



City of Parramatta Council

File No: DA/955/2021

**SECTION 4.15 ASSESSMENT REPORT – INDUSTRIAL –
PARRAMATTA LEP 2011
Environmental Planning & Assessment Act 1979**

SUMMARY

DA No:	DA/955/2021
Property:	10A Grand Avenue, Rosehill NSW (Lot 101 DP811924)
Proposal:	Construction of a concrete batching facility on the rear lot of an approved subdivision. The development is Designated Development as defined by Schedule 3 of the Environmental Planning and Assessment Regulation 2000.
Date of receipt:	15 October 2021
Applicant:	Hy-Tech Industries Pty Ltd
Owner:	N G P Investments No. 2 Pty Ltd
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	Nil
Conciliation Conference Held:	No
Recommendation:	Approval, subject to conditions
Assessment Officer:	Sohini Sen

Legislative requirements

Environmental Planning Instruments	<ul style="list-style-type: none">• SEPP (Resilience and Hazards) 2021• SEPP (Transport and Infrastructure) 2021; and• Parramatta Local Environmental Plan 2011.
Zoning	IN3 – Heavy Industrial
Bushfire Prone Land	No
Heritage	Adjoins a Heritage Item of local significance (I6 – Tram Alignment)
Heritage Conservation Area	No
Designated development	Yes

Clause 4.6 variation
Delegation

Yes – Height
Parramatta Local Planning Panel

SITE DESCRIPTION AND CONDITIONS

The subject site is known as 10A Grand Avenue, Camellia (Lot 101 DP 811924). The site is located on the southern lot of Lot 101 DP 811924 which was approved for subdivision on 2 August 2021 under development consent DA/17/2021.

The site is currently vacant and comprises a hardstand area that covers the entire southern lot. The site has an area of approximately 9,863m² including a 1,863m² access handle. Vehicular access is off Grand Avenue.

The site has been historically used for agriculture, industrial and manufacturing uses, and has been more recently used for the purposes of a container handling facility and vehicle storage.

The site is zoned IN3 – Heavy Industrial. Surrounding properties are also zoned IN3 Heavy Industrial. The site is located within the existing Camellia industrial precinct.

The applicant of this Development Application currently operates an existing concrete batching facility at 6 Shirley Street, Rosehill. The site of this facility will be acquired for the development of the Sydney Metro West rail line and as such, the operation is required to cease. Consent was granted by the NSW Land and Environment Court for a temporary concrete batching facility at 37A Grand Avenue, Camellia. The subject application is for a permanent facility.



Figure 1: Aerial Photo showing subject site (NearMap).



Figure 2: Location of proposed works within subject site.

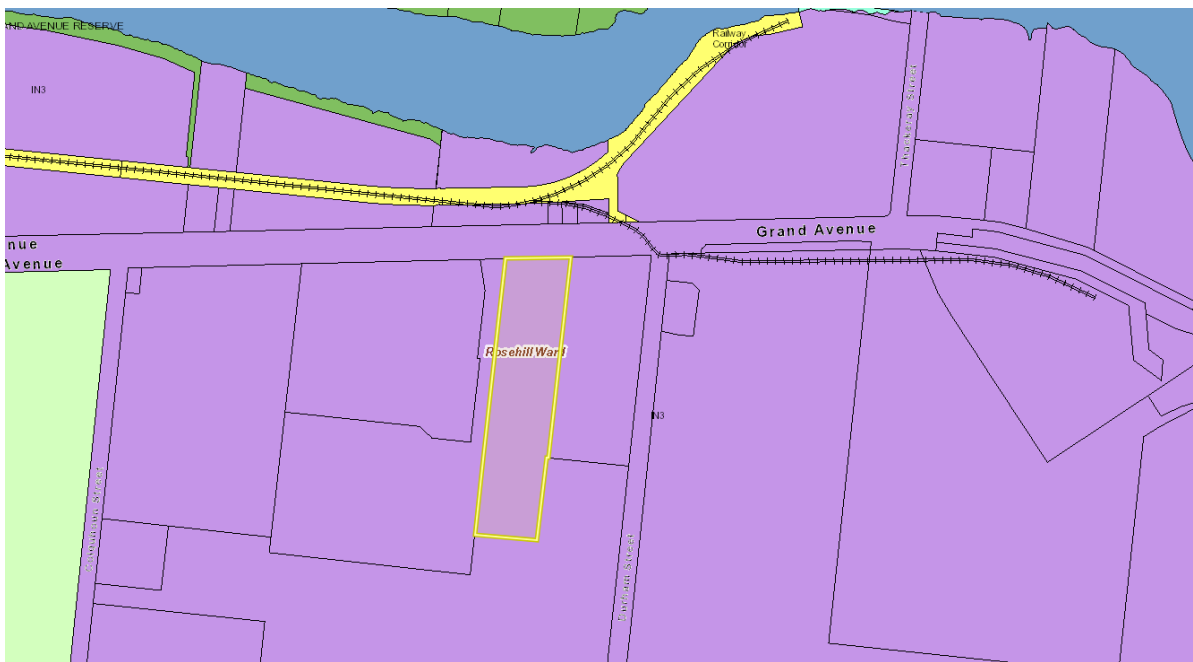


Figure 3: Zoning Map (LEP 2011).

RELEVANT SITE DEVELOPMENT HISTORY

DA/17/2021	Development consent was granted on 25 June 2021 for a “ <i>Subdivision of Lot 101 DP 811924 to create a northern lot and southern lot with the southern lot to include access, creating a battle-axe lot</i> ”.
DA/17/2021/A	Development consent was granted on 27 July 2021 for “ <i>Section 4.55(1) modification of DA/17/2021 for subdivision of Lot 101 DP 811924 to create a northern lot and southern lot with the southern lot to include access, creating a battle-axe lot. The modification seeks to amend Condition No's 2, 3, 4, 5, 6, 7, 8, 10 & 11 relating to works not required to be carried out as part of this application</i> ”.

THE PROPOSAL

The proposed development includes the following components:

- 15 sand or coarse aggregate drive over delivery storage bins within a shed structure.
- Concrete batching plant with the capacity to produce and despatch up to 150,000m³ of pre-mix concrete annual and comprising:
 - Four silos for cementitious materials e.g., cement, ground granulated blast furnace slag, and fly ash (21m above ground level)
 - Overhead storage bins
 - Weigh hoppers
 - Two agitator truck loading stations with dust vacuum hood.
 - Covered conveyor to transfer raw materials from the drive over storage bins to the overhead storage bins.
- Four covered slump stands and four roofed wash-out bays.
- Ancillary equipment such as water tanks, a diesel tank, liquid and solid additives storage to support concrete production and despatch.
- 20 parking spaces for agitators.
- 21 parking spaces for light vehicles (15 for agitator drivers and six for staff and visitors).
- Office and amenities building.
- Landscaped areas.

Concrete will be produced using a dry batching process. The proposed hours of operation are 24 hours, 7 days excluding public holidays. Core operating hours are between 5:00am and 6:00pm Monday to Friday and 5:00am until 3:00pm Saturdays.

PLANNING CONSIDERATION

An assessment of the application has been undertaken pursuant to the provisions of the Environmental Planning and Assessment Act, 1979.

SECTION 4.15 (1) – MATTERS FOR CONSIDERATION – GENERAL

ENVIRONMENTAL PLANNING INSTRUMENTS (S4.15(1)(a)(i))

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 4.10 Designated Development

The development is classified as designated development under Schedule 3 of the Environmental Planning and Assessment Regulation 2000. An Environmental Impact Statement was submitted with the Development Application.

The following works are applicable for the proposed development:

14 Concrete works

- (1) *Concrete works that produce pre-mixed concrete or concrete products and—*
 - (a) *that have an intended production capacity of more than 150 tonnes per day or 30,000 tonnes per year of concrete or concrete products, or*
 - (b) *that are located—*
 - (i) *within 100 metres of a natural waterbody or wetland, or*
 - (ii) *within 250 metres of a residential zone or dwelling not associated with the development.*
- (2) *This clause does not apply to concrete works located on or adjacent to a construction site exclusively providing material to the development carried out on that site—*
 - (a) *for a period of less than 12 months, or*
 - (b) *for which the environmental impacts were previously assessed in an environmental impact statement prepared for that development.*

The proposal exceeds the 30,000 tonnes per year production threshold. As such, the development is classified as Designated Development.

PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

An Environment Protection Licence is not required for the Project as it is not classed as a scheduled activity under Schedule 1 of the *Protection of the Environment Operations Act 1997*.

ROADS ACT 1993

The *Roads Act 1993* (Roads Act) is applicable as amended access arrangements from Grand Avenue into the site are proposed. As Council is the authority for Grand Avenue, the application is not considered to be integrated development.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 2 Coastal Management

The site is not identified as a coastal environment area, coastal use area, or proximity area for coastal wetlands.

Chapter 3 Hazardous and Offensive Development

The development includes storage of up to 30,000L of diesel fuel which is a Class 3 C4 combustible liquid and small amounts of other hydrocarbons which are defined as Class 3 C2 combustible liquids on the site. As these materials would not be stored adjacent to any other hazardous materials of the same class, further assessment under SEPP 33 is not required.

Chapter 4 Remediation of Land

The site is not identified on the EPA Contaminated Land Register. The submitted Environmental Impact Statement (EIS) states that the site has been contaminated from historic industrial activity in the area. The applicant has submitted a Detailed Site Investigation prepared by EMM Consulting Pt Limited which concludes that except for minor hydrocarbons present in one location, the land is not contaminated and does not require remediation in order to be suitable for the proposed development. Council's Environmental Health Officer has reviewed the proposal and raises no objections subject to recommended conditions of consent.

Based on the above, sufficient information has been submitted to Council to demonstrate that the site is suitable for the proposed use and Clause 4.6 of SEPP is satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Clause	Comment
Clause 2.48 – Electricity Infrastructure	N/A.
Clause 2.76 – Development adjacent to pipeline corridors	The application was referred to the relevant pipeline operator who raised no objectives subject to recommended conditions of consent.
Clause 2.97 – Development adjacent to rail corridors	The application was referred to TfNSW who raised no objectives subject to recommended conditions of consent.
Clause 2.121 – Traffic Generating Development	The proposed development has a GFA of less than 20,000m ² and does not adjoin a classified road. As such, RMS concurrence is not required.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011 (LEP 2011)

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

Development standard	Compliance
2.1 Land Use Zone and Objectives IN3 – Heavy industrial	<p>Yes. The site is zoned IN3 Heavy Industrial. The proposed development is a concrete batching facility and is defined as a heavy industry.</p> <p>heavy industry means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes—</p> <p>(a) hazardous industry, or</p> <p>(b) offensive industry.</p> <p>It may also involve the use of a hazardous storage establishment or offensive storage establishment.</p> <p>Heavy industry is a permissible use with development consent.</p> <p>The objectives of the IN3 Heavy Industrial Zone are:</p> <ul style="list-style-type: none"> • <i>To provide suitable areas for those industries that need to be separated from other land uses.</i> • <i>To encourage employment opportunities.</i>

	<ul style="list-style-type: none"> • <i>To minimise any adverse effect of heavy industry on other land uses.</i> • <i>To support and protect industrial land for industrial uses.</i> • <i>To allow a wide range of industrial and heavy industrial uses serving the Greater Metropolitan Area of Sydney and beyond.</i> • <i>To ensure that opportunities are not lost for realising potential foreshore access on land that is contaminated and currently not suitable for public access</i> <p>The proposal is consistent with the objectives of the zone.</p>
4.3 Height of Buildings Allowable = 12m Proposed = 21m Variation = 9m (75%)	NO – refer to Clause 4.6 discussion at the end of this table.
4.4 Floor Space Ratio Allowable = 1:1 (8,000m ² excluding access handle) Proposed = 0.25:1 (205m ²)	Yes.
5.1A Development on land intended to be acquired for public purposes	N/A. The proposal is not identified on the map.
5.6 Architectural roof features	N/A. An architectural roof feature is not proposed.
5.7 Development below mean high water mark	N/A. The proposal is not for the development of land that is covered by tidal waters.
5.10 Heritage Conservation	Yes. The site adjoins a local heritage item (16 – Tram alignment). The portion of the site to be development is located on the southern part of the site and is located away from the heritage item. Given the separation between the sites, it is considered that the proposal would not have significant adverse impacts to nearby heritage items.
Aboriginal Places of Heritage significance	Yes.
5.11 Bushfire Prone Land	N/A. The site is not identified on this map.
5.21 Flood Planning	Yes. The site is identified as being affected by the PMF. Council’s Development Engineer has reviewed the proposal and raises no objections to the proposal subject to recommended conditions of consent.
6.1 Acid sulphate soils	The site is identified as containing Class 4 Acid Sulphate Soils. The proposal involves excavation works for the on-site detention and stormwater tanks. A visual inspection of the site found no visual signs of Acid Sulphate Soils. A preliminary assessment comprising sub-surface sampling (up to 7.2m below ground level) was undertaken by EI Australia Pty Ltd and an analysis of the soils was undertaken in accordance with the methodology within the Acid Sulphate Soils Manual. The results of that analysis conclude that no actual or potential Acid Sulphate Soils were present. Therefore, an Acid Sulphate Soils Management plan is not required to be prepared.

6.2 Earthworks	Yes. Earthworks are proposed to facilitate the development. The proposed earthworks are considered to be satisfactory.
6.4 Biodiversity protection	N/A. The site is not identified on this map.
6.5 Water protection	N/A. The site is not identified on this map.
6.6 Development on landslide risk land	N/A. The site is not identified on this map.
6.7 Affected by a Foreshore Building Line	N/A. The site is not identified on this map.

CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS

Objectives of Clause 4.6 of Parramatta LEP 2011

The objectives of this clause are as follows:

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

Clause 4.6(3) states that:

“(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

A written request under the provisions of Clause 4.6 of Parramatta LEP 2011 was lodged as the proposed development seeks a variation to the following development standards:

Clause 4.3 – Height of Buildings

The proposal does not comply with the maximum permissible building height of 12m stipulated within Clause 4.3 – Height of Buildings. The proposed maximum height of the structures is 21m and comprises the proposed vertical silo and raw material storage building.

The development proposal exceeds the maximum permissible building height by 9m which is a 75% variation to the development standard.

The applicant has submitted the following justification for the variation to the maximum building height permitted:

- The 12m standard is considered unreasonable in this circumstance as other structures exist within the immediate area extending over 12m in height, including fuel tanks associated with Viva Energy’s Clyde Terminal (which are approximately 19m high), the Hymix Concrete plant (approximately 28m height), Veolia’s approved Camellia Waste Facility (SSD 4964, approximately 16m height) and the approved datacentre at 8 Grand Avenue (DA/751/2019) with a building height of approximately 20m. All of these developments are within the vicinity of the Project Site land zoned as IN3. The Applicant’s existing Shirley Street Rosehill Facility, which was approved in February 2015, also includes silos at 22m.

- The development standard is also considered unnecessary in this circumstance as the assessment of possible visual impacts from the proposed 21m batching plant silos and overhead storage bins, or the 15m raw material storage building, has concluded that this would not significantly change the outlook from of either a resident or casual observer from the assessed viewpoints. Nor would it substantially change the visual landscape within the Camellia Peninsula as any visual impact of the Project would be set against the backdrop of the existing industrial landscape.
- As the Project Site is situated on the rear lot of the subdivided Lot 101 DP 811924, views of permanent structures associated with the Project from Grand Avenue would be largely obscured by the existing warehouse. Furthermore, as shown on **Plate 1**, the recently approved Equinix datacentre that is presently under construction would largely obscure the Project from any observer located west of the Project Site. This datacentre is located at 8 Grand Avenue, immediately west of the Project Site and would cover approximately 14 000m² with a maximum height of 20m above ground level. This means that any views of the Project from Rosehill Gardens Racecourse would also be largely obscured by the datacentre.
- Strict compliance would specifically hinder Section 1.3 (c) of the EP&A Act (i.e. *‘the promotion and co-ordination of the orderly and economic use and development of land’*) as the proposed operation would not be able to produce concrete in an efficient or practical manner due to:
 - the increased dust generation from deposition and storage of raw materials in drive over raw material storage bins situated in an open area;
 - increased floor space required to store the required raw materials across an open, extended lateral area;
 - the need to use equipment at ground level to transport raw materials to the base of 12m high silos and overhead storage bins would limit efficient and safe transport operations at the Project Site. Rather than being transferred via elevated conveyor or pneumatic systems, as would be undertaken with 21m silos and storage bins; and
 - reduced storage capacity, which in turn would require more frequent truck movements to replenish the silos during peak travel periods.
 - This would significantly impair the Project’s ability to replicate the production capacity of the Applicant’s existing, approved Rosehill (Shirley Street) batch plant, thus substantially reducing economical use of the land.

Assessment of the exception under Clause 4.6:

In assessing the applicant’s request to vary a development standard, the provisions of Clause 4.6 state that:

“(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained”.

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

Is the planning control a development standard?

The planning control, Clause 4.3 Height of Buildings is a development standard pursuant to Parramatta Local Environmental Plan 2011.

What is the underlying object or purpose of the standard?

The underlying purpose of Clause 4.3 is to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan; to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development; to require the height of future buildings to have regard to heritage sites and their settings; to ensure the preservation of historic views; to reinforce and respect the existing character and scale of low density residential areas; and to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.

Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act?

Strict compliance with the development standard requires a reduction in the overall storage capacity on the site which would require additional vehicle movements and additional equipment and storage requirements for the development. The development would be less efficient as a result. As such, reduction in the overall building height would be inconsistent with the relevant provisions of the Parramatta LEP 2011 which includes to retain the predominant role of Parramatta's industrial areas.

Compliance with the development standard in this case would hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act which include the promotion and co-ordination of the orderly and economic use and development of land.

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

Compliance with the development standard is unreasonable in the circumstances of the case for the following reasons:

- The proposed development does not result in an adverse overshadowing impact or adverse amenity impacts to adjoining public spaces or residential areas.
- The proposed structure is required for the function of the development and is consistent in scale with similar structures in the locality for other concrete batching facilities.
- The proposed structure has a small footprint and is sufficiently separated from adjoining Heritage Items and therefore does not detract from the heritage characteristics of these items or impact upon heritage views.

Is the exception well founded?

Chief Justice Preston of the NSW Land and Environment Court provided further guidance to consent authorities as to how variations to the standards should be approached. Justice Preston expressed the view that there are 5 different circumstances in which an objection may be well founded:

- The objectives of the standard are achieved notwithstanding non-compliance with the standard;
- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and
- The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

The findings in case *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* indicate that the consent authority must be satisfied that the applicant's written request adequately demonstrates that the compliance with the development standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravention; and that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for the development within the relevant zone.

The applicant's written request demonstrates that compliance with the development standard is unreasonable or unnecessary and provides sufficient environmental planning grounds to vary the development standard. In this respect the Clause 4.6 variation is well drafted.

The intent of the development standard is to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan; to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development; to require the height of future buildings to have regard to heritage sites and their settings; to ensure the preservation of historic views; to reinforce and respect the existing character and scale of low density residential areas; and to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.

The proposed non-compliant building height does not defeat the underlying purpose of this clause as the visual impacts arising from the non-compliance are minimal given the siting of the structure and separation from site boundaries; lack of adverse privacy and solar access impacts to existing development; and preservation of historic views and heritage items. As such, the proposed development is consistent with the objectives of this development standard and the objectives of the IN3 Heavy Industrial zone as the proposed development retains the industrial zoned land for an industrial use.

In this case, the applicant written request is well drafted and adequate in addressing the matters required to be demonstrated by Clause 4.6(3) and the proposed development is in the public interest as it is consistent with the objectives of the Height of Buildings Development Standard and the objectives for development within the IN3 Heavy Industrial zone.

Draft Parramatta LEP 2020 was placed on public exhibition on the 31 August 2020, with exhibition closing on the 12 October 2020. The draft LEP will replace the five existing LEPs that apply within the Local Government Area and will be the primary legal planning document for guiding development and land use decisions made by Council.

LEP	Zoning	Height	FSR
LEP 2011	IN3	12m	1:1
Draft LEP 2020	IN3	12m	1:1

Whilst the draft LEP must be considered when assessing this application, under cl4.15(1)(a)(ii) of the Environmental Planning & Assessment Act, the LEP is neither imminent or certain and therefore limited weight has been placed on it.

There are no changes proposed under the draft LEP that amend key development standards applicable to the site. As such, the proposal is consistent with the provisions of this draft LEP in the same manner as the current LEP 2011.

DEVELOPMENT CONTROL PLANS (S4.15(1)(a)(iii))

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

The relevant matters to be considered under Parramatta Development Control Plan for the proposed development are outlined below.

Development Control	Compliance
Part 2: Site Planning	
2.4.1 Views and Vistas	N/A. No significant views or vistas are identified to or from the site within DCP 2011.
2.4.2 Water Management	
2.4.2.1 Flooding	Yes. The site is affected by the PMF. Council's Catchment and Development Engineer has reviewed the application and raises no objections to the flooding conditions on the site.
2.4.2.2 Protection of Waterways	Yes. The proposal complies. The site is not identified as riparian land and does not adjoin a waterway.
<ol style="list-style-type: none"> Development is to make provision for buffer areas for the preservation and maintenance of floodway, riparian corridors and habitat protection. Refer to Clause 6.7 Foreshore Building Line and Clause 6.5 Water Protection in the <i>Parramatta LEP 2011</i>. Development on land subject to Clause 6.5 Water Protection in the <i>Parramatta LEP 2011</i> or that abuts a waterway is to be landscaped with local indigenous species, to protect bushland and wildlife corridors and soften the interface between the natural landscape and the urban environment. Riparian vegetation also plays an important role in stabilising bed and banks and attenuating flood flows. 	
2.4.2.3 Protection of Groundwater	N/A. The proposed development does not involve significant excavation works that would encounter groundwater.

<ol style="list-style-type: none"> 1. Operating practices and technology including dewatering shall not contaminate groundwater or adversely impact on adjoining properties and infrastructure. 2. Groundwater is to be recharged where possible while still protecting and/or enhancing groundwater quality. 3. Protection measures for groundwater are to be proportional to the risk the development poses. Where the potential risk to groundwater is high, a separate Groundwater Impact and Management Report will be required. 	
2.4.3 Soil Management	
<p><i>2.4.3.1 Sedimentation</i></p> <ol style="list-style-type: none"> 1. Development is to be designed and constructed to integrate with the natural topography of the site so as to minimise the need for cut and fill. 2. Soil loss from development is to be minimised through effective site management practices that reduce the impact of sedimentation on downstream waterways and drainage systems and that minimise wind blown soil loss. 3. Development is to minimise site disturbance, including impact on vegetation and significant trees. 4. Development that is likely to result in erosion and sedimentation is to be accompanied by details of the proposed method of on-site erosion and sediment control. Such details are to follow the guidelines in the NSW Landcom (2004) Managing Urban Stormwater: Soils and Construction and Council's Design and Development Guidelines. 	<p>Yes. An Erosion and Sediment Control Plan was submitted with the Development Application. Relevant conditions of consent are included to ensure that the proposal will not result in adverse sedimentation impacts.</p>
<p><i>2.4.3.2 Acid Sulphate Soils</i></p> <ol style="list-style-type: none"> 1. Development is to ensure that sites with potential to contain acid sulphate soils are managed in a manner consistent with the provisions contained in the Parramatta LEP 2011. 	<p>Yes. Refer to LEP table.</p>
2.4.4 Land Contamination	
2.4.5 Air Quality	
<ol style="list-style-type: none"> 1. Development that is likely to result in the emission of atmospheric pollutants, including odours, is to include operating practices and technology to ensure that the development does not contribute to increased air pollution. 2. Effective site controls during and after demolition and construction are to ensure that development does not contribute to increased air pollution. 	<p>Yes. An Air Quality Impact Assessment was prepared and submitted with the Development Application and concludes that the proposal is acceptable subject to a number of recommendations identified within the report. Conditions requiring compliance with the provisions of this assessment are recommended.</p>
2.4.6 Development on Sloping Land	
<p>Buildings are to be sited and designed to take into account the slope of the land to:</p>	<p>Yes. The site is fairly flat and the proposed development does not involve significant excavation.</p>

<ul style="list-style-type: none"> • Minimise the visual bulk of the development, particularly when viewed from down slope; • Minimise the need for cut and fill by designs which minimise the building footprint and allow the building mass to step down the slope; and • Minimise the impact of development on the privacy of adjoining land. 	
<p>2.4.7.2 Development on land abutting the E2 Environmental Protection Zone and W1 Natural Waterways Zone</p> <p>Development on land abutting land within the E2 Environmental Protection zone and W1 Natural Waterways zone must take into consideration all of the following:</p> <ul style="list-style-type: none"> • The need to retain any bushland on the land; • The effect of the proposed development on bushland, including the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland, overshadowing, overland flows and stormwater runoff, and the removal or degradation of existing vegetation; • The requirement for provision of a buffer zone on the abutting land to protect the bushland area; • The protection of endangered ecological communities and recovery plans prepared and approved under the Threatened Species Conservation Act 1995; and • Any other matters which are relevant to the protection and preservation of the bushland area. 	<p>N/A. The site does not adjoin land zoned E2 or W1.</p>
<p>2.4.8 Public Domain</p> <ol style="list-style-type: none"> 1. Development is to be designed to address elements of the public domain, including the building interface between private and public domains, circulation patterns and accessways, gateways, nodes, edges, landscape features, heritage items, ground floor activity and built form definition to the street. 2. Public access to the public domain is to be maximised. 3. Buildings are to be located to provide an outlook to the public domain, without appearing to privatise that space. 4. Development is to provide passive surveillance to the public domain. Continuous lengths of blank walls and fences at the public domain interface are to be avoided. 5. Where appropriate, ground floor areas abutting public space should be occupied by uses that create active building fronts with pedestrian flow, and contribute to the life of the streets and other public spaces. 	<p>Yes. The proposal maintains existing passive surveillance to Grand Avenue. Public access to the public domain is retained.</p> <p>Given that the industrial nature of the site and that all works are to be contained on site, it is considered public domain works are not required to be undertaken by the applicant.</p>

<p>6. Development is to be designed in accordance with Council's current public domain guidelines.</p> <p>7. New development is encouraged to provide public domain improvements. Applicants should consult with Council to determine the appropriate public domain treatment suitable for the site and surrounds. This may include street tree planting, street paving, street furniture and public artwork.</p>																					
Part 3 Development Principles																					
3.1 Preliminary Building Envelope																					
3.1.1 Height	Refer to LEP table.																				
3.1.2 Height Transition	Yes. The proposed building height is appropriate for the use and compatible with existing uses in the locality.																				
<p>3.1.3 Preliminary Building Envelope Tables</p> <table border="1" data-bbox="204 734 836 1211"> <thead> <tr> <th></th> <th></th> <th>Required</th> <th>Provided</th> </tr> </thead> <tbody> <tr> <td>Front Setback</td> <td>Predominant building line</td> <td></td> <td>The site is located to the south off the access handle.</td> </tr> <tr> <td>Rear Setback</td> <td>Dependent on amenity of adjoining development</td> <td></td> <td>Satisfactory given the context of the site.</td> </tr> <tr> <td>Side Setbacks</td> <td>Nil setback</td> <td>0m</td> <td>20m</td> </tr> <tr> <td>Landscaped Area</td> <td>10% of site area, minimum 2.5m width</td> <td>800m²</td> <td>328.299m²</td> </tr> </tbody> </table>			Required	Provided	Front Setback	Predominant building line		The site is located to the south off the access handle.	Rear Setback	Dependent on amenity of adjoining development		Satisfactory given the context of the site.	Side Setbacks	Nil setback	0m	20m	Landscaped Area	10% of site area, minimum 2.5m width	800m ²	328.299m ²	<p>Acceptable. The proposed development envelope is satisfactory.</p> <p>The proposed landscape area does not meet the minimum 10% required under the DCP. A variation is considered to be acceptable in this instance as the site is situated within an established industrial area which is largely devoid of existing vegetation and additional landscaping is not feasible as it would interfere with the proposed site operations.</p>
		Required	Provided																		
Front Setback	Predominant building line		The site is located to the south off the access handle.																		
Rear Setback	Dependent on amenity of adjoining development		Satisfactory given the context of the site.																		
Side Setbacks	Nil setback	0m	20m																		
Landscaped Area	10% of site area, minimum 2.5m width	800m ²	328.299m ²																		
3.3 Environmental Amenity																					
3.3.1 Landscaping	N/A. No removal or addition of landscaping is proposed.																				
3.3.3 Visual and Acoustic Privacy	Yes. The proposal is unlikely to result in adverse visual or acoustic privacy impacts. A Noise and Vibration Impact Assessment Report was submitted with the application and concludes that subject to the recommended mitigation measures, the proposal does not adversely impact any nearby residential areas. Conditions of consent requiring implementation of the measures outlined in this report are recommended.																				
3.3.5 Solar Access and Cross Ventilation	Yes. The proposal does not result in adverse solar access or cross ventilation impacts.																				
3.3.4 Water Sensitive Urban Design	Yes. Council's Senior Catchment and Development Engineer has reviewed the application and raises no objections to the WSUD measures proposed.																				
3.3.6.1 Stormwater	Yes. Council's Senior Catchment and Development Engineer has reviewed the application and raises no objections to the proposed stormwater design.																				

3.3.7 Waste Management	Council's Environmental Health Officer has reviewed the application and supports the application, subject to conditions of consent.
3.4 Social Amenity	
<i>3.4.4 Safety and Security</i>	Yes. The proposal is satisfactory in terms of safety and security.
3.5 Heritage	
<i>3.5.1 General</i>	Yes. The adjoining tram alignment is listed as a local heritage item under LEP 2011. The proposal does not result in disturbance to this item. The proposed development is sufficiently separated from the adjoining tram alignment.
<i>3.5.2 Archaeology</i>	Yes. The site is identified as having potential for local archaeological heritage significance. No major excavation is proposed that would disturb any potential relics given the industrial use of the land.
<i>3.5.3 Aboriginal Cultural Heritage</i>	Yes. The site is identified as having low aboriginal heritage significance. The proposal is unlikely to impact upon any items of aboriginal cultural heritage.
3.6 Movement and Circulation	
<i>3.6.1 Sustainable Transport</i>	N/A. Car share spaces are not required to be provided for the development as the site is not located within 800m of a railway station or within 400m of a frequently serviced bus stop.
<i>3.6.2 Parking and Vehicular Access</i>	Yes. The proposal provides adequate car parking and vehicle access provisions in accordance with DCP requirements. Council's Traffic Engineer has reviewed the proposal and considers the proposed parking and vehicular access satisfactory.
Part 4 Special Precincts	
4.3.1 Camellia and Rydalmere Strategic Precinct	
The site is located within the Camellia and Rydalmere Strategic Precinct. The proposed development is consistent with the objectives of this precinct.	

OTHER MATTERS

N/A.

REFERRALS

Internal Referrals	Comment
Development Engineer	Supported subject to conditions of consent.
Tree and Landscape Officer	Supported subject to conditions of consent.
Environmental Health Officer (Acoustic)	Supported subject to conditions of consent.
Environmental Health Officer (Waste)	Supported subject to conditions of consent.

Environmental Health Officer (Contamination)	Supported subject to conditions of consent.
Traffic and Transport Engineer	Supported subject to conditions of consent. Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on the surrounding road network. The proposal can be supported on traffic and parking grounds subject to traffic related conditions.
External Referrals	Comments
Transport for NSW	Supported subject to conditions of consent.
Ampol Limited (Pipeline Operator)	The site is adjacent to a pipeline corridor. The application was referred to Ampol Limited as the operator and no objections were raised subject to recommended conditions of consent.

DEVELOPMENT CONTRIBUTIONS

The proposed development is subject to Section 7.11 contributions fees. A standard condition of consent is imposed requiring the contribution to be paid prior to the issue of a Construction Certificate.

BONDS

In accordance with Council's Schedule of Fees and Charges, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site. A condition of consent is included requiring payment of security bonds.

ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 93F, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 93F (S4.15(1)(a)(iii))

The proposal does not include any Voluntary Planning Agreements (VPAs) and section 93F does not apply to the application.

PROVISIONS OF REGULATIONS (S4.15(1)(a)(iv))

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been considered in the assessment of the proposed and would be addressed by appropriate consent conditions.

IMPACTS OF THE DEVELOPMENT (S4.15(1)(b))

All relevant issues have been considered in the assessment of this proposal.

SUITABILITY OF THE SITE (S4.15(1)(c))

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the in this report. The constraints of the site together with the development have been assessed and the site is suitable for the proposed development.

PUBLIC CONSULTATION (S4.15(1)(d))

The application was advertised in accordance with Council's notification procedures. No submissions were received in relation to the application.

Amended Plans Yes.

Summary of amendments:

- Amended stormwater plans.
- Amended architectural plans.
- Additional information addressing TfNSW issues.

In accordance with Page 6 of Appendix 1 Consolidated Notification Requirements of the City of Parramatta Community Engagement Strategy "*Amended Applications*" the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

"If more than 7 unique submissions are received over the whole LGA in the form of an objection relating to a development application during a formal notification period, Council will host a conciliation conference at Council offices."

COVID-19 STATEMENT

Council's Crisis Management Team suspended all Conciliation Meetings from 25 March 2020, for the foreseeable future, due to COVID19 and maintaining social distancing requirements. Therefore, a conciliation meeting in accordance with Council's resolution was not required to held for this application.

SUITABILITY OF THE SITE (S4.15(1)(e))

The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the proposal, the site is appropriate for the proposed development.

CONCLUSION

The proposal has been assessed in accordance with Section 4.15(1) of the Environmental Planning and Assessment Act 1979. The proposed development is consistent with the requirements of SEPP (Resilience and Hazards) 2021, SEPP (Transport and Infrastructure) 2021, Parramatta Local Environmental Plan 2011 and the Parramatta Development Control Plan 2011.

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal *is* suitable for the site and *is* in the public interest. Therefore, it is recommended that the application be approved, subject to recommended conditions of consent.

Approval is recommended for the following reasons:

1. The development is permissible in the IN3 zone and satisfies the requirements of all of the applicable planning controls with one exception being non-compliance with Clause 4.3 – Building Height of the Parramatta Local Environmental Plan 2011.

2. A written request to vary the building height has been received. The variation sought is minor and will not have any significant adverse impacts. As such, compliance with the standard is unnecessary. Accordingly, Council believes that there are sufficient environmental planning grounds to justify the variation and finds that the application is satisfactory. Council is therefore satisfied that the Applicant's Clause 4.6 variation request has adequately addressed the matters required to be demonstrated in Clause 4.6(3) of Parramatta LEP 2011 and that the proposed development will be in the public interest because it is consistent with the objectives of the building height control and the objectives for development within the IN3 zone in which the development is proposed to be carried out.
3. The development will be compatible with the emerging and planned future character of the area.
4. For the reasons given above, approval of the application is in the public interest.

RECOMMENDATION

APPROVAL SUBJECT TO CONDITIONS

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979

That the Parramatta Local Planning Panel grant development consent to DA/955/2021 for Construction of a concrete batching facility on the rear lot of an approved subdivision at 10A Grand Avenue, Rosehill for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to conditions of consent for the reasons outlined in this report.

That the Parramatta Local Planning Panel support a variation to Clause 4.3 – Building Height of the Parramatta Local Environmental Plan for the following reasons:

1. A written request to vary the building height has been received and is well drafted; and
2. The applicant has provided sufficient environmental planning grounds to warrant departure of the building height control in the circumstances of this case.

The reasons for the conditions imposed on this application are as follows:

1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act 1979 and the aims and objectives of the relevant Council Planning instrument.
2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant matters for consideration under Section 4.15 of Environmental Planning and Assessment Act 1979 are maintained.

“Appendix 1” to Section 4.15 Assessment Report - DA/955/2021

DRAFT CONDITIONS OF CONSENT

Upon the signature of the applicable delegate, the conditions in this Appendix will form the conditions of development consent.

Development Consent No.: DA/955/2021
Property Address: Lot 101 DP 811924
10A Grand Avenue, ROSEHILL NSW 2142

PART A – GENERAL CONDITIONS

PA0001 #Approved Plans & Support Doc(DIEP Mandatory Cond)

1. Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise:

Architectural Drawings prepared by Tait Condon Pty Ltd

Drawing/ Plan No.	Issue	Plan Title	Dated
HYT-CAM-21-2680-A-1	E	Site Plan and Access Drive Plan	29.03.2022
HYT-CAM-21-2680-A-2	E	Site Plan General Layout	29.03.2022
HYT-CAM-21-2680-A-3	E	Site Plan Major Setout	29.03.2022
HYT-CAM-21-2680-A-4	E	Elevations	29.03.2022
HYT-CAM-21-2680-A-5	E	Office and Amenties	29.03.2022
HYT-CAM-21-2680-A-6	E	Sections	29.03.2022
HYT-CAM-21-2680-A-7	E	Ground Floor Plan and Agitator Barrel Washout Facility	29.03.2022
HYT-CAM-21-2680-A-8	E	Cut and Fill Plan	29.03.2022
HYT-CAM-21-2680-A-9	E	Cut and Fill Plan	29.03.2022
HYT-CAM-21-2680-A-10	E	Cut and Fill Plan	29.03.2022

Civil Drawings/Stormwater Plans prepared by Sparks + Partners Consulting Engineers (Project No. 21053)

Drawing/ Plan No.	Issue	Plan Title	Dated
DA1101	5	Cover Sheet and Drawing Schedule	21.12.2021
DA1201	4	Specification Sheet	21.12.2021
DA2101	6	Consent Sedimentation and Erosion Control Plan	16.03.2022
DA2701	5	Consent Sedimentation and Erosion Control Details	21.12.2021
DA4101	8	Concept Stormwater and Grading Plan Sheet 1	17.02.2022
DA4102	8	Concept Stormwater and Grading Plan Sheet 2	16.03.2022
DA4301	5	Concept Stormwater Catchment Plan Sheet 1	21.12.2021
DA4302	5	Concept Stormwater Catchment Plan Sheet 2	21.12.2021
DA4701	5	Concept Stormwater Management Details	21.12.2021
DA4711	5	Concept Stormwater OSD Tank Details	21.12.2021

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Environmental Impact Assessment	1035/02	-	R.W. Corkery & Co. Pty Limited	September 2021

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of consent, the condition prevails.

Note: An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

PA0003 Construction Certificate

2. 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.

PA0004 No encroachment on Council and/or Adjoining proper

3. 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.

PA0013 #LSL Payment Const> \$25,000 (DIEP Mandatory Cond)

4. Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy of \$50,822.00 as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier.

Note: The Long Service Levy is to be paid directly to the **Long Service Corporation** at www.longservice.nsw.gov.au. For more information, please contact the Levy support team on 13 14 41.

Reason: To ensure that the long service levy is paid.

PART B – BEFORE 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.)

DB0001 Stormwater Disposal

5. 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.

DB0002 Retaining walls

6. 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.

DB0003 Sydney Water Quick check

7. 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.

DB0004 Dial Before you Dig Service

8. 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.

DB0012 #On Site Detention

9. Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be submitted for the approval of the PCA prior to release of the Construction Certificate for any work on the site.

(a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in

accordance with the following Stormwater Plans approved by this consent and with Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Hand book (Third or Fourth Edition), the relevant Australian Standards and the National Construction Code.

(i) "Stormwater Management Plan", prepared by Sparks+Partners, project number 21053, dated 20 April 2022.

- (b) The Site Reference Discharge (Lower Storage), SRDL of 40 l/s/ha, Site Storage Requirement (Lower Storage) SSRL of 212 m³/ha, Site Reference Discharge (Upper Storage), SRDU of 150 l/s/ha, Site Storage Requirement (Total) SSRT of 358m³/ha (when using the Extended/Flood detention method - 4th edition of UPRCT's handbook).
- (c) Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank.
- (d) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.
- (e) Surface flows shall generally drain towards and down the driveway as shown in the Stormwater plans prepared by Sparks+Partners.

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

DB0013 #Water treatment for stormwater

- 10. 20 Ocean Guard pit inserts or similar water quality treatment devices and rainwater reuse must be installed to manage surface runoff water to STREET NAME / SYSTEM 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.

DB0017A Construction of a heavy duty vehicular crossing

- 11. 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.

DB0021 Impact on Existing Utility Installations

12. 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 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.

DB0026 Driveway Grades

13. The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 to prevent the underside of the vehicles scraping. Where the geometric change in grade exceeds 18%, the gradients of the driveway and ramps shall be checked using the method at Appendix C in AS2890.1:2004 and adjustments will be made to accommodate suitable transition lengths. Details are to be provided with the application for a Construction Certificate.

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

PB0030 Infrastructure & Restoration Adm. fee for all DAs

14. 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 Councils adopted 'Fees and Charges' at the time of payment.

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

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

PB0032 Constr. Noise Managt. Plan for townhouses & above

15. A noise management plan must be prepared in accordance with the NSW Department of Environment, Climate Change and Water 'Interim Noise Construction Guidelines 2009' and accompany the application for a Construction Certificate. The Certifying Authority must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

- (a) Identification of nearby residences and other sensitive land uses.
- (b) Assessment of expected noise impacts.

- (c) Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts.
- (d) Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes.

Reason: To prevent loss of amenity to the area.

PB0033 Energy Provider requirements for Substations

16. Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for a Construction Certificate confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the development.

If a substation is required of the energy provider, it must be located internally within a building/s.

Substations are not permitted within the front setback of the site or within the street elevation of the building; unless such a location has been outlined and approved on the Council stamped Development Application plans. Substations are not permitted within Council's road reserve.

Reason: To ensure adequate electricity supply to the development and to ensure appropriate streetscape amenity.

PB0036 Noise Management Plan -Demo. Excav. & Construction

17. A noise management plan must be submitted to Council for approval prior to any work commencing and complied with during any construction works. The plan must be prepared by a suitably qualified person, who possesses qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The plan must include, but not be limited to the following:

- (a) Confirmation of the level of community engagement that has, is and will be undertaken with the Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases..
- (b) Confirmation of noise, vibration and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties during the main stages of work at neighbouring noise sensitive
- (c) What course of action will be taken following receipt of a complaint concerning site noise, dust and vibration?
- (d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring properties to a minimum.

- (e) What plant and equipment is to be used on the site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring properties and other less intrusive technologies available.

Reason: To maintain appropriate amenity to nearby occupants.

PBNSC Non-standard - Prior to the issue of a CC

18. Prior to the Issue of Construction Certificate

- a) Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the applicant shall Prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW. The CPTMP needs to specify matters including, but not limited to, the following:
- A description of the development;
 - Location of any proposed work zone(s);
 - Details of crane arrangements including location of any crane(s) and crane movement plan;
 - Haulage routes;
 - Proposed construction hours;
 - Predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can work within the context of road changes in the surrounding area, noting that construction vehicle movements are to be minimised during peak periods;
 - Construction vehicle access arrangements;
 - Construction program and construction methodology, including any construction staging;
 - A detailed plan of any proposed hoarding and/or scaffolding;
 - Measures to avoid construction worker vehicle movements within the Parramatta Precinct;
 - Consultation strategy for liaison with surrounding stakeholders, including other developments under construction and Parramatta Light Rail Builder;
 - Identify any potential impacts to general traffic, cyclists, pedestrians, bus services and any light rail within the vicinity of the site from construction vehicles during the construction of the proposed works. Proposed mitigation measures should be clearly identified and included in the CPTMP; and
 - Identify the cumulative construction activities of the development and other projects within or around the development site, including the Parramatta Light Rail Project and private development. Proposed

measures to minimise the cumulative impacts on the surrounding road network should be clearly identified and included in the CPTMP.

- b) Submit a copy of the final plan to TfNSW for endorsement via development.CTMP.CJP@transport.nsw.gov.au; and
- c) Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and TfNSW via development.CTMP.CJP@transport.nsw.gov.au to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

Reason: To comply with TfNSW requirements.

TB0001 #Car Parking Condition

19. The PCA shall ascertain that any new element in the at-grade carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS 2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate application.

Reason: To ensure appropriate vehicular manoeuvring is provided.

TB0002 #Bicycle parking condition

20. Two (2) bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS 2890.3-2015. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements.

TB0003 #Parking Provision

21. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS 2890.2 and AS 2890.6. A total of 21 parking spaces is to be provided and be allocated as follows:

- a) 21 parking spaces for staff and customers including one (1) space as accessible parking.

Details are to be illustrated on plans submitted with the construction certificate application.

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

TB0004 Pedestrian Safety

22. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians

from vehicles exiting the site. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials.

Reason: To comply with Australian Standards and ensure pedestrian safety.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

BC0001 Toilet facilities on site

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

Reason: To ensure adequate toilet facilities are provided.

DC0002 Road Opening Permits - DA's involving drainage wrk

24. 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.

DC0003 Dilapidation survey & report for private properties

25. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with an electronic copy forwarded to Council at council@cityofparramatta.nsw.gov.au) 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.

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.

DC0006 Erosion and Sediment Control measures

26. 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.

DC0007 Site Maintenance

27. 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.

DC0008 Shoring and adequacy of adjoining property

28. 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.

DC0009 Special Permits

29. 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.

DC0010 Driveway Crossing Application

30. 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.

ECNSCC Non-standard - Prior to Work Commencing

31. An "unexpected finds" protocol is to be implemented for any contamination that may be uncovered during the proposed development works. In the event that any new contamination is found the applicant must notify Council of the new contamination and undertake a Site Audit Statement to be issued to Council. The Site Audit Statement must be completed by an auditor accredited under the Contaminated Land Management Act 1997.

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

EWC0001 Asbestos – hazardous management strategy

32. 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.

EWC0002 Asbestos – signage

33. 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 Safework NSW hotline or their website www.safework.nsw.gov.au.

Reason: To comply with the requirements of Safework NSW.

EWC0003 Waste management plan – demolition

34. An updated Waste Management Plan is to be submitted immediately after the letting of all contracts detailing the:

- (a) expected volumes and types of waste to be generated during the demolition and construction stages of the development;
- (b) destination of each type of waste, including the name, address and contact number for each receiving facility.

The Waste Management Plan is to be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any works on site.

Reason: To ensure waste is managed and disposed of properly.

PC0001 #Appointment of PCA

35. 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.

PC0002 Enclosure of the site

36. 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.

PC0003 Site Sign

37. 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;
- (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
- (f) This condition does not apply where works are being carried out inside an existing building.

Reason: Statutory requirement.

PC0005 Public liability insurance

38. 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.

PC0006 Noise Management Plan – Construction Sites

39. A noise management plan must be submitted to Council for approval prior to any work commencing and complied with during any construction works. The plan must be prepared by a suitably qualified person, who possesses qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The plan must include, but not be limited to the following:

- (a) Identify sensitive location near the site;
- (b) Identify potential impacts (i.e. exceedance of the goals at the identified locations);

- (c) Mitigation measures to control noise and dust from the site, the noise reduction likely and the feasibility and reasonableness of these measures;
- (d) Selection criteria for plant and equipment;
- (e) Community consultation;
- (f) Details of work schedules for all construction phases;
- (g) Selection of traffic routes to minimise residential noise intrusion;
- (h) Schedule of plant and equipment use and maintenance programs;
- (i) Noise monitoring techniques and method of reporting results;
- (j) The methodology to be employed for handling and investigating any complaints should they arise;
- (k) Site induction details for employees and contractors; and
- (l) A declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

Reason: To maintain appropriate amenity to nearby occupants.

PC0007 Footings and walls near boundaries

40. 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.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

DD0004 #Driveway trench at boundary

41. A 200mm wide grated drain, incorporating a heavy duty removable galvanised grate is to be located within the site at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.

Reason: Stormwater control.

DD0005 Erosion & sediment control measures

42. 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.

DD0006 Damage to public infrastructure

43. 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.

EWD0001 Asbestos–records disposal& licensed waste facility

44. 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.

EWD0002 Asbestos handled& disposed of by licensed facility

45. 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 2014 and the Waste Classification Guidelines – Part 1 Classifying Waste (EPA 2014) and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

EWD0003 Waste data file maintained

46. 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.

EWD0004 Hazardous/intractable waste disposed of in accor.

47. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Safework 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; NSW EPA Waste Classification Guidelines.

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.

EWD0005 General requirements for liquid and solid waste

48. Liquid and solid wastes generated onsite shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999) and NSW EPA Waste Classification Guidelines.

Reason: To prevent pollution of the environment.

EWD0006 Liquid and Solid Wastes

49. Liquid and solid wastes generated onsite shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 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) and NSW EPA Waste Classification Guidelines.

Reason: To prevent pollution of the environment.

EWD0008 Contaminated waste to licensed EPA landfill

50. 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.

EWD0013 Polluted water from excavation analysis

51. 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 Australian & New Zealand Guidelines for Fresh & Marine 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.

EWD0014 De-watering of Excavated Sites

52. Any site excavation areas must be kept free of accumulated water at all times. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property. A de-watering plan is required to be included and submitted to Council for review prior to issue of a Construction Certificate.

Reason: To protect against subsidence, erosion and other nuisances.

LD0009 Planting Requirements

53. All trees planted as required by the approved landscape plan are to be a minimum 45 litre container size. All shrubs planted as part of the approved landscape plan are to have a minimum 200mm container size.

Reason: To ensure appropriate landscaping.

PD0006 Hours of work and noise (DPIE Mandatory Condition)

54. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- **7am to 5pm on Monday to Friday**
- **8am to 5pm on Saturday**

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

Council may permit an extension to the approved hours of work in extenuating or unforeseen circumstances subject to an application and approval by City of Parramatta Council (CoPC) in accordance with the 'After Hours Works for Approved Development Applications Policy' (Policy).

A copy of this Policy and associated application form is available on the CoPC website. A fee will apply to any application made in accordance with this Policy.

The matters of consideration of any extension sought would include, but not be limited to the following aspects and should be detailed in any application made:

- Nature of work to be conducted;
- Reason for after-hours completion;
- Residual effect of work (noise, traffic, parking);
- Demographic of area (residential, industrial);
- Compliance history of subject premises;
- Current hours of operation;
- Mitigating or extenuating circumstance; and
- Impact of works not being completed.

Reason: To protect the amenity of the surrounding area.

HD0002 Aboriginal and European Archaeology

55. If any European archaeological relics are discovered (or are believed to be discovered) during works, the works must cease and the NSW Office of Environment and Heritage must be notified, in accordance with the NSW Heritage Act.

If any Aboriginal archaeological relics are discovered (or are believed to be discovered) during works, the works must cease and the NSW Office of Environment and Heritage must be notified, in accordance with the NSW National Parks and Wildlife Service Act.

Reason: To ensure that the requirements of the Office of Environment and Heritage are met.

TD0001 Road Occupancy Permit

56. 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.

TD0002 Oversize vehicles using local roads

57. Oversize vehicles using local roads require approval from the National Heavy Vehicle Regulator (NHVR). The applicant is required to submit an application for an Oversize Vehicle Access Permit through NHVR's portal (www.nhvr.gov.au/about-us/nhvr-portal) prior to driving through local roads within the City of Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

BE0001 Record of inspections carried out

58. 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 statutory requirements.

DE0003 Work-as-Executed Plan (DPIE Condition)

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

- (a) A WAE survey shall be conducted and plans prepared showing the 'as built' of the complete on-site detention system including (but not limited to) discharge point into Council system, storage tank (including all critical elements), all pipes and pits connected to the OSD system, overland flow swale and surface levels that control surface flows to the OSD system and by design bypassing the OSD system.
- (b) 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.
- (c) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- (d) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table
- (e) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (f) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The certificate must only be provided after conducting a satisfactory final inspection. The final inspection shall include the application of all the ancillary components of the system including but not limited to: step-irons, orifice plate, trash screen with appropriate wall attachment, hinged lockable grates, confined space sign, functioning return lap valve and relief drains within DCP sump etc.
- (g) Certificate of Structural compliance of the OSD tank shall reference the structural elements including floor slab/foundations, 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.

DE0005 #OSD Positive Covenant/Restriction

60. 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 NSW Land Registry Services 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.

Electronic colour photographs in jpg format of the on-site detention facility shall accompany the application for the Positive Covenant and the Restriction on the Use of the Land. These photos shall include such elements as the orifice plate, trash screen, step irons, weir, sump and bench on the floor of the DCP, return pipe and flap valve, wide angle view of the storage area or multiple photos, grates closed from above, grates open showing the edges to the opening and under frame packing with mortar or concrete, all pipe entries to the DCP and confined space warning signs at each entry point. The photos must be well labelled and must differentiate between multiple tanks. Additional photos may be requested if required.

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

DE0015 Driveway Crossover

61. Prior to the issue of any Occupation Certificate, an application is required to be obtained from Council for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment.

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 be accompanied by detailed plans showing, grades/levels and specifications that demonstrate compliance with Council's standards, without conflict with all internal finished surface levels.

The detailed plan must be submitted to Council's Civil Assets Team for approval prior to commencement of the driveway crossing works. 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: Pedestrian and Vehicle safety.

DE0018 Reinstatement of laybacks etc

62. 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.

EWE0002 Details of commercial contract for collection

63. Prior to issue of the occupation certificate, the applicant shall enter into a commercial contract for the collection of trade wastes and recyclable materials arising from business operations on site. A copy of all waste contracts and receipts shall be kept on site and made available to Council officers on request.

Reason: To comply with the Requirements of the Protection of the Environment Operations Act 1997 and Regulations.

EWE0008 Vehicle washing—general requirement waste water

64. Washing of vehicles shall be conducted in a vehicle wash bay, which is roofed and bunded to exclude rainwater. The vehicle wash bay shall be installed in accordance with Sydney Water's requirements. A trade wastewater agreement shall be obtained from Sydney Water before operation of the wash-bay commences and a copy of the permit submitted to Council's Environmental Health Unit prior to the issuing of the occupation certificate. The vehicle wash bay shall be regularly cleaned and maintained.

Reason: To ensure proper disposal of waste water.

LE0002 Cert.Auth.Arrange Qualified LandscapeArch.(multi)

65. 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.

PE0001 Occupation Certificate

66. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979.

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

PE0006 Street Number when site readily visible location

67. 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.

PE0027 Post Constr. Private Property Dilapidation Report

68. Before the issue of an occupation certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the principal certifier, detailing whether:

- (a) after comparing the pre-construction dilapidation report to the postconstruction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- (b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.

Before the issue of an occupation certificate, the principal certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s).

Reason: To identify damage to adjoining properties resulting from building work on the development site

PART F – OCCUPATION AND ONGOING USE

EAF0001 Use is not to cause offensive noise or vibration

69. 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 measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive

characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Noise Policy for Industry 2017 and the Protection of the Environment Operations Act 1997.

Reason: To prevent loss of amenity to the area.

EWF0004 #Hazardous materials disposed of in accord. plans

70. To reduce the risk of pollution to natural water courses all hazardous waste materials are to be stored, used and disposed in accordance with plans, detail and recommendations submitted by R.W. Corkery & Co. Pty. Limited, dated September 2021, Reference No. 1035/02.

Reason: To ensure that any liquid spills can be contained on site and prevent the contamination of stormwater drains.

EWF0005 Management of waste storage facilities

71. 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.

EWF0007 Trade Waste (Previously PF03)

72. Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

Reason: To ensure compliance with Sydney Water's requirements and protect the environment.

PF0004 External Plant/Air-conditioning noise levels

73. 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.

PF0049 Graffiti Management

74. 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.

Date: 22 April 2022

Responsible Officer: Sohini Sen

