



Report to Sydney Central City Planning Panel

SWCCP reference	PPSSCC-416
DA No.	DA/12/2023
Date of receipt	12 January 2023
Proposal	Demolition, tree removal and construction of a new pool, new tiered seating, ancillary office and amenities structure with associated landscaping and stormwater works. The site is identified as a local heritage item No. I176 under the Parramatta (Former the Hills LEP) 2012. The application is Integrated Development pursuant to the Rural Fires Act 1997 and Nominated Integrated pursuant to Water Management Act 2000. The proposal will be determined by the Sydney Central City Planning Panel.
Street address	87-129 Pennant Hills Road, North Parramatta
Property Description	Lot 1 DP 57491, Lot 1 DP 64765, Lot A DP 321595, Lot 1 DP 581960, Lot 10 DP 812772, Lot A DP329288, Lot 1 DP59169, Lot 2 DP235857, and Lot B DP329288
Applicant	The Council of the King's School
Owner	The Council of the King's School
Submissions	Nil
Conciliation Conference Held	Not Required
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act and Regulations 2021• State Environmental Planning Policy (Resilience and Hazards) 2021• State Environmental Planning Policy (Transport and Infrastructure) 2021• State Environmental Planning Policy (Industry and Employment) 2021• Parramatta (former The Hills) Local Environmental Plan 2012• The Hills Development Control Plan 2012• City of Parramatta Council (Outside CBD) Development Contributions Plan 2021 (Amendment 1)
Recommendation	Approval
Council Officer	Darren Wan
Summary of Section 4.15 matters	
Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards	
If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	N/A
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions?	No
Conditions	
Have draft conditions been provided to the applicant for comment?	Yes

1. EXECUTIVE SUMMARY

This report considers a proposal for upgrade works at The Kings School, comprising 'demolition, tree removal and construction of a new pool, new tiered seating, ancillary office and amenities structure with associated landscaping and stormwater works.

The site constraints include being within Bushfire Prone land and being within close proximity of Hunts Creek. Accordingly, referrals to the Rural Fire Service and Department of Planning and Environment – Water were made respectively. General Terms of Approval have been provided by both agencies and are included in the conditions of consent.

The amenity impacts on adjoining and nearby properties are considered reasonable based on the size of the subject site and the distance from any residential development. No submissions were received during the advertising period.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concern. The application is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel:

- Approve the application, subject to the recommended conditions.

2. KEY ISSUES

- Non-Applicable

3. SITE CONTEXT



Figure 1: Aerial of the subject site with pool area circled in blue

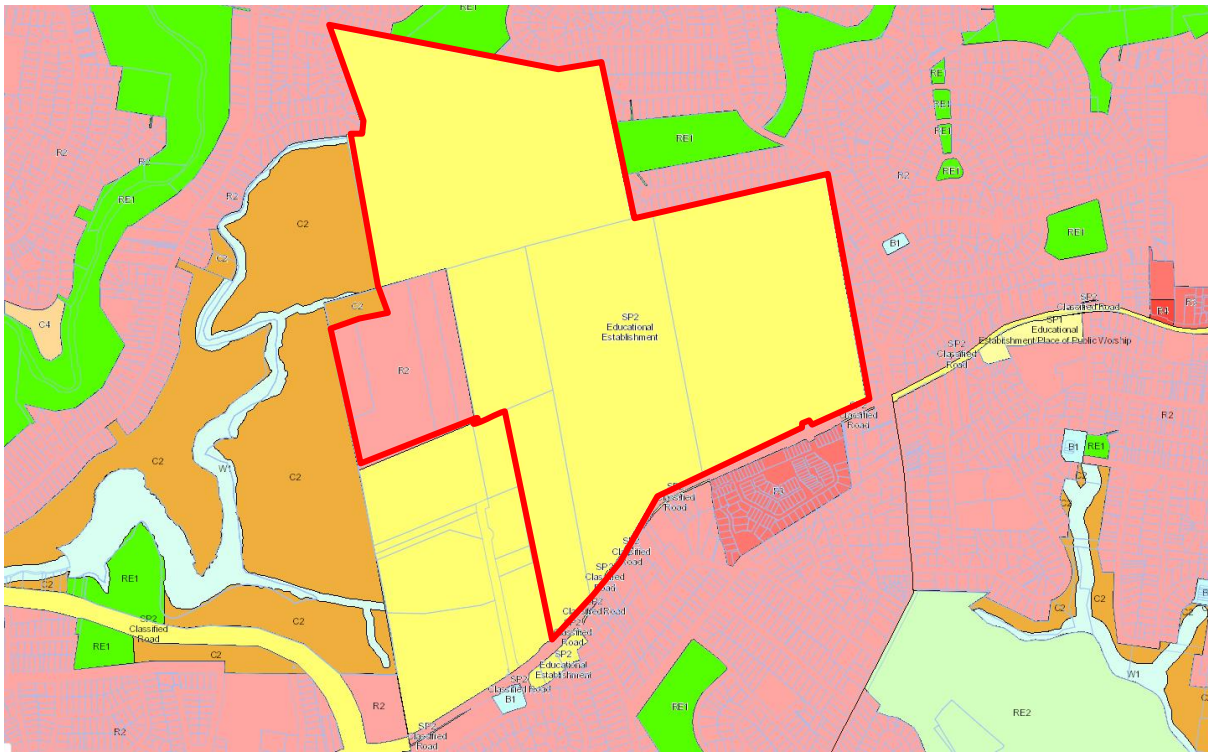


Figure 2: Zoning of the school site and surrounds

4. SITE DESCRIPTION AND LOCATION

The subject site comprises nine (9) separate allotments collectively known as 87-129 Pennant Hills Road, North Parramatta. The current property descriptions are Lot 1 DP 57491, Lot 1 DP 64765, Lot A DP 321595, Lot 1 DP 581960, Lot 10 DP 812772, Lot A DP329288, Lot 1 DP59169, Lot 2 DP235857, and Lot B DP329288. All the works proposed in this application straddles the boundary between Lot 1 DP57491 and Lot 10 DP812772.



Figure 3: Close up aerial of the pool area showing the boundary line for Lot 1 DP57491 and Lot 10 DP812772.

The school campus contains various school buildings, playing fields, sports courts, on-site parking, and landscaped areas.

The school is surrounded by a number of educational establishments, with Tara Anglican School for Girls and Charles Sturt University – Parramatta Campus located to the south-west. Lake Parramatta reserve is also located to the west.

5. THE PROPOSAL

The proposal seeks to replace the existing pool facilities within the existing school. Works will comprise:

Works

- Demolition of existing swimming pool and diving pool, shade structures, plant room, marque, and associated paths, ramps and fences.
- Removal of trees.
- Construction of two new swimming pools, including:
 - 25m x 50m outdoor pool, with a variable depth of 1-2m.
 - 15m x 10m learn to swim pool, with variable depth of 0.9-1.2m.
- Construction of a tiered seating pavilion structure, with change rooms and amenities on the ground floor and a concourse and administration offices at mezzanine level.
- Construction of a pump/plant/storage building.

Use

Staff Numbers – As per existing aquatic operation at the school, however additional staff numbers may be required depending on the day, time and the activity undertaken.

Hours of Operation – Monday to Saturday: 6:00am to 7:00pm.

Types of Activities –PDHPE lessons, Learn to Swim activities, squad training, water polo, school carnivals and, residential recreation for school boarders and associated staff. The pool will not be open to the public for community use.

Safety and Security – The facility will be incorporated into the school's existing security system.

6. PUBLIC NOTIFICATION

The notification period was between 24 January 2023 and 22 February 2023 in accordance with Council's Notification Procedures. No submissions were received during or after the notification period.

7. REFERRALS

Any matters arising from internal/external referrals not dealt with by conditions	No
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8. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Does Section 1.7 (Significant effect on threatened species) apply?	No
Does Section 4.10 (Designated Development) apply?	No
Does Section 4.46 (Integrated Development) apply?	Yes
Are submission requirements within the Regulations satisfied?	Yes

9. CONSIDERATION OF SEPPS

Key issues arising from evaluation against SEPPs	None - A detailed assessment is provided at Attachment A.
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10. PARRAMATTA (FORMER THE HILLS) LOCAL ENVIRONMENTAL PLAN 2011

The following table is a summary assessment against PLEP2011. A detailed evaluation is provided at **Attachment A**.

Table 1: LEP compliance

Control	Comment
Zones	SP2 Educational Establishment
Definition	The proposal retains the use of the subject site as an <i>Educational Establishment</i> .
Permitted or prohibited development	'Educational Establishment' is permitted with consent within the SP2 Educational Establishment zone.
Principal development standards	Compliant – Building Height No Floor Space Ratio development standard applies to the subject site.
Miscellaneous provisions	All relevant provisions satisfied
Additional local provisions	All relevant provisions satisfied

11. THE HILLS DEVELOPMENT CONTROL PLAN 2012

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

Table 2: DCP compliance

Control	Comment
Part C Section 1 – Parking	Consistent
Part C Section 2 – Signage	Consistent
Part C Section 3 – Landscaping	Consistent
Part C Section 4 – Heritage	Consistent

12. RESPONSE TO SWCPP BRIEFING MINUTES

The Panel was briefed on 23 March 2023. No matters were raised by the applicant, Council, or the Panel during the kick-off briefing.

13. CONCLUSION

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concern. The application is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.

14. RECOMMENDATION

- A. That pursuant to Section 4.17 of the Environmental Planning and Assessment Act, 1979 the Sydney Central City Planning Panel grant consent to Development Application DA/12/2023 subject to the conditions in **Attachment B**.



ATTACHMENT A – PLANNING ASSESSMENT

**SWCCP reference
DA No.**

PPSSCC-416
DA/12/2023

1. ENVIRONMENTAL PLANNING INSTRUMENTS

Compliance with the relevant instruments is addressed below:

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 – CHAPTER 4: REMEDIATION OF LAND

- ☒ *A site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination;*
- ☒ *Historic aerial photographs were used to investigate the history of uses on the site;*
- ☒ *A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination;*
- ☒ *A search of public authority databases did not include the property as contaminated;*
- ☒ *The Statement of Environmental Effects states that the property is not contaminated.*

The existing use of the subject site is an Education Establishment. The applicant has provided a Preliminary Site Investigation, which concluded that the site can be made suitable for the proposed development subject to the preparation of a Detail Site Investigation. Due to the current site conditions, undertaking a DSI at this stage would be limited as areas of the site are not accessible, and require the demolition of the existing pool. The application was referred to Council's Environmental Health Officer who raised no objection to the proposal subject to the imposition of conditions of consent, including the requirement of a DSI.

Therefore, in accordance with Clause 4.6 of the SEPP, the subject site is suitable for the continued use as an Educational Establishment.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 – CHAPTER 2: VEGETATION IN NON-RURAL AREAS

The application has been assessed against the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021. This Policy seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The proposal seeks to remove four (4) trees to facilitate the development, however, will be replaced. The application was assessed by Council's Tree and Landscape Officer who raised no objection to the development, subject to the imposition of conditions of consent.

**STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021 – CHAPTER 3:
EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES**

Part 3.4 – Schools – specific development controls	
Control	Compliance
3.35 Development for the Purpose of campus student accommodation (1) Despite section 3.34(2), development for the purposes of campus student accommodation may be carried out by a person with development consent on land within the boundaries of the school. (2) Development consent must not be granted if the development involves the subdivision of land. (3) Development consent must not be granted unless the consent authority has considered the design quality of the development, evaluated in accordance with the design quality principles set out in Schedule 8. (4) For the purposes of subsection (3), a reference in Schedule 8 to a school is taken to include a reference to campus student accommodation.	N/A – the proposal does not seek approval for any student accommodation.
3.36 School – Development permitted with consent (1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.	Yes – the subject site is located within the SP2 Educational Establishment, which is a prescribed zone under Clause 3.34 of the SEPP.
3.36 School – Development permitted with consent (6) Before determining a development application for development of a kind referred to in subclause (1)..., the consent authority must take into consideration – a) The design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and b) Whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.	Yes – Please refer to discussion below. School facility not proposed to be shared with the community.
Principle 1 – Context, Built Form and Landscape The school is identified as a heritage item and also has a Heritage Conservation Area to the south. In that regard, the design of the building is considered to complement the heritage significance of the surrounding area, whilst also providing a modern aesthetic. The design of the building is also well integrated with the rest of the school facilities including an activation of the surrounding area by providing additional stepped seating and terraces.	
Principle 2 – Sustainable, Efficient and Durable The sustainability and durability of the proposed facility has been ingrained in the chosen materials. Low maintenance options have been chosen to ensure durability within the corrosive and humid environment of the aquatic centre. Other design elements include the orientation of the building to maximise the use of the shade structures and natural ventilation.	
Principle 3 – Accessible and Inclusive The proposed pool facility will be accessible. The development includes the provision of new concrete footpaths that connect the facility within the school, as well as the visitor carpark. An Access Report has been provided by the applicant which details the compliance of the development with the relevant requirements of the BCA.	
Principle 4 – Health and Safety The new facility has been designed to optimise supervision and will be managed with a pool specific manager. However, the overall facility will be incorporated into the existing security system of the school.	
Principle 5 – Amenity The proposal not only seeks to construct a new pool facility, but will also improve upon the surrounding areas around the new building. The proposal will upgrade landscaping, improve connections within the school, and provide new areas for seating and	

gathering that are shaded and protected from the elements.

Principle 6 – Whole of Life, Flexible and Adaptive

The proposed pool facility will be multi-use, as it provides 2 separate pools to cater to a wide range of skill levels. The pools have also been designed to allow for multiple water sports, including water polo, swimming, flippa ball etc.

Principle 7 – Aesthetics

It is considered that the building has been well designed and is aesthetically pleasing. Due to the size of the subject site, the building will not be seen from any public domain, but irrespective, the building is compatible with the rich history of the school and surrounding heritage items.

3.36 School – Development permitted with consent

(9) A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subclause (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.

Noted – The provisions of The Hills DCP 2012 has not been applied to this development. This has been discussed in the table further on in this report.

Parramatta (former The Hills) Local Environmental Plan 2012

Development standard	Compliance
Height of Buildings Allowable = 9m Proposed = 8.6m	Yes
Floor Space Ratio	N/A – no FSR control is applicable to the subject site.
Development on land intended to be acquired for public purposes	The proposal is not identified on the map.
Architectural roof features	An architectural roof feature is not proposed.
Development below mean high water mark	The proposal is not for the development of land that is covered by tidal waters.
Heritage Conservation	<p>Yes – The school is identified as a heritage item and also has a Heritage Conservation Area to the south. In that regard, the design of the building is considered to complement the heritage significance of the surrounding area, whilst also providing a modern aesthetic.</p> <p>The design of the building is also well integrated with the rest of the school facilities including an activation of the surrounding area by providing additional stepped seating and terraces.</p> <p>The application was referred to Council's Heritage Advisor who raised no objections, subject to imposition of condition of consent.</p>
Acid sulphate soils	Yes – An Acid Sulphate Soils Management plan is not required to be prepared.
Earthworks	Council's Development Engineer has reviewed the application and considers that the proposed earthworks are satisfactory.
Flood planning	The site is not identified by Council as being flood prone.
Exceptions to development standards	N/A

2. DEVELOPMENT CONTROL PLANS

In accordance with Clause 3.36(9) of *SEPP (Transport and Infrastructure) 2021 – Chapter 3: Educational Establishments and Child Care Facilities*, the provisions of the DCP specifically relating to schools are not applicable.

However, for assessment purposes, the general controls have been assessed below.

The Hills Development Control Plan 2012			
Control	Proposal	Comment	Complies
Part C Section 1 – Parking 1 space per employee;	No additional parking spaces provided.	The application was accompanied with a Transport Impact Statement that stated the existing on-site car spaces is sufficient to accommodate the upgrades.	Yes

1 space per 8 year 12 students; 1 space per 30 students enrolled for visitors and/or parent parking		The traffic and parking situation was reviewed by Council's Traffic & Transport Manager prior to the application being lodged, who determined that it was satisfactory with no referral required.	
Part C Section 3 – Landscaping	Site is located within close proximity to Parramatta Lake Reserve, and proposes replacement plantings.	The application was referred to Council's Open Space & Natural Area Planner, as well as Council's Landscape Officer, who raised no objection to the proximity of the development to the Reserve, nor the species or location of the replanted trees.	Yes
Part C Section 4 – Heritage	Site is identified as a heritage item.	The application was referred to Council's Heritage Advisor, who raised no objections to the proposal.	Yes

3. REFERRALS

Internal Referrals	Comment
Development Engineer	Supported subject to conditions
Traffic	Supported subject to conditions
Landscape	Supported subject to conditions.
EHO	Supported subject to conditions.
Access	Supported subject to conditions.
Heritage	Supported subject to conditions.
External Referrals	Comments
RFS	Supported subject to conditions.
Office of Water	Supported subject to conditions.

4. PUBLIC CONSULTATION

The application was notified in accordance with Council's notification procedures contained with The Hills DCP 2012. In response, no unique submissions were received.

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."

Conciliation Conference – Not Required

As the application received no unique submissions during the formal notification period, a Conciliation Conference was not required to be held.

5. DEVELOPMENT CONTRIBUTIONS

The development would not require the payment of contributions in accordance with *City of Parramatta (Outside CBD) Development Contributions Plan 2021 (Amendment No.1)*.

The calculation is based on the population intensification. As the proposal is incorporated into the existing school, with no net population increase, a contribution payment is not required.

6. BONDS

In accordance with Council's Schedule of Fees and Charges for this financial year, 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 standard condition of consent has been imposed requiring the Security Bond to be paid prior to the issue of a Construction Certificate.

7. EP&A REGULATION 2021

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions, refer to Attachment B below.



**CITY OF
PARRAMATTA**

ATTACHMENT B – DRAFT CONDITIONS OF CONSENT

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/12/2023
Property Address: Lot 1 DP 59169, Lot A DP 329288, Lot B DP 329288, Lot A DP 321595, Lot 2 DP 235857, Lot 1 DP 64765, Lot 1 DP 57491, Lot 1 DP 581960, Lot 10 DP 812772
The Kings School, 87-129 Pennant Hills Road, NORTH PARRAMATTA NSW 2151

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 (Project No. 21009)

Drawing No.	Issue	Plan Title	Dated
A0201	B	Demolition	31.08.2022
A0500	C	Site Roof Plan	08.12.2022
A1101	B	Lower Ground	31.08.2022
A1201	B	Ground Floor Plan	31.08.2022
A1301	C	Mezzanine Plan	31.08.2022
A1601	B	Sections and Elevations 1	31.08.2022
A1602	B	Sections and Elevations 2	31.08.2022
A1603	B	Sections and Elevations 3	31.08.2022

Civil Drawings (Project No. 211546)

Drawing No.	Issue	Plan Title	Dated
C000	P2	Cover Sheet	02.09.2022
C001	P2	General Notes	02.09.2022
C020	P2	Erosion and Sediment Control Plan	02.09.2022
C021	P2	Erosion and Sediment Control Details	02.09.2022
C030	P2	Music Catchment Plan	02.09.2022
C021	P2	OSD Catchment Plan	02.09.2022
C100	P3	Siteworks and Stormwater Management Plan	05.09.2022
C110	P5	Bulk Earthworks Cut/Fill Plan	02.09.2022
C111	P3	Bulk Earthworks Cut/Fill Sections	02.09.2022
C200	P1	Details Sheet	02.09.2022
C201	P2	OSD Tanks Section and Details Sheet	02.09.2022

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Statement of Environmental	-	1	Urbis	15.09.2022

Effects				
Plan of Management	-	1	Urbis	-
Construction and Waste Management Plan	-	2	Foresight Environmental	17.08.2022
Flood Report	211546 CFAA	-	Tylor Thomson Whitting	29.08.2022
Bushfire Report	221326	-	Building Code and Bushfire Solutions	11.07.2022
PSI	E34585PRrpt	-	JK Environments	25.02.2022
Access Report	P222_446-2	2	Design Confidence	09.12.2022

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.

PA0011 #Demolition of Buildings

4. Approval is granted for the demolition of the structures identified in the demolition plan, subject to compliance with the following: -

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

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

- (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
- (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to City of Parramatta for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- (d) On the first day of demolition, work is not to commence until City of Parramatta has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to

comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.

- (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 469 of the Work Health and Safety Regulation 2017.
- (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
- (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (h) Prior to the commencement of any demolition works, and where the site ceases to be occupied during works, the property owner must notify Council to discontinue the domestic waste service and to collect any garbage and recycling bins from any dwelling/ building that is to be demolished. Waste service charges will continue to be charged where this is not done. Construction and/ or demolition workers are not permitted to use Council's domestic waste service for the disposal of any waste.
- (i) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- (j) Demolition is to be completed within 5 days of commencement.
- (k) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- (l) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (m) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
 - (i) Proposed ingress and egress of vehicles to and from the construction site;
 - (ii) Proposed protection of pedestrians adjacent to the site;
 - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- (n) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the NSW Environment Protection Authority (EPA).
- (o) Before demolition works begin, adequate toilet facilities are to be provided.
- (p) After completion, the applicant must notify City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- (q) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
 - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
 - (iii) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

PA0013 LSL Payment Const> \$250,000 (DIEP Mandatory Cond)

5. Before the issue of a Construction Certificate, the applicant is to ensure that the person liable pays the Long Service Levy of 0.25% of the value of building and construction work where the cost of building is \$250,000 or more (inclusive of GST) or 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.

PA0014 #Payment of Security deposits(DIEP Mandatory Cond)

6. Before the commencement of any works on the site or the issue of a construction certificate, the applicant must make all of the following payments to Council and provide written evidence of these payments to the certifier:

Bond Type	Amount
Nature Strip and Roadway:	\$25,750

The payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

Note: The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the Roads Act 1993). The amount payable must be in accordance with council's fees and charges at the payment date.

Reason: To ensure any damage to public infrastructure is rectified and public works can be completed.

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

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/12/2023;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

A dilapidation report is required to be prepared and submitted electronically to the City of Parramatta Council (council@cityofparramatta.nsw.gov.au) prior to any work or demolition commencing and with the payment of the bond/s.

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

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

PANSC Non-standard - General Matters

7. Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment—Water, and obtained, for a controlled activity approval under the Water Management Act 2000.

A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents relating to Development Application DA/12/2023 provided by Council to Department of Planning and Environment—Water.

B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Planning and Environment—Water, must be notified in writing to determine if any variations to the GTA will be required.

Reason: To comply with the GTAs provided by Department of Planning and Environment – Water.

PANSC Non-standard - General Matters

8. From the commencement of building works and in perpetuity, the area identified as an APZ in the report prepared by Building Code and Bushfire Hazard Solutions (Bushfire Constraints Overlay, Ref: 221326, dated 11/07/2022, Revision A) must be managed as an inner protection area in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;?
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed regularly.

Reason: To comply with the GTAs provided by Rural Fire Service.

9. New construction must comply with section 3 and section 6 (BAL 19) of the Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard – Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

Reason: To comply with the GTAs provided by Rural Fire Service.

10. A Bush Fire Emergency Management and Evacuation Plan must be prepared in accordance with Table 6.8d of *Planning for Bush Fire Protection 2019* and be consistent with the following:

- The NSW RFS document A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;
- an Emergency Planning Committee is established to consult with residents (and their families in the case of aged care accommodation and schools) in developing and implementing an Emergency Procedures Manual; and
- detailed plans of all emergency assembly areas, including on-site and off-site arrangements as stated in AS 3745 'Planning for emergencies in facilities', are clearly displayed.

A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.

Reason: To comply with the GTAs provided by Rural Fire Service.

PANSC Non-standard - General Matters

11. A Phase 2 detailed site investigation (DSI) of the potential for contamination of the land carried out in accordance with the "Managing Land Contamination Planning Guidelines" The DSI is to be submitted to Council prior to the issue of the construction certificate.

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

12. If recommended by the Detailed Site Investigation a site Remedial Action Plan (RAP) is required to be prepared by a suitably qualified environmental consultant and submitted to Council as the Phase II investigation revealed contamination exceeding the assessment criteria for human health protection prescribed by the NSW Environment Protection Authority. The Remedial Action Plan (RAP) is to be submitted to Council prior to the issue of the construction certificate.

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

ECA0002 Site Investigation & Site Audit Statement

13. Following demolition activities, the soil must be tested by a person with suitable expertise, to ensure the soil contaminant levels are below acceptable health criteria for residential areas. The soil investigation shall be carried out in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites and the NSW Department of Environment and Conservation Guidelines for the Assessment and Management of Groundwater Contamination 2007.

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

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

ECA0006 Require to notify about new contamination evidence

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

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

ECA0010 Remediation

15. All remediation works shall be carried out in accordance with clauses 4.14 and 4.15 of State Environmental Planning Policy (Resilience and Hazards) 2021.

Reason: To comply with the statutory requirements of State Environmental Planning Policy (Resilience and Hazards) 2021.

ECA0016 Validation Report

16. If remediation is necessary, a validation report prepared by a suitability qualified person shall be provided to the Certifying Authority and Council within 30 days following completion of the remediation works, which demonstrates:

- Compliance with the approved RAP;
- The remediation acceptance criteria (in the approved RAP) has been fully complied with;
- All remediation works undertaken comply with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997*, SEPP 55 and Council's Management of Contaminated Lands Policy and includes:
 - Works-As-Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a registered surveyor;
 - A "notice of completion of remediation work" as required under Clause 18 of SEPP 55; and
 - A statement confirming that the site following remediation of contamination is suitable for the intended use.

Reason: To ensure that the development complies with the Remedial Action Plan and that the works are in accordance with the *Contaminated Land Management Act 1997*.

LA0001#Tree Retention

17. Trees numbered 4-24 shall be retained and protected. Refer to the arboricultural impact assessment report prepared by Apex Tree & Garden Experts dated 23 May, 2023 for species identification and location.

Reason: To protect significant trees which contribute to the landscape character of the area.

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.)

PB0030 Infrastructure & Restoration Adm. fee for all DAs

18. 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.

PB0053 Construct. Site Manage. Plan (DIEP Mandatory Cond)

19. Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter on the site
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures
- location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction

PB0055 Waste Management Plan (DIEP Mandatory Cond)

20. Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:

- (a) Council's Waste Management Development Control Plan

OR

- (b) Details the following:

- () the contact details of the person(s) removing the waste
- (a) an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
- (b) the address of the disposal location(s) where the waste is to be taken

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

Reason: To ensure resource recovery is promoted and local amenity protected during construction.

DB0001 Stormwater Disposal

21. 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

22. 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

23. 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

24. 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.

DB0010 Design to withstand flooding

25. The building must be designed and certified by a registered structural engineer to ensure the building does not fail due to floodwater forces, debris and buoyancy effects from flooding in events up to the 1 in 100 year level plus 500mm freeboard.

Reason: To ensure the structure can withstand flooding impacts.

DB0011 Flood warning system for medium/high density dev.

26. The building must include a flood warning alarm system activated by a float valve. Details must be provided to the satisfaction of the Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure the flood warning system is installed.

DB0012 #On Site Detention

27. 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 bio retention and detention system including (but not limited to) discharge point into Council system, basin (including all critical elements), all pipes and pits connected to the system, and surface levels that control surface flows to the basin.
 - (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) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer. 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, orifice plate, trash screen with appropriate wall attachment, hinged lockable grates, confined space sign, functioning underdrainage pipes and bio retention plant species

- (e) Certificate of Structural compliance of the bio retention Basin shall reference the structural elements including batter and pits within the basin 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 conditions of consent.

DB0013 #Water treatment for stormwater

28. Retention basin water quality treatment devices must be installed to manage surface runoff water 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.

DB0021 Impact on Existing Utility Installations

29. 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.

DB0023 Construction adjacent to a drainage easement

30. Foundations adjacent to a drainage easement are to be constructed in accordance with Council's Code "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements – Parramatta City Council Code E-3". The engineering details are to form part of the Construction Certificate documentation.

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

DB0024 Proposed inlet pit

31. The proposed kerb inlet pit must be constructed in accordance with Council Standard Plan No. DS21. Details are to form part of the Construction Certificate documentation.

Reason: To ensure appropriate drainage.

DB0025 #Foundations adjacent to existing drainage pipes

32. Foundations adjacent to the existing 1200 mm and 225mm diameter drainage pipe, must be constructed in accordance with Council's Code, "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements". Details must accompany an application for a Construction Certificate.

Reason: To ensure structural stability of the stormwater pipe.

LB0004#Landscaping Plan

33. The final Landscape Plan must be consistent with plans number 142.22/196'B' Revision B prepared by iScape Landscape Architecture together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:

- (a) Five (5) x suitable replacement trees shall be incorporated into the landscaped lawn area located to the north of the proposed mezzanine concourse as per recommendations made within the arboricultural impact assessment prepared by Apex Tree and Garden Experts dated 23 May, 2023.
- (b) All landscape plans are to be prepared by a professionally qualified Landscape Architect or Landscape Designer.

Reason: To ensure restoration of environmental amenity.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

BC0001 Toilet facilities on site

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

Reason: To ensure adequate toilet facilities are provided.

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 70 of the Environmental Planning and Assessment Regulations 2021 detailing:

- Unauthorised entry of the work site is prohibited;
- The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
- The name, address and telephone number of the Principal Certifying Authority;
- The development consent approved construction hours;
- The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
- This condition does not apply where works are being carried 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.

DC0001 Construction and Traffic Management Plan

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

- (a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:

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

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

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

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

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

DC0004 Geotechnical report

40. Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:
- The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished

basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.

- Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
- The proposed methods for temporary and permanent support required by the extent of excavation can be established.
- The impact on groundwater levels in relation to the basement structure.
- The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

Where it is considered there is potential for the excavation to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development. This design is to ensure there is no change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path of groundwater results, artificial drains such as perimeter drains and through drainage may be utilised.

- The recommendations resulting from the investigations are to demonstrate the works can be satisfactorily implemented. An implementation program is to be prepared along with a suitable monitoring program (where required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction.

The implementation program is to nominate suitable hold points for the various stages of the works in order verify the design intent before certification can be issued and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with demonstrated experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent properties and structures both during and after construction. The report must contain site specific geotechnical recommendations and must specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- (a) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- (b) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (c) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (d) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- (e) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- (f) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

Reason: To ensure the ongoing safety and protection of property.

DC0006 Erosion and Sediment Control measures

41. 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

42. 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:
- all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
 - all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
 - all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
 - the site is to be maintained clear of weeds; and
 - 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.

LC0002#Tree protection as per arborist report

43. The trees identified for protection within the consent shall be protected prior to and during the demolition/construction process in accordance with the Arboricultural Impact Assessment and Tree Protection Plan prepared by Apex Tree and Garden Experts dated 23 May, 2023 and the conditions of consent.

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

LC0007Tree Protection During Construction

44. Tree protection measures are to be installed prior to works commencing on site and are to be maintained throughout the demolition and construction works, under the supervision of an Australian Qualifications Framework (AQF) Level 5 Consulting Arborist in accordance with AS4970:2009 - "*Protection of Trees on Development Sites*". Written confirmation by the Project Arborist to be forwarded to the Certifying Authority to state tree protection measures were retained and in place, in accordance with the Conditions of Consent (unless prior approval from the Project Arborist was provided).

Reason: To ensure tree(s) are adequately protected throughout the construction phase.

OCNSCNon-standard - Prior to Work Commencing

45. The mitigation and management measures outlined in section 6 of the Flora and Fauna Assessment Report prepared by EcoLogical Australia, dated 29 August 2022 must be implemented prior to and during the demolition/construction process.

Reason: To ensure biodiversity impacts are appropriately managed and mitigated.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

PD0001 Copy of development consent

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

Reason: To ensure compliance with this consent.

PD0003 Dust Control

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

Reason: To protect the amenity of the area.

PD0004 Materials on footpath

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

Reason: To ensure pedestrian access.

PD0006 Hours of work and noise (DPIE Mandatory Condition)

49. 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:

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

Reason: To protect the amenity of the surrounding area.

PD0007 Complaints register

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

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made;
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
- (d) Nature of the complaints;
- (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
- (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available to Council and/or the Principal Certifying Authority upon request.

Reason: To allow the Principal Certifying Authority/Council to respond to concerns raised by the public.

PD0008 Construction Noise (DPIE Mandatory Cond)

51. While building work is being carried out, and where a noise and vibration management plan is approved under this consent, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.

OR

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction

does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

Reason: To protect the amenity of the neighbourhood.

PD0010 Survey Report

52. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier: -

- (a) All footings/ foundations
- (b) At other stages of construction – any marks that are required by the principal certifier

Reason: To ensure buildings are sited and positioned in the approved location.

PD0020 Building Work Compliance BCA (DIEP Mandatory Cond)

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

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

PD0022 Uncover Relics/Aboriginal Obj(DPIE Mandatory Cond)

54. While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:-
 - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - (b) is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Reason: To ensure the protection of objects of potential significance during works.

DD0005 Erosion & sediment control measures

55. 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

56. 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.

ECD0001 Importation of clean fill

57. Any fill material imported to the site is to be virgin excavated natural material (VENM) and is to be certified as such by a suitably qualified industry professional. Records of each individual certification are to be kept on site and produced for inspection when requested.

Reason: To ensure the site does not become contaminated and appropriate compaction levels can be achieved.

ECD0003 Asbestos handled& disposed of by licensed facility

58. 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 NSW Environment Protection Authority (EPA) Waste Classification Guidelines and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

ECD0004 Waste data maintained

59. 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.

ECD0005 Disposal of Material at Licensed Landfill

60. 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.

EWD0004 Hazardous/intractable waste disposed of in accor.

61. 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.

EWD0013 Polluted water from excavation analysis

62. 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

63. 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.

LD0003 Pruning of trees by an arborist

64. All pruning works specified within the Arboricultural Impact Assessment prepared by Apex Tree & Garden Experts dated 23 May, 2023 shall be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist and confirm to the provisions of AS4373-2007 "Pruning Amenity Trees" and the Code of Practice for Amenity Tree Industry 1998.

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

LD0011 Tree Removal

65. Trees to be removed are:

Tree No.	Species	Common Name	Location
1	<i>Eucalyptus nicholii</i>	Narrow -leaved Peppermint	Refer to arborist report
2	<i>Eucalyptus pilularis</i>	Blackbutt	Refer to arborist report

3	<i>Eucalyptus fibrosa</i>	Red Ironbark	Refer to arborist report
25	<i>Stand of mixed vegetation</i>		Refer to arborist report

Reason: To facilitate development.

LD0012 Trees with adequate root volume

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

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

LD0013 Removal of trees by an arborist

67. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist and undertaken in accordance with the Code of Practice for Amenity Tree Industry 1998.

Reason: To ensure tree works are carried out safely.

TD0001 Road Occupancy Permit

68. 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

69. 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

70. 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:

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

Reason: To comply with statutory requirements.

PE0001 Occupation Certificate

71. 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

72. 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.

DE0003 Work-as-Executed Plan (DPIE Condition)**73. Work-as-Executed Plan**

- (a) Works-As-Executed stormwater plans are to address the following:
- (b) A WAE survey shall be conducted and plans prepared showing the 'as built' of the complete bio retention and detention system including (but not limited to) discharge point into Council system, basin (including all critical elements), all pipes and pits connected to the system, and surface levels that control surface flows to the basin.
- (c) 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.
- (d) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- (e) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer. 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, orifice plate, trash screen with appropriate wall attachment, hinged lockable grates, confined space sign, functioning underdrainage pipes and bio retention plant species
- (f) Certificate of Structural compliance of the bio retention Basin shall reference the structural elements including batter and pits within the basin 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 conditions of consent.

DE0004 #Creation of a floodway restriction**74. Prior to the issue of the Occupation Certificate, the applicant must create of a restriction on the title of the subject property.**

The restriction is to be over the 100 year ARI flood zone identified in the flood report prepared by Flood report prepared by TTW consulting engineers, project number 211546 CFAA, issue A, dated 2908/2022 preventing the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within the identified zone.

Parramatta City Council is to be the Authority whose consent is required to release, vary or modify the restriction.

Reason: To protect the environment.

DENSC Non-standard - Prior to issue of Occ/Sub Cert.**75. Prior to the issue of an Occupation Certificate a Positive Covenant 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 bio-retention/detention system 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 will be created via an application to the Land Titles Office using forms 13PC. Accompanying this form is the requirement for a plan to scale showing the relative location of the bio-retention system, including its relationship to the building footprint.

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

Reason: To ensure compliance

76. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall be satisfied that all flood mitigation and risk management measures have been constructed into the development and are consistent with the following:

- a. Only flood resistant materials have been used below the designated floor level.

- b. All services and utilities connected to the property are floodproofed.
- c. There has been no alteration to the existing ground levels except as shown on the DA-approved plans. A works-as-executed plan shall be provided to the PCA in this regard.
- d. Floor levels have been elevated such that there is a minimum of 500 mm freeboard above the 1% AEP flood levels to the underside of the ground floor slab.
- e. Openings have been incorporated in the boundary fences such that they do not obstruct the flow of overland floodwater.
- f. Overland Flood study prepared Overland flood report prepared by Flood report prepared by TTW consulting engineers, project number 211546 CFAA, issue A, dated 2908/2022 and the requirements of Section 2.4.2.1 of Council's DCP have been implemented on the plans approved for construction.
- g. The driveway levels have been constructed consistent with the levels recommended in the flood study and shown on the DA approved plans.
- h. The ground surface within the subfloor structure has been finished with levels consistent with the levels recommended in the flood study and a surface treatment that will maintain the area in a non-vegetated state and prevent floodwater scouring or erosion that could compromise the structure.

A Work-As-Executed plan shall also be prepared by a registered surveyor overlaid on the approved construction plans and submitted to the Principal Certifying Authority. A clear and legible copy of the Work-As-Executed plan shall accompany the Occupation Certificate forwarded to Council.

Reason: To ensure the development is resilient to flooding.

LE0003 Landscaping shall be completed prior to occupation

77. The landscaping must be completed in accordance with the consent and approved plans, prior to occupation/use of the premises.

Reason: To ensure landscaping is completed in accordance with the approved plans and maintained.

PART F – OCCUPATION AND ONGOING USE

PF0004 External Plant/Air-conditioning noise levels

78. 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.

PF0037 Hours of operation

79. The hours of operations are restricted to:

Day	Time
Monday	6:00am to 7:00pm
Tuesday	6:00am to 7:00pm
Wednesday	6:00am to 7:00pm
Thursday	6:00am to 7:00pm
Friday	6:00am to 7:00pm
Saturday	6:00am to 7:00pm
Sunday	Closed
Public Holidays	Closed

Reason: To minimise the impact on the amenity of the area.

PF0049 Graffiti Management

80. 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.

PF0054 Release of Securities/Bonds (DIEP Mandatory Cond)

81. When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held in accordance with City of Parramatta Schedule of Fees and Charges 2022/2023.

Council may use part, or all of the securities held to complete the works to its satisfaction if the works do not meet Council's requirements.

Note: A written application to Council's Civil Assets Team is required for the release of a bond and must quote the following:

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

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

Reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.