



## Report to Sydney Central City Planning Panel

<b>SWCCP reference</b>	2017SWC110
<b>DA No.</b>	DA/776/2017
<b>Date of receipt</b>	8 September 2017
<b>Proposal</b>	Demolition of existing structures, site clearing and remediation works. Construction of a warehouse and distribution centre with associated carparking, landscaping and civil works. The proposal will be constructed in two (2) stages to allow for the continued operation of the existing use on the site.
<b>Street address</b>	10 Grand Avenue, Rosehill
<b>Property Description</b>	Lot 4, DP 623497
<b>Applicant</b>	W McGarry
<b>Owner</b>	Grand 4 Investment Pty Ltd
<b>Submissions</b>	Nil
<b>List of All Relevant s79C(1)(a) Matters</b>	<ul style="list-style-type: none"><li>• Environmental Planning and Assessment Act and Regulations;</li><li>• State Environmental Planning Policy No. 55;</li><li>• State Environmental Planning Policy (Sydney Harbour Catchment) 2005;</li><li>• State Environmental Planning Policy (State and Regional Development) 2011;</li><li>• State Environmental Planning Policy (Infrastructure) 2007;</li><li>• Parramatta Local Environmental Plan 2011; and</li><li>• Parramatta Development Control Plan 2011.</li></ul>
<b>Recommendation</b>	Approval
<b>Council Officer</b>	Ashleigh Matta, Senior Development Assessment Officer

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? Yes

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? Yes

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard has been received, has it been attached to the assessment report ? Yes

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? No

### Conditions

Have draft conditions been provided to the applicant for comment ? Yes

## 1. Executive summary

This report considers a proposal for demolition of existing structures, site clearing and remediation works and the construction of a warehouse and distribution centre with associated carparking, landscaping and civil works. The proposal will be constructed in two (2) stages to allow for the continued operation of the existing use on the site as a warehouse and factory operated by CSR roofing. Stage 1 comprises the development to the south of the site and Stage 2 comprises the development to the north of the site.

The site is legally described as Lot 4 in DP 623497. The site has a frontage of 238.7m to Grand Avenue and a site area of 85,098m<sup>2</sup>. The site is located within the Camellia and Rydalmere Strategic Precinct.

The site is zoned IN3 Heavy Industrial under Parramatta Local Environmental Plan 2011 (PLEP 2011) and the proposed warehouse and distribution centre is permissible in the IN3 Heavy Industrial zone.

The site has been identified as being contaminated with asbestos from asbestos cement sheeting within historical fill materials placed by James Hardy, as well as Volatile Organic Compounds (VOC), hydrocarbons and heavy metals in groundwater

and vapours along the Western Boundary which are considered to have migrated onto the site from the neighbouring site 6 Grand Avenue. A Remedial Action Plan (RAP) prepared by JBS&G, no. 53118/109970 (Rev A), dated 19 July 2017 and further environmental advice prepared by Edison Environmental and Engineering, dated 21 May 2018 were reviewed by Council's Environmental Health Officer and are satisfactory. An assessment of the application has been undertaken on the basis of Clause 7(1), 7(2) and 7(3) of SEPP 55 and the *Managing Land Contamination Planning Guidelines 1998* for assessing potential contamination of a site and the site can be made suitable for the proposed uses.

The application was reviewed by Council's Traffic Engineer, Development Engineer, Landscape Officer and Environmental Health Officer. Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concerns and the application is supported subject to conditions.

The application was referred to the Roads and Maritime Services in accordance with clause 104 of the State Environmental Planning Policy (Infrastructure) 2007. No objections were raised to the proposal subject to the imposition of appropriate nominated conditions of consent.

In accordance with Council's notification procedures, owners and occupiers of surrounding properties were given notice of the application for 21 days between 20 September and 11 October 2017. No submissions have been received in response to Council's notification.

The proposal is generally compliant with Council's controls, however proposing a variation to the height control contained in Parramatta LEP 2011 and a variation to the landscape control and parking control contained in PDGP 2011.

The proposal seeks to vary Clause 4.3 – Height of Buildings of Parramatta LEP 2011. The proposal does not comply with the maximum permissible building height of 12m stipulated within Clause 4.3 – Height of Buildings. Building A has a maximum height of 14.94m and Building B has a maximum height of 14.78m; resulting in a variation of 2.94m (24.5%) and 2.78m (23.2%) respectively.

A written request under the provisions of Clause 4.6 of the Parramatta LEP 2011 was lodged and it considered that the variation can be supported as the applicant has demonstrated sufficient environmental planning grounds to vary the development standard. The Clause 4.6 Statement is considered well founded and is supported noting the following:

- The site is contaminated and requires the importation of virgin excavated natural material (VENM) plus 500mm capping. The combination of the imported fill and the capping of the asbestos contaminated soils results in the existing ground level being raised up to 1.3m; with Building A having a Finished Floor Level (FFL) of 6.225 and Building B having a FFL of 6.555;
- Both buildings are generally compliant with the height limit, with the variation predominately associated with the roof pitch. The applicant advised that the proposed 2.25° pitched roof is unable to be modified due to structural adequacy

requirements and the need to account for the effects of hail loading and other extreme weather conditions;

- A reduction in the wall height would significantly compromise the efficiency of the warehouse and limit the usability of the warehouses. The applicant has advised that a clearance floor to ceiling height of 10.5m is required for the installation of the racking system for storage;
- The height does not result in an overdevelopment of the site given the proposal is well under the 1:1 (85,098m<sup>2</sup>) FSR permitted on the site, proposing a floor space ratio of 0.64:1 (55,313m<sup>2</sup>);
- Building A is generously setback from the street with a front setback of between 40m and 67m. The part of Building A that exceeds the height limit is setback between 100m and 127m from the front boundary. The height variation is not visually discernible from the street nor considered to have a negative impact on the streetscape given the generous front setback together with a 20m landscape buffer;
- Each building maintains a side setback of 6.5m and a separation of 50m is provided between building A & building B. Given this, the development responds to the site without adversely compromising relationships with adjoining developments as it will not result in any adverse overshadowing, additional visual massing and privacy impacts; and
- The site is listed in Appendix 2 *Views and Vistas* of Parramatta DCP 2011 however, will not obstruct important historic view corridors to and from the nearby Elizabeth Farm.

It is considered that it would be unreasonable to require the development to comply with the maximum height in this instance, as the site is flood affected and contaminated and the proposal generally complies with the development requirements pertaining to a warehouse and distribution centre. The breach in the height mostly relates to the roof pitch of the buildings. The development in this regard maintains consistency with the objectives of the zone.

The proposal seeks to vary the landscape control contained in Table 3.1.3.15 of PDCP 2011, which requires a minimum landscaped area equal to 10% of the site area. The proposal provides a landscaped area of 7.7%. The proposal seeks to vary the parking control contained in Section 3.6.2 Parking and Vehicular Access of Parramatta DCP 2011. The variations have been addressed in the report and there are sufficient planning grounds to support the proposal.

The proposal satisfies the objectives of Parramatta Local Environmental Plan 2011 and Parramatta Development Control Plan 2011 (PDCP 2011).

The site is considered that the site is **suitable** for its proposed use as a warehouse and Clause 7 of SEPP 55 is satisfied.

The Central City Planning Panel was briefed on the application on 1 August 2018. Issues raised at the briefing include landscaped areas and landscaped setback. The applicant has addressed the issues raised by the Panel.

The application is satisfactory when evaluated against section 4.15 of the Environmental Planning and Assessment Act 1979 and this report recommends that the Panel grant approval subject to Attachment B.

## 2. Key issues

- a. Height;
- b. Contamination;
- c. Flooding;
- d. Landscaping; and
- e. Parking.

## 3. Site context

The site is located within the suburb of Rosehill which comprises low to high density residential to the west of James Ruse Drive and Rosehill Racecourse and industrial development to the east of James Ruse Drive.



Figure 1: Locality Map of Rosehill (Google Maps)

The site is located within the Camellia and Rydalmere Strategic Precinct under PDGP 2011. Camellia is identified as being a significant industrial hub, containing heavy industries such as the Shell oil refinery. It also contains sporting and convention sites at Rosehill Gardens and the Parramatta Raceway.

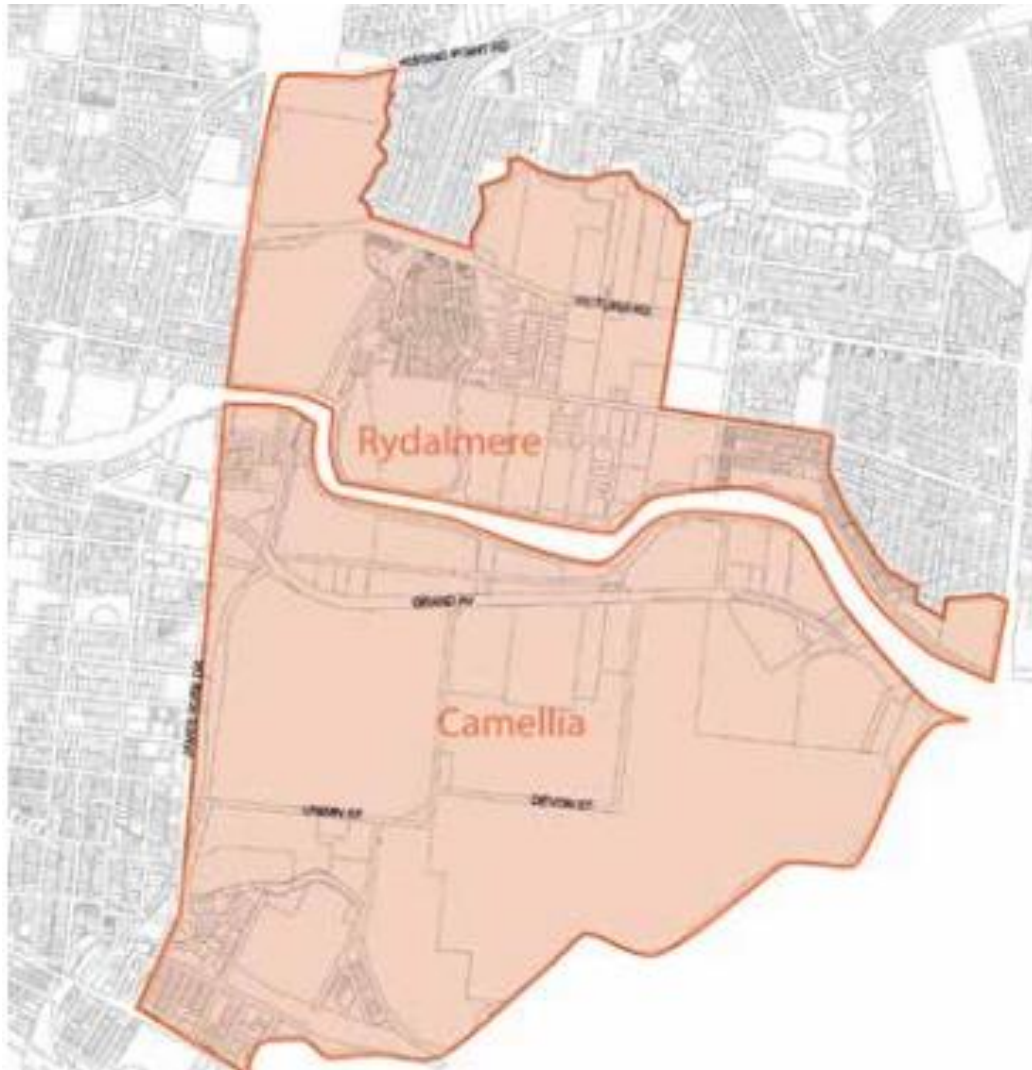


Figure 2: Camellia and Rydalmere Strategic Precincts (Parramatta Development Control Plan 2011)

#### 4. Site description and location

The site is legally described as Lot 4 in DP 623497. The site has a frontage of 238.7m to Grand Avenue and a site area of 85,098m<sup>2</sup>.

The site is zoned IN3 Heavy Industrial and presently occupied on the site is a warehouse building occupied by Monier Roofing manufacturing.

The site is located more than 60m from the railway corridor and located more than 130m from the Parramatta River, both located to the north of the site.

The site has been identified as being contaminated with asbestos from asbestos cement sheeting within historical fill materials placed by James Hardy, as well as Volatile Organic Compounds (VOC), hydrocarbons and heavy metals in groundwater and vapours along the Western Boundary.

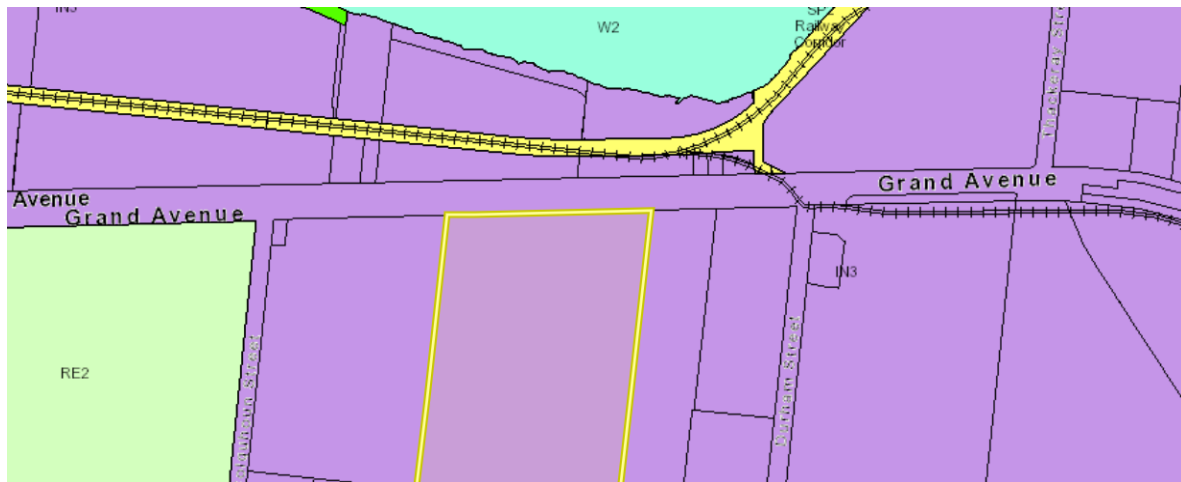


Figure 3: Map showing proximity to Parramatta River and the railway corridor (GIS).

## 5. The proposal

### 5.1 Proposal

The proposal, as amended, comprises the following primary elements:

- Demolition of existing structures;
- Site clearing and remediation works;
- Construction of a warehouse and distribution centre, contained in two buildings including office areas and amenities;
- 325 on site car parking spaces;
- Landscaping; and
- Civil works.

The proposal will be constructed in two (2) stages to allow for the continued operation of the existing use on the site. A separate Development Application is required for the use of each tenancy.

Specifically, the proposal seeks to undertake the following works:

Stage	Development component
Stage 1 Southern portion	<ul style="list-style-type: none"> <li>• Site clearing / tree removal and remedial works</li> <li>• Civil works;</li> <li>• Construction of Building B, containing warehouse 4 (11,810m<sup>2</sup>), office 4 (1,170m<sup>2</sup>), warehouse 5 (11,820m<sup>2</sup>) and office 5 (1,180m<sup>2</sup>);</li> <li>• Bicycle parking for 20 bikes (2 bike racks, 10 spaces per office);</li> <li>• Southern section of the shared loading zone (total width being 50m);</li> <li>• Southern bitumen car parking, providing 165 spaces;</li> <li>• Landscaping works; and</li> <li>• Construction of retaining wall along the south, east and west.</li> </ul>
Stage 2 Northern portion	<ul style="list-style-type: none"> <li>• Demolition of the existing CSR factory and associated buildings;</li> <li>• Site clearing and remedial works;</li> <li>• Civil works;</li> <li>• Construction of building A, containing warehouse 1 (8,320m<sup>2</sup>), office 1 (890m<sup>2</sup>) warehouse 2 (9,805m<sup>2</sup>), office 2 (890m<sup>2</sup>); Warehouse 3 (8,040m<sup>2</sup>) and office 3 (870m<sup>2</sup>);</li> <li>• Bicycle parking for 31 spaces (broken down as follows: office 1, 7 spaces, office 2, 10 spaces and office 3, 14 spaces);</li> <li>• Northern bitumen car parking, providing 295 car spaces;</li> <li>• New site access from Grand Avenue;</li> <li>• Remainder of the shared loading zone;</li> <li>• Site landscaping works.</li> </ul>

Figure 4 : Development Summary taken from the submitted Statement of Environmental Effects, prepared by Urbis, dated 7 September 2017. It is noted that warehouse no. 5 has an area of 11,590m<sup>2</sup> and not 11,820m<sup>2</sup> and there are now 325 car parking spaces reduced from 460 spaces.

## 5.2 Application History

The Sydney Central City Planning Panel was briefed on the application on 1 August 2018. The key issues discussed at the briefing included:

- *The Panel can see no justification for non-compliance with the DCP standard for landscaping, noting that this is one of the first sites to be redeveloped in this area under these controls.*
- *The Panel could see no justification for additional parking over the RMS standard, especially when the requirement for parking is taking up an area which would otherwise be devoted to landscaping.*

- *The requirement for 20m landscaping setback at the front is not met by this application, which the Panel believes is unacceptable without proper justification.*
- *If these changes mean a smaller building footprint, the Panel believes this would be an acceptable amendment.*

The applicant addressed the Panel's concerns and submitted amended plans on 3 August 2018. Amendments include a landscaped setback of 20m and an increase in landscaped area provision. As a result of the amendments, the parking area in the front setback has been reduced from 460 spaces to 325 spaces.

## 6. Public notification

The notification period was for 21 days between 20 September and 11 October 2017. No submissions have been received in response to Council's notification.

It is noted however that the application was incorrectly registered as 10 Grand Avenue, Westmead upon initial lodgement and therefore incorrectly listed on the external website Planning Alerts. As a result, the Planning Alerts portal has registered the incorrect address and notified the residents in the Westmead area. Two submissions were received objecting to an industrial building within a residential area (Westmead). An email was sent to both objectors clarifying the address and proposal. Both objectors subsequently withdrew their submissions.

## 7. Referrals

Any matters arising from internal/external referrals not dealt with by conditions	No
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## 8. Environmental Planning and Assessment Act 1979

Does Section 5A (Significant effect on threatened species) apply?	No
Does Section 77A (Designated Development) apply?	No
Does Section 91 (Integrated Development) apply?	Yes
Are submission requirements within the Regulations satisfied?	Yes

## 9. Consideration of SEPPs

Key issues arising from evaluation against SEPPs	A detailed assessment is provided at <b>Attachment A.</b>
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## 10. Parramatta Local Environmental Plan 2011

The following table is a summary assessment against the LEP. A detailed evaluation is provided at **Attachment A**.

**Table 1: LEP compliance**

Control	Satisfactory or non- compliance
Zone	IN3 Heavy Industrial
Definition	Warehouse and distribution centre
Part 2 Permitted or prohibited development	Permissible in the zone and consistent with zone objectives
Part 4 Principal development standards	<ul style="list-style-type: none"> <li>Height (Does not comply, refer to Clause 4.6) <ul style="list-style-type: none"> <li>Control: 12m</li> <li>Proposal: Building A – 14.94 and Building B – 14.78m</li> </ul> </li> </ul> <p>The variation is supported the following reasons:</p> <ul style="list-style-type: none"> <li>The site is contaminated and requires the importation of virgin excavated natural material (VENM) plus 500mm capping;</li> <li>Both buildings are generally compliant with the height limit, with the variation predominately associated with the roof pitch;</li> <li>A reduction in the wall height for compliance would significantly compromise the efficiency of the warehouse and limit the usability of the warehouses;</li> <li>The height does not result in an overdevelopment of the site given the proposal is well under the 1:1 FSR permitted on the site;</li> <li>The height intrusion is not considered to have a negative impact on the streetscape given the generous front setback together with a 20m landscape buffer;</li> <li>The development responds to the site without adversely compromising relationships with adjoining developments</li> </ul>

	<p>as it will not result in any adverse overshadowing, additional visual massing and privacy impacts; and</p> <ul style="list-style-type: none"> <li>The site is listed in Appendix 2 <i>Views and Vistas</i> of Parramatta DCP 2011 however, the proposed variation will not result in the obstruction of important historic view corridors to and from the nearby Elizabeth Farm.</li> <li>FSR (Complies) <ul style="list-style-type: none"> <li>Control: 1:1</li> <li>Proposal: 0.64:1</li> </ul> </li> </ul>
Part 5 Miscellaneous provisions	All relevant provisions satisfied
Part 6 Additional local provisions	All relevant provisions satisfied

## 11. Parramatta Development Control Plan 2011

The following table is a summary assessment against this DCP. A detailed evaluation is provided at **Attachment A**.

**Table 2: DCP compliance**

Controls	Satisfactory or non- compliance
Part 2 - Site Planning	Satisfactory
Part 3 – Development Principles  <b>Landscaping</b> Required: 10% (8509m <sup>2</sup> ) Proposed: 7.7% (6525m <sup>2</sup> ) Variation: 24% (1,984m <sup>2</sup> )	<p>The proposal does not achieve numerical compliance with the following controls</p> <p><b>Landscaping</b></p> <p>The landscaping non-compliance is a result of the number of site constraints, including flooding and contamination, which restricts the excavation of the site to provide a basement car park. Therefore, the 325 parking spaces are located at grade, increasing impervious areas and limiting landscaping opportunities.</p> <p>Notwithstanding the above, the proposal is satisfactory given the 20m front landscaped setback and the 1.5m-2.5m wide landscaping strip along all side boundaries, enhancing the existing streetscape. Pockets of landscaping are</p>

<b>Parking</b> Required: 812 spaces Provided: 325 spaces	also provided all over the site, softening the visual impact of the buildings.  <b>Parking</b> The car parking rate is not specified for warehouses and distribution centres. Applying the Industrial rate is excessive given industrial uses have more employees than warehousing and distribution uses. This proposal provides 325 car parking spaces which is between the RMS Guidelines rate for warehouses (291 spaces) and the Parramatta DCP rate for industrial uses (812 spaces). This is considered satisfactory.
Part 4 – Special Precincts	Satisfactory
Appendixes	Satisfactory

## Conclusion

On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

## RECOMMENDATION

- A. That Sydney Central City Planning Panel approve variation to Clause 4.3 Height of Buildings of Parramatta Local Environmental Plan 2011.
- B. That pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 the Sydney Central City Planning Panel grant approval to Development Application DA/776/2017 subject to Schedule 1 of the conditions in **Attachment B**.



## ATTACHMENT A- PLANNING ASSESSMENT

**SWCCP  
reference**

2017SWC110

**DA No.**

DA/776/2017

### 1. Overview

This Attachment assesses the relevant matters for consideration under section 4.15 of the Environmental Planning and Assessment Act, as noted in the table below:

**Table 1- Matters for consideration**

<b>Provision</b>	<b>Comment</b>
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to section 2 below
Section 4.15(1)(a)(ii) - Draft planning instruments	Not applicable
Section 4.15(1)(a)(iii) - Development control plans	Refer to section 3 below
Section 4.15(1)(a)(iii)(a) - Planning agreements	Refer to section 4 below
Section 4.15(1)(a)(iv) - The Regulations	Refer to section 5 below
Section 4.15(1)(a)(v) - Coastal zone management plan	Not applicable.
Section 4.15(1)(b) - Likely impacts	Refer to section 6 below
Section 4.15(1)(c) - Site suitability	Refer to section 7 below
Section 4.15(1)(d) - Submissions	No submissions
Section 4.15(1)(e) - The public interest	Refer to section 8

The following internal and external referrals were undertaken:

**Table 2: Referrals**

Landscape Officer	Satisfactory – conditions provided  The Landscape officer provided the following:
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	There are a large number of existing trees which will require removal in order to facilitate the proposed development. A large majority of the existing trees are not deemed worthy of retention and therefore should not become a constraint to development. The proposed landscape embellishment is deemed satisfactory in concept in its proposal to replenish tree canopy to the site.
Development Engineer	Satisfactory – conditions provided  The development engineer provided comment on flooding, contamination, earthworks, stormwater drainage, OSD and WSUD and found that the application was satisfactory.
Traffic	Satisfactory – conditions provided  The proposal will provide 460 spaces which is between the RMS rate for a warehouse and the DCP for industrial uses, and is considered satisfactory.
Environmental Health (Waste)	Satisfactory – conditions provided
Environmental Health (Contamination)	Satisfactory – conditions provided
RMS	Satisfactory – conditions provided

## 2. Environmental Planning Instruments

### 2.1 State Environmental Planning Policy No. 55 – Remediation of land

Clause 7 of this Policy requires the consent authority to consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use.

The subject site is identified in Council's records as being contaminated.

An assessment of the application has been undertaken on the pursuant to Clause 7(1), 7(2) and 7(3) of SEPP 55 and the *Managing Land Contamination Planning Guidelines 1998* for assessing potential contamination of a site. The following is a checklist of the evaluation.

- Is the planning authority aware of any previous investigations about contamination on the land? What were the results including any previous evaluations?

#### Planning Comment:

The subject site is identified in Council's records as being potentially contaminated.

A Remedial Action Plan (RAP) prepared by JBS&G, no. 53118/109970 (Rev A), dated 19 July 2017 was submitted with the application.

The detailed site investigation identified the following contaminants of potential concern:

- Heavy metals;
- Total Recoverable Hydrocarbons (TRH) and BTEX;
- Polyaromatic Hydrocarbons (PAHs);
- Asbestos; and
- Volatile Halogenated Compounds (CHCs), particularly chlorinated hydrocarbons associated with the adjoining Akzo Nobel site.

The potentially affected media includes:

- Fill material;
  - Groundwater; and
  - Soil vapour.
- Do existing records held by the planning authority show that an activity listed in Table 1 has ever been approved on the subject land? (The use of records held by other authorities or libraries are not required for an initial evaluation).

Planning Comment:

Various approvals in Council's records include tile drying facilities, manufacturing facilities, factory and dry clay storage shed.

Acid/alkali, plant and formulation	Landfill sites
Agricultural/horticultural activities	Metal treatment
Airports	Mining and extractive industries
Asbestos production and disposal	Oil production and storage
Chemicals manufacture and formulation	Paint formulation and manufacture
Defence works	Pesticide manufacture and formulation
Drum re-conditioning works	Power stations
Dry cleaning establishments	Railway yards
Electrical manufacturing (transformers)	Service stations
Electroplating and heat treatment premises	Sheep and cattle dips
Engine works	Smelting and refining
Explosives industry	Tanning and associated trades
Gas works	Waste storage and treatment
Iron and steel works	Wood preservation

**Table 3: Some Actives that may cause contamination (Source: Managing Land – Planning Guidelines SEPP 55 – Remediation)**

- Was the subject land at any time zoned for industrial, agricultural or defence purposes?

Planning Comment:

The current zoning for the site is IN3 Heavy Industrial under Parramatta Local Environmental Plan 2011.

- Is the subject land currently used for an activity listed in Table 1 above?

Planning Comment:

Yes, the development site currently accommodates Monier Roofing (roofing manufacturing). Council has not been provided with details regarding the manufacturing process, nonetheless, a RAP has been submitted with the application.

- To the planning authority's knowledge was, or is, the subject land regulated through licensing or other mechanisms in relation any activity listed in Table 1?

Planning Comment:

Council records do not indicate that any licences were issued for any uses listed in Table 1.

- Are there any land use restrictions on the subject land relating to possible contamination such as notices issued by the EPA or other regulatory authority?

Planning Comment:

Although the subject site is not listed, the adjoining site at **6 Grand Avenue** (now known as 4 Grand Avenue) is listed on the NSW contaminated sites notified to the EPA. The site was known to undertake chemical manufacturing (hexavalent chromium and volatile chlorinated hydrocarbons).

- Does a site inspection conducted by the planning authority suggest that the site may have been associated with any activities listed in Table 1?

Planning Comment:

No uses as identified in Table 1 were confirmed as being undertaken on the subject site.

- Is the planning authority aware of information concerning contamination impacts on land immediately adjacent to the subject land which would affect the subject land?

Planning Comment:

The site history as outlined in the RAP has been based the site history on the KPMG SGA (2016) Environmental Site Investigation.

The adjoining site at 6 Grand Avenue (now known as 4 Grand Avenue) is listed on the NSW contaminated sites notified to the EPA. The site was known to undertake chemical manufacturing (hexavalent chromium and volatile chlorinated hydrocarbons). An environmental investigation was conducted at the adjoining property, which identified elevated contaminants of concern (COC's). An Agreed Voluntary Remediation Proposal between the NSW EPA and Azko Nobel Chemicals Pty Ltd was reviewed and identified COCs within the soil and groundwater at 6 Grand Avenue. The requirement of these remediation works included demonstrating that there was no off-site migration of the COC's. Considering the COC's identified, there is the potential that COC's from 6 Grand Avenue have migrated to the subject site.

A former James Hardie landfill is understood to be located to the south west of the subject site. Historically, James Hardie landfills in the Parramatta area has identified asbestos containing materials.

- Has the applicant for development consent carried out the investigation required by subclause 7(2) of SEPP 55 and provided a report on it to the consent authority?

Planning Comment:

The applicant submitted a RAP prepared by JBS&G, no. 53118/109970 (Rev A), dated 19 July 2017. It is noted that JBS&G was provided with the previous assessment, Environmental Site Investigation, 10 Grand Avenue Rosehill, prepared by KPMG SGA dated 26 July 2016.

Further Environmental advice was provided to Council on 28 May 2018, prepared by Edison Environmental and Engineering, dated 21 May 2018.

The Environmental engineering correspondence, dated 21 May 2018, prepared by Dr Michael Petrozzi of Edison Environmental Engineering, states that a voluntary agreement has been entered into between the applicant, site owners and the owners of 4 Grand Avenue to provide a vertical impermeable barrier (bentonite clay or concrete) along the site boundary to prevent further influx of contamination into the subject site via this migration pathway. This would be provided under a RAP for 4 Grand Avenue regulated by the NSW EPA. Furthermore, the RAP for 10 Grand Avenue has been formulated for existing conditions, assuming on-going ingress of contamination from 4 Grand Avenue. It should therefore address risk to human health from contamination regardless of the timeline for construction of containment measures on 4 Grand Avenue. Once remediation of 4 Grand Avenue has been undertaken, contamination levels within 10 Grand Avenue may be expected to decrease over time as contaminants experience dilution (due to vapour venting) and natural degradation.

The RAP submitted with the DA, prepared by JBS&G, assumes 1.5m fill based on the architectural proposal however doesn't justify the depth of fill required for remediation purposes. Subsequent environmental engineering advice submitted by the applicant dated 21 May 2018 confirms that 0.5m of clean fill plus reinforced concrete capping, in addition to a vapour management geotextile and ventilation system, would be sufficient to manage contamination on the site. The proposed earthworks plan and architectural levels are consistent with clean fill and capping to a minimum 0.5m, which is acceptable.

Detailed assessment of the vapour management system has been undertaken by Council's Environmental Health Team and found to be satisfactory.

In view of the above evaluation, and considering the requirements of SEPP55 and the Managing Land Contamination Planning Guidelines 1998, it is considered that the site is **suitable** for its proposed use as a warehouse and Clause 7 of SEPP 55 is satisfied.

## **2.2 State Environmental Planning Policy (Infrastructure) 2007**

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

The application is not subject to **clause 45** of the SEPP as the development does not propose works within the vicinity of an electricity infrastructure.

The application is not subject to **clauses 85, 86 and 87** of the SEPP as the development proposes works more than 25m from the rail corridor located to the north.

The application is not subject to **clause 101** of the SEPP as the site does not have frontage to a classified road.

The application is not subject to **clause 102** of the SEPP as the average daily traffic volume of Grand Avenue is less than 40,000 vehicles.

The application is subject to **clause 104** of the SEPP as the development is identified in Schedule 3. The application was referred to the Roads and Maritime Services whom raised no objections to the proposal subject to imposition of conditions. RMS comments have been extracted below:-

*"Transport for NSW (TFNSW) may submit a separate response. There is the potential that access to the site may be impacted by the proposed Parramatta LightRail (PLR) project. As such, the proponent should consult with TFNSW through the PLR project team and Sydney Coordination Office (SCQ) regarding the proposed development.*

*Furthermore, the Department of Planning & Environment are in the process of developing the Camellia Town Centre Masterplan, which will likely result in changes to the local road network and access to the site.*

*Notwithstanding the above, Roads and Maritime has reviewed the proposed development and has no objections, subject to consent authority approval and the following conditions being included in any issued consent: ...”*

The advice was forwarded to the applicant on 19 December 2017 and the RMS conditions have been incorporated into the consent.

### **2.3 Deemed State Environmental Planning Policy (Sydney Harbour Catchment) 2005**

This Policy applies to all of the City of Parramatta local government area. It aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing principles and controls for the whole catchment.

The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome will be achieved through the imposition of suitable conditions to address the collection and discharge of water.

### **2.4 State Environmental Planning Policy (State and Regional Development) 2011**

This application is captured by Part 4 of this Policy which provides that the Panel is the consent authority for this application.

### **2.5 Parramatta Local Environmental Plan 2011**

#### **Zoning and permissibility**

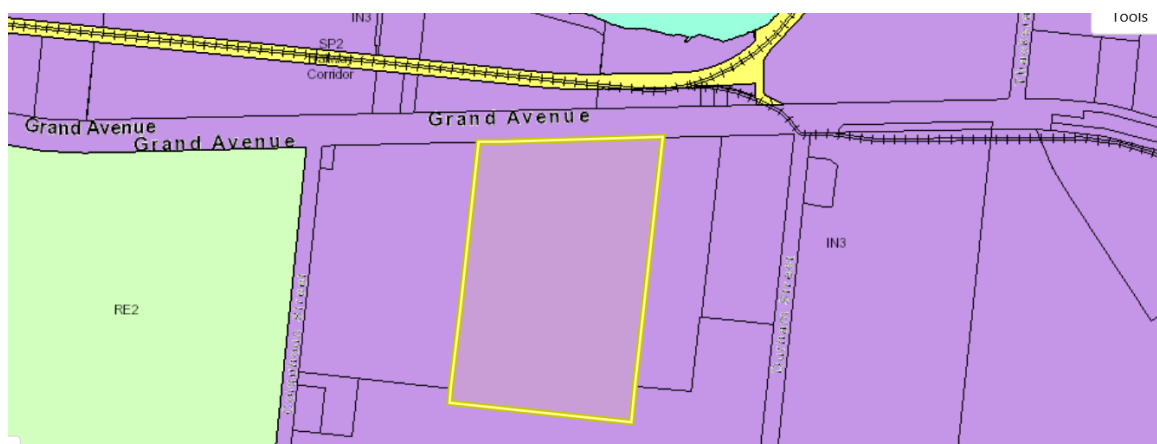
The site is zoned IN3 Heavy Industrial under the provisions of PLEP 2011. The development is defined as a “warehouse or distribution centre” which means a building or place used mainly or exclusively for storing or handling items (whether goods or material) pending their sale, but from which no retail sales are made. As such, the proposal is permissible with consent in that zone.

#### **Zone objectives**

Clause 2.3(2) requires the consent authority to have regard to the zone objectives when determining a development application. The objectives for the IN3 zone are:

- *To provide suitable areas for those industries that need to be separated from other land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of heavy industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To allow a wide range of industrial and heavy industrial uses serving the Greater Metropolitan Area of Sydney and beyond.*
- *To ensure that opportunities are not lost for realising potential foreshore access on land that is contaminated and currently not suitable for public access.*

The proposal is consistent with those objectives in that the development allows for the ongoing use of the site for a heavy industrial purpose servicing the Greater Sydney area without generating undue environmental and amenity impacts. The proposal will also generate additional employment opportunities for the Parramatta LGA.



**Figure 5: Extract from the LEP zoning map.**

### Remaining provisions

Consideration of other relevant provision of the Plan is addressed in the following table:

**Table 7: PLEP 2011 compliance table**

Clause	Comment	Complies
Clause 2.7 Demolition	Demolition of the existing buildings and structures is proposed.  Appropriate conditions have been recommended to be included in the consent to ensure that the demolition works are undertaken in accordance with the relevant standards.	Yes
Clause 4.3 Building height	The mapped control is 12m.  The development proposes a maximum height of 14.94m for Building A and 14.78m for Building B.  The proposal results in a variation of 2.94m (24.5%) for Building A and 2.78m (23.2%) for Building B.	No Refer to Clause 4.6 discussion
Clause 4.4 Floor space ratio	The maximum FSR control for the site is 1:1 The development proposes a GFA of 54,565m <sup>2</sup> . The FSR for the development is 0.64:1 and complies with the LEP control.	Yes

Clause 4.6 Exceptions standard	to The application proposes a variation to Clause 4.3 Height of Buildings under the PLEP 2011.	Refer to Clause 4.6 discussion
Clause 5.1 Relevant acquisition authority	Not applicable.	N/A
Clause 5.6 Architectural Roof Features	The development does not propose architectural roof features.	N/A
Clause 5.10 Heritage	The site adjoins a heritage item of local significance (I6) to the north, being the tram alignment (PLEP2011). Given the nature of the proposal, the separation between sites, and the nature of significance of the item, and the fact that grounds will not be disturbed it is assessed that impact on heritage values of the item and the broader area will be within acceptable limits.	Yes
Clause 6.1 Acid sulphate soils	The site is identified a "Class 4" ASS management plan. The works do not trigger need for an ASS management plan as work 2m below the natural ground surface is not proposed.	Yes
Clause 6.2 Earthworks	Potential impacts upon drainage patterns, and proximity to watercourses have been assessed by Council's Development Engineer, who is satisfied the works can be managed without adverse impact. Site works will not prejudice the future development of any adjoining land, or the amenity of that land. Issues relating to soil quality are addressed via considerations of SEPP 55. No circumstances have been identified to indicate potential for disturbing relics.	Yes
Clause 6.3 Flood Planning	The site is not affected by flooding during the 5% or 1% Annual Exceedance Probability (AEP) events, however it is identified as being fully inundated during the Probable Maximum Flood (PMF) event. The PMF level issued by Council is 7.8m AHD, which is up to 2m above existing ground levels on the site. Considering the large scale of earthworks proposed for site grading and remediation purposes, possible impacts on PMF behaviour were investigated as part of this application. Originally, 1.5-3m of fill was proposed across the site to facilitate stormwater drainage and provision	Yes

	<p>of On Site Detention (OSD). Modelling provided by the applicant indicated that this would result in some small increases in PMF levels on properties downstream of the site. Furthermore, Council considered the proposed extent of fill may negatively impact flood and overland flow conveyance. Through discussion with the applicant, it was agreed that the level of fill should be reduced to a minimum of 0.5m clean imported fill for remediation purposes, and relocation of existing materials within the site to achieve desirable site grading.</p> <p>The warehouse structures should be designed to be inundated by flood waters up to the PMF event, and structurally designed accordingly. This would minimise the impact on the existing PMF flooding regime, whilst adequately managing contamination risk. The final architectural package, civil drawings and report reflect this approach and are therefore considered to adequately manage flood conditions on the site. Conditions have been proposed to ensure structural design for flood loading up to the PMF, as well as design for inundation.</p> <p>In order to address risk to life during a PMF event, a flood emergency response plan must be prepared prior to the issue of an occupation certificate. This has been addressed by a condition of consent.</p>	
Clause 6.4 Terrestrial Biodiversity	<p>The development site is not identified as 'Biodiversity' pursuant to the Terrestrial Biodiversity Map.</p> <p>However, the proposal requires the removal of 80 trees to facilitate the development. Council's Landscape Officer raises no objection to the removal of these trees subject to conditions of consent.</p>	Yes

### 2.5.1 Clause 4.6 Exceptions to standard

Objectives of Clause 4.6 of the PLEP 2011:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

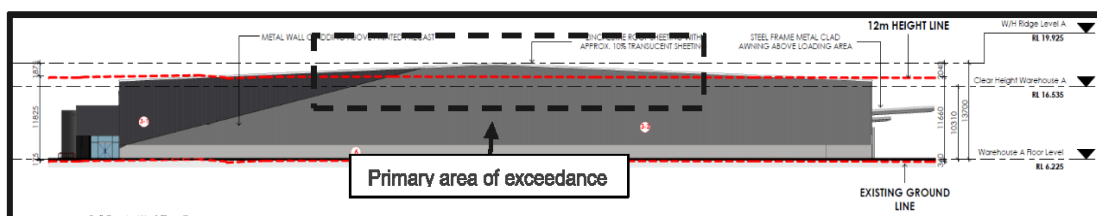
A request for an exception under Clause 4.6 was lodged with the application as the proposed development exceeds the maximum height development standard for the site permitted by Clause 4.3 Height of Buildings of PLEP 2011.

The variation sought is as follows:

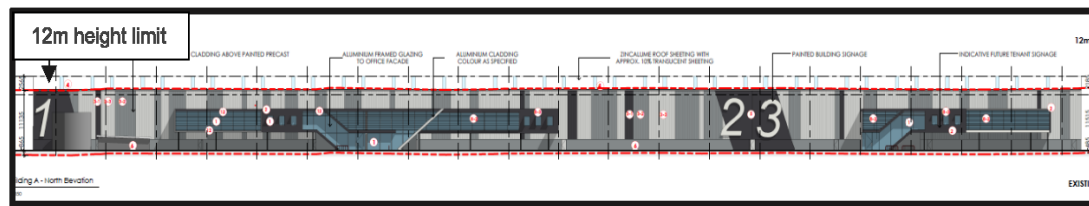
Maximum height standard under PLEP 2011	Proposed	Degree of variation and merit
12m	Building A: 14.94m Building B: 14.78m	Building A: 2.94m / 24.5% Building B: 2.78m / 23.2%

The applicant provided the following justification (full Clause 4.6 is attached to this report):

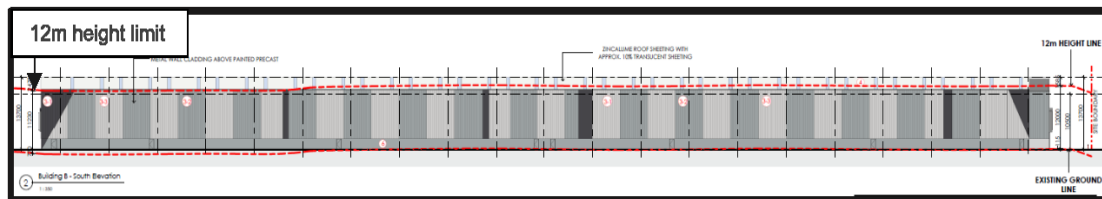
- The departure from the development standard is exacerbated by the contaminated nature of the subject site, which requires the importation of virgin excavated natural material (VENM) to cap the site. The 40,000m<sup>3</sup> of imported fill and the 500mm capping layer results in Building A having a Finished Floor Level (FFL) of 6.55 and Building B having an FFL of 6.225;*
- The combination of the imported fill and the capping of the asbestos contaminated soils results in the existing ground level being raised by a maximum of 1.3m in localised areas. The degree of capping and infill significantly exacerbates the degree of non-compliance;*
- As illustrated in Figure 2 below, each of the warehouses are generally compliant at the eaves line, with the variation predominately associated with the roof pitch;*
- Given the substantial depths of Building A and Building B (113m-114m, respectively), the ridgeline and non-compliant component of the roof form would be indiscernible from a streetscape perspective, public view corridors or vantage points. It is considered that the depth of the building and location of the non-compliant roof form results in the building having a bulk, scale and mass that has the visual appearance to that of a compliant building envelope;*



**Figure 2: Western elevation of Building A demonstrating that the extent of non-compliance is primarily limited to the ridgeline**



**Figure 3: Northern elevation of Building A illustrating that the building would be perceived as compliant, when viewed from the streetscape.**



**Figure 4: Southern elevation of Building B illustrated that the building would be perceived as compliant, when viewed from the southern neighbouring properties**

- *The proposed 2.250 pitched roof is unable to be modified due to structural adequacy requirements and the need to account for the effects of hail loading and other extreme weather conditions;*
- *A reduction in the wall height and thus overall height would significantly compromise the efficiency of the warehouse and limit the potential for prospective tenants given that the clearance height of 10.5m is required for the installation of the racking system required by prospective tenants;*
- *The proposed FSR of 0.64: 1 is well below that permitted on the subject site which confirms that the proposed height is not associated with over development.*
- *The protrusion is not considered to attribute to any additional visual bulk or scale impacts nor does it unreasonably impact on the amenity of adjoining properties in terms of outlook privacy, overshadowing or views;*
- *The use of a combination of quality materials, finishes and colours and definition of the ancillary office space further reduces the overall bulk and scale of the industrial building and contributes to a well-designed outcome; and*
- *Given the surrounding locality consists of a diverse range of building envelopes, types and styles, the proposed development would not be inconsistent with the existing or desired future character of the streetscape.*

*The above points demonstrate that the localised and central nature of the non-compliance does not attribute to any adverse or undue external amenity impacts nor does it increase the perceived bulk and scale of the built form. Therefore, maintenance of the development is unreasonable and unnecessary in the circumstance of the case and strict compliance would not result in any beneficial outcomes in terms of streetscape character, built form, visual bulk or amenity.*

## Assessment of the exception under Clause 4.6

In assessment an exception to vary a development standard, the following needs to be considered:

1. Is the planning control a development standard?

Yes, Clause 4.3 – Height of Buildings is a development standard prescribed by the PLEP 2011.

2. What is the underlying object or purpose of the standard?

The objectives of Clause 4.3 of PLEP 2011 are to nominate heights that will provide a transition in built form and land use intensity whilst minimising visual impact, disruption to views, loss of privacy and solar access to existing development.

3. Is compliance with the development standard consistent with the aims of the Development Standard, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 1.3 of the EPA Act?

Compliance with the development standard would be inconsistent with EPA Act which aims to provide planning controls that will encourage a sustainable development, being development which satisfies the principles of ecological (environmental, economic and social) sustainability. The height of the development is in response to the site being flood affected, contaminated and the use requiring a floor to ceiling clearance height of 10.5m. Given this, enforcing compliance with the development standard on the site would restrict a reasonable floor to ceiling height required for the use. The site is capable of being developed to the proposed intensity without unduly impacting on adjoining properties which has been demonstrated through the building envelopes. The proposed works maintain compliance with the majority of controls within Parramatta Development Control Plan 2011. The non-compliance to the standard is considered to be acceptable. The plans show that the variation does not in this case hinder compliance with GFA the maximum floor space ratio standard.

4. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

It is considered that it would be unreasonable to require the development to comply with the maximum height in this instance, as the site is flood affected and contaminated and the proposal generally complies with the development requirements pertaining to a warehouse and distribution centre. The breach in height is largely due to the roof pitch of the buildings, rather than external wall height. The development in this regard maintains consistency with the objectives of the zone.

5. Is the exception well founded?

The Clause 4.6 exception to the development standard of Clause 4.3 - Height is considered to be well founded and worthy of support for the following reasons:

- The site is contaminated and requires the importation of virgin excavated natural material (VENM) plus 500mm capping. The combination of the imported fill and the capping of the asbestos contaminated soils results in the existing ground level being raised up to 1.3m; with Building A having a Finished Floor Level (FFL) of RL 6.225 and Building B having a FFL of RL 6.555;
- Both buildings are generally compliant with the height limit, with the variation predominately associated with the roof pitch. The applicant advised that the proposed 2.25 pitched roof is unable to be modified due to structural adequacy requirements and the need to account for the effects of hail loading and other extreme weather conditions;
- A reduction in the wall height for compliance, would significantly compromise the efficiency of the warehouse and limit the usability of the warehouses. The applicant has advised that a clearance floor to ceiling height of 10.5m is required for the installation of the racking system for storage;
- The height does not result in an overdevelopment of the site given the proposal is well under the 1:1 (85,098m<sup>2</sup>) FSR permitted on the site, proposing a floor space ratio of 0.64:1 (55,313m<sup>2</sup>);
- Building A is generously setback from the street with a front setback of between 40m and 67m. The part of Building A that exceeds the height limit is setback between 100m and 127m from the front boundary. The height intrusion is not considered to have a negative impact on the streetscape given the generous front setback together with a 20m landscape buffer;
- Each building maintains a side setback of 6.5m and a separation of 50m is provided between building A & building B. Given this, the development responds to the site without adversely compromising relationships with adjoining developments as it will not result in any adverse overshadowing, additional visual massing and privacy impacts; and
- The site is listed in Appendix 2 *Views and Vistas* of Parramatta DCP 2011 however, the proposed variation will not result in the obstruction of important historic view corridors to and from the nearby Elizabeth Farm.

### 3. Parramatta Development Control Plan 2011

#### Compliance

The DCP is comprised of the following sections:

- Part 2 Site Planning
- Part 3 Development Principles
- Part 4 Special Precincts
- Part 5 Other Provisions
- Appendixes

**Table 8: DCP 2011 compliance table**

<b>Development Control</b>		<b>Compliance</b>
<b>Part 2 – Site Planning</b>		
Protection of Waterways Does the site adjoin a waterway? Does the proposal provide buffer areas for the preservation and maintenance of the floodway?	The site is located approximately 60 metres from Parramatta River. The application was reviewed by Council's Development Engineer and Environmental Health Officer and found to be satisfactory.	
Protection of Groundwater Does the proposal incorporate measures that will protect groundwater quality and prevent contamination?	The applicant has proposed measures to protect groundwater quality and Council's Engineer has recommended conditions to ensure that appropriate protective instruments are put in place for the water quality management system.	
Soil Management Does the development minimise the need for cut and fill?	Given the site is contaminated and flood affected, the proposal incorporates minimal excavation and maximum fill of 1.3m of clean soil to manage contamination on the site. Refer to Section 2.1 for more detail on contamination.	
Have appropriate sediment and erosion control measures been proposed?	Yes	
Salinity Have appropriate construction techniques been proposed for the salinity profile of the site?	Yes	
Land Contamination	Refer to SEPP 55 assessment in Section 2.1 of this report.	
Air Quality If the proposal will result in the emission of atmospheric pollutants, including odours, are adequate measures employed to ensure that the proposal does not contribute to air pollution?	The use of the premises is subject to a separate Development Application.	
Development on Sloping Land Have buildings been designed to	The site has a fall from the rear to the street	

<p>take into account the natural slope of the land to:</p> <ul style="list-style-type: none"> <li>- Minimise the visual bulk downhill;</li> <li>- Minimise the need for cut and fill; and</li> <li>- Minimise privacy impacts.</li> </ul>	<p>of approximately 1.2 metres.</p> <p>The buildings have been designed taking into consideration the natural slope of the site and taking into consideration the flooding and contamination.</p> <p>The proposed levels of the buildings are not considered to result in excessive visual bulk or privacy impacts.</p>
Part 3 – Development Principles	
<p>Front setback</p> <p>Does it correspond to the predominant building line in the street where there is a defined building edge?</p>	<p>The proposed front setback is consistent with the predominant building line in the street.</p>
<p>Rear setback</p> <p>Dependent on impacts on adjoining development.</p>	<p>Building B has a rear setback of 20.73 metres.</p>
<p>Side setbacks</p> <p>Nil where there is no streetscape impact or impact on amenity of adjoining development.</p>	<p>Building A and Building B both have a side setback of 6.5m to the eastern and western boundaries.</p>
<p>Landscaped area</p> <p>10% of the site</p> <p>landscaping with a minimum width of 2.5m is to be provided surrounding car parking and outdoor storage areas</p>	<p>Required: 10% (8509m<sup>2</sup>) Proposed: 7.7% (6525m<sup>2</sup>) Variation: 24% (1,984m<sup>2</sup>)</p> <p>The landscaping non-compliance is a result of the number of site constraints, including flooding and contamination, which does not allow for excavation of the site to provide a basement car park.</p> <p>Therefore, the 325 parking spaces are located at grade, increasing impervious areas and limiting landscaping opportunities. Notwithstanding the above, the proposal is satisfactory given the 20m front landscaped setback and the 1.5m-2.5m wide landscaping strip along all side boundaries, enhancing the existing streetscape. Pockets of landscaping are also provided all over the site, softening the visual impact of the buildings.</p> <p>Minimum 2.5m width of landscaping surrounds both car parking areas.</p>

Where sites have dual street frontage, landscape to be provided to both frontages.	NA
<b>Building Elements</b> Is the building form and massing appropriate for its setting? Are the building facades appropriately treated and articulated to break up building bulk?	Yes The proposed industrial building is a satisfactory design response in the context of the surrounding industrial zone. The building adopts a simple design with a neutral colour palette.
<b>Fences</b> Fences to be constructed of robust and durable materials Fences to allow for appropriate natural surveillance	A front fence is not proposed.
<b>Landscape Plan</b> Has an adequate landscape plan been submitted and found to be satisfactory?	A landscape plan was submitted with the application and reviewed by Council's Landscape Officer who has confirmed that the proposed landscaping is satisfactory.
<b>Private open space</b> An area of communal open space is to be provided for staff recreation, appropriate to the needs of the premises and integrated with adjacent open space or natural areas.	The proposed private open space provision is generally satisfactory. A condition is recommended to be included in the consent requiring open space areas to be identified on the landscape plan, complete with tables and chairs.
<b>Acoustic Amenity</b> Industrial uses are not to adversely impact on the amenity of adjacent residential development or other noise sensitive uses as a result of noise, odour, hours of operation, and service deliveries.	The site does not adjoin any residential development. The nearest residential development is 930 metres north, across the Parramatta River.
<b>Solar access</b> Adjoining residential development is to receive 3 hour solar access in habitable rooms, and 50% of the private open space area on June 21.	The site does not adjoin any residential development.
<b>Water Sensitive Urban Design</b> Have the appropriate measures been incorporated into the development?	See engineering comments.
<b>Water Efficiency</b> The following measures are to be incorporated into all new non-	See engineering comments.

<p>residential development or alterations and additions over 150m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>(i) Plumbing fixtures are to meet minimum Water Efficiency Labelling and Standards Scheme (WELS) standards including 3 star rated shower heads, 4 star rated toilet cisterns, 5 star rated urinals and 6 star rated water tap outlets.</li> <li>(ii) Appliances are to be 3 stars (WELS scheme) or better rated with respect to water efficiency.</li> <li>(iii) Rainwater tanks or other alternative water sources are to be installed to meet 80% of toilet and laundry demands.</li> <li>(iv) Connection to recycled water (serviced by dual reticulation) for permitted non-potable uses such as toilet flushing, laundry, irrigation, car washing, fire fighting, industrial processes and cooling towers.</li> <li>(v) Incorporate passive cooling methods that rely on improved natural ventilation. Cooling towers to be connected to a conductivity meter to ensure optimum circulation.</li> <li>(vi) Irrigation, water features and other open space features are to be supplied from alternative sources to meet 80% of demand.</li> </ul>	
<p><b>Waste</b> Storage areas for waste is to be available and adequately designed for the proposed use.</p>	<p>Separate applications are required to be lodged for the future use of the premises. The waste arrangement for the on-going use of the premises will be assessed as part of future applications.</p>
<p><b>Accessibility</b> The siting, design and construction of premises available to the public are to ensure an appropriate level of accessibility so that all people can enter and leave the premises.</p>	<p>Complies</p>
<p><b>Safety and Security</b> Development is to enhance possibilities for natural surveillance.</p>	<p>Office space located to the front of the building with full height glazing, allowing</p>

Suitable site access control should be implemented to minimise crime opportunities.	natural surveillance of the parking lot. A light plan was submitted with the application indicating adequate lighting within the parking lots.
<p><b>Heritage and Archaeology</b> Does the site contain, or is it near a heritage item or heritage conservation area? Is the proposal in accordance with Section 3.5.1 of DCP 2011? Is the proposal an archaeological site?</p>	<p>The site adjoins a heritage item of local significance (I6) to the north, being the tram alignment (PLEP2011). Given the nature of the proposal, the separation between sites, and the nature of significance of the item, and the fact that grounds will not be disturbed (as the extant slab will be reused), it is assessed that impact on heritage values of the item and the broader area will be within acceptable limits.</p> <p>Based on the above, Council's Heritage Advisor raises no objection to this proposal from a heritage perspective.</p> <p>The site is not an archaeological site.</p>
<p><b>Aboriginal cultural heritage</b> Does the site have potential significance?  Has it been assessed by Council's Heritage Advisor?</p>	NA
<p><b>Sustainable Transport</b> 1 car share space is required for any business premises with over 5000m<sup>2</sup>, with written evidence provided that provision has been agreed with a car share provider. Travel Plan Development with a gross floor area over 5000m<sup>2</sup> or over 50 employees is to be provided with a travel plan as outlined in DCP 2011.</p>	The application does not include the use of the site. A separate application is required for the use of the premises.
<p><b>Car Parking</b> is to be provided as follows: 1 space per 70m<sup>2</sup></p>	<p>The car parking rate is not specified for warehouses and distribution centres in the Parramatta DCP 2011. Applying the Industrial rate is excessive given industrial uses have more employees than warehousing and distribution uses.</p> <p>This proposal provides 325 car parking spaces which is between RMS Guidelines rate for warehouses (291 spaces) and the Parramatta DCP rate for industrial uses (812 spaces).</p> <p>Bicycle parking requirements are not specified in the DCP. 51 bicycle spaces are</p>

	<p>proposed which is satisfactory, meeting or exceeding requirements applied in other Council areas.</p> <p>Further, Council's Traffic Engineer has reviewed the proposal and raised no objection to the rate of parking provision.</p>
<p>Signage</p> <p>Does the signage comply with 5.5 of Parramatta DCP?</p>	<p>Details on signage not submitted with the application.</p>
<p>Flooding</p>	<p>Yes – Council's Engineer supports the proposal.</p>
<p>Development on land abutting the E2 Environmental Protection zone and W1 Natural Waterways zone</p>	<p>The site does not adjoin land zoned E2 or W1.</p>
<p>Heritage &amp; Special Precincts</p> <p>Is the proposal in a special precinct?</p>	<p>The site is within the Camellia Strategic Precinct.</p> <p>The proposal, which is located within the Camellia Strategic Precinct, will not result in any adverse physical impacts and will have a satisfactory relationship with its context, given the substantial setbacks, front landscape buffer and articulated elevations.</p>
<p>Part 4 Special Precincts – Camellia and Rydalmere Precinct</p>	
<p>Height</p> <p>Development must not have an adverse impact on significant or historic views from or of heritage sites along the Parramatta River when seen from river and nearby historic sites.</p>	<p>The relevant identified views for the Camellia and Rydalmere precincts are provided in Appendix 2. The subject site is not located within the view corridors to and from Elizabeth Farm.</p>
<p>Landscaping</p> <p>20m landscape setback is required</p> <p>Any fencing is to be set back from the property boundary and screened in front.</p> <p>The proposed landscaping is to consist of plants that are local to the area, especially for the foreshore of the Parramatta River</p> <p>Open storage areas, material handling areas and car parking are to be located away from any boundaries that border on public areas</p>	<p>20m landscape setback is provided.</p> <p>NA</p> <p>Council's Landscape Officer is satisfied with the proposed landscaping provision.</p> <p>Complies</p>

Vegetated buffers are to be provided around areas of open storage or material handling, to soften the visual impacts and reduce dust and stormwater runoff.	Complies
<b>Building Design</b> Development is to contribute to improved amenity, safety and appearance of the public domain through landscaping, building setbacks, attractive and clearly defined entrances to sites and buildings, and clear and attractive signage.	The proposed building setbacks, design, materials, glazing, colours and articulation minimise the visual impact of the development.

#### **4. Planning agreements**

The proposed development is not subject to a planning agreement entered into under Section 7.4 of the Environmental Planning and Assessment Act 1979 or any draft planning agreement that a developer has offered to enter into under Section 7.4.

#### **5. Environmental Planning and Assessment Regulation 2000**

Subject to compliance with the conditions of consent, this application satisfies relevant clauses of the Regulation as follows:

- Clause 92      Any demolition work will be undertaken in accordance with AS 2601 - 1991: The Demolition of Structures.
- Clause 98      All building work will be carried out in accordance with the provisions of the Building Code of Australia.

#### **6. Likely impacts**

##### **6.1 Context and setting**

The proposal, which is located within the Camellia Strategic Precinct, will not result in any adverse physical impacts and will have a satisfactory relationship with its context, given the substantial setbacks, front landscape buffer and articulated elevations.

Arrangements for vehicle access, and traffic generation will not compromise safety for road users, and will not reduce the efficiency of the local road network.

The site is located more than 60m from the railway corridor and Parramatta River and therefore will have minimal impact.

## **6.2 Site works**

### Excavation

Minimal excavation proposed given the contaminated nature of the site.

### Tree removal

There are a large number of existing trees which will require removal in order to facilitate the proposed development. The proposal includes the removal of approximately 80 trees. A large majority of the existing trees are not deemed worthy of retention and therefore should not become a constraint to development. The proposed landscape embellishment is deemed satisfactory in concept in its proposal to replenish tree canopy to the site.

### Utility services

All utility services are available to the site by virtue of the existing development. Those services will be decommissioned / diverted as necessary to enable construction, and will be augmented as nominated by the relevant service providers to satisfy the demands generated by this proposal.

## **6.3 Natural and technological hazards**

The contamination of the site is assessed elsewhere in this report. See SEPP 55 assessment.

## **6.4 Site design**

### Setbacks

The buildings have substantial front, side and rear setbacks. The proposal will not result in any adverse physical impacts on adjoining properties.

### Height, bulk and scale

The height of the building is considered satisfactory as previously discussed. The bulk and scale of the proposal is considered satisfactory given the site is contaminated and flood affected.

### External materials

The schedule of external materials and finishes is satisfactory.

### Landscaping

Council's Tree Management and Landscape Officer is satisfied with the landscape treatment, and has recommended conditions to be included in the consent.

## **6.5 Access, transport and traffic**

### Parking supply

The number of parking provided satisfies the RMS Guidelines.

### Parking access and design

The geometry and design of the parking areas and associated elements is satisfactory.

### Construction Traffic

A condition is recommended to be included in the consent requiring a Construction Traffic Management Plan to be prepared and submitted to Council for review and approval prior to any works commencing.

## **6.6 Water management**

### Stormwater collection and disposal

Council's Engineer is satisfied with the approach to stormwater management, including arrangements for WSUD.

### Water quality during construction

This matter is addressed by conditions in recommendation to this report.

## **6.7 Waste management**

### Construction phase

This matter will be addressed within a Construction Management Plan.

### Operation phase

Separate Development Applications are required to be lodged for each individual use.

## **6.8 Construction Management**

To minimise nuisance during the construction period the recommendation to the report requires the preparation of a construction management plan addressing the following matters:

- Dilapidation reports;

- Demolition and removal of hazardous materials;
- Sediment and erosion control and water quality during construction;
- Construction traffic management plan;
- Hours of works;
- Construction noise and vibration;
- Material delivery and storage;
- Safety fencing;
- Traffic and pedestrian safety;
- Dust control; and
- Tree protection.

## **6.9 Safety, security and crime prevention**

Evaluation of the application with consideration of the principles which underpin CPTED (surveillance; access control; territorial reinforcement and space management) indicates the design has given due regard has been given to those considerations.

## **6.10 Social and economic impacts**

The proposed development will complement the locality and is not anticipated to generate any undue adverse social or economic impacts.

## **7. Site suitability**

Subject to compliance with the conditions provided within the recommendation to this report the site is suitable for this development.

## **8. Public interest**

The notification period was for 21 days between 20 September and 11 October 2017. No submissions have been received in response.

The application is consistent with the objectives of the zone and will provide for improved manufacturing and employment opportunities. The proposal will serve a specific public interest while preserving the environmental amenity of the site and surrounding areas.



**ATTACHMENT B - CONDITIONS OF CONSENT**

**SWCCP  
reference**

2017SWC110

**DA No.**

DA/776/2017

**STAGE 1**

**GENERAL MATTERS**

- The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

<b>Drawing No.</b>	<b>Prepared By</b>	<b>Dated</b>
Estate Master Plan, Issue N, DA010	Pace Architects	April 2018
Staging Plan, Issue B, DA011	Pace Architects	April 2018
Site Plan, Demolition Plan, Issue B, DA013	Pace Architects	April 2018
Warehouse Building B, Issue G, DA050	Pace Architects	April 2018
Warehouse Building A, Issue H, DA051	Pace Architects	April 2018
Office Floor Plan Building B, Issue G, DA110	Pace Architects	April 2018
Office Floor Plan Building A, Issue G, DA111	Pace Architects	April 2018
Warehouse Roof Plan, Issue F, D150	Pace Architects	April 2018
Warehouse Building B, Issue J, DA200	Pace Architects	April 2018
Warehouse Building A, Issue J, DA201	Pace Architects	April 2018
Warehouse Building B Office Elevations, Issue G, DA202	Pace Architects	April 2018
Warehouse Building B Office Elevations 2, Issue G, DA203	Pace Architects	April 2018
Warehouse Building A Office Elevations 3, Issue G, DA204	Pace Architects	April 2018

Warehouse Building A Office Elevations 4, Issue E, DA205	Pace Architects	April 2018
Warehouse Sections, Issue F, DA220	Pace Architects	April 2018
Civil Engineering Works, General Arrangement Plan, Revision 5, DA01.21	Northrop	28/05/2018
Civil Engineering Works, General Arrangement Staging Plan, Revision 5, DA01.22	Northrop	23/03/2018
Civil Engineering Works, Sediment and Soil Erosion Control Plan – Sheet 1, Revision 4, DA02.01	Northrop	23/03/2018
Civil Engineering Works, Sediment and Soil Erosion Control Plan – Sheet 2, Revision 6, DA02.02	Northrop	28/05/2018
Civil Engineering Works, Sediment and Soil Erosion Control Details, Revision 5, DA02.11	Northrop	28/05/2018
Civil Engineering Works, Bulk Earthworks Cut and Fill Plan, Revision 6, DA03.01	Northrop	28/05/2018
Civil Engineering Works, Bulk Earthworks Cut and Fill Sections – sheet 01, Revision 5, DA03.11	Northrop	28/05/2018
Civil Engineering Works, Siteworks and Stormwater Drainage Plan – Sheet 01, Revision 6, DA04.01	Northrop	28/05/2018
Civil Engineering Works, Siteworks and Stormwater Drainage Plan – Sheet 02, Revision 6, DA04.02	Northrop	28/05/2018
Civil Engineering Works, Siteworks and Stormwater Drainage Plan – Sheet 03, Revision 1, DA04.03	Northrop	28/05/2018
Civil Engineering Works, Stormwater Longitudinal Sections – Sheet01-Sheet08, Revision 1, DA04.11-DA04.18	Northrop	28/05/2018
Civil Engineering Works, Stormwater Calculations – 100 YR ARI, Revision 1, DA04.21	Northrop	28/05/2018
Civil Engineering Works, Stormwater Calculations – 20	Northrop	28/05/2018

YR ARI, Revision 1, DA04.222		
Civil Engineering Works, Catchment Plan, Revision 5, DA04.41	Northrop	28/05/2018
Civil Engineering Works, Details Sheet 1, Revision 4, DA09.01	Northrop	28/05/2018
Civil Engineering Works, Details Sheet 2, Revision 4, DA09.02	Northrop	28/05/2018
Landscape Plans, Revision A, LA000-L111	Urbis	23/08/2017
Lighting Plan (Site Plan), Issue J, DA010	Pace Architects	June 2017

Document(s)	Prepared By	Dated
Civil Design Report, Revision D	Northrop	28/05/2018
Remedial Action Plan, Revision A, 53118/109970	JBSG	19 July 017
Environmental Advice	Edison Environmental and Engineering	21 May 2018
Arboricultural Impact Appraisal	Naturally Trees	8 January 2018
Transport Impact Assessment, N127730	GTA Consultants	21/08/2017
Waste Management Plan	Elephants Foot Recycling Solutions	21/082017

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

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

2. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).

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

3. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.

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

4. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.

**Reason:** To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.

5. Approval is granted for the demolition of all buildings and outbuildings located within Stage 1, subject to compliance with the following:-

(a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.

**Note:** Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

(b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.

(c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to City of Parramatta for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.

(d) On the first day of demolition, work is not to commence until City of Parramatta has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.

(e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.

(f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.

(g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the

various service authorities regarding their requirements for the disconnection of services.

- (h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- (i) Demolition is to be completed within 5 days of commencement.
- (j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- (k) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (l) Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) 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.
- (m) 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.
- (n) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- (o) Before demolition works begin, adequate toilet facilities are to be provided.
- (p) After completion, the applicant must notify City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- (q) Within 14 days of completion of demolition, the applicant must submit to Council:
  - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
  - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
  - (iii) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

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

6. Council being the 'appropriate regulatory authority' must be notified immediately of any pollution incident where material harm to the environment is caused or threatened. This duty extends to persons carrying on an activity, employers and employees, contractors and the occupier of the premises where the incident occurs.

**Reason:** To comply with the requirements of the Protection of the Environment Operations Act 1997.

7. Liquid and solid wastes generated on site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 and in accordance with the Environment Protection Authority's Waste Tracking Guidelines as described in the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

**Reason:** To prevent pollution of the environment.

8. A license shall be obtained from the Department of Planning for approval to extract groundwater under the provisions of the Water Management Act, 2000.

**Reason:** To comply with Department of Infrastructure, Planning and Natural Resources requirements.

9. Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and ANZECC standards for water quality.

Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason:** To prevent pollution of waterways.

10. 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:

- (a) 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
- (b) 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.

11. A sign displaying the contact details of the remediation shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.

**Reason:** To provide contact details for council inspectors and for the public to report any incidents.

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

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

13. Groundwater shall be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant NSW EPA water quality standards and Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000.

Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason:** To ensure that contaminated groundwater does not impact upon waterways.

14. All remediation works shall be carried out in accordance with clauses 17 and 18 of State Environmental Planning Policy 55 - Remediation of Land.

**Reason:** To comply with the statutory requirements of State Environmental Planning Policy 55.

15. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

**Reason:** To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

16. Following excavation and removal of any underground storage tank the land shall be assessed in accordance with the NSW Environment Protection Authority's Technical Note: Investigation of Service Station Sites (2014). A report on the investigation is to be supplied to Council's Environment and Public Health unit.

At the completion of the investigation a site audit statement shall be issued by an approved NSW Environment Protection Authority Auditor in accordance with the NSW Environment Protection Authority's Guidelines for the NSW Site Auditor Scheme.

**Reason:** To ensure that the land is left in a safe and healthy condition.

17. Trees equal to or greater than five (5) metres in height, which are protected under City of Parramatta Council Development Control Plan 2011 (Part 5.4 Preservation of Trees or Vegetation), must not be removed or damaged without Council consent.

**Reason:** To preserve existing landscape features.

18. A minimum Australian Qualification Framework Level 3 arboriculture service provider is to remove the following street trees:

Tree No.	Name	Common Name	Name of Street Frontage
74	<i>Melaleuca quinquenervia</i>	Broad Leaved Paperbark	Grand Avenue
93	<i>Melaleuca quinquenervia</i>	Broad Leaved Paperbark	Grand Avenue
94	<i>Melaleuca quinquenervia</i>	Broad Leaved Paperbark	Grand Avenue

95	<i>Melaleuca quinquenervia</i>	Broad Leaved Paperbark	Grand Avenue
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**Note:** All approved tree removal works must conform to the Safe Work Australia Guide to managing risks of tree trimming and removal work.

The following street trees shall be planted within the road reserve;

Qty	Name	Common Name	Minimum Pot Size	Name of Street Frontage
4x	<i>Callistemon viminalis</i>	Weeping Bottlebrush	75L	Grand Avenue

**Note:** All approved street tree plantings shall be planted a minimum of 3m from any driveway and 12m from an intersection.

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

### PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

**(Note:** Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.)

19. Prior to the issue of the Construction Certificate, the architectural plans, landscape plans, lighting plan and engineering plans shall be updated to reflect the front landscaped area and parking lot on the approved Estate Master Plan, Issue N, dated April 2018.
20. The following Roads and Maritime conditions shall be addressed prior to the issue of the Construction Certificate:
  - (a) The proposed layout of car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with AS 2890.1-2004, AS 2890.6-2009 and AS 2890.2-2002 for heavy vehicle usage.
  - (b) Sight distances from the proposed vehicular crossings to vehicles on Grand Avenue are to be in accordance with Austroads Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 - Sight Distance and AS 2890. Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists, and general traffic.
  - (c) All vehicles are to enter and exit the site in a forward direction.
  - (d) All vehicles are to be wholly contained on site before being required to stop.
  - (e) Bicycle parking spaces shall be provided with the subject development. These spaces shall be provided in accordance with AS 2890.3 (Bicycle Parking Facilities). End-of-trip facilities shall also be provided within the development.
  - (f) A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted, after consultation and endorsement from SCQ and PLR, to Council for approval prior to the issue of a Construction Certificate.
21. The Construction Certificate is not to be issued unless the Certifying Authority is satisfied 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.

22. A monetary contribution comprising **\$530,209.60** is payable to City of Parramatta in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the Parramatta Section 94A Development Contributions Plan (Amendment No. 4). Payment must be by EFTPOS, bank cheque or credit card only.

The contribution is to be paid to Council prior to the issue of a construction certificate/subdivision certificate [choose one].

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation.

Parramatta Section 94A Development Contributions Plan (Amendment No. 4) can be viewed on Council's website at:

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

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

23. An Environmental Enforcement Service Charge must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

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

24. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of a Construction Certificate.

The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

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

25. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application/approval associated with the allotment, (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate is not required.

The bond may be paid, by EFTPOS, bank cheque, or be an unconditional bank guarantee.

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent **DA/776/2017**
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

Bonds shall be provided as follows:

<b>Bond Type</b>	<b>Amount</b>
<b>Hoarding</b>	\$10,000
<b>Nature Strip and Roadway</b>	\$20,000

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to City of Parramatta with the payment of the bond/s.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road.

**Reason:** To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

26. A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

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

27. 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 receive written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having the 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 ensure Council's assets are not damaged.

28. Where work is likely to disturb or impact upon a utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

29. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be

prepared by a qualified structural or geotechnical engineer. These details must accompany an application for a Construction Certificate and be to the satisfaction of the Principal Certifying Authority (PCA). A copy of these details must be forwarded to Council prior to any work being commenced.

Backfilling of excavations adjoining Council property or any void remaining at the completion of the construction between the building and Council property must be fully compacted prior to the completion of works.

**Reason:** To protect Council's infrastructure.

30. 51 bicycle spaces/racks are to be provided on-site in a security level B facility. The bicycle storage/racks are to comply with AS 2890.3. Details are to be illustrated on plans submitted with the construction certificate application.

**Reason:** To comply with Council's parking requirements.

31. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate application.

**Reason:** To comply with Council's parking requirements and Australian Standards.

32. The final Landscape Plan must be consistent with Landscape Plans prepared by Urbis dwg No. L000, L101, L102, L103, L104, L105, L106, L107, L110, L111 Revision A dated 23 August 2017 together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:

- (a) Co-ordinated with the approved Architectural and Stormwater drawings.
- (b) All landscape plans are to be prepared by a professionally qualified landscape architect or designer.

**Reason:** To ensure that appropriate landscaping is implemented.

33. All roof water and surface water is to be connected to an operable drainage system. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

**Reason:** To ensure satisfactory stormwater disposal.

34. 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 600mm in height or within 900mm of any property boundary.

The provision of retaining walls along common boundary lines shall not impact on neighbouring properties. If impact upon neighbouring properties (including fences) is anticipated, then written approval from the affected neighbour shall be obtained and submitted to the certifying authority prior commencement of the works.

Structural details, certified by a practicing structural engineer, shall accompany the application for a Construction Certificate for assessment and approval by the certifying authority.

**Reason:** To minimise impact on adjoining properties.

35. The building must be designed and certified by a registered structural engineer to ensure the building does not fail due to floodwater forces, debris and buoyancy effects from flooding in events up to the PMF. The PMF level for this site is 7.8m AHD.

**Reason:** To ensure the structure can withstand flooding impacts.

36. A 40kL rainwater tank for each building, 1x Jellyfish filtration cartridges, 1x Gross pollutant traps and 33 x Enviropods/trash screen devices must be installed to manage surface runoff water quality to the Parramatta River to satisfy section 3.3.6.1 of Parramatta City Council Development Control Plan 2011. Details of the proposed devices and their location must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To ensure appropriate water quality treatment measures are in place.

37. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS9 and DS10. Details must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

A Vehicle Crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges prior to any work commencing.

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

## **PRIOR TO WORKS COMMENCING**

38. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval 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) within 7 days; and
- (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.

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

39. The site must be enclosed by a 1.8m high security fence erected wholly within the confines of the site to prevent unauthorised access. The fence must be installed to the satisfaction of the Principal Certifying Authority prior to the commencement of any work on site.

**Reason:** To ensure public safety.

40. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:

- (a) Unauthorised entry of the work site is prohibited;
- (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
- (c) The name, address and telephone number of the Principal Certifying Authority;
- (d) The development consent approved construction hours;

The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.

**Reason:** Statutory requirement.

41. Prior to work commencing, adequate toilet facilities are to be provided on the work site.

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

42. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:

- (a) Above;
- (b) Below; or
- (c) On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works are being undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

**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 authorised by this consent conducted above, below or on any public land owned or controlled by Council.

43. Prior to the commencement of work, a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and walls adjacent to a boundary. This is to ensure the development when complete, will be constructed wholly within the confines of the subject allotment. This set out survey showing the location of the development relative to the boundaries of the site, is to be forwarded to the Principal Certifying Authority prior to pouring of any footings or slabs and/or the construction of any walls/posts.

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

44. The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas).

In addition, no drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.

**Reason:** To protect Council's assets throughout the development process.

45. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

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

46. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site must be maintained in a safe and tidy manner. In this regard the following must be undertaken:
- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
  - (b) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
  - (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
  - (d) the site is to be maintained clear of weeds; and
  - (e) all grassed areas are to be mowed on a monthly basis.

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

47. 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:

- (a) Protect and support the adjoining premises from possible damage from the excavation
- (b) 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.

48. 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 within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval 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 and the area where the operation will occur, 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 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 they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, 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 work zones, 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..

The application is to be lodged with Council's Customer Service Centre.

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

49. All works associated with the construction and/or extension of a driveway crossover/layback within Council owned land requires an application to be lodged and approved by Council.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and accompanied by plans, grades/levels and specifications. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

**Note 1:** This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

**Note 2:** Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524

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

50. On demolition sites where buildings are known to contain friable or non-friable asbestos material, standard warning signs containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm are to be erected in a prominent position on site visible from the street kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by contacting the NSW WorkCover Authority hotline or their website [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

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

51. The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure that any such proposed demolition works involving asbestos are carried out in accordance with the requirements of the 'Code of Practice: How to Safely Remove Asbestos' published by WorkCover NSW. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report

shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

**Reason:** To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.

52. At least one (1) week prior to demolition, the applicant must submit to the satisfaction of the Principal Certifying Authority a hazardous materials survey of the site. Hazardous materials include (but are not limited to) asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must be prepared by a suitably qualified and experienced environmental scientist and must include at least the following information:

- (a) The location of hazardous materials throughout the site;
- (b) A description of the hazardous material;
- (c) The form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- (d) An estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- (e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- (f) Identification of the disposal sites to which the hazardous materials will be taken.

**Reason:** To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.

#### **DC0001 Construction and Traffic Management Plan**

53. Prior to the commencement of any works on site, the applicant must submit a Construction and Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:

- (a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:
  - (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
  - (ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
  - (iii) The locations of proposed Work Zones in the egress frontage roadways,
  - (iv) Location of any proposed crane standing areas,
  - (v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
  - (vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
  - (vii) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
  - (viii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
  - (ix) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.

- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.

- (c) Traffic Control Plan(s) for the site:
- (i) All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
  - (ii) Approval shall be obtained from City of Parramatta Council for any temporary road closures or crane use from public property.
- (d) Where applicable, the plan must address the following:
- (i) Evidence of Roads and Maritime Services concurrence where construction access is provided directly or within 20 m of an Arterial Road,
  - (ii) A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
  - (iii) Minimising construction related traffic movements during school peak periods.

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

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

54. Consent from Council must be obtained prior to any pruning works being undertaken on any tree on site, or any trees located in adjoining properties.

All approved pruning works must be supervised by an Australian Qualifications Framework (AQF) Level 3 certified Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

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

55. Tree protection measures are to be installed and maintained, under the supervision of an Australian Qualifications Framework (AQF) Level 5 Arborist in accordance with AS4970 - "Protection of Trees on Development Sites".

**Reason:** To ensure trees are protected during construction.

56. 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 dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

The report must include a photographic survey of the 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 in accordance with the recommendation of the geotechnical report. A copy of the dilapidation report must be submitted to Council.

In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principle Certifying Authority.

**Note:** This documentation is for record keeping purposes only, and can be made available to an applicant or affected property owner should it be requested 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.

## DURING WORKS

57. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) 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 ensure proper management of Council assets.

58. 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 ensure maintenance of Council's assets.

59. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

**Reason:** To ensure no adverse impacts on neighbouring properties.

60. Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.

**Reason:** To protect public safety.

61. Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

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

62. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Work Cover NSW and the EPA, and with the provisions of:

- (a) Work Health and Safety Act 2011
- (b) NSW Protection Of the Environment Operations Act 1997 (NSW) and
- (c) NSW Department of Environment and Climate Change Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

**Reason:** To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

63. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2005 and the EPA publication 'Waste Classification Guidelines - 2008' and any other regulatory instrument as amended.

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

64. A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

**Reason:** To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.

65. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

**Reason:** To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

66. No excavation is to occur within three (3) metres from the trunk of any existing tree located on adjoining properties, equal to or greater than five (5) metres in height.

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

67. All trees supplied above a 25L container size must be grown in accordance with AS2303:2015 (Tree stock for landscape use). Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown in accordance with AS2303:2015. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.

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

68. **Existing trees** numbered **1 to 30, 36-73, 76-88** inclusive as specified in the Arboricultural Impact Assessment Prepared by Naturally Trees (Revision B) and Tree Management Plan Revision B dated 8 January 2018 are approved for removal.

**Reason:** To facilitate development.

69. All trees/shrubs planted within the site must be of an adequate root volume and maturity so as not to require staking or mechanical support. Planting must be carried out in accordance with the approved Landscape Plan and conditions of consent.

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

70. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Safe Work Australia Guide to managing risks of tree trimming and removal work.

**Reason:** To ensure works are carried out in accordance the Safe Work Australia Guide to managing risks of tree trimming and removal work.

71. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council's "Guidelines for Public Domain Works". Certification is required to be provided with the Occupation Certificate.

**Reason:** To ensure Council's assets are appropriately constructed.

72. All work (excluding demolition which has separate days and hours outlined below) including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery 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.

Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

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

## **Stage 2:**

### **GENERAL MATTERS**

73. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

<b>Drawing No.</b>	<b>Prepared By</b>	<b>Dated</b>
Estate Master Plan, Issue N, DA010	Pace Architects	April 2018
Staging Plan, Issue B, DA011	Pace Architects	April 2018
Site Plan, Demolition Plan, Issue B, DA013	Pace Architects	April 2018
Warehouse Building B, Issue G, DA050	Pace Architects	April 2018
Warehouse Building A, Issue H, DA051	Pace Architects	April 2018
Office Floor Plan Building B,	Pace Architects	April 2018

Issue G, DA110		
Office Floor Plan Building A, Issue G, DA111	Pace Architects	April 2018
Warehouse Roof Plan, Issue F, D150	Pace Architects	April 2018
Warehouse Building B, Issue J, DA200	Pace Architects	April 2018
Warehouse Building A, Issue J, DA201	Pace Architects	April 2018
Warehouse Building B Office Elevations, Issue G, DA202	Pace Architects	April 2018
Warehouse Building B Office Elevations 2, Issue G, DA203	Pace Architects	April 2018
Warehouse Building A Office Elevations 3, Issue G, DA204	Pace Architects	April 2018
Warehouse Building A Office Elevations 4, Issue E, DA205	Pace Architects	April 2018
Warehouse Sections, Issue F, DA220	Pace Architects	April 2018
Civil Engineering Works, General Arrangement Plan, Revision 5, DA01.21	Northrop	28/05/2018
Civil Engineering Works, General Arrangement Staging Plan, Revision 5, DA01.22	Northrop	23/03/2018
Civil Engineering Works, Sediment and Soil Erosion Control Plan – Sheet 1, Revision 4, DA02.01	Northrop	23/03/2018
Civil Engineering Works, Sediment and Soil Erosion Control Plan – Sheet 2, Revision 6, DA02.02	Northrop	28/05/2018
Civil Engineering Works, Sediment and Soil Erosion Control Details, Revision 5, DA02.11	Northrop	28/05/2018
Civil Engineering Works, Bulk Earthworks Cut and Fill Plan, Revision 6, DA03.01	Northrop	28/05/2018
Civil Engineering Works, Bulk Earthworks Cut and Fill Sections – sheet 01, Revision 5, DA03.11	Northrop	28/05/2018
Civil Engineering Works, Siteworks and Stormwater Drainage Plan – Sheet 01, Revision 6, DA04.01	Northrop	28/05/2018
Civil Engineering Works, Siteworks and Stormwater	Northrop	28/05/2018

Drainage Plan – Sheet 02, Revision 6, DA04.02		
Civil Engineering Works, Siteworks and Stormwater Drainage Plan – Sheet 03, Revision 1, DA04.03	Northrop	28/05/2018
Civil Engineering Works, Stormwater Longitudinal Sections – Sheet01-Sheet08, Revision 1, DA04.11-DA04.18	Northrop	28/05/2018
Civil Engineering Works, Stormwater Calculations – 100 YR ARI, Revision 1, DA04.21	Northrop	28/05/2018
Civil Engineering Works, Stormwater Calculations – 20 YR ARI, Revision 1, DA04.222	Northrop	28/05/2018
Civil Engineering Works, Catchment Plan, Revision 5, DA04.41	Northrop	28/05/2018
Civil Engineering Works, Details Sheet 1, Revision 4, DA09.01	Northrop	28/05/2018
Civil Engineering Works, Details Sheet 2, Revision 4, DA09.02	Northrop	28/05/2018
Landscape Plans, Revision A, LA000-L111	Urbis	23/08/2017
Lighting Plan (Site Plan), Issue J, DA010	Pace Architects	June 2017

<b>Document(s)</b>	<b>Prepared By</b>	<b>Dated</b>
Civil Design Report, Revision D	Northrop	28/05/2018
Remedial Action Plan, Revision A, 53118/109970	JBSG	19 July 017
Environmental Advice	Edison Environmental and Engineering	21 May 2018
Arboricultural Impact Appraisal	Naturally Trees	8 January 2018
Transport Impact Assessment, N127730	GTA Consultants	21/08/2017
Waste Management Plan	Elephants Foot Recycling Solutions	21/082017

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

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

74. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).  
**Reason:** To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.
75. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.  
**Reason:** To ensure compliance with legislative requirements.
76. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.  
**Reason:** To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.
77. Approval is granted for the demolition of all buildings and outbuildings located within Stage 2, subject to compliance with the following:-
- (a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.  
**Note:** Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.
  - (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
  - (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to City of Parramatta for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
  - (d) On the first day of demolition, work is not to commence until City of Parramatta has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
  - (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work.

- commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001
- (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under “Prior to Works Commencing” in this Consent.
  - (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
  - (h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover “Demolition Licence” and a current WorkCover “Class 2 (Restricted) Asbestos Licence”.
  - (i) Demolition is to be completed within 5 days of commencement.
  - (j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
  - (k) 1.8m high Protective fencing is to be installed to prevent public access to the site.
  - (l) Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) 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.
  - (m) 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.
  - (n) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
  - (o) Before demolition works begin, adequate toilet facilities are to be provided.
  - (p) After completion, the applicant must notify City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
  - (q) Within 14 days of completion of demolition, the applicant must submit to Council:
    - (iv) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
    - (v) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
    - (vi) Payment of fees in accordance with Council’s current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

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

78. Council being the ‘appropriate regulatory authority’ must be notified immediately of any pollution incident where material harm to the environment is caused or threatened. This duty extends to persons carrying on an activity, employers and employees, contractors and the occupier of the premises where the incident occurs.

**Reason:** To comply with the requirements of the Protection of the Environment Operations Act 1997.

79. Liquid and solid wastes generated on site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 and in accordance with the Environment Protection Authority's Waste Tracking Guidelines as described in the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

**Reason:** To prevent pollution of the environment.

80. A license shall be obtained from the Department of Planning for approval to extract groundwater under the provisions of the Water Management Act, 2000.

**Reason:** To comply with Department of Infrastructure, Planning and Natural Resources requirements.

81. Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and ANZECC standards for water quality.

Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason:** To prevent pollution of waterways.

82. 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:

- (c) 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
- (d) 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.

83. A sign displaying the contact details of the remediation shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.

**Reason:** To provide contact details for council inspectors and for the public to report any incidents.

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

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

85. Groundwater shall be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant NSW EPA water quality standards and Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000.

Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason:** To ensure that contaminated groundwater does not impact upon waterways.

86. All remediation works shall be carried out in accordance with clauses 17 and 18 of State Environmental Planning Policy 55 - Remediation of Land.

**Reason:** To comply with the statutory requirements of State Environmental Planning Policy 55.

87. Following excavation and removal of any underground storage tank the land shall be assessed in accordance with the NSW Environment Protection Authority's Technical Note: Investigation of Service Station Sites (2014). A report on the investigation is to be supplied to Council's Environment and Public Health unit.

At the completion of the investigation a site audit statement shall be issued by an approved NSW Environment Protection Authority Auditor in accordance with the NSW Environment Protection Authority's Guidelines for the NSW Site Auditor Scheme.

**Reason:** To ensure that the land is left in a safe and healthy condition.

88. Trees equal to or greater than five (5) metres in height, which are protected under City of Parramatta Council Development Control Plan 2011 (Part 5.4 Preservation of Trees or Vegetation), must not be removed or damaged without Council consent.

**Reason:** To preserve existing landscape features.

#### **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**(Note:** Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.)

89. The Construction Certificate is not to be issued unless the Certifying Authority is satisfied 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.

90. A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

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

91. 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 receive written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having the 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 ensure Council's assets are not damaged.

92. Where work is likely to disturb or impact upon a utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

93. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany an application for a Construction Certificate and be to the satisfaction of the Principal Certifying Authority (PCA). A copy of these details must be forwarded to Council prior to any work being commenced.

Backfilling of excavations adjoining Council property or any void remaining at the completion of the construction between the building and Council property must be fully compacted prior to the completion of works.

**Reason:** To protect Council's infrastructure.

94. 51 bicycle spaces/racks are to be provided on-site in a security level B facility. The bicycle storage/racks are to comply with AS 2890.3. Details are to be illustrated on plans submitted with the construction certificate application.

**Reason:** To comply with Council's parking requirements.

95. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate application.

**Reason:** To comply with Council's parking requirements and Australian Standards.

96. The final Landscape Plan must be consistent with Landscape Plans prepared by Urbis dwg No. L000, L101, L102, L103, L104, L105, L106, L107, L110, L111 Revision A

dated 23 August 2017 together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:

- (c) Co-ordinated with the approved Architectural and Stormwater drawings.
- (d) All landscape plans are to be prepared by a professionally qualified landscape architect or designer.

**Reason:** To ensure that appropriate landscaping is implemented.

97. All roof water and surface water is to be connected to an operable drainage system. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

**Reason:** To ensure satisfactory stormwater disposal.

98. 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 600mm in height or within 900mm of any property boundary.

The provision of retaining walls along common boundary lines shall not impact on neighbouring properties. If impact upon neighbouring properties (including fences) is anticipated, then written approval from the affected neighbour shall be obtained and submitted to the certifying authority prior commencement of the works.

Structural details, certified by a practicing structural engineer, shall accompany the application for a Construction Certificate for assessment and approval by the certifying authority.

**Reason:** To minimise impact on adjoining properties.

99. The building must be designed and certified by a registered structural engineer to ensure the building does not fail due to floodwater forces, debris and buoyancy effects from flooding in events up to the PMF. The PMF level for this site is 7.8m AHD.

**Reason:** To ensure the structure can withstand flooding impacts.

100. A 40kL rainwater tank for each building, 1x Jellyfish filtration cartridges, 1x Gross pollutant traps and 18 x Enviropods/trash screen devices must be installed to manage surface runoff water quality to the Parramatta River to satisfy section 3.3.6.1 of Parramatta City Council Development Control Plan 2011. Details of the proposed devices and their location must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To ensure appropriate water quality treatment measures are in place.

101. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS9 and DS10. Details must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

A Vehicle Crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges prior to any work commencing.

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

## **PRIOR TO WORKS COMMENCING**

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

- (c) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
- (d) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.

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

103. The site must be enclosed by a 1.8m high security fence erected wholly within the confines of the site to prevent unauthorised access. The fence must be installed to the satisfaction of the Principal Certifying Authority prior to the commencement of any work on site.

**Reason:** To ensure public safety.

104. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:

- (e) Unauthorised entry of the work site is prohibited;
- (f) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
- (g) The name, address and telephone number of the Principal Certifying Authority;
- (h) The development consent approved construction hours;

The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.

**Reason:** Statutory requirement.

105. Prior to work commencing, adequate toilet facilities are to be provided on the work site.

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

106. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:

- (d) Above;
- (e) Below; or
- (f) On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works re being undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

**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 authorised by this consent conducted above, below or on any public land owned or controlled by Council.

107. Prior to the commencement of work, a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and walls adjacent to a boundary. This is to ensure the development when complete, will be constructed wholly within the confines of the subject allotment. This set out survey showing the location of the development relative to the boundaries of the site, is to be forwarded to the Principal Certifying Authority prior to pouring of any footings or slabs and/or the construction of any walls/posts.

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

108. The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas).

In addition, no drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.

**Reason:** To protect Council's assets throughout the development process.

109. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

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

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

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

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

111. 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:

- (c) Protect and support the adjoining premises from possible damage from the excavation

- (d) 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.

112. 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 within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval pursuant to Section 138 of the Roads Act 1993:

- (e) On-street mobile plant:

E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, 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 the use of any equipment does not violate adjoining property owner's rights.

- (f) Storage of building materials and building waste containers (skips) on Council's property.

- (g) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.

- (h) 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 work zones, 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..

The application is to be lodged with Council's Customer Service Centre.

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

113. All works associated with the construction and/or extension of a driveway crossover/layback within Council owned land requires an application to be lodged and approved by Council.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and accompanied by plans, grades/levels and specifications. A

fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

**Note 1:** This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

**Note 2:** Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524

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

114. On demolition sites where buildings are known to contain friable or non-friable asbestos material, standard warning signs containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm are to be erected in a prominent position on site visible from the street kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by contacting the NSW WorkCover Authority hotline or their website [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

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

115. The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure that any such proposed demolition works involving asbestos are carried out in accordance with the requirements of the 'Code of Practice: How to Safely Remove Asbestos' published by WorkCover NSW. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

**Reason:** To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.

116. At least one (1) week prior to demolition, the applicant must submit to the satisfaction of the Principal Certifying Authority a hazardous materials survey of the site. Hazardous materials include (but are not limited to) asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must be prepared by a suitably qualified and experienced environmental scientist and must include at least the following information:

- (a) The location of hazardous materials throughout the site;
- (b) A description of the hazardous material;
- (c) The form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- (d) An estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- (e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- (f) Identification of the disposal sites to which the hazardous materials will be taken.

**Reason:** To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.

## **DC0001 Construction and Traffic Management Plan**

117. Prior to the commencement of any works on site, the applicant must submit a Construction and Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:

- (e) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:
  - (x) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
  - (xi) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
  - (xii) The locations of proposed Work Zones in the egress frontage roadways,
  - (xiii) Location of any proposed crane standing areas,
  - (xiv) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
  - (xv) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
  - (xvi) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
  - (xvii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
  - (xviii) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (f) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.

- (g) Traffic Control Plan(s) for the site:
  - (iii) All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,

- (iv) Approval shall be obtained from City of Parramatta Council for any temporary road closures or crane use from public property.
- (h) Where applicable, the plan must address the following:
  - (iv) Evidence of Roads and Maritime Services concurrence where construction access is provided directly or within 20 m of an Arterial Road,
  - (v) A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
  - (vi) Minimising construction related traffic movements during school peak periods.

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

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

118. Consent from Council must be obtained prior to any pruning works being undertaken on any tree on site, or any trees located in adjoining properties.

All approved pruning works must be supervised by an Australian Qualifications Framework (AQF) Level 3 certified Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

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

119. Tree protection measures are to be installed and maintained, under the supervision of an Australian Qualifications Framework (AQF) Level 5 Arborist in accordance with AS4970 - "Protection of Trees on Development Sites".

**Reason:** To ensure trees are protected during construction.

120. 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 dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

The report must include a photographic survey of the 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 in accordance with the recommendation of the geotechnical report. A copy of the dilapidation report must be submitted to Council.

In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit

of this survey and details of failure to gain consent for access to the satisfaction of the Principle Certifying Authority.

**Note:** This documentation is for record keeping purposes only, and can be made available to an applicant or affected property owner should it be requested 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.

## DURING WORKS

121. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) 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 ensure proper management of Council assets.

122. 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 ensure maintenance of Council's assets.

123. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

**Reason:** To ensure no adverse impacts on neighbouring properties.

124. Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.

**Reason:** To protect public safety.

125. Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

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

126. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Work Cover NSW and the EPA, and with the provisions of:

- (d) Work Health and Safety Act 2011
- (e) NSW Protection Of the Environment Operations Act 1997 (NSW) and
- (f) NSW Department of Environment and Climate Change Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

**Reason:** To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

127. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2005 and the EPA publication 'Waste Classification Guidelines - 2008' and any other regulatory instrument as amended.

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

128. A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

**Reason:** To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.

129. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

**Reason:** **To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.**

130. No excavation is to occur within three (3) metres from the trunk of any existing tree located on adjoining properties, equal to or greater than five (5) metres in height.

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

131. All trees supplied above a 25L container size must be grown in accordance with AS2303:2015 (Tree stock for landscape use). Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown in accordance with AS2303:2015. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.

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

132. **Existing trees** numbered **1 to 30, 36-73, 76-88** inclusive as specified in the Arboricultural Impact Assessment Prepared by Naturally Trees (Revision B) and Tree Management Plan Revision B dated 8 January 2018 are approved for removal.

**Reason:** To facilitate development.

133. All trees/shrubs planted within the site must be of an adequate root volume and maturity so as not to require staking or mechanical support. Planting must be carried out in accordance with the approved Landscape Plan and conditions of consent.

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

134. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Safe Work Australia Guide to managing risks of tree trimming and removal work.

**Reason:** To ensure works are carried out in accordance the Safe Work Australia Guide to managing risks of tree trimming and removal work.

135. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council's "Guidelines for Public Domain Works". Certification is required to be provided with the Occupation Certificate.

**Reason:** To ensure Council's assets are appropriately constructed.

136. All work (excluding demolition which has separate days and hours outlined below) including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery 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.

Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

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

## **PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE**

137. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 109H of the Environmental Planning and Assessment Act 1979.

**Reason:** To complying with legislative requirements of the Environmental Planning and Assessment Act 1979.

138. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority responsible for the critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. The record must include:

- (a) The development application and Construction Certificate number as registered;
- (b) The address of the property at which the inspection was carried out;
- (c) The type of inspection;
- (d) The date on which it was carried out;
- (e) The name and accreditation number of the certifying authority by whom the inspection was carried out; and
- (f) Whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

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

139. A street number is to be placed on the site in a readily visible location from a public place prior to the issue of an Occupation Certificate. The numbers are to have a minimum height of 75mm.

**Reason:** To ensure a visible house number is provided.

140. A written application to Council's Civil Assets Team for the release of a bond must quote the following:

- (a) Council's Development Application number; and
- (b) Site address.

The bond is refundable only where Council is satisfied the public way has been adequately reinstated, and any necessary remediation/rectification works have been completed.

An Occupation Certificate is not to be issued until correspondence has been issued by Council detailing the bond has been released.

**Note:** Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

**Reason:** To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner.

141. 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 and or infrastructure.

The report is to be submitted to the PCA prior to the issue of the occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings/ infrastructure, the PCA must compare the post-construction dilapidation report with the pre-construction dilapidation report, and

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

**Reason:** To establish any damage caused as a result of the building works.

142. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92.

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

143. An emergency response management plan shall be prepared and submitted to the principal certifying authority, should Council not be the PCA a copy should be forwarded in accordance with AS 3745-2002: **Emergency control organization and procedures for buildings, structures and workplaces** before the issue of the occupation certificate. The plan shall include the following:

- (a) list of chemicals and maximum quantities to be stored at the site;
- (b) identification of potentially hazardous situations;
- (c) procedure for incident reporting;
- (d) details of spill stations and signage;
- (e) containment and clean-up facilities and procedures; and
- (f) the roles of all staff in the Plan and details of staff training.

**Reason:** To ensure that procedures are in place in the case of liquid spills.

144. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.

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

145. Works-As-Executed stormwater plans are to address the following:

- (a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- (b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- (c) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table
- (d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (e) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).

- (f) Certificate of Structural compliance of the OSD tank walls and cover slab from a qualified structural engineer

The above is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate and a copy is to accompany the Occupation Certificate when lodged with Council.

**Reason:** To ensure works comply with approved plans and adequate information is available for Council to update the Upper Parramatta River Catchment Trust.

146. Prior to the issue of an Occupation Certificate a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 must be created, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

The terms of the 88E Instruments are to be generally in accordance with Council's "standard terms" available in Council's website, under Development Forms.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through via an application to the Land Titles Office using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the On-Site Detention facility, including its relationship to the building footprint.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to Occupation or use of on-site.

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

147. A Flood emergency response plan shall be prepared by an appropriately qualified and experienced consulting engineer. This plan must demonstrate how the occupants of the development will respond/egress in the early stages of a storm event, together with how they will seek refuge in a peak stormwater event (i.e. first floor of the building etc.). It must also detail any protection measures/procedures to prevent materials and equipment on site becoming pollutants during a PMF event. The report shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. A copy of the report shall be attached to the Occupation Certificate when forwarded to Council.

**Reason:** To make property owners/residents aware of the procedure in the case of flood.

148. Prior to issue of an Occupation Certificate, the applicant must create a Positive Covenant and Restriction on the Use of Land, prepared in accordance with Section 88B of the Conveyancing Act 1919, burdening the owner of the allotment with the requirement to maintain the on-site rainwater harvesting, bio-retention and water quality treatment facilities. This must be accompanied by a maintenance schedule, to be registered on title.

The terms of the instruments are to be to Council's satisfaction, and based on Council's standard wording for 88E instruments.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principle Certifying Authority prior to the issue of a Subdivision Certificate.

**Reason:** To ensure that appropriate protective instruments are put in place for the water quality management system.

149. All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Standard Plan No. DS1. The reinstatement must be completed prior to the issue of an Occupation Certificate. All costs must be borne by the applicant.

**Reason:** To provide satisfactory drainage.

150. A covenant shall be registered on the title of the land and a copy of the title submitted to Council and the principal certifying authority prior to the issue of an occupation certificate, giving notice of the former use and contamination of the site and the existence of the encapsulated cells containing contaminated material.

**Reason:** To ensure that the encapsulated cell is not breached and to prevent the future occurrence of a health hazard and the spread of contamination.

151. A covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated materials, including the discharge or prevention of discharge there from of any contaminants or for any works required by the Environment Protection Authority.

**Reason:** To ensure that the encapsulated cell is not breached and to prevent the future occurrence of a health hazard and the spread of contamination.

## THE USE OF THE SITE

152. A separate Development Application is required for the use of the premises.

153. The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.

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

154. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

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

155. All waste storage areas are to be maintained in a clean and tidy condition at all times.

**Reason:** To ensure the ongoing management of waste storage areas.

156. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

**Reason:** To ensure waste is adequately stored within the premises.

157. No advertisement/signage shall be erected on or in conjunction with the development without prior consent.

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

