

## Business Development

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### 1.0 INTRODUCTION

This Part applies to the development or redevelopment of any land zoned General Business 3(a) or Neighbourhood Business 3(b) within the City of Holroyd and has been prepared to provide guidelines for the direction and control of development within the commercial centres of the City.

Note: land zoned 3(a) Business General located within the Merrylands Town Centre precinct is subject to specific controls contained in Section 10 of Part G – Site Specific Guidelines.

#### 1.1 Objectives

The aims and objectives of this Part are:

- a) To achieve an efficient layout of retail and other commercial premises with regard to the provision of off-street parking.
- b) To provide for the convenient movement of both pedestrian and vehicular movements through the commercial centres and nearby major arterial roads.
- c) To improve the pedestrian circulation system in the major centres and improve the general amenity of the pedestrian environment, through solar access and the development of landscaped urban spaces.
- d) To preserve as far as is practicable the amenity of residents in the surrounding locality of each centre.
- e) To improve the urban character of commercial centres by promoting development of pleasing architectural appearances, which are sympathetic to adjacent sites and existing development in the area.
- f) To provide rear loading and unloading facilities, commensurate with the proposed development or redevelopment, in locations where pedestrian and vehicle conflicts are minimised.
- g) The objectives of each of the commercial zones under the Holroyd Local Environmental Plan should be read in conjunction with the above objectives.

Specific objectives are as follows:

#### 1.2 General Business 3(a)

- a) to provide and foster the economic well-being of existing and proposed business;
- b) to permit non-commercial development within the zone where such development is compatible with the commercial character of the locality;
- c) to encourage the development and expansion of business activities which will contribute to the economic growth and employment opportunities of the City;
- d) to ensure that there is adequate provision for car parking facilities in the vicinity of commercial centres; and
- e) to minimise conflicts between pedestrian and vehicular movement systems within commercial areas.

#### 1.3 Neighbourhood Business 3(b)

To provide for the establishment of retail, commercial and professional services for local residents in convenient locations within residential neighbourhoods so that the scale and type of development is compatible with the character and amenity of the surrounding residential areas.

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### 2.0 DESIGN GUIDELINES

The following general criteria should be taken into consideration when a commercial development is being designed:

- a) Variations in facades and rooflines.
- b) Planting above the ground floor level, such as landscaped decks/balconies and podium levels.
- c) Provision of pedestrian plaza areas and open space facilitating pedestrian movements.
- d) Maximisation of solar access to development on site, nearby public spaces and adjoining buildings through building orientation or design.
- e) Reduction of bulk of buildings by incorporating boundary setbacks and terracing storeys.
- f) Consideration of the relationship of one building to another in respect to the enclosure of urban spaces in order to avoid a "canyon" appearance and undesirable wind effects.
- g) Pedestrian areas are to be paved in a manner to match existing paving or to suit the architectural treatment of the proposed development.
- h) Provision of public facilities including toilets, baby feeding and changing rooms and occasional child care centres.
- i) The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular Plan. Compliance with this Plan does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Human Rights and Equal Opportunity Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.

### 3.0 FLOOR SPACE RATIO

Zone	Maximum FSR
Business General 3 (a)	2:1
Neighbourhood Business 3 (b)	1:1

#### 3.1 Residential Development in 3(a) General Business Zone

See [Part B](#) of the DCP relating to guidelines for Residential Flat Development that illustrates the requirements which must be met for mixed use developments and residential flats development.

#### 3.2 Residential flat development only

In the case of a development involving the erection of a residential flat building only in a business zone, the proposal shall conform to the provisions of [Part B](#) - Guidelines for Residential Flat Development as if the site was located in a Residential 2(c) zone.

Such development shall only be permitted in areas zoned Business 3(a) adjacent to Guildford, Wentworthville, Pendle Hill and Toongabbie railway stations (under Clause 32 of Holroyd LEP 1991).

#### 3.3 Access for Disabled Persons

Disabled parking (3.2m x 5.5m) should be provided at the rate of 2 spaces per 100 visitor or customer spaces up to 400 spaces and 1 per 100 thereafter. In addition, adequate disabled

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parking should be provided to service developments likely to have a high level of patronage by the disabled, such as hospitals, units for aged or disabled persons, etc.

Such spaces should be located as close as possible to the subject premises with approved wheelchair access thereto and be signposted using a standard sign.

Location of disabled parking should be shown on application plans.

## 4.0 LANDSCAPING

- a) Commercial development should include adequate areas for pedestrian movement, free from advertising or “overflow” retail structures. Interior landscaping and planted areas are encouraged.
- b) Where setbacks are required, the resulting open space, other than that approved for vehicular and pedestrian access, shall be landscaped and maintained to Council's satisfaction.
- c) Basic landscape planning and design principles for achieving a good quality environment include:
  - Placing emphasis on the landscape character type.
  - Conservation of the natural and cultural environment.
  - Reduction of the adverse effects of development.
  - Creation of a pleasant environment within the development site.
  - Landscaping plans should include native and exotic plant species suitable for the area and environment proposed.
  - Council requires that a landscaping plan be prepared by a qualified Landscape Designer for submission with the Development Application.
  - Particular attention should be paid to the selected species of trees where they are to be planted in the vicinity of overhead power lines.

## 5.0 SIGNS, FOOTPATH TRADING AND FOOD PREMISES

### 5.1 Signs

[Part F](#) relating to Advertising and Signs should be consulted when a development involves the erection of any signs or other advertising structures.

### 5.2 Footpath Trading

Council requires, with any commercial development, that no signs or goods be displayed or trading of any description be carried out on any public road, public footpath, service area, customer and/or employee parking areas and driveways, public or private pedestrian walkways, outside any retail or commercial premises or in the immediate vicinity of any retail or commercial premises, other than with Council's prior consent, or Council's consent in accordance with Council's Code – Sidewalk Cafes.

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### 5.3 Food Premises

Premises used in the manufacture, preparation, storage, packaging, or cartage of food should be constructed and fitted out to comply with the Food Act 2003 and Regulations thereunder, Food Standards Code and Australian Standard 4674 – Design, Fitout and Construction of Food Premises.

The standards in this Australian Standard 4674 are a guide for the planning and construction of food premises. The objectives of the Standard are to promote a satisfactory hygiene standard and facilitate easy cleaning and maintenance, with the ultimate achievement of economic operation, preservation and promotion of public health.

## 6.0 REFUSE AND TRADE WASTE

Refuse and trade waste material shall be stored to the satisfaction of Council's Environment and Health Manager either within the building or in an area outside the building suitably screened and approved by Council.

Refuse and trade waste material shall be removed from the premises at regular intervals to the satisfaction of Council's Environment and Health Manager. Council offers a user pays commercial waste service for lunch room scraps.

Premises used in the manufacture, preparation, storage and packaging of foods, including milk bars, take-away food shops, restaurants, bakeries, fruit shops, and butchers are required to apply for and obtain a Trade Waste Discharger's Licence from Sydney Water. A Trade Waste Discharger's Licence is also required for photographic processing, commercial laundries, dry cleaners, medical centres, hotels, motels, car washes and service stations. Applicants should, in the first instance, contact Sydney Water.

## 7.0 SITE REMEDIATION (IF CONTAMINATED)

If the subject land is contaminated or contamination is suspected, then the applicant must satisfy Council that the site is suitable for the use intended. Council requires amongst other things the following information:

- a) A detailed site history outlining the previous uses on the site,
- b) Details of previous remediation,
- c) A preliminary site investigation and assessment report,
- d) A statement from the applicant's consultant certifying that the site is presently suitable for the intended use,
- e) A statement from the applicant's consultant as to what remediation options, in accordance with the applicable Department of Environment and Climate Change guidelines and standards, are available to allow the intended use.
- f) Council will need to be satisfied as to the adequacy of the remediation options proposed by the applicant and the Council may require an independent review of the remediation plans.
- g) When determining the development application, conditions can be attached to the development consent to ensure that the subject land can and will be remediated to a level appropriate to its intended use.
- h) It is recommended that applicants obtain a copy of Council's Contaminated Sites Policy for further information.

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### 8.0 SITE CONTROL

#### 8.1 Erosion and Sediment Control Plan

In order to minimise the amount of erosion and sedimentation in urban catchments, an Erosion and Sediment Control Plan (ESCP) is required for any commercial developments that may disturb the soil surface. An ESCP needs to specify how erosion and sedimentation will be controlled. The plan must be prepared and approved by Council prior to any soil disturbance and prior to the issuing of a construction certificate. Further information on requirements for ESCPs is contained in Section 8 of [Part A](#) – Introduction and General Guidelines.

#### 8.2 Height Limit

No building shall exceed three (3) floor levels in height above the highest finished boundary level. Floor level referred to in this Clause shall include floor levels used for parking.

For buildings containing dwellings, notwithstanding the above, the height limit shall be as per section 18 of [Part B](#) of this DCP.

### 9.0 FLOOD LIABLE LAND

Commercial and industrial development will not generally be permitted in flood liable lands. Flood liable land is defined as land affected by the 1% Annual Recurrence Interval (ARI) flood level.

However, consideration to a development application may be given if a report, acceptable to Council, is submitted to Council by a suitably qualified Engineering Consultant, and which satisfactorily addresses all of the following aspects:

- a) The development is not within the area where the flows are greater than 0.4 cubic metres per second (calculated as water velocity (V) multiplied by average depth (D) multiplied by channel width) and

V = Velocity relevant to the 1% ARI flood.

D = Depth of water from the natural surface to the 1% ARI flood level.

- b) any proposed structure is safe with a flood level (habitable, office, storage and/or shop) which is a minimum of 500mm above the 1% ARI flood level.
- c) the proposed development together with any and all similar developments on nearby flood affected properties, will not exacerbate the flooding on any other properties.
- d) Vehicles in any proposed parking areas are stable based on the 1% ARI flood.

Minor additions and minor development, as defined below, will be permitted in flood fringe areas (not floodways) and generally, will not be subject to the above conditions, although certain conditions may apply in high hazard areas.

Minor development – swimming pools, fencing, storage areas, sheds, carports, domestic garages, the repair or recladding of existing structures and similar items.

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Minor additions – once-off minor extensions to an existing building that amount to not more than a 10% or 30 sq metre increase in floor area of the existing ground floor, whichever is the lesser.

For the purpose of determining the 1% ARI flood level for a site, current maps and other data, prepared by the Department of Environment and Climate Change, Sydney Water, Council or other appropriate authority shall be used where available. To determine the flood affectation of a site, the applicant/developer shall submit a survey plan of the land with levels to Australian Height Datum (AHD) with the development application. Further details concerning drainage, road work, easements etc can be gained by liaising directly with officers of Council's Engineering Services Department.

## 10.0 CONDITIONS OF DEVELOPMENT CONSENT

Nothing in this Plan shall limit Council's ability to require anything to be done, including the undertaking of any works or improvements on or off the subject land, or the dedication or transfer of land to Council, or the payment of monetary contributions towards amenities and services, as a condition of consent to a development based on Council's assessment of an application under Section 79C of the Environmental Planning and Assessment Act (Amended) 1979.

### 10.1 Prescribed Conditions

Applicants should note the prescribed conditions of development consent under the Parts 2, 3 and 4 of the Local Government (General) Regulation, relating to various conditions such as toilet facilities, protection of public places etc that must be met by any development.

### 10.2 Utility Installations

Driveways to any commercial development are to be located clear of utility installations wherever possible. If this is not feasible, the utility installation (power pole, drainage or Telstra pit etc) is to be relocated, at the developer's cost, to the satisfaction of the utility authority concerned.

## 11.0 AMUSEMENT MACHINES AND AMUSEMENT CENTRES

No more than two pinball, video or other amusement devices are to be installed in any retail or commercial premises without prior approval being obtained from Council for such installation. Premises which contain more than two devices are regarded as amusement centres and require approval from Council as follows.

The owner/occupier of any premises shall not permit such premises to be used as an amusement centre unless Development Consent has been obtained from Council under the provisions of the applicable Local Environmental Plan or other relevant planning legislation.

No person shall increase or cause to be increased the number of amusement devices within an amusement centre except in accordance with the provisions of this plan.

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An application for Consent for an amusement centre shall be in the prescribed form and manner and shall be accompanied by the following information:-

- (a) An accurate floor plan of the premises to a scale of 1:50 showing:-
  - i) The position and type of amusement devices;
  - ii) The position of toilet facilities and access thereto;
  - iii) Any partitioned areas and their proposed use;
  - iv) Seating arrangements;
  - v) Any additional ancillary uses.
- (b) A car parking layout, drawn to a suitable scale and conforming with Council's car parking standards contained in [Part A](#).

### 11.1 Requirements for an Amusement Centre

- a) The hours of operation of amusement centres shall be as determined by the Council after considering the circumstances applicable to each individual case, but generally will be limited to between 9.00am and 10.00pm Monday to Saturday inclusive, and 9.00am and 8.00pm Sundays.
- b) The maximum number of amusement devices that can be installed in any premises shall be as determined by the Council after considering the circumstances applicable to each individual case, but generally shall be limited by the available floor space at the rate of one amusement device for every eight square metres.

The provision of toilet facilities for the use of patrons shall be as determined by the Council after considering the circumstances applicable to each individual case, but amusement centres for every five or part of five amusement devices.

- c) The provision of light and ventilation to amusement centres shall be strictly in compliance with the requirements of Part F of the Building Code of Australia, as amended.
- d) The means of egress in the event of fire shall be strictly in compliance with the requirements of Part D of the Building Code of Australia, as amended.
- e) The internal design and layout shall be such that, from at least two nominated supervision points within the building located on each floor occupied wholly or in part by the amusement centre, the whole of that floor space may be clearly viewed. The supervision points shall be (a) near the main entry point, and (b) near any other entry point or, where only one entry point exists, at a distance of not less than 5 metres from supervision point (a).
- f) Amusement devices shall be located wholly within the premises so that persons operating such devices stand wholly within the premises.
- g) Amusement Centres shall be conducted in an orderly manner at all times and in particular, the owners, lessors or occupiers shall be wholly responsible at all times to ensure that:-
  - i) the premises will be attended during all hours of operation by a responsible person, who shall readily be recognisable as an attendant, acting pursuant to the instructions of the Owner of the Amusement Centre;
  - ii) no person under the age of twelve years, unaccompanied by an adult, shall be permitted to enter or remain on the premises;
  - iii) where the use occupies more than one floor in a building, the owner of the centre shall ensure that, for each floor so used, at least one responsible attendant, as specified in i) above, shall be in attendance during all hours of operation.
- h) The operation of the premises shall be controlled to ensure that noise is not created so as to interfere with the amenity of the neighbourhood. Noise levels are to conform with the corrected noise levels recommended in the Australian Standard A.S.A. 1055/1973 (Noise Assessments in Residential Areas).

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- i) The owners, lessors or occupiers shall maintain the premises and all buildings appurtenant to the premises, if any, in a clean condition and in a state of good repair.
- j) An appropriate certificate of safety for each amusement device, prepared by a suitably qualified person, is to be submitted to Council prior to the operation of any approved amusement centre and thereafter for any new device before it is made available for use. In the case of a device containing a video screen, the certificate shall indicate whether the device emits harmful radiation.
- k) Where it is intended to provide refreshments for patrons, the area set aside for the preparation and dispensing of food or drink shall conform to the requirements of the Food Act 2003 and Regulations thereunder, the Food Standards Code and Australian Standard 4674 – Design, Fitout and Construction of Food Premises..
- l) The use of premises as an amusement centre shall not interfere with the use or enjoyment of adjacent premises by their owners or occupiers or with public amenity, and in particular, the behaviour of persons frequenting or likely to frequent the premises, shall not be offensive to the public, and;
- m) The premises shall meet such other requirements as may be considered appropriate by the Council, having regard to the circumstances of the case and the public interest.

### 11.2 Licensing

Upon development consent being granted for an amusement centre, the Council shall, in respect to that premises, by virtue of its powers under Division 2 of the Local Government (General) Regulation 2005, determine to control and regulate such premises and shall require an application to be made on the prescribed form for the issue of a license for a Place of Public Entertainment which shall contain whatever conditions the Council deems appropriate to impose after considering the circumstances of the case.

## 12.0 GUIDELINES FOR PROFESSIONAL CONSULTING ROOMS

The objectives of Part C Section 12.0 of the DCP are:

- a) To facilitate the provision of basic health care services in locations convenient to existing and proposed residential development.
- b) To provide controls which will lead to the provision of professional consulting rooms which are compatible and sympathetic with adjoining residential development, be it detached or otherwise;
- c) To ensure a satisfactory aesthetic standard in professional consulting rooms through adequate and suitable provision of landscaping.
- d) To ensure adequate off-street parking for residents, visitors, doctors, employees and patients in order to maintain the free flow of traffic.
- e) To ensure that buildings converted/erected for the purposes of a professional consulting room are used appropriately having specific regard to the Building Code of Australia, including fire safety standards, and access and facilities for disabled and elderly persons.
- f) The objectives of the various zones in which Professional Consulting Rooms are permitted/proposed should also be read in conjunction with the abovementioned objectives.

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### 12.1 Relationship to the Holroyd Local Environmental Plan (LEP) 1991

- a) Professional Consulting Rooms are permitted with Council's consent in zones Residential 2(a), Residential 2(c), Residential 2(d), General Business 3(a), Neighbourhood Business 3(b), General Industrial 4(a), Light Industrial 4(b), Special Industrial 4(c), under the provisions of Holroyd Local Environmental Plan (LEP) 1991.
- b) Professional consulting rooms are also permitted with Council's consent in zone Special Uses 5(a) if this use is incidental to the designated purpose.
- c) Clause 35 of the LEP provides the relevant floor space ratio requirements applicable to the abovementioned zones.

### 12.2 General Restrictions

- a) Any site that has frontage to or gains access to a road
  - i) which is subject to a clearway or other no parking restriction; or
  - ii) which is a state or arterial classified roadshall not be developed for the establishment or erection of a professional consulting room.
- b) Dual occupancies, units within a medium density development or a residential flat building shall not be developed for the establishment of a professional consulting room.
- c) Council will not generally consider applications for professional consulting rooms on residential zoned land located within 200 metres of a General Business or Neighbourhood Business Zone. Development contrary to the above will need to justify the appropriateness, in that particular instance, of a location away from a nearby commercial centre in terms of economic and residential amenity impacts.
- d) In order to avoid adverse cumulative impacts of non-residential development concentrated in a residential area, Council generally will not favourably consider an application for a professional consulting room adjoining, or in close proximity to, another professional consulting room, home industry, home business or other non-residential uses in a residential zone. Development contrary to the above must demonstrate to Council that cumulative impacts will not be unreasonable for a primarily residential environment in terms of, but limited to:-
  - i) vehicular traffic & parking;
  - ii) noise emissions; and
  - iii) sign proliferation.

When considering an application for the establishment of professional consulting rooms, Council will consider the likelihood of the development creating a traffic hazard, given its proximity to a frequently used intersection, pedestrian crossing, traffic signals or the like.

### 12.3 Access for People with Disabilities

- a) Access to and from the development for people with disabilities must be provided in accordance with Part D3 of the BCA. Where access is required for people with disabilities, sanitary and associated disabled facilities are also required to be installed in accordance with the provisions of Part F2.4 of the BCA.
- b) In circumstances where access and facilities for people with disabilities are required for a development, appropriate on site car parking spaces for disabled persons are required to be provided in accordance with [Part A](#) of this DCP.
- c) The provisions of the Commonwealth Disability Discrimination Act, 1992 will be considered during the assessment of all development applications.

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### 12.4 Floor Space Ratio

- a) Floor space ratio (FSR) means the ratio of the gross floor space of a building to the site area of the land on which the building is or is proposed to be erected.
- b) A building erected or used for non-residential purposes within Residential 2(a) or 2(c) or 2(d) zones shall not exceed 0.5:1.
- c) The gross floor space ratio in a General Business 3(a) and Neighbourhood Business 3(b) zoned areas shall not exceed 2:1 and 1:1 respectively.

### 12.5 Car Parking

As per [Part A](#) of this DCP.

### 12.6 Vehicular Access Driveways

- a) Vehicular access off public road reservations shall be located so as to minimise traffic impacts on the surrounding road network. Access shall avoid disturbances to existing trees, street construction, sewer vents, service poles, light standards, Telstra frames and junctions, transformer units and the like which may be located in the footpath area, unless the applicant is able to make arrangements for the relocation of the equipment not owned by Council at no expense to Council.
- b) Car parking spaces and driveways associated with a professional consulting room shall be arranged to facilitate safe and efficient vehicular access. Vehicles shall be able to ingress and egress the site in a forward direction with minimal on-site manoeuvring.
- c) Driveways shall be located a minimum of 1.5 metres from side property boundaries. The area between the driveway and the property boundary shall be suitably landscaped to Council's satisfaction.
- d) All driveways are to be suitably paved and drained to the satisfaction of Council's Engineer. Preference should be given to 'natural' or earth coloured paving material. The extent of driveways shall be minimised as far as practicable to avoid excessive amounts of hardstand surfaces. Details regarding all hard paved areas shall be submitted with the development application for approval by Council. Applicants are also advised to consult [Part A](#) of this DCP relating to Guidelines for Parking for further controls on driveway design.

### 12.7 Advertising

- a) One (1) professional consulting room sign is permitted within the front setback area of the property upon which a professional consulting room is established. The sign shall:-
  - i) have maximum dimensions of 0.5m x 0.5m;
  - ii) serve only to identify the name and profession of the practitioner and the hours of operation.
- b) One (1) standard doctor's 'cube' may be erected in the front boundary setback of the property.
- c) Advertising in excess of the above will not be considered by Council. Elevation/site plans submitted as part of the application shall show any advertising proposed.

### 12.8 Landscape Design

For the purposes of the establishment of a professional consulting room, applicants are required to submit a fully detailed landscape plan at Development Application stage (see [Part A](#) of the DCP for further details).

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### 12.9 Privacy

Extensions, new buildings or conversions used for the purposes of a professional consulting room should be designed so as to provide a reasonable level of visual privacy. In particular, overlooking of windows associated with high use rooms, such as living areas, and private courtyards should be avoided through site planning, staggered window placement, landscaping and other traditional screening measures such as durable lattice screens, external venetian blinds, canvas blinds, window hoods and shutters. These screening devices should be compatible with the building and fencing materials.

### 12.10 Noise

- a) Professional consulting rooms should be designed so as to minimise noise transmission between buildings and from the development to adjoining dwelling houses or other buildings.
- b) Sources of noise, such as driveways, parking areas, air conditioning plants and any other externally located machinery shall be sited away from adjoining properties and shall, where necessary, be screened by walls or high trees. Where appropriate, an acoustically enclosed cover designed by a suitably qualified acoustic consultant may be required in some instances to contain noise emissions.
- c) To minimise the transmission of sound, the maximum amount of planting and grassed areas should be provided around the development.

### 12.11 Flood Liable Land

- a) Flood-liable land is any land with natural surface levels below the 1% Annual Recurrence Interval flood level.
- b) No part of the land below the 1% ARI flood level, shall not be filled or altered in any way without the specific approval of the Council.
- c) That area of a land, below the 1% ARI flood level, shall not be used in the calculation of gross floor space ratio on a given site.

### 12.12 Hours of Operation

The objective of this section is to limit the use of professional consulting rooms so that the impact on the surrounding area is minimised.

Professional Consulting Rooms shall only operate within the following hours:

- i) 8.00am to 6.00pm Weekdays, and
- ii) 8.00am to 1.00pm Saturdays, other than on Public Holidays.

Use of the professional consulting rooms outside of the above hours will be permitted only in an emergency.

Notwithstanding the above Council may vary the hours of use as a condition of approval, should the circumstances of the particular case warrant it. For example, extensions of hours may be appropriate and acceptable in non-residential zones.