

JOINT REGIONAL PLANNING PANEL
(Sydney West Region)

JRPP No.:	2011SYW119
Development Application No.	DA/1086/2011
Description of Proposal:	Proposed electricity pole transfer yard and transformer storage facility
Property Description:	Lots 8 – 13 DP 270596, Nos. 1 – 11 Woodland Way, Mount Kuring-Gai
Applicant:	Ausgrid
Owner:	Ausgrid, Energy Australia – Head Office
Statutory Provisions:	Hornsby Shire Local Environmental Plan 1994 – Industrial B (Light) Zone
Estimated Value:	\$ 8.3 million
Number of submissions	None
Recommendation	Approval
Report Author:	Aditi Coomar – Acting Team Coordinator
Instructing Officers:	Rodney Pickles – Manager, Assessments James Farrington – Acting Executive Manager, Planning Division

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

1. The application proposes an electricity pole transfer yard and transformer storage facility.
2. The development application has been lodged by Ausgrid on behalf of the Crown.
3. The proposal complies with the provisions of the Hornsby Shire Local Environmental Plan 1994 and the Industrial Lands Development control Plan.
4. No submissions have been received in respect of the application.
5. It is recommended that the application be approved.

RECOMMENDATION

THAT Development Application No. 1086/2011 for an electricity pole transfer yard and transformer storage facility at Lots 8 – 13 DP 270596, Nos. 1 – 11 Woodland Way Mount Kuring-Gai be approved subject to the conditions of consent detailed in Schedule 1 of this report.

HISTORY OF THE SITE

On 23 October 2007, the Land and Environment Court approved DA/1887/2006 for the Community Title subdivision of three allotments into twelve industrial allotments and one road allotment at Nos. 8 – 20 Mundowi Road. The subject site, comprising six allotments, was created as a result of the subdivision.

On 4 May 2010, Council approved DA/1635/2009 for a boundary adjustment between lots 10, 12 and 13 resulting in the creation of three new lots numbered 14, 15 and 16 and the erection of a single storey industrial warehouse with associated landscaping and car parking on lots 11, 14 and 15. The development consent has not been acted upon.

THE SITE

The site comprises six vacant allotments with a total area of 2.46 ha. The property is cleared with 8.5% cross fall from the south-western corner to the north-eastern corner. The land comprises a series of excavated benches to form building platforms in accordance with DA/1887/2006.

The site is accessed via a private road named Woodland Way off Mundowi Road. Lots 10 and 13 also have frontage to Mundowi Road.

There is vast scattering of existing bushland along the Mundowi Road boundary (west). A Restricted Development Area is located along this boundary on lots 9, 10 and 13 vide DP 270596, to protect the *Darwinia biflora* (threatened species) populations in and around the Berowra Valley Regional Park. The Restricted Development Area on the western side of the site is subject to a Community Management Statement and is currently fenced. The flora reserve is located at a higher level than the adjoining excavated building platform areas.

The stormwater detention system for the twelve industrial allotments and the wetlands are partly located on the northern section of the site on Lot 9 and form part of the restricted development area.

An industrial development is under construction on the northern side of the site. An internal road providing access to this allotment adjoins the site to its east. A motor vehicle pre-delivery facility is currently in operation on the eastern side of the site. A number of vacant allotments are located on the eastern side of Woodland Way. Development applications have been approved for industrial developments on some of these lots.

The Berowra Valley Regional National Park extends to the north, south and west of the site.

THE PROPOSAL

The proposal seeks approval for an electricity pole transfer yard and transformer storage facility. The proposed structures and building works would primarily be restricted to lots 8 – 12 DP 270596. The proposal involves the following:

- Bulk earthworks to provide suitable levels;
- An open pole transfer yard with seventeen bays (12 metres, 15 metres, 20 metres and 23 metres long) and three light poles having a total area of 4865 sq metres;
- Soil/gravel stockpiles at the north-eastern corner;
- A large yard (5499 sq metres) for parking of Energy Australia working vehicles of varying sizes with a truck wash bay;
- The yard would include spaces for truck and trailer parking (30 metres long x 3.6 metres wide) and for smaller vans and utility vehicles (6 metres long x 3 metres wide) including tip trucks, rigid trucks (some with attached cranes), prime movers, bobcats and fork lifts;
- A transformer storage building (including 2 x 5000 litres oil storage tanks) with an area of 330.15 sq metres (excluding loading area);
- An open transformer yard at the rear of the transformer storage building;

- A two storey building with warehouse on the ground floor and amenities and office on the upper floor with a total area of 527 sq metres;
- Staff entry to the site via a driveway off Woodland Way located on the southern boundary of Lot 12. The driveway ramp provides access to thirty-five staff and visitor parking spaces located at the rear of the office building. Due to the slope of the land, the parking area is located at grade with the upper level of the office building providing a continuous path of travel for the staff.
- An employee recreation area including a BBQ shelter and a courtyard located to the north of the parking area and directly connected to the meeting/lunch room.
- A driveway to the north of the staff parking area connecting to the open transformer yard.
- Separate truck entry via a driveway off the northern end of Woodland Way. Exit points are provided within the vehicle parking yard and the pole transfer yard to facilitate ingress and egress of the trucks in a forward direction. The trucks can access the rear of the site via the transformer yard. Space is provided to facilitate turning of an 18 metre long trailer.
- Waste bins and recycling facilities adjoining the driveway area to the east.
- One “Energy Australia” business identification sign (2 sq metres) on the western elevation and two advertising panels (3 sq metres each) fronting Woodland Way.
- An area to the south (primarily within Lot 13) delineated as a future yard 2. However, no details of development of this area have been included in the development application.
- Stormwater management of the site would involve civil works and provision of a detention system. An open swale is proposed to collect the runoff from the undeveloped Lot 13 and the flora reserve.
- The operating hours of the premises would be between 6 am and 10 pm, Monday to Friday and 6 am to 6 pm, Saturday. However, Ausgrid advises that access to the site may be required outside these hours in response to emergency transmission network requirements.
- The site would accommodate a maximum of 30 staff working in shifts. Four of the staff would be based on the site whereas the others would be involved in field operations.
- Poles are to be delivered to the depot on a weekly basis by large flat-top semi trailers. Medium sized trucks would deliver materials such as soil, cement and sand on an occasional basis. Waste materials would be collected by large trucks including semi-trailers.

ASSESSMENT

The development application has been assessed having regard to the '*Metropolitan Plan for Sydney 2036*', the '*North Subregion (Draft) Subregional Strategy*' and the matters for consideration prescribed under Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 Metropolitan Plan for Sydney 2036 and (Draft) North Subregional Strategy

The *Metropolitan Plan for Sydney 2036* is a broad framework to secure Sydney's place in the global economy by promoting and managing growth. It outlines a vision for Sydney to 2036; the challenges faced, and the directions to follow to address these challenges and achieve the vision. The *Draft North Subregional Strategy* acts as a framework for Council in its preparation of the *Comprehensive LEP* by the end of 2012.

The *Draft North Subregional Strategy* sets the following targets for the Hornsby LGA by 2031:

- Employment capacity to increase by 9,000 jobs; and
- Housing stock to increase by 11,000 dwellings.

The proposed development would be consistent with the *Strategies* by providing additional jobs in the locality.

2. STATUTORY CONTROLS

Section 79C(1)(a) requires Council to consider "*any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations*".

2.1 Hornsby Shire Local Environmental Plan 1994

The subject land is zoned Industrial B (Light) zone under Hornsby Local Environmental Plan 1994 (HSLEP). The objectives of the zone are:

- (a) *to encourage economic growth and employment opportunities.*
- (b) *to allow a broad range of light industrial, warehousing and other compatible land uses to locate within the area.*
- (c) *to promote development that does not adversely impact upon the natural and built environment.*

The proposed development is defined as ‘*Utility Installation*’ under HSLEP and is permissible in the zone with Council’s consent. The proposed development would facilitate economic growth and employment opportunities, provides a compatible land use in the area and has been sited and designed to minimise further site disturbance to preserve the existing environment. The development complies with the zone objectives.

Clause 9 of the HSLEP provides controls regarding landform modification. The proposal involves further cut and fill within the site to facilitate the development. However, the cut and fill is restricted to the cleared area of the site and is considered acceptable.

Clause 15 of HSLEP prescribes that the maximum floor space ratio (FSR) of development within the Industrial B (Light) Zone is 1:1. The proposal has a FSR of 0.03:1 (considering that all allotments would be consolidated prior to the issue of the occupation certificate) and accordingly, complies with this Clause.

2.2 State Environmental Planning Policy No. 55 – Remediation of Land

The application has been assessed against the requirements of *State Environmental Planning Policy No. 55 (SEPP 55)*. SEPP 55 requires that Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated or requires remediation for the proposed use.

The application relates to a recently subdivided vacant site. The site was rezoned for industrial purposes in the 1970s and was used as the grounds for a music festival historically. The site is unlikely to be affected by contamination and the application is assessed as satisfactory against the provisions of SEPP 55.

2.3 State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 identifies “Regional Development” included in Schedule 4A of the *Environmental Planning and Assessment Act 1979*.

Clause 5 of Schedule 4A identifies development for which Joint Regional Planning Panels (JRPP) are the determining authority, including Crown Developments with estimated capital investment value over \$ 5 million.

Ausgrid is a “Crown Authority” under the provisions of the State Owned Corporations Act 1989. Therefore, the development application, with a capital investment value of \$ 8.3 million, has been referred to the JRPP for determination.

2.4 State Environmental Planning Policy 33 – Hazardous and Offensive Development

The application has been assessed against the requirements of *State Environmental Planning Policy No. 33 (SEPP 33)*. This Policy provides State-wide planning controls for a potentially offensive or hazardous industry. SEPP 33 defines a

“Hazardous storage establishment” and an “offensive storage establishment” as follows:

“hazardous storage establishment means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on the other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or*
- (b) to the biophysical environment.*

offensive storage establishment means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.”

The site would accommodate electricity power poles and transformers which do not require isolation from existing or future industrial developments on surrounding land. The development would also not result in polluting discharge from the site which would have significant impact on the locality.

The applicant has submitted a Dangerous Goods Compliance Report to support the proposal which includes details of the oil to be stored within the premises, risk assessments and the relevant bunding and safety measures. The report has been assessed as satisfactory.

Given the above, the development is not considered to be hazardous or offensive, as defined by the SEPP and no further assessment in this regard is necessary.

2.5 State Environmental Planning Policy (Infrastructure) 2007

The application has been assessed against the requirements of *State Environmental Planning Policy (Infrastructure) 2007*. The proposed development is not identified as ‘Electricity Generating Works’ in Division 4 or ‘Electricity Transmission or Distribution Networks’ as identified in Division 5 of the SEPP. Accordingly, the proposed development cannot be carried out without development consent.

2.6 State Environmental Planning Policy No. 44 – Koala Habitat

The provisions of *State Environmental Planning Policy No. 44* apply, as the total site area is greater than one hectare. The Policy requires an assessment of whether the site is a “*potential koala habitat*” which is defined as areas of native vegetation where at least 15% of the trees on site constitute koala feed trees.

The proposed development is located in a cleared area which is not identified as a 'core koala habitat'. Accordingly, no further assessment in this regard is necessary.

2.7 Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River

The application has been assessed against the requirements of *Sydney Regional Environmental Plan No. 20 (SREP 20)*. This Policy provides general planning considerations and strategies requiring Council to consider the impacts of this proposal on water and scenic quality, aquaculture, recreation and tourism.

2.7.1 Water Quality

The conditions of DA/1887/2006 require that a Gross Pollutant Trap (GPT) be provided for each allotment. However, the proposed development is only for a warehouse and vehicle/pole yard. The proposal does not involve any light industrial use that would have detrimental impact on the water quality of the site and the surrounding properties. Therefore, the provision of a GPT is not considered necessary. Subject to implementation of the recommended conditions regarding soil and water management, the proposed development would not have any negative impact on the water quality of the catchment.

2.7.2 Water Quantity

The proposed development includes an on-site detention system for stormwater management. The proposed building envelope would not encroach into the existing detention system and the wetlands area located along the northern boundary. The proposal would not result in a significant increase in stormwater runoff on site. An engineering assessment of the proposed stormwater management system on site is considered satisfactory.

2.8 Industrial Lands Development Control Plan

The proposed development has been assessed having regard to the relevant performance and prescriptive design requirements within Council's Industrial Lands Development Control Plan (Industrial Lands DCP). The following table sets out the proposal's compliance with the prescriptive measures of the Plan:

Industrial Lands Development Control Plan			
Control	Proposal	Requirement	Compliance
FSR	0.03:1	1:1	Yes
Height	2 storeys	3 storeys	Yes
Car parking	35spaces	12.5 spaces (@ 1/ 100 m ² for warehouse and 1/40 m ² for office)	Yes
Site cover	3.4%	50%	Yes
Setbacks			
Front(Mundowi Road)	57m	10m	Yes
Eastern Side (Woodland Way)	>10m	10m	Yes
Western Side (Mundowi Road)	31m	10m	Yes
Rear	17	0m	Yes
Employee recreation	348 m ² for 30 employees	Minimum 10 m ² and @ 1 m ² /employee	Yes
Signs	8 m ²	117.5 m ² @ 0.25 m ² /linear metre of the road	Yes

As detailed in the above table, the proposed development complies with the prescriptive measures within Council's Industrial Lands DCP. The relevant matters are discussed below:

2.8.1 Site Cover

The proposed development complies with the site coverage requirements of the Industrial Lands DCP. It is considered that the proposal is in keeping with the intensity of development within the surrounding industrial area.

2.8.2 Design

The proposed development primarily incorporates open yards and vehicle parking areas. The warehouse/office building is designed to follow the natural slope of the land and involves a lower ground floor which reduces the overall bulk of the building. The appearance of the building from Mundowi Road (south) would be that of a two storey development and is considered acceptable. The proposed development would

not result in overshadowing or have adverse amenity impacts on any future development in the locality. The scale and the design are considered satisfactory.

The development would not dominate the existing streetscape in terms of its bulk and scale as it would include vast open areas. Landscaping opportunities are provided around the perimeter of Woodland Way for screening of the proposed yard areas in accordance with the requirements of the Industrial Lands DCP.

2.8.3 Setbacks

The proposed development complies with the setback requirements of the Industrial Lands DCP.

2.8.4 Landscaping

The Industrial Lands DCP requires that a minimum of 10 sqm landscaping be provided with employee outdoor eating and seating area @ 1 sqm per employee. The site includes a sufficiently wide restricted development area along the western boundary to provide a landscape buffer to Mundowi Road. Additionally, the development includes a 3 metre wide landscaped edge along the entire Woodland Way frontage. Outdoor eating and seating areas are provided at the rear of the office building for employee recreation.

The proposal is considered acceptable with regard to landscaping and employee recreation opportunities within the site.

2.8.5 Signs

The development proposes one wall sign on the office building to identify the site and two additional advertising panels at the entrance to the driveways. The signs would be for business identification and would blend with the proposed elevations. The proposal is assessed as satisfactory in this regard.

2.8.6 Waste Management

Waste bins and recycling facilities are proposed at the north-eastern corner of the site. The site includes sufficient area for manoeuvring of garbage trucks.

Ausgrid has its own legislative requirements regarding pick up and disposal of waste and the use of the site would operate in accordance with those requirements (submitted with the development application).

2.8.7 Acoustics

The site is located at a significant distance from the nearest residential area. However, there is a large valley between the two points that may allow direct transmission of noise from the source to the receiver. The Noise Impact Assessment Report submitted with the application has considered the impacts of the noise on the residences in the following ways:

- The combined noise of one truck loading/unloading in the pole transfer yard and four trucks moving within the site to the nearest residence; and
- The combined noise from one truck loading/unloading in the pole transfer yard and four trucks moving within the site to the nearest industrial premise;

Unattended noise monitoring was also conducted by the applicant to determine the acoustic environment typically perceived by the residents potentially affected by noise emanating from the site.

The survey results and subsequent calculations demonstrate that the proposed operation of the site would not exceed the nominated noise criteria (by the Industrial Noise Policy) to surrounding premises, both residential and industrial. The proposal is acceptable with regard to the acoustic impact.

2.9 Car Parking Development Control Plan

2.9.1 Car Parking

The proposal has been assessed having regard to the relevant performance and prescriptive design requirements within Council's Car Parking Development Control Plan. The DCP requires that parking be provided @ 1 space per 100 sqm of Gross Leasable Floor Area (GLFA) for industrial use and 1 space per 40 sqm for the office component, should it exceed 20 % of the Gross Floor Area (GFA) of the unit. The proposal complies with this requirement and provides 35 spaces servicing the development catering for 30 staff members.

2.9.2 Traffic Generation

The Traffic Report submitted with the application identifies that the maximum peak hour traffic expected to be generated by the depot would be forty-three vehicles, should all the thirty staff members work on the site at the same time and pole deliveries occur outside the peak hours. Realistically, the traffic generation would be much less as only four staff members would be permanently based on the site.

Considering that the site area of 2.4 ha with permitted site coverage of 50%, any future development is expected to generate 120 vehicle trips in accordance with the guidelines of the Roads and Traffic Authority. Given that the site generates significant less traffic than envisaged in the guidelines, the proposal is considered acceptable. The road system would be capable of accommodating the additional traffic movements associated with the proposal.

2.10 Access and Mobility Development Control Plan

The proposal has been assessed having regard to the relevant performance and prescriptive design requirements within Council's Access and Mobility Development Control Plan.

A continuous path of travel is provided to all sections of the floors and to the office/lunch room areas. A lift would provide access between the levels of the

building. Disabled toilets/shower facilities are also provided within the office building. Accordingly, the proposal is acceptable with regard to the requirements of the Access and Mobility Development Control Plan.

2.11 Outdoor Advertising Development Control Plan

The compliance of the proposal with the total signage area proposed is discussed in Section 2.8.5 of this report.

2.12 Waste Minimisation and Management Development Control Plan

A waste management plan has been provided and is to be implemented in accordance with recommended conditions consistent with the DCP.

2.13 Sustainable Water Development Control Plan

The Sustainable Water Development Control Plan aims to achieve the implementation of sustainable water practices into the management of development in the Hornsby Shire. Implementation of the recommendations within the soil and water management plan would ensure control of runoff from the site during construction works. The proposed stormwater management system would effectively reduce the post-development stormwater discharge from the site.

Given the above, the development is assessed as satisfactory against the development controls within the Sustainable Water Development Control Plan.

2.14 Section 94 Contributions

The proposed development would increase the demand for public amenities and public services within the area. Hornsby Shire Council's Development Contribution Plan indicates that the current rate for 'industry' is calculated at 1 worker/50 sqm Gross Floor Area (GFA). According to this rate, the GFA for the proposal is 857 sqm exclusive of loading docks, which equates to a total of 17 employees.

Accordingly, a condition of consent is recommended requiring the payment of the Section 94 contributions based on 17 staff members.

3. ENVIRONMENTAL IMPACTS

Section 79C(1)(b) of the Act requires Council to consider *"the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality"*.

3.1 Natural Environment

3.1.1 Trees

The industrial buildings and the yards are proposed to be located on the cleared section of the site. The application does not include removal of any significant tree on the site and is considered acceptable in this regard.

3.1.2 Ecological Impacts

The restricted development area on the western section of the site accommodates *Darwinia biflora*, listed as a threatened species under the NSW *Threatened Species Conservation Act 1995* and Commonwealth *Environment and Protection Biodiversity Conservation Act 1999*. The applicant advises that the proposed development is confined to the area zoned for industrial development and highly degraded by site excavation/preparation pursuant to the original subdivision works. Site plans indicate that the development footprint is confined to the degraded area and has no impact on the easement for protection of vulnerable species.

Given the above, it is considered that the proposed development would not have any adverse ecological impact on the locality and no further assessment in this regard is necessary.

3.1.3 Environment

The application proposes a depot and warehouse for storing utilities. The proposal includes a Dangerous Goods Compliance Report which is assessed as satisfactory. As discussed in the previous sections of this report, the proposed industry would not have any significant impact on air quality or water quality of the locality. The application is acceptable with regard to its the impact on the natural environment.

3.2 Built Environment

The impact of the development on the built environment of the locality has been discussed in the previous sections of this report.

3.3 Social Impacts

The social impacts of the development on the local and broader community have been considered with specific reference to the potential employment generation within the complex. It is estimated that the development would generate thirty equivalent full time positions post construction. This is consistent with the *North Subregion (Draft) Subregional Strategy* that provides a target of 9,000 jobs within the Hornsby LGA by 2031.

3.4 Economic Impacts

The proposed development would result in a notable increase in the total industrial floor space within the Mount Kuring-Gai Industrial Estate (considering the open yards). As discussed above, the development would result in employment generation and therefore, result in a positive economic impact on the locality.

4. SITE SUITABILITY

Section 79C(1)(c) of the Act requires Council to consider “*the suitability of the site for the development*”.

4.1 Bushfire Risk

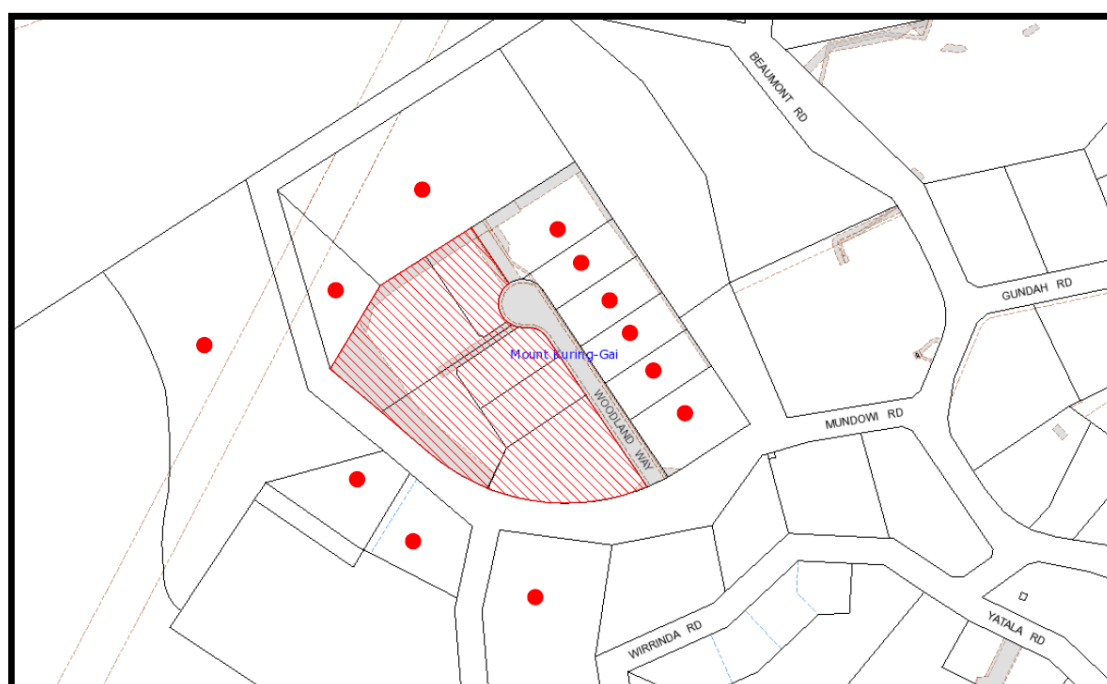
The land is identified as being subject to bushfire risk. The applicant has submitted a Bushfire Hazard Assessment Report which states that the entire developable area of the site would be managed as an Asset Protection Zone. Council's and Rural Fire Service's assessment in this regard is considered satisfactory subject to no works (including understorey scrubbing or removal of trees) being undertaken within the Restricted Development Area. This requirement is recommended as a condition of consent.

5. PUBLIC PARTICIPATION



Section 79C(1)(d) of the Act requires Council to consider "*any submissions made in accordance with this Act*".

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 27 October 2011 and 17 November 2011 in accordance with Council's *Notification and Exhibition Development Control Plan*. During this period, Council received no submissions.



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	 PROPERTY SUBJECT OF DEVELOPMENT	
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5.2 Public Agencies

The development application is not Integrated Development under the Act, being a Crown Development. Notwithstanding this, the following Public Agencies provided comments:

5.2.1 Rural Fire Service

The development application was referred to Rural Fire Services (RFS) for comment. The RFS has raised no objection to the development subject to recommended conditions regarding asset protection zones and design standards for construction.

5.2.2 NSW Office of Water

The proposed building works are located more than 40 metres from the nearby classified creek. Further, the development application has been lodged on behalf of the Crown and therefore, a Controlled Activity Approval under the Water Management Act would not be required.

6. THE PUBLIC INTEREST

Section 79C(1)(e) of the Act requires Council to consider “*the public interest*”.

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council’s and relevant agencies’ criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development for utility installation would be in the public interest.

CONCLUSION

The development application constitutes a “utility installation” lodged by Ausgrid on behalf of the Crown. The proposal seeks approval for an electricity pole transfer yard and transformer storage facility with associated office facilities, infrastructure and landscaping works within property nos. 1 – 11 Woodland Way, Mount Kuring-Gai.

This application has been assessed having regard to the matters for consideration under Section 79C(1) of the Act, Hornsby Shire Local Environmental Plan, relevant State Environmental Planning Policies, Sydney Regional Environmental Plan No. 20 and relevant Development Control Plans. The proposal complies with the relevant environmental planning instruments and the objectives of the elements within the Industrial Lands DCP and would result in a positive social and economic impact on the locality.

Approval of the proposal is recommended.

Note: At the time of the completion of this planning report, no persons have made a *Political Donations Disclosure Statement* pursuant to Section 147 of the *Environmental Planning and Assessment Act 1979* in respect of the subject planning application.

Attachments:

1. Locality Plan
2. Site Survey Plan – 1 page
3. Site Plan and truck turning plan– 3 pages
4. Site sections – 2 pages
5. Warehouse and transformer yard building plans and roof plan – 3 pages
6. Elevations and sections – 3 pages
7. Landscape Plan – 1 page

SCHEDULE 1

GENERAL CONDITIONS

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

Note: For the purpose of this consent, the term ‘applicant’ means any person who has the authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation, or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council’s stamp, except where amended by Council and/or other conditions of this consent:

<i>Plan No.</i>	<i>Rev</i>	<i>Drawn by</i>	<i>Dated</i>
DA0100-Site Survey	K	Gardner Wetherill and Associates	27/08/2011
DA1001-Site Plan	K	Gardner Wetherill and Associates	11/10/2011
DA1002-Truck Circulation Plan	K	Gardner Wetherill and Associates	27/09/2011
DA1101-Site Sections Sheet 1	K	Gardner Wetherill and Associates	27/09/2011
DA1102-Site Sections Sheet 2	M	Gardner Wetherill and Associates	29/11/2011
DA1202-Roof Plan	K	Gardner Wetherill and Associates	27/09/2011
DA1201 – General Arrangements	K	Gardner Wetherill and Associates	27/09/2011
DA1301-General Arrangements Transformer Yard	K	Gardner Wetherill and Associates	27/09/2011
DA1501-Building Elevations	K	Gardner Wetherill and Associates	27/09/2011
DA1502-Elevations Transformer Yard	K	Gardner Wetherill and Associates	27/09/2011
DA1601-Building Sections	K	Gardner Wetherill and Associates	27/09/2011

DA LD 01	-	Lorna Harrison Pty Ltd	28/09/2011
Stormwater Management and ESCP cover sheet	03	Enstruct Group Pty Ltd	26/09/2011
Stormwater Management Plan	02	Enstruct Group Pty Ltd	22/09/2011
Erosion and Sediment Control Plan	02	Enstruct Group Pty Ltd	22/09/2011

<i>Document No.</i>	<i>Prepared by</i>	<i>Dated</i>
Statement of Environmental Effects including Appendix A and B	Doug Sneddon Planning Pty Ltd	October 2011
Noise Impact Assessment	Koikas Acoustics Pty Ltd	April 2011
BCA Assessment Report	Davis Langdon	March 2011
Waste Management Plan	Nix Management Pty Ltd	6/05/2011
Ausgrid Waste Management Guidelines	Ausgrid	-
Bushfire Hazard Assessment Report	Australian Bushfire Protection Planners Pty Ltd	30/09/2011
Traffic and Parking Assessment Report	Varga Traffic Pty Ltd	28/09/2011
Dangerous Goods Compliance Report	Premier Engineering Services Pty Ltd	September 2011

2. Removal of Existing Trees

This development consent does not permit the removal of any trees. The removal of any other trees requires separate approval under Council's Tree Preservation Order.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

3. Erection of Construction Sign

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a. Showing the name, address and telephone number of the principal certifying authority for the work,

- b. Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours, and
- c. Stating that unauthorised entry to the work site is prohibited.

Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

4. Protection of Adjoining Areas

A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- a. Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic.
- b. Could cause damage to adjoining lands by falling objects.
- c. Involve the enclosure of a public place or part of a public place.

Note: Notwithstanding the above, Council's separate written approval is required prior to the erection of any structure or other obstruction on public land.

5. Toilet Facilities

Toilet facilities must be available or provided at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site. Each toilet must:

- a. be a standard flushing toilet connected to a public sewer; or
- b. be a temporary chemical closet approved under the *Local Government Act 1993*; or
- c. have an on-site effluent disposal system approved under the *Local Government Act 1993*.

6. Erosion and Sediment Control

Erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual '*Soils and Construction 2004 (Bluebook)*', the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties up to \$1,500 may be issued for any non-compliance with this requirement without any further notification or warning.

7. Sydney Water – Quick Check

The application must be submitted to a *Sydney Water* ‘Quick Check Agent’ or ‘Customer Centre’ for approval to determine whether the development will affect any *Sydney Water* infrastructure, and whether further requirements are to be met.

Note: Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

REQUIREMENTS DURING CONSTRUCTION

8. Building Code of Australia

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

9. Construction Work Hours

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday.

No work is to be undertaken on Sundays or public holidays.

10. Construction Noise Management

The construction works must be undertaken in accordance with the “Interim Construction Noise Guidelines – 2009” published by the Department of Climate Change and Water (DECCW).

11. Works near Trees

All required tree protection measures are to be maintained in good condition for the duration of the construction period.

All works (including driveways and retaining walls) within four metres of any trees required to be retained (whether or not on the subject property, and pursuant to this consent or the *Tree Preservation Order*), must be carried out under the supervision of an ‘*AQF Level 5 Arborist*’ and a certificate submitted to the principal certifying authority detailing the method(s) used to preserve the tree(s).

Note: Except as provided above, the applicant is to ensure that no excavation, filling or stockpiling of building materials, parking of vehicles or plant, disposal of cement slurry, waste water or other contaminants is to occur within 4 metres of any tree to be retained.

12. Environmental Management

The site must be managed in accordance with the publication *Managing Urban Stormwater – Landcom (March 2004)* and the *Protection of the Environment Operations Act 1997* by way of implementing appropriate measures to prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction of the development.

13. Street Sweeping

Street sweeping must be undertaken following sediment tracking from the site along Woodland Way during works and until the site is established.

14. Disturbance of Existing Site

During construction works, the existing ground levels of open space areas and natural landscape features, (including natural rock-outcrops, vegetation, soil and watercourses) must not be altered unless otherwise nominated on the approved plans.

15. Landfill

Landfill must be constructed in accordance with Council's *'Construction Specification 2005'* and the following requirements:

- a. All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material approved under the *Department of Environment and Climate Change's* general resource recovery exemption.

16. Excavated Material

All excavated material removed from the site must be classified in accordance with the *NSW Environment Protection Authority's Environmental Guidelines – Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal to an approved waste management facility and reported to the principal certifying authority.

<p>REQUIREMENTS PRIOR TO THE OCCUPATION OF THE SITE AND THE BUILDINGS FOR THE PURPOSE OF THE APPROVED DEVELOPMENT</p>
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17. Sydney Water – s73 Certificate

A s73 Certificate must be obtained from *Sydney Water*.

18. Landscaping of Site

All pervious areas of the site and the road reserve adjoining the site must be appropriately landscaped with suitable (preferably indigenous) turf, trees and shrubs to complement the development and prevent erosion of soil.

Note: Advice on suitable species for landscaping can be obtained from Council's planting guide 'Indigenous Plants for the Bushland Shire', available at www.hornsby.nsw.gov.au.

19. Wastewater Connection to Sydney Water

All wastewater generated by the development must be connected to Sydney Water's sewerage system.

20. Stormwater Drainage

The stormwater drainage system for the development must be designed and constructed generally in accordance with the approved Stormwater Management Plans in Condition 1 and Council's *Civil Works – Design and Construction Specification 2005*.

Note: The works relating to the stormwater drainage system must be completed prior to the occupation of any section of the site for the purpose of the approved development.

21. On Site Stormwater Detention

An on-site stormwater detention system must be designed by a chartered civil engineer and constructed in accordance with the following requirements:

- a. Have a capacity of not less than 150 cubic metres, and a maximum discharge (when full) of 180 litres per second.
- b. Have a surcharge/inspection grate located directly above the outlet.
- c. Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.
- d. Where above ground and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs to be installed.
- e. Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

Note: The works relating to the stormwater drainage system must be completed prior to the occupation of any section of the site for the purpose of the approved development.

22. Creation of Easements

The following matters must be nominated on the property title of the subject site under s88B or s88E of the *Conveyancing Act 1919*:

- a. The creation of an appropriate *"Positive Covenant"* and *"Restriction as to User"* over the constructed on-site detention/retention systems and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title.
- b. To register the OSD easement, the restriction on the use of land *"works-as-executed"* details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the *"works-as-executed"* plan and supported by calculations.

Note: (1) The easements are to be created prior to the occupation of the site for the purpose of the proposed development

(2) Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant.

23. Car Parking and Deliveries

All driveways and car packing areas must be constructed and operated in accordance with *Australian Standard AS 2890.1 – 2004 – Off Street Car Parking*, 2890.2, 3727 and the following requirement:

- a. All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted.
- b. Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- c. Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- d. All vehicular entry on to the site and egress from the site shall be made in a forward direction

Note: The works related to driveways and car parking are to be completed prior to the occupation of the site for the purpose of the proposed development.

24. Storage of Flammable and Combustible Goods

Flammable and combustible liquids must be stored in accordance with *Australian Standard 1940 – The Storage and Handling of Flammable and Combustible Liquids*. A bund wall must be constructed around all work and liquid storage areas to prevent any spillage entering into the stormwater system. The bunded area must provide a volume equal to 110% of the largest container stored and graded to a blind sump so as to facilitate emptying and cleansing.

Note: the works are to be completed prior to occupation of the buildings.

25. Completion of Landscaping

A certificate must be provided by a practicing landscape architect, horticulturalist or person with similar qualifications and experience certifying that all required landscaping works have been satisfactorily completed in accordance with the approved landscape plans.

Note: Advice on suitable species for landscaping can be obtained from Council's planting guide 'Indigenous Plants for the Bushland Shire', available at www.hornsby.nsw.gov.au.

26. Damage to Council Assets

Any damage caused to Council's assets as a result of the construction of the development must be rectified in accordance with Council's written requirements and at the sole cost of the applicant.

27. Section 94 Infrastructure Contributions

The payment to Council of a contribution of \$36341.00* for seventeen employees towards the cost of infrastructure identified in Council's *Development Contributions Plan 2007-2011*

*Note: * The value of contribution is based on a rate of \$2137.71 per employee, on 28 November 2011. The contribution will be adjusted from this date in accordance with the underlying consumer price index for subsequent financial quarters.*

It is recommended that you contact Council to ascertain the indexed value of the contribution prior to payment.

28. Consolidation of Allotments

All allotments the subject of this consent must be consolidated into one allotment prior to occupation of the buildings.

Note: The applicant is recommended to submit the plan of subdivision to consolidate allotments to the NSW Department of Lands at least 4-6 weeks prior to the occupation of the site for the purpose of the development.

OPERATIONAL CONDITIONS

29. Use of Premises

The development approved under this consent shall be used for “utility installation” and not for any other purpose without Council’s separate written consent.

The maximum number of staff that can access the site at any one time is restricted to thirty.

30. Hours of Operation

- The general hours of operation of the premise are restricted to those times listed below:

Monday to Friday	6 am to 10 pm
Saturday	6 am to 6 pm
Sunday & Public Holidays	No work

- Access to the site by Ausgrid is permitted at all times for emergency transmission and network requirements.

31. Advertising Signs

The advertising signage approved under this consent must not be illuminated, flash, move or display electronic images.

32. Noise

All noise generated by the proposed development must be attenuated to prevent levels of noise being emitted to adjacent premises which possess tonal, beating and similar characteristics or which exceeds background noise levels by more than 5dB(A).

33. Waste Management

All commercial tenants must keep written evidence on site of a valid contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site.

34. Maintenance of Wastewater Device

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the *Protection of the Environment Operations Act 1997*.

35. Fire Safety Statement - Annual

On at least one occasion in every 12 month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' to each essential service installed in the building.

CONDITIONS - RURAL FIRE SERVICE

36. Asset Protection Zone

To inform current and future owners that the proposed lots are to be managed as an Inner Protection Area (IPA), the following matter must be nominated on the property title under s88B of the *Conveyancing Act 1919*, prior to the occupation of the building and the site.

The creation of a "*Positive Covenant*" over Lots 8 – 13 DP 270596 requiring that the entire property must be managed as an Inner Protection Area (IPA) as outlined within Section 4.1.3 and Appendix 5 of *Planning for Bushfire Protection 2006* and the *NSW Rural Fire Service's* document '*Standards for asset protection zones*'.

- Note: (1) Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant.*
- (2) *The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.*
- (3) *The condition does not permit the removal of any trees on the site or works within the restricted development area.*

37. Design and construction

The following design standards must be incorporated into the development:

- a. New construction of transformer yard must comply with Section 8 (BAL 40) Australian Standard AS 3959-1999 '*Construction of buildings in bushfire prone areas*'.
- b. New construction to the southwest, northwest and northeast elevations of the warehouse/office building must comply with Section 7(BAL 29) Australian Standard AS 3959-1999 '*Construction of buildings in bushfire prone areas*'.
- c. New construction to the southeast elevation of the warehouse/office building must comply with Section 6(BAL 19) Australian Standard AS 3959-1999 '*Construction of buildings in bushfire prone areas*' and Section A3.7 Addendum Appendix 3 of '*Planning for Bushfire Protection*'.
- d. Roofing must be gutterless or the guttering and valleys screened to prevent build up of flammable material.

38. Water, Electricity and Gas

Water, electricity and gas are to comply with section 4.1.3 of '*Planning for Bush Fire Protection 2006*'.

39. Landscaping

Landscaping on the site must comply with the principles of Appendix 5 of '*Planning for Bushfire Protection 2006*'.

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning and Assessment Act, 1979*, *Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Environmental Planning and Assessment Act 1979 Requirements

- The Environmental Planning and Assessment Act 1979 requires:
- Council to be given at least two days written notice prior to the commencement of any works.

- Mandatory inspections of nominated stages of the construction inspected.

Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, it is an offence to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside 3 metres of the approved building envelope without the prior written consent from Council.

Note: A tree is defined as a single or multi-trunked wood perennial plant having a height of not less than three (3) metres, and which develops many branches, usually from a distance of not less than one (1) metre from the ground, but excluding any plant which, in its particular location, is a noxious plant declared as such pursuant to the Noxious Weeds Act 1993. This definition of 'tree' includes any and all types of Palm trees.

All distances are determined under Australian Standard AS4970-2009 "Protection of Trees on Development Sites".

Fines may be imposed for non-compliance with Council's *Tree Preservation Order*.

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au for free information on potential underground pipes and cables within the vicinity of the development site.

Disability Discrimination Act

The applicant's attention is drawn to the existence of the *Disability Discrimination Act*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the *Building Code of Australia*, however, the development may not comply with the requirements of the *Disability Discrimination Act*. This is the sole responsibility of the applicant.

Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this consent. Applicants must rely on their own enquiries as to whether or not the building breaches any such covenant.