

JRPP PLANNING REPORT

JRPP No:	2013SYW035
DA Number:	948/2013/JP
Local Government Area:	THE HILLS SHIRE COUNCIL
Proposed Development:	FITOUT OF AN EXISTING COMMERCIAL BUILDING FOR COUNCIL CHAMBERS AND ADMINISTRATION CENTRE.
Street Address:	LOT 1016 DP 1063033 – NO. 3 COLUMBIA COURT, BAULKHAM HILLS
Applicant:	RICHARD CROOKES CONSTRUCTIONS
Number of Submissions:	NIL
Recommendation:	APPROVAL
Report by:	DEVELOPMENT ASSESSMENT COORDINATOR ROBERT BUCKHAM

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	The Hills Shire Council	1.	<u>State Environmental Planning Policy (State and Regional Development) 2011</u> - Satisfactory
Zoning:	B7 – Business Park	2.	<u>SEPP (Infrastructure) 2007</u> – Satisfactory
Area:	1.678 Ha	3.	<u>LEP 2012</u> – Variation to Building Height (Refer Section 3)
Existing Development:	Existing Commercial Building (Vacant)	4.	<u>The Hills DCP 2012</u> - Complies
		5.	<u>Section 79C (EP&A Act)</u> - Satisfactory
		6.	<u>Section 94 Contribution</u> – No contribution required.

SUBMISSIONS

REASONS FOR REFERRAL TO JRPP

1. Exhibition:	Not Required.	1.	Council related development - Capital Investment Value in excess of \$5 million
2. Notice Adj Owners:	Yes, 14 days.		
3. Number Advised:	10 including Roads and Maritime Services.		
4. Submissions Received:	Nil.		

HISTORY

05/02/2007	Development Application 955/07/HA approved for the construction of two commercial buildings with basement parking on the subject site at Council's Delegated Authority Meeting.
27/04/2007	Section 96 Modification Application 955/2007/HA/A approved for an amended architectural feature, additional signage and the removal of a condition requiring painting of the car park.
01/04/2008	Section 96 Modification Application 955/2007/HA/B approved for redesign of the north-west corner treatment, removal of louvers and the redesign of the entry and southern façade incorporating landscape elements.
02/05/2008	Section 96 Modification Application 955/2007/HA/C approved deleting conditions of consent pertaining to the OSD system.
06/02/2009	Section 96 Modification Application 955/2007/HA/D approved for redesign of the north-east corner treatment, removal of landscape elements and provision of a garage door and service area adjacent to the southern boundary.
10/02/2009	Section 96 Modification Application 955/2007/HA/E approved enclosing an external deck and void areas across the first, second and third floor and associated roof extension and removal of landscape elements.
21/04/2009	Section 96 Modification Application 955/2007/HA/F approved to remove point 2 from Condition No. 32 of the consent which requires the addition of a splitter island to the existing roundabout in front of the subject site.
19/08/2009	Development Application No. 955/2007/HA/G withdrawn by the applicant.
21/04/2011	Development Application No. 955/2007/HA/H approved under delegated authority for the deletion of the access bridge at Level 2 and associated glass awning/structure, removal of the ground floor car wash bay at the north-western corner and changes to the approved café reference to "future café".
13/03/2013	Subject Development Application lodged.

PROPOSAL

The Development Application is for the fitout and occupation of No. 3 Columbia Court, Baulkham Hills as The Hills Shire Council's Chambers and Administrative Centre.

The Council Chambers / Administrative Offices will occupy the ground, first and second floors of the main commercial building (Building A and B) with the top floor remaining vacant for future expansion. Level 1 of the second commercial building (Building C) will be utilised by Council with the remaining levels (ground, level 2 and 3) to be separately tenanted or for future expansion.

The building will be used to conduct Council meetings and other civic functions and will provide for Council's primary customer service and administration functions. Approximately 370 Council staff are to be located at the building.

The application provides 648 parking spaces within the two levels of basement parking and an open parking area around the buildings.

The only external works proposed relate to the embellishment of the entry forecourt which includes new soft and hard landscaping features and installation of plant and solar panels on the buildings roof.

No signage is proposed as part of the subject application.

1. SEPP State and Regional Development 2011

Clause 20 of SEPP (State and Regional Development) 2011 and the Schedule 4A of the Environmental Planning and Assessment Act, 1979 provides the following referral requirements to a Joint Regional Planning Panel: -

Council related Development that has a capital investment value of more than \$5 million.

The proposed development has a capital investment value of \$10,839,113 thereby requiring referral to, and determination by the Joint Regional Planning Panel.

2. Compliance with SEPP (Infrastructure) 2007

The primary use of the building is defined as a "public administration building"

"public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station."

Clause 76 of the SEPP states the following: -

"76 Development permitted with consent

(1) Development for the purpose of public administration buildings may be carried out by or on behalf of a public authority with consent on land in a prescribed zone."

A prescribed zone is defined within Clause 74 of the SEPP as follows: -

"prescribed zone means any of the following land use zones or a land use zone that is equivalent to any of those zones:

- (a) B3 Commercial Core,*
- (b) B4 Mixed Use,*
- (c) B5 Business Development,*
- (d) B6 Enterprise Corridor,*
- (e) B7 Business Park,*
- (e1) B8 Metropolitan Centre,*
- (f) SP1 Special Activities,*
- (g) SP2 Infrastructure."*

The site is zoned B7 – Business Park under LEP 2012 and is therefore a permissible form of development under the SEPP.

3. Compliance with Local Environmental Plan 2012

LEP Mapping Restrictions

The proposal has been assessed against the LEP 2012 Map Sheets as follows: -

LEP 2012 MAPPING - DEVELOPMENT STANDARDS			
STANDARD	REQUIRED	PROPOSED	COMPLIANCE
Floor Space Ratio	1:1	Existing Building FSR retained at 1.012:1	No – however this is an existing variation which is unchanged by the proposed development.
Allotment Size	8,000m ²	16,780m ²	Yes
Building Height	RL 116	Existing Building Height retained at RL 120.8 (associated with a roof top architectural feature). Proposed works RL 119.720.	No – however this is less than the existing height of the building. Refer below.
LEP 2012 MAPPING – SITE RESTRICTIONS			
RESTRICTION		ASSESSMENT DETAIL	
Is the site a heritage listed item or within a heritage conservation area?	No	If yes, address Clause 5.10 of LEP 2012 and confirm what level of significance it is? (e.g. local, regional or state).	N/A
Is the site affected by land reservation or acquisition? (e.g. road widening, open space, trunk drainage etc)	No	If yes, what is the affectation and address Clauses 5.1 and 5.1(a) of LEP 2012.	N/A
Is the site affected by Sheet CL1_001 (e.g. acid sulphate soils and natural biodiversity mapping)	No	If yes, what is the affectation and address Clauses 7.1 and 7.3 of LEP 2012.	N/A
Is the site affected by Sheet CL2_002 (e.g. foreshore building line, land slide risk, natural resources, urban releases and key sites)	No	If yes, what is the affectation and address Part 6 and Clauses 7.2, 7.5 & 7.6 of LEP 2012.	N/A

Height Variation

As part of the proposed works, additional mechanical plant is to be located on the roof of Building C immediately adjacent the existing glass tower, with a maximum proposed height of the plant and surrounding metal framed powdercoat finish privacy screening elements of RL 119.72.

The height of building limit for the site under Clause 4.3 - Height of Buildings under LEP 2012 is RL 116.0.

The approved building is within this limit with the exception of the glass tower located on the north east corner of 'Building C' which reaches a height of RL 120.8 being 1.4m above the proposed plant.

Given the proposed plant exceeds the LEP Height Limit, an exception the height requirement is required under Clause 4.6 – Exception to development standards of the LEP.

Subclause 4.6(1) of the LEP states the objectives of the clause as follows:

- “(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.”*

Subclause 4.6(2) provides that:

- (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

The height of building development standard is not expressly excluded from the operation of clause 4.6 and accordingly, consent may be granted.

Subclause 4.6(3) relates to the making of a written request to justify an exception to a development standard and states:

- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The proposed development does not comply with the height of buildings development standard pursuant to clause 4.3 of LEP 2012 however, strict compliance is considered to be unreasonable and unnecessary in the circumstances of this case as justified in this written request.

Subclause 4.6(4) provides that consent must not be granted for development that contravenes a development standard unless:

- “(a) the consent authority is satisfied that:*
 - (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Director-General has been obtained."*
Furthermore, subclause 4.6(5) provides that in deciding whether to grant concurrence, the Director-General must consider:
 - "(a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence."*

In accordance with Planning Circular PS 08-003 dated 9 May 2008, Concurrence of the Director General is assumed.

The Nature of the Variation

Clause 4.3 of The Hills LEP 2012 sets out the building height limit as follows:

- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

The building height map indicates that the height limit for the subject site is RL 116

The LEP defines *building height (or height of building)* as *the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The proposed development has a maximum height of 119.720 metres which exceeds the height limit by 3.720 metres.

The Objectives of the Development Standard

Clause 4.3 of The Hills LEP 2012 states the objectives of the Building Height development standard as follows:

- (1) *The objectives of this clause are as follows:*
 - (a) *to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,*
 - (b) *to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.*

The Objectives of the Zone

The land use table of the LEP states the objectives of the B7 Business Park Zone as follows:

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To make provision for high technology industries that use and develop advanced technologies, products and processes.

The Grounds of the Objection

The proposed variation to the development standard has been considered in light of the abovementioned objectives and potential environmental impacts and strict compliance is considered to be unreasonable and unnecessary for the following reasons:

1. The existing building is within the RL 116 limit with the exception of a glass tower located on the north east corner of 'Building C' which reaches a height of RL 120.8 being 1.08m above the proposed plant.
2. There is unlikely to be any adverse visual or acoustic privacy impacts given this is a minor plant item within a screening enclosure;
3. The proposal will not result in the loss of any views or vistas from adjoining properties of Bella Vista Farm Park;
4. The non-compliance is minor and relates to the installation of plant only on an existing building.

As such it is considered that strict compliance with the height control is considered to be unreasonable and unnecessary. The exception to the height development standard is supported.

4. Compliance with DCP 2012 Part B Section 6 – Business

The proposed development has been assessed against the relevant development standards and objectives of BHDCP Part B, Section 6 –Business and the proposal is considered compliant. The proposed works are predominantly internal works, with the exception additional plant, solar panels and new landscaping works within the entry forecourt, and as such there is no change proposed to floor space ratio, floor area, setbacks or access arrangements.

The proposed works on the roof exceed the LEP height limit however the existing building already exceeds the height limit by more than the works proposed. This matter is addressed in Section 3 of this report.

The primary proposed hours of operation being 8.30am to 4.30pm are consistent with other commercial developments in the Business Park. The premise will effectively be required to operate beyond these hours given the need for Council meetings and civic functions to extend beyond core business hours. The DCP permits 24 hour operation in the Business Park and it is considered that the use is a low noise generating use.

Accordingly the proposed development is satisfactory in regard to the provisions of Part B Section 6 – Business.

5. Compliance with DCP 2012 Part C Section 1 – Parking

The DCP does not provide a specific development standard for a “public administration building” and as such the parking provision on the site and the appropriateness of this provision with respect to the proposed development is required to be assessed on merit.

The proposal provides for 648 car parking spaces which exceeds the “commercial premise” parking requirements of 1 space 25m² of Gross Floor Area within the DCP being 627 spaces based on 15,656m² of GFA. The commercial premise rate was applicable at the time the development was originally approved. The proposed change of use is still substantially a commercial development in nature. The building provides for range of uses which are not necessarily undertaken at the same time. The majority of public meetings are held outside normal business operating hours and as such it is unlikely that all the parking on the site will be utilised at any one time. Further it is noted that one level of the basement will be secured and utilised for Council staff and the remaining parking areas utilised for public parking and by use of future commercial tenants should the building be leased.

As such, on merit, the utilisation of the commercial premise is considered appropriate in this instance. As such the development is required to provide 627 parking spaces.

As the proposed development provides 648 parking spaces the proposal complies and is satisfactory with respect to the DCP.

6. North West Rail Link

The future North West Rail Link is located beneath the subject site. Refer Attachment 3

Clauses 85, 86 and 87 of SEPP Infrastructure 2007 relate to the subject development application.

85 Development immediately adjacent to rail corridors

- (1) This clause applies to development on land that is in or immediately adjacent to a rail corridor, if the development:*
 - (a) is likely to have an adverse effect on rail safety, or*
 - (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
 - (c) involves the use of a crane in air space above any rail corridor.*
- (2) Before determining a development application for development to which this clause applies, the consent authority must:*
 - (a) within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and*
 - (b) take into consideration:*
 - (i) any response to the notice that is received within 21 days after the notice is given, and*
 - (ii) any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.*

Comment: The subject application is unlikely to have an effect rail safety given the scope of works proposed and that the rail corridor is located underground.

86 Excavation in, above or adjacent to rail corridors

- (1) This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land:*
 - (a) within or above a rail corridor, or*
 - (b) within 25m (measured horizontally) of a rail corridor. or*
 - (c) within 25m (measured horizontally) of the ground directly above an underground rail corridor.*
- (2) Before determining a development application for development to which this clause applies, the consent authority must:*
 - (a) within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and*
 - (b) take into consideration:*
 - (i) any response to the notice that is received within 21 days after the notice is given, and*
 - (ii) any guidelines issued by the Director-General for the purposes of this clause and published in the Gazette.*
- (3) Subject to subclause (4), the consent authority must not grant consent to development to which this clause applies without the concurrence of the chief*

executive officer of the rail authority for the rail corridor to which the development application relates, unless that rail authority is ARTC.

- (4) *In deciding whether to provide concurrence, the chief executive officer must take into account:*
- (a) *the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
 - (i) *the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
 - (ii) *the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
 - (b) *what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*
- (5) *The consent authority may grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor if:*
- (a) *the consent authority has given the chief executive officer notice of the development application, and*
 - (b) *21 days have passed since giving the notice and the chief executive officer has not granted or refused to grant concurrence.*

Comment: The subject application does not involve the penetration of ground to a depth of at least 2m below ground level.

87 Impact of rail noise or vibration on non-rail development

- (1) *This clause applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration:*
- (a) *a building for residential use,*
 - (b) *a place of public worship,*
 - (c) *a hospital,*
 - (d) *an educational establishment or child care centre.*
- (2) *Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.*
- (3) *If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*
- (a) *in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,*
 - (b) *anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*
- operation of this Policy on the basis that the land is no longer required for railway purposes.*

Comment: The subject application does not involve a use identified in this clause.

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

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

(a) (i) Any environmental planning instrument

Satisfactory as detailed within Sections 1, 2 and 3 of this report.

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

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

(iii) any development control plan, and

Satisfactory as detailed within Section 4 and 5 of this report.

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

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

(iv) any matters prescribed by the regulations,

Not relevant.

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

Satisfactory – the proposed works are not considered to provide an adverse impact on the natural and built environment. In this respect all works, with the exception of a proposed plant and landscaping works are internal to the existing building.

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

Satisfactory – the site within the Norwest Business Park is an appropriate location for Council administration building.

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

Satisfactory - the proposal was notified for a period of fourteen (14) days in accordance with Council's DCP requirements and no submissions were received.

(e) the public interest.

Satisfactory – the proposed development is considered satisfactory in regard to social and environmental impacts and will provide a benefit to residents within the Shire.

BUILDING COMMENTS

Following an assessment under Clause 94 of the Environmental Planning and Assessment Regulation 2000, it has been determined that the following fire safety works are to be undertaken prior to the issue of the occupation certificate:

- i. Door latches are to be upgraded to allow for suitable egress for a 9b classification. Further, exit door widths are to be modified based on the number of persons accommodated in the storey.
- ii. Air handling systems within the 9b portion of the premises are to be provided with automatic shutdown in accordance with NSW Table E2.2b of the BCA
- iii. Existing unprotected penetrations through fire resisting construction throughout the building are to be protected in accordance with C3 of the BCA
- iv. Relocated Hydrant standpipes are sited in accordance with AS 2419.1 – 2005
- v. Hydrant & sprinkler block plans are to be provided in accordance with AS 2419.1 – 2005 and AS 2118.1 – 1999
- vi. New electrical/switch rooms are to be separated from the remainder of the building with fire resisting construction where required in accordance with C2 of the BCA

Further details were to be requested in relation to the proposed substation shown on the plans however it has been confirmed that the substation no longer forms part of the application. The plans are to be marked in red to delete the substation from the approved plans.

SUBDIVISION ENGINEERING COMMENTS

No objection to the proposal subject to the imposition of relevant conditions.

TREE MANAGEMENT COMMENTS

No objection to the proposal subject to the imposition of relevant conditions.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objection to the proposal subject to the imposition of relevant conditions.

WASTE MANAGEMENT COMMENTS

No objection to the proposal subject to the imposition of relevant conditions.

SECTION 94 CONTRIBUTIONS

The subject site is located within land identified as being subject to Council's In accordance with Clause 5 of the Section 94A Plan, Council is not required to pay Section 94A for the subject development application. The plan states:

*"This plan applies to all applications for development consent and complying development certificates required to be made by or under Part 4 of the Act in respect of development on land to which this plan applies, **other than applications made by or on behalf of Council.**"*

The application is made on behalf of Council and as such no contribution is required to be paid for the subject application.

CONCLUSION

The application has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, SEPP Infrastructure 2007, LEP 2012 and The Hills Development Control Plan and is considered satisfactory.

Accordingly approval of the application subject to conditions is now recommended.

IMPACTS:

Financial

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

Hills 2026

The proposed development provides for a new Council administration building which is required given the existing building is to be acquired by the NSW Government for the North West Rail Link.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans (as amended)

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent. 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

The amendments in red include: -Deletion of the proposed substation.

REFERENCED PLANS

DRAWING NO	DESCRIPTION	SHEET	REVISION	DATE
302681	B2 Floor Plan	DA01	1	19/02/2013
302681	B1 Floor Plan	DA02	1	19/02/2013
302681	Ground Floor	DA03	1	19/02/2013
302681	Level 1	DA04	1	19/02/2013
302681	Level 2	DA05	1	19/02/2013
302681	Level 3	DA06	1	19/02/2013
302681	Roof Plan	DA07	1	19/02/2013
302681	Elevations	DA08	1	19/02/2013
302681	Elevations	DA09	1	19/02/2013
302681	Elevations	DA10	1	19/02/2013
302681	Site Circulation Layout	DA11	1	19/02/2013
302681	Artist Impressions	DA12	1	19/02/2013
CD-1229	Landscape Plan – Rectification Works	01	A	29/01/2013
CD-1229	Entry Forecourt Hardscape Plan	02	A	29/01/2013
CD-1229	Entry Forecourt Sections	03	A	29/01/2013
CD-1229	Entry Forecourt Planting Plan	04	A	29/01/2013
CD-1229	Landscape Details	05	A	29/01/2013

2. Provision of Parking Spaces

The development is required to be provided with a minimum of 627 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

3. 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.

4. 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.

5. Developments not requiring a Waste Management Plan

Any waste generated as a result of demolition or construction for the development is to be re-used and recycled where possible, and any residual waste is to be disposed at a licensed waste facility. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

6. Waste Storage and Separation

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.

7. Garbage Collection

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

8. Construction and Fit-out of Commercial Kitchens

This condition applies to kitchen facilities that will or may be used on a commercial basis or leased for functions.

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of *Australian Standard AS 4674-2004 – Design, construction and fit-out of food premises* and the provisions of the Food Standards Code (Australia).

Note: Copies of AS 4674-2004 may be obtained from SAI Global on telephone 1300 654 646 or by visiting the website: www.saiglobal.com

Copies of the Food Safety Standards Code (Australia) may be obtained by contacting the Food Standards Australia New Zealand Authority on Telephone: (02) 6271-2222, or by visiting the website: www.foodstandards.gov.au.

9. Ceilings for Commercial Kitchen or a Kitchen which may be leased

The ceiling in a kitchen, food preparation area or food storage area is to be sealed, unable to absorb grease food particles or water and able to be easily and effectively cleaned.

Drop-in or removable panel ceilings shall not be used.

10. Hand Wash Basin (Commercial or leased Kitchen)

Hand-wash Basins:

- a. Must be provided and must not be obstructed. Must be accessible at bench height and no further than 5 metres from any place where open food is handled or prepared; and

- b. Must be fitted with a tap that operates hands free with a permanent supply of warm running potable water delivered through a single outlet. A soap dispenser and paper towel holder shall be provided adjacent to the hand-wash basin.

11. Separate Application for Strata Subdivision

A separate application must be submitted for any proposed modification to the existing strata titled subdivision approval of the existing buildings (DA 680/2010/ZC). Alternatively, a new application must be lodged for any replacement strata titled subdivision.

12. 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.

13. 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) Parking DCP
- e) Council's Driveway Specifications

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. 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.

14. Separate Development Application(s) for Occupations

A separate development application(s) is / are required for the occupation of the remaining commercial area of Building C being the Ground Floor, Level 2 and Level 3.

PRIOR TO WORK COMMENCING ON THE SITE

15. Builder and PCA Details Required

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

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

16. Principal Certifying Authority

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

17. Management of Building Sites – Builder’s Details

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

18. Consultation with Service Authorities

Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water’s requirements, the building plans will be stamped indicating that no further requirements are necessary.

19. 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.

20. Erosion and Sedimentation Controls – Landscaping works

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained 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).

DURING CONSTRUCTION

21. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 6.00pm;

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.

22. 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.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

23. Clause 94 fire safety works

Under Clause 94 of the Environmental Planning and Assessment Regulation 2000, the following fire safety works are to be undertaken with the construction certificate works/prior to the issue of the occupation certificate:

- i. Door latches are to be upgraded to allow for suitable egress for a 9b classification. Further, exit door widths are to be modified based on the number of persons accommodated in the storey.
- ii. Air handling systems within the 9b portion of the premises are to be provided with automatic shutdown in accordance with NSW Table E2.2b of the BCA
- iii. Existing unprotected penetrations through fire resisting construction throughout the building are to be protected in accordance with C3 of the BCA
- iv. Relocated Hydrant standpipes are sited in accordance with AS 2419.1 – 2005
- v. Hydrant & sprinkler block plans are to be provided in accordance with AS 2419.1 – 2005 and AS 2118.1 – 1999
- vi. New electrical/switch rooms are to be separated from the remainder of the building with fire resisting construction where required in accordance with C2 of the BCA

24. 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) Australian/New Zealand Standard AS/NZS 1668.1:1998 – The use of ventilation and air conditioning in buildings – fire and smoke control in multi-compartment buildings.
- b) Australian Standard AS 1668.2 – 2002 - The use of ventilation and air conditioning in buildings – ventilation design for indoor air contaminant control.
- c) Australian/New Zealand Standard AS/NZS 3666.1:2002 – Air handling and water systems of buildings – Microbial control – Design, installation and commissioning.
- d) Australian/New Zealand Standard AS/NZS 3666.2:2002 – Air handling and water systems of buildings - Microbial Control - Operation and maintenance.
- e) Australian/New Zealand Standard AS/NZS 3666.2:2002 – Air handling and water systems of buildings - Microbial Control – Performance based maintenance of cooling water systems; and
- f) Public Health Regulation 2012.

THE USE OF THE SITE

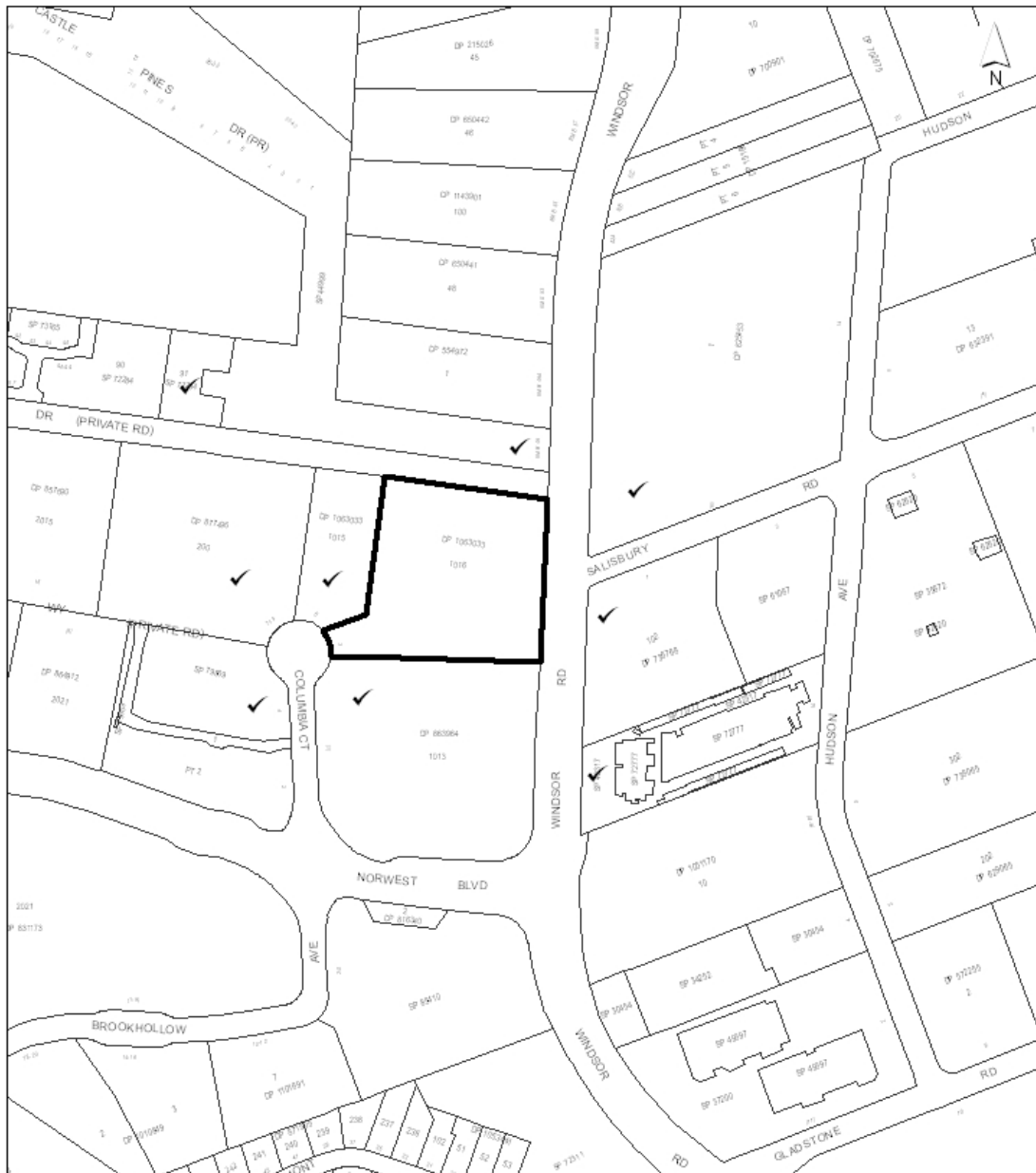
25. Waste Storage and Collection

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.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. North West Rail Link Corridor
4. Site Plan
5. Basement Levels
6. Floor Plans
7. Roof Plan
8. Elevations

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED

NOTE: ROADS & MARITIME
SERVICES ALSO NOTIFIED

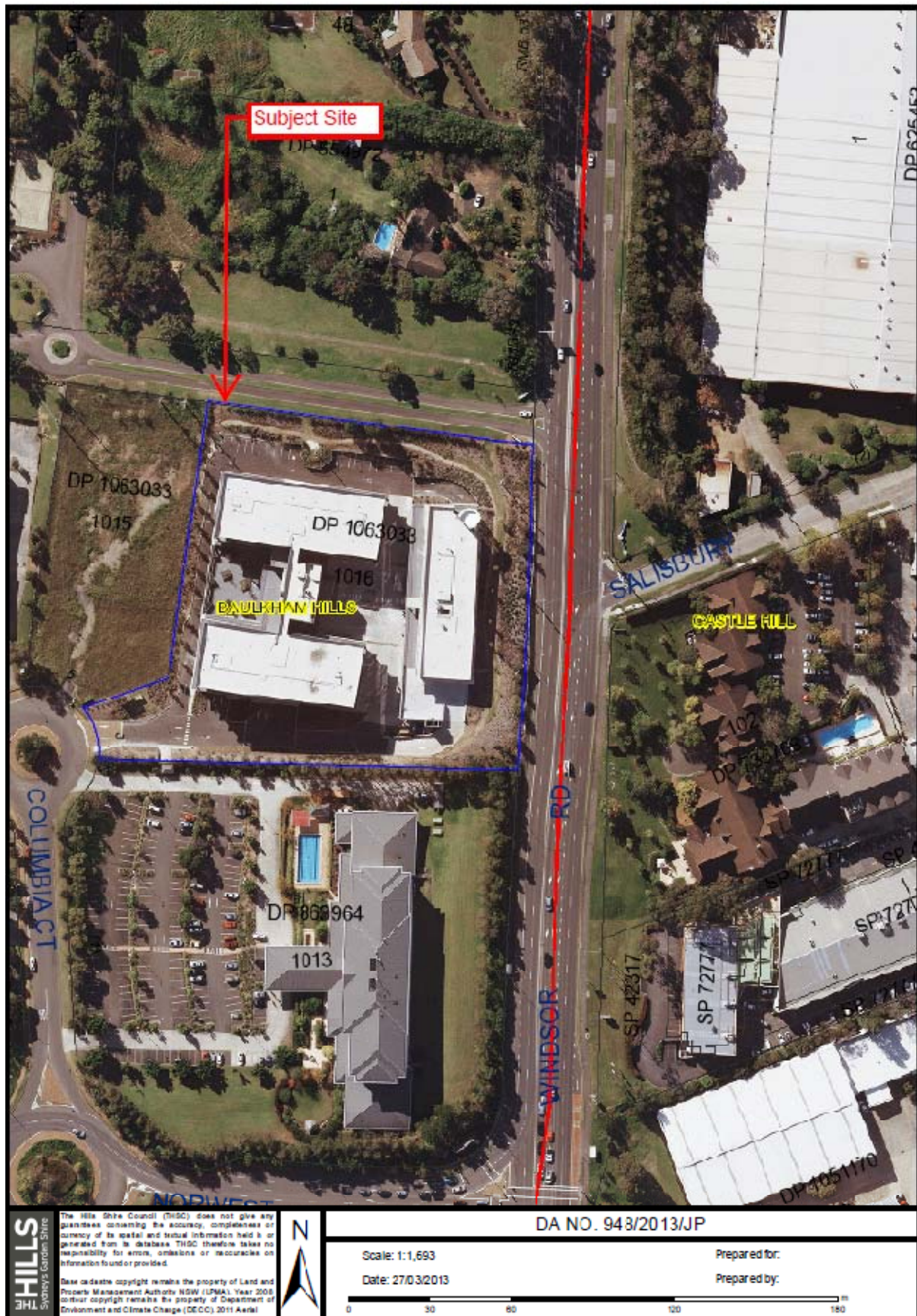
THE HILLS
Sydney's Garden Shire

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 CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LP), CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

ATTACHMENT 2 – AERIAL PHOTOGRAPH



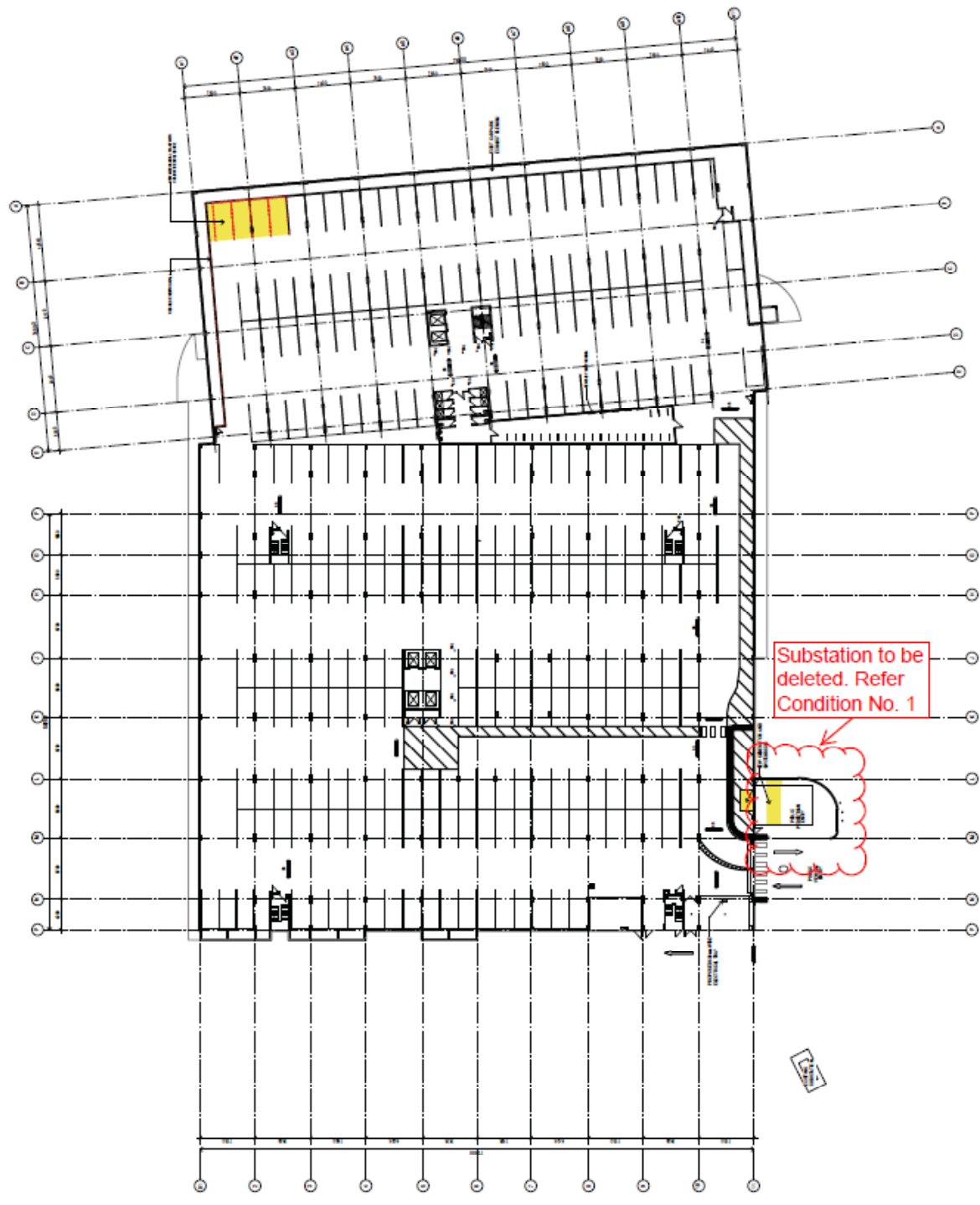
ATTACHMENT 3 – NORTH WEST RAIL LINK



ATTACHMENT 4 – SITE PLAN



ATTACHMENT 5 – BASEMENT LEVELS



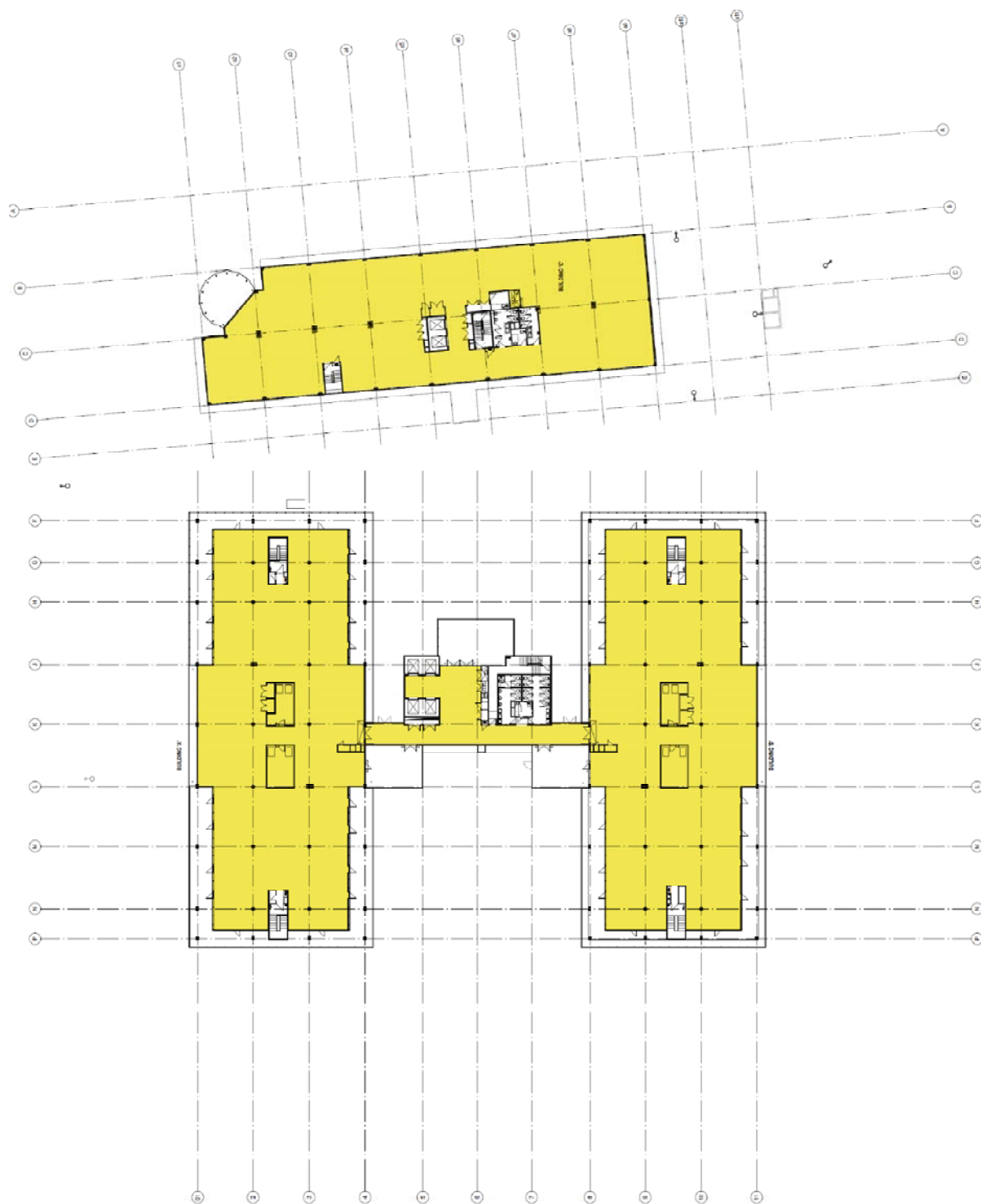


ATTACHMENT 6 – FLOOR PLANS

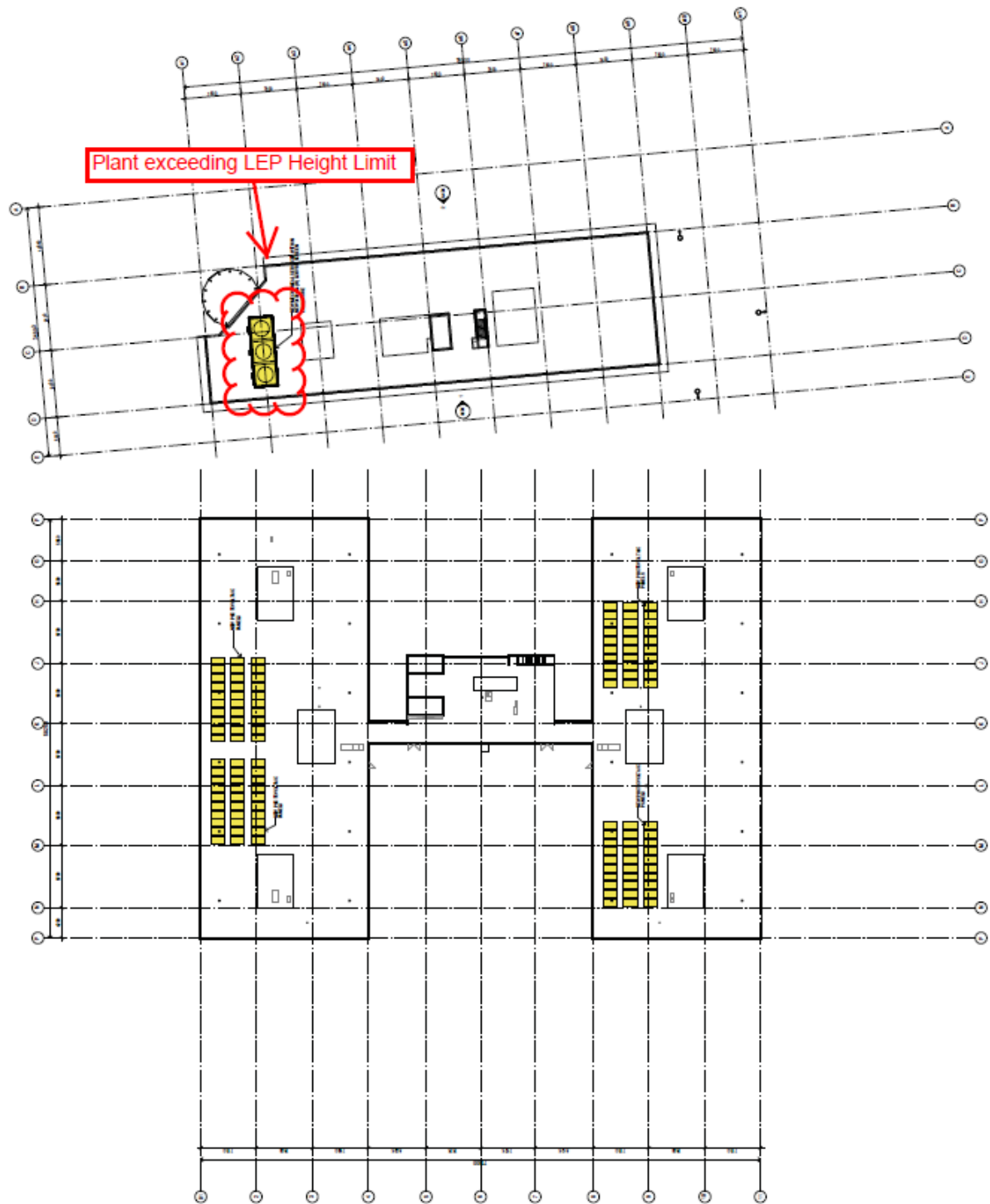








ATTACHMENT 7 – ROOF PLAN



ATTACHMENT 8 – ELEVATIONS

