

## JOINT REGIONAL PLANNING PANEL

### Sydney West Region

JRPP No	2015SYW156
DA Number	1021/2015/JP
Local Government Area	<b>THE HILLS SHIRE COUNCIL</b>
Proposed Development	<b>ALTERATIONS AND ADDITIONS TO NORTH ROCKS SHOPPING CENTRE TO INCLUDE ADDITIONAL SUPERMARKET FLOORSACE AND ADDITIONAL CARPARKING</b>
Street Address	<b>LOTS 1-2 DP 622156 - NORTH ROCKS SHOPS, 316-340A NORTH ROCKS ROAD &amp; 11 NEW NORTH ROCKS ROAD, NORTH ROCKS</b>
Applicant	<b>CHALLENGER LIFE NOMINEES P/L</b>
Owner	<b>CHALLENGER LIFE NOMINEES P/L &amp; THE HILLS SHIRE COUNCIL</b>
Number of Submissions	FIVE
Regional Development Criteria (Schedule 4A of the Act)	Council related development with a CIV of over \$5 Million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>List all of the relevant environmental planning instruments: s79C(1)(a)(i): <ul style="list-style-type: none"> <li>The Hills Local Environmental Plan 2012</li> <li>State Environmental Planning Policy (State and Regional Development) 2011.</li> </ul> </li> <li>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"> <li>Nil</li> </ul> </li> <li>List any relevant development control plan: s79C(1)(a)(iii) <ul style="list-style-type: none"> <li>DCP 2012 Part B, Section 6 – Business</li> <li>DCP 2012 Part C, Section 1 – Parking</li> <li>DCP 2012 Part C, Section 3 – Landscaping</li> </ul> </li> <li>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"> <li>Nil</li> </ul> </li> <li>List any coastal zone management plan: s79C(1)(a)(v) <ul style="list-style-type: none"> <li>Nil</li> </ul> </li> <li>List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 <ul style="list-style-type: none"> <li>Environmental Planning and Assessment Act Regulation 2000.</li> </ul> </li> </ul>

List all documents submitted with this report for the panel's consideration	Five submissions
Recommendation	Approval
Report by	Senior Town Planner Shannon Butler

## EXECUTIVE SUMMARY

The proposal is for alterations and additions to the existing North Rocks Shopping Centre (formerly known as Westfield). The proposal seeks to extend the shopping centre to the rear south-west corner of the site and across the property known as No. 11 New North Rocks Road (Lot 2 DP 622156). The proposed net increase in gross leasable floor space is 2468.5m<sup>2</sup>. This equates to an increase of 11% of retail floorspace to the existing centre of 22,390m<sup>2</sup>, which results in an overall floor space ratio (FSR) of 0.56:1. The maximum allowable FSR for the site is 1:1. The maximum proposed building height is 12 metres to the plant enclosure to the northern portion of the works and 10.5 metres at the rear of the building. The primary change in the composition of the leasable retail floorspace is the relocation of the existing Coles supermarket into a larger supermarket tenancy (replacing the previous Franklins supermarket).

The Coles supermarket is proposed to operate 24 hours, seven days per week. The Coles loading dock is proposed to operate from 7am to 10pm, seven days per week. The proposal includes an extension to the existing basement car parking area and rooftop car park, which will result in the provision of an additional 109 car parking spaces. Access to the parking areas will be maintained via the existing driveways onto North Rocks Road and New North Rocks Road.

The proposal seeks a variation to the requirements of Development Control Plan (DCP) 2012 Part D Section 1- Parking. Based on the additional GLFA of 2468.5m<sup>2</sup> an additional 134 car parking spaces are required. The proposal includes 109 additional car parking spaces. The proposed variation is considered satisfactory as the proposal achieves compliance with the RMS 'Guide to Traffic Generating Development' and based on traffic survey data collected from the site which demonstrates that sufficient parking will be provided to meet demand.

In addition, the proposal seeks a variation to the setback requirement of DCP 2012 Part B Section 6- Business. A minimum setback of six metres is required. The rear façade achieves compliance, however, there are fire stairs proposed on the rear elevation that encroach 1.5 metres into the required setback area, reducing the setback to 4.5 metres. The variation is considered satisfactory as the stairs will only be used in the event of an emergency and given the extensive landscaping proposed along the rear boundary.

The application was notified for 14 days on two occasions. Five submissions were received during the initial notification period. Following the receipt of additional information, the application was re-notified for 14 days and two further submissions were received. The issues raised in the submissions include hours of operation, privacy impact, fencing, road weight limits, increased traffic, overshadowing, suitability of landscaping, pedestrian access and acoustic impacts associated with the loading dock. The issues are addressed in the body of the report and have generally been addressed by the applicant through the submission of additional information.

As Council is currently the owner of No. 11 New North Rocks Road, an independent town planning review has been undertaken by Chris Young Planning. The peer review indicated that the conclusions in this report are reasonably made.

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

In the absence of the JRPP process, the application would have been determined by Council's Development Assessment Unit.

## BACKGROUND

## MANDATORY REQUIREMENTS

Owner:	Challenger Life Nominees P/L (No. 316-340A North Rocks Road) and The Hills Shire Council (No. 11 New North Rocks Road).	1.	<u>LEP 2012</u> – Satisfactory.
Zoning:	B2 Local Centre	2.	<u>DCP 2012 Part B Section 6- Business</u> – Variation proposed, see report.
Area:	4.44Ha and 1616m <sup>2</sup> (No. 11 New North Rocks Road).	3.	<u>DCP 2012 Part C Section 1- Parking</u> – Variation proposed, see report.
Existing Development:	Shopping centre and child care centre.	4.	<u>Section 79C (EP&amp;A Act)</u> – Satisfactory.
		5.	<u>Section 94 Contribution</u> – N/A

## SUBMISSIONS

## REASON FOR REFERRAL TO JRPP

1. Exhibition:	Not required.	1.	Council related development with a Capital Investment Value of over \$5 Million.
2. Notice Adj Owners:	Yes, on two occasions.		
3. Number Advised:	47		
4. Submissions Received:	Five		

## HISTORY

### 28/03/2006

Development Consent granted via an Ordinary Meeting of Council for alterations and additions on the eastern end of the centre (DA 2486/2005/HA). This application permitted a 214 car parking space shortfall based on the rate required by DCP 2012 Part C Section 1- Parking.

### 20/02/2015

Subject Development Application lodged with Council.

### 10/02/2015

Council resolved that the planning proposal to amend LEP 2012 to reclassify No. 11 New North Rocks Road from community to operational be progressed to finalisation (3/2014/PLP).

### 27/02/2015

Local Environmental Plan 2012 amended to reclassify No. 11

New North Rocks Road from 'community' land to 'operational' land.

- 13/03/2015** Letter sent to the applicant in relation to compliance with Development Control Plan (DCP) Part B Section 6- Business, Part C Section 1- Parking, engineering issues, tree management and environmental health issues and outlining the issues raised in submissions.
- 19/05/2015** Amended plans and additional information submitted in response to Council's letter.
- 22/06/2015** Email sent to the applicant in relation to hours of operation of loading dock and acoustic issues.
- 24/06/2015** Response received from the applicant agreeing to reduced hours of operation for the loading dock and extension of the loading dock wall.
- 10/07/2015** Telephone discussion held with the applicant. The applicant was advised that the acoustic screening along the rear boundary was inadequate and that improved screening was required. The applicant advised that they would consider the issue and provide additional advice.
- 31/07/2015** Follow up correspondence sent to the applicant in relation to acoustic screening.
- 03/08/2015** The applicant advised that the additional information relating to acoustic screening was no longer required as additional acoustic treatment measures were proposed including amendments to the loading dock and hours of operation and extension of the loading dock wall.
- 19/08/2015** Further comments and conditions provided by Council's Environmental Health Team.

## **SUBJECT SITE**

The subject site is an irregular shape and is 4.44Ha in size. It is bounded by North Rocks Road to the north, east and west, New North Rocks Road to the south-east and 11 residential properties to the south-west. The proposal includes works over the property known as No. 11 New North Rocks Road. This property is currently owned by Council and contains a child care centre operated by a private entity. The shopping centre operator is currently in the process of acquiring this property from Council for amalgamation into the overall shopping centre site and Council's Owner's consent has been obtained for the works on No. 11 New North Rocks Road.

## **PROPOSAL**

The proposal is for alterations and additions to the existing North Rocks Shopping Centre (formerly known as Westfield) in the south-western corner of the site. The proposal seeks to extend the shopping centre to the rear across the property known as No. 11 New North Rocks Road (Lot 2 DP 622156). The proposed net increase in gross leasable floor space is 2468.5m<sup>2</sup>. This equates to an increase of 11% of retail floorspace to the existing centre of 22,390m<sup>2</sup>. The primary change in the composition of the leasable

retail floorspace is the relocation of the existing Coles supermarket into a larger supermarket tenancy (replacing the previous Franklins supermarket).

The Coles supermarket is proposed to operate 24 hours, seven days per week. The Coles loading dock is proposed to operate from 7am to 10pm, seven days per week. The proposal includes an extension to the existing basement car parking area and rooftop car park, which will result in the provision of an additional 109 car parking spaces. Access to the parking areas will be maintained via the existing driveways onto North Rocks Road and New North Rocks Road.

## ISSUES FOR CONSIDERATION

### 1. Compliance with Local Environmental Plan 2012

The subject site is zoned B2 Local Centre under the provisions of Local Environmental Plan (LEP) 2012. Development for the purpose of shops is permissible within the B2 Local Centre zone. The proposal constitutes ancillary works to the existing shopping centre and is considered satisfactory with regard to LEP 2012 in terms of permissibility.

The subject site is limited to a floor space ratio (FSR) of 1:1 under the provisions of LEP 2012. The proposal will result in an FSR of 0.56:1, thereby achieving compliance.

The maximum building height permitted for the site is 12 metres under the provisions of LEP 2012. The maximum proposed building height is 12 metres to the plant enclosure to the north of the works and 10.5 metres at the rear portion of the building.

### 2. Compliance with Development Control Plan 2012 Part C Section 1- Parking

The application has been assessed against the requirements of Development Control Plan (DCP) 2012 Part C Section 1- Parking and the following variation has been identified:

DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Car parking provision.	Car parking is required to be provided at the rate of one parking space per 18.5m <sup>2</sup> of gross leasable floor area (GLFA).	<b>Existing:</b> The existing GLFA for the centre is 23,070m <sup>2</sup> , resulting in 1247 car parking spaces being required. The centre currently has 1033 car parking spaces, resulting in an existing deficit of 214 car parking spaces.  <b>Proposed:</b> The additional proposed GLFA is 2468.5m <sup>2</sup> , resulting in an additional 134 car parking spaces being required.	No, however, the proposed extent of car parking is considered satisfactory. The applicant has submitted a parking study which indicates that the proposed extent of car parking will be adequate to cater for the parking demand generated by the centre in peak periods.

DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
		<p>The proposal seeks to provide 109 additional car parking spaces, resulting in a deficit of 25 parking spaces.</p> <p>As a result of the proposal, the existing car parking deficit will be increased to 239 car parking spaces.</p>	

### a) Car Parking Provision

Table 1 within Development Control Plan (DCP) 2012 Part C Section 1- Parking sets the following required car parking rate for shopping centres:

- 1 space per 18.5m<sup>2</sup> of gross leasable floor area (GLFA).

The existing GLFA for the centre is 23,070m<sup>2</sup>, resulting in 1247 car parking spaces being required. The centre currently has 1033 car parking spaces, resulting in an existing deficit of 214 car parking spaces.

The additional proposed GLFA is 2468.5m<sup>2</sup>, resulting in an additional 134 car parking spaces being required.

The proposal seeks to provide 109 additional car parking spaces (hence a cumulative total of 1142 parking spaces for the centre), resulting in a deficit of 25 parking spaces.

As a result of the proposal, the existing car parking deficit will be increased to 239 car parking spaces.

The DCP car parking rates are based on the following objective:

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

The applicant has submitted a parking study which addresses the proposed car parking deficit as follows:

*The Hills Development Control Plan 2012 sets out Council's parking requirement for retail uses as one space per 18.5m<sup>2</sup> GLA, i.e. 5.4 spaces per 100m<sup>2</sup> GLA of retail area. This parking rate is similar to rates suggested by RMS for smaller shopping centres. The RMS 'Guide to Traffic Generating Developments' also indicates that as centres increase in size, the parking demand rate for the centre reduces. For centres 20,000m<sup>2</sup> to 30,000m<sup>2</sup> GLA, the RMS Guidelines require a rate of 4.3 spaces per 100m<sup>2</sup>. However, the RMS Guidelines state that wherever possible, the parking provision for a development should be based on surveys of that development or a similar development, rather than generic rates.*

*To determine existing parking demands for the centre, surveys of the parking demand were undertaken on Thursday 23 April 2015, Friday 1 May 2015 and Saturday 9 May 2015.*

*The surveys found that the peak parking demand occurred at 10.00am on the Friday, with 805 cars parked within the centre. The peak parking demand on the Saturday occurred at 12.00pm with a total of 795 cars parked within the centre. The corresponding parking rates represent a demand of 3.6 spaces per 100m<sup>2</sup> of retail area on the Friday and 3.5 spaces per 100m<sup>2</sup> of retail area on the Saturday.*

*Application of the surveyed peak parking rate of 3.6 spaces per 100m<sup>2</sup> to the increase in retail area of 2,468m<sup>2</sup> GLA, results in an increase in parking demand of 89 parking spaces. By comparison, the RMS rate of 4.3 spaces per 100m<sup>2</sup> results in a requirement for 106 additional parking spaces.*

*The proposed modifications to the centre provide an additional 109 spaces, satisfying the RMS requirement and the surveyed parking rate for the centre.*

### **Comment:**

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

- The proposal achieves compliance with the required car parking rates specified by the RMS 'Guide to Traffic Generating Development' as detailed above.
- The parking data submitted indicates that there is a significant vacancy rate of car parking spaces during peak periods in the existing shopping centre. The additional 109 car parking spaces are considered satisfactory to cater for the increased demand generated by the additions to the centre.
- The centre currently operates with a deficit of 214 car parking spaces based on the requirements of DCP 2012 Part C Section 1- Parking. There is no record of complaints received or reported issues associated with a lack of car parking for the centre.

Accordingly, the proposed car parking variation is considered satisfactory.

### **3. Compliance with Development Control Plan 2012 Part B Section 6- Business**

The application has been assessed against the requirements of DCP 2012 Part B Section 6- Business and the following variation has been identified:

<b>DEVELOPMENT STANDARD</b>	<b>DCP REQUIREMENTS</b>	<b>PROPOSED DEVELOPMENT</b>	<b>COMPLIANCE</b>
Setbacks	(d) Where any proposed development is opposite or adjacent to Residential, Special Purpose or Recreation zones, the building shall be setback a minimum of 6 metres, or as specified on the	The rear façade achieves compliance, however, there are fire stairs which encroach 1.5 metres into the required setback area, thereby reducing the setback to 4.5 metres in this area.	No, however, the proposal is considered satisfactory. The fire stairs will only be used in the event of a fire and will not impact on privacy.



DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	precinct plan maps contained in Appendix 1 to this Section.		

### **i) Rear Setback**

Part 2.5 of DCP 2012 Part B Section 6- Business requires the following in relation to setbacks:

*(d) Where any proposed development is opposite or adjacent to Residential, Special Purpose or Recreation zones, the building shall be setback a minimum of 6 metres, or as specified on the precinct plan maps contained in Appendix 1 to this Section.*

The rear façade achieves compliance, however, there are fire stairs which encroach 1.5 metres into the required setback area, resulting in a 4.5 metre setback.

Part 2.5 of DCP 2012 Part B Section 6- Business is based on the following objectives:

- (i) To provide an attractive streetscape and substantial areas for landscaping and screen planting.*
- (ii) To ensure adequate sight distance is available for vehicles entering and leaving the site.*
- (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.*
- (vi) To ensure endangered ecological communities are protected.*

The applicant has provided the following justification for the proposed rear setback:

*In regard to the required setback of 6 metres from the adjacent residential zone and the proposed fire stairs within 4.5 metres of the boundary it is considered that this is an appropriate design solution. It is considered that the objectives of the setback control within the DCP is to provide adequate screening and softening of the built form as well protecting the privacy and amenity of the adjoining land use.*

*It is noted that the proposed building (including the fire stairs) is further set back from the common boundary than the existing child care centre building. There is no active frontage of the shopping centre development along the entire southern boundary being extensively landscaped with only access path for maintenance and emergency fire stair egress if necessary.*

*As illustrated in the Landscape Plan, in accordance with DCP requirements, the interface area between the commercial development and the common boundary with adjoining residential land is proposed to be extensively landscaped for around 110 metres in a manner that retains and complements existing mature trees in the locality. The fire stairs only protrude from the wall to a first floor height for a distance of around 10 metres and are still set back further than the existing child care centre building. The fire stairs are also located within an area that is well screened from adjoining residential*



*properties by existing mature vegetation. There will no significant impact on the privacy or amenity of adjoining residents arising from the minor area of variance to the numerical DCP control.*

**Comment:**

The proposed rear setback is considered satisfactory for the following reasons:

- The fire stairs are a minor element of the façade and will only be used in the event of a fire or other emergency. Therefore, the stairs will not result in any impact on privacy.
- It is noted that the existing child care centre has a setback of approximately five metres from the southern boundary and has the potential to generate more significant acoustic impacts than the proposed additions to the shopping centre, given the proposed blank wall facing the southern boundary.
- There is extensive landscaping proposed along the southern boundary of the site, comprising a mixture of trees and shrubs. In addition, green wall landscaping is proposed along the southern boundary, comprising of an evergreen vine (*Ficus Pumila*).

Accordingly, the proposed rear setback is considered satisfactory.

**4. Issues Raised in Submissions**

The application was notified for 14 days in accordance with Council's policy and 5 submissions were received. Following the receipt of additional information, the application was re-notified for 14 days and two further submissions were received. The issues raised in the submissions are addressed as follows:

ISSUE/OBJECTION	COMMENT	OUTCOME
Concern is raised in relation to the proposed 24 hour operation and the hours of the proposed loading dock. The proposed hours of the loading dock exceed the hours of the existing loading docks on the site.	24 hour operation of the supermarket is proposed. The supermarket is wholly contained within the building and will result in minimal acoustic impacts on the adjoining properties. The applicant has amended the hours of the loading dock to between 7am to 10pm daily.	Issue addressed. See Condition Nos. 58 and 59.
The height of the parapet wall on the existing rooftop carpark area is 1.55m. The proposed parapet wall should be at least 1.8m in height to provide privacy to Pembury Avenue residents. There should be bollards installed on the edge of the rooftop carpark area to prevent vehicles crashing through the parapet wall.	The purpose of the parapet wall is to provide acoustic attenuation to the properties to the rear. Given the distance of the rooftop carparking area from the adjoining properties, the proposed landscaping and the proposed parapet wall, it is considered that there will be a minimal privacy impact. With regard to carpark safety, the carparking spaces will be fitted with wheel stops.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>Details are requested in relation to the proposed boundary fencing between the works and the Pembury Avenue properties.</p>	<p>A condition of consent is recommended requiring the following in relation to the boundary fencing (at the applicant's expense):</p> <p>The fence on the southern side of the carpark is to be upgraded by maintaining the existing lapped and capped timber fence and acoustically upgrading the fence by covering it on the shopping centre side with 9.8 mm thick compressed sheet.</p> <p>It is noted that this was recommended in the acoustic report that was submitted.</p>	<p>Issue addressed. See Condition No. 15.</p>
<p>New North Rocks Road has a weight limit of 3 tonnes. It is unclear how the delivery trucks will access the proposed loading dock given this weight limit.</p>	<p>The centre currently has loading facilities off New North Rocks Road for the existing supermarket. In association with the proposed alterations and additions to the centre, these loading facilities will be modified with access retained off New North Rocks Road. As a result, service vehicles accessing the loading facilities off New North Rocks Road would be exempt from the load restriction.</p>	<p>Issue addressed.</p>
<p>The increase of traffic on New North Rocks Road has not been considered in the traffic report. Further, the additional traffic using the New North Rocks Road access to the site needs to be factored in. This intersection is dangerous and the owner should seek to provide a solution given the increased traffic that will be using this access point.</p>	<p>The traffic report submitted with the application assessed the traffic implications of the proposal on the surrounding road network and the access driveways onto New North Rocks Road and North Rocks Road. The traffic report concludes that the New North Rocks Road driveway will continue to operate with average delays of between 15 and 25 seconds.</p>	<p>Issue addressed.</p>
<p>The data in the traffic report was not collected at peak times.</p>	<p>The traffic counts were undertaken during Thursday afternoon and Saturday midday peak periods. The Thursday afternoon period is a busy time for the shopping centre coinciding with the on-road peak period. The Saturday</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	period is the overall peak period for the shopping centre.	
<p>The proposed height of the building will result in overshadowing of properties on Pembury Avenue. The setback should be increased to reduce overshadowing.</p>	<p>The site is zoned B2 Local Centre and has a maximum LEP height control of 12 metres. DCP 2012 Part B Section 6-Business provides a maximum height control of three storeys for buildings within the B2 Local Centre zone. The highest point of the proposed extension is 12 metres towards the centre of the site and 10.5 metres at the rear of the site.</p> <p>It is noted that the existing mature trees at the rear of residential properties in Pembury Avenue as well as the existing child care centre building and mature trees within 11 New North Rocks Road create existing overshadowing of the rear of the residential properties.</p> <p>The proposed building on the commercially zoned land has been kept lower than the statutory height control permits (in this vicinity) and designed in a similar built form to existing development (with a setback generally in accordance with Council controls) to provide an appropriate landscape interface with residential properties fronting Pembury Avenue.</p>	<p>Issue addressed. See Attachment No. 10.</p>
<p>The current landscaping to the rear of the site is overly high and overshadows properties to the rear. The landscaping should be a similar height to the building.</p>	<p>The proposed landscape treatment includes the retention of existing mature trees, a mix of medium sized trees and large shrubs to provide appropriate under-canopy areas within the setback area. The proposed tree plantings will have mature heights of between five to 10 metres, which is comparable with the height of existing trees. In addition, a green trellis structure will be provided along the façade to provide a landscaped edge to the development.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>The current landscaping to the rear of the site has not been maintained. It is likely that the proposed landscaping will also not be sufficiently maintained.</p>	<p>It is noted that the maintenance of the existing landscaping could be improved. The proposal includes the establishment of a landscaped interface over a distance of around 110 metres (including enhancement of existing setback area). The ongoing appropriate landscape maintenance of the vegetated setback area will be provided by the ongoing property management of the site. A condition of consent is recommended that a maintenance schedule for the landscaping be submitted to Council prior to the issue of a Construction Certificate.</p>	<p>Issue addressed. See Condition No. 19.</p>
<p>There is no safe pedestrian access to the site from New North Rocks Road.</p>	<p>There is an existing pedestrian path that extends from New North Rocks Road frontage (southern boundary) into the site and along the alignment of the property boundary into the development. This pedestrian path is removed from main vehicle crossing points within the site and is considered appropriate.</p>	<p>Issue addressed.</p>
<p>Refrigeration motors on trucks exceed acceptable residential noise levels. This is of concern given the proposed location of the loading dock.</p>	<p>A condition of consent is recommended requiring the following in relation to the loading dock:</p> <ul style="list-style-type: none"> <li>- A 3m high acoustic block wall that is an extension of the loading dock wall is to be extended by 6m as per drawing no. DA 03 revision G – loading dock, (B1) basement carpark.</li> <li>- The underside of the slab (the ceiling of the loading dock) is to be lined with acoustic absorption or have an acoustic spray finish material.</li> </ul> <p>These measures along with the reduced loading dock operating hours (from 7:00am to 10:00pm daily) are considered satisfactory to limit the acoustic</p>	<p>Issue addressed. See Condition No. 15.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	impact of the loading dock.	
<p>Concern is raised in relation to light spill into adjacent residential properties from signage and car park lights. Information has not been submitted as to when the lighting and signage will be turned off.</p>	<p>The proposed additions will block light spill from the majority of vehicle traffic to within the basement parking area of the building. Light spill on the upper parking deck occurs at higher levels than any adjoining residential property and will be screened by appropriate parapet treatment.</p> <p>A condition of consent is recommended in relation to the standards to be complied with in relation to building/site lighting.</p> <p>There is no signage proposed on the southern elevation of the site and any signage visible from the public domain would be subject to a separate Development Application.</p>	<p>Issue addressed. See Condition No. 62.</p>
<p>The proposed fire stair encroaches into the required six metre setback area to the rear of the building.</p>	<p>The proposed variation for the fire stair encroachment into the rear setback area is addressed in section 3 of this report and is considered satisfactory.</p>	<p>Issue addressed.</p>
<p>There is a current condition that no garbage removal trucks are to enter the site for garbage removal on Sundays and public holidays.</p>	<p>A condition of consent has been recommended restricting waste trucks using the site to between the hours of 7:00am to 8:00pm, 7 days per week.</p>	<p>Issue addressed. See Condition No. 59.</p>
<p>There was previously a stop sign on the New North Rocks Road exit, however, this was removed and was never re-installed.</p>	<p>A condition of consent is recommended requiring that a stop sign be reinstated at this exit point.</p>	<p>Issue addressed. See Condition No. 18.</p>
<p>Concern is raised in relation to the safety impact of having the parking for the Kmart Tyre and Auto business located opposite the tenancy given the increase truck and vehicle traffic using the access road to the rear.</p>	<p>It is noted that there is an existing marked pedestrian crossing for the use of Kmart Tyre and Auto staff and customers. There are also speed humps located either side of the pedestrian crossing. These existing measures are considered to be adequate to ensure the safety of people in this area.</p>	<p>Issue addressed.</p>

## **5. Overshadowing Impacts**

The applicant has submitted pre and post development shadow diagrams showing the impact on the properties to the rear of the site fronting Pembury Avenue at the winter solstice (see Attachment No. 10). The diagrams indicate that from 9:00am to 12 noon the solar access impact pre and post development is comparable. However, there will be some additional impact during afternoon hours.

It is noted that the existing trees located within the site adjacent to the rear boundary are proposed to be removed and that the trees located within the properties to the rear will be retained (an arborist report has been submitted detailing tree protection measures to be adopted for these trees). The removal of the trees within the development site will result in a beneficial influence on overshadowing and will assist in counteracting the additional shadowing imposed by the proposed works (refer Condition No. 7).

It is considered that the additional overshadowing imposed by the proposal is not unreasonable and that the private open space areas of the properties fronting Pembury Avenue is satisfactory.

### **ENGINEERING COMMENTS**

The application has been assessed by Council's Development Engineer and no objection is raised subject to conditions.

### **TRAFFIC COMMENTS**

The additional 2,468m<sup>2</sup> of floorspace is expected to generate an additional 120-130 peak hour trips. This number of additional trips is not expected to adversely impact on the operational efficiency of the surrounding road network.

### **TREE MANAGEMENT COMMENTS**

The application and accompanying arborist report which details the tree protection measures to be adopted for the trees to be retained located within the properties to the rear has been assessed by Council's Tree Management Officer and is considered satisfactory subject to conditions.

### **ENVIRONMENTAL HEALTH COMMENTS**

The application has been assessed by Council's Environmental Health Officer and is considered satisfactory subject to conditions. A condition of consent (refer Condition No. 15) is recommended requiring that the recommendations of the acoustic report be implemented as follows:

- The fence on the southern side of the carpark is to be upgraded by maintaining the existing lapped and capped timber fence and acoustically upgrading the fence by covering it on the shopping centre side with 9.8 mm thick compressed sheet.
- A 3m high acoustic block wall that is an extension of the loading dock wall is to be extended by 6m as per drawing no. DA 03 revision G – loading dock, (B1) basement carpark.
- A 1.55m high fence/ parapet is to be erected on the southern side of the roof top car park.
- The underside of the slab (the ceiling of the loading dock) is to be lined with acoustic absorption or have an acoustic spray finish material.
- The air compressor is to be fitted within an appropriate enclosure.

## RESOURCE RECOVERY COMMENTS

The application has been assessed by Council's Resource Recovery Projects Officer and is considered satisfactory subject to conditions.

## ROADS & MARITIME SERVICES COMMENTS

The application was referred to the NSW Roads and Maritime Service and no objection was raised subject to the proposed car parking areas associated with the development being designed in accordance with the relevant Australian Standards. It is noted that North Rocks Road is not designated as a classified road.

## CONCLUSION

The application has been assessed against the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Local Environmental Plan 2012 and Development Control Plan (DCP) 2012 Part B Section 6- Business and Part C Section 1- Parking and is considered satisfactory.

The application was notified for 14 days, on two occasions, in accordance with Council's policy and five submissions were received in response to the initial notification period and two submissions were received during the second notification period. The issues raised in the submissions have been addressed in the report and do not warrant refusal of the application.

Accordingly, the proposal is considered satisfactory and is recommended for approval subject to conditions.

## IMPACTS

### Financial

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

### The Hills Future Community Strategic Plan

The proposed development is consistent with the planning principles, vision and objectives outlined within "Hills 2026 – Looking Towards the Future" as the proposed development provides for satisfactory urban growth without adverse environmental or social amenity impacts and ensures a consistent built form is provided with respect to the streetscape and general locality.

## RECOMMENDATION

The Development Application be approved subject to the following conditions of consent.

## GENERAL MATTERS

### 1. Development in Accordance with Submitted Plans

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

#### REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA 00	Cover Sheet/Location Plan	E	04/05/2015
DA 02	New Extension Location Plan	D	19/02/2015



DA 03	Loading Dock, Basement Carpark & Demolition Plan	G	08/05/2015
DA 04	Level 1 Tenancy, (GF/L1) Demolition Plan	E	19/02/2015
DA 04a	Level 2 – Parking Level, Demolition Floor Plan	B	19/02/2015
DA 05	Loading Dock Level, Basement Carpark Plan	G	08/05/2015
DA 06	Level 1 – Floor Plan Tenancy Upgrade	E	19/02/2015
DA 06a	Level 1 – Floor Plan Tenancy Layout	B	19/02/2015
DA 07	Level 2 – Parking Floor Plan	F	19/02/2015
DA 08	New Works Sections	D	04/05/2015
DA 09	New Works Elevations	F	04/05/2015
La-0501	Landscape Plan	A02	11/12/2014
La-2401	Landscape Section & Details	A01	11/12/2014

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 signs**

A separate application is to be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures that are visible from the public domain.

## **3. Provision of Parking Spaces**

The development is required to be provided with 109 additional off-street car parking spaces and 1142 total car parking spaces for the centre freely available. These car parking spaces shall be available for off street parking at all times.

## **4. 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.

## **5. 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.

## **6. Adherence to Waste Management Plan**

All requirements of the Waste Management Plan submitted to and approved by Council must be implemented during the construction and/ or demolition phases of the development, as well as the ongoing management phase. The information submitted can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

## **7. Tree Removal**

Approval is granted for the removal of tree numbered 1-25, 29c as marked in Arboricultural Impact Assessment Report prepared by Earthscape Horticultural services dated May 2015.

All other trees are to remain and are to be protected during all works in accordance with the measures outlined in the Arboricultural Impact Assessment Report prepared by Earthscape Horticultural services dated May 2015.

Suitable replacement trees are to be planted upon completion of construction.

#### **8. 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/m<sup>2</sup>.

#### **9. Management of Construction and/ or Demolition Waste**

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/ sorting station that will sort the waste on their premises for recycling. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them

#### **10. Surplus Excavated Material**

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the formal approval of Council prior to works commencing onsite. Any unauthorized disposal of waste, which includes excavated material, is a breach of the Protection of the Environment Operations Act 1997 and subject to substantial penalties. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

#### **11. 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.

#### **12. 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.

#### **13. 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. Where the swept turning paths for the articulated and large rigid vehicle show the vehicle movements through the aisle of the car parking area, there are to be no raised kerbs in the areas required for manoeuvrability.
- ii. 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.
- iii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- 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.

#### **14. 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. Site Stormwater Drainage**

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge. Connection into Council infrastructure requires inspection by Council's construction engineer by request and lodging of the appropriate application.

#### **ii. Water Sensitive Urban Design Elements**

Water sensitive urban design elements, consisting of water quality treatment devices, are to be located generally in accordance with the plans and information submitted with the application.

Detailed plans for the water sensitive urban design elements must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

- 90% reduction in the annual average load of gross pollutants
- 85% reduction in the annual average load of total suspended solids
- 65% reduction in the annual average load of total phosphorous

- 45% reduction in the annual average load of total nitrogen

All model parameters and data outputs are to be provided.

These elements must be designed and constructed in accordance with best practice water sensitive urban design techniques and guidelines. Such guidelines include, but are not limited to, the following:

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tools-resources/index.html>
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>

The MUSIC model submitted is approved in concept, however the following are to be incorporated into the final design drawings:

- Detailed designs are to include plans that identify the stormwater pipe network within the proposed development site and where pit filter basket(s) are to be installed.
- Pit filter baskets are to be installed at relevant locations to treat stormwater runoff prior to entering the OSD and Stormfilter Cartridge System (or approved equivalent).

### **15. Acoustic Requirements**

The recommendations of the Acoustic Assessment and Report prepared The Acoustic Group dated 16<sup>th</sup> December 2014 referenced as, 44.4429.R3:MSC and the Acoustic Letter additional information prepared by the Acoustic Group dated 12<sup>th</sup> May 2015 referenced as, 45.4429L12:MSC are to be implemented as part of this approval. In particular:

- The fence on the southern side of the carpark is to be either upgraded by maintaining the existing lapped and capped timber fence and acoustically upgrade the fence by covering it on the shopping centre side with 9.8 mm thick compressed sheet.
- A 3m high acoustic block wall that is an extension of the loading dock wall is to be extended by 6m as per drawing no. DA 03 revision G – loading dock, (B1) basement carpark.
- A 1.55m high fence/ parapet is to be erected on the southern side of the roof top car park.
- The underside of the slab (the ceiling of the loading dock) is to be lined with acoustic absorption or have an acoustic spray finish material.
- The air compressor is to be fitted with an appropriate enclosure.

### **16. External Finishes**

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

### **17. Litter Control**

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

### **18. Stop Sign**

A stop sign is to be installed within the site at the New North Rocks Road exit point.

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

### **19. Maintenance of Landscaping**

Prior to the issue of a Construction Certificate a schedule for the maintenance of the landscaping on the southern fringe of the site shall be submitted to Council for review and endorsement.

### **20. Security Bond Requirements**

A security bond may be submitted in lieu of a cash bond. The security bond must:

- a) Be in favour of The Hills Shire Council;
- b) Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);
- c) Have no expiry date;
- d) Reference the development application, condition and matter to which it relates;
- e) Be equal to the amount required to be paid in accordance with the relevant condition;
- f) Be itemised, if a single security bond is used for multiple items.

Should Council need to uplift the security bond, notice in writing will be forwarded to the applicant 14 days prior.

### **21. Sediment and Erosion Control Plan**

A sediment and erosion control plan prepared in accordance with Council's Works Specification Subdivision/ Developments must be submitted. The plan must include:

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

### **22. Onsite Stormwater Detention – Upper Parramatta River Catchment Area**

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

The stormwater concept plan prepared by Robert Bird Group Drawing C0-6-10 Revision 1 dated 06/05/2015 is for development application purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:

Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer and submitted with:

- A completed OSD Drainage Design Summary Sheet;

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

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

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

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

### **23. Stormwater Pump/ Basement Car Park Requirements**

Where a stormwater pump out system is proposed - the system must provide for the following:

- a) A holding tank sized to store the runoff from a 12 hour, 1 in 100 year design storm event;
- b) An alternating two pump system capable of emptying the holding tank at either the Permissible Site Discharge rate or the rate of inflow for a five hour, 1 in 5 year design storm event, whichever is lower;
- c) An alarm system to alert a pump failure;
- d) 100mm freeboard to all nearby parking spaces;
- e) The system must be connected to the Onsite Stormwater Detention system before being discharged to the street along with the remaining site runoff, under gravity.

All plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming compliance with the above requirements.

### **24. Works in Existing Easement**

All adjoining properties either benefited or burdened by the existing easement must be notified of the proposed works within the easement in writing, including commencement and completion dates, before a Construction Certificate is issued.

### **25. 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.

### **26. 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 \$110,500 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 a road frontage of 100m multiplied by the width of the road (13m).

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.

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

### **27. Principal Certifying Authority**

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

### **28. 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.

### **29. 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.

### **30. 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).

### **31. 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 as per Tree Protection Plan as per Arborist report for project.

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; and
- Damage to tree crown.

### **32. Tree Protection Signage**

Prior to any works commencing on site a Tree Protection Zone sign must be attached to the Tree Protection Fencing stating “Tree Protection Zone No Access” (The lettering size on the sign shall comply with AS1319). Access to this area can only be authorised by the project arborist or site manager.



### **33. Mulching within Tree Protection Zone**

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

### **34. 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.

### **35. Waste Management Details Required**

Prior to the commencement of works, the location of waste disposal and recycling for all construction and/ or demolition waste materials (bricks, concrete, timber and so on) must be submitted to and approved by Council. Alternatively, details of the appointed skip bin hire company can be provided where they are engaged to carry out all the works.

### **36. 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.

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

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

## **DURING CONSTRUCTION**

### **38. 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.

### **39. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority**

Section 109E(3)(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.**

#### **40. 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.

#### **41. Project Arborist**

The Project Arborist must be on site to supervise any works in the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site or any adjacent sites.

Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the Private Certifying Authority within 14 days of completion of the works.

#### **42. Construction Noise**

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline published by the Department of Environment and Climate Change (July 2009)*.

#### **43. Construction and Fit-out of Food Premises**

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). This includes, but is not limited to:

- The intersection of floors with walls and exposed plinths in food preparation, storage and service areas are to be coved.
- All walls are to be solid construction. Solid construction is defined as brick, concrete blocks, structural fibrous cement or preformed panels that are filled with suitable material.
- Pipes and conduits adjacent to walls are to be set a minimum of 25mm off wall face with brackets. Pipes and conduits entering floors, walls or ceilings are to be fitted with a flange and all gaps fully sealed.
- Hand wash basins:
  - Must be provided, not obstructed and accessible at bench height and no further than 5 metres from any place where open food is handled or prepared; and
  - Must be fitted with a tap that operates hands free with a permanent supply of warm running potable water delivered through a single outlet.

Note: Copies of *AS 4674-2004* may be obtained from [www.saiglobal.com](http://www.saiglobal.com) by visiting the website: [www.saiglobal.com](http://www.saiglobal.com) and copies of the Food Safety Standards Code (Australia)

may be obtained from Food Standards Australia New Zealand by visiting the following website [www.foodstandards.gov.au](http://www.foodstandards.gov.au).

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

### **44. Section 73 Certificate**

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

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

### **45. Completion of Subdivision Works**

A Subdivision Certificate cannot be issued prior to the completion of all subdivision works covered by this consent.

### **46. 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 engineering works related to the public infrastructure 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.

### **47. Provision of Electrical Services**

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This must include the under-grounding of the existing electrical services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

### **48. Provision of Telecommunication Services**

Submission of a telecommunications infrastructure provisioning confirmation certificate issued by the relevant telecommunications provider authorised under the Telecommunications Act, or a design compliance certificate and an as-built compliance certificate from the company engaged to design and construct the pit and pipe infrastructure, confirming satisfactory arrangements have been made for the provision, or relocation, of telecommunication services including telecommunications cables and associated infrastructure. This must include the under-grounding of the existing telecommunication services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

### **49. 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.

### **50. 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.

### **51. Pump System Certification**

Where applicable, certification that the stormwater pump system has been constructed in accordance with the approved design and the conditions of this approval must be provided by a suitably qualified hydraulic engineer.

## **52. OSD System Certification**

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

- a) Works as executed plans prepared on a copy of the approved plans;
- b) A certificate of hydraulic compliance (Form B.11) from a suitably qualified engineer or surveyor verifying that the constructed OSD system will function hydraulically;
- c) A certificate of structural adequacy from a suitably qualified structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

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

## **53. 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 – Onsite Stormwater Detention**

The subject site must be burdened with a restriction and a positive covenant using the "onsite stormwater detention systems" terms included in the standard recitals.

### **ii. Restriction/ Positive Covenant – Water Sensitive Urban Design**

The subject site must be burdened with a positive covenant that refers to the WSUD elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

### **iii. Positive Covenant – Stormwater Pump**

The subject site must be burdened with a restriction and a positive using the "basement stormwater pump system" terms included in the standard recitals, as required.

## **54. Water Sensitive Urban Design Certification**

An Occupation Certificate must not be issued prior to the completion of the WSUD elements conditioned earlier in this consent. The following documentation must be submitted in order to obtain an Occupation Certificate:

- a) WAE drawings and any required engineering certifications;
- b) Records of inspections;
- c) An approved operations and maintenance plan; and
- d) A certificate of structural adequacy from a suitably qualified structural engineer verifying that any structural element of the WSUD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

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

## **55. Acoustic Compliance Report**

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in Acoustic report prepared by The Acoustic Group dated 16<sup>th</sup> December 2014 referenced as, 44.4429.R3:MSC and the Acoustic Letter additional information prepared by the Acoustic Group dated 12<sup>th</sup> May 2015 referenced as, 45.4429L12:MSC. Certification is to be provided to Council's Manager –

Health and Environment confirming the installation of components and that the required criterion has been met.

#### **56. Food Premises Final Inspection**

Prior to the issuing of an Occupation Certificate, the food premises shall be inspected by an Authorised Officer of The Hills Shire Council under the Food Act 2003, to determine compliance with the Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design Construction and Fit-out of Food Premises.

#### **57. 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.

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

#### **58. Hours of Operation**

The approved supermarket is permitted to operate 24 hours, 7 days per week. Where hours of operation of the other tenancies created by the works exceed the approved hours of operation for the centre, a Development Application is required to be lodged with Council.

#### **59. Hours of Operation of the Loading Dock**

The hours of operation of the loading dock are as follows;  
Delivery of goods shall be restricted to between 7:00am to 10:00pm, daily, seven days a week.

Access to the loading dock is to be blocked by way of a boom gate, steel gate, chains or bollards. It is to be erected outside of these hours to ensure that vehicles cannot access the dock outside of the approved hours.

The servicing of the premises by waste vehicles/ garbage trucks is restricted to between 7:00am until 8:00pm, seven days per week.

Any alteration to the approved hours of operation or use of the loading dock shall require a separate approval by Council.

#### **60. Waste and Recycling Management**

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area, which includes provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. All waste storage areas must be screened from view from any adjoining residential property or public place. Under no circumstances should waste storage containers be stored in locations that restrict access to any of the car parking spaces provided onsite.

#### **61. Noise to Surrounding Area**

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

#### **62. 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 Control of Obtrusive Effects of Outdoor Lighting*. All lighting on the southern interface of the site shall be directed away from the adjoining residential properties.

#### **63. Shopping Trolley Management**

A Shopping Trolley Management Plan shall be implemented to ensure the effective management of shopping trolley collection. The supermarket retailer shall:-

- Install a geospatial fenced trolley containment area. All new trolleys are to be fitted with a wheel lock that is enabled before leaving the geospatial area (no access to public land). Details are to be submitted and approved by Council's Manager Development Assessment.
- Provide to The Hills Shire Council a list of contacts for the store;
- Ensure that all trolleys are easily identifiable by Council staff;
- Ensure that trolley collection services are sufficiently resourced to enable collection within agreed timeframes and at all times, including after hours;
- Ensure that trolleys reported as posing risk or nuisance are collected immediately on notification;
- Ensure that all trolleys reported are collected within the time frame agreed by Council;
- Inform customers (through clearly visible signage and other means) that trolleys should not be removed from the premises or abandoned, and that penalties apply for the dumping of trolleys outside the retail outlet/complex;
- Provide suitable, well signed trolley bays at exit points; and
- Provide to Council, on request, an up to date map showing usual trolley collection routes and schedules.

#### **64. Offensive Noise - Acoustic Report**

The proposed use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council an acoustic assessment is to be undertaken (by an appropriately qualified consultant), and an acoustic report is to be submitted to Council's Manager – Environment and Health for review. Any noise attenuation recommendations approved by Council must be implemented.

#### **65. Final Acoustic Report**

Within three months from the issue of an Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified person, in accordance with the NSW EPA's - Industrial Noise Policy and submitted to Council's Manager - Environment and Health for consideration.

This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that the activities does not give rise to "offensive noise" as defined under the *Protection of the Environment Operation Act 1997*.

#### **66. Garbage Storage – Odour Control**

A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage areas does not cause offensive odour.

#### **67. Loading Dock Signage**

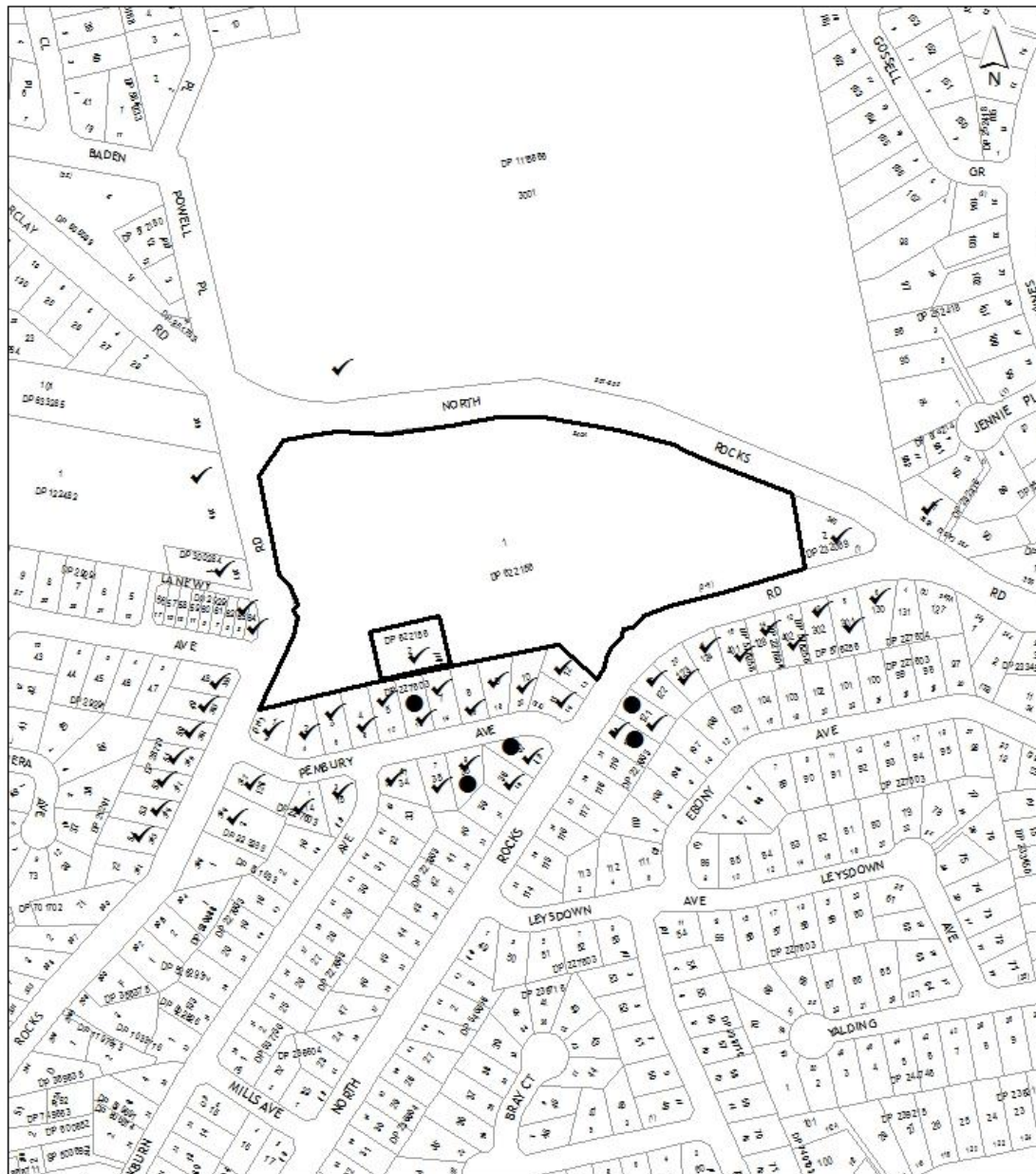
Signage is to be provided at the loading dock stating the approved hours of operation for standard truck deliveries as well as the hours of operation for waste vehicles. This sign must also state a contact number for the after-hours security and statement for customers that they should call the number should there be a delivery outside of the approved operating hours.

## **ATTACHMENTS**

1. Locality Plan
2. Aerial Photograph
3. Site Plan
4. Loading Dock and Basement Carpark Plan
5. Level 1 Floor Plan
6. Level 2 Parking Floor Plan
7. Elevations
8. Sections
9. Landscape Plan
10. Shadow Diagrams (2 pages)
11. Extension of Wall of Loading Dock
12. Peer Review Comments



## ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

**NOTE: NORTH ROCKS ACTION GROUP ALSO NOTIFIED**

**THE HILLS**  
Sydney's Garden Shire

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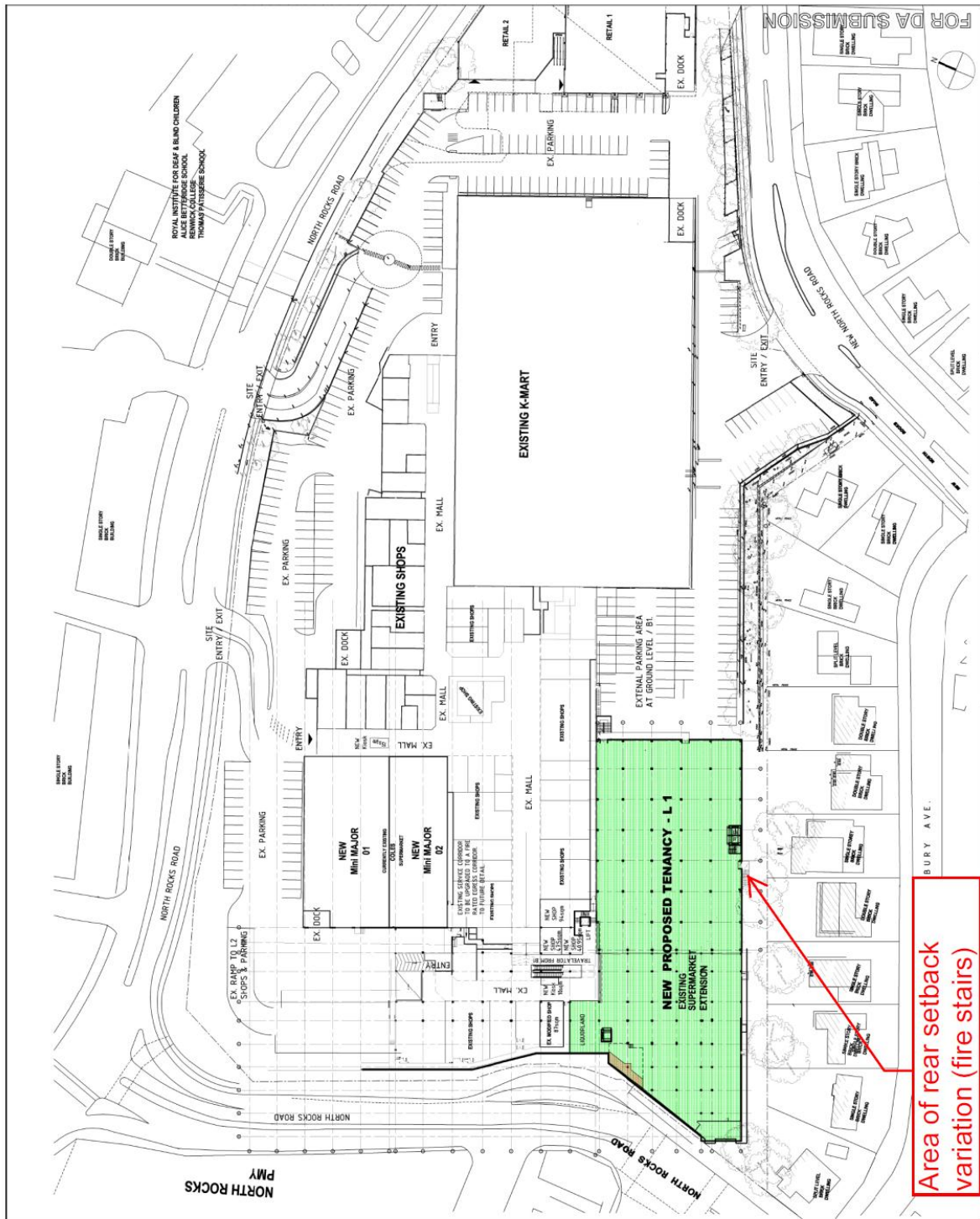


## ATTACHMENT 2 – AERIAL PHOTOGRAPH





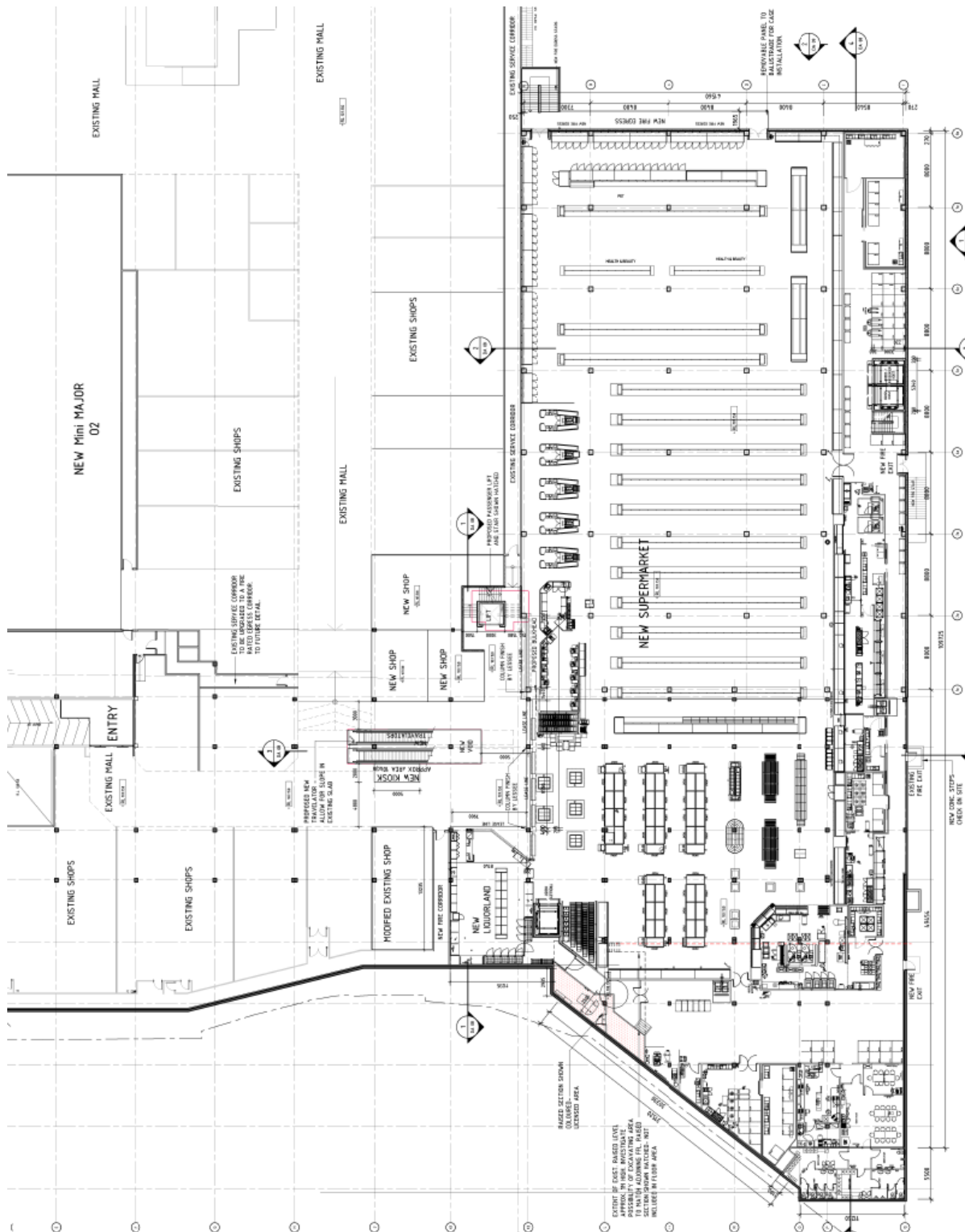
# ATTACHMENT 3 – SITE PLAN



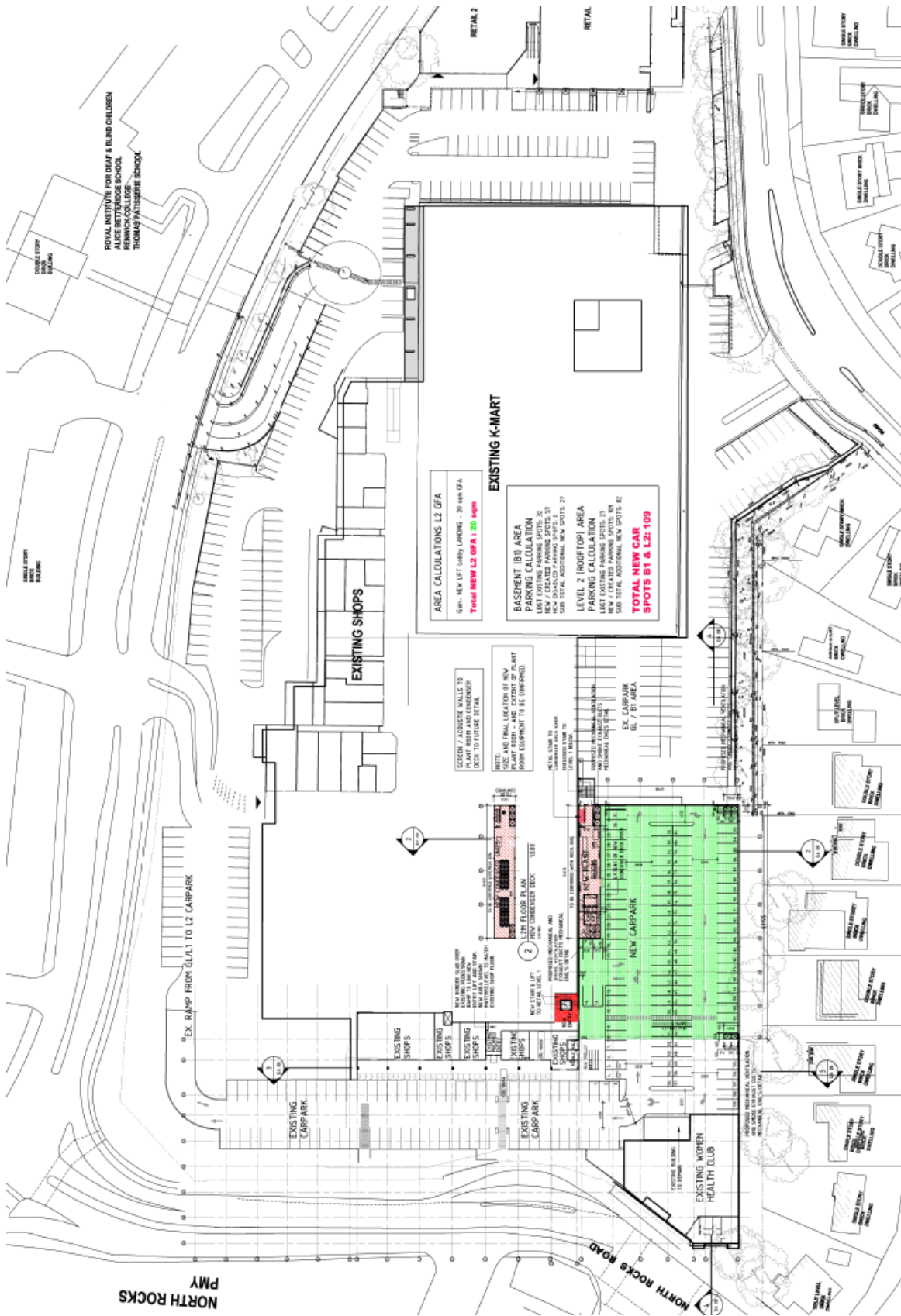
## SUBMISSIO



## ATTACHMENT 5 – LEVEL 1 FLOOR PLAN

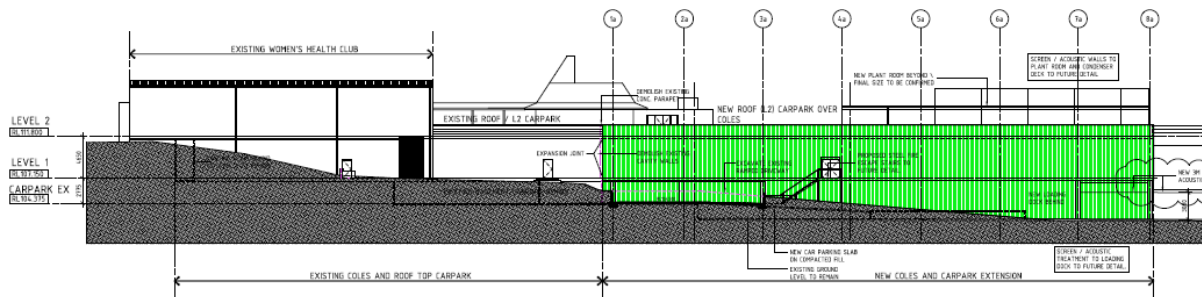


## ATTACHMENT 6 – LEVEL 2 PARKING PLAN

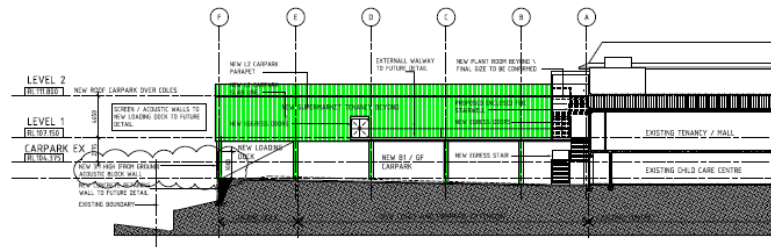




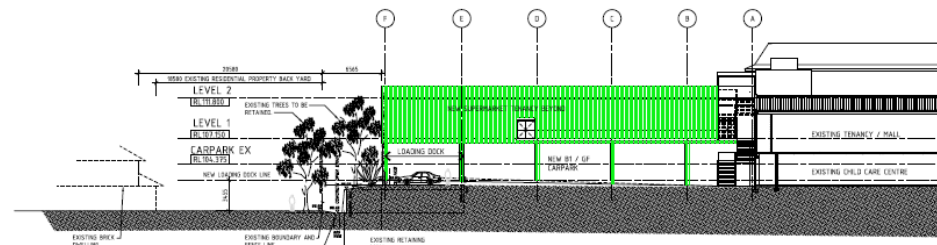
## ATTACHMENT 7 – ELEVATIONS & SECTIONS



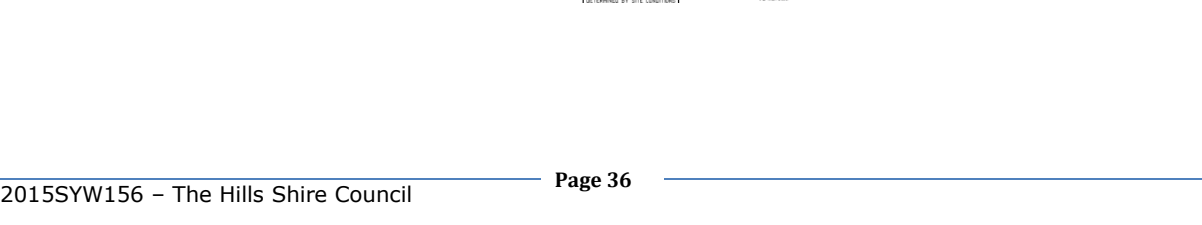
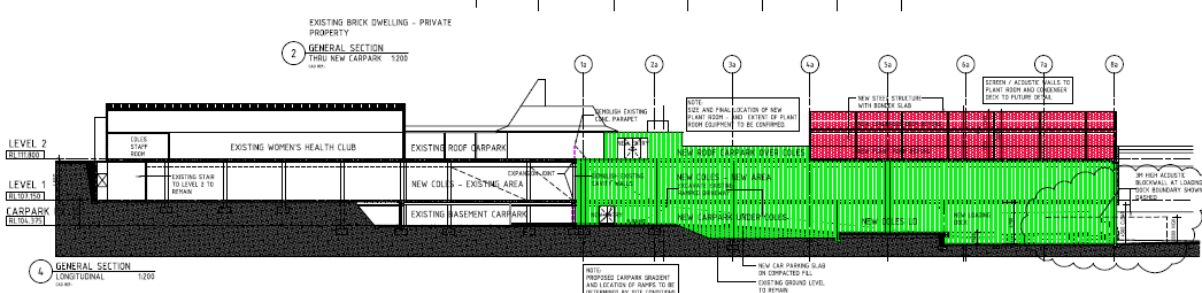
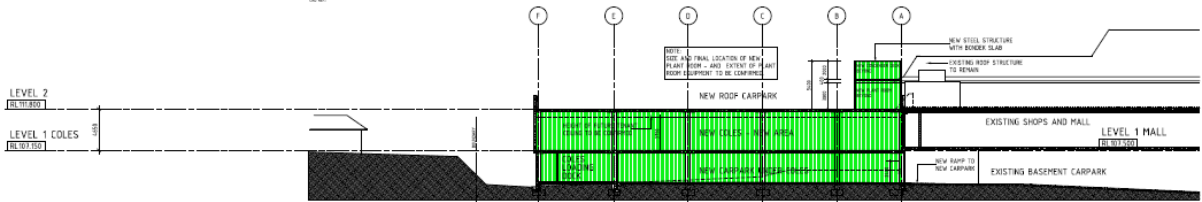
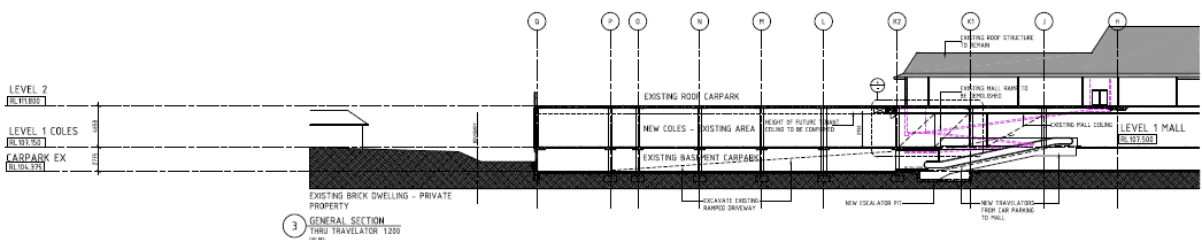
1 GENERAL ELEVATION SOUTH-EAST 1:200



2 GENERAL ELEVATION NORTH-EAST 1:200

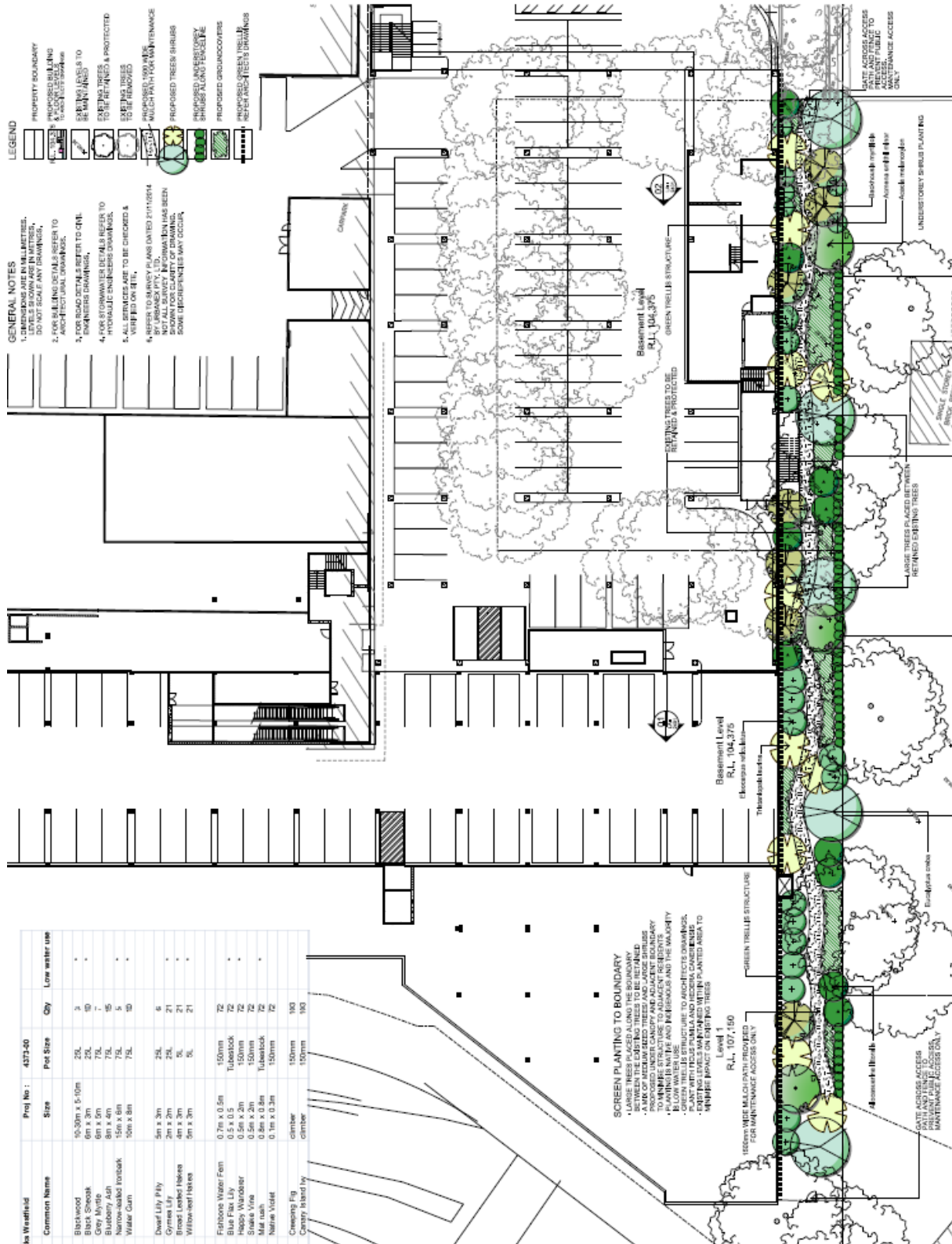


3 GENERAL SEC. ELEVATION NORTH-EAST 1:200





## ATTACHMENT 8 – LANDSCAPING PLAN



## ATTACHMENT 9 – PHOTO MONTAGES



2 NEW EXTENSION ELEVATION  
LOOKING FROM RESIDENTIAL PROPERTIES  
1:200



## ATTACHMENT 10 – SHADOW DIAGRAMS (2 PAGES)

PAGE 1 OF 2  
PRE-DEVELOPMENT



01 SHADOW DIAGRAM – Winter Solstice with Trees shown  
EXISTING CURRENT 9.00 a.m. NTS  
CAD REF:



02 SHADOW DIAGRAM – Winter Solstice with Trees shown  
EXISTING CURRENT 12.00 Noon NTS  
CAD REF:



03 SHADOW DIAGRAM – Winter Solstice with Trees shown  
EXISTING CURRENT 3.00 p.m. NTS  
CAD REF:



PAGE 2 OF 2  
POST-DEVELOPMENT



04 SHADOW DIAGRAM - Winter Solstice with Trees shown  
NEW EXTENSION 9.00 a.m. NTS  
CAD REF:

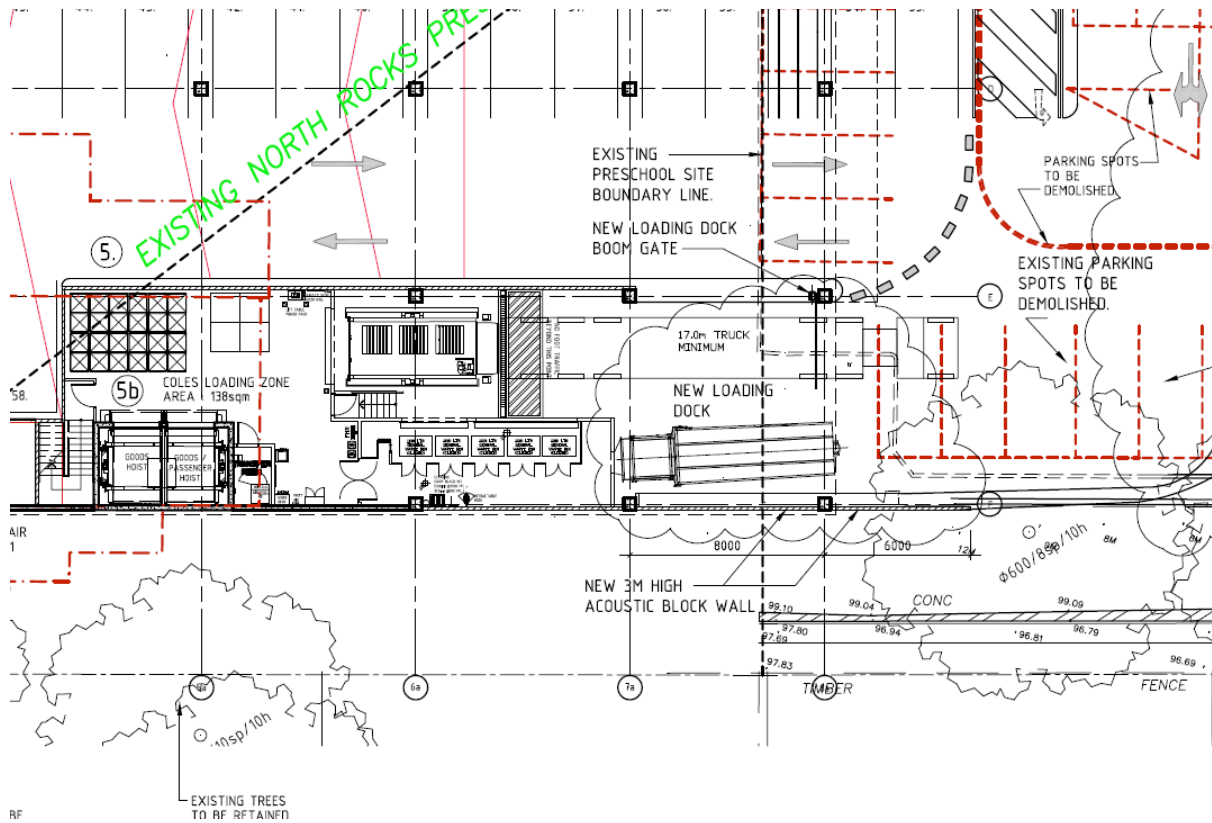


05 SHADOW DIAGRAM - Winter Solstice with Trees shown  
NEW EXTENSION 12.00 Noon NTS  
CAD REF:

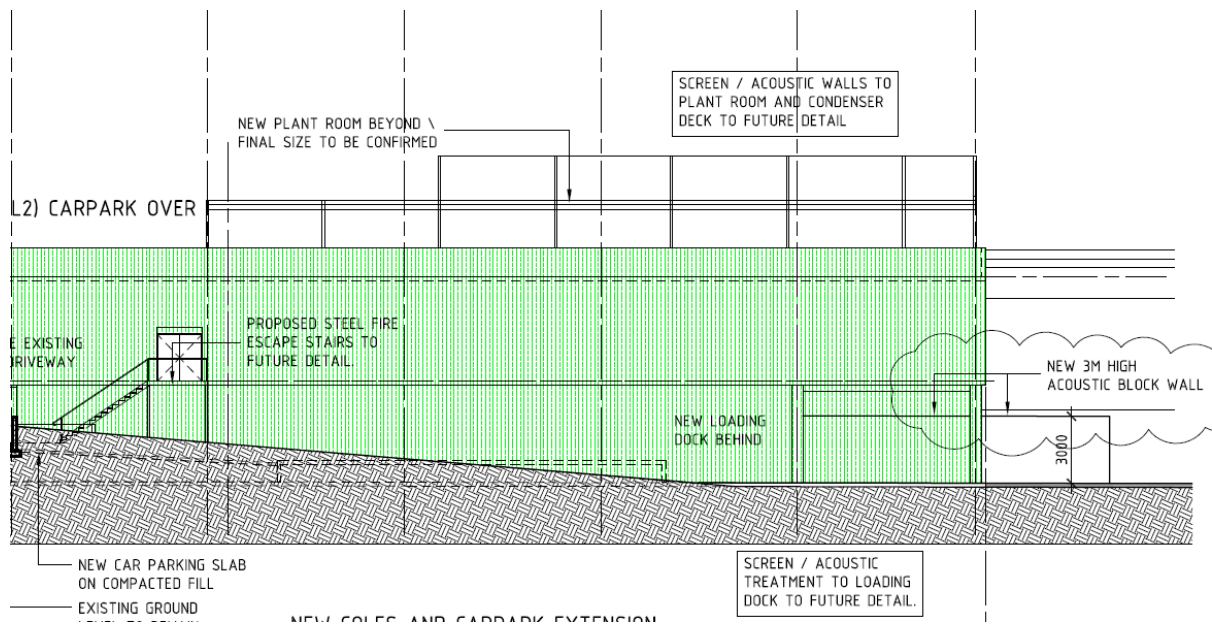


06 SHADOW DIAGRAM - Winter Solstice with Trees shown  
NEW EXTENSION 3.00 p.m. NTS  
CAD REF:

## ATTACHMENT 11 – EXTENSION OF WALL OF LOADING DOCK



Ground Floor Plan



South Elevation

ATTACHMENT 12 – PEER REVIEW COMMENTS

# CHRIS YOUNG *Planning*

5 Jamberoo Ave., BAULKHAM HILLS NSW 2153  
A.B.N. 25 092 903 654

Phone & Fax (02) 9674 3759  
Mobile 0408 474 967  
Email: [chris.cyplan@gmail.com](mailto:chris.cyplan@gmail.com)

1st October 2015

The General Manager,  
The Hills Shire Council,  
PO Box 75,  
CASTLE HILL NSW 1765

Attention: Paul Osborne

Dear Mr Osborne

Re: Peer review, Alterations and additions to North Rocks Shopping Centre, DA  
1021/20154/JP

Thank you for your recent appointment in relation to assisting Council in a peer review of the officer's report regarding DA No. 1012/2015/JP being the alteration and additions to the existing North Rocks shopping Centre at North Rocks to include additional supermarket floorspace and additional car parking.

I have studied the application, report and conditions including the SEE and plans, inspected the site and concur with the methodology and conclusions.

Initial questions regarding carparking provision, solar access, maximum building height and site consolidation have been addressed in the report and conditions proposed where relevant.

I consider the judgement and conclusions reached in the assessment report are reasonably made.

Should you require any further assistance on this matter please do not hesitate to contact me on 9674 3759, mobile 0408 474 967 or email [chris.cyplan@gmail.com](mailto:chris.cyplan@gmail.com).

Yours sincerely



Chris Young  
B.T.P., M.Eng.Sci., Ord. 4 M.P.I.A.