



## Report to Sydney Central City Planning Panel

<b>SWCCP reference</b>	PPSSCC-474
<b>DA No.</b>	DA/425/2023
<b>Date of receipt</b>	21 July 2023
<b>Proposal</b>	Demolition of demountables, construction of a new classroom building, refurbishment of the existing library, and associated works at Wentworth Point Public School. The development application shall be determined under the delegation of the Sydney Central City Planning Panel (SCCPP).
<b>Street address</b>	3 Burroway Road, Wentworth Point
<b>Property Description</b>	Lot 201 DP 1216628
<b>Applicant</b>	Mecone
<b>Owner</b>	Minister For Education
<b>Submissions</b>	14 Submissions comprising of: 4x objections and; 10x recommendations for a new pedestrian crossing on Ferry Wharf Circuit
<b>Conciliation Conference</b>	Declined by Applicant
<b>List of All Relevant s4.15(1)(a) Matters</b>	<ul style="list-style-type: none"><li>• State Environmental Planning Policy (Planning Systems) 2021;</li><li>• State Environmental Planning Policy (Resilience and Hazards) 2021;</li><li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021;</li><li>• State Environmental Planning Policy (Precincts – Central River City) 2021;</li><li>• State Environmental Planning Policy (Transport and Infrastructure) 2021;</li><li>• Parramatta Local Environmental Plan 2023;</li><li>• Parramatta Development Control Plan 2011; and</li><li>• Wentworth Point Precinct Development Control Plan 2014.</li></ul>
<b>Recommendation</b>	Approval
<b>Council Officer</b>	Jasmin Gotsoulas
<b>Summary of Section 4.15 matters</b>	
Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
<b>Legislative clauses requiring consent authority satisfaction</b>	
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
<b>Clause 4.6 Exceptions to development standards</b>	
If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	N/A
<b>Special Infrastructure Contributions</b>	
Does the DA require Special Infrastructure Contributions conditions?	No
<b>Conditions</b>	
Have draft conditions been provided to the applicant for comment?	Yes

## 1. EXECUTIVE SUMMARY

This report considers a proposal for demolition of fourteen (14) demountables, construction of a new classroom building, refurbishment of the existing library, and associated works at Wentworth Point Public School at 3 Burroway Road, Wentworth Point.

The subject site is zoned R4 High Density Residential pursuant to the Parramatta Local Environmental Plan (PLEP) 2023. The proposal is classified as an 'Educational Establishment' which is permitted with consent within the zone.

Currently Wentworth Point Public School, comprises of three blocks ranging in height from one to 3 storeys, 14 demountables, open space, and at-grade parking. The existing permanent buildings comprise of a complete total floor area of 4,391sqm (as approved under DA-288/2015). The proposal of a 3,218sqm building along with an additional gross floor library space of 56sqm brings the total school upgrade and library refurbishment to 7,665sqm of gross floor area. The school's existing student population is 645 students and is proposed to increase to 1012 students and 56 full time equivalent staff (FTE).

	Existing	Proposed
<b>Total Floor Area</b>	4,391m <sup>2</sup>	7,665m <sup>2</sup> total (3,218m <sup>2</sup> new building and 56m <sup>2</sup> library expansion)
<b>Students</b>	645	1012
<b>FTE Staff</b>	50	56

The site is not identified as being flood prone but is affected by probable maximum flood (PMF). Accordingly, the application was referred to Council's Senior Catchment Engineer, who supports the development subject to conditions of consent.

The site is also constrained with potential contamination on the reclaimed land from redundant underground electrical cables (Ausgrid assets). An internal referral to Councils Environmental Health department and external referral to Ausgrid was carried out for assessment of the potential contamination and supported subject to conditions and General Terms of Approval.

During the notification period fourteen (14) submissions were received. Ten (10) of the submissions raise no objection but recommend a new raised crossing on Ferry Wharf Circuit. The four (4) objections raised relate to:

- Adequacy and safety of the school drop-off zone in Ferry Wharf Circuit at the main entrance to the school;
- Adequacy of insufficient open space for students;
- Support for a green roof; and
- Support for flexible shared fencing between the neighbouring school to facilitate mutual use of their open space amenities.

The open space requirements were assessed and the minor shortfall with the existing open space arrangement was considered to outweigh the drawbacks due to the advantages in providing education for a larger student body in light of the growing shortfall of school facilities within the precinct. To address public demand for pedestrian safety, Council's Traffic Engineer has conditioned the installation of a new crossing on Ferry wharf circuit which will be a condition of consent requirement.

The application has been assessed against the relevant planning framework and consideration of matters by Council's technical departments have 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

- Council Traffic engineer, in conjunction with 14 community submissions, expressed the importance of pedestrian safety in the vicinity of the school, advocating for an upgraded pedestrian crossing as a condition for granting consent. However, the applicant disputes the necessity of upgrading the Ferry Wharf Circuit and opposes funding for it. Despite this, Parramatta Council maintains the position that approving the crossing upgrade is essential for improving pedestrian safety in the area in light of the growing number of school children and expansion of building facilities.

### 3. SITE CONTEXT



Figure 1: Aerial of the subject site



Figure 2: Zoning of the school site and surrounds

### 4. SITE DESCRIPTION AND LOCATION

The subject site is known as 3 Burroway Road, Wentworth Point. The current property description is Lot 201 DP 1216628. The site is an irregular corner shaped allotment and is relatively flat with a gradual slope from north to south with levels ranging from RL 2.0m to RL 2.6m AHD on the southern boundary adjacent to Burroway Road.

The subject site has the following area and dimensions:

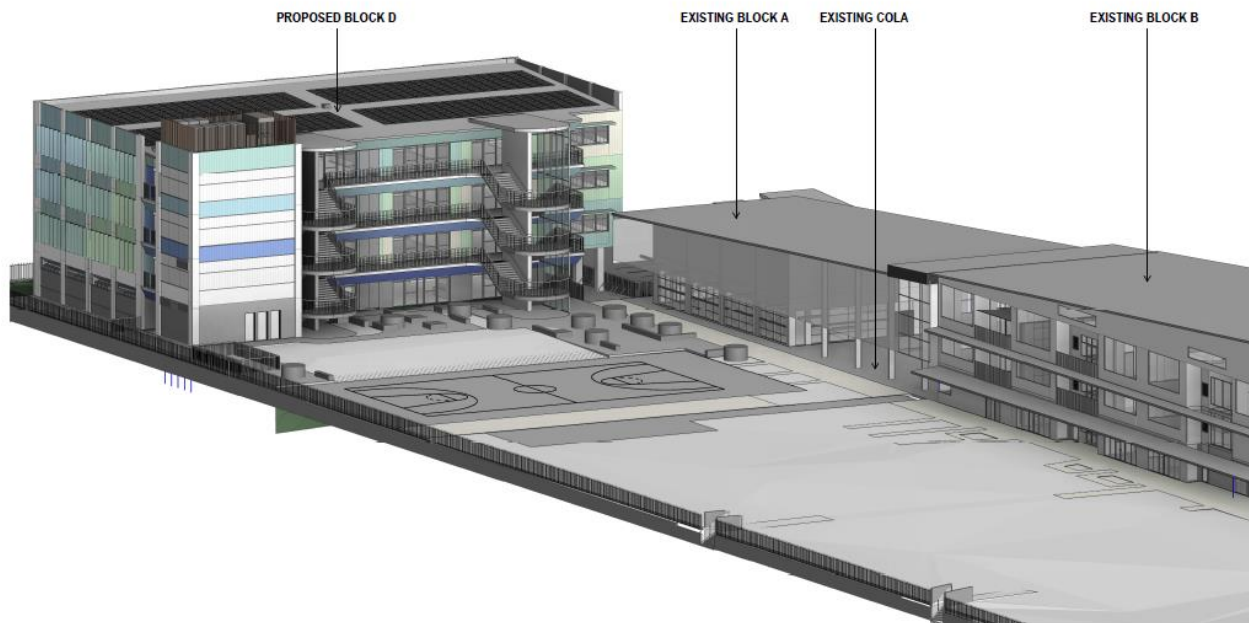
Area – 15,000 square metres (1.5 hectares)  
Frontage (Burroway Road) – 79.15 metres  
Secondary Frontage (Ferry Wharf Circuit) – 147.82 metres  
Eastern boundary – 204.45 metres  
Rear boundary – 90.95 metres

The site is located within the high-density Wentworth Point peninsula. The locality is urban mixed use in nature and features good pedestrian and public transport infrastructure. Surrounding development consists of high-density mixed-use development to the south and west, the future Peninsula Park to the north, and an approved high school to the east, which is currently under construction (SSD-11802230).

The site is considered to be located within an accessible location and can be accessed by trains, ferries, and buses. The site is located approximately 1km from Rhodes Station, which is serviced by the T9 train line towards Hornsby, Central Station, and Gordon. The nearest bus stop is located at the ferry wharf and provides services connecting Rhodes and Burwood via Sydney Olympic Park.



**Figure 3:** Site Plan with proposed building Block D in red (Source: Group GSA)



**Figure 4:** 3D view of proposed building block D amongst existing buildings (Source: Group GSA)

## 5. THE PROPOSAL

### Works

The proposal seeks consent for demolition of demountables, construction of a new classroom building, refurbishment of the existing library, and associated works at Wentworth Point Public School comprising the following works:

- removal of existing 14 demountables;
- construction of a new 4-storey building that will replace the existing demountables;
- refurbishment of the existing library;
- addition of 3 at-grade parking spaces within the existing car park; and
- associated landscaping and civil works.

### Use

Staff Numbers – Total number of staff equates to 56 full time equivalent (FTE).

Hours of Operation – No changes the hours of operation.

Types of Activities – The new building will house 26 new general learning spaces (GLSs) and 3 new support learning spaces.

## 6. PUBLIC NOTIFICATION

The notification period was held on the 1 August 2023 to 22 August 2023 in accordance with Council's Notification Procedures. During the notification period fourteen (14) submissions were received. Ten (10) of the fourteen (14) submissions raise no objection but recommend a new raised crossing on Ferry Wharf Circuit. The four (4) objections raised concern in relation to:

- Adequacy and safety of the school drop-off zone in Ferry Wharf Circuit at the main entrance to the school and;
- Adequacy of open space for students.
- Support for a green roof and;
- Support for flexible shared fencing between the neighbouring school to facilitate mutual use of their open space amenities.

In depth analysis of the objections are discussed within **Attachment A**.

## 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?	No
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 <b>Attachment A</b> .
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## 10. PARRAMATTA LOCAL ENVIRONMENTAL PLAN (PLEP) 2023

The following table is a summary assessment against PLEP 2023. A detailed evaluation is provided at **Attachment A**.

**Table 1: LEP compliance**

Control	Comment
Zones	R4 High Density Residential
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 R4 High Density Residential zone.
Principal development standards	Compliant – Building Height Compliant – Floor Space Ratio
Miscellaneous provisions	All relevant provisions satisfied
Additional local provisions	All relevant provisions satisfied

## 11. Wentworth Point Precinct Development Control Plan 2014

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
Section 2.0 Vision, principles and indicative structure plan	Consistent
Section 3.0 Public domain	Consistent
Section 4.0 Private domain	Consistent

## 12. RESPONSE TO SWCPP BRIEFING MINUTES

The Panel was briefed on 17 August 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, exercising the function of the consent authority, grant consent to Development Application DA/425/2023 for the following reasons:

1. The development complies with the provisions of the relevant State Environmental Planning Policies, Local Environmental Plan and consistent with the applicable Development Control Plans.
2. The development will be compatible with the emerging and planned future character of the area.
3. For the reasons given above, approval of the application is in the public interest.

Therefore, it is recommended that the application be approved subject to conditions in **Attachment B**.

**Note:** As the application forms part of a Crown Development Construction Certificate (CC) is not required within the conditions of consent.



CITY OF  
PARRAMATTA

### ATTACHMENT A – PLANNING ASSESSMENT

SWCCP reference  
DA No.

PPSSCC-474  
DA/425/2023

## 1. ENVIRONMENTAL PLANNING INSTRUMENTS

Compliance with the relevant instruments is addressed below:

## **STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021**

### **Section 2.19**

Section 2.19 of the Planning Systems SEPP states that development listed in Schedule 6 of that SEPP is regionally significant. Schedule 6 states that Crown development with a CIV greater than \$5 million is regionally significant.

The proposal is for Crown development with a CIV of over \$5 million and is therefore a regionally significant development.

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

The existing use of the subject site is an Educational Establishment which is located on reclaimed land known to be contaminated. Investigations carried out as part of the original school development identified localised impact by metals and hydrocarbons, and site-wide potential impact from asbestos-containing materials in shallow fill and hazardous ground gas (HGG) attributed to organic matter buried during land reclamation. The applicant has provided a Remediation Action Plan (RAP) and an addition letter of advice which concluded that the site can be made suitable for the proposed development subject to implementation of the proposed remediation strategy which was similarly adopted for the facilitation of the existing school.

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. 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 eleven (11) trees to accommodate Block D, which will be replaced and replanted by another 11 canopy trees. 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 (PRECINCTS – CENTRAL RIVER CITY) 2021**

Chapter 4 of State Environmental Planning Policy (Precincts—Central River City) 2021 (Central River City SEPP) applies to the site as the site is located in the Homebush Bay area. The requirements and objectives of Chapter 4 of the Central River City SEPP, however, are not directly relevant to the site and proposal. Nonetheless, the aims and objectives of this chapter have been reviewed, and it has been found that the proposal is generally consistent with the aims and objectives.

## **STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021**

The application has been assessed against the relevant provisions of the State Environmental Planning Policy (transport and infrastructure) 2021 as summarised below.

<b>Subdivision 2 Development likely to affect an electricity transmission or distribution network</b>	
<b>Control</b>	<b>Compliance</b>
<b>2.47 Excavation—corridors and transmission circuits</b> Section 2.47 states that development carried out within or immediately adjacent to an easement for electricity purposes must be referred to the electricity authority.	<b>Yes</b> – There is an easement for electricity purposes along the subject site's Burroway Road frontage, immediately to the south of the proposed Building D. As such, the application has been referred to electricity authority Ausgrid who raise no objection to the proposed school works.



Part 3.4 – Schools – specific development controls	
Control	Compliance
<b>3.36 School – Development permitted with consent</b> (1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.	<b>Yes</b> – The site is located in a prescribed zone (R4 High Density Residential), and therefore the development is permitted with consent under the TI SEPP (in addition to being permitted with consent under Parramatta Local Environmental Plan 2023).
<b>3.36 School – Development permitted with consent</b> (6) Before determining a development application for development of a kind referred to in subclause (1)..., the consent authority must take into consideration – <ul style="list-style-type: none"> <li>a) The design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and</li> <li>b) Whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.</li> </ul>	<b>Yes</b> – The application was presented to the Design Excellence Advisory Panel (DEAP) for review on 17 August 2023, where minor design amendments were requested. The applicant provided revised plans to address the DEAP comments which are considered satisfactory. The design quality principles are discussed further below.  The proposal is for new permanent classroom space and alterations to the library only; no community uses are proposed as part of the development.
<b>Schedule 8- Design Principles</b>  <b>Principle 1 – Context, Built Form and Landscape</b> The design of the building is considered to complement the existing school and the surrounding area, whilst also providing additional amenity and access to education for the community. The design of the building is also well integrated with the rest of the school facilities and provides additional landscaping in lieu of the demountable classrooms which will be removed.  <b>Principle 2 – Sustainable, Efficient and Durable</b> The sustainability and durability of the proposed facility has been ingrained in the chosen materials. Low maintenance options have been chosen to ensure durability efficiency and sustainability of the proposed development.  <b>Principle 3 – Accessible and Inclusive</b> The proposed development has been designed to be integrated with the existing school facility. An Access Report has been provided by the applicant which details the compliance of the development with the relevant requirements of the BCA. In addition, the access report has been reviewed by Council's Universal Access & Design Officer and supported.  <b>Principle 4 – Health and Safety</b> The development optimises health, safety and security within its boundaries and the surrounding public domain. The new facility has been designed to optimise supervision and safety. The proposed development will be incorporated into the existing security system of the school.  <b>Principle 5 – Amenity</b> The proposal not only seeks to construct a new four storey building to replace the existing demountables but will also refurbish the library which will not only upgrade the facilities of the school but also improve the overall appearance. The proposal will facilitate learning spaces that can house more children and allow for a wide range of educational activities.  <b>Principle 6 – Whole of Life, Flexible and Adaptive</b> The proposed development incorporates a design that delivers high environmental performance, ease of adaptation and multi-use facilities for Wentworth Point Public School.  <b>Principle 7 – Aesthetics</b> It is considered that the building has been well designed and is aesthetically pleasing. The proposal is integrated well into the existing development and enables built form that has good proportions and a balanced composition of elements to positively impact the quality and character of the neighbourhood.	
<b>3.36 School – Development permitted with consent</b> (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.	<b>Noted</b> – The provisions of The Wentworth Point Precinct DCP 2014 has been applied to this development and discussed in more depth within the DCP section of the report.

## PARRAMATTA LOCAL ENVIRONMENTAL PLAN (PLEP) 2023

The application has been assessed under the provisions of the Parramatta Local Environmental Plan (PLEP) 2023 as summarised below.

Development Standard	Control	Proposal	Complies
Land Use Zone	R4 High Density Residential	The proposed development is for an educational establishments, which is permitted with consent in the R4 zone.	Complies
Clause 4.3 – Height of Buildings	The site is subject to a maximum height control of part 25m and part 19m (along foreshore).	The proposed new building is entirely within the 25m height area and has a maximum height of approximately 18.5m above existing ground level.	Complies
Clause 4.4 – Floor Space Ratio	Allowable: 1:1	Proposed: 0.51:1 (7,655m <sup>2</sup> ) The entire school development including existing and proposed new buildings has a GFA of 7,655sqm, resulting in an FSR of 0.51:1.	Complies
Clause 5.21 Flood planning	For development within the flood planning area, the consent authority must be satisfied as to certain matters relating to flood behaviour and flood risk.	The site is not identified as being flood prone but is affected by probable maximum flood (PMF). Flooding has been considered in the submitted stormwater management report. The report identifies that the development's finished floor levels are well above the PMF. A flood evacuation response plan has been reviewed by Councils Senior Catchment Engineer and is supported.	Complies
Clause 6.1 Acid sulfate soils	The site is on land identified as Class 2 acid sulfate soils. An acid sulfate soils management plan is required for any works below the ground surface on Class 2 land.	An acid sulfate soils management plan has been prepared and will be conditioned to comply.	Complies
Clause 6.6 Foreshore building line	The consent authority must consider certain matters when assessing development within the foreshore area.	The very northern portion of the subject lot is within the foreshore area. However, the actual land on which the development is located is well outside the foreshore area. The proposed new building is not expected to have any adverse impacts on foreshore processes, on the amenity of the area, or on riverine environment. The new building is more than 100m from the foreshore area, complies with zone objectives, complies with Council's building envelope controls, is acceptable from a flood risk perspective, will not disrupt access to the foreshore, and includes a suitable stormwater management design.	Complies

## 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 have been assessed below.

### Wentworth Point Precinct Development Control Plan 2014

The Wentworth Point Precinct Development Control Plan 2014 (WPDCP 2014) is the applicable development control plan for the site.

Control	Proposal	Complies
Section 2.0 Vision, principles and indicative structure plan	The proposal is consistent with the vision, principles and indicative structure plan. The proposal contributes to the growth and success of Wentworth Point Public School, which is an important piece of infrastructure for the precinct as set out in the development principles. The proposed building addresses Burroway Road as set out in the "Key elements" table.	Complies
Section 3.0 Public domain	There are no proposed changes to the approved street design, pedestrian/cycle network, remediation/bulk earthworks strategy or open space network as part of the proposal.	Complies
<b>Section 4.0 Private domain</b>		
Height	This section specifies a 7-storey maximum height for the site. At 4 storeys, the proposed new building complies.	Complies
Setbacks	This section requires a 5m setback along Burroway Road and a 3m-5m setback from Ridge Road (eastern boundary). The proposal provides for a 9m setback from Burroway Road and a 3m setback from the eastern boundary, consistent with the controls. The extra setback from Burroway Road is proposed to avoid existing Ausgrid underground electricity assets.	Complies
Design and materials	Consistent with the controls in subsection 4.6 regarding building design and materials, the proposed new building features legible entries, a high level of façade articulation, an articulated roof line, and high quality, durable materials.	Complies
Parking	Car parking for educational establishments is to be provided in accordance with Auburn Development Control Plan 2010 pursuant to control 2 of Part 4.10 of the WWPDCP, which requires parking for primary schools to be provided at a rate of 1 space per 2 staff.  The proposal will result in 56 full time equivalent staff for the school, resulting in a requirement of 28 spaces. The proposal provides for 20 spaces, 8 spaces short of the requirement.  This parking arrangement of the school has been reviewed by Council's Traffic and Transport Investigations Engineers and considered acceptable on merit subject to the imposition of a condition for a Green Travel Plan. The green travel plan strategy aims to reduce the environmental impact of transportation. It involves measures and initiatives to encourage the use of sustainable modes of transportation such as walking, cycling, public transportation, or electric vehicles. The plan typically includes policies to decrease carbon emissions, promote carpooling, improve infrastructure for alternative transportation, and encourage eco-friendly commuting habits to minimize the environmental footprint associated with travel.	Considered acceptable subject to conditions of consent.
Section 5.0 Sustainability and environmental management	The proposed new building provides for a stormwater management system with a treatment train that includes Ocean Protect Cartridge Filters, Ocean Guard Baskets, rainwater tank and bioretention swale. The system has been prepared generally in accordance with Council's requirements.	Complies

### 3. REFERRALS

Internal Referrals	Comment
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<b>Development Engineer</b>	Councils Development Engineer has assessed the stormwater drainage and management of the site and consider the development acceptable subject to conditions of consent.
<b>Traffic</b>	<p>Councils Traffic and Transport Investigations Engineer support the development subject to conditions, including the installation of a raised pedestrian crossing on Ferry Wharf Circuit (Condition 29).</p> <p><b><u>Raised pedestrian crossing on Ferry Wharf Circuit</u></b></p> <p>It is noted that majority of the kiss and ride activity occurs from Ferry Wharf Circuit which is under the care and control of SOPA.</p> <p>Ferry Wharf Circuit is not a Council road and Council's warrants for a pedestrian crossing (which would be met), are not applicable to this location. However, the traffic counts do show a strong pedestrian desire line and the only reason the TfNSW warrants are not met is due to the lower vehicle volumes. Furthermore, TfNSW have previously indicated to Councils that their warrants are only applicable to their roads and that other jurisdictions are able to create their own warrants.</p> <p>Considering this, Council maintains its position that a raised pedestrian crossing should be provided in this location and the applicant must make a formal request to SOPA for approval of the facility. It is noted that a raised pedestrian crossing will ensure reduced vehicle speeds, give pedestrians higher exposure to approaching motorists and give pedestrians priority over vehicles.</p> <p>Should the facility be approved, it is to be constructed by the applicant at their costs. Should the facility not be approved, an alternative crossing facility is to be explored at this location subject to discussions with SOPA and Council and is to be constructed at the applicants cost.</p>
<b>Senior Catchment Engineer</b>	<p>Council's Senior Catchment Engineer evaluated the application. The proposed ground floor level of new Building D stands at RL 4.15m AHD, exceeding both the increased Flood Planning Level and the Probable Maximum Flood (PMF) level. This elevation makes it suitable as a shelter in place refuge. However, it's worth noting that the Flood Emergency Management Plan lacks provisions for sea level rises resulting from climate change. It proposes horizontal evacuation via Burroway Rd, which is at a lower level than the school site, but briefly mentions refuge on-site (shelter in place). Consequently, there's a need to update the Flood Emergency Management Plan and Shelter in Place plan to account for higher water levels due to climate change, ensuring improved safety measures for school occupants.</p> <p>Council's Senior Catchment Engineer has given support to the proposed development, contingent upon various conditions. One such condition, Condition 37, stipulates the necessity for an updated Floor Emergency Management Plan and Shelter in Place plan.</p>
<b>City Strategy</b>	<p>Council's City Strategy team overall acknowledge and endorse the necessity for expanding educational facilities at the Wentworth Point Public School in light of the growing shortfall of school facilities within the precinct. However, the team expressed specific concerns regarding the designated open space allocated for school children emphasising the necessity for additional open space in the form of a potential green roof and adaptable shared fencing between the neighbouring school to facilitate mutual use of their open space amenities.</p> <p>Although the open space proposal slightly fell short by 1.3sqm of the recommended 10sqm requirements per student, the applicant proposed operational measures to support the reduced open space provision per student including:</p> <ul style="list-style-type: none"> <li>• Utilising the hall in the existing Block A as an indoor play space for students during break times, and;</li> <li>• Implementing staggered timetabling to optimise the use of available open spaces and to reduce the number of students accessing open space simultaneously.</li> </ul> <p>The applicant responded to the requests for a green roof and adaptable shared fence expressing that execution of the green roof bares operational limitations, funding constraints, and maintenance concerns, affecting the project's feasibility and sustainability. The applicant also raised security concerns that arise with the potential implementation of a retractable fence, posing risks to students, staff, and property, rendering the retractable fence unfeasible in this scenario.</p>

	Despite not being able to facilitate a green roof or retractable fence, by removing the current fourteen (14) demountable classrooms, the school area will undergo significant enhancements, allowing for increased functionality and improvements to the existing open space. Given the limited land availability in the Wentworth Point region and the urgent necessity to accommodate the expected surge in student enrolment due to rapid population growth, the marginal deficiency is deemed acceptable based on its merits. The advantages in providing education for a larger student body outweigh the drawbacks associated with this minor shortfall.
<b>Landscape</b>	The application has been assessed by Councils Landscape architect and supported subject to conditions, including the provision of additional street planting along Burroway Road.
<b>Acoustic</b>	The application has been assessed by Councils Environmental Health Officer for the acoustic impacts of the development which are considered acceptable subject to conditions.
<b>Waste</b>	The application has been assessed by Council's Environmental Health Officer for the Waste management of the development pre, during and post development which is considered acceptable subject to conditions.
<b>Contamination</b>	The application has been assessed by Council Environmental Health Officer to assess the Contamination affection and submitted Remediation Action Plan (RAP) which is considered sufficient subject to the imposition of conditions of consent.
<b>Universal Access &amp; Design</b>	Councils Universal Access & Design Officer has reviewed the application and support the development subject to conditions, including condition 89 for the 89, requiring the access report to be adhered with during construction.
<b>External Referrals</b>	<b>Comments</b>
<b>Ausgrid</b>	The application has been reviewed by Ausgrid due to the Electrical Easement along the Burroway Road frontage which is supported subject to conditions of consent.
<b>Sydney Olympic Park Authority (SOPA)</b>	SOPA raised no objection but concur with the recommendation to install a raised pedestrian crossing on Ferry Wharf Circuit.

#### 4. PUBLIC CONSULTATION

The application was notified in accordance with Council's notification procedures from 1 August 2023 to 22 August 2023. During the notification period Fourteen (14) submissions were received. Ten (10) of the fourteen (14) submissions raised no objection but recommend a new raised crossing on Ferry Wharf Circuit. The four (4) objections raised two main concerns discussed in the table below.

<b>Objections raised</b>	<b>Response</b>
Adequacy and safety of the school drop-off zone in Ferry Wharf Circuit at the main entrance to the school	To address public demand for pedestrian safety, Councils Traffic and Transport Investigations Engineer has conditioned the installation of a new crossing on Ferry Wharf Circuit which will be a condition of consent requirement.  The crossing would provide a direct, elevated path-of-travel from the school to the shopping centre on the western side of Ferry Wharf Circuit and to the Wentworth Point Wharf.
Adequacy of open space for students.	Although the open space proposal slightly fell short by 1.3sqm of the recommended 10sqm requirements per student, the applicant proposed operational measures including utilising the hall in the existing Block A as an indoor play space for students during break times and staggered timetabling to optimise the use of available open spaces and to reduce the number of students accessing open space simultaneously.  The open space requirements were assessed and the minor shortfall with the existing open space arrangement was considered to outweigh the drawbacks due to the advantages in providing education for a larger student body in light of the growing shortfall of school facilities within the precinct.
Support for a green roof	The applicant responded to the requests for a green roof and adaptable shared fence expressing that execution of the green roof bares operational limitations, funding constraints, and maintenance concerns, affecting the project's feasibility and sustainability.

	Due to the above constraints, the adoption of the abovementioned operational measures will be conditioned to ensure the open space needs of students are adequately managed.
Support for flexible retractable fencing being provided for the shared school oval to enable sharing with the community.	<p>The applicant expressed safety concerns which arise from the potential implementing of a retractable fence that could pose risks to students, staff, and property, rendering the retractable fence unfeasible in this scenario.</p> <p>As abovementioned, operational management of the open space will be conditioned to ensure the needs of the students are adequately managed.</p>

### 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 – Rejected

The application received fourteen (14) submissions during the formal notification period, however, only four (4) of the submissions received were objecting to the proposal with the remaining ten (10) requesting the installation of a new raised crossing on Ferry Wharf Circuit.

A Conciliation Conference was offered to the applicant; however, the applicant declined the conciliation conference as the submissions were formally addressed in a submission to Parramatta Council.

## 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)* as the proposal forms part of a Crown development.

## 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 Crown Certificate.

## 7. EP&A REGULATION 2021

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, Certifier 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.



**ATTACHMENT B – 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/425/2023  
**Property Address:** 3 Burroway Road, Wentworth Point NSW 2127  
**Legal Description:** Lot 201 DP 1216628

**PART A – GENERAL CONDITIONS**

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

Architectural Drawings prepared by Group GSA (Project No. CD2103)

Drawing No.	Issue	Plan Title	Dated
DA1103	F	Demolition Plan	10.10.2023
DA1104	F	Proposed Site Plan	10.10.2023
DA1106	F	Part Site Plan	10.10.2023
DA2008	F	Block D Ground Floor Plan	10.10.2023
DA2009	E	Block D First Floor Plan	10.10.2023
DA2010	E	Block D Second Floor Plan	10.10.2023
DA2011	E	Block D Third Floor Plan	10.10.2023
DA2012	F	Roof Plan	10.10.2023
DA2601	F	External Finishes	10.10.2023
DA3001	F	Building Elevations Sheet 1	10.10.2023
DA3002	F	Building Elevations Sheet 2	10.10.2023
DA3003	F	Streetscape Elevation	10.10.2023
DA3101	F	Building Sections Sheet 1	10.10.2023
DA3102	F	Building Sections Sheet 2	10.10.2023
DA3201	F	Block D Perspective View 01	10.10.2023
DA3202	F	Block D Perspective View 02	10.10.2023
DA3203	F	Block D Perspective View 03	10.10.2023
DA4001	D	Library Demolition Plans Sheet 1	05.06.2023
DA4002	D	Library Demolition Plan Sheet 2	05.06.2023
DA4003	D	Library Refurbishment Plans Sheet 1	05.06.2023



Drawing No.	Issue	Plan Title	Dated
DA4004	D	Library Refurbishment Plans Sheet 2	05.06.2023
L-1000	C	Landscape Site Plan	02.10.2023
L-2002	C	Landscape Coloured Plan	02.10.2023
L-5000	B	Indicative Plant Schedule & Images	02.10.2023

### Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Statement of Environmental Effects	-	01	Mecone	22 June 2023
Waste Management Plan	Ref-23056	-	Dickens Solutions	May 2023
Transport and Accessibility Impact Assessment	P1917r01v3	02	Ason Group	13 June 2023
Stormwater Management Report	WPPS-CV-RP-001	02	Stantec	31 May 2023
Letter from Stantec Regarding Stormwater Easement	-	-	Stantec	27 September 2023
Arborist Report	-	C	Birds Tree Consultancy	11 October 2023
Social Impact Letter	-	-	Polygon Strategy	6 June 2023
Flood Emergency Plan	301351069	01	Stantec	19 May 2023
Remediation Action Plan – Stage 2 Development Works	AU123030 R01 Rev1	1	Geosyntec Consultants	30 May 2023
Access Report	23160-WPPS-BCA Access 02-220523	02	Metro Building Consultancy	22 May 2023
Acoustic Report	rp230427s0002	4	NDY A Tetra Tech Company	02.06.2023
Acid Sulphate Soil Management Plan	AU123030	2	Geosyntec Consultants	30 May 2023

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

2. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Crown Certificate. Plans, specifications and relevant documentation accompanying the Crown Certificate must include any requirements imposed by conditions of this Development Consent.  
**Reason:** To ensure compliance with legislative requirements.
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.
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.

5. Separate waste bins are to be provided on site for recyclable waste.

**Reason:** To provide for the appropriate collection/recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.

6. An updated Waste Management Plan is to be submitted immediately after the letting of all contracts detailing the:
  - (a) expected volumes and types of waste to be generated during the demolition and construction stages of the development;

(b) destination of each type of waste, including the name, address and contact number for each receiving facility.

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

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

7. Before the issue of a Crown 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](http://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.

8. Before the commencement of any works on the site or the issue of a crown 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:	\$25,750.00

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/425/2023;
- (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](mailto: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.

9. 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.

**Reason:** To comply with the Department of Planning and Environment – Water requirements.

10. A sign displaying the contact details of the remediation shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.

**Reason:** To provide contact details for council inspectors and for the public to report any incidents.

11. 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.

12. 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 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.

13. At least one (1) week prior to demolition, the applicant must submit to the satisfaction of the Certifying Authority a hazardous materials survey of the site. Hazardous materials include (but are not limited to) asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must be prepared by a suitably qualified and experienced environmental scientist and must include at least the following information:

- (a) The location of hazardous materials throughout the site;
- (b) A description of the hazardous material;
- (c) The form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;

- (d) An estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- (e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- (f) Identification of the disposal sites to which the hazardous materials will be taken.

**Reason:** To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.

14. All remediation works shall be carried out in accordance with the general terms of approval issued by Ausgrid (Reference: trim 2017/32/84, dated 15 August 2023) and 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.

15. 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.

16. Trees to be retained and protected are numbered 1, 21, 22, 23, 29, 31, 33, 34, 35, 37, 39, 41 and 50 as per the Arboricultural Impact Assessment Report by Birds Tree Consultancy rev C dated 11.10.2023 in addition - the 6 x street trees located adjacent to the development on Burroway Road, not currently assessed, which will also need to be retained and protected during the demolition and construction works.

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

## **PART B – BEFORE THE ISSUE OF A CROWN 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 Crown Certificate.)

17. Before the issue of a crown 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

18. Before the issue of a crown 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**

Details the following:

- (b) the contact details of the person(s) removing the waste
- (c) an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
- (d) 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.

19. 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 Crown Certificate.

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

20. 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 Crown Certificate for assessment and approval by the certifying authority.

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

21. 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 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.

22. 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 Certifying Authority prior to any excavation occurring.

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

23. 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.

24. 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 Crown Certificate to the satisfaction of the Certifying Authority.

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

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.

26. Water quality treatment measures must be installed to manage stormwater runoff from the proposed development in accordance with the Stormwater Management Report, Ref. No. WPPS-CV-RP-001, Revision 02, dated 31 May 2023, prepared by Stantec, and, Stormwater Drainage Plan, Project No. 301351069, Revision A, dated 19 May 2023, prepared by Stantec.

**Reason:** To ensure appropriate water quality treatment measures are in place.

27. For the Stage D Water quality treatment measures and rainwater capture systems must be installed to manage stormwater runoff from the proposed development in accordance with the Stormwater Management Report, REV 02 by Stantec Australia 31 May 2023.

Details of the proposed devices and their location must accompany the application for a Crown Certificate to the satisfaction of the Certifying Authority.

**Reason:** To ensure appropriate water quality treatment measures are in place.

28. Where shoring will be located on or will support Council property, engineering details of the shoring are to be prepared by an appropriately qualified and practising structural engineer. These details are to include the proposed shoring devices, the extent of encroachment and the method of removal and de-stressing of the shoring elements. These details shall accompany the application for a Crown Certificate. A copy of this documentation must be

provided to Council for record purposes. All recommendations made by the qualified practising structural engineer must be complied with.

**Reason:** To ensure the protection of existing public infrastructure and adjoining properties.

29. Prior to the issue of a crown certificate the developer is to make a formal submission to the Sydney Olympic Park Authority (SOPA) for in principal support to construct a raised pedestrian crossing in Ferry Wharf Circuit, Wentworth Point. If a raised pedestrian crossing is not supported by SOPA, the applicant must discuss alternative treatments at this location such as kerb extensions and/or a pedestrian refuge island which is to be submitted to the satisfaction of Parramatta Councils Traffic and Transport department.

**Reason:** To ensure appropriate pedestrian safety is achieved.

30. Detailed engineering design plans of the final agreed upon treatment in Ferry Wharf Circuit are to be submitted to the relevant authority for review and approval. The construction of the approved treatment is to be carried out by the developer at all costs associated. The supply and construction of the traffic facility and appropriate signage are to be paid for by the developer at no Cost to Council or SOPA.

**Reason:** To ensure appropriate pedestrian safety is achieved.

31. The existing street lighting is required to comply with the relevant Australian Standards for the proposed traffic facility. Should the lighting need to be upgraded, the developer must liaise with the relevant utility authority directly and arrange for the works to take place at no cost to Council and SOPA.

**Reason:** To ensure appropriate pedestrian safety is achieved.

32. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS9 and DS10. Details must accompany an application for a Crown Certificate to the satisfaction of the Certifying Authority.

A Vehicle Crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges prior to any work commencing.

**Reason:** To ensure appropriate vehicular access is provided.

33. Accessible car-parking spaces must be provided as part of the total car-parking requirements. These spaces and access to these spaces must comply with AS2890.6 - 'Parking facilities' - 'Off-street parking for people with disabilities and AS1428.1 - 'Design for access and mobility' - General requirements for access - New building work' 2001 and 2009 and AS1428.4 - 'Design for access and mobility' - 'Tactile ground surface indicators for orientation of people with vision impairment' - 'Means to assist the orientation of people with vision impairment - Tactile ground surface indicators' 1992 and 2009.

Details are to accompany an application for a Crown Certificate to the satisfaction of the Certifying Authority.

**Reason:** To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

34. 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 Crown Certificate to the satisfaction of the Certifying Authority.

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

35. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany an application for a Crown Certificate and be to the satisfaction of the Certifying Authority. A copy of these details must be forwarded to Council prior to any work being commenced.

Backfilling of excavations adjoining Council property or any void remaining at the completion of the construction between the building and Council property must be fully compacted prior to the completion of works.

**Reason:** To protect Council's infrastructure.

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

**Reason:** To ensure appropriate drainage.

37. Prior to release of the Crown Certificate submission to and approval by the certifier of an updated Flood Emergency Response Plan prepared by a suitably qualified consultant that recognises increased sea and flood levels arising from climate change, reviews suitability of horizontal evacuation pathways and addresses the need for and provision of Shelter In Place flood refuge facilities for all occupants above the PMF level (including climate change).

**Reason:** Flood Risk Management

38. Prior to the issue of the crown certificate a revised carpark design is to be provided to remove the two parking spaces from the central aisles.

Reason: Councils Traffic and Transport department have confirmed that the two additional parking spaces being provided in the central aisle will compromise the usability and safety of the two support learning drop off bays as it will not be wide enough for a vehicle to get through in one manoeuvre due to the lack of any safety buffer.

39. Prior to the issue of a crown certificate the certifier shall ensure that a comprehensive Green Travel Plan is provided which details strategies and initiatives aimed at promoting sustainable transportation methods, such as walking, cycling, public transit, and electric vehicles. This plan should outline measures to reduce carbon emissions, encourage carpooling, and enhance infrastructure for alternative transportation. The Green Travel Plan must be submitted to Councils Traffic departments and supported prior to the commencement of the project.

Reason: As the proposed parking on site does not comply with the minimum parking requirements, a Green Travel Plan is required to ensure ongoing compliance to sustainable transportation practices.

40. The final Landscape Plan must be consistent with plans numbered A221033 L-2001, L-2002 rev C L3000 rev A and L-5000 rev B dated 02/10/2023, prepared by Group GSA together with

any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:

Before the issue of the relevant Crown Certificate, the revised landscape plans are to be submitted to the written satisfaction of Council's Manager Development and Traffic Services Unit.

- (a) Retention of the 6 x street trees along Burroway Road.
- (b) Delete the raised steel planters supporting the trees as this does not provide sufficient soil volume to support the mature growth of the proposed trees.
- (c) A minimum 35m<sup>3</sup> soil volume (maximum 1m soil profile depth) must be provided for each tree and the soil extent indicated under the concrete paving on the plans. (The soil volume is to be contiguous under the concrete paving slab using a structural soil system to ensure there will be adequate soil volume provided)
- (d) Provide a specific tree pit planting section detail for the trees located within the concrete playground to ensure there is sufficient soil volume available.
- (e) The stormwater and civil engineering pits and pipe locations to be indicated on the plans for coordination.
- (f) Swale planting to be indicated within the bio-retention swale as per the Stormwater Management Plans.
- (g) A total 39 trees are shown to be removed to facilitate the development, 21 of these trees are shown to be removed from within the easement. Only 15 replacement trees are being proposed which is insufficient. The number of replacement trees must meet or exceed the number of trees shown to be removed within the site to ensure the tree canopy cover is not reduced or lost. Therefore, the following must be provided:
  - Minimum 5no. Additional trees are to be planted within the front setback (between the building and boundary fence) to soften the building scale.
  - Minimum 20no. Additional trees are to be planted adjacent to the proposed easement and/or within the northern portion of the site.
  - Tree replenishment is to be provided in a minimum 75 litre container, must be able to reach a minimum mature height of thirteen (13) metres, and planted with a minimum setback of 3m to the outside wall or edge of a legally constructed building or the proposed development and a minimum 2m distance from any proposed or existing drainage line and a minimum 1m from any boundary.
- (h) A planting plan is to be submitted for assessed.
- (i) An updated plant schedule to include the above requirements. It must include the final quantities of the trees, shrubs, groundcovers and bio-swale planting including the botanical and common names, size of the containers at planting and mature height and canopy spread.
- (j) All landscape plans are to be prepared by a professionally qualified Landscape Architect.

**Reason:** To ensure restoration of environmental amenity.

41. A Tree Protection Management Plan (TPMP), prepared by a suitably qualified Consulting Arborist (Australian Qualification Framework Level 5), must accompany the application for a Crown Certificate. This TPMP is to identify specific tree protection measures to be implemented for the trees located within the site and adjacent to the site during demolition and construction and the expected future health of the trees. The TPMP must discuss the specific non-destructive construction method to minimise the impact and encroachment and discuss the specific protection measures required throughout the demolition and construction works. It

should cover all stages of the works and cover any works to be supervised by the Project Arborist including:

- (a) A Tree Protection Plan must follow the tree numbers already identified in the existing Arboricultural Impact Assessment;
- (b) Include the street trees along Burroway Road not included in the AIA;
- (c) The TPMP must identify the specific tree protection type and location required for each tree inclusive of canopy, trunk and tree root protection in accordance with AS 4970-2009 - *Protection of Trees on Development Sites*;
- (d) Discuss supervision of any approved excavation to be undertaken within the calculated Tree Protection Zones of the trees to be retained and protected
- (e) Provide guidance on the approved services to be installed within the TPZ of trees, to ensure non-destructive construction techniques are used to minimise the construction impact (i.e. bridging of roots);
- (f) Construction of any structure which requires a modified footing;
- (g) Landscaping (i.e. minimise cultivation, excavation planting techniques within the TPZ & SRZ);
- (h) Any other stages that the Project Arborist deems necessary;

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

42. All landscape works shall be maintained for a minimum period of one (1) year following the issue of a Final Completion Certificate, in accordance with the approved landscape plan and conditions.

**Reason:** To ensure restoration of environmental amenity.

### **PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK**

43. Prior to commencement of work, the person having the benefit of the Development Consent and Crown Certificate approval must:

- (a) Appoint a certifier 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 Certifying Authority must determine and advise the person having the benefit of the Crown Certificate when inspections, certification and compliance certificates are required.

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

44. 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 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.

45. 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.

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

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

47. 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 Certifying Authority prior to the commencement of any work on site.

**Reason:** To ensure public safety.

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

- 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.
- 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.

- Traffic Control Plan(s) for the site:
  - (i) 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,
  - (ii) Approval shall be obtained from City of Parramatta Council for any temporary road closures or crane use from public property.
- 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.

49. The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas).

In addition, no drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.



**Reason:** To protect Council's assets throughout the development process.

50. Details of any proposed reinforced concrete pipe-work within public land and Burroway Road shall be submitted for Council's City Works Unit approval prior to commencement of any work.

**Reason:** To ensure adequate stormwater infrastructure is provided.

51. 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

52. 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.

53. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation
- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

**Note:** If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

**Reason:** As prescribed under the Environmental Planning and Assessment Regulation 2000.

54. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval pursuant to Section 138 of the Roads Act 1993:

- (a) On-street mobile plant:  
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.
- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers

(skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.

(d) Kerbside restrictions - construction zones:

The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs..

The application is to be lodged with Council's Customer Service Centre.

**Reason:** Proper management of public land.

55. All works associated with the construction and/or extension of a driveway crossover/layback within Council owned land requires an application to be lodged and approved by Council.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and accompanied by plans, grades/levels and specifications. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

**Note 1:** This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

**Note 2:** Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524

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

56. 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 prepared by Birds Tree Consultancy dated 11<sup>th</sup> October 2023 and the Tree Protection Management Plan and the conditions of consent.

**Reason:** To ensure the protection of the trees to be retained on the site and adjacent to the site.

57. Tree protection measures are to be installed as per the Tree Protection Management Plan 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 trees are adequately protected throughout the construction phase.

58. 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.
59. The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure that any such proposed demolition works involving asbestos are carried out in accordance with the requirements of the 'Code of Practice: How to Safely Remove Asbestos' published by WorkCover NSW. The strategy shall be submitted to the Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.
- Reason:** To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.
60. Prior to commencement of works the recommendations in the Remedial Action Plan (RAP) prepared by Geosyntec, file reference AU123030 R01, Rev 1 dated 30 May 2023 must be adhered with.
- Reason:** To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

## **PART D – WHILE BUILDING WORK IS BEING CARRIED OUT**

61. 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.
62. 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.
63. 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.

64. The 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 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.

65. 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 Certifying Authority upon request.

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

66. 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.

67. 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 certifier: -

(a) All footings/ foundations

(b) At other stages of construction – any marks that are required by the certifier

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

68. 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.

69. 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.

70. 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.

71. 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.

72. During works the recommendations in the Remedial Action Plan (RAP) prepared by Geosyntec, file reference AU123030 R01, Rev 1 dated 30 May 2023 must be adhered with.

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

73. 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.
74. 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.
75. Liquid and solid wastes generated onsite shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999) and NSW EPA Waste Classification Guidelines.  
**Reason:** To prevent pollution of the environment.
76. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.  
**Reason:** To ensure provision of adequate waste disposal arrangements.
77. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.  
**Reason:** To ensure waste is adequately stored within the premises.
78. Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Certifying Authority, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.  
**Reason:** To ensure appropriate disposal of asbestos materials.
79. 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.
80. 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.
81. 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.

82. 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 (EPA) and ANZ Guidelines for Fresh and 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.

83. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Interim Australian Standard DR AS/NZS 4282:2018 The Control of the Obtrusive Effects of Outdoor Lighting.

**Reason:** To protect the amenity of the surrounding neighbourhood from the emission of light.

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

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

85. Stockpiles of topsoil, sand, aggregate, soil or other material are not to be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

**Reason:** To ensure that building materials are not washed into stormwater drains.

86. Stormwater from all new impervious areas, and subsoil drainage systems, must be piped to the existing site drainage system. The installation of new drainage components must be completed by a licensed contractor in accordance with AS3500.3 (2003) - Stormwater Drainage, the Building Code of Australia (National Construction Code) and the Stormwater Management Report, Ref. No. WPPS-CV-RP-001, Revision 02, dated 31 May 2023, prepared by Stantec, and, Stormwater Drainage Plan, Project No. 301351069, Revision A, dated 19 May 2023, prepared by Stantec.

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

87. 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.



88. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council's "Guidelines for Public Domain Works". Certification is required to be provided with the Completion Certificate.  
**Reason:** To ensure Council's assets are appropriately constructed.
89. During construction the certifier must ensure that the access report prepared by Metro Building Consultancy, record number D09063307, dated 22nd May 2023) has been adhered with including:
- (a) Clearly identify intuitive pedestrian accessible paths of travel connecting the proposed block, playing field, surrounding areas and accessible parking provisions.
  - (b) The accessible sanitary facilities shown all have right hand transfers onto the pan a mixture of transfer options should be provided following BCA F4 *"where two or more of each type of accessible unisex sanitary facility are provided, the number of left and right handed mirror image facilities must be provided as evenly as possible"*
  - (c) Low level thresholds should be provided at all doors accessing open spaces, corridors and outdoor areas thus enabling compliant access as per AS1428.1.7.
  - (d) The Abutment of differing surfaces shall have a smooth transition. Design transition shall be 0 mm. *Construction tolerances shall be as follows:*
    - i.  $0 \pm 3$  mm vertical.
    - ii.  $0 \pm 5$  mm, provided the edges have a bevelled or rounded edge to reduce the likelihood of tripping. AS1428.1.7.2.
  - (e) Equipment and furniture within the communal areas and classrooms will require accessible and inclusive features suitable for a person with a mobility and other impairments.  
 Note: AS1428.2 provides guidance on accessible furniture including, reach ranges and varying heights of tables and seats with back and arm rests etc.
- Reason:** To ensure BCA access requirements are adhered with.
90. No trees on public property (footpaths, roads, reserves, etc.) are permitted to be removed, pruned or damaged during construction including the installation of fences, hoardings or other temporary works, unless approved in this consent.  
**Reason:** Protection of existing environmental infrastructure and community assets.
91. No materials (including waste and soil), equipment or goods of any type are to be stored, kept or placed within 5m of the trunk of a tree or within the Tree Protection Zone (TPZ) of any tree whichever is greater. All activities involving soil level changes, excavation, all types of cleaning, and refuelling are prohibited within the TPZ.  
**Reason:** To ensure the protection of the tree(s) to be retained on the site.
92. All approved excavation within 5m of trees numbered 29, 31, 33, 34, 35, 37, 39, 41, 50 (the trees located within the easement) as per the Arboricultural Impact Assessment Report by Birds Tree Consultancy rev C dated 11th October 2023, is to be supervised by an Australian Qualifications Framework (AQF) Level 5 Consulting Arborist.

All works within this zone is to be carried out using non-destructive construction method such as hydrovac (on the lowest setting) or careful hand-dig to retain all roots >30mm in diameter.

Once the work is completed a written summary detailing the works undertaken is to be forwarded to the Certifying Authority and to state if works were carried out in accordance with the Conditions of Consent and AS4970 Protection of Trees on the Development sites.

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

93. All trees planted as required by the approved landscape plan are to be a minimum 75 litre container size. All shrubs planted as part of the approved landscape plan are to have a minimum 200mm container size.

**Reason:** To ensure appropriate landscaping.

94. The following trees are approved to be removed to facilitate the development: Trees numbered 2 to 20, 24 to 28, 30, 32, 36, 38, 40, 42 to 49, 51 to 53 as per the AIA by Birds Tree Consultancy rev C dated 11.10.2023.

**Reason:** To facilitate development.

95. 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.

## **PART E – BEFORE THE ISSUE OF AN COMPLETION CERTIFICATE**

96. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Certifying Authority responsible for the critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. The record must include:
- (a) The development application and Crown Certificate number as registered;
  - (b) The address of the property at which the inspection was carried out;
  - (c) The type of inspection;
  - (d) The date on which it was carried out;
  - (e) The name and accreditation number of the certifying authority by whom the inspection was carried out; and
  - (f) Whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

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

97. 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 stormwater drainage and water quality treatment system up to the point of connection into the existing drainage system.
  - (b) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Crown 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 of the completed system.

The above is to be submitted to the Certifying Authority prior to the issue of an Completion Certificate and a copy is to accompany the Completion Certificate when lodged with Council.

**Reason:** To ensure works comply with approved plans.

98. Street lighting is required to comply with the relevant Australian Standards.

**Reason:** To ensure appropriate pedestrian safety is achieved.

99. Prior to the issue of an Completion Certificate a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 must be created, burdening the owner with the requirement to maintain the water sensitive urban design (WSUD) facilities on the lot.

The terms of the 88E Instruments are to be generally in accordance with Council's "standard terms" available in Council's website, under Development Forms.

Council's standard application form shall be lodged, accompanied by the required documents and plans, only after the completion, final inspection and certification of the water sensitive urban design (WSUD) system.

The Positive Covenant and Restriction on the Use of Land is to be created through an application to NSW Land Registry Services using forms 13PC and 13RPA.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Certifying Authority prior to Occupation of the site.

**Reason:** To ensure maintenance of on-site WSUD facilities.

100. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Completion Certificate. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

**Reason:** To ensure the requirements of Sydney Water have been complied with.

101. Occupation or use of the building or part is not permitted until an Completion 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.

102. 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 Completion Certificate. The numbers are to have a minimum height of 75mm.

**Reason:** To ensure a visible street number is provided.

103. An evacuation report and procedure shall be prepared by an appropriate consulting engineer for both horizontal and vertical evacuation. This report is to demonstrate how the occupants of the development will egress the site in the early stages of a storm event, together with how they will seek refuge in a peak stormwater event (i.e. first floor of the building etc.). The report shall be submitted to the Certifying Authority prior to the issue of the Crown Certificate. A copy of the report shall be attached to the Completion Certificate when forwarded to Council.

**Reason:** To make property owners/residents aware of the procedure in the case of flood.

104. All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Standard Plan No. DS1. The reinstatement must be completed prior to the issue of an Completion Certificate. All costs must be borne by the applicant.

**Reason:** To provide satisfactory drainage.

105. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Completion Certificate.

**Reason:** To ensure restoration of environmental amenity.

## **PART F – OCCUPATION AND ONGOING USE**

106. 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.

107. 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.

108. 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.

109. When Council receives an Completion certificate from the 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.

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

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

characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Environmental Noise Control Manual, Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.

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

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

**Reason:** To reduce noise levels.

112. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.

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

113. The open space management recommendations prepared by Polygon Strategy dated 6 June 2023 must be adhered with. The management strategies include:

- Utilising the hall in the existing Block A as an indoor play space for students during break times, and;
- Implementing staggered timetabling to optimise the use of available open spaces and to reduce the number of students accessing open space simultaneously.

**Reason:** To ensure the school children have enough adequate open space areas.