

ATTACHMENT 4 – Assessment Against Concept Approval Conditions of DA2020/0310

Condition No.	Condition	Comment
1. General	This consent shall lapse five years after the date from which it operates unless building, engineering or construction work has physically commenced.	Noted, the consent has not yet lapsed.
2. 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.	The development is proposed generally in accordance with the plans endorsed as part of DA2020/0310 and the subsequent MOD2022/0128 and the conditions of this consent, as discussed in the following section of this table.
3. Subsequent Applications to Comply with Concept Development Approval	<p>The determination of any future development application/s cannot be inconsistent with the conditions of this concept approval.</p> <p>The detailed design of the approved envelopes shall be contained within the building footprint and envelopes approved as part of this concept approval.</p>	The proposed building is wholly contained within the building footprint approved as part of MOD2022/0128.
4. 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.	The proposed development is consistent with the provisions of the concept approval.
5. Matters not approved	<p>The following items are not approved and do not form part of the concept approval:</p> <ul style="list-style-type: none"> (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. 	Noted, consent for these items is sought as part of this DA.
6. Building Envelopes	<p>Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate building design, will be entirely within the approved envelopes.</p> <p>The basement footprints are approved as follows:</p> <ul style="list-style-type: none"> (a) Single three (3) level southern basement for car parking, loading and unloading with access via Hampstead Road. (b) Three (3) level northern basement for car parking, loading and unloading with 	<p>The proposed building is wholly contained within the building enveloped as approved under MOD2022/0128.</p> <p>This DA proposes the construction of Building A and three levels of basement parking.</p>

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	access via Hampstead Road.	
7. Maximum Floor Space Ratio	<p>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 Cumberland Local Environmental Plan 2021, for any future development across the site.</p> <p>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:</p> <ul style="list-style-type: none"> (a) 1.5:1 for specialised retail premises; and (b) 3:1 for office premises and hotel or motel accommodation. 	The development provides compliant FSRs for the hotel and specialised retail components of the development.
8. Building Height	The height of any future buildings must not exceed a maximum building height of 27 metres, with the exception of plant, lift overruns and parapets.	<p>The proposed building includes hotel and motel accommodation and is subject to the maximum 27 metre building height.</p> <p>The building maintains a maximum height of 29.23 metres to the stair overrun, which equates to a building height exceedance of 2.23 metres, or 8.3%.</p> <p>The DA is accompanied by a Clause 4.6 variation request.</p>
9. 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.	<p>The development would require the payment of contributions in accordance with Cumberland Local Infrastructure Contributions Plan 2020.</p> <p>Notwithstanding, the DA is recommended for refusal.</p>
10. Contamination Assessment – Future Development Applications	<p>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.</p> <p>Note: Depending on the findings of the detailed contamination investigation report, it may be necessary to prepare a Remediation Action</p>	The DA is accompanied by a Detailed Phase 2 Contamination Investigation which has relevantly recommended that a Remediation Action Plan (RAP) be prepared to document the existing contamination status of the site, include methodology to decommission the six (6) existing Underground Storage Tanks (USTs) on 276-278 Parramatta Road, Auburn and

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	Plan and/or Site Auditor Statement.	<p>to evaluate the most suitable method/s to remediate soil, in consideration of the proposed mixed use commercial development.</p> <p>The DA is also accompanied by a RAP which documents the contamination status of the site, summarises the contamination issues, examines suitable and compatible methods to remediate contamination and documents the procedures and protocols necessary to implement and validate the remediation to make the site suitable for its intended use.</p> <p>Council's Environmental Health Unit (EHU) have reviewed both the Detailed Phase 2 Contamination Investigation and the RAP and advised that there are no objections to the implementation of the RAP subject to the recommendations of the report being followed and submission of a Validation Report.</p>
11. Acoustic Report	<p>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:</p> <ul style="list-style-type: none"> (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 	<p>The DA is accompanied by an Acoustic Assessment which has been reviewed by Council's Environmental Health Unit and is considered satisfactory, subject to the imposition of conditions of consent requiring compliance with the recommendations of the Acoustic Assessment.</p> <p>Notwithstanding, the DA is recommended for refusal.</p>

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	components in new buildings - should be covered by BCA compliance and certification.	
12. 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 Chapter 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021, the Child Care Planning Guidelines and the Centre Based Childcare Facilities part of the Cumberland Development Control Plan 2021.	N/A – child care centre is not proposed as part of this DA.
13. Future Built Form	Any future development application/s for construction works are to have regard to the relevant provisions of the Cumberland Development Control Plan 2021, including, but not limited to, built form, landscaping, building setbacks and amenity, except as otherwise provided by this consent.	The development has been assessed against the relevant controls of the CDCP 2021, refer to Attachment 5 for a detailed assessment.
14. 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.	The proposed development would not preclude the continuation of the pedestrian corridors as part of any future redevelopment the adjoining property to the west.
15. Tree Preservation	<p>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.</p> <p>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.</p> <p>Any future Development Application/s for construction works is to have regard to the provisions of the Auburn Street Tree Masterplan.</p>	<p>The DA is accompanied by an Aboricultural Impact Assessment and Tree Management Plan which relevantly provides that the existing Eucalyptus species on Parramatta Road (T24) is sufficiently removed from the development to be retained, however, the inspection has revealed that this tree has been subject to illegal drilling around its base and poisoning. On this basis, the assessment has recommended its removal.</p> <p>The two existing Ficus species along Hampstead Road (T1 & T2) have been assessed and are considered too close to the proposed driveway for their safe retention. These trees are proposed to be removed, with replacement planting proposed as part of the landscape design.</p>
16. 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 Cumberland Development Control Plan 2021.	The DA is accompanied by a comprehensive Landscape Plan which demonstrates compliance with the provisions of the CLEP 2021.

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		Notwithstanding, the DA is recommended for refusal.
17. Car Parking and Loading	<p>Any future Development Application/s for construction works are to comply with the provisions of the Traffic, Parking, Transport and Access (Vehicle) part of the Cumberland Development Control Plan 2021.</p> <p>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:</p> <p>A. Carpark</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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. <p>B. Loading Area</p> <ul style="list-style-type: none"> 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. 	<p>Council's Development Engineer has advised that the proposed car parking numbers are not adequate and the proposed temporary loading and waste collection area is not supported.</p>
18. Waste Management	<p>Any future Development Application/s for the site shall demonstrate compliance with the relevant provisions at the Waste Management part of the Cumberland Development Control Plan 2021, including, but not limited to waste collection being carried out wholly within the site.</p>	<p>The proposed temporary waste collection area is not supported.</p>
19. Stormwater Disposal	<p>Any future Development Application/s for construction works are to provide a Stormwater Concept Plan showing the proposed method of</p>	<p>The DA is accompanied by Stormwater Plans and a Flood Study Report.</p>

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	<p>stormwater collection and disposal in accordance with Council's DCP requirements. In addition, following matters shall be noted:</p> <p>The details shall be prepared by qualified practising Civil/Hydraulic Engineer in accordance with Council's Stormwater DCP and Australian Rainfall & Runoff 1987.</p>	
21. Floor Risk Management	<p>Any future Development Application/s are to comply with the provisions of the Stormwater and Drainage part of the Cumberland Development Control Plan 2021.</p> <p>Supporting documents shall be prepared and submitted with any future Development Application/s demonstrating that the development complies with the controls nominated in Table 3 in the Appendix of Council's Flood Risk Management Policy.</p>	The DA is accompanied by a Flood Study Report.
22. Hydraulic Engineering Design Certificate	<p>Any future Development Application/s for construction are to provide written verification from a suitably qualified hydraulic engineer, stating that:</p> <ol style="list-style-type: none"> The plans comply with the approved Flood Study Report. All the subfloor areas specified in the flood report shall be open and allow for the overland flow of water. The development has no adverse impact on flood levels and/or adjoining properties. <p>Electronic copy of the flood modelling shall be submitted any future Development Application/s for construction.</p>	The DA is accompanied by a Flood Study Report.
23. Disabled Access & Facilities	<p>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.</p>	The DA is accompanied by an Access Design Assessment Report which relevantly concludes that the development is capable of achieving compliance with the relevant accessibility provisions of the National Construction Code – Building Code of Australia Volume 1.
24. Transport for NSW (TfNSW) Requirements	<ol style="list-style-type: none"> 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. The proposed development, noting its use, should be designed, as per the requirements of Clause 101 (2)(c) of State Environmental Planning Policy 	The proposed development satisfies a) to d). However, as part of the referral to TfNSW, additional information has been requested. This information remains outstanding.

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	<p>(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.</p> <p>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.</p> <p>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.</p>	
<p>25. Ausgrid Requirements – Proximity to Existing Network Assets</p>	<p>Any future development application/s for works are to have regard to the following Ausgrid requirements:</p> <p>a) <u>Underground Cables</u> 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.</p> <p>b) <u>Substation</u> There are existing electricity substation</p>	<p>The DA was referred to Ausgrid who raise no objections.</p>

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	<p>assets - substation S4463 in Hampstead Road.</p> <p>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.</p> <p>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</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
<p>26. Solar Access to the Park</p>	<p>Any future Development Application/s for buildings on the site are to ensure that the 'Park' area receives solar access of no less than 3 hours (9am-3pm) for 50% of its site area in mid-winter.</p>	<p>N/A - the Park does not form part of this DA.</p>

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27. Forecourt Western Link	<p>As part of any future Development Application/s for the site, the north-eastern / north-western Forecourt area (between Buildings A and B) is to be designed to also function as a link that is capable of being continued through the adjoining property to the west. This link is to be sufficiently wide, in the order of 10m, to enable adequate visual connection, solar access and surveillance.</p>	<p>The proposed development incorporates a minimum 10m wide forecourt area link that is capable of being carried into the property to the north-west.</p>
28. Reconfiguration of Development	<p>As part of any future Development Application/s for the site, the development to the west (at the back of the site) shall be designed to facilitate a future connection to the adjoining property at 290 Parramatta Road, Auburn to the west and its forecourt area to improve visual links and surveillance opportunities, and to optimise solar access.</p> <p>As part of any future Development Application/s for the site, the future built form of the development in the western-most portion of the site, specifically the portion adjacent to the north-eastern / north-western Forecourt area (between Buildings A and B), is to be designed so as to present a positive relationship with the 'Forecourt' area and the adjoining existing building to the west.</p>	<p>The proposed development does not include the area of the site that interfaces with rear western boundary with 290 Parramatta Road, Auburn. This will form part of the next stage of development.</p>
29. Outdoor Play Area – Child Care Centre	<p>As part of any future Development Application/s for the site, the child care centre outdoor play area shall be designed so as not to cantilever over any portion of the north-eastern / north-western Forecourt area (between Buildings A and B) below in order to enhance opportunities for surveillance, solar access and accessibility.</p>	<p>N/A – the child care centre does not form part of this DA.</p>
30. Park Area	<p>As part of any future Development Application/s for the site, the Forecourt (inclusive of the Park) is to maintain a minimum area of 1,812sqm and is to present and function as a cohesive space.</p>	<p>N/A – the park does not form part of this DA.</p>