10.1 metres. This is also detailed below within the table contained within Section 3 of this report;

As a result the proposed development also complies with the applicable development standards within the draft THLEP 2010.

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

The proposed development has been assessed against the relevant development standards and objectives within BHDCP Part C, Section 9 – Light Industry as follows:-

CLAUSE	DCP STANDARD	REQUIRED	PROPOSED	COMPLIES
2.1	Precinct Schemes	Castle Hill: Refer to Appendix 1, Sheet 2 of the DCP. This detail is outlined within Clause 2.6 of the DCP and is addressed below.	Refer to proposed setbacks detailed with the assessment against Clause 2.6 of the DCP below.	<b>No – see setback discussion.</b>
2.2	Site Analysis	Development on land with a slope in excess of 10 – 20% should be accompanied by a geotechnical assessment.  Land greater than 20% slope is not suitable for development.	Existing site with nil excavation activities proposed.	Yes
2.3 & 2.4	Lot Requirements	Minimum 8,000m <sup>2</sup>  Castle Hill has exception to this rule where landscaping, streetscape, siting and design and access considerations within Clause 2.3 are addressed.  Undersized lots resulting from Sydney Water acquisition will be considered on merit.  Minimum road frontage of 60 metres.	43,310m <sup>2</sup>  Complies.  N/A  400m to Windsor Road and 200m to Victoria Ave	Yes  Yes  N/A  Yes
2.5 (a)	Floor Space Ratio	1:1	Total Site: 0.3:1	Yes

			Retained Rear: 0.28:1 Stage 1 - 3: 0.36:1	Yes Yes
2.5 (b)	Floor Areas	50% of buildings / units may be 100m <sup>2</sup> - 150m <sup>2</sup>  All others must be min 150m <sup>2</sup>	N/A – relates to industrial developments and not motor showroom developments.	N/A
2.5 (c)	Max Ancillary Office Floor Area	Max 50% of the unit floor area can be ancillary office.	N/A – relates to industrial developments and not motor showroom developments.	N/A
2.6	Road Setbacks – Map Sheets	Refer to DCP Appendix 1 Sheet Maps for setback requirements.  <b><u>Castle Hill Also Requires:</u></b> <ul style="list-style-type: none"> <li>15m setback from Building to Council Road with no parking forward of building line;</li> <li>23m setback from Building to Council Road where parking is proposed forward of the building line. The parking <b>MUST</b> be setback min 10 metres.</li> <li>20 metres from Building to Arterial Road (RTA) with no parking forward of building line;</li> <li>30m setback from Building to Arterial Road (RTA) where parking is proposed forward of the building line. The parking <b>MUST</b> be setback min 20 metres.</li> </ul> Setbacks are to be measured from the new alignment where road widening is proposed / affects a site.	N/A  30m to the building with parking setback 10m to Victoria Avenue  N/A  30m to the building with parking setback a minimum 12.6m to Windsor Road. The majority of parking is setback 15m to Windsor Road.  N/A	N/A  Yes  N/A  <b>No – existing situation which is not amended by the proposed development.</b>  N/A
2.6	Setback – other	Where the setbacks are not contained on the map sheets, the maximum permitted is 5 metres to the building and 2 metres for at grade parking.  Other than Castle Hill, parking is permitted 10 metres forward of the	Stage 1 provides a setback from the parking area of 2.5m and the building at 2.5m  N/A	<b>No – the building is consistent with the existing rear buildings which provide a variation and is considered</b>

		<p>building line where a building is setback 20 metres or more.</p> <p>40 metres to top of creek or to the requirements of the NSW Office of Water.</p> <p>Setbacks are to be measured from the new alignment where road widening is proposed / affects a site.</p>	<p>N/A</p> <p>N/A</p>	satisfactory.
2.6	Landscape Setbacks	Minimum 2 metres between every 10 parking spaces and between rows of parking.	2.0m wide landscape bays provided where required by the DCP with the exception of the stacked parking which is not considered to require this provision.	Yes
2.7	Building Height (Includes Plant)	<p>Castle Hill: Max. 20 metres</p> <p>Other: Max 15 metres except where the building is within 30 metres of a residential property which is then restricted to 10 metres</p> <p><b>OR</b> The area is subject to Appendix 1 Sheet 6 where the building envelope is nominated.</p>	10.1m to the blade roof extensions	Yes
2.8	Building Materials	<p>Select materials which minimise environmental impact.</p> <p>External walls of buildings for office / showrooms should be brick, pre cast panel or glass unless lower environmental cost can be demonstrated.</p> <p>All visible walls from the street or adjoining land must be treated (minimum painting).</p> <p>Roofs are to be pre-colour coated masonry, tile or metal. Galvanised iron, zincalume, fibrous sheeting or uncoloured metal deck surface is not permitted,</p>	<p>Materials are satisfactory.</p> <p>The external walls are glass with precast panels.</p> <p>The finishes are satisfactory and compliment the streetscape.</p> <p>This is to be conditioned to ensure compliance with the DCP.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes – recommended to be conditioned within each stage.</p>
2.9	Signage	Refer to BHDCP Part D, Section 2 – Signage.	Refer to separate assessment.	Refer to separate assessment.
2.10	Fencing	<p>Only low ornamental type fencing may be erected in building setback.</p> <p>Fencing next to trunk drainage shall be integrated with the landscaping.</p>	No fencing is proposed.	N/A



		Landscaping to be in accordance with BHDCP Part D, Section 3 – Landscaping.  Grassed embankments not to exceed 1:6 slope  Earth mounding is desirable within setback areas to reduce noise impacts.	Landscaping assessed by Council's Tree Management Section and considered satisfactory and compliant.  No new embankments proposed.  No earth mounding required due to existing excavation and finished ground level to Windsor Road.	Yes  N/A  N/A
2.16	Parking Requirements	<b>Motor Showroom:</b> 0.75 spaces per 100m2 of site area plus 6 spaces per work bay where servicing is provided  Buildings / Units with a floor area between 100 and 150 square metres requires a minimum of 3 spaces.	See detailed assessment against BHDCP, Part D, Section 1 – Parking.  N/A	<b>No - See detailed assessment against BHDCP, Part D, Section 1 – Parking.</b>  N/A
2.17	Vehicular Access	Entry and exit in a forward direction  Design to comply with Council's Work Specifications, BHDCP Part D, Section 1 - Parking and the Australian Standards.  Suitable sight distance is to be provided.	Complies – verified by Council's Engineering Section.  Complies – verified by Council's Engineering Section.  Complies – verified by Council's Engineering Section.	Yes  Yes  Yes
2.18	Bicycle Parking	2 plus 5% of total parking required (not clustered in more than 16) for developments which exceed 4,000m2 of floor area or increase an existing development by 4,000m2 or greater.  Facilities are to be highly visible and illuminated.	Not required for this type of development as detailed within Table 3 of BHDCP Part D, Section 1 – Parking	N/A
2.19	Loading Facilities	Loading docks are not to be visible from the public domain and should not be provided on any street frontage. If this is required they are to be appropriately screened.  The number of loading docks and design is to comply with the requirements of BHDCP Part D, Section 1 – Parking.  The design is to comply with	All loading facilities are orientated away from Victoria Avenue and well below the finished ground level of Windsor Road.  Table 5 does not require a specific number of docks and on the merit the proposal is satisfactory.  Complies – verified by	Yes  N/A – Yes  Yes

		AUSTROADS Design Vehicular Turning Templates.	Council's Engineering Section.	
2.20	Pedestrian Access	<p>Pathways and ramps to conform to AS 1428 – 1 – 1998 Design for Access and Mobility</p> <p>All surfaces should be stable, even and non slip</p> <p>Clear pedestrian pathways are to be indicated along arterials road, between developments and links to Public transport stations and rail link lines.</p>	<p>Compliant – no steps indicated.</p> <p>Compliant</p> <p>Compliant</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
2.21	Services	<p>All developments within the Rouse Hill STP buffer zone must have regard to the former DUAP Circular No. E3 (Refer to Clause 2.21)</p> <p>Consider service provision for Sydney Water, Telecommunications, Electricity, Gas and NSW Fire Brigades</p>	N/A	N/A
2.22	Stormwater Management	<p>Consider Water Sensitive Urban Design Measures.</p> <p>Consider satisfactory stormwater collection, discharge and drainage system design against Council's Work Specifications.</p> <p>Development proposals should not include filling of flood liable land or the erection of buildings on flood liable land.</p>	The proposal is satisfactory as advised by Council's Engineering Section.	Yes
2.23	Water Efficiency	<p>Consider water flow devices on showerheads and taps.</p> <p>Consider AAA rated fittings.</p> <p>Water cooled air conditioning systems are discouraged.</p>	Considered to Clause 3.2.2 of the SEE and is satisfactory.	Yes
2.24	Pollution Control	<p>Air, water and other pollutants to be considered.</p> <p>Noise generating works should consider the Protection of the Environmental Operations Act 1997.</p> <p>Incinerators are not permitted for waste disposal.</p>	<p>Considered by Council's Health Section and no objections raised.</p> <p>Acoustic Report submitted and considered satisfactory as per advice from Council's Health Section.</p> <p>Not proposed.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>

2.25	Waste Management – Storage and Facilities	All waste areas to be screened from the street and adjoining properties.  Waste storage areas to be kept clean and tidy.	Considered by Council's Waste Management Section and no objections raised to the proposal.	Yes
2.26	Waste Management Planning	WMP required to be submitted and address demolition, construction and ongoing use requirements.	Considered by Council's Waste Management Section and no objections raised to the proposal.	Yes
2.27	Heritage	Consider LEP Schedules, BHDCP Part D, Section 5 – Heritage and SREP 19 – Second Ponds Creek.  Any development south of Annangrove Road as shown on Sheet 7 is to mitigate impacts on Rouse Hill Estate. Native Trees and shrubs are to be planted if in close proximity. Refer to Clause 2.27 for other considerations.	The site is adjacent to Windsor Road which is a draft heritage item under Draft LEP 2010. No objections raised to the proposal as advised by Council's Heritage Forward Planning Section.  N/A	Yes  N/A
2.28	Developer Contributions	Refer to Council's Development Contributions Officer for Section 94 Contributions Calculation if relevant.		

### 3.1 Setback Requirements

The proposed development results in the retention of an existing setback variation adjacent to Windsor Road and the provision of a new setback variation adjacent to the northern (side) property boundary. BHDCP Part C, Section 9 – Light Industry requires the provision of a 20 metre landscaped setback to Windsor Road (exclusive of any car parking) and a side setback of 5.0 metres to any proposed building. The proposed development maintains the existing landscape buffer to Windsor Road being a minimum 12.6m however the majority of parking is setback 15m to Windsor Road. The proposed side boundary setback is 2.5 metres which maintains a consistent setback to the existing development retained at the rear of the site.

The objectives of the setback standards within the DCP are detailed below:-

- “(i) To provide an open streetscape with substantial areas for landscaping and screen planting;*
- “(ii) To provide an effective buffer to preserve the natural features and creeks in accordance with Council's ESD Objective 4;*
- “(iii) To minimise overshadowing of adjoining properties;*
- “(iv) To protect privacy and amenity of any adjoining land uses; and*

- (v) *To provide a desirable and aesthetically pleasing working environment."*

### **3.1.1 Setback to Windsor Road**

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

- *The proposed building setback will be 30m which complies with the DCP requirement for the site and is an increase over the Windsor Road street setback for the existing buildings on site;*
- *The car park area setbacks are both suitable and visually appropriate in the streetscape context. Overall the proposed motor showroom development will be consistent with the emerging character of the area and also with other similar types of developments in the immediate vicinity.*
- *The car parking display area will be essentially maintaining an existing parking setback situation to Windsor Road although there will be improvements to the way in which the area presents to the street. In particular it is noted that a substantial amount of new planting will occur along the western Windsor Road frontage and that the Windsor Road/Victoria Avenue corner will be feature planted. The combination of the landscaping improvements, the fact that the car parking is set down below the level of Windsor Road, the increased building setback (over the existing situation) and the high quality architectural design, results in a proposal that is considered to provide an acceptable setback for car parking in the circumstances.*

### **Comment**

The proposed development maintains the existing car parking variation provided on the site. The existing car parking area is situated approximately 3.0 metres lower than the road with existing retaining walls as indicated on the landscape and architectural plans. As a result the existing car parking area is not readily visible from Windsor Road.

The proposed development provides an increase in the proposed building setback from that currently existing on site and given this component is more visually prominent than the lower car parking area, this increased setback is considered to improve the streetscape presentation and ensure compliance with above objectives as the development maintains and consistent and satisfactory streetscape character without adverse impact on neighbouring properties.

As a result the proposed retention of the existing setback variation is considered satisfactory and supportable.

### **3.1.2 Setback to Northern Property Boundary**

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

- *The 2.5m wide strip alongside the building will be extensively planted. Currently this area is used for parking cars for the adjoining motor showroom development. The proposed landscaping will create a green edge and will soften the built form.*
- *There are a number of design advantages for the internal layout and design of the subject site in providing the slightly reduced northern setback. For example:*

- *The reduced northern setback allows the aisle width to be increased which improves vehicular movement ability within the site;*
- *A existing underground stormwater line can be avoided if building 1 is able to be sited 2.5m towards the northern boundary; and*
- *Some of the existing buildings on the site already have a 2.5m northern boundary setback. The proposed building setback will be consistent with the existing building siting in the western part of the site.*
- *The reduction in the building setback in this instance will not compromise the achievement of any of the clause objectives. For example:*
  - *"To provide an open streetscape with substantial areas for landscaping and screen planting". Response: This will be achieved in the proposed street setbacks to Victoria Avenue and Windsor Road.*
  - *"To provide an effective buffer to preserve the natural features and creeks in accordance with Council's ESD objective 4". Response: Not relevant to the assessment of this application.*
  - *"To minimize overshadowing of adjoining properties" Response: The northern boundary setback will have no implications for overshadowing.*
  - *"To provide a desirable and aesthetically pleasing work environment." Response: The setback will be well landscaped providing an attractive outlook from the adjoining property to the north (particularly compared to what is there now).*

### **Comment**

The proposed side setback variation is considered satisfactory as the development maintains the existing side setback already approved by Council for the rear portion of the existing development. While it is noted that the proposed works are closer to Victoria Avenue, the embellished internal landscaping treatments and additional landscaping in the side and front setback areas will ensure that the development is compatible with the existing character of the area.

It is also noted that the development is two (2) storey construction (ground floor and mezzanine) at the location of the variation and as such, the reduced height (being 20 metres possible under the DCP) is considered to offset the reduced setback. As there is sufficient landscaping proposed to ameliorate the presentation of the building from the adjacent northern property, noting that the adjacent northern development in this location is also a motor showroom / car dealership, the proposed variation is considered satisfactory and supportable.

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

The proposed development has been assessed against the relevant development standards and objectives within BHDCP Part D, Section 1 – Parking as follows:-

<b>(RETAINED UNITS AT THE REAR):</b>	<b>30 THE</b>	The retained GFA for 30 units is 4,690m <sup>2</sup> . The applicant has applied a generalised rate of 1 space per 50m <sup>2</sup> (light industry uses) to this GFA which results in a requirement for 94 parking spaces.
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	The rear of the site retains a dedication of 123 parking spaces which would comply with the "light industry" requirements within the DCP.
<b>STAGE 1:</b>	<p>Site Area = 6,900m<sup>2</sup> and requires <u>52 parking spaces</u>  Workshops = 27 servicing bays + 3 wash bays &amp; requires <u>180 spaces</u></p> <p><b>Total Required = 232 parking spaces</b></p> <p>Total Proposed = 116 parking spaces</p> <p><b>Deficit = 116 parking spaces</b></p>
<b>STAGE 2:</b>	<p>Site Area = 11,420m<sup>2</sup> and requires <u>86 parking spaces</u>  Workshops = 24 servicing bays (including 2 x inspection bays) + 2 wash bays &amp; requires <u>156 spaces</u></p> <p><b>Total Required = 242 parking spaces</b></p> <p>Total Proposed = 153 parking spaces</p> <p><b>Deficit = 89 parking spaces</b></p>
<b>STAGE 3</b>	<p>Site Area = 8,690m<sup>2</sup> and requires <u>66 parking spaces</u>  Workshops = 20 servicing bays + 2 wash bays &amp; requires <u>132 spaces</u></p> <p><b>Total Required = 198 parking spaces</b></p> <p>Total Proposed = 167 parking spaces</p> <p><b>Deficit = 31 parking spaces.</b></p>
<b>TOTAL PARKING</b>	<p><b><u>Total Required:</u></b> 766 car parking spaces</p> <p><b><u>Total Proposed:</u></b> 559 car parking spaces</p> <p><b><u>Total Deficit:</u></b> 207 car parking spaces</p>
<b>DISABLED PARKING</b>	<p>Table 2 of the DCP requires disabled parking to be provided for a number of uses which doesn't include "motor showroom" specifically. On merit the applicant was requested to provide disabled parking which has been done as follows:-</p> <p>Rear: remains unchanged.  Stage 1: 2 disabled parking spaces with a combined shared zone.  Stage 2: 1 disabled space which includes a shared zone  Stage 3: 2 disabled parking spaces with separate shared zones.</p>

The identified DCP variation primarily results from the number of work bays proposed within each stage of the development. The applicant has provided the following justification as to why the DCP car parking rates should not be applied to the proposal:-

- *Using the site area for the car parking calculation includes the parking in the display areas. The number of cars for sale is dependent on the type of dealership, the number of models to be displayed and the available area. The display area is not a good indicator of required parking for employees, servicing and or customers; and*

- *Modern cars require less servicing than the past and servicing methods are quicker these days. Some customers even wait for their vehicles (quick services) or customers are encouraged to pick their vehicles up once serviced to reduce parking demand and customer waiting times. The DCP work bay parking ratio is therefore not a good indication of parking generation on the site.*

The submitted Traffic and Parking Assessment Report prepared by Transport and Urban Planning Pty Ltd dated 9 May 2011 has therefore requested a merit assessment to determine the required car parking provision as detailed below:-

- **Customer Parking for Sales and Spare Parts:** Customer demand averages 3 – 6 customers per hour and 2 – 4 customers at the same time. Drive in customers for spare parts would be around 15 – 20 customers per day and on average around 2 – 3 customers per hour, and 1 customer at any one time. Based on these figures, the maximum parking demand would be 5 cars per motor showroom site and 15 across the total site at any one time.
- **Customer Parking for Servicing:** The total number of mechanics to be employed will be 38 persons. If each mechanic services 3 vehicles per day, the maximum number of vehicles serviced would be 114 vehicles per day. Typically a mechanic services between 2.5 – 3.0 vehicles a day. Assuming 10 – 15% of servicing would be immediate with customers waiting in the showroom, this leaves 103 – 114 vehicles to be serviced and stored on the site. Of this 103 – 114 spaces, 69 would can be accommodated within the designated work bays (excluding the quick service bays). This results in the remaining 34 – 45 vehicles being accommodated on the site until collected by the customer.
- **Employee Parking:** The total number of employees proposed is 125 persons. Some 56 of these employees are sales personnel and senior managers will drive company demonstrator models which are parked in the display areas. The remaining 69 employees will require separate on-site parking. While the applicant's Traffic Report has predicated justification on 85% of the remaining employees parking, it is considered appropriate to apply a rate of 100% being all remaining 69 persons.
- **Miscellaneous Parking Demand:** A total of 12 spaces across the site has been allowed to accommodate couriers and collections.

As a result of the above estimated data, the following car parking requirements have been derived:-

PARKING TYPE	ESTIMATED PARKING DEMAND	COMMENTS
Customer Parking for Sales and Spare Parts	15 spaces	N/A
Customer Parking for Vehicle Servicing	45 spaces (worst case scenario)	The remaining 69 vehicles will be accommodated within the work bays.
Employee parking	69 spaces (worst case scenario)	Other vehicles will be stored in display areas as these are demonstrator models.

Miscellaneous Demand	12 spaces	N/A
Total	141 spaces (worst case scenario)	N/A
Total Customer and Employee Dedicated Parking on Site	165 spaces	This calculation excludes the additional 271 vehicle display spaces included within the total DCP calculation.
Surplus / Deficit	Surplus of 24 spaces	N/A

It is noted that this parking calculation is substantially consistent with the customer and staff estimations within the submitted Statement of Environmental Effects as detailed below:-

Matter		Dealership 1	Dealership 2	Dealerships 3A and 3B	Total
<b>Customers</b>	Average number of customers per average week day	50	45	45	140
	Average number of customers per average weekend day	45	40	40	125
	Average number of customers on site at any one time	6	5	5	16
<b>Staff</b>	Average number of staff on site at any one time	44	42	38	125
<b>Total</b>	Average number of people on site at any one time	50	47	43	140

### **Comment**

The adoption of a merit car parking assessment rate is considered appropriate in this instance as the DCP rate for a motor showroom development does not distinguish between customer / employee parking requirements and vehicle display requirements. The car parking rate within the DCP is applied to the entire site and all proposed work bays which results in a parking requirement well in excess of that anticipated for a development of this nature. The proposal provides dual use occupations on the site being multiple dealerships and industrial tenancies. Each occupation results in a different traffic generation and associated parking demand. As the site is being considered holistically, it is considered appropriate to break the parking requirements down into each individual generator as undertaken by the applicant in the submitted Traffic and Parking Assessment Report and the detail above.

The development as a whole provides 559 car parking spaces which include 165 parking spaces dedicated to customer and employee parking for the dealerships and 123 car parking spaces dedicated to customer and employee parking for the light Industrial units. Both provisions exceed the merit assessment rate for the dealerships and the DCP rate for the industrial units. The remaining 271 parking spaces are proposed for the display and sale of vehicles which is considered more than adequate for the four (4) dealerships, noting that any shortfall in parking for customers or employees could be derived from surplus display spaces if the need arose.

Given the arguments provided within the submitted Traffic and Parking Assessment Report and the total provision of parking on the site, the proposed development and associated DCP variation is considered satisfactory and supportable.

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

The proposed development has been assessed against the relevant development standards and objectives within BHDCP Part D, Section 2 – Signage as follows:-

GENERAL SIGNAGE DESIGN REQUIREMENTS				
CONTROL		REQUIRED	PROPOSED	COMPLIANCE
2.1	a)	Advertising shall not incorporate flashing lights or animated or moving components.	No flashing or moving components 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 sign.	No obstruction proposed.	Yes
	d)	Permanent signs shall not be located or constructed in such a manner as to obstruct the view of traffic lights or street signs, nor detrimentally obstruct motorists' or pedestrians' vision at an intersection or on any public road.	No 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.	The pylon signage was removed from the application. A separate Development Application is required for any pylon signage to be proposed in the future.	N/A

	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 assessment within Section 6 of this report.	Yes - see assessment within Section 6 of this report.
	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 assessment within Section 6 of this report.	Yes - see assessment within Section 6 of this report.
	j)	No structure will be erected within 3 metres of the kerb or carriageway. Any structure within 5 metres of the kerb or carriageway will be of frangible design.	6 metres setback	Yes

**BUSINESS PARK, LIGHT INDUSTRY ZONE AND CAR SALES YARD SIGNAGE REQUIREMENTS**

CONTROL		PERMISSIBLE	PROPOSED	COMPLIANCE
2.5 & 2.9	a)	<p>Only one (1) free-standing pylon sign shall be permitted on any parcel of land zoned light industry or Business Park, and shall meet the following requirements:-</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• The maximum width of</li> </ul>	The pylon signage was removed from the application. A separate Development Application is required for any pylon signage to be proposed in the future.	N/A

		<p>the entire structure shall be two (2) metres.</p> <ul style="list-style-type: none"> <li>• The maximum advertising display area within the structure shall be no greater than 12.0m<sup>2</sup> 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.</li> <li>• 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</li> <li>• The free-standing pylon sign may be erected in the landscaped setback area.</li> </ul> <p><b>Note: Refer to 2.5(f) which over-rides part of this clause.</b></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"> <li>• The maximum size of the tenancy listing board shall not exceed 6.0m<sup>2</sup>.</li> <li>• The height shall not exceed two (2) metres measured from the existing ground level to</li> </ul>	N/A	N/A

		<p>the top of the structure and the width of the structure shall not exceed 3 metres;</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• 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</li> <li>• The structure may be erected in the landscaped setback area.</li> </ul>		
	c)	<p>The combined sign area of all signs on the facade of a building will be permitted on the basis of 0.5m<sup>2</sup> of sign per one (1) metre of length of the building façade which addresses the primary frontage of the site.</p>	<p><b><u>Stage 1 (Victoria Avenue)</u></b></p> <p>Nil signage</p> <p><b><u>Stage 2 (Victoria Avenue)</u></b></p> <p>"Hyundai + Log": (6.0 x 1.5) = 9.0m<sup>2</sup></p> <p>"Castle Hill": 2.4m x 0.4m = 0.96m<sup>2</sup></p> <p>Building Length: 32m (irregular and angled) limits signage to 16.0m<sup>2</sup></p> <p>Total Proposed: 9.96m<sup>2</sup></p> <p><b><u>Stage 3 (Victoria Avenue)</u></b></p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

			<p>"Castle Hill": 3.0m x 0.6m = 1.8m<sup>2</sup></p> <p>Building Length: 22m limits signage to 11m<sup>2</sup></p> <p>Total Proposed: 1.8m<sup>2</sup></p>	
	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 (c) above) shall not exceed 0.25m <sup>2</sup> of sign per one (1) metre of length of the façade of the building.	<p><b><u>STAGE 1</u></b></p> <p><b><u>South Elevation:</u></b></p> <p>"Castle Hill": 3.5 x 0.6 = 2.04m<sup>2</sup></p> <p>Building Length: 90m limits signage to 22.5m<sup>2</sup></p> <p>Total Proposed: 2.04m<sup>2</sup></p> <p><b><u>North Elevation:</u></b></p> <p>Nil Signage</p> <p><b><u>Western Elevation:</u></b></p> <p>Nil Signage</p> <p><b><u>STAGE 2</u></b></p> <p><b><u>South Elevation (Windsor Road):</u></b></p> <p>"Hyundai + Log": (5.8 x 1.5) = 8.7m<sup>2</sup></p> <p>"Hyundai + Log": (5.4 x 1.5) = 8.1m<sup>2</sup></p> <p>"Castle Hill": 2.5 x 1.5 = 3.75m<sup>2</sup></p> <p>"Service Centre": 4.0m x 1.5m = 6m<sup>2</sup></p> <p>Building Length: 130m limits signage to 32.5m<sup>2</sup></p> <p>Total Proposed: 26.55m<sup>2</sup></p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

			<p><b><u>Western Elevation:</u></b></p> <p>Nil signage</p> <p><b><u>North Elevation:</u></b></p> <p>"Hyundai + Log": (3.0 x 0.5) = 1.5m<sup>2</sup></p> <p>"Hyundai + Log": (5.4 x 0.5) = 2.7m<sup>2</sup></p> <p>"Service Centre": 3.5m x 0.5m = 1.75m<sup>2</sup></p> <p>Building Length: 105m limits signage to 26.25m<sup>2</sup></p> <p>Total Proposed: 5.95m<sup>2</sup></p> <p><b><u>STAGE 3</u></b></p> <p><b><u>South Elevation:</u></b></p> <p>Nil Signage</p> <p><b><u>North Elevation:</u></b></p> <p>"Castle Hill": 3.0 x 0.6 = 1.8m<sup>2</sup></p> <p>Building Length: 90m limits signage to 22.5m<sup>2</sup></p> <p>Total Proposed: 1.8m<sup>2</sup></p> <p><b><u>Western Elevation:</u></b></p> <p>Nil Signage</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
	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 <sup>2</sup> per 1 metre of length of façade of the subject unit or suite.	N/A	N/A

	f)	Notwithstanding Clause 2.5(a), one pylon sign per street frontage is permitted.	The pylon signage was removed from the application. A separate Development Application is required for any pylon signage to be proposed in the future.	N/A
	g)	Notwithstanding Clause 2.5(b), one tenancy board is permitted per vehicular entry point. If all entry points propose a tenancy board, the name of the occupant is to be displayed only on the board which provides the most efficient point of access to the unit.	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 <sup>2</sup> .	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.	No adverse affectation will result.	Yes – conditions recommended requiring illumination to cease when business closes.
	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.	Yes – conditions to be included requiring illumination to cease when business closes	Yes – conditions recommended requiring illumination to cease when business closes.
	c)	Illuminated signage is	N/A	N/A

		prohibited within Residential zones other than an illuminated cube light to identify health care premises.		
	d)	Illuminated signs are not to be used on the land upon which a heritage item is located.	N/A	N/A
<b>PROHIBITED SIGNAGE</b>				
<b>CONTROL</b>		<b>PERMISSIBLE</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
2.12	a)	The following types of advertisements and advertising structures shall not be erected or displayed: <input type="checkbox"/> Roof-top signs; <input type="checkbox"/> Air borne signs (blimps); <input type="checkbox"/> A-frame board signs or moveable placards.	N/A	N/A
		Where a sign is erected without Council's consent or not in accordance with Council's consent, Council may alter, demolish or remove the sign and may recover from the advertiser all expenses incurred.	N/A	N/A
		The provisions of this Policy do not apply to signs which, from time to time, are required to be erected by Council or any other body or person under the provisions of any Act.	N/A	N/A

## 6. Compliance with SEPP 64 – Advertising Signage

SEPP 64 – Advertising Signage provides the following requirements applicable to the proposed Development Application:-

*"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."*

As a result an assessment against Schedule 1 of the SEPP is detailed below:-

Schedule 1 - Assessment Criteria

Assessment Criteria	Proposal	Compliance
<b>Character of the Area</b>  Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?  Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is compatible with surrounding motor showroom dealerships adjacent and opposite the site.  There is no particular theme for the area.	Yes
<b>Special areas</b>  Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal does not detract from any environment, social or heritage qualities or residential areas. The proposed site whilst adjacent to a Draft Heritage Item (Windsor Road) is not considered to have any adverse impact on the heritage significance of the item.	Yes
<b>Views and vistas</b>  Does the proposal obscure or compromise important views?  Does the proposal dominate the skyline and reduce the quality of vistas?  Does the proposal respect the viewing rights of other advertisers?	No obstruction is proposed. The building height is well below the maximum 20m height within the DCP.  The proposal does not dominate the skyline.  The proposal does not compromise any viewing rights or other advertisements.	Yes  Yes  Yes
<b>Streetscape, setting or landscape</b>  Is the scale, proportion and form of the proposal appropriate for the	The proposed outcome is appropriate for the site and within the surrounding	Yes

streetscape, setting or landscape?	environment	
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal contributes to the visual interest of the street (being an improvement on the existing built form).	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed reduced advertising clutter with an improved built form and signage outcome.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No signage protrudes above the building roof line or tree canopies.	Yes
<b>Site and building</b>		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed outcome is appropriate for the site and within the surrounding environment with signage proportionate to the building and compliant with the DCP.	Yes
Does the proposal respect important features of the site or building, or both?	There are no significant features on the site however the proposal is considered to integrate with the surrounding properties.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal provides an improved built form and signage presentation from that existing on site.	Yes

<p><b>Illumination</b></p> <p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Is the illumination subject to a curfew?</p>	<p>No adverse illumination impacts are anticipated.</p> <p>No affectation will result.</p> <p>No detraction will result.</p> <p>Yes – to be conditioned to terminate 15min after cessation of business each day.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>Safety</b></p> <p>Would the proposal reduce the safety for any public road?</p> <p>Would the proposal reduce the safety for pedestrians or bicyclists?</p> <p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>The proposal does not adversely affect safety.</p> <p>The proposal does not adversely affect safety.</p> <p>The proposal does not adversely affect safety.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

## 8. Heritage Assessment

The proposed development is immediately adjacent to Windsor Road which is identified within BHLEP 2005 as a heritage item. Pursuant to Clause 39 of BHLEP 2005, the heritage significance of the identified item and the likely impacts of the proposal on that item need to be considered. Clause 39 of BHLEP 2005 states the following:-

***“39 Development in vicinity of a heritage item or heritage conservation area***

*(1) Before granting consent to development in the vicinity of a heritage item or a heritage conservation area, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item or the heritage conservation area.*

*(2) This clause extends to development:*

*(a) that may have an impact on the setting of a heritage item or heritage conservation area, for example, by affecting a significant view to or from the item or conservation area, or by overshadowing, or*

- (b) *that may undermine or otherwise cause physical damage to a heritage item or heritage conservation area, or*
  - (c) *that will otherwise have any adverse impact on the heritage significance of a heritage item or heritage conservation area.*
- (3) *The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item or heritage conservation area.*
- (4) *The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item or heritage conservation area."*

An extract from Council's Heritage Inventory Sheet No. 216 is detailed below which outlines the significant of the road:-

*"In 1810 Governor Macquarie decided to build a turnpike road from Sydney to the Hawkesbury at Windsor. The road was opened as far as South Creek at Windsor in 1812 but it was barely fit for wheeled transport and convicts under John Howe and James McGrath widened and improved the road in 1813, when South Creek was also bridged. The surface was earth, cambered to divert water: it easily became potholed and muddy, but remained the principal link to the Hawkesbury. From 3 km west of Kellyville right into Windsor it incorporated the 18<sup>th</sup> century line of Old Windsor Road. Inns were erected along Windsor Road at Baulkham Hills, Kellyville, Rouse Hill and the junction with Old Windsor Road. Increased traffic in connection with service settlements and the sub-division of Kellyville in the 1880s created a new town in the rural landscape."*

The proposed development is not considered to adversely impact on the heritage significance of Windsor Road on the following grounds:

- No works are proposed on Windsor Road and there are no proposed road openings onto Windsor Road that would impact on the curtilage of the roadway;
- The development provides for an appropriate landscaped setback to Windsor Road ranging from 12.6m to 15m in depth which is generally consistent with the existing setback; and
- The development provides for an appropriate minimum building setback of 30m to Windsor Road.

Giving consideration to the applicant's heritage assessment within the submitted Statement of Environmental Effects, the significance of the heritage item, the implications of Clause 39 of the Baulkham Hills LEP 2005 and relevant Clauses of the Baulkham Hills Consolidated DCP, the proposed development is considered satisfactory and supportable.

## **9. Issues Raised in Submissions**

The Development Application was placed on public notification for a period of fourteen (14) days. Three (3) submissions were received to the proposed development. One (1) of the received submissions is from a tenant within the subject site and as such the owner agreeing to the lodgement of the Development Application is also the owner of the

concerned tenant's occupation. Nonetheless, the issues raised from the concerned parties have been addressed below:-

ISSUE/OBJECTION	COMMENT	OUTCOME
The setbacks do not comply with the DCP. This will set a precedent.	The proposed side boundary setback does result in a variation to the DCP however the variation is considered satisfactory as detailed within Section 3.1 of this report.	Issues addressed.
<p>Parking with 4 dealerships and 33 units with so many customers and staff is not sufficient. The submitted numbers are understated.</p> <p>Traffic with all these customers and staff will be chaos, especially if you relocate driveways and change the internal circulation.</p>	<p>The proposed parking does result in a variation to the DCP however the variation is considered satisfactory as detailed within Section 4.0 of this report.</p> <p>The Traffic Report submitted with the Development Application and associated traffic data, modelling and projection volumes have been considered by Council's Traffic Management Section and are considered satisfactory.</p> <p>The internal aisle locations, widths and configuration have been assessed by Council's Engineers and are considered to comply with the Australian Standards. As a result the internal driveway and parking configuration is considered satisfactory.</p>	Issues addressed.
Mixing 33 units with 4 car dealerships is ridiculous and unprecedented. This will change the street and the greater Hills District forever. This is not the future of Castle Hill	The proposed development is permissible within the current Local Environmental Plan (2005). The proposal has been assessed against the relevant State Environmental Planning Policies and Development Control Plan and is considered satisfactory and supportable. The development is not considered to be out of character with the existing streetscape nor is the development considered to adversely impact on the streetscape and visual presentation of the lighting industrial zone.	Issues addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
Signage is completely excessive, again setting a bad precedent with pylons, illumination and lighting.	The proposed signage complies with the DCP and the applicable SEPP. The proposed pylon signage has been removed from the application and is recommended to be conditioned accordingly.	Issues addressed.
The scale of the buildings facing major roads such as Windsor Road and Victoria Avenue is an eye sore.	The buildings are well below the maximum building height permitted within the DCP and are not considered to be excessive or an eye sore within the streetscape. The development is considered to be a visual improvement on the existing burnt out building and industrial units and is therefore considered satisfactory.	Issues addressed.
The proposal will achieve a modest number of jobs due to the low intensity of the use. At full operation, it is expected that the site will employ around 125 people. The Castle Hill Industrial Area has been identified as part of an economic growth corridor. The Shire has a significant responsibility to increase the number of jobs, as outlined in the North-west Subregional Strategy. The proposed use does not reflect the objectives of increasing the number of jobs in the Shire, and will not make any significant contribution to that task. Indeed use of the site for a motor showroom will sterilise it from a use that is more in keeping with its proximity to the proposed rail stations and which could yield a significantly greater number of jobs than those proposed.	The proposal is considered to provide satisfactory employment generation and complies with the objectives of the Light Industry 4(b) zone. The proposal is not considered to be contrary to the North West Sub Regional Strategy and is considered an appropriate land use within the context of the light industry zone and surrounding development, which also comprises competing motor dealership developments.	Issue addressed.
The proposed development is prohibited development within the Draft LEP 2010 as a "vehicle sales and hire	The subject site is proposed to be zoned B5 – Business Development pursuant to the provisions of Draft Local	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>occupation" is a land use defined under "retail premises" which are a subset of the commercial premises group term.</p>	<p>Environmental Plan 2010. The draft LEP as exhibited prohibited the proposed form of development within the B5 zone. Following the exhibition of the Draft LEP and review of the received submissions, the Draft LEP was subsequently amended to permit a "vehicle sales and hire premises" as a permissible form of development. This amendment to the LEP was then reported to, and approved by, Council on 23 August 2011. Further detail concerning permissibly under the Draft LEP is addressed within Section 2 of this report.</p>	
<p>This area has the potential to become a "major centre" in its own right due to the location of the future train line and associated train stations. The use of the site should be maximised to underpin investment. Strategies were undertaken by Council through a Draft Local Strategy 2008, Centres Direction (2009) and Employment Lands Direction (2009).</p>	<p>The site is zoned "light industry" and is not zoned for commercial or business development. The area is not intended to be a "town centre" or "major centre" as outlined within Council's Centres Direction but is intended for redevelopment incorporating high tech industries and associated growth which the proposed use will contribute to. The proposal is therefore considered suitable, satisfactory and supportable.</p>	<p>Issue addressed.</p>
<p>The Metropolitan Strategy recognises the need to revitalise industrial areas to better match demand for employment and the importance of transport infrastructure in connecting people to places.</p> <p>The strategy for the north-west subregion includes The Hills Shire. It identifies directions for centres and corridors, economy and employment, housing, transport, environment/ heritage/ resources, and parks/ public places/ culture. It also establishes targets for jobs and housing to 2031 –</p>	<p>The proposal is considered to be a "revitalisation" of the development site. The proposal is in keeping with the objective of both Strategies and will provide employment and future growth in the area.</p> <p>The proposal is therefore considered suitable, satisfactory and supportable.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
47,000 additional jobs, and 21,500 additional dwellings.		
<p>The site is located less than one kilometre from the proposed station. The strategic location of the site and the industrial area in general, warrant that it should be developed for uses which maximise the employment benefits of rail and bus transit. The use of the site for a low job-yielding use such as a motor showroom is clearly inconsistent with the higher density employment imperatives that are derived from the planned new investment in public transport.</p> <p>Approval of a vehicles sales and hire premises is expected to sterilise the subject site for well over 10 years.</p>	<p>The proposal is considered to provide satisfactory employment generation and complies with the objectives of the Light Industry 4(b) zone. The proposal is considered an appropriate land use within the context of the light industry zone and surrounding development, which also comprises competing motor dealership developments.</p> <p>The proposal is considered to be a "revitalisation" of the development site and is not considered to sterilise the development as it is considered to be an improvement on the existing situation.</p>	Issue addressed.
<p>The B5 zoning is proposed to apply to properties along Victoria Avenue, with a more standard light industrial zoning (IN2) applying to the remainder of land within what has been known as the Castle Hill Industrial Area. The B5 zoning therefore is reflective of Council's desire to see a specific type of land use (including businesses, warehouses, specialised retail that requires a large floor area and bulky goods retailing) along this important road corridor that links the proposed Hills Centre Station to Norwest.</p> <p>Council's draft LEP appropriately anticipates future land use needs. Having gone this far to identify such needs and to zone land to accommodate</p>	<p>The proposal is considered to be a "revitalisation" of the development site. The proposal is considered to provide satisfactory employment generation and complies with the objectives of the Light Industry 4(b) zone. The proposal is considered an appropriate land use within the context of the light industry zone and surrounding development, which also comprises competing motor dealership developments. It is also noted that these issues raised have been provided on behalf of one of these competing motor dealership developments providing the same use to that currently proposed.</p> <p>In addition it is noted that redevelopment of a higher density form could still be pursued in the future, should the current owner or future owner</p>	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>anticipated uses, it is imperative that Council should seek to maximise the potential use of the land by approving development that is sympathetic and apt to its future market character.</p> <p>For the reasons stated above the use of the subject land for vehicle sales purposes is, in our opinion, a sub-optimum use that could prejudice future land use outcomes and undermine the achievement of the Hills' employment goals.</p>	<p>wish to pursue this potential.</p> <p>The proposal is therefore considered suitable, satisfactory and supportable.</p>	

### **BUILDING COMMENTS**

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

### **SUBDIVISION ENGINEERING COMMENTS**

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

### **TRAFFIC MANAGEMENT COMMENTS**

#### **1. Traffic Impact**

The RTA Guide to Traffic Generating Developments quote a traffic generation rate of 0.7 trips/100m<sup>2</sup> of site area for motor showrooms. However RTA research of similar facilities broken down into the individual components (refer page 10 of the traffic report) indicates that the total PM peak hour from the sampled survey sites equated to 0.59 trips/100m<sup>2</sup>.

Using this trip generation rate the total PM peak hour trip generation from the proposed motor showroom is approx 160 peak hour trips. Adding the trips generated from the retained factory units (4690m<sup>2</sup> GFA x 1.98 trips/100m<sup>2</sup>) of 93 PM peak hour trips based on the surveyed information of the applicant results in an overall total PM peak hour trip generation from the proposed development of 253 trips.

As a comparison this is very similar to the existing approved use with a potential totally occupied 85 unit (12,638m<sup>2</sup> GFA) light industrial development using a surveyed PM peak traffic generation of 1.98 trips/100m<sup>2</sup> totals 250 PM peak hour trips.

#### **2. Access**

The consultant has carried out a SIDRA analysis to determine what impact the relatively minor increase in total traffic generation (3 peak hour trips) will have on the two existing driveways accessing Victoria Avenue and the nearby signalized intersection of Windsor Road/Victoria Avenue. This analysis concludes that the existing service levels of all three intersections will remain unaltered with only a very minor increase in average vehicle delay.

The consultant has also indicated that the largest vehicle to access the site will be limited to a 8.8m long medium rigid truck associated with the continued operation of the 35 retained factory units.

Whilst the motor showrooms have been designed to accommodate a 19.0m articulated car carrier, these vehicles will not be coming to the site as all new and used vehicles for sale will be driven to the site from a holding yard in Prospect.

At present approx 130m of the 200m total site frontage to Victoria Avenue has a concrete footpath constructed to improve pedestrian accessibility. Accordingly it is recommended that the applicant be required to extend the existing concrete footpath to the Windsor Road intersection.

### **3. Recommendations**

Based on the above analysis there are no objections raised to the proposed development however the existing concrete footpath is to be conditioned to be extended approximately 70m to the Windsor Road intersection.

### **ROADS & TRAFFIC AUTHORITY COMMENTS**

No objection is raised to the proposed development as detailed within correspondence dated 14 June 2011 provided Council is satisfied that the following is complied with:-

- All vehicles can adequately access the site and service the rear industrial units;
- No vehicles accessing the site are larger than an 8.8m long medium rigid vehicle; and
- The post development stormwater discharge into the RTA drainage system is not to exceed the predevelopment discharge;

Council's Engineers have reviewed these requirements and confirmed that the proposal complies with these requirements.

In addition Point 6 of the RTA's correspondence raises concerns with the provision of parking along the northern driveway in that these spaces may compromise the efficiency and safety of the driveway. Council's Engineers have reviewed the proposed car parking layout and design and confirmed that the proposal complies with the Australian Standards and is not considered to provide any safety or efficiency issues within the site, or external to the site.

### **TREE MANAGEMENT COMMENTS**

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

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

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

### **WASTE MANAGEMENT COMMENTS**

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

### **HERITAGE COMMENTS**

No objection is raised to the proposed development as detailed within Section 8 of this report.

### **FORWARD /STRATEGIC PLANNING COMMENTS**

No objection is raised to the proposed development as detailed within Section 2 of this report.

#### **ENGINEERING COMMENTS**

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

#### **NSW POLICE COMMENTS**

No objection is raised to the proposed development as detailed within correspondence dated 17 August 2011. The requirements of the NSW Police Force are summarised below:-

- Vegetation is to be maintained with lower tree limbs above average head height and shrubs should not provide easy concealment; and
- Lighting is to meet the Australian Standards however external signage lighting is not permitted to cause a distraction to passing motorists; and
- CCTV is to be installed to monitor the car park and public areas of the development; and
- Hardened / toughened glass with PVB interlayer or similar is to be used to improve breakage resistance.

#### **CONCLUSION**

The Development Application has been assessed against Section 79C of the Environmental Planning and Assessment Act 1979, Baulkham Hills Local Environmental Plan 2005, Draft Local Environmental Plan 2010, State Environmental Planning Policy No. 64 – Advertising Signage and Baulkham Hills Development Control Plan and is considered satisfactory.

The subject site is zoned Light Industry 4(b) pursuant to the provisions of Baulkham Hills Local Environmental Plan 2005. A “motor showroom” is permissible development within this zone.

The subject site is proposed to be zoned B5 – Business Development pursuant to the provisions of Draft Local Environmental Plan 2010. The draft LEP as exhibited prohibited the proposed form of development within the B5 zone. Following the exhibition of the Draft LEP and review of the received submissions, the Draft LEP was subsequently amended to permit a “vehicle sales and hire premises” as a permissible form of development. This amendment to the LEP was then reported to, and approved by, Council on 23 August 2011. Further detail concerning permissibly under the Draft LEP is addressed within Section 2 of this report.

The proposed variations to BHDCP Part C, Section 9 – Light Industry and BHDCP Part D, Section 1 – Parking are considered satisfactory and supportable as detailed within the body of this report.

The proposal results in variations to BHDCP Part C, Section 9 – Light Industry concerning setbacks. The proposed variation to the Windsor Road setback requirements (being 20 metres) is considered satisfactory as the proposal maintains the existing car parking variation provided on the site. The existing car parking area is situated approximately 3.0 metres lower than the road with existing retaining walls as indicated on the landscape and architectural plans. As a result the existing car parking area is not readily visible from Windsor Road. The proposed variation to the side setback requirements (being 5.0 metres) is considered satisfactory as the development maintains the existing side setback already approved by Council for the rear portion of the existing development. While it is noted that the proposed works are closer to Victoria Avenue, the generous front setback, embellished internal landscaping treatments and additional landscaping in the side and

front setback areas will ensure that the development is consistent with the existing character of the area and the existing streetscape.

The proposal also results in variations to BHDCP Part D, Section 1 – Parking concerning car parking provision. The proposed variation is considered satisfactory as the proposed parking provision is consistent with the survey demand data associated with the operation a motor showroom / dealership development with sufficient demonstration that the parking will accommodate all employee, customer and servicing requirements associated with the four (4) proposed dealership tenancies.

The Development Application was publicly notified and as a result two (2) submissions were received raising issues of concern with the proposal. It is noted that one (1) of these submissions was received from a tenant within the subject site. The issues raised within the received submission relate to character, traffic generation and parking, LEP compliance, strategy planning directions and suitability of the proposed development. The issues raised have been considered and addressed within the body of this report and are not considered to warrant further amendment or refusal of the Development Application.

The Development Application is therefore 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 Development Application be approved subject to conditions of consent.

## **STAGE 1 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.

Note: Works are restricted to those depicted in Stage 1 as detailed on Drawing No. DA8.

#### **REFERENCED PLANS AND DOCUMENTS**

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA1	Site Plan and Staged Calculations	-	22/06/2011
DA4	Showroom 1 Floor Plans	-	22/06/2011
DA7	Showroom 1 Elevations	-	22/06/2011
DA8	Staging Plan	-	22/06/2011
J3-11025-1	Trees to be Removed and General Landscape Treatments	C	27/06/2011

J3-11025-2	Landscape Plan	C	27/06/2011
-	Hyundai Showroom 3A, 3B, 1 Photomontage		May 2011
-	Showroom 1, 3B, 3A, Hyundai Photomontage		May 2011
Figure 11	Proposed Materials and Colours (Extract from the Statement of Environmental Effects)		

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.

Roofs are to be pre-colour coated masonry, tile or metal. Galvanised iron, zincalume, fibrous sheeting or uncoloured metal deck surface is not permitted.

## **3. Tree Removal**

Approval is granted for the removal of those trees as indicated in red on the plan titled "Trees to be Removed and General Landscape Treatments Plan" prepared by Australian Wetlands Consulting Revision C dated 27/06/11.

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

## **4. Compliance with the NSW Police Force and RTA Requirements**

The development is required to comply with the following:-

### **4.1 NSW Police Force**

Compliance with the requirements of the NSW Police as outlined within correspondence dated 17 August 2011. The requirements of the Police are detailed below:-

- Vegetation is to be maintained with lower tree limbs above average head height and shrubs should not provide easy concealment; and
- Lighting is to meet the Australian Standards however external signage lighting is not permitted to cause a distraction to passing motorists; and
- CCTV is to be installed to monitor the car park and public areas of the development; and
- Hardened / toughened glass with PVB interlayer or similar is to be used to improve breakage resistance.

### **4.2 NSW RTA Requirements**

Compliance with the requirements of the NSW Roads and Traffic Authority as outlined within correspondence dated 14 June 2011 but being restricted to Items 1 – 2 and 7 – 11 of their correspondence.

## **5. 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 are to be planted at 5/m<sup>2</sup>.

- An additional ten (10) 75 Litre Corymbia maculata are to be incorporated into the landscape within the setback fronting Victoria Avenue.
- An additional ten (10) 75 Litre Corymbia maculata are to be incorporated into the landscape within the setback fronting Windsor Road.

## **6. Provision of Parking Spaces and Servicing Bays**

The development is required to be provided with the following off-street car parking / servicing bays:-

- 27 servicing bays;
- 53 customer parking spaces; and
- 3 additional wash bays

The customer car parking spaces shall be available for off street parking at all times. No further servicing bays or wash bays are permitted without further Development Consent from Council.

## **7. Separate application for signs**

A separate application is required to be submitted to, and approved by Council prior to the erection of any advertisements or advertising structures. No signage has been approved for Stage 1.

## **8. Separate Application for Strata Subdivision**

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

## **9. Protection of Public Infrastructure**

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

## **10. Vehicular Access and Parking**

The formation, surfacing and drainage of all driveways, parking modules, circulation roadways and ramps is required, with their design and construction complying with:

- a) AS/ NZS 2890.1:2004
- b) AS/ NZS 2890.6:2009
- c) AS 2890.2:2002
- d) DCP Part D Section 1 – Parking
- e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. All driveways and car parking areas 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 driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. In urban areas, all driveways and car parking areas must be concrete or bitumen. The pavement design must consider the largest design service vehicle expected to enter the site.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

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

Each driveway requires the lodgement of a separate gutter and footpath crossing application, accompanied by the current fee as prescribed by Council's Schedule of Fees and Charges.

### **12. Minor Engineering Works**

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

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

Any variance from these documents requires separate approval from Council.

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

#### **i. Driveway Requirements**

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's driveway specifications which can be found on Council's website:

<http://www.thehills.nsw.gov.au/>

The proposed driveways must be built to Council's heavy duty standard.

A separate driveway application fee is payable as per Council's Schedule of Fees and Charges.

#### **ii. Disused Layback/ Driveway Removal**

All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

#### **iii. Concrete Footpath Paving**

A 1.5m wide concrete footpath paving, including access ramps at all intersections, must be provided across the street frontage of the development site in accordance with Council's standard footpath detail and the above documents.

The concrete footpath is to extend 70m to the Windsor Road intersection transitioning into the existing footpath adjacent in accordance with Council's standard footpath detail and the above documents.

A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

#### **iv. Site Stormwater Drainage**

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

### **13. Supervision of Works**

All work in the road reserve must be supervised by a suitably qualified and experienced person. The supervisors name, address and contact phone number must be submitted to Council prior to works commencing in the road reserve. A construction programme and anticipated duration of works must be submitted to Council prior to works commencing in the road reserve.

#### **14. Public Liability Insurance**

All contractors working in the road reserve must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. A copy of this insurance must be submitted to Council prior to works commencing in the road reserve.

#### **15. 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.

#### **16. 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.

#### **17. Liquid Storage**

All liquids onsite are to be stored within bunded areas so as to prevent water pollution. All secondary and site containment mechanisms are to be implemented as per Appendix 2: Technical Considerations within the Storing and Handling Liquids: Environmental Protection – Participants Manual prepared by the Department of Environment and Climate Change NSW dated May 2007.

#### **18. Bunding Work Areas**

All work areas where spillage is likely to occur shall be bunded. This is to be done by way of speed humps, grading the floor area or by any other appropriate means, to prevent contaminated water entering the stormwater system. The bunded area is then to be drained to a sump for collection and appropriate disposal of the liquid.

#### **19. Washing of Vehicles**

Washing of vehicles/boats is to be conducted in a car wash bay, which is roofed and bunded to exclude rainwater. All wastewater from car washing is to be discharged to the sewer under a trade waste agreement from Sydney Water. Alternative water management and disposal options may be possible where water is recycled, minimised or reused on the site. Any such option is to comply with:

- a) Council's *Stormwater Management Plan*
- b) Environmental Protection Authority's *Environment Protection Manual for Authorised Officer's: Technical Section (Car Washing Waste)*
- c) Environmental Protection Authority's *Managing Urban Stormwater: treatment techniques*.

#### **20. Contamination**

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

#### **21. Liquid Spill Clean-up Equipment**

Sufficient supplies of appropriate absorbent materials and/or other spill clean up equipment shall be kept on site to cover any liquid spillage. Liquid spills shall be cleaned up using dry methods only.

#### **22. Noise to Surrounding Area**

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

### **23. 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. Details of the stormwater treatment device are to be submitted to Council.

### **24. Asbestos Removal**

Asbestos and asbestos containing material shall be removed by licensed asbestos removalist and all work must be in accordance with the requirements of the NSW Workcover Authority. Asbestos and asbestos containing material is to be disposed of in accordance with the requirements of the Department of Environment & Conservation and all dockets and paper work for the disposal shall be retained and made available to the Council if requested.

### **25. 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
  - (ii) filling, raising, reclaiming or contouring the land,
- (b) in relation to substances that are used as fuel, all circumstances.

See Clause 3B of the Regulation for exemptions.

### **26. 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.

### **27. Adherence to Approved Waste Management Plan**

The Waste Management Plan submitted to and approved by 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.

### **28. 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.

### **29. 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.

### **30. 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:

- 1) masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- 2) timber waste to be separated and sent for recycling;
- 3) metals to be separated and sent for recycling;
- 4) clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- 5) mixed waste (plastic wrapping, cardboard etc) to be sent to a licenced 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.

### **31. 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 unauthorised 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 receipts verifying recycling/disposal must be kept and presented to Council when required.

### **32. Garbage Collection – Commercial/Industrial**

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

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

### **33. Landscape Bond Stage 1**

To ensure the public amenity of the streetscape a landscape bond in the amount of \$15,000.00 is to be lodged with Council prior to the issue of the Construction Certificate for Stage 1. It shall be refunded 6 months following the issue of the Final Occupation Certificate for Stage 1 and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team that the works have been carried out in accordance with the approved landscape plan.

### **34. 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.

### **35. Onsite Stormwater Detention – Hawkesbury River Catchment Area**

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Hawkesbury River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook, with amended parameters for the site storage requirement and permissible site discharge.

The stormwater concept plan prepared by Sparks and Partners Job Number 11414 Revision B dated 29/07/2011 is for DA purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:

- a) Stormwater plans are to provide an orifice diameter of 228mm for OSD System 3. Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer and submitted with:
- A completed OSD Drainage Design Summary Sheet;
  - Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes;
  - A completed OSD Detailed Design Checklist;
  - A maintenance schedule.

The design and construction of the OSD system must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate.

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

- i. A completed application form;
- ii. Four copies of the design plans and specifications;
- iii. Payment of the applicable application and inspection fees.

### **36. 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 of \$75,000 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 (200m) and the half width of the road measured from face of kerb on both sides (12.5m), or \$10,000.00, whichever is the greater.

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

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

### **37. Bank Guarantee Requirements (Development)**

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 1481/2011/JP;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

### **38. Erosion & Sediment Control Plan**

Submission of an Erosion and Sediment Control Plan to the Principal Certifying Authority, including details of:

- a) Allotment boundaries
- b) Location of the adjoining roads
- c) Contours
- d) Existing vegetation
- e) Existing site drainage
- f) Critical natural areas
- g) Location of stockpiles
- h) Erosion control practices
- i) Sediment control practices
- j) Outline of a maintenance program for the erosion and sediment controls

(NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

### **39. Directional Signage Details**

Details of directional signage are to be submitted to, and agreed to, by Council prior to the issue of the Construction Certificate. These signs are to be constructed within the site and direct customers to the dedicated customer parking spaces within each stage. The signage

dimensions are to comply with BHDCP Part D, Section 2 – Signage being 0.6m in height with a signage area of 0.5m<sup>2</sup>.

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

### **40. Protection of Existing Trees**

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

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

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

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

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

No work is to commence until a detailed design for the OSD system has been approved by either Council or an accredited certifier.

### **42. Pre-Construction Public Infrastructure Dilapidation Report**

A public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

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

### **43. Notification**

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with Form 7 of the Regulation.

### **44. Principal Certifying Authority**

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

### **45. Erosion and Sedimentation Controls**

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

### **46. 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).

#### **47. Erosion and Sedimentation Controls – Minor Works**

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

#### **48. 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.

#### **49. Notification of Asbestos Removal**

Prior to the commencement of any demolition works involving asbestos or asbestos containing materials, all adjoining and adjacent neighbours and Council must be given a minimum five days written notification of the works.

### **DURING CONSTRUCTION**

#### **50. Engineering Construction Inspections**

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

- a) Prior to commencement of work;
- b) Traffic control to AS 1742-3;
- c) Bedding of pipes in trenches;
- d) Trench backfill within roads;
- e) Formwork for concrete structures;
- f) Final inspection;

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

#### **51. 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.

#### **52. 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.

### **53. 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.

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

### **54. Landscaping Prior to Issue of Occupation Certificate**

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

### **55. Section 73 Certificate**

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

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

### **56. Completion of Engineering Works**

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

### **57. Post Construction Public Infrastructure Dilapidation Report**

Before an Occupation Certificate is issued, an updated public infrastructure inventory report must be prepared and submitted to Council. The updated report must identify any damage to public assets in the direct vicinity of the development site and the means of rectification for the approval of Council.

### **58. Creation and Registration of Restrictions and Positive Covenants**

#### **a) Creation of Restrictions and Positive Covenants**

The submission to Council of all necessary documentation together with payment of the endorsement fee prescribed in Council’s Schedule of Fees and Charges to create the following over the title of the property. The wording must nominate The Hills Shire Council as the authority to release, vary or modify each restriction or positive covenant.

#### **i. Restricting Development – OSD Modification**

A restriction as to user restricting development over or the varying of any finished levels and layout of the constructed onsite stormwater detention system.

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

A positive covenant must be created to ensure the ongoing maintenance of the constructed onsite stormwater detention system.

#### **b) Registration of Request Documents**

The request documents endorsed by Council must be registered and a copy of the registered documents submitted to Council before an Occupation Certificate is issued.

### **59. OSD System Certification**

The Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of the Principal Certifying Authority (PCA) prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of the OSD system and prior to a final inspection:

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

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

### **60. Interim Fire Safety Certificate**

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

### **61. 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.

### **62. Trade Waste Systems (T.W.S.)**

All wet rubbing, engine degreasing or vehicle washing is to be conducted in a vehicle wash bay connected to the sewer. This area is to be bunded to prevent wastewater entering the stormwater system. The applicant is to contact Sydney Water, Trade Waste Branch (Ph 13 11 10) in regards to any requirements they may have and to obtain a trade waste permit for this discharge. A copy of the permit is to be submitted to Council prior to the issue of the occupation certificate.

## **THE USE OF THE SITE**

### **63. Hours of Operation**

The hours of operation being restricted to the following:-

- Sales: Monday to Saturday between 8.00am and 6.00pm and Sunday Operation between 9.00am and 6.00pm; and

- Servicing: Monday to Friday between 7.30am and 6.00pm (Thursday night until 8.00pm), Saturday between 7.30am and 1.00pm and no servicing activities on Sunday.

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

#### **64. Security Screens/Locking Devices (Fire Safety)**

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

#### **65. No Obstruction to Path of Travel**

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

#### **66. 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

#### **67. Waste Storage and Collection – Commercial/Industrial**

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

#### **68. Servicing of Bins**

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

#### **69. Emission Noise Levels**

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. Noise levels experienced at the boundary of nearby residential receivers shall not exceed the applicable amenity criterion of 52 dB(A) as per the Addendum Acoustic Report prepared by John T Acoustics and dated 24 June 2011. 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.

#### **70. Waste Management / Disposal**

Workshop operation waste generated on the property (oils, coolants, parts and tyres) as stated in the Statement of Environmental Effects to Accompany a Development Application will be bundled and generally disposed of weekly using private waste contractors.

#### **71. Restricted Display Parking**

The display of vehicles is restricted to the approved display parking spaces and is not permitted to occur within the dedicated customer / employee parking areas or within the landscape setback zones.

## STAGE 2 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.

Note: Works are restricted to those depicted in Stage 2 as detailed on Drawing No. DA8.

#### REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA1	Site Plan and Staged Calculations	-	22/06/2011
DA2	Hyundai Castle Hill	-	22/06/2011
DA5	Hyundai Showroom 2 Elevations	-	22/06/2011
DA8	Staging Plan	-	22/06/2011
J3-11025-1	Trees to be Removed and General Landscape Treatments	C	27/06/2011
J3-11025-2	Landscape Plan	C	27/06/2011
-	Castle Hill Hyundai - Photomontage	-	-
-	Castle Hill Hyundai - Photomontage	-	-
-	Hyundai Showroom 3A, 3B, 1 Photomontage		May 2011
-	Showroom 1, 3B, 3A, Hyundai Photomontage		May 2011
Figure 11	Proposed Materials and Colours (Extract from the Statement of Environmental Effects)	-	-

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.

Roofs are to be pre-colour coated masonry, tile or metal. Galvanised iron, zincalume, fibrous sheeting or uncoloured metal deck surface is not permitted.

#### **3. Tree Removal**

Approval is granted for the removal of those trees as indicated in red on the plan titled "Trees to be Removed and General Landscape Treatments Plan" prepared by Australian Wetlands Consulting Revision C dated 27/06/11.

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

#### **4. Compliance with the NSW Police Force and RTA Requirements**

The development is required to comply with the following:-

##### **4.1 NSW Police Force**

Compliance with the requirements of the NSW Police as outlined within correspondence dated 17 August 2011. The requirements of the Police are detailed below:-

- Vegetation is to be maintained with lower tree limbs above average head height and shrubs should not provide easy concealment; and
- Lighting is to meet the Australian Standards however external signage lighting is not permitted to cause a distraction to passing motorists; and
- CCTV is to be installed to monitor the car park and public areas of the development; and
- Hardened / toughened glass with PVB interlayer or similar is to be used to improve breakage resistance.

#### **4.2 NSW RTA Requirements**

Compliance with the requirements of the NSW Roads and Traffic Authority as outlined within correspondence dated 14 June 2011 but being restricted to Items 1 – 2 and 7 – 11 of their correspondence.

#### **5. Planting Requirements**

All trees planted as required by the conditions of consent contained within Stage 1 are to be retained and protected during construction works within Stage 2. Any required removal or replacement of the trees is to be undertaken prior to the Issue of the Occupation Certificate for Stage 2.

#### **6. Provision of Parking Spaces and Servicing Bays**

The development is required to be provided with the following off-street car parking / servicing bays:-

- 22 serving bays (and an additional 2 inspection bays;
- 46 customer parking spaces; and
- 2 additional wash bays.

The customer car parking spaces shall be available for off street parking at all times. No further servicing bays or wash bays are permitted without further Development Consent from Council.

#### **7. 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 signs approved within this consent for Stage 2.

#### **8. Separate Application for Strata Subdivision**

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

#### **9. Protection of Public Infrastructure**

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

#### **10. Vehicular Access and Parking**

The formation, surfacing and drainage of all driveways, parking modules, circulation roadways and ramps is required, with their design and construction complying with:

- a) AS/ NZS 2890.1:2004
- b) AS/ NZS 2890.6:2009
- c) AS 2890.2:2002

- d) DCP Part D Section 1 – Parking
- e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. All driveways and car parking areas 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 driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. In urban areas, all driveways and car parking areas must be concrete or bitumen. The pavement design must consider the largest design service vehicle expected to enter the site.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

### **11. Minor Engineering Works**

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

- a) Council's Design Guidelines Subdivisions/ Developments
  - b) Council's Works Specifications Subdivisions/ Developments
- Any variance from these documents requires separate approval from Council.

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

#### **i. Driveway Requirements**

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's driveway specifications which can be found on Council's website: <http://www.thehills.nsw.gov.au/>

The proposed driveways must be built to Council's heavy duty standard.

A separate driveway application fee is payable as per Council's Schedule of Fees and Charges.

*Note: These works may have be undertaken within the Stage 1 construction.*

#### **ii. Site Stormwater Drainage**

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

*Note: These works may have be undertaken within the Stage 1 construction.*

### **12. Supervision of Works**

All work in the road reserve must be supervised by a suitably qualified and experienced person. The supervisors name, address and contact phone number must be submitted to Council prior to works commencing in the road reserve. A construction programme and anticipated duration of works must be submitted to Council prior to works commencing in the road reserve.

### **13. Public Liability Insurance**

All contractors working in the road reserve must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. A copy of this insurance must be submitted to Council prior to works commencing in the road reserve.

#### **14. 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.

#### **15. 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.

#### **16. Liquid Storage**

All liquids onsite are to be stored within bunded areas so as to prevent water pollution. All secondary and site containment mechanisms are to be implemented as per Appendix 2: Technical Considerations within the Storing and Handling Liquids: Environmental Protection – Participants Manual prepared by the Department of Environment and Climate Change NSW dated May 2007.

#### **17. Bunding Work Areas**

All work areas where spillage is likely to occur shall be bunded. This is to be done by way of speed humps, grading the floor area or by any other appropriate means, to prevent contaminated water entering the stormwater system. The bunded area is then to be drained to a sump for collection and appropriate disposal of the liquid.

#### **18. Washing of Vehicles**

Washing of vehicles/boats is to be conducted in a car wash bay, which is roofed and bunded to exclude rainwater. All wastewater from car washing is to be discharged to the sewer under a trade waste agreement from Sydney Water. Alternative water management and disposal options may be possible where water is recycled, minimised or reused on the site. Any such option is to comply with:

- a) Council's *Stormwater Management Plan*
- b) Environmental Protection Authority's *Environment Protection Manual for Authorised Officer's: Technical Section (Car Washing Waste)*
- c) Environmental Protection Authority's *Managing Urban Stormwater: treatment techniques*.

#### **19. Contamination**

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

#### **20. Liquid Spill Clean-up Equipment**

Sufficient supplies of appropriate absorbent materials and/or other spill clean up equipment shall be kept on site to cover any liquid spillage. Liquid spills shall be cleaned up using dry methods only.

#### **21. Noise to Surrounding Area**

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

#### **22. 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. Details of the stormwater treatment device are to be submitted to Council.

### **23. Asbestos Removal**

Asbestos and asbestos containing material shall be removed by licensed asbestos removalist and all work must be in accordance with the requirements of the NSW Workcover Authority. Asbestos and asbestos containing material is to be disposed of in accordance with the requirements of the Department of Environment & Conservation and all dockets and paper work for the disposal shall be retained and made available to the Council if requested.

### **24. 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:

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

See Clause 3B of the Regulation for exemptions.

### **25. 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.

## **26. Adherence to Approved Waste Management Plan**

The Waste Management Plan submitted to and approved by 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.

## **27. 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.

## **28. 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.

## **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:

- 1) masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- 2) timber waste to be separated and sent for recycling;
- 3) metals to be separated and sent for recycling;
- 4) clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- 5) mixed waste (plastic wrapping, cardboard etc) to be sent to a licenced 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. 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 unauthorised 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 receipts verifying recycling/disposal must be kept and presented to Council when required.

### **31. 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.

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

### **32. Landscape Bond Stage 2**

To ensure the public amenity a landscape bond in the amount \$15,000 is to be lodged with Council prior to the issue of the Stage 2 Construction Certificate or the bond from Stage 1 is to be carried over to Stage 2. It shall be refunded 6 months following the issue of the Final Occupation Certificate for Stage 2 (unless carried over to Stage 3) and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team, that the works have been carried out in accordance with the approved landscape plan.

### **33. 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.

### **34. Onsite Stormwater Detention – Hawkesbury River Catchment Area**

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Hawkesbury River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook, with amended parameters for the site storage requirement and permissible site discharge.

The stormwater concept plan prepared by Sparks and Partners Job Number 11414 Revision B dated 29/07/2011 is for DA purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:

- a) Stormwater plans are to provide an orifice diameter of 228mm for OSD System 3. Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer and submitted with:
  - A completed OSD Drainage Design Summary Sheet;
  - Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes;
  - A completed OSD Detailed Design Checklist;

- A maintenance schedule.

The design and construction of the OSD system must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate.

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

- i. A completed application form;
- ii. Four copies of the design plans and specifications;
- iii. Payment of the applicable application and inspection fees.

### **35. 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 of \$75,000 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 (200m) and the half width of the road measured from face of kerb on both sides (12.5m), or \$10,000.00, whichever is the greater.

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

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

### **36. Bank Guarantee Requirements (Development)**

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 1481/2011/JP;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

### **37. Erosion & Sediment Control Plan**

Submission of an Erosion and Sediment Control Plan to the Principal Certifying Authority, including details of:

- a) Allotment boundaries
- b) Location of the adjoining roads
- c) Contours
- d) Existing vegetation
- e) Existing site drainage
- f) Critical natural areas
- g) Location of stockpiles
- h) Erosion control practices
- i) Sediment control practices
- j) Outline of a maintenance program for the erosion and sediment controls

(NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

### **38. Directional Signage Details**

Details of directional signage are to be submitted to, and agreed to, by Council prior to the issue of the Construction Certificate. These signs are to be constructed within the site and direct customers to the dedicated customer parking spaces within each stage. The signage dimensions are to comply with BHDCP Part D, Section 2 – Signage being 0.6m in height with a signage area of 0.5m<sup>2</sup>.

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

### **39. Protection of Existing Trees**

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

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

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

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

### **40. Pre-Construction Public Infrastructure Dilapidation Report**

A public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

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

### **41. Notification**

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with Form 7 of the Regulation.

### **42. Principal Certifying Authority**

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

### **43. Erosion and Sedimentation Controls**

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

### **44. 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).

**45. Erosion and Sedimentation Controls – Minor Works**

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

**46. 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.

**47. Notification of Asbestos Removal**

Prior to the commencement of any demolition works involving asbestos or asbestos containing materials, all adjoining and adjacent neighbours and Council must be given a minimum five days written notification of the works.

**DURING CONSTRUCTION**

**48. Engineering Construction Inspections**

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

- a) Prior to commencement of work;
- b) Traffic control to AS 1742-3;
- c) Bedding of pipes in trenches;
- d) Trench backfill within roads;
- e) Formwork for concrete structures;
- f) Final inspection;

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

**49. 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.

**50. 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.**

#### **51. 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.

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

#### **52. Landscaping Prior to Issue of Occupation Certificate**

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

#### **53. Section 73 Certificate**

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

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

#### **54. Completion of Engineering Works**

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

#### **55. Post Construction Public Infrastructure Dilapidation Report**

Before an Occupation Certificate is issued, an updated public infrastructure inventory report must be prepared and submitted to Council. The updated report must identify any damage to public assets in the direct vicinity of the development site and the means of rectification for the approval of Council.

#### **56. Interim Fire Safety Certificate**

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

#### **57. 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.

#### **58. Trade Waste Systems (T.W.S.)**

All wet rubbing, engine degreasing or vehicle washing is to be conducted in a vehicle wash bay connected to the sewer. This area is to be bunded to prevent wastewater entering the stormwater system. The applicant is to contact Sydney Water, Trade Waste Branch (Ph 13 11 10) in regards to any requirements they may have and to obtain a trade waste permit for this discharge. A copy of the permit is to be submitted to Council prior to the issue of the occupation certificate.

### **THE USE OF THE SITE**

#### **59. Hours of Operation**

The hours of operation being restricted to the following: -

- Sales: Monday to Saturday between 8.00am and 6.00pm and Sunday Operation between 9.00am and 6.00pm; and
- Servicing: Monday to Friday between 7.30am and 6.00pm (Thursday night until 8.00pm), Saturday between 7.30am and 1.00pm and no servicing activities on Sunday.

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

#### **60. Security Screens/Locking Devices (Fire Safety)**

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

#### **61. No Obstruction to Path of Travel**

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

#### **62. 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

#### **63. Waste Storage and Collection – Commercial/Industrial**

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

#### **64. Servicing of Bins**

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

### **65. Emission Noise Levels**

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. Noise levels experienced at the boundary of nearby residential receivers shall not exceed the applicable amenity criterion of 52 dB(A) as per the Addendum Acoustic Report prepared by John T Acoustics and dated 24 June 2011. 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.

### **66. Waste Management / Disposal**

Workshop operation waste generated on the property (oils, coolants, parts and tyres) as stated in the Statement of Environmental Effects to Accompany a Development Application will be bundled and generally disposed of weekly using private waste contractors.

### **67. Restricted Display Parking**

The display of vehicles is restricted to the approved display parking spaces and is not permitted to occur within the dedicated customer / employee parking areas or within the landscape setback zones.

## **STAGE 3 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.

Note: Works are restricted to those depicted in Stage 3 as detailed on Drawing No. DA8.

### **REFERENCED PLANS AND DOCUMENTS**

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA1	Site Plan and Staged Calculations	-	22/06/2011
DA3	Showroom 3B & 3A	-	22/06/2011
DA6	Showroom 3B & 3A	-	22/06/2011
DA8	Staging Plan	-	22/06/2011
J3-11025-1	Trees to be Removed and General Landscape Treatments	C	27/06/2011
J3-11025-2	Landscape Plan	C	27/06/2011
-	Hyundai Showroom 3A, 3B, 1 Photomontage		May 2011
-	Showroom 1, 3B, 3A, Hyundai Photomontage	-	May 2011
Figure 11	Proposed Materials and Colours (Extract from the Statement of Environmental Effects)	-	-

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.

Roofs are to be pre-colour coated masonry, tile or metal. Galvanised iron, zincalume, fibrous sheeting or uncoloured metal deck surface is not permitted.

### **3. Tree Removal**

Approval is granted for the removal of those trees as indicated in red on the plan titled "Trees to be Removed and General Landscape Treatments Plan" prepared by Australian Wetlands Consulting Revision C dated 27/06/11.

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

### **4. Compliance with the NSW Police Force and RTA Requirements**

The development is required to comply with the following:-

#### **4.1 NSW Police Force**

Compliance with the requirements of the NSW Police as outlined within correspondence dated 17 August 2011. The requirements of the Police are detailed below:-

- Vegetation is to be maintained with lower tree limbs above average head height and shrubs should not provide easy concealment; and
- Lighting is to meet the Australian Standards however external signage lighting is not permitted to cause a distraction to passing motorists; and
- CCTV is to be installed to monitor the car park and public areas of the development; and
- Hardened / toughened glass with PVB interlayer or similar is to be used to improve breakage resistance.

#### **4.2 NSW RTA Requirements**

Compliance with the requirements of the NSW Roads and Traffic Authority as outlined within correspondence dated 14 June 2011 but being restricted to Items 1 – 2 and 7 – 11 of their correspondence.

### **5. Planting Requirements**

All trees planted as required by the conditions of consent contained within Stage 1 and 2 are to be retained and protected during construction works within Stage 3. Any required removal or replacement of the trees is to be undertaken prior to the Issue of the Occupation Certificate for Stage 3.

### **6. Provision of Parking Spaces and Servicing Bays**

The development is required to be provided with the following off-street car parking / servicing bays:-

- 20 servicing bays;
- 67 customer parking spaces;
- 2 additional wash bays

The customer car parking spaces shall be available for off street parking at all times. No further servicing bays or wash bays are permitted without further Development Consent from Council.

### **7. Separate application for signs**

A separate application is required to be submitted to, and approved by Council prior to the erection of any advertisements or advertising structures. No signage is approved within Stage 3.

### **8. Separate Application for Strata Subdivision**

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

#### **9. Protection of Public Infrastructure**

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

#### **10. Vehicular Access and Parking**

The formation, surfacing and drainage of all driveways, parking modules, circulation roadways and ramps is required, with their design and construction complying with:

- a) AS/ NZS 2890.1:2004
- b) AS/ NZS 2890.6:2009
- c) AS 2890.2:2002
- d) DCP Part D Section 1 – Parking
- e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. All driveways and car parking areas 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 driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. In urban areas, all driveways and car parking areas must be concrete or bitumen. The pavement design must consider the largest design service vehicle expected to enter the site.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

#### **11. Minor Engineering Works**

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

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

Any variance from these documents requires separate approval from Council.

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

##### **i. Driveway Requirements**

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's driveway specifications which can be found on Council's website: <http://www.thehills.nsw.gov.au/>

The proposed driveways must be built to Council's heavy duty standard.

A separate driveway application fee is payable as per Council's Schedule of Fees and Charges.

*Note: These works may have be undertaken within the Stage 1 or 2 construction.*

##### **ii. Site Stormwater Drainage**

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

*Note: These works may have be undertaken within the Stage 1 or 2 construction*

## **12. Supervision of Works**

All work in the road reserve must be supervised by a suitably qualified and experienced person. The supervisors name, address and contact phone number must be submitted to Council prior to works commencing in the road reserve. A construction programme and anticipated duration of works must be submitted to Council prior to works commencing in the road reserve.

## **13. Public Liability Insurance**

All contractors working in the road reserve must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. A copy of this insurance must be submitted to Council prior to works commencing in the road reserve.

## **14. 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.

## **15. 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.

## **16. Liquid Storage**

All liquids onsite are to be stored within bunded areas so as to prevent water pollution. All secondary and site containment mechanisms are to be implemented as per Appendix 2: Technical Considerations within the Storing and Handling Liquids: Environmental Protection – Participants Manual prepared by the Department of Environment and Climate Change NSW dated May 2007.

## **17. Bunding Work Areas**

All work areas where spillage is likely to occur shall be bunded. This is to be done by way of speed humps, grading the floor area or by any other appropriate means, to prevent contaminated water entering the stormwater system. The bunded area is then to be drained to a sump for collection and appropriate disposal of the liquid.

## **18. Washing of Vehicles**

Washing of vehicles/boats is to be conducted in a car wash bay, which is roofed and bunded to exclude rainwater. All wastewater from car washing is to be discharged to the sewer under a trade waste agreement from Sydney Water. Alternative water management and disposal options may be possible where water is recycled, minimised or reused on the site. Any such option is to comply with:

- a) Council's *Stormwater Management Plan*
- b) Environmental Protection Authority's *Environment Protection Manual for Authorised Officer's: Technical Section (Car Washing Waste)*
- c) Environmental Protection Authority's *Managing Urban Stormwater: treatment techniques*.

### **19. Contamination**

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

### **20. Liquid Spill Clean-up Equipment**

Sufficient supplies of appropriate absorbent materials and/or other spill clean up equipment shall be kept on site to cover any liquid spillage. Liquid spills shall be cleaned up using dry methods only.

### **21. Noise to Surrounding Area**

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

### **22. 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.

Details of the stormwater treatment device are to be submitted to Council.

### **23. Asbestos Removal**

Asbestos and asbestos containing material shall be removed by licensed asbestos removalist and all work must be in accordance with the requirements of the NSW Workcover Authority. Asbestos and asbestos containing material is to be disposed of in accordance with the requirements of the Department of Environment & Conservation and all dockets and paper work for the disposal shall be retained and made available to the Council if requested.

### **24. 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:

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

See Clause 3B of the Regulation for exemptions.

**25. 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.

**26. Adherence to Approved Waste Management Plan**

The Waste Management Plan submitted to and approved by 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.

**27. 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.

**28. 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.

### **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:

- 1) masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- 2) timber waste to be separated and sent for recycling;
- 3) metals to be separated and sent for recycling;
- 4) clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- 5) mixed waste (plastic wrapping, cardboard etc) to be sent to a licenced 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. 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 unauthorised 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 receipts verifying recycling/disposal must be kept and presented to Council when required.

### **31. 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.

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

### **32. Landscape Bond Stage 3**

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

### **33. 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.

### **34. Onsite Stormwater Detention – Hawkesbury River Catchment Area**

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Hawkesbury River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook, with amended parameters for the site storage requirement and permissible site discharge.

The stormwater concept plan prepared by Sparks and Partners Job Number 11414 Revision B dated 29/07/2011 is for DA purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:

a) Stormwater plans are to provide an orifice diameter of 228mm for OSD System 3. Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer and submitted with:

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

The design and construction of the OSD system must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate.

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

- i. A completed application form;
- ii. Four copies of the design plans and specifications;
- iii. Payment of the applicable application and inspection fees.

### **35. 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 of \$75,000 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 (200m) and the half width of the road measured from face of kerb on both sides (12.5m), or \$10,000.00, whichever is the greater.

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

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

### **36. Bank Guarantee Requirements (Development)**

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 1481/2011/JP;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

### **37. Erosion & Sediment Control Plan**

Submission of an Erosion and Sediment Control Plan to the Principal Certifying Authority, including details of:

- a) Allotment boundaries
- b) Location of the adjoining roads
- c) Contours
- d) Existing vegetation
- e) Existing site drainage
- f) Critical natural areas
- g) Location of stockpiles
- h) Erosion control practices
- i) Sediment control practices
- j) Outline of a maintenance program for the erosion and sediment controls

(NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

### **38. Directional Signage Details**

Details of directional signage are to be submitted to, and agreed to, by Council prior to the issue of the Construction Certificate. These signs are to be constructed within the site and direct customers to the dedicated customer parking spaces within each stage. The signage dimensions are to comply with BHDCP Part D, Section 2 – Signage being 0.6m in height with a signage area of 0.5m<sup>2</sup>.

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

### **39. Protection of Existing Trees**

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

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

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

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

### **40. Pre-Construction Public Infrastructure Dilapidation Report**

A public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

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

### **41. Notification**

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with Form 7 of the Regulation.

### **42. Principal Certifying Authority**

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

#### **43. Erosion and Sedimentation Controls**

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

#### **44. 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).

#### **45. Erosion and Sedimentation Controls – Minor Works**

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

#### **46. 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.

#### **47. Notification of Asbestos Removal**

Prior to the commencement of any demolition works involving asbestos or asbestos containing materials, all adjoining and adjacent neighbours and Council must be given a minimum five days written notification of the works.

### **DURING CONSTRUCTION**

#### **48. Engineering Construction Inspections**

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

- a) Prior to commencement of work;
- b) Traffic control to AS 1742-3;
- c) Bedding of pipes in trenches;
- d) Trench backfill within roads;
- e) Formwork for concrete structures;
- f) Final inspection;

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

#### **49. 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.

#### **50. 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.

#### **51. 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.

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

#### **52. Landscaping Prior to Issue of Occupation Certificate**

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

#### **53. Section 73 Certificate**

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

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

#### **54. Completion of Engineering Works**

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

#### **55. Post Construction Public Infrastructure Dilapidation Report**

Before an Occupation Certificate is issued, an updated public infrastructure inventory report must be prepared and submitted to Council. The updated report must identify any damage to public assets in the direct vicinity of the development site and the means of rectification for the approval of Council.

#### **56. Interim Fire Safety Certificate**

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

#### **57. 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.

#### **58. Trade Waste Systems (T.W.S.)**

All wet rubbing, engine degreasing or vehicle washing is to be conducted in a vehicle wash bay connected to the sewer. This area is to be bunded to prevent wastewater entering the stormwater system. The applicant is to contact Sydney Water, Trade Waste Branch (Ph 13 11 10) in regards to any requirements they may have and to obtain a trade waste permit for this discharge. A copy of the permit is to be submitted to Council prior to the issue of the occupation certificate.

### **THE USE OF THE SITE**

#### **59. Hours of Operation**

The hours of operation being restricted to the following: -

- Sales: Monday to Saturday between 8.00am and 6.00pm and Sunday Operation between 9.00am and 6.00pm; and
- Servicing: Monday to Friday between 7.30am and 6.00pm (Thursday night until 8.00pm), Saturday between 7.30am and 1.00pm and no servicing activities on Sunday.

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

#### **60. Security Screens/Locking Devices (Fire Safety)**

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

#### **61. No Obstruction to Path of Travel**

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

#### **62. 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

### **63. Waste Storage and Collection – Commercial/Industrial**

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

### **64. Servicing of Bins**

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

### **65. Emission Noise Levels**

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. Noise levels experienced at the boundary of nearby residential receivers shall not exceed the applicable amenity criterion of 52 dB(A) as per the Addendum Acoustic Report prepared by John T Acoustics and dated 24 June 2011. 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.

### **66. Waste Management / Disposal**

Workshop operation waste generated on the property (oils, coolants, parts and tyres) as stated in the Statement of Environmental Effects to Accompany a Development Application will be bundled and generally disposed of weekly using private waste contractors.

### **67. Restricted Display Parking**

The display of vehicles is restricted to the approved display parking spaces and is not permitted to occur within the dedicated customer / employee parking areas or within the landscape setback zones.

## **ATTACHMENTS**

1. Locality Plan
2. Aerial Photograph
3. Site Plan
4. Staging Plan
5. Elevations and Sections – Stage 1
6. Elevations and Sections – Stage 2
7. Elevations and Sections – Stage 3
8. Landscape Plan 1
9. Landscape Plan 2
10. Schedule of Colours and Finishes
11. Colour Montage Drawings
12. NSW Police Force Comments
13. NSW Roads and Traffic Authority Comments
14. Prelodgement Notes

## ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE  
☒ PROPERTIES NOTIFIED

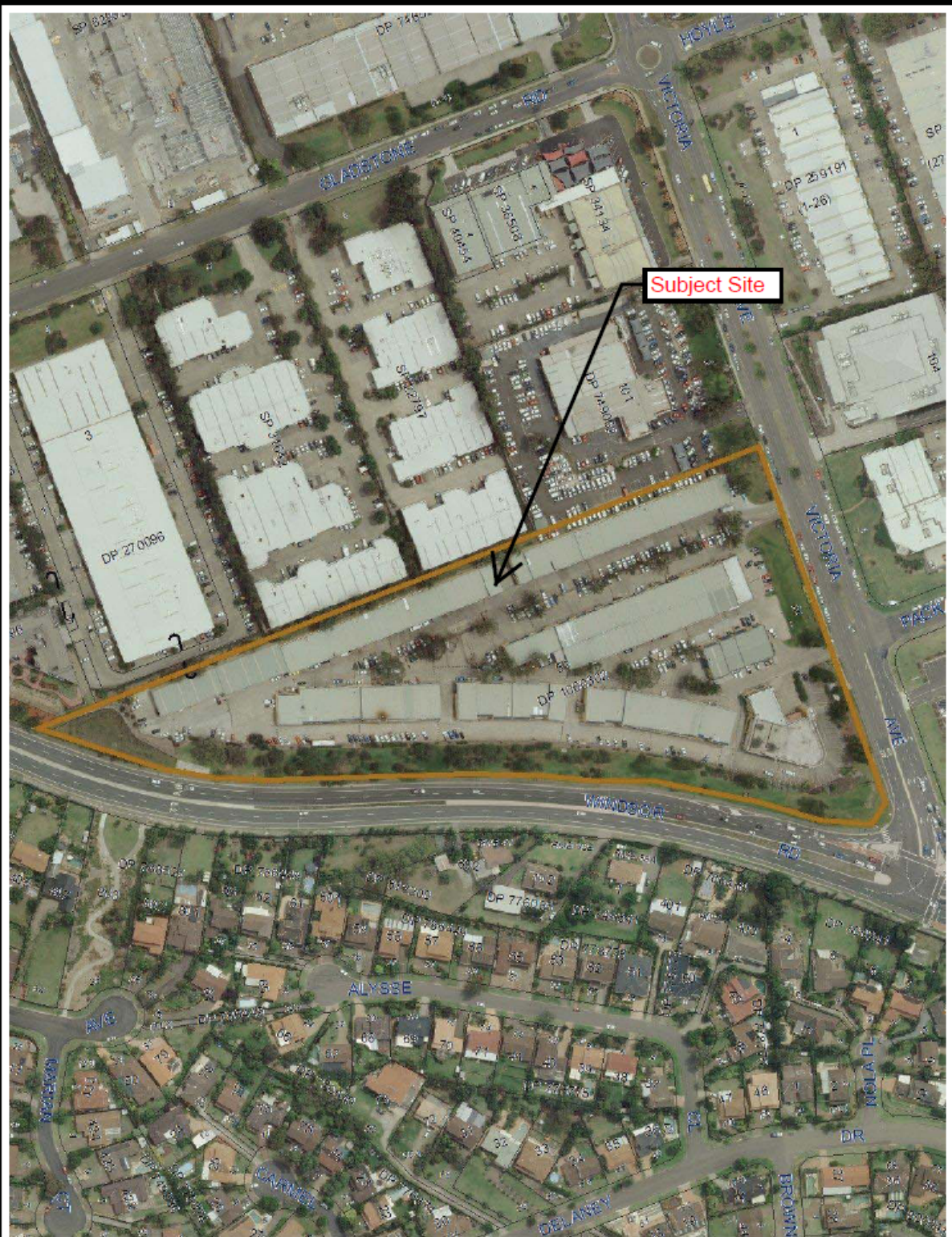
- ☒ SUBMISSIONS RECEIVED  
 NOTE: ONE SUBMISSION RECEIVED  
 OFF THE SCOPE OF THIS MAP

**THE HILLS**  
 Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE  
 TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE  
 BASED ON THE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI) CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT  
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## ATTACHMENT 2 – AERIAL PHOTOGRAPH



### THE HILLS SHIRE COUNCIL

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Base cadastre copyright remains the property of Land and Property Management Authority NSW (LPMA). Year 2008 contour and aerial photography copyright remains the property of Department of Environment and Climate Change (DECC) and THSC. Cadastre modifications including Council generated data is subject to THSC copyright.

DA NO. 1481/2011/JP



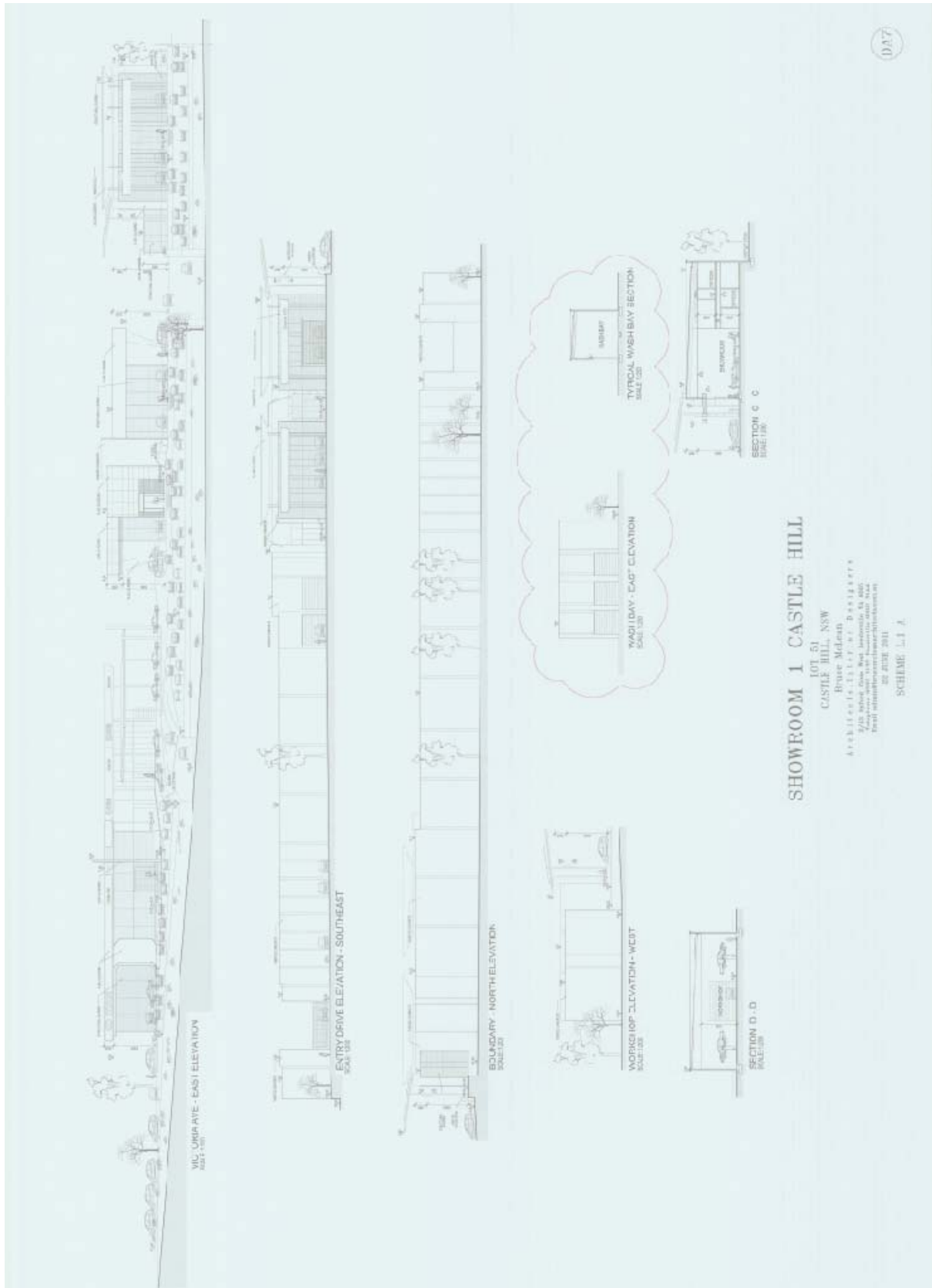
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27/07/2011

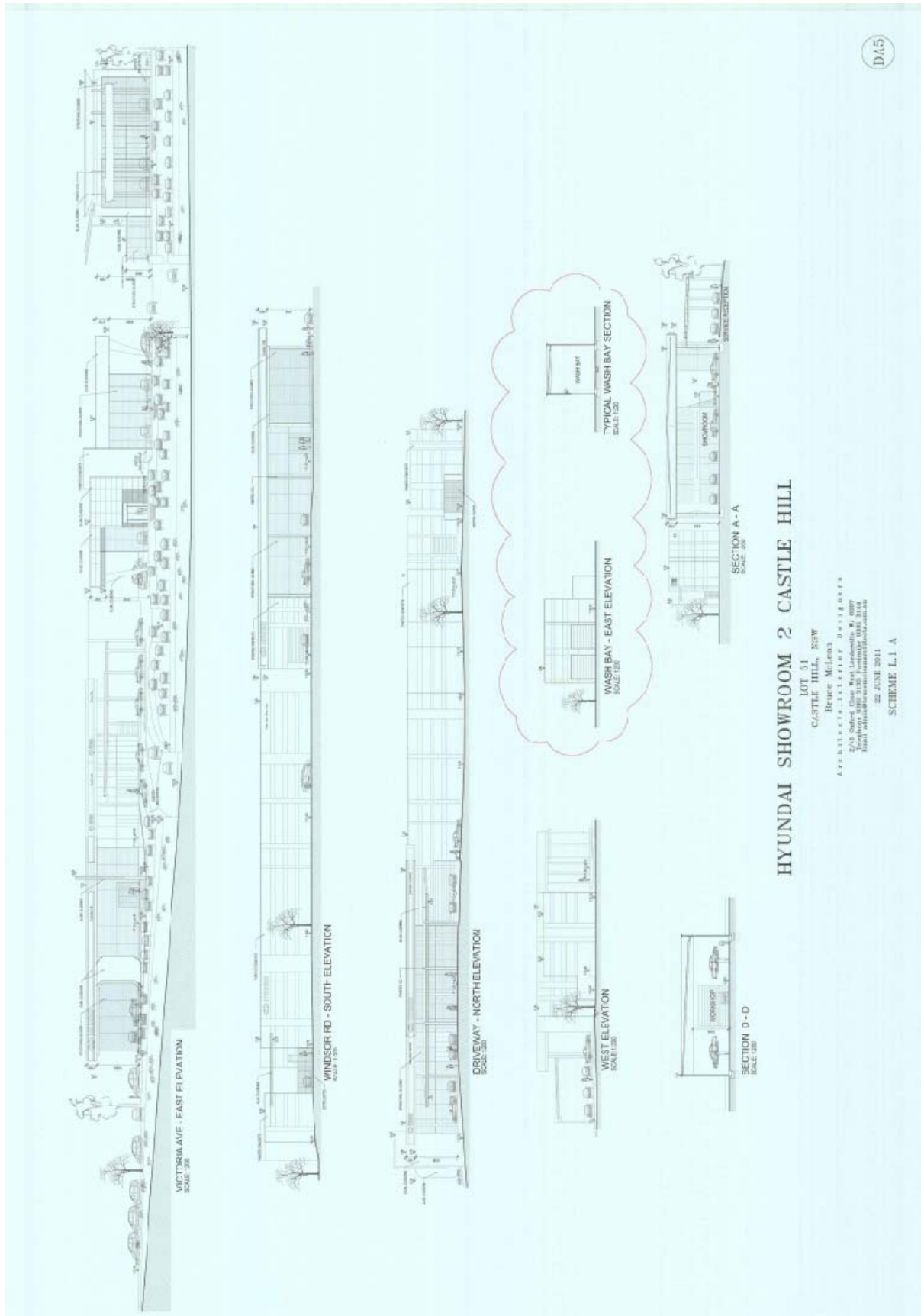


DAE

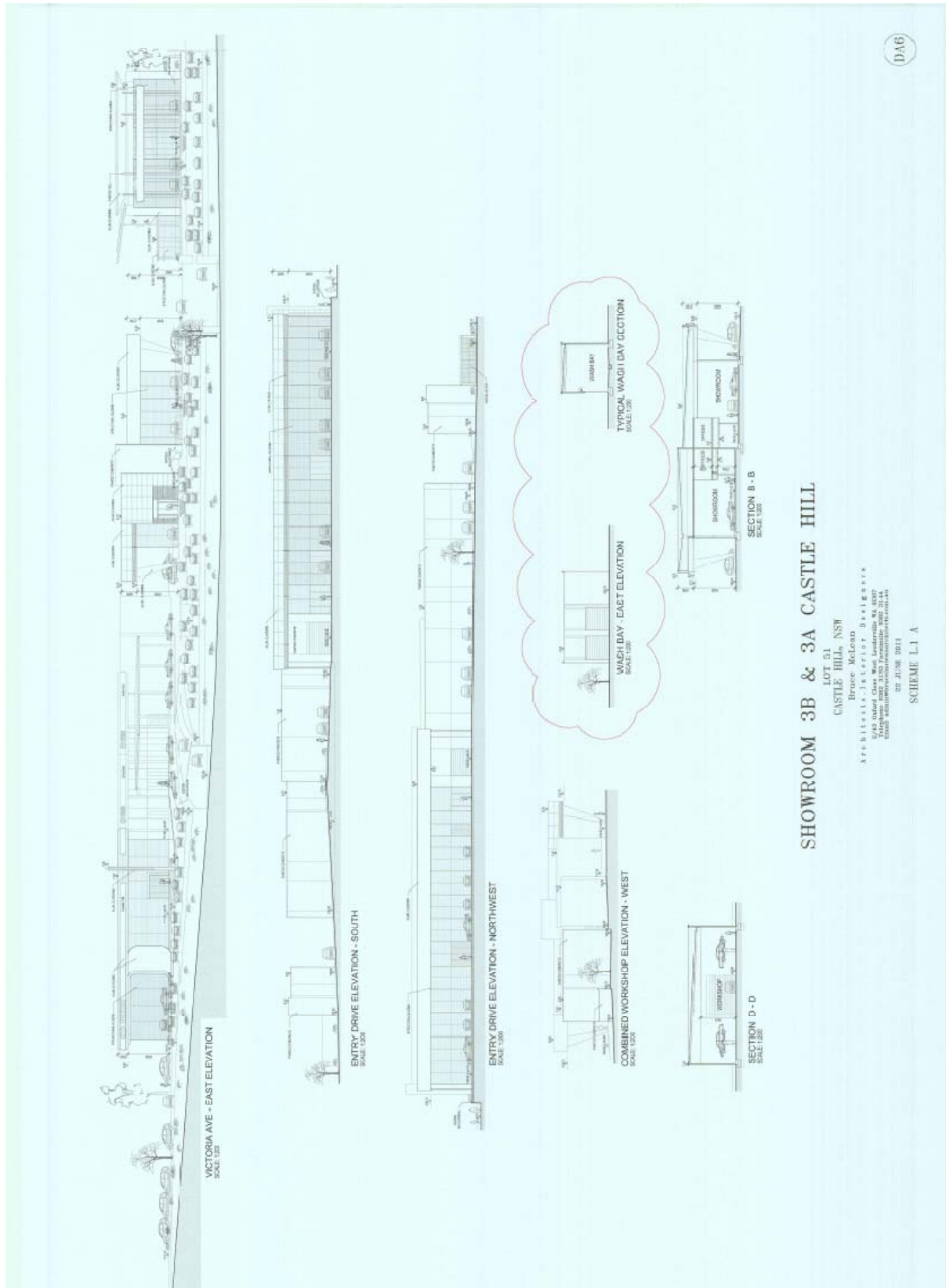
# ATTACHMENT 5 – ELEVATIONS AND SECTIONS – STAGE 1

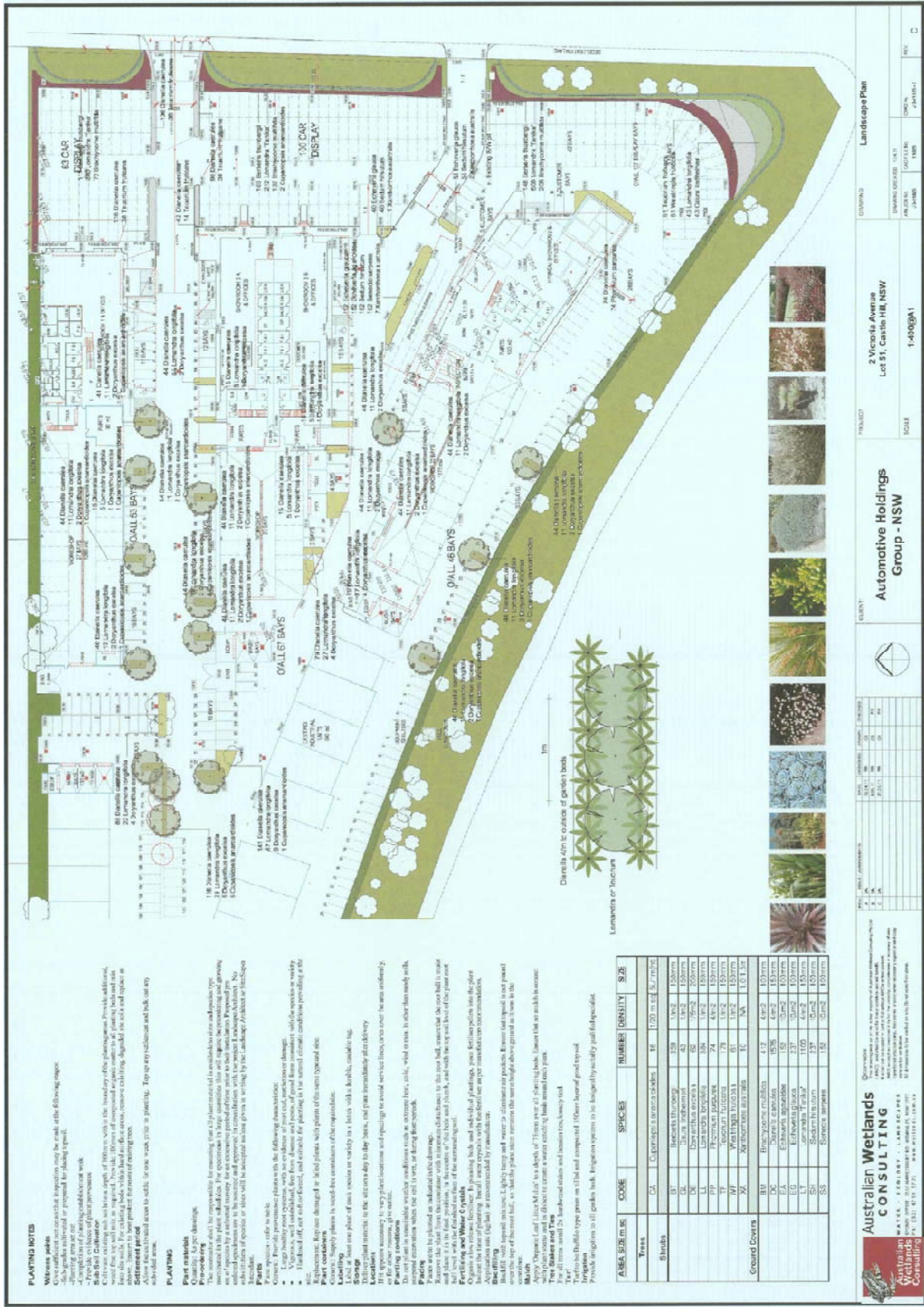


# ATTACHMENT 6 – ELEVATIONS AND SECTIONS – STAGE 2



# ATTACHMENT 7 – ELEVATIONS AND SECTIONS – STAGE 3





**KEY**

- Existing trees to be removed
- Existing trees to be retained
- Proposed trees
- Turf
- Compositional Garden Beds
- Native Garden Beds
- Existing beds to be retained with new plants in existing planting with the following:
- Compositional Garden Beds
- Native Garden Beds
- Compositional Garden Beds

**Tree Planting Detail**

Tree Planting Detail

Tree Planting Detail

**Table of Tree Species and Quantities**

AREA	CODE	SPECIES	NUMBER	QUANTITY	SIZE
Native Garden Beds in Northern Boundary	A1	Argemone mexicana	17	17	17
	A2	Argemone mexicana	17	17	17
	A3	Argemone mexicana	17	17	17
	A4	Argemone mexicana	17	17	17
	A5	Argemone mexicana	17	17	17
	A6	Argemone mexicana	17	17	17
	A7	Argemone mexicana	17	17	17
	A8	Argemone mexicana	17	17	17
	A9	Argemone mexicana	17	17	17
	A10	Argemone mexicana	17	17	17
Compositional Garden Beds	C1	Argemone mexicana	17	17	17
	C2	Argemone mexicana	17	17	17
	C3	Argemone mexicana	17	17	17
	C4	Argemone mexicana	17	17	17
	C5	Argemone mexicana	17	17	17
	C6	Argemone mexicana	17	17	17
	C7	Argemone mexicana	17	17	17
	C8	Argemone mexicana	17	17	17
	C9	Argemone mexicana	17	17	17
	C10	Argemone mexicana	17	17	17

ATTACHMENT 10 – SCHEDULE OF EXTERNAL COLOURS AND FINISHES

**Showroom 1**  
Lot 11, Castle Hill  
NSW



Front Facade Wall Cladding – Alucobond Cream 302

External Walls – Dulux (Painted) Sunrise Ridge 40 YYS/L084

Structural Steel Doors Door Frames – Dulux (Painted) Volcano Rock 50 R4 J2/014

Dulux – Sunrise Ridge 40 Y Y 32/84

Dulux – Volcano Rock 50 R4 J2/014

Exterior Finishes

Alucobond – Cream 302

**Castle Hill, Hyundai**  
Lot 11, Castle Hill  
NSW



Cladding

Exterior Element Signage

Paint Colours

Alucobond – Sunrise Silver


Dulux – Sunrise Ridge 40 Y Y 32/84

Dulux – Volcano Rock 50 R4 J2/014

Exterior Finishes

Alucobond – Sunrise Silver

**Showroom 3a, 3b**  
Lot 11, Castle Hill  
NSW



Front Facade Columns Corners – Alucobond Sunrise Silver

Exterior Element Signage – Alucobond Red (201)

External Walls Doors Door Frames – Dulux (Painted) Tranquil Retreat PGL 12

Dulux – Tranquil Retreat PGL 12

Alucobond – Sunrise Silver

Alucobond – Red 201

Exterior Finishes

Alucobond – Sunrise Silver

ATTACHMENT 11 – COLOUR MONTAGE DRAWINGS



CASTLE HILL HYUNDAI



CASTLE HILL HYUNDAI



CASTLE HILL  
SHOWROOM 1, 3B, 3A, HYUNDAI

ATTACHMENT 12 – NSW POLICE FORCE COMMENTS



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

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

Wednesday 17<sup>th</sup> August 2011

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

Dear Mr Cherry,

**Subject: Development Application No. 1481/2011/JP Demolition of Existing Structures on Part of the Site for Construction of a Staged Motor Showroom and Dealership Development**

**Property: Lot 51 DP 1060302  
2A Victoria Avenue, Castle Hill 2154**

**Police Ref: 2011/141178**

---

The development application seeks approval to demolish a number of existing buildings and construction of four new motor showrooms in three separate buildings and associated workshops and signage.

After perusing the paperwork and plans associated with this proposal, Police have no objections to the development however there are a number of Crime Prevention Through Environmental Design (CPTED) factors that should be considered.

**Surveillance**

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical. Good surveillance means that people can see what others are doing. People feel safe in public areas when they can easily see and interact with others. Would-be offenders are often deterred from committing crime in areas with high levels of surveillance. This can be achieved by

having clear sightlines between public and private places, and effective lighting of public places.

### **Car Park**

The configuration of car parking spaces can impact the risk to car thieves. Grid rows increase natural surveillance.

### **Vegetation**

The safety objective of “to see and be seen” is important in landscaped areas. Dense vegetation can provide concealment and entrapment opportunities. As this development proposes to have shrubs and trees throughout the site, it must be emphasised that the vegetation be kept trimmed at all times. Lower tree limbs should be above average head height and shrubs should not provide easy concealment.

### **Lighting and Technical Supervision**

Lighting should meet minimum Australian standards. Effective lighting can reduce fear, increase community activity, improve visibility and increase the likelihood that offenders will be detected and apprehended. Special attention should be made to lighting the entry and exit points from the buildings. However, lighting from external signage should not be too bright as this may cause distraction to motorists travelling on the adjacent roadways.

### **CCTV**

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

### **Territorial Reinforcement**

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

Territorial reinforcement can be achieved through:

- ✓ Design that encourages people to gather in public space and to feel some responsibility for its use and condition
- ✓ Design with clear transitions and boundaries between public and private space
- ✓ Clear design cues on who is to use space and what it is to be used for.

Care is needed to ensure that territorial reinforcement is not achieved by making public spaces private spaces, through gates and enclosures.

## **Environmental Maintenance**

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

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

## **Access Control**

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

## **Windows**

Chemically hardened glass, toughened laminated glass with PVB interlayer and transparent polycarbonate sheeting can be an effective alternative to 'normal' glass in (certain) high-risk applications. When properly fitted, they are resistant to breakage. Due to the large amount of glass proposed for this site Police recommend the use of these types of glass.

While not specific to this application, Police would ask that Council consider the impact the number of development applications within the Victoria Avenue precinct will have on traffic flow.

Most of the development applications involve an extensive increase in car parking spaces which we believe will have an impact on the associated roads, including on-street parking.

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

Respectfully yours,



Constable Jodie SUTERS  
Crime Prevention Officer  
Castle Hill Police

## ATTACHMENT 13 – NSW RTA COMMENTS

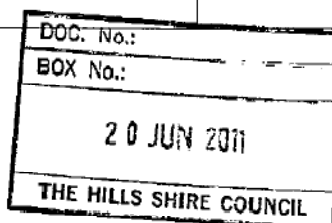
Our Reference: CAC11M1648 SYD11/00461/01  
Your Reference: 1481/2011/JF  
Contact: Pahee Sellathurai  
Telephone: 8849 2219



**Transport**  
Roads & Traffic  
Authority

The General Manager  
The Hills Shire Council  
PO Box 75  
CASTLE HILL NSW 2154

Attention: Gavin Cherry



### STAGED CONSTRUCTION OF MOTOR SHOWROOMS/DEALERSHIPS 2A VICTORIA AVENUE, CASTLE HILL

Dear Sir/Madam

I refer to Council's letter dated 17 May 2011 (Council Ref: 1481/2011/JF) with regard to the abovementioned development application, which was referred to the Roads and Traffic Authority (RTA) for comment in accordance with the *State Environmental Planning Policy – (Infrastructure) 2007*.

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

1. The subject property is affected by an easement for drainage in favour of the RTA, as shown by brown colour on the attached plan.

The RTA has no objections to the submitted application on property grounds, provided access to the easement is not denied and the integrity of the easement is not compromised.

2. Access is denied across the southern boundary of the subject property to Windsor Road
3. A strip of land coloured grey on the attached plan, along Windsor Road frontage of the property, has previously been vested as public road. A strip of land coloured yellow on the attached plan, along Windsor Road frontage of the property, has previously been dedicated as public road by private subdivision.
4. The developer needs to satisfactorily demonstrate to the Council that all vehicles accessing the subject site are no longer than the proposed longest sized vehicle of 8.8 metres long medium rigid truck.
5. Council should be satisfied that all vehicles, including heavy vehicles, are able to service the industrial units at the back of the proposed development via the proposed access arrangements.
6. Concerns are raised regarding the proposed parking spaces along the northern driveway. The traffic efficiency and road safety of the driveway is compromised by providing these parking spaces along the driveway.

7. All vehicles are to enter and leave the site in a forward direction.
8. The loading and unloading of vehicles is to be carried out within the site. No loading or unloading of vehicles is to be carried out on Windsor Road or the adjoining local road network.
9. The required sight lines to pedestrians or other vehicles in or around the entrance and car park are not to be compromised by landscaping or other vegetation.
10. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 - 2004 (Parking Facilities, Part 1: Off-street car parking) and AS 2890.2 - 2002 (Parking Facilities, Part 2: Off-street commercial vehicle facilities).
11. All demolition and construction vehicles are to be contained wholly within the site before stopping. A construction zone shall not be permitted on Windsor Road or Victoria Avenue.
12. A Road Occupancy Licence should be obtained from the RTA for any works that may impact on traffic flows on Windsor Road during construction activities.
11. Council should ensure that the post development storm water discharge from the subject site into the RTA drainage system does not exceed the pre-development discharge.

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

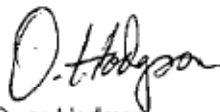
Details should be forwarded to:  
The Sydney Asset Management  
Roads and Traffic Authority  
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

12. The 'No Stopping' parking restriction is to be maintained across the Windsor Road and Victoria Avenue frontage of the subject site.

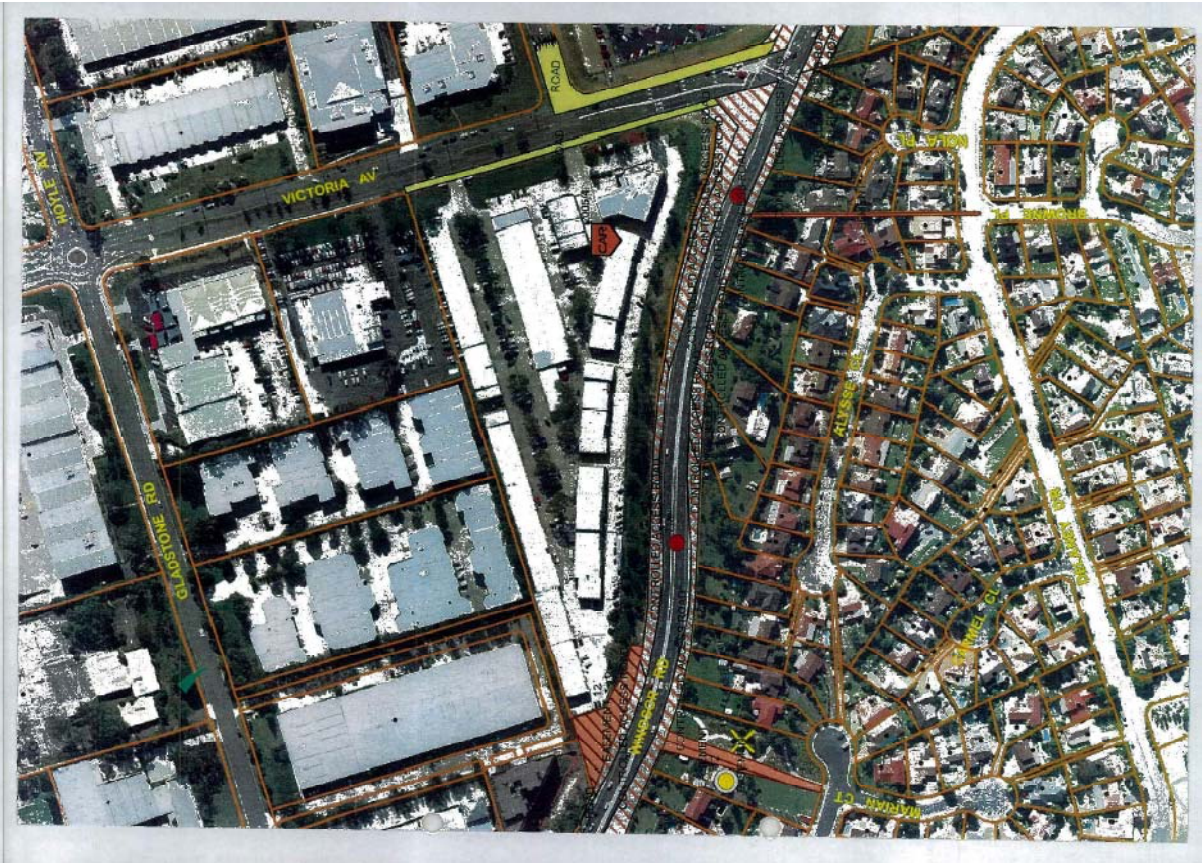
Any enquiries in relation to this matter can be forwarded to Pahee Sellathurai on 8849 2906.

Yours faithfully



Owen Hodgson  
Senior Land Use Planner  
Transport Planning, Sydney Region

14 June 2011



## ATTACHMENT 14 – PRELODGE MENT NOTES



### PLANNING SERVICES - DEVELOPMENT CONTROL PRE-LODGE MENT ASSESSMENT

4 MARCH 2011 - 112/2011/PRE

**APPLICANT:** Automotive Holdings Group  
C/o Lyndall Wynne, David Crane & Associates

**TELEPHONE:** 0423 040 529

**PROPERTY:** Lot 51 DP 1060302, No. 2A Victoria Road, Castle Hill

**ZONING:** Light Industry 4(b)

**SITE AREA:** 4.331 ha

**SUBJECT:** Proposal for Motor Dealerships, Associated Service Areas and Signage

**OFFICERS IN ATTENDANCE:** Gavin Cherry, Aziz Madadghar, Cheryl Conn, Jayne Bryant, Holly Palmer and Paul Osborne

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#### **PROPOSAL:**

- Preliminary concept plans tabled for a motor dealership development consisting of three (3) buildings containing four (4) showrooms. Each dealership has associated administration offices, vehicle display areas, service bays, wash bays, and staff and customer parking.
- The proposal includes the demolition of several buildings to be replaced with three (3) buildings.
- The subject site includes the retention (but minor relocation) of two (2) ingress / egress driveways. The proposal will alter the internal circulation of the subject site.
- The proposal includes the retention of 30 to 33 units to the rear of the site.
- A signage scheme is proposed including pylon signs, tenancy listing boards and fascia signage.
- The development may be staged.

#### **General Planning Comments:**

- The proposed development is required to be assessed in accordance with Baulkham Hills Development Control Plan (BHDCP) Part C, Section 9 – Light Industry.
- The proposed development is required to be assessed with regard to the Uncertified Draft Baulkham Hills Local Environmental Plan (LEP) 2010 with

respect to permissibility.

- The Statement of Environmental Effects (SEE) and plans should detail if the development is to be staged or constructed in full.
- The SEE is required to assess the car parking demand generated by the proposed occupation in accordance with Baulkham Hills Development Control Plan (BHDCP) Part D, Section 1 – Parking. Table 1 of the DCP states that the minimum parking provision for a Motor Showroom is 0.75 spaces per 100m<sup>2</sup> of site area, plus 6 spaces per work bay where vehicle servicing is provided on site. The site area used for this calculation is required to be demonstrated on the plans. Based on the number of work bays indicated on the tabled site plan, the proposed motor dealership component of the development requires a minimum of 462 car parking spaces. Detailed justification is required to be provided for any car parking variation. The remaining units are to be assessed on a 'use by use' basis and ensure compliance with BHDCP, Part D, Section 1 – Parking.
- A land use and parking survey is required for all units on the site. For the unit occupant to be retained, the survey shall identify their uses and parking requirements. For vacant units, the warehouse rate of 1 space per 50m<sup>2</sup> of gross floor area may be applied where appropriate. The lodgement of future DAs can refer to the information provided in this land use and parking survey. It is noted that the subject site features a pool parking arrangement (without Strata allocation).
- A Traffic and Parking Assessment is required to be submitted which addresses the impact of the proposed development on the internal manoeuvring and traffic generation on Victoria Road and Windsor Road, Castle Hill and the general locality.
- Disabled parking spaces are required to be provided with disabled access for each motor dealership. One (1) space for each dealership is considered satisfactory. The disabled parking spaces are required to have a minimum width of 2.4 metres with a shared zone of 2.4 metres and are required to comply with the Building Code of Australia (BCA) and Australian Standards.
- A signage scheme is required to be submitted including any signage and / or 'signage zones' on the building façades, pylon sign(s), tenancy listing board(s) and directional signage in accordance with BHDCP Part C, Section 2 – Signage, Clause 2.5. Also provide details regarding any illumination of signage and the illumination / lighting from within the units which may have a spill over effect on the adjoining properties. Detailed justification is required to be provided for any signage variation. The proposed signage should be supported by appropriate landscaping and suitable colours and finishes.

- Clause 2.5 – Signs in Light Industry Zones states the following: -
  - All signage on the primary street frontage of a building is determined on the basis of 0.5m<sup>2</sup> of sign per one metre lineal frontage of a building;
  - Where the building has more than one frontage the maximum sign area for a sign on any side elevation shall not exceed 0.25m<sup>2</sup> of sign per one metre lineal frontage of a building (including the rear elevation); and
  - Only one free-standing pylon sign shall be permitted on any parcel of land zoned Light Industry. However, please be advised that a maximum of two (2) pylon signs per street frontage will be considered. Four (4) signs to Victoria Avenue is not satisfactory. Detailed written justification is required to be submitted for any signage variation.
  - Free-standing pylon signs are to have a maximum height of 10.0 metres and a width of 2.0 metres. The maximum advertising display area within the structure shall be no greater than 12.0m<sup>2</sup> with maximum advertising dimensions 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 and occupants of individual units / suites 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.
  - Only one free-standing tenancy listing board shall be permitted per parcel of land zoned Light Industry, Refer to Clause 2.5(b). Detailed written justification is required to be submitted for any signage variation.
- Should the proposal include the replacement of the existing building, Unit A1, the existing parking setbacks will be considered. Detailed written justification is required to be provided for any setback variation.
- The minimum required side setback for the car display area is 2.0 metres and 5.0 metres to the building.
- The car display areas on the plans are to be an 'indicative zone' and are not required to be line marked.
- The SEE is required to provide operational details of the proposed occupations including the maximum number of employees and customers on site at any one time, hours of operation, number of display cars and cars being serviced.
- Provide details of the loading dock and deliveries including hours of operation, frequency of deliveries and type of delivery vehicles.
- A detailed landscape plan is required to be submitted with embellished landscaping to Windsor Road and Victoria Avenue.
- Energy Efficiency measures are to be outlined within the SEE.

**General Engineering Comments:**

- The proposal involves the demolition of existing buildings and construction of buildings. The development requires provision of an Onsite-Stormwater Detention (OSD) system in accordance with Council's requirements and the Upper Parramatta River Catchment Trust (UPRCT) OSD-Handbook for Hawkesbury River Catchment Area.
- Submission of a concept design plans prepared by an accredited OSD designer in accordance with Council's requirements and the UPRCT OSD-Handbook is required along with:
  - A completed OSD Drainage Design Summary (Calculation) Sheet;
  - Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, including catchment plans and areas, times of concentration and estimated peak run-off volumes;
  - A completed OSD concept Design Checklist;
- Concept OSD design is required to cater for the development area only. Details of the existing stormwater management system (if any) and its relationship with the proposed system are required to be included in the assessment.
- Water Sensitive Urban Design (WSUD) is encouraged including rainwater re-use for potable uses and landscape irrigation.
- The driveway and car parking design is required to comply the Australian Standards (AS/NZ) 2890.1:2004 and (AS/NZ) 2890.6:2009 for disabled parking. Passenger vehicle standards will be applied.
- Should the development amend the existing driveway access, the proposed driveways are required to satisfy Council's guidelines.
- Provide a 300mm clearance on each side of the entrance gate/ ramp in accordance with AS/NZS 2890.1:2004 Clause 2.5.2. The minimum two-way roadway / ramp is 5.5m between kerbs.
- Clear details of the circulation aisles is required to be demonstrated on the plans.
- Details of the largest vehicles entering the site are required including the details of their circulation and swept turning paths. Access from Victoria Road for large vehicles is required to be considered in accordance with AS 2890.2:2002.

**Environmental Health Comments:**

- A chemical inventory form is required to be submitted including types of chemicals, oils, solvents, degreasers, etc. being stored and the quantities, method of storage for items and Material Safety Data Sheets for items, etc.

- Details of all storage areas including details of bunding and hazardous good cabinets.
- The occupations require spill kits on site for chemicals and oils.
- Detail the cleaning/drainage methods of the internal units.
- Details of the disposal of waste water from wash bays.
- Details of the storage and disposal of waste oil.
- Details of any oil/water separators.
- Confirm if waste water is required to be discharged to the sewer which may require a Trade Waste permit from Sydney Water.
- Ensure the wash bays are covered and connected to the sewer.
- Identify if the occupations require the storage and / or washing of used parts.
- Identify machinery used in workshops, and locations within the workshop. Provide noise level details in dB(A) for each piece of machinery (compressors, etc).
- Confirm if any foods are available for sale from the site.
- Address measures implemented to support Energy Efficiency Requirements.
- An acoustic report addressing the projected noise output for the site, and for each individual workshop, also considering the cumulative impact on neighbouring residential properties.
- Confirm if the operations include any panel beating or spray painting operations.

**General Waste Management Comments:**

- The proposal is for commercial premises which will be serviced by private waste disposal companies. Plans are to be provided demonstrating the waste vehicles can be accommodated on-site.
- A detailed Waste Management Plan is required for all demolition, construction and ongoing waste generation. Refer to Council's website for further information including the Western Sydney Recycling directory.
- Details of all bin storage areas are required on the plans.
- Details of types, quantities and disposal method of waste anticipated to be generated is required in the Statement of Environmental Effects, including oils, coolants, parts and tyres, etc.
- For further information, Council's Waste Management Projects Officer can be contacted on 9762 1112.

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

**FURTHER MEETING REQUIRED:**

Yes - if substantial redesign of the proposal is proposed.

No - if the existing proposal is pursued however the concerns raised are to be addressed as the proposal is not considered satisfactory in its current form.

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

**NOTE:**

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

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

**PRELODGE MENT**



Gavin Cherry  
DEVELOPMENT ASSESSMENT CO-ORDINATOR  
7 MARCH 2011