



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

### **SUMMARY**

#### **Application details**

DA No:	DA/507/2012
Assessment Officer: Services	Kerry Gordon – Kerry Gordon Planning
Property:	Proposed Lot 3 of the subdivision of Lot 1, DP 883008, no.316 Victoria Road, RYDALMERE NSW 2116
Proposal:	Construction of an operations centre for Parramatta Council.
Date of receipt:	5 September 2012
Applicant:	HBO + EMTB Architects
Owner:	Bunnings Properties Pty Ltd
Submissions received:	One
Property owned by a Council employee or Councillor:	No
Issues:	Impact on critically endangered ecological community, riparian zone, noise, visual bulk, permissibility, traffic & height
Recommendation:	<b>Approval</b> 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), DCP 2011
Variations:	Height
Integrated development:	Yes, Water Management Act 2000
Crown development:	No

## The site

Site Area:	32,690m <sup>2</sup> (excluding access corridor)
Easements/rights of way:	Yes, proposed easement for drainage of proposed Lot 1
Heritage item:	No
In the vicinity of a heritage item:	No
Heritage conservation area:	No
Site History:	Development Consent No. 709/2011 was issued for the subdivision of No. 316 Victoria Road, Rydalmere into 3 allotments and for the construction of a Bunnings Warehouse on proposed Lot 1. The approval required intersection works and an extension of a slip lane from Victoria Road as well as a significant amount of earthworks (including on proposed Lot 3 where the finished level was to be raised). The approval also included internal road works providing vehicular access to proposed Lot 3 along a shared internal road. Finally, the approval required the protection of an Endangered Ecological Community (EEC) located within the adjoining reserve to the north and on proposed Lot 3.

A Vegetation Management Plan was required to be prepared and implemented to guide the restoration/revegetation of both the onsite EEC and a revegetated buffer zone between the developable portion of proposed Lot 3 and the EEC on the subject site and the reserve to the north.

## DA history

5/9/2012	Application lodged
8/9/2012	Request to the applicant for additional information re: arts plan and flood management plan
20/9/2012 – 20/10/2012	Application advertised and notified to surrounding properties for a period of 30 days
21/9/2012	Response received from the applicant to the request for additional information
10/10/2012	Amended plans submitted altering the finished ground levels and height of buildings
30/10/2012	Meeting held with applicant outlining additional information requests/concerns with design after initial assessment, as follows:

## Ecological Impacts

1. There is no adequate assessment of the impact of the proposal upon the EEC onsite and in the reserve, particularly in relation to impacts of siltation and nutrient runoff. In this regard the ERM report does not address this at all. The following comments from James Smallhorn need to be addressed. Further, details need to be provided of methods of preventing a potential spill from the "Pesticides & Fertilizer/Hazardous Materials" area from impacting the EEC.
  - a. **Stormwater Drainage/Sediment control** – *There is a lack of adequate information that addresses the risk of sediment, nutrients, oils and phosphorus entering the Critically Endangered Ecological Community that exists to the rear of the site. The proposal contains inadequate measures to mitigate the impact of stormwater runoff on the Blue Gum High Forest (BGHF) in the adjacent Council reserve. Nutrient runoff into Blue Gum High Forest is listed as a Key Threatening Process under the Threatened Species Conservation (TSC) Act listing. These indirect impacts need to be address within the following areas of the site;*

- Capture/ treatment and removal of sediment and nitrogen/phosphorus loads from the bulk storage area that contains woodchips, earth and road base.
- Capture/treatment and removal of pollution and sediment from hard stand operational fleet storage area.
- Capture/treatment and removal of oils, phosphorus, and pollutant from wash down bays.

**b. Seven Part Test for Blue Gum High Forest** – The Seven Part Test and Flora and Fauna report needs to look at the impacts generated from the Operations Centre on the Critically Endangered Blue Gum High Forest. It is not adequate to refer to the Abel Ecology report that did not look into the Operations Centre buildings, landscaping, stormwater impacts and general use. An additional report for the site undertaken by Ecological Australia Pty Ltd on behalf of Parramatta Council (D02322169) concluded that the trees within the site do conform to the listing advice for Blue Gum High Forest under the TSC Act. This advice was generally accepted within the assessment of DA/709/2011 hence the establishment of a VMP regeneration area and an Environmental Protection Zone (condition 97). The VMP prepared by Abel Ecology and approved by Council should be referred to and understood within the ecological report. Clear mitigation measures need to be stated within the ecological report that relate specifically to the Operations Centre.

2. The emergency overflow from the water tank to the creek in the western portion of the site should include scour protection given the steepness of the embankment. As this work will be within the VMP zone the scour protection should be a landscaped solution based on the Office of Water Guidelines.

## Geotechnical

3. The geotechnical report indicates that two very different construction methods are possible to deal with the existing and proposed fill on the site which would result in two very different requirements for footings. No indication is given on which method is proposed and as the filling will be carried out by another (ie not the applicant) concern is raised that the method of filling will not be compatible with the proposed construction method. It is noted that the geotechnical report indicates the existing fill was uncontrolled and has variable levels of compaction. As such the structural design will either need to be footings or floor slab supported on fill which would require all existing uncontrolled fill (up to 3.9m in depth) to be removed and replaced with controlled, engineered fill, or alternatively the structures would need to be supported on piles founded within bedrock, with fully suspended slabs. As these options have very different impacts, and as another is responsible for the earthworks, details are to be provided of the construction method proposed, together with geotechnical recommendations for that method. It is noted that the footings or floor slab option would require excavation of existing fill at least 2m beyond the footprint of the buildings.

## Traffic

4. Discrepancies have been found in the calculations of the traffic assessment which may affect the LOS of intersections. The traffic

engineer who wrote the report has been informed of the discrepancies and is in the process of correcting the errors.

### **Permissibility**

5. Concern is raised that part of the use may not be permissible. I note this was raised in the pre-DA and has been addressed by a planner's report, however inadequate information is available to determine that the proposed office staff are really linked to the depot use and as such can be determined as ancillary (and thus permissible). More information needs to be provided as to the duties of the office staff and a more comprehensive link to the depot operation needs to be established for such staff to be ancillary and thereby permissible.

### **Stormwater**

6. No information has been provided in relation to sedimentation and nutrient removal, which as noted in point 1 is particularly critical in terms of assessment of the impact upon the EEC. A report addressing these impacts of the development is required.

### **Landscape Calculation**

7. A calculation of landscaped area is to be provided to determine compliance with the 10% of site area requirement. Areas included in the calculation must have a minimum dimension of 2.5m.

### **Bulk and Scale**

8. Concern is raised in relation to the bulk and scale of the development as viewed from the residential area to the north (on the opposite side of the creek). In particular concern is raised that the proposal provides a single roof element over the two buildings, including the 12m wide decked area separating the two buildings. The roof structure removes the articulation benefit of providing two, rather than one building and results in a structure that is over 140m on the boundary with a residential area and which breaches the 12m height control. Whilst the eastern building has a reasonable degree of articulation, further articulation is required for the western building.

5/11/2012	Comments received from the Office of Water
5/11/2012	Comments received from Roads and Maritime Services
12 & 16/11/2012	Response to concerns raised received from applicant

## 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 original site was an irregular 'L' shaped allotment with a frontage to Victoria Road of 221m and an area of 8.402ha, legally described at Lot 1 in DP 883008 and known as No. 316 Victoria Road, Rydalmere. It had an irregular rear boundary of 331.5m to Council's reserve that runs along Subiaco Creek. The site had a western side boundary of 317.7m and an irregular eastern boundary of 435.1m. The site had 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.

Development Consent No. 709/2011 was issued for the demolition of the existing building (seen in the following photograph), subdivision of No. 316 Victoria Road, Rydalmere into 3 allotments and for the construction of a Bunnings Warehouse on proposed Lot 1. The approval required intersection works and extension of a slip lane from Victoria Road as well as a significant amount of earthworks (including on proposed Lot 3 where the finished level was to be raised). The approval also included internal road works providing vehicular access to proposed Lot 3 along a shared internal road. Finally, the approval required the protection of an Endangered Ecological Community (EEC) located within the adjoining reserve to the north and on proposed Lot 3.

A Vegetation Management Plan was required to be prepared and implemented to guide the restoration/revegetation of both the onsite EEC and a revegetated buffer zone between the developable portion of proposed Lot 3 and the EEC on the subject site and the reserve to the north.



Note building and entrance with slip lane and traffic lights

The subject site is proposed Lot 3 within the subdivision of Lot 1 in DP 883008 (see following photograph), with proposed Lot 3 being the rearmost allotment which has a frontage to Council's reserve. 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 northern boundary of 331.2m and an eastern boundary of 98.325m, with an area of 3.269ha. Proposed Lot 3 benefits from two rights of carriageway and easements for services over proposed Lot 1, the first having a width at the Victoria Road frontage of 33.41m and a length of 60.0m and the second adjoining the first to the north and having a width of 10.97m and a length of 264.65m. Further, proposed Lot 3 is burdened by an easement for drainage in favour of Lot 1 which is 2.5m wide and runs along approximately 1/3 (western side) of the southern boundary and then along the western boundary.



Subject site looking west, with batter slope rising to front benched area (proposed Lot 1 to contain the Bunnings Warehouse) to left of photograph

Development Consent No. 709/2011 also approved earthworks on proposed Lot 3 which resulted in the regrading of the allotment as follows:

- A retaining wall constructed along the western side (approximately 1/3) of the southern boundary with proposed Lot 1 and a 1 in 15 batter slope along the middle 1/3 of the boundary, with the main body of the allotment being filled to between RL 13.2-13.9.
- To the north of the main body of the allotment described above is a steep 1 in 2 batter slope down to the Council reserve to the north which is to be revegetated under the VMP, thence a combination of retained vegetation and revegetation area providing a buffer to Council's reserve.
- The eastern 1/3 of the allotment is to have a 1 in 3 batter slope provided adjacent to the southern boundary and then be cut and filled to slope gently to the north-west from the south-east from RL 14.5 to 13.1. To the south of this levelled space is the retained EEC vegetation.

The JRPP's determination of the above application resolved that not only was the vegetation in much of Council's reserve Blue Gum High Forest (BGHF), a critically Endangered Ecological Community (EEC), but so was the abovementioned vegetation to the east of the subject site (see photograph on the following page).



Typical vegetation at the rear of the eastern portion of the subject site adjacent to Council reserve



Subject site looking to the north showing vegetation at northern edge of site and residential development beyond, much of this vegetation is retained and 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. The subject site is not visible from Victoria Road and nor will be the proposed development. The subject site and proposed development will only be visible from the residential properties to the rear (see above photograph) and the adjoining industrial sites, including the Bunning's site.



## THE PROPOSAL

The application seeks approval for earthworks and the construction of the Parramatta City Council Operations Centre as is described in detail following.

**Earthworks:** It is proposed to carryout earthworks across the entire site in preparation for the construction of the Operations Centre. The main body of the site (central and western portion) is to be graded from RL 13.8 at the south, down to RL 13 in the centre and RL 13.5 to the north to prepare for the proposed external storage for fleet vehicles. To the north of that the land is to be benched at RL 13.8 for the construction of the two main buildings and down to RL 9 at the north-west corner for the detention tank. The northern portion of the eastern third of the site is to be graded to slope from RL 15 at the south-east corner down to RL13 at the north-west corner for the outdoor materials storage area. To the north of that it is proposed to grade the site to create a staff parking area at RL 13.6 to RL 12.8. No earthworks are proposed within the buffer zones and rehabilitation areas to the BGHF as were required by Development Consent 709/2011.

**Fleet Parking:** The western portion of the southern side of the main portion of the site is to be used for operations parking for 106 vehicles and is to house Council light commercial vehicles, trucks and other equipment such as trailers. This space is to be paved with heavy duty asphalt and is not proposed to contain any landscaping.

**Staff Parking:** The eastern portion of the southern side of the main portion of the site and the northern side of the eastern portion of the site is to be used for staff parking for 220 vehicles, including 6 accessible spaces. This space is to be paved with light duty asphalt where access is for staff parking only, heavy duty asphalt where access is also used by fleet vehicles and permeable paving for the parking spaces. The staff parking area is drained towards grassed swales, which are to assist in the collection of the nutrients and fine solid material that may run-off the asphalt surface. Trees are also proposed within the swales to provide shade for the vehicles.

**Open Storage:** The northern side of the eastern portion of the site is to be used for open storage, and a small amount of roofed storage of materials largely used in landscaping of Council properties. Small storage areas are provided for sandstone, roadbase, sand/soil/cold mix and reclaimed mixed earthworks. Two substantial storage areas are provided for wood chip. A storage area is provided for stormwater pipes, lintels, pits, etc and another for recycled mattresses (covered). Small raised storage bins are provided, together with a green waste skip, recycled metal skip and recycled cardboard skip.

Finally, this area is to include storage areas for LPG and batteries, pesticides, fertilisers and hazardous materials. This area is to be paved with heavy duty concrete and is to contain no landscaping.

**Buildings:** It is proposed to erect two built components under a single roofline at the northern side of the main portion of the allotment. This building is to have a length of 147m and a depth of 30m and is to run roughly parallel with Subiaco Creek. The building is to be setback between 26.6m and 29.7m from the western boundary, 17m and 40m from the irregular northern boundary, 119.3m and 122.3m from the eastern boundary and 54.7m from the southern boundary.

The western half of the building is to be a workshop building and is to contain (from west to east) a sign makers workshop, parks workshop, mechanics workshop, carpentry workshop, and warehouse, with staff lockers, change rooms, toilets and showers, together with waste storage and bicycle parking located at the eastern side. At first floor is comprised of either voids over the workshops or ancillary storage and plant areas.

The eastern half of the building is to have a more office style layout and is to be occupied by the support staff, administration staff and supervisors/managers associated with the operations occurring from the remainder of the site. The ground floor is to contain a lobby, staff lounge area and staff breakout area at the western side, with open plan offices and meeting rooms in the central portion. The eastern side is to contain lockers, store rooms and staff toilets. The first floor level of this building contains a mixture of meeting rooms and open plan offices, together with more staff amenities. A lift is provided to connect the two levels of this building.

Between the two built elements, under the combined roof, is a decked breezeway, leading to a large deck at the rear of the site overlooking Subiaco Creek. The breezeway has a depth of approximately 35m and a width of 11.6m and the deck has an average length of 28m and a depth of 10m.

This building is to have wall heights of 7.6m above the finished ground level (RL 14) and a divided sloped roof with a clerestory window located roughly centrally and facing south resulting in a maximum height above the finished ground level of 11.4m.

A small building is proposed to be erected adjacent to the southern boundary, between the fleet and staff parking areas which is to contain an animal holding facility. This building is to be setback 5m from the southern boundary (landscaped) and is to have a width of 9.9m and a variable depth of between 5.3m and 7.6m and is to have a maximum height of 4.6m above finished ground level.

## PERMISSIBILITY

The subject site is zoned IN1 – General Industrial pursuant to Parramatta Local Environmental Plan 2011. The uses on the site are either defined as light industry or depot or are ancillary to those uses and as such are all permitted with consent.

## REFERRALS

### Traffic

The application was referred to Council's Traffic Engineer and comments were provided. However, subsequent to those comments it was noted that some of the calculation within the traffic assessment prepared by the application were erroneous. Accordingly, an amended traffic assessment was provided by the applicant and the following comments were provided by Council's Traffic Engineer.

1. *This memorandum relates to the amended section of the Traffic Report regarding the traffic expected to be generated by the proposed development. On 16 October 2012, the applicant's traffic consultant has been requested to re-consider Clause 3.31 of the Traffic Report indicating the following:*

*"Clause 3.31 and Table 3.2 shows that flows on Victoria Road would increase by some 250 to 280 vehicles per hour two-way during the morning peak period and by some 400 to 450 vehicles per hour two-way during the afternoon peak periods".*

2. *In discussion with the applicant's Traffic Consultant, Stan Kafes of Colston Budd Hunt and Kafes Pty Ltd, on 16 October 2012, it was noted that there were some errors in the traffic flow figures that do not match Table 3.2 of the Traffic Report. The Traffic Consultant acknowledged this and re-analysed the data.*
3. *Accordingly, an amended section of the Traffic Report, particularly relating to the traffic generation, as stated in Items 12-16) has been submitted to Council for confirmation.*

### **Existing Development**

4. *The property at 316-320 Victoria Road Rydalmere is the result of a subdivision from an 8.4ha (84,000m<sup>2</sup>) parcel by Bunning's Pty Limited; the adjoining Bunning's development, of which the subject site is a residue parcel, has been the subject of a development approval recently issued by Parramatta City Council.*

5. The site is currently vacant and located at the rear (northern end of the site) adjoining Subiaco Creek and gains access to Victoria Road via an access corridor. The land area of proposed Lot 3 will be a total of 32,690m<sup>2</sup>, excluding the access corridor for which access is granted by way of a right of carriageway from Victoria Road. The site is close to bus services in this section of Victoria Road and Park Road.

### **Proposed Development**

6. The proposed development seeks approval for the construction of an Operations Centre for Parramatta Council that will accommodate approximately 350 staff. The proposed new operations centre will include the following:
  - facilities currently located at Council's Morton Street Depot;
  - new office accommodation for the existing City Operations staff and City Services Group (2,670m<sup>2</sup> GFA);
  - new animal holding facilities (170m<sup>2</sup> GFA);
  - new warehouse (900m<sup>2</sup> GFA) and workshop facilities (1,380m<sup>2</sup> GFA);
  - hardstand materials storage area (6,205m<sup>2</sup> GFA);
  - parking for Council's operations fleet trucks/light commercial vehicles (9,455m<sup>2</sup> GFA); and
  - staff and visitor vehicle parking (2,800m<sup>2</sup> GFA).
7. The following hours of operation have been proposed for the new operations centre:
  - Commercial Space (office), Workshops and Warehouse Storage Areas operating Monday - Friday from 7am to 5pm;
  - Animal Holding Facility operating 24 hours a day, 7 days a week.
  - Hardstands operating from 6:30am to 10pm, Monday - Saturday.
  - Operations Centre (access to parking bays) open 24 hours 7 days a week.

### **Parking Requirements**

8. In accordance with Council's DCP 2011, the proposed development is required to provide 53.40 (54) parking spaces for the office component plus 6 loading bays (based on "1 space per 50m<sup>2</sup> GFA plus 1 loading bay per 400m<sup>2</sup> GFA" (for office premises)).
9. Council's DCP 2011 does not specify parking rates for the workshop and warehouse (900m<sup>2</sup> GFA) components. In accordance with the Roads and Maritime Services Guide to Traffic Generating Developments it is recommended that "6 spaces per workbay (for workshop) and 1 space per 300m<sup>2</sup> GFA (for warehouse)" be used. The submitted architectural plans do not indicate the number of workbays, however it has approximately 1,380m<sup>2</sup> GFA. As shown on the "General Arrangement Plan Sheet 1 of 4 Drawing No. C2-00 Issue A – 29/08/2012", it appears that there are 4 workbays proposed at the new operations centre.

*It is considered the parking rate for the workshop and warehouse components can be based on "1 space per 300m<sup>2</sup> GFA". Accordingly, 27 parking spaces on-site are required for both components.*

10. *For the animal holding facilities and hardstand materials storage areas, the number of parking to be provided in accordance with Council's DCP 2011 based on an industrial land use (1 space per 70m<sup>2</sup> GFA plus 1 loading bay per 800m<sup>2</sup> GFA) should be 91.07 (92) spaces plus 7.96 (8) loading bays.*
11. *Bicycle spaces are required at "1 bicycle space per 200m<sup>2</sup> GFA of office premises, business premises, retail and industrial developments", therefore 25.60 (26) bicycle spaces are required.*
12. *Accordingly, the proposed development should provide a total of 173 parking spaces (54 spaces for the new office area; 27 spaces for the workbays and warehouse; and 92 spaces for the animal holding facilities and hardstand materials storage areas) minimum plus 14 loading bays plus 26 bicycle spaces.*

### **Traffic Generation**

13. *The amended Traffic Report (TRIM Doc D02569364) indicated as follows:*

*"Traffic generated by the proposed development will have its greatest effects during the morning and afternoon peak periods when it combines with other industrial and commuter traffic on the surrounding road network. With regards to Council's depot use, surveys were undertaken at the existing Morton Street Depot during the morning and afternoon peak periods. This operation will be relocated to the new facility. The results of those surveys are summarised in Table 1.*

<b>Table 1: Morton Street Depot Traffic Generation</b>				
	<b>Morning (9:30 to 10:30am)</b>		<b>Afternoon (4:30 to 5:30pm)</b>	
	<b>IN</b>	<b>OUT</b>	<b>IN</b>	<b>OUT</b>
<b>Cars</b>	22	26	-	5
<b>Trucks</b>	6	13	-	-
<b>Machinery</b>	-	1	-	-
<b>Total</b>	28	40	-	5

*With regards to the proposed warehouse and workshop facility, the RMS "Guide to Traffic Generating Developments" suggests peak hour traffic generation rates of 0.5 vehicles per hour two-way per 100m<sup>2</sup> of warehouse and 1 vehicle per hour two-way per 100m<sup>2</sup> of factory uses. Application of these rates to the proposed warehouse and workshop facility results in a traffic generation of some 20 vehicles per hour two-way during the morning and afternoon peak periods.*

With regards to commercial uses, the RMS guide gives a weekday generation rate of 0.8 vehicles per parking space per hour two-way during peak periods. The 130 spaces associated with the offices would therefore generate some 105 vehicles per hour two-way during peak periods. With regard to the animal holding facility, this facility would have one to two staff at peak times. The proposed facility would therefore only generate one to two vehicles per hour two-way during the morning and afternoon peak periods. Hence, based on the above, the proposed development would generate some 200 vehicles per hour two-way during the morning and some 140 vehicles per hour two-way during the afternoon peak periods. The additional traffic from the proposed operations centre has been assigned to the road network, as well as the additional traffic that will be generated by other approved and proposed developments in the vicinity of the site. The traffic generation of these developments will also have an element of passing trade, ie customers who would have driven past the development regardless of their visit to the development. The traffic reports that supported these developments adopted the following trip factors of passing trade”.

	<b>Morning</b>	<b>Afternoon</b>
<i>Bunnings warehouse</i>	110	390
<i>Fast Food operation</i>	100	200
<i>Aldi store (approved)</i>	80	160

	<b>Morning</b>	<b>Afternoon</b>
<i>Bunnings warehouse</i>	10%	20%
<i>Fast Food operation</i>	50%	50%
<i>Aldi store (approved)</i>	25%	25%

14. The above data has been re-analysed (existing plus the additional traffic generated by the operations centre and other approved (Bunnings Warehouse, Aldi store) plus the proposed (Fast Food operation) developments in the vicinity of the site, the amended Traffic Report indicated that “traffic flows on Victoria Road would increase by some 165 to 195 vehicles per hour two-way during the morning peak period and by some 255 to 315 vehicles per hour two-way during the afternoon peak periods. Traffic flow increases on Park Road and Clyde Street would be some 20 to 60 vehicles per hour two-way during the morning peak period and some 40 to 120 vehicles per hour two-way during the afternoon peak period”.

15. Further, it was indicated that “In association with the proposed Bunnings warehouse development, the existing traffic signal controlled intersection and Victoria Road will be modified to include:-

- formalisation and extension of the two lane egress;
- extension of the left-turn ingress lane in Victoria Road (to some 30 metres);
- extension of the right-turn ingress lane in Victoria Road (to some 60 metres);

- provision of a pedestrian crossing across Victoria Road on the western side of the intersection”.

16. Using SIDRA traffic modelling, the re-analysis of the intersection using existing and additional traffic flows indicated the following:

*“The analysis found that the signalised intersection of Victoria Road with Park Road would continue to operate with average delays of less than 50 seconds per vehicle during the morning and afternoon peak periods. This represents a level of service D, which is a satisfactory level of service for a busy intersection during peak periods. The signalised intersection of Victoria Road with Clyde Street would continue to operate with average delays of less than 20 seconds per vehicle during the morning and afternoon peak periods. This represents a level of service B, a good level of intersection operation. The signalised intersection of Victoria Road with the access road, including the proposed identified intersection modifications, would operate with average delays of less than 20 seconds per vehicle during peak periods. This represents a level of service B, a good level of intersection operation”.*

### **Parking Provision and Layout**

17. The submitted Traffic Report stated the following:

*“Council requires parking for the proposed development to comprise some 106 operations fleet parking spaces for trucks and light commercial vehicles and some 220 staff parking spaces. Parking is proposed to be provided in accordance with this requirement. The 220 staff parking spaces will comprise some 130 spaces for commercial office uses and visitors and some 90 spaces for depot, warehouse and workshop staff. Staff parking spaces will be provided within an at-grade parking area adjacent to the new office building and on the eastern part of the site. Operations fleet vehicles will be accommodated on the western part of the site. In addition to car parking, Council's Development Control Plan requires bicycle parking to be provided at a rate of one space per 200m<sup>2</sup> of floor space for business premises, office premises, retail and industrial developments. Application of this rate results in a required bicycle parking provision of 26 bicycle spaces. Bicycle parking will be provided in accordance with this requirement, including the provision of lockers and change rooms”.*

18. The proposed development also provides 12 motorcycle parking spaces, as shown on the submitted architectural plans.

19. Approximately 350 Council staff will finally be accommodated within the new operations centre. In discussion with Council's Property Development Manager, Graeme Blues, on 24 September 2012, he advised that the total number of on-site parking provision, as stated in the submitted Traffic report and SEE, was based on a survey of Council officers who will be moving into the operations centre and will drive to work on a regular basis.

20. *Note that the on-site parking provision is considered more than adequate based on the required number in accordance with Council's DCP 2011 and RMS GTD.*
21. *The dimensions and layout of the parking spaces and aisle width, as shown on the submitted DA plans, comply with AS 2890.1-2004 (2.4m wide x 5.4m plus 300mm clearance adjacent walls and 5.8m aisle width for staff parking spaces. At blind aisle, the aisle is to be extended by 1.0m (minimum) beyond the last parking space.*
22. *The staff parking spaces and visitor parking spaces are to be separated and marked on the pavement as such accordingly.*
23. *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).*
24. *Accordingly, the parking provision of 106 operations fleet parking spaces for trucks and light commercial vehicles and some 220 staff parking spaces.(130 spaces for commercial office uses and visitors and some 90 spaces for depot, warehouse and workshop staff) plus 26 bicycle spaces and 12 motorcycle parking spaces is acceptable on traffic and parking grounds.*

### **Pedestrian Path**

25. *The propose development pedestrian crossing and pedestrian linkages within and adjacent to the access road servicing the site. A pedestrian path is also to be developed and provided and link to Victoria Road and will combine with proposed pedestrian facilities within the car park to provide convenient and safe access for pedestrians.*

### **Travel Plan and Car Share**

26. *With regards to the Travel Plan and Car Share, the submitted Traffic Report and SEE indicated the following:*

*"A stand alone travel plan specific to the new site is to be developed prior to occupation. The Travel Plan to be developed to meet Parramatta City Council Corporate Environmental Objectives and Targets will address car share requirements and will be completed prior to occupation of the Operations Centre. The travel plan will be developed in accordance with the principles identified by Transport NSW and RMS, and distributed to employees and made available to visitors. The travel plan will assist in delivering sustainable transport objectives by considering the means available for reducing dependence solely on cars for travel purposes, encouraging the use of public transport and supporting the efficient and viable operation of public transport services".*



## **Access Arrangement**

27. *All vehicular access to the site is provided via a two-way access road (right of way) adjacent to the eastern boundary of the site and via the existing traffic signal controlled intersection on Victoria Road.*

28. *The Traffic Report stated that:*

*"In association with the proposed Bunnings warehouse development located on the southern part of the site, the existing traffic signal controlled access will be modified to include:-*

- formalisation and extension of the two 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".*

*The above works are included in the DA Consent Issued (Conditions 99-103) on 29 June 2012 (DA/709/2011 – Bunnings Warehouse – TRIM Doc D02412064).*

29. *Access to the fleet parking area will be separated from the staff parking area by a security gate.*

30. *Accordingly, the driveway and access configurations are acceptable on traffic and parking grounds.*

## **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 following modifications to the traffic signals at the intersection of Victoria Road and the site access point and the surrounding road network. The proposal can be supported on traffic and parking grounds subject to the following traffic related conditions.*

Comment: The abovementioned conditions have been included in the recommendation.

## **Landscape**

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

*The suggested additional permeable paving and use of structural cells beneath the parking bays has not been adopted due to cost restrictions.*

*The proposed tree species to be planted within the bioswales have been changed to Syncarpia glomulifera (Turpentine) which is considered acceptable. The revised Detail sketch of the bioswales indicates provision of a continuous root barrier adjacent to the parking bays. The root barrier is not considered required where structural soils and permeable paving is provided.*

Comment: Noted. The requested conditions are included in the recommendation.

## **Environmental Health - Noise**

The application was referred to Council's Environmental Health Officer and the following comments were provided.

### **Issues**

*The noise assessment report by Acoustic Logic concluded that the noise impacts from the general operation of the operations centre will not have an adverse impact on residential amenity of the area.*

*However the assessment of mechanical noise emissions associated with the plant room did not meet the project noise criteria without appropriate acoustic treatment at the design stage. This was attributed to the fact that the design of the mechanical services and plant to serve the development is yet to be completed and treatment could not be finalised at this time.*

### **CONCLUSION**

*The proposal satisfies the requirements of Council's controls and can be supported, subject to standard and/or special conditions of consent and the submission of a further report referred to under 'further information required'*

### **REASONS SUPPORTED**

*The noise assessment report concluded that the noise impacts from the general operation of the operations centre will not have an adverse impact on residential amenity of the area.*

### **FURTHER INFORMATION REQUIRED**

*The acoustic report recommends that all plant and mechanical services be assessed upon selection and acoustically treated where relevant to comply with the noise emission objectives detailed in Section 5.5 'Acoustic Criteria' of the report.*

*It is recommended that a further acoustic report is prepared and submitted to Council prior to issue of the construction certificate requiring an acoustic assessment of all plant and mechanical services and the provision of plans showing the acoustic treatment of the plant room in accordance with the acoustic attenuation treatment recommended in section 6.9 'Mechanical Noise' of the aforementioned acoustic report.*

Comment: The requested conditions have been included in the recommendation.

### **Environmental Health - Contamination**

The application was referred to Council's Environmental Health Officer the following comments were provided.

#### **Issues**

- *The Site Audit has determined that the land is suitable for industrial commercial land use. However the site audit statement (report no. 0301-1014) makes the following comment:*
- *'Whilst the site is considered suitable for commercial/industrial land use it is recommended that a Construction Management Plan is produced prior to commencement of proposed construction works to address the management of asbestos material if they are encountered in soil during construction'*

### **CONCLUSION**

#### **REASONS SUPPORTED**

- *The provisions of SEPP No 55 – Remediation of Land have been met and hence there are no provisions of the SEPP that would preclude approval of the subject application.*

Comment: Conditions of consent as requested have been included in the recommendation.

### **Waste Management**

The application was referred to Council's Waste Management Officer and 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.

1. *In the letter from Cardno dated 23<sup>rd</sup> March 2012 it was reported that the indicative estimated **PMF levels** at Subiaco Creek (based on fill levels proposed for the Bunnings development) are:*
  - *At Chainage 3728 (near western boundary of site) **RL13.0m** AHD*
  - *At Chainage 3492 (near eastern boundary of site) **RL13.4m** AHD*
2. *In the letter from Cardno dated 23<sup>rd</sup> March 2012 it was reported that the estimated **1 in 100 year levels** at Subiaco Creek (based on fill levels proposed for the Bunnings development) are:*
  - *At Chainage 3728 (near western boundary of site) **RL7.1m** AHD*
  - *At Chainage 3492 (near eastern boundary of site) **RL7.5m** AHD*
3. *The proposed finished floor level of the operation centre is shown on architectural drawings to be RL13.6m AHD. This is well above the 100 year flood levels in Subiaco Creek and 600mm to 200mm above PMF levels.*
4. *No assessment of the proposed site drainage design and proposed finished pavement surface levels have been undertaken by Catchment Management Section. The adequacy of any overland flow paths will need to be checked with regards to overland flows from the Bunnings Development. This assessment will need to be undertaken by the Development Services Engineer.*

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

Comment:     Noted

### **Development Engineer**

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

### **Flood Issues**

*Reference is made to the email from Jim Tsom dated 19/09/2012 (D02510333). The proposed finished floor level of the operation centre is shown on architectural drawings to be RL13.6m AHD. This is well above the 100 year flood levels in Subiaco Creek and 600mm to 200mm above PMF levels. **RL7.5m** AHD (100 year) and **RL13.4m** AHD (PMF)*

### ***Stormwater Disposal***

- *There is a drainage easement running through the site 2.5m wide along the south side and the west side of the site as it is proposed to drain the upstream Bunnings site.*
- *The final detailed drainage plan shall show the proposed pipe by Bunnings site with its easement running through the carpark prior to the issue of Construction Certificate.*
- *The final detailed drainage plan shall show the overland flow path running through the site from the upstream adjoining site. The dimension of the overland flow path shall be determined and certified by a practicing drainage engineer using an engineering method to the satisfaction of the Principal Certifying Authority.*

### ***CONCLUSION***

*The proposal satisfies the requirements of Council's controls and can be supported, subject to standard and special conditions of consent.*

After receipt of the additional information in relation to the drainage of areas of pesticides and nutrient generating materials were received, the application was again referred and the following comments were received.

*The issue is the control and treatment of surface runoff from certain areas on site which may cause potential nutrient and sediment runoff.*

*After an initial assessment to the (4 pages) document dated 7 Nov 2012 by ERM, on the ecological advice in relation to the riparian zone at the rear of the PCC Operations Centre to be located at the submission is found to be satisfactory, however those recommendations stated in Table 1 of the above submission shall be reflected with annotations on the final detailed drainage plan submitted with the Construction Certificate.*

Comment: A condition as noted above is included in the recommendation, together with the original conditions recommended by the Development Engineer.

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

The application was referred to Council's Open Space and Natural Resources Officer as the application has the potential to harm the BGHF on the subject site and adjacent Council reserve and the following comments were received.

### ***Stormwater Management***

*The stormwater runoff and architecture plans should be amended to include the recommendations as found in the Riparian Zone Assessment and Management Options Report as submitted by ERM. Specifically the plans need to illustrate the following;*

- 1a.** *Roadbase hardstand storage area; the area needs to be roofed to exclude potential rain from mobilising materials. Stormwater from the surrounding hardstand area must be captured and treated before discharge.*
- 1b.** *Sand/Soil/Cold mix; the area needs to be roofed to exclude potential rain from mobilising materials. Stormwater from the surrounding hardstand area must be captured and treated before discharge.*
- 1c.** *Reclaim/mixed earthworks; the area needs to be roofed to exclude potential rain from mobilising materials. Stormwater from the surrounding hardstand area must be captured and treated before discharge.*
- 1d.** *Woodchips; the area must be bunded and the captured water must be treated before discharge or retained and discharged to the sewer. Greater water treatment from the area surrounding the mulch piles could be achieved by adjusting the levels of this area so that they drain to the north east corner of the vegetated bioswale. The captured water should run along the maximum length of the bioswale before discharge.*
- 1e.** *All stormwater leaving hardstand storage areas needs to be treated to minimise nutrient loads that should be consistent with the Bunning's development; 57.6% reductions in Phosphorus, 46.8% reduction of nitrogen, 84.3% reduction in total suspended solids and 97.6% reduction in gross pollutants. A MUSIC modelling should be completed for the bulk storage area to illustrate the above targets. Devices such as enviropods should be installed on all stormwater system pit inlets within this area.*
- 1f.** *Pesticides/fertiliser/hazardous material; as per NSW legislation this storage area must be identified and appropriately bunded. This must include temporary pallet bunds for miscellaneous small volumes of material, and permanent bunding for larger volumes. Hazardous materials, including pesticides and fertilisers should not be temporarily stored in other areas of the site, and must be contained with temporary bunding when moved from storage areas.*
- 1g.** *All drainage works within the 30m riparian zone need to be designed and constructed in line with the following NSW Office of Water documents;*
  - *Laying pipes and cables in watercourses;*
  - *Outlet structures.*

## ***Landscape Plans***

- 2a.** *Landscape plans for the site – as per the ERM report recommendations the landscape plans are to include species of Blue Gum High Forest. I am satisfied the existing landscape plans as submitted include the use of Blue Gum High Forest species. Any amendments to the landscape plan must use Blue Gum High Forest Species.*

- 2b.** *The plans should include a notation for the installation of 4 insectivorous bat roosting boxes attached to the building, existing trees or mounted on a pole on the riparian side of the building.*

### **Riparian Zone**

- 3a.** *The VMP for the site prepared by Abel Ecology and approved by Parramatta City Council's Open Space and Natural Resource Section should be conditioned as per DA709/2011.*

- 3b.** *The width of the riparian corridor will need to be determined through consultation with the NSW Office of Water but should not be less than that identified in the VMP prepared by Abel ecology. It is noted the recommended Core Riparian Zone (CRZ) width for the riparian zone on this site is 20m and a 10m wide Vegetated buffer is recommended to protect the CRZ. There is **some encroachment** into the combined 30m buffer from the creek in the form of;*

- the deck that protrudes north located between the two buildings;*
- the back of the Signs/Barriers and Pavers/Pallet storage area in the North West corner of the site.*

*These encroachments are against the ERM report recommendations that states; 'ERM recommends that a vegetated buffer of 10m outside of the CRZ is defined to protect the ecology of the CRZ'. The recommendation of a combined 30m riparian zone is supported.*

- 3c.** *It should be noted that as a requirement of DA709/2011 a positive covenant will be created for environmental protection over the lots. The covenant will be formed under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the vegetation within the environmental protection zone, as identified as area 3 under DA709/2011, on the property. The terms of the instruments are to be generally in accordance with the vegetation management plan.*

Comment: Noted. The requested conditions are contained in the recommendation.

### **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.

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

- *The 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 (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).*
- *Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTS. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.*
- *The Office of Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.*
- *The Office of Water requests notification of any legal challenge to the consent.*

Comment: Noted. Where notes to the applicant are provided they have been included as advisory notes in the recommendation and the GTAs have been included as conditions.

## **Roads and Maritime Services**

The application was referred to Roads and Maritime Services due to the traffic generation nature of the development and the following comments were received in response.

*RMS has reviewed the application and provides the following comments on the subject application. Should Council approve the application, RMS would like the following requirements to be incorporated in to the determination.*

Comment: The requirements of the Roads and Maritime Services have been included as conditions in 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 30 September 2012 and 20 October 2012. In response, one submission was received at the time of writing this report.

### **Objectors**

1. Mrs E Boesel, 74 Honiton Avenue, CARLINGFORM 2118



## Issues

### **1. Inadequacy of Victoria Road to cater for the additional traffic of the proposal and Bunnings and resultant impact upon industrial and residential area and University of Western Sydney**

Comment: The cumulative impact of the proposal upon the level of service of intersections on Victoria Road has been assessed based on the construction of the intersection works and slip lane lengthening required under DA 709/2011. It has been concluded by Council's Traffic Engineers that the additional cumulative traffic can be serviced at an adequate level service after completion of the works. A condition of consent is recommended such that the Operations Centre cannot be occupied until after those works are completed. It is noted that the same condition was applied to the consent for Bunnings on proposed Lot 1.

### **2. Council should spend their money on things that are necessary**

Comment: The matter of how Council spends its budget is not relevant to the assessment of this application and is a matter for Council consideration.

### **3. The proposal should not be approved unless Victoria Road is widened/ upgraded and the funding from the light rail study pulled**

Comment: The impact of the traffic upon Victoria Road is addressed above and intersection works proposed with the subdivision of the site under DA 709/2011 will ensure an adequate level of service is retained to all intersections. The funding of the light rail study is not relevant to the assessment of this application.

### **4. No vehicles from the site should be allowed to use streets other than Kissing Point Road, James Ruse Drive and Victoria Road**

Comment: The suggestion is not workable as there is no way to enforce such a condition and the fleet vehicles will need to access other streets to carry out their duties.

### **5. All staff are required to travel to the site by train**

Comment: The suggestion cannot be enforced as a condition.

### **6. The Richmond, Rouse Hill, Castle Hill, Carlingford, Granville, Parramatta and Westmead areas need to be connected by heavy rail**

Comment: This is not a matter for consideration in the assessment of this 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 building and throughout the buildings. Further, accessible amenities and toilets would need to be available for staff and visitors.

An Access Review has been prepared by Morris-Goding Accessibility Consultants, dated 27 August 2012 which indicates that the proposal will provide for an appropriate level of accessibility subject to a series of recommendations and advisory notes. A recommended condition of consent requires amended plans to be prepared prior to the release of the construction certificate, to be accompanied by certification of compliance, showing all of the recommended mandatory and advisory issues.

### **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,*

The assessment of DA 709/2011 for subdivision and earthworks on the subject site determined that the vegetation on the subject site and that adjoining within the Council reserve constituted BGHF in a disturbed state and that as such it should be retained and restoration/revegetation works were to be carried out in accordance with an approved VMP. The current proposal results in no further works within that area.

*(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*

The proposed stormwater system has been amended to ensure the adjoining Council reserve and the retained BGHF on the subject site would not be detrimentally impacted by erosion, weed spread or nutrient enrichment. Conditions of consent require the provision of soil and sedimentation control devices prior to the commencement of any works

*(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 for subdivision of the site included 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. A condition of consent to this effect is included in the recommendation.

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

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 access via a right of way 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 created the subject allotment (DA 709/2011), which also approved a Bunnings Warehouse and created an allotment for a fast food premises, 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 intersection is being upgraded as part of the subdivision, including lengthening of the slip lane accessing the driveway to the site.

- (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 Council works depot is appropriate as it is not at all sensitive to traffic noise or emissions and as such is 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. Within the IN1 zone, uses including “depots” and “light industries” are permissible with the consent of Council, but “commercial premises” are prohibited. The proposed operations centre use falls under two definitions as is discussed following:

**depot** *means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.*

The main component of the operations centre falls under this definition, including the fleet parking area, the bulk storage areas of materials used in landscaping works and the like and the city operations and riverside storage areas.

It is considered that the definition of depot is a broad definition and when the depot is operated by a council, such as is proposed, the definition necessarily must be construed as an even wider definition as the “undertaking” for which the depot is being proposed is all works undertaken by the council on behalf of its ratepayers. As such, traditionally, depots for councils include such uses as animal holding facilities and it is considered that this component is permissible on this basis.

**light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry.

**Note.** Light industries are a type of **industry**—see the definition of that term in this Dictionary.

Several of the components of the use of the site fall under this definition, including the sign making workshop, the carpenter's workshop, the parks workshop and the mechanics workshop.

Finally, the proposed use includes a significant number of onsite staff who would use the premises in an office format and as such would normally be considered to be using the premises as a "commercial premises".

**commercial premises** means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

However, a consideration of the duties of the persons using the office style component of the development reveals that the uses are related to and tied to the use of the premises as both a depot and for light industry.

The "office staff" comprises a series of workers that are to be located on the premises for the following reasons:

- they organise the work programme/rosters of the field staff using the equipment and vehicles stored at the depot;
- they provide secretarial support for the field staff using the equipment and vehicles stored at the depot;
- they provide services to the community that require rapid response (such as in emergencies) and require fast access to materials stored on the site;
- they provide services to the community that require frequent access to equipment stored in the depot;
- they design the works carried out by the field staff using the equipment and vehicles stored at the depot and efficiencies in their work include the need to be in close proximity to those staff to explain the implementation of the design; or
- they are involved in the day to day supervision and/or management of the field staff using the equipment and vehicles stored at the depot or the above described support staff;

As the “office staff” is closely linked to the use and/or staff who use the materials and/or vehicles stored at the depot, it is considered that they are ancillary to the use of the premises and as such the office component is permissible with consent on this basis. The staff parking is similarly permissible as an ancillary use on this basis.

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 the council operation centre will provide for a range of employment opportunities. The Council operation centre will not directly serve workers and visitors to the industrial area, but is critical to the operations of the wider Parramatta City. 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.

## **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.

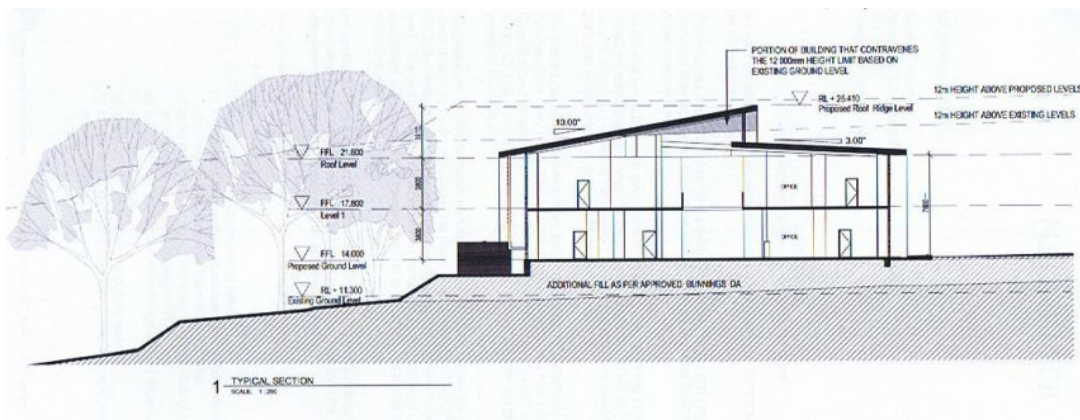
- (a) *to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,*
- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) *to require the height of future buildings 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 main building has a wall height of 7.6m above the finished ground level (RL 14) and a divided sloped roof with a clerestory window resulting in a maximum height above the finished ground level of 11.4m. The animal holding facility is to have a maximum height of 4.6m above finished ground level.

However, building height is defined as follows and the earthworks approved by DA 709/2011 have not occurred to date and as such the height needs to be measured from the existing levels.

**building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

Based on this definition, the proposed main building has a wall height of 10.6m and the building has a maximum height of 14.4m and as such breaches the control by up to 2.4m. The component of the main building that breaches the height control has a width of approximately 8m and runs for the full 147m of the building and is the clerestory window component. The southern side of the roof (facing Bunnings) complies with the height control as does the northern component (facing the residential properties to the rear), with the central portion breaching. The breaching element has a setback of between 27m and 50m from the rear boundary with the Council reserve.



Section of proposed main building with portion of roof breaching control shaded

The animal holding facility is to have a maximum height of 6.95m and complies with the control.

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 existing ground level base point for measurement of building height is a fluid measure and will change with the completion of the approved fill on the site as a result of the subdivision of the land under DA 709/2011
- Upon completion of the filling, the existing ground level will be raised and the building would be compliant with the height control.
- The breach of the height control will not result in any additional shadowing of adjoining properties as the shadow cast by the proposal falls within the subject site.
- The breach only results from the clerestory window which is designed to naturally light and ventilate the central spaces within the building.
- The building reads as only two storey as viewed from Council's reserve and the residential area to the north.
- The building has a similar height to the approved Bunnings building.
- The building is consistent with the objectives of the height control.
- The proposed design will have minimal visual impact and will not result in any disruption of views, loss of privacy or loss of solar access to adjoining developments as a result of the breach of the control.
- There is no public benefit in maintaining the height in these circumstances.

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 (b). 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.

It is noted that the only element breaching the height control is the portion of the roof that supports the clerestory window and as such is not an "essential" element of the proposal. Therefore the proposal could be made to comply by the deletion of this window and the provision of a more traditional flat roof, which is the type of roof typically provided in such large buildings in the industrial zone.

However, it is considered that the public benefit in this circumstance is best served by allowing the element, which will result in significant benefits from an ecologically sustainable design viewpoint and will reduce the running costs of the building for its lifespan, saving money for the ratepayers of Parramatta in the long run.



## **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 3 has an area of 32,690m<sup>2</sup> and as such permits a maximum floor space of 32,690m<sup>2</sup>. The proposed floor space of the development is 5,120m<sup>2</sup>, equating to a FSR of 0.17:1, 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 water table to below 1m AHD be given particular consideration.

No assessment of PASS on the site has been prepared, however the geotechnical investigation indicates that groundwater was encountered in boreholes that were undertaken to establish the depth of underlying rock. As the proposed construction method relies upon providing piles founded on bedrock for the main building there is a potential that the works will intercept the permanent groundwater table. Therefore it is considered that an assessment of PASS is necessary prior to the issue of a Construction Certificate and if it is found that the works will intercept the permanent groundwater table, an ASS Management Plan is to be prepared prior to the release of the Construction Certificate. A condition to this effect is recommended.

### **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, all of which still drains to the creek at the rear of the site.

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

The proposed earthworks are proposed to allow for the development of the site.

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

A condition of consent will require any fill material 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, however all earthworks are outside the buffer and revegetation areas for the BGHF approved under DA 709/2011.

*(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. However an Aboriginal heritage assessment report was prepared by Mary Dallas Consulting Archaeologists in relation to the development application for subdivision of the site (DA 709/2011) 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 and no drinking water catchment is in the area.

### **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 ground level of the buildings 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 potential impact of the proposed fill upon the flood storage area was considered in the assessment of the development application for subdivision of the site (DA 709/2011) and was determined to be acceptable.

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

The finished floor level of the buildings is 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 drainage works have the potential to result in erosion of the adjacent creek bed, however this issue has been appropriately dealt with by the proposed scour protection measures and the detail of the measures will need the approval of the Office of Water prior to commencement of works. Siltation during construction will be prevented by the use of soil and siltation measures, which are conditioned in the recommendation.

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

The proposal 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 works are not likely to result in any unacceptable impacts upon air quality.

The requirements of part 2.4.6 for buildings on sloping sites is that the visual bulk of development is 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 Council depot use, large, level footprints are necessary for development and as such large buildings are appropriate which are provided on graded benches rather than stepping down a slope.

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 to 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 previously and in the assessment of the development application for subdivision of the site (DA 709/2011) where it was determined that the site contains BGHF which is to be retained and buffered and a VMP has been approved for this work and vegetation of the buffer. The proposed works do not encroach into the BGHF or buffer areas and the stormwater management system, subject to conditions, will minimise nutrient rich runoff or siltation of the areas, ensuring their long term protection.

The proposed design appropriately responds to the public domain, providing for a suitable landscaped buffer between the Council reserve at the rear of the site and the proposed main building 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 not relevant to this application as the subject site does not have a street frontage. 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 site has an area of 32,690m<sup>2</sup> and as such requires a minimum landscaped area of 3,269m<sup>2</sup> and the proposal provides a total landscaped area of 9,244.9m<sup>2</sup>, equating to 28.3% of the site.

Whilst the parking and storage areas are not provided with a 2.5m wide landscape area around them, the control is to provide a visual buffer from the car parking areas as viewed from public places. The site adjoins industrial sites on three sides and it is not considered that a landscape buffer to those sites is necessary. The retained BGHF and buffer area provided between the car parking areas and the Council reserve to the rear of the site is well in excess of 2.5m wide.

### 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 as viewed from the adjoining industrial land, it being noted the site will not be visible from the streetscape. The critical viewpoint for the main building is from the adjacent Council reserve, thence residential area to the north. The proposed main building is setback between 17m and 40m from the Council reserve and in excess of 70m from the nearest residence, with the entire setback area densely landscaped (or proposed to be) with shrubs and trees. As such the proposed main building will be visually filtered by trees.

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 walls. However, articulation can be appropriately provided by changes to colour and/or materials and by the provision of openings. The amended design provided by the applicant in response to concerns about the lack of articulation to the western half of the northern façade appropriately addresses the concerns raised by the introduction of more openings in that component of the facade. Therefore, whilst the proposal is for an extremely long building, the level of articulation provided, particularly at the sensitive northern façade, is acceptable in the context of a building that is visually filtered by vegetation.

The design provides for appropriate visibility of the entrances from the parking area, it being noted that the site cannot be viewed from Victoria Road.

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 double pitched roof treatment with a central clearstory window component, is more appropriate than a typical parapet treatment with flat roof as it allows for a more sustainable outcome in terms of the long term energy efficiency of the building.

Part 3.2.4 addresses energy efficiency in design and is addressed appropriately by the Sustainability and ESD Report prepared by Cundall.

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 proposal will not be visible from Victoria Road.

### 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 assessed previously in relation to development application 709/2011 for the subdivision of the site and carrying out of earthworks. The proposal retains/provides the same level of vegetation in the BGHF and buffer areas approved under DA 709/2011. The landscape plan has been assessed as using appropriate species given the sensitive location of the site, subject to the recommended conditions.

A large staff recreation area is provided in the breezeway between the built elements and the large deck at the rear of the eastern portion of the main building, which overlooks the Council reserve to the rear of the site.

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 70m from the proposed building. An acoustic report has been prepared which concludes that the operation of the premises 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 is addressed in the comments from the Waste Officer.

### Part 3.4 Social Amenity

Part 3.4.1 deals with culture and public art and requires development sites over 5,000m<sup>2</sup> to provide and implement an Arts Plan, providing for high quality artworks within the development in a publicly accessible or visible location. The application indicates that it is intended to provide for a public arts plan in conjunction with the Bunnings redevelopment 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. Given the landlocked nature of the site, with no

frontage to Victoria Road and the fact that the site is not one that the general public will be visiting, it is not considered an appropriate site for the location of a car share space.

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 Camellia 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 for land fronting Victoria Road, however as the site has no frontage to Victoria Road this provision is not relevant.

Travel Plan: A travel plan is required to be prepared for the subject site and the applicant has indicated that one will be prepared prior to the occupation of the building. A condition of consent to this effect 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, however it is noted that the building will not be visible from Victoria Road.

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 building will not be visible from Victoria Road.

## **PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN**

The provisions of Parramatta s.94A Development Contributions Plan do not apply to the subject application as the application is for a Council works depot and is provided in order to provide service to the community.

The works depot is relocating from other sites and as such does not generate any demand for additional services and facilities in the city.

## **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 no unacceptable impacts upon surrounding industrial users, the onsite and adjoining BGHF in the reserve, nearby residents or the road network.

## **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. 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**

**That** Council as the consent authority grant development consent to Development Application No. DA/507/2012 for the construction of a Parramatta City Council operations centre on proposed Lot 3 in the subdivision of Lot 1, DP 883009, No. 316 Victoria Road, Rydalmere 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
Civil Works Drawing Nos. C0-00, C3-00 – 01, C3-09, C3-80, Issue A, prepared by Brown Smart Consulting	29.08.2012
Civil Works Drawing Nos. C1-50 - 53, C2-00 -03, Issue B, prepared by Brown Smart Consulting	27.09.2012
Architectural Plans Drawing Nos. A000, A002-004, A100-101, A201, A300-301, A400, Rev. B, prepared by HBO + EMTB	29.09.12
Architectural Plans Drawing No. A200, Rev. C, prepared by HBO + EMTB	6.11.12
Hydraulic Plans Drawing No. H01/P2, prepared by Whipps Wood Consulting	26.09.12
Hydraulic Plans Drawing No. H02,05/P3, prepared by Whipps Wood Consulting	8.11.12
Hydraulic Plans Drawing Nos. H03-04/P4, prepared by Whipps Wood Consulting	8.11.12
Landscape Plans Drawing No. LA01, Issue C, prepared by Taylor Brammer	04.10.2012
Landscape Plans Drawing No. LA02, Issue C, prepared by Taylor Brammer	04.10.2012
Landscape Plans Drawing No. LA03, Issue B, prepared by Taylor Brammer	04.10.2012

Document(s)	Dated
Statement of Environmental Effects prepared by HBO + EMTB (inclusive of Appendices A-N), as amended by the following documents	August 2012
Letter from JK Geotechnics	5 November 2012
Letter from Brown Smart Consulting	7 November 2012
Letter from Colston Budd Hunt & Kafes	22 October 2012
Letter from HBO + EMTB	6 November 2012
Letter from ERM	7 November 2012
Letter from ERM	13 November 2012

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

### 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

3. 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

### **Drainage**

4. All roof water and surface water is to be connected to an approved drainage system complying with Council's specifications and policy requirements.  
**Reason:** To ensure satisfactory stormwater disposal.

### **Retaining Walls**

5. If no retaining walls are marked on the approved plans no approval is granted as part of this approval for the construction of any retaining wall that is greater than 600 mm in height or within 900 mm of any property boundary.  
**Reason:** To minimise impact on adjoining properties.

### **Parking Provision**

6. One hundred and six (106) operations fleet parking spaces for trucks and light commercial vehicles and 220 staff parking spaces.(130 spaces for commercial uses and visitors and 90 spaces for depot, warehouse and workshop staff including 6 disabled parking spaces) are to be provided, permanently marked on the pavement and used accordingly. The dimensions for parking spaces and aisle width to be in accordance with AS 2890.1-2004 (minimum of 2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent walls and between 5.8m and 8.3m aisle width, as shown on the submitted DA plans. At blind aisle, the aisle is to be extended by 1.0m (minimum) beyond the last parking space).  
**Reason:** Ensure compliance

### **Bicycle Parking Provision**

7. Twenty six (26) bicycle spaces and 12 motorcycle parking spaces are to be provided, permanently marked on the pavement and used accordingly, as shown on the submitted DA plans.  
  
**Reason:** Ensure compliance

## **Prior to the Release of the Construction Certificate**

### **Construction Certificate**

8. 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.

### **Controlled Activity Approval**

9. The Construction Certificate shall not be issued over any part of the site requiring a controlled activity approval until a copy of that approval has been provided to Council.

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

### **Accessible Parking Spaces**

10. The accessible parking spaces are to conform to Australian Standard 2890.6:2009.

**Reason:** Ensure compliance

### **Car park dimensions**

11. The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS2890.1 (2004) & AS2890.2 (2002), except where amended by other conditions of this consent. Certification or details of compliance are to be submitted with the Construction Certificate plans.

**Reason:** To ensure car parking complies with Australian Standards.

### **Quick Check**

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

## Swept Path

13. The swept path of the longest vehicle entering and existing the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

## Driveway Design

14. Driveways access must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standards 2890.1 – 2004 “Off-street car parking” and [AS2890.2 – 2002 ‘Off-street commercial vehicle facilities’](#). Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure that parking spaces are in accordance with the approved development.

## Amended Plans - Accessibility

15. The architectural plans are to be amended to incorporate the recommendations (both mandatory and advisory) contained in the Access Review, prepared by Morris-Goding Accessibility Consultants, dated 27 August 2012. Certification is to be provided that the amended plans satisfy the recommendations prior to the release of the Construction Certificate.

**Reason:** Ensure the facilities are accessible to all

## Amended Plans - Ecological

16. The architectural and drainage plans are to be amended to incorporate the recommendations in Table 1 of the (4 pages) document dated 7 Nov 2012 by ERM, including the following:

- a. *The roadbase hardstand storage area, the Reclaim/mixed earthworks storage area and the Sand/Soil/Cold mix storage area shall be roofed and the stormwater from the surrounding hardstand area shall be captured and treated before discharge.*
- b. *The woodchips storage area shall be bunded and the captured water shall be treated before discharge or retained and discharged to the sewer. Improved treatment could occur by adjusting the levels of this area so that they drain to the north east corner of the vegetated bioswale so the captured water run along the maximum length of the bioswale before discharge.*
- c. *All stormwater leaving hardstand storage areas shall be treated to minimise nutrient loads to achieve a minimum of 57.6% reduction in Phosphorus, 46.8% reduction of nitrogen, 84.3% reduction in total*

*suspended solids and 97.6% reduction in gross pollutants. MUSIC modelling shall be prepared for the bulk storage area to show compliance with the above targets. Devices such as enviropods shall be installed on all stormwater system pit inlets within this area.*

*d. Pesticides/fertiliser/hazardous material storage areas shall be appropriately bunded as per NSW legislation. Temporary pallet bunds shall be provided for miscellaneous small volumes of material, and permanent bunding for larger volumes. Hazardous materials, including pesticides and fertilisers shall not be temporarily stored in other areas of the site, and shall be contained with temporary bunding when moved from storage areas.*

*g. All drainage works within the 30m riparian zone shall be designed and constructed in line with the following NSW Office of Water documents;*

- Laying pipes and cables in watercourses;*
- Outlet structures.*

*h. The width of the riparian corridor shall be determined through consultation with the NSW Office of Water but shall not be less than that identified in the VMP prepared by Abel ecology pursuant to DA 709/2011.*

*i. A Core Riparian Zone (CRZ) width for the riparian zone on this site of 20m and a 10m wide Vegetated buffer shall be provided to protect the CRZ. Any **encroachment** into the combined 30m buffer from the creek shall be removed, including the protrusion of the deck located centrally within the main building and the rear of the Signs/Barriers and Pavers/Pallet storage area in the north west corner of the site*

### **Potential Acid Sulphate Soils Assessment**

17. An assessment of potential acid sulphate soils (PASS) is to be carried out prior to the issue of a Construction Certificate and if it is found that the works will intercept the permanent groundwater table, an acid sulphate soils (ASS) Management Plan is to be prepared prior to the release of the Construction Certificate

**Reason:** Compliance

### **Public liability insurance**

18. 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.

### **Tree & protection measures**

19. Prior To the commencement of any demolition, excavation or construction works, tree protection measures shall be installed at the location shown in the Northern Boundary TPZ Offset plan prepared by AT&L Drawing No. SKC009 Issue P5 associated with DA/709/2011. The area is to be enclosed with protective fencing consisting of 1.8m high fully supported chainmesh. The area enclosed is to be a designated a “No-Go Zone” and is to be kept weed and grass free for the entire duration of works. The northern boundary tree protection offset is to be clearly indicated on documentation prepared for the construction certificate.

**Reason:** To ensure the protection of the existing trees on the site.

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

20. 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.

### **Power lines to be underground**

21. 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.

### **Cigarette butt receptacle for commercial development**

22. 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.

## **Disabled access signage**

23. 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.

## **Cycle shower facilities**

24. 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 encourage alternative modes of transport

## **Nomination of Engineering Works Supervisor**

25. 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 sufficient 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

## **Stormwater Discharge**

26. The stormwater discharge pipe connection from the site stormwater system is to be constructed and connected in general as indicated on the concept drainage plan No. H03/P1 dated 29/08/2012 prepared by Whipps-Wood Consulting.

In this regard a final detailed drainage plan shall be prepared by a practicing certifying engineer prior to the issue of a Construction Certificate addressing the following issues to the satisfaction of the Principal Certifying Authority:

- Show the drainage easement pipe, layout and details from the upstream adjoining site running along the south and west side of the site.
- The design and construction of the stormwater discharge pipe shall be to Council's satisfaction.
- The dimension of the swale carrying the surcharge/overland flow from the upstream catchment, running over the drainage easement shall be calculated and certified by a practicing drainage engineer detailing the engineering method used to the satisfaction of the Principal Certifying Authority. The surcharge/overland flow from the upstream adjacent site shall be calculated for 1 in 100 year ARI storm event and shall be fully contained within the dedicated path.
- The Principal Certifying Authority shall ensure that the landscaping type used in the dedicated swale is not to block the overland flow path.

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

27. No work shall start on the storm water 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 drainage plans are consistent with the Concept Drainage Plans and the conditional requirements, approved with the Development Consent.

Note: The reference Concept Plans are concept only in nature and not to be used for construction purposes as the construction drawing. Rectified Stormwater plan addressing all the issues and notes marked on the approved stormwater plan shall be prepared with details, and submitted with the application for Construction Certificate to the Principal Certifying Authority for approval).

- b. The proposed On-Site Detention (OSD) System has been designed 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



- The design achieves a Site Storage Requirement of 330 m<sup>3</sup>/ha and a Permissible Site Discharge of 130 L/s/ha (as per 3<sup>rd</sup> edition of UPRCT's handbook).
- When using the Extended/Flood detention method (4<sup>th</sup> edition of UPRCT's handbook), the Site Reference Discharge (Lower Storage), SRD<sub>L</sub> of **40** l/s/ha, Site Storage Requirement (Lower Storage) SSR<sub>L</sub> of **284** m<sup>3</sup>/ha and Site Reference Discharge (Upper Storage), SRD<sub>U</sub> of **150** l/s/ha, Site Storage Requirement (Total) SSR<sub>T</sub> of 438 m<sup>3</sup>/ha as per the submitted OSD calculation.
- The emergency flow from the OSD tank to the creek in the north western portion of the site shall include a scour protection measure as part of a landscape feature, subject to the satisfaction of the Office of Water and its Guidelines.

Detailed drainage plans with cross sectional details of OSD storage areas; pits etc, OSD Detailed Design Submission and OSD Detailed Calculation Summary Sheet are submitted **and are acceptable**.

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

### **Collection & discharge of dirty water from 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.

### **Impact on Existing Public Utility Installations**

29. 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.

### **Public Arts Plan**

30. 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 the satisfaction of Council prior to the issue of the Construction Certificate for the proposed building works on proposed Lot 3. This Plan is to be prepared in conjunction with the owners of proposed Lot 1.

### **Works to Victoria Road Pursuant to DA 709/2011**

31. The proposed modification to the signalised intersection on Victoria Road to service the site shall be approved by RMS and the Work Authorisation Deed (WAD) is to be executed prior to issue of the construction certificate for any works within the site.

### **Acoustic Report**

32. A further acoustic report is to be prepared and submitted to Council prior to issue of the Construction Certificate requiring an acoustic assessment of all plant and mechanical services and the provision of plans showing the acoustic treatment of the plant room in accordance with the acoustic attenuation treatment recommended in section 6.9 'Mechanical Noise' of Noise Impact Assessment Report prepared by Acoustic Logic, (*Project Number 20120135.1 & document reference 20120135.1/0309A/R4/JS*) dated 3 September 2012.

### **Construction Management Plan - Asbestos**

33. A Construction Management plan is to be produced and submitted to the PCA prior to the release of the Construction Certificate to address the management of asbestos material if encountered in the soil during the construction works.

### **Prior to Commencement of Works**

#### **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.

## **Pedestrian and Traffic Management Plan**

39. A pedestrian and Traffic Management Plan must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of work and/or excavation. It must include details of the:

- (a) Proposed ingress and egress of vehicles to and from the construction site
- (b) Proposed protection of pedestrians adjacent to the site
- (c) Proposed pedestrian management whilst vehicles are entering and leaving the site
- (d) Proposed route of construction vehicles to and from the site, and
- (e) The Pedestrian and Traffic Management Plan shall be implemented during the demolition, excavation and construction period.

**Reason:** To maintain pedestrian and vehicular safety during construction.

## **Notification of excavation**

40. 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**

41. 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**

42. 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**

43. 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.

### **Vibration Management Plan**

44. 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.

### **Site Maintenance**

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

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

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

### **Erosion & sediment control measures**

46. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices must be maintained throughout the entire demolition, excavation and construction phases of the development.

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

### **Tree & protection measures**

47. Prior To the commencement of any demolition, excavation or construction works, tree protection measures shall be installed at the location shown in the Northern Boundary TPZ Offset plan prepared by AT&L Drawing No. SKC009 Issue P5 associated with DA/709/2011. The area is to be enclosed with protective fencing consisting of 1.8m high fully supported chainmesh. The area enclosed is to be a designated a "No-Go Zone" and is to be kept weed and grass free for the entire duration of works. The northern boundary tree protection offset is to be clearly indicated on documentation prepared for the construction certificate.

**Reason:** To ensure the protection of the existing trees on the site.

### **Tree Protection Signage**

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

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

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

### **During Construction Works**

#### **Copy of development consent**

49. 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.

#### **Adjoining Bushland**

50. 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.

### **No removal of trees on public property**

51. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in the consent shall be removed or damaged during construction including the erection of any fences, hoardings or other temporary works.

**Reason:** Protection of existing environmental infrastructure and community assets.

### **Construction Noise**

52. 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**

53. 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.

### **Plant and equipment kept within site**

54. 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**

55. 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**

56. 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**

57. 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.

## **Waste data file**

58. 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.

## **Imported fill**

59. All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

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

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

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

### **Survey Report**

60. 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.

### **Record of inspections carried out**

61. 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.

### **Line-marking of Car Park**

62. 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.

### **Driveway and Ramp Gradients**

63. Driveway and ramp gradients are to comply with Clause 2.5, Clause 2.6 and Clause 3.3 of AS2890.1-2004. The driveway width at the concrete layback is to comply with Council's Heavy Vehicular Crossing Plan (DS9).

### **Traffic Facilities**

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

### **Security Boom Gates**

65. Security boom gates are to be provided as shown on the approved plans.

### **Road Occupancy Licence**

66. 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**

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

### **Traffic Control**

68. All traffic control during construction must be carried out by accredited RMS approved traffic controllers.

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

69. 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. The area covered by the approved VMP for DA 709/2011 shall be fenced prior to the commencement of any works on the site.

### **Support for Council Roads, footpaths, drainage**

70. 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.

### **Shoring and adequacy of adjoining property**

71. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:

- Protect and support the adjoining premises from possible damage from the excavation
- Where necessary, underpin the adjoining premises to prevent any such damage.

Note: If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

**Reason:** As prescribed under the Environmental Planning and Assessment Regulation 2000.

### **Erosion and Sediment controls for vehicular entry & exit points**

72. 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**

73. 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**

74. 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**

75. 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.

### **Prior to Release of the Occupation Certificate**

#### **PE07 Telecommunications services**

76. 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**

77. 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.

### **Intersection Works on Victoria Road**

78. The intersection works to Victoria Road, including traffic signals, associated drainage, footpath and landscape works required by Development Consent No. 709/2011 shall be constructed in accordance with that consent prior to the release of an Occupation Certificate for the development on proposed Lot 3.

### **Vehicular Access from Victoria Road**

79. The vehicular crossing, internal driveway to proposed Lot 3 and associated landscaping required by Development Consent . No. 709/2011 shall be constructed in accordance with that consent prior to occupation of the development on proposed Lot 3.

### **Travel Plan**

80. A Travel Plan specific to the new site is to be developed and submitted to Council prior to occupation of the Operation Centre. The Travel Plan to be developed is to be designed in accordance with the Parramatta Council's DCP 2011.

## Work-as-Executed Plan

81. 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 verses 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.

## Stormwater Quality Maintenance

82. An Operational Management and Maintenance Report is required to be lodged with the Occupation Certificate application as a separable section of the Stormwater Drainage Plan to provide an outline of the proposed long term operational management and maintenance requirements of the stormwater system on the site. As a guide the maintenance report is required to cover all aspects of on-site facilities associated with the management of stormwater quality and is to outline the following requirements:

- (i) aims and objectives (including water quality and filter media parameters);
- (ii) a plan showing the location of the individual components of the system
- (iii) manufacturer's data and product information sheets for any proprietary products
- (iv) location of inspection and monitoring points shown clearly on the plan
- (v) describe inspection/maintenance techniques and the associated rectification procedures
- (vi) A schedule or timetable for the proposed regular inspection and monitoring of the devices, (Council recommends a visual inspection at least 3 times per year between October and May the following year, with a maximum of 3 months between successive inspections). Inspection should be made not less than 24 hours and not more than 72 hours after the cessation of rainfall if the total rainfall on any day exceeds 30mm
- (vii) record keeping and reporting requirements
- (viii) review and update requirements

The report is required to be prepared by a suitably qualified and experienced professional to the satisfaction of Council and utilise the maintenance checklists located *Product Design Manual* in this case or (in the Water Sensitive Urban Design Technical Design Guidelines for South East Queensland).

In this regard, the approved report is required to be implemented in perpetuity to the satisfaction of Council. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s.

#### **Positive covenant for OSD**

83. A positive covenant and a restriction shall be created on the property title 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 occupation or use of on-site.

**Note:** The covenant is to be submitted to Council for approval prior to lodgement with the Land and Property Information Service of NSW.

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



## **Post-construction dilapidation report**

84. 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**

85. The Occupation Certificate shall not be released until the Subdivision Certificate related to Development Consent No. DA/709/2011 has been released and the subdivision registered.

## **Occupation Certificate**

86. 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.

## **EE16 Section 73 Compliance**

87. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of our website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

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

**PB23          Recyclable Waste**

88. Separate waste bins are to be provided on site for recyclable waste.

**Reason:** To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.

**EHF04          Provide adequate waste facilities**

89. A waste storage room is to be provided on the premises, capable of accommodating all garbage, stored liquid, recyclable wastes and associated containers arising from the use of the premises and accessible by waste collection contractors. Disposal of wastes from the premises shall comply with the approved waste management plan.

**Reason:** To ensure provision of adequate waste disposal arrangements

**LE03 Certifying Auth. Arrange Qualified Landscape Arch.**

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

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

**Bat Roosting Boxes**

91. Four (4) insectivorous bat roosting boxes shall be attached to the building, existing trees or mounted on a pole on the riparian side of the building prior to the issue of an Occupation Certificate.

**Riparian Zone**

92. The works required by the VMP (establishment works only) for the site prepared by Abel Ecology and approved by Parramatta City Council's Open Space and Natural Resource Section pursuant to DA709/2011 shall be completed prior to the issue of an Occupation Certificate.

**Use of the Premises – Lot 3**

**PF04 External Plant/Air-conditioning noise levels**

93. 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.

## **No 'offensive noise'**

94. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.

**Reason:** To reduce noise levels.

## **PF09 Illumination of Premises**

95. To maintain amenity for adjoining properties, the illumination for security purposes shall be designed and operated so as not to cause unacceptable light glare within the adjacent residential areas.

**Reason:** To maintain amenity for adjoining properties.

## **PF25 Operating hours**

96. The days and hours of operation are restricted as follows:

Use of office component/ workshops and warehouse storage	7am – 5pm Monday to Friday
Animal holding facility	24 hour operation, 7 days a week
Hardstand areas	6.30am – 10pm, Monday to Saturday
Access to parking bays	24 hour operation, 7 days a week
Access for emergencies	24 hour operation, 7 days a week

Any alterations to the above will require further development approval.

**Reason:** To minimise the impact on the amenity of the area.

## **Storage Areas**

97. No materials, waste matter or products are to be stored outside the approved storage areas at any time. Designated storage areas are to be used only for the material so designated and sign posts to that effect are to be erected to reflect the approved plans.

**Reason:** Protection of the adjoining Blue Gum High Forest

## **Graffiti Management**

98. 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.

## **Traffic Movement**

99. All vehicles are to enter and leave the site in a forward direction.

## Tuning Areas

100. The proposed turning areas are to be kept clear of any obstacles, including parked cars, at all times.

## Office of Water General Terms of Approval

1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 2012/507 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"> <li>(i) Vegetation Management Plan</li> <li>(ii) Erosion and Sediment Control Plan</li> <li>(iii) Soil and Water Management Plan</li> </ul>
4	<p>The consent holder must</p> <ul style="list-style-type: none"> <li>(i) carry out any controlled activity in accordance with approved plans and</li> <li>(ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and</li> <li>(iii) when required, provide a certificate of completion to the NSW Office of Water.</li> </ul>
<b>Rehabilitation and maintenance</b>	
5	<p>The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.</p>
6	<p>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.</p>
<b>Reporting requirements</b>	
7	<p>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.</p>

<b>Access-ways</b>	
8	The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
<b>Disposal</b>	
9	The consent holder must ensure that no materials or cleared vegetation that may <ul style="list-style-type: none"> <li>(i) obstruct flow,</li> <li>(ii) wash into the water body, or</li> <li>(iii) cause damage to river banks;</li> </ul> are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
<b>Drainage and Stormwater</b>	
10	The consent holder is to ensure that all drainage works <ul style="list-style-type: none"> <li>(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</li> <li>(ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.</li> </ul>
11	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
<b>Erosion control</b>	
12	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.
<b>Excavation</b>	
13	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.
14	The consent holder must ensure that any excavation does not result in <ul style="list-style-type: none"> <li>(i) diversion of any river</li> <li>(ii) bed or bank instability or</li> <li>(iii) damage to native vegetation within the area where a controlled activity has been authorised,</li> </ul> other than in accordance with a plan approved by the NSW Office of Water.
<b>River bed and bank protection</b>	
15	The consent holder must establish a riparian corridor along the Subiaco Creek in accordance with a plan approved by the NSW Office of Water.

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### **Advisory Notes**

1. The 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 (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
2. Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTS. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

### **Report prepared by:**

***Kerry Gordon***  
***Kerry Gordon Planning Services***



**Signature:**

**Date:** 21 November 2012