

SYDNEY CENTRAL CITY PLANNING PANEL

Panel Reference	2017SWC140
DA Number	DA 318/2010/JP/E
LGA	The Hills Shire Council
Proposed Development	Section 4.55(2) modification to an approved staged warehouse development
Street Address	Lot 2 DP 251094 Mile End Road, Rouse Hill
Applicant/Owner	Full Tilt Constructions P/L/N and D Shedden
Date of DA lodgement	17 November 2017
Number of Submissions	None
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Section 4.55(2) Modification Applications requires determination by the Sydney Central City Planning Panel
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • SEPP (State and Regional Development) 2011 • SEPP No. 55 – Remediation of Land • SREP No. 20 – Hawkesbury Nepean River • The Hills DCP Part B Section 7 – Industrial • DCP Part C Section 1 – Parking • DCP Part C Section 2 – Signage • DCP Part C Section 3 - Landscaping
List all documents submitted with this report for the Panel's consideration	None
Report prepared by	Senior Town Planner Greg Samardzic
Report date	Electronic Determination

Summary of S.4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	No
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	No

Conditions	Yes
Have draft conditions been provided to the applicant for comment?	

EXECUTIVE SUMMARY

The subject Section 4.55(2) Modification Application seeks to amend Development Consent No. 318/2010/JP which was approved by the Joint Regional Planning Panel on 23 September 2010. The approved development was for the staged construction of a staged warehouse development with ancillary office space for OZ Design which included the following:-

- Stage 1 – 5,730m² of warehouse floor area, 220m² of ancillary commercial gross floor area and provision for 17 car parking spaces (completed);
- Stage 2 – 16,665m² of warehouse gross floor area and 220m² of ancillary commercial gross floor area with provision for 66 car parking spaces.
- Stage 3 - 2 x 4 storey office/warehouse buildings comprising 14,378m² of warehousing and light industry floor area and 13,999m² of ancillary office floor area with provision for 707 car parking spaces.

Stage 1 of the proposed development has been completed. The Stage 2 building will be adjacent to the Stage 1 building. The subject application seeks to provide for a number of design amendments in Stage 2 including but not limited to bringing forward the B1 Basement Warehouse Level which had been approved under Stage 3 and relocation of the riparian corridor. The modification also incorporates a number of functional changes across both stages and recalculation of the relevant contributions amounts.

It is proposed to reduce car parking provision in Stage 3 by 47 spaces from 707 to 660 as the Gross Floor Area (GFA) has been recalculated, reducing the GFA. The recalculated GFA excludes loading docks and fire stairs which were originally included as GFA under the original approval – see Attachment 9. The exclusion of loading docks and stairs are in accordance with the LEP GFA definition. The original consent included a reduction in the rate of car parking required in recognition of the actual parking demand resulting from large floor plate warehouse uses. The original traffic and parking assessment report that accompanied the original development identified parking rates appropriate to the specific uses. Based on the approved car parking rates, the proposed car parking reduction continues to comply with the rates due to the recalculated GFA involving a reduction in GFA.

The Hills LEP map provides a maximum building height of 16m and the development has an approved height of 20.8m. It is not proposed to increase the original approved building height of 20.8m. The relevant LEP map provides a maximum FSR for the site of 1:1 and the development provides a GFA of 26,226m² which on a site area of 33,400m² represents an FSR of 0.79:1.

The proposed modification involves a signage area variation to the proposed amended relocated sign on the eastern façade of the building under Council's signage DCP. The proposed signage is proportionate to the size and scale of the building. The building is well set back from Mile End Road.

The proposed modification relates to is 'Nominated Integrated Development' pursuant to a Clause 4.46 of the Environmental Planning and Assessment Act, 1979 and Clause 5(1b) of the Environmental Planning and Assessment Regulations 2000 as the original proposal required referral to the NSW Department of Primary Industries – Water for approval. The NSW Department of Primary Industries – Water have indicated that no objections are raised to the proposed modification and that the General Terms of Approval issued for the original consent remain valid.

The subject application was notified and advertised and no submissions have been received. It is considered that the proposed modifications are satisfactory and the subject application is recommended for approval subject to amending relevant original conditions of consent.

DETAILS AND SUBMISSIONS

Owner:	N and D Shedden
Zoning:	IN2 Light Industrial
Area:	33,400m ²
Existing Development:	Stage 1 of the approved development constructed
Section 7.11 Contribution	Stage 1: \$375,827.62 Stage 2: \$861,435.84 Stage 3: \$1,297,180.34
Exhibition:	31 days
Notice Adj Owners:	Yes
Number Advised:	89
Submissions Received:	None

BACKGROUND

The subject Section 4.55(2) Modification Application seeks to amend Development Consent No. 318/2010/JP which was approved by the Joint Regional Planning Panel on 23 September 2010. The approved development was for the construction of a staged warehouse development with ancillary office space for OZ Design which included the following:-

- Stage 1 – 5,730m² of warehouse floor area, 220m² of ancillary commercial gross floor area and provision for 17 car parking spaces (completed);
- Stage 2 – 16,665m² of warehouse gross floor area and 220m² of ancillary commercial gross floor area with provision for 66 car parking spaces. These area and parking calculations include works within Stage 1.
- Stage 3 (described by the applicant as the Master Plan Stage) - 2 x 4 storey office/warehouse buildings comprising 14,378m² of warehousing and light industry floor area and 13,999m² of ancillary office floor area with provision for 707 car parking spaces. These area and parking calculations include works within Stage 1 and Stage 2.

The consent was also an Integrated Development approval with General Terms of Approval (GTA) issued by the NSW Office of Water in relation to riparian corridor works. The original consent has been subsequently modified under four separate Modification Applications by The Hills Shire Council to amend landscaping buffers, on-site effluent requirements, Section 94 contributions conditions and the design of Stage 1. Stage 1 of the approved development has been completed.

On 14 March 2011, Development Consent No. 772/2010/ZB was approved for a five lot subdivision of the subject site.

The subject Modification Application was lodged on 17 November 2017. On 17 January 2018, a letter was sent to the applicant requesting additional information in relation to

stormwater, flooding control of the riparian corridor, access and landscaping. Additional information was lodged on 13 April 2018.

PROPOSAL

The subject application seeks to provide for a number of Stage 2 design amendments, reduced car parking space provision by 47 spaces from 707 to 660 under Stage 3, incorporating functional changes across stages and recalculation of the contribution amounts. Specifically, the following modifications are proposed:

Stage 2

- Bring forward the introduction of B1 Basement Warehouse Level which had previously been approved to occur as part of Stage 3.
- Lower the approved lower basement level by 0.5m from RL 47.40 to RL 46.90.
- Lower the approved B1 Level by 0.5m from RL50.60 to RL50.10.
- External hardstand area to the north of the warehouse has increased area to facilitate perimeter vehicular access and additional manoeuvring area for the container forklifts.
- New awning structure over hardstand area.
- Reconfigured car park layout at western boundary.
- Removal of awning over rolling shutter at western elevation.
- Modified landscaping at western boundary car park.
- Introduction of external container stands at western and eastern edge of building.
- Relocation of the approved riparian to the west of the approved location. The proposed crossing will be a culvert crossing instead of a bridge.
- Extend the approved Right of Way (ROW) access due to the relocation of the culvert crossing.
- Realigned sale to east of building including amendments to the finished levels of the riparian channel walls.
- Modification to the external façade inclusive of new signage at the eastern elevation and changes to external finishes/materials at the northern elevation.
- Amended landscaping at eastern and northern elevation of building.
- Maintain operation of existing on-site effluent disposal system.
- Provide small office in B2 floor plan.
- Continue use of an existing on site waste water disposal system servicing the existing brick building and Stage 1 development.
- Installation of a temporary pump out waste water system for Stage 2 to service the B2 office amenities and car wash until connection to sewer is available.

Stage 3

- Reduced car parking space provision by 47 spaces from 707 to 660 as GFA has been recalculated and involves a reduction in the GFA in accordance with the LEP GFA definition.

Functional Changes Across Stages:

- Level B1 will be used for warehousing during Stage 2 and converted to previously approved car parking when Stage 3 is constructed.
- An ancillary warehouse office of 102m², amenities and car wash are proposed on Level B2 during Stage 2 converted back to parking as part of Stage 3.

Section 7.11 Contributions

- Amend Stage 2 and 3 – Condition No. 45 to reflect the recalculation of GFA.

The proposed modification is 'Nominated Integrated Development' pursuant to a Clause 4.46 of the Environmental Planning and Assessment Act, 1979 and Clause 5(1b) of the Environmental Planning and Assessment Regulations 2000 as the original proposal required referral to the NSW Department of Primary Industries – Water for approval. The NSW Department of Primary Industries – Water have indicated that no objections are raised to the proposed modification and that the General Terms of Approval issued for the original consent remain valid.

ISSUES FOR CONSIDERATION

1. Assessment under Section 4.55 Provisions

Under the provisions of Section 4.55 of the Environmental Planning and Assessment Act, 1979, Council may, in response to an application, modify a consent if the development, as modified, is substantially the same development as originally approved. The proposed modification seeks approval for a number of design and functional amendments however the approved built form remains consistent with the original approval. The proposed modification is considered to be substantially the same development as originally approved by Council.

The original development was determined by the then JRPP (now SCCPP) as the Capital Investment Value exceeded \$20 million. In addition, under Clause 151 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017, the proposed Section 4.55(2) modification still requires determination by the SCCPP.

2. Compliance with The Hills Local Environmental Plan 2012

The subject site is zoned IN2 Industrial pursuant to The Hills LEP 2012. The subject application is permissible in the zone as a warehouse or distribution centre and achieves the relevant objectives of the zone as the amended proposal is not of a type or scale that is expected to cause any adverse impacts with the surrounding residential development. Accordingly, the application can be determined by Council in accordance with the provisions of Section 4.55(2) of the EP & A Act, 1979 to confirm the continued use of the subject site for warehousing purposes.

The table below contains the relevant development standards of the LEP applying to the proposed development:

DEVELOPMENT STANDARD	LEP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Floor Space Ratio	1:1	0.79:1	Yes
Building Height	Max. 16m	Max. 20.8m (no change)	See report below

The objectives of the building height standard under Clause 4.3 are as follows:

(a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape.

(b) to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

The building height map of the LEP provides for a maximum building height of 16m. The development as amended provides a maximum building height of 20.8m at the northern elevation and it does not seek to increase the originally approved building height. The original building height variation was addressed under the original Development Application.

3. Compliance with The Hills Development Control Plan Part C Section 1 - Parking

The subject Section 4.55(2) Modification Application has been assessed against The Hills DCP Part C Section 1 - Parking and it complies with the relevant standards with the exception of the following:

DEVELOPMENT STANDARD	DCP PART C SECTION 1 – PARKING	PROPOSED DEVELOPMENT	COMPLIANCE
General Car Parking	<p>Warehousing: 1 space per 50m² of gross floor area.</p> <p>Ancillary Office: 1 space per 25m² of gross floor area.</p>	<p>Original DA:</p> <p>Stage 1: 5,730m² of warehousing floor area and 220m² of ancillary office floor area required 123.4 (124) parking spaces.</p> <p>17 spaces approved.</p> <p>Stage 2: 16,665m² of warehousing floor area and 220m² of ancillary office floor area required 342.1 (343) parking spaces.</p> <p>66 spaces approved.</p> <p>Stage 3: 14,378m² of warehousing and light industry floor area and 13,999m² of ancillary office floor area required 847.12 (848) parking spaces.</p> <p>707 spaces approved.</p> <p>Proposed Section 96:</p> <p>Stage 1: 4,453m² of warehousing/mezzanine floor area and 220m² of ancillary office floor area requires 97.86 (98) parking spaces.</p>	<p>No – however the original approval included a 141 space deficit based on Council's parking and now a 134 space deficit is proposed due to the recalculated GFA involving a reduction in GFA.</p> <p>The recalculated GFA excludes loading docks and fire stairs in accordance with the LEP GFA definition which were originally included as GFA under the original approval (see Attachment 9).</p> <p>The proposed car parking reduction continues to comply with the relevant approved car parking rates.</p>

DEVELOPMENT STANDARD	DCP PART C SECTION 1 – PARKING	PROPOSED DEVELOPMENT	COMPLIANCE
		<p>17 spaces proposed.</p> <p>Stage 2: 15,062m² of warehousing floor area and 322m² of ancillary office floor area requires 314.12 (315) parking spaces.</p> <p>236 spaces proposed.</p> <p>Stage 3: 12,800m² of warehousing and light industry floor area and 13,426m² of ancillary office floor area requires 793.04 (794) parking spaces.</p> <p>660 spaces proposed.</p>	

Table 1 of DCP 2012 Part C Section 1 – Parking requires parking to be provided at the following rates:-

- Warehousing: 1 space per 50m² of gross floor area.
- Ancillary Office: 1 space per 25m² of gross floor area.

Based on the above table, the original Development required a total of 848 car parking spaces and 707 spaces were proposed which represented a car parking shortfall of 141 spaces. The subject Section 96 Modification Application now requires 794 spaces and 660 spaces are proposed representing a 134 car space shortfall due to the recalculated GFA involving a reduction in GFA. The recalculated GFA excludes loading docks and fire stairs which were originally included as GFA under the original approval - see Attachment 9. The exclusion of loading docks and stairs are in accordance with the relevant LEP GFA definition.

The proposed justification by the applicant under the subject application is as follows:

Previous GFA calculations did not accurately sum the proposed GFA and the definition of GFA seeks to exclude:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (h) any space used for the loading and unloading of goods.

Whilst the exclusions are generally consistent with the GFA definition of the preceding Baulkham Hills LEP 2005 when it applied at the time of the original Development Application, the exclusions should not have been calculated. Therefore, the proposed modification seeks to rectify this inaccuracy. The plans for the proposed modification clearly delineate the exclusions and result in the new GFA calculation of 26,226m². The key

exclusion areas are the areas adjacent to the southern loading docks. The other exclusions relates to the fire stairs.

The development was originally approved by the Joint Regional Planning Panel with a large variation to car parking in recognition of the actual parking demand resulting from large floor-plate warehouse uses. The case for this reduction was made part of a report that accompanied the original DA and also for this application titled OZ Design Furniture Proposed Warehouse and Office Development – Assessment of Traffic and Parking Implications (April 2010). The report identified more appropriate parking rates which were approved.

The updated required parking based on the recalculated GFA rates still demonstrates a suitable allocation of parking is still provided for in particular across all stages.

Comment:

Part 2.1 of DCP Part C Section 1 – Parking provides the following applicable objective:-

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

An assessment under the original Development Application against Council's parking requirements was undertaken and the following was identified:-

- Stage 1: 17 spaces (deficit of 107 spaces).
- Stage 2: 66 spaces (deficit of 277 spaces).
- Stage 3: 707 spaces (deficit of 141 spaces).

The applicant had provided the following justifications to the original variation as follows:-

- *Examination of existing Oz Design Warehouse developments was undertaken which showed that the Council's parking requirements significantly exceed the demand requirements of the development.*
- *Surveys at three existing major furniture distribution facilities demonstrated that only 30 – 40 spaces were occupied at any one time.*
- *The proposed parking for Stages 1, 2 and 3 exceeds that required for the employees present within each stage (i.e. approximately 10 persons in Stage 1 and 20 persons in Stage 2)*

When the RTA's "Guide to Traffic Generating Development" was considered with the original development, it would have required 1 parking space per 300m² of warehouse floor area. Adopting these requirements, the original development would require the following parking:-

- Stage 1: 28 spaces (with 17 spaces proposed being a deficit of 11 spaces).
- Stage 2: 65 spaces (with 66 spaces proposed being a surplus of 1 space).
- Stage 3: 608 spaces (with 707 spaces proposed being a surplus of 99 spaces).

In this regard the only variation to the RTA's requirements was within Stage 1 which was rectified with the construction of the Stage 2 and 3 works. The large variation originally proposed was supported as the development provides for a warehouse occupation and the car parking demand was considered to be minimal. The development was only to provide for approximately 10 persons in Stage 1 and 20 persons in Stage 2 which is more than accommodated through the provision of 17 car parking spaces within Stage 1 and 66 parking spaces within Stage 2.

The applicant provided parking breakdowns which depict compliant office floor area parking allocation but non-compliant warehouse/light industrial car parking allocations for Stage 3. The ancillary office component of the development required 560 car parking spaces. Given 707 car parking spaces were proposed, this resulted in 147 car parking spaces being dedicated to the warehouse/light industrial component. Given the preceding Stage 1 and 2 components are predominantly warehouse in operation with the allocation of 17 and 66 car parking spaces, the Stage 3 allocation of 147 spaces (being a numerical variation) was satisfactory as the warehouse component was not considered to be the highest intensity of use on the development site.

As a result, the approval contained the following approved parking rates were:

- Stage 1: 1 space per 350m² of warehouse component only.
- Stage 2: 1 space per 256m² of warehouse component only.
- Stage 3: 1 space per 106m² for the warehouse component and 1 space per 25m² for the office component.

Based on the above rates and the recalculated GFA involved, the modified parking required and proposed are as follows:

- Stage 1: 1 space per 350m² of 4,453m² of warehouse component requires 13 spaces and 17 spaces are provided.
- Stage 2: 1 space per 256m² of 15,062m² of warehouse component requires 59 spaces and 236 spaces are provided.
- Stage 3: 1 space per 106m² of 12,800m² of warehouse component requires 121 spaces and 1 space per 25m² of 13,426m² of office component requires 539 which is a total of 660 spaces and 660 spaces are provided.

The revised car parking continues to comply with the above approved parking rates and the approved development remains substantially the same. The proposed modifications will not generate the need for additional car parking and the modified development will not adversely impact on any adjacent and surrounding premises.

4. Compliance with The Hills DCP Part C Section 2 – Signage

The proposed modification to the approved signage on the eastern elevation has been assessed against the relevant development standards within DCP Part C Section 2 – Signage and it complies with the exception of the following:-

DEVELOPMENT STANDARD	DCP PART C SECTION 2 – SIGNAGE	PROPOSED DEVELOPMENT	COMPLIANCE
Signage Area	The combined sign area of all signs on the facade of a building will be permitted on the basis of 0.5m ² of sign per one (1) metre of length of the building façade which addresses the primary frontage of the site.	Max. building length to Mile End Rd: 98.9m. Max. sign area permitted: 49.1m ² Max. sign area: 75m ²	No – however the scale of the signage attached to the building is satisfactory.

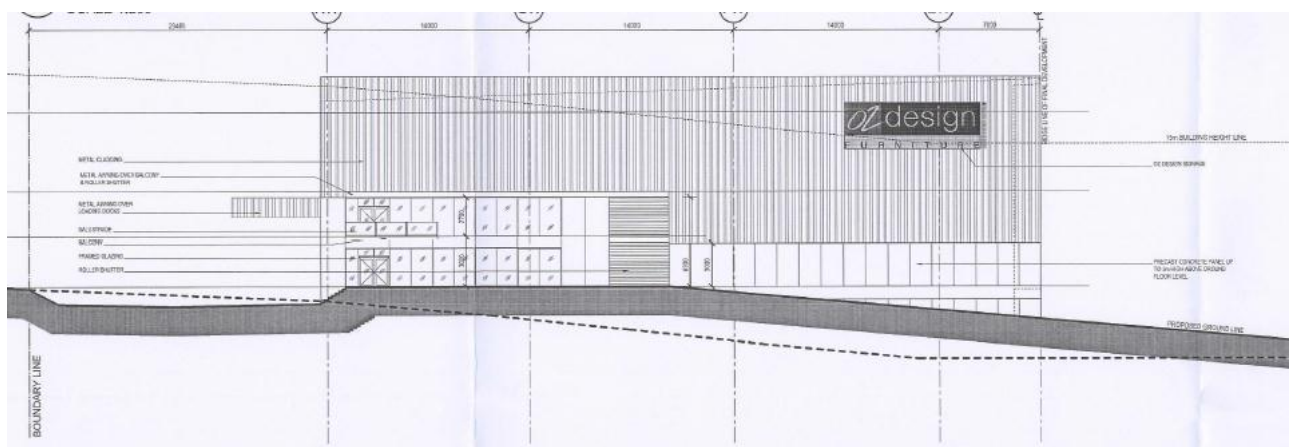
The proposal includes a signage area variation. Pursuant to the signage DCP, a maximum of 0.5m² per one metre length of the building is permitted. The maximum signage permitted

is 49.1m² due to the 98.2m building length of the eastern façade. The proposed sign includes dimensions of 30m x 2.5m resulting in a total area of 75m².

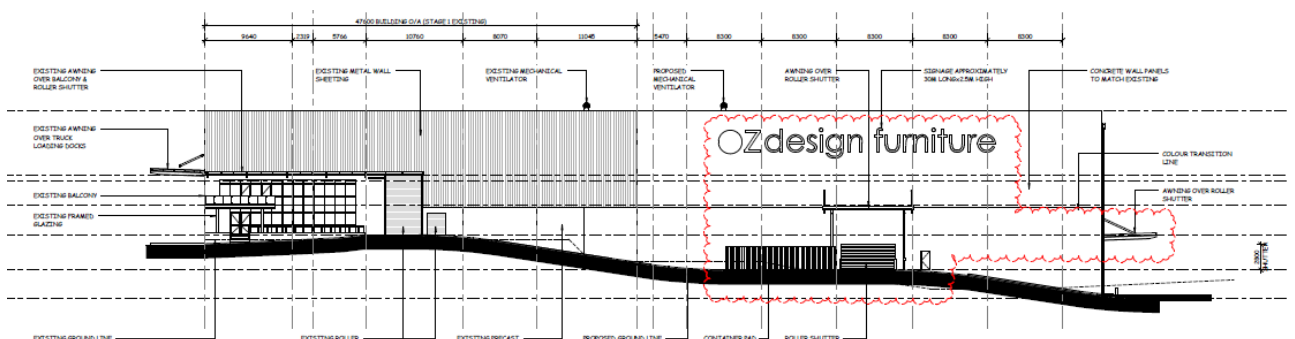
The relevant DCP objectives are:

- (i) *To provide the opportunity for an approved use to adequately identify the nature of the business conducted on the premises.*
- (ii) *To ensure through design controls that the signage proposed is in sympathy with the building design and architectural treatment of the building.*
- (iii) *To limit the total advertising area of signage in proportion to the building design.*
- (iv) *To ensure brothel and sex services premises signage is discreet and does not draw attention to the use.*
- (v) *To ensure that signage does not detract from the visual appeal of buildings within the industrial area.*

The variation is considered satisfactory as the signage is proportionate to the size and scale of the building. The nature of the proposed signage will not be inconsistent when compared to the scale of the building and with the sign approved under the original consent as shown below:



APPROVED SIGN



PROPOSED SIGN

The variation is predominately due to the proposed spacing and gaps between the proposed lettering of the corporate branding. The sign is not offensive within the streetscape due to the generous front setback of the proposed development. The variation to façade signage is considered satisfactory as it will be able to adequately identify the business to be conducted.

5. Compliance with State Environmental Planning 64 – Advertising Signage

“A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

(a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and

(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.”

Schedule 1 - Assessment Criteria

Assessment Criteria	Proposal	Compliance
Character of the Area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage will not be inconstant with the existing or desired future character of the locality. The sign is consistent with the size and scale of the industrial building.	Yes
Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The sign is not considered to detract from the amenity, visual or environmental features of the site and is considered satisfactory with respect to the surrounding industrial and residential zoned properties.	Yes
Views and vistas Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?	The signage does not compromise important views. No The proposal does not have a detrimental impact on the viewing rights of other advertisers.	Yes

<p>Streetscape, setting or landscape</p> <p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p> <p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p>	<p>The proposed sign will not contain any adverse streetscape impacts and will be consistent with the setting of the site. There is only one sign on the large industrial building which is well set back from Mile End Road.</p>	<p>Yes</p>
<p>Site and building</p> <p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>The sign is in scale with the bulk and scale of the development.</p>	<p>Yes</p>
<p>Illumination</p> <p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Is the illumination subject to a</p>	<p>The site is located within a Light Industrial zone with nil illumination.</p>	<p>Yes</p>

curfew?		
Safety Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	It is not considered that the proposal reduces safety.	Yes

SUBDIVISION ENGINEERING COMMENTS

No objections are raised subject to amending original engineering conditions of consent.

TREE MANAGEMENT COMMENTS

No objections are raised subject to deleting original landscaping bond conditions of consent and adding conditions to ensure all required landscaping occurs prior to the issue of any occupation certificate.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objections are raised in relation to the provision of on-site sewage management.

ECOLOGY COMMENTS

No objections are raised in relation to the proposed modifications onto the riparian corridor.

NSW OFFICE OF WATER

The proposed modification is 'Nominated Integrated Development' pursuant to a Clause 4.46 of the Environmental Planning and Assessment Act, 1979 and Clause 5(1b) of the Environmental Planning and Assessment Regulations 2000 as the original proposal required referral to the NSW Department of Primary Industries – Water for approval. The NSW Department of Primary Industries – Water have indicated that no objections are raised to the proposed modification and that the General Terms of Approval issued for the original consent remain valid.

CONCLUSION

The proposed modifications have been assessed against Sections 4.15 and 4.56(2) of the Environmental Planning and Assessment Act 1979, SEPP 64 Advertising and Signage, The Hills Local Environmental Plan 2012 and The Hills DCP and are considered to be satisfactory. The subject Section 4.56(2) Modification Application is recommended for approval subject to amending/deleting the relevant original conditions of consent and adding conditions of consent.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

The Hills Future Community Strategic Plan outlines the aspirations of community residents for The Hills Shire region. Desired community outcomes include balanced urban growth, vibrant communities and a protected environment. The social and environmental impacts have been addressed in the report and are consistent with the outcomes of The Hills Future Community Strategic Plan.

RECOMMENDATION

The Modification Application be approved subject to the following:

Conditions Nos. Stage 2 - 1, 10, 11, 12, 41, 63, Stage 3 - 1, 10, 11 and 40 is to be deleted and replaced as:

STAGE 2

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the approved plans and details submitted to Council, stamped and returned with this consent. No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required

REFERENCED PLANS

DRAWING NO	DESCRIPTION	REVISION	DATE
F-0114 S96 1.00	Site Plan Stage 2	S	09/04/18
F-0114 S96 11.00	External Colour Schedule Stage 2	G	13/11/17
F-0114 S96 2.00	Basement B2 Floor Plan Stage 2	L	13/11/17
F-0114 S96 3.00	Basement B1 Floor Plan Stage 2	J	13/11/17
F-0114 S96 4.00	Ground Floor Plan Stage 2	I	13/11/17
F-0114 S96 5.00	First Floor Office Plan Stage 2	H	13/11/17
F-0114 S96 6.00	Mezzanine/Office Roof Plan Stage 2	H	13/11/17
F-0114 S96 7.00	Roof Plan Stage 2	H	13/11/17
F-0114 S96 8.00	Elevations Sheet 1 Stage 2	J	13/11/17
F-0114 S96 8.01	Elevations Sheet 2 Stage 2	K	13/11/17
F-0114 S96 9.00	Sections Stage 2	J	13/11/17
101	Landscape Plan Stage 2	C	09.04.2018
501	Landscape Details	B	27.03.2018
502	Plant Schedule	C	09.04.2018
130248C201	Cover Sheet	J	27.06.2018
130248C202	Engineering Plan Sheet	J	27.06.2018
130248C203	Accessway Longitudinal Sections and Details	J	27.06.2018
20130248	Hydraulic Modelling Design Summary	-	22.03.2018

A17111	Flora and Fauna Assessment	-	16.11.2017
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10. Tree/s to be Retained

To maintain the treed environment of the Shire, trees indicated on the approved Site Plan Stage 2, Landscape Plan Stage 2 and the Flora & Fauna Assessment.

11. Provision of Parking and Bicycle Spaces

The development (Stages 1 and 2) is required to be provided with 236 off-street car parking spaces and a minimum of six bicycle parking spaces. These parking spaces shall be available for off street parking at all times.

12. Separate Application for Signs

A separate application being submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures other than the signage approved within this consent. The signage approved under Development Consent. No 318/2010/JP is to be deleted.

41. Engineering Works and Design

The design and construction of all the engineering works outlined 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

Copies of which can be found on Council's website:

<http://www.thehills.nsw.gov.au/Engineering-Specifications.html>

Any variance from the above require separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined elsewhere in this consent. The following engineering works are required:

i. Service Conduits

Service conduits laid in strict accordance with the relevant service authorities requirements. Services must be shown on the engineering drawings.

ii. Gutter Crossings

Gutter crossings where shown on the approved plans.

iii. Stormwater Drainage – Temporary Management

Suitable measures (grassed swale drains etc;) must be installed to intercept/ control/ redirect surface stormwater runoff from upstream undeveloped properties.

iv. Filling of Existing Dam

The existing dam must be de-silted and filled in accordance with the conditions of this consent.

v. Water Quality Treatment Elements

The design and construction of the water quality treatment elements must be carried out in accordance with:

- a) The conditions of this consent.
- b) The following engineering drawings prepared by Barker Ryan Stewart:

Name:	Drawing:	Revision:	Date:
Concept Riparian Channel Design	03125E1	R	07/07/2010
Catchment Plan and Drop Structure	03125E2	O	23/06/2010
Riparian Channel Longitudinal Section	03125E3	H	08/04/2010

Riparian Channel Longitudinal Section	03125E4	H	30/06/2010
Riparian Channel Cross Sections	03125E5	H	30/06/2010
Riparian Channel Cross Sections	03125E6	F	23/06/2010
Water Quality Basins	03125E7	F	24/06/2010
Stilling Basin and Sections	03125E8	A	30/06/2010
Road 1 Longitudinal Section and Typical Cross Section	03125E9	C	21/12/2009
Car Park Longitudinal Section	03125E10	A	08/04/2010
Stage 1 Concept Drainage Design Plan	3145E111	H	07/07/2010
Stage 2 Concept Drainage Design Plan	3145E122	H	07/07/2010
Stage 3 Concept Drainage Design Plan	3145E133	L	07/07/2010

- c) The Stormwater Management Plan (Revision F dated 08/07/2010) prepared by Barker Ryan Stewart.

The only exceptions to the above are minor changes to ensure consistency with the approved amended plans (see condition 1 of each stage).

63. Construction Certification of Bridge Structures and Culverts

Structural adequacy certification of all bridge structures and culverts must be submitted by a suitably qualified practicing structural engineer along with the works as executed (WAE) plans for the same. The certification must state that the bridges and culverts have been constructed in accordance with the approved design.

STAGE 3

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the approved plans and details submitted to Council, stamped and returned with this consent. No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

REFERENCED PLANS

DRAWING NO	DESCRIPTION	REVISION	DATE
F-0114 S96 21.00	Site Plan Stage 3	H	09/04/2018
F-0114 S96 22.00	Basement B2 Floor Plan Stage 3	C	24/10/17
F-0114 S96 23.00	Basement B1 Floor Plan Stage 3	C	24/10/17
102	Landscape Plan Stage 3	B	27.03.2018
501	Landscape Details	B	27.03.2018
502	Plant Schedule	C	09.04.2018
130248C201	Cover Sheet	H	14.11.2017
130248C202	Engineering Plan Sheet	H	14.11.2017
130248C203	Accessway Longitudinal Sections and Details	H	14.11.2017
20130248	Hydraulic Modelling Design Summary	-	22.03.2018
A17111	Flora and Fauna Assessment	-	16.11.2017

10. Tree/s to be Retained

To maintain the treed environment of the Shire, trees indicated on the approved Site Plan Stage 3, Landscape Plan Stage 3 and the Flora & Fauna Assessment.

11. Provision of Parking and Bicycle Spaces

The development (All Stages) is required to be provided with 660 off-street car parking spaces and a minimum of 18 bicycle parking spaces. These parking spaces shall be available for off street parking at all times.

40. Engineering Works and Design

The design and construction of all the engineering works outlined 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

Copies of which can be found on Council's website:

<http://www.thehills.nsw.gov.au/Engineering-Specifications.html>

Any variance from the above require separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined elsewhere in this consent. The following engineering works are required:

i. Service Conduits

Service conduits laid in strict accordance with the relevant service authorities requirements. Services must be shown on the engineering drawings.

ii. Gutter Crossings

Gutter crossings where shown on the approved plans.

iii. Stormwater Drainage – Temporary Management

Suitable measures (grassed swale drains etc;) must be installed to intercept/ control/ redirect surface stormwater runoff from upstream undeveloped properties.

iv. Water Quality Treatment Elements

The design and construction of the water quality treatment elements must be carried out in accordance with:

- a) The conditions of this consent.
- b) The following engineering drawings prepared by Barker Ryan Stewart:

Name:	Drawing:	Revision:	Date:
Concept Riparian Channel Design	03125E1	R	07/07/2010
Catchment Plan and Drop Structure	03125E2	O	23/06/2010
Riparian Channel Longitudinal Section	03125E3	H	08/04/2010
Riparian Channel Longitudinal Section	03125E4	H	30/06/2010
Riparian Channel Cross Sections	03125E5	H	30/06/2010
Riparian Channel Cross Sections	03125E6	F	23/06/2010
Water Quality Basins	03125E7	F	24/06/2010
Stilling Basin and Sections	03125E8	A	30/06/2010
Road 1 Longitudinal Section and Typical Cross Section	03125E9	C	21/12/2009
Car Park Longitudinal Section	03125E10	A	08/04/2010
Stage 1 Concept Drainage Design Plan	3145E111	H	07/07/2010
Stage 2 Concept Drainage Design Plan	3145E122	H	07/07/2010
Stage 3 Concept Drainage Design Plan	3145E133	L	07/07/2010

- c) The Stormwater Management Plan (Revision F dated 08/07/2010) prepared by Barker Ryan Stewart.

The only exceptions to the above are minor changes to ensure consistency with the approved amended plans (see condition 1 of each stage).

Condition Nos. 49 – Stage 1, 36 – Stage 2, 45 – Stage 2, 36 -Stage 3, 45 – Stage 3 are to be deleted.

The following conditions are to be added:

STAGE 2

47A. Application to Install/Amend a System of Sewage Management

Prior to the issue of any Construction Certificate, an application under Section 68 of the Local Government Act 1993 is to be made to install or alter a system of sewage management. The application shall comply with:

- a) Local Government (General) Regulation 2005; and
- b) Appendix 2 – Installation of a Sewage Management Facility of The Hills Shire Council's Local Approvals Policy (2016).

69A. Landscaping Prior to Issue of any Occupation Certificate

Landscaping of the site shall be carried out prior to issue of any Occupation Certificate (within each stage if applicable). The Landscaping shall be either certified to be in accordance with the approved plan by an Accredited Landscape Architect or be to the satisfaction of Council's Manager Environment and Health. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

STAGE 3

58A. Landscaping Prior to Issue of any Occupation Certificate

Landscaping of the site shall be carried out prior to issue of any Occupation Certificate (within each stage if applicable). The Landscaping shall be either certified to be in accordance with the approved plan by an Accredited Landscape Architect or be to the satisfaction of Council's Manager Environment and Health. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

ALL STAGES

72. Section 7.11 Contribution

The following monetary contributions must be paid to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

Stage 1

Stage 1	Rate per add. m² of GFA: 4,673m²	TOTAL \$7.11
Land	\$ 12.78	\$ 59,720.94
Capital	\$ 74.56	\$ 348,418.88
Total	\$ 87.34	\$ 408,139.82

Stage 2

Stage 2	Rate per add. m² of GFA: 10,711m²	TOTAL \$7.11
Land	\$ 12.78	\$ 136,886.58
Capital	\$ 74.56	\$ 798,612.16
Total	\$ 87.34	\$ 935,498.74

Stage 3

Stage 3	Rate per add. m² of GFA: 10,944m²	TOTAL \$7.11
Land	\$ 12.78	\$ 139,864.32
Capital	\$ 74.56	\$ 815,984.64
Total	\$ 87.34	\$ 955,848.96

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

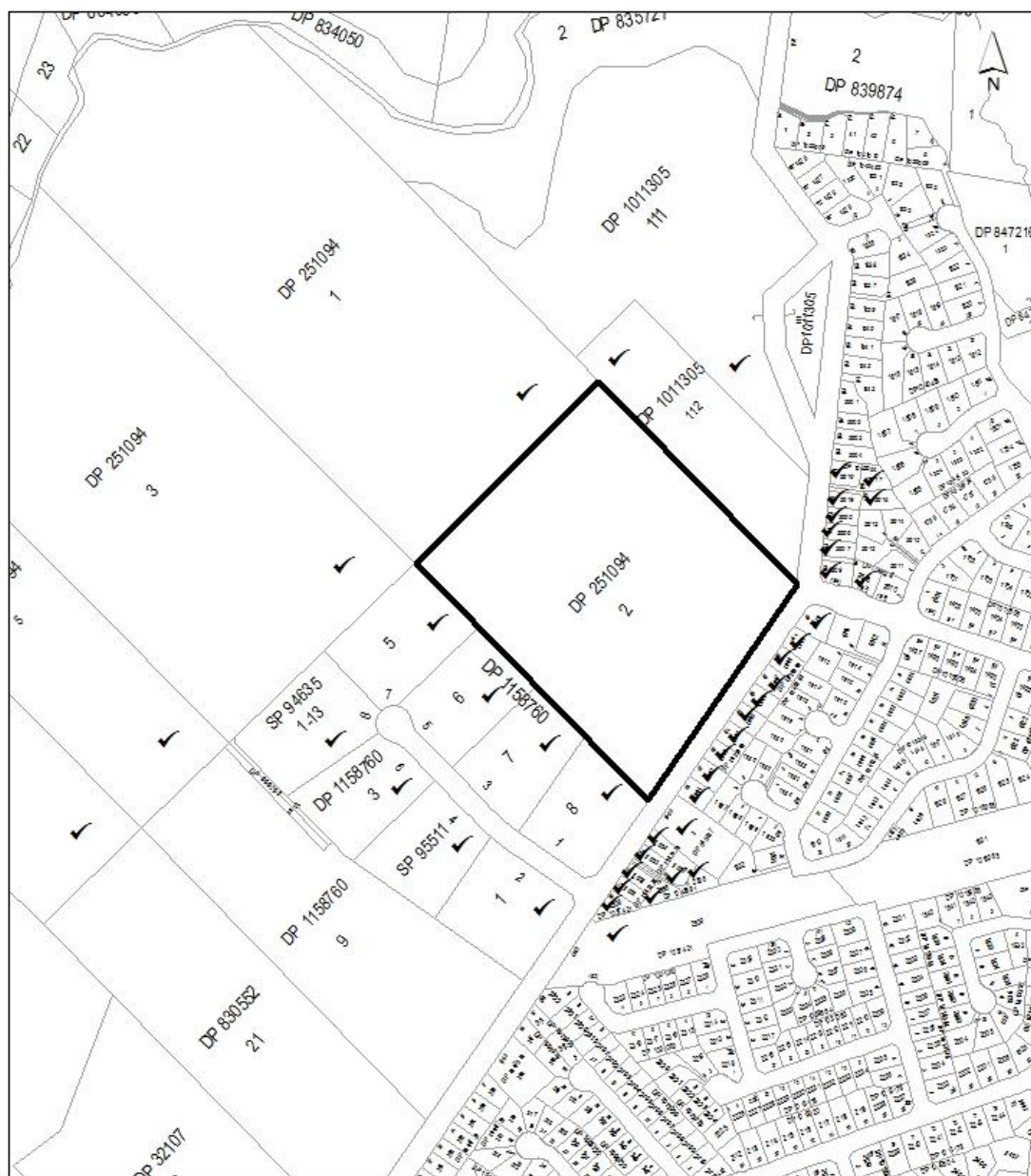
This condition has been imposed in accordance with Contributions Plan No 11.

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Zoning Map
4. Approved Stage 1 Plans
5. Approved Stage 2 Plans
6. Approved Stage 3 Plans
7. Proposed Stage 2 Plans
8. Proposed Stage 3 Plans
9. Approved and Proposed GFA Plans

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED

NOTE: KELLYVILLE ROUSE HILL PROGRESS ASSOCIATION ALSO NOTIFIED

THE HILLS
Sydney's Garden Shire

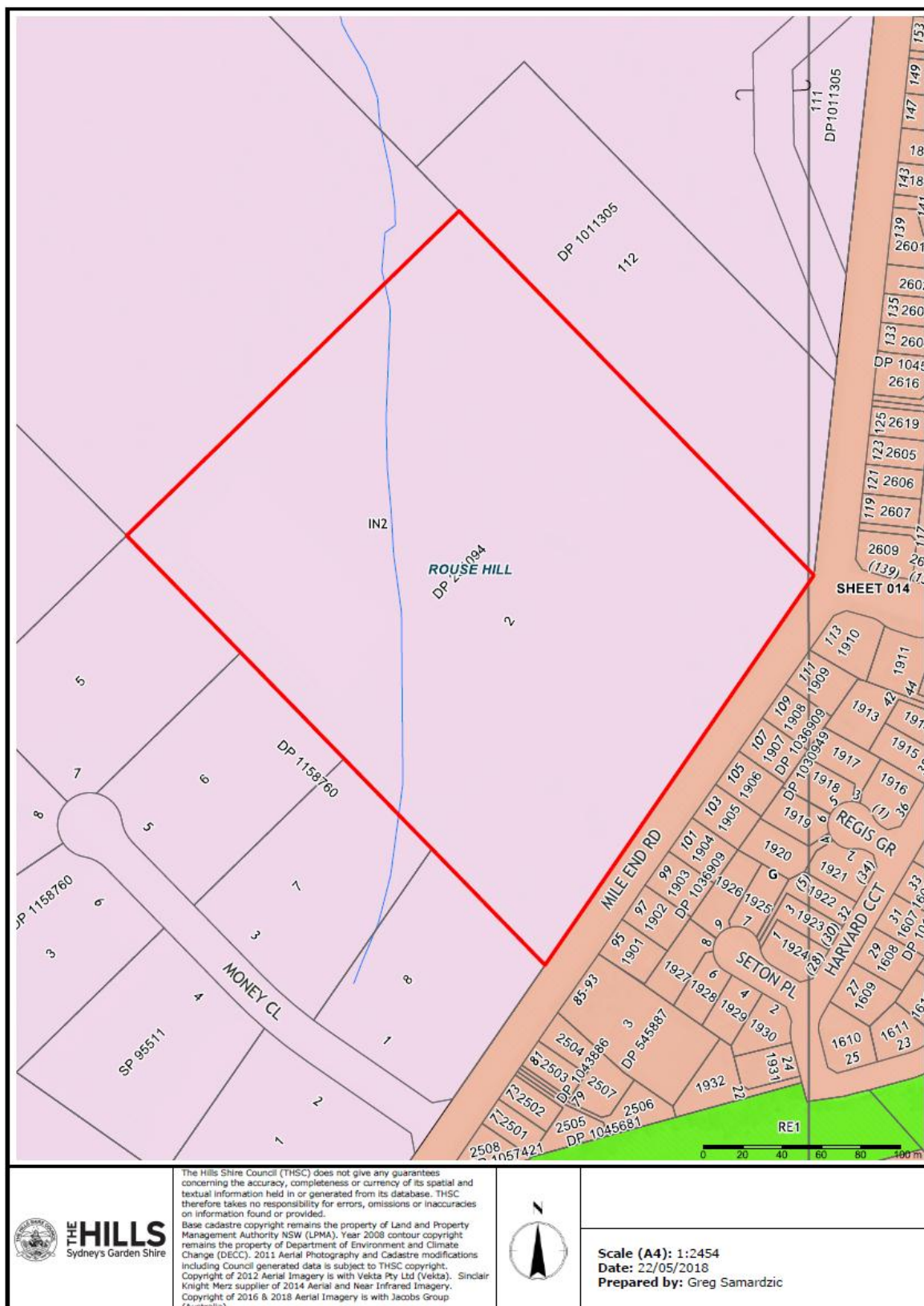
THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE
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 – ZONING MAP

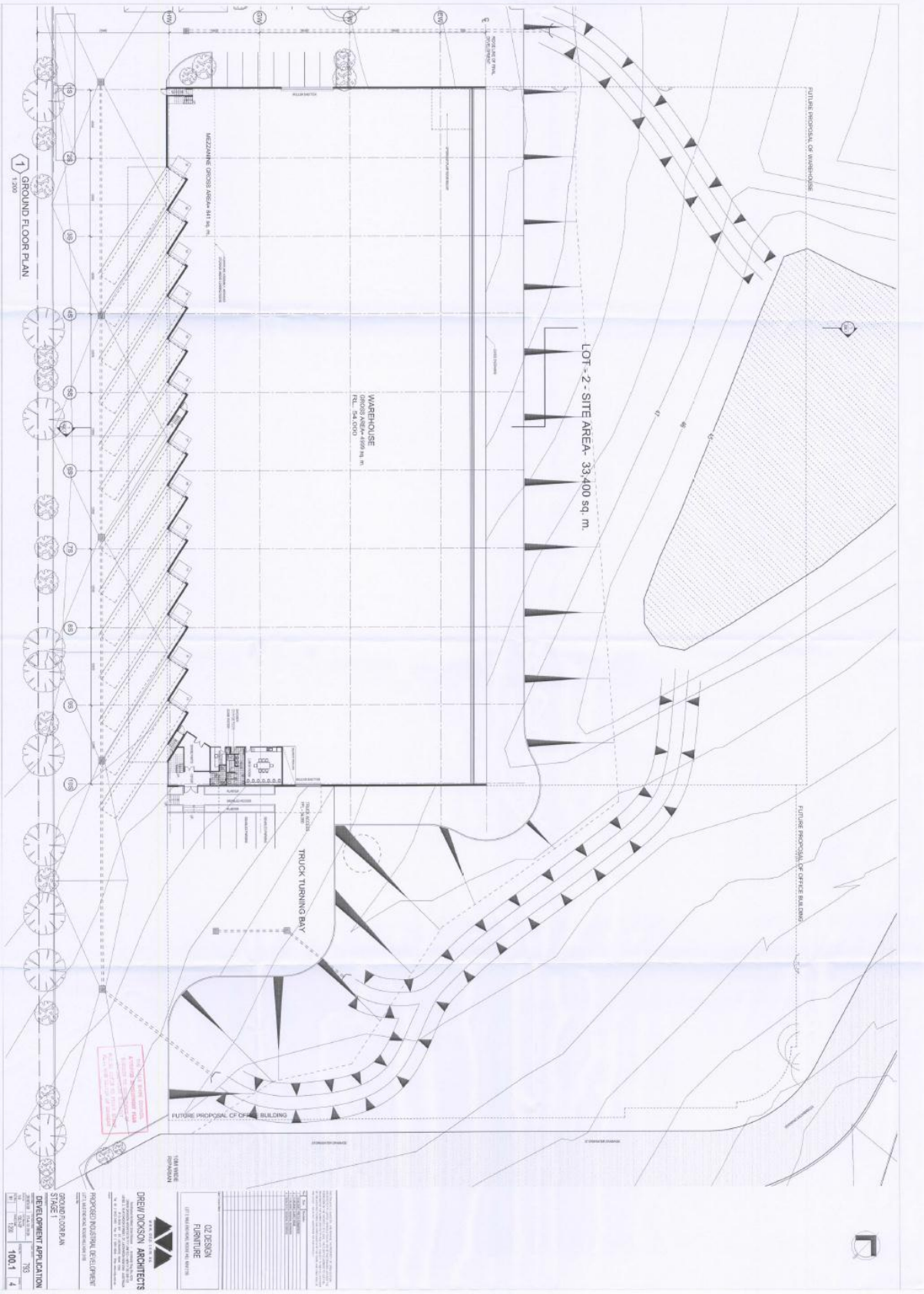


ATTACHMENT 4 – APPROVED STAGE 1 PLANS



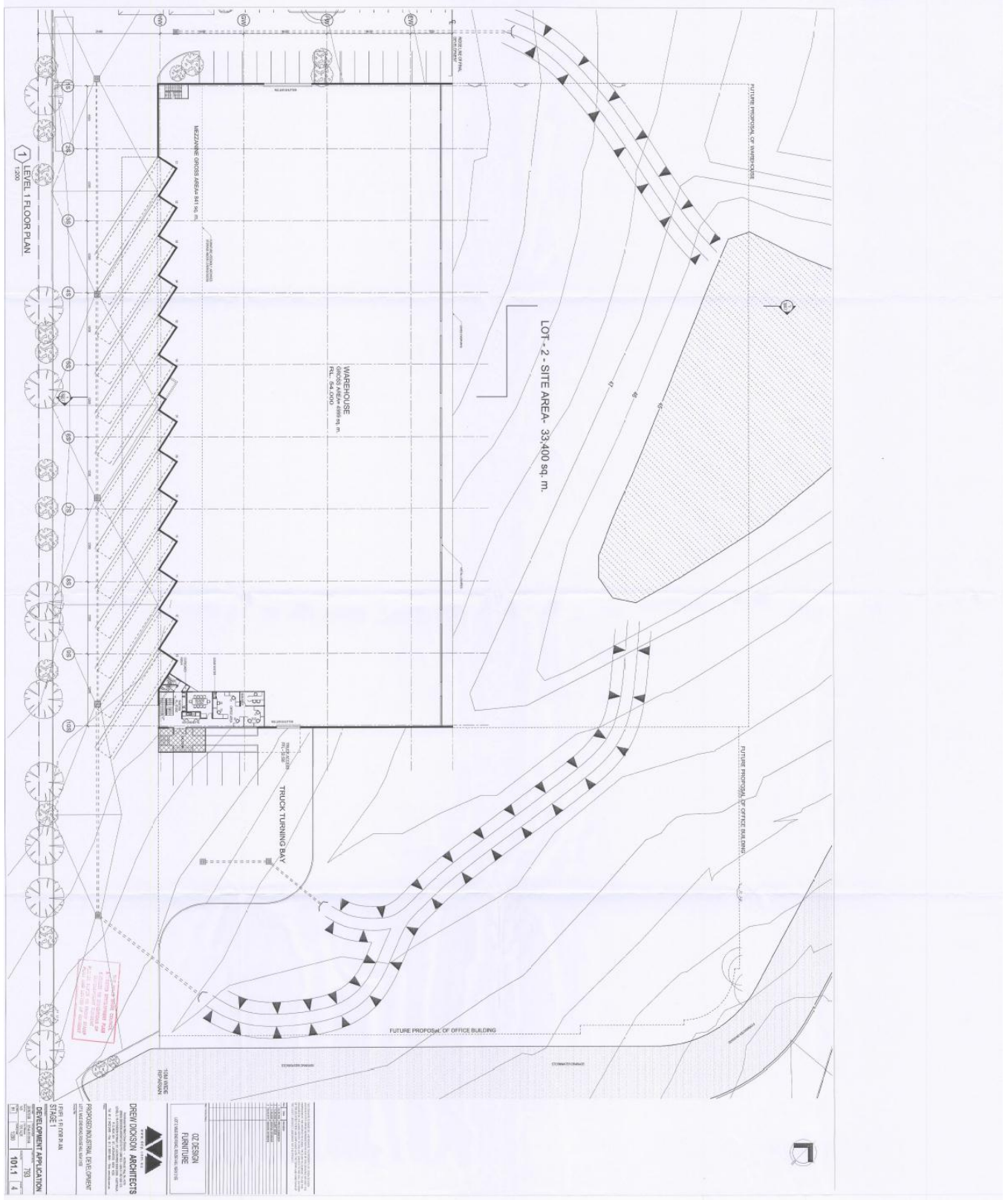
SITE PLAN

ATTACHMENT 4 – APPROVED STAGE 1 PLANS



GROUND FLOOR PLAN

ATTACHMENT 4 – APPROVED STAGE 1 PLANS



LEVEL 1 FLOOR PLAN

MEZZANINE FLOOR PLAN

LOT 2 - SITE AREA - 33,400 sq. m.

WASHHOUSE
AREA: 1,000 sq. m.
AREA: 1,000 sq. m.

MEZZANINE STAIRS
AREA: 1,000 sq. m.
AREA: 1,000 sq. m.

FUTURE PROPOSAL OF WAREHOUSE

FUTURE PROPOSAL OF OFFICE BUILDING

10/21/14

DREW JACKSON ARCHITECTS

D. JACKSON

MEZZANINE FLOOR PLAN

STAGE 1

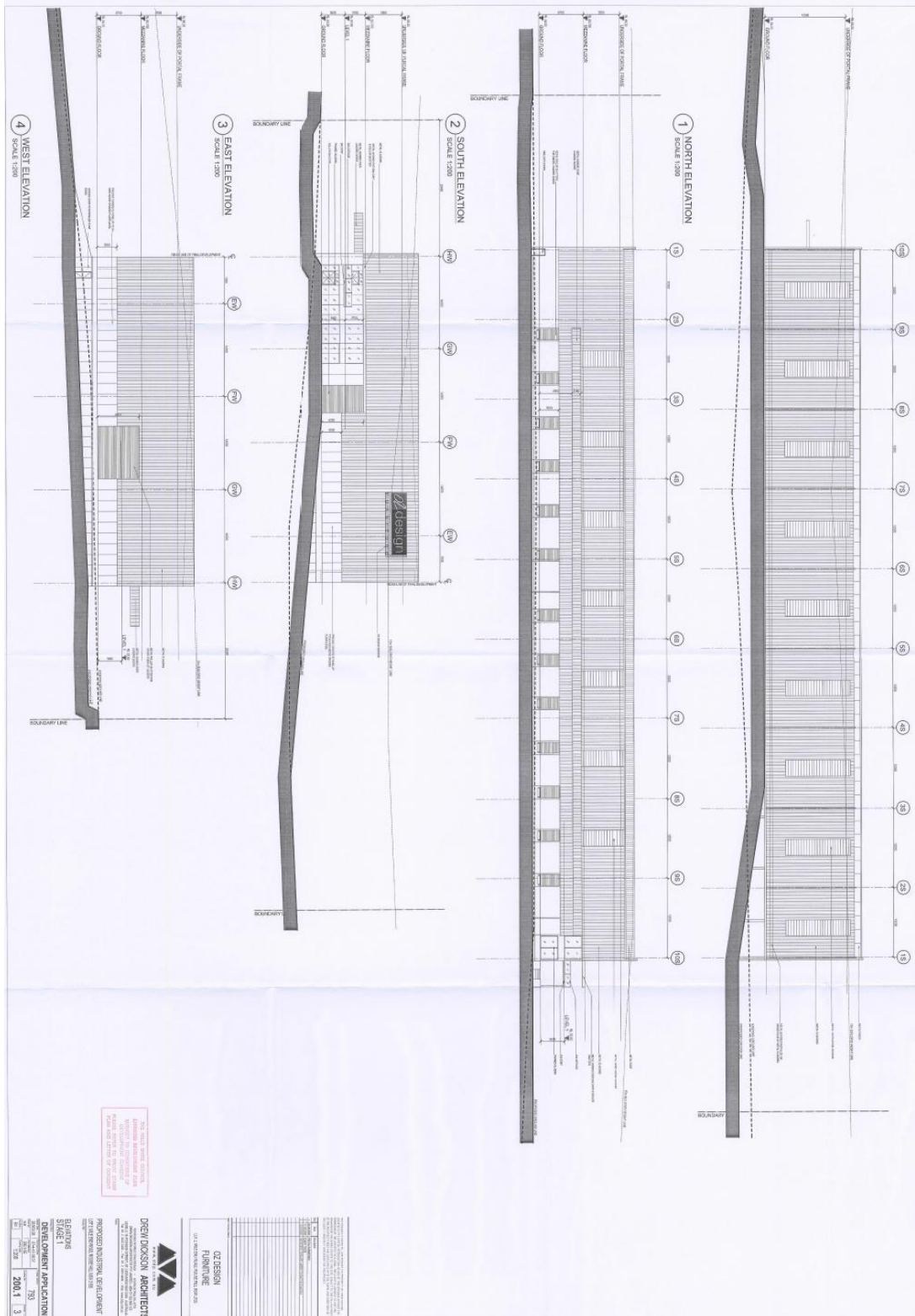
DEVELOPMENT APPLICATION

1021 4

MEZZANINE FLOOR PLAN

ROOF PLAN

ATTACHMENT 4 – APPROVED STAGE 1 PLANS

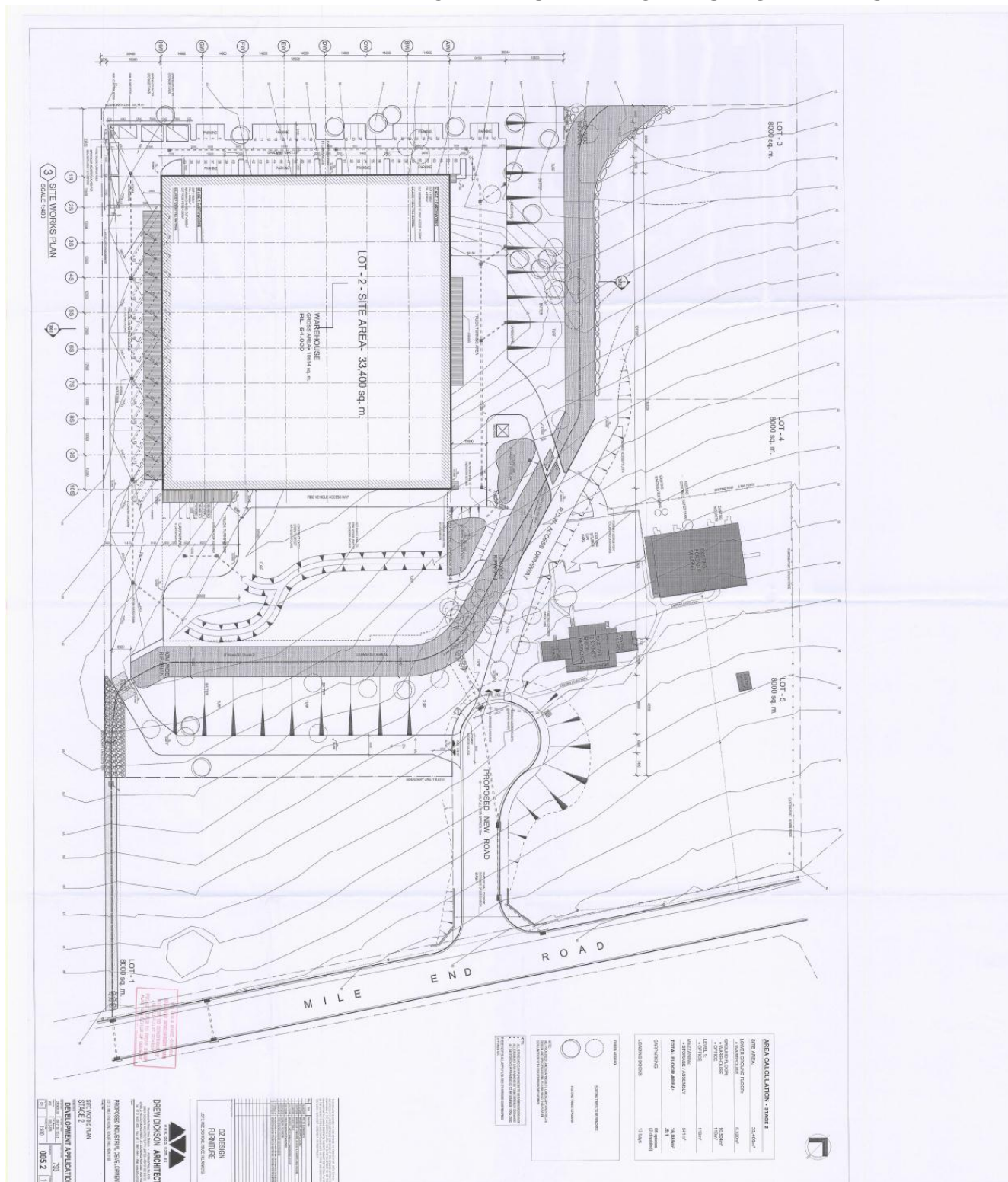


ELEVATIONS

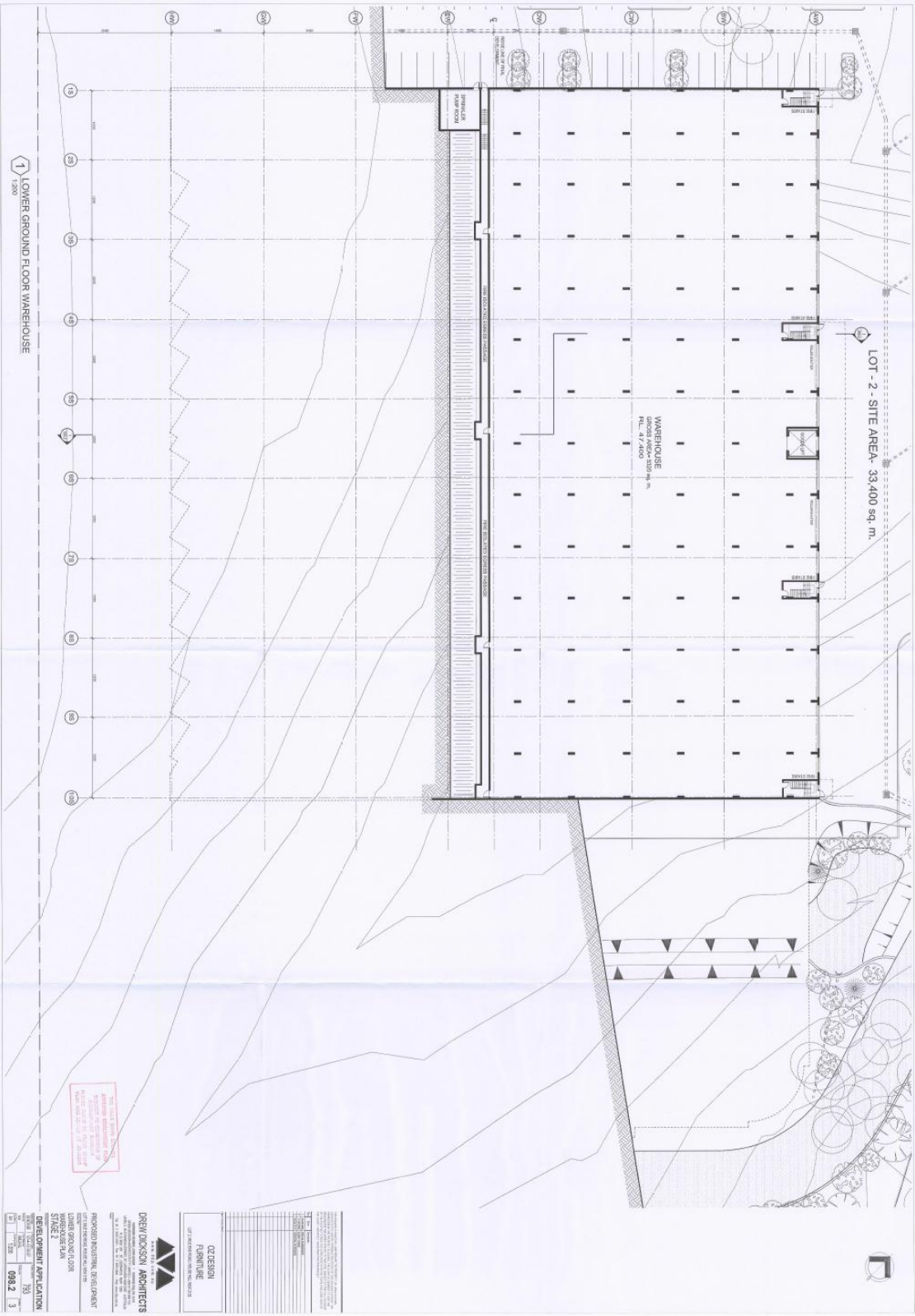
LANDSCAPE PLAN



SITE PLAN



ATTACHMENT 5 – APPROVED STAGE 2 PLANS

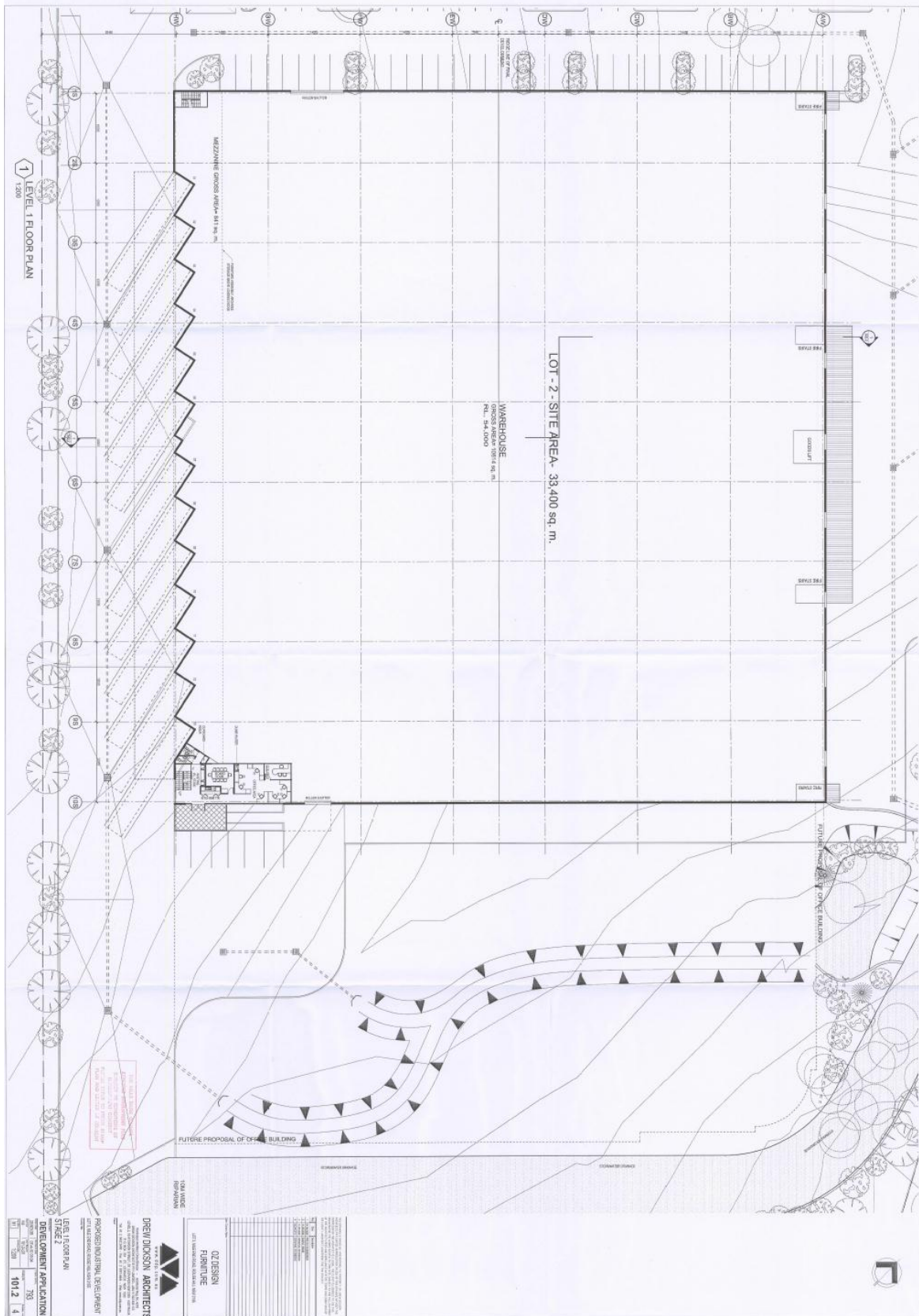


LOWER GROUND FLOOR PLAN

[illegible]

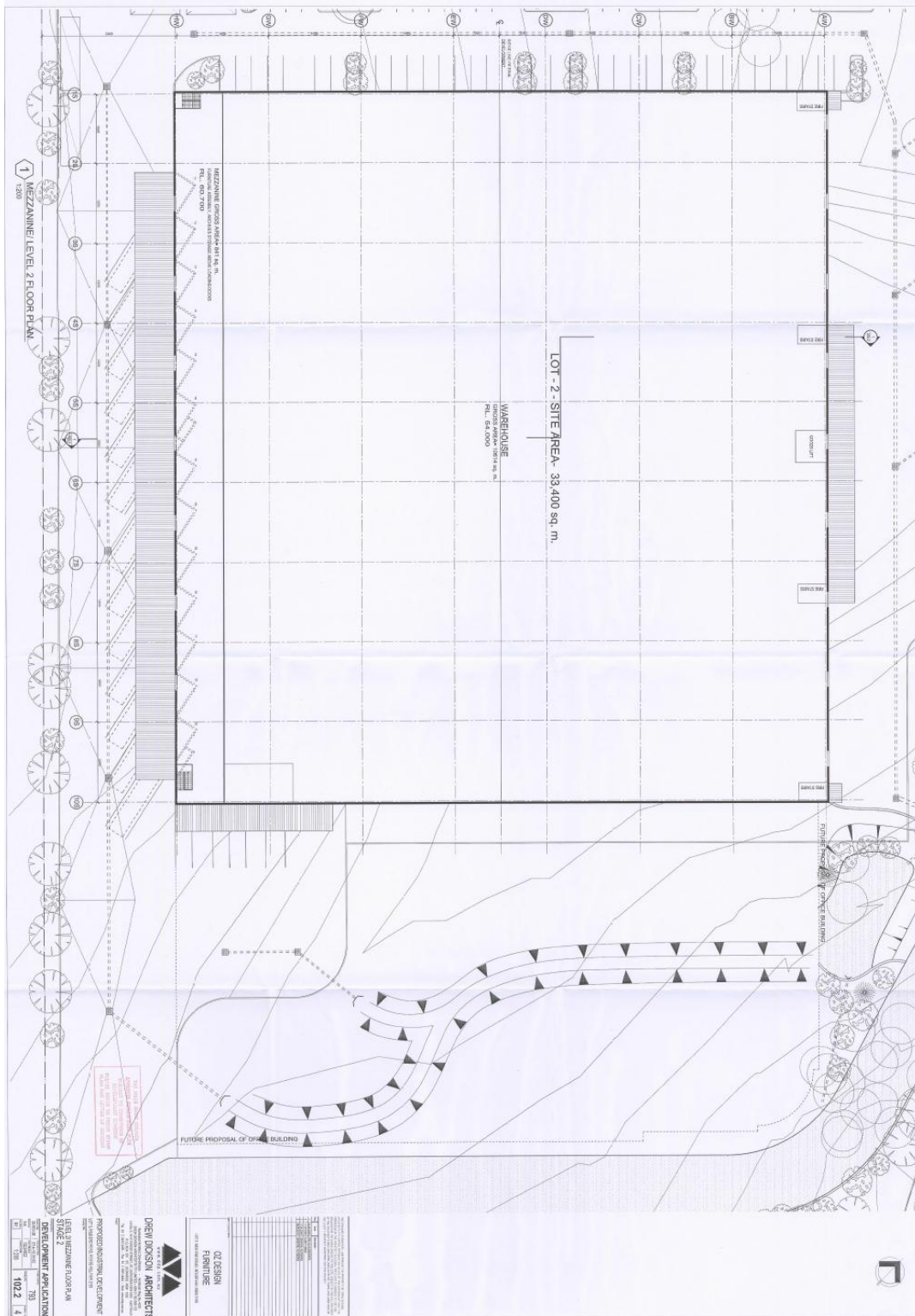
GROUND FLOOR PLAN

ATTACHMENT 5 – APPROVED STAGE 2 PLANS



LEVEL 1 FLOOR PLAN

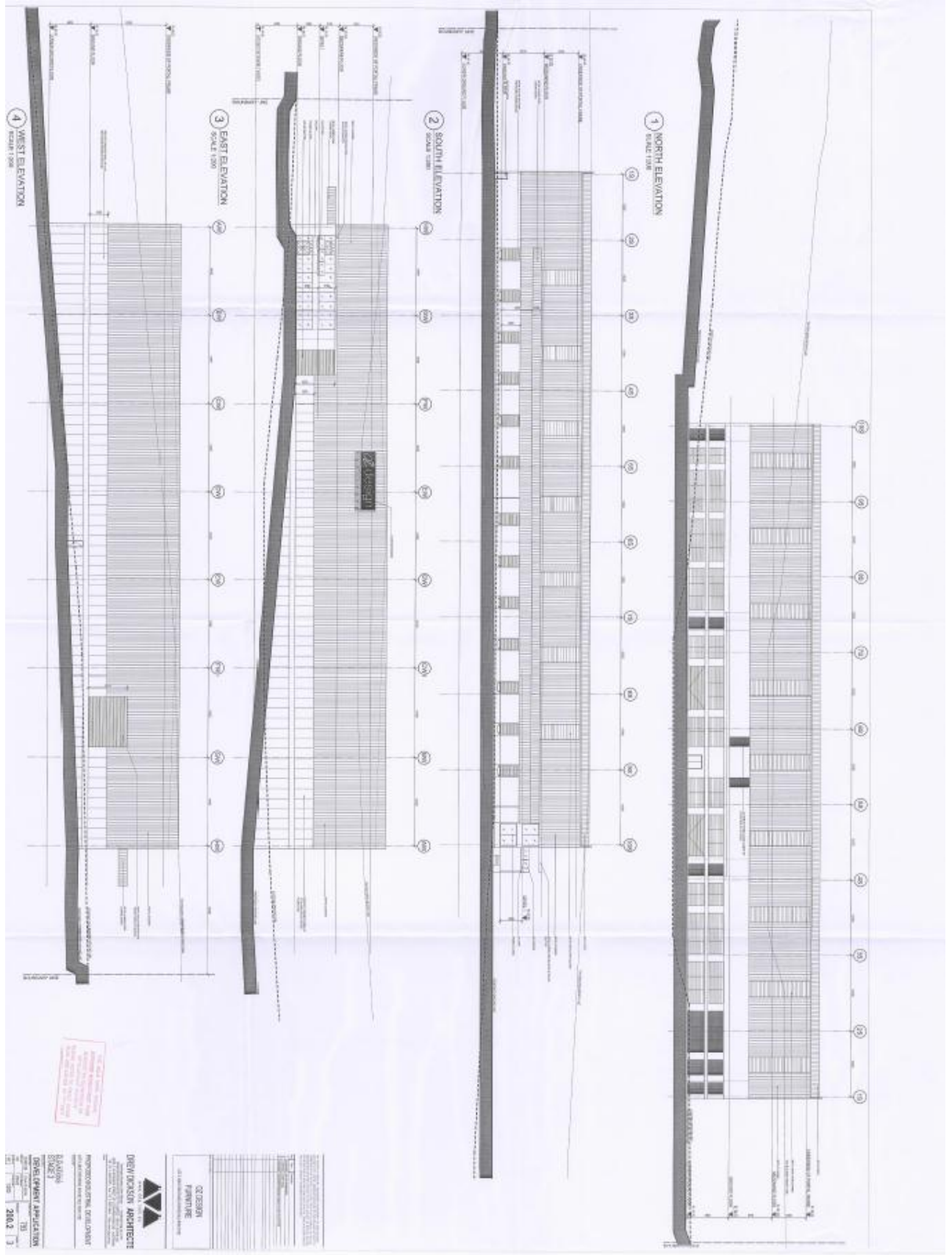
ATTACHMENT 5 – APPROVED STAGE 2 PLANS



LEVEL 2 MEZZANINE FLOOR PLAN

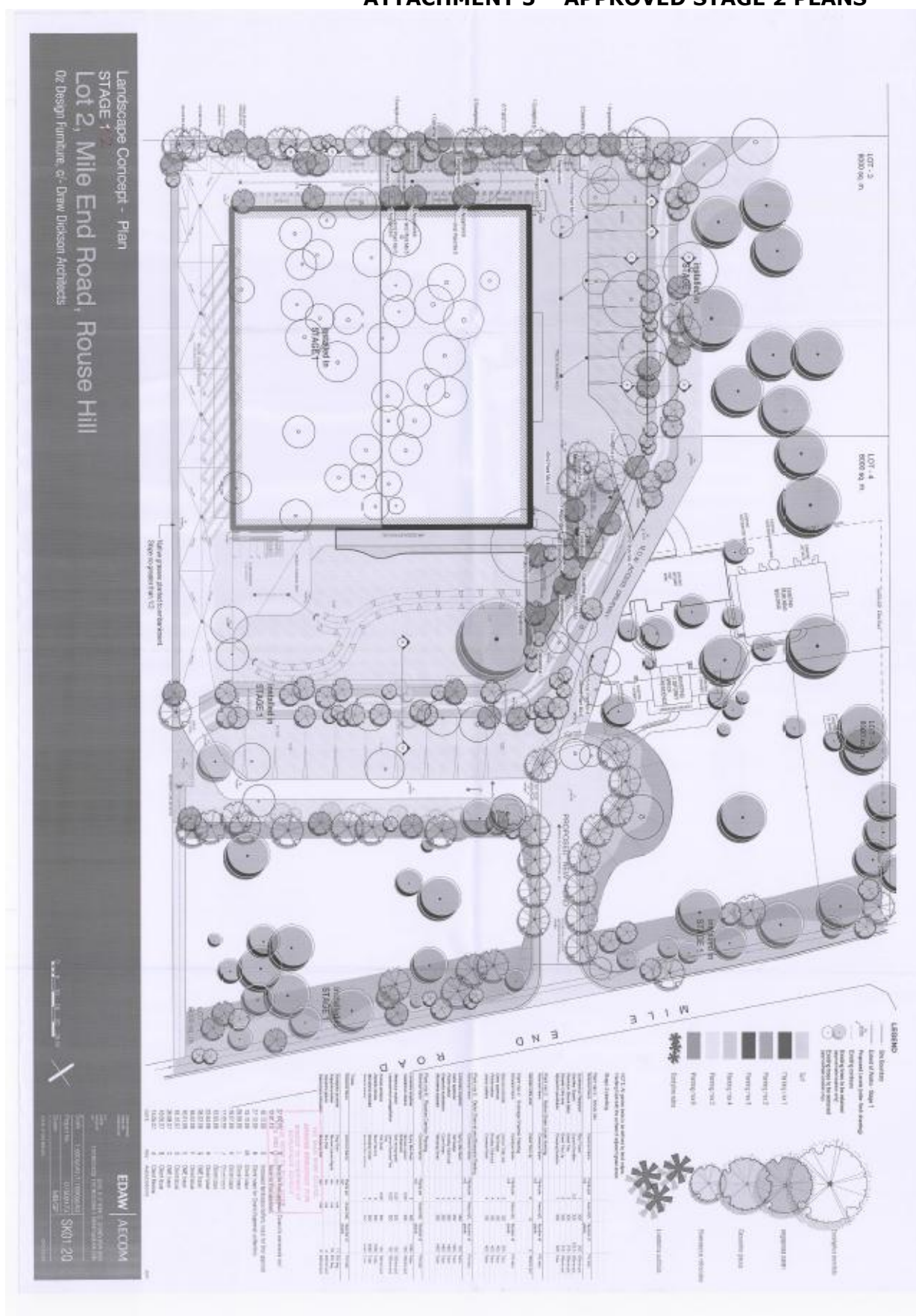
ROOF PLAN

ATTACHMENT 5 – APPROVED STAGE 2 PLANS



ELEVATIONS

LANDSCAPE PLAN



[illegible]

SITE PLAN

LOT - 2 - SITE AREA - 33,400 sq. m.

Basement Carpark 1 Plan

02/03/2014

DEWBERRY ARCHITECTS

10/10/2014

010

BASEMENT CARPARK 1 PLAN

LOT - 2 - SITE AREA - 33,400 sq. m.

BASEMENT 2 CARPARK 2 PLAN

08/2017

2 of 3

LOWER GROUND FLOOR AND BASEMENT CARPARK 2 PLAN

[illegible]

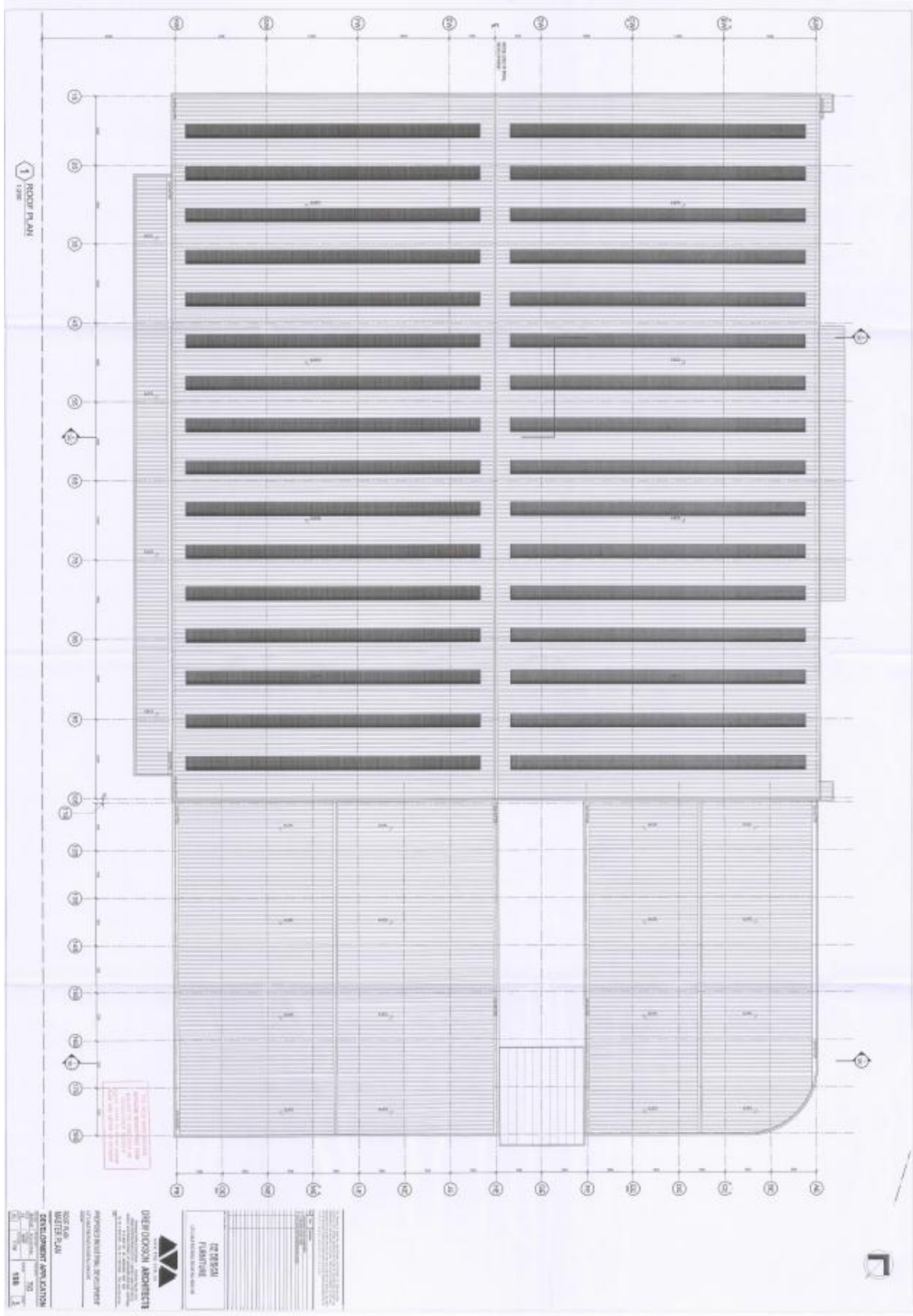
GROUND FLOOR PLAN

[illegible]

LEVEL 1 FLOOR PLAN

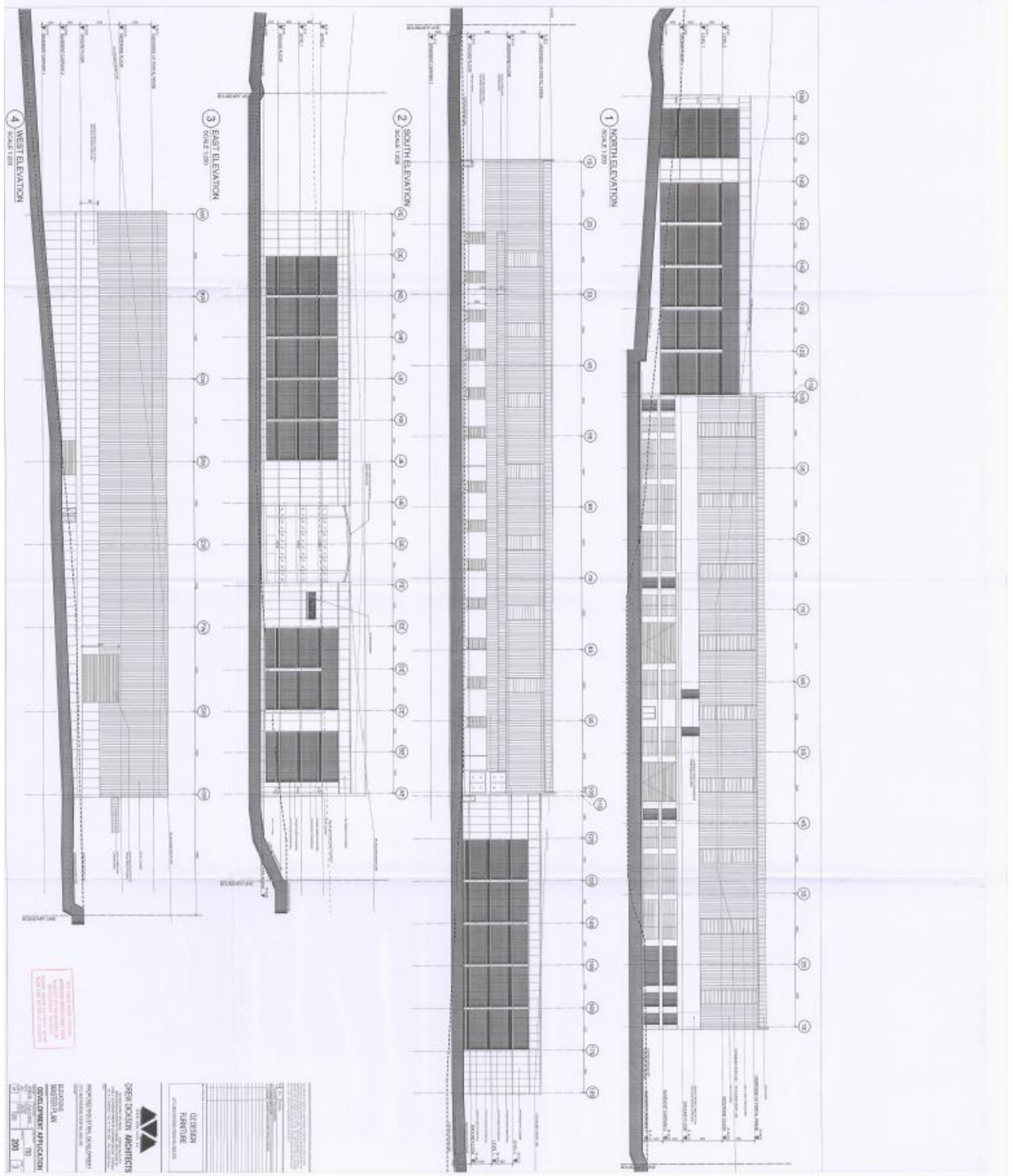
LEVEL 2 MEZZANINE FLOOR PLAN

ATTACHMENT 6 – APPROVED STAGE 3 PLANS



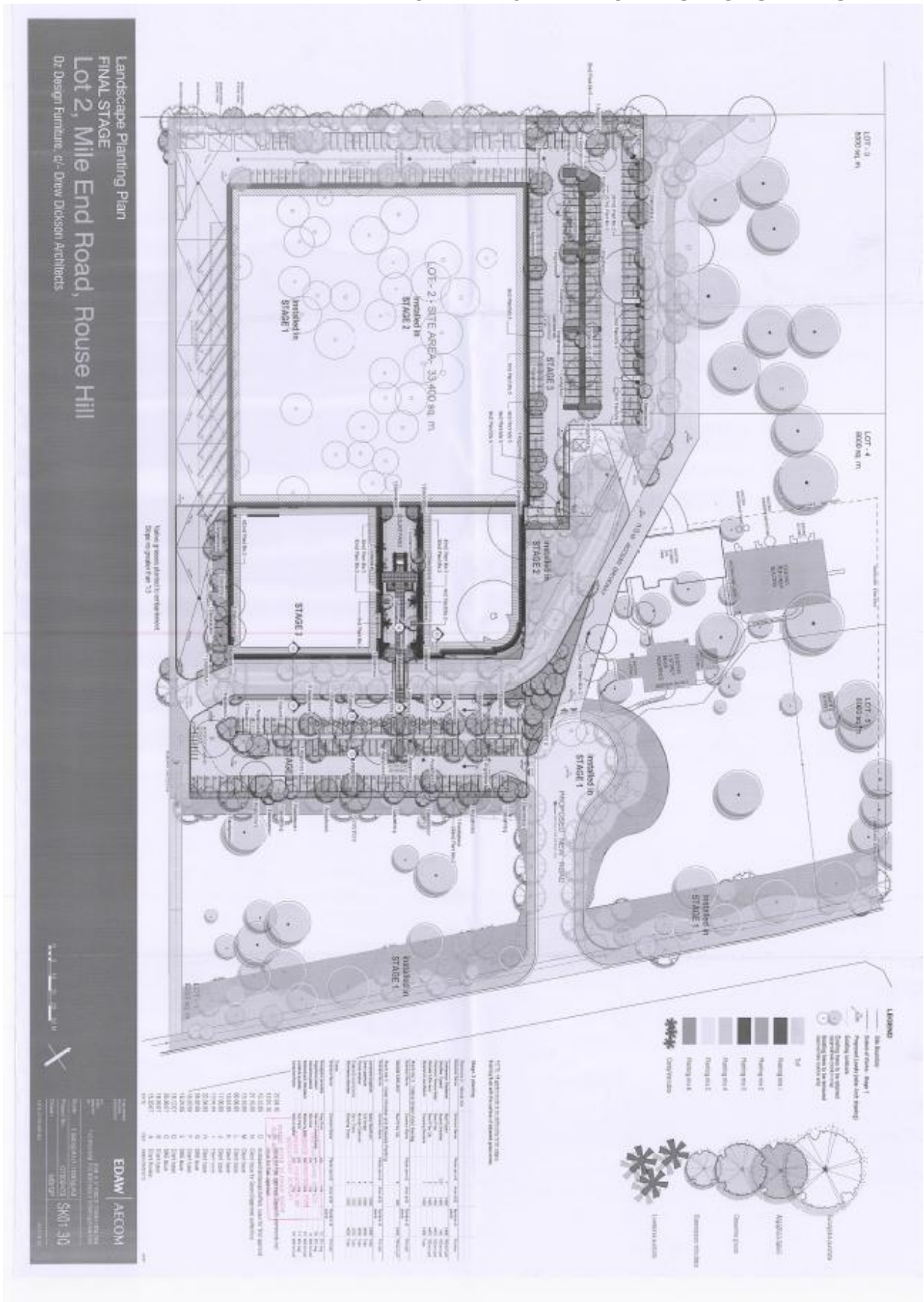
ROOF PLAN

ATTACHMENT 6 – APPROVED STAGE 3 PLANS



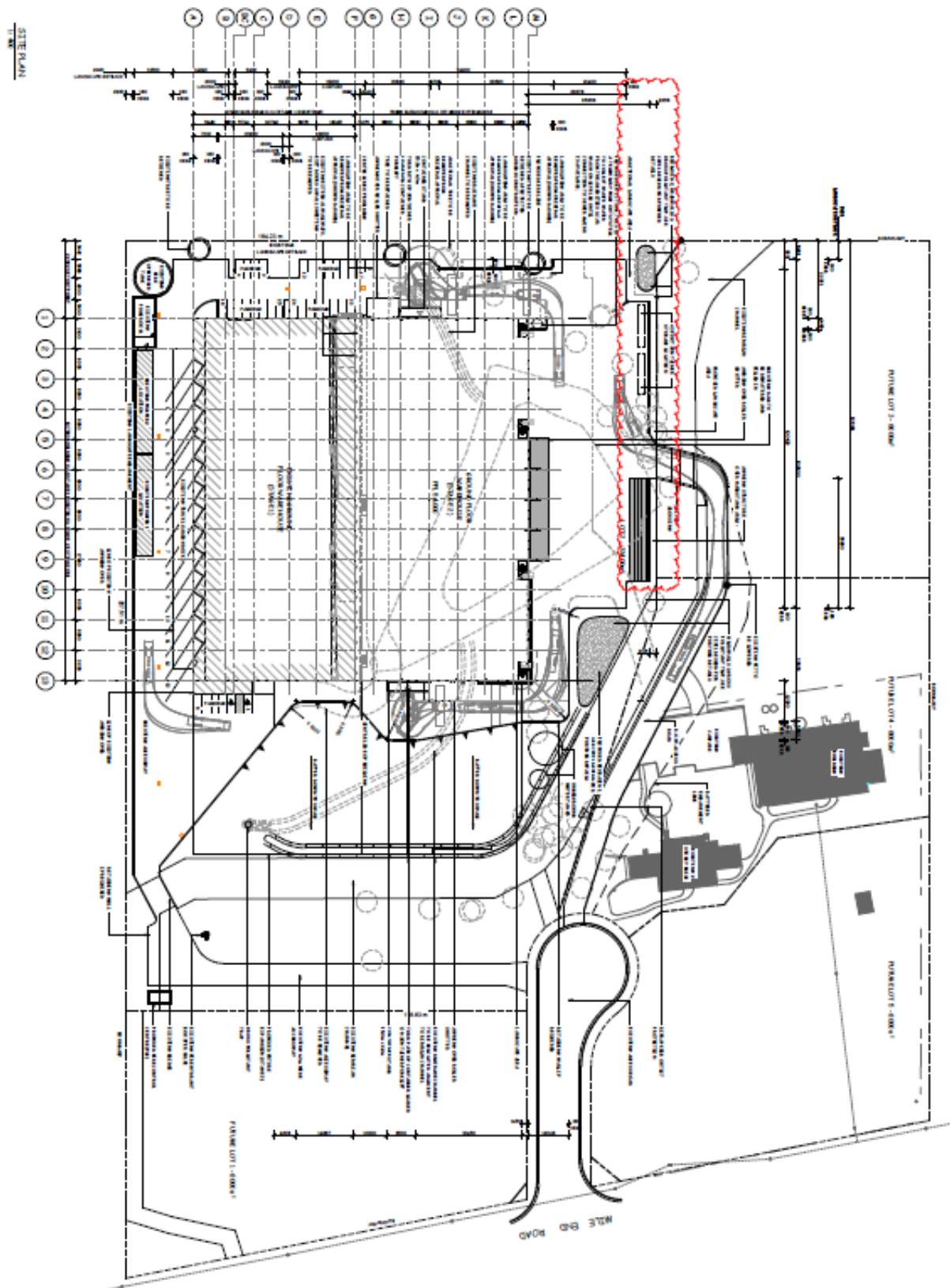
ELEVATIONS

ATTACHMENT 6 – APPROVED STAGE 3 PLANS



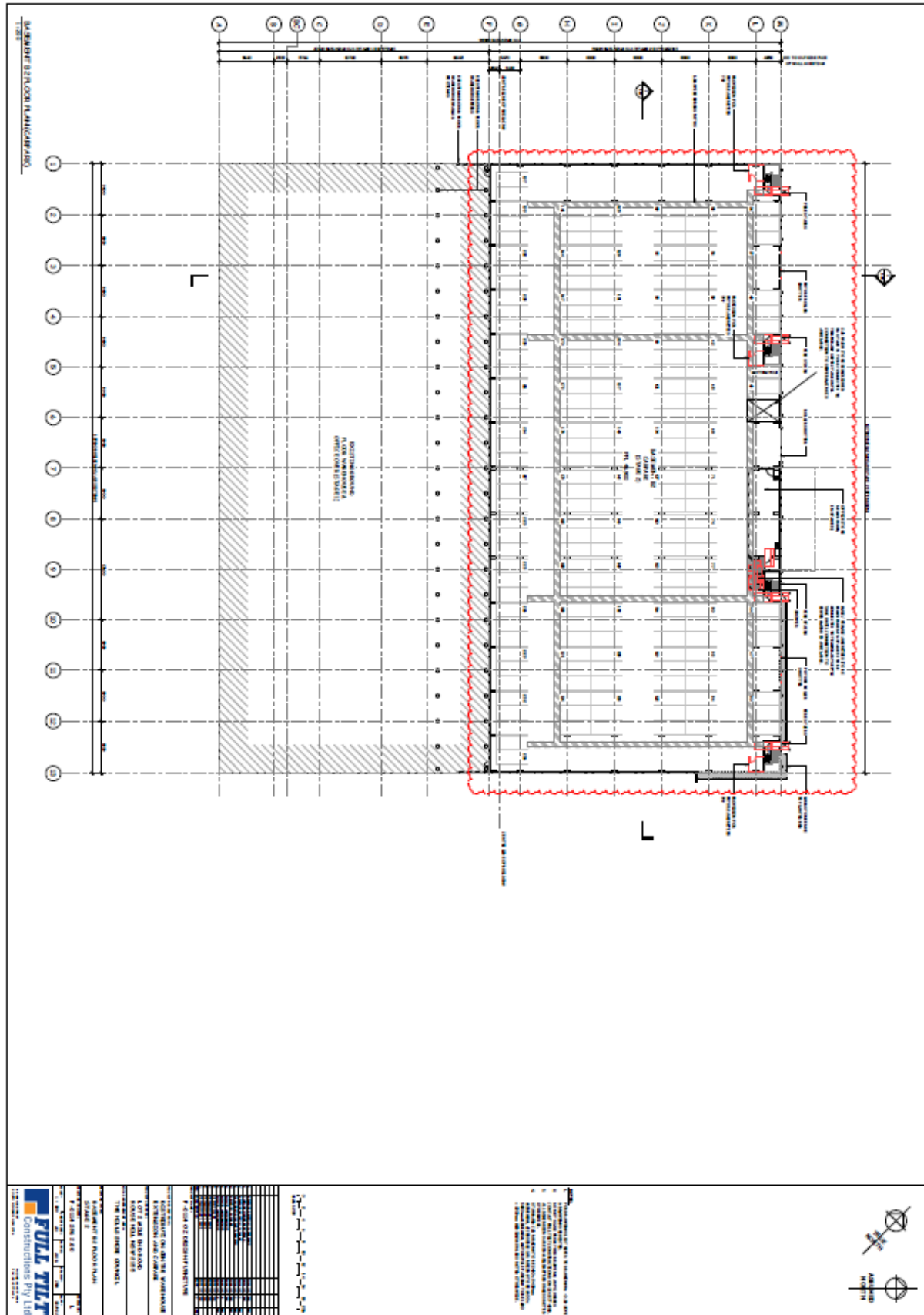
LANDSCAPE PLAN

ATTACHMENT 7 – PROPOSED STAGE 2 PLANS



SITE PLAN

ATTACHMENT 7 – PROPOSED STAGE 2 PLANS

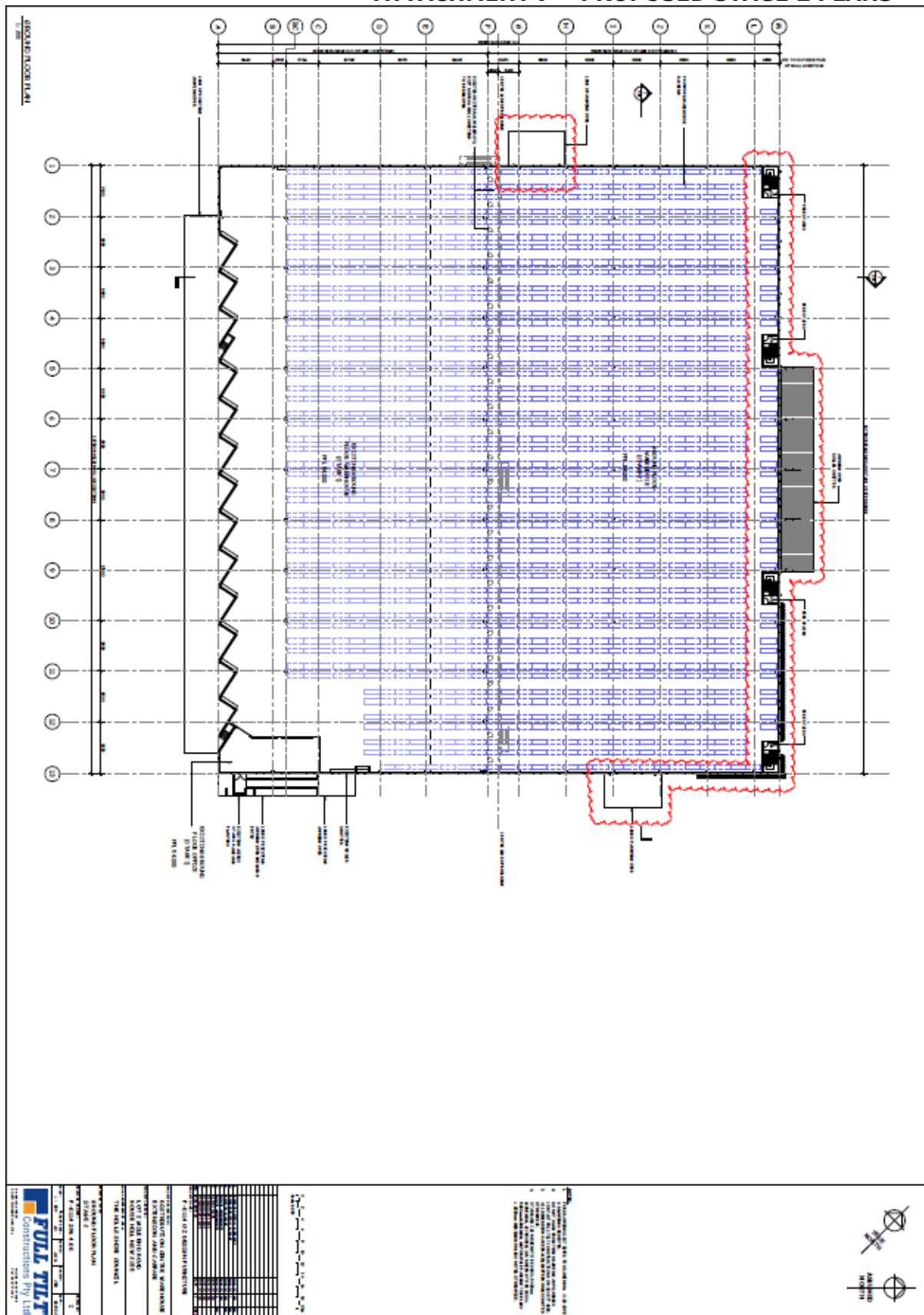


BASEMENT B2 FLOOR PLAN

Architectural drawing of the Basement B1 Floor Plan (Warehouse) for the proposed Stage 1 Plans. The plan shows a large rectangular area with a grid of columns (A-M) and rows (1-13). Key features include a 'DOCKING AREA' at the top, a 'DOCKING AREA' at the bottom, and a 'DOCKING AREA' on the right. The plan is labeled 'BASEMENT B1 FLOOR PLAN (WAREHOUSE)' and 'PROPOSED STAGE 1 PLANS'.

BASEMENT B1 FLOOR PLAN (WAREHOUSE)

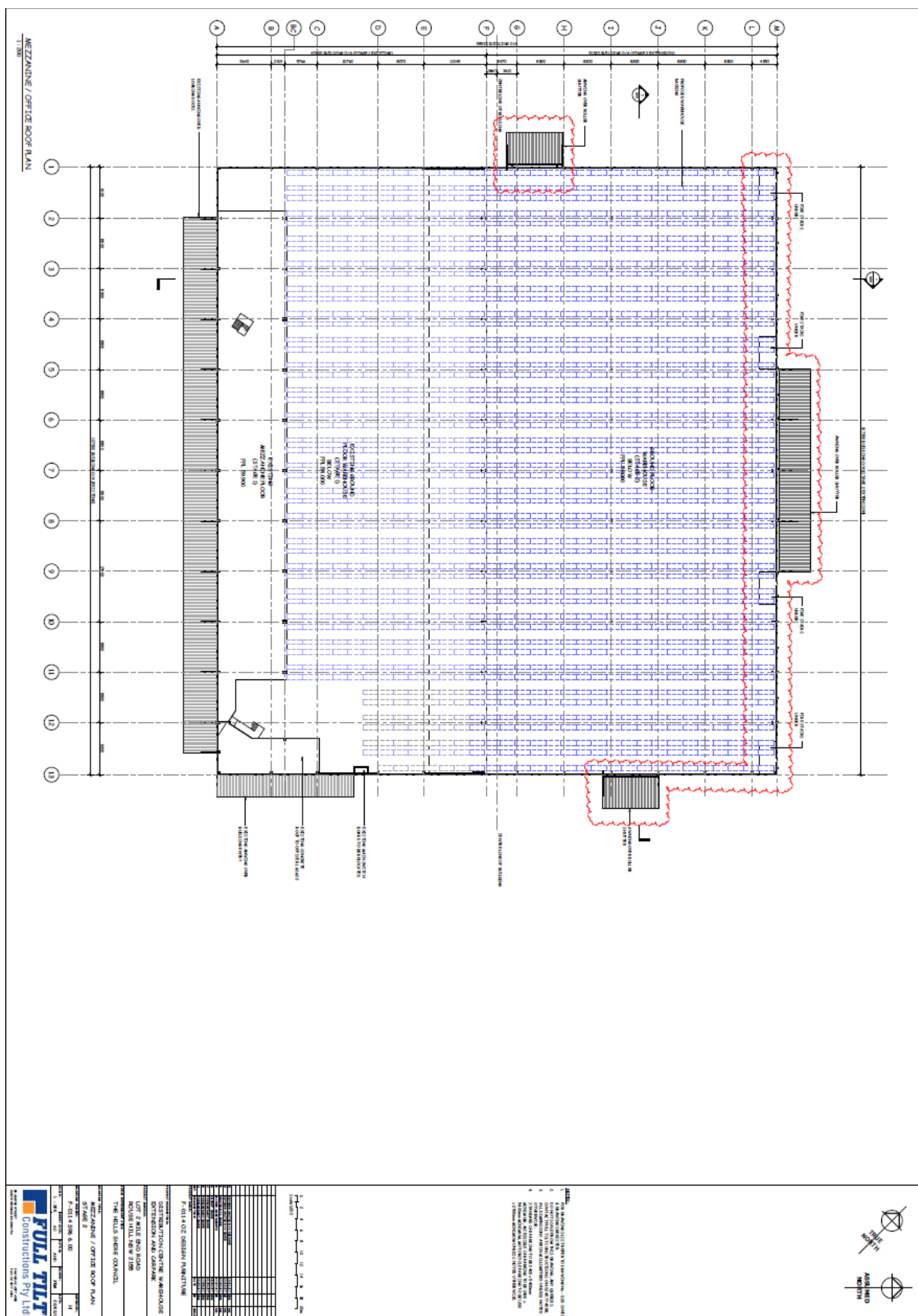
ATTACHMENT 7 – PROPOSED STAGE 2 PLANS



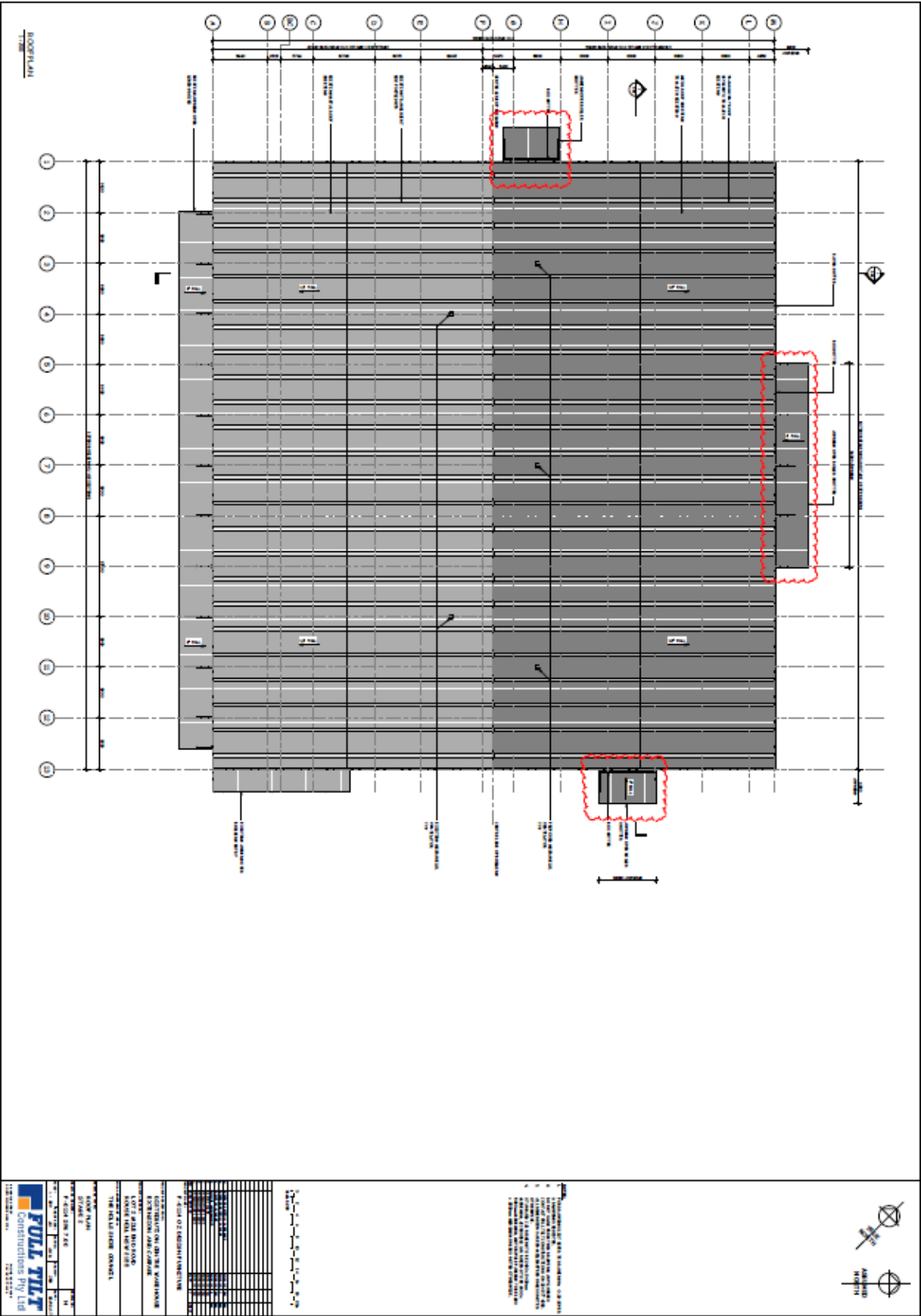
GROUND FLOOR PLAN

FIRST FLOOR OFFICE PLAN

MEZZANINE PLAN

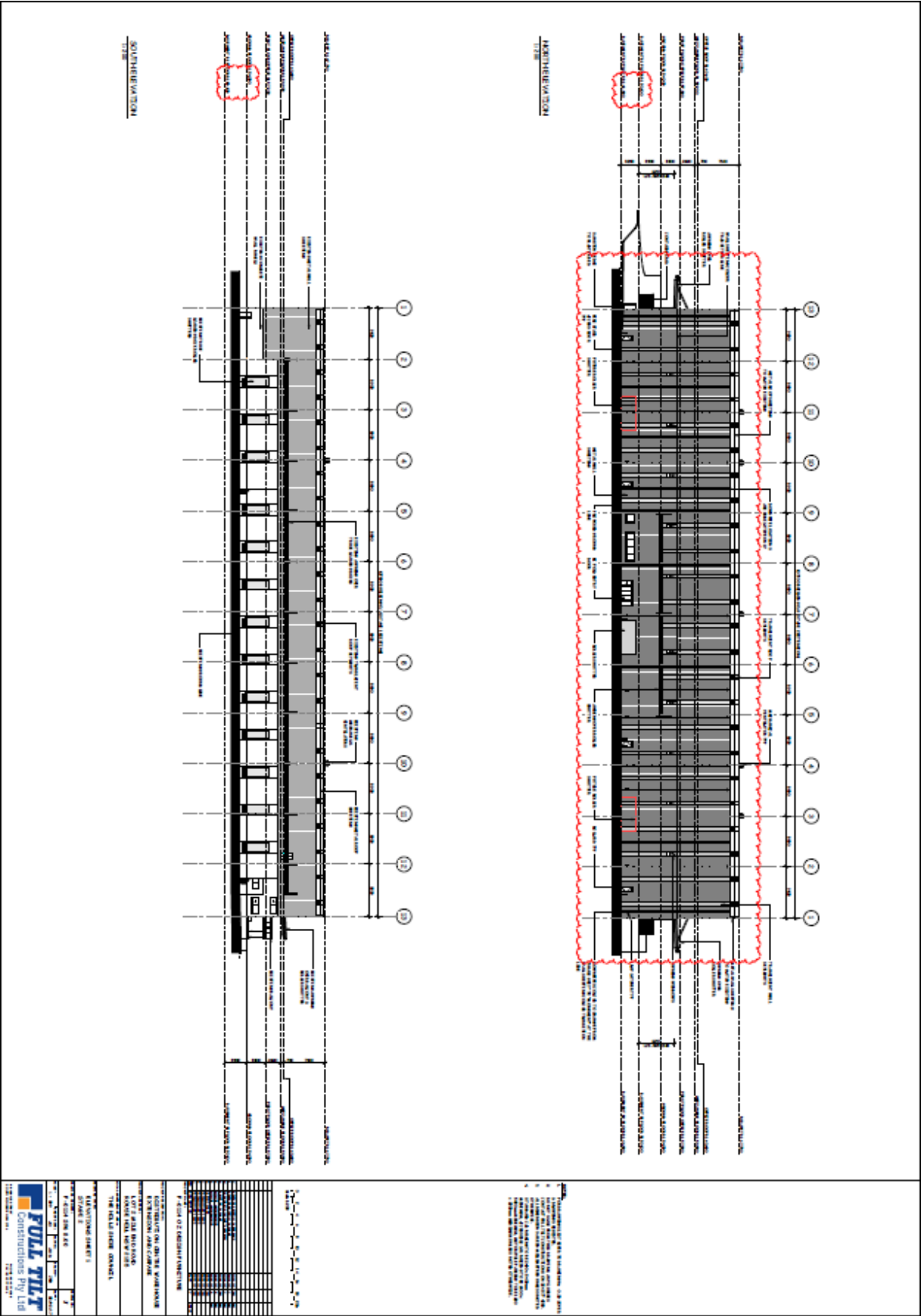


ATTACHMENT 7 – PROPOSED STAGE 2 PLANS



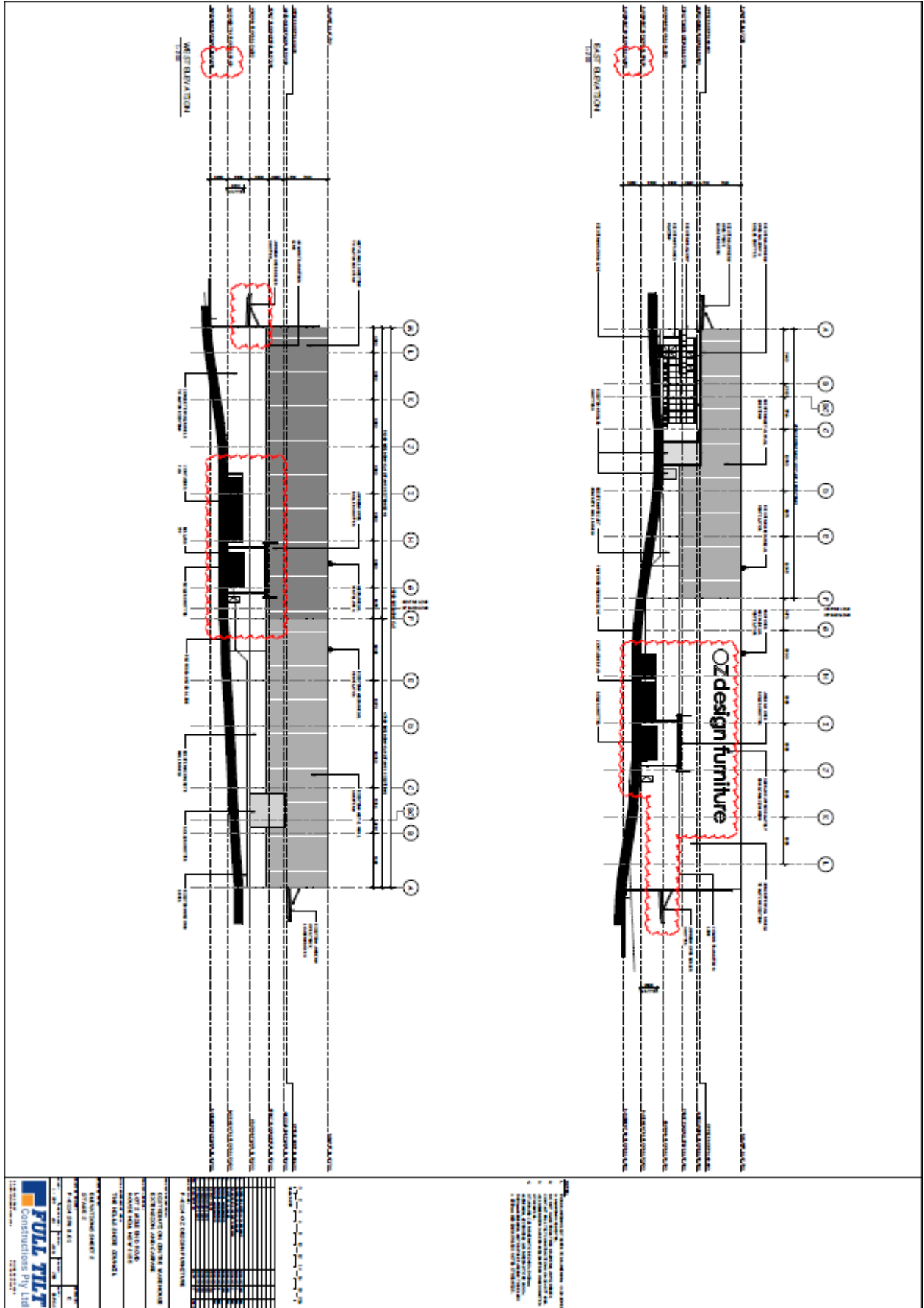
ROOF PLAN

ATTACHMENT 7 – PROPOSED STAGE 2 PLANS



ELEVATIONS

ATTACHMENT 7 – PROPOSED STAGE 2 PLANS



ELEVATIONS

NOT FOR CONSTRUCTION



Case	Number of cases	Number of cases
1	10	10
2	10	10
3	10	10
4	10	10
5	10	10
6	10	10
7	10	10
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94	10	10
95	10	10
96	10	10
97	10	10
98	10	10
99	10	10
100	10	10

Photo Credit: A. P. (unlabeled)

Steel Edge
Pulse Guard

Planting mix 1 - Tall Growth
(see Chart & Plant Selection)

Planting mix 2 - Shrub, Cover
(also used in Plant Division)

WERNER, PETER J. - KATHARINE LUTHE
(Rider, David A. Photo Services)

Figure 4 - Relative risk of death (fatal & non-fatal) from stroke by gender & ethnic group

Planting rate 5 • Outer Channel
Rider Channel (Rider Channel)

Planting with 6 - Discarded
Apple Cider Vinegar

Plugging into 7 - 5000, I wrote

Hydro Sealing

Turf ☐ Existing Turf

1000

Full Title Constructions Pty Ltd

Lot 2 Mile end RoadRoupe H.H., NSWSITE IMAGE 2/2/7

100% to 1000% increase in the number of people with the disease.



SECTION 4.55

1000

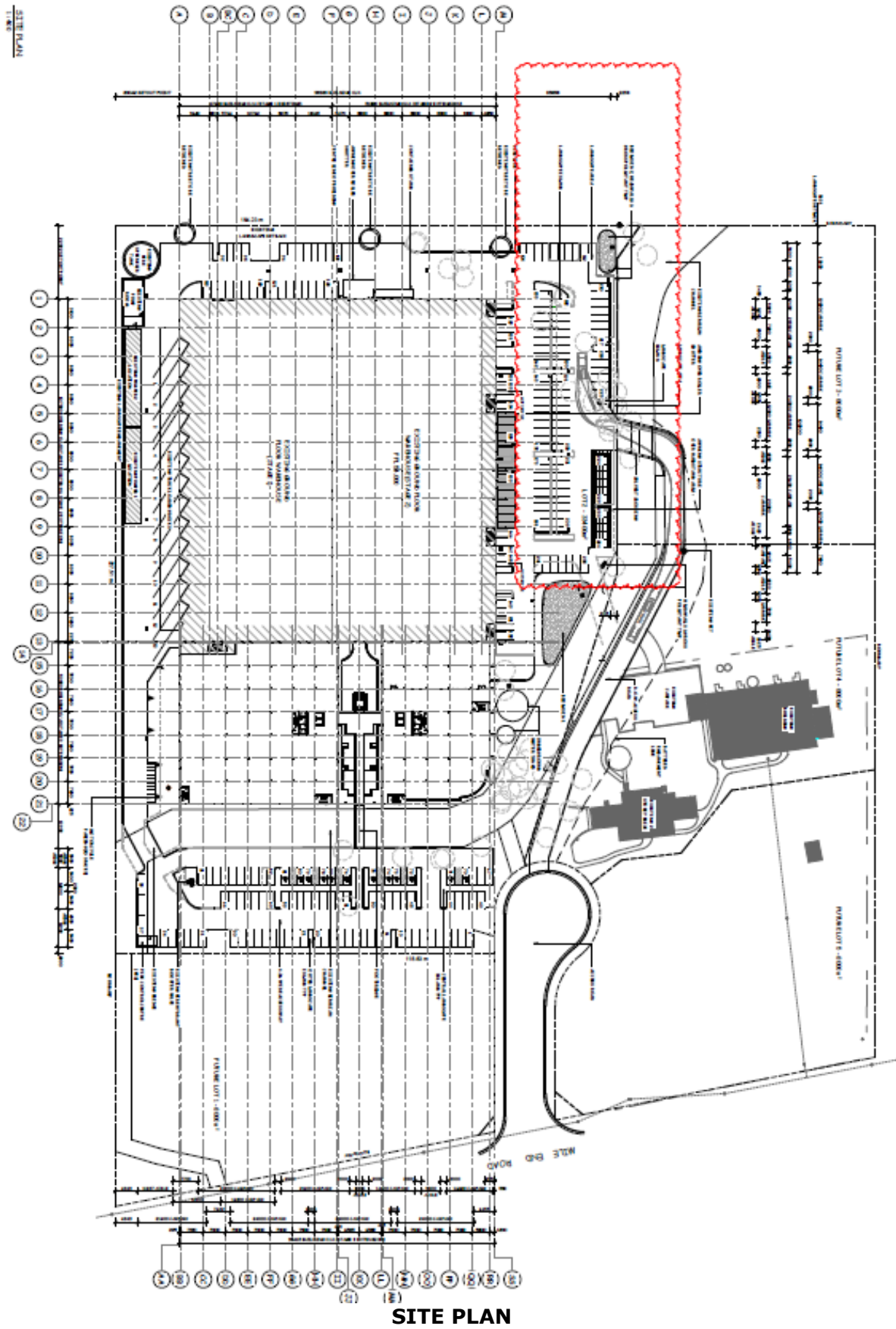
Landscape Plan
Stage 2

Issue 1, 2003 (33:1)
in Review

8818-3746 101 0

LANDSCAPE PLAN

ATTACHMENT 8 – PROPOSED STAGE 3 PLANS



SITE PLAN

Basement Floor Plan (Continued)

Architectural floor plan showing the layout of the basement level. The plan includes a grid of columns (A-S) and rows (1-20). Key features include:

- Structural columns and walls.
- Rooms and corridors.
- North arrow pointing towards the top right.
- Dimensions and annotations.

Legend:

- 1. Structural Columns
- 2. Structural Walls
- 3. Rooms
- 4. Corridors
- 5. Stairs
- 6. Elevators
- 7. Mechanical Rooms
- 8. Electrical Rooms
- 9. Storage Areas
- 10. Other

Scale: 1/8" = 1'-0"

Notes:

1. All dimensions are in feet and inches.
2. All rooms are to be finished.
3. All corridors are to be finished.
4. All stairs are to be finished.
5. All elevators are to be finished.
6. All mechanical rooms are to be finished.
7. All electrical rooms are to be finished.
8. All storage areas are to be finished.
9. All other areas are to be finished.

Prepared by: [Name]

Checked by: [Name]

Date: [Date]

Project: [Project Name]

Sheet: [Sheet Number]

Scale: 1/8" = 1'-0"

Notes:

1. All dimensions are in feet and inches.
2. All rooms are to be finished.
3. All corridors are to be finished.
4. All stairs are to be finished.
5. All elevators are to be finished.
6. All mechanical rooms are to be finished.
7. All electrical rooms are to be finished.
8. All storage areas are to be finished.
9. All other areas are to be finished.

Prepared by: [Name]

Checked by: [Name]

Date: [Date]

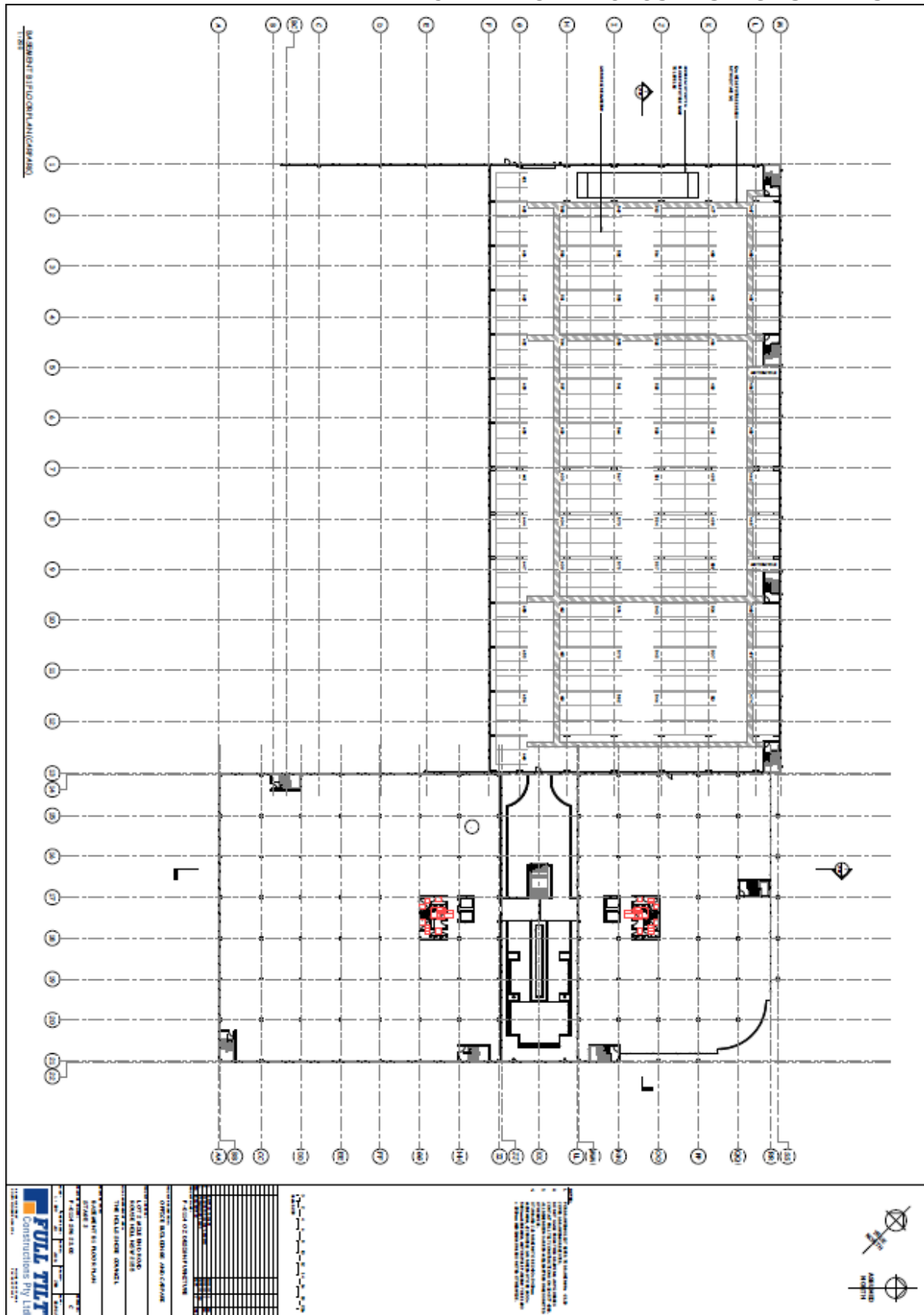
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Sheet: [Sheet Number]

Scale: 1/8" = 1'-0"

BASEMENT B2 FLOOR PLAN

ATTACHMENT 8 – PROPOSED STAGE 3 PLANS

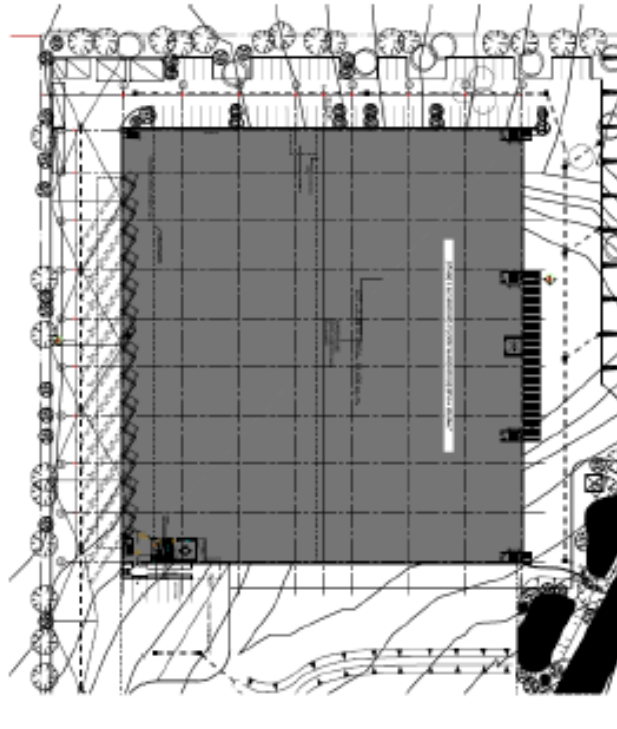


BASEMENT B1 FLOOR PLAN

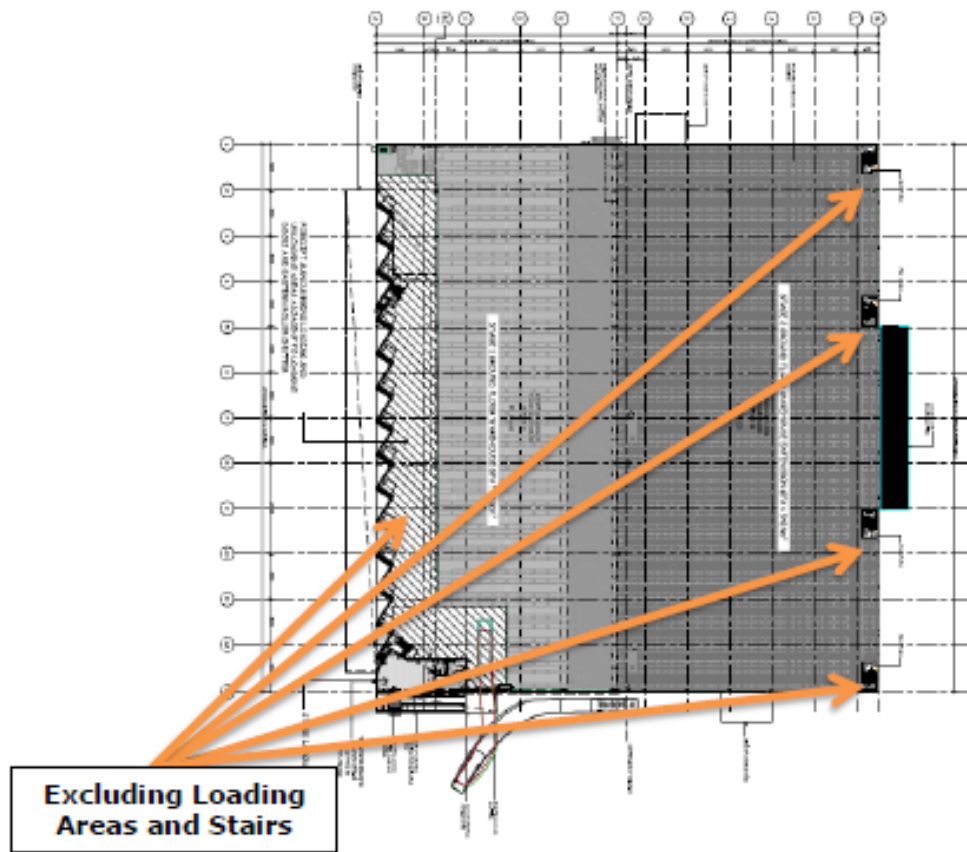
NOT FOR CONSTRUCTION



ATTACHMENT 9 – APPROVED AND PROPOSED GFA PLANS

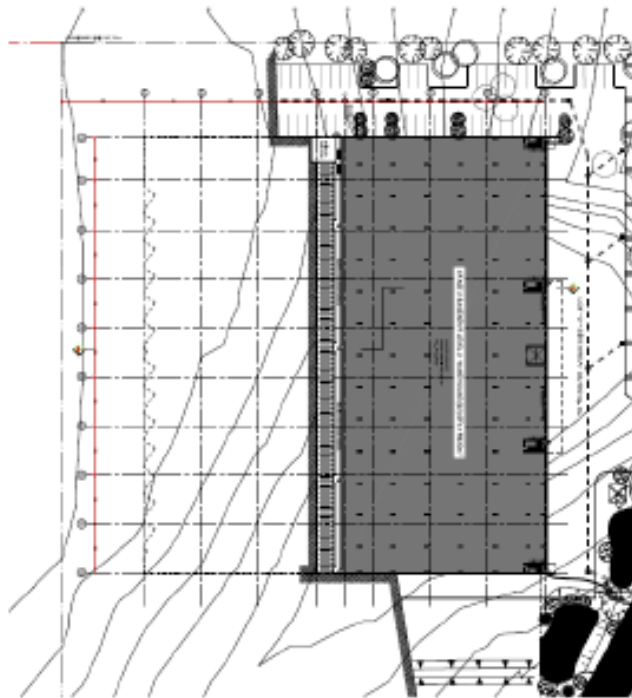


Approved Stage 2 GFA - Ground Floor Warehouse Level

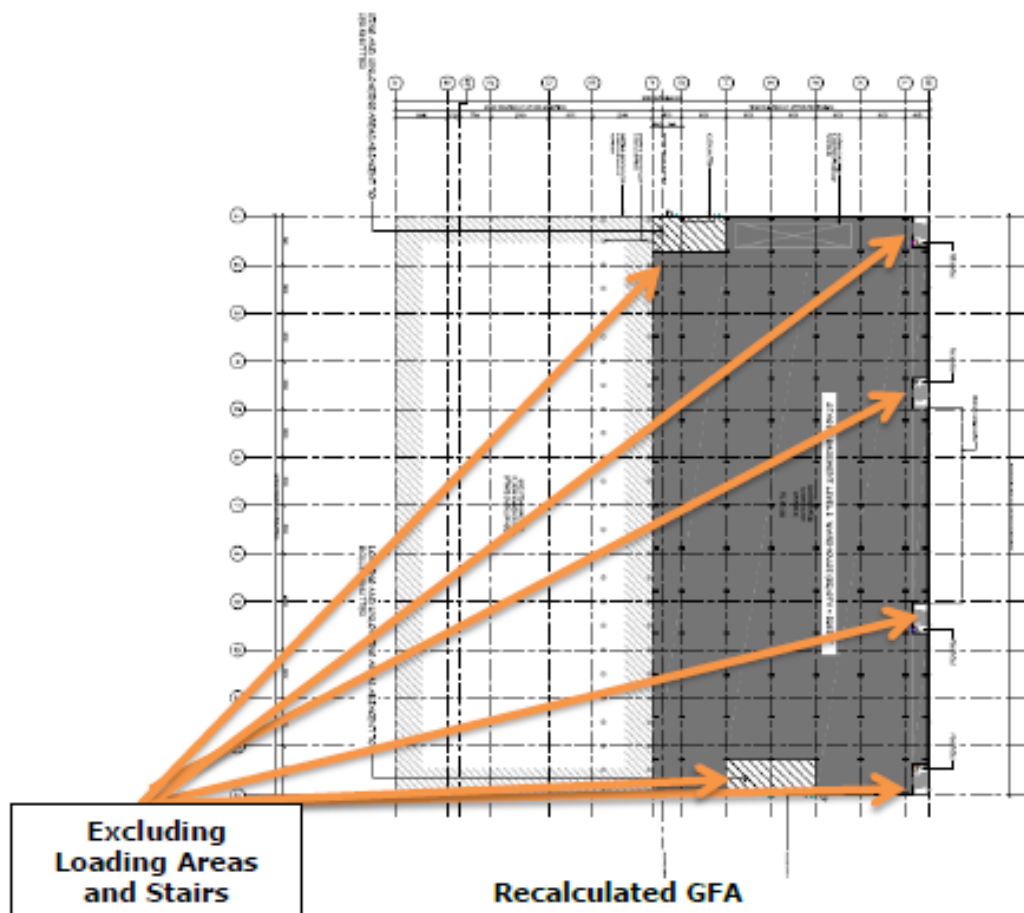


Recalculated GFA

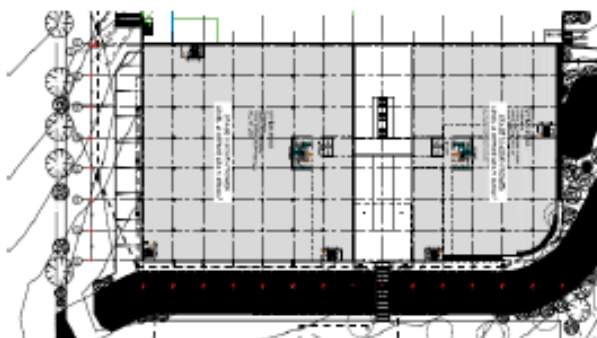
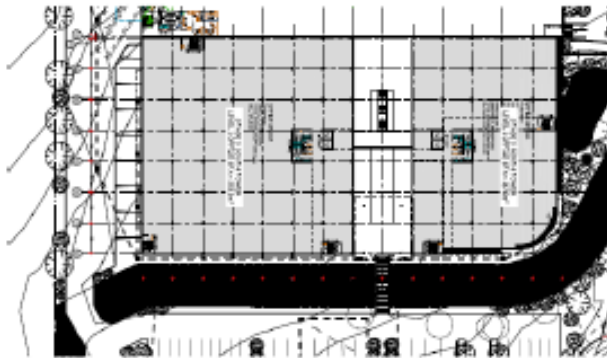
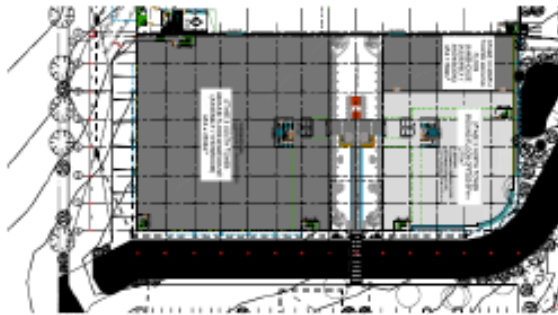
ATTACHMENT 9 – APPROVED AND PROPOSED GFA PLANS



Approved Stage 2 GFA - Basement Warehouse Level



ATTACHMENT 9 – APPROVED AND PROPOSED GFA PLANS



Approved Stage 3 GFA

ATTACHMENT 9 – APPROVED AND PROPOSED GFA PLANS

