



Report to Sydney Central City Planning Panel

SCCPP reference	PPSSCC-491
DA No.	DA/573/2023
Date of receipt	25 September 2023
Proposal	Demolition of existing structures and 14 trees on site and construction and use of two warehouse distribution centres to operate 24 hours a day 7 days a week. The development includes associated earthworks, construction of an ancillary office space, at grade car parking for 86 vehicles, private access road, loading bays, landscaping and café. This is integrated development under Section 91(2) of the Water Management Act 2000. This development will be determined by the Sydney Central City Planning Panel.
Street address	1 Grand Avenue, Camellia
Property Description	Lot 1 DP 579735, Lot 2 DP 579735 and Lot 2 DP 1248549
Applicant	The Trustee for Grand Avenue Trust
Owner	Billbergia Group Pty Ltd
Submissions	Nil
Recommendation	Approval
Regional Development Criteria	Pursuant to Part 3 of Schedule 2 of the Environmental Planning and Assessment Act 1979, the development has a capital investment value of more than \$30 million
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act and Regulations• SEPP (Resilience and Hazards) 2021• SEPP (Biodiversity and Conservation) 2021• SEPP (Planning Systems) 2021• SEPP (Transport and Infrastructure) 2021• Parramatta Local Environmental Plan 2023• Parramatta Development Control Plan 2023
List all documents submitted with this report for the Panel's consideration	Attachment 1 – Architectural Plans Attachment 2 – Landscape Plans Attachment 3 – Civil Plans Attachment 4 – Remediation Action Plan Attachment 5 – Clause 4.6 Request
Report prepared by	Paul Sartor, Senior Development Assessment Officer
Report Date	5 December 2024

Summary of Sec 4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (Sec 7.24)? **No**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

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1. Executive Summary

The subject development application was lodged on the 25 September 2023 for the construction and use of two warehouse / distribution centres and associated works at 1 Grand Ave, Camellia.

The site, located along the Parramatta River in the Camellia/Rosehill Industrial Area, is highly constrained. Between 1917 and the 1960s the site was used by James Hardie & Company Pty Ltd for industrial uses such as asbestos slate and sheet manufacturing. Much of the asbestos and industrial waste was buried on site and remains onsite under a concrete cap, so much so that a 5m retaining wall has been built on the foreshore to retain it. As such, the site is heavily contaminated. The site is subject to both overland flow and river flooding. Two Council stormwater pipes also traverse the site.

The development application has also been submitted with a clause 4.6 variation request to the maximum height control. The development is seeking a variation of up to 5.3m and 2.3m to the part 9m and part 12m height controls respectively that apply to this site. This height breach has been considered in the emerging context of the area and the 'Area of Height Sensitivity' that applies through this site and is considered to be supportable.

Since determination of the application was deferred by the SCCPP on the 10 October 2024, the applicant has made changes to address the areas of non-compliance. These changes are outlined in section 4.1 of this report. The key changes are:

- consideration of the Parramatta River Flood Study
- relocation of a Council stormwater pipe,
- amended Remediation Action Plan which more comprehensively addresses how the contaminated spoil will be safely maintained within the existing and proposed capping
- revised Vegetation Riparian Zone design which more carefully responds to the riverbed and overland flow flooding
- increased building height to respond to flooding

Council has reviewed the amended information and is satisfied that the application sufficiently addresses the applicable environmental planning instruments and is recommended for approval subject to the conditions outlined in section 19 of this report.

2. Key Issues

Contamination	The site is heavily contaminated. The application has been submitted with a Remediation Action Plan (Reditus, dated 21 October 2024). The proposed new contamination capping strategy has adequately addressed intrusions into the existing cap for the purposes of providing the proposed drainage and building footings.
Flooding/Stormwater	<p>The site is identified as flood affected from both the river and overland flow from Grand Ave. The application has demonstrated that the development would not displace flood waters onto surrounding properties.</p> <p>The application has also been amended to relocate one of the existing stormwater pipes to be in between the two warehouses (with an overland flow path above).</p>
Vegetation Riparian Zone (VRZ)	<p>The application has not been amended to batter down the Vegetation Riparian Zone closer to its pre-development level as requested by Council. The applicant argues this is due to potential impacts to existing mangroves and the satisfactory structural state of the existing seawall.</p> <p>Instead, the VRZ has been amended to batter to the existing RL of the seawall. Given the likely cost involved in a more ambitious batter (remediation) this is considered to be acceptable for the proposed industrial use but would need to be explored in any future redevelopment of the site for recreational or residential purposes.</p>

3. Site Context

3.1 The Site

The site is located on the western end of Grand Avenue in Camellia, which is part of the wider Rosehill/Camellia Industrial area. The development is proposed on Lot 1 DP 579735, Lot 2 DP 579735 and Lot 2 DP 1248549, which is ~71,800sq.m in size.

The site is bound by the Parramatta River to the north, the Parramatta Light Rail tracks to the west and south of the site (with the Rosehill Gardens Light Rail Station directly adjacent to the west) and industrial development to the east. The site has no direct street frontage; however, an existing signalised site access is available on the southwestern portion of the site across the light rail tracks.

The site includes a retaining wall along the river up to 5m in height.

There is a Council stormwater pipe bisecting the site from south to north. There is also a Council pipe along the eastern boundary. No easements exist for these pipes. An indicative location for the central pipe is shown in figure 1 below.

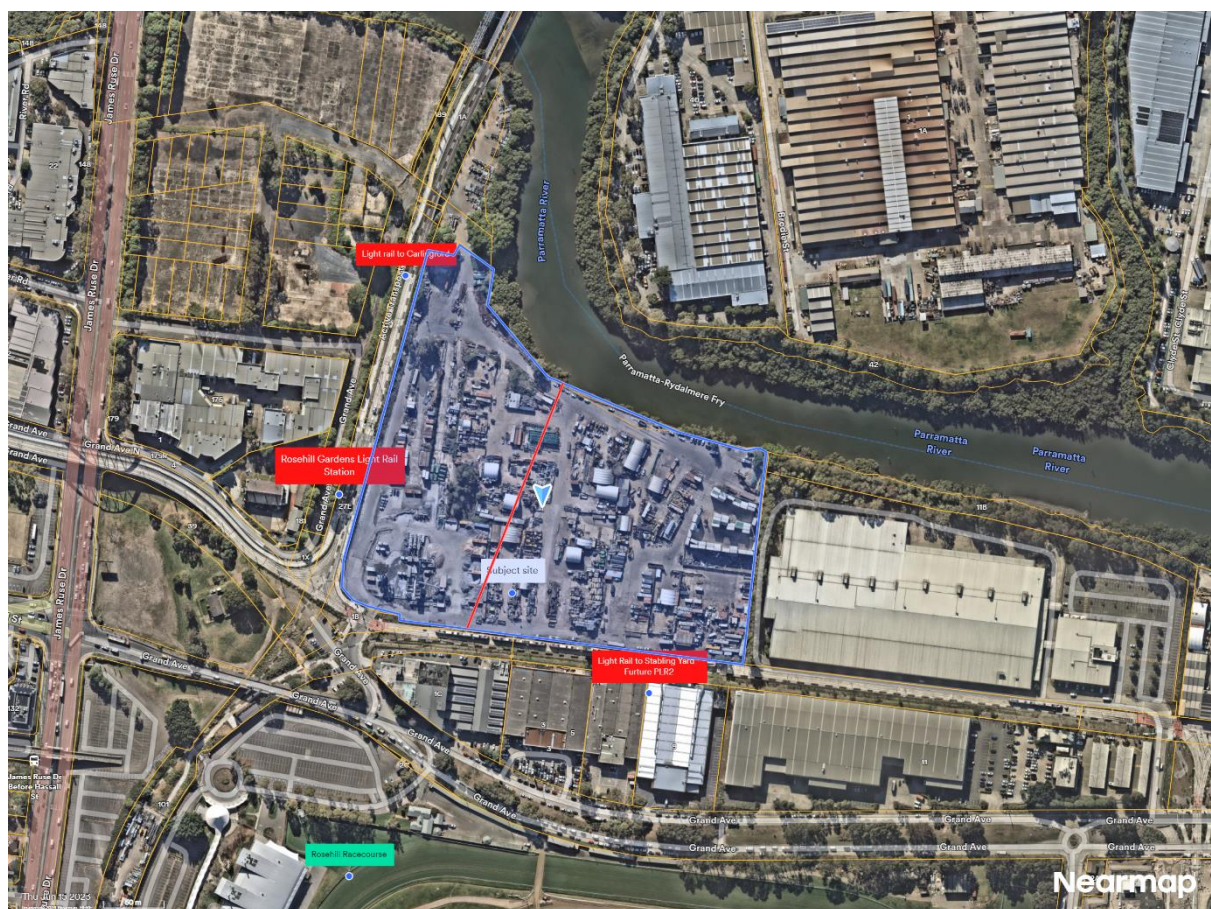


Figure 1 - Aerial map, subject site highlighted in blue. Existing Council stormwater pipe shown as red line (Source: Nearmap, 2024)

The following heritage items are identified in proximity to the development site:

- I7 – Grave of Eliner Magee and child – 10m north of the subject site (This item's curtilage is identified as affecting the subject site)
- I11 – Wetlands – adjacent to northern/north-eastern boundary
- I9 – Sewage Pumping Station 67 – 40m west of the subject Site
- I6 – Tram Alignment – 35m south of the subject Site

The site is also identified as having moderate archaeological potential by the Parramatta Archaeological Management Unit (AMU). The NSW Heritage Database describes this as follows:

"The river flats between Clay Cliff Creek and Duck River, part of Macarthur's Elizabeth Farm, were leased to Silas Sheather, one of the Macarthur gardeners, in 1852. Sheather established 'Camellia

Grove', a successful plant nursery from which the area takes its present name. The area was developed as an industrial precinct from the late nineteenth century.

The physical archaeological evidence within this area may include built landforms, structural features, intact subfloor deposits, open deposits and scatters, ecological samples and individual artefacts which have potential to yield information relating to major historic themes including Agriculture, Industry, Environment, Land Tenure, Townships, Labour and Transport.

Archaeological evidence at this site is likely to be subject to minor disturbance.”



Figure 2 - Locality Map, subject site highlighted in yellow

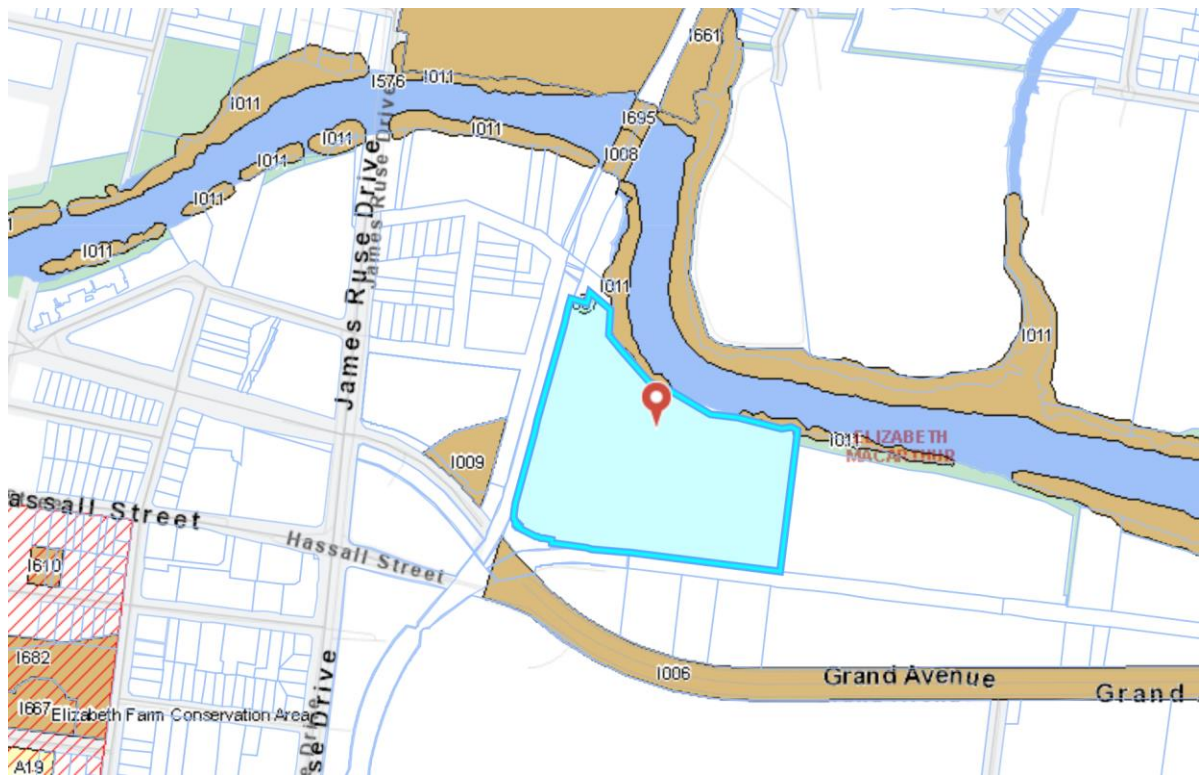


Figure 3 - Heritage map



Figure 4 - Subject site entry (October 2023)



Figure 5 - Site photo, looking east towards light rail



Figure 6 - Future Rosehill Gardens Light Rail Station west to the subject site



Figure 7 - Oblique aerial view showing existing seawall treatment of subject site to Parramatta River (Source: Nearmap, 2024)

3.2 Site History

The subject site has a varied history as a heavy industrial site. The following is an excerpt from the Remediation Action Plan (Reditus, page 4).

The site was acquired by James Hardie and Company in 1917 and development of the site is believed to have commenced at or around that time. Based on information available on the Parramatta Council website it is believed that prior to 1917 the main use of the area of the site was for agricultural or residential purposes.

Filling of the western portion of the site is believed to have commenced from the earliest occupation by James Hardie with that part of the site being progressively filled and developed between 1917 and the mid-1960s. The fill comprised mainly asbestos wastes but also included a significant volume of boiler ash. The asbestos waste comprised friable pulp waste from the manufacturing process as well as, presumably, out of specification and excess bonded asbestos products. Some of the products may have been coated with bitumen, zinc silicate and other paints. No records were found which mentioned imported fill being used on the site.

Other chemicals, mainly hydrocarbon-based (e.g., diesel, hydraulic oil and petrol) were extensively used and stored on the site and are believed potentially to have been disposed on site.

James Hardie continued production of fibrous cement products until 1993 when production ceased, and the site was decommissioned. Between 1995 and 2001 the buildings were demolished to slab levels and building rubble was used to level some areas of the site where there were steps in the slabs. The site was acquired by the Sydney Water Corporation (Sydney Water) in 1996 but did not occupy the site.

In 1999 Sydney Water formally notified NSW EPA under section 60 of the Contaminated Land Management Act 1997 that the site was contaminated and may have posed a Significant Risk of Harm. In 2000 Sydney Water entered into a Voluntary Remediation Agreement (VRA) with NSW EPA to clean up surface asbestos contamination at the site and to improve surface seals (concrete and bituminous concrete pavements) to ensure that buried asbestos waste was isolated so that exposure pathways to humans and the environment were not present.

The VRA also contained a Contamination Management Plan to ensure that remedial measures implemented were effective and maintained into the future. On 14 May 2003 the EPA gave notice that the terms of the VRA had been satisfactorily completed.

Billbergia acquired the site in 2007. The original intent was to subdivide the site into three lots and lease these lots to commercial industrial operations including a Remondis waste recycling facility and warehousing. However, the development proposal by Remondis was rejected.

Above ground structures had been demolished to the pavement and ground floor level and the site cleared. Approximately 95 percent of the site was sealed with either concrete or bituminous concrete pavements with the remaining unsealed areas comprising landscaped areas, and embankments.

3.3 Recent Remediation History

A number of areas were covered with crushed demolition rubble, mainly comprising concrete and brick fragments. Based on information in a report prepared by Australian Water Technologies (AWT 2001) some of these areas are underlain by concrete slabs. It is noted that the AWT investigation of the rubble covered areas was not comprehensive and it is possible that some of these areas may not be underlain with concrete slabs.

Most of the area of the site is underlain by fill impacted with asbestos to varying degrees, ranging from deep fill (approximately 5 metres Below Ground Level (m bgl)) containing abundant asbestos contamination in the western part, to relatively shallow fill (approximately 0.2 m bgl) in the eastern part of the site. Previous assessment for the presence of asbestos was mainly by visual observation. Consequently, the impact of asbestos contamination on fill comprising natural materials (e.g., clay, silt etc) and natural soil underlying the site is not fully understood.

Previous investigations highlighted an area in the central northern part of the site of petroleum hydrocarbon contamination, believed to have resulted from the former operation of an “oil press”. Groundwater sampled from wells located in and adjacent to the oil press area were contaminated with hydrocarbons. This area was excavated by CES in 2008 and the groundwater within the excavation underwent in-situ chemical oxidation. Monitoring wells surrounding the excavation were sampled on three occasions in 2009 following remediation. The groundwater in these monitoring wells reported concentrations of total recoverable hydrocarbons TRH C10-C36 below the 10,000ug/L threshold set by CES. Reditus notes, however, that these

concentrations of TRH C10-C36 may still present a vapour intrusion to the proposed commercial/industrial development.

Groundwater samples previously collected from wells across the site were contaminated with heavy metals (copper, lead and zinc) (AWT 2001). However, given the distribution of the heavy metal impacts in groundwater samples across the site, it was considered by CES and the Auditor that they represented a regional characteristic of the groundwater. Reditus generally agree with this statement.

A number of Underground Storage Tanks (USTs), previously used to store diesel oil and petrol, were reported to have been decommissioned and to remain on the site but it was not clear whether they had been appropriately abandoned in accordance with Workcover requirements and Australian Institute of Petroleum guidelines. Further, the precise location of the USTs was not provided in previous reports.

3.4 Development Approvals

The site does not benefit from any recent planning approvals. The most recent approval being in 2016 for the current concrete batching plant. The applicant has also submitted two planning proposals for the redevelopment of the site as part of planning for a future Camellia Town Centre, both of which have been withdrawn. A detailed planning approval history is provided below:

Development Application No.	Description	Status
MP 10_0028 (State Significant Development)	Part 3A Approval for Remondis Integrated Recycling Park	Withdrawn on 9 January 2013
DA/619/2012	Use of the site for the storage of shipping containers.	Approved 25/07/2013
DA/120/2013	Use of part of the site for storage of plant and building equipment.	Approved 8/8/2013
DA/923/2016	Installation and operation of a 24 hour, 7 day mobile concrete batching plant with associated site preparation works and installation of prefabricated plant and equipment. The proposal is Designated Development as defined by Schedule 3 of the Environmental Planning and Assessment Regulation 2000.	Approved 21/03/2017
RZ/24/2016 (Rezoning)	Remediation of site and redevelopment of site as the Camellia Town Centre East, involving mixed use development, high density residential, new community centre with library, childcare facilities and new public space.	Withdrawn

DA/923/2016/A	<p>Section 96(1A) modification to approval for: Installation and operation of a 24 hour, 7 day mobile concrete batching plant with associated site preparation works and installation of prefabricated plant and equipment. The proposal is Designated Development as defined by Schedule 3 of the Environmental Planning and Assessment Regulation 2000.</p> <p>The proposed modifications include deletion of the wording of "PMF level of 6.5m AHD" in condition 19 which is to be replaced with "4000 year average recurrence (ARI) flood level" (refer to attachment 1);</p> <p>deletion of the wording of "the probable maximum flood" in condition 21 which is to be replaced with "flooding events over the 4000 year ARI flood level"</p>	Approved 15/11/2017
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3.5 Camellia-Rosehill Place Strategy

The subject site is also within the land covered by the Camellia-Rosehill Place Strategy (CRPS). CRPS is being led by the NSW Department of Planning Housing and Infrastructure and envisages for the following:

- *A thriving town centre with an 18-hour entertainment precinct*
- *Up to 15,400 jobs*
- *10,000 new homes supported by infrastructure and new public open spaces*
- *Improved transport connections including light rail, road upgrades and cycling and pedestrian paths*
- *Opening up the Parramatta River foreshore and making it a centre of community activity*
- *Enabling a new urban services precinct and retention of heavy industrial land that will ensure Camellia-Rosehill advances in its role as an employment powerhouse for Sydney and NSW.*

The subject site is earmarked for both recreation and part of the town centre due to its proximity to the light rail station and the Parramatta River, see below masterplan map.

The CRPS was finalised in November 2022 and is being used to inform a planning proposal for the rezoning. Council and the NSW Department of Planning, Housing and Infrastructure are working together to complete a planning proposal for this site. As the planning proposal has not been publicly exhibited it is not a draft EPI to be considered under 4.15 of the Environmental Planning and Assessment Act 1979. The existing E5 Heavy Industrial zoning remains applicable to this site.

Figure 2: Overview Camellia–Rosehill Master Plan

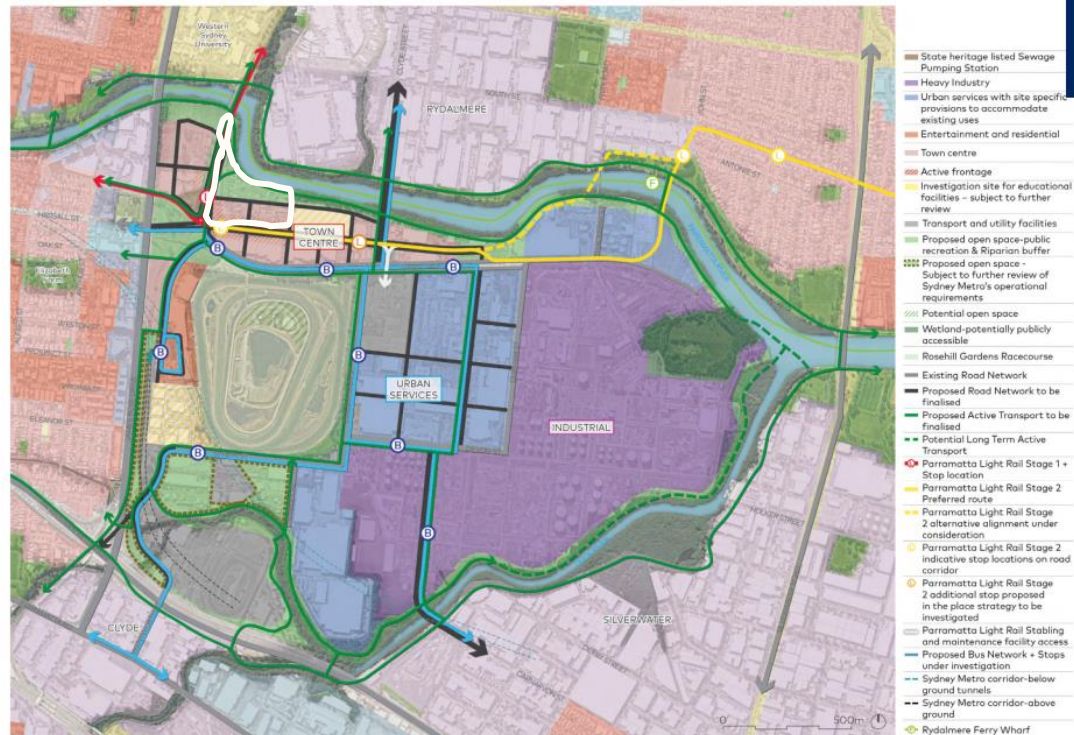


Figure 8 - Camellia Rosehill Place Strategy Map, subject site circled in white (Source; NSW Government, 2022)



Figure 9 - Artist's impression of an aerial view of the future Camellia Rosehill Town centre (Source: NSW Government, 2022)

3.6 Rosehill Racecourse

An unsolicited proposal was submitted to the NSW Government by the Australian Turf Club for the redevelopment of the nearby Rosehill Gardens Racecourse. This proposal sought the redevelopment of the Rosehill Gardens into a mixed-use development with 25,000 dwellings. Further, the proposal requested the establishment of a Metro Station at Rosehill Gardens and the support to identify a suitable location for a new racetrack.

The proposal proceeded to stage 2 of the Unsolicited Proposal process on the 7 June 2024. This means that the proposal is *“of sufficient interest to warrant further development and progression to a more defined project. The NSW Government has not agreed to the proposal.”*

While not directly relevant to this application, this illustrates the intention for an emerging character of the Camellia Rosehill precinct from the current heavy industry to high density residential.

4. The Proposal

The following works are proposed under this application:

- Demolition of existing buildings;
- Removal of 14 trees;
- Remediation works comprising retention and repair of existing capping and placement of new compacted clay capping layer above followed by aggregate/hardstand layer;
- Earthworks;
- Construction of 2 x 1-2 storey warehouse buildings for warehouse and distribution centre uses and ancillary office spaces, providing a total of 16,256sq.m of gross floor area (GFA). These warehouses are proposed to operate 24 hours a day;
- Private access road;
- Tree planting and landscaping;
- At grade carpark for 86 vehicles;
- Construction of a single storey café kiosk for takeaway food and drinks (southwest corner of site); and

The warehouses are referred to as ‘Warehouse 1’ on the western side of the site, and ‘Warehouse 4’ on the eastern side of the site.

The development has the following characteristics:

	Warehouse 1	Warehouse 4	Cafe
GFA			
• Warehouse	7,671sq.m	7,555sq.m	-
• Offices	526sq.m	464sq.m	-
• Cafe	-	-	42sq.m
Building Height	14.3m	14.3m	4.6m
Car Parking	39 spaces	37 spaces	10 spaces
Loading Docks	10	11	-

No subdivision is proposed.



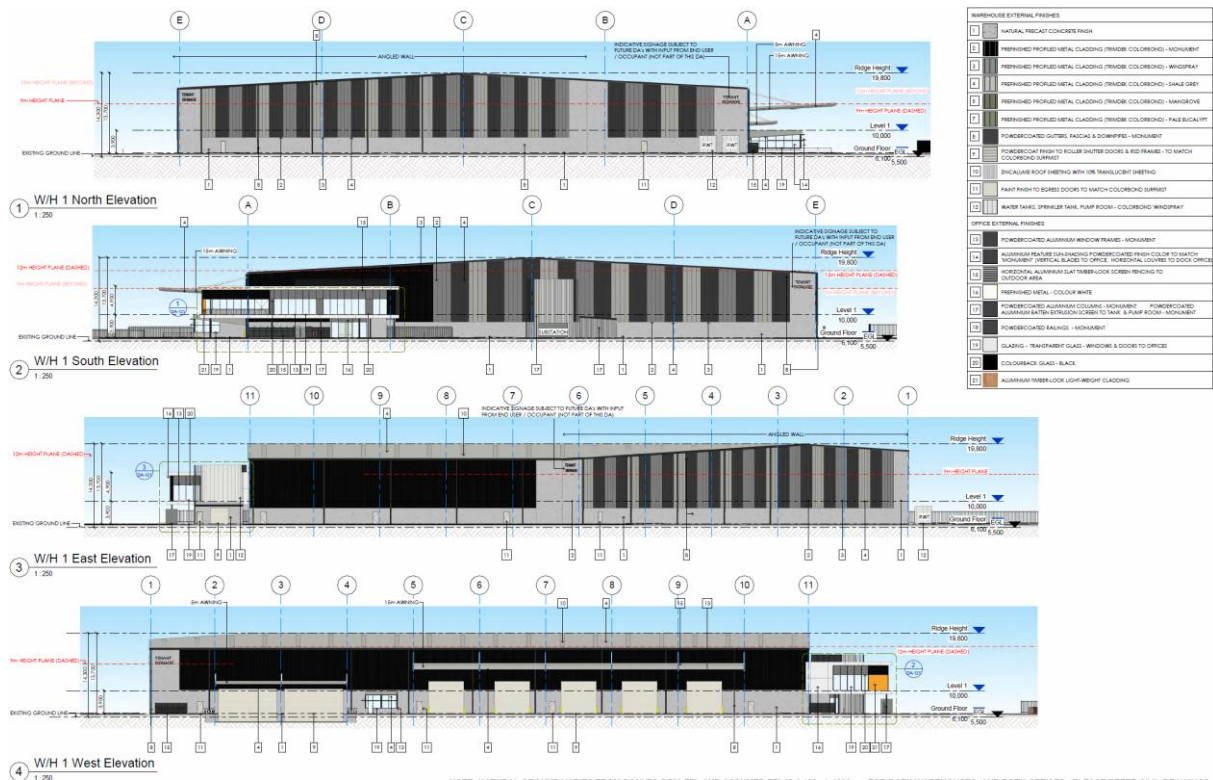


Figure 11 - Warehouse 1 elevations

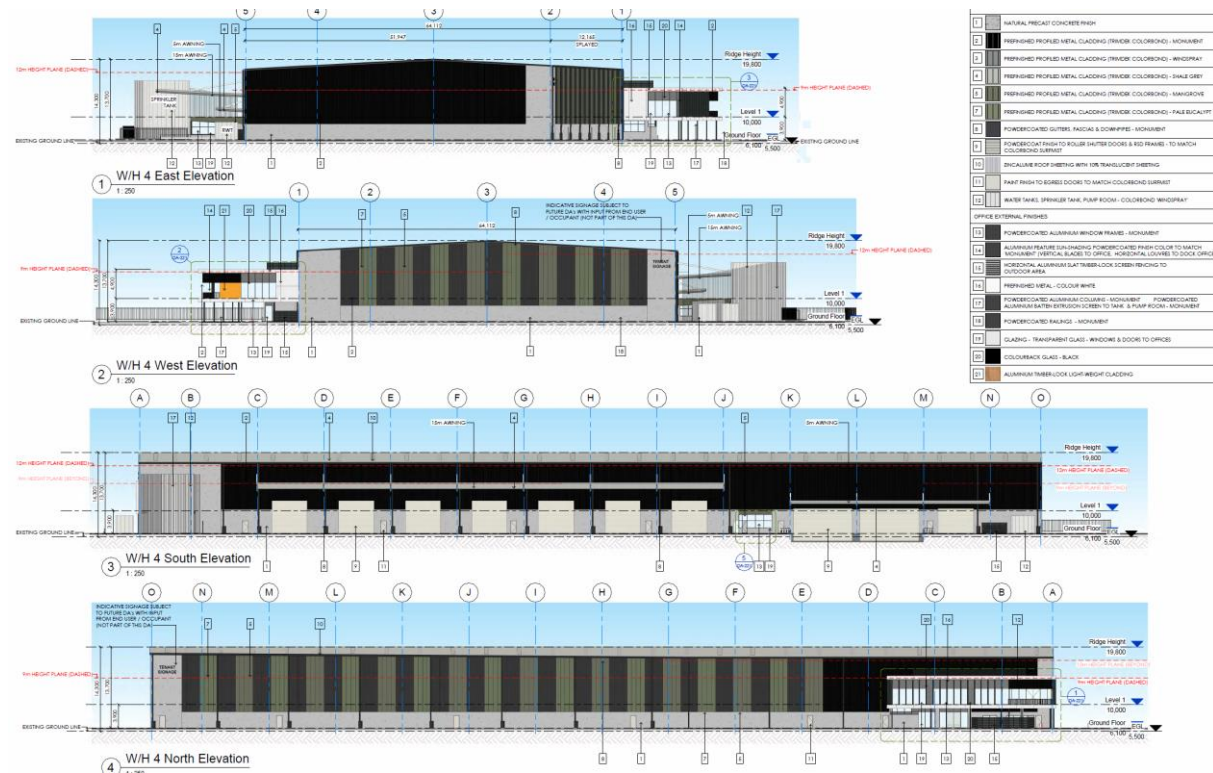


Figure 12 - Warehouse 4 elevations

4.1 Summary of amendments

Since the deferral of this application the applicant has resubmitted a full set of amended plans and documents to address the concerns raised in Council's assessment report.

The applicant has submitted the following updated/additional plans and reports:

- Architectural Plans
- Remediation Action Plan
- Flood Risk Impact Assessment
- Civil Plans
- Landscape Plans
- Vegetation Management Plan
- Arboricultural Impact Assessment
- Public Art Elevations
- Clause 4.6 variation request

The following design changes have been made:

- Revised vegetation riparian zone design which includes a batter down to the existing ground level at the top of the seawall.
- Beautification of sea wall with artwork
- Further details on the cap and contain strategy and proposed cut and fill on the site and how the landscaping will work with the capping
- Amended Council stormwater pipe location
- Details on public art
- Raised floor levels (and thus building heights) to accommodate the flood planning level required given the Parramatta River Floor Study

5. Permissibility

The site is zoned E5 Heavy Industrial zoning under the provisions of Parramatta LEP 2023. The proposed development is defined as the following uses which are permissible with consent in the zone:

- Warehouse or distribution centre
- Take away food and drink premises
- Business identification signage

Office premises (commercial development) is prohibited in the zone as a standalone land use. As the proposed offices occupies 5% of the total GFA they are considered to be a subservient ancillary use to the dominant warehouse and distribution centre use.

5.1 Planning Objectives

The following objectives apply for the E5 Heavy Industry zone:

- To provide areas for industries that need to be separated from other land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To allow a wide range of industrial uses serving the Six Cities Region.
- To preserve opportunities to create future foreshore access on contaminated land not suitable for public access.

While the proposal includes filling the site to deal with the contamination constraint, the applicant has demonstrated that this will not have an unacceptable flood displacement impact on adjoining properties. The proposal has also demonstrated that stormwater can be adequately managed with realigned pipes and overland flow paths. While the proposal further exacerbates the disconnect between the foreshore levels on the site and adjoining sites, and thus partly detracts from opportunities to create future foreshore access, remediating this situation is not considered to be viable for an industrial use (it may be for a future residential/recreational use). The proposal will encourage employment opportunities from construction and operation.

6. Referrals

6.1 Internal referrals

The following internal referrals were undertaken:

Referral	Comments
Trees and Landscaping	<p>The landscape and arborist plans have been reviewed. They are considered to be satisfactory considering the site's constraints.</p> <p>There are a few items that will need to be completed as part of the construction documentation, these are:</p> <ol style="list-style-type: none"> 1. Detailed planting plans are to be provided 2. Additional tree planting is required to the eastern boundary planting area. 3. Appropriate topsoil (pending no flooding impacts) is to be imported within the stormwater channel to the western side to support the grasses and groundcovers. Currently the section shows no soil over the capping layer. It is acknowledged no trees can be planted within the channel due to the capping layer and insufficient soil depth. 4. Minimum soil depth for the grass area to be 250mm, sections to be updated to ensure there will be adequate soil volume available for the trees above the capping layer. 5. The planting schedule is to include the plant quantities and proposed sizes. 6. Stakes to be removed from the tree planting details as they should be

	<p>self-supporting.</p> <p>These requirements have been conditioned.</p>
Catchment Engineer (Private)	<p>Council's Catchment Engineer has reviewed the amended Flood Risk Impact Assessment and the Civil Plans and can support the development on flooding grounds, subject to conditions.</p> <p>They have advised that the flood risk and impact assessment for the proposed development has been conducted using the Parramatta River Flood Study (PRFS) 2024 model. The modelling incorporates the re-calibrated FFA 1% AEP event and climate change assumptions in line with RCP8.5 projections up to the year 2150. The critical duration for the site has been revised based on the storm duration data provided in the PRFS 2024 model.</p> <p>A Flood Emergency Response Plan has been developed, outlining evacuation routes, flood warning systems, and the responsibilities of flood wardens.</p> <p>The proposed development appears to be designed to manage flood risks through a combination of effective design, applicable stormwater management, and broad emergency planning. This approach ensures the safety and resilience of the development and its occupants in the event of potential flood incidents.</p>
Catchment Management (Public)	<p>Council's Catchment Management team have reviewed the amended stormwater plans and are satisfied that the revised flood modelling is appropriate. Conditions have been recommended that require detailed construction drawings for the relocated Council pipe, overland flow path and easement for maintenance and access for both the relocated and existing pipe.</p>
Heritage Advisor	<p>Council's Heritage Advisor has reviewed the provided Heritage Impact Statement and considers that the development can be supported on heritage grounds. It has been recommended that an archaeological dig be completed prior to construction, given the significant contamination constraints on this site and the fact that the development does not propose significant excavation this is not considered to be appropriate.</p> <p>A condition of consent for unexpected archaeological find is recommended instead.</p>
Traffic and Transport	<p>Council's Traffic and Transport Engineer supports the proposal and has provided recommended conditions.</p>
Environmental Health – Waste	<p>Council Environmental Health officers are satisfied that the Remediation Action Plan has adequately addressed the requirements in regard to waste management and disposal during construction.</p> <p>Standard conditions of consent are recommended to ensure the correct</p>

	storage, transportation and disposal of any contaminated construction waste which would be applied.
Environmental Health – Contamination	<p>The revised Remediation Action Plan has been reviewed and can be supported.</p> <p>The site is a former James Hardie site and is contaminated with various asbestos waste and hydro-carbon based chemicals among other contaminants</p> <p>The applicant has provided additional information as requested, to address some outstanding concerns and gaps in knowledge from Environmental Health in order to ensure that there is no risk to public health and/or the environment should the proposal be permitted, and that the land can be made suitable for the intended land use.</p> <p>The unknown locations of previously abandoned underground petroleum storage tanks is recommended to be addressed via condition.</p>
Environmental Health – Acoustic	<p>The Acoustic Report assesses and discusses noise impacts on surrounding receivers generated by vehicle movements (day, evening and night periods covered), warehouse activities from general operation, noise impacts of additional traffic on surrounding local roads, noise emissions from mechanical plant and equipment. The receivers assessed include three commercial receivers and one residential receiver. It appears that there will be noise associated with trucks 24/7 and forklifts to operate 24/7 contributing to 'external warehouse operation' noise. Some project noise trigger levels significantly exceed background + 5dB however the project amenity noise level for industrial allows for exceptions to this criteria, according to the Noise Policy for Industry.</p> <p>The project noise trigger level is determined by the Report to be compliant with amenity noise levels at both the residential and commercial receivers. The Report concluded that the noise generating activities associated with the operation of the proposed development complies with all relevant criteria (section 5 of the Report). However, Environmental Health notes that there is a children's play centre and a childcare centre surrounding the proposed site – Lollipops Playland and Café (174 James Ruse Drive, Camellia) and Explore & Develop Early Learning Centre (1C Grand Avenue Rosehill). This along with the nearby residential receiver may have the potential to be impacted by the operational noise of the proposed development. It is recommended that that the proposed 24/7 operation is trialled for a period of 12 months and another development assessment accompanied with an acoustic assessment is provided to Council – this would form the 'Special Condition' of consent.</p>
City Strategy	Council's City Strategy team raised concerns with the proposal's potential impact on delivery of the Camellia-Rosehill Place Strategy 2022. As outlined in this report, that Strategy is not yet sufficiently

	<p>progressed to be a relevant matter for consideration in the assessment of the subject application.</p>
Public Art	<p>The application has identified potential locations for public art along the wall of Warehouse 4.</p> <p>Standard conditions will be recommended for a public art strategy prior to CC and a detailed plan prior to OC.</p>
Open Space (Parklands)	<p>Advice was provided that an uninterrupted 40m Vegetated Riparian Zone is required.</p> <p>Advised that the 'foreshore area' and 'Riparian Land and Waterways' should comprise the minimum VRZ, which is to exclude carparking and OSD. This has been removed under the latest set of plans.</p>
Natural Spaces	<p>The proposed VRZ has been amended to be wholly located over the existing ground level and capping.</p> <p>The proposed VRZ design is acceptable and will meet the requirements of the SEPP and LEP.</p> <p>They have advised that a Biodiversity Offset Scheme is not required as the vegetation removal trigger is not met.</p>
Environmental Sustainability	<p>Advised that a 40m wide riparian corridor is to be provided, this has been completed.</p> <p>A civil engineering report is required to determine the condition and life expectancy of any river seawalls and if they are in a deteriorating state with less than 10 years of service life, then re-naturalisation of the river bank is the preferred design solution rather than reconstruction of a seawall.</p> <p>Assessment of the foreshore erosion and the river's seawalls was undertaken as a component of the Parramatta River Estuary Processes Study (AECOM 2010).</p> <p>The assessment of the river's seawalls was undertaken to identify seawalls that required immediate or future replacement and in turn, where environmentally friendly seawall design could be implemented. The 2009 Environmentally Friendly Seawalls guidelines were the impetus for this component of the processes study. The report found that the seawall at 1 Grand Ave was not subject to erosion. A Dilapidation report from a suitably qualified engineer has been conditioned prior to CC detailing the structural condition of the existing sea wall.</p>
Internal Assets (Roads)	<p>No objection to the proposal.</p>
Urban Design (Public Domain)	<p>There is no street frontage Public Domain as the site is bound by the two Light Rail tracks and the river.</p> <p>No further relevant advice.</p>
Community	<p>Advice was provided on the previous public boardwalk. This has now</p>

Crime Prevention	been removed from the development.
Strategic Transport	Advice was provided on the previous public boardwalk. This has now been removed from the development.
Independent Quantity Surveyor	The cost of works has been verified, the amount came back slightly over \$50m (SSD trigger), however, was within Council's tolerance for cost of works estimates. Council has accepted the applicant's estimated cost of works of \$49,331,167 (excl GST).

6.2 External Referrals

Referral	Comments
Transport for NSW	TfNSW has provided concurrence under section 138 of the Roads Act 1993 and comment in accordance with section 2.98(2) and 2.122 of the SEPP (Transport and Infrastructure). They have provided their support, subject to conditions being applied to any consent.
Sydney Water	Sydney Water support the proposal and advised that a section 73 and building plan approval condition is to be applied on any consent.
Endeavour Energy	Supported proposal subject to conditions.
NSW EPA	<p>The site is subject to a Site Management Plan implemented by the site owner, primarily due to the legacy asbestos contamination. The Site Management Plan is enforced through a positive covenant on the site with the EPA as the prescribed authority. NSW EPA did not object to the proposal, but would require the following to be considered for any application:</p> <ul style="list-style-type: none"> • The Site Management Statement would need to be updated should the site be redeveloped. • Any remediation and redevelopment work must be overseen by an EPA accredited site auditor. The Site auditor should be engaged early in the process to ensure that investigations and remedial planning are adequate for the purpose of ensuring the site is usable for the proposed land use. <p>These matters can be conditioned.</p> <p>NSW EPA also recommended engaging with NSW DPE given the Camellia Rosehill Place Strategy.</p>
NSW Fisheries	NSW Fisheries have confirmed that the development is no longer considered integrated development under Fisheries Management Act s205 due to the removal of the boardwalk in the amended plans and the associated impacts on the exiting mangroves.
DPE (Water)	DPE (Water) has supplied general terms of approval for the development for part of the development requiring a controlled activity approval under the Water Management Act 2000.
AMPOL	AMPOL operates the AMPOL Sydney-Newcastle Pipeline (SNP) carrying refined petroleum products (gasoline and diesel) along the western boundary of the site. As per section 2.77 of the Transport and Infrastructure SEPP Council has notified the pipeline operator in writing of the application.

	AMPOL has reviewed the provided Hazard and Risk Assessment and has advised that a Safety Management Statement is to be conducted once construction plans are available and has no objections to the development.
Jemena	Jemena operates a high-pressure gas line along the western boundary of the site. They have advised that they have no objection to the development application, and it is noted that the nature of the works will not impact Jemena's assets.

7. Environmental Planning and Assessment Act

The sections of this Act which require consideration are addressed below:

7.1 Section 1.7 - Application of Part 7 of Biodiversity Conservation Act 2016

Part of the northern boundary is mapped on the Biodiversity Values Map, see figure 13 below. The development does not propose any impact on the existing mangroves along this mapped area directly, therefore a Biodiversity Development Assessment report is not required under 7.13 of the Biodiversity Conservation Act 2016.

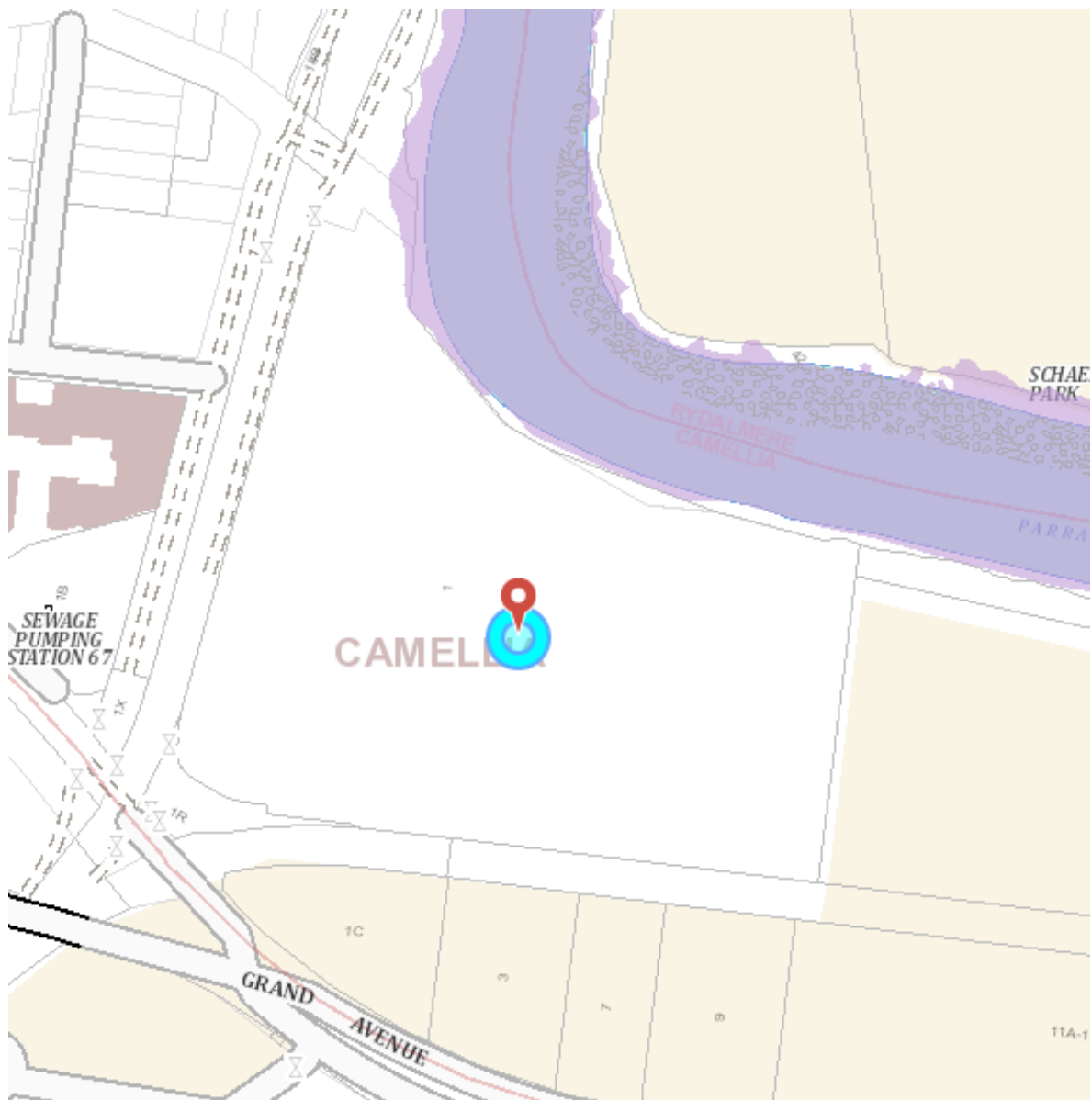


Figure 13 - Excerpt of Biodiversity Values Map

The proposed development will clear approximately 0.17 ha of native vegetation, which is below the clearing threshold trigger of 0.25 ha. Further, the vegetation being cleared for the proposal is not from a BV mapped area. Therefore, the Biodiversity Offset Scheme has not been triggered.

7.2 Section 2.15 - Function of Sydney District and Regional Planning Panels

The Sydney Central City Planning Panel is the consent authority for this application as the proposal has a Capital Investment Value of more than \$30 million.

It is noted that Council's Independent Quantity Surveyor has completed a review of the cost of works and their estimate has come up at more than \$50 million, which would make this application a State Significant Development. However, given that the calculation is within Council's adopted tolerance for estimated cost of works the applicant's cost of works of \$49,331,167 (excl GST) has been relied upon.

7.3 Section 4.46 - Integrated Development

The application is Integrated Development as a controlled activity approval is required under Section 91(2) of the Water Management Act 2000. Department of Planning and Environment (Water) has provided their General Terms of Approval for this application.

This application was previously listed as being nominated integrated under section 205 of the Fisheries Management Act. However, as the proposal is no longer seeking removal of mangroves due to the removal of the public boardwalk the development no longer triggers this requirement.

7.4 Section 4.15: Evaluation

This section specifies the matters which a consent authority must consider when determining a development application, and these are addressed in the Table below:

7.5 Matters for consideration

Provision	Comment
Section 4.15 (1)(a)(i) - Environmental planning instruments	Refer to Section 8
Section 4.15 (1)(a)(ii) - Draft planning instruments	None applicable
Section 4.15 (1)(a)(iii) - Development control plans	Refer to Section 9
Section 4.15 (1)(a)(iiia) - Planning agreements	None applicable
Section 4.15 (1)(a)(iv) - The regulations	Refer to Section 10
Section 4.15 (1)(b) - Likely impacts	Refer to Section 11
Section 4.15 (1)(c) - Site suitability	Refer to Section 12
Section 4.15 (1)(d) - Submissions	Refer to Section 14
Section 4.15 (1)(e) - The public interest	Refer to Section 15

8. Environmental planning instruments

8.1 Overview

The instruments applicable to this application comprise:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- Parramatta Local Environmental Plan 2023

Compliance with these instruments is addressed below.

8.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

Chapter 2 applies to the Parramatta LGA.

An Arboricultural Impact Assessment has been submitted that proposes the removal of 14 trees from the site. This report has been reviewed by Council's Landscaping and Tree officers and considered to be acceptable considering the amount of replacement trees being planted within the VRZ and across the site. These trees will also comply with the requirement to remain over the existing and new capping layer.

The VMP states that the development will clear approximately 0.17 ha of native vegetation, which is below the clearing threshold trigger of 0.25 ha. The vegetation being cleared for the proposal is not from a BV mapped area. Therefore, the Biodiversity Offset Scheme has not been triggered.

Chapter 6 – Foreshores and Waterways Area

The site is mapped within the Sydney Harbour Catchment and as such Chapter 6 of the SEPP applies. The site is within the 'Foreshores and Waterways Map', and partially within the 'Rocky Foreshores and Significant Seagrasses Map'. Therefore, the relevant matters of Chapter 6, including part 6.28 and 6.32 are applicable.

6.28 of the SEPP requires the consent authority to consider if the development will lead to an unacceptable impact on the Sydney Harbour and the foreshore in regard to water quality and associated risk. The application has demonstrated that there will be an acceptable impact to the river and the stormwater and flooding impact can be managed onsite. Appropriate conditions have been recommended to ensure erosion and sediment control measures during construction.

6.32 "Rocky Foreshores and significant seagrasses" is relevant per the map below. The clause requires that development, "...increase the connectivity of ... natural landforms". As outlined in this report, considering the significant environmental constraints that affect this property the proposed treatment to the river would meet the following requirements:

- (a) will preserve and enhance the health and integrity of seagrasses, areas containing seagrasses and ecological communities in rocky foreshore areas, and*
- (b) will maintain or increase the connectivity of seagrass vegetation and natural landforms, and*
- (c) will prevent, or will not contribute to, the fragmentation of aquatic ecology, and*
- (d) will not cause physical damage to aquatic ecology.*

The development does not propose any removal of the existing mangroves and will retain their habitats. The proposed industrial use will be well setback from the river habitat and is designed to not impact the rocky foreshore area.

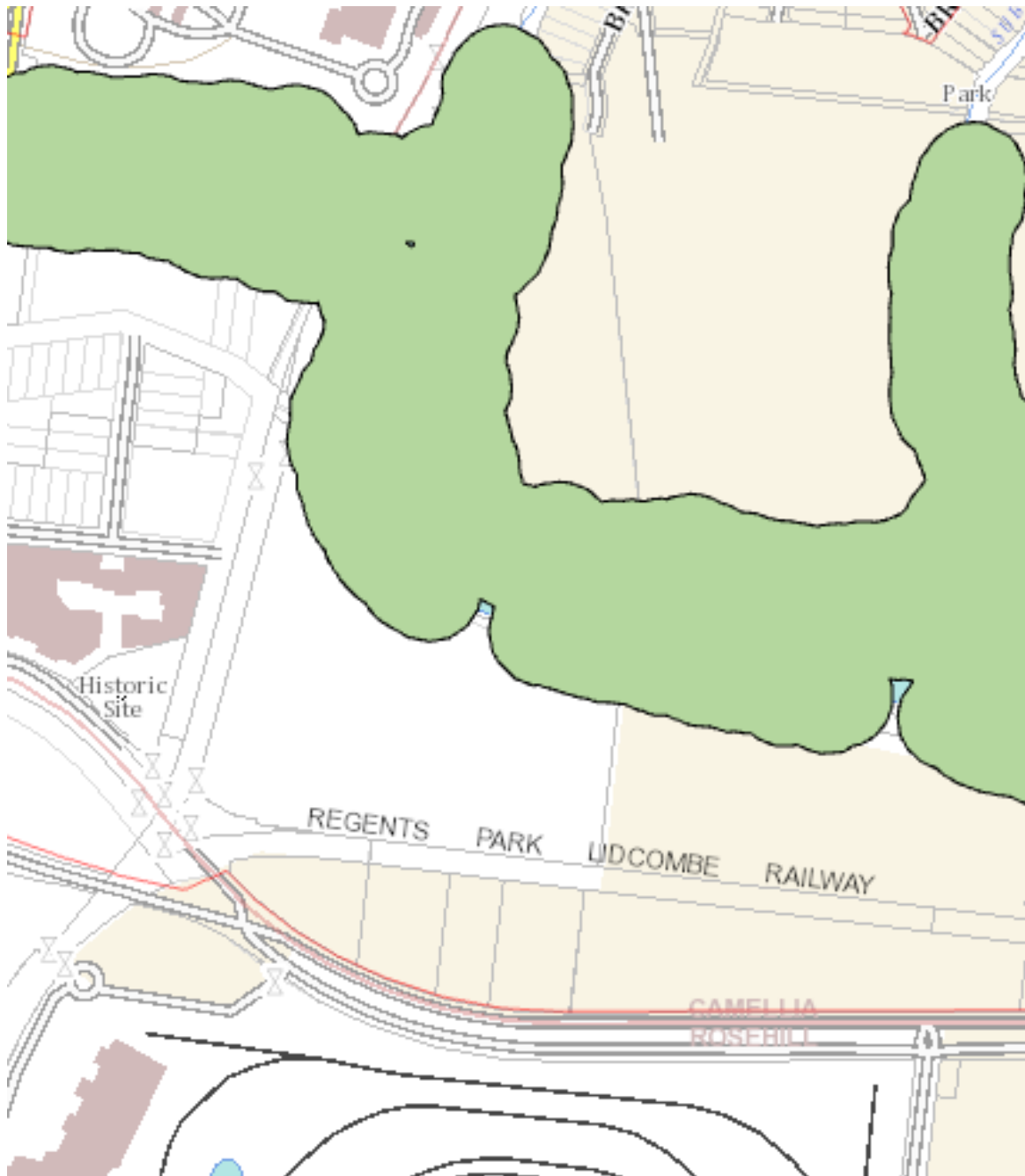


Figure 14 - 'Foreshores and Waterways Map' (red line), and the 'Rocky Foreshores and Significant Seagrasses Map' area (green).

8.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 – Infrastructure

Section 2.77 of the SEPP requires consent authorities to be satisfied that development near pipeline corridors is safe. This application is located near the Jemena high pressure gas line to the west of the site and the AMPOL fuel line to the south and west of the site. Council has given

written notice to both these pipeline operators who have confirmed that the development will be able to safely operate next to these pipelines.

This application was referred to Transport for NSW for the relevant sections of the Transport and Infrastructure SEPP:

- Section 2.98(2) – Development adjacent to rail corridors
- Section 2.122 – Traffic Generating Development

Transport for NSW has confirmed that they are satisfied with the development and have provided their support under sections 2.98(2) and 2.122.

Separately, they have supplied their concurrence under section 138 of the Roads Act 1993.

8.4 State Environmental Planning Policy (Planning Systems) 2021

As this proposal has a Capital Investment Value of more than \$30 million (but less than \$50 million), Part 2.4 of this Policy provides that the Sydney Central City Planning Panel is the consent authority for this application.

8.5 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of land

The application has been submitted with a Remediation Action Plan (Reditus, 21 October 2024). It is considered that the RAP will satisfy CH4 of the SEPP as the proposed remediation strategy demonstrates that the land will be made suitable for the proposed use.

The RAP proposes the following remediation processes to be completed before and during construction:

- Remediate the site to render it suitable for a permissible land use under the current zoning as 'E5 – Heavy Industrial' as specified in the Parramatta Local Environmental Plan 2023;
- Prevent or minimise to the extent practicable further migration of contaminants from source areas that pose an unacceptable risk to either future site occupants or environmental receptors;
- Validate the soil remedial/assessment works by demonstrating the impacted fill material has been contained with a suitable cap design, specifically:
 - Geofabric Marker Layer (Orange Fabric); underlying
 - Compacted Clay Capping Layer (minimum compacted thickness of 0.5m); underlying
 - Aggregate (road base, crushed rock or recycled concrete) / Hardstand Layer (minimum thickness of 0.2m); and


- A long term EMP has been implemented for the ongoing monitoring and maintenance of the cap, as well as the prohibition of growing of vegetables and fruit, and prohibition of groundwater use.
- Validate the remedial works in accordance with the relevant NSW EPA guidelines;
- Document the validation/assessment process; and
- Prepare a long-term Environmental Management Plan for ongoing monitoring and maintenance purposes.

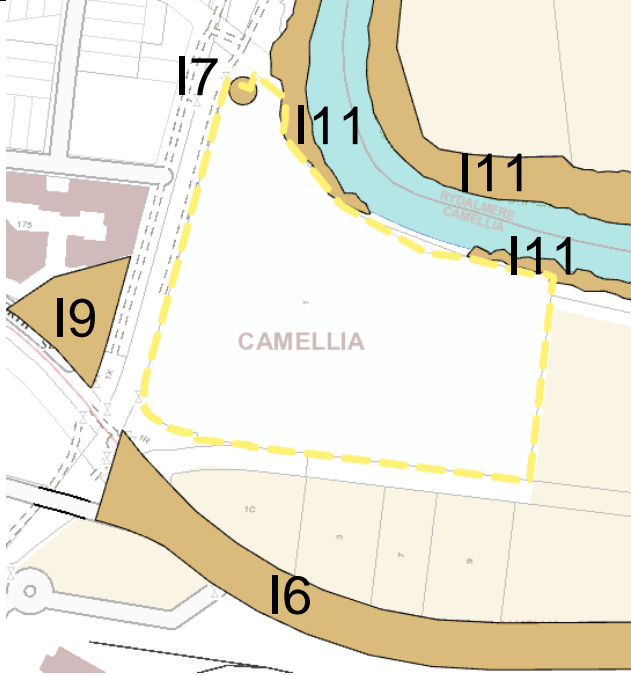
Minor breaches of the existing cap will be required for the footings, the dock and underground services. These have been addressed in part 8 of the RAP. When considering the required remediation and proposed works, approximately 500mm of fill is required across the site, this fill has been considered by the flood impact assessment. The previous concerns raised by Council's Environmental Health team have been addressed by the latest RAP.

8.6 Parramatta Local Environmental Plan 2023

The relevant objectives and requirements of the Parramatta Local Environmental Plan 2023 have been considered in the assessment of the development application and are contained within the following table.

Clause	Comment	Complies
2.7 - Demolition	Demolition is proposed of the existing concrete batching plant including an amenities block, batch office and driver's room. Standard conditions have been applied regarding its safe demolition, transport and disposal of waste.	Yes
4.3 – Building height	The site is affected by a part 9m, part 12m, height limit, see below map.	No

	 <p>Figure 15 - Height of buildings map, subject site in yellow</p> <p>The proposal is seeking buildings with a height of 14.3m, this exceeds the 12m control by 2.3m and the 9m control by 5.3m.</p> <p>A clause 4.6 request has been submitted for this breach, which is addressed below.</p>	
4.4 – Floor Space Ratio	<p>The site has a mapped FSR limit of 1:1.</p> <p>The subject DA proposes a total FSR of 0.23:1 (16,256sq.m)</p>	Yes
4.6 – Exceptions to development standards	<p>The height breach is addressed further in section 8.8 of this report</p>	Yes
5.10 - Heritage	<p>The subject site is affected by the following heritage items to the north of the site:</p> <ul style="list-style-type: none"> • I7 – Grave of Eliner Magee and child • I11 – Wetlands <p>The following heritage items are located within a close proximity to the subject site:</p> <ul style="list-style-type: none"> • I6 – Tram Alignment (to the south of the site) • I9 – Sewage Pumping Station 	Yes

	 <p>Figure 16 - Heritage overlay map</p> <p>The proposal has been submitted with a Heritage Impact Statement and it is considered that the proposal will not have any significant impacts on the heritage items.</p> <p>As the site is of moderate archaeological importance, which is likely to be relatively undisturbed, a condition has been recommended for unexpected finds should any archaeological items be found.</p>	
<p>5.21 Flood Planning</p>	<p>The applicant adopted amended flood planning levels in accordance with the 2024 Parramatta River Flood Study which identifies the site as being affected by both Riverine flooding from the Parramatta River to the north and overland flow flooding from Grand Ave to the south.</p> <p>The development has demonstrated that the development will not unacceptably displace flood waters into adjoining sites.</p> <p>The development has demonstrated that the following requirements have been met which has been supported by Council's Catchment Engineer:</p>	<p>Yes</p>

	<p><i>(a) is compatible with the flood function and behaviour on the land, and</i></p> <p><i>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</i></p> <p><i>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</i></p> <p><i>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</i></p> <p><i>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</i></p>	
5.23 Public Bushland	The development does not propose any disturbance to the mangroves along the northern boundary.	Yes
6.1 Acid sulfate soils	<p>Mapped as Acid Sulfate Soil level 4. An Acid Sulfate Soil Management Plan would only be required for works more than 2m below the natural ground surface or works by which the watertable is likely to be lowered more than 2m below the natural ground surface, which this development does not trigger.</p> <p>The submitted RAP mentions that <i>“there is potential Acid Sulfate Soils (PASS) present on site due to a “sulfur trail exceeding criteria in one location” and has “the potential to become true if the potential acid sulfate soil is oxidized” (page 34).</i></p> <p>The RAP further states that <i>“acid sulfate soils should be considered when choosing a suitable piling method and any spoil generated should be classified in accordance with NSW EPA Waste classification guidelines”.</i></p> <p>As noted in the Data Gap Investigation (Reditus 2024), the proposed development is unlikely to impact the water level at the site therefore the only PASS will need to be considered is that generated from piling works or excavations.</p>	Yes

	These PASS will be managed under the protocol outlined in the RAP.	
6.2 Earthworks	<p>A cut and fill plan has been submitted as part of this application. This plan details that when considering the remediation works and proposed construction works a fill across the site is largely between 500mm and 1m. Excavation between 3m and 3.5m is proposed along the western elevation of Warehouse 1 for the in ground dock. A total cut of 253m³ and 47,183m³ of fill is proposed.</p> <p>The earthworks have been considered with the impact of the overland flow and riverine flooding and has been considered acceptable by the relevant Council engineers. The fill has demonstrated that retaining walls are not required as the fill will be battered down to the east, south and north (along the river). The fill has also demonstrated that the potential impact on the adjoining waterway will be managed appropriately through the implementation of appropriate erosion and sediment measures, which will be conditioned.</p>	Yes
6.3 Biodiversity	The site is not affected by the biodiversity layer on the Natural Resources Map.	N/A
6.4 Riparian land and waterways	<p>This site is affected by a 30m wide riparian land and waterways layer in the Natural Resources Map.</p> <p>The proposed landscaping and associated fill required in the Vegetation Riparian Zone, can be appropriately managed within the site while not impacting the groundwater flows and the water quality in the river.</p> <p>The amended application has not battered down to the river as originally recommended by Council. This is considered acceptable given the likely acceptable condition of the seawall and the retention of the existing industrial use. This requirement will be revisited for any future rezoning in the future.</p>	Yes
6.5 Stormwater	The development has been amended to adequately	Yes

Management	<p>address stormwater impacts.</p> <p>The existing central Council stormwater pipe has been proposed to be relocated out from underneath the building footprint, to between the two warehouses. The relocated pipe will be appropriately sized prior to the issue of a Construction Certificate to consider the current stormwater flows. The plans have also shown the location of an overland flow path should this pipe be blocked which has free passage from Grand Ave to the River.</p> <p>These assets will remain in Council ownership and appropriate easements have been conditioned to be provided in Council's benefit prior to the issue of an OC.</p>	
6.6 Foreshore area	<p>The development no longer proposes public access across the foreshore (given current lack of connectivity either side).</p> <p>While the foreshore area will not be battered to the river, the proposed VRZ is considered to be appropriately designed to meet this section, given the retention of the existing industrial use.</p> <p>The development will:</p> <ul style="list-style-type: none"> • Not include any part of the building or ancillary items in the foreshore area VRZ • Not cause flooding impacts or stormwater impacts via pollution or siltation of the waterway or cause any adverse impacts on the wetland or marine habitat • Has considered the impact of climate change on flooding patterns <p>The existing seawall limits opportunity to provide continuous public access along the foreshore. However, considering this application retains an industrial use, and for the reasons outlined in section 6.4 of the PLEP table above, the retention of the seawall is considered appropriate in this instance. Should a residential or park uses be proposed in the future the renaturalisation of the</p>	Yes

	riverbank should be explored.	
6.7 Essential Services	Adequate water, electricity, sewage, stormwater and road access is provided to the site	Yes

8.7 Variation to height of buildings

The proposal does not comply with the part 9m and part 12m building height development standard detailed in Clause 4.3 of the PLEP. The proposed building height is a maximum of 14.3m for both warehouses.

A non-compliance of 5.3m or 2.3m represents a 59% and 19% increase respectively over the PLEP 2023 development standard of 9 and 12 metres.

Clause 4.6 of PLEP 2023 allows Council to provide an appropriate degree of flexibility in applying certain development standards, where flexibility would achieve better outcomes.

See below site roof plan with height plane.



Figure 17 - site roof plan with height plane

Clause 4.6(1) – Objectives of Clause 4.6

The objectives of clause 4.6 of the PLEP 2023 are considered as follows:

- “(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances”*

Clause 4.6(2) – Operation of Clause 4.6

The operation of clause 4.6 is not limited by the terms of Clause 4.6(8) of this LEP, or otherwise by any other instrument.

Clause 4.6(3) – The Applicant’s written request 4.6

Clause 4.6(3) requires that the applicant provide a written request seeking to justify contravention of the development standard. The request must demonstrate that:

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

The applicant has submitted a written request justifying the variation to the height of building development standard. In the justification the applicant states:

Urban Design Outcomes

- *a strictly compliant development would result in an inferior urban design outcome which is inconsistent with the pattern of development in the Grand Avenue streetscape, as discussed in Section 5.2.2 (of the 4.6 Request)*
- *the proposed height ensures an appropriate floorplate is delivered, thereby enabling appropriate setbacks and separation distances to be provided, this includes a minimum 30 metres building foreshore setback which enables substantial enhancement of Parramatta River Foreshore through the provision of a publicly accessible pedestrian pathway and associated landscaping*
- *the bulk and scale of the development is consistent with other industrial developments within the area, including the adjoining warehouse development to the east at 11 Grand Avenue, Camellia this warehouse has a height in excess of 14 metres*
- *the development achieves the objectives of the zone and the development standard as discussed in Section 5.4 (of the 4.6 request)*

Impact on Neighbouring Properties

- *the proposed increase in height would have no material impact on the neighbouring properties to the east, west or south*
- *the increase in height would not cause any additional overshadowing impacts when compared to a height compliant development with consideration to the siting of the proposal would not obstruct the outlook or views from neighbouring or nearby properties, more than what would occur from a height compliant development*

Building Functionality

- the proposal adopts an industry standard building height to ensure the functionality of its future use for warehouse and distribution purposes
- the increased building height is essential to accommodating the most efficient use of internal systems for warehouse and distribution uses

Council Comment: An assessment against the relevant case law established in the NSW Land and Environment Court has been undertaken below by the applicant. These cases establish tests that determine whether a variation under Clause 4.6 of an LEP is acceptable and whether compliance with the standard is unreasonable or unnecessary.

Wehbe v Pittwater Council

This case expands on the findings of Winten Property Group Limited v North Sydney Council (2001) case and establishes a five-part test ‘Wehbe tests’ to ascertain whether strict compliance with a development standard is unreasonable or unnecessary, as follows:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;

Applicant comment: *The proposed [objectives] to the height of buildings development standard will be achieved notwithstanding the non-compliance with the standard.*

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

Applicant comment: *The underlying objective and purpose of the height of buildings development standard, (including transition of built form, minimise impacts, safeguard heritage, respect existing character and satisfactory sky exposure) is considered relevant to the development.*

However, it is considered that the localised increase in heights at this suitable location will facilitate the achievement of a high-quality development that is respectful of the existing urban character, have a substantially positive urban design impact and acceptable amenity impacts.

Therefore, the localised increase in heights represent a significant improvement over a compliant scheme of uniform height and therefore better achieves the objectives of the height of buildings development standard.

3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

Applicant comment: *The provision of a development that strictly complied with the height of buildings development standard would result in a significantly inferior urban design outcome for the Site.*

The proposal is considered superior to a strictly compliant scheme as:

- *the proposal meets the demand for employment uses in a highly accessible location, appropriately co-located with transport options*
- *the proposal is compatible with the built form character of the area*

- the bulk and scale of the development is consistent with other industrial developments within the area, including the adjoining warehouse development to the east at 11 Grand Avenue, Camellia
 - the proposed height ensures an appropriate floorplate is delivered, thereby enabling appropriate setbacks and separation distances to be provided, facilitating substantial enhancement of Parramatta River Foreshore through the provision of a publicly accessible pedestrian pathway and associated landscaping
 - there is no material impact to adjoining development which would be decreased as a result of a compliant scheme, particularly in relation to solar access
 - the objectives of the zone and relevant development standard are met by the proposed development
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; or

Applicant comment: The building height development standard cannot be said to be virtually abandoned or destroyed. Notwithstanding, Council has granted a number of consents within the Camellia Heavy Industrial area in recent years, which demonstrate a departure to the height of buildings development standard (Figure 6). These consents include:

- DA/302/2022 at 2-8 Thackeray Street, Camellia – Construction of a food storage tank with connecting walkway and access stairway to roof within an existing licenced food biomass waste-to-energy (Composting and Electricity Generation) facility. **Height variation of 2 metres (14m v 12m).**
- DA/955/2021 at 10A Grand Avenue, Camellia – Construction of a concrete batching facility on the rear lot of an approved subdivision. The development is Designated Development as defined by Schedule 3 of the Environmental Planning and Assessment Regulation 2000. **Height variation of 9 and 3 metres respectively (21m and 15m v 12m).**
- DA/751/2019 at 8 Grand Avenue, Camellia – Construction of a 3-storey high technology industry building (data centre), access & car parking, landscaping, associated structures, fuel storage area (Stage 1) and concept approval for a Stage 2 building. This application will be determined by the Sydney Central City Planning Panel. **Height variation of 8 metres (20m v 12m).**

The above approvals establish a clear precedent for the variation of heights in the locality along Grand Avenue. In the context of the precedents set by the approvals in the immediate locality, strict compliance with the part 9m/12m height control is considered unnecessary and unreasonable.



Figure 18 - Consents in the vicinity of the Site with approved Clause 4.6 Variations for height

5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

Applicant comment: *The land has been zoned appropriately and the controls applicable to the Site are generally acceptable, despite the proposed localised increases in height. As discussed at Section 5, the proposed development is consistent with the objectives of the zone. The proposed height of the development, as outlined above, is entirely consistent with and reinforces the wider character of the area.*

It is noted that the DP&E Guide was formulated on the basis of the findings of the Winten Property Group Limited v North Sydney Council (2001) case and the Wehbe Tests.

Comment: It is demonstrated that some sites within this area have exceeded this height control. With respect to scale, the buildings have been designed sympathetically to the surrounding area accounting for the environmental constraints of the site by providing suitable setbacks to the river and light rail corridors.

It is noted that under DA/923/2016, a height breach was approved for a 20m silo structure which currently exists on this site, as shown in figure 4 and 19. This was an 88% breach of the 12m height control that applies to the site. This development remains on site at present and while lesser in width than the proposed warehouses is taller in height and has demonstrated that the control has been varied previously and will not cause significant impact on the neighbouring properties or the river.

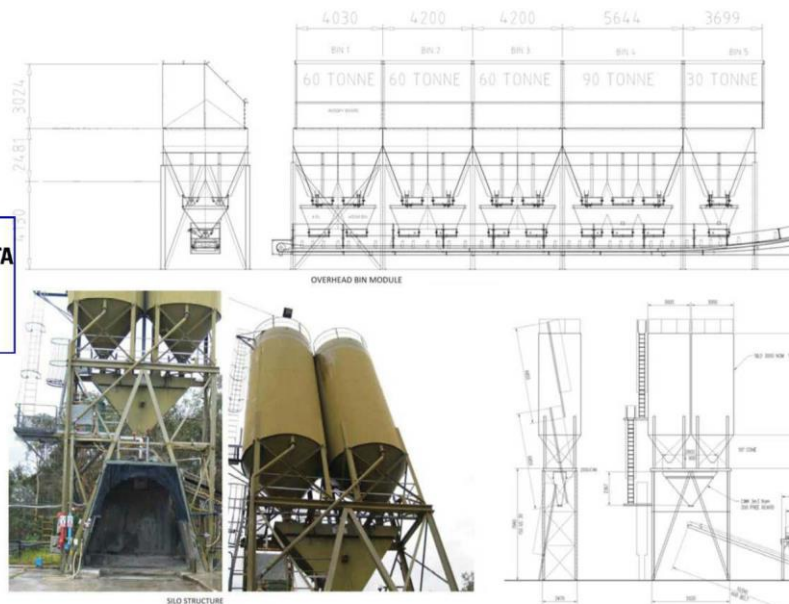
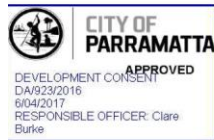


FIGURE 3.2

Camellia Concrete Batching Plant
Mobile Plant Concepts and Overhead Bin Modules
Elevations

Image Source: Holsim (2016)
Note: Not to Scale
File Name: [A4]-RD1/3788_009.dgn
20140214 9.05

Figure 19 - Approved plans from DA/923/2016 showing silo structure

It is considered that the proposed bulk and scale of the buildings are generally mitigated by appropriate facade modulation and materials. The bulk and scale of the proposal is commensurate and compatible with that of the nearby development along Grand Ave.

Overall, the building will not be out of character in the streetscape along the river and light rail corridors, further, it is considered that the development respects the existing character of the area and any potential adverse effects on the surrounding environment in respect to building height will be negligible.

Council conclusion: It is considered that the applicant's written request has adequately addressed the matters required to be demonstrated and that the request to vary the height development standard within Parramatta LEP 2023 can be supported as the proposal achieves the objectives of the height development standard and zone, there are sufficient site-specific reasons for the breach, and the proposal is in the public interest. In reaching this conclusion, regard has been given to the relevant Judgements of the LEC.

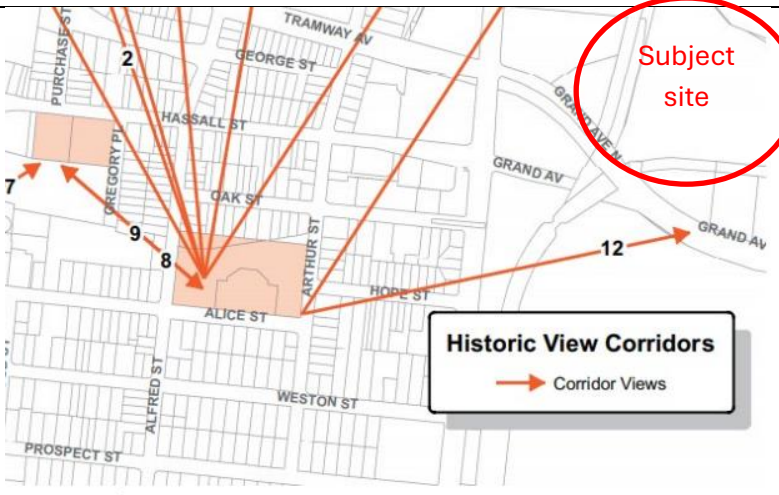
9. Development control plan

The purpose of this DCP is to supplement the Parramatta LEP 2023 and provide more detailed provisions to guide development. The following parts of the DCP are relevant to this proposal:

- Part 2 – Design in context
- Part 4 – Non residential development
- Part 5 – Environmental Management
- Part 7 – Heritage and Archaeology
- Part 8 - Centres, Precincts, Special Character Areas and Specific Sites

Compliance tables are provided below:

Provision	Comment	Complies
Part 2 – Design in context		
2.6 Fences	The proposed chain wire fence surrounding the property provides adequate security to the site. Further refinement will be provided prior to CC to ensure that this fencing does not impact the overland flow path while being appropriately secured from the adjoining light rail.	Yes
2.7 Open Space and Landscaping	<p>A landscape plan by a qualified expert has been submitted, however, deep soil zones are difficult to provide due to the existing capping on the site.</p> <p>The amended plans have adequately demonstrated how the proposed landscaping, including within the VRZ, will be able to be managed above the proposed capping. In addition, it has also provided details on the 14 trees which are proposed to be removed from the site.</p> <p>All these impacts can be managed appropriately subject to conditions.</p>	Yes
2.8 Views and Vistas	The site is indirectly affected by historic view corridor 12 from Elizabeth Farm and Harris Park colonial precinct. It is considered that despite the height variation, the proposal will not impact the view corridor which has evolved since the DCP view corridors were photographed.	Yes

	 <p>Figure 20 - Excerpt of view corridor map from DCP, subject site to the north of corridor 12, circled in red.</p>	
2.11 Access for people with a disability	The building work is to meet the requirements of the Disability Discrimination Act 1992 (DDA), the relevant Australian Standards and the Building Code of Australia (BCA), where applicable.	Yes
2.13 Culture and Public Art	Given the site's highly visible location fronting the Parramatta Light Rail, future Camellia Light Rail station and the Parramatta River this site is required to provide and implement an Arts Plan as part of the overall development. The plan is to include the provision of high-quality artworks within the development in a publicly accessible or visible location. Suitable conditions have been recommended to ensure this.	Yes
2.14 Safety and Security	Perimeter fencing would be suitable from a security point of view.	Yes
2.15 Signage	<p>Indicative signage zones are shown on the architectural plans.</p> <p>No approval is granted for these zones as per the plan notation and the installation of any signage will be subject to a future application. A condition is included to this effect.</p>	Yes
Part 4 – Non-Residential Development		
4.1 General non-residential controls	<p><u>4.1.2 Noise amenity</u></p> <p>The application has been submitted with an Acoustic report which considers the operations of these warehouses 24/7.</p> <p>The report has been reviewed by Council's Environmental</p>	Yes

	Health Team who have advised that the acoustic assessment is acceptable subject to a 12-month trial of 24/7 operation.	
4.3 Industrial development	<p>The following controls apply to the subject site:</p> <p>Building Height – does not comply with the building height map in the Parramatta LEP 2023. This has been addressed via 4.6 of the LEP, see above.</p> <p>Floor Space Ratio – The development complies with the 1:1 Floor Space Ratio within the Parramatta LEP 2023.</p> <p>Front Setback – The site does not have a standard street frontage as it is surrounded by two rail corridors.</p> <p>Side and rear setback – The development provides a 11m setback to the east, is located out of the 30m foreshore building line along the rear and provides a 31m side setback to the west, a 6m landscaped setback to the Light rail station has been provided.</p> <p>Parking – Refer to DCP part 6 traffic and parking assessment below</p> <p>Landscaping – 15% of the site is being maintained as landscaped area with the minimum dimension of 2.5m x 2.5m.</p> <p>Canopy trees are provided per every 10 parking spaces, this has been provided where appropriate.</p> <p>Communal Open Space – A communal open space for the employees is provided for each warehouse.</p> <p>Building Design – The proposal may be capable of complying with relevant noise and light requirements under the Australian Standard. Concern is raised however, that the noise impacts to the nearby residential receiver in the late evening/early morning has not been considered in the provided acoustic report. The 24-hour operation could be conditioned as a trial for the first 12 months with further acoustic testing to be conducted on the potential acoustic impacts to this residential property.</p>	Yes
Part 5 – Environmental Management		
5.1 Water Management	<p><u>5.1.1 Flooding</u></p> <p>The development has demonstrated compliance with the relevant flood planning level (1% AEP) as per the Parramatta River Flood Study levels. The proposed FFL's of the warehouses are located above the 1% AEP and the buildings</p>	Yes

	<p>have been conditioned to be appropriately designed to withstand flooding impacts. The flood modelling also demonstrates that the proposal would not result in flooding afflux on adjoining sites. A Flood Emergency Response Plan has been provided.</p> <p><u>5.1.2 Water Sensitive Urban Design</u></p> <p>The development stormwater quantity and quality have been modelled to demonstrate the achievement of pollution reduction targets set out in this section of the DCP.</p> <p>Rainwater capture and on-site use has been demonstrated as part of Water Sensitive Urban Design and as a sustainability measure.</p> <p><u>5.1.3 Stormwater Management</u></p> <p>The DCP requires a reduction in the net outflow of rain/stormwater from the site by 10% compared to undeveloped (natural site) levels. This has been achieved.</p> <p>The stormwater drawings have been updated to show all stormwater management assets, including stormwater pipes, pits, and legal discharge points, along with associated RLs and ILs. The existing central north/south Councils stormwater pipe will be relocated to out of the warehouse footprint and will be conditioned to be sized appropriately to Council's satisfaction prior to the issue of a CC. An overland flow path above the pipe will also be provided to convey water in the event the pipe is blocked.</p> <p><u>5.1.4 On Site Detention Management</u></p> <p>No on-site detention basin is proposed.</p> <p><u>5.1.5 Groundwater</u></p> <p>The development does not propose any discharge of groundwater into Council's stormwater infrastructure. The groundwater in this site is heavily contaminated. A Construction Environmental Management Plan has been conditioned.</p>	
5.2 Hazard and Pollution Management	<p><u>5.2.1 Control of soil erosion and sedimentation</u></p> <p>The development requires fill to allow for the landscaping to be planted above the existing capping. However, this fill has</p>	Yes

	<p>been managed to be battered down to the existing ground level along the property boundaries, except the western boundary where the light rail corridor is significantly above this site's NGL.</p> <p>The application has demonstrated that they can manage that there will not be any soil or sediment disturbance to the river from the new soil and landscaping in the VRZ which may be affected by overland flow flooding. This will also be managed by appropriate conditions of consent.</p> <p><u>5.2.2 Acid Sulfate Soils</u> Refer to PLEP assessment above</p> <p><u>5.2.5 Land Contamination</u> Assessment against clause 4.6 of the Resilience and Hazards SEPP is made above.</p> <p><u>5.2.6 Air Quality</u> The development is not considered to impact the existing air quality.</p>	
5.3 Protection of the Natural Environment	<p><u>5.3.1 Biodiversity</u> The application proposes to retain the existing mangroves and biodiversity within the river. As such it is considered that the development has been designed to avoid, minimise and mitigate impacts the existing locally indigenous flora and fauna.</p> <p><u>5.3.2 Waterways and Riparian Zone</u> A 40m Vegetation Riparian Zone is proposed which batters to existing ground level at the northern and southern edges. This is consistent with the NSW Department of Industry's Guidelines for controlled activities on waterfront land – Riparian corridors. The design of the VRZ is appropriate considering the industrial use to be retained on site for this application. Any potential new/revised stormwater outlets will be designed prior to CC.</p> <p><u>5.3.4 Tree and Vegetation Preservation</u> The development proposes to remove 14 trees, this has been supported by an Arboricultural Impact Assessment. The tree removal is required to support the warehouse development and repair of the capping layer across the site. Replacement tree planting is proposed and has been conditioned appropriately.</p>	Yes

5.4 Environmental Performance	<p><u>5.4.1 Energy Efficiency</u> The development is required to have a 5-star green star rating or equivalent. This has been conditioned. Non-residential development with a GFA of 5,000m² or more (including alterations and additions of 5,000m² or more), or with a roof area of 1,000m² or more, requires the installation of a solar PV system covering a minimum of 50% of the roof space. This has been conditioned to be provided.</p> <p><u>5.4.2 Water efficiency</u> 5-star green star rating required for water. This has been conditioned to be provided.</p> <p><u>5.4.3 Urban Cooling</u> N/A – the GFA does not exceed 20,000sq.m</p> <p><u>5.4.5 Natural Refrigerants in air conditioning</u> Natural refrigerants with a GWM of 10 or less has been conditioned to be provided.</p> <p><u>5.4.8 Waste Management</u> Waste Management is to be conducted by a private provider. An operational waste management has been conditioned.</p>	Yes
Part 6 – Traffic and Transport		
6.1 Sustainable Transport	<p><u>6.1.2 Travel Plans</u> A Green Travel Plan is to be provided as the development has a GFA over 5000sq.m and more than 50 employees. This has been conditioned to be provided.</p> <p><u>6.1.3 Electric Vehicle Charging Infrastructure</u> 1 shared EV connection is required for every 10 commercial car spaces distributed through the carpark. As 86 parking spaces are proposed, this requires 9 shared electric vehicle connections to be shared through the carpark. This has been conditioned to be shared equally between the warehouses and with one to be provided for the café carpark.</p>	Yes
6.2 Parking and Vehicular access	<p>The DCP requires the following minimum parking rates for industrial development:</p> <p>Warehouses: 1 space per 300m² GFA (50 spaces required) Ancillary office: 1 space per 40m² GFA (22 spaces required) Café: 1 space per 30m² of GFA (for the first 100m² of floor space), plus 15 spaces per 100m² or 1 space per 3 seats (whichever is the greater) for additional GFA over the first</p>	Yes

	100m2 (1 space required)	
	86 spaces are proposed which meets the DCP requirements	
6.3 Bicycle Parking	1 bicycle space per 1,000m2 of gross floor area for employees required (17 spaces required) 24 bike spaces proposed distributed between both warehouses. This has been conditioned to be provided.	Yes
6.4 Loading and Servicing	An adequate number of loading docks are provided for each warehouse and are independent of other parking areas. A condition for a loading dock management plan to be provided to Council has been recommended	Yes
Part 7 – Heritage and Archaeology		
7.4 General provisions	This application does not propose any works on or near the heritage items (Wetlands and Grave of Elinor Magee and child). These items are proposed to be retained and preserved. The proposal complies with section 5.10 of the PLEP 2023 regarding Heritage Preservation.	Yes
7.5 Development in the vicinity of heritage	The development is not considered to detract from the heritage significance of the nearby heritage items, though it could be doing more to improve the curtilage of the Wetland as outlined above.	Yes
Part 8 – Centres, Precincts, Special Character Areas, and Specific Sites		
8.2 Local Centres		
8.2.4 Camellia and Rydalmere	<p>8.2.4.2 Height of Buildings The development does not have an adverse impact on significant or historic views from any heritage items despite being located within the Area of Height Sensitivity.</p> <p>When assessed against the relevant view corridors from the Elizabeth Farm Precinct the development would not be visible as previously envisioned by the DCP due to the changing nature of the view corridor since the DCP view corridor was photographed.</p> <p>8.2.4.3 Landscaping The development provides adequate landscaping as per the other DCP and LEP requirements. The planting has considered the contamination constraints on the site.</p> <p>8.2.4.4 Travel Plans and Travel Information Guides Development that contains 5,000m² of gross floor space or 50 or more employees must prepare a Travel Plan.</p>	<p>Yes</p> <p>No</p> <p>Yes</p>

	<p>A Travel Plan is designed to reduce car trips and encourage the use of sustainable transport. Where a Travel Plan is required as a condition of development, it must be submitted to Council prior to the release of the Occupation Certificate. If the future occupant(s) is known then the Travel Plan must be prepared in co-operation with them. The condition of consent remains for the life of the development.</p> <p>This has been conditioned to be provided prior to OC.</p> <p><u>8.2.4.5 Building Design</u></p> <p>The buildings design, materials and setbacks are considered to be consistent with the transition and general massing of other industrial developments in the local area.</p>	Yes
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10. The Regulations

Applicable regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been conditioned appropriately.

11. The likely impacts of the development

As outlined in this report, this application has demonstrated that the proposal would have acceptable social and environmental impacts to the surrounding sites and natural environments.

The amended development has demonstrated that the potential impacts of the development – in particular on human health (contamination), flood behaviour, and landscape planting - have been considered concurrently and can be managed post construction.

12. Site suitability

As outlined in this report, the applicant has not demonstrated that the site is suitable for the proposed industrial uses. However, an future residential/recreational use would likely require additional remediation and renaturalisation of the site.

13. SCCPP Briefing Minutes

The application was considered at a SCCPP Briefing Meeting held on 19 October 2023. Members of the panel in attendance were Abigail Goldberg (Chair), David Ryan, Steve Murray, Sameer Pandey, and Georgina Valjak.

The key issues discussed at the Panel Briefing Meeting are as follows:

Panel issue	Council Response
The panel queried if vehicle movements were forward in and out of the site to which the applicant confirmed that all movements in and out of the site can be made in a forward direction.	The amended development maintains the ability for all vehicles to enter and exit the site in a forward direction.
The panel queried the proposed building heights and their appropriateness for industrial development.	The proposed building heights are considered to be satisfactory despite the DCP “Area of Height Sensitivity”. This is addressed further in the DCP assessment and clause 4.6 assessment above.
The panel targets determination of RSDAs within 250 days. The chair recommends that the applicant focus their efforts on facilitating amendments or providing additional information required by Council to allow them to complete their assessment.	This time frame has not been met.

14. Public Notification

The application was notified and advertised in accordance with the City of Parramatta Consolidated Notification Procedures and legislative requirements for a 28-day period from the 5th October 2023 to the 7th November 2023. In response no submissions were received.

The revised drawings were not notified as they were not considered to be significantly different.

15. Public interest

The application demonstrates that the proposal is in the public interest.

16. Development contributions

16.1 Council contributions

As per the City of Parramatta Outside CBD Development Contribution Plan (Amendment 1) the development would need to pay development contributions due to its increase in the number of workers from the current development on the site.

A contribution of \$885,394.95 has been conditioned to be paid prior to the release of a Construction Certificate.

16.2 Housing and Productivity Contribution

The NSW Government Housing and Productivity Contribution is not applicable to this application as it was formally lodged before the 1 October commencement date of the policy.

17. Summary and conclusion

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework and is recommended for approval subject to conditions of consent.

18. Recommendation

- A. **That** the Sydney Central City Planning Panel, as the determining authority, approve Development Application No. DA/573/2023, subject to the conditions of consent recommended in section 19 of this report.

19. Recommended conditions of consent

PART A – GENERAL CONDITIONS

Approved Plans & Supporting Documents

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

Drawing/Plan No.	Issue	Plan Title	Dated
DA-000	7	Cover Page and Title Sheet	17/10/2024
DA-002	5	Site Plan	17/10/2024
DA-005	3	Public Art Site Plan and Elevations	17/10/2024
DA-101	5	Warehouse 1 Site and Warehouse Plan	17/10/2024
DA-110	4	Warehouse 1 Office Plan	17/10/2024
DA-115	4	Warehouse 1 Roof Plan	17/10/2024
DA-120	4	Warehouse 1 Elevations	17/10/2024
DA-121	4	Warehouse 1 Office Elevations	17/10/2024
DA-130	5	Warehouse 1 Sections	17/10/2024
DA-201	5	Warehouse 4 Site and Plan	17/10/2024
DA-210	4	Warehouse 4 Office Plan	17/10/2024
DA-215	5	Warehouse 4 Roof Plan	17/10/2024
DA-220	4	Warehouse 4 Elevations	17/10/2024
DA-221	4	Warehouse 4 Office Elevations	17/10/2024
DA-230	5	Warehouse 4 Sections	17/10/2024
DA-301	3	Warehouse 1 Café Site Plan	17/10/2024
DA-310	3	Take away food and drink premises elevations	17/10/2024
DA-400	4	Overall elevation	17/10/2024

Civil Drawings/Stormwater

Drawing No.	Issue	Plan Title	Dated
DRG-CI-0100	D	Cover Sheet, Locality Plan and Drawing index	21/10/2024
DRG-CI-0120	D	Earthworks depth range plan	21/10/2024
DRG-CI-0200	F	Siteworks plan and ground floor drainage	26/11/2024
DRG-CI-0220	C	Typical sections	21/10/2024
DRG-CI-0300	D	Music model catchment plan	21/10/2024

Drawing No.	Issue	Plan Title	Dated
DRG-CI-0340	D	Drainage details	21/10/2024
DRG-CI-0700	D	Erosion and sediment control plan	21/10/2024
DRG-CI-0710	C	Erosion and sediment control details	21/10/2024

Landscape Drawings

Drawing No.	Issue	Plan Title	Dated
L01	H	Cover sheet	04/11/2024
L03	H	Landscape Strategy	04/11/2024
L04	H	Earthworks Depth Range Plan	04/11/2024
L06	H	Landscape Concept Masterplan	04/11/2024
L07	H	Landscape Plan Entry and Café	04/11/2024
L08	H	Landscape Plan Riparian Zone	04/11/2024
L10	H	Landscape Sections 01	04/11/2024
L11	H	Landscape Sections 02	04/11/2024
L12	H	Proposed Plant Schedule	04/11/2024
L13	H	Proposed Plant Schedule	04/11/2024
L15	H	Remedial Action Plan Section	04/11/2024
L16	H	Typical Landscape Details	04/11/2024

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Remedial Action Plan	23156	5	Reditus	21/10/2024
Vegetation management plan	-	2	Ecologique	21/10/2024
Arboricultural Impact Assessment	AIA9/08/2024	3	Arbor Express	18/10/2024
Flood risk and Impact Assessment	S23153	C	BG&E	25/11/2024
Noise Impact Assessment	P01116	2	E-Lab Consulting	10/04/2024
Traffic Impact Assessment	300305009	D	Stantec	10/04/2024
Heritage Impact Statement	-	-	NBRS	08/04/2024
Hazard and Risk Assessment	J-000654-BG-HRA-001	0	Arriscar	31/08/2023
Operational Waste Management Plan	5397	C	EF Consulting	21/09/2023

Note: In the event, of any inconsistency between the approved plans and/or the civil drawings and/or landscape plans and/or supporting documentation, the approved plans prevail.

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

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

Construction Certificate

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

Reason: To ensure compliance with legislative requirements.

Site Management Plan

3. The site is subject to a Site Management Plan implemented by the site owner, primarily due to legacy asbestos contamination. The Site Management Plan is enforced through a positive covenant on the land title with the EPA as the prescribed authority. The site owner / proponent must ensure that any works conducted at the site comply with the Site Management Plan. The Site Management Plan will need to be updated, and the EPA consulted regarding ongoing enforcement of the Site Management Plan during this building work.

Reason: To ensure the existing Site Management Plan is up to date

Transport for NSW

4. Compliance is required with the letter and conditions issued by TfNSW dated 22 May 2024 (Ref: SYD24/00800/01). A copy of this letter is available on the NSW Planning Portal.

Reason: To ensure no impact on the wider Traffic and Public Transport network.

Tree Planting

5. Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.
For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.
For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's Technical guidelines – Building over and adjacent to pipe assets.

Reason: To ensure that plants do not conflict with Sydney Water assets

Site Auditor

6. Given the site contamination, any remediation and redevelopment work must be overseen by an EPA-accredited Site Auditor. In general, a Site Auditor should be engaged early in the process to ensure that investigations and remedial planning are adequate for the purpose of ensuring site use suitability for the proposed land use.

Reason: To ensure the remediation plan is overseen by a suitably qualified person.

Endeavour Energy

7. Compliance is required with Endeavour Energy requirements as detailed in their letter dated 28/09/2023. A copy of this advice is available on the NSW Planning Portal.

Reason: To ensure no impact on existing Endeavour Energy assets.

Hazardous/intractable waste disposed legislation

8. 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 Environment Protection Authority (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.

Signage – Contamination

9. 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.

Require to notify about new contamination evidence

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

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

Discharge of Contaminated Groundwater

11. Groundwater shall 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 NSW EPA water quality standards and Australian and New Zealand Guidelines for Fresh and Marine Water Quality.

Other options for the disposal of groundwater 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 ensure that contaminated groundwater does not impact upon waterways.

Contaminated waste to licensed EPA landfill

12. 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.

Remediation

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

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

Requirement for removal of underground storage tanks

14. Following excavation and removal of any underground storage tank, the land shall be assessed in accordance with the NSW Environment Protection Authority's Technical Note: Investigation of Service Station Sites (2014). A report on the investigation is to be supplied to Council's Environment and Public Health Unit.

At the completion of the investigation, a site audit statement shall be issued 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 left in a safe and healthy condition.

Registration Covenant - encapsulated contamination

15. If one does not already exist, a covenant shall be registered on the title of the land and a copy of the title submitted to Council and the principal certifying authority prior to the issue of an occupation certificate, giving notice of the former use and contamination of the site and the existence of the encapsulated cells containing contaminated material.

Reason: To ensure that the encapsulated cell is not breached and to prevent the future occurrence of a health hazard and the spread of contamination.

Remediation Action Plan

16. Remediation works shall be carried out in accordance with the Remedial Action Plan Project No. 23156 Version 5 (Report No. 23156RP01 prepared by Reditus Consulting Pty Ltd received by Council on 21 October 2024). The applicant shall inform Council in writing of any proposed variation to the remediation works. Council shall approve these variations in writing prior to the commencement of works.

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

Validation Report

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

- a) Compliance with the approved RAP;
- b) The remediation acceptance criteria (in the approved RAP) has been fully complied with;

- c) All remediation works undertaken comply with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997*, SEPP 55 and Council's Management of Contaminated Lands Policy and includes:
- Works-As-Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a registered surveyor;
 - A "notice of completion of remediation work" as required under Clause 18 of SEPP 55; and
 - A statement confirming that the site following remediation of contamination is suitable for the intended use.
- Reason:** To ensure that the development complies with the Remedial Action Plan and that the works are in accordance with the *Contaminated Land Management Act 1997*.

Validation Report - Site Audit Statement

18. Following the preparation of the validation report, Council requires the applicant to engage an accredited auditor under the *Contaminated Land Management Act 1997* to review the Validation Report prepared by the contaminated land consultant and issue a **Site Audit Statement**. The accredited auditor shall consult with Council prior to finalising and issuing the Site Audit Statement. The Site Audit Statement should allow for soil access to occur to ground level courtyards and communal open space areas within the development. The accredited auditor shall provide Council with a copy of the Site Audit Report and Site Audit Statement, prior to the issuing of the Occupation Certificate. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of the inconsistency and a Section 4.55 Modification Application or further Development Application pursuant to the *Environmental Planning and Assessment Act 1979* will be required.
- Reason:** To ensure that the development complies with the Remedial Action Plan and that the works are in accordance with the *Contaminated Land Management Act 1997*

Requirement for Trade Waste Agreement

19. A trade waste agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'. Separator systems are to be bunded and where systems are placed outside, they are to be roofed to ensure that no rainwater can enter the bund.
- Reason:** To ensure proper disposal of waste water.

Provide waste storage room on premises

20. A waste storage room is to be provided on the premises and shall be constructed to comply with all the relevant provisions of Council's Development Control Plan (DCP) 2023 including:
- (a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
 - (b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
 - (c) The walls being cement rendered to a smooth, even surface and coved at all intersections;

- (d) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet.

Reason: To ensure provision of adequate waste storage arrangements.

Soil and Water Management – Stockpiles

21. 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.

Nuisance Lighting

22. 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.

Erosion and Sediment Control Measures

23. 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.

Erosion and Sediment Control - Run Off

24. 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.

Tree Preservation

25. Trees equal to or greater than five (5) metres in height, which are protected under the Parramatta Development Control Plan (DCP) 2023 (Part 5.3.4 Tree and Vegetation Preservation), must not be removed or damaged without Council consent.

Reason: To preserve existing landscape features.

No trees are to be removed on public property

26. No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works, unless approved in this consent.

Reason: To ensure adequate protection of existing environmental assets and to maintain public amenity.

Waterways Protection

27. All works must be carried out so that:

- No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of Parramatta River; and
- No materials are likely to be carried by natural forces to the bed, shore or waters of Parramatta River

Any material that does enter Parramatta River must be removed immediately.

Reason: To ensure protection of waterways.

No encroachment on Council and/or adjoining property

28. 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.

City of Parramatta (Outside CBD) Development Contribution

29. A monetary contribution comprising \$885,394.64 is payable to City of Parramatta Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and the *City of Parramatta (Outside CBD) Development Contributions Plan 2021*. Payment must be made by direct bank transfer or credit/debit card only. Payment can be made by contacting Council's Customer Contact Centre on 1300 617 058.

Contribution Type	Amount
Open space and outdoor recreation	\$356,489.73
Traffic and transport	\$502,759.35
Plan administration	\$26,145.56
Total	\$885,394.64

Timing of payment

The contribution is to be paid to Council prior to the first construction certificate. Deferred payments of contributions will not be accepted, and requests for payment by multiple instalments will not be granted.

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation. Therefore, please visit 'Live Contributions Fees' Register on the Council's [Development Contributions](#) webpage to confirm the amount payable prior to making payment.

The *City of Parramatta (Outside CBD) Development Contributions Plan 2021*. can be viewed on Council's website at: <https://www.cityofparramatta.nsw.gov.au/business-development/planning/development-contributions>

Reason: To comply with legislative requirements and to provide for the increased demand for public amenities and services resulting from the development.

Water NSW General Terms of Approval

30. The development shall comply with the requirements of the General Terms of Approval in the Department of Planning and Environment – Water letter reference IDAS-2024-10259 dated 6 May 2024.

Reason: To ensure the terms of the Planning Agreement are met.

Demolition of Buildings

31. Approval is granted for the demolition of the amenities block, batch office, driver's room and overhead aggregate bins currently on the property, 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 Safe Work NSW 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 contain with asbestos approval to commence demolition will not be given until Council is satisfied that all asbestos removal measures and obligations are in place.
- (e) On demolition sites where buildings to be demolished contain asbestos cement, signage is to be erected and maintained in accordance with Cl.469 of the Work Health and Safety Regulation 2017.
- (f) Should the conditions of this development consent require tree protection measures then 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 friable asbestos must be undertaken by a Class A friable licensed asbestos professional. Where there is in excess of 10sqm of non-friable (bonded) asbestos, the removal and disposal of the non-friable asbestos must be undertaken by either a Class A or Class B Asbestos Licence asbestos professional.
- (j) Demolition is to be completed within 5 days of commencement. Unless agreed in writing by the City of Parramatta Council for larger sites.
- (k) Demolition works are restricted to Monday to Saturday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Sundays or Public Holidays.
- (l) 1.8m high Protective fencing is to be installed to prevent public access to 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.
 - (iv) Prior to any earthworks or construction undertaken on site associated with the proposed development, ensure the above items are submitted and a post demolition clearance is provided from Council.

Reason: To protect the amenity of the area.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

(Note: Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.)

Submit & Approval by Council detailing concept development

32. Council requires a Concept Public Art Plan be submitted and approved by Council detailing concept development including concept drawings, scale and context, materials and artworks finishes, timeline showing staging of the artwork and an estimated budget prior to issue of Construction Certificate. This plan is to comply with the City of Parramatta Interim Public Art Plan for Developers including the required budget of 0.5% of the total development costs.

Reason: To comply with Development control requirements.

Carpark design

33. The PCA shall ascertain that any new element in the at-grade carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate application.

Reason: To ensure appropriate vehicular manoeuvring is provided

Loading Dock Management Plan

34. Prior to the issue of the relevant construction certificate, the applicant shall submit a Loading Dock Management Plan, to the satisfaction of Council's Traffic and Transport Manager. The Plan must address the following matters:
- a. The volume of truck movements at various operating hours of the development
 - b. Delivery and service requirements as well as a service schedules;
 - c. Operational aspects on how to use facilities;
 - d. Measures that are to be taken to ensure there are no adverse impacts from trucks turning right into Grand Avenue during peak times and;
 - e. Management duties and responsibilities.

Reason: To ensure compliance with the Parramatta DCP 2023 and reduce impact on Council roads.

Private Road Details

35. Detailed engineering design plans of the proposed new internal road are to be submitted to Council's Traffic and Transport Manager for review and approval. The plans and supplementary documentation must have regard to the following:
- a. The width of the proposed road should allow for two-way traffic movements while allowing for on-street parking and minimising the need for 'No Stopping' restrictions within the new road.
 - b. Consideration of measures to prevent anti-social behaviour that may arise due to the size of the proposed cul-de-sac.
 - c. A sight line assessment at any pedestrian crossing points within the new road to ensure that the locations comply with Austroads Guide to Road Design.
 - d. An assessment of any proposed marked pedestrian crossing against Council's Guidelines including an assessment of the forecasted pedestrians volumes to ensure that Council requirements are met. Should any crossing be proposed near PLR, in principle support from TfNSW is also required.

The applicant must ensure that street lighting complies with the relevant Australian Standards including at any marked pedestrian crossings. The construction of the final approved road is to be carried out by the applicant and all costs associated with the supply and construction of the facility and appropriate signage are to be paid for by the applicant at no cost to Council.

Reason: To ensure maintenance of traffic flow and safety on the surrounding road network.

Bicycle Details

36. A minimum of 24 bicycle spaces/racks are to be provided on-site and used accordingly. In addition to this, a minimum of five (5) bicycle spaces/racks are to be provided near the

café for visitor use. The bicycle storage/racks are to comply with AS2890.3-2015. Details are to be illustrated on plans submitted with the construction certificate. These are to be shared equally between both warehouses and with 5 to be provided for the café.

Reason: To comply with Council's parking requirements.

Driveway Design

37. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials.

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

Parramatta Traffic Committee

38. The applicant is to submit a separate application for the proposed line markings and signage in the New Road to Council's Traffic and Transport Services for consideration by the Parramatta Traffic Committee under Delegated Authority and Council's approval. The construction of the approved treatment is to be carried out by the applicant and all costs associated with the supply and construction of the road and appropriate signage are to be paid for by the applicant at no cost to Council

Reason: To comply with Roads Act 1993.

Motorcycle Details

39. Two (2) motorcycle spaces are to be provided on-site and used accordingly. The dimensions of the motorcycle spaces are to comply with Clause 2.4.7 and Figure 2.7 of AS 2890.1-2004. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements.

Carparking details

40. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS2890.2 and AS 2890.6. A total of 40 parking spaces including two (2) disabled and four (4) electric vehicle charging bays are to be provided in Warehouse 1, and a total of 39 including two (2) disabled parking spaces and four (4) electric vehicle charging bays are to be provided in Warehouse 4. An additional five (5) parking spaces are to be provided for the café including five in the street. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To ensure carparking supply.

Stormwater Disposal

41. All roof water and surface water is to be connected to an operable drainage system. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

Reason: To ensure satisfactory stormwater disposal.

Dial Before you Dig Service

42. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to receive written confirmation from NDBYD that the proposed excavation will not

conflict with any underground utility services. The person/s having the benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

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

Design to withstand flooding

43. 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.

Construction of a standard vehicular crossing

44. A standard vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS8 and DS10. Details must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

Reason: To ensure appropriate vehicular access is provided.

Support for Council roads footpath drainage reserve

45. 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 Construction Certificate and be to the satisfaction of the Principal Certifying Authority (PCA). 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.

Construction adjacent to a drainage easement

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

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

Driveway Grades

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

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

Noise Management Plan – Demolition, Excavation & Construction

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

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

- a) Confirmation of the level of community engagement that has, is and will be undertaken with the Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases;
- b) Confirmation of noise, vibration and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties during the main stages of work;
- c) The course of action that will be taken following receipt of a complaint concerning site noise, dust and vibration;
- d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring properties to a minimum; and
- e) What plant and equipment is to be used on the site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring properties and other less intrusive technologies available.

Reason: To maintain appropriate amenity to nearby occupants.

Safety Management Statement

49. An Encroachment Safety Management Statement (SMS) in accordance with AS 2885.6 from an AMPOL accredited consultant must be submitted and approved by AMPOL prior to the issue of a Construction Certificate.

Reason: To ensure the development can safely coexist with the Ampol Sydney-Newcastle Pipeline (SNP)

Design of fit-out to comply with food safety standard

50. Detailed plans of any food / beverage preparation facilities and waste storage areas shall be submitted to the principal certifying authority (PCA) prior to the issue of the construction certificate.

The fit-out of the food premises shall comply with:

- (a) Australian Standard AS4674-2004 - Design, Construction and Fit-out of Food Premises.
- (b) Food Safety Standards
 - Standard 3.2.2 Food Safety Practices and General Requirements
 - Standard 3.2.3 Food Premises and Equipment
- (c) The cool rooms shall be provided with safety devices to comply with G1.2 of the BCA.

- (d) No approval is granted for any remote storage area.
- (e) The business being registered with City of Parramatta (retail) or NSW Food Authority (wholesale/retail meat/manufacturer).
- (f) Comply with the requirements of Sydney Water – Trade Waste Section (grease trap).

If a Private Certifier is to be used, the final inspection shall be carried out by a suitably qualified person to ensure that food standards are met. Council's Environmental Health Officer may be engaged to carry out the required inspection for a prescribed fee.

Note: Copies of AS4764-2004 may be obtained from Standards Australia. Copies of the Food Standards Code may be obtained from Australia and New Zealand Food Authority. Alternatively, you may obtain a copy of the 'Food premises design, construction and fit-out guide' from Council. This guide is based on the above standards and sets out minimum requirements to achieve compliance.

Reason: To ensure design of the premises meets relevant public health standards.

Management of Construction and/or Demolition Waste

51. Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to reuse or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. Receipts of all waste/recycling tipping must be retained and produced in a legible form to any authorised officer of the Council who asks to see them.

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

Landscape Plan Amendments

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

The final Landscape Plan must be consistent with plans prepared by Habit8, numbered H8-23040 rev H dated 04.11.2024, together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:

- (a) All amended landscape plans are to be prepared by a professionally qualified Landscape Architect.
- (b) A planting plan for all landscape areas is required.
- (c) The location of all proposed overhead and underground services to be shown as per the survey plan and to be coordinated with all relevant plans.
- (d) All proposed softscape details to be provided.
- (e) Details for all proposed hardscape structures to be provided.
- (f) Appropriate topsoil (pending stormwater design and final modelling) to be added to the stormwater channel detail (along the western boundary) to support the mature growth of the sedges and grasses proposed within the channel.
- (g) Additional planting shall be undertaken within the stormwater channel / overland flow path and are to be provided in a minimum 150mm containers. Suitable species include (but are not limited to) the following:

- *Lomandra hystrix* 'Katie Belles' (Spiny-head Mat-rush)
 - *Lomandra longifolia* (Spiny Mat Rush)
 - *Dianella revoluta* (Flax Lilly)
 - *Juncus usitatus* (Common Rush)
- (h) Section A-A 'residual site' detail to add sufficient topsoil (pending stormwater design and final modelling) to the hydro seed portion of the section to ensure there will be sufficient soil volume across the landscape areas to support the trees proposed around periphery of the residual area.
- (i) Any soil mounding must not exceed a maximum 1:8 grade which must be demonstrated on amended plans and sections.
- (j) Additional replacement trees are to be shown along the eastern boundary planting. The trees are required to be provided in a minimum 75 litre container, reach a minimum mature height of 10m and be planted at a minimum distance of two (2) metres from any drainage line. Suitable species include (but are not limited to) the following:
- *Tristaniaopsis laurina* (Water Gum)
 - *Melaleuca styphelioides* (Prickly Paperbark)
 - *Corymbia eximia* (Yellow Bloodwood)
 - *Angophora floribunda* (Rough Barked Apple)
- (k) Delete the retaining wall shown along the eastern boundary (section C-C) adjacent to the existing neighbouring trees located within 11 Grand Avenue to avoid impacting the adjoining trees.
- (l) Existing trees shall be numbered as per the Arboricultural Impact Assessment Report by Arbor Express AIA9/08/2024 v3 dated 18/10/2024 for coordination.
- (m) Delete all works shown outside the site boundary / extent of works. This includes all areas shown to the northwest corner (numbered 6, 7 & 8 on the landscape concept masterplan).
- (n) Trees should be self-supporting from the nursery and should not require above ground staking.
- (o) Tree rootballs are to be secured using an under-ground guying system. Underground guying systems must not penetrate the capping layer. Update the typical tree planting detail accordingly.
- (p) Update the proposed plant schedule to include the above changes, planting locations, species type (including both botanic / common name) mature dimensions, plant numbers and the size of the containers at planting.
- (q) A landscape maintenance schedule is required to ensure all landscape areas are well maintained for a sufficient period of time (minimum 1 year)
- (r) A soil specification ('Fit-for-purpose' performance description) for imported soil types to ensure sufficient nutrient and water availability is achieved.
- (s) All fill is to be battered to the existing ground level at the northern and eastern property boundaries.

Reason: To ensure restoration of environmental amenity.

VRZ Specifications

53. Plans submitted with the construction certificate must illustrate that the approved landscape plan referenced in the consent incorporates the following change:
The plantings within the 40 m wide 'Foreshore Planting Area' must follow the requirements specified in the Vegetation Management Plan prepared by Ecologique, dated 6 June 2024, including species and planting densities.

Reason: To ensure the restoration of the environmental amenity of the area.

Cigarette butt receptacle for commercial development

54. Cigarette butt receptacles must be provided during the construction stage of the development. The receptacles are to be placed adjacent to designated break room/area of the site. Details of the receptacles must be included within the plans and documentation accompanying the Construction Certificate to the satisfaction of the Principal Certifier.

Reason: To ensure that adequate provision is made for the disposal of cigarette butts to prevent littering of the public domain.

Outdoor lighting

55. All outdoor lighting must comply with the relevant provisions of AS/NZ1158.2: 2020 Pedestrian Area (Category P) Lighting and AS/NZ4282: 2023 Control of the Obtrusive Effects of Outdoor Lighting.

Details demonstrating compliance with these requirements must accompany the Construction Certificate application and be to the satisfaction of the Principal Certifier.

Reason: To provide high quality external lighting for security without adverse effects on public amenity from excessive illumination levels.

Access and Services for People with Disabilities

56. Access and services for people with disabilities shall be provided to the 'affected part' of the building in accordance with the requirements of the Access to Premises Standard 2010 and the National Construction Code 2013. Detailed plans, documentation and specification must accompany the application for a Construction Certification to the satisfaction of the Principal Certifier.

Reason: To ensure the provision of equitable and dignified access for all people in accordance with the Disability Discrimination Act 1992 legislation and relevant Australian Standards.

Cycle shower facilities for commercial & mixed use

57. End of trip facilities including showers must be provided within the development and made accessible without charge to cyclists who work in the building. Details must be provided with the plans and specifications accompanying the application for a Construction Certificate.

Reason: To promote and provide facilities for alternative forms of transport.

Infrastructure & Restoration Admin fee for all DAs

58. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of a Construction Certificate.

The fee will be in accordance with Councils adopted 'Fees and Charges' at the time of payment.

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

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

Energy Provider requirements for Substations

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

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

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

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

External Walls and Cladding Flammability

60. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). **Prior to the issue of a Construction Certificate and Occupation Certificate** the Certifying Authority and Principal Certifying Authority must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Reason: To ensure appropriate building materials are utilised.

Construction Site Management Plan

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

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

- location of temporary toilets.

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

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

Erosion and Sediment Control Plan

62. Before the issue of a construction certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Principal Certifier.

- Council's relevant development control plan,
- the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and
- the 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure) (dated 2024, as amended from time to time)

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways

Waste Management Plan

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

(a) Council's Waste Management Development Control Plan

OR

(b) Details the following:

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

Dilapidation Report of Seawall

64. Before the issue of a construction certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of the existing sea wall, to the satisfaction of the certifier. Any rectification works are to be conducted if deemed to be required by this report. Any works are not to impact the existing natural ecology on the wall.

Reason: To establish and document the structural condition of adjoining properties and public land for comparison as building work progresses and is completed.

Long Service Levy

65. Before the issue of a Construction Certificate, the applicant is to ensure that the person liable pays the Long Service Levy of 0.25% of the value of building and construction work where the cost of building is \$250,000 or more (inclusive of GST) or as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the Certifier.

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

Reason: To ensure that the Long Service Levy is paid.

ESD Initiatives

66. The following Environmental Performance Initiatives are to be included in the relevant Construction Certificate:

- The development is to have a 5 star Green Star rating or equivalent for energy and water efficiency
- Both warehouses are to have a solar photovoltaic system covering a minimum of 50% of the roof space of both warehouses. These are to be shared between both warehouses.
- Dual water reticulation system to support the future connection to a recycled water network must be installed.
- All new air-conditioning and refrigeration equipment are to use refrigerants with a GWP of less than 10.

Reason: To ensure compliance with the section 5.4 of the Parramatta DCP 2023

Electric Vehicle Charging

67. Prior to the issue of the relevant Construction Certificate a minimum of nine shared electric vehicle charging connections are to be provided. These are to be shared equally between both warehouses and with one to be provided for the carpark for the café.

Reason: To ensure compliance with Part 6 of the Parramatta DCP 2023

- vi. There should be no obstruction to the flow throughout the local overland flow path. Appropriate easements should be provided and shown in the drawings as per easements as per section 4.5, Development Engineering Guidelines, June 2018 for council stormwater drainage pipes.
- ii. The easement should be open to the sky.
- iii. These easements may also function as overland flow paths (if required) and should be demonstrated that overland flow paths are adequate.
- c. *Detailed Survey of Existing stormwater pits and pipes - Detailed survey of existing pits and pipes with all details (surface level, pit details, pipe invert levels, pipe diameter, conditions) needs to be submitted along with the horizontal and vertical position of existing service utilities.*
- d. *Private Stormwater System connection - The approved flood report shows that the private stormwater system will be discharged to the river separately, which is not recommended due to potential impacts on mangroves. The relocated council stormwater system should be designed to achieve the current council standard and*

for connection to the private site drainage without any impact to the adjacent properties. This will reduce outlets to the river and will have less impact on the river environment. Further, the new outlet will require approval as controlled activities from DPE, which has not been provided under this approval.

e.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

Building Plan Approval

69. The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in to apply.

Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Reason: To ensure no impact on Sydney Water assets

Toilet facilities on site

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

Reason: To ensure adequate toilet facilities are provided.

Road Opening Permits

71. 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.

Erosion and Sediment Control measures

72. Implementation of the site management plans
Erosion and sediment control measures are to be installed in accordance with:
a) the measures required by the construction site management plan and the erosion and sediment control plan (plans), and
b) a copy of these plans must be kept on site at all times and made available to council officers upon request.

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.

Site Maintenance

73. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site must be maintained in a safe and tidy manner. In this regard the following must be undertaken:
(a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism

- (b) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
- (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
- (d) the site is to be maintained clear of weeds; and
- (e) all grassed areas are to be mowed on a monthly basis.

Reason: To ensure public safety and maintenance of the amenity of the surrounding environment.

Special Permits

74. 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.

Driveway Crossing Application

75. 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.

Asbestos - signage

76. On demolition sites where buildings are known to contain friable or non-friable asbestos material, standard warning signs containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm are to be erected in a prominent position on site visible from the street kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by contacting the Safework NSW hotline or their website www.safework.nsw.gov.au.

Reason: To comply with the requirements of Safework NSW.

Food premises CC plans to satisfy requirements

77. The design and construction of any food / beverage preparation facilities and waste storage areas associated with this activity shall satisfy the requirements of food safety standards prescribed under the Food Act 2003, as well as Australian Standard AS 4674 - 2004: 'Design, Construction and Fit-out of Food Premises'. Final design drawings for these areas are to be submitted to the principal certifying authority prior to commencement of work.

Reason: To ensure design of the premises meets relevant public health standards.

Asbestos – hazardous management strategy

78. The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure that any such proposed demolition works involving asbestos are carried out in accordance with the requirements of the 'Code of Practice: How to Safely Remove Asbestos' published by WorkCover NSW. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

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

Waste management plan – demolition

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

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

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

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

Protective fencing

80. Prior to the commencement of any demolition, excavation or construction works, retained trees (located adjacent to the site to the north and east) must be fenced with a 1.8 metre high chainwire link or welded mesh fence. The fence is to be fully supported at grade, to minimise the disturbance of existing ground conditions within the canopy Tree Protection Zone or the setback nominated on the approved landscaping plan. The fencing is to be in place for the duration of the construction works. "Tree Protection Zone" signage must be attached to the protective fencing.

Reason: To protect the environmental amenity of the area.

Appointment of Principal Certifier

81. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:
- (a) Appoint a Principal 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 Principal Certifier must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.

Reason: To comply with legislative requirements.

Enclosure of the site

82. The site must be enclosed by a 1.8m high security fence erected wholly within the confines of the site to prevent unauthorised access. The fence must be installed to the satisfaction of the Principal Certifier prior to the commencement of any work on site.

Reason: To ensure public safety.

Site Sign

83. 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:
- (a) Unauthorised entry of the work site is prohibited;
 - (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
 - (c) The name, address and telephone number of the Principal Certifier;
 - (d) The development consent approved construction hours;
 - (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
 - (f) This condition does not apply where works are being carried out inside an existing building.

Reason: Statutory requirement.

Public liability insurance

84. 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.

Footings and walls near boundaries

85. Prior to the commencement of work, a registered surveyor is to undertake a set out survey to identify the location of any easements, footings, slabs, posts and walls adjacent to a boundary. This is to ensure the development when complete, will be constructed wholly within the confines of the subject allotment and clear of any easements. This set out survey showing the location of the development relative to the boundaries of the site, easements, to be forwarded to the Principal Certifier prior to pouring of any footings or slabs and/or the construction of any walls/posts.

Reason: To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.

Payment of security deposits

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

Bond Type	Amount
Development Sites Bonds: <i>Applies to all developments with a cost greater than 25K and swimming pools regardless of cost (fee is per street frontage). See current Schedule of Fees and Charges.</i>	\$27,040

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.

Note: The bond may be paid, by EFTPOS, bank cheque, or 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/573/2023
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

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

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

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

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

Drainage to existing system

87. 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 and the Building Code of Australia (National Construction Code).

Reason: To ensure satisfactory stormwater disposal.

Driveway trench at boundary

88. A 200mm wide grated drain, incorporating a heavy duty removable galvanised grate is to be located within the site at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated

drain shall be connected to the street system, either separately or via the main site outlet.

Reason: Stormwater control.

Erosion & sediment control measures

89. 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.

Damage to public infrastructure

90. 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.

Nomination of Engineering Works Supervisor

91. 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 Occupation Certificate.

Reason: To ensure Council's assets are appropriately constructed.

Importation of clean fill

92. 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.

Asbestos records disposal and licensed waste facility

93. Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

Reason: To ensure appropriate disposal of asbestos materials.

Asbestos handled and disposed of by licensed facility

94. 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.

Waste data maintained

95. 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 2023 are met.

Dust Control

96. 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.

Hazardous/intractable waste disposal

97. 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.

Liquid and Solid Wastes

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

Reason: To prevent pollution of the environment.

Contaminated waste to licensed EPA landfill

99. 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.

No removal of trees on public property

100. 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.

Material storage and trees

101. No materials (including waste and soil), equipment or goods of any type are to be stored, kept or placed within the Tree Protection Zone (TPZ) of trees to be retained and protected adjoining the site, at any time. This is a No Access Zone.

The following activities are prohibited within the specified Tree Protection Zones:-

- All activities involving soil level changes and soil disturbance; (such as re-grading, excavation, compaction and any additional fill material)
- All types of cleaning activities;
- Refuelling;
- Trenching;
- Ripping or cultivation of soil;
- Mechanical removal of vegetation;
- Access and storage of plant, equipment & vehicles;
- Erection of site sheds;
- Cleaning
- Disposal of waste materials and chemicals including paint, solvents, cement slurry, fuel, oil and other toxic liquids;
- And any other activity likely to cause damage to the tree.

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

Planting Requirements

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

Reason: To ensure appropriate landscaping.

Advanced tree planting

103. All trees supplied above a 25L container size must be grown in accordance with AS2303:2015 (Tree stock for landscape use). Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown in accordance with AS2303:2015. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.

Reason: To minimise plant failure rate and ensure quality of stock utilised.

Tree Removal

104. Trees to be removed are:

Tree No.	Species	Common Name	Location
1	<i>Eucalyptus saligna</i>	Sydney Blue Gum	Contamination / fill / building footprint
2	<i>Melaleuca quinquenervia</i>	Broad-leaf paperbark	Contamination / fill / building footprint
3	<i>Melaleuca quinquenervia</i>	Broad-leaf paperbark	Contamination / fill / building footprint
4	<i>Melaleuca quinquenervia</i>	Broad-leaf paperbark	Contamination / fill / building footprint
5	<i>Eucalyptus punctata</i>	Grey Gum	Contamination / fill / building footprint

6	<i>Eucalyptus punctata</i>	Grey Gum	Contamination / fill / building footprint
7	<i>Olea europaea</i>	Olive	Contamination / fill / building footprint
8	<i>Melaleuca quinquenervia</i>	Broad-leaf paperbark	Contamination / fill / building footprint
9	<i>Allocasuarina torulosa</i>	(sheoak)	Contamination / fill / building footprint
10	<i>Allocasuarina torulosa</i>	(sheoak)	Contamination / fill / building footprint
12	<i>Allocasuarina torulosa</i>	(sheoak)	Contamination / fill / building footprint
18	<i>Allocasuarina torulosa</i>	(sheoak)	Contamination / fill / building footprint
19	<i>Allocasuarina torulosa</i>	(sheoak)	Contamination / fill / building footprint
24	<i>Allocasuarina torulosa</i>	(sheoak)	Contamination / fill / building footprint

Reason: To facilitate development.

Trees with adequate root volume

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

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

Removal of trees by an arborist

106. 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.

Copy of development consent

107. 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.

Materials on footpath

108. 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.

Hours of work and noise

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

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

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

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

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

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

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

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

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

Reason: To protect the amenity of the surrounding area.

Complaints register

110. 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 complaint; and
- (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

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

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

Construction Noise

111. 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.

Cut and fill

112. While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- (a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be reported to the principal certifier.
- (b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.

Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

Survey Report

113. A signed registered survey certificate is to be submitted to the Principal Certifier at footing and/or formwork stage. The Certificate must indicate the location of the building in relation to all boundaries and easements and must confirm the finished floor level is consistent with that approved under this consent prior to any further work proceeding on the building.

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

Building Work with Compliance BCA

114. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code) and ABCB Housing Provisions Standard.

Reason: To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2021.

Discovery of European relics and Aboriginal objects

115. Whilst site work is being carried out, if a person reasonably suspects an European relic or Aboriginal object is discovered:
- a) The work in the area of the discovery must cease immediately.
 - b) The following must be notified.
 - I. For a relic – the Heritage Council; or
 - II. For an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and the Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974, section 85*.

Site work may recommence at a time confirmed in writing by;

- a) For a relic – the Heritage Council; or
- b) For an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and the Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974, section 85*.

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

Procedure for critical stage inspections

116. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.

Reason: To ensure the required site management measures are implemented during construction.

Implementation of the site management plans

117. While site work is being carried out:
- (a) the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and
 - (b) a copy of these plans must be kept on site at all times and made available to council officers upon request.

Reason: To ensure site management measures are implemented during the carrying out of site work

Waste Management

118. While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.

Upon disposal of waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following:

- The contact details of the person(s) who removed the waste
- The waste carrier vehicle registration
- The date and time of waste collection
- A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
- The address of the disposal location(s) where the waste was taken
- The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that

Order or Exemption and provide the records to the principal certifier and Council.

Reason: To require records to be provided, during construction, documenting that waste is appropriately handled

Road Occupancy Permit

119. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.

Reason: To ensure proper management of Council assets.

Oversize vehicles using local roads

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

Reason: To ensure maintenance of Council's assets.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

Public Art Installation

121. Final Public Art documentation including details of fabrication and installation of the work including a maintenance schedule must be submitted and approved by Council and Artwork completed in full and installed to the satisfaction of Council prior to the issue of the relevant Occupation Certificate.

Reason: To comply with Development control requirements.

Creation of a floodway restriction

122. Prior to the issue of the Occupation Certificate, the applicant must create of a restriction on the title of the subject property.

The restriction is to be over the 100 year ARI flood zone identified in the flood report prepared Flood Risk and Impact Assessment prepared by prepared by BG&E, project number S23153, issue C, dated 25/11/2024. preventing the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within the identified zone.

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

Reason: To protect the environment.

Section 73 Certificate

123. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation 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 then the "e-developer" icon or telephone 13 20 92.

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

Street Numbering

124. An application for street numbering must be lodged with Council for approval, prior to the issue of an Occupation Certificate or Subdivision Certificate whichever occurs first.

Note: Notification of all relevant authorities of the approved street numbers must be carried out by Council.

Reason: To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.

Driveway Crossover

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

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

The application for a driveway crossing requires the completion of the relevant application form and be accompanied by detailed plans showing, grades/levels and specifications that demonstrate compliance with Council's standards, without conflict with all internal finished surface levels. The detailed plan must be submitted to Council's Civil Assets Team for approval prior to commencement of the driveway crossing works. A fee in accordance with Council's adopted 'Fees and Charges' will need to be paid at the time of lodgement.

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

Reason: Pedestrian and Vehicle safety.

Reinstatement of laybacks

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

Reason: To provide satisfactory drainage.

Acoustic works completion

127. Prior to the issue of an occupation certificate (Interim or Final), written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and City of Parramatta Council, stating that all works/methods/procedures/control measures approved by Council in the following report have been completed:
- (a) Acoustic Report No. P01116 Revision number 002, dated 10 April 2024 prepared by E-LAB Consulting.

Reason: To demonstrate compliance with submitted reports.

Notification of food business

128. Prior to an Occupation Certificate being issued, Council must be notified that the premises is to be used for the preparation of food for sale so that the premises can be registered on Council's food premises licensing database.

Reason: Compliance with the requirements of the Food Act.

Certify mechanical ventilation installation

129. Adequate ventilation to work areas and other occupied enclosures shall be provided in accordance with the requirements of the Building Code of Australia. Where any system of mechanical ventilation is installed, certification that the system functions in accordance with Australian Standard AS/NZS 1668.2.2012 is to be provided to the certifying authority prior to occupation of the premises.

Reason: To comply with the Building Code of Australia and the relevant Australian Standard.

Certify fitout complies with food safety standards

130. Certification to be provided to the principal certifying authority (PCA), prior to occupation, that the fit-out of the food premises has been completed in accordance with plans complying with food safety standards prescribed under the Food Act 2003, and the requirements of Australian Standard AS 4674 - 2004.

It is incumbent on the PCA to determine the competency of the person providing this certification, based on that person's qualifications, experience and currency of practice.

Reason: To ensure construction and fit-out of the premises meets relevant public health standards.

Certification of Authorised Landscape Architect

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

Reason: To ensure restoration of environmental amenity.

Vegetation Management Plan

132. Prior to the issue of an Occupation Certificate, the applicant is to submit certification by a qualified Ecologist to Council's Manager Natural Resources or delegate that certifies that the Vegetation Management Plan prepared by Ecologique, revision 2, dated 21 October 2024 has been implemented in accordance with this document, approved plans and consent conditions.

Reason: To ensure adequate implementation of the Vegetation Management Plan.

Native Vegetation Covenant

133. To ensure that native vegetation is satisfactorily protected and managed a covenant under Section 88E of the *Conveyancing Act 1919* shall be prepared and registered over the subject land.

The terms of the 88E Instrument with positive covenant shall include, but not be limited to, the following:

- Implement the approved Vegetation Management Plan;
- Protect, rehabilitate, manage and maintain the vegetation and land within the site in accordance with the intent of the approved Vegetation Management Plan;
- Permit officers of the Council to enter onto the lot at reasonable times to inspect the vegetation and, if the Proprietor has failed to comply with their obligations under the positive covenant, permit the Council, at the sole cost of the Proprietor, to carry out such work as may be reasonably required to ensure that the objectives of the Vegetation Management Plan are met.

The person acting upon this consent shall bear all costs associated in the preparation of the subject 88E Instrument.

The wording of the Instrument shall be submitted to and approved by Council prior to lodgement at NSW Land and Property Information.

Proof of lodgement with NSW Land and Property Information shall be submitted to Council prior to the issue of any Occupation Certificate.

The positive covenant may not be extinguished or altered without the prior written approval of Council.

Reason: To ensure maintenance of the vegetated riparian zone.

Occupation Certificate

134. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 6.9 and/or 6.10 of the Environmental Planning and Assessment Act 1979.

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

Street Number when site readily visible location

135. A street number is to be placed on the site in a readily visible location from a public place prior to the issue of an Occupation Certificate. The numbers are to have a minimum height of 75mm.

Reason: To ensure a visible house number is provided.

Floodlighting light spillage diagram

136. A light spillage diagram is required to be prepared by a suitably qualified lighting engineer and submitted to the Principal Certifier prior to the issue of the Occupation Certificate. This diagram is to demonstrate light spillage generated by the proposed floodlighting system complies with the requirements of Australian Standard AS4284 - Control of Obtrusive Effects of Outdoor Lighting. Light spillage mitigating measures shall be maintained, at all times.

Reason: To prevent light spillage onto adjoining properties.

Post Construction Private Property Dilapidation Report

137. Before the issue of an occupation certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the principal certifier, detailing whether:
- (a) after comparing the pre-construction dilapidation report to the postconstruction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
 - (b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.

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

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

Repair of Infrastructure

138. Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

Reason: To ensure any damage to public infrastructure is rectified

Green Travel Plan

139. A Green Travel Plan to promote non-private vehicle transport for employees and visitors is to be submitted to the satisfaction of the Principal Certifier and a copy provided to Council prior to the issue of the final Occupation Certificate.

Reason: To discourage trips by private vehicle.

PART F – OCCUPATION AND ONGOING USE

Use is not to cause offensive noise or vibration

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

- (a) transmission of unacceptable vibration to any place of different occupancy,
- (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A).

The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Noise Policy for Industry 2017 and the Protection of the Environment Operations Act 1997.

Reason: To prevent loss of amenity to the area.

Noise from mechanical equipment

142. 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.

Use of Premises

143. 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 at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.

Reason: To prevent loss of amenity to the area.

Food premises

144. The operation of the premises is to comply with the relevant provisions of the Food Act 2003, Food Regulation 2015 and the Australia New Zealand Food Authority Food Standards Code.

Reason: To ensure operation of the premises complies with the relevant legislation and standards.

Remove putrescible waste at sufficient frequency

145. 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.

Use is not to cause air impurities

146. The operation of the premises is not to give rise to emissions of air impurities in contravention of the Protection of the Environment Operations Act 1997. Air emissions from the premises must not cause a nuisance from odours, nor be hazardous to human health or the environment.

Reason: To prevent loss of amenity to the area.

Holding facilities for oils and liquids

147. Adequate holding facilities shall be constructed for the storage of new and waste oils and other bulk liquids in accordance with AS 1940-2017 'The storage and handling of flammable and combustible liquids' before commencement of use.

Reason: To ensure that waste liquids are correctly contained.

Dangerous goods storage

148. All Dangerous Goods shall be stored in accordance with:

- a) AS 1940-2017: The Storage and Handling of Flammable and Combustible Liquids;
- b) Work Health and Safety Act 2011;
- c) Model code of Practice: Managing risks of Hazardous Chemicals in the workplace.

Reason: To ensure that the dangerous goods are correctly contained.

Storage of hazardous material in bunded area

149. All aboveground storages of hazardous materials, oils and chemicals are to be banded. The band is to be made of any impervious material and should be roofed and large enough to hold the contents of the largest container plus 10%.

Reason: To ensure that hazardous materials are correctly contained.

Management of waste storage facilities

150. All waste storage areas are to be maintained in a clean and tidy condition at all times.

Reason: To ensure the ongoing management of waste storage areas.

Hazardous/Clinical waste disposal

151. Disposal of wastes from the premises shall comply with the waste management plan. Waste minimisation practices are to be demonstrated with the ongoing use, with records of disposal of hazardous wastes being kept. The storage and disposal of any hazardous waste (sharps and or clinical waste, items contaminated by blood) is to be in accordance with requirements of the Protection of the Environment Operations (Waste) Regulation 2014.

Note: The disposal of hazardous wastes through a general waste collection service is not permitted.

Reason: To ensure provision is made for appropriate disposal of wastes.

Hazardous materials disposed of in accordance with plans

152. To reduce the risk of pollution to natural water courses, all hazardous waste materials are to be stored, used and disposed in accordance with plans, detail and recommendations submitted by Reditus Consulting Pty Ltd dated 21 October 2024, Reference No. 23156RP01 Version 5.

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

Storage of bins between collection periods

153. 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.

Trade Waste

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

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

Ongoing Management of Wastes

155. All waste generated onsite must be removed at regular intervals and no less frequent than once weekly for garbage and once fortnightly for recycling. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the formal approval of Council. Waste collection vehicles servicing the development onsite must enter and exit a property in a forward direction.

Reason: To ensure that waste does not accumulate onsite.

Compliance with Servicing Requirements

156. All waste servicing instructions from Council must be complied with at all times. This includes any directives regarding the presentation of bins to a designated collection point and the maintenance of waste storage areas.

Reason: To ensure the safety and effectiveness of ongoing waste collection services.

Advertisement/Signage consent

157. No advertisement/signage shall be erected on or in conjunction with the development without prior consent.

Reason: To comply with legislative controls.

Goods not to be displayed outside premises

158. No goods are to be stored/displayed outside the walls of the building.

Reason: To ensure visual amenity.

No vehicles, goods parts on public property

159. No motor vehicles or parts of motor vehicles, goods or materials which are in the custody of the person conducting the car repair business shall be left within any public road or place. All work to vehicles must be undertaken wholly within the confines of the allotment/building. This includes the storage of vehicles awaiting repair.

Reason: To ensure the integrity of Council's assets is protected and to ensure unobstructed pedestrian movement in the vicinity of the proposal.

Warehouse Operating Hours

160. The warehouses are permitted to operate 24 hours a day 7 days a week for a trial period of 12 months from the date operations begin.

A modification application is to be submitted and approved prior to this 12-month period finishing for Council to consider implementing this operation on a permanent basis or a potential reduction of hours. The modification is to be submitted with acoustic testing that demonstrates that this development has not negatively impacted the residential property at 2B Grand Ave, Camellia.

Should such an application not be made, or if made not be approved, standard business hours of 8am-5pm will apply.

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

Cafe Operating Hours

161. The hours of operation of the cafe are restricted to:

Day	Time
Monday	6AM-6PM
Tuesday	6AM-6PM
Wednesday	6AM-6PM
Thursday	6AM-6PM
Friday	6AM-6PM
Saturday	6AM-6PM

Sunday	6AM-6PM
Public Holidays	6AM-6PM

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

Release of Securities/Bonds

162. When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held

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.