



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

SUMMARY

Application details

DA No:	DA/709/2011
Assessment Officer: Services	Kerry Gordon – Kerry Gordon Planning
Property:	Lot 1, DP 883008, No. 316 Victoria Road, RYDALMERE NSW 2116
Proposal:	Demolition of existing structures, subdivision of one allotment into three allotments, erection and use of a hardware warehouse on proposed Lot 1, earthworks, tree removal, construction of driveway to proposed lots 2 and 3, erection of signs.
Date of receipt:	14 October 2011
Applicant:	Bunnings Properties Pty Ltd
Owner:	Bunnings Properties Pty Ltd
Submissions received:	Four
Property owned by a Council employee or Councillor:	No
Issues:	Impact on critically endangered ecological community, riparian zone, setbacks, extent of cut and fill, height, signage, streetscape
Recommendation:	Deferred Commencement approval subject to conditions

Legislative requirements

Zoning:	IN1 – General Industrial
Permissible under:	Parramatta Local Environmental Plan 2011
Relevant legislation/policies:	Disability Discrimination Act, SEPP 19, SEPP 55, SEPP (Infrastructure), SEPP 64, DCP 2011
Variations:	Height, landscaped setback from Victoria Road,
Integrated development:	No
Crown development:	No

The site

Site Area:	8.402ha
Easements/rights of way:	Yes, easement for electricity substation
Heritage item:	No
In the vicinity of a heritage item:	No
Heritage conservation area:	No
Site History:	<p>A draft Masterplan for the site was adopted on 13/12/04 which included conditions requiring planting to use locally indigenous vegetation, the preparation of a water management plan and contamination assessment. The Masterplan included a 30m setback from Victoria Road and an environmental protection zone near the creek. This Masterplan is no longer a relevant matter for consideration.</p> <p>DA/773/2005 was granted for the demolition of the existing warehouse and associated site works – this work has been completed. This work involved regrading of the site after remediation works were undertaken.</p>

Works pursuant to DA/773/2005 were undertaken, however, during the associated regrading of the site at the completion of the remediation works, material has been pushed into the adjacent Council owned reserve. The material pushed into the reserve is located to the rear of the western side of the northern boundary of the site and extends into the reserve by up to 8m in the north-western corner and by up to 7m further to the south, along the northern boundary. The material forms a very steep batter slope that has subsequently be inhabited by weeds. This apparently unauthorised fill works have resulted in impacts upon the existing trees on the site and within the reserve.

A site inspection of 9 May 2012 revealed the site appears to contain local pockets of apparently unauthorised dumping (noting the materials were not observed in the initial inspection). The dumped materials appear to be largely domestic, but do appear to include materials containing asbestos.

DA history

14/10/2011	Application lodged
21/10/2011	Request from applicant for additional information re: arts plan
27/10/2011 – 26/11/2011	Application notified
8/11/2011	Response from applicant to request for additional information
22/11/2011	Comments received from Office of Water
6/12/2011	Letter sent to applicant outlining concerns with application and seeking additional information/redesign

The initial assessment identified the following concerns with the proposal.

1. Council's initial assessment of the vegetation at the rear of the site in proximity to the watercourse was that it conformed with the criteria for classification as the critically endangered ecological community Blue Gum High Forest (BGHF). Council therefore requested Eco Logical (an independent consultant) to conduct a review of the Flora and Fauna Impact Assessment Report prepared by Abel Ecology. Ecological found that vegetation typical to the BGHF is present in the eastern section and down slope of a fence in the central section near the northern boundary of the site and that vegetation conforming to a highly modified relic of the BGHF is present in the western section and the cleared area of the central section near the northern boundary of the site. The loss of this vegetation and impacts upon it and the adjoining BGHF were not appropriately addressed in the application. Several other deficiencies in the application were also detailed in the conclusions of the Eco Logical report, including the impact of stormwater from the development on Lot 1 upon the BGHF. Addressing this issue would be likely to affect the works to Lot 3.
2. The response to the notification of the Office of Water contains General Terms of Approval (GTAs) that require surveying the "*highest bank of the river for the length of the site*" and that the area between the highest bank and the northern site boundary was to be protected and maintained as a riparian corridor. Work would need to be undertaken to identify the highest bank and accordingly identify the area upon which the riparian corridor would be provided. This work would be likely to affect the works to Lot 3.
3. The proposal involves extensive cut and fill works and concern was raised that the extent of both is excessive and may not be necessary for the development to proceed. Justification as to why such extensive cut and fill is proposed was requested. Concern was also raised at the use of steep batter slopes at the northern boundary of Lot 3 and of the impact of the slopes upon the BGHF on the adjoining property. Addressing this issue may alter the design of the works on Lot 1 and the works proposed on Lot 3.
4. The proposed design for the development does not comply with the 30m landscape setback control contained in the Camellia and Rydalmere Strategic Precinct section of the DCP. The justification provided based on existing development in the vicinity of the site is not supported given the recent adoption of the control and the unacceptable precedent that would be set by the proposed variation. An amendment to the design of the works on Lot 1 would be needed to address this concern and it is unlikely that Lot 2 could be appropriately developed in its current form in compliance with this control.
5. The proposed design for Lot 1 does not appear to comply with the 10% landscape provision requirement (though the statement of environmental effects does not appear to contain a calculation for this control) contained in Part 3 of the DCP and does not make provision for an open space staff recreation area. There is no justification for variation to the recently adopted

controls on a site that involves demolition and reconstruction with no apparent constraints. Addressing this issue would require a redesign of the works on Lot 1 and it is unlikely that Lot 2 could be developed in compliance with this control and the control referred to in point 4 above.

6. Comments received from Catchment Management indicated that inadequate information had been provided to complete the assessment of the application and the following information was requested:
 - a) *The applicant needs to define by survey the position of Subiaco Creek (both sides) with respect to the existing property boundary.*
 - b) *Contour lines on drawing do not agree with top of creek South Bank. This needs to be checked.*
 - c) *A detailed hydraulic flood model of the pre and post filling will need to be prepared to determine the extent and depth of flooding along the Subiaco Creek and the impact of land filling on this and to adjoining properties. The hydraulic model will need to extend sufficiently upstream and down stream of this property to ensure that the boundary conditions used in the model are representative of any actual hydraulic controls. The cross sections need to extend sufficiently within this property and within the properties to the north of Subiaco Creek to demonstrate the flood level impact resulting from filling of the land. The applicant will need to demonstrate that the proposed development will not adversely impact on adjacent properties anywhere. The hydraulic modelling should include the peak 20 year, 100 year and PMF flood events. The hydraulic modelling shall also identify the hydraulic flood hazard conditions within this area.*
 - d) *An overland flow path / swale will need to be designed to safely convey the 1 in 100yr ARI design storm through Lot No.3. The applicant will need to demonstrate that the overland stormwater flows will not create any adverse impact within proposed Lot 3.*
 - e) *Detail cross sections showing the proposed filled area along the western boundary of the site should be included on the drawings together with details of any retaining wall(s) along the boundary.*
 - f) *The design of the internal stormwater drainage pipe system including the On Site Detention system (OSD) will need to take into consideration appropriate tail water conditions at Subiaco Creek.*
 - g) *The 525mm diameter stormwater drainage pipe proposed through Lot 3 will need to be relocated towards the eastern or western boundary of the site to ensure that Lot 3 is not adversely burdened by this pipe.*
7. The proposed 12m high sign was considered to be excessive and inconsistent with the character of the area and would not be supported.

14/12/2011	Meeting held with applicant to discuss concerns with application
16/12/2011	Response from Sydney Regional Development Advisory Committee
20/11/2011	Concurrence/approval granted by Roads and Maritime Services
9/2/2012	JRPP briefing
1/3/2012	Information/amended plans received from applicant in response to letters of 6/12/11 and 8/2/12
5/4/2012	Review of submission from Eco Logical received
12/4/2012	Office of Water amended GTAs received
16/4/2012	Response to engineering concerns from applicant
17/4/2012	Response from Endeavour Energy received

SECTION 79C EVALUATION

SITE & SURROUNDS

The site is located on the southern side of Victoria Road, opposite its intersections with Euston Street and Clyde Street, Rydalmere. The site is an irregular 'L' shaped allotment with a frontage to Victoria Road of 221m and an area of 8.402ha. The land has an irregular rear boundary of 331.5m to Council's reserve that runs along Subiaco Creek. The site has a western side boundary of 317.7m and an irregular eastern boundary of 435.1m. The site has a history of industrial use, with the majority of buildings on the site having been demolished and the land remediated and benched after the 2005 development consent was issued.

Currently, the site is occupied by a dilapidated concrete building located at the south-eastern corner of the site. The site has vehicular access via a two way driveway located to the immediate east of the building, egress from which is traffic light controlled and ingress is provided for via a small slip lane from Victoria Road. Several internal driveways remain on the site, running along the eastern and western boundaries, near the southern boundary as well as one in proximity to the western and central portions of the rear boundary.



Note building and entrance with slip lane and traffic lights

The site is elevated above the level of Victoria Road by between 0.5m (western side) and 2m (eastern side). The site slopes up from the south-western corner by approximately 6m to a large benched platform located in the central portion of the site. A smaller area of sloping land is located behind the existing building, which slopes up another 2.5m, with a steep batter slope separating the two areas. A retaining wall runs roughly along the eastern boundary, adjacent to the driveway, having a height of up to 3m. To the rear of the large benched platform is a second batter slope having a height of approximately 4m, which forms a continuation of the "tail" of the 'L' shape of the allotment. To the rear of the batter slope is a second smaller benched platform, the road and bitumen area, followed by a steep, vegetated batter slope which falls towards Subiaco Creek. The "tail" of the 'L' shape slopes from south to north, with a steep batter slope of approximately 3m height near the south-east corner.



Rear smaller benched area looking west, with batter slope rising to front benched area to left of photograph

Overall the site rises a maximum of 8m from its south-western corner to the area just behind the existing building, falling up to 14m from there to the rear of the site.

The site is largely devoid of vegetation other than around the perimeters of the site. The majority of the vegetation appears to be planted and/or exotic, other than for the vegetation at the rear of the site adjacent to the rear boundary. This vegetation is described in the review prepared by Eco Logical as potentially being Blue Gum High Forest (BGHF) and is largely comprised of trees.



Typical vegetation at the rear of the site adjacent to Subiaco Creek

The site is burdened by an easement and restriction as to use at the south-western corner, which is occupied by an electricity switch station.

Development in proximity to the site is of mixed character and use, with industrial uses located to the west and east of the subject site, residential uses located to the rear of the site, across Subiaco Creek and a mix of showroom and industrial uses located on the opposite side of Victoria Road.



Site looking to the north showing vegetation at northern edge of site and residential development beyond, vegetation provides effective screening to most of residential area

The visual character of the two sides of Victoria Road is distinctly different, with a landscaped character dominating the northern side which is characterised by large, often landscaped, setbacks and the southern side characterised by smaller setbacks with less/no landscaping.



Streetscape of northern side of Victoria Road with large, landscaped setbacks



Streetscape of southern side of Victoria Road with little vegetation and small setbacks

THE PROPOSAL

Original Application

The application seeks approval for demolition of the existing structures, subdivision of one allotment into three allotments, erection and use of a hardware warehouse on proposed Lot 1, earthworks, tree removal, construction of driveway to proposed Lots 2 and 3 and erection of signs and is described in detail following.

Demolition It is proposed to demolish all structures on the subject site including the existing concrete building located at the front south-eastern corner of the site. Other structures to be removed include all internal driveways and hard stand areas. It is proposed to remove all vegetation from the site, including approximately 180 trees.

Earthworks: At the completion of the demolition work it is proposed to carry out extensive earthworks across the entire site to create the proposed 3 allotments. At the Victoria Road frontage of the site it is proposed to create a 1:10 - 1:4 batter slope along the entire frontage (other than where the vehicular entries are proposed). The batter slope is to have a depth of approximately 15m.

Behind the batter slope it is proposed to create a large building pad (approximately 220m x 80m) adjacent to the western boundary for the construction of the Bunnings Warehouse. The building pad is to be created by a small amount of fill in the south-western corner (up to 700mm) and the rear northern edge (up to 3m), with the total area of fill equating to approximately 10% of the pad area, and by large amounts of cutting (up to 1.3m) over the remainder of the area. To the east of the building pad it is proposed to grade the site to create a relatively flat area for the proposed car parking area and for proposed Lot 2. These areas are to be created largely by cutting, with the area of proposed Lot 2 cut by up to 3.4m and the car parking areas cut by up to 1.5m. The rear northern part of this area is to be filled by up to 2m (equating to less than 10% of the car park and proposed Lot 2 area). As such it appears that there is significantly more cut than fill proposed on proposed Lots 1 and 2.

Between proposed Lot 1 and 3 is a batter slope of between 1:15 and 1:3. Proposed Lot 3 is to be significantly filled to create a level building pad, with filling of 0.8m to 2.4m in the main body of the lot. To the rear of the proposed building pad, adjacent to the northern boundary it is proposed to provide a steep batter slope of 1:2 in close proximity to the boundary. The eastern part of proposed Lot 3 is to be re-contoured to slope to the rear, with a 1:3 batter slope adjacent to the southern boundary and a 1:2 batter slope along the whole northern boundary. This portion of proposed Lot 3 is to be created by cut and fill, with the southern portion cut by between 0.4m and 4m and the northern portion filled by up to 2m. The main portion of proposed Lot 3 is created wholly by fill and the eastern portion is created by a balance of cut and fill. As such it appears that the extensive cut proposed for Lots 1 and 2 is to be used in the extensive filling of the main portion of proposed Lot 3.

Subdivision: It is proposed to subdivide the existing single allotment into three allotments described following.

Proposed Lot 1 is the largest lot and is to have a frontage to Victoria Road of 220.9m (the entire frontage of the existing site), a western boundary of 225.76m, a northern boundary of 209.28m and an eastern boundary of 282.47m, with a site area of 4.846ha. The lot is roughly rectangular in shape, but has a smaller rectangular shaped, landlocked allotment (proposed Lot 2) contained within it near its south-eastern corner. Proposed Lot 1 is burdened by a right of way and easement for services running the full length of the eastern boundary (variable width of 10.97m – 20m wide) and a second right of way that wraps around the northern and approximately half of the western boundary of proposed Lot 2 (variable width 10m – 17.87m). Further, whilst not shown on the subdivision plan, Lot 1 would retain the existing burden of the easement for a substation at the south-western corner of the site. The subdivision plan also does not show an easement for drainage for proposed Lot 1 through proposed Lot 3 despite the stormwater design for the Bunnings development.

Proposed Lot 2 is to be a landlocked allotment located to the south-eastern corner of the site and is roughly rectangular in shape. Proposed Lot 2 has a southern boundary of 48.08m, a western boundary of 57.3m, a northern boundary of 47.86m and an eastern boundary of 60.6m, with an area of 2,860m². Proposed Lot 2 benefits from the previously described rights of carriageway and easement for services over proposed Lot 1.

Proposed Lot 3 is a landlocked, irregular rectangular shaped allotment located to the rear of the site. Proposed Lot 3 has a southern boundary of 321.6m, a western boundary of 150.6m, a southern boundary of 331.2m and an eastern boundary of 98.325m, with an area of 3,269ha. Proposed Lot 3 benefits from the previously described rights of carriageway and easement for services over proposed Lot 1. Further, as discussed above, proposed Lot 3 would be burdened by an easement for drainage from Lots 1 and 2 even though it is not shown on the subdivision plan.

Warehouse: It is proposed to construct a Bunnings Warehouse hardware shop on proposed Lot 1, with associated car parking, landscaping and access works as is described following. The proposed warehouse building will be roughly rectangular in shape and have dimensions of 81m x 151m (12,285m² GFA). The building is to be setback 8.5m – 16m from the western boundary of the site and setback 43m – 65m from the frontage with Victoria Road. To the rear of the warehouse building is a building and landscape supply yard of roughly rectangular shape and having dimensions of 17.5m x 72.5m (1,263m² GFA), which is setback 11m from the proposed northern boundary of proposed Lot 1. This building has a maximum height of 12.4m at its south-western corner and 13.2m to the top of the parapet at the northern side of the building.

Projecting forward of the warehouse building is a two storey component containing a café, amenities and playground at ground level and offices at first floor level. This building element projects 10m forward of the warehouse and has a length of 27m. To the west of this element is a bagged goods area (36m wide and projecting 18m forward of the warehouse building – 1,555m² GFA) over which is proposed a canopy roof of 6m height. Forward of these built structures is to be an irregular shaped outdoor nursery (1,517m² GFA), running the full width of the warehouse building and having a setback of 15m from Victoria Road. Shade sails of up to 6m are proposed over the entire nursery area.

Projecting to the east of the warehouse building are two building elements, being a two storey high entrance structure located roughly centrally in the eastern façade and a single storey covered trade goods pick up area (265m² GFA) located to the rear of the eastern façade.

To the east of the warehouse building, taking up the majority of the remainder of the site is a car parking area with 455 parking spaces, inclusive of 10 accessible parking spaces, and space for 3 spaces for towing trailers.

Access: Vehicular access to the three allotments is to be via a two way entry road, setback 4m from the eastern boundary. This access road is in the same location as the existing traffic light controlled access road to the site, but is in a different configuration. Vehicles entering the site will enter via a 54m long slip road off Victoria Road, partially to be constructed within the road reserve. The slip road then turns into the onsite two lane entry road. The left lane turns into proposed Lot 1 at the rear of proposed Lot 2 and also provides access to proposed Lot 2. The right lane continues past proposed Lot 1 to provide access to proposed Lot 3 and also provides access to the Bunnings car park and service truck road (discussed later). Egress from the site is via a single lane internal road, which provides egress from the rear of the Bunnings carpark and proposed Lot 3, becoming a two lane road as it passes proposed Lot 2 and nears the traffic light controlled intersection with Victoria Road. All traffic leaving the proposed 3 lots, other than service vehicles for Bunnings will leave using this intersection.

A second internal road is proposed accessed off the rear of the access road along the eastern boundary. This road is a service road for Bunnings and commences as an aisle (last aisle) through the Bunnings car park then becomes a separate road that travels around the northern and western sides of the warehouse building. This road provides one way access in a counter-clockwise direction to access the two loading docks, one at the rear and one at the front of the warehouse.

This road exits onto Victoria Road adjacent to the western boundary, in a proposed left-only signalised intersection.

Amended Application

In response to the concerns raised during the assessment process, amended plans were lodged, together with additional information addressing flooding, impacts upon the critically EEC and stormwater treatment. The amended plans contained the following changes to the application.

- The landscaped setback to Victoria Road for Lot 1 has been increased from 2,595m² to 4,336m², with a width of 15m-35m
- Main Bunnings building relocated 4m to the north and internal configuration altered, decreasing retail floor area from 17,245m² to 16,731m²
- Subdivision has been altered to relocate Lot 2 further from Victoria Road (now 20m from 10m) and to provide easements for drainage from Lot 2 over Lot 1 to Victoria Road and from Lot 1 over Lot 3 to Subiaco Creek
- Civil engineering design amended to increase the extent of retaining wall between Lots 1 and 3, to amend cut and fill locations, to relocate stormwater lines
- Landscape plan for Lot 1 has been amended to incorporate trees and vegetation consistent with Blue Gum High Forest
- Reduction of onsite parking within Lot 1 to 440 cars

In response to the concerns raised that vegetation on the subject site constituted Blue Gum High Forest, and in response to the assessment carried out by Eco Logical on behalf of Council, the applicant submitted a Flora and Fauna Impact Assessment Report prepared by Able Ecology. This report contained the following findings:

- The proposal is not considered to have a significant effect upon the Blue Gum High Forest located in the Council reserve (it not being accepted there is Blue Gum High Forest on the subject site) and as such a Species Impact Statement is not recommended.
- Landscaping onsite should include species from the Blue Gum High Forest.
- Planting along the onsite buffer adjacent to the northern boundary of Lot 3 should include indigenous species sourced from the locality or indigenous to Blue Gum High Forest and a VMP is to be prepared for the area.
- If the fill along the northern boundary is required to be removed it will require the removal of trees growing in the fill.

PERMISSIBILITY

The subject site is zoned IN1 – General Industrial pursuant to Parramatta Local Environmental Plan 2011 and garden centres, hardware and building supplies and subdivision are all permitted with consent.

REFERRALS

Traffic

The application was referred to Council's Traffic Engineer and the following comments were received in response.

Proposed Development

The proposed development seeks approval to subdivide the land into three lots with vehicular access off Victoria Road. The submitted Traffic Report stated that "Vehicle access for the 3 lots will be provided via a shared right-of way along the eastern boundary to the existing traffic signal controlled access intersection".

As per the submitted Traffic Report, the proposed Bunning's Warehouse will occupy Lot 1 with the following areas:

- | | | | |
|-----------------------|---|--|--|
| ➤ Warehouse | - | 9,150m ² GFA | (Note the submitted plan (Dwg No. 030 Amendment No. A indicates 9,510m ² GFA, a difference of 360m ² GFA |
| ➤ Timber trade sales | - | 3,135m ² GFA | |
| ➤ Outdoor nursery | - | 1,517m ² GFA | |
| ➤ Bagged goods | - | 1,555 m ² GFA | |
| Total | - | 15,717-m ² GFA | |
| | | | |
| ➤ Supplies Yard | - | 1,263m ² GFA | |
| ➤ Trade sales pick-up | - | 265m ² GFA | |
| | | Total including supplies yard and trade sales = 17,245m² GFA | |

A total 455 parking spaces on site will be provided with vehicle access off Victoria Road as follows:

- *Entry and exit for cars along the ROW corridor;*
- *Entry for service vehicles along the ROW corridor;*
- *An exit driveway for Bunning's delivery vehicles only on Victoria Road at the western boundary incorporated into the existing Clyde Street intersection traffic signals through a service road*

Note that the submitted Traffic Report indicated that "The development of the Lots 2 and 3 will be subject to separate subsequent applications and the uses on these Lots is not known at this time however:

- *there has been interest shown by fast food operator for the small frontage lot*
- *there has been interest shown by the Parramatta Council for the rear lot to establish a new depot to replace their existing depot located in Morton Street at Rydalmere".*

Parking Requirements

Council's DCP 2011 does not specify parking requirements for bulky goods development. Accordingly, the parking provision is based on parking survey of similar developments from other available sites. The submitted Traffic Report indicated "a survey and research of 9 Bunning's warehouse stores provides a comprehensive indication of the intrinsic parking demands for Bunning's". It was stated that the peak demands occur on weekends and the established peak parking demand characteristics are shown in the Traffic Report.

The submitted Traffic Report indicated that "the proposed Rydalmere store of 15,717m² will have some 455 parking spaces which equates to a rate of 2.9 spaces per 100m² (or 1 space per 34.5m²). It is apparent that this provision will be quite adequate even for peak seasonal demands as it will be more than that of the peak demand at Bunning's top trading store and more than the average peak demand of the 9 stores".

Traffic Generation

The submitted Traffic Report provided the estimated traffic volumes for the proposed development (Bunning's site), the proposed fast food site (Lot 2) and the proposed lot 3 development site. Note that, in order to gauge the potential traffic generation for the proposed Council Depot, surveys were undertaken at the existing site in Morton Street Depot during morning and evening peak periods.

Accordingly, "the potential implications of the total traffic outcome for the access intersection have been assessed in terms of the operational performance and the results of that assessment undertaken with SIDRA which are provided in Appendix E" of the submitted Traffic Report. It was stated that "the criteria for interpreting SIDRA output are reproduced overleaf and the results of this operational performance assessment indicate that the proposed development will have a satisfactory traffic outcome. The queue length data indicates a maximum queue of 40 metres for the right-turn into the site, however it is proposed to modify the existing 'S' lane roadmarking to provide a 60 metre right-turn bay as a peak contingency provision".

Parking Provision and Layout

The proposed development provides for 455 parking spaces (10 disabled parking spaces in front of the building and 5 spaces for vehicles with towing trailers). Note that staff parking spaces are not marked on the pavement.

The dimensions for parking spaces and aisle width comply with AS 2890.1-2004 (2.5m wide x 5.5m long clear of columns and the width varies from 7.5m to 8.923m). The dimensions and configuration of the disabled parking spaces 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). Traffic within the parking area is marked with two-way directional arrows.

Accordingly, the number of parking spaces provided on-site is considered acceptable.

Additional Issues raised by Council on 1 September 2011 (TRIM Doc D02087144)

Council raised the following issues:

- “Concern is raised that the internal intersection within the site that provides access to the pad restaurant and the Bunning’s warehouse could be problematic from a traffic conflict perspective. Alternate treatments such as a roundabout and or a separate access road to lot 3 should be considered.
- Clarification as to whether customers purchasing bulky goods such as timber will take their vehicles (including vehicles towing trailers) into the timber trade sales area. If yes internal manoeuvring within this area should be discussed in the traffic report”.

In response to the above issues, the Traffic Report indicated the following:

The early concept plans incorporated a roundabout at this access point however further assessment concluded that:

- “a roundabout would not operate effectively because there would essentially be no vehicles turning right into the access (ie no different to a 'T' junction)
- a roundabout of sufficient size to accommodate Bunning’s delivery vehicles and Council trucks would alienate too much of the site.
- a small "drive over" roundabout would invariably be damaged due to the frequency of truck movements provision of a separate access for Lot 3 was not feasible or necessary as the ingress will be free flowing and there will be an integration of car parking and visitation. The great majority of vehicles will ingress and egress at this point thus the "straight through" movements will be subject to GIVE WAY sign control”
- Vehicle access for Timber Trade Sales

“Vehicles will access into and stand inside this area and adequate design provision has been made in recognition of vans and cars with trailers to be accommodated. This is a common feature with Bunning’s Stores and the practical parameters are established from the Bunning’s "experience".

**RTA SYDNEY REGIONAL DEVELOPMENT ADVISORY COMMITTEE
(SRDAC) MEETING**

The proposed development was discussed at the RTA SRDAC meeting on Wednesday, 2 November 2011 between the RTA officers, applicant and its Traffic Consultant and Council Staff.

In summary, the following issues were addressed at the SRDAC meeting on behalf of Council's Independent Planner (Kerry Gordon):

- feasibility for rear lot 3 (which could potentially be a Council Depot and will have movement of a number of larger vehicles) to use the separate truck access for Bunning's*
- suitability of trucks access travelling through the carpark and potential safety issues with car movements. Do the number of trucks warrant separate access?*
- Surveys of Bunning's sites are quite unclear as no details were given in the submitted Traffic Report.*
- Intersection treatment within internal access road to the Bunning's site including Lots 2 and 3 which may lead to queuing problems.*
- Sharp turn into the driveway to enter Lot 2 and suitability of larger trucks to use this access for fast food development*
- Timber trade and building and landscape supplies yards appear to show internal access by vehicles. Possibility of providing a separation wall from the general warehouse to prevent the general public from wandering in. If it is open to the tradies, any safety features available to separate pedestrians from vehicles? Otherwise, any sufficient area in the goods pick up to allow for collection of large scale items from both of these areas, particularly from the building and landscape supply yard which is some distance away?*
- Location of large goods pick-up area for the nursery (ie. bagged goods area, etc)*

In response to the above concerns, the applicant and applicant's Traffic Consultant advised the following:

- It is not possible to provide an access road ROW along the service road from Lot 3 (for use by the potential Council depot) due to level difference and time difference for trucks exiting proposed Lot 3 in the morning and entering back into the proposed Lot 3 in the afternoon peak periods. In addition, the RTA indicated that the proposed access driveway for trucks is restricted to "left-out only" at the traffic signals at Clyde Street and Victoria Road intersection.*

- *Staff parking area (approximately 23 spaces) is to be provided at the northern most end near the truck access through to the service road. A separate truck access is required for unloading activities only typically being carried out in the morning. No loading activities are carried out on site. Further advice from the Traffic Consultant on Wednesday, 2 November 2011 indicated that "A large percentage of Bunning's products are imported from overseas and the majority of products are forwarded to stores from the central distribution centre. Hence deliveries for economy typically involve semi-trailer vehicles while there are some local direct deliveries (ie garden products, café supplies etc) which involve smaller vehicles. The deliveries fluctuate with 'seasonal' influences however because the majority of deliveries are from the central distribution centre they are "programmed" to be spread throughout the Metropolitan area and throughout the day. On a typical day there is likely to be 2 to 3 large truck deliveries and 4 - 6 small truck deliveries. Deliveries do not generally occur after 4:00 pm so at a maximum there are generally some 9 deliveries per day over some 9 hours or 1 delivery per hour although occasionally there may be more than one delivery vehicle on site at the same time".*
- *Concern was noted. The Traffic Report indicated that based on traffic generation data, "It is very apparent that the peak traffic generation rates for Bunning's 'per 100m² GFA' decrease significantly as the floor space increases and this is a quite natural circumstance as an increased 'product range' (ie floor area) does not result in a pro-rata increase in customers. It is also relevant (and quite inevitable) that these traffic generation rates will decrease as additional Bunning's stores open as part of the current expansion program; additional new bulky goods hardware stores are opened by Bunning's competitors (ie Woolworths 'Masters' and Mitre 10/Metcash)". Note that the peak parking demand for the proposed Bunning's warehouse at Rydalmere site is based on the average peak parking demand of the other Bunning's sites that occur particularly on weekends.*
- *Internal access road intersection treatment has been addressed in Item 15 above.*
- *The driveway access into the proposed Lot 2 is indicative only and is subject to a separate development application to Council in the future. The plan shows the boundary of the proposed Lot 2 and right of way access facility to this site.*
- *Timber trade and building and landscape supplies yards has been addressed in Item 15 above. The Applicant also stated that sufficient safety measures and features are in place on site to improve pedestrian and vehicular safety within this area.*
- *Location of large goods pick-up area for the nursery – all activities are for unloading of goods only into the bagged goods area and no pick up activity is carried out within this area.*

Bus Lane and Right-turn bay into the site The RTA representatives indicated that a bus lane on this section of Victoria Road outside the development site is proposed and the right turn bay into the site from Victoria Road is to be extended as part of the development. The area of land acquisition for future bus network provision and the dedication/acquisition of the land within the access road ROW for future maintenance works associated with the traffic signals will be included in the RTA advice to Council following the SRDAC meeting.

Access Arrangement

The Traffic report stated the following:

The proposed external vehicle access arrangements comprise:

- minor modification of the existing traffic signal controlled access intersection on Victoria Road. The modification include:
 - formalisation and extension of the 2 lane egress
 - extension of the left-turn ingress lane in Victoria Road
 - extension of the right-turn ingress lane in Victoria Road
 - provision of a pedestrian crossing across Victoria Road on the western side of the intersection
- an egress on Victoria Road near the western boundary for Bunning's delivery vehicles only which will be restricted to left-turn only egress under traffic signal control (ie modification of the existing Clyde Street intersection signals).

The proposed internal vehicle access arrangements comprise:

- a principal ingress/egress connection located 85 metres north of the Victoria Road access for Bunning's and the fast food carparks with channelised/sign controlled priority for the carpark connection
- secondary and tertiary ingress/egress connections for the Bunning's north carpark located of the principal connection
- access road connection into the rear lot.

The proposed access arrangements for the site development were the subject of meetings with the RTA on 20th April and 2nd June 2011. The RTA by letter of 10th March 2011 advised of their agreement in principle with the proposed access arrangements in particular stipulating that the Bunning's service vehicle egress into the Clyde Street intersection would be left-turn only traffic signal controlled".

Conclusion

Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on this section of Victoria Road and the surrounding road network. The proposal can be supported on traffic and parking grounds provided that:

- *submission and comments from the RTA SRDAC are to be included in the development conditions of consent if this DA is to be approved;*
- *subject to the following traffic related conditions.*

Comment: The abovementioned conditions have been included in the recommendation. Since receipt of these comments the application has been amended to reduce the number of parking spaces provided, so it was referred again to the Traffic Engineer for comment. The following comments were received in response.

Following review of the amended carparking plan (as shown on Drawing No. 030 Amendment B), the reduction of the parking spaces from 455 spaces to 444 spaces (reduction by 11 spaces) due to landscaping requirements near the frontage of the site is acceptable on traffic and parking grounds.

Comment: An amended condition has been included in the recommendation as requested.

Landscape

The application was referred to Council's Landscape Officer as the proposal involves the removal of trees and other landscape works and the following comments were received in response.

Issues

Impact on Site Trees

*According to the survey prepared by Landpartners there are in excess of 180 trees located within the subject site. **All trees are proposed to be removed.***

The site backs on to Ponds Creek Reserve/Subiaco Creek Reserve which contains Blue Gum High Forrest (BGHF) which is listed as a Critically Endangered Ecological Community (CEEC). Trees which are proposed to be removed from within the site are associated with and potentially form part of the BGHF

The information provided regarding trees located within the site is considered inadequate. The arborist report prepared refers to only 96 of the 180+ trees located within the site and does not address any trees located within the adjoining reserve. The statement of environmental effects and arborist report only refer to four (4) trees identified which are associated with the BGHF and recommends retention of these trees. The likely reason that only four (4) trees associated with the BGHF have been identified is that the majority of trees

identified are trees which have been planted within lots 1 and 2 and not the large amount of trees located within Lot 3 which are adjacent to adjoining reserve which were possibly surveyed after the arboricultural report was written.

*Section 5.4 of the arborist report indicates that the proposed works are **‘likely to have a detrimental impact to local occurring and CEEC trees located at or near the common boundary line’**. The consulting arborist goes further to say that ‘To mitigate impacts maintaining works outside of tree protection zones is required, and in particular the trees located within the Council reserve with specific reference to CEEC trees’*

Section 5.5 of the arborist report states that “Further assessment and detailed Tree Protection Zones are to be provided to protect CEEC trees which are considered appropriate to retain”

Many of the subject trees which are likely to be affected have not been reported on and no trees located within the reserve have been surveyed. Recommended tree protection zones have not been provided for submission with the DA.

Open space and natural resources have placed high importance upon trees located within the rear of the site and the adjoining reserve, this position has been clearly stated in the pre-lodgement meeting. Taking into consideration the nature of the application the Supervisor of Natural Resources has engaged an independent ecologist to provide a report upon the proposed development application and envisaged impacts upon the adjoining reserve. This report has not been finalised or viewed at the time of comment.

No issues are raised regarding the works proposed within proposed lots 1 and 2 as the majority of trees are not locally occurring and have been planted. Concern is raised regarding wholesale removal of native and endemic trees within proposed lot 3. It is my opinion that assessment of selective tree removal may be more appropriately assessed at the time of lodgement of any subsequent DA for the site.

Comment: An independent ecologist carried out an assessment of the application, the conclusions of which are noted later in this report. Upon receipt of additional information from the applicant it was referred to the ecologist again to address this issue, and their comments are provided later in this report.

Environmental Health

The application was referred to Council’s Environmental Health Officer and having considered the Site Audit Statement 0301-1014 and the Operational Noise Assessment TF 282- 01F02(Rev 2) reports, no objections were raised subject to conditions that have been included in the recommendation.

Property

The application was referred to Council’s Property Officer and no objection was raised to the proposal.

Crime Prevention

The application was referred to Council's Crime Prevention Officer and no objection was raised to the proposal.

Waste Management

The application was referred to Council's Waste Management Officer to review the waste management plan. No objections were raised to the development subject to conditions which are contained in the recommendation.

Infrastructure

The application was referred to Council's Infrastructure section and the following comments were received in response.

The development proposal is to subdivide the land and construct a Bunnings Warehouse within front part of the block. The proposed subdivided block identified as Lot 3 at the rear adjacent to Subiaco Creek will remain vacant at this stage. The rear block however is proposed to be filled in preparation for future redevelopment.

This property is within the Subiaco Creek Sub-Catchment area. The Subiaco Creek Sub-Catchment Management Plan undertaken by the SKM dated June 2006 identifies the flood extents for the 20 year and 100 year ARI events. The rear of this property is shown to be adjacent to the 100 year flood extents. The probable maximum flood was not determined at that time. No Probable Maximum Flood data is available and it is unclear as to the potential impact of filling Lot 3 adjacent to Subiaco Creek.

The flood levels at this site are as follows:

Cross Section No. 3492

1 in 100 year ARI.....7.44m AHD

1 in 20 year ARI.....6.79m AHD

Cross Section No. 3728

1 in 100 year ARI.....7.04m AHD

1 in 20 year ARI.....6.31m AHD

The letter from AT & L to Bunnings Group dated 19th October 2011 refers to the Flood Planning Level (FPL) at this site and that earthworks below this FPL "will not impact on the flood behaviour of Subiaco Creek" (No other pages of this letter have been provided). This statement can only be made if appropriate hydraulic flood modeling work is undertaken. This needs to be demonstrated by Engineers means. We have not seen any evidence that this modeling exists. No hydraulic modeling has been provided to demonstrate that the proposed fill extents will not result in any adverse flood impact to any surrounding properties.

We are unable to complete our assessment on this development submission without additional information being provided addressing the following points:

- 1. The applicant needs to define by survey the position of Subiaco Creek (both sides) with respect to the existing property boundary.*
- 2. Contour lines on drawing do not agree with top of creek South Bank. This needs to be checked.*
- 3. A detailed hydraulic flood model of the pre and post filling will need to be prepared to determine the extent and depth of flooding along the Subiaco Creek and the impact of land filling on this and to adjoining properties. The hydraulic model will need to extend sufficiently upstream and down stream of this property to ensure that the boundary conditions used in the model are representative of any actual hydraulic controls. The cross sections need to extend sufficiently within this property and within the properties to the north of Subiaco Creek to demonstrate the flood level impact resulting from filling of the land. The applicant will need to demonstrate that the proposed development will not adversely impact on adjacent properties anywhere. The hydraulic modelling should include the peak 20 year, 100 year and PMF flood events. The hydraulic modelling shall also identify the hydraulic flood hazard conditions within this area.*
- 4. An overland flow path / swale will need to be designed to safely convey the 1 in 100yr ARI design storm through Lot No.3. The applicant will need to demonstrate that the overland stormwater flows will not create any adverse impact within proposed Lot 3.*
- 5. Detail cross sections showing the proposed filled area along the western boundary of the site should be included on the drawings together with details of any retaining wall(s) along the boundary.*
- 6. The design of the internal stormwater drainage pipe system including the On Site Detention system (OSD) will need to take into consideration appropriate tail water conditions at Subiaco Creek.*
- 7. The 525mm diameter stormwater drainage pipe proposed through Lot 3 will need to be relocated towards the eastern or western boundary of the site to ensure that Lot 3 is not adversely burdened by this pipe.*

Note: *Our comments relate only to mainstream flooding. It is understood that the proposed internal site drainage system, on - site detention system, Water Sensitive Urban Design, stormwater treatment, internal roads and sediment control within this property is to be assessed by the Development Services Section.*

Comment: In response to the above request the applicant was asked to provide additional information. Upon receipt of that information the infrastructure branch provided the following comments.

In our previous assessment dated 25th November 2011 we reported the following additional information required in order to complete our assessment. These points are listed below and our comments based on review of the new information received responding to these points are indicated in bold under each point:

1. *The applicant needs to define by survey the position of Subiaco Creek (both sides) with respect to the existing property boundary.*

The top of banks for Subiaco Creek and the property boundary have now been clearly included on the Civil Works Plan.

2. *Contour lines on drawing do not agree with top of creek South Bank. This needs to be checked.*

This point appears to now be addressed.

4. *A detailed hydraulic flood model of the pre and post filling will need to be prepared to determine the extent and depth of flooding along the Subiaco Creek and the impact of land filling on this and to adjoining properties. The hydraulic model will need to extend sufficiently upstream and down stream of this property to ensure that the boundary conditions used in the model are representative of any actual hydraulic controls. The cross sections need to extent sufficiently within this property and within the properties to the north of Subiaco Creek to demonstrate the flood level impact resulting from filling of the land. The applicant will need to demonstrate that the proposed development will not adversely impact on adjacent properties anywhere. The hydraulic modelling should include the peak 20 year, 100 year and PMF flood events. The hydraulic modelling shall also identify the hydraulic flood hazard conditions within this area.*

Hydraulic modelling has now been undertaken and the results are provided in the report prepared by Cardno, dated 23rd March 2012.

The results reported indicate that the proposed fill will have a 1cm increase in flood levels near the eastern boundary of the property (upstream) and adjacent to the northern boundary of the property in a 1 in 20 year flood event.

The results for the 1 in 100 year flood event indicate a 1cm increase in flood levels near both the eastern and western boundaries of the property when compared with the developed scenario and the Cardno 2012 1 in 100 year 2 hr flood and no increase adjacent to the northern boundary of the property.

The results for the PMF analysis indicate an increase in flood levels at the property and at both upstream and downstream of the property with the maximum increase in the flood level being 7cm.

Although the increased flood levels for the 20 year, 100 year and PMF events do not represent a significant increase in flooding they do indicate an increase in the existing flood levels as a result of proposed filling of the floodplain. No indication in the Cardno report has been provide to confirm if this increase in flood levels adversely impacts on adjacent properties. The Development Services Unit will need to ultimately decide whether to approve this proposal to fill within the floodplain.

A copy of the electronic hydraulic model files where not provided to Council and a detailed review of the hydraulic model was not undertaken.

The cross sections indicated on Drawing No.DAC020 do not show existing and design finished surface levels to AHD and a direct comparison between the fill levels proposed in the design with those used in the hydraulic model could not be undertaken. It is recommended that the existing and design levels be included on all cross sections and that a further check be undertaken with sections used in the hydraulic model.

6. *An overland flow path / swale will need to be designed to safely convey the 1 in 100yr ARI design storm through Lot No.3. The applicant will need to demonstrate that the overland stormwater flows will not create any adverse impact within proposed Lot 3.*

This matter still needs to be addressed prior to Construction Certificate approval.

7. *Detail cross sections showing the proposed filled area along the western boundary of the site should be included on the drawings together with details of any retaining wall(s) along the boundary.*

This matter still needs to be addressed prior to Construction Certificate approval.

6. *The design of the internal stormwater drainage pipe system including the On Site Detention system (OSD) will need to take into consideration appropriate tail water conditions at Subiaco Creek.*

Details of the proposed on site detention system will need to be checked by the Development Services Engineer.

7. *The 525mm diameter stormwater drainage pipe proposed through Lot 3 will need to be relocated towards the eastern or western boundary of the site to ensure that Lot 3 is not adversely burdened by this pipe.*

It is noted that the proposed stormwater pipe line will now be relocated towards the eastern boundary of the site. Design details together with a longitudinal drainage section and details of the scour

protection headwall at the connection to Subiaco Creek will need to be provided prior to Construction Certificate approval.

Comment: Further information was provided by the applicant in response to the above comments, which is addressed in the following comments.

I have read through the latest comments received from Cardno in their letter dated 16th April 2012 responding to our Section's comments in memorandum dated 5th April 2012.

The following comments are made:

- 1. The Flood Impact Assessment report provided by Cardno Dated 23rd March 2012 reported hydraulic study results which indicated a small change to the predicted flood levels in this area as a result of the extent of filling proposed at this site. Our comments in memorandum dated 5th April 2012 highlighted this point.*
- 2. The Cardno 16th April 2012 report correctly states that additional and proposed cross sections showing existing / proposed levels were provided in Figures 2, 3, 4 ,5, 6 and 7 in the Cardno letter report dated 23rd March 2012. However, the intended point being made in our memorandum dated 5th April 2012 is that we cannot, based on the drawing information presented, make a direct comparison between the pre and post developed levels used in the flood study with those intended for construction. There is no indication showing where these cross sections in the hydraulic model are on plan in relation to the existing proposed creek banks and fill area of the site. An electronic copy of the model was not provided to Council. These points have not been addressed in the latest Cardno letter report.*
- 3. We are unable to provide any further comment in relation to the hydraulic modelling work unless the appropriate information outlined in Item 2 above is provided.*

Please note that we do not have any other means of independently validating or confirming these results. We are reliant on the Applicant and their Consultant to appropriately undertake hydraulic modelling to demonstrate that any proposed filling adjacent to Subiaco Creek will not result in an adverse flooding impact to this or any other property. We are only able to provide comment based on the review of the information submitted to Council.

Comment: The writer of this report had a conversation with the Supervisor Catchment Management where the proposed deferred commencement conditions were explained and it was agreed that they would result in the removal of some existing fill which would widen a pinch-point in the floodplain in flood events and which would result in a reduction in the fill occurring within the floodplain related to the development. It was agreed that such a condition would reduce any impacts of filling in the PMF area and hence whilst the modelling previously provided could not be confirmed, the impact upon adjoining properties

due to flooding would be less under those conditions. It was agreed that it was not critical for new modelling to occur if the changes resulted in no net loss of flood storage capacity within the PMF area. Accordingly, part of the deferred commencement conditioning would require the PMF to be plotted on the amended civil works diagrams and for a calculation to be prepared of the net change in storage capacity within the PMF storage area, it being noted that some of the existing fill in this area is to be removed as is some of the proposed fill. Should no net reduction occur, no further flood modelling is required. Should a net reduction in the flood storage capacity occur, detailed cross sections showing finished levels are to be produced such that the flood storage capacity is not reduced to a level where it would be likely to result in any impact upon private property in the vicinity of the site.

Development Engineer

The application was referred to the Council's Development Engineer and the following comments were received.

Preliminary assessment revealed the following issues. Further referral/assessment is required upon receipt of the information.

I. Water Quality issues:

1. *The treatment objective specified in the two report viz. "Development Application Report dated 07/2011 and "Stormwater Quality Assessment" Revision "3" dated 12/07/2011 are lower and inconsistent with the current DCP (i.e. DCP 2011). The parameters shown on DCP 2011 should be adopted as the treatment objective. Further, the reports do not mention of the removal objective for hydrocarbons, motor oils etc. They should also be included in the proposal.*
2. *The pollution reduction rate should be measured relative to the pollution generation from the same development site without treatment including "no net increase" in pollutant loads from the pre-development (existing) situation. It may require adopting more conservative values to meet these requirements. Further, the proposal should include the layout of the treatment train/ water quality improvement devices with individual pollutant removal efficiency, supported by model such as MUSIC model. The model should consist of i) pre-development, ii) post-development without treatment, and iii) post-development with treatment scenarios. The parameters as specified in the "WSUD- Technical Guidelines for Western Sydney" should be adopted for music model. A copy of these models used should be submitted to Council for assessment.*
3. *Prior approval from NSW Office of Water, (NSW Water Authority) should be obtained and meet their requirement*
 - i) *for pumping of stormwater water from temporary sediment pond during the construction phase (refer to Erosion and Sediment Control Plan).*
 - ii) *for discharge of the post development site stormwater.*

II. Stormwater issues:

4. *Though the layout of the pipe is shown on the stormwater plan, no details such as the surface and invert levels, On-site detention (OSD) tank cross-sectional details have been provided. The OSD storage requirement should be determined in accordance with the Upper Parramatta River Catchment Trust's UPRCT's handbook and the spreadsheet provided. The site discharge should not exceed the permissible limit. The area bypassing the OSD system should be avoided as far as practicable. In extenuating circumstance where this cannot be avoided, the bypass area should be limited to maximum 15% of the site area in accordance the 3rd edition of UPRCT's handbook (4th edition have different figure).*

As the discharge from the orifice is dependent upon the head of water over the centre of the orifice, the cross-sectional detail of the proposed OSD tank and the control pit should be submitted to assess and ascertain that the on-site detention storage volume and the site discharge comply with the permissible limits.

5. *The stormwater outlet pipe from Lot #1 is proposed to run through the middle of proposed lot #3. This may limit and disadvantage the future usability of lot #3 with the creation of the drainage easement for the pipeline. Consideration should be given to relocating this outlet pipe line towards the lot boundary, either along the eastern boundary or western boundary, subject to consideration of vegetation/ water course impacts, to minimise its impact on future development within Lot #3.*
6. *Any of the proposed structures such as pits pipes, tanks, retaining walls road works, land fill, and excavation etc. should be clear off the Tree Protection Zone (TPZ) of the existing trees within the site or the creek bank. No encroachment is permitted.*
7. *Provision should be made to facilitate the management of site stormwater from lot #2, and lot #3. In this regard, the stormwater proposal should include the stormwater infrastructure (pits, pipes etc.), which allows the site stormwater from Lot #2 and #3 to appropriately discharge into this system. Drawing showing long section profile up to the outfall should show the following details*
 - i) existing ground levels, designed ground level, pipe invert levels,*
 - ii) pipe material, sectional length, size and gradient,*
 - iii) any services crossing with its invert and obvert levels etc.*
8. *Details of the outfall/ headwall outlet accompanied with the detailed level survey around the outfall area are required to assess the suitability of the proposed outlet structure.*
9. *Provision should be made for the OSD system/ OSD storage area to be built for the proposed lot #2, and lot #3 as a part of the subdivision requirements.*

III. Flooding issues: please refer to catchment Management Unit's comments

IV. Car parking and Vehicle manoeuvring:

10. The plan does not show the dimension for car spaces.
11. The proposed access road for Lot #3 should be comply requirement relating to heavy trucks, as that lot is under consideration for purchase by council and used for depot. In this respect the width provided appears to be insufficient.
12. Proposed access way to Lot #3 should be constructed as a part of infrastructure for land subdivision.
13. Pedestrian foot path along the front property boundary should be provided. The footpath should not conflict with the proposed additional entry lane for vehicular access to the subject site.

Comment: The above comments were provided to the applicant for the provision of additional information. Upon receipt of that information, it was referred to the Development Engineer again and the following comments were received.

ISSUES:

Flood Prone: Yes.

Grey Area: N/A

Stormwater Disposal:

The development consists of "Three lot Torrens title subdivision with earthworks and retaining walls, construction of a Bunnings Warehouse on proposed Lot 1 with associated signage and car parking" at **316 Victoria Road RYDALMERE**, which is located on the Northern side of the road between Crowgey Street and Myrtle Street. The site survey plan indicates that the site is slopes towards North with a gentle slope towards the western direction.

As the development consist of land subdivision and construction of commercial building, On-Site stormwater detention (OSD) system is required as part of the site stormwater management plan. The site falls under the catchment of **Subiaco Creek**. The On-site detention requirements

- i) based on the 3rd edition of UPRCT's handbook are the Site Storage Requirement (SSR) of **130m³/ha** and Permissible Site discharge (PSD) of **330l/s/ha** and/ or
- ii) based on the 4th edition of Upper Parramatta River Catchment Trust's (UPRCT's) handbook as adopted by the applicant, the Site Reference Discharge (Lower Storage), **SRD_L** of **40 l/s/ha** with Site Storage Requirement (Lower Storage) **SSR_L** of **284 m³/ha** and Site Reference Discharge (Upper Storage), **SRD_U** of **150 l/s/ha** with Site Storage Requirement (Total) **SSR_T** of **438m³/ha** for undrowned orifice condition.

The proposed stormwater management plan consists of an On-Site Detention (OSD) system for proposed Lot 1, where a commercial building is proposed, with an underground OSD tank on rear right of the proposed Lot. The OSD systems for the other two lots have been proposed. However, trunk drainage, to facilitate the Management of stormwater from these two lots, is proposed. The outflow

from the OSD system and the other two lots is proposed to be discharged into the Subiaco Creek located at the rear of the property (behind the proposed lot 3).

The flooding from Subiaco creek affects the rear portion of the lot, which is proposed to be Lot 3.

The stormwater plan/proposal was assessed for its acceptability by Council. The stormwater proposal had issues, which were communicated to the applicant. Following this, response from the applicant was received. However, there are still outstanding issues, which need to be addressed prior to issue of development consent.

The issues are:

A. Water Quality issues:

1. Input parameters for pollution load

The input parameters adopted from Draft MUSIC Modelling Guidelines for NSW. OK. However, the **MUSIC model required to assess** the compliance with the objective as claimed.

2. Prior approval from NSW office of Waters

Prior approval from NSW Office of Water, (NSW Water Authority) should be obtained and meet their requirement for i) pumping of stormwater water from temporary sediment pond during the construction phase (refer to Erosion and Sediment Control Plan) and ii) discharge of the post development site stormwater. In addition to this, the applicant should comply with the requirements, terms and conditions as set out by the NSW Office of Water (refer to letter dated 12/04/2012 from NSW office of Water, TRIM doc D02326584)

The development assessment officer needs to follow up.

B. Stormwater issues:

3. Headwall/ Outfall discharge into the Creek

The headwall for the outfall should be in accordance with the requirements of NSW Office of Water including stabilisation of the drain discharge points to prevent erosion in accordance with a plan, which needs approval from NSW Office of Water.

4. Onsite detention design calculation summary sheet, design certification, Layout, and cross-sectional details

The proposed stormwater plan shows the layout. However, the pit details such as the surface and invert levels and the pipe gradients are missing. Further, the cross-sectional details of the on-site detention (OSD) tank are also missing. The OSD storage requirement should be determined in accordance with the Upper Parramatta River Catchment Trust's (UPRCT's) handbook on the OSD Design calculation summary sheet together with the OSD design certification (Form B9 of UPRCT's Handbook). The site discharge should not exceed the permissible limit. The area bypassing the OSD system should be avoided as far as practicable.

The design should take into account of the minor storm event as well as major storm events. In this regard, the OSD design should be based on the 4th Edition of the handbook. The OSD design should also take into consideration the appropriate tail water conditions at Subiaco Creek.

As the discharge from the orifice is dependent upon the head of water over the centre of the orifice, the cross-sectional detail of the proposed OSD tank and the control pit should be submitted to assess and ascertain that the on-site detention storage volume and the site discharge comply with the permissible limits.

No response has been received so far. The stormwater plan indicates a provision of 2,250m³ tank. However, the Table 6 of stormwater Quality assessment report indicates provision of 2,150m³ OSD tank. The figures are inconsistent. The volume as shown on the stormwater plan should be adopted. However, detail information is needed.

5. Overflow/ overland flow from proposed lot 1 discharged over lot 3

The overflow /overland flow from the Lot 1 is proposed to run through middle of Proposed Lot 3. This requires creation of drainage easement through the middle of Lot 3. As no structure is permitted to be erected or constructed over the drainage easement, this will adversely affect the development potential of lot 3. Hence, this proposal is unacceptable.

The over flow should be directed overland or underground through the proposed driveway along the rear boundary of Lot 1.

However, to an underground pipe with capacity to carry flow of 1: 100 years storm event is recommended. This pipe should follow the proposed drainage easement on the western boundary of proposed lot 3. It is further recommended that the pipe running over the easement be upgraded to carry flow from the Lot 1, 2 and 3. The pipes need to be designed and the Long-section section profile with surface and invert levels, sectional pipe gradients, and location of any services with the levels need to be shown on drawings.

5. Proposed 525mm dia outlet pipe and the associated Drainage easement through Lot 3.

It is recommended that the out let pipe be upgraded to carry flow from Lot 1 (including overland flow), expected flow from Lot 2 and Lot 3. Design details together with a longitudinal drainage section and details of the scour protection headwall at the connection to Subiaco Creek are required.

6. No encroachment into the Tree Protection Zone (TPZ) of Existing Trees

Any of the proposed structures such as pits pipes, tanks, retaining walls road works, landfill, etc. should be clear off the Tree Protection Zone (TPZ) of the existing trees within the site or the creek bank. No encroachment is permitted.

The Landscape officer to follow up.

7. Provision of infrastructures for sub-division (Stormwater trunk drain)

Provision should be made to facilitate the management of site stormwater from lot 2, and lot 3. In this regard, the stormwater proposal should include the stormwater infrastructure (pits, pipes etc.), which allows the site stormwater from

Lot 2 and 3 to appropriately discharge (without interfering with the OSD system of Lot 1) on to Victoria Road and/or Subiaco Creek. The proposed 525mm dia pipe along western boundary of Lot 3 may be used (with upgrade if needed). Drawing showing Long-section profile up to the outfall should include the following details.

- i) existing ground levels, designed ground level, pipe invert levels,
- ii) pipe material, sectional length, size and gradient,
- iii) any services crossing with its invert and obvert levels etc.

No information addressing the issue has been received. The issue is still outstanding.

8. Provision of infrastructures for sub-division (Heavy-duty Vehicular access for Lot 3)

The heavy-duty vehicular access to the proposed Lot 3 should be constructed as a part of infrastructure for land subdivision, which is one of the requirements of subdivision of lot.

9. Creation of Restriction on the use of land / positive covenant to make Provision of OSD system to be built for the proposed Lot 2, and Lot 3

A restriction and positive covenant should be imposed over the Proposed Lot 2 & Lot 3 requiring provision of OSD system upon development of these lots. Imposition of DA Condition will resolve this issue.

C. Flooding issues:

In relation to flood related issue please refer to comments from the council's City Infrastructure Unit - Catchment Management.

Access to & from the Development site (including Basement car parking/access/driveway gradients/vehicle manoeuvring etc.)

The comments and recommendations for manoeuvring and traffic related issues are provided by Traffic & Transport section.

Earthworks (cut and fill)

Filling over Lot 3 is proposed.

Retaining Walls: around the rear boundary of Lot 1

Easements: Inter-allotment drainage easement over Lot 3 is required to drain stormwater from Lot 1.

CONCLUSION

The stormwater plan has issues and is not acceptable. It is recommended that these issues be addressed prior to finalising the application. If this DA proposal is to be approved it should be **approved as Deferred Commencement** subject to the following conditions should be imposed

- i) *rectification of the stormwater plan, incorporating all issues, notes and comments marked on the approved stormwater plan as required prior to issue of operative consent, and*
- ii) *imposition of the conditions listed below:*

Comment: It is considered that the information sought is either unnecessary (in the case of the MUSIC modelling information as it has been prepared by a reputable company and does not require checking) or can be a standard condition and as such the conditions have been incorporated into the recommendation as standard conditions.

Ecologist

The application was referred to an independent ecologist (Eco Logical) to review given concerns raised by Council's Supervisor Open Space and Natural Resources in relation to the potential for the site to contain a Critically Endangered Ecological Community (EEC). Eco Logical concurred with the findings of the applicant's flora and fauna assessment that the vegetation adjacent to the site, within Council's reserve along the creekline, constituted Blue Gum High Forest, a community that is an EEC under the *Threatened Species Conservation Act* (TSC Act) and a Critically EEC under the Commonwealth's *Environment Protection and Biodiversity Conservation Act* (EPBC Act. Eco Logical did not agree with the applicant's ecologist that the vegetation onsite did not constitute BGHF. Eco Logical prepared a detailed review of the application and divided the vegetation at the rear of the site into three areas, the western, central and eastern sections (see following plan). The findings of Eco Logical's review are as follows.

The following conclusions and recommendations are made on the review of Development Application DA/709/2011 for 316 Victoria Road Rydalmere:

1. *Vegetation typical of the Critically BGHF community listed as an Endangered Ecological Community under the TSC Act and Critically Endangered under the EPBC Act is present in the eastern section and downslope of a fence in the central section of the site's northern boundary.*
2. *Vegetation conforming to a "highly modified relic" of the threatened BGHF community listed under the TSC Act and EBPC Act is likely to be present in the western section and cleared area of the central section of the site's northern boundary.*
3. *Vegetation conforming to the critically endangered BGHF community listed under the TSC Act and EPBC Act is likely to be present in the eastern section and downslope of a fence in the central section of the site's northern boundary. It is recommended that further assessments are conducted to confirm this through a vegetation survey.*
4. *The long term management of the BGHF vegetation requires consideration and to do so we encourage the following:*
 - 4.1 *A vegetation management plan be prepared by a restoration ecologist in accordance with the controlled activities guidelines – the primary objective of the plan should be the rehabilitation and enhancement of BGHF within a buffer zone on the site and the adjacent*

Council reserve; the plan should also include installation of insectivorous bat roosting boxes.

4.2 The landscape plan should be amended to include full extent of the species characteristic to the BGHF community present within the area.

4.3 On completion of these recommendations, we encourage Council undertake an amendment to the Parramatta Local Environmental Plan 2011 to further protect this patch of BGHF by way of application of the Part 6. Section 6.4 Biodiversity Protection.



Aerial photograph identifying the BGHF in the reserve and the 3 identified as conforming with the TSC Act listing for BGHF on the subject site discussed throughout the Ecological report.

5. *The DA is deficient because it does not:*
 - 5.1 *Assess the indirect impacts of stormwater and the proposed earthworks on the critically endangered BGHF in Ponds Subiaco Reserve not include adequate mitigation measures*
 - 5.2 *Provide an arboricultural assessment for a number of Eucalyptus saligna proposed for removal.*
6. *Consideration should be given to amending the DA to incorporate a significant buffer zone between the toe of the fill batter and the reserve boundary to protect the indigenous vegetation on-site and to be managed as a conservation area.*
7. *Seven-part tests (TSC Act) and significant assessments (EPBC Act) should be undertaken for:*
 - 7.1 *Indirect impact associated with the proposed stormwater management and earthworks upon the BGHF within the adjacent Council reserve.*
 - 7.2 *Grey-headed Flying Fox likely to be present or use the site.*
8. *A seven-part test (TSC Act) should be undertaken for:*
 - 8.1 *Powerful Owl likely to be present or use the site*
9. *Unless the DA is amended to protect the indigenous vegetation on-site, seven-part tests (TSC Act) and a significance assessment (EPBC Act) should be undertaken for the clearance of BGHF on-site.*

Comment: The applicant was advised of the above review and was requested to address the identified shortcomings of the application. Upon receipt of the additional information from the applicant it was again referred to Eco Logical for comment and the following summary of the comment is provided.

- Detailed vegetation investigation using four quadrant was carried out and Abel Ecology indicated there was inadequate number of indigenous species to assess the vegetation community using the methodology of Tozer et al. Abel Ecology maintain that the vegetation on the site does not conform to BGHF listed under the TSC Act because it was originally cleared and has seeded from the adjoining reserve and is growing on fill and does not conform to the BGHF listing under the EPBC Act because less than 30% of the perennial understorey vegetative ground cover is made up of native species. Eco Logical maintains that the onsite vegetation conforms to the BGHF listed under the TSC Act as the species assemblage, soil type and geographic location is consistent with the TSC Act listing. Further, the TSC Act final determination includes stands of community in a “*state of regrowth after past clearing or logging activities*”, “*highly modified relics of the community*” persisting “*as small clumps of trees without a native understorey*” or “*have highly modified understoreys, in which the native woody component has been preplaced by woody exotic species or by increased abundance of native and exotic grasses*”. Finally, there is no definitive statement in the final determination for BGHF that excludes vegetation growing within fill.

- As Abel Ecology maintains the vegetation onsite is not BGHF it concludes that the clearance of the site does not have a “significant effect” upon the BGHF, which they conclude is only located within the reserve. Eco Logical advice that the Land and Environment Court have concluded that even a small loss of BGHF could result in a likely significant impact to the critically endangered ecological community.
- The relocation of the stormwater outlet at the creek-bank, approximately 25m into the reserve will ensure there is no impact of stormwater drainage on the vegetation within the reserve. It will, however, result in significant impact upon the vegetation within the reserve for the construction of the drainage, which will exacerbate an existing weed problem and as such needs to be undertaken in conjunction with weeding and revegetation.
- There should be only one stormwater outlet into the reserve and stormwater works should be designed such that stormwater from Lot 3 can utilise this outlet.
- The extent of earthworks is still considered to be excessive, with the location of the toe of the batter still too close to the reserve and will result in unacceptable edge effects including earthworks within the root zone of trees in the reserve. The DA should be amended to provide a significant vegetation buffer zone to be managed as natural vegetation between the toe of the fill batter and the reserve.
- The omission of an assessment for the removal of numerous trees and for the potential impact on the root zone of trees within the reserve from earthworks is a major deficiency in the application.
- The landscape plan has been satisfactorily amended to include appropriate BGHF species.
- The amended assessment of significance for the identified species is satisfactory.

The report made the following recommendations:

In accordance with the principles in the Parramatta DCP and Commissioner Watts’ conclusions in the Murlan Consulting Pty Limited v Ku-ring-gai Council court case, it is strongly recommended that the proposed development include a vegetated buffer at the northern end of Lot 3 to mitigate the impacts of the development on the BGHF vegetation in the reserve. Various studies have estimated edge effects extending into bushland for distances ranging from 40m – 60m (Smith and Smith 2009) accordingly the buffer should be as wide as possible. As the vegetation within the reserve is already impacted by weeds, a buffer zone of at least 20 – 25m is recommended. The buffer should incorporate the vegetation in the eastern section at the northern end of the site and manage this area as a natural remnant because it has restoration potential and contains a significant number of Sydney Blue Gums. Due to the presence of fill and potential damage caused during the site remediation process, the long term viability of the trees in the western and central section is less certain and the buffer could be narrower in this area and incorporate landscape plantings of BGHF species.

The loss of the central and western sections of the BGHF vegetation should be offset by a financial contribution to improve the biodiversity value of the BGHF through a restoration program in the reserve.

A vegetation management plan for the entire buffer area extending to the creekline in the adjoining Council reserve (incorporating a program of weed control and revegetation associated with the construction of the stormwater pipe and headwall) should be prepared by the proponent and approved by Parramatta Council prior to the release of the construction certificate. The proponent should fund the implementation of the vegetation management plan within the buffer area for the life of the approved development and within the adjacent reserve area for a time period that commences at the release of the construction certificate and ceases five years after the release of the occupation certificate.

Stormwater management works should be designed so that future development of Lot 3 can utilise the same stormwater outlet

Comment: It is agreed that the vegetation at the eastern end of the northern boundary should be retained either on the basis that it is BGHF or that it will provide an appropriate buffer to the agreed BGHF located within the reserve. This position has been taken for abundant caution as if the area is BGHF it would be inappropriate for it to be removed and if it is not, it will provide a useful buffer to the agreed BGHF in the reserve. An assessment has been carried out in conjunction with Council's Supervisor Open Space and Natural Resources to determine a boundary for the buffer area based on an assessment of the health and location of the trees in this area of the site.

The inspection revealed that creating a buffer area, the width of which was determined by retention of specific trees near the edge of the buffer, was most appropriate. As the application does not include retention of the trees, it is appropriate that their retention be achieved by way of a deferred commencement consent condition which would require a plan to be provided identifying the area of trees to be retained. The condition should require an assessment of the identified trees by a suitably qualified arborist who would identify a root zone for the trees within which no fill should occur in order to allow for the safe retention of the trees. A map of the area containing the trees and the identified root zone should then be provided showing the area, within which no fill works will be permitted. This area is to be weeded, revegetated as necessary and the existing endemic vegetation retained and protected, with a VMP being created to specify the works and ongoing management of this buffer area, which is to be managed as a natural remnant.

The area is to be defined by a line connecting the root zone required to retain trees T186, T84, T77, T128, T145 and a point on the eastern boundary setback a minimum of 20m from the northern boundary. All of the endemic trees located within the boundary created by the above root zones of the identified trees and the northern boundary are to be protected and retained. It is considered that this area will create an appropriate buffer to the widest section of the BGHF located adjacent to the subject site within the reserve. The buffer would have a minimum width of 20-25m near the eastern boundary. The width of the buffer would be reduced in proximity to the central section as discussed in Eco Logical's reports to a minimum width of 10-20m.

It is noted that whilst these figures represent the minimum widths, the actual widths may be larger dependent upon the results of the root zone mapping. It is anticipated that the minimum area within the buffer would be approximately 2,800m², which constitutes approximately 8.5% of the proposed site area of Lot 3.

It is agreed that the stormwater from Lot 3 should also be dispersed into the creek via the outlet proposed for Lot 1 and a condition to this effect is proposed.

A narrower, landscaped buffer is proposed by the applicant to the remainder of the northern boundary and this buffer is considered to be acceptable.

Office of Water

The application was referred to the Office of Water as it involved works within the vicinity of a creek and as such is integrated development pursuant to the Water Management Act 2000 (WMA). The following response was received.

Council advised (sic) that condition 13 of the attached GTAs implement that no filling is to be allowed below the highest bank of the Subiaco Creek and that future integrated development under the WMA on the proposed Lot 3 may attract conditions in the GTA that require a protection and establishment of a riparian vegetation along side the northern boundary of the site.

Please not Council's statutory obligations under section 91A(3) of the Environmental Planning and Assessment Act, 1979 (EPA Act) 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 requires that these GTA be included (in their entirety) in Council's development consent. Please also not 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 (being land in or within 40 metres from top of highest bank or 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 conditions and do not appear in the original documentation.

Comment: The amended application was referred to the Office of Water for comment, it being noted that the additional information provided by the applicant indicated a site inspection was undertaken in conjunction with Office of Water staff. The amended plans include a vegetated buffer (shown in blue on plan DAC005, Issue F and having a width of 6m – 32m) and identifies that the portion of this vegetated buffer within the subject site would be rehabilitated under a VMP. The comments received from the Office of Water, following, do not appear to reference this vegetated buffer area.

Whilst the provision of this vegetated buffer is supported, it should be widened to incorporate all of the area between the top of the proposed fill batter (as required to be amended).

Council advised that applicant when applying for the Controlled Activity Approval (CAA) will required to modify the Siteworks and Stormwater Drainage Plan (sheet 3, drawing no DAC12 dated 10/2/2012 by AT&L) to reflect the use of Rock Rip Rap instead of concrete, as a natural materials in the design and the construction of the storm water outlet (refer to conditions 4 and 9 of the attached GTAs). The applicant will also need to consider relocating the temporary sediment pond shown on the Sedimentation and Erosion Control Plan, Sheet 1 (drawing DAC030 dated 10/2/2012) to outside the 40m zone.

It Council will cover the implementation of the vegetation Management Plan and the works on the waterfront land by a security deposit provided by the applicant, then Office of water may wave its requirement under condition 15 of the GTAs.

Comment: Conditions in relation to the use of a Rock Rip Rap and relocation of the sedimentation pond are included in the recommendation.

Roads and Maritime Services

The application was referred to Roads and Maritime Services for concurrence to the works proposed to Victoria Road and the following comments were received in response.

The SRDAC has reviewed the development application and provides the following requirements for Council's consideration in the determination of the development application

RMS grants its approval to the proposed modifications to the existing traffic signals on Victoria Road under Section 87 of the Roads Act, 1993 and concurrence to the proposed amendments to the existing access to the proposed development under Section 138 of the Roads Act, 1993, subject to the following requirements which are to be incorporated into the development consent:

Comment: The requirements of the Roads and Maritime Services have been included as conditions in the recommendation.

Endeavor Energy

The application was referred to Endeavor Energy as the site contains an existing switch station within an easement. The following comments were received in response.

Endeavour Energy advises that the above property is affected by an easement 30.48 metres wide, encompassing the overhead powerlines, feeder 229 between Carlingford and West Castle Hill Substations. Consequently, the property is subject to some restrictions within the easement area.

Easements are acquired by Endeavour Energy to provide adequate working space along the route of the cables and the vicinity of the structure for construction and maintenance work. These easements are also acquired to ensure that no work or other activity is undertaken that could either by accident or otherwise, create an unsafe situation for persons or for the security of the powerline.

It is imperative that the easement is kept clear of all obstructions, encumbrances and other services in order to provide a safe work area for Endeavour Energy personnel to ensure compliance with Workcover and Occupational Health & Safety legislation.

The Drawing Number DAC010 Project Number 11.50 Issue F received by me today 17th April 2012 indicated that the proposed road way was to be constructed clear of the switch station number SS 25481 and the proposed new Pad Mounted Sub Station and therefore Endeavour Energy will approve your application.

This approval is subject to the owner's agreement in writing to the following conditions

All electrical equipment is to be protected from vehicle impact by the construction of kerbs and where necessary the installation of bollards or Armco type fencing

24 hour 7 day a week access is required for inspection maintenance and possible future construction

The easement area is to be kept clear of all obstructions with an even and level surface to enable safe working space.

Warning signs, where required are to be clearly visible.

*Integral Energy takes this opportunity to provide for your information the following list of "General Restrictions" applicable to the easement area. It should be noted that these are guidelines only and **written permission** must be sought for any activity within the easement area. For such approval, detailed plans drawn to scale and fully dimensioned should be submitted to Integral Energy.*

Comment: The above comments have been incorporated into conditions contained within the recommendation.

PUBLIC CONSULTATION

In accordance with Council's Notification DCP, owners and occupiers of surrounding properties were given notice of the application for a 30 day period between 27 October 2011 and 26 November 2011. In response, four submissions were received at the time of writing this report.

Objectors

1. Thales 274 Victoria Road, RYDALMERE 2116
2. Zhigang Pan & Min Jiang 5/22-24 Joseph Street, RYDALMERE 2116
3. Callington Haven, 30 South Street, RYDALMERE 2116
4. Ms Estelle Rogers 5/3-17 Adeline St, RYDALMERE 2116

Issues

1. Privacy impacts upon residential properties on the northern side of Subiaco Creek

Comment: The Bunnings development car park (the closest component likely to have privacy impacts) is located over 100m from the rear boundary of the property and is then separated from the residential properties by the reserve containing Subiaco Creek. As such there is little potential for privacy impacts from the Bunnings use. There is, however a potential for the end user of proposed Lot 3 to cause privacy impacts and the retention of the onsite vegetation at the rear of the site would assist in ameliorating this concern, however it is proposed to be removed. An appropriate revegetation of this area would provide for appropriate visual screening for the residential properties.

2. Noise impacts upon residential properties on the northern side of Subiaco Creek, particularly from trucks and hours of use of Bunnings

Comment: The application includes an acoustic report prepared by Renzo Tonin & Associates which addresses operational noise. The acoustic report considers the impacts from continuous operation of mechanical plant, intermittent noise from the two loading docks, general car park noise and traffic noise on the public roads due to additional traffic.

Noise monitoring was undertaken to establish background noise levels at the northern side of the site (as access to the nearby residential properties was not available), allowing the determination of maximum noise levels that would need to be met to protect the amenity of the nearby residential area.

The findings of the acoustic report were that the operational noise anticipated from the development would comply with the relevant noise criteria and as such no noise mitigation measures are necessary.

It is noted that the acoustic report did not deal with any noise from equipment that may be used, such as for cutting timber, etc and as such it would appear that such uses will not occur on the site. As such uses have not been assessed, a condition of consent will require that all operations at the premises comply with a maximum noise criteria of 5dB(A) above background level.

3. Dust impacts upon surrounding properties during construction/earthworks

Comment: Concern was raised that previous works on the site resulted in significant dust accumulating on employees cars. It is recommended that a condition be placed upon any consent requiring stringent dust control measures during demolition, earthworks and construction.

4. Request consultation during heavy construction activities

Comment: The submission requested the developer be required to consult with adjoining occupants (Thales – 274 Victoria Road) prior to carrying out heavy construction activities that would result in significant vibration (ie bedrock drilling or blasting) as the work carried out on that property for the Navy requires vibration free testing. The work is time limited and has extensive cost penalties for failing to meet deadlines and testing cannot be carried out when significant vibration can be detected. Given the time limits on such work it is recommended that a condition of consent require a construction management plan to be prepared addressing vibration causing works and requiring that the plan be prepared in consultation with Thales.

5. Impact of additional traffic, need for extra lane on Victoria Road or rear access from Wattle Street on other side of Subiaco Creek

Comment: It is not possible to access the site from the rear given the location of Subiaco Creek and the fact that no road access is currently available from the rear of the site. The assessment of the application by the Sydney Regional Development Advisory Committee and Council's Traffic Engineer is that Victoria Road can cater adequate for the additional traffic generated by the proposal (including that likely to be generated by the future uses of proposed Lots 2 and 3).

6. Removal of trees along creekline/Need for buffer to residential area

Comment: The removal of the trees along the eastern side of the northern boundary is not supported as they provide a good buffer to the adjacent critical EEC along the Subiaco Creek. However, it is not considered unreasonable for other trees along the remainder of the northern boundary to be removed to allow for earthworks, subject to a detailed VMP being prepared for the revegetation of the area, including with trees. The revegetation is also required to allow for remediation work to occur to the apparently unauthorised filling of the Council reserve area. The revegetation will, in time, provide a suitable visual buffer to the residential properties at the rear of the site. A condition to this effect is recommended.

7. Application is deceptive as it doesn't address details of fast food outlet, including rubbish and odour issues

Comment: The potential impacts of a future use of proposed Lot 2 will be appropriately addressed once a development application is lodged for the development of that property.

8. How will Subiaco Creek be kept clean from contamination from Bunnings and fast food uses?

Comment: The potential impacts of the Bunnings use upon Subiaco Creek relate to impacts due to the quality and quantity of stormwater discharge into the creek. Council's Development Engineers raised these concerns in conjunction with Eco Logical and the applicant has submitted additional information to address potential pollution impacts.

Impacts due to any future use of proposed Lots 2 and 3 would need to be addressed when assessing any future application.

ENVIRONMENTAL PLANNING INSTRUMENTS

DISABILITY DISCRIMINATION ACT

The Disability Discrimination Act (DDA) requires Council to have regard to the equity of access to development when assessing a development application. In order to achieve equitable access, an appropriate accessible path of travel would need to be provided from both the footpath and from accessible parking spaces to the front door of each section of the warehouse and throughout the warehouse. Further, accessible amenities and toilets would need to be available for both staff and customers.

The proposed development provides for 4 accessible parking spaces adjacent to the entry to the nursery/café/bagged goods area and 6 adjacent to the main entry. No details are provided within the architectural plans of levels and limited information is provided of accessible paths of travel within the statement of environmental effects, which only says the "*disabled facilities such as ramps, car parking spaces and amenities will be designed to comply with the relevant Australian Standards*". As substantial earthworks are proposed to level the site there is no reason why an accessible path of travel cannot be provided from the accessible parking spaces and throughout the warehouse and a condition of consent to this effect is recommended. The proposal provides for 2 toilets for male and 2 for female customers and one accessible toilet. A condition of consent should require this toilet to be appropriately fitted out.

The proposal seeks approval for administrative offices to be located above the café/toilets, but does not provide for an appropriate accessible path of travel to this space, nor accessible toilets. Therefore, the design currently discriminates against some potential employees, who could not access this area. A condition of consent is therefore recommended requiring that this area be made accessible and be provided with an accessible toilet facility.

Finally, no detail is provided as to whether an accessible path of travel will be available from the footpath. A condition of consent will require such an accessible path of travel.

WATER MANAGEMENT ACT 2000

The application is integrated development under the provisions of the Environmental Planning and Assessment Act as it requires a controlled activity approval under section 92(2) of the Water Management Act 2000. The application has been referred to the Office of Water and the general terms of approval have been incorporated into the recommended conditions.

STATE ENVIRONMENTAL PLANNING POLICY NO. 19 – BUSHLAND IN URBAN AREAS

The provisions of SEPP 19 apply to development upon land which adjoins bushland zoned for public open space purposes and as such is applicable due to the bushland contained in the adjacent reserve. Clause 9 of SEPP 19 required consideration of the following matters when assessing an application for land which adjoins bushland zoned for public open space purposes:

(a) the need to retain any bushland on the land,

Assessment of the vegetation on the subject site has determined that it may constitute BGHF in a disturbed state and that as such it may be worthy of retention. Further, it is agreed that the vegetation within the reserve adjoining the site is BGHF. Given the need to protect the BGHF, I am of the opinion that the vegetation adjacent to the northern boundary (eastern section) should be retained to provide a buffer for the adjacent BGHF.

(b) the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland, and

Concern is raised at the extent of fill proposed adjacent to the bushland within the adjacent reserve and of the fill that has previously been placed within the reserve, apparently without consent. Concern is raised that the subdivision works may result in siltation of the creek and may increase weed infestation on the adjacent property. Given the bushland on the adjacent reserve has been identified as BGHF, it is critical that the proposed works not negatively impact that vegetation. In order to protect the BGHF a series of conditions are proposed including requirements for soil and sedimentation control, removal of previous apparently unauthorized fill, weeding, revegetation, ongoing maintenance and the planning of landscaped buffers to the reserve. The proposed buffers are to assist to the minimize edge effects of the development of the site, which in the past has seen the adjacent reserve impacted by filling and weed infestation.

(c) any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.

All relevant matters have been discussed in relation to (b) above.

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 has been subject to some contamination remediation works in the relatively recent past. The application includes a Site Audit Statement (SAS), dated 31 May 2011, which indicates that the site is suitable for use for commercial/industrial purposes. The SAS also indicates that a Construction Management Plan (CMP) is to be produced prior to commencement of works to address the management of asbestos containing materials if they are encountered in the soil during construction.

It is also noted that a recent site inspection revealed that apparently unauthorised dumping has occurred on the site, which includes what appears to be roofing material containing asbestos.

Conditions of consent are included in the recommendation requiring the abovementioned CMP to be prepared and requiring the plan to identify methods and means of disposal of the apparently dumped asbestos material.

STATE ENVIRONMENTAL PLANNING POLICY NO 64 (ADVERTISING AND SIGNAGE)

SEPP 64 applies to applications including advertising structures/signage that will be visible from any public place and the subject application includes several signs and/or advertising structures that will be visible from public places as are detailed following:

- Painted wall sign in company colours on front façade (southern) 7.9m x 2.5m (wording – Bunnings Warehouse)

- Painted wall sign in company colours on front façade (southern) 9.4m x 5.5m (hammer logo with wording – Lowest prices are just the beginning)
- Painted wall sign in company colours on side façade (eastern) 18.2m x 5.75m (wording – Bunnings Warehouse)
- Painted wall sign in company colours on side façade (eastern) 18.4m x 7.2m (hammer logo with wording – Lowest prices are just the beginning)
- Painted wall sign in company colours on rear façade (northern) 11.9m x 3.75m (wording – Bunnings Warehouse)
- Painted wall sign in company colours on side façade (western) 18.2m x 5.75m (wording – Bunnings Warehouse)
- Painted wall sign in company colours on side façade (western) 18.4m x 7.2m (hammer logo with wording – Lowest prices are just the beginning)
- Several directional painted wall signs on eastern and western facades
- Pylon sign 12m x 4.3m with top panel 4m x 4.5m (wording Bunnings Warehouse - Lowest prices are just the beginning) and two interchangeable panels below, each 4m x 1.6m, to be located forward of proposed Lot 2 next to the turning lane into the site
- Freestanding site directory board 3.2m x 4.3m with top panel 4m x 1.3m (wording Bunnings Warehouse) and two interchangeable panels below, each 4m x 0.475m, to be located at the intersection of the access road with the entrance road into Lot 2 and Lot 1

All painted wall signs are proposed to be illuminated using LED lights directed on the walls/signs and are to be lit during the hours of operation and the pylon and site direction board are to be backlit.

Clause 8 requires that signage must not be granted consent unless the signage is consistent with the objectives of the Policy and satisfies the assessment criteria specified in Schedule 1. The objectives of the Policy of relevance to this application are:

- (a) *to ensure that signage (including advertising):*
- (i) *is compatible with the desired amenity and visual character of an area,*
and

The signage in the area currently consists largely of smaller pylon signs (in the order of 6-8m in height) and relatively low key flush wall signs. In this context, and given the height control for buildings in the area is 12m, it is considered that the proposed 12m pylon sign is excessive in height. Further, the south-eastern corner of the proposed Bunnings building (the closest point to the sign) only has a height of 8.5m and as such the sign is well in excess of the height of the proposed building.

Another concern with the pylon sign is it appears to provide for the only signage for all three proposed lots, but gives the largest signage area to Bunnings, rather than an even distribution of signage area. The directory sign does the same.

It is therefore recommended that a condition be placed upon the consent requiring the pylon sign to be reduced in height to a maximum of 8m and for the signage area to be evenly distributed between the 3 proposed allotments. Further, an easement for signage is to be created in favour of Lots 2 and 3 in the location of the pylon and directory signs.

The painted wall signs are considered appropriate in the area, subject to illumination only during hours of operation and a condition to this effect is recommended. However, the painted wall sign to the northern façade is not appropriate, facing only in the direction of proposed Lot 3 and residential properties beyond. The sign serves no purpose and is therefore not supported. Similarly, the painted wall signs on the western façade are setback such that they are located behind the front façade of the adjacent industrial building, beyond which are residential properties. Again, these signs serve no purpose and are therefore not supported.

Therefore a condition of consent is recommended deleting the painted wall signs and illumination to the western and northern sides, other than for the directional signage.

(ii) provides effective communication in suitable locations, and

Other than the wall signs on the northern and western façade, which serve no purpose, the other wall signs provide effective communication in appropriate locations. The site directory and pylon signs are appropriately located, but do not provide effective communication as the signage area available for the three lots is not equivalent. This may lead to the future occupants of the other lots attempting to erect additional pylon signs, which would not be appropriate.

(iii) is of high quality design and finish, and

The design and finish of the proposed signs is acceptable.

The Schedule 1 assessment criteria are addressed following.

The following assessment criteria apply to the application:

1 Character of the area

- *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*

The signs are generally compatible with the desired character of the area, other than as discussed previously in relation to the Policy objectives.

- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

There is no relevant theme for outdoor advertising in the area.

2 Special areas

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

The site is not located in a sensitive or heritage area and subject to the deletion of the north facing sign, no signage will be visible from the reserve located at the rear of the site.

3 Views and vistas

- *Does the proposal obscure or compromise important views?*

The proposed signage has no negative impacts upon important views.

- *Does the proposal dominate the skyline and reduce the quality of vistas?*

Subject to the reduction in the height of the proposed pylon sign, the signage will not dominate the skyline or reduce the quality of vistas.

- *Does the proposal respect the viewing rights of other advertisers?*

Subject to the redesign of the pylon and directory sign so that the three advertising panels are of equal size, the proposed signage will respect the viewing rights of other advertisers within the subdivision.

4 Streetscape, setting or landscape

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*

Other than for the height of the pylon sign, which is excessive, the signage is of appropriate scale, proportion and form for the streetscape setting.

- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*

The signage as amended by recommended conditions will contribute positively to the streetscape.

- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*

Subject to the conditions related to providing equal signage size and easements for signage for the three lots, the proposal will reduce advertising clutter by providing for one, rather than three, pylon signs and directory signs.

- *Does the proposal screen unsightliness?*

The proposed signs do not screen unsightliness.

- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*

The currently proposed 12m sign would protrude about trees and other buildings in the area, however, subject to a reduction in height to 8m, the signage would be of appropriate height and scale.

- *Does the proposal require ongoing vegetation management?*

The signage will not require ongoing vegetation management.

5 Site and building

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*

The signage is largely incorporated into the building by way of it being painted wall signs. The pylon sign, subject to a reduction in height, will be of appropriate scale and proportion for the building.

- *Does the proposal respect important features of the site or building, or both?*

The signs are compatible with the building proposed for the site.

- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

The signage, subject to conditions, will be appropriate but is not particularly innovative or imaginative.

6 Associated devices and logos with advertisements and advertising structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

The signs are not general purpose signs and as such there are no logos of advertising companies. The lighting will be incorporated into the signage (where freestanding) and attached to the building for the wall signs.

7 Illumination

- *Would illumination result in unacceptable glare?*

Illumination of the wall signs during the hours of operation of the premises is reasonable, subject to the deletion of the signage and lighting to the west, which faces residential properties (beyond the adjacent industrial premises). The illumination of the pylon sign outside the hours of operation of the premises is acceptable given its location in an industrial/commercial area on a main road.

- *Would illumination affect safety for pedestrians, vehicles or aircraft?*

It is not likely that the signage illumination would have any safety implications.

- *Would illumination detract from the amenity of any residence or other form of accommodation?*

There is some potential for the lighting to the proposed western painted wall sign to impact upon the amenity of residential properties to the west and as the sign is considered unnecessary, the sign and the illumination are to be deleted by a condition of consent.

- *Can the intensity of the illumination be adjusted, if necessary?*

There is no information provided as to whether the illumination can be adjusted.

- *Is the illumination subject to a curfew?*

The illumination of the building signage is to operate only during the operating hours of the premises.

8 Safety

- *Would the proposal reduce the safety for any public road?*

The proposed signage is unlikely to impact the safety of the adjacent road.

- *Would the proposal reduce the safety for pedestrians or bicyclists?*

The signage is located such that it will not screen any pedestrians or cyclists from the view of drivers.

- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

The signage will not obscure any sightlines from public areas.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE)

As the proposal involves works to be carried out within an easement for electricity purposes, pursuant to clause 45 of SEPP (Infrastructure), the application was referred to Endeavour Energy for comments upon the works proposed within proximity to the existing switch station on the site. The response to the referral has been provided and addressed above.

Clause 101 addresses development of land fronting a classified road and requires the consent authority to be satisfied that:

- (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*

The site only has frontage to Victoria Road and as such vehicular access via another road is not possible.

- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
- (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

The subject site previously contained a use that generated a large amount of traffic and as such when it was developed the access to the site was controlled by traffic lights on Victoria Road. Access to the subdivision, which will also generate a large amount of traffic, will remain controlled by traffic lights to Victoria Road, ensuring the efficiency of traffic flow onto Victoria Road as well as the safety of the traffic entering and exiting the subdivision. The operation of the Bunnings Warehouse will not result in smoke or dust likely to impact upon the safe use of Victoria Road.

- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The use of the site as a Bunnings Warehouse and other industrial type uses on proposed Lots 2 and 3 are not uses that are particularly sensitive to traffic noise or emissions and as such are appropriate to locate adjacent to a classified road.

Clause 104 addresses traffic generating development and is applicable to the subject proposal as it provides a parking area for more than 200 vehicles. As such referral to the Roads and Traffic Authority (as it was known) is required. The response to this referral is addressed previously in the report.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

Part 2 – Permitted or Prohibited Development

Clause 2.3 – Zone objectives and Land Use Table

The subject site is zoned General Industrial IN1 pursuant to Parramatta Local Environmental Plan 2011. The proposed Bunnings Warehouse is defined as a “hardware and building supplies” and a “landscaping material supplies” and a “plant nurseries” premises, all of which are permissible uses with consent in the IN1 zone.

The IN1 zone has the following objectives:

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 proposal is compatible with the zone objectives as both the subdivision and Bunnings Warehouse will provide for a range of employment opportunities. The Bunnings Warehouse will also provide a service for workers and visitors to the area. The proposed landscaped buffer at the rear of the site will provide a suitable visual buffer to the residential development to the rear of the site and as such will minimise impacts upon other land uses in the area.

Clause 2.6 – Subdivision – consent requirements

Subdivision of land requires consent pursuant to clause 2.6.

Part 4 - Principle development standards

Clause 4.3 – Height of buildings

Clause 4.3 sets a maximum height for this site of 12m and gives the following objectives for the height control.

- (a) *to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,*
- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) *to require the height of future buildings to have regard to heritage sites and their settings,*
- (d) *to ensure the preservation of historic views,*
- (e) *to reinforce and respect the existing character and scale of low density residential areas.*

The proposed Bunnings Warehouse has a maximum height varying from 8.43m at the south-east corner to 11.0m at the south-west corner and as such is compliant at the Victoria Road frontage. However, due to the existing steep batter slope at the rear of proposed Lot 1, the building has a height varying from 10.3m at the north-west corner to 13.1m at the north-east corner, breaching the control by up to 1.1m at the north-east corner.

Clause 4.6 permits exceptions to development standards subject to an application being accompanied by a written request to vary the standard that justifies the contravention by demonstrating the following.

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

A consent authority cannot grant consent to a development breaching a development standard unless it is satisfied that the written request adequately addresses the matters identified above, that the development will be in the public interest because it is consistent with the objectives of the standard and those of the zone and that the concurrence of the Director-General has been obtained.

The objectives of the zone have been addressed previously and the application is consistent with those objectives.

The applicant has submitted that the variation of the development standard is acceptable for the following reasons:

- The variation to the height control occurs where there is rapid change in the existing ground level
- Given the IN1 zone the building form to be constructed would necessarily contain a large floor plate with clear internal span and as such the rapid ground level change would reduce the floor plate if the control was complied with.
- The development that will adjoin the site where the height departure is proposed will be industrial and will not be visible from a public place.
- No adverse impacts arise from the departure.
- The departure largely relates to the parapet wall and the roof is largely compliant. As such the parapet could be reduced in height but a stepping in the parapet would appear contrived and have a negative impact upon the appearance of the building.
- The finished ground levels at the departure will be changed and as such the departure will not be visually apparent.

Notwithstanding the breach of the control, the proposal is consistent with the objectives of the height control as the proposal does not disrupt views, result in a loss of privacy or solar access to any residential property or result in any unacceptable visual impact, satisfying objective 9b). The site is not located within proximity to any heritage sites or have any impact upon historic views and as such the proposal does not offend objectives (c) and (d). Finally, the variation to the height control will not result in any discernible sense that the development is inconsistent with the scale of the area, appearing to have a similar height as surrounding development. As such it is in the public interest to support a variation to the height control as the proposal is consistent with the objectives of the control.

Clause 4.5 – Calculation of floor space ratio and site area

This clause sets a maximum floor space ratio (FSR) of 1:1 for the subject site. Proposed Lot 1 has an area of 48,460m² and as such permits a maximum floor space of 48,460m². The proposed floor space of the Bunnings Warehouse is 15,407m² (including the warehouse, entry structure, trade area and bagged goods area, but excluding the nursery), equating to a FSR of 0.32:1, complying with the control.

Part 6 – Additional local provisions

Clause 6.1 – Acid sulphate soils

Clause 6.1 addresses development in areas of potential acid sulphate soils (PASS) and requires that consideration be given to the potential impact of that development upon the PASS. The site is located in an area identified as Class 5 and Class 2 land is located to the south west within 500m of the subject site. The clause requires that land so located that involves works below 5m AHD and which is likely to lower the watertable to below 1m AHD be given particular consideration.

An assessment of PASS on the site has been prepared by Martens Consulting Engineers, finding that the *“proposed site works are not likely to intercept any permanent groundwater table. It is considered that there is no ASS risk to the proposed development, and works on the site area considered unlikely to impact upon nearby Class 2 and 4 ASSS. An ASS Management Plan is therefore not considered necessary for the proposed work.”*

Clause 6.2 – Earthworks

Clause 6.2 addresses earthworks and requires development consent for such works, unless the works are identified as exempt (which the subject works are not). Before granting consent to earthworks, the following matters must be considered.

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,

The earthworks proposed do not alter the direction of drainage of the site, the majority of which still drains to the creek at the rear of the site. Lot 1 is to be developed and landscaped after the completion of the earthworks and as such the soil will be stabilized. The access road, retaining walls and landscaping adjacent to it will also be completed for the subdivision. The landscaped buffer zone and vegetation retention area at the rear of Lot 3 will be completed after the earthworks. The remainder of Lot 3 and Lot 2, however, will not be immediately developed and as such it is appropriate that a condition of consent require the site to be stabilized by appropriate vegetation (that will not cause a weed nuisance to the reserve at the rear) and for temporary sedimentation devices to be retained until the entire site is stabilized.

(b) the effect of the proposed development on the likely future use or redevelopment of the land,

The proposed benching across the site will create a level platform for the redevelopment of Lots 2 and 3 and is designed to be appropriate for the redevelopment of Lot 1 for Bunnings and as such is appropriate, subject to conditions related to the fill proposed on Lot 3.

(c) the quality of the fill or the soil to be excavated, or both,

The fill to be used on the site is the material excavated from the site. The site has been remediated and certified as appropriate for use for commercial/industrial purposes and as such, subject to ongoing management of asbestos materials, will be appropriate for use on the site. A condition of consent will require any material removed from the site to be appropriately disposed of and any fill or soil material used on the site to be from an appropriate source.

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,

The proposed earthworks will not have any unacceptable impact upon adjoining properties, other than in relation to potential impacts upon the BGHF in the adjacent reserve. Due to concerns relating to the impact of fill (existing and proposed) and edge effects upon the reserve the proposed extent of fill at the rear of Lot 3 is not supported. It is considered that the vegetation located on the eastern side of the northern boundary should be retained as discussed previously, which will require the proposed fill in that area to not occur. Accordingly, a deferred commencement condition is recommended requiring a new earthworks plan to be submitted removing the fill from this area. Further, the unauthorized fill which occurred previously within the adjoining reserve at the western side of the northern boundary is to be removed and an appropriate batter slope provided that ends at the boundary, not past the boundary. Finally, along the central portion of the northern boundary, the fill will need to be adjusted to ensure no detrimental impact upon the trees located within the reserve. These changes to the earthworks will also need to be shown on the amended earthworks plan.

(e) the source of any fill material and the destination of any excavated material,

A condition of consent will address both the source of fill and the destination of any excavated material.

(f) the likelihood of disturbing relics,

Given the proximity of the site to Subiaco Creek, there was a potential for Aboriginal artifacts to occur on the site. In response a preliminary due diligence Aboriginal heritage assessment report was prepared by Mary Dallas Consulting Archaeologists which concludes that the site has a high level of historical disturbance. Site inspection did not record any evidence of past Aboriginal use and it was concluded unlikely that such evidence would have survived on the site.

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

The potential impacts of the fill upon the BGHF surrounding Subiaco Creek have been discussed previously.

Clause 6.3 – Flood planning

Clause 6.3 applies to land at or below the flood planning level and as such applies to the subject site as the rear of proposed Lot 3 is in part below this level. The clause requires consideration against the following criteria.

(a) is compatible with the flood hazard of the land, and

The proposed finished level of the building platform area of all lots is above the flood planning level for the area.

(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

The proposal involves some fill within the flood storage area. The suitability of such fill is addressed in the comments from the Supervisor Catchment Management and will be addressed by the deferred commencement conditions.

(c) incorporates appropriate measures to manage risk to life from flood, and

The building platforms are all above the flood planning level.

(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and

The proposed earthworks are considered to be too close to the edge of the reserve and there is also existing unauthorized fill in the reserve area which results in a reduction in the width of the flood path in higher order flood events. This fill needs to be removed to widen the flood path and to allow appropriate remodeling of the landform, with attendant revegetation to ensure the stability of the creekbank in flood events.

In this regard, it is noted that a recent 1:20 year event causes some erosion to the area of fill in question. Subject to the proposed deferred commencement conditions, the proposal will not result in any unacceptable impacts.

(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

The proposal, as conditioned, is not likely to result in any unsustainable social or economic cost to the community as a consequence of flooding.

DEVELOPMENT CONTROL PLANS

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

Parramatta Development Control Plan 2011 became operable on 12 October 2011. The relevant sections of DCP 2011 as they relate to the proposed development are addressed as follows:

Part 2 – Site Planning

These controls relate to site considerations and require an assessment of views and vistas, water management, soil management, land contamination, air quality, development on sloping land, biodiversity and public domain.

The proposal will not result in the loss of any significant views or vistas from public or private property.

The impacts of the development having regard to water management, soil management and land contamination have already been addressed in detail throughout this report and the application, as proposed to be conditioned, is generally consistent with the provisions of DCP 2011.

The proposed earthworks, construction and use as a Bunnings Warehouse are not likely to result in any unacceptable impacts upon air quality.

The requirements of part 2.4.6 for buildings on sloping sites generally require the visual bulk of development to be minimised when viewed from downslope, minimising cut and fill by stepping the building down the slope and minimising the impact of development on the privacy of adjoining land. Given the industrial zoning, and the proposed Bunnings use, large, level footprints are necessary for development and as such site-wide benching is an appropriate response to the slope of the site, subject to balancing cut and fill appropriately and minimising the impact of the fill upon flooding and the BGHF to the rear of the site. Subject to conditions, it is considered that the development will appropriately respond to the controls of DCP 2011.

The design principles of part 2.4.7 for biodiversity require development to be sited and designed to minimise the impact on indigenous flora and fauna and include planting of species indigenous to the area. Further, for development on land abutting the E2 and W1 zones consideration is to be given the need to retain any bushland on the land, the effect of the development on bushland, the need for a buffer zone to protect bushland and the protection of endangered ecological communities. These issues have been discussed in detail in an assessment by Eco Logical previously in the report and it is considered that the application in its current form would have an unacceptable impact upon the BGHF in the adjacent reserve and would also involve unacceptable removal of bushland on the site, which appears to be consistent with BGHF.

Given the impact, detailed deferred commencement conditions are proposed requiring the retention of bushland on the site, removal of fill within the adjacent reserve, reduction in the extent of fill adjacent to the reserve, revegetation and management work. Subject to these conditions, the proposal will have an acceptable impact upon the adjacent reserve and in relation to indigenous vegetation on the subject site.

The proposed design appropriately responds to the public domain, providing for a suitable landscape response to Victoria Road and is consistent with the requirements of part 2.4.8 of DCP 2011.

Part 3 – Development Principles

Part 3.1 Preliminary Building Envelopes

Part 3.1.3 provides building envelope tables and of relevance to this site the height and FSR are set by LEP 2011 and have been addressed previously. The front setback is set by the Special Area controls and is addressed later. The rear and side setbacks are based on impacts and the proposed setbacks are acceptable.

Finally, a minimum of 10% of the site is to be provided as landscaped area, with a minimum width of 2.5m of landscaping to be provided surrounding car parking and outdoor storage areas. The proposal provides a total landscaped area of 7,927m², on a site area of 48,460m² for Lot 1 and as such provides 16.4% of the site area as landscaping, complying with the control. A minimum 15m wide landscape strip is provided forward of the outdoor storage area (which is roofed) and a minimum 30m strip is provided forward of the car parking area, complying with the control.

Part 3.2 Building Elements

Part 3.2.1 addressed building form and massing and requires buildings to be of a height that responds to the topography and shape of the site, the proportion and massing to relate favourably to buildings in the streetscape and for the height and massing to not unreasonably impact upon the amenity of adjoining properties or the public domain. The height, form and massing is suitable for the proposed use and is compatible with the streetscape. The proposed building does not result in any unacceptable impacts upon the amenity of adjoining properties or the public domain.

Part 3.2.2 addresses building facades and articulation and requires building design to respond to the positive character of the area, with facades being provided with articulation to reduce visual bulk, using a balance of horizontal and vertical elements. New industrial buildings shall be designed so their entry points are easily identified from the street and are clearly linked to the car parking areas and pedestrian paths. The design of the building is necessarily largely rectangular, with little articulation by way of modulation of the roof form or walls. However, articulation can be appropriately provided by changes to colour and/or materials. The critical elevations in terms of articulation are the southern (Victoria Road frontage) and eastern elevation, both of which will be at least partially visible from Victoria Road.

The southern façade has articulation provided by way of the steel mesh fencing around the nursery and bagged goods area and the shade sails above the nursery, together with the articulation provided by the two storey element, which projects forward of the remainder of the main building structure. Whilst this level of articulation is acceptable, the steel mesh enclosure to the nursery will provide an unattractive feature along the full length of the front façade which will be clearly visible from Victoria Road. The landscape plan shows landscaping forward of this fencing which is comprised of arc shape rows of different species of planting, ranging in maturity height from 0.3m – 3m, with specimen trees scattered throughout. The landscaping proposed immediately in front of the fencing is grass and low ground covers. Such low level planting will not ameliorate the visual impact of the security fencing and it is recommended that the height of landscaping in this location be increased to soften the appearance of the steel security fencing. It is also recommended that the security fencing in this location be black to make it visually recessive. Further, a similar concern is raised with the visibility of the car parking area, which needs to be softened by a higher hedge to be located near the southernmost row of parking spaces.

The eastern elevation is provided with a reasonable level of articulation, with articulation provided by the large entry structure and the projecting trade goods pick up area, together with the two tone colour scheme and the proposed signage.

Part 3.2.3 addresses roof design and requires roofs to minimise bulk and scale respond to the character of neighbouring roofs and minimise the visual intrusiveness of service elements. The parapet treatment of the roof is appropriate to an industrial scale building in an industrial area and will assist in screening plant and equipment.

Part 3.2.4 addresses energy efficiency in design and is addressed appropriately by an Energy Efficiency Report prepared by Floth Sustainable Building Consultants.

Part 3.2.5 addresses streetscape and requires development to respond to the broader context, with building design and landscaping to be appropriate to the streetscape. The suitability of the built elements on the site in conjunction with the landscaping have been addressed previously, and subject to improved landscaped 'softening' of the security fencing and parking area as viewed from Victoria Road, are considered acceptable.

Part 3.3 Environmental Amenity

Part 3.3.1 addresses landscaping and requires natural features to be retained, the use of indigenous species in landscaping, land abutting E2 zones to be landscaped with local indigenous species and landscaping to be used to screen visually obtrusive building elements. Industrial areas are to provide a communal open space area for staff recreation appropriate to the needs of the premises.

The retention of indigenous trees on the site and the need for landscaped buffers adjacent to the reserve at the rear of the site has been discussed previously within this report, as has the need for screening of visually obtrusive building elements (ie security fencing and car parking). The landscape plan appropriately uses indigenous planting. No details have been provided of a communal staff area within the landscaping plan, however there is more than sufficient space for one such area to be provided in the front landscaped setback and a condition to that effect is recommended.

Part 3.3.3 addresses visual and acoustic privacy and the proposal will not result in any unacceptable visual privacy impacts for residents of the area, the nearest of which are located to the north of Subiaco Creek, over 100m from the rear of the Bunnings car park. An acoustic report has been prepared which concludes that the operation of the Bunnings Warehouse will not detrimentally impact upon the acoustic amenity of nearby residents.

Part 3.3.6 addresses water sensitive urban design and the appropriateness of the design in this regard is addressed in the development engineer's comments, being considered satisfactory subject to recommended conditions of consent.

Part 3.3.7 deals with waste management and a waste management plan has been submitted with the application that appropriately deals with this issue.

Part 3.4 Social Amenity

Part 3.4.1 deals with culture and public art and requires development sites over 5,000m² to provide and implement an Arts Plan, providing for high quality artworks within the development in a publicly accessible or visible location. The application initially indicated in the SEE that the site was not suitable for public art as it is located within an industrial area that is largely accessed by car. Additional information provided indicates that it is now intended to provide for a public arts plan in conjunction with the future owner of Lot 3 and it is requested that the requirement for such a plan be prior to issue of the construction certificate. Such a course of action is reasonable and a condition to this effect is recommended.

Part 3.4.2 addresses access for people with a disability and this has been addressed in detail in the section of the report addressing the DDA.

Part 3.6 Movement and Circulation

Part 3.6.1 addresses sustainable transport and requires the provision of 1 car share space on the subject site. A condition of consent is recommended requiring the provision of such a space, which is to be located in a well lit area and signposted.

Part 3.6.2 addresses parking and vehicular access and the application's compliance with the requirements of this part have been addressed in the traffic engineer's comments.

Part 4 – Special Precincts

Part 4.3 Strategic Precincts

Part 4.3.1 deals with the Camelia and Rydalmere Strategic Precinct and the desired future character of Rydalmere is identified as providing a wide range of complementary uses and functions that support the Parramatta central business district. The relevant controls are addressed following.

Landscaping: A 30m landscaped setback is required on the subject site and landscaping is to ensure fencing is setback from the property boundary and screened by indigenous planting, be of local species, provide open storage areas and parking away from boundaries to public areas, with buffer landscaping provided. Redevelopment of land adjacent to waterways is to provide landscaped corridors that enhance the natural values of the foreshore ecosystem.

A landscape setback varying from 15m to 35m is provided along the Victoria Road frontage of the site, with two components of the development located within the 30m setback area, being a corner of the bagged goods storage area (and small part of the nursery) and the front 10m of proposed Lot 2. It is noted that the projection of proposed Lot 2 into the setback area is of no concern as that allotment will be required to provide 10% landscaping and the logical location for such landscaping is to the front of the site.

The variation for the bagged goods storage area relates to a triangular shaped section having dimensions of 15m x 57m x 60m and an area of 427m², which out of the required setback area of 6,630m² constitutes a 6.4% variation. It is noted, however, that the front setback area required would constitute 13.7% of the site and as such, without the other proposed landscaping would exceed the required landscaping for the lot. Given the relatively small variation proposed to the setback, and that it relates to a lower built element (maximum height of 9m), and subject to appropriate landscaping as has been discussed previously, the variation will not be visually inconsistent with the existing or future streetscape and as such is supported.

Appropriate species of planting are proposed and, subject to the proposed deferred commencement conditions, appropriate landscaping will be provided along the edge of the reserve with the creek.

Travel Plan: A travel plan is required to be prepared for the Bunnings development and the outline of one is contained in the SEE. A condition of consent requiring the implementation of the travel plan is recommended.

Building Design: Buildings are to be designed to be attractive in the streetscape, of appropriate height and massing, with major façade and entry facing the street and using appropriate setbacks, colours and materials to minimise visual impact. The design of the building and its location and landscaping have been addressed already in the streetscape section above and are considered acceptable subject to the previously discussed recommended conditions.

Victoria Road Special Area: Buildings are to have high quality finishes where visible from the street and signage is to be of a high standard and sympathetic scale to the building. The design of the building is reasonable given its intended purpose, however the security fencing is not an attractive element and requires screening. Discussion of the suitability of the signage has occurred previously in relation to SEPP 64.

Part 5 – Other Provisions

Part 5.5 – Signage

Part 5.5 addresses signage and requires signs to be designed so as not to adversely impact upon the streetscape and amenity of the area and be compatible with the design and scale of the building. Signs are not to impact upon pedestrian or traffic safety and illuminated signs are to be energy efficient. In industrial zones signs are to adequately identify the premises whilst preserving the architectural qualities of the site. The appropriateness of the signage has been considered in relation to SEPP 64 previously, which addresses the above issues.

PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN

The provisions of Parramatta s.94A Development Contributions Plan apply to the subject application and a relevant condition is recommended.

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

The likely impacts of the proposed development have been discussed in detail throughout the report and it is considered that the proposal would have a series of unacceptable impacts upon the reserve at the rear of the site, the BGHF in the reserve and potentially onsite and upon the streetscape.

However, these impacts can be suitably mitigated by a series of deferred commencement and general conditions which require changes to the proposed earthworks, tree retention, landscaping and signage. Subject to the recommended conditions, the proposal would have a satisfactory impact and could be supported.

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 works, subject to the recommended conditions.

SUBMISSIONS & PUBLIC INTEREST

The submissions received in response to the notification of the application have been considered throughout the report and several conditions have been recommended to address the concerns raised. 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, subject to the recommended conditions.

Recommendation

DEFERRED COMMENCEMENT APPROVAL SUBJECT TO CONDITIONS

That The Joint Regional Planning Panel as the consent authority grant deferred commencement development consent to Development Application No. 709/2011 for demolition of existing structures, subdivision of one allotment into three allotments, erection and use of a hardware warehouse on proposed Lot 1, earthworks, tree removal, construction of a driveway to proposed Lots 2 and 3, landscape works and erection of signs subject to the following conditions:

Deferred Commencement Conditions

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

Amended civil works plans are to be prepared to the satisfaction of Council incorporating the following changes;

- a. The steep fill batter slope within the reserve adjacent to the western boundary as identified by red hatching on the approved plans (Drawing Nos. DAC005, Issue F) (extending approximately 45m in length from the western boundary of the subject site) is to be removed, returning it to its original level;
- b. A batter slope is to be provided wholly within the subject site, sloping back to the finished level of the building platform for proposed Lot 3;
- c. The area between the northern and eastern boundaries of proposed Lot 3 and a line created by the root protection zones of the following trees (Trees T186, T84, T77, T128 and T145) stretching to the eastern boundary (a minimum of 20m south of the northern boundary) is to be retained at the existing level (ie no cut or fill is to occur) and the indigenous trees and vegetation within is to be retained. The root protection zone is to be identified by a suitably qualified arborist and is to be determined by an assessment of the area of the tree roots which must be retained (as identified in red on the approved plans, Drawing Nos. DAC005, Issue F and DAC006, Issue D) without any fill to ensure the protection of the trees. This A batter slope is to commence at the line and slope back to the finished level of the building platform;
- d. A suitably qualified arborist is to assess the area of the roots of the trees located within the adjacent reserve in close proximity to the site boundary tree which must be retained without any fill to ensure the protection of the trees. The location of the batter slope for the fill is to be relocated accordingly.
- e. The batter slopes identified above can be replaced by suitably designed retaining walls made using suitable rock to create habitat for native species in lieu of batter slopes if desired.
- f. The identified finished levels of the building platforms are not to be increased, with any excess material resultant from the cutting of the site to be disposed of off site.
- g. The PMF shall be plotted on the amended civil works diagrams, including the sections, and a calculation shall be prepared of the net change in storage capacity within the PMF storage area as a result of the proposed earthworks. Should no net reduction occur in the PMF storage capacity, no further flood modelling is required. Should a net reduction in the flood storage capacity occur, detailed cross sections showing finished levels are to be produced such that the flood storage capacity is not reduced to a level where it would be likely to result in any impact upon private property in the vicinity of the site.
- h. The proposal vegetated buffer adjacent to the northern boundary of the site shall be provided to the top of the proposed fill batter (as amended by this condition).

The applicant must provide to the Council appropriate documentary evidence sufficient to enable it to be satisfied of the matters in the above Condition(s) within **Six (6) months** or such further period as Council may determine is appropriate upon application in writing being made to Council no later than four weeks before the Notice of Expiry date.

Upon written confirmation of compliance with the above requirements from Council, the consent will become operable subject to the following conditions:

General Matters

Plans and Documents

1. The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, subject to any changes required by conditions of this consent.

Drawing N°	Dated
Plan of Subdivision, Plan No. 72768 P'SUB Sheet 1 of 1, Ver E, prepared by Land Partners	2/12
Cover Sheet, Notes and Legends, Drawing No. DAC001, Issue D, prepared by AT & L Civil Engineers and Project Managers	10-2-12
General Arrangement Plan, Drawing No. DAC003, Issue D, prepared by AT & L Civil Engineers and Project Managers	10-2-12
Bulk Earthworks and Demolition Plan Sheets 1-2, Drawing Nos. DAC005, Issue F and DAC006, Issue D, prepared by AT & L Civil Engineers and Project Managers	10-2-12
Siteworks and Stormwater Drainage Plan Sheets 1-5, Drawing Nos. DAC010,12-14 Issue D and DAC011, Issue E, prepared by AT & L Civil Engineers and Project Managers	10-2-12
Typical Sections, Drawing No. DAC020, Issue E, prepared by AT & L Civil Engineers and Project Managers	10-2-12
Pavement, Signage and Linemarking Plan, Sheets 1-2, Drawing No. DAC025-6, Issue D, prepared by AT & L Civil Engineers and Project Managers	10-2-12
Sedimentation and Erosion Control Plan Sheets 1-2, Drawing No. DAC030-31, Issue D, prepared by AT & L Civil Engineers and Project Managers	10-2-12
Architectural Plans – Site Analysis, Site & Roof	14.02.12

Drawing N°	Dated
Plan, Drawing No. 030, Amd B, prepared by John R Brogan & Associates	
Architectural Plans – Warehouse & mezzanine Level Floor, Sections and Elevations Plans, Drawing Nos. 100, 120 and 130, Amd B, prepared by John R Brogan & Associates	12.01.12
Landscape Plans – Drawing Nos. L000-4, Rev F, prepared by Habitation	09.02.12

Document(s)	Dated
Statement of Environmental Effects prepared by DFP Planning Consultants (inclusive of all attachments)	October 2011
Letter from Bunnings entitled “Proposed Subdivision and Bunnings Development (DA 709/2011) Amendment to Application and Response to Letters Dated 6 December 2011 & 8 February 2012 (inclusive of all attachments)	1 March 2012

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

Development not Approved

- The proposed signage to the northern and western facades (other than the directional signage), and the lighting for the signage to the western façade, are not approved.

Reason: To ensure proposed signage is appropriate and provides for effective communication.

PA10 Demolition work carried out in accordance with Australian Standards

- 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.

Building work in compliance with BCA

- 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.

Waste Management Plan

5. The submitted Waste Management Plan is to be adhered to at all times during both the pre and post-construction phases of the development.

Reason: Ensure compliance

Prior to the Release of the Construction Certificate

Construction Certificate

6. 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.

Amended Architectural Plans

7. Prior to the release of the Construction Certificate for the proposed building works on proposed Lot 1 amended plans are to be prepared showing the following changes:

- a) A reduction in height of the pylon sign from 12m to 8m;
- b) The three signage panels on the pylon sign are to be resized such that they all have equal areas;
- c) The three signage panels on the direction sign are to be resized such that they all have equal areas;
- d) The provision of one share space (in lieu of 1 parking space); and
- e) Provision of a landscaped external staff lunch/recreation area within the front landscaped setback area having a minimum area of 12m², to be provided with suitable furniture to allow for its appropriate use by staff

Reason: To ensure signage is appropriate to the scale of the development and provides effective communication, to provide appropriate amenities for staff and to reduce reliance upon private transport.

Amended Landscape Plans

8. Prior to the release of the Construction Certificate for the proposed building works on proposed Lot 1 amended landscape plans are to be prepared showing the following changes:

- a) The security fencing around the bagged goods area and nursery shall be coloured black;

- b) The landscaping in front of the security fencing in a) above and to the south of the southernmost row of parking spaces is to be of appropriate species and height to provide visual screening to those elements as viewed from Victoria Road;
- c) A minimum of 1 canopy tree is to be provided every 10m of frontage to Victoria Road. The trees may be clumped in groups; and
- d) No security fencing shall be provided forward of the fencing and car parking identified in a) and b) above.

Reason: To ensure the landscaping proposed screens the less attractive elements of the site and is of appropriate height and scale for the design of the development.

Amended Stormwater Plans

- 9. Amended stormwater plans, any other relevant documents that address the following issues to the satisfaction of council are to be submitted for approval with the Construction Certificate application for the subdivision works or the building on Proposed Lot 1, whichever occurs first.

Onsite detention design calculation summary sheet, design certification, Layout, and cross-sectional details

- a. The proposed stormwater plan is to be amended to address the following issues/provide the following information:
 - i) pit details such as the surface and invert levels of the pit and the pipe gradients.
 - ii) the cross-sectional details of the on-site detention (OSD) tank. The OSD storage requirement are to be determined in accordance with the Upper Parramatta River Catchment Trust's (UPRCT's) handbook on the OSD Design calculation summary sheet together with the OSD design certification (Form B9 of UPRCT's Handbook). The site discharge shall not exceed the permissible limit. The area bypassing the OSD system shall be avoided as far as practicable. The design shall take into account the minor storm event as well as major storm events. In this regard, the OSD design shall be based on the 4th Edition of the handbook. The OSD design shall also take into consideration the appropriate tail water conditions at Subiaco Creek. The invert levels and the flood levels in metre AHD shall be adopted.

As the discharge from the orifice is dependent upon the head of water over the centre of the orifice, the cross-sectional detail of the proposed OSD tank and the control pit shall be submitted to assess and ascertain that the on-site detention storage volume and the site discharge comply with the permissible limits.

Overflow/ overland flow from proposed lot 1 on to the lot 3.

- b. The overland flow route proposed over the middle of Lot 3 to drain overflow/overland runoff from Lot 1 shall be directed underground or above ground through the proposed driveway along the rear boundary of Lot 1. An underground pipeline with 1:100 year storm conveying capacity is recommended. This pipe shall be merged with either the proposed 525 mm dia pipe or follow the proposed drainage easement on the western boundary of Lot 3. The proposed 525mm dia pipe over the easement shall be upgraded (as necessary) to carry flow from the Lots 1, 2 and 3. The drawing shall show the long-section profile with surface and invert levels, sectional pipe gradients and size and the location of any services and their levels.

Provision of infrastructures for sub-division

- c. Provision shall be made to facilitate the management of site stormwater from Lots 2 and 3. In this regard, the stormwater proposal shall include the stormwater infrastructure (pits, pipes etc.), which allows the site stormwater from Lots 2 and 3 to appropriately discharge (without interfering with the OSD system of Lot 1) on to Victoria Road and/or Subiaco Creek. The proposed 525mm dia pipe along the western boundary of Lot 3 shall be upgraded (as necessary) to facilitate conveyance of the stormwater from Lot 2 and 3. Detail drawings shall be submitted which show a long-section profile up to the outfall including the following details.
 - i) existing ground levels, designed ground level, pipe invert levels,
 - ii) pipe material, sectional length, size and gradient,
 - iii) any services crossing with its invert and obvert levels etc.

Public liability insurance

- 10. 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.

Long Service Levy payment where construction costs exceed \$25,000

11. 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.

PB15 Power lines to be underground

12. All overhead lines (both existing and proposed) shall be underground from the proposed building on the site to the appropriate power pole(s) or other connection point, in accordance with the requirements of Integral Energy. Details to be shown on plans submitted with the Construction Certificate.
Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground.

S94A contribution – Outside the City Centre

13. A monetary contribution comprising \$168,300 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 (Amendment No. 1). 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 for the proposed building works on proposed Lot 1. 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

PB24 Cigarette butt receptacle for commercial development

14. That provision is made for cigarette butt receptacles on the site to minimise littering. Cigarette butt receptacles must be provided during building works on any site and permanently provided to any restaurant/bar/retail/commercial component of the development after construction. Details of the size and the location of the receptacle are to be provided to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.
Reason: To ensure that adequate provision is made for the disposal of cigarette butts to prevent littering of the public domain.

PB26 Disabled access for commercial developments

15. Access for people with disabilities from the public domain and all car parking areas on site to all areas within the building, including to the first floor office area, is to be provided. Consideration must be given to the means of dignified and equitable access from public places to adjacent buildings, to other areas within the building and to footpath and roads. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate for the proposed building works on proposed Lot 1. All details shall be prepared in consideration of, and construction completed to achieve compliance with the Building Code of Australia Part D3 "Access for People with Disabilities", provisions of the Disability Discrimination Act 1995, and the relevant provisions of AS1428.1 (2001) and AS1428.4.

Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

PB28 Disabled toilets

16. Toilet facilities shall be provided for disabled persons in accordance with the design criteria in AS1428.1 (2001) - Design for Access and Mobility - General Requirements for Access - New Building Work. An accessible toilet is to be provided for customers and a second toilet is to be provided for staff adjacent to the other staff toilets. This requirement shall be reflected on the Construction Certificate plans for the proposed building works on proposed Lot 1.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

PB29 Disabled access signage

17. Signs incorporating the international symbol of access for disabled persons must be provided to identify each accessible:

- (a) entrance
- (b) lift or bank of lifts; and
- (c) sanitary facility

This requirement shall be reflected on the Construction Certificate plans for the proposed building works on proposed Lot 1 and supporting documentation.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

PB32 Cycle shower facilities for commercial & mixed use

18. Shower facilities shall be provided and made accessible without charge to cyclists who work in the building. Details demonstrating compliance are to be provided with the Construction Certificate for the proposed building works on proposed Lot 1.

Reason: To ensure the protection of existing built public infrastructure.

EB01 Section 73 Compliance Certificate

19. 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.

Swept Path Analysis

20. Swept path analysis shall be provided demonstrating that the largest vehicle (i.e. 19.0 metre semi-trailer) can undertake the following manoeuvres legally, to the satisfaction of Council and RMS prior to the issue of any Construction Certificate:
- Enter from the proposed left turn deceleration lane;
 - Turn around inside the loading areas;
 - Exit left eastbound without encroaching onto the other side of the road.

In this regard, the swept path analysis of the longest vehicle (including trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with Austroads.

Garbage Rooms

21. Garbage rooms must be large enough to store the generated waste from the proposed uses and allowance should be made for separation of putrescible waste from waste suitable for recycling, to the satisfaction of Council. In any event, no garbage room is to be smaller than 5000mm x 4000mm or 2400mm ceiling height with a door entry width not less than 2200mm. Details are to be provided for approval with the Construction Certificate for the proposed building works on proposed Lot 1. (Reason: Ensure compliance)

Stormwater system

22. 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 approved Stormwater Plans i.e. the plans with the stamp "Approved Stormwater Plan" on the following drawings (**as amended by the requirements of condition 9 of this consent**), together with the comments, notes and rectification requirements as annotated thereon and approved with this Development Consent.
 - i. **"Site works and Stormwater Drainage Plan Sheet 1"**, Drawing # DAC010, Project # 11-50, Issue **"D"**, dated 10/02/2012, prepared by AT&L (1 Sheet).
 - ii. **"Site works and Stormwater Drainage Plan Sheet 2"**, Drawing # DAC011, Project # 11-50, Issue **"E"**, dated 10/02/2012, prepared by AT&L (1 Sheet).
 - iii. **"Site works and Stormwater Drainage Plan Sheet 3"**, Drawing # DAC012, Project # 11-50, Issue **"D"**, dated 10/02/2012, prepared by AT&L (1 Sheet).
 - iv. **"Site works and Stormwater Drainage Plan Sheet 4"**, Drawing # DAC013, Project # 11-50, Issue **"D"**, dated 10/02/2012, prepared by AT&L (1 Sheet).
 - v. **"Site works and Stormwater Drainage Plan Sheet 5"**, Drawing # DAC014, Project # 11-50, Issue **"D"**, dated 10/02/2012, prepared by AT&L (1 Sheet).

Note: The approved 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,
 - i) based on the 3rd edition of UPRCT’s handbook are the Site Storage Requirement (SSR) of **330m³/ha** and Permissible Site discharge (PSD) of **130 l/s/ha** or
 - ii) based on the 4th edition of Upper Parramatta River Catchment Trust’s (UPRCT’s) handbook as adopted by the applicant, the Site Reference Discharge (Lower Storage), **SRD_L of 40 l/s/ha** with Site Storage Requirement (Lower Storage) **SSR_L of 284 m³/ha** and Site Reference Discharge (Upper Storage), **SRD_U of 150 l/s/ha** with Site Storage Requirement (Total) **SSR_T of 438m³/ha** for undrowned orifice condition with an OSD storage capacity of not less than **2,250m³**.
- 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.
- e. A calculation table for available storage volume with incremental depth versus segmental area and volume has been provided.

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

Driveway Grades

23. Prior to the issue of a Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway to the car park, access way to **Lot 3**, starting from the centreline of the frontage street carriageway to the proposed car park, access to **Lot 3** or end of access way (whichever is applicable). The civil/traffic engineer shall provide specific written certification on the plans that
 - Vehicular access can be obtained using grades of 20% (1 in 5) maximum and
 - All changes in grade (transitions) comply with Australian Standard 2890.1 (2004) – “Off-street car parking” to prevent the scraping of the underside of the vehicles.

- The grade of the driveway NOT more than 5% at the nature strip from the kerb & gutter up to the property line. Grade Transitions with transition length of at least 2m are provided where the grade change is 12.5% or more for the Summit grade change and 15% or more for the Sag grade change.

Note: The driveway profile should have the surface level at the front property line higher than the top of the kerb to avoid the street runoff spilling into the property through the driveway.

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

Water Quality Management

24. The stormwater management systems shall be 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 reduction target prior to discharge into the council's drainage system/ downstream creek system. The designer shall ensure and certify that the stormwater management system will achieve the following objectives.

Gross Pollutants (Trash litter and vegetation larger than 5mm) at least **90%** of mean annual load shall be captured.

Coarse Sediment (Contaminant particles between 0.1mm and 0.5mm)) at least **50%** of mean annual load shall be captured.

Fine Sediment/Suspended solids (Contaminant particles 0.1mm or less) at least **85%** of mean annual load shall be captured.

Nutrients:

Total phosphorus: at least **60%** reduction in the mean annual load

Total nitrogen: at least **45%** reduction in the mean annual load.

Hydrocarbons, motor oils, oil and grease: i) No visible oils for flows up to 50% of the 1-year ARI peak flow and ii) Total discharge from site of Total Petroleum Hydrocarbons (TPH) <10 mg/L at all times, **whichever is greater** shall be captured.

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. However they should be installed upstream of OSD system. The stormwater plan shall be amended (if required) to represent the actual configuration of the treatment system components.

The proposed stormwater quality improvement devices (SQID) shall be designed and constructed in accordance with the manufacturer's specification. 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), and provided sufficient details demonstrating that the devices will achieve the stormwater quality improvement objectives. These devices shall be installed upstream of OSD system.

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 (if required) 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.

The proposed Stormwater Quality Improvement Device (SQID) i.e. **Stormfilter (Stormwater filtration Unit)** requires pre-treatment of gross pollutant and coarse sediments removal to minimise filter clogging. A Gross Pollutant Trap (GTP) with Oil & Grease removal capability should be provided at the upstream side of the **Stormfilter** (i.e. the stormwater should pass through the GTP prior to entering the **stormfilter**).

"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.

Sydney Water approval

25. 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 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.

Construction of heavy-duty vehicular access-way to Lot 3

26. Heavy-duty vehicular access-way for access to the rear lot (i.e. Lot 3) to shall be constructed in accordance to the Council's requirement. Details shall be submitted to the satisfaction of Principal Certifying Authority with the application for the Construction Certificate for the proposed subdivision works. 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.

Driveway Crossing Application

27. 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; and **DS10** (Vehicular Crossing Profiles).

In order to apply for a driveway crossing, the relevant application form needs to be completed with supporting plans, levels and specifications and pay the appropriate fee.

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.

Collection & discharge of dirty water from car wash bay

28. To avoid chemicals, grease and other pollutants from discharging from the development and causing harm to the environment, all cleaning, washing and degreasing of motor vehicles shall be carried out in an area set aside for the purpose and shall be drained to a sump and cleansed via a coalescing plate separator prior to discharge into the sewer. The submission of documentary evidence is required from the Trade Waste Section of **Sydney Water Corporation Ltd** confirming that satisfactory arrangements have been made with the Corporation regarding the disposal of dirty water into the sewerage system, prior to the issue of the Construction Certificate.

Nomination of Engineering Works Supervisor

29. Prior to the issue of a Construction Certificate the applicant shall nominate an appropriately qualified civil engineer (at least NPER) to supervise all public area civil and drainage works to ensure that they are constructed in compliance with Council's "Guidelines for Public Domain Works".
The engineer shall:
- a. provide an acceptance in writing to supervise sufficiency of the works to ensure compliance with:
 - i) all relevant statutory requirements,
 - ii) all relevant conditions of development consent
 - iii) construction requirements detailed in the above Specification, and
 - iv) the requirements of all legislation relating to environmental protection,
 - b. On completion of the works certify that the works have been constructed in compliance with the approved plans, specifications and conditions of approval and,
 - c. Certify that the Works as Executed plans are true and correct record of what has been built

Impact on Existing Public Utility Installations

30. Should any proposed work be undertaken where it is likely to disturb or impact upon a public utility installation (e.g. power pole, Telstra pit sewer pipeline, water main etc) written confirmation from the affected utility provider (e.g. Integral Energy / Telstra) 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 public utility installation shall be borne in full by the applicant/developer.

Note: Details, such as utility type, exact location(s), size, and depths below the ground surface (or reduced level in m AHD) etc. shall be obtained from the respective authority or investigated in the field and confirmed by the authority.

Reason: To ensure no unauthorised work to public utility installations and to minimise costs to Council.

Vegetation Management Plan

31. A Vegetation Management Plan (VMP) shall be prepared by an ecological consultant who has experience in the regeneration of Blue Gum High Forest. The VMP must be approved by Parramatta City Council Open Space and Natural Resource team prior to the release of the construction certificate for the subdivision works.

The site must be divided into 3 main management units;

Area 1 - the toe of the embankment to the top of the embankment identified as a revegetation area (as shown highlighted in blue on Drawing Nos. DAC005, Issue F and DAC006, Issue D, as amended by the deferred commencement conditions – including the graded area after the embankment is removed from the reserve);

Area 2 – the toe of the embankment to the creek line within the Council reserve identified as a weed control area (as shown highlighted in green on Drawing Nos. DAC005, Issue F and DAC006, Issue D, as amended by the deferred commencement conditions);

Area 3 – The eastern section buffer between trees 129 and 169 to be identified as a bushland regeneration area (as marked in red on Drawing Nos. DAC005, Issue F and DAC006, Issue D, as amended by the deferred commencement conditions).

Each of these management units is to have separate actions that relate to the different type of environmental restoration works needed within these areas.

Area 1 – Is to be revegetated with tube stock grown from seed collected within local Blue Gum High Forest remnants. Species selection should include a mix of ground cover, shrub layer and canopy species that are representative of the mix found within a Blue Gum High Forest. The proponent is to fund the implementation of the VMP in Area 1 for a period of two years after the release of the occupation certificate. This is to include plant establishment and maintenance.

Area 2 – A weed control program is to be implemented in this zone using bushland regeneration techniques. The proponent is to fund the implementation of the VMP in Area 2 for a period of 6 months after the release of the occupation certificate. Supplementary planting may be needed adjacent to the creek bank to prevent erosion when weeds are removed. Weed control and revegetation has to be implemented around disturbed areas associated with the construction of the stormwater pipe and headwall.

Area 3 – A bushland regeneration program is to be funded within this zone to preserve and protect the existing Blue Gum High Forest species present. The proponent is to fund the implementation of the VMP in Area 3 for a period of two years after the release of the occupation certificate. The indigenous trees, shrubs and groundcovers within this Area must be protected during construction through appropriate sediment control techniques.

A costing for the funding of the above vegetation management plan is to be prepared and evidence provided to Council that money has been allocated for the works, by way of a bond, bank guarantee or other agreed arrangement, prior to the release of the subdivision certificate.

Public Arts Plan

32. A Public Arts Plan, prepared in consultation with Council and in accordance with part 3.4.1 of the Parramatta DCP 2011 shall be submitted to Council prior to the issue of the Construction Certificate for the proposed building works on proposed Lot 1.

Prior to Commencement of Works

PC05 Notification of demolition works

33. 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.

Appointment of PCA

34. 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.

Toilet facilities on site

35. 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.

Enclosure of the site

36. 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.

Site Sign

37. 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.

Damage to public infrastructure

38. Prior to commencement of works the applicant shall advise Council in writing, of any existing damage to Council property. A dilapidation survey of Council's assets, including photographs and written record, must be prepared and submitted to the Principal Certifying Authority and Council (if Council is not the PCA) 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 protect Council's assets throughout the development process.

Prior approval from NSW Office of Waters

39. Prior approval from NSW Office of Water, (NSW Water Authority) should be obtained and meet their requirement for
- i) pumping of stormwater water from temporary sediment pond during the construction phase and
 - ii) ii) discharge of the post development site stormwater. In addition to this, the applicant should comply with the requirements, terms and conditions as set out by the NSW Office of Water.

Reason: Compliance with the requirements of NSW Office of Water.

Headwall/ Outfall discharge into the Creek

40. The headwall for the outfall should be in accordance with the requirements of NSW Office of Water including stabilisation of the drain discharge points to prevent erosion in accordance with a plan, which needs approval from NSW Office of Water.

Reason: Compliance with the requirements of NSW Office of Water.

Construction and Traffic Management Plan

41. 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,
- ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- iii. The locations of proposed Work Zones in the egress frontage roadways,
- iv. Location of any proposed crane standing areas,
- v. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- vi. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- vii. 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.

- (c) 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.
- (d) Where applicable, the plan must address the following:
 - i. Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
 - ii. 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.
 - iii. 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.

Notification of excavation

42. 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.

Dial Before you Dig Service

43. 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.

Road Opening Permit

44. 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.

Dilapidation survey and report

45. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavation face to twice the excavation depth.

The report should include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that qualified professional based on the excavations for the proposal and the recommendations of the geotechnical report. Where the consulting geotechnical engineer is of the opinion that no dilapidation reports for adjoining structures are required, certification to this effect shall be provided for approval by the Principal Certifying Authority prior to any excavation. A copy of the dilapidation report shall be submitted to Council.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

Reason: Management of records.

Erosion and sediment control measures

46. 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 before site works commence.

Vibration Management Plan

47. A Vibration Management Plan (VMP) shall be prepared in consultation with the adjoining property owner (Thales) detailing the likely timing of heavy construction activities that would result in significant vibration (ie bedrock drilling or blasting) as the work carried out on the adjoining property for the Navy requires vibration free testing. The management plan is to include details of the suitable period of prior notice to be given to Thales and the method of communicating that advice such that Thales can continue to meet their testing deadlines. The VMP is to be prepared prior to commencement of any works related to this consent.

PC04 Hazardous material survey

48. 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.

PC02 Asbestos sign must be placed on site

49. 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.

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

Asbestos Management Plan

50. A construction management plan is to be produced prior to commencement of proposed earthworks or construction works to address the management of asbestos containing materials should they be encountered during construction. The plan is also to identify the method of disposal of the apparently illegally dumped material at the rear of the site which appears to include materials containing asbestos.

Reason: To ensure that asbestos is managed in the appropriate manner.

During Construction Works

Copy of development consent

51. 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.

PD02 Adjoining Bushland

52. 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.

Construction Noise

53. Noise emissions and vibration must be minimised and work is to be carried out in accordance with the NSW Department of Environment, Climate Change and Water's Interim Noise Construction Guidelines 2009 for noise emissions from demolition, excavation and construction activities.

Vibration levels resulting from demolition and excavation activities shall not exceed 5mm/sec peak particle velocity (PPV) when measured at the footing of any nearby building.

Reason: to maintain appropriate amenity to nearby occupants.

Dust Control

54. 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.

PD07 Plant and equipment kept within site

55. 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.

Occupation of Road Reserve

56. 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.

Reason: To protect public safety.

Oversized Vehicle Permit

57. 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.

Reason: To protect public safety.

Work hours

58. 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.

PD15 Waste data file

59. 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.

PD16 Importation of clean fill

60. 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.

PD17 Survey Report

61. 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.

BE02 Record of inspections carried out

62. 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;
- (e) the date on which it was carried out;
- (f) the name and accreditation number of the certifying authority by whom the inspection was carried out; and
- (g) whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

Access Points

63. Access points are to be provided as shown on the plan (Drawing Nos. DAC010, Issue D, DAC011, Issue E and DAC013, Issue D, all prepared by AT&L Civil Engineers and Project Managers), as follows:

i) External vehicle access arrangements:

- minor modification of the existing traffic signal controlled access intersection on Victoria Road including:
 - formalisation and extension of the 2 lane egress
 - extension of the left-turn ingress lane in Victoria Road
 - extension of the right-turn ingress lane in Victoria Road
 - provision of a pedestrian crossing across Victoria Road on the western side of the intersection
- an egress on Victoria Road near the western boundary for Bunning's delivery vehicles only which is to be restricted to left-turn only egress under traffic signal control (ie modification of the existing Clyde Street intersection signals).

ii) Internal vehicle access arrangements:

- a principal ingress/egress connection located 85m north of the Victoria Road access for Bunning's and the fast food carpark with channelised/sign controlled priority for the carpark connection
- secondary and tertiary ingress/egress connections for the Bunning's north carpark located off the principal connection access road connection into the rear lot.

Operational Plan for Pedestrian Safety in Trade/Landscape Yards

64. A Management Plan or Operational Plan is to be submitted to Council for information indicating the safety measures and features within the timber trade and building and landscape supplies yards.

Line-marking of Car Park

65. The aisle ways are to be marked with pavement arrows to direct traffic movements in / out of the site and guide traffic circulation through the car park.

Parking Space Dimensions

66. 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).

Parking Provision

67. 455 off-street parking spaces (including 10 disabled parking spaces in front of the building, 5 spaces for vehicles with towing trailers and 23 spaces for staff parking) 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 (2.5m wide x 5.5m long clear of columns plus 300mm clearance adjacent walls and width varies from 7.5m to 8.923m as shown on the plan).

Driveway and Ramp Gradients

68. Driveway and ramp gradients are to comply with Clause 2.5, Clause 2.6 and Clause 3.3 of AS2890.1-2004.

Driveway Width

69. The driveway width (w) at the concrete layback is to comply with Council's Standard Heavy Duty Vehicular Crossing plan (DS9).

Traffic Facilities

70. Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.

Sight Distances

71. 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 required sight lines to pedestrians or other vehicles in or around the car park or entrances should not be compromised by landscaping, signage, fencing or display materials. In addition, measures should be implemented to improve visibility to pedestrians and other vehicles where sight distance is restricted.

Car Park Layout

72. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with AS 2890.1 - 2004 and AS 2890 - 2002 for service areas.

Road Occupancy Licence

73. A Road Occupancy Licence should be obtained from the Transport Management Centre for any works that may impact on traffic flows on Victoria Road during construction activities.

Signposting

74. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

No encroachment into the Tree Protection Zone (TPZ) of Existing Trees

75. Any of the proposed structures such as pits pipes, tanks, retaining walls road works, landfill, excavation etc. should be clear off the Tree Protection Zone (TPZ) of the existing trees within the site or the reserve. No encroachment is permitted.

Retaining walls for excavation

76. 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.

Support for Council Roads, footpaths, drainage

77. Council's or public property adjoining the construction site must be fully supported at all times during all excavation and construction works. Details of shoring, propping and anchoring of works adjoining Council's or public property, prepared by a qualified structural engineer or geotechnical engineer, must be submitted to and approved by the Principal certifying Authority (PCA), before the commencement of the works. A copy of these details must be forwarded to Council and relevant public authority. Backfilling of excavations adjoining Council's or public property or any void remaining at completion of construction between the building and Council's or public property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

Erosion and Sediment controls for vehicular entry & exit points

78. 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 be site works commence.

Special Permits

79. 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.

Notification of excavation and Support for neighbouring buildings

80. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, excavation activity shall NOT commence until the applicant demonstrate that structural /geotechnical engineer's certificate and "certified detail drawings" from a qualified practicing structural/geotechnical engineer, showing methods to be employed to support the excavation adjacent to the neighbouring building foundation and extending further two (2) meters on each end of the foundation, have been submitted to and approved by the principal certifying authority (PCA). The person causing the excavation to be made:

- (a) Must preserve and protect the building from damage;
- (b) If necessary, must underpin and support the adjoining building in an approved manner; and
- (c) Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land also includes a public road and any other public place.

Reason: To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage.

Damage to public infrastructure to be Rectified Immediately

81. Any damage to Council assets that affect public safety during construction shall be rectified immediately to the satisfaction of Council at the cost of the developer.

Reason: To protect public infrastructure and maintain public safety.

Reinstatement of redundant Laybacks and Disused Vehicular Crossing

82. All redundant laybacks 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.

Vehicle egress signs

83. 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.

Substation

84. The finished surface of the substation easement should be such that it provides a stable work surface for Integral Energy personnel. Furthermore, the finished surface should be such that it can be readily removed and/or restored. Materials such as pine bark, wood chip and blue metal are acceptable. Grass may be used however the applicant is advised that Integral Energy is not responsible for maintenance of this area.
85. Screening vegetation should be kept a minimum of 1000mm on the sides and 1500mm at the rear, **plus** half of the full-grown canopy width, from the substation plinth. All screening vegetation should be maintained in such a manner as to allow good personnel access.
86. Services such as drains, piping or wiring are not permitted to pass through the substation easement or the ground below it.

87. Pad-mount substations are to be suitably protected against vehicle impact or damage in areas of regular vehicle movements. The recommended protection should be placed not closer than the easement boundary and at a minimum should be:

“Armco” railing or similar for “high” hazard areas.

Posts (bollards) consisting of 1.5m lengths of 150mm-diameter minimum, galvanised water pipe set in concrete to a depth of 600mm.

Stabilisation of Soil

88. Within 1 week of completion of earthworks for the subdivision, the exposed soil on proposed Lots 2 and 3 is to be stabilised by appropriate vegetation (that will not cause a weed nuisance to the reserve at the rear). The vegetation is to be managed until it provides adequate coverage to prevent soil erosion and the temporary sedimentation devices are to be retained until the entire site is stabilized.

Prior to Release of the Subdivision Certificate

PE07 Telecommunications services

89. The developer shall submit to the Principal Certifying Authority a letter from the telecommunications company confirming that satisfactory arrangements have been made for the provision of telephone services, prior to the release of the Subdivision Certificate or issuing of any Occupation Certificate.

Reason: To ensure provision of appropriately located telecommunication facilities

PE08 Provision of Integral Energy services

90. Submission of a letter confirming satisfactory arrangements have been made for the provision of Integral Energy services.

Reason: To ensure appropriate electricity services are provided.

Provision of infrastructures - Heavy-duty Vehicular access for Lot 3

91. The heavy-duty vehicular access way to the proposed Lot 3 shall be constructed as a part of infrastructure for the land subdivision prior to the release of the Subdivision Certificate.

Reason: Provision of basic infrastructure.

Provision of infrastructures – Trunk drainage for Lot 2 & 3 and the associated Drainage easement through Lot 3.

92. Provision of trunk drainage shall be made to allow connection of stormwater system from proposed Lot 2, and 3 such that each lot will be able to provide separate OSD system, without causing interference to the OSD system for Lot 1. The proposed 525mm dia outlet pipe along the proposed easement on the western boundary of Lot 2 shall be upgraded to carry the expected flow from Lot 2 and Lot 3 as well. Design details together with a longitudinal drainage section and details of the scour protection headwall at the connection to Subiaco Creek are require prior to the release of the Subdivision Certificate.

Reason: Provision of basic infrastructure.

Creation of inter-allotment Drainage Easement over the proposed Stormwater outlet pipe

93. A **2m** wide drainage easement shall be created over the proposed Lot 3, as shown on the stormwater plan, in favour of Lot 1 to allow laying of proposed **525mm** dia stormwater outlet pipe along the proposed southern and western boundary of **Lot 3**, to drain stormwater from **Lot 1**, under the provisions of section 88B of the Conveyancing Act 1919. The plan of easement shall show the extent of the easement and the location of pipeline. Proof of registration of the drainage easement with the NSW Department of Lands, must be provided to the Council by the Principal Certifying Authority, prior to the issue of the Occupation Certificate

Reason: To ensure an appropriate Drainage easement is in place and council asset are protected.

Creation of Right of Ways and easement for services

94. A Right of carriageway as well as easement for services shall be created on the proposed **Lot 1** benefitting the proposed **Lot 2 & 3**, to allow for vehicular access and any services for the lots benefitted as shown on the approved subdivision plan (i.e. Plan of proposed subdivision prepared by LandPartners with Surveyor's Reference #72768P'Sub, Revision "**E**" dated 02/2012). Proof of registration shall be submitted to the Principal Certifying Authority prior to issue of the Subdivision Certificate. A copy of the registered documents shall be submitted to Council for record purpose.

Note: The document/instrument shall be submitted to Council for approval together with other relevant documents prior to lodgement with the Land and Property Information Service of NSW.

Creation of Restriction on the use of land / positive covenant to construct OSD system for the proposed Lot 2 and Lot 3

95. A restriction of the use of land shall be created on the property title of proposed **Lot 2 & 3**, under the provision of the Conveyancing Act 1919, to ensure that the future development of the lot including construction of building will not takes place on the lots burdened unless concurrently with an On-Site Detention system designed and constructed on each lot burdened, which will comply with the all requirements including a Site Storage Requirement and a Permissible Site Discharge of *as set out in the Upper Parramatta River Catchment's (UPRCT's) handbook*. A positive covenant and a restriction on the use of land shall also be created on the property title only upon completion of the OSD system under the provision of the Conveyancing Act 1919, to ensure that the required on-site detention system will be adequately maintained. A copy of the typical covenant may be obtained from the Council's Development Services Unit. Proof of registration shall be submitted to the Principal Certifying Authority prior to issue of the Subdivision Certificate.

Note: The document/instrument shall be submitted to Council for approval together with other relevant documents prior to lodgement with the Land and Property Information Service of NSW.

Reason: To ensure construction of on-site detention system.

Creation of Easement for Signage

96. An easement for signage shall be created on the proposed **Lot 1** benefitting proposed **Lots 2 & 3**, over the area to be occupied by the proposed pylon sign and directory sign to allow each property to erect a signage panel on each sign. Proof of registration shall be submitted to the Principal Certifying Authority prior to issue of the Subdivision Certificate. A copy of the registered documents shall be submitted to Council for record purpose.

Note: The document/instrument shall be submitted to Council for approval together with other relevant documents prior to lodgement with the Land and Property Information Service of NSW.

Request for a Subdivision Certificate

97. A separate application must be made for a subdivision certificate. The application is to be accompanied by documentary evidence demonstrating compliance with all conditions of Development consent no. **DA/36/2012**.

Reason: To comply with the requirements of the Environmental Planning and Assessment Act 1979 (as amended).

Linen plan of Subdivision to conform to Development consent

98. The Linen plan of subdivision shall conform to Council's Development Consent No. **DA/36/2012** and all relevant conditions there under including concept subdivision plan (i.e. Plan of proposed subdivision prepared by LandPartners with Surveyor's Reference #72768P'Sub, Revision "E" dated 02/2012) approved as a part of the development consent.

Reason: To ensure the Linen plans are in accordance with the approved subdivision plan as a part of the development consent.

Blue Gum High Forest Buffer in the eastern section of the site

99. The eastern section of buffer located between the Council reserve and tree number 129 through to 169 shall be dedicated as an Environmental Protection Zone and managed through recognised bushland regeneration practices and principles.

Prior to issue of the Subdivision Certificate, the applicant must create a positive covenant under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the vegetation within the environmental protection zone (Area 3) on the property. The terms of the instruments are to be generally in accordance with the vegetation management plan and to the satisfaction of Council (refer to Council's Open Space and Natural Resource Planner for terms). The location of the environmental protection zone subject to works, within the lot, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants must be submitted to and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Reason: To ensure and enhance the protection of the critically endangered Blue Gum High Forest vegetation and ensure the long-term viability of the environmental protection zone via stabilisation of soils, improvement of water quality and reduction in exotic weeds.

Prior to Release of the Occupation Certificate for the Building on Proposed Lot 1

PE02 Arts and Cultural Plan implementation

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

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

Intersection Works on Victoria Road

101. The existing right turn bay into the subject site at the intersection of Victoria Road and the site access shall be extended to a minimum of 60 metres in length. The developer is required to dedicate the first 20 metres of the site access driveway off Victoria Road as public road. This land dedication shall be at full cost to the developer and shall be executed prior to the release of any Occupation Certificate by the Principal Certifying Authority for the proposed structures on the site. The extent of the land dedication shall be to RMS requirements to accommodate detector loops and future maintenance of the traffic signals.
102. The proposed changes to the existing traffic signals and civil works on Victoria Road shall be designed to meet RMS requirements and endorsed by a suitably qualified and chartered practitioner. The design requirements shall be in accordance with Austroads, RMS supplements and other Australian Codes of Practice. The certified copies of the traffic signal design plans shall be submitted to RMS for consideration and approval prior to the release of the Occupation Certificate by the certifier and commencement of road works. RMS fees for administration, plan checking, signal works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a 'Works Authorisation Deed' (WAD) for the abovementioned works.

103. The abovementioned signal and civil works will need to comply with the RTA's Technical Direction, '*Signalised Entries to Private Developments*' (Reference No.: TDT 2001/03).
104. The design of the proposed left turn deceleration lane on Victoria Road into the subject site shall be endorsed by a suitably qualified and chartered Engineer (i.e. who is registered with the Institute of Engineers, Australia). The design requirements (where applicable) shall be in accordance with Austroads, RMS supplements and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to RMS for consideration and approval prior to the release of the Occupation Certificate by the Certifier and commencement of road works. The existing lane widths along Victoria Road shall not be compromised.
105. To facilitate the provision of the left turn deceleration lane on Victoria Road, the applicant shall provide a 3.5 metre wide land dedication from the subject site on the Victoria Road frontage of the site for the full length of the left turn deceleration lane into the site. This land shall be dedicated as public road at no cost to RMS and Council. Sufficient land dedication is to be provided for the relocation of the footway.

This land dedication from the subject site as public road shall be executed, prior to the release of an Occupation Certificate for the proposed development.

106. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RMS for approval, prior to the commencement of any works.

Details should be forwarded to:

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

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

107. The Occupation Certificate shall not be released for any stage of the development until such time that all the abovementioned signal and civil works are fully constructed and operational.
108. The developer shall be responsible for all public utility adjustments/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

Work-as-Executed Plan

109. 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 have been built according to and comply with the requirements including the OSD storage volume as shown on the approved 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 (in incremental depth verses segmental 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 versus installed Drainage Design (OSD) Calculation Sheet certified by a qualified practicing Hydraulic Engineer.
- 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.

Certification of the water quality management system

110. 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, bio-retention basins, wetland ponds etc have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes 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), bio-retention basins, sand filters, stormfilters, ponds, 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 **90%** of mean annual load shall be captured.

Coarse Sediment (Contaminant particles between 0.1mm and 0.5mm)) at least **50%** of mean annual load shall be captured.

Fine Sediment/Suspended solids (Contaminant particles 0.1mm or less) at least **85%** of mean annual load shall be captured.

Nutrients:

Total phosphorus: at least **60%** reduction in the mean annual load

Total nitrogen: at least **45%** reduction in the mean annual load.

Hydrocarbons, motor oils, oil and grease: i) No visible oils for flows up to 50% of the 1-year ARI peak flow and
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.

OSD Positive Covenant/Restriction

111. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the **Lot 1**. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instrument for protection of on-site detention facilities and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using **forms 13PC** and **13RPA**. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch or a works as executed plan, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

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 system according to the approved stormwater plan and certification of the compliance shall be submitted to the council together with the positive covenant and restriction.

Reason: To ensure maintenance of on-site detention facilities.

Post-construction dilapidation report

112. 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, public 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:

- (a) compare the post-construction dilapidation report with the pre-construction dilapidation report, and
- (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (c) 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 shall 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.

Subdivision Certificate

113. The Occupation Certificate shall not be released until the Subdivision Certificate has been released.

Travel Plan

114. The Travel Plan referred to in the Statement of Environmental Effects shall be finalised and made ready for implementation prior to the issue of the Occupation Certificate.

Operational Plan of Management

115. Prior to issue of any Occupation Certificate, an operational plan of management is to be submitted to the satisfaction of the Principal Certifying Authority detailing measures to be put in place to prevent shopping trolleys being taken off site by customers and how and when shopping trolleys will be collected and returned to the premises in the advent that they are removed from the site by customers. Details must also include how the shopping trolleys will be securely stored outside the hours of operation. Details are also to be provided on how and when the operator will remove general litter associated with the premises from any public places immediately adjoining or adjacent to the site.

Reason: To maintain the amenity of the surrounding area

Provision of Footpath

116. A footpath along the entire length of the Victoria Road frontage of the site is to be provided to the satisfaction of Council prior to the release of the occupation certificate..

Reason: To ensure appropriate public access

BE01 Occupation Certificate

117. 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.

Use of the Premises – Lot 1

PF04 External Plant/Air-conditioning noise levels

118. 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.

Noise

119. The use of the premises not giving rise to:
- transmission of unacceptable vibration to any place of different occupancy,
 - a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Environmental Noise Control Manual, Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.

Reason: To prevent loss of amenity to the area.

PF09 Illumination within trading hours

120. To maintain amenity for adjoining properties, the painted wall signs on the building shall not be illuminated beyond the approved trading hours.

Reason: To maintain amenity for adjoining properties.

PF16 Loading & unloading

121. All loading and unloading shall:
- take place within the designated loading areas on the subject property, or
 - take place within the approved loading dock to minimise disruption to public spaces, and
 - is to be carried out wholly within the site
- Reason:** To protect the amenity of the area.

PF25 Operating hours

122. The days and hours of operation are restricted to **6am to 10pm Monday to Friday and 6am to 6pm Saturday to Sunday**. Any alterations to the above will require further development approval.
- Reason:** To minimise the impact on the amenity of the area.

Turning Areas

123. The proposed turning areas within the car park are to be kept clear of any obstacles, including parked cars, at all times.

Waste Storage

124. No materials, waste matter or products are to be stored outside the building or any approved waste storage area at any time. The garbage receptacles are not to be used for the disposal of any type of liquid waste.
- Reason:** Health and amenity

Loading/Garbage Collection

125. The use of the loading docks and garbage collection is to be restricted to within the approved hours of operation of the premises.
- Reason:** To protect the amenity of adjoining and nearby residents

Easement for Substation

126. The easement area surrounding the substation is to be kept clear of all obstructions, encumbrances and other services in order to provide a safe work area for Integral Energy personnel to comply with Workcover and Occupational Health & Safety requirements. Consequently, no fences should be erected within 1 metre of the sides or 1.5 metres of the rear of the substation without prior consultation with Integral Energy. Metallic fences within 4 metres off a substation require special consideration in relation to isolation and earthing.

Access through security areas is not acceptable; e.g. where guard dogs or security systems are in place. Integral Energy locks are to be included in locking systems. If guard dogs are to be used or if security systems are electronic or otherwise complex, then it will be necessary for the substation to be fenced out of the property.

PA22 Graffiti Management

127. 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.

General Terms of Approval – Office of Water

1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 2011/709 and provided by Council:</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>
3	<p>The consent holder must prepare or commission the preparation of:</p> <ul style="list-style-type: none"> (i) Vegetation Management Plan (ii) Erosion and Sediment Control Plan (iii) Soil and Water Management Plan
4	<p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at ww.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx</p> <ul style="list-style-type: none"> (i) Vegetation Management Plans (ii) Riparian Corridors (iii) Outlet structures
5	<p>The consent holder must</p> <ul style="list-style-type: none"> (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

Rehabilitation and maintenance	
6	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
Reporting requirements	
7	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
Drainage and Stormwater	
8	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
9	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
Erosion control	
10	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
Excavation	
11	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
Maintaining river	
12	<p>The consent holder must ensure that</p> <ul style="list-style-type: none"> (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.
River bed and bank protection	
13	The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain a riparian corridor within the subject site from the northern boundary to the highest bank of the river for the length of the site directly affected by the controlled activity in accordance with a plan approved by the NSW Office of Water.
14	The consent holder must establish a riparian corridor along the Subiaco Creek in accordance with a plan approved by the NSW Office of Water.

Advisory Notes

1. RMS currently has a bus priority project which involves widening on the northern side of Victoria Road east of the entry to the proposed Bunning's development. RMS has engaged a designer who is undertaking a design that will accommodate the proposed access to the Bunning's site as well as provide for the RMS bus priority project. There is currently an S-lane treatment at the site access and this will not allow for continuous bus priority westbound. The RMS bus priority proposal is being designed in conjunction with the Bunning's access design to ensure that the two projects can proceed separately without impacting adversely on the other.
2. The conditions of consent set by Council do not guarantee RMS's final consent to the specific road work and other structure works on the classified road network. RMS must provide a final consent for each specific change to the State road network prior to the commencement of any work.
3. RMS has previously resumed and vested a strip of land for road along the Victoria Road frontage of the subject site as shown by grey colour on the attached plan. RMS has no other approved proposal that requires any part of the subject property for road purposes.
4. The Office of Water has advised that when applying for the Controlled Activity Approval (CAA) a modification to the Siteworks and Stormwater Drainage Plan (sheet 3, drawing no DAC12 dated 10/2/2012 by AT&L) will be required to reflect the use of Rock Rip Rap instead of concrete, as a natural materials in the design and the construction of the storm water outlet (refer to conditions 4 and 9 of the attached GTAs). The applicant will also need relocate the temporary sediment pond shown on the Sedimentation and Erosion Control Plan, Sheet 1 (drawing DAC030 dated 10/2/2012) to outside the 40m zone.
5. Integral Energy advises that **written permission** must be sought for any activity within the easement area. For such approval, detailed plans drawn to scale and fully dimensioned should be submitted to Integral Energy.

Report prepared by:

Kerry Gordon
Kerry Gordon Planning Services



Signature:

Date: 31 May 2012