

ATTACHMENT 5 – Assessment Against Concept Approval Conditions of DA2020/0310 & Subsequent modifications

Condition No.	Condition	Comment
1 General	This consent shall lapse five years after the date from which it operates unless building, engineering or construction work has physically commenced.	Noted, the consent has not yet lapsed.
2. Approved Plans and Supporting Documents	The development is to be generally carried out in accordance with the following endorsed plans and documents, except as otherwise provided by the conditions of this consent.	The development is proposed generally in accordance with the plans endorsed as part of DA2020/0310 and the subsequent MOD2022/0128 & MOD2024/0093 and the conditions of this consent, as discussed in the following section of this table.
3. Subsequent Applications to Comply with Concept Development Approval	<p>The determination of any future development application/s cannot be inconsistent with the conditions of this concept approval.</p> <p>The detailed design of the approved envelopes shall be contained within the building footprint and envelopes approved as part of this concept approval.</p>	The proposed building is wholly contained within the building footprint approved as part of MOD2024/0093.
4. Consistency of Future Development Applications	While this consent remains in force, the determination of any future Development Application/s, in respect of the site, cannot be inconsistent with this consent.	The proposed development is consistent with the provisions of the concept approval.
5. Matters not approved	<p>The following items are not approved and do not form part of the concept approval:</p> <p>(a) Any demolition, excavation and/or construction;</p> <p>(b) Any tree removal;</p> <p>(c) The layout, number of, and gross floor area allocation for buildings; within the approved envelopes;</p> <p>(d) The number of parking spaces, bicycle spaces, motorcycle spaces, or loading spaces/areas;</p> <p>(e) The design and materials of the building exteriors including facades and roofs;</p> <p>(f) Public domain and landscape design;</p> <p>(g) Stormwater and drainage design; and</p> <p>(h) The final arrangement of land uses.</p>	Noted, consent for these items is sought as part of this DA.
6. Building Envelopes	Subject to the other conditions of this consent, the building envelope is only approved on the	The proposed building is wholly contained within the building envelope as approved under MOD2024/0093, with the

	<p>basis that the ultimate building design, including services, balconies, shading devices and the like will be entirely within the approved envelopes.</p> <p>The following building elements may breach the building envelope: Lift overrun; Rooftop plant; and Parapets.</p> <p>The basement footprints are approved as follows:</p> <p>a) Single Three (3) level southern basement for car parking, loading and unloading with access via Hampstead Road.</p> <p>b) Six (6) Three (3) level northern basement for car parking, loading and unloading with access via Hampstead Road.</p>	<p>exception of the rooftop plant and parapet.</p> <p>This DA proposes the construction of Building B “Stage 2” and three levels of basement parking.</p> <p>A loading and unloading area is proposed on the ground floor to Building B and accessed via Hampstead Road.</p>
7. Maximum Floor Space Ratio	<p>The Floor Space Ratio (FSR) of the development must not exceed the maximum permissible FSR and shall be calculated in accordance with the provisions of the Auburn Local Environmental Plan 2010 Cumberland Local Environmental Plan 2021, for any future development across the site. Details of the Gross Floor Area (GFA) (by use) in the development are to be provided for all subsequent Development Application/s. The maximum FSR for the entire site must not exceed 1:1, with the exception of the following use specific provisions:</p> <p>a. 1.5:1 for specialised retail premises; and</p> <p>b. 3:1 for office premises and hotel or motel accommodation.</p>	<p>Complies. This is discussed in detail within the main body of the report.</p>
8. Building Height	<p>The height of any future buildings must not exceed a maximum building height of 27 metres. , with the exception of plant, lift overruns and parapets.</p> <p>As part of any future Development Application/s for buildings, building height is to be calculated in accordance with the provisions of Clause 4.3 of the Auburn Local Environmental Plan 2010 Cumberland Local Environmental Plan 2021.</p>	<p>The building complies with the 27metre height limit with the exception of the rooftop plant and parapet.</p> <p>The height of building is addressed in detail in the main body of the report.</p>
9. Development Contributions	<p>Development Contributions will be applicable to the relevant future Development Application/s involving</p>	<p>The development would require the payment of contributions in accordance</p>

	works, in accordance with the provisions of the Cumberland Local Infrastructure Contributions Plan 2020.	with Cumberland Local Infrastructure Contributions Plan 2020. A condition of consent has been imposed.
10. Contamination Assessment - Future Development Applications	<p>Any future Development Application/s associated with the demolition/construction/use of the site shall be accompanied by a detailed contamination investigation (Stage 2) report which addresses the suitability of the site for the proposed development. The report shall be prepared by a suitably qualified consultant in accordance with the relevant EPA Guidelines. Note: Depending on the findings of the detailed contamination investigation report, it may be necessary to prepare a Remediation Action Plan and/or Site Auditor Statement.</p>	<p>Council's Senior Environmental Health Officer reviewed the proposal and has advised that the application can be supported to conditions in that:</p> <p><i>A detailed site investigation has been carried out and a report prepared by Sullivan Environmental Sciences with reference SES_617 Rev 01 dated 7 November 2024.</i></p> <p><i>A remedial action plan has been prepared by Sullivan Environmental Sciences with reference SES_617 dated 7 November 2024.</i></p> <p><i>The proposed remedial Action is the following.</i></p> <ul style="list-style-type: none"> - <i>Decommission the redundant USTs and infrastructure; and</i> - <i>Delineate localised areas of contaminated soil, excavate and transport the contaminated soils offsite to a licenced landfill for disposal.</i> - <i>address asbestos and lead impacted surface and subsurface soils.</i> <p><i>There will be proposed back filling, air monitoring, during the remediation process – this will need to be conditioned.</i></p> <p>As such, it is considered that the development application is satisfactory under Part 4.6 of Chapter 4 of the State Policy.</p>
11. Acoustic report	<p>As part of any future Development Application/s for construction works, a detailed acoustic assessment report is required to be prepared by a suitably qualified consultant and submitted. The report will need to include, but not be limited to, an assessment of:</p> <p>(a) Cumulative impact of the new precinct on existing nearby sensitive noise receivers, including the residential receivers located on the opposite side of Hampstead Road;</p> <p>(b) Impact of noise emissions from noise generating uses within the</p>	<p>The DA is accompanied by an Acoustic Assessment which has been reviewed by Council's Senior Environmental Health Officer and is considered satisfactory, subject to the imposition of conditions of consent requiring compliance with the recommendations of the Acoustic Assessment.</p>

	<p>new development (such as the child care centre, café, mechanical plant, etc.) on sensitive uses within the new development (such as the hotel accommodation) - may require consideration of both external and internal noise transmission pathways;</p> <p>(c) Impact of road noise on sensitive uses within the new development including the hotel accommodation and the child care centre;</p> <p>(d) Acoustic treatments for building components in new buildings - should be covered by BCA compliance and certification.</p>	
12. Child Care Centre	<p>Any future development application/s for the construction, fit-out and use of the child care centre are to have regard to the relevant provisions of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 Chapter 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021, the Child Care Planning Guidelines and the Child Care Centre Centre Based Childcare Facilities part of the Auburn Development Control Plan 2010 Cumberland Development Control Plan 2021.</p>	<p>A detailed assessment of the child care controls of the SEPP and CDCP 2021 are contained in a detailed assessment in Attachments X and X</p>
13. Future built form	<p>Any future development application/s for construction works are to have regard to the relevant provisions of the Industrial Areas part of the Auburn Development Control Plan 2010 Cumberland Development Control Plan 2021, including, but not limited to, built form, landscaping, building setbacks and amenity., except as otherwise provided by this consent.</p>	<p>The development has been assessed against the relevant controls of the CDCP 2021, refer to Attachment 5 for a detailed assessment.</p>
14. Pedestrian pathway design	<p>Any future Development Application/s for construction works is to provide measures to facilitate the continuation of the proposed pedestrian corridors, as part of any future redevelopment of the adjoining properties.</p>	<p>The proposed development would not preclude the continuation of the pedestrian corridors as part of any future redevelopment the adjoining property to the west.</p>
15. Tree Preservation	<p>All street trees and trees on private property that are protected under Cumberland City Council's controls, shall be retained except where Council's prior written consent has been obtained.</p>	<p>The development application includes the removal of four trees at the front of the site which has been assessed as:</p> <p><i>Melia azedarach</i> x1 <i>Eucalyptus botryoides</i> x1 <i>Melaleuca quinquernervia</i> x2.</p>

	<p>The existing Eucalyptus species on Parramatta Road and Ficus species on Hampstead Road are to be retained on site and suitable tree protection measures are to be addressed as part of any future Development Application for demolition or construction works, in accordance with AS4970-2009 Protection of Trees on Development Sites.</p> <p>Any future Development Application/s for construction works is to have regard to the provisions of the Auburn Street Tree Masterplan.</p>	<p>The application was referred to Council Senior Tree Management Officer who did not raise any objections to the above trees being removed.</p>
16. Landscaping	<p>Future Development Application/s are to be supported by a comprehensive Landscape Plan, prepared by a suitably qualified Landscape Architect demonstrating compliance with the provisions of the Auburn Development Control Plan 2010 Cumberland Development Control Plan 2021.</p>	<p>The DA is accompanied by a comprehensive Landscape Plan which demonstrates compliance with the provisions of the CDCP 2021.</p>
17. Car Parking and Loading	<p>Any future Development Application/s for construction works are to comply with the provisions of the Parking and Loading Traffic, Parking, Transport and Access (Vehicle) part of the Auburn Development Control Plan 2010 Cumberland Development Control Plan 2021.</p> <p>Parking layout, access and ramps shall comply with the Australian standard AS2890.1 and AS2890.6. Loading area and access ramps shall comply with AS2890.2. In this regard following matters shall also be addressed as part of future Development Application/s for construction:</p> <p>A. Carpark</p> <p>a) Turning areas shall be provided at the blind aisles in the car park.</p> <p>b) Swept path analysis shall be provided to demonstrate the following:</p> <p>i. Vehicles accessing the car parking spaces in the north eastern corner of the basements can enter and exit in single manoeuvring.</p> <p>ii. Vehicles can pass each other along the north eastern corner of the basement aisles.</p>	<p>Council's Senior Development Engineer has advised that the proposed car parking loading and waste collection area is satisfactory subject to conditions.</p> <p>A detailed assessment is made on the car parking numbers in the main body of the report.</p>

	<p>B. Loading Area</p> <p>a) Loading area access ramp shall be designed for two-way access.</p> <p>b) Loading area access ramp width, gradient and transitions shall comply with Australian standard AS2890.2.</p> <p>c) Detail swept path analysis shall be submitted to ensure that delivery truck left turn manoeuvring do not encroach the centre line of the road.</p> <p>d) Loading area access driveway shall be minimum 1.0m from the Southern boundary.</p>	
18. Waste Management	<p>Any future Development Application/s for the site shall demonstrate compliance with the relevant provisions at the Waste Management part of the Auburn Development Control Plan 2010 Cumberland Development Control Plan 2021, including, but not limited to waste collection being carried out wholly within the site.</p>	<p>The development has been assessed against the relevant control for Waste Management of the CDCP 2021, refer to Attachment 5 for a detailed assessment.</p>
19. Stormwater disposal	<p>Any future Development Application/s for construction works are to provide a Stormwater Concept Plan showing the proposed method of stormwater collection and disposal. An on-site stormwater detention storage system shall be provided in accordance with Council's DCP requirements. In addition, following matters shall be noted:</p> <p>a) Onsite Stormwater Detention (OSD) shall be clear of building floor areas.</p> <p>b) Compensatory flood storage shall be separate from OSD.</p> <p>The details shall be prepared by qualified practising Civil/Hydraulic Engineer in accordance with Council's Stormwater DCP and Australian Rainfall & Runoff 1987.</p>	<p>The DA is accompanied by Stormwater Plans and a Flood Study Report. The application has been determined as satisfactory from a stormwater disposal by Council's Senior Development Engineer, subject to conditions.</p>
20. Building Design to Provide Adequate Clearance to Existing Council Stormwater Pipe	Deleted	N/A.
21. Flood Risk Management	<p>Any future Development Application/s are to comply with the provisions of the Stormwater and Drainage part of the Auburn Development Control Plan 2010 Cumberland Development Control Plan 2021.</p>	<p>The DA is accompanied by a Flood Study Report.</p>

	<p>Supporting documents shall be prepared and submitted with any future Development Application/s demonstrating that the development complies with the controls nominated in Table 5 Table 3 in the Appendix of Council's Flood Risk Management Policy Stormwater Drainage part of the Auburn Development Control Plan 2010.</p>	
22. Hydraulic Engineering Design Certificate	<p>Any future Development Application/s for construction are to provide written verification from a suitably qualified hydraulic engineer, stating that:</p> <p>a) The plans comply with the approved Flood Study Report. b) All the subfloor areas specified in the flood report shall be open and allow for the overland flow of water. c) The development has no adverse impact on flood levels and/or adjoining properties.</p> <p>Electronic copy of the flood modelling shall be submitted any future Development Application/s for construction.</p>	The DA is accompanied by a Flood Study Report.
23. Disabled Access & Facilities	<p>Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the National Construction Code (for all new building work) and in addition, with the relevant requirements of the 'Disability (Access to Premises - Building) Standards 2010'. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans/specifications for future works.</p>	<p>The DA is accompanied by an Access Design Assessment Report which relevantly concludes that the development is capable of achieving compliance with the relevant accessibility provisions of the National Construction Code – Building Code of Australia Volume 1.</p> <p>Where compliance is to be obtained via a performance-based solution for any BCA provision, it is considered that any such solution/s will not necessitate significant changes to the proposed design.</p>
24. Transport for NSW (TfNSW) Requirements	<p>a) All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Parramatta Road boundary. b) The proposed development, noting its use, should be designed, as per the requirements of Clause 101 (2)(c) of State Environmental</p>	<p>The development application was referred to TfNSW pursuant to clause 2.122 of the State Environmental Planning Policy (Transport and Infrastructure) 2021. TfNSW in its correspondence dated 11 July 2024 stated that “.... <i>the proposed development will not have any detrimental impact on the surrounding classified road</i></p>

	<p>Planning Policy (Infrastructure) 2007 such that it includes measures to ameliorate potential traffic noise or vehicle emissions noise within the site of the development arising from Parramatta Road. These measures shall be certified by an appropriately qualified noise and air quality expert and noted on the plans prior to issue of any future Construction Certificate.</p> <p>c) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 - 2018 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.</p> <p>d) The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval with any future Development Application/s, which show that the proposed development complies with this requirement.</p> <p>Note: Any future Development Application/s involving works on this site will be required to be referred to TfNSW under Section 87 and 138 of the <i>Roads Act 1993</i>.</p>	<p><i>network. As such, TfNSW has no further comments”.</i></p>
<p>25. Ausgrid Requirements - Proximity to Existing Network Assets</p>	<p>Any future development application/s for works are to have regard to the following Ausgrid requirements:</p> <p>a) <u>Underground Cables</u> There are existing underground electricity network assets in Hampstead Road. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. It is recommended that the developer</p>	<p>The development application has been referred to Ausgrid for assessment. Ausgrid in its correspondence received on the 1st of July 2024 did not raise any objections to the proposal, subject to conditions.</p>

	<p>locate and record the depth of all known underground services, as part of any future development application/s for works.</p> <p>Safework Australia - Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.</p> <p>b) <u>Substation</u></p> <p>There are existing electricity substation assets - substation S4463 in Hampstead Road.</p> <p>The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.</p> <p>In addition to the above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.</p> <p>Any portion of a building other than a BCA class 10a structure constructed from non combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120.</p> <p>Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a nonignitable blast resisting barrier.</p>	
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	<p>The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ - 100 kHz) (ICNIRP 2010). For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.</p> <p>Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.</p>	
26. Solar Access to the Park	Any future Development Application/s for buildings on the site are to ensure that the 'Park/ Forecourt 1 ' area receives solar access of no less than 3 hours (11-12pm 9am-3pm) for 50% of its site area in mid-winter.	The proposal demonstrates that 50% of the overall park area (being 870 sqm/ 2 = 435 sqm) will receive 3 hours of solar access from 11am – 2pm on the 21 of June.
27. Courtyard /Forecourt 2 Western Link	As part of any future Development Application/s for the site, the Courtyard/Forecourt 2 northeastern / north-western Forecourt area (between Buildings A and B) area is to be designed to also function as a link that is capable of being continued through the adjoining property to the west. The Courtyard/Forecourt 2 This link is to be sufficiently wide, in the order of 10m, to enable adequate visual connection, solar access and surveillance.	The proposed development incorporates a minimum 10m wide forecourt area link that is capable of being carried into the property to the north-west.
28. Reconfiguration of Specialised Retail Development	<p>As part of any future Development Application/s for the site, the specialised retail development to the west (at the back of the site) shall be designed to facilitate a future connection to the adjoining property at 290 Parramatta Road, Auburn to the west and its forecourt area to improve visual links and surveillance opportunities, and to optimise solar access.</p> <p>As part of any future Development Application/s for the site, the future built form of the specialised retail area development in the western-most portion of the site, specifically the portion adjacent to the 'Courtyard/Forecourt 2' and the 'Lobby/Loading to ground' area north-eastern/north-western</p>	Noted. The specialised retail tenancy on the ground floor faces into the park/forecourt area. The specialised retail spaces on level 1 and 2 have communal walkways that face into the park/forecourt and into Building A that create a positive relationship with the forecourt area between Buildings A and B.

	Forecourt area (between Buildings A and B), is to be designed so as to present a positive relationship with the 'Courtyard/Forecourt 2' Forecourt area and the adjoining existing building to the west.	
29. Outdoor Play Area – Child Care Centre	As part of any future Development Application/s for the site, the child care centre outdoor play area shall be designed so as not to cantilever over any portion of the 'Courtyard/Forecourt 2' area north-eastern / north-western Forecourt area (between Buildings A and B) below in order to enhance opportunities for surveillance, solar access and accessibility.	The child care centres does not cantilever of any part of the north-eastern / north-western Forecourt area (between Buildings A and B).
30. Park Area	As part of any future Development Application/s for the site, the Park Forecourt (inclusive of the Park) is to maintain a minimum area of 1,812sqm and is to present and function as a cohesive space.	Stage 1 and Stage 2 are capable of providing a Forecourt inclusive of the Park of at least 1,812 square metres.