

DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2020/0310
Applicant:	J Matthews PO Box 8 CARINGBAH NSW 1495
Property Description:	276-282 Parramatta Road AUBURN NSW 2144 54-68 Hampstead Road AUBURN NSW 2144
Development:	Concept Development Application for building footprints, basement footprints and massing envelopes for a mixed use development comprising specialised retail premises, hotel and motel accommodation, office premises, child care facilities, cafe and open space
Determined by:	Sydney Central City Planning Panel

CONDITIONS OF CONSENT

General Conditions

1. DAGCA01- General

This consent shall lapse five years after the date from which it operates unless building, engineering or construction work has physically commenced.

(Reason: Advisory)

2. DAGCA02 - Approved Plans and Supporting Documents

The development is to be generally carried out in accordance with the following endorsed plans and documents, except as otherwise provided by the conditions of this consent.

Reference/Dwg No	Title/Description	Revision	Prepared By	Dated
19_066 / DA-A-106	Level 0 (Ground)	L	Smith & Tzannes	29/01/2021
19_066 / DA-A-107	Level 1	F	Smith & Tzannes	29/01/2021
19_066 / DA-A-108	Level 2	D	Smith & Tzannes	18/12/2020
19_066 / DA-A-109	Level 3	D	Smith & Tzannes	18/12/2020
19_066 / DA-A-110	Level 4	D	Smith & Tzannes	18/12/2020
19_066 / DA-A-111	Level 5	D	Smith & Tzannes	18/12/2020
19_066 / DA-A-112	Level 6	C	Smith & Tzannes	18/12/2020
19_066 / DA-A-113	Level 7	C	Smith & Tzannes	18/12/2020
19_066 / DA-A-200	Sections	B	Smith & Tzannes	16/12/2020
19_066 / DA-U-100	Lower Basement Envelope Plan	B	Smith & Tzannes	16/12/2020

19_066 / DA-U-100	Lower Basement Envelope Plan	B	Smith & Tzannes	16/12/2020
19_066 / DA-U-102	Ground Envelope Plan	D	Smith & Tzannes	16/12/2020
19_066 / DA-U-103	Upper Levels Envelope Plan	C	Smith & Tzannes	18/12/2020
19_066 / DA-U-200	North and South Elevations	C	Smith & Tzannes	18/12/2020
19_066 / DA-U-201	East Elevation	C	Smith & Tzannes	18/12/2020
19_066 / DA-U-202	West Elevation	B	Smith & Tzannes	16/12/2020
19_066 / DA-U-203	Section A	C	Smith & Tzannes	18/12/2020
19_066 / DA-U-400	Envelope 3D View - North	C	Smith & Tzannes	18/12/2020
19_066 / DA-U-401	Envelope 3D View - South	C	Smith & Tzannes	18/12/2020
19_066 / DA-U-402	Envelope 3D View - East	C	Smith & Tzannes	18/12/2020
19_066 / DA-U-403	Envelope 3D View - West	C	Smith & Tzannes	18/12/2020
19_066 / DA-U-800	Envelope Landscape Areas	D	Smith & Tzannes	18/12/2020
J.No. 3500	Flood Study Report	3	Kozarovski and Partners	18/12/2020

(Reason: To confirm and clarify the details of the approval)

3. DAGCZ01 - Subsequent Applications to Comply with Concept Development Approval

The determination of any future development application/s cannot be inconsistent with the conditions of this concept approval.

The detailed design of the approved envelopes shall be contained within the building footprint and envelopes approved as part of this concept approval.

(Reason: To ensure consistency with Division 4.4 of the EP&A Act 1979.)

4. DAGCZ08 - Consistency of Future Development Applications

While this consent remains in force, the determination of any future Development Application/s, in respect of the site, cannot be inconsistent with this consent.

(Reason: To ensure consistency with this consent.)

5. DAGCZ09 - Matters Not Approved

The following items are not approved and do not form part of the concept approval:

- (a) Any demolition, excavation and/or construction;
- (b) Any tree removal;
- (c) The layout, number of, and gross floor area allocation for buildings; within the approved envelopes;
- (d) The number of parking spaces, bicycle spaces, motorcycle spaces, or loading spaces/areas;
- (e) The design and materials of the building exteriors including facades and roofs;
- (f) Public domain and landscape design;
- (g) Stormwater and drainage design; and
- (h) The final arrangement of land uses.

(Reason: To clarify the terms of this approval.)

6. DAGCD04 - Building Envelopes

Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate building design, including services, balconies, shading devices and the like will be

entirely within the approved envelopes.

The basement footprints are approved as follows:

- a) Single level southern basement for loading and unloading with access via Hampstead Road.
- b) Six (6) level northern basement for car parking with access via Hampstead Road.

(Reason: To clarify the terms of this approval.)

7. DAGCZ06 - Maximum Floor Space Ratio

The Floor Space Ratio (FSR) of the development must not exceed the maximum permissible FSR and shall be calculated in accordance with the provisions of the Auburn Local Environmental Plan 2010, for any future development across the site.

Details of the Gross Floor Area (GFA) (by use) in the development are to be provided for all subsequent Development Application/s. The maximum FSR for the entire site must not exceed 1:1, with the exception of the following use specific provisions:

- (a) 1.5:1 for specialised retail premises; and
- (b) 3:1 for office premises and hotel or motel accommodation.

(Reason: To ensure compliance with Clause 4.4 of the ALEP 2010.)

8. DAGCZ07 - Building Height

The height of any future buildings must not exceed a maximum building height of 27 metres.

As part of any future Development Application/s for buildings, building height is to be calculated in accordance with the provisions of Clause 4.3 of the Auburn Local Environmental Plan 2010.

(Reason: To ensure compliance with Clause 4.3 of the ALEP 2010.)

9. DAGCZ05 - Development Contributions

Development Contributions will be applicable to the relevant future Development Application/s involving works, in accordance with the provisions of the Cumberland Local Infrastructure Contributions Plan 2020.

(Reason: To ensure monetary contributions are paid for each subsequent Development Application/s.)

10. DAGCZ04 - Contamination Assessment - Future Development Applications

Any future Development Application/s associated with the demolition/construction/use of the site shall be accompanied by a detailed contamination investigation (Stage 2) report which addresses the suitability of the site for the proposed development. The report shall be prepared by a suitably qualified consultant in accordance with the relevant EPA Guidelines.

Note: Depending on the findings of the detailed contamination investigation report, it may be necessary to prepare a Remediation Action Plan and/or Site Auditor Statement.

(Reason: To ensure suitable site investigation has been undertaken prior to any works occurring having regard to the provisions of SEPP 55.)

11. DAGCA07 – Acoustic Report

As part of any future Development Application/s for construction works, a detailed acoustic assessment report is required to be prepared by a suitably qualified consultant and submitted. The report will need to include, but not be limited to, an assessment of:

- (a) Cumulative impact of the new precinct on existing nearby sensitive noise receivers, including the residential receivers located on the opposite side of Hampstead Road;
- (b) Impact of noise emissions from noise generating uses within the new development (such as the child care centre, café, mechanical plant, etc.) on sensitive uses within the new development (such as the hotel accommodation) – may require consideration of both external and internal noise transmission pathways;
- (c) Impact of road noise on sensitive uses within the new development including the hotel

- accommodation and the child care centre;
- (d) Acoustic treatments for building components in new buildings – should be covered by BCA compliance and certification.

(Reason: To enable an assessment of the acoustic impacts.)

12. DAGCB01- Child Care Centre

Any future development application/s for the construction, fit-out and use of the child care centre are to have regard to the relevant provisions of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, the Child Care Planning Guidelines and the Child Care Centre part of the Auburn Development Control Plan 2010.

(Reason: To ensure compliance with relevant legislation and policies.)

13. DAGCA06- Future Built Form

Any future development application/s for construction works are to have regard to the relevant provisions of the Industrial Areas part of the Auburn Development Control Plan 2010, including, but not limited to, built form, landscaping, building setbacks and amenity.

(Reason: To ensure compliance with the provisions of the ADCP 2010.)

14. DAGCA04 - Pedestrian Pathway Design

Any future Development Application/s for construction works is to provide measures to facilitate the continuation of the proposed pedestrian corridors, as part of any future redevelopment of the adjoining properties.

(Reason: To have regard to the design of pedestrian pathways.)

15. DAGCB07 - Tree Preservation

All street trees and trees on private property that are protected under Cumberland City Council's controls, shall be retained except where Council's prior written consent has been obtained.

The existing Eucalyptus species on Parramatta Road and Ficus species on Hampstead Road are to be retained on site and suitable tree protection measures are to be addressed as part of any future Development Application for demolition or construction works, in accordance with AS4970-2009 Protection of Trees on Development Sites.

Any future Development Application/s for construction works is to have regard to the provisions of the Auburn Street Tree Masterplan.

(Reason: Tree preservation)

16. DAGCZ03 - Landscaping

Future Development Application/s are to be supported by a comprehensive Landscape Plan, prepared by a suitably qualified Landscape Architect demonstrating compliance with the provisions of the Auburn Development Control Plan 2010.

(Reason: To ensure a landscape framework is implemented.)

17. DAGCD06 - Car Parking and Loading

Any future Development Application/s for construction works are to comply with the provisions of the Parking and Loading part of the Auburn Development Control Plan 2010.

Parking layout, access and ramps shall comply with the Australian standard AS2890.1 and AS2890.6. Loading area and access ramps shall comply with AS2890.2. In this regard following matters shall also be addressed as part of future Development Application/s for construction:

A. Carpark

- a) Turning areas shall be provided at the blind aisles in the car park.
- b) Swept path analysis shall be provided to demonstrate the following:
 - i. Vehicles accessing the car parking spaces in the north eastern corner of the basements can

enter and exit in single manoeuvring.

- ii. Vehicles can pass each other along the north eastern corner of the basement aisles.

B. Loading Area

- a) Loading area access ramp shall be designed for two-way access.
- b) Loading area access ramp width, gradient and transitions shall comply with Australian standard AS2890.2.
- c) Detail swept path analysis shall be submitted to ensure that delivery truck left turn manoeuvring do not encroach the centre line of the road.
- d) Loading area access driveway shall be minimum 1.0m from the Southern boundary.

(Reason: to ensure parking layout complies with Australian standards AS2890.1 & AS2890.6 and loading area complies with Australian standard AS2890.2.)

18. DAGCD07 - Waste Management

Any future Development Application/s for the site shall demonstrate compliance with the relevant provisions at the Waste part of the Auburn Development Control Plan 2010, including, but not limited to waste collection being carried out wholly within the site.

(Reason: Waste management.)

19. DAGCZ10 - Stormwater Disposal

Any future Development Application/s for construction works are to provide a Stormwater Management Plan showing the proposed method of stormwater collection and disposal. An on-site stormwater detention storage system shall be provided in accordance with Council's DCP requirements. In addition, following matters shall be noted:

- a) Onsite Stormwater Detention (OSD) shall be clear of building floor areas.
- b) Compensatory flood storage shall be separate from OSD.

The details shall be prepared by qualified practising Civil/Hydraulic Engineer in accordance with Council's Stormwater DCP and Australian Rainfall & Runoff 1987.

(Reason: to minimise the localised flooding.)

20. DAGCD08 - Building Design to Provide Adequate Clearance to Existing Council Stormwater Pipe

Any future Development Application/s are to be accompanied by a clearance letter from Cumberland City Council's Manager Engineering and Traffic with respect to the required setback to the existing Council stormwater channel.

In this regard:

- a) The existing Council stormwater pipe next to the proposed development shall be located.
- b) Accurate channel location and proposed building setback from the existing Council stormwater pipe shall be clearly denoted on the plan. Service searches shall be submitted.

(Reason: to ensure building is clear of the easement and minimum clearance to existing Council's stormwater channel is provided.)

21. DAGCD09 - Flood Risk Management

Any future Development Application/s are to comply with the provisions of the Stormwater Drainage part of the Auburn Development Control Plan 2010.

Supporting documents shall be prepared and submitted with any future Development Application/s demonstrating that the development complies with the controls nominated in Table 5 in the Stormwater Drainage part of the Auburn Development Control Plan 2010.

(Reason: To reduce flood risk to the people and properties.)

22. DAGCD05 - Hydraulic Engineering Design Certificate

Any future Development Application/s for construction are to provide written verification from a suitably qualified hydraulic engineer, stating that:

- a) The plans comply with the approved Flood Study Report.
- b) All the subfloor areas specified in the flood report shall be open and allow for the overland flow of water.
- c) The development has no adverse impact on flood levels and/or adjoining properties.

Electronic copy of the flood modelling shall be submitted any future Development Application/s for construction.

(Reason: to ensure construction plans comply with the flood study.)

23. DACCA03 - Disabled Access & Facilities

Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the National Construction Code (for all new building work) and in addition, with the relevant requirements of the 'Disability (Access to Premises - Building) Standards 2010'. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans/specifications for future works.

(Reason: To ensure compliance with the requirements of the National Construction Code)

24. DAGCZ02 – Transport for NSW (TfNSW) Requirements

- a) All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Parramatta Road boundary.
- b) The proposed development, noting its use, should be designed, as per the requirements of Clause 101 (2)(c) of State Environmental Planning Policy (Infrastructure) 2007 such that it includes measures to ameliorate potential traffic noise or vehicle emissions noise within the site of the development arising from Parramatta Road. These measures shall be certified by an appropriately qualified noise and air quality expert and noted on the plans prior to issue of any future Construction Certificate.
- c) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 - 2018 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.
- d) The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval with any future Development Application/s, which show that the proposed development complies with this requirement.

Note: Any future Development Application/s involving works on this site will be required to be referred to TfNSW under Section 87 and 138 of the *Roads Act 1993*.

(Reason: TfNSW requirements.)

25. DAGCD02 - Ausgrid Requirements - Proximity to Existing Network Assets

Any future development application/s for works are to have regard to the following Ausgrid requirements:

a) Underground Cables

There are existing underground electricity network assets in Hampstead Road.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. It is recommended that the developer locate and record the depth of all known underground services, as part of any future development application/s for works.

Safework Australia - Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

b) Substation

There are existing electricity substation assets - substation S4463 in Hampstead Road.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to the above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Any portion of a building other than a BCA class 10a structure constructed from non combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120.

Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a nonignitable blast resisting barrier.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ - 100 kHz) (ICNIRP 2010). For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

(Reason: Ausgrid requirements.)

Advisory Notes

26. DAANN05 - Lapsing of Consent

In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 (as amended), this Development Consent lapses 5 years after the date from which it operates unless building, engineering or construction work has physically commenced. A Construction Certificate must be obtained and the works commenced in accordance with the approved plans and specifications within 5 years from the date this Development Consent operates.

27. DAANN06 - Concept Development Application

This is a Concept Development Consent requiring subsequent development application or applications for any part of the site concerned. In accordance with Clause 100(1)(c) of the Environmental Planning and Assessment Regulation 2000, a subsequent development application or applications is/are required for the site.

28. DAANN08 - Process for Modification

The plans and/or conditions of this Consent are binding and may only be modified upon written request to Council under Section 4.55 of the Environmental Planning and Assessment Act, 1979 (as amended). The modification application shall be accompanied by the appropriate fee, application form and required information. You are not to commence any action, works, contractual negotiations, or the like, on the requested modification until Council issues an amended consent.

29. DAANN09 - Review of Determination

In accordance with the provisions of Section 8.2 of the Environmental Planning and Assessment Act 1979, you can request Council to review this determination (this does not apply to designated or Crown development). You must lodge the review application within a period of 12 months from the date shown on this determination. It should be noted that a review application is unable to be reviewed/determined after 12 months from the date of determination. Therefore, the submission of the review application must allow sufficient time for Council to complete the review within the prescribed timeframe including the statutory requirement for public notification. A fee as per Council's current

Pricing Policy, Fees and Charges, is payable for such a review.

30. DAANN10 - Right of Appeal

Section 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979, gives the applicant the right of appeal to the Land and Environment Court within 12 months after the date the decision appealed against is notified or registered on the NSW planning portal, or as otherwise prescribed.

31. DAANN16 - Compliance with Disability Discrimination Act

This approval does not necessarily protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the Disability Discrimination Act 1992, and the applicant/owner is advised to investigate their liability under this Act. Please note that from 1 May 2011 under the Disability (Access to Premises - Buildings) Standards 2010, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To inform of relevant access requirements for persons with a disability)