

**ASSESSMENT REPORT – Industrial  
S79C – Environmental Planning & Assessment Act 1979**

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**SUMMARY**

**Application details**

DA No:	DA/442/2011
Assessment Officer:	Denise Fernandez
Property:	LOT 10 DP 619247 23 Factory Street, Granville
Proposal:	Demolition of existing warehouse, construction of a three storey building capable of being used as a warehouse or factory with ancillary office over basement car parking. The application is 'Nominated Integrated Development' under the Water Management Act 2000.
Date of receipt:	29 June 2011
Applicant:	Architext
Owner:	By The Bay Investments P/L
Submissions received:	8 submissions
Is the property owned by a Council employee or Councillor:	No
Issues:	Contamination, flooding, integrated development, easement
Recommendation:	Approval via Deferred Commencement

**Legislative requirements**

Zoning (at the time of lodgement):	4 Employment
Permissible under:	Parramatta LEP 2001
Relevant legislation/policies:	Parramatta LEP 2001 and Parramatta DCP 2005, Notification DCP, SEPP 55, SEPP Infrastructure.

Variations:	Yes - Masterplan Waiver (Cl. 30 of PLEP 2001)
Integrated development:	The proposal is integrated development as an activity approval is required under the Water Management Act 2000.
Crown development:	No

## **The site**

Site Area:	15,890m <sup>2</sup>
Heritage item:	No
In the vicinity of a heritage item:	No
Heritage conservation area:	No
Site History:	Yes

The subject site has a long history of prior industrial use. The site has been used as a warehouse and distribution centre since 1984 pursuant to Development Consent 84/140. Yates, Linfox and Colgate Palmolive have operated previously from the site.

DA/1059/1999 involved consent for partial use of the site for mechanical repairs and as a vehicular depot. The approved hours of operation associated with the 1999 consent were 7am to 7pm Monday to Friday and 7am to 4pm Saturdays.

DA/1637/2003 sought approval to the continued use of the site for a warehouse/distribution centre purpose. It was proposed that the goods to be warehoused included white goods, electrical appliances, steel catering equipment and food/beverage vending machines. This DA was approved in November 2004 for the use of the site as a warehouse and distribution centre/vehicular depot. The hours of operation of the site were varied in 2004 to become 6am to 10pm Monday to Sunday (inclusive).

The site is currently occupied by QLS Group Logistics, a national logistics provider specialising in the storage and transport of white and brown goods. Council records indicate there have been several breaches of the approved hours of operation of the site during 2010 and 2011. Complaints from residents indicate that the use of the site (use of forklift within the warehouse) as early as 3am and 4am on several occasions.

## **DA history**

29 June 2011	DA/442/2011 lodged with Council
5 July 2011	Request for information ➤ Use of Site

- Estimated Cost of Development
- Assessment against SEPP 55
- Provision of an acoustic report
- Masterplan Waiver
- Arts Plan
- Details of On-site Manoeuvring
- Traffic Impact Study
- Earthworks Plan
- Compliance with the Building Code of Australia

6 July 2011

Applicant requests an extension to submit additional information.

Council grants the request for an additional 30 days.

14 July 2011 to  
13 August 2011

Proposal advertised and notified for 30 days

4 August 2011

Additional information received as per Council's request on 5 July 2011.

23 June 2011

Amended stormwater plans submitted.

7 September 2011

Arborist report submitted.

29 September 2011

Sydney West JRPP briefing for subject application.

1 December 2011

14 day letter sent to applicant requesting to address the following:

*Council's Strategic Asset and Property Management have raised concerns regarding the construction of a drainage pipe through the Council Duck River Reserve (Lot 102 DP 619247). The Duck River Reserve is classified Community Land and pursuant to Section 46 of the Local Government Act 1993, Council cannot allow the creation of a drainage for the private pipe if it is not connected to a Council facility at the reserve. In this regard, it is advised that you liaise with Kwok Leung of Council's Strategic Asset and Property Management for further discussions relating to the matter.*

1 December 2011

In response, the applicant provided an amended hydraulic plan illustrating the relocation of the discharge pipe to bypass the Council Reserve.

## **SECTION 79C EVALUATION**

### **SITE & SURROUNDS**

The subject site comprises of 2 warehouse buildings with at grade parking for 105 vehicles and is surrounded by similar industrial and warehouse developments on the eastern side of Factory Street and residential premises on the western side. Australia Post occupies the site to the north of the subject site. The southern setback is developed by Australia Post and is occupied by landscaping and car parking spaces. To the south of the site are 2 factory buildings which accommodate Knorr-Bremese with the provision of basement parking. The site is bounded by Duck River and two separate Council reserves to the rear.

The site is legally described as LOT 10 in DP 619247 with a natural fall from the street to the rear boundary towards Duck River. The street level is RL 10.50 at the north-western corner of the site and falling to RL8.16 to the south-eastern corner. The subject site has a frontage to Factory Street of 97.995 metres, a northern side boundary of 159.2 metres, a southern boundary of 165.845 metres and an eastern rear boundary of 97.995 metres. The total site area is 15,890m<sup>2</sup>.

### **THE PROPOSAL**

The proposed development involves the demolition of the existing warehouse building and construction of a new office, warehouse and factory building comprising a floor area of 12,364m<sup>2</sup> and basement carparking for 181 vehicles and associated landscaping works around the perimeter of the site.

Details of the proposal are as follows:

- Demolition of the existing warehouse and concrete slab floors
- Construction of a new office, warehouse and factory totalling a floor area of 12276.26m<sup>2</sup> comprising of the following:
  - Basement level (RL7.2m) car parking spaces – 181 vehicles,
  - Ground floor level (RL 10.4m) office and warehouse uses plus loading dock, 101 with a floor area of 10191.94m<sup>2</sup>
  - First Floor level (RL 14.2m) office 1047.66m<sup>2</sup>,
  - Second Floor level (RL 18.0m) office 1036.66m<sup>2</sup>
- Landscaping works which includes the removal of 29 trees.
- Provides 2 separate access driveways that are adjacent to each other and located on the northern most end of the property boundary.
- Loading dock and 2 loading bays are provided to the rear of the site, as marked on the plan (Dig DA04 Issue A).
- 1 combined entry and exit driveway (8m wide) for use by heavy vehicles that provides access to the loading bays/dock facilities to the rear of the site.

- 1 combined entry and exit driveway (6m wide) that provides access to the basement level parking area.

At this stage approval is not being sought for the use of the site. The applicant has indicated that this will be the subject of a separate application for approval following consideration of the current proposal.

## PERMISSIBILITY

The proposed building is a warehouse or distribution centre which is defined by Parramatta Local Environmental Plan 2001 as being:

*“Warehouse or distribution centre means a building or place used mainly for storing handling or displaying items (whether goods or materials) which have been produced or manufactured for sale, but not for the retail sale of items to the public from the building or place”*

The proposal also seeks to provide a commercial/office area which is to be ancillary to the activities of the warehouse or distribution centre activity which is permitted on the site.

Accordingly, warehouse and distribution centres with ancillary commercial space is permitted with consent in the Employment 4 zone.

## REFERRALS

### Development Engineer

The proposal has been referred to Council's Development Engineer for review. The following comments were provided:

### **ISSUES**

#### ***Stormwater Disposal:***

*The staged development consists of “Construction of a three storey building containing a warehouse/factory and offices over basement car parking” at **23 Factory Street GRANVILLE** which is located on the eastern side of the street*

*The survey plan of the site indicates that the site slopes towards eastern direction. As the development comprises commercial development, the site stormwater management plan should include an on-Site stormwater detention system. The site lies under the catchment of Duck River (Delani Creek) and hence the OSD system needs to comply with the site storage requirement of **470m<sup>3</sup>/ha** and permissible site discharge of **80l/s/ha**.*

*The proposed to the stormwater management plan consists of an On-Site Detention (OSD) system with OSD underground storage tank proposed at the rear left side of the property. There were a few issues with the proposal submitted earlier which were communicated to the applicant. Following this,*

*amended stormwater plans addressing those issues were received. The amended plans propose a set of stormwater treatment devices to improve the water quality. These are proposed to follow the OSD storage tank. As the surface runoff contains pollutants the treatment system should precede the OSD system. The outflow from the OSD tank is proposed to be directed into a pit which then directs the flow into the proposed headwall at the riverbank of Duck River. There are few issues with the stormwater proposal, which are marked on the plan together with the comments and rectification requirements.*

**Earthworks (cut and fill):** *Excavation require for the basement carp park*

**Retaining Walls:** *Around the OSD tank*

## **CONCLUSION**

*The stormwater proposal together with the comments, notes annotated thereon will satisfy council's requirements.*

## **Planning Comment**

The conditions as recommended by Council's Development Engineer have been incorporated within the recommended conditions of consent.

## **Traffic**

The proposal has been referred to Council's Traffic Engineering team for review. The following comments were initially provided:

1. *This memorandum relates to the submitted Traffic Impact Statement (TRIM Doc D02053820), in accordance with the Council's letter to the applicant dated 5 July 2011 (TRIM Doc D02020813).*
2. *The details of the proposed development as per the submitted SEE are summarised below:*
  - *Total gross floor area of the proposed warehouse building = 12,364.00m<sup>2</sup> (Office area =2999.20m<sup>2</sup> and warehouse/factory area = 9,364.80m<sup>2</sup>)*
  - *Provision for 181 parking spaces in the basement level parking area*
  - *Hours of operation- 6am to 12midnight Monday to Friday; 6am to 5pm Saturday, and 6am to 12noon Sunday – office areas only.*
  - *Provides 2 separate access driveways that are adjacent to each other and located on the northern most end of the property boundary.*
  - *Loading dock and 2 loading bays are provided to the rear of the site, as marked on the plan (Dig DA04 Issue A).*

- 1 combined entry and exit driveway (8m wide) for use by heavy vehicles that provides access to the loading bays/dock facilities to the rear of the site.
  - 1 combined entry and exit driveway (6m wide) that provides access to the basement level parking area.
  - Delivery hours – 7am to 8pm Monday to Friday, and 7am to 4pm Saturday.
  - Delivery vehicles to be used – semi-trailers, small and large rigid vehicles (SRVs & HRVs) and small vans
  - Number of employees = 150 (as per the application form).
3. In response to Council's letter dated 5 July 2011 with regard to, in part, the intended use of the site, the applicant (as per TRIM Doc D02053820), advised that: "The use will be the assembly of products and warehouse storage for the components required in those products and there is no heavy industrial or polluting activity involved in the proposed usage".

### **Parking Requirements**

4. In accordance with Council's DCP 2005, the following parking rates should apply:
- Office component 2999.20m<sup>2</sup> GFA – "1 parking per space per 50m<sup>2</sup> GFA plus 1 loading bay per 400m<sup>2</sup> GFA" = 60 spaces plus 7.5 spaces (8 spaces) for loading bays
  - Warehouse/factory area = 9,364.80m<sup>2</sup> GFA - "1 parking per space per 70m<sup>2</sup> GFA plus 1 loading bay/dock per 800m<sup>2</sup> GFA" – 133.78 spaces (134 spaces) plus 11.70 spaces (12 spaces) for loading bays
  - Plus "1 bicycle space per 20 parking spaces" for commercial, retail and industrial developments = 9.70 bicycle spaces (10 spaces)

*Total parking requirements = 194 parking spaces plus 20 loading bays/dock and 10 bicycle spaces*

5. For the purposes of determining the proportion of the warehouse area and the factory area, the parking rates in accordance with the RTA Guide to Traffic Generating Developments has been used to calculate these areas. The parking rates for "Factory = 1.3 spaces per 100m<sup>2</sup> GFA and Warehouse = 1 space per 300m<sup>2</sup> GFA". Based on the RTA GTD data, it has been calculated that the factory and warehouse areas, equate to 8873.72m<sup>2</sup> GFA (94.75%) and 491.08m<sup>2</sup> GFA (5.24%) respectively. Therefore, it is required to provide 115 spaces for the factory and 2 spaces for the warehouse (total = 117 spaces) based on RTA parking rates.

6. Accordingly, based on Council's DCP 2005 for the office area and RTA Guide to Traffic Generating Developments for the warehouse/factory component, it is required to provide 60 spaces for the office area, 117 parking spaces for the warehouse/factory area (total = 177 spaces), plus 12 spaces for loading bays and 10 bicycle spaces.

#### **Parking Provision and Layout**

7. The calculation of the parking provision on-site as per the submitted Traffic Impact Statement is not acceptable as the parking rates for the office component (2999.20m<sup>2</sup> GFA) is different from the Warehouse/factory (9,364.80m<sup>2</sup> GFA) and can not be considered as ancillary to the warehouse/factory area. The submitted Traffic Impact Statement indicated that the proposed development is required to provide 177 parking spaces.
8. The proposed development provides 181 parking spaces (including 2 disabled parking spaces) and 10 bicycle spaces on-site in the basement level parking area. Accordingly, the total number of parking spaces provided on site is 4 greater than the required based on Council's DCP 2005 and RTA Guide to Traffic Generating Developments which is considered acceptable.
9. The submitted Traffic Impact Statement indicated that:

*"Parramatta DCP 2005 and draft DCP 2010 require loading bays at the rate of 1 per 800m<sup>2</sup> of gross floor area. Applying this rate to the warehouse floor area (9364.8m<sup>2</sup>), 12 loading bays are required. Architectural plans indicate that the loading dock is provided with 2 loading bays. Feedback from the applicant has identified that the proposed number of loading bays has been developed based on feedback from the intended tenant. In this regard, the intended tenant has indicated that the operational characteristics of the business are such that a maximum of 2 loading bays will be required at anyone time. In this regard, the number of loading bays is considered satisfactory".*

*The loading bays as shown on the submitted plans are acceptable.*

10. The proposed development will employ 150 staff, however, the proportion of the administrative staff and workers were not specified in the submitted SEE. The need for 181 parking spaces for 150 staff has not been addressed in the submitted SEE or Traffic Impact Statement.
11. The dimensions and configuration of the parking spaces including the aisle width comply with AS 2890.1-2004 and AS 2890.6-2009.
12. The layout of the parking provides a one-way traffic flow within the area as marked on the plan (Dwg DA03 Issue A) which is acceptable.

#### **Traffic Generation**



13. *The traffic generation data as indicated in the submitted Traffic Impact Statement is noted.*

#### **Access Arrangement**

14. *Access into and out of the site is provided on the northern most end of the property boundary off Factory Street via 2 driveways adjacent to each other (14m wide) as follows:*
- *combined entry and exit driveway (8m wide) for use by heavy vehicles providing access to the loading bays/dock facilities at the rear of the site, and*
  - *combined entry and exit driveway (6m wide) providing access to the basement level parking area.*

*According to the submitted Traffic Impact Statement, the driveway is 14.6m wide. The proposed driveways as shown on the SEE (page 1 - north-west view), are separated by a wall from the building line. Sight distance requirements to enable both delivery and passenger vehicles find a safe gap in oncoming traffic when leaving both access driveways have not been addressed in the submitted SEE or Traffic Impact Statement. On-street parking in Factory Street is heavily utilised and if a car is being parked outside the site, the sight lines for drivers exiting from the southern driveway (from basement level carpark) is approximately 20m for both left and right turn manoeuvres. These sight lines do not comply with the minimum stopping sight distance in accordance with AS 2890.1-2004. In order to improve sight distance for motorists exiting the site, it is appropriate to install regulatory "No Stopping" parking restrictions outside the site to a distance of 20m to the north and south of the proposed driveways, subject to the approval of the Parramatta Traffic Committee, if this DA is to be approved.*

15. *The width of the access driveway to the basement level is acceptable. However, the width of the access driveway for use by heavy vehicles does not comply with AS 2890.2-2002 and is not satisfactory. Figure 3.1 of AS 2890.2-2002 specifies a width of 12.5m minimum to cater for heavy rigid and articulated vehicles (HRVs and AVs) and 9m and 6m for medium and small rigid vehicles (MRV and SRV) respectively. Note 2 of Figure 3.1 of AS 2890.2-2002 states that "larger vehicles may be able to use narrower driveways depending on the width of public road available for manoeuvring in or out of the site".*
16. *This section of Factory Street has a road width of approximately 11.5m and on-street parking is heavily utilised in this street. If on-street parking is occupied on both sides of the road, then the road width will be reduced to approximately 8m and as such, a semi-trailer may take up most of the road width when turning left into or out of the driveway. Accordingly, the driveway on the northern end (for heavy vehicles) should be widened in accordance with Figure 3.1 of AS 2890.2-2002.*

17. *The submitted Traffic Impact Statement indicated that:*

*“The Roads and Traffic Authority, in their Guide to Traffic Generating Developments, have established recommended driveway widths based on the conditions of the access road (major or minor) and the number of spaces the driveway is to serve. The passenger vehicle driveway serves 181 off-street spaces, with Factory Street considered to perform a "minor" function. Based on Tables 6.1 and 6.2 within the Guide, a combined driveway of 6m width is recommended as a minimum. The heavy vehicle driveway is 8m in width and is compliant with the above tables in being a minimum of 8m in width”.*

*Note that the RTA GTD specifies separate entry (8-10m wide) and exit (8-10m wide) driveways for heavy vehicles and not combined driveways.*

18. *The proposed development provides a loading dock and 2 loading bays at the rear of the site, as marked on the plan (Dwg DA04 Issue A). The proposed delivery hours are from 7am to 8pm Monday to Friday and from 7am to 4pm Saturday using semi-trailers, small and large rigid vehicles (SRVs, HRVs and ARVs) and small vans*
19. *The RTA Guide to Traffic Generating Developments indicated that “where possible, trucks must travel a minimum distance of 30m before being required to stop” so that drivers will not be forced or encouraged to stand their delivery vehicles on the road. The plan shows a distance of 25m between the driveway and the truck inspection bay.*
20. *The gradients of the driveway to the basement level, as shown on the plan (Dwg DA08 Issue A) are 1:20 (5%) for first 6m long from the property boundary line followed by 1:8 (12.5%) for 2m long, then 1:5 (20%) for 11.9m long and 1:8 (12.5%) for 2m long, which comply with AS 2890.1-2004.*
21. *The submitted plans showing the turning path of vehicles within the basement level parking and loading dock areas are considered acceptable.*

### **Recommendation**

*If this DA is to be approved, then the following traffic related conditions should be included in the conditions of consent:*

1. *181 off-street parking spaces (including 2 disabled parking spaces) are to be provided, permanently marked on the pavement and used accordingly. The dimensions for parking spaces and aisle width to be in accordance with AS 2890.1-2004 (minimum of 2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent walls and 6.2m aisle*

- width minimum. At blind aisles, the aisle is to be extended by 1.0m (minimum) beyond the last parking space).*
2. *The dimensions and configuration of the disabled parking spaces are to comply with AS 2890.6-2009 (a dedicated space plus a shared space - 2.4m wide x 5.4m long each with a bollard installed on the shared space).*
  3. *The proposed one-way traffic movement within the basement level parking is to be marked permanently with pavement directional arrows.*
  4. *Loading bays/dock, as shown on the plan, is to be provided on site in accordance with Council's DCP 2005 and AS 2890.2-2002.*
  5. *A combined entry and exit driveway (6m wide providing access to the basement level and 12.5m wide providing access to the loading dock at the rear of the site with 300mm clearance both sides between kerbs) to be provided and constructed according to AS 2890.1- 2004, AS 2890.2-2002 and Council's specification.*
  6. *Driveway and ramp gradients are to comply with Clause 2.5, Clause 2.6 and Clause 3.3 of AS2890.1-2004.*
  7. *The driveway width (w) at the concrete layback is to comply with Council's Standard Vehicular Crossing plan (DS8).*
  8. *Column locations are to be installed in accordance with Clause 5 and Figures 5.1 and 5.2 of AS 2890.1-2004.*
  9. *Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.*
  10. *Ground Clearance Template as shown in Appendix C of AS 2890.1-2004 must be used to check that adequate ground clearance is provided on ramps, circulation roadways, access driveways or other vehicular paths where there is a grade change or an irregularity in the vertical alignment e.g. a hump, dip or gutter.*
  11. *Sight distance to pedestrians exiting the property is to be provided by clear lines of sight in a splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1. The required sight lines to pedestrians or other vehicles in or around the site should not be compromised by the landscaping, signage fences, walls or display materials.*
  12. *The minimum available headroom clearance to be signposted at all entrances is to be 2.2m (for cars and light vans including all travel paths to and from parking spaces) and 2.5m (for parking spaces for people with disabilities) measured to the lowest projection of the roof (fire sprinkler, lighting, sign, and ventilation), according to AS 2890.1-2004 and 2890.6-2009.*
  13. *A convex mirror is to be installed within the ramp access (one near the entry driveway & one at the bottom of the ramp access) with its height and location adjusted to allow an exiting driver a full view of the driveway in order to see if another vehicle is coming through.*
  14. *Regulatory "No Stopping" parking restrictions are to be installed outside the site on Factory Street to a distance of 20m to the north and south of the proposed driveways, subject to the approval of the Parramatta Traffic Committee and Council. All costs associated with the supply and*

*installation of the appropriate signs are to be paid for by the applicant at no cost to Council. The applicant is to submit an application to Council's Service Manager-Traffic and Transport regarding the "No Stopping" parking restrictions at least 4 months prior to final occupation of the building.*

15. *Occupation of any part of footpath or road at or above (including construction and/or restoration of footpath and/or kerb or gutter) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.*
16. *Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.*

### **Planning Comment**

The conditions as recommended by Council's Traffic Engineer have been incorporated within the recommended conditions of consent.

It is noted that the above comments from Council's Traffic Engineer was further amended in regards to references to the use of the premises and the consequent operational details. Council's Traffic Engineer provided amended comments clarifying that the reference to staffing numbers and operational hours were used as guidelines only and that irrespective of these operational details, the assessment of the required parking spaces the subject development was based on the proposed floor area. Council's Traffic Engineer also confirmed that as the occupation/use of the warehouse has not been ascertained, that further traffic assessment will be required pending the lodgement of a separate application and consequent approval for the occupation of the premises.

### **Health (Contamination)**

The proposal has been referred to Council's health officer for review. The following comments were provided:

#### ***DISCUSSION***

*It is noted that the contamination assessment identifies potential contamination at the site of underground storage tanks. The contamination assessment recommends a Stage 2 Contamination Assessment around the UST to further identify potential contamination.*

*The Environmental Noise Impact Assessment was also reviewed and the levels were within the guidelines of the NSW Industrial Noise Policy, subject to special conditions of consent (EHF12: No 'offensive noise')*

#### ***CONCLUSION***

*Whilst a Stage 2 assessment may identify further contamination, the below conditions not only identify further contamination and remediation of the site, but deal with the decommissioning and removal of the underground storage tanks:*

- Decommissioning and removal of the Underground Storage Tanks and/or Underground Petroleum Storage System (UPSS) is to be carried out in accordance with the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2008, State Environmental Planning Policy (SEPP) 55, Office of Environment and Heritage UPSS Technical Note: Decommissioning, Abandonment and Removal of UPSS (Jan 2010), Australian Standards AS4897 – 2008: Design, installation and operation of underground petroleum storage systems, AS4976 – 2008: Removal and Disposal of Underground Petroleum Storage Tanks, Occupational Health and Safety Regulation 2001, and WorkCover NSW Code of Practice for Storage and handling of Dangerous Goods.*
- Within 60 days after decommissioning and removal (or remediation, if required) of existing UPSS, a site validation report in accordance with SEPP 55 and POEO (UPSS) Regulation 2008 is to be submitted to Parramatta City Council verifying that the site is suitable for continued and future use. Such report shall be completed by a suitably qualified contaminated land consultant, with reference to the Department of Environment, Climate Change and Water's Contaminated Sites Series.*
- If the validation report deems that remediation is required, a remedial action plan must (RAP) be developed, and remediation must be undertaken in accordance with the RAP. After remediation, a further site validation report is required, assessing whether the goals set in the RAP have been reached.*

### **REASONS NOT SUPPORTED**

*Further information is required to enable assessment of this application, and a further referral is required upon receipt of the additional information.*

### **Planning Comment**

In further correspondence to Council's Health (Contamination) Officer, it was ascertained that the above conditions is to be incorporated into the recommended conditions via a Deferred Commencement. The inclusion of the above is considered to be appropriate given that the site is unlikely to be contaminated and that this issue could be dealt with as Deferred Commencement conditions. This would also facilitate the timely determination of the application.

### **Health (Waste)**

The proposal has been referred to Council's Health (Waste) Officer for review. The following comments were provided in regards to the application.

*It is confirmed that all contractors indicated on the waste management plan are still operating. A search has indicated that one of the potential contractors Bradshaw industries is in liquidation. If not will require a resubmission of the waste mgt plan.*

*Applicant is to advise details of contractors appointed for the construction and demolition in writing to waste compliance officer prior to Construction Certificate.*

*Please apply PD 15 - The completed waste data file must be submitted to council for approval by waste compliance officer prior to the issue of an Occupation Certificate to confirm the approved waste management plan has been adhered to.*

*Applicant to clarify access to cleaning of the bins and who will be responsible for maintaining the bins. If a caretaker is being appointed details are to be provided to council prior to Occupation Certificate.*

*Applicant also to confirm details of private contractor. If private contractor, applicant to provide details in writing of the appointed contractor will be, number of bins that will also be provided and frequency of collection.*

## **Planning Comment**

To address the above concerns, the following action has been taken:

- A condition will be incorporated in to the consent requiring that a final Waste Management Plan is to be submitted to the Certifying Authority prior to the issue of a Construction Certificate which ascertains the details of all private contractors to be used to manage the waste collection during the demolition and construction of the development, the frequency of collection and how many bins are to be provided. It will also be noted that a copy of the final Waste Management Plan is to be submitted to Council.
- A condition will be incorporated into the consent that requires the submission of the completed Waste Data File to Council prior to the issue of the Occupation Certificate.
- A condition will be included in the consent that requires the applicant to submit details of the process for bin cleaning and that if a caretaker is to be responsible, that these details is to be provided to Council prior to the release of the Occupation Certificate.

## **Catchment**

The proposal has been referred to Council's Catchment Engineer for review on a number of occasions. The following final comments were provided:

### **1. The Project**

The submission involves the demolition of an existing warehouse and construction of a three storey office/warehouse/factory over basement parking.

The property is lower than its main (& western) frontage to Factory Street and slopes continually down to the adjacent Duck River corridor.

## 2. *Flood Levels*

Duck River flood levels provided to Bewsher Consulting by Council show the following:

Flood Levels at Cross Section X32 (which is located immediately north of the property's northern boundary)

20 year ARI	5.90m AHD
100 year ARI	6.57m AHD

Flood Levels at Cross Section X31 (which is located about 60 metres south, or upstream of the property's southern boundary)

20 year ARI	5.98m AHD
100 year ARI	6.65m AHD

The Council also supplied the following:

- A figure showing the 100 year event extent of inundation along the adjacent reach of Duck River. This showed that the whole of No. 23 Factory Street was above the 100 year floodplain;
- A 1:10,000 scale figure of lower Duck River showing the (draft) PMF extent of inundation. The figure is not very clear but appears to show that the PMF flood would inundate most of the site and extend as far west as the current warehouse building frontage to Factory Street (where the ground level approximates about RL 9.5m AHD).

## 3. *Relevant Project Information used for this review*

- A set of architectural plans prepared by Architex (under Job No. 1988) Drawing Nos. DA 01 to DA 11 all Issue A and dated 15 June 2011;
- A site survey plan prepared by H Ramsay & Co. (Ref 7725/11) and dated 2 February 2011.

## 4. *Flood Proneness Review*

The lowest levels in the property are along its rear boundary adjacent to Duck River. Those levels vary between about RL 7.9 and 8.6m AHD. Therefore – as shown in the Council flood inundation map referenced in *Section 2* of this memo – it is confirmed that the whole of the property is above the 100 year floodplain. Furthermore, the very

lowest part of the property is about 1.3 metres higher than the 100 year flood level.

Additionally, the architectural plans show that the proposed ground floor level is RL 10.40m AHD which corresponds to about 3.8 metres above the 100 year flood level. Furthermore, based on our interpretation of the draft PMF flood map, the ground floor level is also about one metre above the PMF flood level.

The only part of the proposed development which is below the PMF flood level is the basement car parking area which has a proposed floor level of RL 7.2m AHD. However even it is protected from any flood inundation – including the PMF event - since Architectural Plan No. DA08 (A) shows that the ground level at the point where the basement ramp leaves the building is about RL 10.0m AHD. The architectural plans show the provision of five sets of access stairs from the basement level up to either the ground floor level or to the property frontage to Factory Street. There does not appear to be any openings either in the basement walls or in the stair wells which would permit any extreme (i.e. very rare) flood waters to enter the basement.

## 5. *Review Findings*

As described above, the whole property lies above the 100 year floodplain while a majority of it would be inundated in the PMF event.

It is therefore clear that the property lies within the Low Flood Risk precinct.

Given that scenario, it is noted that we have not sighted any submission which addresses Council's *Local Floodplain Risk Management Policy*.

The series of controls that are listed in Council's *Floodplain Matrix* for an industrial building in a Low Flood Risk precinct shows:

- (i) that most of the controls are floor level-related, and our review has found that the proposed development 'easily' satisfies all of them;
- (ii) the remaining controls call for the following 'demonstrations':
  - (a) Under *Flood Affection Item 2*: the impact of the development on flooding elsewhere to be considered...;
  - (b) Under *Evacuation Item 4*: the development to be shown to be consistent with any relevant flood evacuation strategy or similar plan.

And it is considered that both (a) and (b) can be readily addressed with respect to this development.



## 6. Conclusions

Although the applicant has not undertaken an assessment against Council's flood policy, the review has found that effectively there are no non-compliance issues.

If Council determines that items listed under (a) and (b) in *Section 5* of this memo need to be formally addressed, it is recommended that this be achieved through specific DA consent wording.

### **Planning Comment**

It is considered that as Council's Catchment Engineer has no outstanding issues with the proposal, that the matter raised under 5 (a) is satisfied. To address issue 5 (b) the submission a Flood Evacuation Plan will be incorporated in the conditions of consent.

### **Open Space and Natural Resources**

The proposal has been referred to Council's Open Space and Natural Resources Team for review. The following comments were provided:

*The proposed development at 23 Factory Street, Granville (DA/442/2011) adjoins Duck River Reserve, and accordingly we make the following comments:*

- *Fencing must be maintained &/or replaced along the boundary with the public reserve to the satisfaction of Council to clearly delineate public and private areas;*
- *No gates or the like are permitted to provide access between the property and council reserve;*
- *No access through or storage of materials in the reserve to ensure protection of the waterway riparian corridor and unrestricted public access (including the right of the public to pass, re-pass and remain upon the land for recreational and access purposes);*
- *To control the spread of weeds or exotic seeds into the adjoining bushland reserve, a strip of filter fabric is to be attached to the sediment fence prior to the commencement of demolition excavation or building works. The filter fabric is to be a minimum of 50mm into the existing ground, is to extend a minimum of 150mm above existing ground and to be securely attached to the entire length of the sediment fence. The build-up of sediment against the filter fabric is to be regularly removed and disposed of responsibly off-site to maximise ongoing effectiveness;*
- *Works must be carried out so that no materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or banks or into the waters of Duck River and no material is likely to be carried by natural forces to the bed, banks or waters of Duck River.*

- *Support planted garden bed along entire extent of rear boundary fence utilising proposed native species (as turf is invasive into adjacent bushland & to provide screening to soften development interface).*

## **Planning Comment**

The conditions as recommended by Council's Open Space and Natural Resources Officer have been incorporated within the recommended conditions of consent.

## **Landscape**

The application has been referred to Council's Landscape Officer for review. The following comments were provided:

### ***Issues***

#### ***Impact on Site Trees***

*Twenty-nine (29) trees will be required to be removed for the development application. Nine (9) of the trees were previously approved for removal for sewer line replacement works via TA/352/2008 but this work was never undertaken. The existing trees located at the front of the site have been planted in an adhoc way and while screening has been achieved consideration to the location to the existing building and services has not been considered. A significant amount of tree replenishment is included in the landscape proposal for the site and street tree planting has been conditioned within this referral.*

*Trees to be removed are refer to (Arboricultural Impact Assessment by Redgum Arboricultural & Horticultural Consultants (Ref No – 7020) dated 30 August 2011):*

<b>Tree No</b>	<b>Name</b>	<b>Common Name</b>	<b>Location</b>	<b>Reason</b>
7	Dead	Dead	North boundary	Dead
8	Melaleuca quinquenervia	Paperbark	Front	Small tree – low significance located in area where ramp/driveway area is proposed.
9	Melaleuca quinquenervia	Paperbark	Front	Small tree – low significance located in area where ramp/driveway area is proposed.
10	Melaleuca quinquenervia	Paperbark	Front	Small tree – low significance located in area where ramp/driveway area is proposed.
11	Eucalyptus microcorys	Tallowwood	Front	Located in area where ramp/driveway area is proposed – worthy of retention but significant design changes required.
12	Eucalyptus	Tallowwood	Front	Located in area where ramp/driveway

	<i>microcorys</i>			<i>area is proposed – worthy of retention but significant design changes required.</i>
13	<i>Casuarina glauca</i>	Swamp Oak	Front	<i>Unsuitable location over main sewer line – approved previously for removal via TA/352/2008.</i>
14	<i>Corymbia maculata</i>	Spotted Gum	Front	<i>Unsuitable location over main sewer line – approved previously for removal via TA/352/2008.</i>
15	<i>Casuarina glauca</i>	Swamp Oak	Front	<i>Unsuitable location over main sewer line – approved previously for removal via TA/352/2008.</i>
16	<i>Casuarina glauca</i>	Swamp Oak	Front	<i>Unsuitable location over main sewer line – approved previously for removal via TA/352/2008.</i>
17	<i>Casuarina glauca</i>	Swamp Oak	Front	<i>Unsuitable location over main sewer line – approved previously for removal via TA/352/2008.</i>
18/6 x 3	<i>Casuarina glauca</i>	Swamp Oak	Front	<i>Unsuitable location over main sewer line – approved previously for removal via TA/352/2008.</i>
19	<i>Corymbia maculata</i>	Spotted Gum	Front	<i>Unsuitable location over main sewer line – approved previously for removal via TA/352/2008.</i>
19a	<i>Eucalyptus haemastoma</i>	Scribbly Gum	Front	<i>Small tree suppressed by other trees</i>
21	<i>Melaleuca quinquenervia</i>	Paperbark	Front	<i>Small tree suppressed by other trees</i>
22	<i>Eucalyptus microcorys</i>	Tallowwood	Front	<i>Unsuitable location over main sewer line – approved previously for removal via TA/352/2008.</i>
24	<i>Eucalyptus microcorys</i>	Tallowwood	Front	<i>Unsuitable location over main sewer line – approved previously for removal via TA/352/2008.</i>
25	<i>Grevillea 'Moonlight'</i>	Moonlight Grevillea	Front	<i>Unsuitable location to adjacent building</i>
26	<i>Melaleuca quinquenervia</i>	Paperbark	Front	<i>Unsuitable location to adjacent building</i>
27	<i>Melaleuca quinquenervia</i>	Paperbark	Front	<i>Unsuitable location to adjacent building</i>
28	<i>Casuarina glauca</i>	Swamp Oak	Rear	<i>Poor – fair condition – sparse canopy.</i>
29	<i>Casuarina glauca</i>	Swamp Oak	Rear	<i>Poor – fair condition – sparse canopy.</i>
37/9 x 2	<i>Melaleuca quinquenervia</i>	Paperbark	Rear	<i>Unsuitable location to existing building requires demolition</i>
38/10 x 3	<i>Melaleuca quinquenervia</i>	Paperbark	Rear	<i>Small trees located in proposed drainage area – no amenity issues</i>

**Reason:** *To allow appropriate development of the site.*

### ***Impact on adjoining trees***

#### ***Landscape***

*The Landscape Plan by Vision Dynamics Pty Ltd (Drawing No – 10029DA1/Rev 'B') dated 23 June 2011 submitted to Council has been completed in accordance with Council's relevant DCP and shall be incorporated into the development consent. The plan has addressed the issues of screening and tree replenishment using a mixture of native and exotic plant species.*

#### ***Earthworks (cut and fill)***

*A basement car park area is proposed for the site.*

#### ***Retaining Walls***

*Retaining walls are required at the rear of the site for the OSD design.*

### ***REASONS SUPPORTED***

*To allow Demolition of existing warehouse, construction of a three storey building containing a warehouse/factory and offices over basement car parking. The application is 'Nominated Integrated Development' under the Water Management Act 2000. The application will be determined by the Western Sydney Joint Regional Planning Panel.*

### ***CONCLUSION***

*The proposal does satisfy the requirements of Council's controls and can be supported.*

### **Planning Comment**

The above conditions have been incorporated within the recommended conditions of consent.

### **Building**

The application has been referred to Council's Building Surveyor for review. The following comments were provided:

*This development proposal has been reviewed and with respect to the Building Code of Australia.*

*It is noted the application has been accompanied by a BCA report prepared by Peter Boyce of Peter J Boyce and Associated dated 20 July 2011. This report outlines the clauses in the BCA that need to be complied with, however a considerable concession is being sought to the floor area and volume considerations with respect*

*to the type of construction. The author of the report has outline it is their intention to have this matter assessed as part of an alternate solution. If this concession is unable to be validated by a Fire Engineer a Section 96 application to modify any approval issued with respect to the building envelope maybe required.*

*In this regard it is considered the report before Council is adequate to facilitate the DA assessment as the BCA report lists the requirements of this development and what is need to satisfy the BCA.*

*The detail with respect to the specifics regard BCA and a fire engineered report will be the subject of a Construction Certificate Assessment.*

*In this regard no issue is raised with respect to the DA assessment subject to the imposition of the standard condition for compliance with the BCA and the condition for level 1 fire safety measures to be documented prior to the issue of an Occupation Certificate.*

## **Planning Comment**

The above comments are noted and the relevant conditions to ensure compliance with the BCA will be incorporated in the consent.

## **RailCorp**

The application has been referred to Railcorp as the development site is approximately 500 metres from Clyde Railway Station. Upon review of the application Railcorp, the following comments were received.

### **1. Noise and Vibration**

RailCorp is concerned that the future occupants of the development will encounter rail-related noise and vibration from the adjacent rail corridor. Rail noise and vibration can seriously affect residential amenity and comfort, jeopardise the structural safety of buildings, and thus should be addressed early in the development process.

The Department of Planning has released the document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The document is available on the Department of Planning's website.

Council is therefore recommended to impose the condition of consent:

- *An acoustic assessment should be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".*

### **2. Stray Currents and Electrolysis from Rail Operations**

Stray currents as a result of rail operations may impact on the structure of the development. Electric currents on overhead wiring pass through the train's motor and return to the power substation via the rail tracks. Occasionally, these currents may stray from the tracks and into the ground. Depending on the type and condition of the ground, these may be passed to the nearest conductive material (concrete reinforcement, piling, conduits, pipework and earthing rods) accelerating corrosion of metals and leading to concrete cancer. Therefore, the Applicant should consider this possible impact, and engage an expert consultant when designing its buildings. It is recommended that Council

include the following condition of consent:

- *Prior to the issue of a Construction Certificate the Applicant should engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report should be provided to the Principal Certifying Authority with the application for a Construction Certificate.*

### **3. Crane and Other Aerial Operations**

During construction, the use of cranes and other equipment capable of intruding into the airspace above the corridor and of operating over any overhead wiring or transmission lines must be strictly controlled. The developer must demonstrate to the satisfaction of RailCorp that all crane and other overhead operations are properly managed, and enter into an agreement with RailCorp for such operation. It is requested that Council include the following condition of consent:

- *Prior to the issuing of a Construction Certificate the Applicant is to submit to the Rail Authority a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the Rail Authority confirming that this condition has been satisfied.*

### **4. Carparking and Promotion of Public Transport**

Developments near railway stations provide an opportunity to promote the use of public transport and a reduction in private vehicle usage. Council's attention is drawn to Clause 9(e) (ii) and Clause 12(1) of Draft SEPP66 which deal with parking requirement and transport implication for DAs.

The development proposes 181 car parking spaces to be built on this site. RailCorp believes that this is a superfluous amount of car parking spaces for the number of bedrooms being provided, especially given its close proximity to a major transport node i.e. Clyde station. RailCorp encourages Council to consider a reduction of car parking spaces for this particular development in order to meet the objectives of Draft SEPP66.

Finally, it is asked that Council forward to RailCorp a copy of the final development consent to enable RailCorp to monitor the Applicant's compliance with rail related conditions of consent.

Thank you for providing RailCorp the opportunity to comment and please contact me if you have any further enquires.

## **Planning Comment**

The applicant was provided with a copy of the letter and the recommended condition of consent will be imposed.

The above comments refer to a '*superfluous amount of car parking spaces for the number of bedrooms being provided*'. It is noted that the proposal does not seek approval for bedrooms given the industrial/warehouse nature of the development. Further, the existing development provides for 105 at-grade spaces. The proposal for 181 car spaces to be located within the basement is considered to be within similar circumstances and which is envisaged by the potential permissible industrial uses on the site.

## **Office of Water –Integrated Development**

The application has been referred to the NSW Office of Water as the development is nominated integrated development as works are occurring within 40m of the bank of a river. The following comments were provided:

I refer to your recent letter regarding an Integrated Development Application (DA) proposal for the subject property. Attached, please find the NSW Office of Water's General Terms of Approval (GTA) for 'works' requiring a Controlled Activity Approval under the *Water Management Act 2000* (WMA), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A(3) of the *Environmental Planning and Assessment Act, 1979* (EPAA) which requires a consent, granted by a consent authority, to be consistent with the GTA proposed to be granted by the approval body.

If the proposed development is approved by Council, the NSW Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The NSW Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional 'works' on waterfront land (ie in or within 40 metres from top of highest bank of a watercourse, foreshore, or lake). Once notified, the NSW Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed 'works' are part of Council's proposed consent conditions and the 'works' do not appear in the original documentation.
- The NSW Office of Water should be notified if Council receives an application to modify the consent conditions. **Failure to notify may render the consent invalid.**
- The NSW Office of Water requests notification of any legal challenge to the consent.

Under Section 91A(6) of the EPAA, Council must provide the NSW Office of Water with a copy of any determination/s including refusals.

As a controlled activity (ie the 'works') cannot commence before the applicant applies for and obtains a Controlled Activity Approval, the NSW Office of Water recommends that the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council".

**The attached GTA are not the Controlled Activity Approval.** The applicant must apply (to the NSW Office of Water) for a Controlled Activity Approval **after consent** has been issued by Council **and before** the commencement of any 'works' on waterfront land.

Finalisation of a Controlled Activity Approval can take up to 8 weeks from the date the NSW Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form together with any required plans, documents, the appropriate fee and security (ie bond, if applicable) and proof of Council's development consent.

Application forms for the Controlled Activity Approval are available from the undersigned or from the NSW Office of Water's website  
<http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx>

The NSW Office of Water requests that Council provide a copy of this letter to the applicant.

## Planning Comment

The applicant was provided with a copy of the letter and the General Terms of Approval will be imposed in any consent issued.

It is noted that the relocation of the discharge pipe and consequent amendments to the hydraulic plans were reviewed by the Office of Water. On 13 December 2011, the Office of Water raised no objections to the relocation of the discharge provided that the material of the headwall is to be constructed as per the guidelines for outlet structures. In further conversation with the Office of Water, it was advised that the materials used for the headwall may be discussed once the applicant applies for the Controlled Activity Approval from the Office of Water. Accordingly, a condition will be recommended for inclusion in the consent requiring the applicant to construct and

use materials for the headwall in accordance and to the satisfaction of NSW Office and Water.

## **PUBLIC CONSULTATION**

In accordance with Council's Notification DCP, the proposal was advertised with owners and occupiers of surrounding properties, given notice of the application for a 30 day period between 14 July 2011 and 13 August 2011. In response, 8 submissions were received including two confidential submissions. The issues raised within these submissions are addressed below.

- 1 Fourth Street, Granville
- 2 Fourth Street, Granville
- 5 Fourth Street, Granville
- 6 Fourth Street, Granville
- 7 Fourth Street, Granville
- 8 William Street, Granville

**Concern is raised that the use for the premises remains unknown and that this use must not be for commercial purposes.**

The application seeks consent to the construction of a building that can be used as a warehouse and ancillary office. Any future use of the site will require development consent and the lodgement of a Development Application and the use must be permissible under the IN1 General Industrial zone.

A condition will be included in the consent that no approval is given to the use of the building and that the occupation of the development is to be subject of a separate development application.

**Concern is raised that due to the secured nature of the basement parking that visitors will be forced to park on the street.**

There is no evidence that the basement parking will be installed with security devices that restricts the use of the basement parking to employees and authorised personnel only. As the development provides 181 spaces which is greater than the minimum spaces required (117 spaces) under the RTA Guidelines, the development is unlikely to result in a loss of on-street parking. The application was reviewed by Council's Traffic Engineer who raised no objections to the proposal on parking grounds.

**Concern is raised there no facilities are provided for parking heavy vehicles.**

The applicant has submitted a Traffic and Parking Impact Report which provides the following statement regarding parking for heavy vehicles.



### **3.4.2 Heavy Vehicle Servicing**

A heavy vehicle loading dock is situated at the rear of the site at ground level. This loading dock is accessed via the northern most driveway from Factory Street, with an internal roadway of 8m extending along the northern site boundary to the rear of the site. The roadway width of 8m allows two on-coming heavy vehicles to adequately pass, although we note that the probability of two heavy vehicles using the roadway simultaneously is low.

Upon arriving to the loading area at the rear of the site, delivery vehicles are able to reverse into either of the 2 loading bays within the loading dock. Once the loading/unloading process is complete, heavy vehicles are then able to exit the site in a forward direction without any further excessive manoeuvring. Vehicle turning path plans prepared by this Practice (attached within **Appendix 1**) using Autoturn software indicates that both loading bays are readily negotiable within the loading area as indicated on the architectural site plans.

Parramatta DCP 2005 and draft DCP 2010 require loading bays at the rate of 1 per 800m<sup>2</sup> of gross floor area. Applying this rate to the warehouse floor area (9364.8m<sup>2</sup>), 12 loading bays are required. Architectural plans indicate that the loading dock is provided with 2 loading bays. Feedback from the applicant has identified that the proposed number of loading bays has been developed based on feedback from the intended tenant. In this regard, the intended tenant has indicated that the operational characteristics of the business are such that a maximum of 2 loading bays will be required at any one time. In this regard, the number of loading bays is considered satisfactory.

The above statement was reviewed by Council's Traffic Engineer and upon review of the document and corresponding plans, raised no objections subject to conditions of consent.

#### **Concern is raised that on-site manoeuvring is unsafe for pedestrians and other vehicles.**

Section 3.4 of the Traffic and Parking Impact Report submitted by the applicant addresses internal circulation and manoeuvrability. It states that passenger vehicles will utilise the internal roadway to access the basement parking level. The roadway to the basement level is of 6.6 metres wide which allows on-coming vehicles to safely pass.

A one-way internal circulation arrangement is proposed within the basement parking area. The internal aisle widths range from 6 metres to 6.39 metres. Given the one way arrangement, the aisle widths are sufficient to facilitate vehicle circulation within the basement. The proposed aisle widths generally comply with the Australian Standard AS2890.1. However, a minor non-compliance with the aisle width adjacent to parking space 30 and 31 where the lift and fire stairs extend to the aisle and narrows to approximately 5.5 metres. In this regard, the applicant has proposed these spaces be assigned for use by 'small cars' only to maintain appropriate manoeuvrability.

The Traffic and Parking Impact Report was referred to Council's Traffic Engineer for comment. Council's Traffic Engineer supports the provision of a one-way traffic flow within the basement area as marked on the Basement Plan (Dwg DA03 Issue A). To further ensure appropriate manoeuvring on-site manoeuvring, Council's Traffic Engineer has recommended the following conditions for inclusion in the consent.

1. 181 off-street parking spaces (including 2 disabled parking spaces) are to be provided, permanently marked on the pavement and used accordingly. The dimensions for parking spaces and aisle width to be in accordance with AS 2890.1-2004 (minimum of 2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent walls and 6.2m aisle width minimum. At blind aisles, the aisle is to be extended by 1.0m (minimum) beyond the last parking space).
2. The proposed one-way traffic movement within the basement level parking is to be marked permanently with pavement directional arrows.
3. A combined entry and exit driveway (6m wide providing access to the basement level and 12.5m wide providing access to the loading dock at the rear of the site with 300mm clearance both sides between kerbs) to be provided and constructed according to AS 2890.1- 2004, AS 2890.2-2002 and Council's specification.

The above conditions will be incorporated into the recommended conditions of consent.

**Concern is raised that the residential premises across from the subject site will experience a reduction of privacy as a result of the proposal.**

The proposed development has a front setback of 8 metres and is generally consistent with the front setback of adjoining properties. The road width of Factory Street is 11.5 metres which results in a cumulative building separation of 19.5 metres between the development and the front boundary of the residential premises across from the subject. The proposed building separation assists in ameliorating undue privacy impacts to and from the subject site. Further, the front setback of the warehouse is to accommodate landscaping comprising of a variety of trees and shrubs to assist with reducing direct views to and from the site and this side of the street was zoned for such uses.

**Concern is raised that the application seeks approval for removal of trees which is unnecessary and undesired given that it provides natural privacy screening.**

A Landscape Plan was submitted with the application along with the details for the removal of 29 trees. Despite the proposal to remove 29 trees on-site, the Landscape Plan has provided details of vegetation and plant species which replaces the removed trees to improve on-site landscaping. Council's Landscape Officer did not object to the removal of these trees and in this regard, the proposed development resulting in replacement vegetation will enhance the local biodiversity which is supported by the Landscape Plan.

In respect to the contribution of trees and landscaping to ameliorating privacy impacts to and from the site, the current landscaping area within the front setback will be retained. This portion of landscaping will accommodate vegetation comprising of trees and shrubs to reduce undue overlooking impacts to and from the site. The landscaping to this area of the site screens the development from the street which also softens and improves the presentation of the development on the streetscape.

The permissible uses on the site allows for non-residential uses which minimises overlooking concern when combined with the road way, increasing the buffer zone between the site and the residential premises opposite. Accordingly, the proposal is acceptable in this regard.

**Concern is raised that the trucks entering and exiting the subject site and the operation of the Air Conditioning Units will increase adverse acoustic levels to the residential premises across from the site. Concern is also raised that the cumulative acoustic impacts of the trucks and the activities of the neighbouring Australia Post site will result in increased acoustic levels.**

An Acoustic Report was submitted and under Section 6.2 of the report, the predicted noise levels were discussed and are as follows.

## 6.2 Predicted Noise Levels

The noise impact from the proposed development predicted at the nearest residences, without noise controls, is summarised in Table 6.2 below. The predicted levels represent the highest typical noise emission levels from the development site. We anticipate that this may occur anytime during the operating hours.

**Table 6.2 Predicted Noise Levels from the Proposed Development at the Nearest Residences in Factory Street**

Activity	Predicted Noise Level (dBA)	Noise Criteria (dBA)	Compliance
<b>Daytime activities:</b> <ul style="list-style-type: none"> <li>▪ Loading dock;</li> <li>▪ Mechanical plant;</li> <li>▪ Carpark roller door;</li> <li>▪ Activity inside the factory.</li> </ul>	42 $L_{Aeq}(15min)$	47 $L_{Aeq}(15min)$	Yes
<b>Night-time activities:</b> <ul style="list-style-type: none"> <li>▪ Mechanical plant;</li> <li>▪ Carpark roller door;</li> <li>▪ Activity inside the factory.</li> </ul>	41 $L_{Aeq}(15min)$	46 $L_{Aeq}(15min)$	Yes
<b>Daytime traffic:</b> <ul style="list-style-type: none"> <li>▪ Cars and trucks entering and leaving the premises.</li> </ul>	53* $L_{Aeq}(1hour)$	55 $L_{Aeq}(1hour)$	Yes
<b>Night-time traffic:</b> <ul style="list-style-type: none"> <li>▪ Cars entering and leaving the premises.</li> </ul>	45* $L_{Aeq}(1hour)$	50 $L_{Aeq}(1hour)$	Yes

\* Predicted noise level includes a facade correction of 2.5 dB.

In conclusion, the report states:

The predicted cumulative noise levels are within the acceptable noise level criteria in Section 5 of this report, without additional noise controls, and are therefore acceptable.

The predicted  $L_{eq}$  level of noise is 57 dBA outside the nearest commercial building to the north of the development. This level complies with the noise criterion of 65 – 70 dBA in Section 5.4 of this report and is therefore also acceptable.

The predicted  $L_1$  level of noise is 45 dBA at night outside the nearest residences in Factory Street. This level complies with the sleep disturbance noise criterion of 56 dBA in Section 5.6 of this report and is therefore also acceptable.

The Acoustic Report was reviewed by Council's Health Officer (Acoustic) and upon review raised no objections to the proposal subject to conditions of consent.

As the acoustic levels of the trucks on site (post development) are considered to be within acceptable levels by the Acoustic Report, it is considered that any cumulative acoustic impacts from the activities of the adjoining Australia Post site are negligible and the acoustic levels to be within the acceptable limits under the relevant standards. Accordingly, the proposal is acceptable in this regard.

**The bulk and scale of the development is inappropriate for the location as a result, the development intrudes into the riparian zone of Duck River.**

The maximum FSR for warehouse development is 1.1:1. The proposal has an FSR of 0.77:1 which is significantly less than the maximum permitted. The height of the proposal to the front of the development is 12 metres and extends to 14 metres towards the rear. Whilst the development seeks a variation to the 12 metre maximum under Council's controls (under PDOP 2005), the variation is considered to be acceptable given the sloping nature of the site towards the river and the need for continuous floor plates.

A consistent building platform is necessary as warehouse floors are required to meet the maximum internal clearance height of 10.6 metres for high racking systems and palette storage of products. In addition, the continuation of the level parapet to the perimeter provides a cohesive and integrated façade to improve the presentation of the development. As the 2 metre variation to the height occurs to the rear, the bulk of the development to the front of the site is appropriate. It is also noted that landscaping to the front setback screens the development from the street which softens and improves the bulk and scale of the development on the streetscape.

The proposal has a maximum building length of 143 metres which is marginally longer than the existing development at approximately 140 metres. The proposed rear setback is acceptable and does not infringe into the riparian zone of Duck River. The development was also reviewed by Council's Open Space and Natural Resources Officer and the NSW Office of Water both of whom did not object to the length of the development subject to conditions of consent.

**The rear setback of the development is inappropriate for the development as it encroaches on the riparian zone of Duck River.**

The setback of the building to the rear boundary whilst the proposed building is located 3 metres closer to the rear boundary, the proposed setback does not affect the riparian zone of Duck Creek. Further, the development generally maintains the rear setback of adjoining developments.

**The proposal will increase the traffic generation of the local area and that the provision of 181 car spaces is unnecessary given the site's proximity to local transport nodes.**

The Traffic and Parking Report submitted with the application projects that the development will generate 107 trips from the site during weekday peak hour traffic and 657 daily trips. The following statement from the report addresses the potential increase of traffic generation as a result of the proposal.

The proposed development has been assessed to generate approximately 107 peak hour vehicle trips and 675 daily vehicle trips. For the purposes of this assessment, it has been assumed that 80% of peak hour trips represent inbound movements to the site in the morning peak, with 20% representing outbound trips. In the evening peak, this has been reversed, with 80% of trips assumed to comprise outward trips from the site.

The current road network suggests that the majority of movements to the site from the north, east and west will converge on the Memorial Avenue/Clyde Street/William Street intersection. INTANAL modelling of the existing conditions at this intersection indicate a Level of Service "B" for the morning peak and the same for the evening peak. With the additional traffic from the proposed development, the subject intersection has the same Level of Service "B" under the post development conditions.

Current traffic volumes on Factory Street are relatively low, with observations indicating that gap conditions predominate. In this regard, it is not expected that access movements between the subject site and the public roadway will involve any significant delay, a situation aided by acceptable driver sight distance to the north and south along Factory Street at the proposed point of access.

The western side of Factory Street, and indeed further to the west, accommodates detached residential development. Whilst the proposed development is likely to generate traffic in the order of 107 peak hour vehicle movements, it must be acknowledged that the subject site has historically accommodated an industrial use which would have contributed to the demand on the road network and the local conditions that residents have historically experienced. In this regard, the net change in traffic conditions from that historically experienced is not expected to be significant. We note in any event that the peak hour traffic generation of 107 vehicles is less than 1 vehicle every 30 seconds. It is not expected that this extent of additional traffic will be readily noticed in the local area.

Accordingly, the proposal is not expected to have any significant impact on the operation efficiency of the intersection of Memorial Drive/Clyde Street/William Street and as such will not result in any undue delays to vehicle movement within the local road network. This conclusion is supported by Council's Traffic Engineer whom did

not object to the projections and conclusions contained within the report subject to conditions of consent.

**Vehicle movement, particularly large trucks should not have to queue to turn into the site which is currently the case.**

To ensure that vehicles do not queue to turn into the site and to allow for appropriate and safe sightlines as a vehicle exits from the southern driveway, the following condition as recommended by Council's Traffic Engineer will be incorporated into the consent:

1. *Sight distance to pedestrians exiting the property is to be provided by clear lines of sight in a splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1. The required sight lines to pedestrians or other vehicles in or around the site should not be compromised by the landscaping, signage fences, walls or display materials.*

**The priority truck route (road) from William Street to Factory Street is in poor condition due to the amount of truck movement from the Australia Post site. The cumulative increase in truck movement as a result of the proposal will further reduce the condition over time.**

There is no evidence that the truck priority route from William Street to Factory Street will decline due to the cumulative impacts of the truck activities proposed and the existing conditions on the adjoining Australia Post site. Verbal advice from Council's Traffic Engineer confirmed that William Street has the capacity to accommodate the cumulative truck activity level as a result of the development.

**The proposed development is unlikely to be sympathetic for plans to create of a shared cycleway/pathway along the eastern (residential side) footpath of Factory Street.**

Any plans for a cycle way on the public footpath will be external to the site. The proposed construction of the warehouse is contained wholly within the development site and will not encroach on any pedestrian footpath.

**Objection is raised due to increased pollution as a result of an increase in traffic movement from the development.**

Despite some increase in traffic movement as a result of the development, this increase is not considered to be significant in contributing to an adverse impact to the air quality of the locality.

**The development will overshadow the river and therefore does not conform to best practice, environmental and hazard reduction standards.**

Shadow diagrams submitted to Council illustrate that a minor portion of the river will be overshadowed for less than 3 hours in mid-winter. Due to the east-west orientation of the site, a majority of the shadow is cast on the development on the

southern property. In this regard, the design of the proposal has observed best practice guidelines to ensure the reduction of adverse impacts to the adjoining river.

**Washdown facilities and irrigation of landscaped areas should utilise rainwater.**

The proposed development was reviewed by Council's Development Engineer whom considered the proposal against Council's controls for Water Sensitive Urban Design which includes the adequate provision for on-site detention to appropriately manage stormwater. The use of landscaping assists in the management of stormwater.

**Demolition should be avoided so that unnecessary waste production is avoided.**

The demolition of the existing warehouse is proposed under the subject application. Consequently, a Waste Management Plan was submitted to illustrate the appropriate waste management during the demolition phase of the development. In addition, standard conditions of consent dealing with the appropriate and safe handling of waste products and procedures will be incorporated into the consent.

**There must be no increase in concrete surfaces as a result of the development.**

The existing site and associated soft landscaping when compared to the proposed site and its corresponding landscape works is similar in that the majority of the soft landscaping is concentrated within the front and rear setbacks. The proposal seeks to retain the existing landscaped area to the front of the site and proposes improved landscaped works to the rear. In this regard, the degree of landscape works is comparable to the current arrangement.

**There must be no increase in hours of industrial activity.**

As the use of the premises cannot be ascertained at this stage and does not form as part of this application, the hours of operation are not considered in this report. The occupation of the warehouse and the associated hours of operation are to be subject of a separate application to be lodged with Council at a later date. A condition is recommended to reflect this.

<b>Amended Plans</b>	<b>Yes</b>
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<b>Summary of amendments</b>	<b>Yes</b>
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- Details of the use of the site
- Estimated cost of development
- Provision of a SEPP 55 statement
- Submission of a acoustic report
- Masterplan waiver
- Arts Plan
- Details of on-site manoeuvring
- Building Code of Australia

- Traffic Impact Study
- Earthworks Plan
- Relocation of the discharge point

**Amended Plans re-advertised or re notified**

**No**

**Reason amended plans were not re-advertised or re notified:**

In accordance with clause M entitled “*Notifications of Amended Development Applications Where The Development Is Substantially Unchanged*” of Council’s Notification Development Control Plan the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

## **ENVIRONMENTAL PLANNING INSTRUMENTS**

### **STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND**

The provisions of SEPP No. 55 have been considered in the assessment of the development application. The site is identified in Council’s records as being contaminated due to previous industrial uses. Accordingly, an investigation and consequent report in accordance with Clause 7 - the ‘Managing Land Contamination Planning Guidelines SEPP No 55 – Remediation of Land was submitted to Council.

The report concludes the following:

A number of potential areas of environmental concerns were identified at the site, particularly:

- Whole site where uncontrolled fill was imported to level the site prior to the construction of the buildings and the filling of previous low lying areas;
- Where pesticides were potentially utilised within the site for weed control or beneath buildings / floor slabs for termite control;
- Current & Historical activities;
- Possible former underground storage tank area;
- Carpark areas where leaks and spills from cars may have occurred;
- Vicinity of metal features;
- Electrical substation where leaking of transformer fluids might be occurring; and
- Asbestos / Fibro features within the demountable building structures.



All are considered of low environmental concerns for the following reasons:

- Fill materials are expected to be minimal across the site.
- Pesticides are not persistent in the environment and the occurrence of pesticides within the site is considered low.
- Current & Historical uses – the site has been used as a stockyard and more recently a warehouse, however, the concrete surfaces were all in good condition and no significant staining was noted.
- The UST's, if present, may have or may be leaking.
- The site surfaces in the carpark areas are in good condition with minimal surface cracks and no surface staining visible.
- Degradation of metals is likely to be restricted to the surface soils. This is attributed to rust of the metal features. The significance of this occurring is low as oxidation of rust is a long process and the amounts of metals entering the surface soils would be low.
- The substation has been constructed recently and the concrete in the vicinity appears to be in very good condition with no surface cracks visible.
- Asbestos / Fibro would be in a bonded form within the features and, if present, to be removed by a qualified asbestos contractor during demolition. Asbestos in a bonded form is considered non-friable and as such the building materials are considered safe.

The report concluded that due to the above, the *“potential for significant contamination of soil and groundwater is low”* and that *the “...above concerns are considered minimal”*. However, the report also stated that it would be difficult to establish the extent (if any) of potential leaks occurring. The report recommended that a Limited Phase 2 Environmental Site Assessment (ESA) be undertaken to determine if contamination has occurred within the site as a result of the above mentioned areas of environmental concern. Given that the report found that the potential for contamination of the site to be minimal, it was not considered necessary to request for further investigation and consequent reports during the development application stage.

This is supported by Council's Health Officer whom provided advice that the provision of a validation report upon the removal/remediation of the underground storage tanks and the submission of a remedial action plan be submitted as part of the Deferred Commencement conditions. Additionally, requiring this information under Deferred Commencement conditions will also facilitate the timely determination of the application.

Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under SEPP 55.

## **SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)**

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.

The Sydney Harbour Catchment Planning Principles must be considered and where possible achieved in the carrying out of development within the catchment. The key relevant principles include:

- protect and improve hydrological, ecological and geomorphologic processes;
- consider cumulative impacts of development within the catchment;
- improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
- protect and rehabilitate riparian corridors and remnant vegetation.

The site is within the Sydney Harbour Catchment and drains almost directly into Duck River that flows into the Harbour. The development appropriately addresses the flooding constraints of the site, potential contamination and manages stormwater and with conditions, will approximately protect/rehabilitate riparian corridors and remnant vegetation. Accordingly the development is consistent with the controls contained with the deemed SEPP.

## **STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007**

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application. The application is not subject to clause 101 of the SEPP as the site does not have frontage to a classified road. The application is not subject to clause 102 of the SEPP as the average daily traffic volume of Factory Street is less than 40,000 vehicles.

The development does not trigger either of the requirements of clause 104 of the SEPP for industrial development as the building contains less than 20,000m<sup>2</sup> of floorspace and is not located within 90m road access of an arterial road (Woodville Road – approximately 1km to the west of the site and Parramatta Road – approximately 700 metres north of the site).

## **PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2001**

The relevant matters to be considered under Parramatta Local Environmental Plan 2001 for the proposed development are outlined below.

### **(a) General Requirements**

<b>Development Standard</b>	<b>Comment</b>	<b>Discussion</b>
CI 16 Permissible within zone?	Yes	4 Employment Zone, warehouse or distribution centre is permissible

CI 21 Is the site flood affected?  If yes will the development satisfy CI 2 (a)-(e)?	Yes	The proposal has been reviewed by Council's Catchment Management Team who advise that the proposal is satisfactory.
CI 30 Is the site subject to a masterplan?	Yes	Refer to discussion below
CI 31 Is the site adjacent to the Parramatta River foreshore	No	The site is not adjacent to the Parramatta River Foreshore.
CI 32 Affected by a Foreshore Building Line	N/A	Not affected
CI 34 Will the proposal have any impact on Acid Sulphate Soils?	Yes – In part.	<p>The site is class 5. The works is unlikely to lower the water table below 1 metre AHD given that the minimum RL upon completion of the development is RL7.00 and is satisfactory.</p> <p>However, the rear portion of the site is identified as a class 4. This portion of the site will not contain any excavation works and comprises mainly of fill to ensure an appropriate building platform for the warehouse. Accordingly, the proposal is acceptable in this regard and does not necessitate the requirement for an acid sulphate soils assessment.</p>
CI 47 Does the land abut Zone 7 or 9(d)?	No	The subject site does not abut land zoned 7 – Environmental Protection or 9D Environment Protection (Proposed).
CI 48 Is the land along or adjoining a public transport corridor?	No	The subject site does adjoin a public transport corridor.

### Masterplan Waiver

Clause 30(1) of Parramatta Local Environmental Plan requires that a masterplan be prepared for the site as it exceeds 5000m2 in area.

Clause 30 (11) of PLEP states: *“The consent authority may grant consent for development of land described in schedule 4 which is not included in sub clause (2) or (3) without a masterplan but only if a site analysis study that is satisfactory to the consent authority accompanies the development application.”*

### Planning Comment:

It is considered appropriate to grant consent to this development without the preparation of a masterplan as:

- A satisfactory site analysis plan has been submitted;
- The development is not utilising sub-clauses 2 or 3 within clause 30;
- The controls contained within PLEP 2001 and PDCP 2005 are considered satisfactory to allow the satisfactory assessment of the application;
- The proposal does not raise any issues that would generate the need for a masterplan for the site that can not be addressed through the development application process
- The proposal is compatible and consistent with the existing built form in the area
- PLEP 2011 does not contain the same masterplan provisions

### **(b) Specific Requirements**

<b>Development Standard</b>	<b>Proposal</b>	<b>Compliance</b>
<b>Clause 40 Maximum FSR – 4 Employment zone = 1:1</b>	Ground Floor – 10191.94m <sup>2</sup> First Floor – 1047.66m <sup>2</sup> Second Floor – 1036.66m <sup>2</sup>  Total Floor Area = 12276.26m <sup>2</sup> Site Area = 15,890m <sup>2</sup> FSR = 0.77:1	Yes

### **ZONE OBJECTIVES**

The following objectives apply to development in the 4 Employment Zone:

- (a) *to encourage a range of employment enterprises that are compatible with existing land uses within both this zone and surrounding areas, and*
- (b) *to limit the extent of commercial development in the employment zone so as to ensure the viability of nearby business centres, and*
- (c) *to retain the predominant role of the City of Parramatta's industrial areas, and*
- (d) *to facilitate a range of non-industrial land uses that serve the needs of workers and visitors to land within this zone, and*
- (e) *to enable limited development for commercial premises to enhance the viability of land uses within this zone, and*
- (g) *to ensure that development improves the environmental quality of the City of Parramatta and that industries conform to best practice, environmental and hazard reduction standards, and*

- (h) *to ensure that development is carried out in a manner which does not detract from the amenity enjoyed by residents in adjoining localities or from the operation of local or regional road systems.*

The proposed development is consistent with the aims and objectives of the 4 Employment Zone applying to the land as the proposed development is encouraged by the zone objectives and will not detract from the amenity enjoyed by residents in adjoining localities.

## **PARRAMATTA LOCAL ENVIRONMENTAL PLAN 1996**

### **(HERITAGE & CONSERVATION)**

The site is not listed as a heritage item under LEP1996.

The site is not within the vicinity of heritage item listed under LEP1996.

The site is not located within a Conservation Area identified under LEP1996.

The site has a low sensitivity rating for aboriginal heritage significance under the Parramatta Aboriginal Heritage Study 2004.

## **PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011**

LEP 2011 was gazetted by the Minister on 7 October 2011. The LEP includes a savings provisions in the form of clause 1.8A as follows:

### ***1.8A Savings provisions relating to development applications***

*If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had been exhibited but had not commenced.*

This provision enables the application to be determined, regardless of whether LEP 2011 is made at the time of determining the subject application.

The subject site is now zoned the IN1 General Industrial under Parramatta LEP 2011. The proposed development is defined as “Industrial and warehouse or distribution centre” under Parramatta LEP 2011 and is permitted with development consent in the zone. The proposal is generally consistent with the relevant objectives of the zone and is a form of development that is envisaged and is consistent with the controls contained within PLEP 2011.

Accordingly, the relevant matters to be considered under Parramatta Local Environmental Plan 2011 for the proposed development are outlined below.

COMPLIANCE TABLE		
Development standard	Yes/No	Compliance
Land Use Table – IN1 General Industrial.	Yes	Light Industry and warehouses / distribution centres are permitted in the zone.
CI 4.1 Minimum subdivision size	N/A	The application does not propose subdivision.
CI 4.3 Height of Buildings  Height Map shows that the maximum height of new developments for the subject site is 12m.	Yes – In Part	<p>The proposed development has a height of 12 metres to the front and a maximum height of 14 metres to the rear. Despite the non-compliance to this control, as the development was made under PLEP 2001, the variation is considered acceptable given the following:</p> <ul style="list-style-type: none"> <li>• sloping nature of the site and</li> <li>• previous extensive excavation works.</li> <li>• The consistent building platform and continuous floor plate are necessary as warehouse floors are required to meet the internal clearance height of 10.6 metres for high racking systems and palette storage of products.</li> <li>• The level parapet provides a cohesive and integrated façade improving the presentation of the development.</li> <li>• The variation to the height occurs to the rear and does not contribute to the bulk and scale of the development when viewed along the streetscape.</li> <li>• Landscaping to the front setback screens the development from the street which softens and improves the bulk and scale of the development on the streetscape.</li> </ul>

Cl. 4.4 Floor Space Ratio – 1:1	Yes	<p>Ground Floor – 10191.94m<sup>2</sup>  First Floor – 1047.66m<sup>2</sup>  Second Floor – 1036.66m<sup>2</sup></p> <p>Total Floor Area = 12276.26m<sup>2</sup>  Site Area = 15,890m<sup>2</sup>  FSR = 0.77:1</p>
Cl 5.6 Architectural roof features	Yes – in part	See 'Height of Buildings' section for further discussion
Cl 5.7 Development below mean high water mark.	N/A	The proposal is not for the development of land that is covered by tidal waters.
Cl 5.9 Preservation of trees.	Yes	The proposed removal and replacement of trees are considered satisfactory. See 'Landscape' section for further discussion.
Cl 5.10 Heritage Conservation	Yes	According to the Heritage Item and heritage conservation maps the subject site is not a heritage item or within a heritage conservation area.
Cl 6.1 Will the proposal have any impact on Acid Sulphate Soils?	Yes – In part	<p>For a portion of the site towards the front where excavation works is to occur due to the basement, the site maintains a Class 5. A Bulk and Excavation Plan was submitted demonstrating that the AHD of the development within this portion of the proposal will be a minimum of RL7.0 and is satisfactory.</p> <p>However, the rear portion of the site is identified as a class 4. This portion of the site will not contain any excavation works and comprises mainly of fill to ensure an appropriate building platform for the warehouse. Accordingly, the proposal is acceptable in this regard and does not necessitate the requirement for an acid sulphate soils assessment.</p>

CI 6.2 Does the application propose significant earthworks?	Yes	<p>An earthworks plan was submitted illustrating the extent of excavation and fill to the site.</p> <p>The development is unlikely to disrupt the existing drainage patterns or soil stability as a result of the works proposed. Given the warehouse nature of the development, any adverse impacts to future redevelopment on the site is unlikely. There is no evidence of historic relics on the site. Due to the design of the proposal which considered the restrictions of the site, any potential for adverse impacts on the river has been mitigated.</p>
CI 6.3 Is the site flood affected? If yes will the development satisfy CI 3 (a)-(e)?	Yes	The application was reviewed by Council's Catchment Engineers. Upon review of the application, Council's Catchment Engineers did not raise any objections to the proposal subject to conditions of consent. For further discussion, see 'Referrals' comments.
CI 6.4 Does the proposal maintain terrestrial and aquatic biodiversity?	Yes	<p>As the site adjoins a river, it can be assumed that there is aquatic biodiversity. The development maintains this biodiversity quality through the following measures:</p> <ul style="list-style-type: none"> <li>• The provision of an appropriate buffer zone between the development and the river</li> <li>• The provision of a satisfactory waste management plan that demonstrates safe and appropriate waste handling.</li> <li>• The provision of appropriate on-site hydraulic systems to control stormwater that avoids unnecessary run-off to the river.</li> </ul>
CI 6.5 Does the proposal maintain the hydrological functions of riparian land, waterways and aquifers?	N/A	The subject site is not identified as being riparian land or land that abuts a waterway.



CI 6.6 Land Sensitivity - Is the site identified as being land with geotechnical instability and potential land slip risk?	N/A	The site is not identified as being a potential land slip risk.
CI 6.7 Affected by a Foreshore Building Line	No	The site is not affected by the foreshore building line.

## Zone Objectives

The objectives of the IN1 General Industrial zone include:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To facilitate a range of non-industrial land uses that serve the needs of workers and visitors.*

The proposed development is consistent with the aims and objectives of the IN1 General Industrial zoning applying to the land as the proposed works are suitably located, and are of a bulk and scale that maintains suitable amenity for adjoining sites.

## DEVELOPMENT CONTROL PLANS

### PARRAMATTA DEVELOPMENT CONTROL PLAN 2005

#### 3.0 Preliminary Building Envelope

Section 3.2 of DCP 2005 contains the following controls;

Element	Control	Proposal	Complies?
Height	Maximum 12m	Minimum 12 metres - maximum 14 metres	Yes – In part See discussion for 'Height' under PLEP 2011.
Street setback	Correspond to predominant building line in street	8 metres and is generally consistent with the street setback of adjoining development.	Yes

Side setback	Dependant on impact on amenity of adjoining development	The setback from the edge of the pad to adjoining properties varies from nil to approximately 56m.	Amenity impacts acceptable having regards to no dwellings being located in adjoining buildings.
Rear setback	Dependant on impact on amenity of adjoining development	Minimum 15m to maximum of 74.	Yes  The rear setback is similar to the setback for the existing development and of adjoining development.

## Part 4.1 Site Planning

### 4.1.1-Views and Vistas

The proposed development will not block any significant views.

### 4.1.2 - Public Domain

No works are proposed in the public domain.

### 4.1.3 - Culture and public art

An arts plan has been submitted which has identified opportunities to introduce some artistic interpretation to the development and to the public domain.

### 4.1.4 - Water management

A stormwater concept plan was submitted with the development application. The development incorporates a stormwater disposal system. The concept plan has been deemed acceptable by Council's Development Engineer subject to conditions.

### 4.1.5 – Soil Management

Standard conditions will be imposed requiring the construction of sediment fences.

### 4.1.6 – Air Quality

This clause is not relevant to the assessment of the proposal.

### 4.1.7 – Development on Sloping land

The street level is RL 10.50 at the north-western corner of the site and falling to RL8.16 to the south-eastern corner. Excavation towards the front portion of the site

is proposed to facilitate basement car parking. To ensure a level building platform, the application also seeks approval for fill to a portion of the site towards the rear. Accordingly, the proposal has been designed to accommodate the restrictions of the site topography and in this regard is considered acceptable.

#### **4.1.8 – Land Contamination**

Refer to SEPP 55 discussion.

#### **4.1.9 – Biodiversity**

A Landscape Plan was submitted with the application along with the details for the removal of 29 trees. Despite the proposal to remove 29 trees on-site, the Landscape Plan has provided details of vegetation and plant species which replaces the removed trees to improve on-site landscaping. In addition, Council's Landscape Officer did not object to the removal of these trees and in this regard, the proposed development resulting in replacement vegetation will enhance the local biodiversity which is supported by the Landscape Plan.

#### **4.1.10 – Landscaping**

The DCP requires development in the 4 Employment zone to have 10% of the site area as landscaping (lawns, trees, shrubs) and landscaping with a minimum width of 2.5m surrounding car parking and outdoor storage areas.

The proposal complies with this criterion with approximately 10% (1589m<sup>2</sup>) of the site being landscaped.

#### **4.1.11 – Site consolidation and development on isolated sites**

The development would not create any isolated sites.

### **Part 4.2 Building Elements**

#### **4.2.1 – Streetscape**

The eastern side of Factory Street is predominantly industrial development and the streetscape is therefore defined by industrial buildings and associated landscaping. The application for a warehouse is not dissimilar to the existing development on the eastern side of Factory Street. The proposed development is 12 metres in height to the front with a maximum height of 14 metres to the rear. Despite the non-compliance with the height controls, due to the sloping nature of the site, the requirement to provide a consistent building platform and that the level parapet provides a cohesive facade, the variation to the height is considered acceptable. Also, as the variation to the height occurs to the rear, it does not contribute to the bulk and scale of the development when viewed along the streetscape. Landscaping to the front setback is provided to screen the development from the street which softens and improves the bulk and scale of the development on the streetscape. In addition, the proposal also complies with FSR and setbacks to ensure that the perception of bulk and scale are minimised and therefore maintaining compatibility

with the existing streetscape. Accordingly, the proposal is considered to be appropriate given that the proposal maintains an appropriate bulk and scale that is sympathetic to existing developments within the area.

#### **4.2.2 – Fences**

No front fences are proposed and a fence plan has not been submitted with the application. However, the Landscape Plan indicates that a cyclone wire fence is to be constructed on the rear boundary.

Given this a condition will be imposed limiting any rear boundary fencing to within the site and not within the riparian zone where it may impact on flooding/native vegetation.

#### **4.2.3 – Building Form and Massing**

The siting of the building is consistent with other industrial/warehouse buildings located in the area. Despite the variation to the height at 14m, as this occurs to the rear of the development, the mass of the development is as envisaged by the controls when viewed from the street. Also, the variation to the height is gradual and therefore the transition in heights is unnoticeable. The development is also compliant with the FSR and setbacks resulting in a reduced perception of mass. Landscaping to the front setback is provided to screen the development from the street which softens and improves the bulk and scale of the development on the streetscape.

#### **4.2.4 – Building facades & articulation**

Some articulation is provided to the development. However as the proposal is for a warehouse, heavy articulated facades are uncommon. The adjoining development similarly provides minimal articulation due to the warehouse/industrial nature of the development.

#### **4.2.5 – Roof Design**

The roof design is compatible with the other industrial buildings in the area.

#### **4.2.6 – Energy Efficient Design**

The external walls are to be constructed of concrete panels which have a high thermal mass.

### **Part 4.3 Environmental Amenity**

#### **4.3.1 – Private and Communal Open space**

The DCP states that *“An area of communal open space is to be provided for staff recreation, appropriate to the needs of the particular premises and integrated with adjacent open space or natural areas”*.

The development provides an outdoor staff area of approximately 989.66m<sup>2</sup> to be located to the rear of the site. This portion of the site equates to 8% of the site which is considered to be appropriate for a development of this size.

#### 4.3.2 – Visual privacy

The development will not have any adverse impact on visual privacy.

#### 4.3.3 – Acoustic Amenity

The acoustic impact of the development is considered to be minimal which is supported by the Acoustic Report. Appropriate conditions have been imposed to ensure the development does not impact on nearby residential developments.

#### 4.3.4 – Solar Access & Cross Ventilation

The development would not cast a shadow over any dwellings.

#### 4.3.5 – Waste Management

A detailed waste management plan was submitted with the application and is considered acceptable.

### Part 4.4 Social Amenity

#### 4.4.1 Access for people with disabilities

Access and parking for people with disabilities have been provided.

#### 4.4.2 – Safety and Security

The works on the site are positive from the perspective of encouraging casual surveillance of the public open space at the rear of the site during the construction period.

### Part 4.5 Movement and Circulation

#### 4.5.1- Parking and Vehicular Access

This issue has been discussed in the traffic referral section of this report.

### **PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN 2008**

The proposal requires payment of S94A development contributions based on 1% of the cost of the development as the value of work exceeds \$100,000.

## **PLANNING AGREEMENTS**

The proposed development is not subject to a planning agreement entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F.

## **REGULATIONS**

There are no specific regulations that apply to the land to which the development application relates.

## **LIKELY IMPACTS**

### **Utilities/Infrastructure**

The proposed use will not adversely impact existing utilities or public infrastructure.

### **Fire Safety**

All building work associated with the construction of the industrial units must be carried out in accordance with the provisions of the Building Code of Australia. A condition will be imposed to ensure such compliance.

### **Disabled Access**

The site provides access, sanitary facilities and car parking for people with disabilities. A condition will be imposed to ensure that the applicant considers provisions within the Disability Discrimination Act 1992.

### **Security by Design**

The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The construction of the development will assist in increasing natural surveillance opportunities and image within the area.

### **Impacts during Construction**

Conditions of consent are recommended to mitigate any potential impacts on the amenity of the surrounding environment.

### **Social & Economic Impact**

It is considered that the proposed use will complement the locality. The proposed development is not expected to have an adverse social or economic impact.

### **ESD & The Cumulative Impact**

The development satisfactorily responds to ESD principals. The proposal is not expected to have any cumulative impacts. The proposal is not considered to inhibit the ability of future generations to use or further develop the subject site.

## **SUITABILITY OF THE SITE**

The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development.

## **SUBMISSIONS & PUBLIC INTEREST**

Eight submissions were received in response to the notification of the application. The issues raised within this submission have been discussed within this report.

The proposed development is not contrary to the public interest.

### **Conclusion**

After consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved subject to the imposition of appropriate conditions.

### **Recommendation**

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

### **APPROVAL SUBJECT TO CONDITIONS**

**That** the Western Sydney Joint Regional Planning Panel as the consent authority grant development consent on a deferred commencement basis to Development Application No. 442/2011 for the demolition of the existing warehouse, construction of a three storey building containing a warehouse/factory and offices over basement car parking at 23 Factory Street, Granville with a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the following conditions

### **Schedule A – Deferred Commencement**

Pursuant to the provisions of S. 80(3) of the Environmental Planning and Assessment Act, 1979 the development application be granted a Deferred Commencement Consent subject to the completion of the following:

- Decommissioning and removal of the Underground Storage Tanks and/or Underground Petroleum Storage System (UPSS) is to be carried out in accordance with the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2008, State Environmental Planning Policy (SEPP) 55, Office of Environment and Heritage UPSS Technical Note: Decommissioning, Abandonment and Removal of UPSS (Jan 2010), Australian Standards AS4897 – 2008: Design, installation and operation of underground petroleum storage systems, AS4976 – 2008: Removal and Disposal of Underground Petroleum Storage Tanks, Occupational Health and Safety Regulation 2001, and WorkCover NSW Code of Practice for Storage and handling of Dangerous Goods.
- Within 60 days after decommissioning and removal (or remediation, if required) of existing UPSS, a site validation report in accordance with

SEPP 55 and POEO (UPSS) Regulation 2008 is to be submitted to Parramatta City Council verifying that the site is suitable for continued and future use. Such report shall be completed by a suitably qualified contaminated land consultant, with reference to the Department of Environment, Climate Change and Water's Contaminated Sites Series.

- If the validation report deems that remediation is required, a remedial action plan must (RAP) be developed, and remediation must be undertaken in accordance with the RAP. After remediation, a further site validation report is required, assessing whether the goals set in the RAP have been reached.

Upon compliance with the above requirements, a full Consent will be issued subject to the following conditions:

### **Schedule B – General Matters**

1. The development is to be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

<b>Drawing N<sup>o</sup></b>	<b>Dated</b>
Landscape Concept Plan. Drawing No. 10029DA1. Revision C.	8 August 2011
Basement Stormwater Plan and Drainage Details. Job No. 11AH026. Drawing No. D01. Revision C.	20 June 2011
Ground Floor Stormwater Plan and Drainage Details. Job No. 11AH026. Drawing No. D02. Revision E.	18 August 2011
Stormwater system details. Job No. 11AH026. Drawing No. D03. Revision A.	23 August 2011
Standard Enviropod Filter for Gully Pit Details. Job No. 11AH026. Drawing No. D04. Revision A.	23 August 2011
Site Analysis. DA01. Job No. 1988. Issue A.	15 June 2011
Site Plan. DA02. Job No. 1988. Issue A.	15 June 2011
Basement Level. DA03. Job No. 1988. Issue A.	15 June 2011
Elevations 1. DA07. Job No. 1988. Issue A	15 June 2011
Elevations 2. DA08. Job No. 1988. Issue A	15 June 2011
Ground Floor. DA04. Job No. 1988. Issue A.	15 June 2011
First Floor Plan. DA05. Job No. 1988. Issue A.	15 June 2011
Second Floor Plan. DA06. Job No. 1988. Issue A.	15 June 2011

<b>Document(s)</b>	<b>Dated</b>
Acoustic Report. Report No. 4656.	1 August 2011
Arbocultural Impact Assessment. 7020.	30 August 2011
Arts Plan.	July 2011



Document(s)	Dated
BCA Report	20 July 2011
Traffic Report	August 2011
General Terms of Approval from the NSW Office of Water	10 October 2011
Waste Management Plan	Undated

**Note:** In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

**Reason:** To ensure the work is carried out in accordance with the approved plans.

2. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development consent.

**Reason:** To ensure compliance with legislative requirements.

3. All building work must be carried out in accordance with the current provisions of the Building Code of Australia.

**Reason:** To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.

4. The development shall be constructed within the confines of the property boundary. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's reserve area.

**Reason:** To ensure no injury is caused to persons.

5. All footings and walls adjacent to a boundary must be set out by a registered surveyor. Prior to commencement of any brickwork or wall construction a surveyor's certificate must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

**Reason:** To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.

6. The development shall be constructed within the confines of the property boundary. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

**Reason:** To ensure no injury is caused to persons.

7. Demolition work shall be carried out in accordance with Australian Standard 2601-2001 - *Demolition of Structures* and the requirements of the NSW WorkCover Authority.  
**Reason:** To ensure appropriate demolition practices occur.
8. No portion of the proposed structure including any fencing and/or gates shall encroach onto or over adjoining properties.  
**Reason:** To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.
9. Fencing must be maintained and / or replaced along the boundary with the public reserve to the satisfaction of Council to clearly delineate public and private areas.
10. No gates are permitted to provide access between the property and council reserve.
11. No access through or storage of materials in the reserve to ensure protection of the waterway riparian corridor and unrestricted public access (including the right of the public to pass, re-pass and remain upon the land for recreational and access purposes).
12. To control the spread of weeds or exotic seeds into the adjoining bushland reserve, a strip of filter fabric is to be attached to the sediment fence prior to the commencement of demolition excavation or building works. The filter fabric is to be a minimum of 50mm into the existing ground, is to extend a minimum of 150mm above existing ground and to be securely attached to the entire length of the sediment fence. The build-up of sediment against the filter fabric is to be regularly removed and disposed of responsibly off-site to maximise ongoing effectiveness.
13. Works must be carried out so that no materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or banks or into the waters of Duck River and no material is likely to be carried by natural forces to the bed, banks or waters of Duck River.
14. The planted garden bed along entire extent of rear boundary fence is to be supported by utilising native species (as turf is invasive into adjacent bushland and to provide screening to soften development interface).
15. 181 off-street parking spaces (including 2 disabled parking spaces) are to be provided, permanently marked on the pavement and used accordingly. The dimensions for parking spaces and aisle width to be in accordance with AS 2890.1-2004 (minimum of 2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent walls and 6.2m aisle width minimum. At blind aisles, the aisle is to be extended by 1.0m (minimum) beyond the last parking space).

16. The dimensions and configuration of the disabled parking spaces are to comply with AS 2890.6-2009 (a dedicated space plus a shared space - 2.4m wide x 5.4m long each with a bollard installed on the shared space).
17. The proposed one-way traffic movement within the basement level parking is to be marked permanently with pavement directional arrows.
18. Loading bays/dock, as shown on the plan, is to be provided on site in accordance with Council's DCP 2005 and AS 2890.2-2002.
19. A combined entry and exit driveway (6m wide providing access to the basement level and 12.5m wide providing access to the loading dock at the rear of the site with 300mm clearance both sides between kerbs) to be provided and constructed according to AS 2890.1- 2004, AS 2890.2-2002 and Council's specification.
20. Driveway and ramp gradients are to comply with Clause 2.5, Clause 2.6 and Clause 3.3 of AS2890.1-2004.
21. The driveway width (w) at the concrete layback is to comply with Council's Standard Vehicular Crossing plan (DS8).
22. Column locations are to be installed in accordance with Clause 5 and Figures 5.1 and 5.2 of AS 2890.1-2004.
23. Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.
24. Ground Clearance Template as shown in Appendix C of AS 2890.1-2004 must be used to check that adequate ground clearance is provided on ramps, circulation roadways, access driveways or other vehicular paths where there is a grade change or an irregularity in the vertical alignment e.g. a hump, dip or gutter.
25. Sight distance to pedestrians exiting the property is to be provided by clear lines of sight in a splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1. The required sight lines to pedestrians or other vehicles in or around the site should not be compromised by the landscaping, signage fences, walls or display materials.
26. The minimum available headroom clearance to be signposted at all entrances is to be 2.2m (for cars and light vans including all travel paths to and from parking spaces) and 2.5m (for parking spaces for people with disabilities) measured to the lowest projection of the roof (fire sprinkler, lighting, sign, and ventilation), according to AS 2890.1-2004 and 2890.6-2009.
27. A convex mirror is to be installed within the ramp access (one near the entry driveway & one at the bottom of the ramp access) with its height and location

adjusted to allow an exiting driver a full view of the driveway in order to see if another vehicle is coming through.

28. Regulatory “No Stopping” parking restrictions are to be installed outside the site on Factory Street to a distance of 20m to the north and south of the proposed driveways, subject to the approval of the Parramatta Traffic Committee and Council. All costs associated with the supply and installation of the appropriate signs are to be paid for by the applicant at no cost to Council. The applicant is to submit an application to Council’s Service Manager-Traffic and Transport regarding the “No Stopping” parking restrictions at least 4 months prior to final occupation of the building.
29. Occupation of any part of footpath or road at or above (including construction and/or restoration of footpath and/or kerb or gutter) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council’s Traffic and Transport Services, prior to carrying out the construction/restoration works.
30. Oversize vehicles using local roads require Council’s approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council’s Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.
31. The construction and materials to be used for the headwall shall be in accordance with the guidelines issued by the NSW Office of Water and is to be undertaken to the satisfaction of NSW Office of Water.
32. A Flood Evacuation Plan is to be prepared in accordance with Council’s *Local Floodplain Risk Management Policy* and a copy submitted to Council.  
**Reason:** To ensure compliance with Council’s Local Floodplain Risk Management Policy.
33. Any fencing to the rear of the site is limited to the edge of the car park and is not to be within the riparian zone.
34. Stormwater system shall be constructed as per the stamped Stormwater plan addressing the issues and incorporating all the notes and comments annotated on the plan. The stormwater plan consists of the following amended drawings **together with the comments, notes annotated thereon.**
  - i. **“Basement Stormwater Plan & Drainage Details”**, Drawing #D01, Job # 11AH026, Revision **“C”** dated 20/06/2011; prepared by Australian Consulting Engineers (1 sheet)
  - ii. **“Ground Floor Stormwater Plan & Drainage Details”**, Drawing #D02, Job # 11AH026 **Revision “E” dated 01/12/2011**; prepared by Australian Consulting Engineers (1 sheet)
  - iii. **“Stormwater System Details – 19 Cartridge with 3100 Concrete Manhole”**, Drawing #D03, Job # 11AH026, Revision **“A”** dated 20/06/2011; prepared by Australian Consulting Engineers (1 sheet)

iv. **“Standard Enviropod Filter for Gully Pit Details”**, Drawing #D04, Job # 11AH026, Revision **“A”** dated 20/06/2011; prepared by Australian Consulting Engineers (1 sheet)

**Reason:** To ensure satisfactory storm water disposal.

35. To minimise disturbance to these existing mature native trees located in the reserve in the vicinity of the proposed drainage structures, no excavation shall take place within the critical root zone (CRZ), measured as a radius from the centre of the trunk of the tree. Excavation may occur between the critical and primary root zones (PRZ) but only by hand. In the event that major structural roots or feeder roots (>50mm in diameter) are encountered between the critical and primary root zones, appropriate measures should be implemented to ensure the long term retention of the tree.
36. Trees to be retained are Trees to be removed are refer to (Arboricultural Impact Assessment by Redgum Arboricultural & Horticultural Consultants (Ref No – 7020) dated 30 August 2011):

Tree No	Name	Common Name	Location	DBH Diameter at breast height (mm)	Minimum Tree Protection Zone (m)
1	<i>Pinus radiata</i>	Monterey Pine	North boundary - adjacent	410	4.4
2/2 x 5	<i>Melaleucas styphelioides</i>	Prickly Leaf Paperbark	North boundary	270	2.9
3/3 x 5	<i>Melaleuca linariifolia</i>	Snow in Summer	North boundary	320	3.5
4/4 x 4	<i>Melaleuca bracteata</i> 'Revolution Gold'	Golden Honey Myrtle	North boundary	190	2.1
5	<i>Agonis flexuosa</i>	Willow Myrtle	North boundary	300	2.9
6/5 x 7	<i>Callistemon viminalis</i>	Bottlebrush	North boundary	190	2.0
20	<i>Schinus areira</i>	Peppercorn Tree	Front	1100	11.9
23	<i>Melaleuca quinquenervia</i>	Paperbark	Front	310	3.4
30	<i>Corymbia maculata</i>	Spotted Gum	Rear – Riparian Area	260	2.8
31	<i>Corymbia maculata</i>	Spotted Gum	Rear – Riparian Area	90	2.8
32	<i>Corymbia maculata</i>	Spotted Gum	Rear – Riparian Area	90	2.8
33	<i>Corymbia maculata</i>	Spotted Gum	Rear – Riparian Area	270	2.9
34	<i>Corymbia maculata</i>	Spotted Gum	Rear – Riparian Area	270	2.9

35/7 x 5	<i>Casuarina glauca</i>	Swamp Oak	Rear	390	4.2
36/8 x 2	<i>Corymbia maculata</i>	Spotted Gum	Rear – Riparian Area	290	3.1

**Reason:** To protect significant trees which contribute to the landscape character of the area.

37. Trees to be removed are Trees to be removed are refer to (Arboricultural Impact Assessment by Redgum Arboricultural & Horticultural Consultants (Ref No – 7020) dated 30 August 2011):

Tree No	Name	Common Name	Location
7	<i>Dead</i>	Dead	North boundary
8	<i>Melaleuca quinquenervia</i>	Paperbark	Front
9	<i>Melaleuca quinquenervia</i>	Paperbark	Front
10	<i>Melaleuca quinquenervia</i>	Paperbark	Front
11	<i>Eucalyptus microcorys</i>	Tallowwood	Front
12	<i>Eucalyptus microcorys</i>	Tallowwood	Front
13	<i>Casuarina glauca</i>	Swamp Oak	Front
14	<i>Corymbia maculata</i>	Spotted Gum	Front
15	<i>Casuarina glauca</i>	Swamp Oak	Front
16	<i>Casuarina glauca</i>	Swamp Oak	Front
17	<i>Casuarina glauca</i>	Swamp Oak	Front
18/6 x 3	<i>Casuarina glauca</i>	Swamp Oak	Front
19	<i>Corymbia maculata</i>	Spotted Gum	Front

19a	<i>Eucalyptus haemastoma</i>	Scribbly Gum	Front
21	<i>Melaleuca quinquenervia</i>	Paperbark	Front
22	<i>Eucalyptus microcorys</i>	Tallowwood	Front
24	<i>Eucalyptus microcorys</i>	Tallowwood	Front
25	<i>Grevillea 'Moonlight'</i>	Moonlight Grevillea	Front
26	<i>Melaleuca quinquenervia</i>	Paperbark	Front
27	<i>Melaleuca quinquenervia</i>	Paperbark	Front
28	<i>Casuarina glauca</i>	Swamp Oak	Rear
29	<i>Casuarina glauca</i>	Swamp Oak	Rear
37/9 x 2	<i>Melaleuca quinquenervia</i>	Paperbark	Rear
38/10 x 3	<i>Melaleuca quinquenervia</i>	Paperbark	Rear

**Reason:** To allow appropriate development of the site.

38. All approved tree removals shall be carried out by a qualified Arborist and conform to the provisions of AS4373-2007, Australian standards for Pruning Amenity Trees and Tree work draft code of practice 2007. The developer is responsible for all tree removal and stump grinding.

**Reason:** To ensure works are carried out in accordance with Tree work draft Code of practice 2007.

39. The applicant's arboricultural service provider is to provide eight (8) street trees in the Factory Street frontage. Eight (8) *Melaleuca decora* (White Cloud Tree) shall be supplied in 45 litre container and planted with a setback of three (3) metres from any driveway. Each tree is to be a minimum height of 1.5 metres at planting and is to be maintained at all times. All trees are to be grown and planted in accordance with Natspec - Clarke .R, *Specifying Trees: A guide to the assessment of tree quality*, 2003.

**Reason:** To ensure restoration of environmental amenity

40. All trees supplied above a 25 L container size for the site must be grown and planted in accordance with *Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing tree quality. Natspec Guide No.2*. Certification that trees have been grown to Natspec guidelines is to be provided upon request of Council's Tree Management Officer. **NOTE:** All tree planting shall be located a

minimum of two (2) metres to any boundary or underground services and shall have a minimum container size of 45 litres.

**Reason:** To minimise plant failure rate and ensure quality of stock utilised

41. All trees planted within the site must have an adequate root volume to physically and biologically support the tree. No tree within the site shall be staked or supported at the time of planting.

**Reason:** To ensure the trees are planted within the site area able to reach their required potential.

42. The trees identified on the endorsed plans and identified within the submitted Tree Report as being retained shall be protected prior to and throughout the demolition/construction process in accordance with the Arboricultural Impact Assessment by Redgum Arboricultural & Horticultural Consultants (Ref No – 7020) dated 30 August 2011 and the relevant conditions of this consent.

**Reason:** To ensure the protection of the tree(s) to be retained on the site.

### **Prior to the release of a construction certificate**

43. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas within the building and is not to be located on the roof. Details demonstrating compliance are to be submitted with the Construction Certificate application.

**Reason:** Minimise impact on surrounding properties, improved visual appearance and amenity for locality.

44. A monetary contribution comprising **\$190,300.00** is payable to Parramatta City Council pursuant to Section 94A of the *Environmental Planning and Assessment Act, 1979* and the *Parramatta Section 94A Development Contributions Plan*. Payment must be by cash, EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a **construction certificate**. At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

Parramatta Section 94A Development Contributions Plan (Amendment No. 1) can be viewed on Council's website at:

[http://www.parracity.nsw.gov.au/build/forms\\_and\\_planning\\_controls/developer\\_contributions](http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions)

45. An *Environmental Enforcement Service Charge* is to be paid to Council prior to the issue of a construction certificate. The fee paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

**Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.**

**Reason:** To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.



46. An *Infrastructure and Restoration Administration Fee* is to be paid to Council prior to the issue of a construction certificate. The fee to be paid is to be in accordance with Councils adopted 'Fees and Charges' at the time of payment.  
Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.  
**Reason:** To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.
47. The Construction Certificate is not to be released unless the Principle Certifying Authority is satisfied that the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.  
**Reason:** To ensure that the levy is paid.
48. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at <http://www.sydneywater.com.au> then the "e-developer" icon or telephone 13 20 92.  
  
Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Notice of requirements must be obtained and submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.  
**Reason:** Statutory requirement.
49. Should any proposed work be undertaken where it is likely to disturb or impact upon a utility installation (e.g. power pole, telecommunications infrastructure, etc) written confirmation from the affected utility provider that they have agreed to the proposed works shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate or any works commencing, whichever comes first. The arrangements and costs associated with any adjustment to a utility installation shall be borne in full by the applicant/developer.  
**Reason:** To ensure no unauthorised work to public utility installations and to minimise costs to Council.
50. Prior to the commencement of any works on the site the applicant must submit, a Construction and/or Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:
- (a) Construction Management Plan for the Site  
A plan view of the entire site and frontage roadways indicating:

- i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- i. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- ii. The locations of proposed Work Zones in the egress frontage roadways,
- iii. Location of any proposed crane standing areas,
- iv. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- v. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- vi. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.

(b) Traffic Control Plan(s) for the site:

- i. All traffic control devices installed in the road reserve shall be in accordance with the Roads and Traffic Authority, NSW (RTA) publication '*Traffic Control Worksite Manual*' and be designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
  - ii. Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
- A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided and a copy of this route is to be made available to all contractors.
  - Where applicable, the plan must address the following:
    - Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
    - A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
    - Minimising construction related traffic movements during school peak periods,

The Construction and Traffic Management Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition.

**Reason:** To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

51. The construction certificate will not be issued over any part of the site requiring a controlled activity approval under the Water Management Act 2000 until a copy of the approval has been submitted to the Principal Certifying Authority and Council, if the not the PCA.  
**Reason:** To ensure that the requirements of the office of Water are met.
52. Documentary evidence confirming that satisfactory arrangements have been made with Integral Energy for the provision of electricity supplies to the developments is to be provided to the Principal certifying authority, prior to the issuing of any Construction certificates.  
**Reason:** To ensure adequate electricity supply to the development.
53. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) see Your Business then Building and Developing then Building and Renovating or telephone 13 20 92. The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to works commencing on site.  
**Reason:** To ensure the requirements of Sydney Water have been complied with.
54. No construction works shall start on the stormwater system until the detailed final storm water plans have been approved by the Principal Certifying Authority. Prior to the approval of storm water drainage plans, the person issuing the Construction Certificate shall ensure that:
- a. The final stormwater plans are consistent with, and address and incorporate all the notes/issues marked on the Plans i.e. the stormwater plan with the stamp "Stormwater Plan Rectification Requirements" stamped on the following drawings ***together with the comments, rectification requirements, notes annotated thereon.***
    - i. **"Basement Stormwater Plan & Drainage Details"**, Drawing #D01, Job # 11AH026, Revision "C" dated 20/06/2011; prepared by Australian Consulting Engineers (1 sheet)
    - ii. **"Ground Floor Stormwater Olan & Drainage Details"**, Drawing #D02, Job # 11AH026, **Revision "E" dated 01/12/2011**; prepared by Australian Consulting Engineers (1 sheet)
    - iii. **"Stormwater System Details – 19 Cartridge with 3100 Concrete Manhole"**, Drawing #D03, Job # 11AH026, Revision "A" dated 20/06/2011; prepared by Australian Consulting Engineers (1 sheet)
    - iv. **"Standard Enviropod Filter for Gully Pit Details"**, Drawing #D04, Job # 11AH026, Revision "A" dated 20/06/2011; prepared by Australian Consulting Engineers (1 sheet)
- Note:** The Stormwater Plans are for DA approval only and shall not be used for construction purposes as the construction plan (drawing). Separate Rectified Plan addressing the issues and incorporating all

notes marked on this plan shall be submitted for Construction Certificate Approval.

- b. The proposed On-Site Detention (OSD) System has been designed and certified by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Council's Drainage Code E4 and stormwater Drainage Guidelines.
- c. The design achieves, a Site Storage Requirement of **470 m<sup>3</sup>/ha** and a Permissible Site Discharge of **80 L/s/ha** (as per 3<sup>rd</sup> edition of UPRCT's handbook) with the OSD storage capacity of **760m<sup>3</sup>** as shown on the approved stormwater plan.
- d. Detailed Stormwater plans with cross sectional details of OSD storage areas; pits etc, OSD Detailed Design Submission (**Form B9**) and OSD Detailed Calculation Summary Sheets are submitted and are acceptable.

**Reason:** To minimise the quantity of storm water run-off from the site, surcharge from the existing drainage system and to manage downstream flooding.

55. The stormwater management systems are designed in accordance with the water sensitive urban design principles and shall comply with the Parramatta City Council's Development Control Plan. The quality of the stormwater flow from the developed site shall be improved to achieve following pollutant retention target prior to discharge into the creek system (Duck Creek). The designer shall ensure and certify that the stormwater management system will achieve these following objectives.

- **Gross Pollutants** (Trash litter and vegetation larger than 5mm) at least **70%** of average annual load shall be captured.
  - **Fine Sediment** (Contaminant particles between 0.1mm and 0.5mm) at least **80%** of average annual load shall be captured.
  - **Coarse Sediment** (Contaminant particles 0.1mm or less) at least **50%** of average annual load shall be captured.
  - **Nutrients (Total phosphorus and total nitrogen)** at least **45%** of the average annual load for each nutrient shall be captured.
  - **Hydrocarbons, motor oils, oil and grease** at least i) **90%** of the average annual load or ii) Total discharge from site of Total Petroleum Hydrocarbons (TPH) <10 mg/L at all times, whichever is greater shall be captured.
- a. Prior to issue of Construction Certificate, the certifier shall ensure that the designer has provided sufficient details demonstrating that the proposed development does not adversely impact on the receiving creek
  - b. The configuration of the stormwater quality improvement devices shall be such that the treatment measures are in the order from primary to tertiary treatment as stated in the "**Table 3.2: WSUD Treatment Measure Categories**" of design guideline titled "**Water Sensitive Urban Design - Technical Guidelines for Western Sydney**". The treatment system components shall be re-configured according to this

order. The stormwater plan shall be amended to represent the actual configuration of the treatment system components.

- c. The Post Development Music model layout shall be amended to represent the actual layout/ configuration and the order as shown on the Amended stormwater plan and that the model and the stormwater plan are consistent in terms of the configuration/ order of the system components. The combined effectiveness of the treatment measures proposed shall meet the water quality improvement objectives.
- d. The proposed “**Stormfilter**” unit should have Oil & Grease separation capability. Details of the proposed units shall be submitted for the approval of the Principal Certifying Authority prior to the determination of the Construction Certificate. The certifier shall ensure that the designer has designed the unit(s) in accordance with the manufacturer’s/ supplier’s specifications and complied with all the requirements specified by the manufacturer/ supplier of the unit(s).
- e. Drawings showing the cross section details, dimensions and Invert levels etc shall be prepared and submitted to the principal certifying authority together with the application for construction certificate for its approval. No works relating to the associated stormwater quality improvement system shall commence prior to obtaining the approval from the Principal Certifying Authority.
- f. “Standard Operation & Maintenance Procedure Manual” with operation procedure and maintenance schedule for each of the component and the system as a whole shall be prepared and submitted to the Principal certifying authority for its approval. The certifier shall ensure that a copy of the manual shall be submitted to the council prior to issue of the Construction Certificate. Provisions shall be made to ensure that the occupant and the person/ body responsible for maintenance of the OSD system shall obtain a copy of the manual.

**Reason:** To ensure that the water quality management measures are implemented.

56. No work relating to stormwater system in public domain shall commence until the detailed final stormwater plan in public domain/reserve/ river bank has been approved by council’s City Infrastructure Unit. Details including long section and cross section details, bedding and backfill materials etc. of the proposed **300mm** diameter pipe-work and work on headwall within the reserve/ river bank shall be submitted for Council’s (City Infrastructure Unit) approval prior to commencement of any associated work. The designer of the stormwater plan is responsible to ensure that the design are in compliance with the Council’s requirements and addressed stormwater related issues including the followings:  
Upon completion of the work separate Work-As-Executed plan shall be prepared on the approved stormwater plan and submitted to council for record and sign off.

**Reason:** To ensure that the stormwater work in public domain comply with council's requirements.

57. A Reinforced Cement Concrete (RCC) Headwall works shall be constructed in according with the Council's Standard Drawing **DS36**. The headwall works shall be finished with the **Apron** at the front consisting of Riprap with **400mm Boulder** in **Gabion wire basket**. The area behind the wing walls shall be finished with Riprap with 400mm Boulder in **Gabion wire basket**. The headwall and all associates works such as wing walls, apron etc. shall be constructed to the satisfaction of **NSW Office of Water**.

**Reason:** To prevent erosion of and protection of river bank with satisfactory disposal of stormwater

58. Prior to the commencement of any excavation works on site the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:

- a. The type and extent of substrata formations by the provision of a minimum of 4 representative borehole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the borehole logs shall be related to Australian Height Datum.
- b. The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
- c. The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property structures and road reserve if nearby (full support to be provided within the subject site).
- d. The existing groundwater levels in relation to the basement structure, where influenced.
- e. The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
- f. Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for

verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report shall contain site specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- i. No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- ii. No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- iii. No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- iv. Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- v. Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- vi. An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

The Principal Certifying Authority (PCA) shall take responsibility to ensure that the above issues are addressed and requirements complied with prior to issue of Approval.

**Reason:** To ensure the ongoing safety and protection of property.

59. If an excavation associated with the erection or demolition of a building extend 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. At least 7 days before excavating 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 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 and submit to the Principal Certifying Authority details of the date and manner by which the adjoining owner(s) were advised.

**Reason:** To control excavation procedures.

60. Retaining wall for excavation shall be constructed when cut or fill exceeds 600mm. Where necessary to prevent damage to the adjoining properties all approved retaining walls associated with the approved development are to be constructed to the construction of the ground floor.  
**Reason:** To prevent damage to the adjoining properties.
61. A final Waste Management Plan is to be submitted to the Certifying Authority which ascertains the details of all private contractors to be used to manage the waste collection during the demolition and construction of the development, the frequency of collection and how many bins are to be provided. A copy of the final Waste Management Plan is to be submitted to Council for review.
62. An acoustic assessment should be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled *"Development Near Rail Corridors and Busy Roads- Interim Guidelines"*.
63. Prior to the issue of a Construction Certificate the Applicant should engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report should be provided to the Principal Certifying Authority with the application for a Construction Certificate.
64. Prior to the issuing of a Construction Certificate the Applicant is to submit to the Rail Authority a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the Rail Authority confirming that this condition has been satisfied.

#### **Prior to the commencement of works**

65. The preparation of an appropriate hazard management strategy by an licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with the WorkCover Authority's *"Guidelines for Practices Involving Asbestos Cement in Buildings"*. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.  
**Reason:** To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.
66. On demolition sites where buildings are known to contain bonded or friable asbestos material, a standard sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x



300mm is to be erected in a prominent position on site visible from the street kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by contacting the NSW WorkCover Authority hotline or the website [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

**Reason:** To comply with the requirements of the NSW WorkCover Authority

67. Prior to the commencement of demolition work a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA). A copy of the statement must also be submitted to the WorkCover Authority.

The statement must be in compliance with AS2601-1991 Demolition of Structures," the requirements of WorkCover Authority and conditions of the development approval, and must include provisions for:

- (a) enclosing and making the site safe. Any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001)";
- (b) induction training for on-site personnel;
- (c) inspection and removal of asbestos and contamination and other hazardous materials;
- (d) dust control. Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
- (e) disconnection of Gas and Electrical Supply;
- (f) fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
- (g) access and egress. No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
- (h) waterproofing of any exposed surfaces of adjoining buildings;
- (i) control of water pollution and leachate and cleaning of vehicles tyres. Proposals shall be in accordance with the "Protection of the Environmental Operations Act 1997";
- (j) working hours, in accordance with this Development Consent;
- (k) confinement of demolished materials in transit;
- (l) proposed truck routes, in accordance with this development consent; and
- (m) location and method of waste disposal and recycling in accordance with the "Waste Minimisation and Management Act 1995".

The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

**Reason:** To provide a Work Method Statement.

68. At least one (1) week prior to demolition, the applicant must submit to the satisfaction of the Principal Certifying Authority a hazardous materials survey of the site. Hazardous materials include (but are not limited to) asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must be prepared by a suitably qualified and experienced environmental scientist and must include at least the following information:
- (a) The location of hazardous materials throughout the site;
  - (b) A description of the hazardous material;
  - (c) The form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
  - (d) An estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
  - (e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
  - (f) Identification of the disposal sites to which the hazardous materials will be taken.
- Reason:** To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.
69. A minimum of five (5) working days prior to any demolition work commencing a written notice is to be given to Parramatta City Council and all adjoining occupants. Such written notice is to include the date when demolition will be commenced and details of the principal contractors name, address, business hours contact telephone number, Council's after hours contact number and the appropriate NSW WorkCover Authority licence.
- Reason:** To protect the amenity of the area.
70. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note and provide protection for Council as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.
- Note:** Applications for hoarding permits, vehicular crossing etc will require evidence of insurance upon lodgement of the application.
- Reason:** To ensure the community is protected from the cost of any claim for damages arising from works on public land.
71. Prior to demolition commencing, either the Principal Certifying Authority or Council's building surveyor must inspect the site. Should the building to be demolished be known or suspected by reason of the buildings age or otherwise to be found to be wholly or partly clad with bonded or friable asbestos material, approval to commence demolition will not be given until the PCA or/and Council is satisfied that appropriate measures are in place for the handling, storage, transport and disposal of the bonded or friable asbestos

material. Prior to commencement of demolition an inspection fee is to be paid in accordance with Council's current fee schedule.

**Reason:** To ensure proper handling, storage, transport and disposal of asbestos materials.

72. Demolition works involving the removal, repair, disturbance and disposal of more than 10 square metres of bonded asbestos material must only be undertaken by contractors who hold the appropriate NSW WorkCover Authority licence(s) and approvals.

**Reason:** To comply with the requirements of the NSW WorkCover Authority

73. Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- (a) appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed within 7 days; and
- (b) notify Council in writing of their intention to commence works (at least 2 days notice is required prior to the commencement of works).

The PCA must determine when inspections and compliance certificates are required.

**Reason:** To comply with legislative requirements.

74. Prior to work commencing, adequate toilet facilities are to be provided on the work site prior to any works being carried out.

**Reason:** To ensure adequate toilet facilities are provided.

75. The site must be enclosed with a 1.8 m high security fence to prohibit unauthorised access. The fence must be approved by the Principal Certifying Authority and be located wholly within the development site prior to commencement of any works on site.

**Reason:** To ensure public safety.

76. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) Stating that unauthorised entry to the work site is prohibited;
- (b) Showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- (c) Showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (d) Showing the approved construction hours in accordance with this development consent.
- (e) Any such sign must be maintained while the excavation building work or demolition work is being carried out, but must be removed when the work has been completed.

- (f) This condition does not apply to building works being carried out inside an existing building.

**Reason:** Statutory requirement.

77. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site are to be maintained in a safe and tidy manner. In this regards the following is to be undertaken:

- I. all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
- II. all site boundaries are to be secured and maintained to prevent unauthorised access to the site
- III. all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis
- IV. the site is to be maintained clear of weeds
- V. all grassed areas are to be mown on a monthly basis

**Reason:** To ensure public safety and maintenance of the amenity of the surrounding environment.

78. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) see Your Business then Building and Developing then Building and Renovating or telephone 13 20 92. The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to works commencing on site.

**Reason:** To ensure the requirements of Sydney Water have been complied with.

79. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to received written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

**Reason:** To prevent any damage to underground utility services.

80. Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

**Reason:** To ensure soil and water management controls are in place be site works commence.

81. Prior to commencement of any work on the council's road, road reserve or footpath, a Road Opening Permit must be obtained from council by lodging the application for Road Opening Permit. Upon completion of the work, the road, road reserve, and footpath shall be reinstated to its original state to the satisfaction of Council and the cost shall be borne by the applicant.

**Reason:** To ensure Council's approval is obtained prior to commencement of work on council's road, road reserve and footpath and reinstated to its original state upon completion of the works.

82. A heavy-duty vehicular crossing shall be constructed in accordance with Council's **Standard Plan # DS9 & DS10**. Details shall be submitted to the satisfaction of Principal Certifying Authority with the application for the Construction Certificate. A Vehicle Crossing application shall be submitted to Council together with the appropriate fee prior to any work commencing for construction of the vehicular crossing.

**Reason:** To ensure appropriate vehicular access is provided

83. Prior to the issue of a Construction Certificate, an application is required for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment which must be obtained from Parramatta City Council. All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings **DS1** (Kerbs & Laybacks); **DS7** (Standard Passenger Car Clearance Profile); **DS8** (Standard Vehicular Crossing); **DS9** (Heavy-Duty Vehicular Crossing) and **DS10** (Vehicular Crossing Profiles).

In order to apply for a driveway crossing, you are required to complete the relevant application form with supporting plans, levels and specifications and pay the appropriate fee of \$171.30

**Note:** This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

**Reason:** To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

84. Prior to commencement of any works, including demolition and excavation, the applicant is to submit to the Principal Certifying Authority (and Council if not the PCA) of documentary evidence including photographic evidence of any existing damage to the neighbouring properties and the Council's property. Council's property includes footpaths, kerbs, gutters and drainage pits. A dilapidation survey of the neighbouring properties and the Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the commencement of works. Failure to identify any damage to Council's assets will render the applicant liable for the costs associated with any necessary repairs

**Reason:** To ensure that the applicant bears the cost of all restoration works to the neighbouring properties and the Council's property damaged during the course of this development.

85. A Tree Protection Zone (TPZ) is to be established prior to any works commencing around those trees that are to be retained as shown in the Arboricultural Impact Assessment by Redgum Arboricultural & Horticultural Consultants (Ref No – 7020) dated 30 August 2011. The area is to be enclosed with protective fencing consisting of 1.8m high fully supported chain-wire link or welded mesh fence. The area enclosed shall be a designated a “No-Go Zone” and is required to be kept weed and grass free for the entire duration of works.

**Reason:** To protect the trees to be retained on the site during construction works.

86. Prior to works commencing, tree protection signage shall be attached to each tree protection zone, displayed in a prominent position and the sign repeated where the fence changes direction, Each sign shall contain in a clearly legible form, the following information:

- (a) That the tree protection zone is a No Go Zone
- (b) This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
- (c) The name, address, and telephone number of the developer and site Arborist.

**Reason:** To protect existing trees during the construction phase.

87. The consent from Council is to be obtained prior to any pruning works being undertaken on any tree, including tree/s located in adjoining properties. Pruning works that are to be undertaken must be carried out by a certified AQF Level 3 Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

**Reason:** To ensure the protection of the tree(s) to be retained.

### **During Construction or Works**

88. A copy of this development consent, stamped plans and accompanying documentation is to be retained for reference with the approved plans on-site during the course of any works. Appropriate builders, contractors or sub-contractors shall be furnished with a copy of the notice of determination and accompanying documentation.

**Reason:** To ensure compliance with this consent.

89. No vehicle access is to be provided from the premises into the adjoining bushland reserve.

**Reason:** To ensure protection of the bushland reserve and manage the impacts of the development.

90. Noise from the construction, excavation and/or demolition activities associated with the development shall comply with the NSW Department of Environment

and Conservation's Environmental Noise Manual and the Protection of the Environment Operations Act 1997.

**Reason:** To protect the amenity of the area.

91. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the NSW Department of Environment and Conservation (DEC). Dust nuisance to surrounding properties should be minimised.

**Reason:** To protect the amenity of the area.

92. All plant and equipment used in the construction of the development, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.

**Reason:** To ensure public safety and amenity on public land.

93. The applicant shall not enter or undertake any work within adjoining public lands (i.e. parks, reserves, roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction Management Plan.

**Reason:** Protection of existing public infrastructure and land and to ensure public safety and proper management of public land.

94. All work including building, demolition and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

Note – Council may allow extended work hours for properties located on land affected by Parramatta City Centre LEP 2007 in limited circumstances and upon written application and approval being given by Parramatta City Council at least 30 days in advance.

Such circumstances where extended hours may be permitted include:

- Delivery of cranes required to the site outside of normal business hours;
- Site is not located in close proximity to residential use or sensitive land uses;
- Internal fit out work.

**Reason:** To protect the amenity of the area.

95. The applicant shall record details of all complaints received during the construction period in an up to date complaints register. The register shall record, but not necessarily be limited to:

- (a) The date and time of the complaint;

- (b) The means by which the complaint was made;
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that affect;
- (d) Nature of the complaints;
- (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
- (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register shall be made available to Council and/ or the principal certifying authority upon request.

96. Noise emissions and vibration must be minimised and work is to be carried out in accordance with Department of Environment and Conservation guidelines for noise emissions from construction/demolition and earth works which are to comply with the provisions of the Protection of the Environment Operations Act 1997.

**Reason:** To ensure residential amenity is maintained in the immediate vicinity.

97. Where demolition is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the Department of Environment and Climate Change (DECC) licensed waste facility for bonded or friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

**Reason:** To ensure appropriate disposal of asbestos materials.

98. All bonded and friable asbestos waste material on-site shall be handled and disposed off-site at a Department of Environment and Climate Change licensed waste facility by an DECC licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 1996 and the EPA publication Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999 and any other regulatory instrument as amended.

**Reason:** To ensure appropriate disposal of asbestos materials.

99. Any fill material imported to the site is to be virgin excavated natural material (VENM) and is to be certified as such by a suitably qualified industry professional. Records of each individual certification are to be kept on site and produced for inspection when requested.

**Reason:** To ensure the site does not become contaminated and appropriate compaction levels can be achieved.

100. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

**Reason:** To ensure the development is being built as per the approved plans.



101. All fill imported onto the site shall be 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.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines

**Reason:** To ensure imported fill is of an acceptable standard.

102. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority immediately.

**Reason:** To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

103. Any damage to Council assets that impact on public safety during construction is to be rectified immediately to the satisfaction of Council at the cost of the developer.

**Reason:** To protect public safety.

104. The vehicular entry/exits to the site within Council's road reserve must prevent sediment from being tracked out from the development site. This area must be laid with a non-slip, hard-surface material, which will not wash into the street drainage system or watercourse. The access point is to remain free of any sediment build-up at all times.

**Reason:** To ensure soil and water management controls are in place before site works commence.

105. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to Section 138 of the Roads Act 1993:

- (a) On-street mobile plant:  
e.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever

steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.
- (d) Kerbside restrictions, construction zones:  
The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a construction zone, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

**Reason:** Proper management of public land.

106. All redundant lay-backs and vehicular crossings shall be reinstated to conventional kerb and gutter, foot-paving or grassed verge as appropriate **in accordance with Council's Standard Plan No. DS1**. All costs shall be borne by the applicant, and works shall be completed **to the satisfaction of Council** prior to the issue of an Occupation Certificate.

**Reason:** To provide satisfactory drainage.

107. Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto the public way.

**Reason:** To ensure pedestrian safety.

108. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. The proponent may be required to produce these documents to Council on request during the site works.

**Reason:** To confirm waste minimisation objectives under Parramatta Development Control Plan 2005 are met.

109. No materials (including waste and soil), equipment, structures or good of any type shall be stored, kept or placed within five (5) metres from the trunk or within the drip line of any tree.

**Reason:** To ensure the protection of the tree(s) to be retained on the site.

110. All excavation within three (3) metres from the tree/s identified to be retained on site is to be supervised by an AQF Level 3 arborist, who shall undertake any remedial work, including the pruning of roots, if necessary.

**Reason:** To provided adequate protection of trees

111. No service, structure, conduit or the like shall be fixed or, attached to any tree.  
**Reason:** To ensure the protection of the tree(s).
112. The grass verge must be reinstated with a graded uniform cross fall, using clean uniform topsoil and rolled turf.  
**Reason:** To ensure restoration of environmental amenity.

### **Prior to the release of an Occupation certificate**

113. Occupation or use, either in part or full, is not permitted until an Occupation Certificate has been issued. The Occupation Certificate must not be issued unless the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia and until all preceding conditions of this consent have been complied with.

Where Council is not the Principal Certifying Authority, a copy of the Occupation Certificate together with registration fee must be provided to Council.

114. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority that is responsible for critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. Where Council is not the PCA, the PCA is to forward a copy of all records to Council.

The record must include details of:

- (a) the development application and Construction Certificate number;
  - (b) the address of the property at which the inspection was carried out;
  - (c) the type of inspection;
  - (d) the date on which it was carried out;
  - (e) the name and accreditation number of the certifying authority by whom the inspection was carried out; and
  - (f) whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.
115. An effective evacuation report and procedure shall be prepared by an appropriate consulting engineer. The report shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. A copy of the report shall be provided to Council for record keeping purposes. The report shall incorporate an effective evacuation process and procedure for egress both from the site in the early stages of a storm to upper floor evacuation during the peak of storm events.  
**Reason:** For the property to ensure future property owners are made aware of the procedure in the case of flood.
116. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of our website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

117. Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that:

- Stormwater system including On-Site Detention systems, and the dish/swale drain channel for the overland flow path have been built according to and comply with the requirements including the OSD storage volume as shown on the stormwater plan.
- The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink.
- The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- As built On-Site Detention (OSD) storage volume calculated in tabular form (depth verses area and volume table) and certified by the registered surveyor.
- OSD Works-As-Executed survey certification form and dimensions form (refer to UPRCT Handbook - Form B10 and Form Attachment B).
- Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook – Form B11 Certificate). The person issuing Hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.
- Approved verses installed Drainage Design (OSD) Calculation Sheet.
- Structural Engineer's Certificate for the OSD tank structure, basement pump-out tank structure, OSD basin (retaining) wall etc.
- The original Work-As-Executed plans and all documents mentioned above have been submitted to Council's Development Services Unit.

**Reason:** To ensure works comply with approved plans.

118. Prior to the issue of the occupation certificate the PCA shall ascertain that all the requirements of the Vegetation Management Plan for the riparian zone have been implemented.

**Reason:** To ensure the restoration of riparian corridors

119. The artworks shall be installed in accordance with the approved arts plan.

**Reason:** To ensure the appropriate implementation of the approved public art plan.

120. A Notification Agreement outlining the electrical construction requirements and associated fees shall be obtained from energy provider prior to the release of the linen plans.

**Reason:** To ensure electricity supply is available to all properties.

121. As constructed plan of Water quality management system shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the water quality management system has been constructed and completed in accordance with the designed plans. The person issuing the Occupation Certificate shall ensure that:

- As constructed plan of the Water Quality management system including the details of devices such as gross pollutant traps, Sand Filters, etc have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, flow capacity, treatment capacity etc. and that they are prepared on the copies of the approved plans issued with the Construction Certificate and variations are marked in red ink.
- water quality management system including Water Quality Improvement Devices (SQID's) such as gross pollutant trap (GTP's), Sand Filters etc have been built according to and comply with the requirements as stated in the council's Stormwater design Guideline.
- Certificate of compliance of the system from a qualified professional engineer certifying that the system have been built according to the plan and meet the following water quality improvement objectives:
  - **Gross Pollutants** (Trash litter and vegetation larger than 5mm) at least **70%** of average annual load shall be captured.
  - **Fine Sediment** (Contaminant particles between 0.1mm and 0.5mm) at least **80%** of average annual load shall be captured.
  - **Coarse Sediment** (Contaminant particles 0.1mm or less) at least **50%** of average annual load shall be captured.
  - **Nutrients (Total phosphorus and total nitrogen)** at least **45%** of the average annual load for each nutrient shall be captured.
  - **Hydrocarbons, motor oils, oil and grease** at least i) **90%** of the average annual load or ii) Total discharge from site of Total Petroleum Hydrocarbons (TPH) <10 mg/L at all times, whichever is greater shall be captured.

**Reason:** To ensure works comply with approved plans.

122. A positive covenant shall be created on the property title under the provision of the Conveyancing Act 1919, to ensure that the required Stormwater Quality Improvement devices/system will be adequately maintained. Proof of registration shall be submitted to the Council and Principal Certifying Authority prior to occupation or use of on-site.

**Note:** The covenant is to be submitted to Council for approval prior to lodgement with the Land and Property Information Service of NSW. Documents relating proof of completion of the stormwater Quality Management system and certification of compliance shall be submitted to the council together with the covenant.

**Reason:** To ensure maintenance of on-site detention system.

123. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works.

This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

- (d) compare the post-construction dilapidation report with the pre-construction dilapidation report, and
- (e) Carry out site inspection to verify the report and ensure that any damage to the public infrastructure as a result of the construction work have been rectified immediately by the developer at his/her cost.

A copy of this report is to be forwarded to Council.

**Reason:** To establish the condition of adjoining properties prior building work and any damage as a result of the building works.

124. The completed Waste Data File is to be submitted to Council for review and approval prior to the issue of the Occupation Certificate.

125. The consent holder is to submit details of the process for bin cleaning and that if a caretaker is to be responsible, that these details is also to be provided to Council prior to the release of the Occupation Certificate.

126. As there is a change in the building classification, the building must comply with the Category 1 Fire Safety Provision applicable to the proposed new use. In this regard the following measures are required to be provided prior to the issue of the Occupation Certificate

**Reason:** To comply with legislative requirements of the Environmental Planning & Assessment Act 1979 an Environmental Planning and Assessment Regulations 2000

127. The Certifying Authority shall arrange for a qualified Landscape Architect/Designer to inspect the completed landscape works to certify adherence to the DA conditions and Construction Certificate drawings. All landscape works are to be fully completed prior to the issue of an Occupation Certificate.

**Reason:** To ensure restoration of environmental amenity.

128. The landscaping shall be completed in accordance with the consent and approved plans, prior to occupation or use of the premises and shall be maintained at all times.

**Reason:** To ensure landscaping is completed in accordance with the approved plans and maintained.

### **Use of the site**

129. No approval is granted to the use of the building. A separate development application will need to be made for the use of the site.

**Reason:** To ensure development consent is obtained prior to that use commencing.

130. No hours of operation are approved under this Development Application.

**Reason:** To minimise noise impact of mechanical equipment.

131. Any External Plant/ air-conditioning system shall not exceed a noise level of 5 dBA above background noise level when measured at the side and rear boundaries of the property.

**Reason:** To minimise noise impact of mechanical equipment.

132. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.

**Reason:** To ensure the removal of graffiti.