

<b>JRPP No.</b>	<b>2010SYE013</b>
<b>DA No.</b>	<b>201000035</b>
<b>Proposed Development</b>	<b>To carry out works to the Tempe Bus Depot including widening the Princes Highway vehicle entry, excavate, remove and replace existing concrete hard stand areas, construction of a retaining wall along the Gannon Street site boundary, install yard lighting, construct stormwater and retention system and remove and remediate the former service station site, restore the Tram Shed building and provide a bus maintenance area, a bus wash area, staff car parking area and install rainwater tanks within the Tram Shed building, 745-763 Princes Hwy, Tempe</b>
<b>Applicant:</b>	<b>State Transit Authority</b>
<b>Report By:</b>	<b>Manager, Development Assessment and Planning Services reports (Marrickville Council)</b>

## **Assessment Report and Recommendation**

### **Synopsis**

Application to carry out works to the Tempe Bus Depot including widening the Princes Highway vehicle entry, excavate, remove and replace existing concrete hard stand areas, construction of a retaining wall along the Gannon Street site boundary, install yard lighting, construct stormwater and retention system and remove and remediate the former service station site, restore the Tram Shed building and provide a bus maintenance area, a bus wash area, staff car parking area and install rainwater tanks within the Tram Shed building. Eleven (11) submissions were received in response to Council's notification of the proposal.

The proposal complies with the aims and objectives of Marrickville Local Environmental Plan 2001, Marrickville Development Control Plan No. 19 – Parking Strategy, Marrickville Development Control Plan No. 29 – Contaminated Land Policy and Development Controls and generally with Marrickville Development Control Plan No. 31 - Equity of Access and Mobility. It should be noted that the application was referred to the Sydney Regional Development Advisory Committee who raised no objection to the proposal subject to the imposition of conditions and granted their concurrence to the proposal in accordance with the requirements under State Environmental Planning Policy - (Infrastructure) 2007.

The application is considered suitable for approval subject to the imposition of appropriate conditions. Being a Crown application the applicant's agreement is required for the imposition of those conditions.

## **PART A - PARTICULARS**

### **Location**

North western corner of Princes Highway and Gannon Street, Tempe



*Image 1: Location Map*

**Application Date:** 1 February 2010, (additional information submitted on 1 March 2010 and 15 March 2010)

**Estimated Cost:** \$6,000,000

**Zoning:** Part Light Industrial 'B' and part Special Uses 'A'.

## **PART B - THE SITE AND ITS CONTEXT**

**Improvements:** A number of buildings on the site which are single and two storeys in height



*Image 2: View of southern corner of site, location of former Service Station.*



*Image 3: View of existing bus parking area within Tempe Bus Depot along the south western side of the subject site.*



*Image 4: View of the former Tram Shed building, currently occupied by the Tempe Bus Museum, along the north western side of the subject site.*



*Image 5: View of existing administration building, fuelling area and vehicular/bus entry off the Princes Highway to the north eastern side of the subject site.*

**Current Use:** Bus Depot

**Prior Approval:** Determination No. 2824, dated 28 August 1963, approved an application to erect a service station.

Determination No. 7867, dated 5 March 1980, approved an application to use the vacant service station site for the temporary storage and wholesale of grapes and display of wine-making equipment.

Determination No. 8200, dated 24 March 1981, approved an application to disuse the service station site for the purpose of storage, sale and delivery depot for wine grapes and winemaking equipment.

Determination No. 8296, dated 23 June 1981, approved an application to use the vacant service station for the purpose of motor vehicle mechanical repairs, detailing and parking in conjunction with Sydney Carriage Company.

Determination No. 8450, dated 2 December 1981, approved an application to use the premises for the purpose of display, storage, washing, maintenance and hiring of campervan type vehicles.

Determination No. 13177, dated 13 July 1990, approved an application to re-roof the Tempe Bus Depot

Determination No. 13515, dated 30 January 1991, approved an application to install a covered wash bay to be used in association with the display, storage, washing, maintenance and hiring of campervan type vehicles.

Determination No. 13589, dated 11 March 1991, approved an application to erect an illuminated pylon sign with an area of approximately 2.5sqm.

Determination No. 200900248, dated 30 October 2009, approved an application to remove the disused underground fuel tank and the brick wall storage area adjacent to the underground tank, install a new concrete slab and install a self banded above ground fuel tank.

**Environment:** Industrial/commercial development to the south and east, to the north, south west and west of the subject site are dwelling houses.

### **PART C - REQUIREMENTS**

1. **Zoning**  
*Is use permissible in zonings?* Yes
2. **Development Standards (Mandatory Requirements):**

<b>Type</b>	<b>Required</b>	<b>Proposed</b>
Floor Space Ratio (max) (Light Industrial zone)	1:1	No change (As existing)
3. **Departures from Council's Codes and Policies:**  
Nil
4. **Community Consultation:**  
Required: Yes (newspaper advertisement, on-site notice and resident notification)  
Submissions: Eleven (11) submissions received.
5. **Other Requirements:**  
ANEF 2029 Affectation: 25-30 ANEF  
Item No. 4.33 under Schedule 5 of Marrickville Local Environmental Plan 2001

### **PART D - ISSUES**

#### **1. The Site and Surrounds**

The subject site is located on the north eastern corner of Princes Highway and Gannon Street, Tempe. The site has a legal description of Lot 1 in Deposited Plan 742918, Lot 1 in Deposited Plan 925726 and FP 192152. The site has a 65.2 metre frontage to Princes Highway and a 201.3 metre frontage to Gannon Street and has a site area of approximately 18,629.7sqm.

The subject site which is also known as the Tempe Bus Depot site comprises the former Tram Shed which now serves as a bus museum (occupying the north western section of the site), a one part two storey administration building (along the north eastern side of the site), the Betty Spears Child Care Centre (located on the strip of land between Gannon Street and the Tram Shed) and the majority of land comprises a large asphalt and concrete pavement utilised for bus parking and turning. The site has one vehicular crossing from the Princes Highway and two separate vehicular crossings from Gannon Street. The bus depot currently predominantly utilises the vehicular crossing from the Princes Highway.

Development in the vicinity of the site is mixed ranging from residential to the north, south west and west, with commercial and industrial development to the south and east.

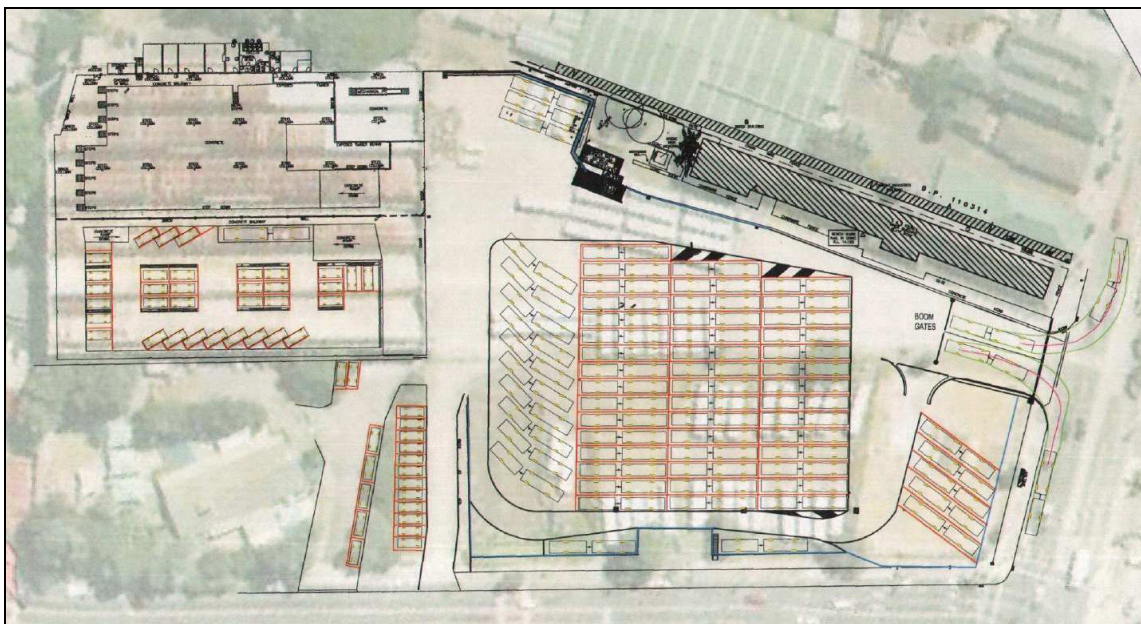
#### **2. The Proposal**

Approval is sought to carry out the following works to the Tempe Bus Depot:

- Widening of the main bus entry at the Princes Highway, by 4 metres, to accommodate the longer articulated Metrobus buses.
- Excavation of the grassed and paved areas in the southern section of the site, to ensure the site is level with the Princes Highway.
- Replacement of concrete hardstand and placement of additional hardstand areas to provide for parking of a maximum of 83 Metrobus buses.

- Construction of a retaining wall along the Gannon Street boundary.
- Installation of two (2) new 15 metre high lighting towers within the subject property to provide appropriate lighting within the site.
- Construction of stormwater and retention system to meet 1 in 20 year and 1 in 100 year floods. Approximately 2,500m<sup>3</sup> of the site will be excavated to incorporate the stormwater detention.
- Restoration of the Tram Shed building. This will include removal of lead paint, removal of asbestos, removal and replacement of roof sheeting, stabilisation of the building facade, installation of fire hydrant and sprinklers, and replacement of power supply.
- Inclusion of a bus maintenance area for servicing of the Metrobus buses and installation of rainwater tanks in the northern area of the Tram Shed building and a bus wash and staff carparking area in the southern area of the Tram Shed building.
- Remediation of the subject site, in particular the southern corner (corner of the Princes Highway and Gannon Street) of the site which was a former service station.
- The expanded Bus Depot use will involve 160 employees on rotating shifts, with a maximum of 75 employees present on-site at any one time.
- The proposed development includes the provision of 50 employee car parking spaces within the southern side of the Tram Shed building and to the north western side of the subject site. The employee car parking will be accessed from the existing Gannon Street vehicular crossings.
- The proposed hours of operation of the Bus Depot are between the hours of 5.30am to 10.30pm Mondays to Sundays, including Public Holidays.

A copy of the site plan, floor plan and elevation of the proposed development submitted with the application are reproduced below:



*Image 6: Proposed Site Plan*



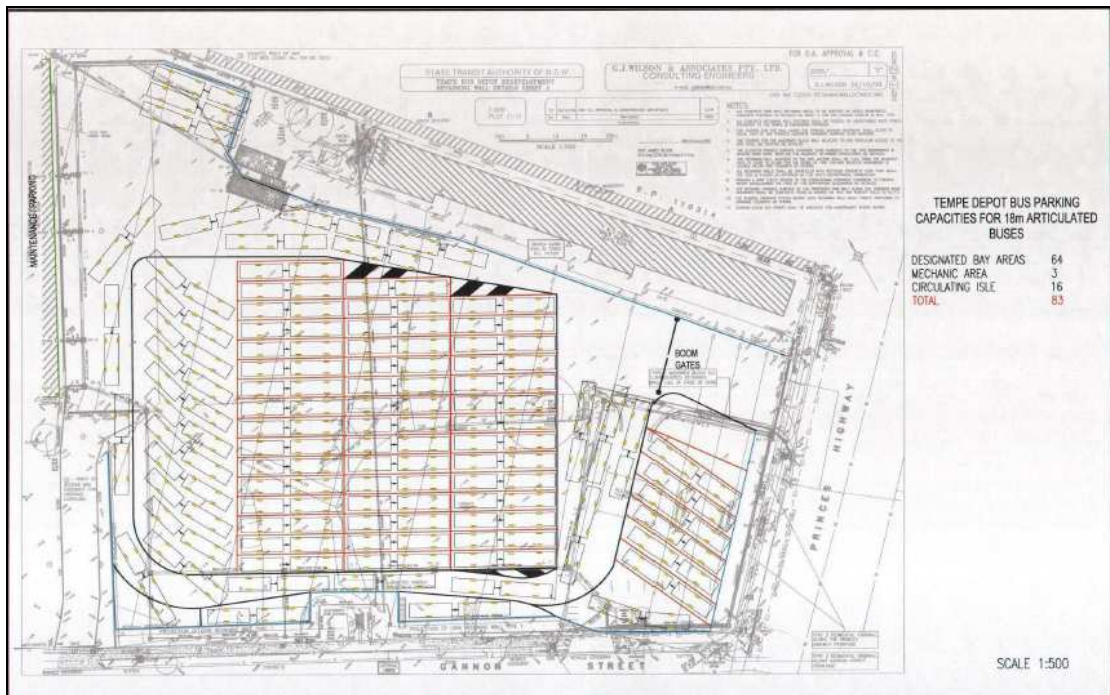


Image 7: Proposed Bus Parking Areas

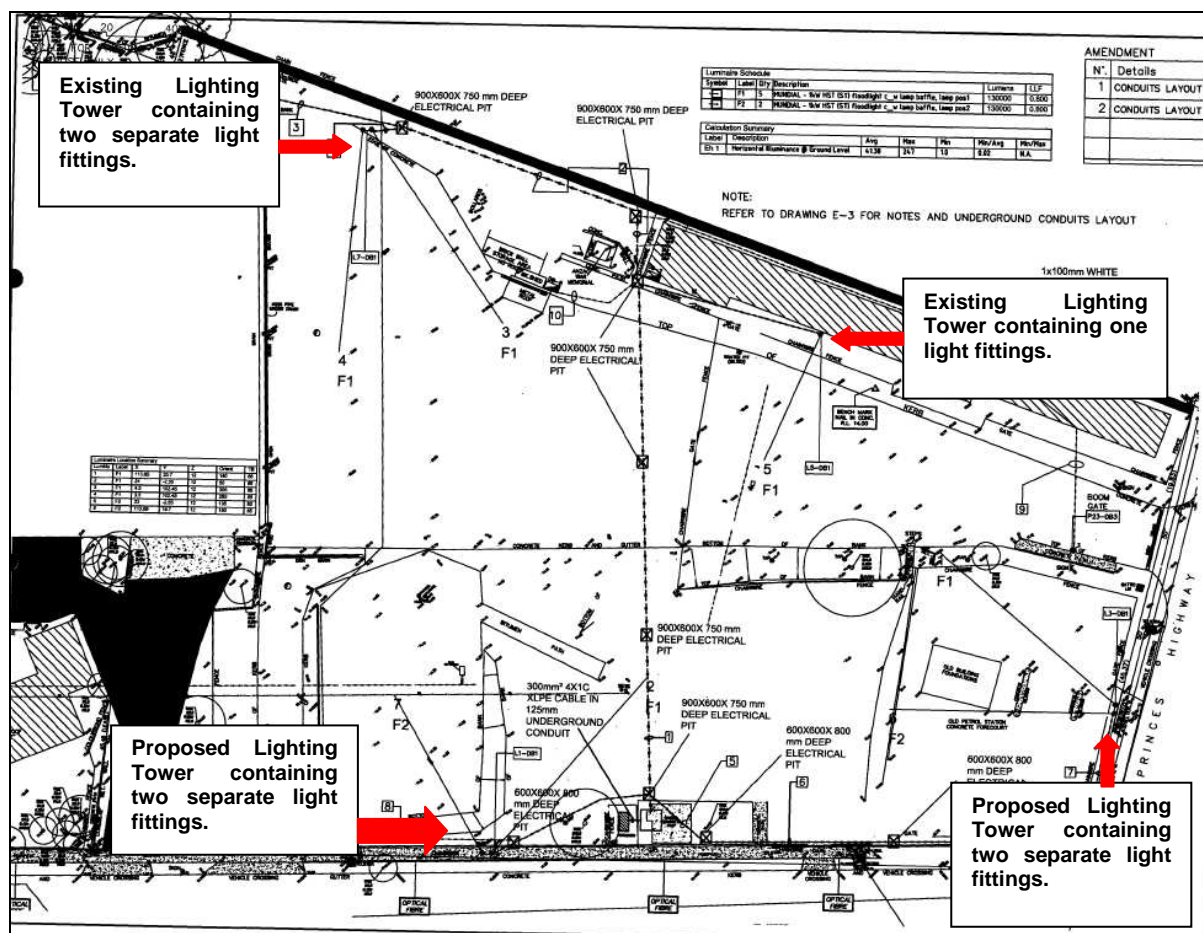


Image 8: Proposed Light Tower Location Plan.

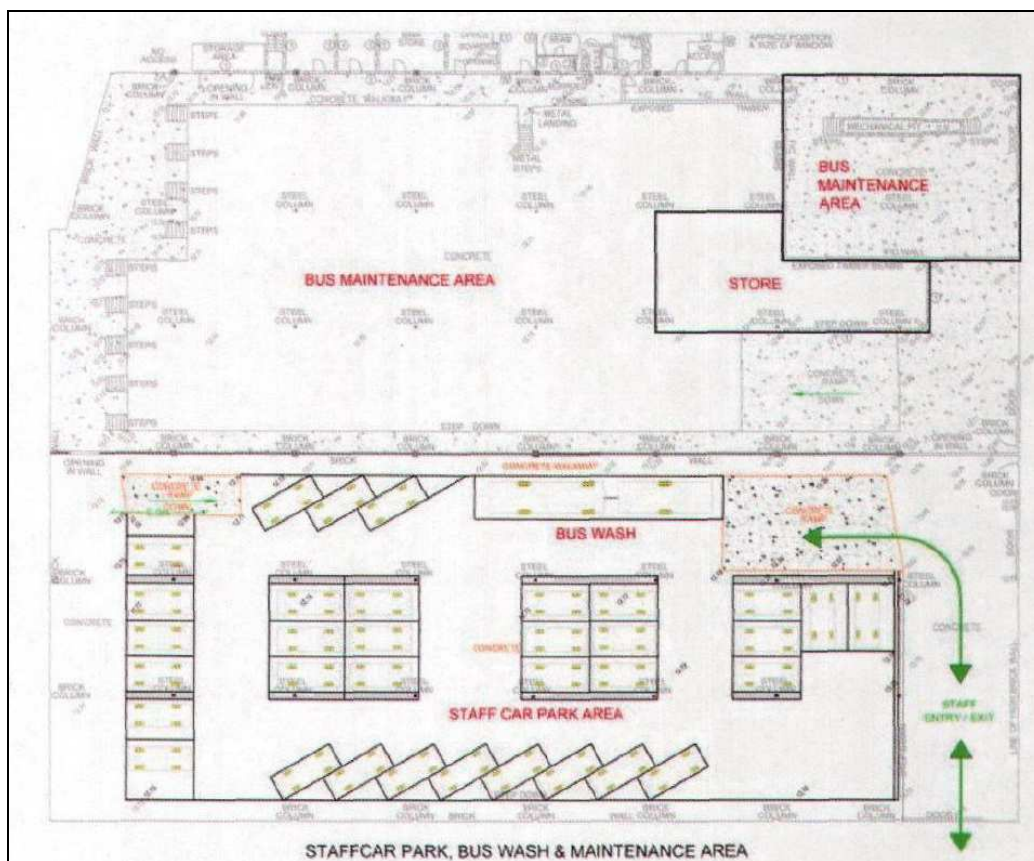


Image 9: Proposed Floor Plan of Tram Shed building.

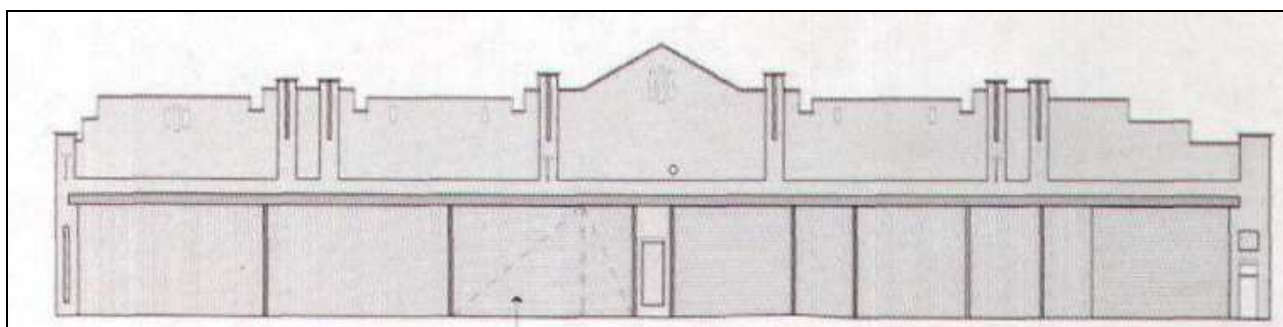


Image 10: Proposed Front Elevation of Tram Shed building.

### 3. Planning Instruments and Controls

The following Planning Instruments and Controls apply to the proposed development:-

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy (Infrastructure) 2007;
- Marrickville Local Environmental Plan 2001 (MLEP 2001);
- Marrickville Development Control Plan No. 19 - Parking Strategy (DCP 19);
- Marrickville Development Control Plan No. 27 - Waste Management (DCP 27);
- Marrickville Development Control Plan No. 29 – Contaminated Land Policy and Development Controls (DCP 29);
- Marrickville Development Control Plan No. 31 - Equity of Access and Mobility (DCP 31); and
- Marrickville Development Control Plan No. 32 - Energy Smart Water Wise (DCP 32).

### 4. State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)



SEPP 55 contains planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. The principles in SEPP 55 guidelines controls and procedure for remediation of contaminated lands are generally covered by Clause 57 of MLEP 2001 and Marrickville Development Control Plan No. 29 - Contaminated Lands Policy and are considered as part of the assessment of the application presented in Section 8 of this report under the heading "*Marrickville Development Control Plan No. 29 - Contaminated Lands Policy*".

## **5. State Environmental Planning Policy - (Infrastructure) 2007**

The subject site has a frontage to the Princes Highway which is a classified road. Under Clause 101 (2) of State Environmental Planning Policy - (Infrastructure) 2007:

- "2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*
  - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
    - (i) the design of the vehicular access to the land, or*
    - (ii) the emission of smoke or dust from the development, or*
    - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
  - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road."*

The site has one existing vehicular crossing from the Princes Highway and two separate vehicular crossings from Gannon Street. The bus depot currently predominantly utilises the vehicular crossing from Princes Highway. The proposed development seeks to widen the existing vehicular crossing along the Princes Highway by 4 metres and retain the crossing as the main entry for buses to the subject site, with the exception of the morning peak periods between 6.30am to 8.00am. During the morning peak periods the application proposes that buses utilise the Gannon Street vehicular crossing (located closest to the Princes Highway and Gannon Street intersection). It is noted that both the Gannon Street vehicular crossings will also be utilised to provide ingress/egress to employee car parking areas located within the site. The proposal was referred to the Sydney Regional Development Advisory Committee (SRDAC) who provided the following comments:

*"The SRDAC and the RTA have reviewed the development application and the RTA grants concurrence to the driveway modification subject to the following conditions being included in any development consent:*

- 1. The design and construction of the modified gutter crossing on the Princes Highway shall be in accordance with RTA requirements. Details of these requirements should be obtained from RTA's Project Services Manager, Traffic Projects Section, Parramatta.*

*Detailed design plans of the modified gutter crossing are to be submitted to the RTA for approval prior to the commencement of any works.*

*A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by the RTA.*

- 2. The swept paths provided in the additional information appear to show a bus not being able to adequately make the left turn out of the depot without going over the central median. This is unacceptable and therefore some further modifications to the driveway*

*are required to ensure that buses turning left out of the subject site do not cross on or over the raised concrete central median. The swept path of the longest vehicle entering and exiting the subject site as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirements.*

3. *Any traffic facilities and road works associated with the subject development will be carried out at no cost to the RTA.*

*In addition to the above, the SRDAC raised the following issues with regards to the proposal:*

4. *The plans submitted for the proposed development are inadequate to fully assess the application. As full sized scaled plans were not provided with the referral, the following comments are therefore provided on the indicative proposal submitted.*
5. *The boom gates should be located to allow a bus to stand wholly within the site before being required to stop.*
6. *Existing parking restrictions on all frontages to the subject site shall remain.*
7. *Vehicle restrictions apply to Gannon Street. Should buses wish to use the traffic control signals at the Princes Highway to turn right into or out of Gannon Street, changes to these restrictions must be approved by the Local Traffic Committee.*
8. *Concern is raised with the number of parking spaces provided as the traffic report states that all staff are given a travel pass. However, staff who work the first and last shifts would more than likely need a private motor vehicle. In this regard, sufficient on-site parking shall be provided to Council's satisfaction.*
9. *The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS2890.2-2002 for heavy vehicle usage. Disabled parking requirements shall conform to AS2890.1*
10. *All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on the Princes Highway.*
11. *A Road Occupancy Licence should be obtained from the RTA for any works that may impact on traffic flows on the Princes Highway during construction activities.*
12. *Council should ensure that post development storm water discharge from the subject site into the RTA drainage system does not exceed the pre-development discharge."*

The first three conditions of the SRDAC's concurrence are required to be imposed on any consent granted. Conditions of consent should also be imposed to address the other issues raised above by the SRDAC. In relation to point 4 above, Council provided the RTA with a full set of scaled development plans submitted to Council accompanying the development application. In relation to point 8 of the RTA's comments relating to employee parking, Council's Development Control Engineer considers the 50 car parking spaces proposed to be provided for employees to be adequate for the proposed development.

In light of the concurrence received from the SRDAC, the proposed development is considered acceptable under the requirements of State Environmental Planning Policy - (Infrastructure) 2007. It should be noted that in accordance with point 7 above the proposed use of the Gannon Street vehicular crossing (located closest to the Princes Highway and Gannon Street intersection) by buses wishing to use the traffic control signals at the Princes Highway to turn right into or out of Gannon Street, during peak morning periods, would require changes to vehicle restrictions

applying to Gannon Street to be approved by Council's Local Traffic Planning and Advisory Committee in accordance with the SRDAC's comments. A condition should be imposed on any consent granted requiring all buses to utilise the Princes Highway vehicular crossing at all times unless approval has been obtained from the Local Traffic Committee for buses to use of the vehicular crossing along Gannon Street.

It is noted that the subject use is not considered to sensitive to traffic noise or vehicle emissions and is not require to implement measures, to ameliorate potential traffic noise or vehicle emissions under the requirements of State Environmental Planning Policy - (Infrastructure) 2007.

## **5. Marrickville Local Environmental Plan 2001 (MLEP 2001)**

### **(i) Zoning (Clauses 16 & 17)**

The property is partly zoned Light Industrial 'B' and partly zoned Special Uses 'A' under the provisions of Marrickville Local Environmental Plan 2001 (MLEP 2001). The proposed development would constitute a bus depot or public utility undertaking under the definitions contained in MLEP 2001. A Bus Depot and Public Utility Undertaking are defined as follows under Schedule 1 of MLEP 2001:

***"Bus depot** means a building or place used for the servicing, repair and garaging of buses and other vehicles used for the purposes of a bus transport undertaking...*

***Public utility undertaking** means any undertaking carried on by, or by authority of, any public authority, or in pursuance of any Commonwealth or State Act, for the purpose of:*

- (a) railway, road or air transport, or*
- (b) the provision of sewerage or drainage services, or*
- (c) the supply of water, hydraulic power, electricity or gas."*

A bus depot is permissible with Council's consent on land zoned Light Industrial whilst public utility undertakings are permissible with Council's consent on land zoned Light Industrial and land zoned Special Uses A under MLEP 2001. Consequently the proposed development is permissible with Council's consent under the zoning provisions applying to the land.

The proposed development complies with the objectives for the zones under Marrickville Local Environmental Plan 2001.

### **(ii) Aircraft Noise (Clause 28)**

Clause 28 requires light industrial premises to be noise attenuated in accordance with Australian Standard AS2021-2000 - Acoustics - Aircraft noise intrusion-Building Siting and Construction if the property is located in an area exceeding 30 Australian Noise Exposure Forecast (2029) Contour. Given the subject property is located within the 25-30 Australian Noise Exposure Forecast (2029) Contour, the proposed development is not required to be noise attenuated in accordance with Clause 28 of MLEP 2001.

### **(iii) Flood Prone Land (Clause 29)**

The property is not located within an area identified as flood prone land on Council's "Approximate 100 Year (1% AEP) Flood Extent" Map.

### **(iv) Floor Space Ratio (Clause 33)**

A maximum floor space ratio of 1:1 applies to developments within a Light Industrial zone under Clause 33 of MLEP 2001. Clause 33 of MLEP 2001 does not specify a maximum floor space ratio for developments within a Special Uses 'A' zone. The proposed development would not result in any increase to the floor space ratio of the development on the subject property.

### **(v) Offices, showrooms and shops in industrial zones (Clause 40)**

Under Clause 40 of MLEP 2001, development for the purpose of offices, showrooms or shops may, with development consent, be carried out on land zoned Light Industrial 4 (B) if:

- (a) *in relation to development for the purpose of offices or showrooms, or both, the consent authority is satisfied that:*
  - (i) *use of the office or showroom is ancillary or incidental to a use permissible within the... Light Industrial 4 (B) zone that is being carried out on the land, and*
  - (ii) *the area devoted to the office or showroom, or both, does not comprise more than 25 per cent of the gross floor area devoted to that use, and*
  - (iii) *adequate on-site parking is available to accommodate the parking demands of the office or showroom, or*
- (b) *in relation to development for the purpose of shops:*
  - (i) *use of the shop is ancillary or incidental to an industrial or warehouse use permissible within the zone that is being carried out on the land, and*
  - (ii) *the gross floor area of the shop is not greater than 100 square metres.*

The proposed development seeks to retain the existing administration building, which accommodates ancillary office area for the Tempe Bus Depot, along the north eastern side of the subject site. The proposed development does not propose any additional office area, a showroom or retailing area as part of this application.

(vi) Heritage (Clauses 48)

The subject property is listed as a heritage item under MLEP 2001 (Item No. 4.33). The application was referred to Council's Heritage and Urban Design Advisor who provided the following comments:

***Description***

*The site is a large block on the corner of Gannon Street and the Princes Highway, encompassing a former petrol station site, with two main existing buildings: The former Federation Freestyle Tram Shed and the Traffic Office (c. 1911). The war memorial is presently situated at the rear of the Office building (c.1920). Conversion of the site to a bus Depot occurred in 1954, the memorial was relocated, the elevated tracks and boardwalks were removed, bus maintenance took place in the south west corner of the shed, and an underground fuel tank was installed. Since 1986 the shed has been occupied as a museum, currently undergoing relocation to Leichhardt Tram Shed. Additional repairs (including changes to the parapet) were carried out in 1986-87.*

***Heritage Listings***

*The site is a Heritage Item (4.33) in MLEP 2001 and a proposed Item in Draft LEP 2010. It is not within a conservation area.*

***Proposal***

*The proposal involves site works (including retaining walls, replacement of hardstand, lighting), and repairs and alterations to the former Tram Shed.*

***Repairs:***

*Generally the repairs proposed are required for safety and maintenance. The approach appears to be relatively modest – altering only as much as necessary.*

*War Memorial: nil work*

*Traffic Offices: nil work*



*Grounds: carriageway widening at the Princes Highway, excavation and fill, construct retaining wall, remove and replace existing concrete hardstand, yard lighting, remediate former service station site, stormwater retention area.*

*Tram Shed: repairs to structure, asbestos removal, painting, door replacement, repairs to stormwater collection, cleaning and painting, install bus washing area, staff car parking.*

## **Conclusion**

*This referral is specifically focused on work to the Tram Shed, and does not comment on the external ground works.*

*Adequate detail on the following matters is required prior to the release of a construction certificate approval:*

1. *An Interpretation Plan shall be provided for approval by Council's Heritage Advisor identifying all significant fixtures, items and painted signs associated with the site, to be retained and interpreted.*

*Reason: To protect the significance of the site as nominated in the 2003 CMP by Godden MacKay Logan.*

*Items to be retained shall include:*

### *Signage:*

*Existing painted and fixed signage related to the use of the site as a tram depot and a bus depot shall be retained and not painted over, eg: large black bay numbers 1-18 on inside of rear/western wall, scribbles and yellow painted words on the black section of the rear wall related to the maintenance work in this area.*

### *Fixtures and details;*

*All redundant fixtures relating to the earlier phases of occupation at the Tram shed, such as tram tracks, Chinaman's hat light fittings, wall mounted rosettes with hooks, and insulated holes in the wall to carry electrical tram cables, tension rods on the back walls for the tram lines, oil store with tackle block and track, sand bin and sand outlets, 3-4m lengths of tram tracks at the eastern perimeter and remnant tracks on beams on the western platforms, remnant square depressions in the floor indicating the location of the piers, original stairs down into the pit at the western end. Ancillary rooms with ripple iron ceilings, Art Nouveau vents, tall skirtings, and arched door openings, paint scheme.*

*Reason: To protect the significance of the site as nominated in the 2003 CMP by Godden MacKay Logan.*

2. *Repairs*

### *Roof Glazing:*

*Areas of original roof glazing will be replaced with new glazing where broken or missing, as described in Appendix 8, Heritage Impact Statement, January 2010 by Godden MacKay Logan.*

### *Repairs to Roof Drainage, Steel, Masonry, Doors and Timber:*

*shall proceed in the manner described in Appendix 8, Heritage Impact Statement, January 2010 by Godden MacKay Logan.*

*Reason: To protect the significance of the site as nominated in the 2003 CMP by Godden MacKay Logan.*

3. *Painting:*

*All exposed new piping, new structural steel, and any new materials shall be painted in a colour distinguishable from the colour of any original/early fabric, yet in a receding tone which allows the significant fabric/paint scheme to dominate the composition.*

*The internal colour scheme shall be restored, except where there are areas of significant painted signage, in which case these shall be protected, preserved and left unpainted - these areas shall be nominated in the Interpretation Plan. The proposed colour scheme for the entire site, including samples, names/numbers and manufacturers details shall be provided to Council's Heritage Advisor for approval prior to obtaining a construction certificate.*

*A sample of the colour for the external corrugated steel sliding doors shall be provided to Council's Heritage Advisor for approval prior to obtaining a construction certificate.*

*Reason: To protect the significance of the site as nominated in the 2003 CMP by Godden MacKay Logan.*

4. Concrete:

*A plan showing areas of slab replacement, and/or trenches to be cut into, the existing concrete slab shall be provided to Council's Heritage Advisor for approval prior to obtaining a construction certificate. Plans are to include details of the protection and/or reinstatement of heritage significant fixtures such as tram tracks.*

*Reason: To protect the significance of the site nominated by the 2003 CMP by Godden MacKay Logan.*

5. Engineer's Details:

*Engineer's details of all new structural work including building strengthening and repair works, and fire stair shall be provided to Council's Heritage Advisor for approval prior to obtaining a construction certificate.*

*Reason: To protect the significance of the site nominated by the 2003 CMP by Godden MacKay Logan.*

6. Asbestos

*Details of roofing material to replace visible asbestos tiling on western annexes shall be provided to Council's Heritage Advisor for approval prior to obtaining a construction certificate.*

7. An Archival Record containing photos shall be provided to Council's Heritage Advisor for approval prior to obtaining a construction certificate. The recording should be undertaken in accordance with the Guidelines for Archival and Photographic Recording of Heritage Items prepared by the NSW Heritage Office. The record should include black and white archival quality prints, digital images on CD-ROM, laser copy colour prints of digital images and to scale plan indicating the location and direction of each photograph. Photographs should be of the whole site, including interior spaces, exteriors, the grounds and streetscape views. Two copies of the final archival record shall be submitted to Marrickville Council, for lodgement with Council Archives and Local Studies Library.

*Reason: To document the site prior to demolition for archival reference."*

Council's Heritage and Urban Design Advisor's comments are considered to be valid and the recommendations should be imposed as conditions on any consent granted.

(vii) Protection of Trees (Clause 56)

Clause 56 of MLEP 2001 concerns the protection of trees under Council's Tree Preservation Order. The proposal seeks approval to remove a Liquidambar tree located within the centre of the

site and retain a Eucalyptus tree along the Gannon Street site boundary which is covered by Council's Tree Preservation Order. The application was referred to Council's Tree Management Officer who raised no objection to the removal of the liquidamber tree and recommended that a condition be imposed on any consent granted requiring the submission of a landscape plan proposing sufficient replacement planting and tree protection measures for the Eucalyptus tree.

(viii) Acid Sulfate Soils (Clause 57)

The subject site is located within an area identified as being subject to acid sulfate soil risk. Clause 57 of MLEP 2001 requires that before consent is granted, Council must consider a preliminary soil assessment which ascertains the presence or absence of acid sulfate soils if the proposal involves works at or below the ground water level or it could lower the ground water table. This matter has been discussed further in Section 8 of this report under the heading "*Marrickville Development Control Plan No. 29 - Contaminated Lands Policy*".

(ix) Waste Management (Clause 58)

Clause 58 of MLEP 2001 requires consideration of waste management for any proposed development. There is considered to be sufficient area within the site to allow for the storage of garbage bins. During a site inspection of the subject property, on 25 February 2010 by Council's Development Assessment Officer, it was identified that the site had satisfactory waste management mechanisms in place. A Site Waste Management Plan in accordance with Council's requirements was submitted with the application and is considered to be adequate.

(x) Energy, Water & Stormwater Efficiency (Clause 59)

Clause 59 of MLEP 2001 requires consideration to be given to the energy, water and stormwater efficiency of any proposed development. This matter has been discussed further in Section 10 of this report under the heading "*Marrickville Development Control Plan No. 32 – Energy Smart Water Wise (DCP 32)*".

(xi) Landscaping and Biodiversity (Clause 60)

Clause 60 of MLEP 2001 requires consideration be given to conservation of biodiversity as is of relevance to the subject application. It is noted that, the proposal seeks to remove a Liquidambar tree located within the centre of the site and retain a Eucalyptus tree along the Gannon Street site boundary which is covered by under Council's Tree Preservation Order. The application was referred to Council's Tree Management Officer who raised no objection to the proposal and recommended that a condition be imposed on any consent granted requiring the submission of a landscape plan proposing sufficient replacement planting and tree protection measures for the Eucalyptus tree.

(xii) Community Safety (Clause 62)

Clause 62 of MLEP 2001 requires consideration to be given to community safety before granting development consent. To this extent the following matters are to be considered:

- (a) *the provision of active street frontages where appropriate,*
- (b) *the provision of lighting for pedestrian site access between public and shared area, parking areas and building entrances,*
- (c) *the visibility and legibility of building entrances from streets, public areas or internal driveways.*

The subject application seeks to retain the existing pedestrian and a widened vehicular/bus entry off the Princes Highway to encourage an active frontage. During a site inspection, on 25 February 2010 by Council's Development Assessment Officer, it was identified that the existing administration building along the north eastern side of the subject site is directly accessible from the Princes Highway entry and has ample provision of lighting to encourage an active frontage and ensure safety and security within the area. To further ensure safety and security the subject

application seeks to erect two (2) X 15 metre high lighting towers within the subject property to provide appropriate lighting within the site. The proposed development is considered to be consistent with the community safety provisions contained in MLEP 2001 and Marrickville Development Control Plan No. 38 – Community Safety.

(xiii) Accessibility (Clause 64)

Clause 64 of MLEP 2001 requires consideration to be given to accessibility before granting development consent. The issue of accessibility is discussed in section 9 of this report under the heading '*Marrickville Development Control Plan No. 31 – Equity of Access and Mobility*'.

## **6. Marrickville Development Control Plan No. 19 – Parking Strategy (DCP 19)**

DCP 19 does not contain any numerical car parking requirements for a bus depot development. Hence, the proposed provision of car parking is subject to a merit assessment. Part B of DCP 19 outlines the following car parking objectives:

"B.1.1 Objectives

- To facilitate the safe entry and exit of vehicles to and from properties.
- To ensure the efficient design of car parking areas.
- To provide convenient and safe parking for residents, workers and visitors and ensure the safety of pedestrians in the design of car parking areas.
- To improve the integration between land use and existing transport networks."

Information submitted with the application states that *"there will be approximately 160 employees at Tempe on rotating shifts, with a maximum number of 75 rostered at any one time, including office and maintenance staff."* A total of 50 employee car parking spaces are to be made available within the southern side of the Tram Shed building and to the north western side of the subject site. The employee car parking will be accessed from the Gannon Street vehicular crossings. Based on a maximum 75 employees being on the site at any one time the level of parking provided equates to 2 spaces per every 3 employees on the site at any one time.

As previously mentioned, the proposal was referred to the Sydney Regional Development Advisory Committee (SRDAC) who provided the following comments in regards to car parking:

8. *Concern is raised with the number of parking spaces provided as the traffic report states that all staff are given a travel pass. However, staff who work the first and last shifts would more than likely need a private motor vehicle. In this regard, sufficient on-site parking shall be provided to Council's satisfaction.*
9. *The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS2890.2-2002 for heavy vehicle usage. Disabled parking requirements shall conform to AS2890.1."*

The application was reviewed by Council's Development Control Engineer who provided the following comments in regards to car parking:

*"Conditions of consent will be imposed to address the above comments of the RTA. With regard to point 8 of the RTA's comments relating to employee parking, 50 car parking spaces are to be provided which is satisfactory."*

It is considered that the number of spaces proposed for employees is acceptable and would adequately service the operational needs of the use. It should also be noted that the site is well serviced by public transport such as public buses along the Princes Highway and the St Peters Train Station within walking distance of the site. In addition, all STA staff are provided with free home and duty travel pass on all government transport services.



In view of the circumstances it is considered the proposed development satisfies the objective contained in Part B of DCP 19.

## **7. Marrickville Development Control Plan No. 27 – Waste Management (DCP 27)**

The issue of waste has been addressed within Section 5 of the report under the heading “*Waste Management (Clause 58)*”.

## **8. Marrickville Development Control Plan No. 29 – Contaminated Land Policy and Development Controls**

Council records indicate that the southern corner (corner of Princes Highway and Gannon Street) of the site was a former service station and the site is located within an area identified as being subject to acid sulfate soil risk. The subject application seeks to remediate the subject site in accordance with DCP 29. The applicant submitted an *Additional Environmental Site Assessment and Remediation Action Plan, prepared by Environmental Investigation Services, dated October 2009* addressing the issue of contamination. The Remediation Action Plan (RAP) seeks to remediate the subject property as follows:

### **“11. REMEDIAL ACTION PLAN**

#### **11.2 Extent of Remediation Works**

*The remediation works can generally be divided into five separate areas:*

- Area A – The elevated area located in the central south section of the site, adjacent to the Gannon Street boundary;*
- Area B – The area beneath the newly built electrical switchboard room;*
- Area C – The area adjacent to the Gannon Street boundary between the boundary fence and the proposed retaining wall;*
- Area D – The former service station area in the south-east section of the site; and*
- Area E – The site areas outside Areas A, B, C and D...*

### **13 REMEDIATION DETAILS**

#### **13.1 Areas A and C**

*...The following remedial works should be undertaken in Areas A and C:*

- Mark out the excavation areas on the site with tape measure and pegs;*
- Excavate all of the fill material across the entire area and load the excavated soil directly onto trucks for transport to landfill. The fill material in Areas A and C extends to depths between approximately 0.5m to 1.5m (or greater);*
- Obtain validation samples from the area (the validation requirements are detailed in the following sections of this report);*
- Where the validation is successful, a VENM letter will be provided for the remaining natural soil to be excavated then the construction works can continue;*
- In the event that the validation is unsuccessful re-excavate the areas that failed and re-validate;*
- In the event that the excavation extends deeper than the proposed development levels, the excavation can be backfilled with clean material; and*
- Prior to construction of the pavement in Area A, reference should be made to Section 13.2 below for further details regarding the remedial measures to be implemented...*

#### **13.2 Area B**

*...To reduce the potential for contaminated soil from Area B to impact on the surrounding areas (Areas A and C), the following remedial works should be undertaken:*

- A membrane (bentonite fabric or builders plastic eg. Forticon) should be placed along the surface of the batter slopes and/or exposed cut faces (ie the boundaries with Areas A and C) and extended to the areas beneath the proposed pavements in the surrounding areas. The choice of membrane will be dependent on the final structure. EIS should be contacted when the design details have been finalised. The membrane will minimise the spread of the underlying contaminated soil between the boundaries of the remediation areas; and
- The barriers should then be covered with a suitable sand based soil mix. This material should be certified as virgin excavated natural material (VENM) with appropriate laboratory documentation. The pavements in the surrounding areas can then be constructed.

An environmental management plan (EMP) should be prepared for the contaminants remaining in Area B...

### 13.3 Area D

...The proposed redevelopment works in Area D include removal of the USTs and construction of a retention tank. It is anticipated that the majority of Area D will be excavated to a maximum depth of 3.0m. The following remedial works should be undertaken in Area D.

- The UST and associated pipework should be removed in accordance with the procedures specified in Australian Standard AS4976–2008. All work should be undertaken by an experienced contractor;
- Once the UST has been removed, the following should be undertaken:
  - The tankpit backfill soils should be classified in accordance with the NSW DECC (DECCW) Waste Classification Guidelines;
  - Once classified, the tankpit backfill and any odourous/stained soil/bedrock associated with the walls and base of the tankpit should be removed and loaded directly onto trucks for transport to landfill;
  - Obtain validation samples from the area (the validation requirements are detailed in the following sections of this report);
  - Where the validation is successful, the excavation/construction works can continue; and
  - In the event that the validation is unsuccessful re-excavate the areas that failed and re-validate.

### 13.4 Area E

The proposed redevelopment works over the remainder of the site will include demolition of the existing pavements and construction of a new concrete pavement. The following remedial works should be undertaken in Area E:

- Mark out the area with tape measure and pegs. Particular care should be taken delineating the boundary between Area E and Area A;
- Remove the existing concrete pavements;
- A horizontal marker membrane should be placed across Area E prior to pouring the concrete. A brightly coloured product such as Forticon would be suitable.
- This can then be referred to in the EMP;
- The marker should be placed over all fill material within service trenches;
- Where possible, a vertical barrier (eg. Bentonite fabric or builders plastic) should be placed all the way along the boundaries of Area E. Where no vertical boundaries are present, the horizontal marker membrane should extend at least
- 1m beyond Area E, into the adjacent site areas;

- *The concrete pavement should then be constructed over the horizontal marker membrane as per the design requirements for the project. Details of the pavement construction (including concrete thickness and reinforcement) should be noted for inclusion in the EMP.*

*An environmental management plan (EMP) should be prepared for the contaminants remaining in Area E.*

### 13.5 Groundwater Monitoring

*Following completion of the redevelopment works, six groundwater monitoring wells should be installed at the site. The monitoring wells should be installed at three locations and should include one 10m well and one 4m well at each location. The 10m wells should be installed to assess the groundwater within the bedrock (below the fill material and perched water). The 4m wells should be installed to assess the perched groundwater.*

*The monitoring program will be staged over a two year period and will include the following:*

- *Bi-annual sampling (commencing on completion of the redevelopment works);*
- *Development of the groundwater monitoring wells prior to each sampling event. Sampling will be undertaken using low flow micro-purge techniques;*
- *Laboratory analysis of samples from each monitoring well for trace level PAHs, heavy metals (arsenic, cadmium, chromium, copper, lead, mercury, nickel and zinc), TPH and BTEX;*
- *Preparation of a brief report after each sampling event detailing the results of the analysis and any recommendations; and*
- *Review of the monitoring program after a two year period...*

### 18. SUITABILITY OF SITE FOR PROPOSED DEVELOPMENT

*Based on the scope of work undertaken for this assessment EIS consider that the site can be made suitable for the proposed commercial/industrial development provided that:*

- *The remediation/management measures outlined in the RAP are successfully implemented;*
- *A validation assessment is undertaken for Areas A, C and D and a validation report is prepared;*
- *An Environmental Management Plan (EMP) is prepared for the contaminated fill material remaining on site in Areas B and E;*
- *Appropriate public notification of the EMP is established under Section 149(2) of the Environmental Planning and Assessment Act 1979 or a covenant registered on the title to land under Section 88B of the Conveyancing Act 1919; and*
- *The groundwater monitoring program is implemented. Any recommendations made within the groundwater monitoring reports should be addressed."*

The Environmental Site Assessment and Remediation Action Plan accompanying the subject application was prepared in conjunction with a previous *Remedial Action Plan prepared by Environmental Investigation Services, dated August 2009* for the subject property, which was provided to Council during the development assessment process under Determination No. 200900248. It is noted under Determination No. 200900248, for the removal of an underground fuel tank, the subject property was conditioned to be remediated in accordance with the *Remedial Action Plan prepared by Environmental Investigation Services, dated August 2009*.

It is evident from the above that the site is capable of being remediated for industrial/commercial purposes. As such the proposed development is considered reasonable having regard to contamination subject to the implementation of the remediation works detailed above. A condition should be imposed requiring the site be remediated in accordance with the measures outlined in the *Additional Environmental Site Assessment and Remediation Action Plan, prepared by*

*Environmental Investigation Services, dated October 2009 and a validation report shall be submitted to Council upon completion of the works.*

## **9. Marrickville Development Control Plan No. 31 - Equity of Access and Mobility (DCP 31)**

Marrickville Development Control Plan No. 31 – Equity of Access and Mobility requires that access be provided as follows:

- *“Access to the building is provided in accordance with the BCA and AS 1428.2 and AS 1735;*
- *Appropriate access for all persons through the principal entrance of the building will be provided; and*
- *In a car parking area containing 10 or more spaces, one space be designed in accordance with AS2890.”*

The subject application seeks to upgrade the Tempe Bus Depot. The development provides a continuous path of travel throughout the site and an accessible entry to the Tram Shed building. To ensure compliance, a condition should be imposed on any consent granted requiring the provision of an accessible principal entry to the Tram Shed building and a continuous path of travel throughout the site in accordance the relevant Australian Standard.

In accordance with DCP 31, one (1) accessible car space is required to be provided. The application does not detail any accessible car spaces. To ensure the provision of an adequate accessible car space, a condition should be imposed on any consent granted requiring the provision of an accessible car space in accordance with the relevant Australia Standard.

It is noted that the existing administration building located along the north eastern side of the subject site currently does not provide an accessible entry/facilities. In this case, this is acceptable as no building work is proposed to the administration building and the provision of access entry/facilities would result in significant building work to the administration building.

## **10. Marrickville Development Control Plan No. 32 – Energy Smart Water Wise (DCP 32)**

Clause 59 of MLEP 2001 and DCP 32 requires consideration to be given to the energy, water and stormwater efficiency of any proposed development.

To encourage water efficiency the subject application proposes a roof water harvesting system which involves the installation of rainwater tanks within the Tram Shed building to service the bus wash area. The proposed tank is to have a volume of no less than 30kL and is expected to supply up to 92% of the potable demands from the bus wash down facility, equating to potable water savings of up 400kL annually.

To further ensure water and energy efficiency a condition should be imposed on any consent granted requiring new or replacement fixtures to be AAA rated.

The proposed stormwater works was reviewed by Council's Development Control Engineer who raised no objection to the proposed works and recommended appropriate conditions be imposed on any consent granted.

## **11. Hours of Operation**

The application seeks approval for operating hours between the hours of 5.30am to 10.30pm Mondays to Sundays, including Public Holidays. Within those proposed trading hours the applicant has indicated the following operations:

*“Bus maintenance will be conducted within the existing Tram Shed building between the hours of 6:00am and 10:00pm Mondays to Fridays. Minor repair work will be conducted on Sundays between 2:00pm and 10:00pm.*



*Bus spring cleaning will take place between the hours of 9:30am and 2:30pm on weekdays only. Refuelling and sweeping of buses will take place between the hours of 5:30pm and 10:30pm each day including weekends. The proposed bus wash within the Tram Shed building will be utilised between the hours of 9:00am and 5:00pm.*

*STA has a number of existing route services that commence and finish within Tempe Depot. These services will stop upon the commencement of the Metrobus services, hence vehicle movements will not change from the existing condition.*

*Listed below is a table showing the approximate frequency of bus movements to and from the depot:"*

Time	Buses Leaving Depot	Buses Returning to Depot	Anticipated no. of buses turning right from Princes Highway into the Depot
5:30-6:00	4	0	0
6:00-7:00	38	0	0
7:00-8:00	20	0	0
8:00-9:00	0	0	0
9:00 -10:00	8	20	8
10:00-11:00	24	24	10
11:00-12:00	4	16	7
12:00-13:00	8	4	2
13:00 -14:00	20	20	8
14:00-15:00	28	12	5
15:00-16:00	24	16	7
16:00-17:00	24	16	7
17:00-18:00	12	16	6
18:00-19:00	4	24	10
19:00-20:00	0	24	10
20:00-21:00	0	12	6
21:00-22:00	0	16	7
22:00-22:30	0	0	0

It is considered that the proposed operating hours would not create adverse impacts for the surrounding area as the current Bus Depot operates between the hours of 5.30pm to 11.00pm daily. Also, the nature of the use is consistent with the existing use occupying the subject property and the surrounding industrial uses within the area. A condition should be imposed on any consent granted limiting the use to the operation hours identified above.

## 12. Lighting Towers

The subject application seeks approval for the installation of two (2) X 15 metre high lighting towers, along the Gannon Street site boundary and the Princes Highway site boundary. It is noted that the subject property currently has two (2) existing 15 metre high lighting towers located within the northern corner of the site and north eastern side of the property. The existing and proposed lighting towers contain two separate lights on each tower, with the exception of the existing light tower along the north western side of the property which only has the provision of one (1) light. A total of four (4) lighting towers with seven (7) separate lights are proposed.

The provision of lighting within the site is essential for safety and security, as discussed in Section 5 under the heading “Community Safety (Clause 62)”. The applicant provided the following information in regards to the lighting towers:

*“A lighting engineer designed the lighting poles. A number of factors had to be considered in the design. This included the impact of lighting on the Sydney Airport, the impact of lighting on neighbouring residences, the height of the vehicles being parked in the depot, the size of the yard and the inability to place any light poles within the yard.*

*Other factors considered were to ensure that adequate lighting was provided to employees that would be conducting work in the yard in the late evening. The light poles were specified at 15 metres in height to ensure that the angle of the lights would be positioned down onto the yard area and not across the yard. This was designed so that the angle of lighting would not have an impact on residents in Gannon Street and Stanley Street. State Transit has complied with its obligations under WorkCover legislative requirements to provide a safe work area. A reduction in the height of the light poles will reduce the lux light to certain areas of the yard and expose staff to risk of injury or pedestrian accident.”*

The application, including the proposed lighting towers was reviewed by Sydney Airport who raised no objection to the proposal and advised that the proposed light tower height comply with the 15.24 metre height requirement set by the Civil Aviation Authority. Sydney Airport recommended conditions be imposed on any consent granted in regards to the equipment to be utilised during the construction phase of the proposal.

As previously mentioned, the site is surrounded by residential development to the north, south-west and west of the site and industrial/commercial development to the south and east of the site. It is considered the lighting towers would have minimal lighting spill impact on the surrounding residents as the proposed lighting towers are located a minimum of approximately 20 metres from the closest residents along Gannon Street. In addition, the existing lighting towers are located a minimum distance of approximately 30 metres from the closest residents fronting Tramway Street and the rear yards of the residents fronting Stanley Street, which are also separated by 739A Princes Highway. To minimise lighting spill impact on the surrounding residents from the proposed and existing lighting towers, a condition should be imposed on any consent granted requiring the light fittings to be shielded to eliminate direct vision from residences in the area.

### **13. Council’s Community Services Section**

The application was referred to Council’s Community Services Section who provided the following comments:

*“This proposal seeks to carry out works to the Tempe Bus Depot including widening the Princes Highway vehicle entry, excavate, remove and replace existing concrete hard stand, construct retaining wall along Gannon Street boundary, install yard lighting, construct stormwater and retention system and remove and remediate former service station site, restore tram shed building, provide a bus maintenance area in the northern area of the tram shed building, provide a bus wash and staff car parking area and install rainwater tanks.*

*The Betty Spears Child Care Centre is located at 1A Gannon Street and is on the south western boundary of the Tempe Bus Depot. The childcare centre and bus depot share a driveway off Gannon Street. Although the Gannon Street driveway is not the main entrance to the Tempe bus station, it is well positioned to provide heavy machinery access for repair work to the tram shed building roof. The presence of heavy machinery within the shared driveway area has the potential to seriously disrupt operations at the childcare centre and from a social impact perspective it is recommended that work on the roof is undertaken during weekend hours when the centre is vacant. The State Transit Authority is willing to undertake roof repairs during weekends to minimise disruption to the childcare centre.*

*Weekend work beyond Saturday mornings will require special permission from Council, and from a social impact perspective the exceptional circumstances categorisation is strongly recommended. Although extended hours may cause some local residents to experience daytime construction noise at times that are not usual, it is expected that weekend noise implications for local residents will be short lived.*

*Those managing the restoration project are aware that some outdoor processes will generate dust and have undertaken to put measures in place to mitigate impact on neighbouring properties. Soil will be kept moist during excavation processes and with the childcare centre situated 40 meters from the nearest excavation site, adverse effects for the centre should be minimal.*

*How the restoration project deals with the removal of lead paint from steelwork is an issue that is likely to concern parents, caregivers and staff associated with the childcare centre. The removal of lead paint at the site will comply with Australian Standard AS4361.1 and it is reassuring to note that the State Transport Authority is currently investigating further measures to reduce risks associated with lead paint removal. It is also noted that the steel beams requiring lead paint removal are within an enclosed building and well away for the childcare centre and other neighbours.*

*Restoration of the tramshed building will require the removal of asbestos and the State Transit Authority has undertaken to have the removal carried out by accredited contractors with appropriate licensing. In addition, the State Transit Authority will have air monitoring carried out by a licensed hygienist throughout the process. The removal will be done in accordance with the Occupational Health and Safety Act 2000 and Occupational Health and Safety Regulation 2001 – hazardous substances. Asbestos dust is an emotive issue within communities and it will be important for the removal process to be conveyed clearly to neighbours, including the childcare centre.*

*Residents on the rear boundary of the site, directly behind the tramway building, may suffer some disruption for a brief period while a high level crack in the rear wall is repaired. It is possible that a small number of residents will feel disgruntled as some have developed garden plots that encroach on land owned by the State Transit Authority and it will be necessary to use this land to gain safe access to the rear of the building. Although the State Transit Authority has absolute right to access this land, it would be wise for the sake of positive community relationships for management to communicate in a timely and proactive manner with residents who tend these gardens.*

*The State Transit Authority has demonstrated community spirit by restoring a war memorial on the site and arranging an ANZAC day event to be held on 25 April 2010. This event for local residents is in response to a suggestion put forward by a local WW11 veteran who recalled ANZAC commemorations being held on the site prior to 1993. Such positive responses to community initiatives are likely to increase community tolerance to any short term inconvenience that may occur during the restoration process."*

Council's Community Services Section's comments have been reviewed and are considered to have merit. The proposed works, particularly the restoration of the Tram Shed building will potentially affect the properties within the immediate vicinity of the subject site, such as the Betty Spears Child Care Centre (located on the strip of land between Gannon Street and the Tram Shed) and the residential properties along Edwin Street (located on the north western side of the subject site). It is noted the applicant has requested construction and excavation work hours to be extended to Saturday, outside the trading hours of the Child Care Centre, which are 7.30am to 6.00pm Mondays to Fridays, to minimise any impact during the construction phase of the development.

Saturday construction/excavation work is acceptable as Council generally allows all excavation, demolition and construction works to be carried out between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. To further ensure minimal impact during the construction/excavation phase of the development a condition should be imposed on any consent

granted requiring a construction management plan be lodged to Council's satisfaction detailing proposed methods and procedures to minimise impact of the excavation, demolition and construction works on surrounding properties within the vicinity of the site.

#### **14. Marrickville Heritage Society**

The Marrickville Heritage Society was notified of the proposed development. The Society raised no objection to the proposal and requested that *"Council use its best endeavours to extract from the applicant an undertaking that the memorial (Tempe Depot War Memorial) will remain on site permanently."*

No work is proposed to the War Memorial. The Heritage Impact Statement submitted with the application notes:

*"The Soldiers Memorial at Tempe Depot is evidence of the memorialisation of military casualties in World War One characteristic of the immediate post war period and it remains an excellent example of a standardised statue commemorating soldiers of the war. It reflects the strong sense of a workplace community inherent in the government transport industry in the early twentieth century in its specific application to Tramway employees and is representative of memorials erected at other tram depots. Its recent repair, conservation and rededication at the site is evidence that these memorials continue to have social significance for former depot staff, ex-servicemen and their families in the present."*

#### **15. Community Consultation**

The application was advertised, an on-site notice was erected and residents/property owners in the vicinity of the subject property were notified of the proposed development in accordance with Council's Policy. Eleven (11) submissions were received which raised the following concerns:

- Impact of proposed development on the children/staff of Betty Spears Child Care Centre in regards to noise pollution, air pollution, increase in traffic movement within area during the construction/excavation phase of proposed development and on-going operation of the upgraded Tempe Bus Depot.

#### Comment:

The proposed works, particularly the restoration of the Tram Shed building will potentially affect the properties within the immediate vicinity of the subject site, including the Betty Spears Child Care Centre (located on the strip of land between Gannon Street and the Tram Shed) and the residential properties along Edwin Street (located on the north western side of the subject site). It is noted the applicant has requested construction and excavation work hours to be extended to Saturday, outside the trading hours of the Child Care Centre to minimise any impact during the construction phase of the development.

Saturday construction/excavation work is generally acceptable as Council normally permits excavation, demolition and construction works associated with a development, to be carried between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. However remediation works are restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays and 8.00am to 1.00pm Saturdays with no works being carried out on Sundays and Public Holiday to ensure that the remediation works are only carried out during the hours of operation permitted under Marrickville Development Control Plan No. 29 – Contaminated Land Policy and Development Controls. The carrying out of remediation works outside such hours would change the category of remediation works from Category 2 Remediation Work to Category 1 Remediation Work and trigger a different development assessment process.

To lessen impacts during the construction/excavation phase of the development a condition should be imposed on any consent granted requiring a construction management plan to be lodged to Council's satisfaction detailing proposed methods and procedures to minimise the impacts of the excavation, demolition and construction works on surrounding properties within the vicinity of the

site including the provision of evidence that the proponent has consulted the Betty Spears Child Care Centre as part of the preparation of this plan.

- View loss from the installation of the lighting towers.

Comment:

The principles of view sharing used by the Land and Environment Court are as follows:

1. *Assessment of the value of the view lost. Water views are valued more highly than land views. Iconic views are valued more highly than land views. Whole views are valued more highly than partial views.*
2. *Protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. The protection of a view when seated is also more difficult to protect than a view obtained from a standing position. An expectation that a side view across an adjoining property must be protected is generally unrealistic and given limited weight.*
3. *The impact on views from living areas (particularly kitchen areas) is more significant than from bedrooms or service areas.*
4. *A development that complies with all planning controls must be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. Where a complying proposal compromises a view corridor which is considered significant under the above tests, would a more skilful design which provides the applicant with the same development potential and amenity and reduces the impact on the views of neighbours.*

Comment:

The subject application seeks approval for the installation of two (2) x 15 metre high lighting towers, along the Gannon Street site boundary and Princes Highway site boundary. It is noted that the subject property currently has two (2) existing 15 metre high lighting towers located within the northern corner of the site and north eastern side of the property. The existing and proposed lighting towers contain two separate lights on each tower, with the exception of the existing light tower along the north western side of the property which only has the provision of one (1) light.

The properties within the vicinity of the subject property enjoy views of the surrounding district and sky; the properties do not enjoy any water views and iconic views in accordance with the above principles of view sharing. It is considered the lighting towers would not restrict the views of the surrounding district and sky from properties located within the vicinity of the subject property.

It is noted that, the provision of lighting within the site is essential for safety and security, as discussed in Section 5 under the heading “*Community Safety (Clause 62)*”.

- Light spill and impact on visual amenity from the lighting towers.

Comment:

It is noted that, the provision of lighting within the site is essential for safety and security, as discussed in Section 5 under the heading “*Community Safety (Clause 62)*”. The issue of lighting spill has been discussed in Section 12 under the heading “*Lighting Towers*”.

- Potential air pollution from the contaminated soils during the proposed remediation works within the subject site.

Comment:

The applicant submitted an *Additional Environmental Site Assessment and Remediation Action Plan, prepared by Environmental Investigation Services, dated October 2009* addressing the issue of site contamination. The report also provides the following measures to reduce air pollution during the proposed remediation of the site:

*“Visible dust should not be present at the site boundary. Potential for dust generation include: Measures to minimise the potential for dust generation include:*

- Use of water sprays on unsealed or exposed soil surfaces;*
- Covering of stockpiled materials and excavation faces particularly during periods of site inactivity and/or during windy conditions or alternatively hessian fences around stockpiled soil or large exposed areas of soil;*
- Establishment of dust screens consisting of a 2m high shade cloth or similar material secured to a chain wire fence;*
- Maintenance of dust control measures to keep the facilities in good operating condition; and*
- Concrete surfaces brushed or washed to remove dust.*
- Work may have to cease in strong winds;*
- Loading or unloading of dry soil should be as close as possible to stockpiles to prevent spreading of loose material around the site; and*
- The expanse of cleared land should be kept to a minimum to achieve a clean and economical working environment.*

*Dust is also produced during the transfer of material to and from the site. All material should be covered during transport and should be properly disposed of on delivery. No material is to be left in an exposed, unmonitored condition.*

*Vehicles should be brushed or washed down before leaving the site to limit dust and sediment movement off site. In the event of prolonged rain and lack of paved areas, vehicles should be washed down prior to exit from the site and any soil or dirt on the wheels of the vehicles removed. Water used to clean the vehicles should be collected and tested prior to appropriate disposal.”*

The above measures are considered to be satisfactory to address any potential air pollution during the remediation of the site. A condition should be imposed requiring the site be remediated in accordance with the measures outlined in the *Additional Environmental Site Assessment and Remediation Action Plan, prepared by Environmental Investigation Services, dated October 2009* and a validation report would be required to be submitted to Council upon completion of the works.

- Increase in traffic movement within area and impact on on-street parking within the area.

Comment:

In relation to the issue of increase in traffic movements in the area the applicant advised that:

*“The redevelopment of Tempe Depot has a minimal increase in the number of vehicles and movements from existing. The proposed vehicles are to be articulated buses at a length of 18 metres in comparison to the existing 10.6 metre– 12.2metre vehicles, .... any change in vehicle movements will be minimal and will not impact on the surrounding road network.”*

The traffic and parking related issues concerning the proposed upgrading of the Bus Depot have been assessed by the SRDAC and Council's Development Control Engineer who raised no objection to the proposal subject to the imposition of appropriate conditions. The comments received from the SRDAC and Council's Development Control Engineer have been canvassed above within the body of the report.

- Environmentally sustainable design has not been considered within the development.

Comment:

Clause 59 of MLEP 2001 and Marrickville Development Control Plan No. 32 - Energy Smart Water Wise requires consideration to be given to the energy, water and stormwater efficiency of any proposed development. This matter has been addressed further in Section 10 of the report under the heading "*Marrickville Development Control Plan No. 32 – Energy Smart Water Wise (DCP 32)*". It should also be noted that the proposal includes a rainwater harvesting system to supply water to the proposed bush wash down system.

- The hours of operation of the Bus Depot and bus wash area have not been provided with the application.

Comment:

The issue in regards to hours of operation have been addressed in Section 11 of this report under the heading "*Hours of Operation*".

- Potential acoustic impact of the location and use of the water pumps/tanks.

Comment:

To ensure no adverse acoustic impacts arises from the use of the premises, a condition should be imposed on any consent granted requiring the use to not exceed the background noise level of the area by more than 3dB(A).

- The increase in energy cost as a result of the proposed development.

Comment:

No evidence was submitted to substantiate such concern.

- The discharge of stormwater and bus wash water from the subject site within the surrounding residential streets.

Comment:

This issue was investigated by Council's Development Control Engineer who advised as follows:

*"A submission was received from the property at 1 Gannon Street which abuts the site advising of defective storm water drainage along the western boundary of the site adjacent to their property. A condition will be imposed on the consent to ensure that the storm water drainage in this area is investigated and necessary repairs undertaken in conjunction with the redevelopment of the site."*

- Potential acoustic impact of the Bus Depot use on the surrounding area.

Comment:

To ensure no adverse acoustic impacts arises from the use of the premises, a condition should be imposed on any consent granted requiring the operation of the premises to not exceed the background noise level of the area by more than 3dB(A).

- The proposed location and layout of the bus wash area and bus maintenance area within the Tram Shed.

Comment:

The proposal seeks approval to restore the Tram Shed building and provide a bus maintenance area for servicing of the Metrobus buses and installation of rainwater tanks in the northern area of



the Tram Shed building and a bus wash and staff carparking area in the southern area of the Tram Shed building.

This is considered to be the most suitable location and layout of the bus wash area and bus maintenance area as the remainder of the site is to be use utilised for the parking of approximately 83 buses.

- The lack of information in regards to the proposed construction hours.

Comment:

The applicant has made the following request in regards to the proposed construction hours:

*“State Transit requests that Saturday hours of work be extended to reflect weekday work hours. This is required to conduct work on the tram shed building on the southern wall adjacent to the child care centre outside the operating hours of the child care centre.”*

The issue concerning construction hours has previously been addressed.

- Contamination of the subject site in regards to asbestos, lead paint and soil contaminates.

Comment:

The issue of site contamination has been discussed in Section 8 under the heading *“Marrickville Development Control Plan No. 29 – Contaminated Land Policy and Development Controls”*. To ensure the proper removal of asbestos and lead paint a condition should be imposed on any consent granted requiring all demolition works comply with the relevant Australian Standard.

- The location of soil contaminants surrounding the Betty Spears Child Care Centre.

Comment:

The applicant submitted an *Additional Environmental Site Assessment and Remediation Action Plan, prepared by Environmental Investigation Services, dated October 2009* addressing the issue of contamination. The child care centre is located in close proximity to Area E identified under the report and is proposed to be remediated. The remediation works are detailed in Section 8 under the heading *“Marrickville Development Control Plan No. 29 – Contaminated Land Policy and Development Controls”*.

- The lack of details on the process of polarising light microscopy investigations carried out by Environmental Investigation Services.

Comment:

The applicant submitted an *Additional Environmental Site Assessment and Remediation Action Plan, prepared by Environmental Investigation Services, dated October 2009* addressing the issue of contamination. The report is considered to be satisfactory as the report has been prepared and all investigation work has been carried out in accordance with *Guidelines Consultants Reporting on Contaminated Sites NSW EPA (now DECCW) 1997 and the State Environmental Planning Policy No. 55 – Remediation of Land*. A condition should be imposed requiring the site be remediated in accordance with the measures outlined in the *Additional Environmental Site Assessment and Remediation Action Plan, prepared by Environmental Investigation Services, dated October 2009* and a validation report shall be submitted to Council upon completion of the works.

- Surrounding residents were not consulted with in regards to the existing restoration works carried out on the administration building.

Comment:

The restoration works of the existing administration building located on the north eastern side of the subject site was considered to be maintenance work and carried out in accordance with Clause 49 of MLEP 2001, which reads as follows:

*“Development consent is not required by clause 48 if:*

- (a) in the opinion of the consent authority, the proposed development:*
  - (i) is of a minor nature or consists of maintenance of a heritage item, or of a building, work, relic, tree or place within a heritage conservation area, and*
  - (ii) will not adversely affect the heritage significance of the heritage item or of the heritage conservation area, and*
- (b) the proponent has notified the consent authority in writing of the proposed development, and*
- (c) the consent authority has advised the proponent in writing before any of the proposed development is carried out that:*
  - (i) it is satisfied that the proposed development will comply with paragraph (a), and*
  - (ii) the proposed development is not prohibited development.”*

Works carried out under Clause 49 of MLEP 2001, does not require adjoining properties to be notified/consulted.

- The parking provision for workmen during the construction/excavation phase of the proposed development.

Comment:

A condition should be imposed on any consent granted requiring a traffic management plan to be lodged to Council's satisfaction detailing proposed methods and procedures to minimise impact of the excavation, demolition and construction works on surrounding properties within the vicinity of the site including the designated parking provision of vehicles associated with construction/excavation phase of the development.

- The lack of landscaping proposed within the subject site.

Comment:

It is noted that the provision of extensive landscaping within the subject property is not practical as the bus depot use requires a large amount of hardstand areas to accommodate bus parking areas. The issue of landscaping has also been addressed in Section 5 of the report under the heading *“Landscaping and Biodiversity (Clause 60)”*.

- Assurance of open communication between the project supervisor and Betty Spears Childcare Centre during the construction phase of the proposed development.

Comment:

A condition should be imposed on any consent granted requiring a construction management plan be lodged to Council's satisfaction detailing proposed methods and procedures to minimise impact of the excavation, demolition and construction works on surrounding properties within the vicinity of the site including evidence of consultation between the surrounding properties including Betty Spears Childcare Centre. A condition should also be imposed requiring the person acting on this consent to provide a contact number for a designated person to be available during the demolition and construction for residents to contact regarding breaches of consent or problems relating to the construction.

- Assurance that all work method statements are provided to Betty Spears Childcare Centre prior to construction/excavation phase of proposed development.

Comment:

A condition should be imposed on any consent granted requiring a construction management plan to be lodged to Council's satisfaction detailing proposed methods and procedures to minimise impact of the excavation, demolition and construction works on surrounding properties within the vicinity of the site including evidence of consultation between the surrounding properties including Betty Spears Childcare Centre

- The relocation of the Tempe Bus Museum.

Comment:

The Tempe Bus Depot is proposed to be located to the State Transit Authority's premises in Balmain Road, Leichhardt. The site has limited ability to accommodate the Tempe Bus Museum, as a result of the upgrade. It is noted that the upgrade is required to accommodate the additional buses proposed by the NSW Premier Metrobus Network Strategy and no objection was received by Council from the Bus Museum operators in regards to the re-location of the Bus Museum.

- The requirement of a dilapidation report to identify existing condition of Betty Spears Childcare Centre to avoid any potential damage during construction/excavation phase of proposed development.

Comment:

A condition should be imposed on any consent granted requiring the submission of a dilapidation report for Betty Spears Childcare Centre to catalogue the condition of the premises for future reference in the event that any damage is caused during construction/excavation phase of the proposed development.

- Management of the common driveway, off Gannon Street, between Betty Spears Child Care Centre and Tempe Bus Depot.

Comment:

The common driveway between Betty Spears Child Care Centre and Tempe Bus Depot is to provide access to staff car parking area within the Tram Shed building. A condition should be imposed on any consent granted requiring the driveway be adequately maintained in accordance with DCP 19, to ensure safe and secure use of the driveway.

- Assurance that the war memorial will not be removed as part of the application.

Comment:

The subject application seeks to retain the war memorial located to the north western side of the subject site.

- In ability of the stormwater along the boundary of 1 Gannon Street and subject site (child care centre) to drain efficiently due to tree roots.

Comment:

As stated previously Council's Development Control Engineer has recommended that a condition be imposed on the consent to ensure that the storm water drainage in this area is investigated and necessary repairs undertaken in conjunction with the redevelopment of the site.

- Trees along boundary of subject site creating issues of litter such as leaves and branches.

Comment:

The trees referred to in the objector's submission are located within an area of the site leased as a child care centre (Betty Spears Child care centre). The application advises that *"this area is separated from the Bus Depot by fencing and has separate access. This development proposal does not impact on this area of the site."*

- The overflow of the sewer vent on the corner of the subject site and 1 Gannon Street.

Comment:

This matter has been referred to Council's Monitoring Services Section for investigation.

**16. Applicant's response to concerns raised in submissions**

Sydney Buses lodged the following response in relation to concerns raised in the submissions:

*"State Transit's policy is to comply with all relevant safety and environmental legislative requirements throughout the construction phase and future operational use of the Tempe Depot site.*

*Response to Child Care Centre concerns*

*A request has been submitted to council requestion extended hours for construction work on Saturdays be permitted. This will allow heavy vehicles and machinery to access the southern side of tramshed building without impacting on the operation of the child care centre and the safety of both it's employees and attendees.*

*Continued discussions and consultation has taken place with the staff of the Betty Spears Child Care throughout the depot redevelopment and will continue to do so as the proposed work begins to ensure appropriate solutions are reached for all parties.*

*Response to asbestos concerns*

*All asbestos removal from the site will be undertaken by accredited contractors in accordance with WorkCover licence requirements of contractors having possession of a Bonded Asbestos Licence and Friable Asbestos licence. The Occupational Health and Safety Act 2000, Occupational Health and Safety Regulation 2001 – Hazardous Substances will also be adhered to regarding the safe removal of asbestos from the tramshed building. Safe Work Australia's relevant codes of practice for asbestos handling including the Safe removal of Asbestos and Code of Practice for the Management and Control of Asbestos in the Workplace will also be followed. Any contaminated dust or fibrous materials will also be contained and disposed of in line with appropriate legislative requirements.*

*Air monitoring by an appropriately licenced hygienist will also take place on site throughout the removal process.*

*Removal, transport and disposal of asbestos from the site will also be conducted in line with appropriate standards and legislative guidelines.*

*Response to air quality concerns*

*Excavation work and removal of soil will take place at a minimum distance of 40 metres from the childcare centre.*

*Construction dust (non contaminated) is expected however will be mitigated by ensuring soil material is kept moist, reducing airborne dust.*

### Response to bus wash water discharge concerns

*The bus wash will be configured to wash the vehicle using grey water and the water captured from the roof into the storage tanks will be utilised as a fresh rinse on completion of the cleaning process. Excess grey water will be filtered through a coalescing plate separator prior to discharge into the sewer system. An agreement for the discharge will be established with Sydney Water prior to commencing the washing of buses.*

### Response to noise concerns

*Currently the Truck and Bus Museum conduct major refurbishment works on site using heavy machinery. State Transit will conduct similar work, however with the replacement of the existing roof, insulation will be placed on the underside of the roof to minimise any noise pollution generated by the maintenance of vehicles.*

*STA also considers that the construction of this heritage building, mainly the brickwork, has exceptionally high noise insulation values, which will further assist in reducing noise pollution.*

### Response to lead paint concerns

*STA will comply with Australian Standard AS4361.1 for lead paint removal, however are considering a number of options that further reduce potential risks to trades people and surrounding residents by capturing the lead paint on removal from steelwork.*

*Only qualified accredited contractors will be utilised to conduct this work. Appropriate pre and post sampling of external areas will be conducted to confirm that lead paint removal was appropriately contained and managed.*

### Response to light pole concerns

*A lighting engineer designed the lighting poles. A number of factors had to be considered in the design. This included the impact of lighting on the Sydney Airport, the impact of lighting on neighbouring residences, the height of the vehicles being parked in the depot, the size of the yard and the inability to place any light poles within the yard.*

*Other factors considered was to ensure that adequate lighting was provided to employees that would be conducting work in the yard in the late evening. The light poles were specified at 15 metres in height to ensure that the angle of the lights would be positioned down onto the yard area and not across the yard. This was designed so that the angle of lighting would not have an impact on residents in Gannon St and Stanley St.*

*State Transit has complied with its obligations under WorkCover legislative requirements to provide a safe work area. A reduction in the height of the light poles will reduce the lux light to certain areas of the yard and expose staff to risk of injury or pedestrian accidents.*

### Response to landscape plan concerns

*As observed by council officers, landscaping of the area housing the war memorial has been conducted in preparation for an Anzac Day service. Other areas of the site will be appropriately landscaped to beautify the site, but not obstruct the view of the heritage buildings.*

*STA has given assurances to plant appropriate trees around the light pole on the northern side of the site to reduce its visual impact. STA is happy to have this item listed as a condition of the Development Application.*

*The two trees to be removed are in the centre of the site alongside the existing roadway adjacent to the administration building.*

### Response to parking concerns during construction

*Parking will be available to all tradespeople on site throughout the construction phase."*

## **17. Conclusion**

The heads of consideration under Section 79C of the Environmental Planning and Assessment Act of relevance to the application have been taken into consideration and the application is considered suitable for approval subject to the imposition of appropriate conditions. Being a Crown application the applicant's agreement is required for the imposition of those conditions.

### **PART E - RECOMMENDATION**

**THAT** the development application to carry out works to the Tempe Bus Depot including widening the Princes Highway vehicle entry, excavate, remove and replace existing concrete hard stand areas, construction of a retaining wall along the Gannon Street site boundary, install yard lighting, construct stormwater and retention system and remove and remediate the former service station site, restore the Tram Shed building and provide a bus maintenance area, a bus wash area, staff car parking area and install rainwater tanks within the Tram Shed building be **DEFERRED** and the following course of action be adopted:

- A. THAT** the applicant be advised that the application is acceptable to the Council subject to the imposition of the following conditions to the issue of development consent for the proposal, which are considered necessary for a satisfactory development:-

#### **GENERAL**

1. The development must be carried out in accordance with plans and details listed below:

<b>Drawing No. and Issue</b>	<b>Plan/ Certificate Type</b>	<b>Date Issued</b>	<b>Prepared by</b>	<b>Date Submitted</b>
2005/ Retaining Wall Details Revision 0, Sheet 1 of 2	Retaining Wall Details	26 October 2009	G.J. Wilson & Associates Pty Ltd	1 February 2010
2005/ Retaining Wall Details 2 Revision 0, Sheet 1 of 2	Retaining Wall Details	1 November 2009	G.J. Wilson & Associates Pty Ltd	1 February 2010
2005/ Stormwater Treatment Facilities Revision 0, Sheet 1 of 1	Stormwater Treatment Facilities	5 September 2009	G.J. Wilson & Associates Pty Ltd	1 February 2010
2005/ INT.SWD/CP1 Revision 0, Sheet 1 of 1	Engineer plans	5 September 2009	G.J. Wilson & Associates Pty Ltd	1 February 2010
2005/ Pavement Slab Details/2 Revision 0, Sheet 2 of 3	Pavement Slab Details	23 September 2009	G.J. Wilson & Associates Pty Ltd	1 February 2010
2005/ Concrete Pavement Details Revision 0, Sheet 1 of 1	Concrete Pavement Details	17 September 2009	G.J. Wilson & Associates Pty Ltd	1 February 2010
2005/ Earthworks Cross-Sections	Earthworks Cross-Sections	23 November	G.J. Wilson & Associates Pty Ltd	1 February 2010

Revision 0, Sheet 2 of 2		2009		
2005/Int.Stormwater Drainage L/Section Revision B, Sheet 1 of 1	Int.Stormwater Drainage L/Section	7 November 2009	G.J. Wilson & Associates Pty Ltd	1 February 2010
2005/Earthworks Cross-Sections Revision 0, Sheet 1 of 2	Earthworks Cross-Sections	23 November 2009	G.J. Wilson & Associates Pty Ltd	1 February 2010
2005/Pavement Slab Details 3 Revision 0, Sheet 3 of 3	Pavement Slab Details	3 October 2009	G.J. Wilson & Associates Pty Ltd	1 February 2010
Drawing No. 01	Eastern Elevation	1 February 2010	Peter Andrews & Associates Pty Ltd	1 February 2010
Sheet 1 of 1	Tram Shed Layout	1 February 2010	Nil	1 February 2010
Drawing No. 1034-P01 Sheet 01 of 1	Tempe Bus Depot Rainwater Harvesting	December 2009	Storm Consulting	1 February 2010
Drawing No. E-2 Revision 2	Electrical Services	10 August 2009	Joeliane Electrical Engineer Consultant	1 February 2010
Drawing No. E-3 Revision 1	Electrical Services	10 August 2009	Joeliane Electrical Engineer Consultant	1 February 2010
Drawing No. E-4 Revision 1	Electrical Services	10 August 2009	Joeliane Electrical Engineer Consultant	1 February 2010
Sheet 1 of 1	Site Plan	3 March 2010	Nil	1 February 2010
Sheet 1 of 1	Bus Parking Area	3 March 2010	Nil	1 February 2010
	Sedimentation and Erosion Plan	January 2010	Environmental Investigation Services	1 February 2010

with the application for development consent and as amended by the following conditions.

Reason: To confirm the details of the application submitted by the applicant.

2. Site remediation works being carried out for the site in accordance with Additional Environmental Site Assessment and Remediation Action Plan, prepared by Environmental Investigation Services, dated October 2009. Once these works have been carried out a validation report is to be submitted to Council prepared in accordance with the requirements of the NSW EPA's Guidelines for Consultants Reporting on Contaminated Sites to Council's satisfaction.

Reason: To ensure that the site is suitable for the intended use.

3. Fifty (50) off-street car parking spaces being provided, paved, linemarked and maintained at all times in accordance with the standards contained within Marrickville Development Control Plan No.19 - Parking Strategy and within AS 2890.1-2004 and AS2890.2-2002 for heavy vehicle usage.

Reason: To ensure practical off-street car parking is available for the use of the premises.



4. No injury being caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.  
Reason: To ensure the operation of the premises does not affect the amenity of the neighbourhood.
5. The use of the site, including the operation of any plant and equipment, not giving rise to:
- transmission of unacceptable vibration to any place of different occupancy;
  - a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 3dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).

NOTE: Marrickville Council has adopted a 3dB(A) goal in order to prevent background noise creep and the 5dB(A) criteria as outlined in the above mentioned references are not to be used.

Reason: To prevent loss of amenity to the area.

6. Lighting of the site being designed, located and shielded to eliminate direct vision from residences in the area and to ensure that no injury is caused to the amenity of the surrounding area by light overspill. Details of any lighting system being submitted to the Council's satisfaction prior to installation.  
Reason: To protect the amenity of the surrounding neighbourhood from the emission of light.
7. Washing of buses only being conducted in the bus washbay which is roofed and bunded to exclude rainwater. All waste water from bus washing being discharged to the sewer under a Trade Waste Agreement from Sydney Water. Alternative water management and disposal options may be possible where water is recycled, minimised or re-used on the site. Any such option is to comply with:
- Council's Stormwater Management Policy;
  - Environment Protection Authority's Environment Protection Manual for Authorised Officers: Technical Section (Car Washing Waste); and
  - Environment Protection Authority's Managing Urban Stormwater: treatment techniques.
- Reason: To ensure that waste water is disposed of in a manner that is not harmful to the environment.
8. A separate application being submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.  
Reason: To ensure the compliance of any advertisements or advertising structures with the requirements of Council's Advertising Code.
9. All loading and unloading in connection with the use being carried out wholly within the property and in such a manner as not to cause inconvenience to the public.  
Reason: To ensure loading and unloading operations do not interfere with traffic and pedestrian movements in the area.
10. Compliance with the following requirements of the Sydney Regional Development Advisory Committee (SRDAC) and the Roads and Traffic Authority

- a) The design and construction of the modified gutter crossing on the Princes Highway being in accordance with the Roads and Traffic Authority's requirements. Details of those requirements should be obtained from the Roads and Traffic Authority's project Services Manager, Traffic Projects Section, Parramatta. Detailed design plans of the modified gutter crossing being submitted to the Roads and Traffic Authority for approval prior to the commencement of works. A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by the Roads and Traffic Authority;
- b) Any traffic facilities and road works associated with the subject development being carried out at no cost to the Roads and Traffic Authority;
- c) The boom gates being located to allow a bus to stand wholly within the site before being required to stop;
- d) Existing parking restrictions on all frontages to the subject site shall remain;
- e) The layout of the car parking areas associated with the subject development (including driveways, grades, turning paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) being in accordance with AS2890.1-2004 and AS2890.2-2002 for heavy vehicle usage. Disabled parking requirements shall conform to AS2890.1;
- f) All demolition and construction vehicles being contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on the Princes Highway; and
- g) A Road Occupancy License being obtained from the Roads and Traffic Authority for any works that may impact on traffic flows on the Princes Highway during construction activities.

Reason: To comply with the requirements of the Sydney Regional Development Advisory Committee (SRDAC) and the Roads and Traffic Authority.

- 11. All buses entering and exiting the site from the Princes Highway vehicular crossing only, unless approval has been obtained from the Council's Local Traffic Planning and Advisory Committee for buses to use the vehicular crossing along Gannon Street.

Reason: To comply with the requirements of the Sydney Regional Development Advisory Committee (SRDAC) and the Roads and Traffic Authority.

- 12. All vehicles associated with the use entering and leaving the property in a forward direction.

Reason: To ensure that the use does not interfere with traffic and pedestrian movements in the area.

- 13. All vehicles associated with the use being accommodated wholly within the property and not being parked on the adjoining roads or footpaths.

Reason: To ensure that the use does not interfere with traffic and pedestrian movements in the area.

- 14. Not more than seventy five persons being employed in connection with the use being on the premises at any one time without the prior approval of Council.

Reason: To ensure that the number of employees on the premises at any one time is not increased without a further review of the off-street car parking facilities available for the development.

- 15. The hours of operation being restricted to between the hours of 5.30am to 10.30pm Mondays to Sundays, including Public Holidays.

Reason: To confirm the hours of operation as requested.

- 16. The person acting on the consent liaising with the Sydney Water Corporation, the Energy Australia, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.

Reason: To ensure that the development is adequately serviced.

17. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before occupation of the site.  
Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council.

18. No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.  
Reason: To protect existing trees.

19. Approval is given for the following works to be undertaken to trees on the site:

Schedule	
Tree/location	Approved works
Liquidambar styraciflua ( <i>Liquidambar</i> ) tree (located within the centre of the site)	Removal.

Removal or pruning of any other tree on the site is not approved.

Reason: To ensure that the development is in accordance with the determination of Council.

20. All building work must be carried out in accordance with the provisions of the Building Code of Australia.  
Reason: To ensure the work is carried out to an acceptable standard and in accordance with the Building Code of Australia.

21. Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before occupation of the site.  
Reason: To ensure there is no encroachment onto Council's road.

22. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Energy Australia directly with regard to the possible provision of such an installation on the property.  
Reason: To provide for the existing and potential electrical power distribution for this development and for the area.

### **BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK**

**For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the Building Code of Australia.**

23. No work shall commence until:

- A PCA has been appointed. Where Council is appointed ensure all payments and paper work are completed (contact Council for further information). Where an Accredited Certifier is the appointed, Council shall be notified within two (2) days of the appointment; and
- A minimum of two (2) days written notice given to Council of the intention to commence work.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

24. A Construction Certificate shall be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

25. Sanitary facilities are to be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet shall be connected to the sewer, septic or portable chemical toilet before work commences.

Facilities are to be located so that they will not cause a nuisance.

Reason: To ensure that sufficient and appropriate sanitary facilities are provided on the site.

26. Before commencing works the person acting on this consent providing a contact number for a designated person to be available during the demolition and construction for residents to contact regarding breaches of consent or problems relating to the construction.

Reason: To provide a person that residents can contact.

27. All demolition work shall:

- a) Be carried out in accordance with the requirements of Australian Standard AS2601 'The demolition of structures' and the Occupational Health and Safety Act and Regulations; and
- b) Where asbestos is to be removed it shall be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.

Reason: To ensure that the demolition work is carried out safely.

28. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division shall be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.

Reason: To protect the amenity of the area.

29. All services in the building being demolished are to be disconnected in accordance with the requirements of the responsible authorities before work commences.

Reason: To ensure that the demolition work is carried out safely.

30. A waste management plan shall be prepared in accordance with Marrickville Development Control Plan No. 27 - Waste Management and submitted to and accepted by the PCA before work commences.

Reason: To ensure the appropriate disposal and reuse of waste generated on the site.

31. The site shall be enclosed with suitable fencing to prohibit unauthorised access. The fencing shall be erected as a barrier between the public place and any neighbouring property, before work commences.

Enquiries for site fencing and hoardings in a public place, including the need for Council approval, can be made by contacting Council's Infrastructure Services Division.

Reason: To secure the area of the site works maintaining public safety.

32. A rigid and durable sign shall be erected in a prominent position on the site, before work commences. The sign is to be maintained at all times until all work has been completed. The sign is to include:

- a) The name, address and telephone number of the PCA;
- b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and

c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.

Reason: To maintain the safety of the public and to ensure compliance with the Environmental Planning and Assessment Regulations.

33. A Soil and Water Management Plan shall be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document shall be submitted to and accepted by PCA before work commences. The plan shall indicate:

- a) Where the builder's materials and waste are to be stored;
- b) Where the sediment fences are to be installed on the site;
- c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
- d) How access to the site will be provided.

All devices shall be constructed and maintained on site while work is carried out.

Reason: To prevent soil erosion and sedimentation of the stormwater network.

34. The person acting on this consent shall be responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before work commences, on the Betty Spears Child Care Centre located on the property known as 1A Gannon Street. In the event that the consent of the Betty Spears Child Care Centre cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received shall be forwarded to the PCA before work commences.

Reason: To catalogue the condition of the adjoining property for future reference in the event that any damage is caused during work on site.

35. Where Council is appointed as the Principal Certifying Authority to carry out mandatory inspections of the works in progress for the purposes of issuing an Occupancy Certificate, a fee is required to be paid to Council for the required inspections and the Occupation Certificate before commencement of work.

**NB: The above fee applies to end of Financial Year that the consent is issued after which the fee will reflect the adopted fees and charges for the Financial Year the nomination is made.**

Reason: To inspect the works in progress to confirm that the works are built in accordance with the development consent and construction certificate.

36. The design and construction of the modified gutter crossing on the Princes Highway being in accordance with the Roads and Traffic Authority's requirements. Details of those requirements should be obtained from the Roads and Traffic Authority's Project Services Manager, Traffic Projects Section, Parramatta.

Detailed design plans of the modified gutter crossing are to be submitted to the Roads and Traffic Authority for approval prior to the commencement of any works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by the RTA.

Reason: To ensure compliance with the Roads and Traffic Authority's requirements

37. A Road Occupancy Licence being obtained from the Roads and Traffic Authority for any works that may impact on traffic flows on the Princes Highway during construction activities.

Reason: To ensure compliance with the Roads and Traffic Authority's requirements.

38. Should the height of any temporary structure and/or equipment be greater than 50 feet (15.24 metres) above existing ground height (AEGH), an approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

**Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.**

Sydney Airport Corporation Limited advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commencement of work.

Information required by SACL prior to any approval is to include:

- The location of any temporary structure or equipment, ie. construction cranes, planned to be used during construction relative to Mapping Grid of Australia
- 1994 (MGA94);
- The swing circle of any temporary structure/equipment used during construction;
- The maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment ie. construction cranes, intended to be used in the erection of the proposed structure/activity; and
- The period of the proposed operation (ie. construction cranes) and desired operating hours for any temporary structures.

Any application for approval containing the above information, should be submitted to this Corporation at least 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, which now apply to this Airport.

Reason: To ensure compliance with the requirements of Sydney Airport Corporation Limited

39. The person acting on this consent applying as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

Reason: To ensure all necessary approvals have been applied for.

40. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit shall be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations shall be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised openings in the amount of \$1,939.85, as provided for in Council's adopted fees and charges.

Reason: To ensure that all restoration works are in accordance with Council's Code.

41. The person acting on this consent providing details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent shall submit a hoarding application and pay all relevant fees before commencement of works.

Reason: To secure the site and to maintain public safety

42. A detailed Traffic Management Plan to cater for construction traffic being submitted to and approved by Council before commencement of works. Details shall include proposed truck parking areas, construction zones, crane usage, truck routes etc.

Reason: To ensure construction traffic does not unduly interfere with vehicular or pedestrian traffic, or the amenity of the area.

43. A detailed Construction Management Plan being submitted to Council before commencement of works detailing measures to minimise impacts of the excavation, demolition and construction works on surrounding properties within the vicinity of the site including the operation of the adjoining child care centre. Evidence must be provided to Council that the proponent has consulted the Betty Spears Childe Care Centre as part of the preparation of this plan.  
Reason: To minimise impact of the excavation, demolition and construction works on surrounding properties within the vicinity of the site.
44. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the commencement of works (including any demolition works).  
Reason: To ensure the existing condition of Council's infrastructure is clearly documented.
45. Alignment levels for the site at all pedestrian and vehicular access locations being obtained from Council's Director, Infrastructure Services before the commencement of construction. The alignment levels shall match the existing back of footpath levels at the boundary. Failure to comply with this condition will result in vehicular access being denied.  
Reason: In accordance with Council's powers under the Roads Act, 1993, alignment levels at the property boundary will be required to accord with Council's design or existing road and footpath levels.

#### **BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**For the purpose of interpreting this consent the Certifying Authority (Council or an Accredited Certifier) is that person appointed to issue a Construction Certificate.**

46. The separate lots comprising the development being consolidated into one lot and under one title and registered at the NSW Department of Lands Titles before the issue of a Construction Certificate.  
Reason: To prevent future dealing in separately titled land, the subject of one consolidated site development.
47. Evidence of payment of the building and construction industry Long Service Leave Scheme, shall be submitted to and accepted by the Certifying Authority (Council or an Accredited Certifier) before the issue of a Construction Certificate. The required payment of \$21,000 can be made at the Council Offices. This fee has been based on an estimated cost of works of \$6,000,000.

**NB: The required payment referred to above is based on the estimated cost of building and construction works as stated on the development application and The current long service levy rate, set by the Long Service Payments Corporation, of 0.35% of the cost of the building and construction work.**

**The payment is required to be paid before the issue of a Construction Certificate and the required payment may change if the estimated cost of works has increased at that time or the levy rate has changed. In such circumstances the necessary payment will need to be re-calculated. For more information on how and where payments can be made contact the Long Service Payments Corporation.**

Reason: To ensure that the required levy is paid in accordance with the Building and Construction Industry Long Service Payments Act.

48. Before the issue of a Construction Certificate an amended plan shall be submitted to and accepted by the Certifying Authority (Council or an Accredited Certifier) indicating the following:



- a) Access to the Tram Shed building via the principal place of entry to the building complying with AS 1428.1- 2009 'Design for access and mobility';
- b) A continuous path of travel be provided throughout the site in accordance with AS 1428.1- 2009; and
- c) A minimum of one (1) carparking space being provided for people with a disability that are directly accessible to the entrance to the building. The car parking being designed to comply with AS 1428.1 - 2009 'Design for access and mobility – General requirements for access – buildings' and AS 2890.1 1 'Off-street carparking'.

Reason: To ensure that the premises provide equitable access to all persons.

49. Before the issue of a Construction Certificate an amended plan shall be submitted to Council's satisfaction, detailing the swept path of the longest vehicle entering and exiting the subject site as well as manoeuvrability through the site, in accordance with AUSTROADS.

Reason: To ensure compliance with AUSTROADS.

50. Before the issue of a Construction Certificate an amended plan shall be submitted to Council's satisfaction, locating boom gates within the site to allow a bus to stand wholly within the site before being required to stop.

Reason: To ensure compliance with the Roads and Traffic Authority's requirements.

51. Before the issue of a Construction Certificate, an interpretation plan being submitted for approval to Council's Heritage and Urban Design Advisor identifying all significant fixtures, items and painted signs associated with the site, to be retained and interpreted. Items to be retained shall include:

- a) Signage: Existing painted and fixed signage related to the use of the site as a tram depot and a bus depot shall be retained and not painted over, eg: large black bay numbers 1-18 on inside of rear/western wall, scribbles and yellow painted words on the black section of the rear wall related to the maintenance work in this area; and
- b) Fixtures and details: All redundant fixtures relating to the earlier phases of occupation at the Tram shed, such as tram tracks, Chinaman's hat light fittings, wall mounted rosettes with hooks, and insulated holes in the wall to carry electrical tram cables, tension rods on the back walls for the tram lines, oil store with tackle block and track, sand bin and sand outlets, 3-4m lengths of tram tracks at the eastern perimeter and remnant tracks on beams on the western platforms, remnant square depressions in the floor indicating the location of the piers, original stairs down into the pit at the western end. Ancillary rooms with ripple iron ceilings, Art Nouveau vents, tall skirtings, and arched door openings, paint scheme.

Reason: To protect the significance of the site as nominated in the 2003 Conservation Management Plan by Godden MacKay Logan.

52. Areas of the original Tram Shed roof glazing being replaced with new glazing where broken or missing, as described in Appendix 8, Heritage Impact Statement, January 2010 by Godden MacKay Logan, in accordance with details to be submitted to Council's satisfaction before the issue of a Construction Certificate.

Reason: To protect the significance of the site as nominated in the 2003 Conservation Management Plan by Godden MacKay Logan.

53. Repairs to Roof Drainage, Steel, Masonry, Doors and Timber of the Tram Shed shall proceed in the manner described in Appendix 8, Heritage Impact Statement, January 2010 by Godden MacKay Logan in accordance with details to be submitted to Council's satisfaction before the issue of a Construction Certificate.

Reason: To protect the significance of the site as nominated in the 2003 Conservation Management Plan by Godden MacKay Logan.

54. Before the issue of a Construction Certificate, the following details of the Tram Shed being submitted to Council's satisfaction:

- a) Fabric/paint scheme of all exposed new piping, new structural steel, and any new materials which shall be painted in a colour distinguishable from the colour of any original/early fabric, yet in a receding tone which allows the significant fabric/paint scheme to dominate the composition;
- b) The proposed colour scheme for the entire site, including samples, names/numbers and manufacturers details. The internal colour scheme shall be restored, except where there are areas of significant painted signage, in which case these shall be protected, preserved and left unpainted - these areas shall be nominated in the Interpretation Plan; and
- c) A sample of the colour for the external corrugated steel sliding doors.

Reason: To protect the significance of the site as nominated in the 2003 Conservation Management Plan by Godden MacKay Logan.

55. Before the issue of a Construction Certificate, a plan being submitted to Council's Heritage and Urban Design Advisor for approval demonstrating areas of slab replacement, and/or trenches to be cut into, the existing concrete slab of the Tram Shed. Plans are to include details of the protection and/or reinstatement of heritage significant fixtures such as tram tracks.

Reason: To protect the significance of the site nominated by the 2003 Conservation Management Plan by Godden MacKay Logan.

56. Before the issue of a Construction Certificate, Engineer's details of all new structural work including building strengthening and repair works, and fire stair of the Tram Shed being submitted to Council's Heritage and Urban Design Advisor for approval.

Reason: To protect the significance of the site nominated by the 2003 Conservation Management Plan by Godden MacKay Logan.

57. Before the issue of a Construction Certificate, details of roofing material to replace visible asbestos tiling on western annexes of the Tram Shed being submitted to Council's Heritage and Urban Design Advisor for approval.

Reason: To protect the significance of the site nominated by the 2003 Conservation Management Plan by Godden MacKay Logan.

58. An Archival Record containing photos being submitted to Council's Heritage and Urban Design Advisor for approval before the issue of the Construction Certificate. The recording being undertaken in accordance with the Guidelines for Archival and Photographic Recording of Heritage Items prepared by the NSW Heritage Office. The recording should include black and white archival quality prints, digital images on CD-ROM, laser copy colour prints of digital images and to scale plan indicating the location and direction of each photograph. Photographs should be of the whole site, including interior spaces, exteriors, the grounds and streetscape views. Two copies of the final archival record shall be submitted to Marrickville Council, for lodgement with Council Archives and Local Studies Library.

Reason: To document the site prior to demolition for archival reference.

59. A plan for the landscaping of the site being submitted to, and approved by, Council before the issue of the Construction Certificate; details as to all existing landscape features, including trees which are proposed to be removed, shall be given. Such plan to include:

- a) A replacement tree - the canopy tree shall be a species that will attain a minimum of 6 metres in height on the site;
- b) Details of tree protection fence for the Eucalyptus tree, located along the Gannon Street side boundary. The fencing should be installed at a radius of 6 metres from the trunk of the tree; and
- c) Details of any additional planting to be proposed within the subject site. Note: planting should be non-bird attracting plant species.

Reason: To preserve the tree canopy and ensure adequate landscaping of the site.

60. The area in which the proposed development is located is immediately adjacent to the Runway 16R/34L. To minimise the potential for bird habitation and roosting, the person acting on the consent must ensure that the following plans are prepared and submitted to the Certifying Authority (Council or an Accredited Certifier) before the issue of a Construction Certificate.
- a) Landscape Plan which only includes non-bird attracting plant species;
  - b) Site Management Plan which minimises the attractiveness for foraging birds, i.e. site is kept clean regularly, refuse bins are covered, and detention ponds are netted; and
  - c) The proposed development incorporates anti-bird roosting measures to discourage bird habitation.

The person acting on this consent must consult with Sydney Airport Corporation Limited on the preparation of each plan.

All trees to be planted shall not be capable of intruding into the Obstacle Limitation Surface when mature.

Reason: To ensure compliance with the requirements of Sydney Airport Corporation Limited

61. Detailed construction plans and calculations of the on site detention and treatment system generally in accordance with stormwater plans (Dwg No. 2005 - Storm Water Treatment facilities Rev "O") submitted by C.J. Wilson & Associates P/L dated 05/09/09 being submitted to and accepted by Council before the issue of a Construction Certificate.

Reason: To ensure the development does not increase the stormwater runoff from the site and to ensure water and stormwater efficiency measures are implemented on the site in accordance with Marrickville Development Control Plan No. 32 - Energy Smart Water Wise.

62. The person acting on this consent shall negotiate with energy Australia and/or Telstra to have their services relocated to a position clear of the proposed vehicular crossing or to provide other protection works. The person acting on this consent submitting a copy of the duly signed offer to pay, or a receipt of payment, to the respective authorities for the relocation works to Council's Development Control Engineer before the issue of a Construction Certificate.

Reason: To relocate the existing obstruction away from the proposed vehicular access.

63. The vehicular crossing on the Princes Highway being modified to ensure that buses turning left out of the subject site (whilst other buses are entering the site) do not cross over the raised central median. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, being in accordance with AUSTROADS. Details in accordance with the above, being submitted to and approved by Council before the issue of a Construction Certificate.

Reason: To comply with the requirements of the Sydney Regional Development Advisory Committee (SRDAC) and the RTA.

64. An investigation of the existing stormwater drainage system along the western boundary (adjacent to 1 Gannon Street) being undertaken to assess the adequacy of the system at this location. The investigation shall also include any remedial measures necessary to rectify defects in the existing system. Details of the investigation and proposed remedial works being submitted to and approved by Council before the issue of a Construction Certificate.

Reason: To assess the adequacy of the existing site drainage

65. Before the issue of a Construction Certificate the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed

development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.

Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.

66. The person acting on this consent shall provide a Building Security Deposit (B.S.D.) in a manner satisfactory to the Director Technical Services in the amount of \$8,670.65 before the issue of a Construction Certificate as surety for the proper completion of any footpath, kerbing, road pavement and/or vehicular crossing works required as a result of this development. Council may utilise part or all of any B.S.D. or recover in any court of competent jurisdiction, any costs to Council for such works.

Reason: To provide security for the proper completion of the footpath and/or vehicular crossing works.

## **SITE WORKS**

67. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, are restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work being carried out on any Saturday that falls adjacent to a Public Holiday.

All trucks and vehicles associated with the demolition and construction, including those delivering to or removing material from the site, only having access to the site during the hours referred to in this condition. No waste collection skips, spoil, excavation or demolition material from the site or building materials associated with the construction of the development being deposited on the public road, footpath, public place or Council owned property without Council's approval, having first been obtained. The developer being responsible to ensure that all contractors associated with the development are fully aware of these requirements.

Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.

Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.

68. Notwithstanding the above condition, all remediation works being restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays and 8.00am to 1.00pm Saturdays with no works being carried out on Sundays and Public Holidays or any Saturday that falls adjacent to a Public Holiday.

Reason: To ensure that the remediation works are only carried out during the hours of operation permitted under Marrickville Development Control Plan No. 29 – Contaminated Land Policy and Development Controls.

69. The area surrounding the building work being reinstated to Council's satisfaction upon completion of the work.

Reason: To ensure that the area surrounding the building work is satisfactorily reinstated.

70. Compliance at all times with the Sedimentation and Erosion Plan dated January 2010 prepared by Environmental Investigation Services submitted with the application for development consent (Appendix 3).

Reason: To ensure appropriate measures are in place to control sedimentation and erosion during construction works.

71. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection (e) can only be carried out by the PCA. The critical stages of construction are:

a) after excavation for, and prior to the placement of, any footings, and

- b) prior to pouring any in-situ reinforced concrete building element, and
- c) prior to covering of the framework for any floor, wall, roof or other building element, and
- d) prior to covering waterproofing in any wet areas, and
- e) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Reason: To ensure the building work is carried out in accordance with the Environmental Planning and Assessment Regulations and the Building Code of Australia.

72. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must;
- a) protect and support the adjoining premises from possible damage from the excavation, and
  - b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents shall be obtained prior to the required works commencing; and
  - c) at least seven (7) days notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent shall be responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained.

Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received shall be forwarded to the PCA before work commences.

Reason: To ensure that adjoining buildings are preserved, supported and the condition of the buildings on the adjoining property catalogued for future reference in the event that any damage is caused during work on site.

73. The disposal of contaminated soil being carried out in accordance with the requirements of the New South Wales Department of Environment, Climate Change and Water.
- Reason: To provide for correct disposal of wastes.
74. All fill imported on to the site being validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.
- Reason: To ensure that imported fill is of an acceptable standard.
75. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must;
- a) protect and support the adjoining premises from possible damage from the excavation, and
  - b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents shall be obtained prior to the required works commencing; and
  - c) at least seven (7) days notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent shall be responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained.

Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received shall be forwarded to the PCA before work commences.

Reason: To ensure that adjoining buildings are preserved, supported and the condition of the buildings on the adjoining property catalogued for future reference in the event that any damage is caused during work on site.

76. Satisfactory methods and/or devices being employed on the site to prevent the tracking of mud/dirt onto the surrounding streets from vehicles leaving the site.

Reason: To prevent soil particles from being tracked and deposited onto the streets surrounding the site.

77. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.

Reason: To ensure dust and other particles are not blown from vehicles associated with the use.

78. All demolition and construction vehicles being contained wholly within the site and vehicles must enter the site before stopping.

Reason: To ensure compliance with the Roads and Traffic Authority's requirements.

79. New or replacement taps being AAA rated as defined by the Australian Standard AS/NZ 6400 2005: Water efficient products - Rating and labelling.

Reason: To conserve water.

80. New or replacement toilet(s) being dual flush as defined by the Australian Standard AS/NZ 6400 2005: Water efficient products - Rating and labelling.

Reason: To conserve water.

81. All roof and surface stormwater from the site and any catchment external to the site that presently drains to it shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code. The maximum discharge allowable to Council's street gutter is 25 litres/second.

Reason: To provide for adequate site drainage.

82. All stormwater drainage being designed in accordance with the provisions of the 1987 Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3.2-1998 'Stormwater Drainage-Acceptable Solutions' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems shall be designed to cater for the ten (10) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.

Reason: To provide for adequate site drainage.

## **BEFORE OCCUPATION OF THE BUILDING**

83. You shall obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA shall notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within two (2) days of the date of the Certificate being determined:
- a) A copy of the determination;
  - b) Copies of any documents that were lodged with the Occupation Certificate application;
  - c) A copy of Occupation Certificate, if it was issued;
  - d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
  - e) A copy of any missed inspections; and
  - f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

Reason: To comply with the provisions of the Environmental Planning and Assessment Regulations.

84. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, shall:
- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of the New South Wales Fire Brigades and the Council; and
  - b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every twelve (12) months after the Final Fire Safety Certificate is issued the owner shall obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate shall be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Reason: To ensure compliance with the relevant provisions of the Environmental Planning and Assessment Regulations and Building Legislation Amendment (Quality of Construction) Act.

85. The landscaping of the site being carried out prior to occupation or use of the premises in accordance with the approved details and being maintained at all times to Council's satisfaction.

Reason: To ensure adequate landscaping is maintained.

86. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

Reason: To protect the environment.

87. Upon the completion of any remediation works stated in the RAP the person acting on this consent shall submit to Council a Validation and Monitoring Report before the issue of an Occupation Certificate. The report is to be conducted in accordance with the NSW Environment Protection Authority's "*Guidelines for Consultants Reporting on Contaminated Sites 1998*".

Reason: To ensure that the remediated site complies with the objectives of the RAP.

88. Compliance with the requirements of Marrickville Development Control Plan No. 32 - Energy Smart Water Wise is to be demonstrated via completion of Council's Green Checklist, which is to be completed by the Principal Certifying Authority (PCA) before the issue of the Occupation Certificate. If completed by a Private PCA, a copy of the completed checklist must be forwarded to Council for its records.

Reason: To appropriately monitor the installation of energy and water conservation fixtures and appliances.



89. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before occupation of the site. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".  
Reason: To ensure the person acting on this consent completes all required work.
90. Industrial heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" shall be constructed at the vehicular access locations before occupation of the site and at no cost to Council.  
Reason: To allow vehicular access across the footpath and/or improve the existing vehicular access.
91. Before occupation of the site written verification from a suitably qualified professional civil engineer, stating that all stormwater drainage and related work has been and constructed in accordance with the approved plans shall be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.  
Reason: To ensure drainage works are constructed in accordance with approved plans.
92. All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before occupation of the site and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.  
Reason: To eliminate redundant crossings and to reinstate the footpath to its normal condition.
93. The existing damaged or otherwise defective kerb and gutter, footpath and/or road pavement adjacent to the site shall be restored in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council and before occupation of the site.  
Reason: To provide suitable means of public road vehicle and pedestrian access to the development and to ensure that the amenity of the area is in keeping with the standard of the development.
94. Prior to occupation of the site the person acting on this consent shall obtain from Council a Certificate(s) of satisfactory completion stating that all Council Road, Footpath and Drainage Works required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.  
Reason: To ensure that all Council Road, Footpath and Drainage Works required to be undertaken as a result of this development have been completed satisfactorily.
95. With the regard to the On Site Detention System (OSD), a Positive Covenant in accordance with supplement 7 of Marrickville Council Stormwater and On Site Detention Code shall be placed on the Title in favour of Council before occupation of the site.  
Reason: To ensure that the integrity of the OSD system is maintained and to comply with Marrickville Council Stormwater and On Site Detention Code.
96. All instruments under Section 88B of the Conveyancing Act used to create easements or right-of-ways shall include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of Marrickville Council.  
Reason: To ensure Council's interests are protected.

## **ADVISORY NOTES**

- A complete Building Code of Australia assessment of the application has not been carried out.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor **must** complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, **before commencement of works**.

- Useful Contacts

BASIX Information	☎ 1300 650 908 weekdays 2.00pm-5.00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	☎ 13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Department of Environment, Climate Change and Water	☎ 9995 5000 <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Dial Before You Dig	☎ 1100 <a href="http://www.dialbeforeyoudig.com.au">www.dialbeforeyoudig.com.au</a>
Landcom	☎ 9841 8660 to purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	☎ 131441 <a href="http://lspc.nsw.gov.au">http://lspc.nsw.gov.au</a>
Marrickville Council	☎ 9335 2222 <a href="http://www.marrickville.nsw.gov.au">www.marrickville.nsw.gov.au</a> Copies of all Council documents and application forms can be found on the web site.
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diysafe.nsw.gov.au">www.diysafe.nsw.gov.au</a> Information on asbestos and safe work practices.
Sydney Water	☎ 13 20 92 <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service NSW – Environmental Solutions	<a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
WorkCover Authority of NSW	☎ 13 10 50 <a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a> Enquiries relating to work safety and asbestos removal and disposal.

- B. THAT** the applicant be requested to advise the Sydney East Joint Regional Planning Panel and Council in writing of their agreement to the imposition of the above conditions, within a period of one month.
- C. THAT** upon receipt by the Council of the written agreement of the applicant to the imposition of the above conditions, delegated authority be granted to the General Manager to determine the application.
- D. THAT** those persons and the head petitioners who lodged a submission in respect to the proposal be advised of the Joint Regional Planning Panel's determination of the application.