

SYDNEY CENTRAL CITY PLANNING PANEL

Panel Reference	2017SWC150
DA Number	1042/2018/JP
LGA	The Hills Shire Council
Proposed Development	Additions to an Existing Processing Centre
Street Address	Lot 7035 DP 1089408 11 Irvine Place, Baulkham Hills
Applicant/Owner	Genton Architecture/Commonwealth Bank (Sydney)
Date of DA lodgement	29 November 2017
Number of Submissions	No submissions received
Recommendation	Approval subject to conditions
Regional Development Criteria	CIV exceeding \$20 million* (Transitional Provisions of SEPP (SRD) 2011)
List of all relevant S4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 55 — Remediation of Land • The Hills Local Environmental Plan 2012 • The Hills Development Control Plan 2012
List all documents submitted with this report for the Panel's consideration	Nil
Report prepared by	Senior Town Planner - Henry Burnett
Report date	22 March 2018 (Electronic Determination)

Summary of S4.15 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?	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?	N/A
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)?	N/A
Conditions Have draft conditions been provided to the applicant for comment?	Yes

EXECUTIVE SUMMARY

The Development Application is for additions to an existing processing centre including an additional storey and podium extension.

The proposal complies with the development standards contained within LEP 2012.

The proposal complies with the relevant provisions of DCP 2012 with the exception of building setbacks. The variations proposed are considered satisfactory in this instance due to minimal amenity impacts on adjoining properties, the provision of a high quality streetscape presentation, the landscaped setting of the site and the breaking of massing through use of different materials.

The proposal was notified to adjoining properties for 21 days and no submissions were received.

The proposed development has a capital investment value of \$24,280,876.00 thereby requiring referral to, and determination by, a Sydney Planning Panel. The Development Application was lodged prior to the recent amendments to SEPP (State and Regional Development) 2011 which raised the capital investment value referral criteria to \$30 million. The transitional provisions of Clause 24(3) of SEPP (State and Regional Development) 2011 prescribe that the development continues to be regionally significant development. In the absence of the Panel process, this matter would be determined under Delegated Authority by Council staff.

The proposal is recommended for approval subject to conditions.

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	Commonwealth Bank (Sydney)	1.	<u>LEP 2012</u> – Satisfactory.
Zoning:	B7 Business Park	2.	<u>The Hills DCP 2012</u> – Variation required, see report.
Area:	11,670m ²	3.	<u>SEPP No. 55 – Remediation of Land</u> – Satisfactory.
Existing Development:	Processing Centre	4.	<u>Section 4.15 (EP&A Act)</u> – Satisfactory.
		5.	<u>Section 7.12 Contribution</u> – \$270,160.00
		6.	<u>Capital Investment Value</u> – \$24,280,876.00

SUBMISSIONS

REASONS FOR REFERRAL TO SCCPP

1. Exhibition:	Not required.	1.	Capital Investment Value in Excess of \$20 million*
2. Notice Adj Owners:	Yes, 21 days.		
3. Number Advised:	21		
4. Submissions Received:	Nil		

HISTORY

21/12/2005

Development Application 1031/2006/HA approved under Delegated Authority for the construction of a commercial premises.

22/06/2006

Section 96 Application 1031/2006/HA/A approved under Delegated Authority for amendments to the approved

commercial premises.

13/11/2007	Development Application 648/2008/HA approved under Delegated Authority for the occupation and fitout of an office within the approved commercial premises.
29/11/2017	Subject Development Application lodged.
11/12/2017	Public notification commenced.
15/01/2018	Public notification concluded.
18/01/2018	Letter sent to the applicant requesting additional information in relation to Building Code of Australia compliance, landscaping and compliance with the building setback provisions of DCP Part B Section 6 - Business.
01/02/2018	Additional information submitted.

PROPOSAL

The Development Application is for additions to an existing processing centre for the purpose of creating additional data hall capacity.

The existing building is characterised as two storeys comprising service and office areas at the first storey, a data hall at the second storey, and rooftop mechanical plant.

The proposed works principally include the following:

- A platform addition at the second storey to provide for mechanical plant;
- The demolition of the existing roof; and
- The addition of a third storey and associated mezzanine level.

The proposed external colours and finishes include feature perforated metal screen to the secondary storey platform, translucent polycarb cladding to the Norwest Boulevard frontage of the third storey addition, and matte charcoal metal cladding to the remainder of the third storey addition.

The proposal will require the removal of six (6) trees. Landscaping is proposed to be embellished within the Norwest Boulevard and Old Windsor Road frontages.

No change is proposed to the existing car parking for 35 vehicles or vehicle access arrangements from Irvine Place.

ISSUES FOR CONSIDERATION

1. SEPP (State and Regional Development) 2011

The Development Application was lodged prior to the recent amendments to SEPP (State and Regional Development) 2011 which raised the capital investment value referral criteria to \$30 million. The transitional provisions of Clause 24(3) of SEPP (State and Regional Development) 2011 prescribe that the development continues to be regionally significant development in accordance with the previously in force referral criteria.

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

Development that has a capital investment value of more than \$20 million.

The proposed development has a capital investment value of \$24,560,000.00 thereby requiring referral to, and determination by, a Sydney Planning Panel.

2. Compliance with LEP 2012

a. Permissibility

The existing premises was approved as a commercial premises under, the now repealed, Baulkham Hills Local Environmental Plan 2005 which defined a commercial premises as follows:

commercial premises means a building or place used as an office or for other business or commercial purposes but, in the Table to clause 13, does not include a building or place elsewhere specifically defined in this clause or a building or place used for a land use elsewhere specifically defined in this clause.

The site is now subject to The Hills Local Environmental Plan 2012 (LEP 2012) which implemented the Standard Instrument land use terms resulting in commercial premises becoming a group term for an office premises, business premises or retail premises. The land use terms within the group term are not considered to apply to the land use.

LEP 2012 also introduced the definition of a high technology industry which is defined as follows:

high technology industry means a building or place predominantly used to carry out an industrial activity that involves any of the following:

- (a) *electronic or micro-electronic systems, goods or components,*
- (b) *information technology (such as computer software or hardware),*
- (c) *instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,*
- (d) *biological, pharmaceutical, medical or paramedical systems, goods or components,*
- (e) *film, television or multi-media technologies, including any post production systems, goods or components,*
- (f) *telecommunications systems, goods or components,*
- (g) *sustainable energy technologies,*
- (h) *any other goods, systems or components intended for use in a science or technology related field,*

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

The use of the site as a processing centre is considered to fall within the definition of a high technology industry. A high technology industry is permissible with consent in the B7 Business Park zone under LEP 2012 and accordingly the proposal does not relate to existing use rights.

b. Development Standards

i. Building Height

The site is subject to a maximum building height of Reduced Level 116 as shown on the Height of Buildings Map under Clause 4.3 of LEP 2012. The existing building height is RL 102.6. The proposed building height is RL 109.9. The proposed building height is less than the maximum building height permitted under Clause 4.3 and is therefore satisfactory.

ii. Floor Space Ratio

The site is subject to a maximum Floor Space Ratio (FSR) of 2:1 as shown on the Floor Space Ratio Map under Clause 4.4 of LEP 2012. The existing building has a Gross Floor Area (GFA) of 4,356m². The proposal results in an additional 3,378m² of GFA which results in a total GFA of 7,734m² resulting in a FSR of 0.66:1. The proposed FSR is less than the maximum FSR permitted under Clause 4.4 and is therefore satisfactory.

2. Compliance with DCP 2012

The proposed development has been assessed against the relevant development standards and objectives of The Hills Development Control Plan 2012 and the following variations have been identified to Part B Section 6 - Business.

DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Building Setbacks	Old Windsor Road (Primary Frontage) – 20m	Ground Floor: 12.95m (existing) Level 1: 5.68m Level 2: 16.5m	No, however the proposal provides a high quality presentation to the streetscape, is appropriately landscaped and with the exception of the podium maintains the existing building setbacks.
	Norwest Boulevard (Secondary Frontage) – 20m	Level 1: 17m Level 2: 18m	
	No. 7-9 Irvine Place (Adjoining Property) – 10m	Level 1: 9.5m	

a. Building Setbacks

A building setback of between 5.68 and 16.5 metres to the Old Windsor Road frontage is proposed, where the DCP requires 20 metres.

A building setback of between 17 and 20.5 metres to the Norwest Boulevard frontage is proposed where the DCP requires 20 metres.

A building setback of between 9.5 and 16.5 metres from the adjoining property No. 7-9 Irvine Place is proposed where the DCP requires 10 metres.

The relevant DCP objectives relating to building setbacks are as follows:

- (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 submitted the following justification for the proposed variations:

There is an existing landscaping verge along Old Windsor Road (principle road frontage) which the proposal relies upon. The proposal will be setback at least 26m (approximately) from Old Windsor Road. While this setback does not technically comply with the 20m setback requirement it is consistent with the setback objectives in The Hills DCP for the following reasons:

- *The existing landscaping within the subject site (to be retained) and the adjoining landscaping verge will create screen planting and an attractive streetscape;*
- *The proposal will not create any significant additional overshadowing to the adjoining neighbours and the additional overshadowing will generally fall within the site or on the surrounding roads; and*
- *The proposal will not impact upon the privacy or amenity of the adjoining neighbours.*

There is an existing non-compliance with the secondary road frontage (Norwest Boulevard) however the proposal will be consistent with the existing building line. Furthermore, the existing landscaping buffer along this boundary will be retained.

The non-compliance along the north-eastern boundary is only minor and associated with the canopy which is a small building element.

Comment:

The site has a singular vehicle access point from Irvine Place. The proposed building setback encroachments do not impact upon or alter the existing sight distances available for vehicles entering and exiting the site. Accordingly, objective (ii) is considered to be satisfied.

Overshadowing of adjoining properties is minimised by the orientation of the allotment. The proposal was accompanied by overshadowing diagrams (as shown in Attachment 9 to this report) that demonstrate mid-winter overshadowing is principally over the subject site or the road reserve between 9:00am and 3:00pm. Accordingly, objective (iii) is considered to be satisfied.

The privacy and amenity of adjoining properties is protected through the continued low intensity use of the site and the minimising of openings in the building facades. Accordingly, objective (iv) is considered to be satisfied.

The site does not contain endangered ecological communities. Notwithstanding, a landscaping scheme that includes suitable replacement planting and embellishment of the landscaped character of the locality is proposed through a condition of consent. Accordingly, objective (v) is considered to be satisfied.

Objective (i) and (v) are addressed through an assessment of the proposed built-form in relation to the respective road frontage/property boundary as follows:

i. Old Windsor Road Setback

The existing ground floor of the building is set back 12.95 metres from the Old Windsor Road frontage and accordingly no further variation is proposed than that previously approved.

The existing first floor setback to the building line (wall) is maintained (ranging between 16.5 metres and 21.5 metres). However, the proposal introduces a podium level forward of the building line which is set back a minimum 5.68 metres from the boundary.

The application was accompanied by a visual impact assessment which considered the architectural treatment of the podium level. The proposed screening of the podium is detailed in Figure 1 below. The screen is a perforated metal screen which will provide visual interest to the building façade while ensuring the mechanical plant behind is appropriately obscured.

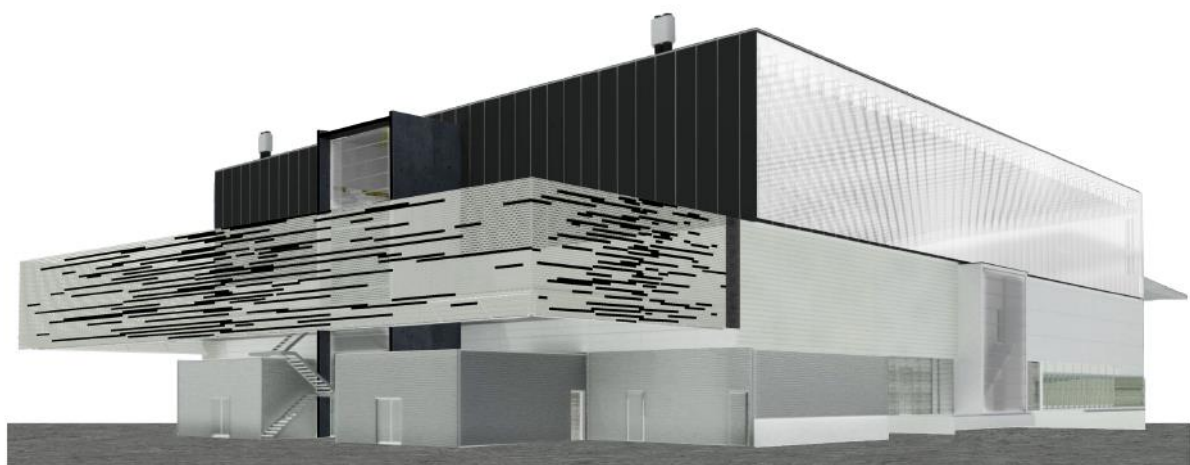


Figure 1: Podium Level Treatment

The podium will be appropriately screened by landscaping which will soften the appearance of the structure and contribute to the landscaped character of the Norwest Business Park.

The site informally benefits from a 20 metre setback zone on a landscaped parcel of land situated between the subject site and Old Windsor Road as detailed within Sheet 14 to DCP Part B Section 6 – Business as shown in Attachment 10 to this report. The landscaping is characterised by shrubs/ground cover and includes the gateway entry signage to Norwest Business Park. This results in the site having a greater buffer distance to Old Windsor Road and the landscaping intent being achieved in the adjoining lot. Accordingly the reduced opportunities for landscaping on the subject site

The second floor maintains the existing building line setback of the first floor. The additional mass at the first floor is principally setback in excess of 20 metres from Old Windsor Road. The stairs are the only encroachment forward of the 20 metre building line. The stairs are central to the building and provide articulation to the façade.

A variation to the building setback provisions to Old Windsor Road is considered satisfactory in this instance.

ii. Norwest Boulevard Setback

The encroachment to the Norwest Boulevard frontage is limited to a point encroachment only as shown in red in Figure 2 below. The encroachment principally relates to the podium (shown in blue) though also includes a portion of the first and second floor. The

visual screening of the podium level and landscaping is considered satisfactory as discussed above. The treatment of the first and second floor also provides visual interest to the Norwest Boulevard frontage by providing a translucent polycarb finish to the second floor which will also contribute to a high quality streetscape, is considerate of the gateway location of the site and provides a suitable breaking of the massing through providing an alternate material to the steel sheeting provided on the Old Windsor Road frontage.

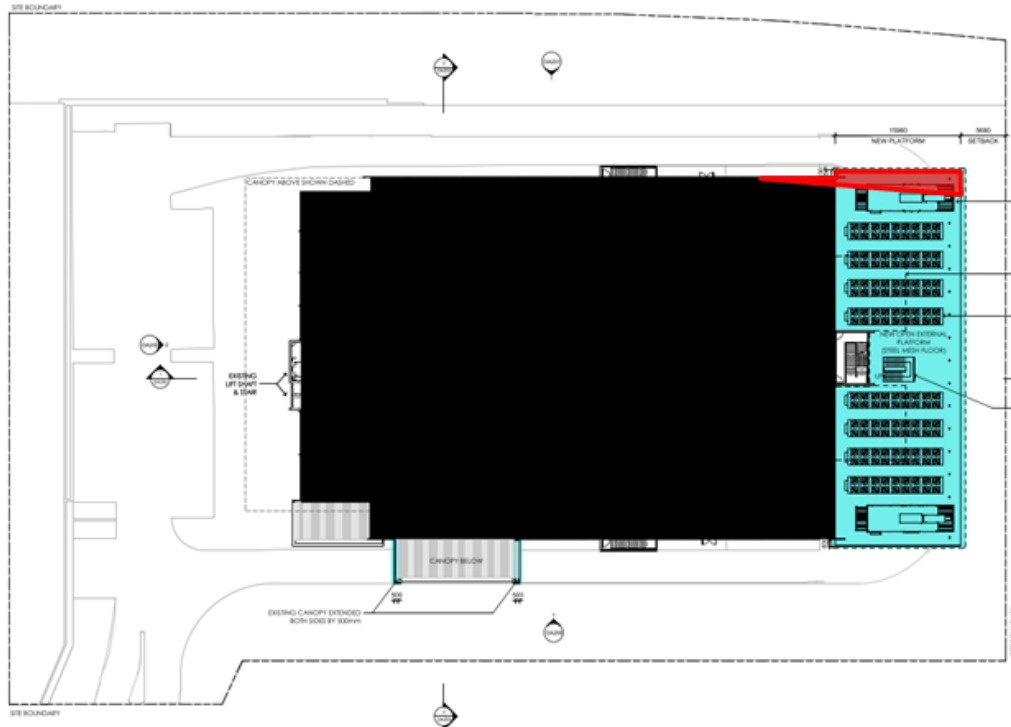


Figure 2: Norwest Boulevard Setback Encroachment

iii. Northern Boundary Setback

The existing ground floor loading dock is proposed to be extended by 500mm towards the adjoining property. The majority of the building is set back in excess of 10 metres and a minor variation is considered suitable given its location at the ground floor and the negligible amenity impacts on adjoining properties.

INTERNAL REFERRALS

Heritage Comments

The subject property is located 11 Irvine Place, Bella Vista. It is in the vicinity of Bella Vista Farm Park which is listed in Schedule 5 of The Hills Local Environmental Plan 2012 as a Heritage Conservation Area. The subject property is also in the vicinity of the road reserve of Old Windsor Road between Seven Hills Road and Windsor Road which is listed in Schedule 5 of The Hills Local Environmental Plan 2012 as an item of archaeological heritage.

Given the distance between the proposed development and Bella Vista Farm there will be no impact on the setting, visual curtilage, conservation value, or significant view lines to and from the heritage item. In regard to Old Windsor Road, given the nature of the works it is not considered there will be any impact on the archaeological significance of this item.

Accordingly, no objection is raised on heritage grounds subject to conditions.

Fire Safety Comments

The proposal was referred to Council's Fire Safety Officer for comment under the provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000. The consent authority is to determine if it is appropriate to bring the existing building into partial or total compliance with today's Building Code of Australia (BCA). The applicant has opted for a condition being imposed requiring the existing building be brought into total conformity with the current BCA.

Landscape Comments

No objections were raised subject to conditions including the provision of a detailed landscape plan to the satisfaction of Council prior to the issue of a Construction Certificate.

EXTERNAL REFERRALS

Endeavour Energy Comments

No objection was raised subject to conditions including protection of the existing indoor substations and maintenance of a suitable clearance for vehicle access beneath the podium level.

RMS Comments

Notification of the proposal was sent to NSW RMS as the site adjoins a classified road. No comment was received in response to the notification.

CONCLUSION

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

The proposal is recommended for approval subject to conditions.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

The 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.

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
DA051	Site Plan	D	24/01/2018
DA100	Ground Floor Modifications	B	28/11/2017
DA101	Level 1 Modifications	B	28/11/2017
DA102	Existing and Demo Roof Plan	B	28/11/2017
DA103	Proposed Level 2 Plan	B	28/11/2017
DA104	Proposed Level 2 Mezzanine	B	28/11/2017
DA105	Proposed Roof Plan	B	28/11/2017
DA200	External Elevations	C	04/12/2017
DA201	External Elevations	B	28/11/2017
DA250	Proposed Sections	B	28/11/2017
-	Visual Assessment Report (Page 7)	-	10/2017

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. 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.

3. 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.

4. External Finishes

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

5. Tree Removal

Approval is granted for the removal of six trees as indicated on Proposed Site Plan prepared by Genton Architecture dated 24 January 2018.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

6. Compliance with Norwest Association Requirements

Compliance with the following requirements of the Norwest Association:

- The developer is required to reinstate any works, infrastructure, paving or landscaping adjacent to the site boundary disturbed during the construction phase. In particular, the developer is to ensure that the Norwest Business Park Identification Signage and associated landscaping located on the corner of Old Windsor Road and Norwest Boulevard is maintained at all times.

7. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size unless otherwise stated. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

8. Provision of Parking Spaces

The development is required to maintain thirty-five (35) off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

9. Replacement Planting Requirements

To maintain the treed environment of the Shire six (6) minimum 200 litres super advanced replacement trees from the following list are to be planted to southern corner.

<i>Corymbia gummifera</i>	Red Bloodwood
<i>Eucalyptus creba</i>	Narrow Leaved Ironbark
<i>Eucalyptus fibrosa</i>	Broad leaved Ironbark
<i>Eucalyptus moluccana</i>	Grey Box
<i>Eucalyptus tereticornis</i>	Forest Red Gum
<i>Corymbia maculata</i>	Spotted Gum

10. 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.

11. Protection of Public Infrastructure

Adequate protection must be provided prior to work commencing and maintained during building operations so that no damage is caused to public infrastructure as a result of the works. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site. The certifier is responsible for inspecting the public infrastructure for compliance with this condition before an Occupation Certificate is issued. Any damage must be made good in accordance with the requirements of Council and to the satisfaction of Council.

12. Road Opening Permit

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

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

13. Demolition Notification

Both Council and any adjoining properties must be notified in writing five days before demolition works commence.

14. Reflective Qualities

Construction materials are to exhibit low reflective qualities and are to blend in with the surrounding environment.

15. Demolition Inspections

Before demolition works commence, a pre-demolition inspection must be arranged with Council's Development Certification team. All conditions required to be addressed before works commence must be satisfied. Once demolition works are complete, a post demolition inspection must be arranged with Council's Development Certification team. Fees apply and are to be paid prior to or at the time of booking the inspection. The Development Certification Team can be contacted to book and pay for inspections on 9843 0431.

16. Adherence to Waste Management Plan

All requirements of the Waste Management Plan submitted as part of the Development Application must be implemented except where contrary to other conditions of consent. 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.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

17. 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.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

18. Clause 94 Considerations

Under clause 94 of the Environmental Planning & Assessment Regulation, the following fire safety/Building Code of Australia (BCA) works are to be undertaken with the construction certificate works and are to be completed prior to the issue of the occupation certificate:

- i. A certificate of structural adequacy is to be submitted to the Principal Certifying Authority (PCA), certifying the structural strength and load bearing capacity of the existing premises will be capable to taking the proposed loadings.
- ii. The existing building is to be brought into total conformity with the performance requirements of part C,D & E of the current Building Code of Australia.

19. Endeavour Energy Requirements

Compliance with the following requirements/recommendations of Endeavour Energy:

i. Network Capacity / Connection

In due course the applicant for the future proposed redevelopment of the site will need to submit an application for connection of additional load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined ie. the existing local network may not be able to service the proposed development and an extension and/or augmentation of the existing network could be required.

Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>

Advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Alternatively the applicant should engage a Level 3 Accredited Service Provider (ASP) approved to design distribution network assets, including underground or overhead. The ASP scheme is administered by NSW Trade & Investment and details are available on their website via the following link or telephone 13 77 88:

<http://www.resourcesandenergy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/contestable-works>

ii. Easement Management / Network Access

Reference is to be made to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. The following is a summary of the usual / main terms of Endeavour Energy's electrical easements requiring that the land owner:

- Not install or permit to be installed any services or structures within the easement site.
- Not alter the surface level of the easement site.
- Not do or permit to be done anything that restricts access to the easement site without the prior written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose.

Endeavour Energy's preference is for no activities or encroachments to occur within its easement areas. However, if this is not reasonably possible and the proposed work (other than those approved / certified by Endeavour Energy's Network Connections Branch as part of an enquiry / application for load – please refer to the above point 'Network Capacity / Connection') will encroach/affect Endeavour Energy's easements, contact must first be made with the Endeavour Energy's Easements Officer, Jeffrey Smith, on direct telephone 9853 7139 or alternately email Jeffrey.Smith@endeavourenergy.com.au.

It is imperative that the access to the existing electrical infrastructure adjacent and on the site is maintained at all times. To ensure that supply electricity is available to the community, access to the electrical assets may be required at any time.

iii. Earthing

The construction of any building or structure (including fencing, signage, flag poles etc.) that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with AS/NZS 3000:2007 'Electrical installations' to ensure that there is adequate connection to the earth. Inadequate connection to the earth places persons and the electricity network at risk.

iv. Prudent Avoidance

The electricity network is operational 24/7/365 ie. all day, every day of the year. The electricity industry has adopted a policy of prudent avoidance by doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise which generally increase the higher the voltage ie. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high

voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts / 132 kV). In practical terms this means that when designing new transmission and distribution facilities, consideration is given to locating them where exposure to the more sensitive uses is reduced and increasing separation distances. These emissions are generally not an issue but with Council's permitting or encouraging development with higher density, reduced setbacks and increased building heights, new development can impact on existing electricity infrastructure. Where development is proposed in the vicinity of electricity infrastructure, Endeavour Energy is not responsible for any amelioration measures for such emissions that may impact on the nearby proposed development. Endeavour Energy believes that likewise Council should also adopt a policy of prudent avoidance by the siting of more sensitive uses away from any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.

Reference is to be made to ENA's 'Electric & Magnetic Fields – What We Know, January 2014' which can also be accessed via the ENA's website at <http://www.ena.asn.au/> and provides the following advice:

Localised EMFs may also be encountered in specific situations such as near substations, underground cables, specialised electrical equipment, or at elevated locations near lines. Note that the strengths of EMFs decrease rapidly with distance from the source.

Typical magnetic field measurements associated with Endeavour Energy's activities and assets given the required easement widths, safety clearances etc. and having a maximum voltage of 132,000 volt / 132 kV, will not exceed the recommended magnetic field public exposure limits.

v. Vegetation Management

The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Larger trees should be planted well away from electricity infrastructure and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure may become subject to Endeavour Energy's Vegetation Management program and/or the provisions of the Electricity Supply Act 1995 (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

vi. Dial before You Dig

Before commencing any underground activity the applicant is required to obtain advice from the **Dial before You Dig 1100** service in accordance with the requirements of the Electricity Supply Act 1995 (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

vi. Public Safety

Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>

vii. Emergency Contact

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

20. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 4.17(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$80,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is commensurate with the scale and scope of the proposed works.

The bond must be lodged with Council before a Construction Certificate is issued for the building works.

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.

21. Security Bond Requirements

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

- Be in favour of The Hills Shire Council;
- 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);
- Have no expiry date;
- Reference the development application, condition and matter to which it relates;
- Be equal to the amount required to be paid in accordance with the relevant condition;
- 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.

22. Landscape Plan

A Landscape Plan (to scale) for the landscaping of the site is to be prepared by a suitably qualified landscape architect or horticulturalist and submitted to the satisfaction of Council's Manager - Environment and Health.

The plan must contain:

- a) site boundaries and dimensions surveyed;
- b) north point, and scale (1:200 desirable);
- c) existing and proposed levels;
- d) location and quantities of all proposed planting indicated on Planting Plan
- e) a schedule of proposed planting, including botanical names, common names, quantities, pot size, expected mature height and staking requirements; and
- f) six (6) advanced native trees, minimum 200 litre pot size, incorporated into the design to southern corner of site to provide screening from major intersection.

23. Section 7.12 Contribution

Pursuant to section 4.17 (1) of the Environmental Planning and Assessment Act 1979, and The Hills Section 94A Contributions Plan, a contribution of **\$270,160.00** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Section 7.12 (Section 94A) Contributions Plan.

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

You are advised that the maximum percentage of the levy for development under Section 7.12 of the Act having a proposed construction cost is within the range specified in the table below;

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

24. Endeavour Energy Approval

The Construction Certificate structural drawings and architectural plans are to be submitted to Endeavour Energy and endorsed by Endeavour Energy prior to the issue of a Construction Certificate. The plans should demonstrate the following in relation to the existing indoor substation easement site and associated electrical assets:

- The building plans should clearly identify the existing substation easement and its dimensions on each floor level affected.
- The plans should demonstrate that the proposed new building and any of its footings do NOT encroach into the existing substation easement site. This may need to be spelt out on the engineers detail drawings for the footings and floor slabs.
- The plans and elevations should demonstrate that the floors above the substation do NOT encroach into the easement site.
- Engineer to provide structural certification and guidelines for any works in proximity / affecting the substation easement site and the electrical assets.

PRIOR TO WORK COMMENCING ON THE SITE

25. Protection of Existing Trees

The trees that are to be retained are to be protected during all works strictly in accordance with AS4970- 2009 Protection of Trees on Development Sites.

At a minimum a 1.8m high chain-wire fence is to be erected at least three (3) metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within the root protection zone,
- Placement of fill within the root protection zone,
- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

A sign is to be erected indicating the trees are protected.

The installation of services within the root protection zone is not to be undertaken without prior consent from Council.

26. Sydney Water Building Plan Approval

A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval and receipt from Sydney Water Tap in™ (if not already provided) must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

27. 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.

Root pruning should be avoided, however where necessary, all cuts shall be clean cuts made with sharp tools such as secateurs, pruners, handsaws, chainsaws or specialised root pruning equipment. Where possible, the roots to be pruned should be located and exposed using minimally destructive techniques such as hand-digging, compressed air or water-jetting, or non-destructive techniques. No roots larger than 40mm diameter to be cut without Arborist advice and supervision. All root pruning must be done in accordance with Section 9 of Australia Standard 4373-2007 Pruning of Amenity Trees.

28. 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:

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

29. Traffic Control Plan

A Traffic Control Plan is required to be prepared and approved. The person preparing and approving the plan must have the relevant accreditation to do so. A copy of the approved plan must be submitted to Council before being implemented. Where amendments to the plan are made, they must be submitted to Council before being implemented.

30. 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.

31. Principal Certifying Authority

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

32. Approved Temporary Closet

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

33. Erosion and Sedimentation Controls

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

34. 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).

35. Builder and PCA Details Required

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

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

36. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials from the site are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos (of an area more than 10 square metres) must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au. Asbestos removal must be carried out in accordance with the WorkCover, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

DURING CONSTRUCTION

37. Survey Certificate

A survey certificate signed and dated (including contact details) from a registered land surveyor may be requested by the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building/structure in relation to all boundaries, and shall confirm the floor/coping level prior to any work proceeding on the building/structure.

38. Hours of Work

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

Monday to Saturday - 7.00am to 6.00pm;

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

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

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

Section 6.6(2)(b) 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. Aboriginal Archaeological Sites or Relics

If, during activities involving earthworks and soil disturbance, any evidence of an Aboriginal archaeological site or relic is found, all works on the site are to cease and the Office of Environment and Heritage must be notified immediately.

42. European Sites or Relics

If, during the earthworks, any evidence of a European archaeological site or relic is found, all works on the site are to cease and the Office of Environment and Heritage be contacted immediately. All relics are to be retained in situ unless otherwise directed by the Office of Environment and Heritage.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

43. Section 73 Certificate must be submitted to the Principal Certifying Authority before the issuing of an Occupation Certificate

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

Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and developing > Developing your land > water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority before occupation of the development/release of the plan of subdivision.

44. 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.

45. 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.

46. 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.

47. Acoustic Compliance Report

Prior to any Occupation Certificate being issued a suitably qualified acoustic consultant is to certify that all required noise suppressant components have been installed and that at the worst case scenario (measured cumulatively with 8 x chillers and 2 x emergency back-up generators) the noise levels meet the project specific noise criteria conditioned in this consent. The certification is to be submitted to Council's Manager – Environment and Health for review and, if satisfactory, written acceptance will be provided.

THE USE OF THE SITE

48. Hours of Operation

The hours of operation being restricted to the following: -

- 7 days a week – 24 hours a day

Loading bays shall only be in operation between the hours of 7.00am and midnight daily and be kept clear for that purpose at all times.

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

49. Maintenance of Landscaping Works

The landscaping works, associated plantings and construction of retaining walls are to be effectively maintained at all times and throughout the life of the development.

50. 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*.

51. 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 staff, 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 measures directed by Council's Manager - Environment and Health must be implemented.

52. Acoustic – Project Specific

The following project specific criterion is to be met at any residential boundary for all mechanical plant operating cumulatively (eg. chillers and emergency generator):

- a. 60dB(A) (LAeq 15min) during the day (7am – 6pm);
- b. 50dB(A) (LAeq 10min) during the evening (6pm – 10pm); and
- c. 45dB(A) (LAeq 15 min) during the night (10pm – 7am).

Notwithstanding that full compliance with the requirements of the INP in terms of Intrusiveness and Amenity goals are also achieved.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Zoning Map
4. Building Height Map
5. Floor Space Ratio Map
6. Site Plan

7. Elevations
8. Photomontage
9. Shadow Diagrams
10. Sheet 14 in DCP Part B Section 6 – Business


ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED

ATTACHMENT 2 – AERIAL PHOTOGRAPH



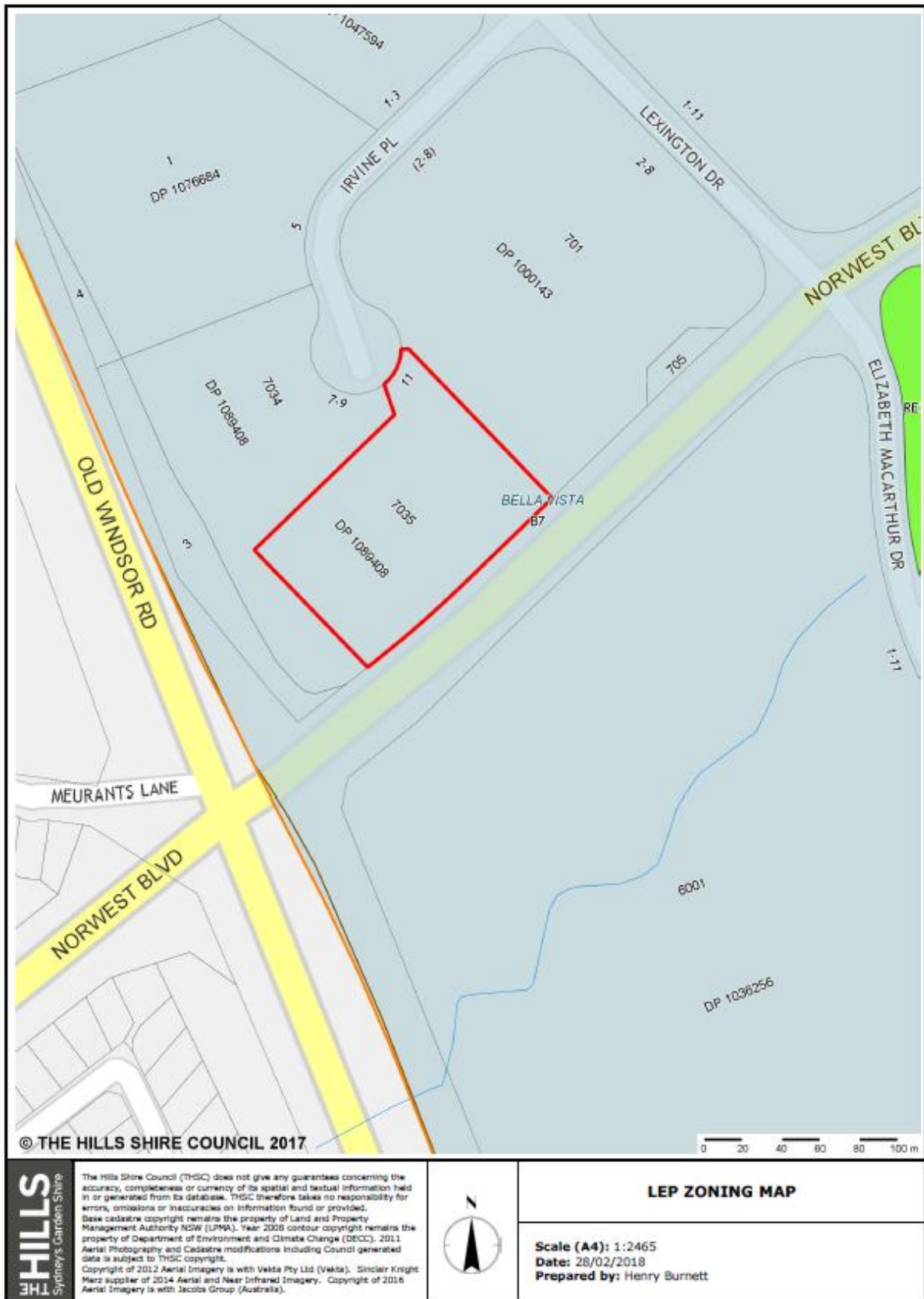
 SUBJECT SITE

THE HILLS
Sydney's Garden Shire

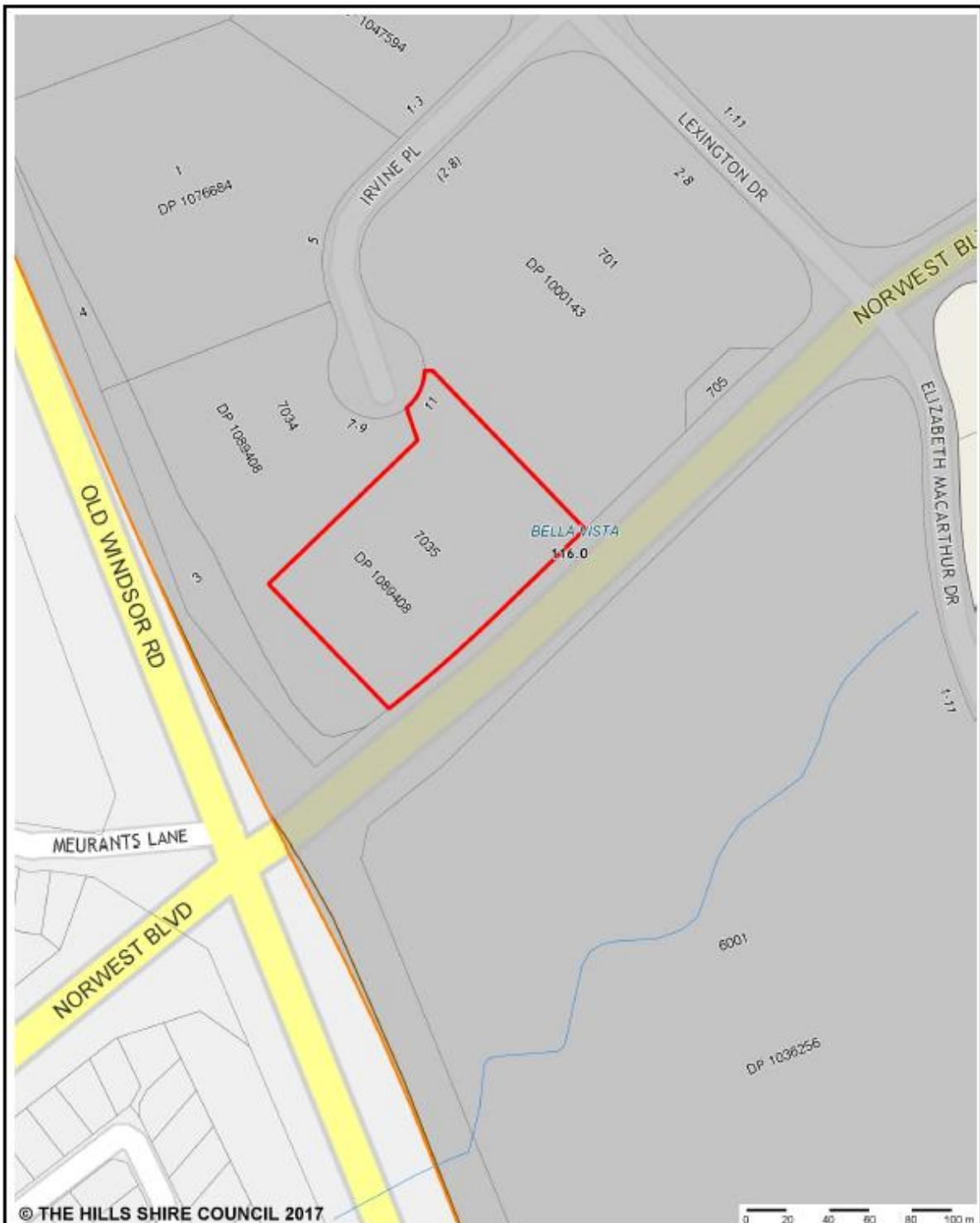
THE HILLS SHIRE COUNCIL

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ATTACHMENT 3 – LEP ZONING MAP



ATTACHMENT 4 – LEP BUILDING HEIGHT MAP



THE HILLS
Sydney's Garden Shire

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LEP BUILDING HEIGHT MAP

Scale (A4): 1:2465

Dates: 28/02/2018

Prepared by: Henry Burnett

ATTACHMENT 5 – LEP FLOOR SPACE RATIO MAP



THE HILLS
Sydney's Garden Shire

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Map design and production by Velux Pty Ltd (Velux). Sinclair Knight Merz supplier of 2014 Aerial and Near Infrared Imagery. Copyright of 2015 Aerial Imagery is with Jacobs Group (Australia).



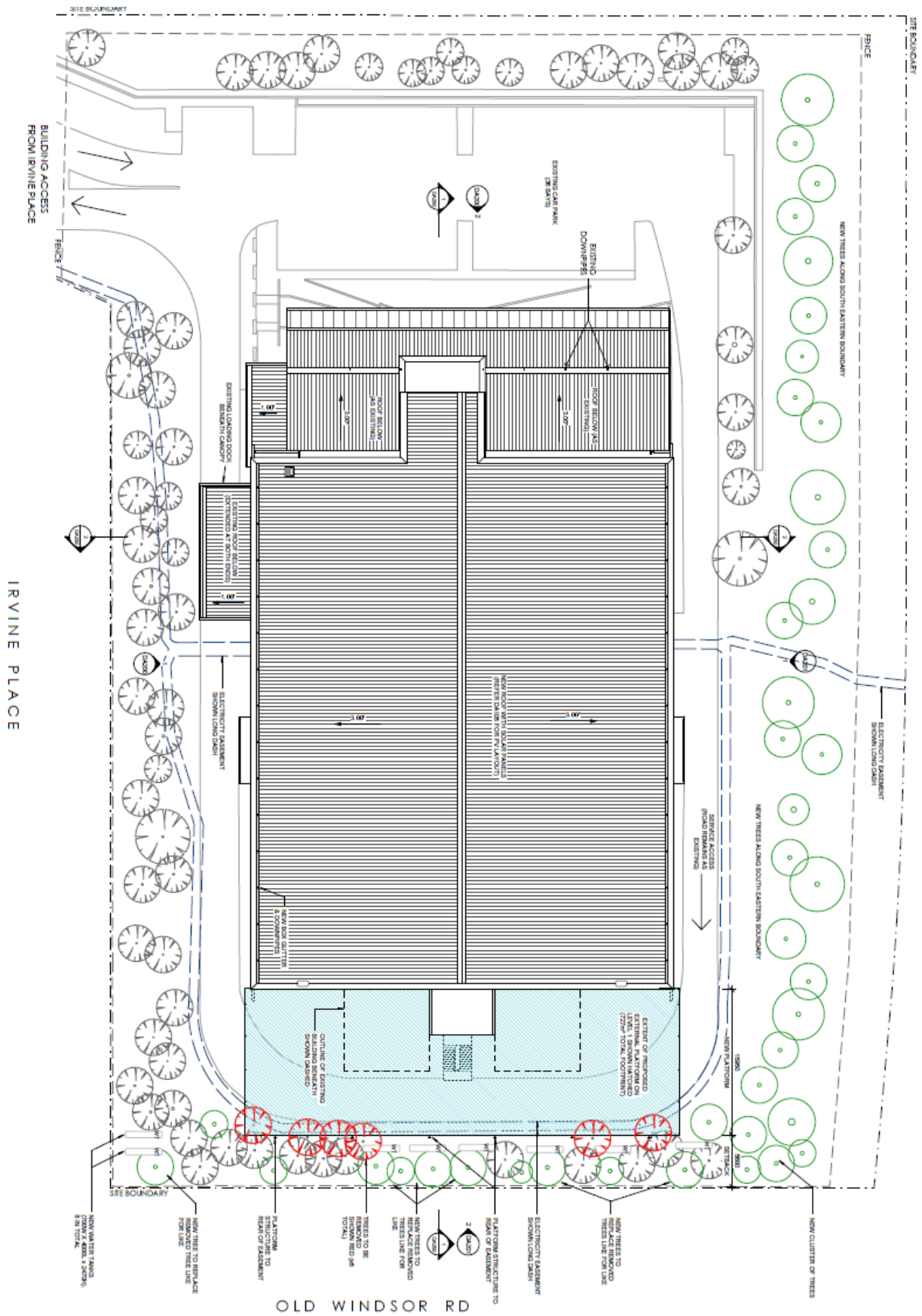
LEP FLOOR SPACE RATIO MAP

Scale (A4): 1:2465

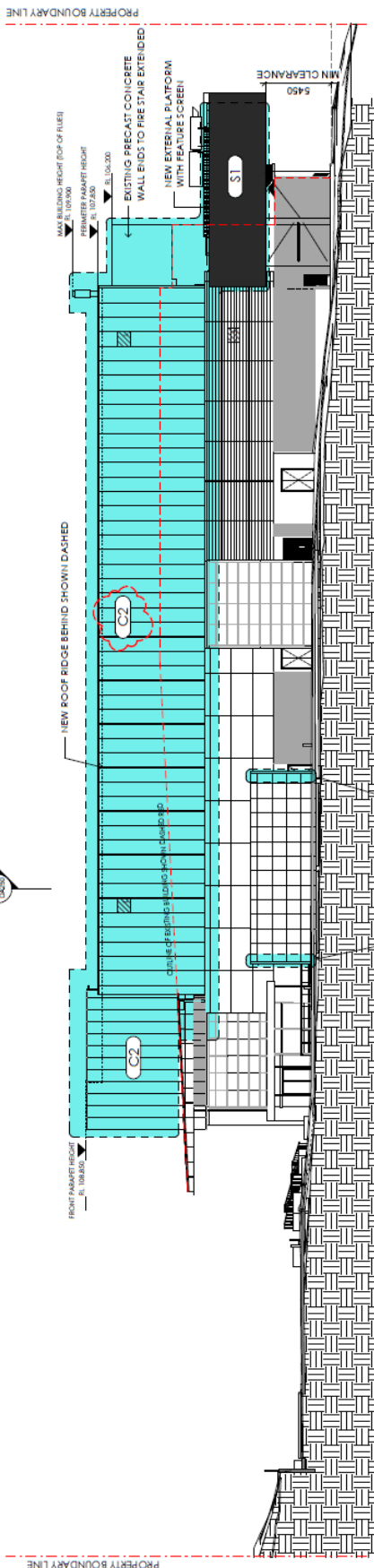
Date: 28/02/2018

Prepared by: Henry Burnett

NORWEST BOULEVARD

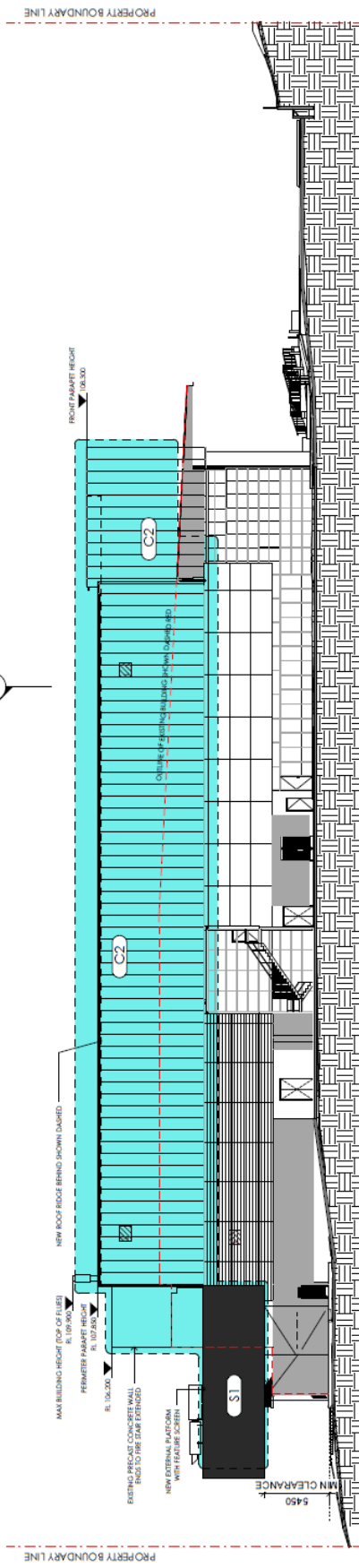


ATTACHMENT 7 – ELEVATIONS



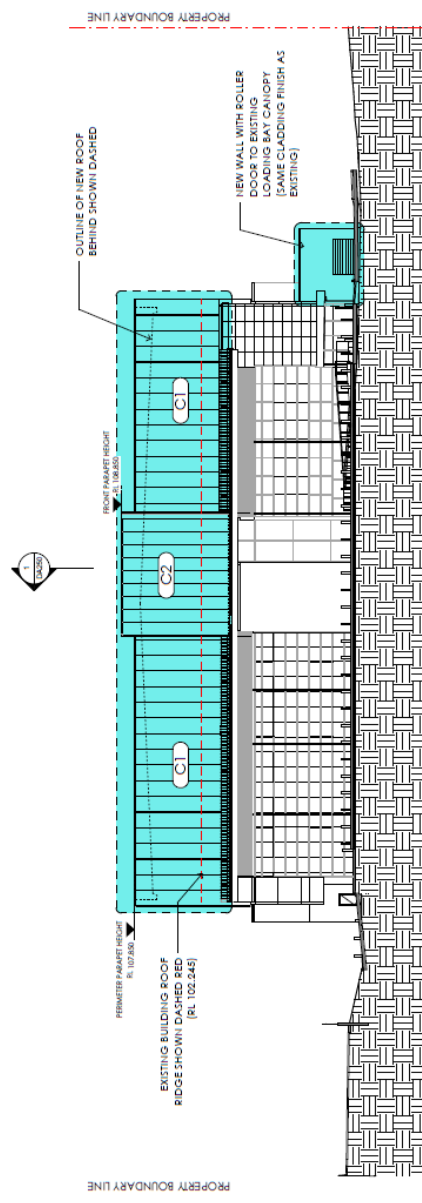
NORTH WEST ELEVATION (IRVINE PLACE)

1

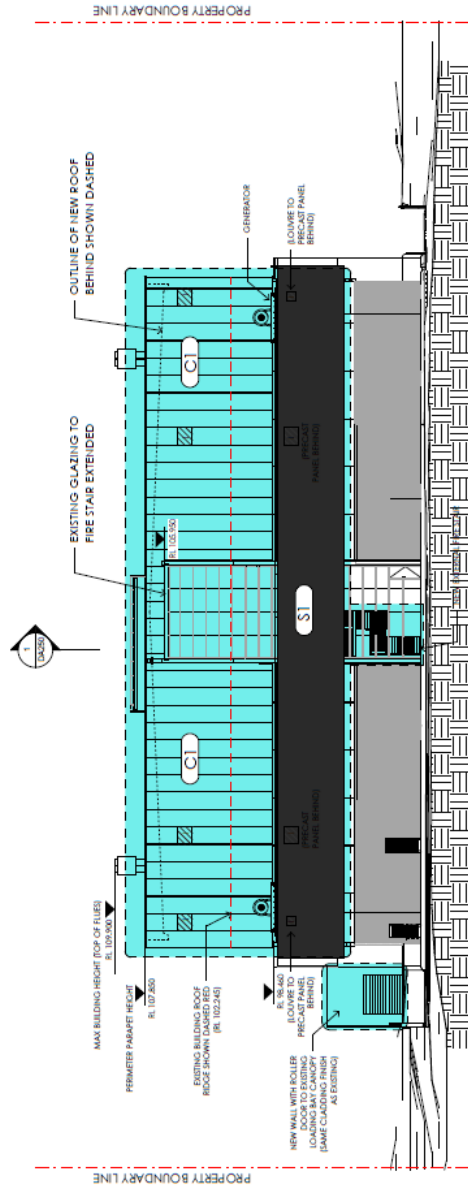


SOUTH EAST ELEVATION (NORWEST BLVD)

1



2 NORTH EAST ELEVATION (MAIN ENTRANCE)



2 SOUTH WEST ELEVATION (OLD WINDSOR RD)

ATTACHMENT 8 – PHOTOMONTAGE





ATTACHMENT 9 – SHADOW DIAGRAMS



① 21st JUNE 9am



② 21st JUNE 12pm



③ 21st JUNE 3pm

ATTACHMENT 10 – SHEET 14 IN DCP PART B SECTION 6 - BUSINESS

