

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2018SWC062
<b>DA Number</b>	DA/802/2017
<b>LGA</b>	City of Parramatta
<b>Proposed Development</b>	Installation of seven demountable buildings that are intended to be in place for 30 months.
<b>Street Address</b>	Lot 4-13, Sec 13 DP 758390 EPPING P/S 27-33 Pembroke Street, EPPING NSW 2121
<b>Applicant/Owner</b>	NSW Department of Education
<b>Date of DA lodgement</b>	8 September 2017
<b>Number of Submissions</b>	No submissions
<b>Recommendation</b>	Approval, subject to conditions
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	NA
<b>List of all relevant s4.15(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>• SEPP (Educational Establishments and Child Care Facilities) 2017</li><li>• State Environmental Planning Policy (Sydney Harbour Catchment) 2005</li><li>• State Environmental Planning Policy (Infrastructure) 2007</li><li>• Hornsby Local Environmental Plan 2013</li><li>• Hornsby Development Control Plan 2013</li></ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"><li>• Architectural Plans, prepared by GHD Woodhead;</li><li>• Stormwater Plans, prepared by GHD Woodhead;</li><li>• Survey Plan, prepared by Survey Plus;</li><li>• Acoustic Impact Assessment, prepared by GHD Woodhead; and</li><li>• Heritage Impact Report, prepared by NBRS+Partners</li></ul>
<b>Report prepared by</b>	Ashleigh Matta
<b>Report date</b>	31 May 2018

### Summary of s79C matters

Have all recommendations in relation to relevant s79C 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? N/A

### 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

### Recommendation

Council received correspondence from the Department of School Infrastructure NSW on the 20 August 2018, stating that they wish to accept the conditions imposed by NSW Rural Fire Service (RFS).

As such, Council is seeking an electronic determination of the above mentioned development application in accordance with the attached schedule of conditions and the following resolution.

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

That Council grant development consent to DA/802/2017 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to the following conditions:

## **General Matters**

1. 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>
Proposed demountable buildings, Plan DA-AR-0001, Revision A	GHD	15/12/2017
Plan showing detail and levels, Plan 1 of , Revision A	Survey Plus	10/07/2017
Comms & Lighting Layouts, Plan OS606.3-4.CR, Revision 0	GHD	22/12/2016
Floor & Reflected Ceiling Plans, Plan OS606.1-4.CR, Revision 3	GHD	22/12/2016
External and internal elevations, Plan OS606.2-4.CR, Revision 3	GHD	22/12/2016
Civil-overall stormwater drainage plan, Plan 21-26108-EP-DA-C1-1110, Revision B	GHD	15/02/2018
Civil stormwater drainage plan, Plan 21-26108-EP-DA-C1-1111, Revision B	GHD	15/02/2018
Civil stormwater drainage plan, Plan 21-26108-EP-DA-C1-1112, Revision B	GHD	15/02/2018
Stormwater drainage details, Plan 21-26108-EP-DA-C1-1115, Revision A	GHD	19/12/2017

<b>Document(s)</b>	<b>Prepared By</b>	<b>Dated</b>
Acoustic Impact Assessment	GHD	12/02/2018
Heritage Impact Report	NBRS+Partners	26/04/2016

**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. 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.

## **Asset Protection (RFS Conditions)**

3. The entire school site shall be managed in perpetuity as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
4. For any part of the school site that is steeper than 18 Degrees, it shall be appropriately landscaped or designed (e.g terracing) so that suitable access is provided to enable the practical ongoing maintenance of the area as an inner protection area (IPA)

5. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.
6. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

### **Design and Construction (RFS Conditions)**

7. The proposed demountable buildings along the eastern boundary of the school shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
8. Any new Class 10b structures as defined per the 'Building Code of Australia' shall be non-combustible.
9. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

### **Prior to Work Commencing**

10. Works are not to commence unless 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.
11. 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 and Assessment Act 1979, as amended and the Environmental Planning and Assessment Regulation 2000.
12. All roof water and surface water is to be connected to an operable drainage system. Details are to be shown on the final construction plans and documentation.  
**Reason:** To ensure satisfactory stormwater disposal.
13. 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 be prepared prior to commencement of works.

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

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

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.

15. 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.

**Reason:** To ensure Council's assets are not damaged.

16. Where work is likely to disturb or impact upon 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 be obtained prior to commencement of works.

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

17. 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.

18. 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.

19. 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.

20. 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.

21. 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, and prior to any works commencing.

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 /802/2017;
- (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>Nature Strip and Roadway</b>	<b>\$5,000</b>

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.

22. Prior to commencement of work, the person having the benefit of the Development Consent must:

(a) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

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

23. The site must be enclosed by a 1.8m high security fence erected wholly within the confines of the site to prevent unauthorised access, prior to the commencement of any work on site.

**Reason:** To ensure public safety.

24. 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 contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and

(c) 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.

This condition does not apply where works are being carried.

**Reason:** Statutory requirement.

25. 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 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.

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

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

27. A Methodology Statement, prepared by a suitably qualified arboriculture's (Australian Qualification Framework Level 5), must be prepared prior to commence of works. This

statement is to identify the measures to be implemented for protection of trees adjacent to the proposed buildings during construction and the expected future health of the trees. The statement is to be structured so that each of the following stages of construction are individually addressed, namely:

- (a) Excavation;
- (b) Canopy trunk and tree root protection;
- (c) Pruning of trees within the adjoining property
- (d) Installation of services (i.e. bridging of roots); and
- (e) Back filling

**Reason:** To ensure adequate protection of existing trees.

### **During Work**

28. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.

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

29. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the Protection of the Environment Operations Act 1997.

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

30. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall be stored or placed on/in Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993.

**Reason:** To ensure pedestrian access.

31. 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.

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

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made;
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
- (d) Nature of the complaints;



- (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
- (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available to Council upon request.

**Reason:** To allow the Council to respond to concerns raised by the public.

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

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

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

34. A survey certificate is to be submitted to the certifying Authority at footing and/or formwork stage. The certificate must indicate the location of the building in relation to all boundaries, and must confirm the floor level is consistent with that approved under this consent prior to any further work proceeding on the building.

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

35. 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.

36. 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.

37. 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".

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

38. Stormwater from the new impervious areas along the Eastern side of the site must be piped to the existing site drainage system. The installation of new drainage components must be completed by a licensed contractor in Accordance with AS3500.3 (2003) - Stormwater Drainage and the Building Code of Australia (National Construction Code). During the course of development works, the state of the existing site drainage system must be verified by a licensed plumber, and any necessary repairs and maintenance carried out.

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

39. Stormwater from the demountable structure proposed in the North-Western corner of the site must be connected to the kerb and gutter within the property frontage in Norfolk Road.

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

40. All demountable structures must be raised on piers as per the recommendations of 'Overland flow path and flooding investigation, reference number 21/26108, dated 14/12/2017, prepared by GHD'.

**Reason:** To minimise impacts to the natural stormwater overland flow regime.

#### **Prior to the issue of an Occupation**

41. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, critical stage inspections shall be recorded as soon as practicable after it has been carried out. The record must include:
- (a) The development application 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) Whether or not the inspection was satisfactory.

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

42. 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.

**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.

43. All pruning must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist and confirm to the provisions of AS4373-2007 "Pruning Amenity Trees", and the Safe Work Australia Guide to managing risks of tree trimming and removal work.

**Reason:** To ensure the pruning will not adversely affect the tree(s).

44. All excavation within the tree protection zone of trees located within the site and adjoining properties is to be supervised by an Australian Qualifications Framework (AQF) Level 3 arborist. If during excavation the Arborist identifies remedial work is necessary, it is to be supervised by this Arborist.

Once the work is completed a written report detailing the remedial work undertaken is to be forwarded to the Principal Certifying Authority.

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

#### **The Use of the Site**

45. This development is approved under the understanding that it is temporary. All structures must therefore be removed 30 months after the commencement of use. All costs must be borne by the applicant.

**Reason:** To prevent increased stormwater runoff generated by the additional impervious area from negatively impacting flood conditions within the catchment in the long term.

46. 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.

47. Any external plant/air-conditioning system must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.

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

48. The use of the premises not giving rise to:

- (a) transmission of unacceptable vibration to any place of different occupancy
- (b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.

**Reason:** To prevent loss of amenity to the area.

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

**Reason:** To reduce noise levels.