

JRPP No:	2010STH030
DA No:	DA 2010/076
PROPOSED DEVELOPMENT:	Demolition of existing improvements and construction of a Bunnings Warehouse with associated parking, landscaping and signage
APPLICANT:	Robert Orr
REPORT BY:	Silvio Falato, Group Manager Planning and Environment, Strathfield Municipal Council

Assessment Report and Recommendation

SUMMARY

Subject:	Demolition of existing structures and construction of a Bunnings Warehouse.
Development Officer:	Karen Jones
DA No.:	DA2010/076
Date of Lodgement:	26 May 2010
Address:	57-67 Roberts Road, Greenacre
Zone:	Industrial
Applicant:	John R Brogan & Associates Pty Ltd Level 7, 37 Pitt Street SYDNEY NSW 2000
Owner:	Mirvac Projects Pty Ltd Level 26, 60 Margaret Street Sydney NSW 2000
Recommendation:	Approval

INTRODUCTION

Approval is sought for the demolition of the existing structures and the construction of a new Bunnings Warehouse.

This application has been referred to the Joint Regional Planning Panel pursuant to clause 13B(2) of State Environmental Planning Policy (Major Development) 2005 as the project has a capital investment value of \$15.3 million.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the eastern side of Roberts Road, south of Amarina Avenue and north off Estate Road. The site is described as proposed Lot 1 being part of Lot 1 DP 819181 and has a total area of 21,544m². The site has a 98m frontage to Roberts Road, a secondary frontage of 100m to Amarina Avenue and a 217m frontage to Estate Road.

Existing structures on the subject site comprise of an old warehouse (constructed of masonry walls and metal roofing) previously occupied by Telstra for storage and production purposes, car parking and surrounding concrete display, service access and holding areas and other minor improvements such as sheds, driveways and pathways.

The existing buildings located on the site include a warehouse building with a total floor area of 6570m² and a main production building of 6400m². Total existing building area is 12,970m².

PROPOSAL

The proposal seeks consent to the demolition of an existing 'Telstra' depot / warehouses and the development of a 'Bunnings Warehouse' on the subject land.

The proposed use is seeking approval for the following hours of operation:

- Monday – Friday - 7am to 9pm
- Saturday and Sunday and public holidays – 8am to 6pm
- Good Delivery, Seven (7) days per week – 7am to 10pm

The development has an overall floor area of 28,455.87m² (including undercroft car parking) as described below:

- Main warehouse (9269.25m²)
- Timber trade sales (1795m²)
- Main Entry to warehouse area including lifts (136.5m²)
- Travelators from basement car park (139.05m²)
- Outdoor nursery including circulation space (1124.57m²)
- Bagged goods canopy (nursery) including circulation space (1244.5m²)
- Indoor playground (46.8m²)
- Indoor café (76.7m²)
- Public amenities (45.5m²)
- Staff amenities and administration offices (280m²)
- Undercroft car parking containing 390 car parking spaces (13,720m²)
- Pedestrian access ramp from basement (139.5m²)
- Loading dock internal (135m²)
- Loading dock external (180m²)
- Nursery delivery area (123.5m²)

The Statement of Environmental Effects nominates that development approval is sought for a *one level Bunnings Warehouse above one level of basement parking to be constructed upon the subject site consisting of:*

- *Hardware and building supplies Warehouse of 11,159m² gross floor area*
- *Customer café and children's play area within that area*
- *Open nursery/garden supplies area of 2380m² in step-down area towards Roberts Road*
- *Administration and staff facilities back-of-house*
- *Basement undercroft car parking, providing a total of 395 parking spaces on one level*
- *Access to both Amarina Avenue (egress only) and the industrial Estate Road, onto Roberts Road.*

BACKGROUND

There is no relevant history to the subject application.

ASSESSMENT - Pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979

The application has been assessed pursuant to the heads of consideration of Section 79C of the Environmental Planning and Assessment Act and the relevant matters described in Sub-section (1)(a), (b), (c), (d) and (e) of Section 79C have been considered within this report.

(a) (i) Environmental Planning Instruments:

State Environmental Planning Policy (Major Development) 2005

The purpose of this policy is to identify development for which regional panels are to exercise specified consent authority functions. In this case, the proposal comprises development nominated in clause 13(1)(a) of the Policy given that the capital investment value exceeds \$10 million and therefore, the Joint Regional Planning Panel is the consent authority for the application.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of SEPP No. 55 requires the consent authority to give consideration as to whether the land is contaminated before giving consent to any development application. The application was assessed by Council's Resource Recovery Officer for assessment and the following comments were received:

Soil Management – Soil at the site is to be managed as per the *Soil Management Requirements* as detailed in Table 8.1 on page 23 of the *Remediation Action Plan 57-67 Roberts Road, Greenacre NSW Ref. 10950*

Hazardous Building Materials Assessment – A Hazardous Building Material Assessment to be conducted prior to demolition. Contractual arrangements are to be established to ensure the demolition works are managed in accordance with the findings of this assessment. Once the buildings are demolished the site must be given an appropriate site clearance by an experienced consultant prior to the commencement of excavation.

Unexpected Findings Protocol (UFP) – An Unexpected Findings Protocol (UFP) is to be developed to ensure appropriate management of contamination or wastes that have not been detected in the site assessment.

Imported Fill – Any material imported to the site must be either virgin excavated natural material (VENM), or another waste which is exempt under the resource recovery exemptions, such as *The excavated natural material exemption 2008*. VENM is described as a natural material (e.g. clay, gravel, sand, soil or rock fines):

- that has been excavated or quarried from areas that are not contaminated with manufactured chemicals or process residues, as a result of industrial, commercial, mining or agricultural activities; and

- that does not contain sulphidic ores or soils, and includes excavated natural material that meets such criteria for virgin excavated natural material as may be approved for the time by a notice published in the NSW Government Gazette.

Remediation Report – A remediation report is to be developed on completion of the remedial works, detailing the results of waste classification, the volume of soil disposed offsite and the disposal locations, descriptions, volumes and validation information for all imported fill, and the management of any unexpected findings.

It is recommended that these comments be incorporated into the notice of determination as conditions of consent.

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed signage has been assessed against the objectives and the assessment criteria of SEPP No. 64. The following is a summary of the assessment:

Character of the Area

It is considered that the proposed signage is compatible with the character of the area.

Special Areas

The proposed signage does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.

Views and Vistas

The proposed signage does not obscure or compromise views, dominate skylines and does not impede on the sight lines of other advertisers in the locality.

Streetscape, setting or landscape

The proposed signage is appropriate for the design of the development and is compatible with the character and built forms within the locality.

Site and building

The proposal is compatible with the scale, proportion and characteristics of the site.

Associated devices and logos with advertisements and advertising structures

The proposed signage includes the Bunning's logo.

Illumination

No illumination is proposed.

Safety

The proposed signage is setback from Roberts Road and is unlikely to impose a safety risk on passing motorists.

State Environmental Planning Policy (Infrastructure) 2007.

In accordance with Clause 104 of SEPP Infrastructure, the application was referred to the Roads and Traffic Authority for comment. In correspondence dated 7 October 2010, the Roads and Traffic Authority provided the following comments:

The RTA has reviewed the additional information and notes that the driveway on Amarina Avenue is now proposed to be for egress for the loading dock only and all customer and staff entry and exist is proposed on Estate Road. Therefore, due to the infrequent use of the exit driveway on Amarina Avenue, the RTA raises no objection to the proposed development, subject to the following requirements, which are to be incorporated into the development consent:

1. The proposed vehicular egress onto Amarina Avenue shall be restricted to service vehicles only.
2. All customer and staff entry and exit movements shall be via Estate Road only.
3. Prior to the release of the Occupation Certificate by the Principal Certifying Authority, the applicant shall enter into a formal agreement with NSW Fire Brigade to control exit movements onto Amarina Avenue during emergencies and any agreement shall be undertaken to the satisfaction of NSW Fire Brigade.

However, in formulating an agreement between the parties, it shall be noted that the RTA will not support increasing the emergency green time at the intersection of Roberts Road and Amarina Avenue as it will lead to additional congestion on Roberts Road.

4. The existing right turn storage bay on Roberts Road south approach to the signalised intersection at Estate Road shall be extended by 50 metres at full cost to the developer.

Comment: Sidra analysis indicates that the 95% back of queue will be 123 metres for the right turn movements on Roberts Road south approach of Roberts Road/Estate Road intersection, which exceeds the existing length of the right turn bay (approximately 70 metres of storage).

5. The extension of the proposed right turn bay by 50 metres and associated civil works on Roberts Road shall be designed to meet RTA's requirements and endorsed by a suitably qualified and chartered Engineer (ie Who is registered with the Institute of Engineers, Australia). The design requirements shall be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to the RTA for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority (PCA) and commencement of road works. The RTA fees for administration, plan checking and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a 'Works Authorisation Deed' (WAD) for the above-mentioned works. Please note that the WAD will need to be executed prior to the RTA's assessment of the detailed design plans.

The extension of the right turn bay on Roberts Road shall be fully constructed prior to the release of the occupation certificate.

6. The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RTA for assessment (prior to approval of any Construction Certificate). The developer is to meet the full cost of the assessment by the RTA.

This report would need to address the following key issues:

- a) The impact of excavation/rock anchors on the stability of Roberts Road and detailing how the carriageway would be monitored for settlement.
 - b) The impact of excavation on the structural stability of Roberts Road.
 - c) Any other issues that may need to be addressed (Contact: Geotechnical Engineer Stanley Yuen on Ph. 8837 0246 or Graham Yip on Ph. 8837 0245) for details.
7. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
PO BOX 973
Parramatta CBD NSW 2124

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works ph. 8849 2114 or Fax 8849 2766.

8. The developer shall be responsible for all public utility adjustments/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
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 AS 2890 – 2002 for service areas.
10. 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, swept paths shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
11. All vehicles are to enter and leave the site in a forward direction.
12. All vehicles should be wholly contained on site before being required to stop.
13. All loading and unloading shall occur on site.
14. All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.

Strathfield Planning Scheme Ordinance 1969

The application has been assessed against the following relevant clauses of the Strathfield Planning Scheme Ordinance:

Clause 22 – Erection of use of building or works

Clause 23 – Restrictions on buildings and works

The subject site is identified as being within the Industrial (4) zone under Strathfield Planning Scheme Ordinance, 1969. Clause 61E of the Planning Scheme Ordinance states:

- (1) *This clause applies to development for the purposes of the retailing of bulky goods within Zone No. 4.*
- (2) *In this Clause “bulky goods” means large goods which are in the opinion of the Council of such a size and shape as to require –*
 - a. A large area for handling storage or display; and*
 - b. Easy and direct vehicular access to enable the goods to be collected by customers after sale.*
- (3) *Nothing in this Ordinance shall prevent a person, with the consent of the Council, from carrying out development to which this clause applies.*

- (4) *The Council shall not consent to an application for consent to any such development unless it is satisfied that –*
- a. suitable land for the development is not available in any nearby business centre;*
 - b. to grant consent would not, by reason of the number of retail outlets which exist or are proposed on land within Zone No. 4, defeat the predominantly industrial nature of the zone; and*
 - c. the proposed development will not detrimentally affect the viability of any business centre.*

The applicant has provided the following comments in response to this clause:

- *existing hardware traders in this area are typically smaller outlets with specialised and established trading characteristics and more localised trading catchments;*
- *in general terms the greatest economic effect of the proposed new store on the sale of relevant traders in the area is thought to likely be at the low to medium range of impact and no business centre shop is likely to be threatened;*
- *in any event, the 4(c) test is whether the viability of any business centre will be detrimentally affected. In that regard the affected stores are either freestanding (i.e. not in centres) or if in a centre, not the dominant retail element underpinning the centre, and therefore any loss of sales would be of no threat to business centre viability;*
- *the proposed development of the subject site at Greenacre for a new Bunnings Warehouse is therefore considered not likely to have any significant adverse implications for the economic performance of established business centres in Strathfield, Canterbury or Bankstown LGAs or those in the surrounding region;*
- *development of the proposed store could create up to 150 additional long-term employment positions within the Greenacre trade area.*

Assessment of the proposal has revealed that the use is consistent with the industrial nature of the zone; there would be limited availability of suitable lands to accommodate the proposed use within a business centre and that approval of the proposal would not affect the viability of any business centre.

Clause 32 – Consideration of certain applications

The appearance, bulk and scale of the proposed development is consistent with the style of developments in the vicinity and the surrounding area. Furthermore, the proposed development is considered to be compatible with the existing and future scale of development in the locality.

Clause 40 – Preservation of Trees

A SULE (Safe Useful Life Expectancy) Tree Report was submitted with the application and indicates that the following trees are located on the subject site:

No.	Species	Removal
T1	Allocasuarina glauca	No
T2	Eucalyptus saligna	No
T3	Eucalyptus saligna	No
T4	Eucalyptus saligna	No
T5	Eucalyptus saligna	No
T6	Eucalyptus saligna	No
T7	Eucalyptus saligna	No
T8	Eucalyptus saligna	No
T9	Eucalyptus microcorys	No
T10	Eucalyptus microcorys	No
T11	Eucalyptus microcorys	No
T12	Eucalyptus microcorys	No
T13	Eucalyptus microcorys	No
T14	Eucalyptus microcorys	No
T15	Eucalyptus microcorys	No
T16	Eucalyptus microcorys	No
T17	Cupressus torulosa	Yes
T18	Eucalyptus microcorys	
T19	Cupressus torulosa	Yes
T20	Cupressus torulosa	Yes
T21	Casuarina glauca	Yes
T22	Cupressus torulosa	Yes
T23	Cupressus torulosa	Yes
T24	No tree	N/A
T25	Cupressus torulosa	Yes
T26	Cupressus sempervirens	Yes
T27	Callistemon viminalis	Yes
T28	Callistemon viminalis	Yes
T29	Eucalyptus scoparia	Yes
T30	Casuarina glauca	Yes
T31	Casuarina glauca	Yes
T32	Morus sp	Yes
T33	Callistemon viminalis	Yes
T34	Callistemon viminalis	Yes
T35	Casuarina glauca	Yes
T36	Cestrum parqui	Yes
T37	Eucalyptus microcorys	Yes
T38	Casuarina glauca	Yes
T39	Casuarina glauca	Yes
T40	Casuarina glauca	Yes

The removal of the trees as outlined in the above table is required due to the health of the tree or because their location is under the new building footprint or their roots will be impacted by the excavation works or the proposed hard surfaces.

The application is proposing the following replacement planting:

Tree Species	Mature Height	Quantity
Cupaniopsis anacardoides	6m	13
Eucalyptus resinifera	8m	20
Melaleuca decora	6m	18

Tristaniopsis laurina	6m	10
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The tree removal and replacement planting as proposed with this application are considered to be acceptable.

Clause 47 – Outdoor Advertising

The objectives of this clause are to ensure that outdoor advertising:

- (a) *conveys advertisers' messages and images while complementing and conforming with the visual appearance of the building or other structure on which it is displayed and the amenity of the surrounding environment; and*
- (b) *does not adversely affect the area in which it is located in terms of appearance, size, illumination, overshadowing or in any other way; and*
- (c) *does not lead to visual clutter through the proliferation of signs.*

The type of signage proposed with this application is defined as Business Identification Signage in accordance with the Planning Scheme Ordinance and it is considered that the proposed signage satisfies the above objectives. A further assessment of the proposed signage has been provided under SEPP No. 64 and Council's DCP.

Clause 59 – Land Used for Commercial or Industrial Purposes

This clause restricts the storage of materials or goods within the front setback area without obtaining consent first. The proposed development complies with this clause, as the street frontage setback areas are proposed to be landscaped.

Clause 61CB – Effect of Development on Urban Bushland – 57-91 Roberts Road

This clause states that Council shall not consent to the carrying out of development on land to which this clause applies unless a statement is submitted with the application:

- (a) *demonstrating that consideration has been given to the impact the development will have on the bushland within Zone No. 6(c) and, in particular, on the erosion of soils, the siltation of streams and waterways, the spread of weeds and exotic plants, the effect on water quality, the impact on flora and fauna and the effect of discharge of drainage; and*
- (b) *setting out steps to be taken to mitigate any adverse impact the development will have on the significance of land within Zone No. 6(c) as urban bushland.*

A Flora and Fauna and Bushfire Assessment Report has been submitted with the application. This report concludes that the site is not bushfire prone and no measures are required for bushfire protection. The report also comments that no threatened floral species were observed on the site and there was no evidence of threatened fauna species, populations or communities or their habitats.

Clause 61GB – Development in the Industrial Zone

Assessment of the application reveals that the proposed development satisfies the requirements of this clause. In particular, adequate off street parking is provided, the

site will be suitably landscaped, the development will contribute to the character and appearance of the locality and access to the site is acceptable.

Section 94 Contributions

Section 94 Contributions are not applicable to the proposed development.

(ii) Draft Environmental Planning Instruments:

Draft Strathfield Local Environmental Plan 2008

The following clauses of the Draft Strathfield Local Environmental Plan 2008 are considered relevant to this application:

Clause 11 – Objectives of the Plan

Clause 15 – Development which is allowed or prohibited within a zone

Clause 27 – Objectives of the Industrial Zone

The subject site is zoned Industrial and the proposed use is defined as *bulky goods retail*. This use is permissible and satisfies the objectives of the Industrial zone.

Clause 29 – Development in the Industrial Zone

This clause is similar to clause 61GB of the Planning Scheme Ordinance. The development satisfies the requirements of this clause on the basis that adequate off street parking is provided, the site will be suitably landscaped, the development will contribute to the character and appearance of the locality; access to the site is acceptable.

Clause 31 – Bulky Goods Retailing

This clause is similar to Clause 61E of the Planning Scheme Ordinance. In this regard, the proposal is consistent with the industrial nature of the zone; there would be limited availability of suitable lands to accommodate the proposed use within a business centre and that approval of the proposal would not affect the viability of any business centre.

Clause 55 – Demolition

Demolition approval is sought with this development application and therefore satisfies the requirements of this clause.

Clause 62 – Contaminated Land

As mentioned previously, the contamination report submitted with the application has been assessed and is generally considered to be satisfactory subject to the imposition of conditions on the notice of determination.

Clause 65 – Outdoor Advertising

The signage proposed with this application is consistent with the aims of this clause. In particular, the signage complements the visual appearance of the building and it does not adversely affect or add to visual clutter of the locality.

Clause 73 – Protection of Trees

As mentioned previously, a program of tree removal in accordance with the submitted SULE report is proposed and is accompanied by replacement planting as detailed on the submitted landscape plan. This is considered to be acceptable.

Clause 75 – Waste Management

A condition will be imposed on the notice of determination requiring the preparation of a thorough waste management plan prior to the issue of the construction certificate for the development.

Clause 76 – Ecologically Sustainable Development

As detailed later in this report, the applicant has provided an Energy Efficiency Report that provides recommendation however additional conditions are recommended.

Clause 77 – Landscaping and Biodiversity

A detailed landscape plan was submitted with the application. This landscape plan has been assessed and is considered to be acceptable. Compliance with the landscape plan will be conditioned on the notice of determination.

Draft Local Environmental Plan No. 105

The subject property is not identified as an item of heritage significance and is not located within a heritage conservation area under Council's Draft LEP No. 105.

(iii) Development Control Plans:

Part D – Industrial Development

Strathfield Consolidated Development Control Plan (DCP) 2005

Section	Development Standard	Required	Proposed	Compliance
2.5	Density, Bulk and Scale	Height - Max 10m above natural ground	15.2m	No
	Floor Space Ratio	Max 1:1	GFA 14,018.82m ² Site Area 21,544m ² 0.65:1	Yes
	Office and Showroom	To be ancillary unless demonstrated that no suitable business land is available for use	Demonstrated that no suitable business land is available	Yes
2.6	Setbacks	10m from front boundary 5m from secondary street frontage	12m from Roberts Road 8.6m from Amarina Ave 8.6m from Estate Road	Yes Yes Yes

Section	Development Standard	Required	Proposed	Compliance
			6.8m from rear boundary	Yes
2.7	Building Requirements and Materials	No render Discourage graffiti Suitable landscaping Suitable colours Reinforce entrance Appropriate proportions	Reinforced concrete walls proposed painted in Bunnings corporate colours. Entrance is identifiable Proportions are appropriate	Yes
2.8	Energy Efficiency and Water Conservation	Solar energy where possible Rainwater tanks 10L/m ² External light to be powered by renewable energy sources	Not provided Rainwater harvesting system provided (30,000L) Not Provided	No No No
2.9	Parking, Access and Manoeuvring	Designed in accordance with AS Number of spaces Loading and Unloading Pedestrian thoroughfares	Manoeuvring within the car park is satisfactory 390 spaces Satisfactory Pedestrian thoroughfares provided	Yes See below Yes Yes
2.9.2	Access and Manoeuvring	Driveway access and redundant crossings	Satisfactory	Yes
2.9.4	Site Design	Vehicles to enter and leave site in a forward direction Design and layout of service vehicles Pedestrian safety	Satisfactory Satisfactory subject to conditions Satisfactory	Yes Yes Yes
2.9.5	Unloading and Loading	To take place on site	Satisfactory	Yes

Section	Development Standard	Required	Proposed	Compliance
		Screened from the street	Satisfactory	Yes
2.10	Landscaping	Submission of Landscape plan	Satisfactory	Yes
		Deep soil planting	Satisfactory	Yes
		Proposed planting	Satisfactory	Yes
2.10.2	Fencing	Solid to only 1m 1.8m security fencing 1.8m boundary fences	No boundary fencing proposed	N/A
2.11	Signage	Does not dominate building	Satisfactory	Yes
2.12	Site Drainage and Water Management	Stormwater concept plan	Satisfactory	Yes
2.13	Utilities	Water and Sewerage	Satisfactory	Yes
		Electricity and Telecommunications	Satisfactory	Yes
2.14	Air, Noise and Water Pollution	Comply with requirements	To be conditioned	Yes

Part H - Waste Management

Strathfield Consolidated Development Control Plan (DCP) 2005

The application documentation included a waste management plan, which is considered to be deficient and therefore a condition requiring the submission of a detailed plan will be imposed on the notice of determination.

Part I – Provision of Off Street Parking Facilities

Strathfield Consolidated Development Control Plan (DCP) 2005

There is no specific on-site car parking provision rates for Bulky Goods Retailing uses. The submitted report and survey submitted by the applicant suggests a rate of $1/34\text{m}^2$. This rate was based on survey data collected from nine (9) existing Bunning's stores. The rates of the surveyed stores varies between $1/35\text{m}^2$ to $1/85\text{m}^2$.

During initial discussions, Council suggested that a car parking rate of $1/40\text{m}^2$ of retail, office and loading floor space would be appropriate. Based on this rate, 360 car parking spaces would be required.

The development complies with this requirement as 390 car parking spaces are proposed with the application and therefore complies with Council requirements.

Part J – Erection and Display of Advertising Signs and Structures

Strathfield Consolidated Development Control Plan (DCP) 2005

The following is an assessment of the proposed signage against the Industrial Area Performance Criteria as stated in the DCP.

The advertisement and advertising structure is generally in character with the development of the site and surrounding sites.

It is considered that the proposed signage is consistent with the character of the development and the surrounding locality.

The advertisement and advertising structure does not interfere with public safety.

As mentioned previously, it is unlikely that the proposed development will interfere with public safety.

The following information only may be displayed on any sign erected:-

- (a) *Business name*
- (b) *Type of business*
- (c) *Products*
- (d) *Company symbol*

The signage proposed with the application is Bunnings Corporation Signage including the business logo and name of the business.

The total of signs should not exceed 1m² per 1m of frontage for the first 10m, plus 0.3m² per 1m of frontage in excess of 10m.

Signage for the development is provided at the following rate:

North Elevation – 217.5m²
South Elevation – 102.6m²
East Elevation – 240m²
West Elevation – 68.5m²

The proposed signage exceeds the maximum requirements of the development control plan. However, the proposed signage is considered to be compatible with the locality and characteristic of the proposed use. The proposed signs are not offensive and does not protrude beyond the building envelope. Also, given that the proposed signage complies with the objectives and assessment criteria of SEPP No. 64 it is considered that the variation to Council's Development Control Plan is satisfactory in this instance.

Part K – Development on Contaminated Land Strathfield Consolidated Development Control Plan (DCP) 2005

The application has satisfied the requirements of the Contaminated Land Development Control Plan as well as the requirements of SEPP No. 55 subject to conditions that have been requested by Council's Resource Recovery Officer.

iiia) PLANNING AGREEMENTS (OR DRAFT AGREEMENTS)

The proposed development is not subject to a planning agreement pursuant to Section 93F of the Environmental Planning and Assessment Act 1979.

(b) Likely Impacts:

Building Height

Clause 2.5 of Council's Development Control Plan Part D – Industrial Development states that *a building shall not have a wall height of more than 10m above natural ground level. Where an industrial development otherwise achieves the objectives of Part D, Council may consider varying this provision depending on the merits of the case.*

The non-compliance with the height control is a result of the topography of the site and the provision of undercroft car parking. However, the height of the development does not have any adverse amenity impacts on the surrounding locality and the building is of a scale which is suitable for the Industrial zone. Therefore, it is considered that the variation to Council's building height control is acceptable in this instance.

Solar Energy and External Lighting

Clause 28(8) of the Development Control Plan requires that all external lighting and common areas (including undercover car parking) be lit using renewable energy resources generated on site. It also states that for buildings with an area greater than 4,000m² the applicant must investigate the viability of utilising renewable energy resources for all lighting on site and a statement included with the development application address this requirement.

The applicant has submitted an Energy Efficiency Report with the application. This report concludes that:

The strategies adopted include:

- *Retail outlets in warehouse settings*
- *Use of high thermal mass concrete wall panel and floor slabs to buffer and store heat*
- *Minimisation of external glazing to limit solar heat gain to the space.*
- *Smart use of roof lights with excellent thermal properties to allow natural lighting but also limit solar heat gain to the space.*
- *Smart lighting zoning and switching to reduce lighting used to supplement natural day lighting by roof lights.*
- *Use of insulated roof to limit heat gain and heat loss to the environment.*
- *Use of high floor to roof height that allows big temperature differentials between underside of roof and human occupied space (i.e. floor level to 2m height)*
- *Naturally ventilated nursery and timber store.*
- *Localised radiant gas heaters, which are excellent in energy efficiency, used for winter heating.*

Notwithstanding the above strategies, it is considered that the provision of renewable energy resourced lighting for all external areas should be encouraged and it is recommended that the following condition be imposed on the notice of determination.

1. An alternative renewable energy source is to be provided on site and used for the provision of lighting for all of the external areas. Details are to be provided prior to the issue of the Construction Certificate.

Rainwater Tanks

Clause 2.8(4) of the Development Control Plan requires rainwater tanks to be provided at the rate of 10 litres / m² of roof area proposed. In this case, the proposed rainwater tank is significantly undersized based on this formula.

The stormwater drainage systems have been assessed by Council's Development Engineer and are considered to be acceptable. In addition, the applicant has indicated that water from the rainwater tank will be used for watering plants within the nursery area of the complex and for toilet flushing. On this basis, the variation is considered to be acceptable.

(c) Suitability of the Site:

The proposal satisfies the objectives and controls of the industrial zone. The proposed development is unlikely to have adverse impacts on adjoining properties and the surrounding locality and is accordingly considered to be suitable for the site.

(d) Submissions:

The application and plans were notified in accordance with Part L of the DCP from 10 June 2010 to 27 June 2010. One (1) written submission was received. A site notice was placed on site on 10 June 2010. The concerns raised in the submissions are outlined and discussed below.

Access to Amarina Avenue

A submission was received from the NSW Fire Brigade which currently has a premises located at the end of Amarina Avenue. The NSW Fire Brigade have stated that this premises provides a critical response for Hazardous Material (HAZMAT) incidents in Sydney and provides specialised HAZMAT services which are used to support counter terrorist and other similar specialised operations. The Fire Brigade has advised that the premises is in operation 24 hours a day, 7 days a week and that unimpeded access to Roberts Road is critical to timely incident response.

The Fire Brigade does not support the proposed egress from the subject site onto Amarina Avenue and they have expressed a preference for egress being via existing traffic lights at Estate Road. However, the Fire Brigade has suggested the following:

If egress to Amarina Avenue is approved, further consultation is required as the Fire Brigade currently has control of the traffic signals at the intersection of Amarina Avenue and Roberts Road. The Fire Brigade has requested that the operation of the proposed boom gate should be linked to the operation of the traffic signals in the events of emergency so that access to Amarina Avenue remains unimpaired for the Fire Brigade.

No objection is raised to this suggestion by the Fire Brigade and it is recommended that the following condition be imposed on the development consent:

1. Access to/from the subject site onto Amarina Avenue is limited to egress only and its use is restricted to service and delivery vehicles only. No customer traffic shall use the access point along Amarina Avenue at any given point in

time. Egress from the site using the Amarina Avenue driveway is to be controlled via a boom gate. A “boom gate operation system” is to be drafted and implemented in consultation with the NSW Fire Brigade so that the operation of the boom gate is to be linked to the operation of the traffic signals at the intersection of Roberts Road and Amarina Avenue. Details of the boom gate operation system are to be provided prior to the issue of the Occupation Certificate.

The ongoing maintenance and retention of the boom gate system is critical and the Fire Brigade has requested that a positive covenant be placed on the property title to ensure that all future owners retain and maintain the boom gate system. The Fire Brigade has also requested that annual certification of the boom gate system be carried out and provided to the Fire Brigade. It is recommended that this be incorporated into the annual fire safety audit.

No objection is raised to this suggestion by the Fire Brigade and it is recommended that the following conditions be imposed on the development consent:

2. A positive covenant shall be drafted in consultation with the NSW Fire Brigade and registered on the title of the property to ensure that all future owners of the subject site retain and maintain the boom gate operation system.
3. Annual certification of the boom gate operation system is to be carried out and provided to the NSW Fire Brigade.

The Fire Brigade as requested that line marking and warning signs/lights be installed before the boom gate to alleviate the issue of customer and delivery vehicles queuing across the boom gate area disrupting its operation.

No objection is raised to this suggestion by the Fire Brigade and it is recommended that the following condition be imposed on the development consent:

4. The driveway at Amarina Avenue shall incorporate appropriate line marking and signposting so that all vehicles exiting the subject site using the Amarina Avenue driveway are to come to a complete stop at the property boundary before proceeding onto the road reserve.

The Fire Brigade has requested that no existing parking spaces on Amarina Avenue be lost as a result of the traffic impacts of the proposal.

As detailed earlier in this report, sufficient car parking is provided on the subject site.

INTERNAL REFERRALS

The application was forwarded to Council's Resource Recovery Officer, Development Engineer, Environmental Health Officer, Traffic Engineer, Building Surveyor, Landscape Assessment Officer and Strategic Planning for comment.

Resource Recovery

As mentioned previously Council's Resource Recovery Officer commented on the application and it is recommended that the following conditions be imposed on the notice of determination:

1. Soil at the site is to be managed as per the *Soil Management Requirements* as detailed in Table 8.1 on page 23 of the *Remediation Action Plan 57-67 Roberts Road, Greenacre NSW Ref. 10950*
2. A Hazardous Building Material Assessments to be conducted prior to demolition of the existing structures. Contractual arrangements are to be established to ensure the demolition works are managed in accordance with the findings of this assessment. Once the buildings are demolished the site must be given an appropriate site clearance by an experienced consultant prior to the commencement of excavation.

An Unexpected Findings Protocol (UFP) is to be developed to ensure appropriate management of contamination or wastes that have not been detected in the site assessment.

Any material imported to the site must be either virgin excavated natural material (VENM), or another waste which is exempt under the resource recovery exemptions, such as *The excavated natural material exemption 2008*. VENM is described as a natural material (e.g. clay, gravel, sand, soil or rock fines):

- that has been excavated or quarried from areas that are not contaminated with manufactured chemicals or process residues, as a result of industrial, commercial, mining or agricultural activities; and
 - that does not contain sulphidic ores or soils, and includes excavated natural material that meets such criteria for virgin excavated natural material as may be approved for the time by a notice published in the NSW Government Gazette.
3. *A remediation report is to be developed on completion of the remedial works, detailing the results of waste classification, the volume of soil disposed offsite and the disposal locations, descriptions, volumes and validation information for all imported fill, and the management of any unexpected findings.*

Development Engineer

Council's Stormwater Engineer raised no objection to the proposal subject to the imposition of the following conditions on the notice of determination:

1. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to inter allotment drainage system.
2. The 2m wide easement to drain water from Estate Road area shall be registered at the Land Title Office prior to issue the Occupation Certificate.
3. In this project the engineering plans 00516-C201,202,203 are satisfactory as concept plans. The assessment authority (either (a) Council, or (b) a Private Certifier), is to satisfy themselves of the adequacy of the above plans for the purposes of Construction. They are to independently determine what details, if any, are to be added to the Construction Certificate plans, in order for the issue of the Construction Certificate.

Where a Private Certifier issues the Construction Certificate a copy must be provided to Council, once the Construction Certificate is issued.

4. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path system draining the site. Natural ground levels around the building shall not be altered.
5. The following documents shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate:
 - a. Written verification from a suitably qualified professional civil engineer, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.
 - b. Full work-as-executed plans prepared and signed by a registered surveyor or engineer. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and locations for all drainage structures and works, buildings, and finished ground and pavement surface levels, and the extent of pervious and impervious areas.
6. Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
7. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the on-site detention system. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land and Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of the Occupation Certificate / Use of the building.
8. Clause 162A of the Environmental Planning and Assessment Regulation 2000, prescribes critical stage inspections which must be carried out by the Principal Certifying Authority (PCA) or by another if the PCA so agrees. The following critical stage inspections must be carried out for the various classes of building as defined in the Building Code of Australia:
 - (a) Sediment control measures (inspected prior to work commencing and in conjunction with other inspection listed below) to ensure they are maintained during construction to prevent pollution of the stormwater system and impacts on adjoining properties.
 - (b) Any drainage lines including any agricultural subsoil drainage lines filling.
9. A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public / Council controlled areas. This includes any work on the nature strip, footpaths, driveways, stormwater outlets, Council's drainage, kerb and guttering and roadways.

The permit must be retained on site at all times and produced on request from any Council Officer.
10. Council's Standard Condition relating to the payment of bonds.

Environmental Health

The application is satisfactory subject to the following conditions:

1. The operation shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupants. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises. The measures shall be approved by Council prior to implementation and shall at full cost to the applicant.
2. Noise emanating from the premises shall comply with the requirements of the Protection of the Environment Operations Act 1997 and Regulations there under.

Traffic Engineer

The application was referred to a Traffic Consultant for assessment and initial concerns were raised with the calculation of the car parking rate and the access to the site.

The car parking rate proposed by the applicant is satisfactory on the basis of a comparison survey submitted with the application and Council's generic car parking rates with its Development Control Plan. In addition, the access and traffic generation impacts have been assessed by the RTA in accordance with SEPP Infrastructure and are considered to be satisfactory subject to conditions.

Building Surveyor

The application seeks to adopt an alternate solution in accordance with the Building Code of Australia. Details of this alternate solution are to be provided prior to the issue of the Construction Certificate.

Landscape Assessment Officer

The submitted Landscape Plan is considered to be satisfactory subject to conditions to be imposed on the notice of determination.

Strategic Planning

Council's strategic planning section raised concerns relating to the potential precedent that the development may set for other bulky goods developments along Roberts Road and therefore changing the character of the industrial zone.

However, as discussed previously assessment of the proposal has revealed that the use is consistent with the industrial nature of the zone; there would be limited availability of suitable lands to accommodate the proposed use within a business centre and that approval of the proposal affect the viability of any business centre.

CONCLUSION

The proposed development generally complies with the numerical controls of the DCP and is permissible in the zone pursuant to the SPSO and the Draft LEP. The proposed development will provide a high level of amenity to future residents, without significantly compromising the amenity of adjoining owners.

CONDITIONS

Plans

1. The development shall be completed in accordance with the approved plans and documents listed below, prior to the building being used or occupied, and subject to any amendments "in red" and any variation as required by conditions of this consent:

Demolition Plan No. 010 Amendment No. A Prepared by John R. Brogan and Associates Dated May 2010.

Site Plan No. 031 Amendment No. A Prepared by John R. Brogan and Associates Dated May 2010.

Under Croft Parking Plan 1/2 No. 100 Amendment No. P1 Prepared by John R. Brogan and Associates Dated June 2010.

Under Croft Parking Plan 2/2 No. 101 Amendment A Prepared by John R. Brogan and Associates Dated May 2010.

Ground Floor Plan 1/2 No. 102 Amendment A Prepared by John R. Brogan and Associates Dated May 2010.

Ground Floor Plan 2/2 No. 103 Amendment A Prepared by John R. Brogan and Associates Dated May 2010.

Mezzanine Level Plan No. 104 Amendment A Prepared by John R. Brogan and Associates Dated May 2010.

Roof Plan 1/2 No. 110 Amendment A Prepared by John R. Brogan and Associates Dated May 2010.

Roof Plan 2/2 No. 111 Amendment A Prepared by John R. Brogan and Associates Dated May 2010.

Bunnings Sections 1/2 No. 120 Amendment A Prepared by John R. Brogan and Associates Dated May 2010.

Bunnings Sections 2/2 No. 121 Amendment A Prepared by John R. Brogan and Associates Dated May 2010.

Bunnings Elevations 1/2 No. 130 Amendment A Prepared by John R. Brogan and Associates Dated May 2010.

Bunnings Elevations 2/2 No. 131 Amendment A Prepared by John R. Brogan and Associates Dated May 2010.

Landscape Plan No/s. 1704-LP-01, 1704-LP-02, 1704-LP-03 Prepared by John Lock and Associates Dated 10 March 2010.

General Arrangement Plan – Upper Warehouse Level Sheets 1 and 2, Prepared by C&M Consulting Engineers Dated 30 April 2010.

General Arrangement Plan – Lower Car Park Sheets 1 and 2, Prepared by C&M Consulting Engineers Dated 30 April 2010.

Preliminary Bulk Earthworks Drawing No. 005-C231 Revision 1 Prepared by C&M Consulting Engineers Dated 30 April 2010.

Ramp Longitudinal Sections Drawing No. 00516-C301 Revision 1. Prepared by C&M Consulting Engineers Dated 30 April 2010.

OSD Tank Details Drawing No. 00516-C501 Revision 1. Prepared by C&M Consulting Engineers Dated 30 April 2010.

Sediment and Erosion Control Details Drawing No. 00516-C801 Revision 1. Prepared by C&M Consulting Engineers Dated 30 April 2010.

Statement of Environmental Effects Prepared by Colston Budd Hunt and Kafes Pty Ltd.

Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction/demolition associated with this consent.

The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.

2. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

General

3. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.
4. **Prior to the issue of a Construction Certificate**, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils' assets.
5. All exhaust and other emissions including noise from the premises shall comply with the provisions of the Protection of the Environment Operations Act 1997 and Regulations.
6. *The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10million and shall provide proof of such cover to Council prior to carrying out works.*

Financial Matters

7. A security payment of \$15,124.00 in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council **prior to the issue of a Construction Certificate**. The security payment is GST inclusive and comprises the following:

Refundable works bond	\$15,000.00
Non-refundable administration fee (\$124/bd)	\$124.00
TOTAL	\$15,124.00

The security payment covers the following matters and will be released upon satisfactory completion of these items:

- (a) creation of drainage easements on the title of downstream properties;
- (b) creation of inter-allotment easements on the title;
- (c) creation of drainage easements on the title in favour of Council
- (d) road and stormwater drainage works in roadways and public areas;
- (e) creation of the Positive Covenant on the property title;
- (f) connection to Council's stormwater drainage system;
- (g) installation and maintenance of sediment control measures for the duration of construction activities;

- (h) construction of the on-site detention storage system;
- (i) undergrounding of electricity and telecommunications cables;
- (j) landscape final inspection to ensure that landscaping is implemented in accordance with the approved plan and conditions of consent and satisfactorily maintained for the post final inspection twelve (12) month period;
- (k) tree final inspection to ensure that trees have been retained, protected or replanted in accordance with conditions of consent and/or Arborists' report for the post final inspection twelve (12) month period; and
- (l) Ensuring no damage occurs to or building debris/materials are left on Council land including footpath, nature strip, kerb and gutter. The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

8. Fees are payable where Council is appointed as principal certifying authority to carry out the post-approval inspections. A quotation for the fees can be obtained by contacting Council and the fees shall be paid **prior to the carrying out of any of the inspections.**

Any re-inspection which is necessary due to site access not being available, defective work, or the matter not being ready for inspection will be charged in accordance with Council's Fees and Charges Policy. Council will advise in writing if an additional re-inspection is required and the re-inspection fee shall be paid **prior to release of the damage deposit.** If the additional fee is not paid it will be deducted from the damage deposit.

Parking/Traffic Matters

9. A total of 390 off-street parking spaces, hard paved, line marked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Bulky Good Retail	382
<u>Disabled</u>	<u>8</u>
TOTAL	390

and these spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

- 10. All vehicles associated with the approved use shall be parked within the parking spaces on the site and not on adjacent footpath, access driveways or landscaped areas.
- 11. A sign shall be erected in a suitable location on the site advising that parking is available for visitors/customers.
- 12. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.
- 13. All vehicles entering and leaving the site shall be driven in a forward direction only.
- 14. The off-street car parking spaces together with access driveways shall be available at all times to employees and customers.
- 15. The loading dock shall not be used for storage purposes at any time.

16. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
17. Reconstruct the footpath, kerb and gutter to Council's specifications for the full frontage of the development site at the completion of all building works.
18. A Traffic Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
19. Access to/from the subject site onto Amarina Avenue is limited to egress only and it's use is restricted to service and delivery vehicles only. No customer traffic shall use the access point along Amarina Avenue at any given point in time. Egress from the site using the Amarina Avenue driveway is to be controlled via a boom gate. A "boom gate operation system" is to be drafted and implemented in consultation with the NSW Fire Brigade so that the operation of the boom gate is to be linked to the operation of the traffic signals at the intersection of Roberts Road and Amarina Avenue. Details of the boom gate operation system are to be provided prior to the issue of the Occupation Certificate.
20. A positive covenant shall be drafted in consultation with the NSW Fire Brigade and registered on the title of the property to ensure that all future owners of the subject site retain and maintain the boom gate operation system.
21. Annual certification of the boom gate operation system is to be carried out and provided to the NSW Fire Brigade.
22. The driveway at Amarina Avenue shall incorporate appropriate line marking and signposting so that all vehicles exiting the subject site using the Amarina Avenue driveway are to come to a complete stop at the property boundary before proceeding onto the road reserve.

Drainage/Stormwater

23. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to inter allotment drainage system.
24. The 2m wide easement to drain water from Estate Road area shall be registered at the Land Title Office prior to issue the Occupation Certificate.
- 2.5 In this project the engineering plans 00516-C201,202,203 are satisfactory as concept plans. The assessment authority (either (a) Council, or (b) a Private Certifier), is to satisfy themselves of the adequacy of the above plans for the purposes of Construction. They are to independently determine what details, if any, are to be added to the Construction Certificate plans, in order for the issue of the Construction Certificate.

Where a Private Certifier issues the Construction Certificate a copy must be provided to Council, once the Construction Certificate is issued.

26. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path system draining the site. Natural ground levels around the building shall not be altered.

27. The following documents shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate:
- a. Written verification from a suitably qualified professional civil engineer, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.
 - b. Full work-as-executed plans prepared and signed by a registered surveyor or engineer. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and locations for all drainage structures and works, buildings, and finished ground and pavement surface levels, and the extent of pervious and impervious areas.
28. Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
29. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the on-site detention system. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land and Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of the Occupation Certificate / Use of the building.
30. Clause 162A of the Environmental Planning and Assessment Regulation 2000, prescribes critical stage inspections which must be carried out by the Principal Certifying Authority (PCA) or by another if the PCA so agrees. The following critical stage inspections must be carried out for the various classes of building as defined in the Building Code of Australia:
- (a) Sediment control measures (inspected prior to work commencing and in conjunction with other inspection listed below) to ensure they are maintained during construction to prevent pollution of the stormwater system and impacts on adjoining properties.
 - (b) Any drainage lines including any agricultural subsoil drainage lines filling.
31. A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public / Council controlled areas. This includes any work on the nature strip, footpaths, driveways, stormwater outlets, Council's drainage, kerb and guttering and roadways.

The permit must be retained on site at all times and produced on request from any Council Officer.

Public Authority Matters

32. **Prior to the issue of an Occupation Certificate** all existing overhead electricity and telecommunication cabling adjacent to the development site shall be placed underground at the applicants' expense in accordance with the specifications of Energy Australia and the telecommunications supplier and the following requirements:

- (a) Where the property is located on the **opposite side of the street** to the main power lines and telecommunication cables, the services are to be placed underground from the development site to the nearest location on the opposite side of the street for connection to the existing mains supply as directed by Energy Australia and the telecommunications carrier. The method of construction across the road carriageway shall be by directional boring beneath the road pavement; **OR**
 - (b) Where the property is located on the **same side of the street** as the main overhead power lines and telecommunication cables, all services are to be placed underground for the full length of the frontage of the site. Any overhead powerlines and telecommunication cables that cross the road from the development site must also be placed underground and the cabling installed and distributed to properties in accordance with Energy Australia and the telecommunications carriers' requirements.
33. **Prior to the issue of a Construction Certificate** the applicant must contact the Engineer Planning and Supply Negotiations (West) Energy Australia on 131 535, to obtain a quotation to underground power supply lines and where appropriate a quotation to underground the main overhead power supply lines adjacent to the frontage of the subject property and the telecommunications carrier on 1100 advising that undergrounding of the telecommunication cabling is required.
34. If required, an easement shall be created in favour of electrical and telecommunications suppliers and comply with the following:
 - For the provision of underground services and above ground pillar boxes for access to their equipment;
 - The easement is to be 3m wide abutting the property boundary at the point of entry and 1.5m within the property;
 - Where the easement is to be enclosed, a minimum headroom of 2m is required above the floor level; and
 - The wording of the easement shall be approved by Energy Australia and the Telecommunications Carrier where applicable, **prior to the issue of a Construction Certificate.**
 - Written evidence that the wording of the easement has been approved by the relevant service providers shall be provided to Council **prior to the issue of a Construction Certificate.**
 - The required easement shall be created and registered **prior to the issue of an Occupation Certificate or use of the building.**
35. Ragbolt mounted network standard metal columns fitted with MBF 80 lamps shall be installed 1 metre behind the face of the kerb with a 2 metre outreach arm. Furthermore, street lighting shall comply with AS/NZS 1158.3.1:1999 for pedestrian area lighting or any subsequent standard and the requirements of Energy Australia.
36. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.
37. Where undergrounding services, a plan indicating the depth and location of all services (i.e., gas, water sewer, electricity, telecommunication, traffic lights, etc) within the area affected by the development shall be submitted to Council **prior to the issue of a Construction Certificate.**

Furthermore, any adjustments required shall be at no cost to Council or any public authority. The relevant authorities' written consent for any adjustments or works affecting their services shall be obtained and a copy provided to Council **prior to the issue of a Construction Certificate**.

Landscaping/Tree Matters

38. All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious Weeds Act.
39. General maintenance of Council's nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).
40. All plants specified for industrial developments are to be native Australian plant species.

Site Operation

41. The hours of operation shall be restricted to 7am to 9pm Monday to Friday and 8am to 6pm Saturday, Sundays and public holidays.
42. The delivery and despatch of goods, material and the like to and from the premises shall only take place between 7am to 10pm.
43. The storage of goods, materials, equipment, machinery, refuse, or refuse bins (including industrial waste containers) shall be carried out in an area specifically designed for that purpose and not within the road reserve except in accordance with Council's Materials on the Footpath Policy.
44. Any proposed lighting of the site shall be designed, located or shielded to ensure the amenity of the surrounding area is not adversely affected by light overspill and details shall be submitted and approved by the Principal Certifying Authority **prior to the installation** thereof.
45. The display of signage, other than signage which is approved by this consent or signage which is exempt development, is strictly prohibited.
46. No flashing lights or flashing animated signs shall be erected on the property.
47. No advertising flags, banners or the like are to be erected on or attached to the shopfront.
48. No flashing signage visible from the public way shall be installed.
49. An alternative renewable energy source is to be provided on site and used for the provision of lighting for all of the external areas. Details are to be provided prior to the issue of the Construction Certificate.
50. The operation shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupants. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried

out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises. The measures shall be approved by Council prior to implementation and shall at full cost to the applicant.

51. Noise emanating from the premises shall comply with the requirements of the Protection of the Environment Operations Act 1997 and Regulations there under.

Construction Matters

52. The proposed development shall comply with the Building Code of Australia and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.**
53. Footings shall be designed in accordance with the soil classification of H, or Highly Reactive (unless determined to the contrary by a suitably qualified person).
54. If the soil conditions require it retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.
55. Certification shall be obtained from a registered surveyor at the following stage(s) of construction confirming that the building has been constructed in accordance with the approved plans including any approved amendments (S.96 approvals) and plans and details required by Council as conditions of development consent:
- (a) footings excavation prior to placement of concrete;
 - (b) car park/garage level prior to placement of concrete or pavement;
 - (c) ground floor and first floor levels;
 - (d) roof ridge height;
 - (e) all floors of the building, roof eaves and all roof ridges;
 - (f) wall setbacks from property boundaries and street alignment;
 - (g) dimensions and areas of balconies/courtyards;
 - (h) vehicular ramp gradients.

Copies of the surveyor's certificates must be submitted to and accepted by Council at the stages nominated above.

56. The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.

If the existing ground levels are altered during construction, Council may require a survey plan of the finished ground levels to be prepared and submitted **prior to the issue of an Occupation Certificate** to determine if there have been changes to the pre-development levels and if there are any impacts on adjoining properties as a result.

57. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.

58. The public area adjacent to a work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
59. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
60. If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- Must preserve and protect the building from damage; and
 - If necessary, must underpin and support the building in an approved manner, and
 - Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
61. There are built structures which may be in the zone of influence of the proposed works and excavations on the site. A qualified practicing geotechnical engineer must prepare a Construction Methodology Report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.
- The report must be submitted with the application for a Construction Certificate and must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include;
- a) the location and level of nearby foundations and footings (site and neighbouring);
 - b) proposed method of excavation;
 - c) Permanent and temporary support measures for excavation;
 - d) Potential settlements affecting footings and foundations;
 - e) Ground water levels (if any);
 - f) Batter slopes;
 - g) Potential vibration cause by method of excavation; and
 - h) De-watering including seepage and off site disposal rate (if any).
- Excavation, retention, underpinning and construction must be undertaken onsite by an excavation contractor with specialist excavation experience. A suitably qualified geotechnical engineer, specialising in excavation must supervise the excavation procedure.
62. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
63. To maintain pedestrian safety in common areas suitable lighting is to be provided on the development site adjoining each street frontage and near pedestrian main entrances to the site. Details shall be submitted and approved by the Principal Certifying Authority **prior to the installation** thereof.

64. All temporary buildings shall be removed from the site at the completion of the development.

Building Matters

65. Identification numbers are to be clearly displayed at the front of the premises and be easily visible from the street.
66. Where building intruder alarms are installed in the building they shall be fitted with an automated “cut-off” timing device and operated as per the Protection of the Environment Operations (Noise Control) Regulation 2008.

Demolition

67. Demolition shall be carried out in accordance with Australian Standard 2601 - ‘The demolition of structures’ or any subsequent standard and the relevant legislation.
68. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority **prior to any work commencing on site.**
69. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority **prior to any work commencing on site.**
70. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

Fire Safety Measures

71. Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within the building and specified in the fire safety schedule. The final fire safety certificate shall be provided **prior to the issue of an Occupation Certificate.**
72. As soon as practicable after a final safety certificate is issued, the owner of the building to which it relates:
- shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to the Commissioner of NSW Fire Brigades;
 - shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to Council for registration; and
 - shall ensure the current fire safety schedule is prominently displayed in the building.

Hoardings

73. No advertisements of any kind shall be affixed to hoardings except for a board not exceeding 2.4m x 1.8m on which may be shown the architect’s/builder’s/demolisher’s names or any particulars regarding the subject building and notices regarding the existing or future occupancies in the building.

74. Hoardings/overhead protective structures at ground level shall have mesh wire or other such material fixed to the surface to a height at least 2 metres in order to preclude the fixing of posters.
75. A sign with the words "Billposters Will Be Prosecuted" shall be attached or printed on the hoarding/overhead protective structures at regular intervals so it is visible from the street or any adjoining public place.
76. Any hoarding, fence or awning is to be removed when the work has been completed.

Air Quality

77. Dust emissions from the stockpiles shall be suppressed by a permanently installed irrigation system and details shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.** The irrigation system shall be installed in accordance with the approved details prior to the work/use commencing and maintained at all times to Council's satisfaction.
78. Full compliance shall be given to the recommendations contained in the endorsed acoustic consultant's report.
79. The use of the premises shall not give rise to:
 - (a) The transmission of unacceptable vibration to any surrounding occupancy; and
 - (b) A noise level exceeding the background (L_{90}) noise level by more than 5dB(A) when measured from an adjoining premises. The source noise level shall be assessed as an $LA_{eq,15min}$ reading and adjusted in accordance with current EPA Guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and intermittency or any subsequent guidelines.
80. In the event of Council receiving complaints regarding air pollution or odour from the premises, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour emanating from the premises. Such measures are to be installed at no cost to Council and may require further development consent from Council.

Food Shop

81. The fitout, use and operation of the premises including all preparation and food storage areas shall comply with the Australian/New Zealand Food Safety Standards Code and relevant standards. Details shall be submitted to the Principal Certifying Authority and approval obtained **prior to the issue of a Construction Certificate.**

Note: Copies of the Code are available from the Food Standards Australia New Zealand website at <http://www.foodstandards.gov.au/>
82. Food premises registration (for inspection purposes) must be obtained from Council **prior to the issue of an Occupation Certificate and/or use of the premises.**

83. Plans and specifications showing details of all mechanical ventilation systems shall be submitted to the Principal Certifying Authority and approval obtained **prior to the issue of a Construction Certificate.**

Disabled Access

84. Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
85. Sanitary facilities for persons with disabilities shall be provided in the building in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
86. Car parking spaces for persons with disabilities shall be provided in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

Waste Management

87. Submission of a comprehensive Waste Management Plan to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.** Such plan shall address demolition, construction and operation waste arising from the development and shall include:-

- type and likely quantity of waste arising from the demolition and construction activities;
- storage, disposal and recycling measures for all demolition and construction waste, including specific disposal points and arrangements;
- type and likely quantity of trade and operational waste arising from the proposed development, including storage and collection details. Note: Strathfield Council does not provide a trade waste service;
- provision for a suitable number of 240 litre garbage bins and 240 litre recycling bins for the residential development;
- storage, disposal, collection and recycling arrangements for all trade and operational waste; and
- fitout details of any garbage/waste enclosures and storage areas.

Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.

88. Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.
89. The waste storage room shall be designed to comply with the relevant standards and details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

Roads and Traffic Authority

90. *The proposed vehicular egress onto Amarina Avenue shall be restricted to service vehicles only.*
91. *All customer and staff entry and exit movements shall be via Estate Road only.*
92. *Prior to the release of the Occupation Certificate by the Principal Certifying Authority, the applicant shall enter into a formal agreement with NSW Fire Brigade to control exit movements onto Amarina Avenue during emergencies and any agreement shall be undertaken to the satisfaction of NSW Fire Brigade.*

However, in formulating an agreement between the parties, it shall be noted that the RTA will not support increasing the emergency green time at the intersection of Roberts Road and Amarina Avenue as it will lead to additional congestion on Roberts Road.

93. *The existing right turn storage bay on Roberts Road south approach to the signalised intersection at Estate Road shall be extended by 50 metres at full cost to the developer.*

Comment: Sidra analysis indicates that the 95% back of queue will be 123 metres for the right turn movements on Roberts Road south approach of Roberts Road/Estate Road intersection, which exceeds the existing length of the right turn bay (approximately 70 metres of storage).

94. *The extension of the proposed right turn bay by 50 metres and associated civil works on Roberts Road shall be designed to meet RTA's requirements and endorsed by a suitably qualified and chartered Engineer (ie Who is registered with the Institute of Engineers, Australia). The design requirements shall be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to the RTA for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority (PCA) and commencement of road works. The RTA fees for administration, plan checking and project management shall be paid by the developer prior to the commencement of works.*

The developer will be required to enter into a 'Works Authorisation Deed' (WAD) for the above-mentioned works. Please note that the WAD will need to be executed prior to the RTA's assessment of the detailed design plans.

The extension of the right turn bay on Roberts Road shall be fully constructed prior to the release of the occupation certificate.

95. *The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RTA for assessment (prior to approval of any Construction Certificate). The developer is to meet the full cost of the assessment by the RTA.*

This report would need to address the following key issues:

- a) The impact of excavation/rock anchors on the stability of Roberts Road and detailing how the carriageway would be monitored for settlement.*
- b) The impact of excavation on the structural stability of Roberts Road.*
- c) Any other issues that may need to be addressed (Contact: Geotechnical Engineer Stanley Yuen on Ph. 8837 0246 or Graham Yip on Ph. 8837 0245) for details.*
- d) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.*

Details should be forwarded to:

*The Sydney Asset Management
PO BOX 973
Parramatta CBD NSW 2124*

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works ph. 8849 2114 or Fax 8849 2766.

- e) The developer shall be responsible for all public utility adjustments/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.*
- f) 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 AS 2890 – 2002 for service areas.*
- g) 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, swept paths shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.*
- h) All vehicles are to enter and leave the site in a forward direction.*
- i) All vehicles should be wholly contained on site before being required to stop.*

- j) *All loading and unloading shall occur on site.*
- k) *All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.*

Land Contamination

- 96. Soil at the site is to be managed as per the *Soil Management Requirements* as detailed in Table 8.1 on page 23 of the *Remediation Action Plan 57-67 Roberts Road, Greenacre NSW Ref. 10950*
- 97. A Hazardous Building Material Assessments to be conducted prior to demolition of the existing structures. Contractual arrangements are to be established to ensure the demolition works are managed in accordance with the findings of this assessment. Once the buildings are demolished the site must be given an appropriate site clearance by an experienced consultant prior to the commencement of excavation.

An Unexpected Findings Protocol (UFP) is to be developed to ensure appropriate management of contamination or wastes that have not been detected in the site assessment.

Any material imported to the site must be either virgin excavated natural material (VENM), or another waste which is exempt under the resource recovery exemptions, such as *The excavated natural material exemption 2008*. VENM is described as a natural material (e.g. clay, gravel, sand, soil or rock fines):

- that has been excavated or quarried from areas that are not contaminated with manufactured chemicals or process residues, as a result of industrial, commercial, mining or agricultural activities; and
 - that does not contain sulphidic ores or soils, and includes excavated natural material that meets such criteria for virgin excavated natural material as may be approved for the time by a notice published in the NSW Government Gazette.
- 98. *A remediation report is to be developed on completion of the remedial works, detailing the results of waste classification, the volume of soil disposed offsite and the disposal locations, descriptions, volumes and validation information for all imported fill, and the management of any unexpected findings.*