

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2013SYW067
DA Number	1/2014/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A MASTERS HOME IMPROVEMENT STORE WITH BULKY GOODS TENANCY
Street Address	LOT 1 DP 657013 - 21-23 VICTORIA AVENUE, CASTLE HILL
Applicant/Owner	HYDROX NOMINEES PTY LTD
Number of Submissions	Nil
Regional Development Criteria (Schedule 4A of the Act)	<ul style="list-style-type: none"> General development with a CIV of over \$20 million.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> List all of the relevant environmental planning instruments: s79C(1)(a)(i): <ul style="list-style-type: none"> The Hills Local Environmental Plan 2012. State Environmental Planning Policy (State and Regional Development) 2011. List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii) <ul style="list-style-type: none"> Nil List any relevant development control plan: s79C(1)(a)(iii) <ul style="list-style-type: none"> DCP 2012 Part B, Section 7 – Industrial DCP 2012 Part C, Section 1 – Parking DCP 2012 Part C, Section 3 – Landscaping List any relevant 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: s79C(1)(a)(iv) <ul style="list-style-type: none"> Nil List any coastal zone management plan: s79C(1)(a)(v) <ul style="list-style-type: none"> Nil List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 <ul style="list-style-type: none"> Environmental Planning and Assessment Act Regulation 2000.
List all documents submitted with this report for the panel's consideration	Nil
Recommendation	APPROVAL
Report by	Senior Town Planner Shannon Butler

BACKGROUND**MANDATORY REQUIREMENTS**

Owner:	Hydrox Nominees P/L	1.	<u>LEP 2012</u> – Satisfactory.
Zoning:	B5 Business Development	2.	<u>The Hills DCP 2012 Part B Section 7 – Industrial</u> – Variations proposed, see report.
Area:	21,668m ²	3.	<u>The Hills DCP 2012 Part C Section 1 – Parking</u> – Variation proposed, see report.
Existing Development:	Light industrial/bulky goods retail buildings.	4.	<u>Section 79C (EP&A Act)</u> – Satisfactory.
		5.	<u>Section 94A Contribution</u> – \$286,253.00
		6.	<u>Centres Direction</u> – Complies.

EXECUTIVE SUMMARY

The Development Application is for the demolition of the three existing light industrial/bulky goods retail buildings and the construction of a home improvement store with a second tenancy. The home improvement store is proposed to have a gross floor area (GFA) of 13,607m² and the separate bulky goods tenancy is proposed to have a GFA of 2,295m².

The application has been assessed against the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, The Hills Local Environmental Plan 2012 and Development Control Plan 2012 Part B Section 7- Industrial and Part C Section 1- Parking and is considered satisfactory.

The proposal seeks two variations to the requirements of DCP 2012 Part B Section 7- Industrial in relation to front setbacks. The proposed front setbacks are considered satisfactory as they are consistent with the setbacks approved for the Bunnings development located diagonally opposite the site and do not result in any impacts on adjoining or surrounding properties.

The proposal seeks a variation to the required car parking rate established by DCP 2012 Part C Section 1- Parking. Based on the bulky goods premises car parking rate of one space per 40m² of gross leasable floor area, a total of 398 car parking spaces are required. A total of 392 car parking spaces are proposed. The variation is considered satisfactory, based on the site's proximity to a future train station and the generation rates established for other Masters stores in NSW.

The application was notified for 14 days in accordance with Council's policy and no submissions were received.

The site contains a drainage easement running from west to east, which conveys significant overland flow. It is proposed that the building will be elevated over this easement, with overland flow to be conveyed over a parking area. The flooding and drainage issues associated with the proposal were addressed during the assessment phase of the application and have been addressed by way of amended plans and recommended conditions of consent.

Accordingly, the application is recommended for approval subject to conditions.

SUBMISSIONS**REASONS FOR REFERRAL TO JRPP**

1. Exhibition:	Not required.	1.	Capital Investment Value of over \$20 Million.
2. Notice Adj Owners:	Yes, 14 days.		
3. Number Advised:	99		
4. Submissions Received:	Nil		

HISTORY

01/07/2013	Subject Development Application lodged with Council.
02/08/2013	Letter sent to the applicant in relation to compliance with DCP 2012 Part B Section 7- Industrial, flooding and drainage issues, vibration and contamination, tree management and NSW Roads and Maritime Services (RMS) requirements.
25/09/2013	Additional information submitted by the applicant in response to Council's letter.
05/12/2013	Further letter sent to the applicant in relation to outstanding flooding and drainage issues.
20/01/2014	Additional information and amended plans submitted to address flooding and drainage issues.
14/03/2014	Meeting held between Council's engineering staff and the applicant's drainage engineering consultant to discuss outstanding matters as a result of the review of the submitted additional flooding and drainage information.
19/05/2014	Amended drainage plans and additional information submitted by the applicant in response to issues discussed during the previous meeting.

SUBJECT SITE

The subject site is rectangular in shape and is bounded by Salisbury Road to the north, Victoria Avenue to the west, Carrington Road to the south and two light industrial properties to the east and has an area of 21,049m².

The site falls towards the centre to a dip between Salisbury Road and Carrington Road. The site contains a drainage easement running from west to east, which conveys significant overland flow. It is proposed that the building will be elevated over this easement, with overland flow to be conveyed over a parking area.

It is noted that there are Australia Post mail boxes and an associated mail zone located on the Carrington Avenue frontage of the site. These are proposed to be relocated due to conflict with a proposed vehicle access point.

PROPOSAL

The Development Application is for the demolition of the three existing light industrial/bulky goods retail style buildings and the construction of a home improvement store with a second tenancy. The home improvement store is proposed to have a gross

floor area (GFA) of 13,607m² and the separate bulky goods tenancy is proposed to have a GFA of 2,295m².

A basement car park is proposed containing 405 car parking spaces, including eight accessible spaces. Vehicular access to the car park is proposed via a two way driveway from Victoria Avenue and a two-way driveway from Salisbury Road. A service road is proposed to the rear of the site (adjacent to the eastern boundary) with two-way driveway access from Salisbury Road and Carrington Road.

ISSUES FOR CONSIDERATION

1. Compliance with Local Environmental Plan 2012

The subject site is zoned B5 Business Development under the provisions of Local Environmental Plan (LEP) 2012. The proposal is most accurately defined as a bulky goods premises under LEP 2012 as follows:

"Bulky goods premises means a building or place the principal purpose of which is the sale hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and*
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire, and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods."*

Development for the purpose of a bulky goods premises is permissible within the B5 Business Development zone.

LEP 2012 sets a maximum floor space ratio (FSR) for the site of 1:1. The site area is 21,049m², the total gross floor area of the Masters Home Improvement store (13,607m²) and the bulky goods premises (2,295m²) is 15,902m². Accordingly, the proposed FSR is 0.76:1 and therefore complies with this control.

The maximum permitted building height under LEP 2012 is 20 metres. The proposed height of the development from existing ground level to the highest point of the building is 14.15m to the roof ridge at Victoria Avenue and approximately 15.5m to the top of the entry feature and therefore complies with this control.

Accordingly, the proposal is considered satisfactory with regard to LEP 2012.

2. Compliance with DCP 2012 Part B Section 7- Industrial

The proposal has been assessed against the requirements of DCP 2012 Part B Section 7- Industrial and the following variations have been identified:

DEVELOPMENT STANDARD	BHDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Front setback	The required front setback within the Castle Hill Industrial Area shall not be less than 23 metres where parking is	The proposed setback to Victoria Avenue is generally 15 metres but reduces to 12.3 metres with no parking forward of	No. The variations are considered satisfactory and are generally consistent with the Bunnings

DEVELOPMENT STANDARD	BHDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	situated forward of the building line or 15 metres with no parking forward of the building.	the building line. The proposed setback to the Salisbury Road frontage is 15 metres with parking proposed forward of the building line at a lower level that will not be highly visible from the street (see perspective- Attachment No. 9). Landscaping is provided forward of the car parking.	development at No. 14 Victoria Avenue.

i) Front Setback

Part 2.6 of DCP 2012 Part B Section 7- Industrial stipulates the following in relation to setbacks:

"(g) The following building setbacks shall be applied within the Castle Hill Industrial Area only: -

Internal Roads

- 15 metres with no car parking forward of the building.
- 23 metres where car parking is situated forward of the building."

The proposed setback to Victoria Avenue reduces to 12.3 metres with no parking forward of the building line. The proposed setback to Salisbury Road is 15 metres with parking proposed forward of the building line.

Part 2.6 of DCP 2012 Part B Section 7- Industrial is based on the following objectives:

(i) To provide an open streetscape with substantial areas for landscaping and screen planting.

(ii) To provide an effective buffer to preserve the natural features and creeks in accordance with Council's ESD objective 4.

(iii) To minimise overshadowing of adjoining properties.

(iv) To protect privacy and amenity of any adjoining land uses.

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

The applicant has provided the following justification for the proposed variations:

- *"The proposed variation relates to the provision of the entry features comprising lift core and travelator ramps from the undercroft car park to the upper ground floor. The protrusion within the setback provides an articulation element to the front façade of the development and is predominately a glazed form.*
- *The remainder and majority of the building complies with the required setback with generous landscaped area.*
- *The proposed variation provides articulation to this elevation of the development.*

- *The proposed variation will not provide an unsatisfactory impact upon neighbouring properties. The proposal does not result in adverse overshadowing or privacy loss and will ensure the provision of an appropriate streetscape presentation.*

With consideration to the above, the 2.7m non-compliance for a portion of the setback to Victoria Avenue is considered minor and acceptable in context of the proposed development and surrounding development."

Comment:

The proposed variations are considered satisfactory for the following reasons:

- The proposed setbacks are generally consistent with those approved by the Joint Regional Planning Panel for the Bunnings development located at No. 14 Victoria Avenue (diagonally opposite the subject site).
- The proposed front setback areas are adequate for landscaping and screen planting purposes.
- Given the orientation of the site, the areas of non-compliance will not result in any overshadowing impacts on adjoining properties, as the bulk of shadowing will fall on adjacent roads. In addition, there will be minimal privacy and amenity impacts on adjoining properties.

Accordingly, the proposed variations are considered satisfactory.

3. Compliance with DCP 2012 Part C Section 1- Parking

The proposal has been assessed against the requirements of DCP 2012 Part C Section 1- Parking and the following variation has been identified:

DEVELOPMENT STANDARD	BHDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Required car parking provision.	The required car parking rate for bulky goods premises is one space per 40m ² of gross leasable floor area (GLFA).	The total proposed GLFA for the site is 15,902m ² . Total required based on gross leasable floor area: 398 parking spaces. A total of 392 car parking spaces are proposed to be provided.	No, however, the variation is considered satisfactory.

i) Car Parking Provision

Development Control Plan (DCP) 2012 Part C Section 1- Parking sets a required car parking rate of one space per 40m² of gross leasable floor area (GLFA) for bulky goods premises. The GLFA of the proposed development is 15,902m², resulting in 398 car parking spaces being required. A total of 392 car parking spaces are proposed, resulting in a deficit of six car parking spaces.

The required car parking provisions are based on the following objective:

(i) To provide sufficient parking that is convenient for the use of residents, employees and visitors of the development.

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

- *392 spaces are proposed to be provided for all uses to be conducted from the land.*
- *The Hills DCP does not prescribe desired parking rates for home improvement stores (or hardware stores for that matter).*
- *Our proposal currently provides parking of 2.44 car parks per 100sqm GFA*

In the Traffic Report written by Colston Budd Hunt & Kafes, submitted with the application it noted (see points 3.5 - 3.8):

- *Having commissioned use-specific parking studies into home improvement centre forms of developments, RMS utilises such surveys to assess parking provisions on new developments.*
- *These surveys are accepted by Councils throughout NSW given the fact that RMS has independently procured and assessed such.*
- *Those studies parking demands typically sought between 2.2-2.3 spaces per 100m².*
- *Based upon those generation rates, Masters at Castle Hill would require 313 spaces (adopting the higher 2.3/100 rate, based upon the proposed 13,607.48sqm) and the bulky goods tenancy some 62 spaces (based upon DCP rate of 1/40sqm for 2,446.35sqm)*
- *Therefore a total of 375 would theoretically be required.*
- *It is noted that for the Rouse Hill Masters, 361 spaces were provided for 14,837sqm (overall rate of 1 space per 41.09sqm or 2.43 spaces per 100sqm).*

Comment:

The proposed car parking provision is considered satisfactory for the following reasons:

- The subject site is located in close proximity to the future Hills Centre train station on the north-west rail link. It is anticipated that a number of the staff members of the businesses within the complex will travel to work by train.
- Based on the generation rates established in the traffic report submitted with the application of between 2.2 to 2.3 spaces per 100m² of GLFA, the proposal is considered satisfactory, proposing a rate of 2.44 spaces per 100m² of GLFA. These generation rates have been accepted by Councils across NSW for Masters stores.
- There is no specific required car parking rate for hardware/home improvement stores in DCP 2012 Part C Section 1- Parking. The most applicable car parking rate is that for bulky goods premises. It is considered that the bulky goods premises rate is tailored towards smaller retailers that do not require the extent of floorspace that large hardware retailer would. The Masters store will sell some products that would exceed the scale of products sold in typical bulky goods premises.

Accordingly, the proposed car parking variation is considered satisfactory.

4. Flooding/Drainage Issues

As outlined in the history section of this report, since the time of the lodgement of the application a number of letters have been forwarded to the applicant in relation to flooding and drainage issues. The site contains a drainage easement running from west to east (containing significant Council stormwater pipes), which conveys overland flow. It is

proposed that the building will be elevated over this easement, with overland flow to be conveyed over a parking area. It was critical to ensure that the proposed building would not compromise the maintenance capabilities for the Council stormwater pipes, as they are a critical public asset. Furthermore, it must be ensured that the safety of the public is maintained, given that the parking area will be subject to overland flow.

A meeting was held between Council engineering staff and the applicant's stormwater/drainage engineering consultants to further discuss the outstanding issues identified as a result of the review of the additional flooding and drainage information submitted. Following the meeting, additional information was submitted, including flood modelling to determine the stormwater pipe size and overland flow through the site, pre and post development. This information was assessed by Council's Waterways and Engineering Officers and no objection is raised subject to conditions.

5. Compliance with Centres Direction

The Centres Direction- Planning Protection and Management of the Shires Centres (the Centres Strategy) was adopted by Council in 2009. The Centres Strategy provides a strategic context for the Hills Shire centres and their development and growth to 2031. The Centres Strategy identifies a concentration of bulky goods premises as follows:

- Homemaker – style centres in the Castle Hill light industrial area (Victoria Avenue); and
- Norwest Business Park (Celebration Drive).

While the principal purpose of the Masters Home Improvement store is for hardware and building supplies, the proposed development includes a separate bulky goods premises of 2,295sqm. Accordingly, an assessment of this tenancy against the Centres Strategy has been undertaken.

The bulky goods precincts have been identified due to their current function, highly visible locations, and accessibility. The Centres Strategy suggests that a competitive bulky goods cluster has the potential to adversely affect the economic viability of nearby traditional centres. Bulky goods clusters generally seek the large, more affordable sites within industrial areas, which provides an economic advantage over retailers within centres. The location of big outlets also increases private transport trips away from public transport routes.

The Centres Strategy states that in accordance with the Draft North West Subregional Strategy, there are a number of advantages to co-locating bulky goods retailing within centres. Advantages include greater shopper convenience and potential for a higher level of amenity, reduced duplication of activities such as food premises, and improving the attractiveness and vitality of a centre by providing a better range of goods and services. The Draft North West Subregional Strategy action NWB4.1.3 indicates that business development zones should be considered for existing or emerging regional bulky goods outlet clusters which are to be located adjacent to or linked to those identified Strategic centres that would benefit from supporting activity in the zone.

The Centres Strategy identified the demand for an additional 81,000sqm of bulky goods floorspace to meet the Shire's needs to 2031. This study excludes any developments undertaken after 2006 which would therefore exclude the approved Stage 4 Extensions to the Supa Centre at No. 16 Victoria Avenue, Castle Hill, a Bulky Goods Retailing Development at No. 21 – 23 Victoria Avenue and the Bunnings at No. 14 Victoria Avenue. The additional bulky goods retail floor space approved but not considered in the centres direction is therefore 54,500sqm.

Consideration of additional floorspace should be based on the identified demand and be contained within bulky goods precincts. A wider distribution of such precincts may be

desirable with potential locations to consider the typology. In determining the location of future bulky goods precincts, the following criteria should be considered:

- Opportunities to locate in an area that supports a major centre such as Castle Hill or Rouse Hill;
- The provision of public infrastructure including roads and public transport, and pedestrian and cycling paths;
- Convenient and well connected to surrounding land uses including residential areas and nearby centres;
- Traffic generation and accessibility. Site access is to be via the local road network (no direct access to properties from Classified Roads), to avoid disruption to traffic flows;
- Compatibility with surrounding land uses and potential implications such as loss of amenity and changes to the public domain;
- Implications on the supply and affordability of employment and residential land; and
- Development proposals for bulky goods developments should be accompanied by Economic Impact Assessments.

The Centres Strategy recommends that in order to protect the centres hierarchy and the economic viability of centres, new development proposals for significant retail tenancies, or bulky goods developments should be subject to Economic Impact Assessments (EIA). While an EIA does not accompany the application, the proposed bulky goods premises is consistent with the Centres Strategy for the following reasons:

- The bulky goods uses are permissible and envisaged within the Castle Hill light industrial area through the B5 Business Development zoning. The B5 zone objectives encourage and permit bulky goods premises in appropriate locations and that meet the community demand.
- The site has a central position in Castle Hill Industrial Area which has been identified as a bulky goods precinct which supports the major centre of Castle Hill.
- The 2,295sqm bulky goods premises will contribute to meeting the demand for 81,000sqm of bulky goods floorspace identified to meet the Shire's needs to 2031.
- The proposed bulky goods premises is compatible with surrounding light industrial and retail uses and is not in close proximity to sensitive receivers such as residential land uses.
- The site is located on the major road of Victoria Avenue, is highly visible to passing trade and provides access points from all street frontages.
- The site enables the appropriate provision of car parking and loading areas to meet customer demands.
- The use will generate employment and not reduce allocated employment or residential lands.
- The site can provide adequate floor areas which are not ordinarily located or suited to traditional centres.
- The site is in proximity to existing and future upgraded public transport services.

Accordingly, the proposed bulky goods premises will provide a positive economic impact in the Castle Hill Industrial Area and the Hills Shire LGA.

SUBDIVISION ENGINEERING COMMENTS

The application has been assessed by Council's Subdivision Co-ordinator and is considered satisfactory subject to conditions. Refer to Section 4 of this report for a discussion of the flooding and drainage issues associated with the application.

WATERWAYS TEAM COMMENTS

The application has been assessed by Council's Waterways Systems Co-ordinator and is considered satisfactory subject to conditions. Refer to Section 4 of this report for a discussion of the flooding and drainage issues

TRAFFIC MANAGEMENT COMMENTS

This application proposes 13,604m² for a home improvement centre and 2,294m² for a separate tenancy (total of 15,898m²). 392 off street parking spaces are to be provided. Access for heavy and light vehicles will be via both Salisbury Road (entry only for heavy vehicles) and Carrington Road (exit only for heavy vehicles) with left in/left out for light vehicles only via Victoria Avenue.

Predicted traffic generation on a Saturday peak using RMS rates equates to 830 vehicles/hr. Derived from a survey the existing site (Spotlight etc) generates on a Saturday 280 vehicles/hr resulting in an additional 550 vehicles/hr.

No objection is raised to the proposal subject to a Section 94A for improvements to road infrastructure (Refer to Condition No. 32).

FORWARD PLANNING COMMENTS

The application has been reviewed by Council's Forward Planning team and it has been advised that a Section 94A contribution fee of \$286,253.00 is payable (please refer to Condition No. 32).

TREE MANAGEMENT COMMENTS

The application has been assessed by Council's Senior Tree Management Officer and no objection is raised subject to conditions.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

The application has been assessed by Council's Senior Environmental Health Officer and no objection is raised subject to conditions.

WASTE MANAGEMENT COMMENTS

The application has been assessed by Council's Resource Recovery Projects Officer and no objection is raised subject to conditions.

ROADS & TRAFFIC AUTHORITY COMMENTS

The application has been assessed by the NSW Roads and Maritime Services (RMS). The RMS identified two key issues, being the location of the vehicle access and egress on Carrington Road conflicting with a bus stop within a future bus transitway and the conflict of the Carrington Road access point with existing post boxes/mail zone. These issues have been addressed during assessment of the application and a condition of consent is recommended in relation to the relocation of the post boxes. Refer to Condition No. 20.

CONCLUSION

The Development Application has been assessed against the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, The Hills Local Environmental Plan 2012 and Development Control Plan 2012 Part B Section 7- Industrial and Part C Section 1- Parking and is considered satisfactory.

The proposal seeks a variation to the requirements of DCP 2012 Part B Section 7- Industrial in relation to front setbacks to Victoria Avenue and Salisbury Road. The proposed front setbacks are considered satisfactory as they are consistent with the setbacks approved for the Bunnings development located diagonally opposite the site and do not result in any impacts on adjoining or surrounding properties.

The proposal seeks a variation to the required car parking rate established by DCP 2012 Part C Section 1- Parking. Based on the bulky goods premises car parking rate of one space per 40m² of gross leasable floor area, a total of 398 car parking spaces are required. 392 car parking spaces are proposed. The variation is considered satisfactory, based on the site's proximity to a future train station and the generation rates established for other Masters stores in NSW.

The application was notified for 14 days in accordance with Council's policy and no submissions were received.

It is considered that the proposal will result in significant economic benefits for the locality and the proposal is consistent with the Centres Direction.

Accordingly, the application is recommended for approval subject to conditions.

IMPACTS:

Financial

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

The Hills Future Community Strategic Plan

The social and environmental impacts have been identified and addressed in the report. The proposal offers a reasonable design that does not comprise the character of the locality and the Shire as a whole.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA00	Title sheet	D	25/10/2013
DA01	Site Plan	D	25/10/2013
DA02	Upper Ground Floor Plan	C	08/08/2013
DA03	Upper Ground Floor (Garden)	C	08/08/2013
DA04	Lower Ground Floor Plan	D	25/10/2013
DA05	Lower Ground Floor (Tenancy)	C	08/08/2013
DA06	Roof Plan	C	08/08/2013
DA07	Elevations	E	25/10/2013
DA08	Sections	D	25/10/2013
000	Landscaping- Coversheet	A	25/06/2013
101	Landscaping- Plan	A	25/06/2013
102	Landscaping- Plan	A	25/06/2013
501	Landscaping- Details	A	25/06/2013

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. Separate application for signage

A separate application is to be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.

3. Provision of Parking Spaces

The development is required to be provided with 392 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

4. External Finishes

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

5. 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.

6. RMS Requirements

The development shall comply with the following NSW Roads and Maritime Services requirements:

a) All works/regulatory signposting associated with the proposed development are to be at no cost to the RMS.

b) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2 - 2002 for heavy vehicle usage.

c) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of the Construction Certificate.

d) With the exception of any existing or proposed bus stops, full time 'No Stopping' restrictions are to be implemented along the full Carrington Road and Victoria Avenue frontages of the development site. This restriction should be implemented prior to the commencement of any demolition works relating to the proposed development.

e) All vehicles are to enter and leave the site in a forward direction.

7. NSW Police Requirements

The development shall comply with the following NSW Police requirements:

a) Security sensor lights are required to be installed whilst construction is in progress.

b) A high resolution CCTV system is to be installed inside the store to monitor possible offenders and a similar system at all pedestrian and vehicular entry and exit points.

c) As operational hours extend to 10pm week nights and 8pm on weekends, lighting of public areas is required including car parks, which are required to meet the Australian Standards for lighting of car parks and pedestrian areas (AS/NZS 1158 part 1 and 3). In order to reduce lux levels and therefore running costs.

8. 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.

9. Tree Removal

Approval is granted for the removal of all trees except for those identified as marked for retention in Figure 12 of the Tree Report prepared by Eco Logical Australia dated 19 February 2013.

The trees marked for retention are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

10. Replacement Planting Requirements

To maintain the treed environment of the Shire (30) advanced (45 litres) replacement trees from the following list are to be planted elsewhere within the property.

<i>Eucalyptus microcorys</i>	Tallowood
<i>Corymbia maculata</i>	Spotted Gum
<i>Cupaniopsis anacardioides</i>	Tuckeroo

11. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 45 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

12. Construction Noise

Upon receipt of a justified complaint in relation to noise pollution emanating from rock breaking as part of the excavation and construction processes, rock breaking will be restricted to between the hours of 8am to 5pm, Monday to Friday and 9am and 12 midday on Saturdays.

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

13. Contamination

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

14. Litter Control

A sufficient number of litter bins must be provided on the premises for litter disposal.

15. Asbestos Removal

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

16. Adherence to Waste Management Plan

All requirements of the approved Waste Management Plan must be implemented during all stages of the development, except where amended by other conditions of consent. A Waste Data File that contains the approved Waste Management Plan together with proof of transfer movements and lawful disposal of waste must be kept on site at all times and presented to Council when requested.

17. Management of Demolition and Construction Waste

Waste materials must be appropriately stored and secured within a designated waste area on site at all times, prior to its reuse on site or being sent off site. Any material moved off site is to be transported in accordance with the requirements of the *Protection of the Environment Operations Act, 1997* and only to a place that can lawfully be used as a waste facility. Building waste containers are not permitted to be placed on the public way at any time unless a separate application is approved by Council to locate a building waste container in a public place.

18. Surplus Excavated Material

All surplus excavated material must be removed from the site and transported to a place that can lawfully accept the material or be used as a waste facility. Any unauthorised disposal of surplus excavated material is a breach of the *Protection of the Environment Operations Act, 1997* and subject to substantial penalties. Proof of transfer movements and lawful disposal of surplus excavated material must be kept on site at all times and presented to Council when requested.

19. Construction of Waste Storage Area

All work involving construction of the principal waste storage area must be generally in accordance with the provisions of Council's *Commercial/Industrial Waste Storage Area Specifications*. Practical measures must also be taken to ensure that the waste storage area is adequately ventilated so that odour emission does not cause offensive odour as defined by the *Protection of the Environment Operations Act, 1997*.

20. Relocation of Post Boxes

The post boxes in Carrington Avenue, including all associated works to signposting and the like, must be carried out in accordance with the requirements of Council and Australia Post, as per their letter dated 11 December 2013. A construction certificate for building construction works shall not be issued until a plan detailing these works has been approved, in writing, by both Council and Australia Post.

21. Vehicular Access and Parking

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward

direction at all times and that parking and traffic circulation is appropriately controlled.

- ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. No low level concrete kerbs or walls or median islands are to extend beyond the site boundary into the footpath verge, contrary to the engineering plans submitted with the development application.
- iv. All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- v. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

22. Minor Engineering Works

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

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

Any variance from these documents requires separate approval from Council.

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993. A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

i. Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's Driveway Specifications.

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

The design/ construction of the driveways must comply with the following requirements:

- a) The two service driveways on Salisbury Road and Carrington Road must be 12.85m wide at the property boundary splayed to 13.85m at the kerb, with the 1m splay provided on the western side of the driveway only, noting the negligible setback this driveway has to the adjoining property.
- b) The trade access driveway on Salisbury Road must be 8.9m wide at the property boundary splayed to 10.9m at the kerb, with a 1m splay provided on either side.
- c) The basement car park access driveway on Victoria Avenue must be 10.47m wide at the property boundary splayed to 12.47m at the kerb, with a 1m splay provided on either side.

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

ii. Disused Layback/ Driveway Removal

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

iii. Site Stormwater Drainage

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

23. Road Opening Permit

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by

Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required.

24. 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.

25. Structures Adjacent to Piped Drainage Easements

Buildings and structures, including footings and brick fences, adjacent to existing or proposed drainage easements must be located wholly outside the easement. A design must be provided by a structural engineer certifying that the structure will not impart a load on the pipe in the easement.

26. Gutter and Footpath Crossing Application

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

27. Excavation/ Anchoring Near Boundaries

Earthworks near the property boundary must be carried out in a way so as to not cause an impact on adjoining public or private assets. Where anchoring is proposed to sustain excavation near the property boundary, the following requirements apply:

- Written owner's consent for works on adjoining land must be obtained if works are proposed on those adjoining lands.
- For works adjacent to a road, anchoring that extends into the footpath verge is not permitted, except where expressly approved otherwise by Council, or the RMS in the case of a classified road.
- Where anchoring within public land is permitted, a bond must be submitted to ensure their removal once works are complete. The value of this bond must relate to the cost of their removal and must be confirmed by Council in writing before payment.
- All anchors must be temporary. Once works are complete, all loads must be removed from the anchors.
- A plan must be prepared, along with all accompanying structural detail and certification, identifying the location and number of anchors proposed.
- The anchors must be located clear of existing and proposed services.

Details demonstrating compliance with the above must be submitted to the Principal Certifying Authority and included as part of any Construction Certificate or Occupation Certificate issued.

28. Waterways Requirements

The following requirements must be complied with throughout all stages of the development:

- a) All portions of the development below the Flood Planning Level are to be constructed of flood resistant building materials, suitable for retaining structural integrity during and following periods of continuous under water immersion.
- b) All service conduits located below the Flood Planning Level are to be made fully flood compatible and suitable for continuous under water immersion. Conduits would need to be self-draining if subjected to flooding.
- c) Any dangerous and hazardous materials are not to be stored below the Flood Planning Level.

- d) The final detailed design for a construction certificate is to be supported by appropriate detailed flood modelling that demonstrates the flood impacts are minimised and meet Council's development standards.
- e) Electronic versions of all flood model data sets and result files are to be submitted for review and approval by the certifying authority.

STRUCTURAL CERTIFICATION

- f) Structural elements of development below the Flood Planning Level are to be assessed and certified by a specialist structural engineer experienced in hydraulic processes having regard to the following parameters for design (as a minimum):

- Hydraulic loadings (flow depth, flow velocity)
- Hydrostatic pressures (buoyancy)
- Debris impact loadings (including the impact of floating cars on the development's supporting piers/columns)
- Saturated ground conditions
- Shear stress and scour forces around and downstream of the structures
- Any other relevant design considerations

Design and certification for required structural elements are to be assessed against the predicted 100 year Average Recurrence Interval (ARI) flood flow behaviour expected to be experienced at the site.

- g) Prior to the issue of a construction certificate, certification from a suitably qualified structural and geotechnical engineer shall be provided confirming that the proposed development will not impart any loads greater than the pre-development loads upon the existing stormwater infrastructure or its excavation zones within the stormwater infrastructure's zone of influence.

STORMWATER INFRASTRUCTURE ASSETS

- h) New and augmented stormwater infrastructure proposed as part of the drainage network associated with the new development are to be designed and constructed in accordance with the latest Engineering Report, Civil Engineering Plans and hydrological and hydraulic flood modelling submitted in support of the development application and be in line with Council's Design Guidelines Subdivision/ Developments, Works Specification Subdivision/ Developments and associated standard drawings.
- i) A pre and post development asset condition survey of the stormwater pit and pipe network from the proposed augmented pit on the western side of Victoria Road to the eastern side of the property development is to be provided to Council.
- j) Any deformation or damage to Council's stormwater infrastructure as a result of the development is to be rectified by the developer prior to the issuing of an Occupation Certificate.
- k) Works-As-Executed Plans are to be provided for any stormwater infrastructure assets constructed or altered as part of the development.
- l) Additional stormwater infrastructure access chambers are to be provided along Council's stormwater infrastructure in accordance with Drawing C102, the latest Engineering Report and Civil Engineering Plans submitted in support of the Development Application.
- m) Access chambers are to be constructed as a junction pit across the twin 1800mm diameter pipes. The Access chambers are to be constructed in accordance with Council's Design Guidelines Subdivision/ Developments, Works Specification Subdivision/ Developments and associated standard drawings.
- n) Minimum horizontal and vertical access maintenance clearance to Council's stormwater infrastructure, along the easement to drain water through the site, is to be provided in

accordance with the latest Engineering Report and Civil Engineering Plans submitted in support of the Development Application.

- o) Future access to the Council stormwater infrastructure is to be facilitated by on-ground pavements designed and constructed with joints along the edge of the easement to drain water to allow slabs to be removed if required without interfering with the adjacent pavement in accordance with the latest Engineering Report submitted in support of the Development Application.
- p) No support piers/ columns are to be located within the easement to drain water in accordance with the latest Engineering Report and Civil Engineering Plans submitted in support of the Development Application.

SITE SPECIFIC FLOOD EMERGENCY RESPONSE PLAN

A site specific Flood Emergency Response Plan is to be developed for implementation and be certified by a suitably qualified emergency management specialist, experienced in emergency overland flooding response.

The Flood Emergency Response Plan should specifically focus on the proposed landuse and the site conditions (including site access and egress) in conjunction with flood behaviour up to and rarer than the 100 year ARI flood event expected to be experienced at the site, addressing specific actions in regard to:

- Preparing for a flood;
- Responding when a flood is likely;
- Responding during a flood; and
- Recovery after a flood.

It is recommended that the NSW Government's Floodplain Development Manual, 2005 along with the NSW State Emergency Service (SES) FloodSafe guidelines and the relative FloodSafe Tool Kits be utilised in developing a site specific Flood Emergency Response Plan. These can be accessed on the following weblinks:

Floodplain Development Manual, 2005 –

<http://www.dnr.nsw.gov.au/floodplains/manual.shtml>

FloodSafe Information –

<http://www.ses.nsw.gov.au/topics/2227.html>

Riverine Business FloodSafe Toolkit –

<http://www.ses.nsw.gov.au/infopages/3129.html> –

<http://www.ses.nsw.gov.au/topics/6471.html>

Specific conditions for incorporation into a site specific Flood Emergency Response Plan are as follows:

- All vehicles are to exit the site via the Salisbury Road access at the onset of/ during a flood event.
- Alternate flood free access is to be provided for all lower ground floor tenancies adjacent to the floodway through the carpark.
- All pedestrian stairways and access ramps (including those from the lower ground floor tenancies) adjacent to the floodway through the carpark are to be closed at the onset of/ during a flood event.
- Lifts must be rendered inoperable at the onset of/ during a flood event.
- All vehicular access from Victoria Avenue and Carrington Road is to be closed at the onset of/ during a flood event.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

29. Construction Noise Management Plan

A Construction Noise Management Plan shall be prepared by an appropriately qualified person and submitted to Council for review and concurrence. The plan is required to identify how noise and vibration emissions during excavation and construction will be controlled through equipment selection and other practicable noise control techniques.

30. Stormwater Treatment - Car Parks

The car parking area(s) must drain to a stormwater treatment device capable of removing litter, oil, grease and sediment prior to discharge to the stormwater system. Details of the stormwater treatment device are to be submitted to Council.

31. Acoustic Requirements – Rail Noise

The premises must be designed in accordance with the requirements of the document published by Planning NSW *Development near rail corridors and busy roads – Interim Guideline*, 2008. Submit a report to Council prior to the issue of the construction certificate that confirms that the premises is not adversely impacted by Noise and Vibration from the rail corridor.

32. Section 94A Contribution

Pursuant to section 80A (1) of the Environmental Planning and Assessment Act 1979, and The Hills Shire Wide Section 94A Contributions Plan, a contribution of **\$286,253.00** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Shire Wide Section 94A Contributions Plan.

The contribution is to be paid prior to the issue of the Construction Certificate or Complying Development Certificate.

You are advised that the maximum percentage of the levy for development under section 94A of the Act having a proposed construction cost is within the range specified in the table below;

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 %
More than \$200,000	1%

33. Details of Waste Contractors Required

Prior to a Construction Certificate being issued, the name and address of the contractors undertaking the transportation of demolition and construction waste materials off site, including the location of waste disposal and recycling are to be submitted to and approved by Council.

34. Bank Guarantee Requirements

Any bank guarantee submitted in lieu of a cash bond must comply with the following:

- a) Have no expiry date;
- b) Be sent to Council direct from the bank;
- c) Reference the development application, condition and matter to which it relates;
- d) The amount must match that required to be paid;
- e) If a single bank guarantee is used for multiple bonds, it must be itemised.

Should Council need to uplift the bank guarantee, notice in writing will be forwarded to the applicant 14 days beforehand.

35. Works on Adjoining Land

In the event that the engineering works included in the scope of this approval extend into adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate is issued.

36. Draft Legal Documents

Where an encumbrance on title is required to be created as part of this consent, draft copies of all legal documents must be submitted to Council for checking before a Construction Certificate is issued.

37. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$244,800.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$85.00 per square metre based on the Victoria Avenue road frontage of the subject site plus an additional 50m on either side (320m) multiplied by the width of the southbound road carriageway fronting the site (9m).

The bond must be lodged with Council before a Construction Certificate is issued.

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these costs.

38. Security Bond – External Works

In accordance with Section 80A(6)(b) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works. The minimum bond amount is \$10,000.00. The bond amount must be confirmed with Council prior to payment.

The bond must be lodged with Council before a Construction Certificate is issued.

The bond is refundable upon written application to Council and is subject to all work being completed to Council's satisfaction.

39. Engineering Works and Design

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

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

Variation from these documents can only be approved by Council's Manager – Subdivision and Development Certification.

Engineering works can be classified as either "subdivision works" or "building works" as categorised below:

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively. For Council to issue this approval the following must be provided:
 - a) A completed application form.
 - b) An electronic copy of the design plans and accompanying documentation.
 - c) Payment of the applicable application and inspection fees.
 - d) Payment of any required security bonds.
2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flow path within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/ maintenance liability with respect to these assets once completed.

A "compliance certificate" as per Section 109(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the detailed design for these works complies with the requirements listed and the above documents. This "compliance certificate" can be issued by Council's Manager – Subdivision and Development Certification and not a private certifier, as discussed. Once approved, the works must be carried out under the supervision of Council's Construction Engineer in accordance with the terms attached to the issued "compliance certificate". Post construction, a further "compliance certificate" as per Section 109(1)(a)(i) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the as-built infrastructure and associated works have been carried out to the satisfaction of Council's Construction Engineer. Alternatively, these works can be incorporated into any construction approval granted under category (1) above.

3. Works within the development site, or adjoining private properties, that do not relate to existing or proposed Council infrastructure assets, such as water sensitive urban design elements or inter-allotment drainage pipelines. Such works can be approved, inspected and certified by either Council or a private certifier, so long as the private certifier is accredited to do so.

This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

The following engineering works are required:

i. Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

ii. Concrete Footpath

A 1.2m wide concrete footpath, including access ramps at all intersections, must be provided along the site's Victoria Avenue and Salisbury Road frontage.

iii. Stormwater Drainage

To accommodate the building over the existing drainage easement/ stormwater pipeline traversing the site, the following works are necessary:

- a) Five new junction/ access pits are required to be constructed (or reconstructed) along the length of the pipeline, generally as shown on Drawing 12974_DA_C102 Revision 3 dated 14 May 2014 and prepared by Henry and Hymas.
- b) Where these works extend into either 12 Victoria Avenue or 15 Carrington Road adjacent, owner's consent for these works must be provided with the detailed design.
- c) The finished surface levels along the overland flow path/ easement must reflect the above drawing. The reference to the levels shown on the architectural being subject to change of up to 500mm in either direction is not supported due to the impacts any such change will have on the flood modelling undertaken to support the development application. The finished floor levels shown on the engineering plans must be used without exception.
- d) Contrary to the plan referred to above, the existing kerb inlet pit in Victoria Avenue fronting the site must be removed and replaced with a butterfly grate, or two, depending on the inflow capacity, to account for the driveway proposed at this location.

- e) The finished/ constructed surface levels at the site's eastern boundary adjacent to 15 Carrington Road must match the existing level at this location, so as to ensure there are no nuisance flooding impacts on that downstream property.
- f) The requirements outlined in the separate condition entitled "Waterways Requirements" must be considered in the design and construction of these works.
- g) A minimum overhead clearance of 4.3m must be maintained along the full length of the overland flow path/ easement to provide for suitable maintenance access to the stormwater pipeline. The effective clearance must be measured to the lowest projection from the roof, accounting for services, and must be confirmed at the detailed design stage.

PRIOR TO WORK COMMENCING ON THE SITE

40. Principal Certifying Authority

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

41. 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.

42. 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.

43. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

44. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

45. Tree Protection Fencing

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. In order of precedence the location of fencing shall be a) As per Tree Protection Plan as per Arborist report for project or b) Tree Protection Zone (TPZ) as calculated under AS4970 (2009) Protection of trees on development sites c) A minimum of 3m radius from trunk.

The erection of a minimum 1.8m chain-wire fence to delineate the TPZ is to stop the following occurring:

- Stockpiling of materials within TPZ
- Placement of fill within TPZ
- Parking of vehicles within the TPZ
- Compaction of soil within the TPZ
- Cement washout and other chemical or fuel contaminants within TPZ
- Damage to tree crown

46. Tree Protection Signage

Prior to any works commencing on site a Tree Protection Zone sign must be attached to Tree Protection Fencing clearly indicating no access to area without authorisation from the project arborist or site manager. There is an example of an appropriate sign on p16 AS4970 (2009) Protection of trees on development sites.

47. Mulching within Tree Protection Zone

Prior to any works commencing on site all areas within the TPZ are to be mulched with composted leaf mulch to a depth of 100mm.

48. Trenching within Tree Protection Zone

Any trenching for installation of drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to Council (72 hours notice) or under supervision of a project arborist.

If supervision by a project arborist is selected, certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching works.

49. Supervision of works by Project Arborist

Prior to issue of construction certificate Council shall be notified of engagement of AQF Level 5 project arborist. The arborist must be on site to supervise any works within 15 metres of the Carrington Road boundary in the vicinity of or within the TPZ of any trees approved for retention on site or any adjacent sites that share TPZs for trees to be retained. Supervision of works shall be certified by project arborist and copy of such certification submitted to PCA within 14 days of completion of works.

50. Notification of Asbestos Removal

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

51. Erosion and Sedimentation Controls – Major Works

Erosion and sedimentation control devices are to be provided in accordance with Council's "Works Specification - Subdivisions/Developments" (August 1997). All devices are to be established prior to the commencement of engineering works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

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

52. Site Water Management Plan

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

53. Erosion & Sediment Control Plan Kept on Site

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

54. Stormwater Management

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

55. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001* Part 8 and AS 2601-2001. All vehicles transporting demolition materials off site are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the WorkCover Authority, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

56. Traffic Control Plan

A Traffic Control Plan is required to be prepared and submitted to Council for approval. The person preparing the plan must have the relevant accreditation to do so. Where amendments to the plan are required post approval, they must be submitted to Council for further approval prior to being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

57. Public Infrastructure Inventory Report

A public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

- a) Planned construction access and delivery routes; and
- b) Dated photographic evidence of the condition of all public assets.

DURING CONSTRUCTION

58. Hours of Work

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

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

59. 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.

60. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work.
- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

61. Contamination Report

A Stage 2 detailed site investigation shall be undertaken by an appropriate qualified person, as recommended in the report prepared by Environmental Investigation Services Report No: REF:E21970F-RPT. The site investigation shall be undertaken to determine any potential contamination and make any recommendations on site remediation. A report is to be submitted to Council for review and concurrence. In the case that it is found that the site is contaminated submission to Council of the following documentary evidence is required.

1. A site remediation action plan prepared by a suitably qualified and experienced site contamination expert, which identifies the remedial work to be undertaken to render the site suitable for the proposed use.
2. All remediation works are to be completed in accordance with the remediation action plan and in accordance with Workcover NSW and NSW Department of Environment & Heritage incorporating EPA guidelines and standards.
3. A final validation report shall be completed and submitted to the Council, which verifies that all remedial works have been satisfactorily completed and provides a definitive statement that the site is suitable for the proposed use.

The submission of this information to Council is to occur prior to construction works which includes excavation of the basement carpark

62. Stockpiles

Stockpiles of topsoil, sand, aggregate or other material capable of being moved by water shall be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

63. Standard of Works

All work must be carried out in accordance with Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works, including public utility relocation, must incur no cost to Council.

64. Critical Stage Inspections – Subdivision Works

The subdivision works must be inspected by Council in accordance with the schedule included in Council's Works Specification Subdivisions/ Developments. A minimum of 24 hour's notice is required for inspections. No works are to commence until the first inspection has been carried out.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

65. Section 73 Certificate

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

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

66. Waste and Recycling Collection Contract

Prior to an Occupation Certificate being issued, the building owner must ensure that there is a contract with a licenced contractor for the removal of all waste generated on site. Written evidence of a valid and current collection contract must be held on site at all times and presented to Council when requested.

67. Works as Executed Plans

Works as executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor must be submitted to Council when the subdivision works are completed. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments.

The plans must be accompanied by pavement density results, pavement certification, concrete core test results, site fill results, structural certification, CCTV recording, signage details and a public asset creation summary, where relevant.

68. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the engineering works is required to be submitted to Council. The bond will be held for a minimum defect liability period of one year and may be extended to allow for the completion of necessary maintenance or in the case of outstanding/ bonded works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.

69. Confirmation of Pipe Locations

A letter from a registered surveyor must be provided with the WAE plans certifying that all pipes and drainage structures are located within the proposed drainage easements.

70. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become public assets must be inspected by CCTV. A copy of the actual recording must be submitted electronically for checking.

71. Public Asset Creation Summary

A public asset creation summary must be submitted with the WAE plans. A template is available on Council's website.

72. Amendment of Existing Easement

The existing easement must be amended/ widened so that it includes all existing or proposed public assets and the extent of the overland flow path in the design storm, as per the details provided with the development application prepared by Henry and Hymas (dated May 2014). As Council is listed as the benefiting authority, the relevant amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges.

73. Completion of Engineering Works

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

74. Public Infrastructure Inventory Report - Post Construction

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

75. Consolidation of Allotments

All allotments included in this consent must be consolidated into a single allotment before an Occupation Certificate is issued. A copy of the registered plan must be submitted to Council.

76. Legal Agreement – Drainage Easement Encroachment

The completion and registration of a deed of agreement acceptable to, and in favour of, Council preserving Council's right of access to pipelines and overland flow along the existing drainage easement. This deed of agreement must be registered on the title of the property via a positive covenant. Council has standard wording that is available upon request.

The deed of agreement must be submitted to Council for checking along with payment of the applicable fee from Council's Schedule of Fees and Charges. As this process includes the preparation of a report and the execution of the documents by Council, sufficient time should be allowed.

77. Creation of Restrictions / Positive Covenants

Before an Occupation Certificate is issued the following restrictions/ positive covenants must be registered on the title of the subject site via a request document, Section 88B instrument associated with a plan or the like. Council's standard recitals must be used.

i. Restriction/ Positive Covenant – Overland Flow Path

The subject site must be burdened with a restriction and a positive covenant using the terms included in the standard recitals. The overland flow path extent must be identified on a plan included as part of the restriction/ positive covenant documentation.

THE USE OF THE SITE

78. Hours of Operation

The hours of operation being restricted to the following: -

- Monday to Friday: 6:00am to 10:00pm
- Saturday and Sunday: 6:00am to 8:00pm

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

79. Maintenance of Car Park Stormwater Treatment Device

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps), shall be regularly maintained in order to remain effective.

All solid and liquid waste is to be collected and removed by a licenced contractor.

80. Lighting

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

81. Stormwater Treatment Outdoor Nursery

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

82. Stormwater Management Outdoor Nursery

A Nursery management plan must be implemented to ensure that nutrients / contaminants from the outdoor nursery area do not enter into the stormwater drainage system. The Nursery Management Plan must be submitted to Council within 4 weeks of the issuing of the occupation certificate and must be kept on site, available for perusal by Council Officers.

83. Waste and Recycling Collection

Adequate waste and recycling bins are to be provided to the principal waste storage area for the storage of all waste generated on site between collections. Waste material must only be removed from the premises between 6:00am and 10:00pm except for Sundays and public holidays, where collections must only occur between 8:00am and 10:00pm.

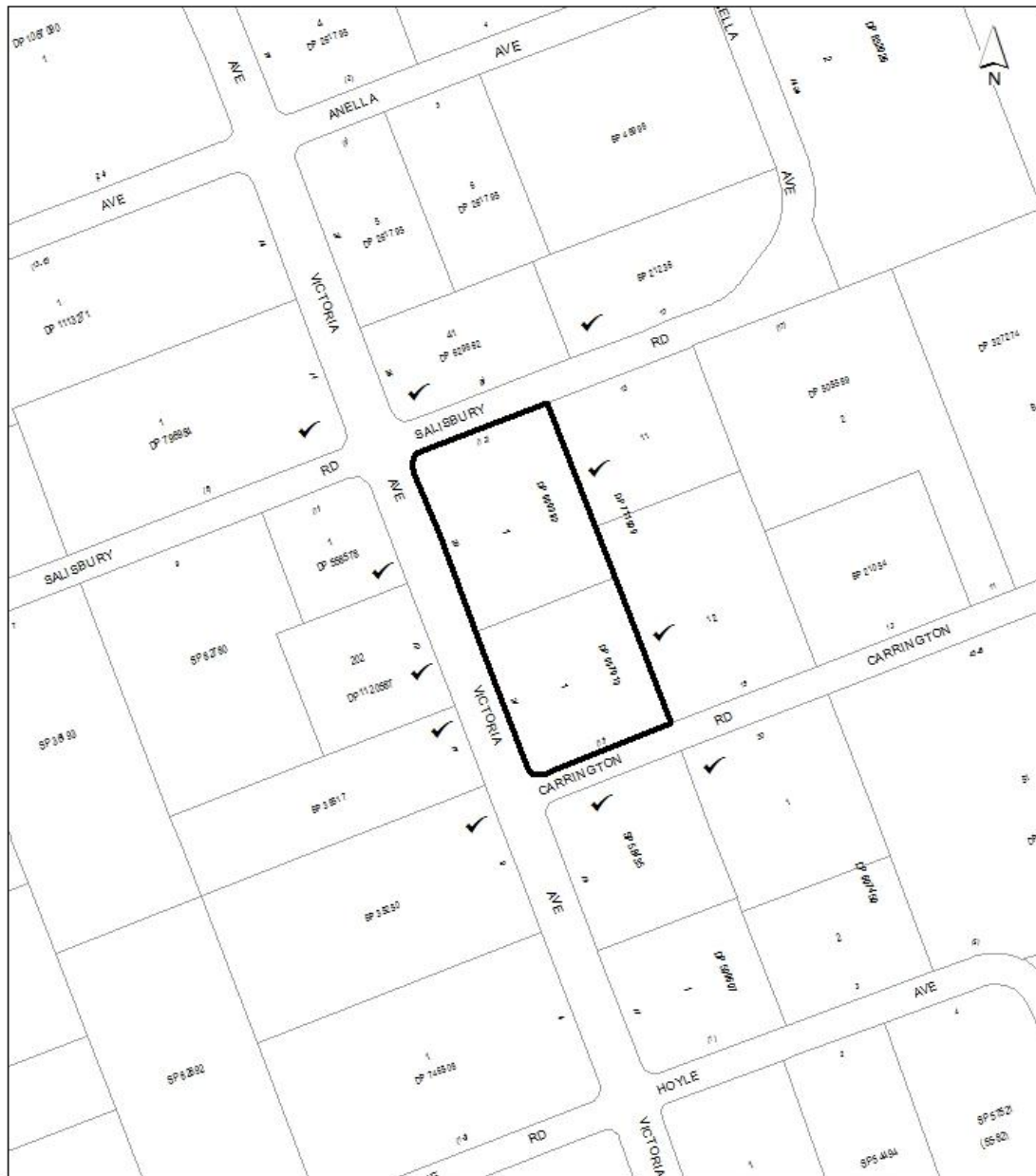
84. Waste and Recycling Management

Adequate waste containers are to be provided within the car park and within each premises for the temporary storage of waste and separated recycling for customers and staff. The containers are to be adequately serviced to ensure that the bins do not overflow with rubbish. The contents of each container must be transported to the principal waste storage area and deposited in the correct bin or compactor. The principal waste storage area is to be kept clean, tidy and free from offensive odours at all times.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Site Plan
4. Lower Ground Floor Plan
5. Upper Ground Floor Plan
6. Upper Ground Floor Plan (Garden Centre)
7. Elevations
8. Sections
9. Streetscape Perspectives

ATTACHMENT 1 – LOCALITY PLAN



SUBJECT SITE



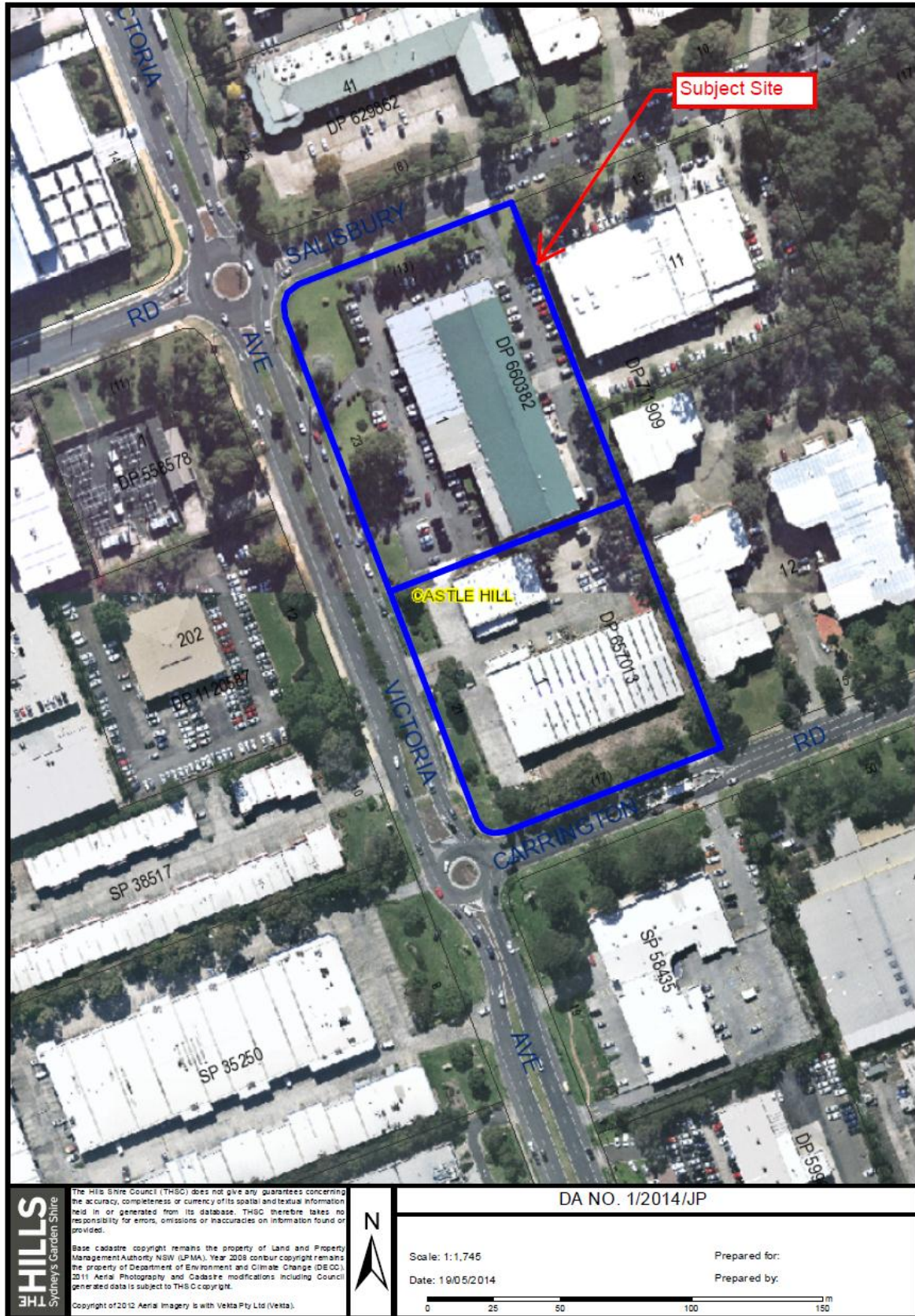
PROPERTIES NOTIFIED

THE HILLS
Sydney's Garden Shire

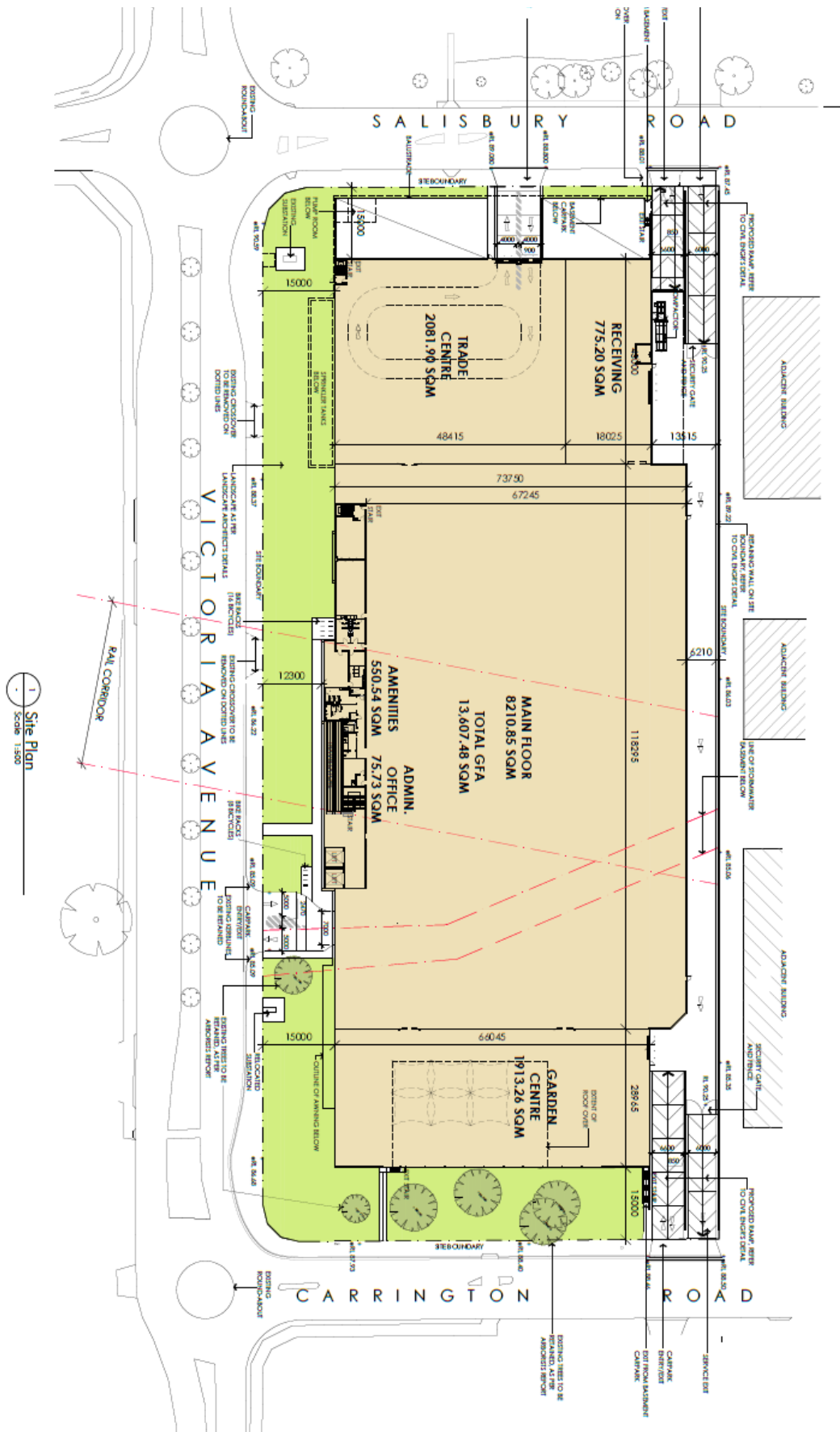
THE HILLS SHIRE COUNCIL

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
BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LP1). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

ATTACHMENT 2 – AERIAL PHOTOGRAPH



ATTACHMENT 3 – SITE PLAN

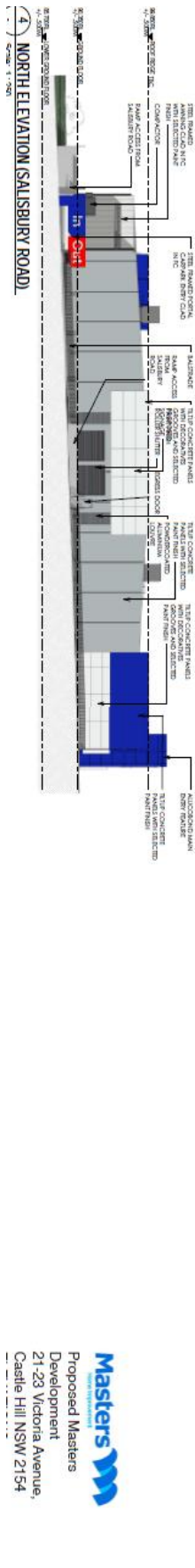
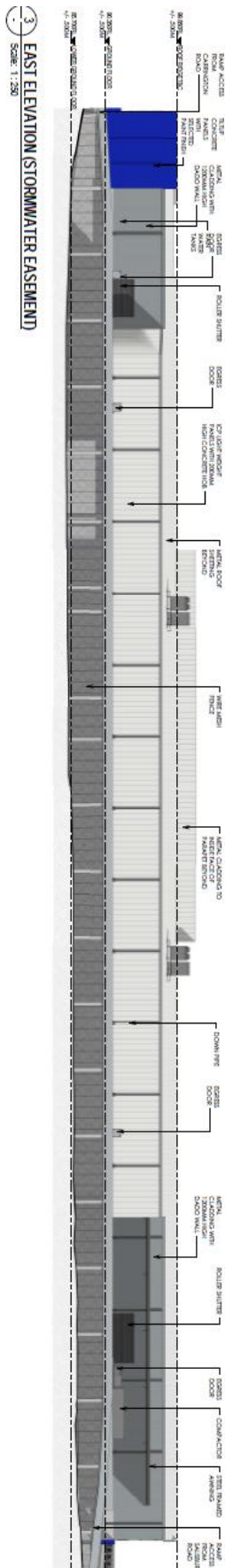
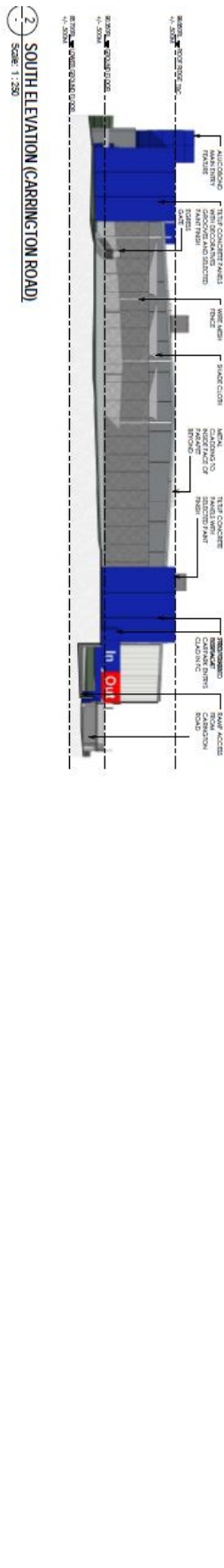
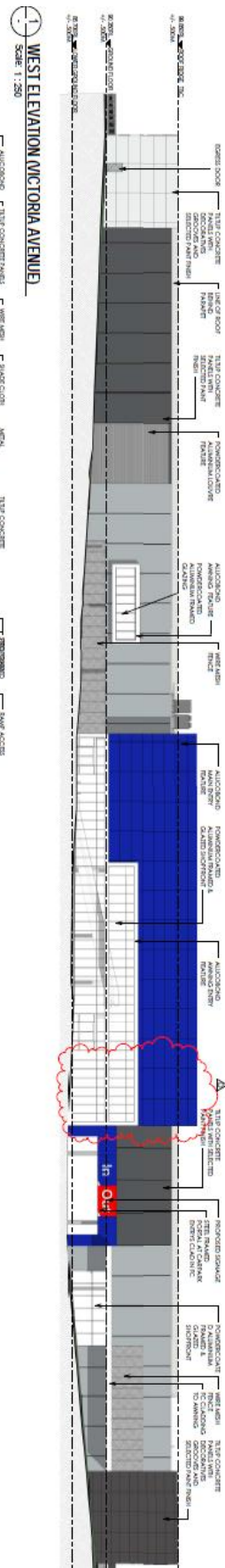


Architectural drawing of the Lower Ground Floor Plan for the proposed Masters Development at 21-23 Victoria Avenue. The plan shows a large parking area with numerous stalls, a central building with various rooms including a 'STREET TANK', 'STREET ENTRY', and 'STREET EXIT', and a 'SERVICE ENTRY'. The drawing includes dimensions, room numbers, and a north arrow. A red dashed line indicates a boundary or path. The plan is labeled 'FOR CONTINUATION REFER TO DRAWING DA03-TENANCY PLAN'.

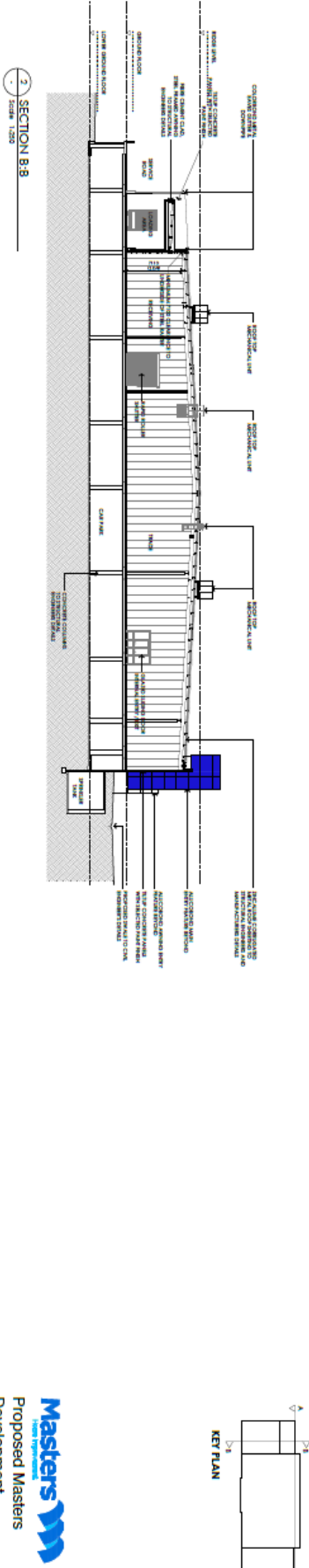
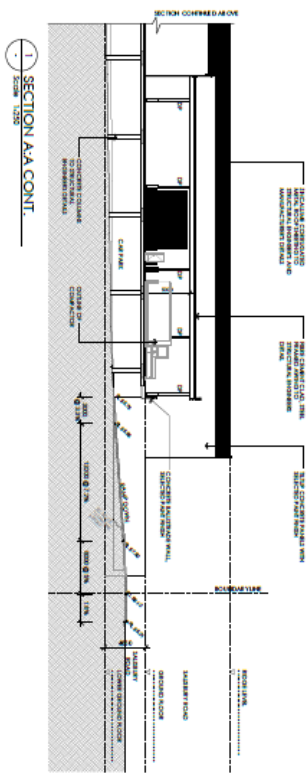
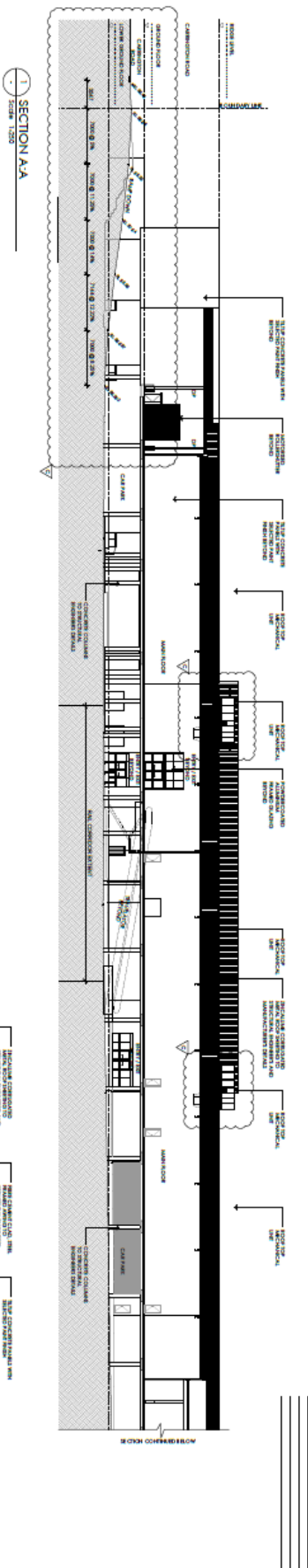
Architectural drawing of the Proposed Masters Development 21-23 Victoria Avenue, showing the Upper Ground Floor Plan. The plan includes a large parking area, a main entrance, a reception area, a loading area, and various office spaces. The drawing is oriented with Salisbury Road to the left and Victoria Avenue to the right. A north arrow is located in the bottom right corner. The drawing is labeled 'UPPER GROUND FLOOR PLAN' and 'SCALE 1:500'.

[illegible]

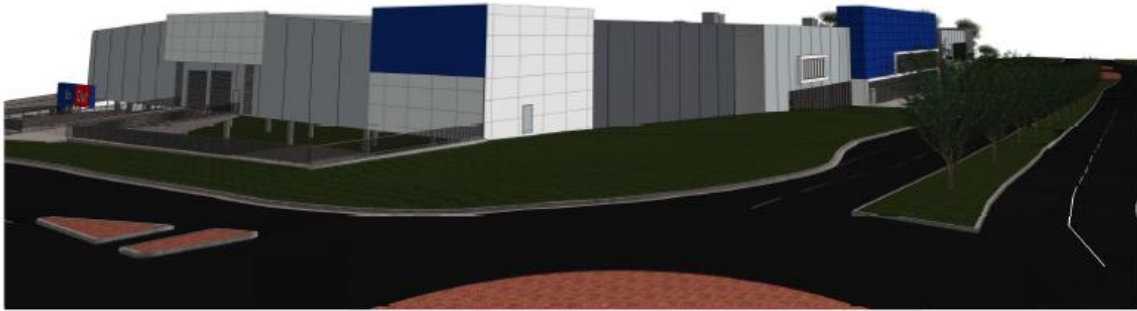
ATTACHMENT 7 – ELEVATIONS



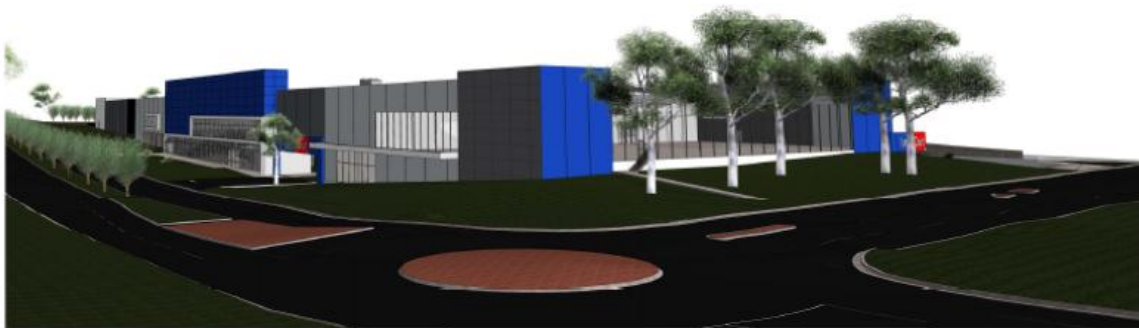
ATTACHMENT 8 – SECTIONS



ATTACHMENT 9 – STREETSCAPE PERSPECTIVES



① SALISBURY ROAD PERSPECTIVE
Scale: NTS



② CARRINGTON ROAD PERSPECTIVE
Scale: NTS