



SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-64
DA Number	DA/751/2019
LGA	City of Parramatta
Proposed Development	Construction of a three storey high technology industry building (data centre) and associated works. The application will be determined by the Sydney Central City Planning Panel.
Property	Lot 2 DP 1258587 8 Grand Avenue, ROSEHILL NSW 2142
Applicant	Greenbox Architecture Pty Ltd c/- Mecone
Owner	Equinix Australia Pty Ltd
Date of DA lodgement	23 December 2019
Number of submissions	Zero
Recommendation	Approval subject to conditions
Regionally significant development criteria (Schedule 7 of SEPP (SRD) 2011)	General development that has a capital investment value of more than \$30 million (cl.2) – \$49,242,580.00
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act 1979• Environmental Planning and Assessment Regulation 2000• SEPP (State and Regional Development) 2011• SEPP (Infrastructure) 2007• SEPP 33 – Hazardous and Offensive Development• SEPP 55 – Remediation of Land• SREP (Sydney Harbour Catchment) 2005• Parramatta Local Environmental Plan 2011• Parramatta Development Control Plan 2011
List all documents submitted with this report for the Panel's consideration	Attachment 1 – Architectural plans Attachment 2 – Landscape plans Attachment 3 – Civil drawings Attachment 4 – Clause 4.6 exception written request
Clause 4.6 variation?	Yes – maximum height of building
Summary of key submissions	<ul style="list-style-type: none">• Maximum height of building exceedance (67.5% variation)• Parking provision shortfall (76% variation)
Report prepared by	Andrew Golden – Senior Development Assessment Officer, City Significant Development
Report date	21 May 2020

Summary of s4.15 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

Yes

listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	
Clause 4.6 Exceptions to development standards	
If a written request for a contravention to a development standard (clause 4.6) has been received, has it been attached to the assessment report?	Yes
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (s7.24)?	No
Conditions	
Have draft conditions been provided to the applicant for comment?	Yes

1. Executive summary

The proposal provides for the development of a 'data centre', which is defined as a high technology industry under Parramatta Local Environmental Plan 2011 (PLEP 2011), at 8 Grand Avenue, Rosehill.

The proposal includes the detailed design of one building ('building A') and concept development approval for another building ('building B'), including maximum envelope, height and floor space.

The site constraints include flooding, proximity to locally significant heritage item 'tram alignment' (along Grand Avenue) and location adjacent to Parramatta Light Rail stabling yard. However, it is considered that sufficient evidence has been provided that these risks can be managed appropriately.

While some non-compliances with PDCCP 2011 are involved, the proposal is considered acceptable given the specific nature and operations of the site, and design of the development.

The Sydney Central City Planning Panel (SCCPP) was briefed on the application. All concerns raised by SCCPP at the briefing have been addressed and the proposal is now considered satisfactory (see section 11 for full discussion).

The amenity impacts on the locality are considered to be reasonable based on the established and desired character of the area and the built forms envisaged by the controls.

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 outlined by the relevant statutory planning framework. Accordingly, approval is recommended.

2. Key Issues

Parramatta Local Environmental Plan 2011 –

- **Maximum height of building** – proposed maximum building height is 20m for stage 1 building and 20.1m for stage 2 envelope; 12m maximum under PLEP 2011 (67.5% variation).

Parramatta Development Control Plan 2011 –

- **Car parking provision** –105 spaces proposed; 433 required (76% departure).
- **Maximum height of building** – (as above) proposed maximum building height is 20m for stage 1 building and 20.1m for stage 2 envelope; control reflect PLEP 2011 statutory

building height.

3. Site description, location and context

3.1 Site

The subject site is legally described as Lot 2 DP 125887, known as 8 Grand Avenue, Rosehill, as shown in figure 1. The site has a total area of 4.271ha, and a frontage to Grand Avenue of 27.72m.

When this application was lodged, the subject site was legally described as Lot 4 DP 623497, known as 10 Grand Avenue, Rosehill. A development application, DA/280/2019, was granted consent on 3 October 2019 and approved a two lot Torrens title subdivision, creating two lots in a battle-axe configuration.

Subdivision certificate SC/222/2019 was released by Council on 31 January 2020.

The subdivision was subsequently registered on 6 February 2020, creating the new subject site.

The site has a history of industrial uses consistent with the wider Camellia and Rosehill localities. Currently, the site provides warehouse and distribution centre functions.

The site is located within the Camellia and Rydalmere strategic precinct, which is earmarked for transition from a significant heavy industrial hub towards a precinct that mutually supports employment, industrial, educational and research functions.

The site is zoned IN3 – Heavy Industrial, with a maximum building height of 12m and a floor space ratio of 1:1 pursuant to Parramatta Local Environmental Plan 2011 (PLEP 2011). It does not contain any heritage items nor within a heritage conservation area. However, Grand Avenue is listed as locally significant item I6 ‘Tram alignment’ under PLEP 2011.

It is likely to contain acid sulfate soils and is flood affected. The site is relatively flat.

Immediately adjoining the site to the west is Lot 3 DP 843591, known as 4 Grand Avenue, which is currently being developed for the purpose of the Parramatta Light Rail stabling yard (see figure 3; details in section 3.3 below).

Remediation works at 4 Grand Avenue are required and underway at the site.

3.2 Site improvements and constraints

The subject site currently contains industrial buildings associated with warehousing for a roofing company. These structures are to be demolished under DA/776/2017 (see section 3.4 below).

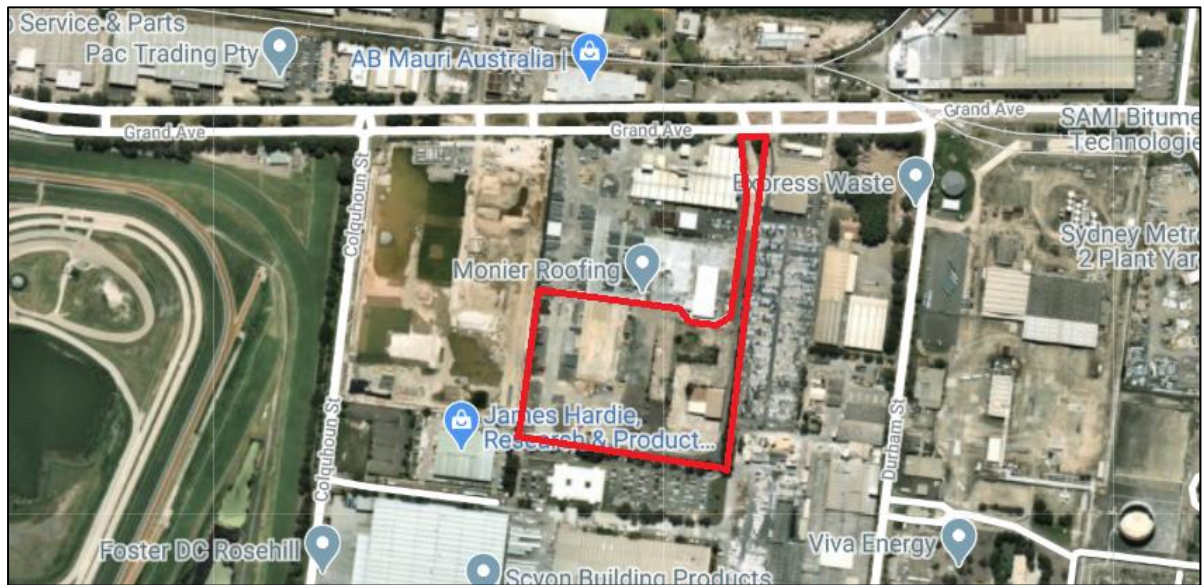


Figure 1 – location, subject site outlined in red



Figure 2 – street view from Grand Avenue

3.3 Surrounding development

Adjoining the site in each general direction is as follows –

- North – land also zoned IN3 – Heavy Industrial and a disused rail corridor zoned SP2 – Infrastructure (Railway Corridor); further north is Parramatta River;
- East – 10A Grand Avenue, also zoned IN3 – Heavy Industrial;
- South – 10 Colquhoun Street, also zoned IN3 – Heavy Industrial;
- West – 4 Grand Avenue, also zoned IN3 – Heavy Industrial, undergoing remediation works and to be developed for the purpose of the Parramatta Light Rail (PLR) stabling yard (details below); further west is Rosehill Racecourse.

4 Grand Avenue is currently being developed for the purpose of the Parramatta Light Rail stabling yard. Approval of works to enable the construction and operation of the stabling and maintenance facility, include the installation of a vapour mitigation system and raising the site level, was consented to under SSI 8285, approved 29 May 2018.

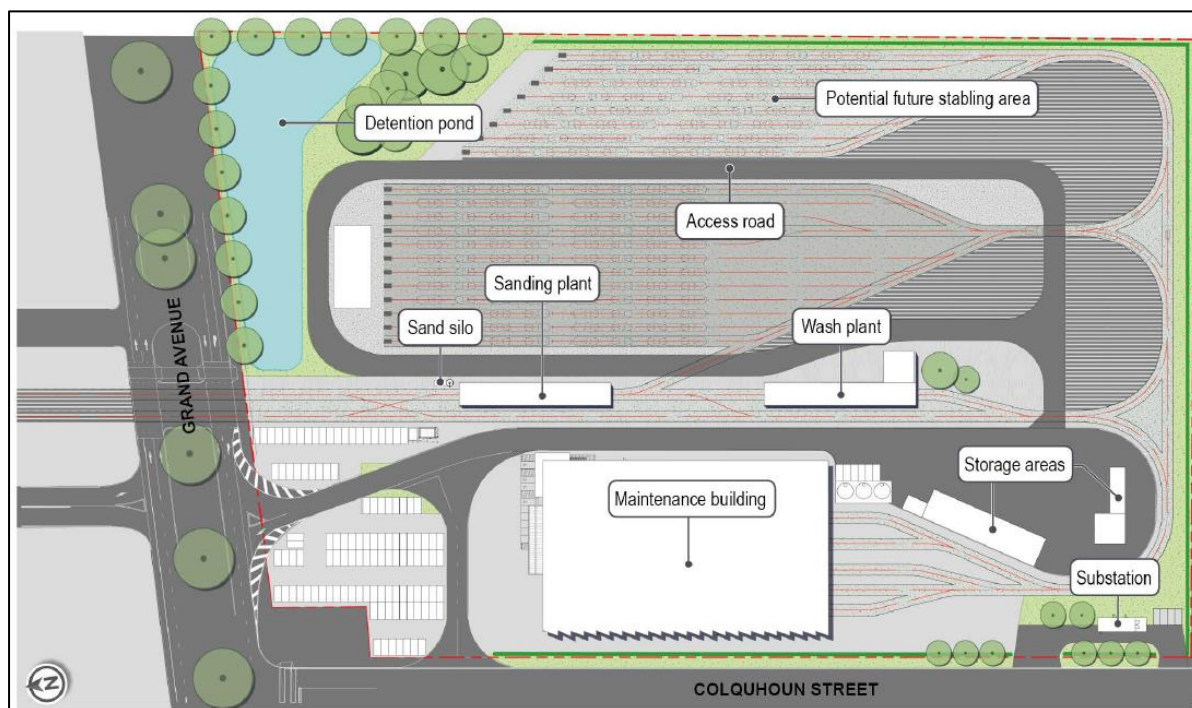


Figure 3 – indicative design of stabling and maintenance facility at 4 Grand Avenue as proposed under SSI 8285

The stabling and maintenance facility includes the following:

- 24 hour operations, seven days a week;
- Stabling tracks and sidings, including overnight stabling;
- Light rail vehicle cleaning area;
- Sand and wash plants, including a sand silo;
- Maintenance and repair facilities, equipment storage facilities;
- Wheel lathe;
- Operations control centre and staff facilities, including administration; and
- 125 space car park for staff and visitor vehicles.

3.4 Site history

DA/776/2017 –

Granted consent on 5 September 2018 and approved *demolition of existing structures, site clearing and remediation works, construction of a warehouse and distribution centre with associated car parking, landscaping and civil works.*

DA/280/2019 –

Granted consent on 3 October 2019 and approved a *two lot Torrens title subdivision*. The subdivision creates two lots in a battle-axe configuration, with lot 1 being 4.238ha and lot 2 being 4.272ha (3.89ha excluding access handle).

Various easements are proposed to be created to facilitate development of the rear lot.

3.5 Statutory Context

The subject site is located within the Camellia precinct, which is one of the most important employment land precincts in metropolitan Sydney, with great strategic value in terms of size, location, activity and opportunities for future development and renewal. It will soon benefit

from Parramatta light rail.

The Department of Planning, Industry and Environment (DPIE) is leading the precinct planning process and exhibited a Draft Camellia Town Centre Master Plan in February-March 2018.

In November 2019, the Greater Sydney Commission released the Place-based Infrastructure Compact (PIC), which is a strategic planning model that looks holistically at a place and how it can be planned to align better with growth. The PIC recommended that Camellia should be retained for urban services.

The subject site is within the Camellia precinct, but not within the Town Centre. As such, the development does not rely on any strategic vision, nor does it preclude achievement of, or detrimentally affect, the desired future character of the Town Centre.

4. The proposal

The proposal includes the following, over two stages: stage 1 being detailed design, and stage 2 being a concept approval.

Stage 1, detailed design of 'Building A' –

- Three storey high technology industry building (data centre), with a total building area of 17,450sqm, comprising:
 - 12,819sqm of data hall area;
 - 1,668sqm of ancillary office space; and
 - 2,963sqm of mechanical plant space;
- Total height of 20m from natural ground level;
- Total gross floor area of 14,806sqm, inclusive of data hall area, ancillary office space, and other ancillary spaces such as bathrooms, horizontal circulation areas, loading zones etc.;
- Vehicular driveway and access from Grand Avenue, loading facilities and car parking for 105 spaces (two accessible spaces);
- 16 bicycle parking spaces and 8 motorcycle parking spaces;
- Landscaping totalling an area of 2,419.55sqm;
- 22 cooling towers to the western edge of the data centre;
- Two storey building located immediately to the south, containing 19 standby generators;
- Fuel storage area constituting 10 tanks and fuel pump station located to south-eastern corner;
- Medium voltage switch room immediately adjacent to east;
- Sprinkler pump rooms and associated boosters are located to the north and east of the building;
- Remediation works; and
- Earthworks.

Stage 2, concept approval –

- Building envelope approval to facilitate a further data centre building and associated facilities subject to a future detailed DA;
- Approval of a maximum gross floor area of no greater than 14,806sqm;
- Approval of total height no greater than 20.1m;
- Landscaping of no less than 1,895.85sqm.

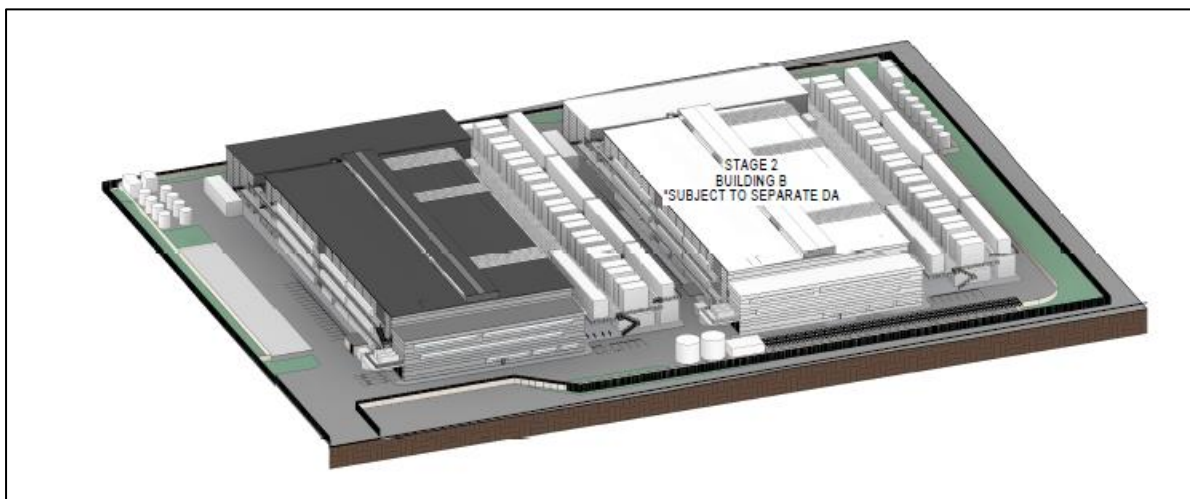


Figure 4 – modelling of proposed development

For the stage 1 building, it is anticipated that the development will be operational 24 hours a day, seven days a week. Due to the nature of the development, the majority of the floor space is occupied by hardware and servers which do not require continual monitoring of their activities.

It is anticipated that the stage 1 building will generate the following on a daily basis:

- 30 full-time equivalent staff
- 20 maintenance/security staff
- 15 customers

The full-time equivalent staff are expected to be present between 7:00am and 5:00pm weekdays. The maintenance and security staff are expected to be present on a shift basis throughout the 24 hours.

5. Public notification and any submissions

The application was advertised in accordance with PDCP 2011 for a period of 21 days between 15 January and 6 February 2020.

No submissions were received.

6. Referrals

Any matters arising from internal or external referrals not dealt with by conditions?	No
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7. Environmental Planning and Assessment Act 1979

Does Section 1.7 (significant effect on threatened species) apply?	No
Does Section 4.10 (designated development) apply?	No
Does Section 4.46 (integrated development) apply?	No
Are submission requirements within the regulation satisfied?	Yes

8. Consideration of SEPPs

Key issues arising from evaluation against SEPPs	None – detailed assessment is provided at Attachment A.
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9. Parramatta Local Environmental Plan 2011 (PLEP 2011)

The table below presents a summary assessment against the terms of PLEP 2011. A detailed evaluation is provided at Attachment A.

Provision	Comment
Land use zone	<ul style="list-style-type: none"> • IN3 – Heavy Industrial
Definition	<ul style="list-style-type: none"> • High technology industry
Part 2 Permitted or prohibited development	<ul style="list-style-type: none"> • Permitted with consent in zone • Consistent with zone objectives
Part 3 Exempt and complying development	<ul style="list-style-type: none"> • Not applicable
Part 4 Principal development standards	<ul style="list-style-type: none"> • 12m maximum height of building breached – clause 4.6 requested supported and supported • All other relevant provisions satisfied
Part 5 Miscellaneous provisions	<ul style="list-style-type: none"> • All relevant provisions satisfied
Part 6 Additional local provisions – generally	<ul style="list-style-type: none"> • All relevant provisions satisfied

10. Parramatta Development Control Plan 2011 (PDCP 2011)

The table below presents a summary assessment against the terms of PDCP 2011. A detailed evaluation is provided at Attachment A.

Provision	Comment
2.4 Site considerations	<p>The proposal is considered generally consistent with site considerations, including views and vistas, water management, soil management, biodiversity and public domain.</p> <p>See discussions on contamination at section 2.5 of attachment A.</p>
3.1 Preliminary building envelopes	<p>The proposal is considered generally consistent with the preliminary building envelope, with the exception of height. The clause 4.6 request for height variation is supported.</p>
3.2 Building elements	<p>The proposal is considered generally consistent with building elements requirements.</p> <p>The proposal incorporates a well-designed façade, with a material and finishes schedule provided on architectural plans. Grey pre-cast concrete panels, lack metal mechanical louvres, perforated metal screens and clear glazing are incorporated into the design, which are all seen as appropriate and compatible with the locality.</p> <p>The roof design is minimally angled and consistent with the industrial character.</p>
3.3 Environmental amenity	<p>The proposal is considered generally consistent with landscaping, privacy, and open space, solar access, cross ventilation, and waste management controls.</p>
3.4 Social amenity	<p>The development is considered generally consistent with social requirements, including accessibility and CPTED provisions.</p>
3.5 Heritage	<p>The site is proximate to locally significant heritage item 'tram alignment' which runs along Grand Avenue.</p> <p>There are no changes to access arrangements from Grand Avenue nor changes to the frontage. Given this, and the approximate 220m setback from the street, the development will not detrimentally affect the tram alignment.</p>
4.3.1 Strategic Precinct – Camellia and Rydalmere	<p>The proposal is consistent with the strategic direction for the Camellia and Rydalmere precinct, providing a type of industry that supports business and employment functions, whilst simultaneously</p>

	does not preclude the development of heavier industries on nearby sites.
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11. Response to Sydney Central City Planning Panel (SCCPP) briefing minutes

SCCPP was briefed on 13 February 2020. The following issues were raised.

Issues raised	Comment
Deep soil and landscaping to be increased (especially perimeter landscaping), particularly considering additional height that is being sought.	Deep soil and landscaping (particularly perimeter planting) has been increased and is now compliant with PDCP 2011 requirements, and provides some visual screening and buffer for the development.
Parking – appropriateness of parking provision to be based on specific operational needs, not necessarily DCP requirements if it can be demonstrated that the data centre has low actual employment.	The proposed parking shortfall has been justified, justified by outlining specific operational functions of the site and low employment associated with the proposed data centre. Parking provision is supported in this instance – refer to section 7.6 of Attachment A for full discussion.
Clause 4.6 exception to development standard – building height to be assessed in relation to location of the site in the centre of a block (without street frontage) and taking into account height expectations for surrounding areas, such as Camellia.	The proposed departure from maximum building height is considered acceptable in this instance – refer to section 2.7.1 of Attachment A for full discussion.
Compliance with floor space ratio and other development standards to be verified.	The floor space ratio of 0.7:1 has been verified and compliance is demonstrated. Compliance with all other standards, with the exception of building height, is demonstrated.

12. 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.

The proposed development is located within the strategic precinct of Camellia and Rydalmere, which is earmarked for transition from a significant heavy industrial hub towards a precinct that mutually supports employment, industrial, educational and research functions. However, the proposed building height exceeds PLEP 2011 limits, and some technical non-compliances with PDCP 2011 are sought (as detailed throughout report).

Regardless, approval of the development application is recommended, subject to appropriate conditions.

13. Recommendation

That the Sydney Central City Planning Panel, as the consent authority:

1. Is satisfied that the applicant's written clause 4.6 request to vary the height of building development standard has addressed the matters required to be addressed under clause 4.6(3) of Parramatta Local Environmental Plan 2011, that sufficient environmental planning grounds exists and that the variation will be in the public interest as the development is consistent with the relevant objectives of the zone and development standard; and

2. Grant consent, subject to the conditions of consent under Attachment B, to development application no. DA/751/2019 for a 3 storey high technology industry building (data centre) and associated works at Lot 2 DP 125887, known as 8 Grand Avenue, Rosehill.

ATTACHMENT A – PLANNING ASSESSMENT

Panel Reference	PPSSCC-64
DA Number	DA/751/2019

1. Overview

1.1 Section 4.15 of the EP&A Act 1979: 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:

Clause	Comment
4.15(1)(a)(i) any environmental planning instrument	Refer to section 2
4.15(1)(a)(ii) any proposed instrument	Refer to section 3
4.15(1)(a)(iii) any development control plan	Refer to section 4
4.15(1)(a)(iiia) any planning agreement	Refer to section 5
4.15(1)(a)(iv) the regulations	Refer to section 6
4.15(1)(b) the likely impacts	Refer to section 7
4.15(1)(c) the suitability of the site	Refer to section 8
4.15(1)(d) any submissions	Refer to section 9
4.15(1)(e) the public interest	Refer to section 9

1.2 Section 4.46 of the EP&A Act 1979: What is “integrated development”?

The application is not integrated development for the purposes of the EP&A Act 1979.

1.3 Referrals

The following internal and external referrals were undertaken.

EXTERNAL	
Authority	Comment
Sydney Water	No objection subject to imposition of appropriate conditions relating to servicing and other relevant requirements.
Endeavour Energy	No objection subject to imposition of appropriate standard safety conditions.
Roads and Maritime Services	Legislation came into effect on 1 December 2019 that brought RMS and TfNSW together as one organisation, under the banner of TfNSW. As such, a consolidated response has been received.
Parramatta Light Rail (TfNSW)	No objection subject to imposition of appropriate conditions requiring appropriate manoeuvring, compliance with Australia Standards, consideration of pedestrian safety, submission of a construction traffic management plan, a road occupancy licence and advisory limited access to Grand Avenue as a result of Parramatta Light Rail project.
Caltex	Caltex has raised no objection to the development.
Quantity surveyor (independent consultant)	A quantity surveyor report supported the application, estimating a total cost of development of \$44,717,186.00 (exclusive of GST). Council had this reviewed by an independent quantity surveyor who deemed this to be an inaccurate estimate. As a result, it was determined and agreed by both parties that \$49,242,580.00 was a more likely genuine cost of development.
INTERNAL	

Unit	Comments
Landscape	No objection to the proposed development subject to imposition of appropriate conditions relating to tree removal and landscaping provision.
Engineering	No objection to the proposed development subject to imposition of appropriate conditions relating to stormwater management, Probable Maximum Flood (PMF) considerations, parking areas and other relevant matters.
Traffic	No objection to the proposed development subject to imposition of appropriate conditions. It is noted that a merit based assessment for parking provision was considered necessary as strict PDCP 2011 compliance would result in excessive parking requirements. Based on the development's specific operations, the provision of 105 parking spaces was considered acceptable in this instance.
Waste	No objection subject to imposition of appropriate conditions relating to sediment and erosion controls, stockpiling, waste storage rooms, maintenance of waste data, and waste collection and storage.
Acoustic	No objection subject to imposition of appropriate conditions requiring compliance with the supporting acoustic report.
Contamination	No objection subject to imposition of appropriate conditions requiring appropriate remediation of the site and associated site validation.
Environmental health	No objection subject to imposition of appropriate conditions relating to management of spills and dangerous goods, fuel storage areas and an environmental management plan.
Sustainability	No objection subject to imposition of appropriate conditions requiring compliance with the supporting sustainability report, especially achievement of 4.5 star NABERS rating.
Crime prevention	No objections and no relevant conditions.

2. Environmental planning instruments

2.1 Overview

The instruments applicable to this application are:

- SEPP (State and Regional Development) 2011
- SEPP (Infrastructure) 2007
- SEPP 33 – Hazardous and Offensive Development
- SEPP 55 – Remediation of Land
- SREP (Sydney Harbour Catchment) 2005
- Parramatta Local Environmental Plan 2011

Compliance with these instruments is addressed below.

2.2 State Environmental Planning Policy (State and Regional Development) 2011

Pursuant to Schedule 7 of SEPP (SRD) 2011, the proposal is considered 'regionally significant development' as it has a capital investment value of more than \$30 million.

Section 4.5 of the EP&A Act 1979 outlines that the regional planning panel (Sydney Central City Planning Panel in this case) is the consent authority.

2.3 State Environmental Planning Policy (Infrastructure) 2007

Pursuant to Schedule 3 of SEPP (Infrastructure) 2007, the proposal is considered 'traffic generating development' as it proposes industry with a site area of more than 8,000sqm.

As such, the proposal was referred to RMS, who did not raise any objection subject to the imposition of relevant conditions (see section 1.3 above for further discussion).

The subject site adjoins land to be utilised as stabling yards for Parramatta Light Rail Stage 1. However, under cl. 85, the proposal:

- Is not likely to have an adverse effect on rail safety; and
- Does not adjoin a rail corridor used by electric trains; and
- Does not involve use of a crane in air space above any rail corridor; and
- Is not located within 5m of an exposed overhead power line for the purpose of railways or rail infrastructure facilities.

With regards to cl. 86, the proposal does not involve penetration of the ground to a depth of 2m or more.

Therefore, the proposal is compliant with SEPP (Infrastructure) 2007.

2.4 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

This application has been assessed against 'Applying SEPP 33', published by the (then) Department of Planning, dated January 2011, to determine whether SEPP 33 is applicable to the development. If SEPP 33 is triggered, a Preliminary Hazard Analysis (PHA) is required.

It is concluded that SEPP 33 is **not** triggered.

Methodology showing how this conclusion was reached is provided below.

SEPP 33 provides the following definition for *potentially hazardous industry*:

potentially hazardous industry means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality—

- (a) *to human health, life or property, or*
- (b) *to the biophysical environment,*

and includes a hazardous industry and a hazardous storage establishment.

Categorisation of a proposal as a *potentially hazardous industry* is based on the quantity of dangerous goods (DGs) involved and, in some cases, vehicular movements and transportation.

A SEPP 33 report (document no. RCE-19118_Equinix_SEPP33, rev: 0) prepared by Riskcon Engineering Pty Ltd and dated 13 December 2019 has been submitted in support of the application.

Under Applying SEPP 33 it is necessary to:

1. Review the types and quantities of dangerous goods to be stored;
2. Compare the DGs quantities with the threshold quantities in Applying SEPP 33 to identify whether SEPP 33 is triggered;

3. Review the vehicular movements associated with the DGs;
4. Compare the DGs vehicular movements with the thresholds in Applying SEPP 33 to identify whether SEPP 33 is triggered;
5. Determine whether SEPP 33 is triggered by the development as a whole.

Storage and quantities

The report outlines that data centre's operations requires storage of materials classified as 'dangerous goods. After DGs have been identified, they must be cross referenced against relevant tables in Applying SEPP 33 to determine the threshold. Then it must be assessed whether the proposed quantities exceed thresholds (thus triggering SEPP 33). This information is shown below.

PROPOSED DEVELOPMENT					THRESHOLDS FROM APPLYING SEPP 33		
Class	Description	PG	Quantity proposed	Subject to SEPP 33?	Threshold	Source	Exceed?
8	Valve regulated lead acid batteries	II	24,000kg	Yes	25 tonne	Table 3 (p. 37)	No
9	Lithium ion batteries	N/A	160,000kg	No	N/A – no quantity threshold in Applying SEPP 33		
C1	Diesel	N/A	1,394,000kg	No	N/A – no quantity threshold in Applying SEPP 33		
C1	Transformer oil	N/A	50,000kg	No	N/A – no quantity threshold in Applying SEPP 33		

Vehicular movements and transport

Developments can also be classified as potentially hazardous if the number of generated traffic movements for significant quantities is above cumulative annual or peak weekly vehicular movements in table 2 of Applying SEPP 33.

Thresholds are reproduced below.

Class	Cumulative annual vehicle movements	Peak weekly vehicle movements
8	>500	>30
9	>1,000	>60

The development will not send or receive DGs. Once the site is established and operating, the DGs are fixed and transportation does not occur. As such, no movement thresholds are exceeded.

Conclusion

A review of quantities to be stored and the associated vehicular movements has been conducted, and this information has been compared against thresholds in Applying SEPP 33.

As the development does not include exceedances to thresholds outlined in Applying SEPP 33, it is not considered a potentially hazardous industry, and thus SEPP 33 does **not** apply, and a PHA is not required to be prepared.

2.5 State Environmental Planning Policy No. 55 – Remediation of Land

The subject site is known to be contaminated, namely including:

- Asbestos was identified in fill material;
- Asbestos Containing Materials on soil surface;
- Slightly elevated concentrations of heavy materials (arsenic, cadmium, copper, lead and zinc) identified in groundwater;
- Elevated concentrations of chloroform, carbon tetrachloride and tetrachloroethylene identified in groundwater;
- Elevated soil vapour concentrations of chloroform, bromodichloromethane, benzene, naphthalene and carbon tetrachloride identified;
- SafeWork NSW records indicate presence of two underground storage tanks.

A Remediation Action Plan (RAP) has been prepared by Edison Environmental & Engineering, with the objective to remove the risks posed by contamination at and attributable to the site.

Council's environmental health section has comprehensively reviewed the documentation submitted and are satisfied that, following remediation works prescribed the RAP, the site will be suitable for its intended use.

Appropriate conditions of consent have been imposed on the development consent to ensure all remediation works are carried out in accordance with the submitted RAP (including addendums). Conditions also require validation be provided to the certifying authority and Council within 30 days following completion of the remediation works.

It is considered that implementation of the RAP will appropriately manage contamination, and make the site suitable for its intended use.

2.6 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

SREP (SHC) 2005 applies to the Parramatta local government area in its entirety. It aims to maintain Sydney Harbour for existing and future generations and establish balance between a prosperous working harbour, a healthy and sustainable waterway environment and recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

The site does not fall within Rosehill or Camellia's foreshores and waterways area (see figure 6 below) or the wetlands protection area (see figure 7 below).

The location and nature of the proposal means there are no specific controls, with the exception of the objective to improve water quality. This can be satisfactorily addressed by the imposition of appropriate conditions of consent.

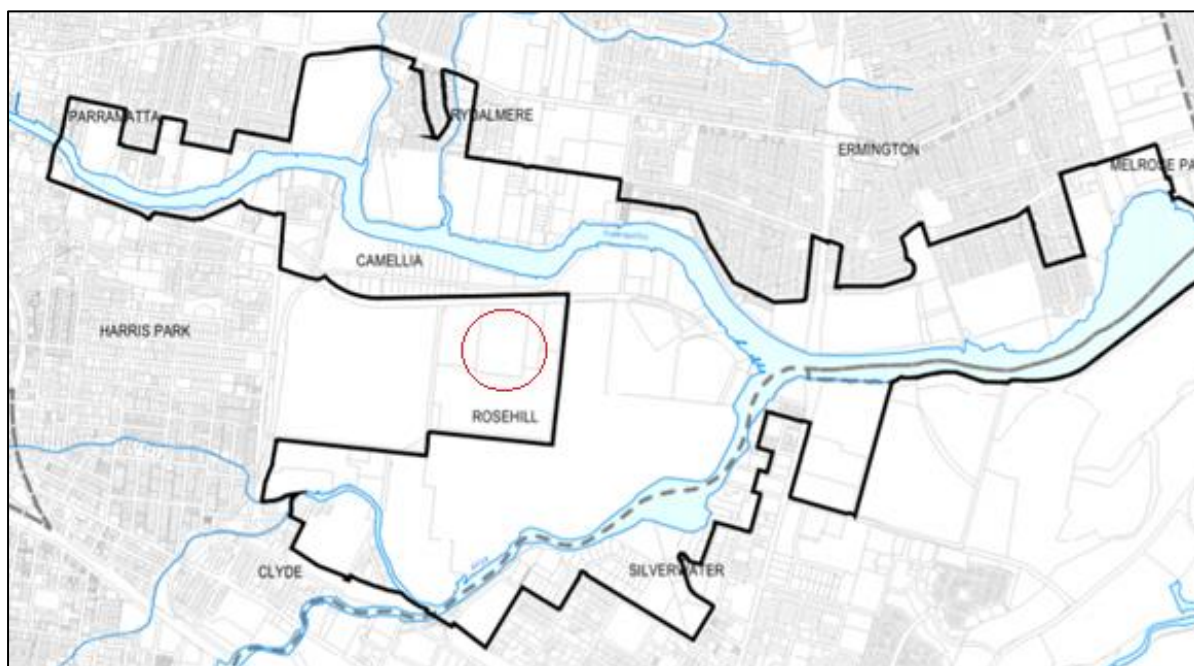


Figure 6 – excerpt from SREP (SHC) 2005 'Foreshores and Waterways Area Map' sheet 1 of 5 – approximate location of site shown by red circle

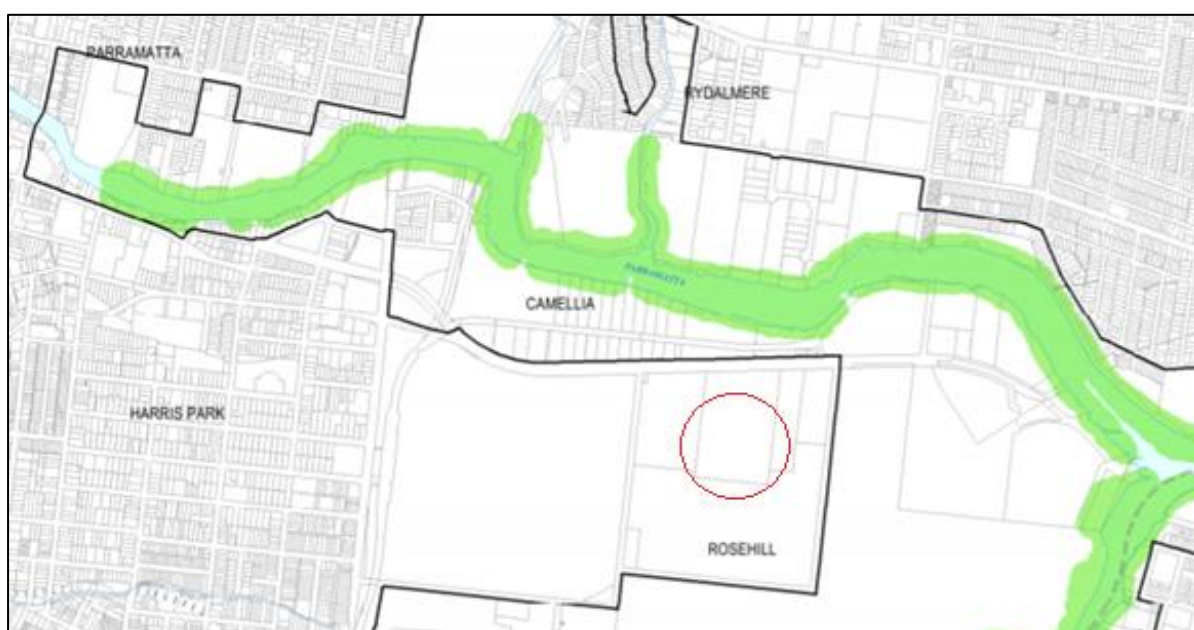


Figure 7 – excerpt from SREP (SHC) 2005 'Wetlands Protection Area Map' sheet 1 of 16 – approximate location of site shown by red circle

2.7 Parramatta Local Environmental Plan 2011 (PLEP 2011)

The relevant requirements of PLEP 2011 have been considered in the assessment of the development application, as below.

Relevant clause	Proposal	Compliance
Land use table IN3 – Heavy Industrial	The use is defined as 'high technology industry' and is permitted with consent in the IN3 zone.	Yes
Zone objectives	The proposal is considered to be consistent with the IN3 objectives, namely:	Yes

	<ul style="list-style-type: none"> • To encourage employment opportunities. • To support and protect industrial land for industrial uses. • To allow a wide range of industrial and heavy industrial uses serving the Greater Metropolitan Area of Sydney and beyond. 	
4.3 Height of buildings – 12m	20m for stage 1 building; 20.1m for stage 2 envelope (from natural ground level)	No – clause 4.6 supported
4.4 Floor space ratio – 1:1	Total gross floor area for building in stage 1 is 14,806sqm (site area 4.271ha), inclusive of data hall area, ancillary office space, and other ancillary spaces such as bathrooms, horizontal circulation areas, loading zones etc. Stage 2 is supported with a GFA no greater than stage 1. This would result in maximum FSR at the site of 0.7:1.	Yes
4.6 Exceptions to development standards	A clause 4.6 request has been submitted to support proposed variations to maximum building height, refer to section 2.7.1 below for full discussion.	Yes
5.6 Architectural roof features	The development includes floor space that exceeds the maximum height prescribed by cl.4.3, therefore cl.5.6 is not relevant.	N/A
5.10 Heritage conservation	The site is proximate to locally significant heritage item 'tram alignment' which runs along Grand Avenue. There are no changes to access arrangements from Grand Avenue nor changes to the frontage. Given this, and the setback away from the street, the development will not detrimentally affect the tram alignment.	Yes
6.1 Acid sulfate soils	The subject site is Class 4. Cl.6.1 requires an acid sulfate soils management plan (ASSMP) for any works more than 2m below natural ground surface, or works by which the watertable is likely to be lowered more than 2m below the natural ground surface. The proposal does not include such works, thus an ASSMP is not required.	Yes
6.2 Earthworks	Consent is sought for earthworks, which are satisfactory.	Yes
6.3 Flood planning	The site is subject to flooding in a Probable Maximum Flood (PMF), but according to Council's adopted modelling is not flood affected in a 1% AEP (100 year) flood. The PMF level of this site is RL 7.8m AHD. The proposed building is above the required flood planning level. Appropriate conditions of consent are imposed to appropriately mitigate flooding concerns. All construction must be designed to withstand flood loading up to the PMF level. Similarly, 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 events up to the PMF. A 'shelter in place' refuge is also required for use during a severe food event.	Yes

2.7.1 Evaluation of departure from PLEP 2011 maximum building height

Overview

The standard	Clause 4.3 of PLEP 2011, maximum height of buildings – 12m
Objectives of the standard	<p>(a) <i>to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,</i></p> <p>(b) <i>to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,</i></p> <p>(c) <i>to require the height of future buildings to have regard to heritage sites and their settings,</i></p> <p>(d) <i>to ensure the preservation of historic views,</i></p> <p>(e) <i>to reinforce and respect the existing character and scale of low density residential areas,</i></p> <p>(f) <i>to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.</i></p>
Extent of variation	<p>The proposed encroachment in metres, and the percentage variation, is:</p> <ul style="list-style-type: none"> • Stage 1 building – 20m total height from NGL means 8m encroachment and 67% variation; • Stage 2 building – 20.1m total height from NGL means 8.1m encroachment and 67.5% variation. <p>The above total heights relate to all aspects of the buildings; however, when pipework for cooling systems and towers are excluded from this, the building envelopes themselves would be 18.5m (54% variation) and 18.6m (55%) for building in stage 1 and envelope in stage 2 respectively. Although the height development standard relates to entire development, it is worth noting that the majority of the visual bulk of the building is lower than the 20m and 20.1m outlined above.</p>

Operational provisions

Cl.4.6, subcl.	Provision	Comment
(1) Objectives	<p>(a) <i>to provide an appropriate degree of flexibility in applying certain development standards to particular development,</i></p> <p>(b) <i>to achieve better outcomes for and from development by allowing flexibility in particular circumstances</i></p>	Noted.
(2) Operation of cl.4.6	The operation of clause 4.6 is not limited by clause 4.6(8) of PLEP 2011, or any other instrument, in this instance.	Noted.
(3) Written request from applicant	<p>The applicant is to provide a written request seeking to justify contravention of the development standard. The request must demonstrate:</p> <p>(a) <i>that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</i></p> <p>(b) <i>that there are sufficient environmental planning grounds to justify contravening the development standard.</i></p>	Received – refer to Attachment 4.

Matters for the consent authority to be satisfied

The matters that the consent authority is to be satisfied on are set out in clause 4.6(4) of PLEP 2011, as addressed below.

Cl.4.6(4)	Provision	Comment
(a)	<i>the consent authority is satisfied that: (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</i>	See comments below.
(b)	<i>the concurrence of the Secretary has been obtained.</i>	Concurrence of the Secretary assumed (Planning Circular PS 18-003, dated 21 February 2018).

Summary of the applicant's contentions

The applicant's contentions regarding environmental planning grounds to justify the non-compliance with the height development standard is summarised below (full clause 4.6 requested is included at Attachment 4).

Evaluation

To assist the Panel with its consideration of the height variation, an assessment against the relevant case law established in the NSW Land and Environment Court (LEC) is provided below.

These cases establish tests that determine whether application of a development standard is unreasonable or unnecessary and whether there are environmental planning grounds.

Requirement A – unreasonable and unnecessary (clause 4.6(3)(a) of PLEP 2011)

In the case of *Wehbe v Pittwater Council* [2007] NSWLEC 827, the Judgement identified five circumstances in which compliance with a development standard can be unreasonable or unnecessary, and stated that only one such way needed to be demonstrated. Those five ways are:

- 1. The objectives of the development standard are achieved notwithstanding noncompliance with the standard.*
- 2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.*
- 3. The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*
- 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.*
- 5. The zoning of particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary as it*

applied to that land and that compliance with the standard in that case would also be unreasonable or unnecessary.

The applicant relies upon the first circumstance – that the objectives of the standard are achieved despite the requested departure. This is further reviewed at Requirement C below.

Requirement B – environmental planning grounds (clause 4.6(3)(b) of PLEP 2011)

In the case of *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*, the Judgement outlined that ‘sufficient environmental planning grounds’ for a clause 4.6 variation is more onerous than compliance with zone and standard objectives. The Judgement also established that the additional grounds had to be particular to the circumstances of the proposed development, and not merely grounds that would apply to any similar development.

In summary, the environmental planning grounds identified by the applicant to support the height variation, relative to a height compliant design are:

- The breach will enable bespoke built form requirements to be met, which are unique to data centres. The additional height allows the data centre to operate at optimum capacity and facilitate the provision of supporting infrastructure (e.g. mechanical and electrical plant) on the rooftop.
- The breach will allow for site disturbance to be minimised as a result, as it will alleviate the need to provide a basement level with any buildings. Given the site is within a highly contaminated environment, this is desirable from an economic and environmental perspective.
- The raising of natural ground level 1.5m will assist in flood mitigation.
- The development will not impact upon any heritage or significant view corridors.
- The design provides a contemporary industrial design with appropriate articulation and facilitating high technology uses.
- Shadow diagrams show that the height variation does not result in unreasonable overshadowing.
- The built form is consistent with the objectives and requirements of PLEP 2011 and PDCP 2011 for industrial land, providing an appropriate height on a battle-axe industrial block that is predominantly obscured from public view. The breach is considered acceptable and in keeping with the height, bulk and scale of the desired future character of the locality.
- Strict compliance with height control would likely result in the need for a three building development (as opposed to two buildings) which would result in reduced efficiencies and a less desirable outcome in relation to achieving sustainability and energy efficiency goals.
- Strict compliance with height control would result in the objectives of PLEP 2011 being neglected and would not result in orderly and economic use and development of land.

Requirement (C) – Public Interest (clause 4.6(4)(a)(ii) of PLEP 2011)

Public interest is determined with regard to objectives of the standard and the objectives of the zone. These matters are considered below:

Objectives of the height standard	
Provision	Comment
to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,	Support for the height variation will not restrict the Camellia and Rosehill area, nor the wider locality, from achieving height transitions. Majority of the Camellia precinct is prescribed a blanket 12m height limit, meaning that a transition in

	<p>built form and land use intensity does not currently exist within the precinct (rather along the boundary). As such, variation on the battle-axe allotment is not considered to detrimentally affect, or abandon, efforts for transitioning.</p>
to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,	<p>Achieved – the non-compliance will not result in any adverse visual impacts, privacy or solar access loss, or disruption to any significant views.</p> <p>A visual impact assessment has been submitted (see section 7.2 of this attachment for full discussion) in support of the application, confirming that there were be no adverse loss of any significant views.</p> <p>Although the development will be above the prescribed maximum height for the site, and thus viewable from some areas of the public domain and the locality (although largely obscured due to location away from street), it is considered that the appearance of the development is compatible with the industrial character and amenity.</p> <p>A shadow analysis has been prepared and submitted showing shadows to be cast by the proposed building in stage 1 and shadows likely to be cast by the envelope of stage 2. The analysis demonstrates that regardless of the height exceedance, shadows are satisfactory and will not detrimentally affect adjoining industrial properties.</p>
to require the height of future buildings to have regard to heritage sites and their settings,	<p>Achieved – the development has appropriate regard to heritage sites. The site is proximate to locally significant heritage item ‘tram alignment’ which runs along Grand Avenue.</p> <p>There are no proposed changes to access arrangements from Grand Avenue nor changes to the frontage. Given this, and the setback away from the street, the development will not detrimentally affect the tram alignment.</p>
to ensure the preservation of historic views,	Not relevant – the proposal is largely obscured from public view, and there are no historic views that need to be preserved.
to reinforce and respect the existing character and scale of low density residential areas,	Not relevant – the site is not in a low density residential area, nor in the vicinity of such area. The proposed variation will not detrimentally affect any residential area.
to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.	Not relevant – the site is not located in an existing commercial centre.
Objectives of the zone	
Provision	Comment

To provide suitable areas for those industries that need to be separated from other land uses.	Achieved – the proposal does not require separation from other land uses, but also does not preclude other industries to be located in the vicinity.
To encourage employment opportunities.	Achieved – the proposal creates employment opportunities.
To minimise any adverse effect of heavy industry on other land uses.	Not relevant – the proposal is not heavy industry.
To support and protect industrial land for industrial uses.	Achieved – the proposal is characterised as a high technology industry, which is a type of light industry.
To allow a wide range of industrial and heavy industrial uses serving the Greater Metropolitan Area of Sydney and beyond.	Achieved – as above, the proposal is a type of light industry, thus delivering an industrial use that serves the Sydney metropolitan area.
To ensure that opportunities are not lost for realising potential foreshore access on land that is contaminated and currently not suitable for public access.	Not relevant – the subject site is not located on, or near, the foreshore.

Conclusion

It is considered that the requested variations to the maximum height of building development standard can be supported given:

- The objectives of the standard and the zone are achieved;
- It agreed that a poor planning outcome is unlikely to result;
- There are no adverse outcomes for the public domain;
- The preconditions of Clause 4.6(4)(a), in relation to the adequacy of the applicant's written request and the public interest, are satisfied.

In reaching this conclusion regard has been had to the relevant LEC Judgements.

3. Draft Planning Instruments

3.1 Any draft environmental planning instruments (EPIs)

There are no draft EPIs relevant to the subject site or proposed development.

4. Development Control Plans

4.1 Parramatta Development Control Plan 2011 (PDCP 2011)

An assessment of the proposal against the relevant controls in PDCP 2011 is provided below:

Control	Proposal	Compliance
2.4 Site considerations		
Views and vistas	The subject site is not within a significant view or vista corridor identified in Appendix 2. Regardless, a Visual Impact Assessment was submitted with the application, which took into considerations views specified by Appendix 2 along with others in the vicinity. None of the visual impacts assessed are judged to be substantial or major. Moderate/minor impacts are expected from Rosehill Racecourse JR Flemings Stand, Rydges Hotel Parramatta and the lookout at Millennium Parklands. All other impacts are considered minor or negligible.	Yes

	Given the nature of the locality, the view impacts are considered acceptable.	
Water management	<p>The site is subject to flooding in a Probable Maximum Flood (PMF), but according to Council's adopted modelling is not flood affected in a 1% AEP (100 year) flood. The PMF level of this site is RL 7.8m AHD.</p> <p>The proposed building is above the required flood planning level.</p> <p>Appropriate conditions of consent are imposed to appropriately mitigate flooding concerns.</p> <p>All construction must be designed to withstand flood loading up to the PMF level. Similarly, 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 events up to the PMF.</p> <p>A 'shelter in place' refuge is also required for use during a severe food event.</p>	Yes
Soil management	<p>Suitable sediment and erosion control measures are proposed, including a sediment control fence installed along the entire property boundary and stormwater sediment traps at all proposed pit inlets.</p> <p>Satisfactory earthworks are proposed as part of this application, namely fill above 1m to address contamination and flood impacts.</p>	Yes
Land contamination	The subject site is contaminated, but can be made suitable for the intended use. See discussion against SEPP 55 at section 2.5 of this report.	Yes
Air quality	The proposal is not considered likely to result in unacceptable air quality impacts.	Yes
Development on sloping land	The subject site is to be filled to cap contamination and mitigate flood risks. This is considered appropriate in this instance.	Yes
Biodiversity	The site is free of any significant biodiversity is located within an existing established industrial precinct.	Yes
Public domain	<p>The proposal is located towards the rear of the site, on a battle-axe configuration.</p> <p>The development does not detriment the public domain.</p>	Yes

3.1 Preliminary building envelopes

Height – 12m (PLEP 2011)	The proposal does not comply with 12m height limit, with a maximum of 20m. This variation is considered satisfactory on merit in this particular instance. See discussion against clause 4.6 of PLEP 2011 at 2.7.1 of this report.	No – but satisfactory on merit
Height transition	There is no requirement to transition height.	Yes
Preliminary building envelope tables – setbacks to correspond with building line in street, 0m side setbacks; rear	<p>The proposal does not comply with 12m height limit (as above – see section 2.7.1 of this report).</p> <p>The proposal has a floor space ratio of 0.7:1, compliant with the maximum 1:1.</p> <p>Approximate setbacks are as follows:</p> <p>Stage 1 design – 9.5m front, 30m side, and 10m rear.</p> <p>Stage 2 envelope – 15.7m front, 0m side, and 0m rear.</p> <p>Some ancillary structures associated with stage 1 design, such as fuel tanks, fuel pump rooms, fuel fill cabinets,</p>	Partially – but satisfactory on merit (compliant setbacks and FSR; non-compliant height)

setback merit based	rainwater tank etc., within the side and rear setbacks, but are all appropriately located within the site.	
Landscaped area – minimum 10% with minimum width of 2.5m	<p>Total landscaping exceeds 10% of site.</p> <p>2,420sqm of landscaping is associated with stage 1, and 1,869sqm of landscaping is associated with stage this. This totals 4,316sqm, and with a site area of 42,710sqm, the proposal provides 10.1%. Minimum width of 2.5m is achieved.</p> <p>Further, if this is broken down by stage, the proposal remains compliant.</p> <p>That is, stage 1 area of works is approximately 25,340sqm and stage 2 area of works is approximately 17,370sqm. Therefore, stage 1 proposes 10% landscaping (when rounded), and stage 2 provides 11%.</p>	Yes
3.2 Building elements		
Building form and massing	<p>The form and massing of the proposed development is directly related to the specific end user needs. The height is non-compliant with PLEP 2011 standards, however this is seen as appropriate in this particular cause (see discussion against clause 4.6 of PLEP 2011 at 2.7.1 of attachment A).</p> <p>The development does have a large footprint, however it is not unreasonable in the context of the area and the established character, which is characterised by large warehouses and other industrial buildings.</p>	Yes
Building façades and articulation	<p>Façades consist primarily of painted pre-cast concrete panels, metal louvres, perforated metal screens and clear glass.</p> <p>The façades and articulation is typical in appearance of similar development types, and compatible with the industrial character of the locality.</p>	Yes
Roof design	<p>The roof is slightly angled and typical industrial development appearance.</p> <p>The design of the roof does not contribute to visual bulk or scale. It maintains a relatively clean roof form in keeping with the context of the site.</p>	Yes
Energy efficient design	A sustainability report was lodged in support of the application. The building has been designed to be constructed to operate at a minimum NABERS energy rating of 4.5 stars. In addition, dual reticulation piping, capture and reuse of 95% rainwater, 95% of all timber used must be FSC Certified, water efficient fixtures, LED lighting and prescribed minimum solar reflectivity indexes for roof spaces are all required.	Yes
Streetscape	The development is located on a newly created battle-axe lot with no street presentation; thus, no adverse effects on the streetscape are anticipated.	Yes
Fences	There are no fences proposed.	Yes
3.3 Environmental amenity		
Landscaping	The development proposes numerous species, most of which are indigenous and low water consumption, aligning with landscaping controls, see section 7.5 for full details of proposed species, numbers, heights and indigenous status.	Yes

	10.1% of the site area is proposed as landscaping.	
Private and communal open space	An area of communal open space (approx. 180sqm excluding landscaping) is provided for staff recreation and respite. This space is integrated into the proposed landscaping of the site and includes five picnic settings (three with shelter for summer use, two with no shelter for winter use).	Yes
Visual and acoustic privacy	There are no nearby residential uses. The building is located in an industrial precinct, and is sufficiently separated from adjoining sites via satisfactory setbacks to ensure visual and acoustic privacy.	Yes
Acoustic amenity	The site is located within an existing industrial precinct. There are no nearby residential uses. It is not considered that the development will result in any discernable increase in noise in the locality.	Yes
Solar access and cross ventilation	The proposed development does not cast any unreasonable shadows that will detrimentally affect the use of neighbouring sites. The development is located within an established industrial precinct.	Yes
Water sensitive urban design	Conditions of consent have been imposed to require updated stormwater plans showing increased WSUD measures.	Yes
Waste management	<p>The applicant has submitted a construction and demolition waste management plan, and an operational waste management plan (see 7.8 for full discussion).</p> <p>Council's waste referral specialist has reviewed the documentation and raised no objection.</p> <p>Conditions are included to ensure waste is managed appropriately.</p>	Yes
3.4 Social amenity		
Culture and public art	<p>Development over 5,000sqm are required to provide an arts plan for public art.</p> <p>It has been confirmed by Council's Senior Officer – Cultural Project and Public art that public art in this location is not required given the established industrial area, battle-axe allotment, low number of visitors, low pedestrianism along Grand Avenue and low staff numbers.</p>	Yes
Access for people with disabilities	<p>The application is supported by an accessibility report prepared by Obvius Access and dated 18 December 2019, that provides an assessment against PDCA 2011, the Disability (Access to Premises – Buildings) Standards 2010 and National Construction Code.</p> <p>The audit concludes that the development is compliant, or capable of compliance at construction certificate stage.</p>	Yes
Amenities in buildings available to the public	The building is not available to the public.	Yes
Safety and security	<p>It is considered that the proposal is appropriately designed to ensure safety and security.</p> <p>For full details, see section 7.10 of attachment A.</p>	Yes

Housing diversity and choice	No residential component is proposed.	N/A
3.5 Heritage		
General	The development does not result in any adverse heritage impacts. See assessment against clause 5.10 of PLEP 2011 for further details.	Yes
Archaeology	The site is located in an existing industrial precinct and the site has been previously developed for such uses.	Yes
Aboriginal cultural heritage	The site is identified as low sensitivity; thus no assessment is required.	Yes
3.6 Movement and circulation		
Sustainable transport	<p>A green travel plan has been submitted in support of the application, which aims to promote and reduce the reliance of private car usage and encourage and support the uptake of alternative transport modes.</p> <p>The green travel plan analyses existing and future transport infrastructure in the locality (including roads, rail, bus, cycling, walking etc.). Of particular importance will be the completion of Parramatta Light Rail stage 1 which will provide an additional opportunity for public transport.</p> <p>It also outlines the current travel split (although the data is from the Parramatta-Rosehill SA2, which includes the Parramatta CBD, so data is somewhat unreliable in presenting an accurate picture).</p> <p>Importantly, the plan provides a future target mode share. This targets a 10% reduction in private motor vehicles (to 42%), an 8% increase in public transport (to 48%) and a 2% increase in active transport (to 6%).</p> <p>The travel plan proposes the following strategies to assist with the mode shift:</p> <ul style="list-style-type: none"> • Transport Access Guide (TAG) – a summary of available transport option in the vicinity; • Promotion and Marketing Strategy <p>The green travel plan is considered appropriate with regards to promoting sustainable transport.</p>	Yes
Parking and vehicular access	<p>The development proposes a total of 105 car parking spaces (inclusive of two accessible spaces), 16 bicycle spaces and 8 motor cycle parking spaces for use by both stages.</p> <p>It is considered that the proposed parking provision is acceptable given the development's specific operational needs.</p> <p>The parking provision and access arrangements have been comprehensively reviewed by Council's traffic engineer who raises no objection.</p> <p>See section 7.6 of for full details.</p>	No – but satisfactory on merit
Accessibility and connectivity	The application is supported by an accessibility report prepared by Obvius Access and dated 18 December 2019, that provides an assessment against PDCA 2011, the Disability (Access to Premises – Buildings) Standards 2010 and National Construction Code.	Yes

	<p>The audit concludes that the development is compliant, or capable of compliance at construction certificate stage.</p> <p>There are no requirements for through-site links.</p>	
4.3.1 Strategic Precinct – Camellia and Rydalmere		
Objectives	<p>The proposal is considered to be consistent with the objectives, namely:</p> <ul style="list-style-type: none"> • Protect and support one of Sydney's significant industrial and educational hubs. • Create a vibrant, attractive and mutually supportive industrial, educational and research precinct. • Encourage industrial development that is innovative and incorporates into its business best practice environmental management. • Require industry to operate using best practice environmental management techniques. 	Yes
Desired future character	<p>The Camellia and Rydalmere strategic precinct is earmarked for transition from a significant heavy industrial hub towards a precinct that mutually supports employment, industrial, educational and research functions.</p> <p>The proposed high technology industry is seen as appropriate as it is a type of industry that supports business and employment functions, whilst simultaneously does not preclude the development of heavier industries on nearby sites.</p>	Yes
Planning controls		
Height of buildings – must not impact heritage sites	<p>The development proposes a height that is non-compliant with PLEP 2011. See discussion against clause 4.6 of PLEP 2011 at 2.7.1 of attachment A.</p> <p>The non-compliant height proposed will not adversely impact any identified heritage sites.</p>	Yes
Landscaping – landscaping to consist of native plants; vegetated buffers are to be provided	<p>Majority of landscaping consists of native and indigenous species (see section 7.5 for full details).</p> <p>Appropriate perimeter planting is proposed to act as buffers around the development and assist with screening plant and storage areas as well as the built form as a whole.</p>	Yes
Travel plans and travel information guides		
Development with 5,000sqm GFA must prepare a Travel Plan	<p>A satisfactory green travel plan has been provided to promote sustainable transport (see section 3.6 of this table for full details).</p>	Yes
Building design		
Provide casual surveillance; improve architectural interest by minimising bulk and	<p>The proposed development provides a built form and building design that is compatible with the surrounding industrial context, and it is largely obscured from the view of the public domain due to its battle-axe location.</p> <p>Entrance design ensures legibility and that it is easily identifiable for visitors.</p> <p>Appropriate setbacks are provided to all boundaries, sufficiently separating the proposal from adjoining</p>	Yes

encouraging articulation and modulation; respect, conserve and respond to identified views and existing heritage character	<p>developments.</p> <p>The façades incorporate satisfactory finishes and materials, including metal louvres and concrete panels, to ensure quality appearance and provide articulation necessary for industrial development.</p> <p>The nature of the development requires numerous ancillary buildings, including generator buildings, cooling towers and fuel tanks. The development has been designed with all buildings considered, meaning they are not visually disjointed, with consistent design being proposed.</p> <p>The proposal is therefore considered appropriate, delivering a development that is compatible with the surrounding area.</p>	
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5. Planning agreements or contributions plans

5.1 Planning agreements

No planning agreements are applicable to the proposed development.

5.2 City of Parramatta Section 94A Development Contributions Plan (Amendment 5)

Due to the site's location and the total cost of development exceeding \$200,000.00, a section 7.12 development contribution of 1% is required pursuant to *City of Parramatta Section 94A Development Contributions Plan (Amendment 5)*.

A quantity surveyor report supported the application, estimating a total cost of development of \$44,717,186.00 (exclusive of GST). Council had this reviewed by an independent quantity surveyor who deemed this to be a disingenuous estimate. This was reviewed by both quantity surveyors until a resolution was agreed upon.

As a result, \$49,242,580.00 was accepted to be the genuine cost of development for the proposal.

A standard condition of consent has been imposed requiring payment of this contribution prior to the issue of any construction certificate.

6. The Regulation

The recommendation of this report includes conditions to ensure compliance with the Regulation.

7. The likely impacts of the development

The likely impacts of the development have been considered in this report, and the proposal is considered satisfactory.

7.1 Context and setting

The NSW Land and Environment Court (LEC) planning principle on compatibility of proposal with surrounding development, established in *Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191, provides the following test to determine whether a proposal is compatible with its context.

Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

The proposal will not result in any adverse physical impacts, as follows:

- There are no changes to the approved arrangements for vehicle access, and traffic generation will not compromise safety for road users, and will likely not reduce the efficiency of the local road network;
- The design and location of the building will not preclude surrounding land from being developed in accordance with planning controls; and
- Will not generate unreasonable noise, cast unreasonable shadows or diminish views that would be detrimental to adjacent and surrounding sites.

Is the proposal's appearance in harmony with the buildings around it and the character of the street?

The proposal will have a satisfactory relationship with its context for the following reasons:

- It is located within Camellia and Rydalmere strategic precinct;
- It provides an industrial land use contemplated and permissible by the planning controls;
- The development is such that mutually supports employment and industrial functions, aligning with the objectives of the Camellia and Rydalmere strategic precinct and the high technology use is desirable in the precinct;
- Site planning limits negative amenity outcomes for adjoining sites;
- Scale, form and presentation is generally consistent with applicable planning controls, with the exception of height limit exceedance which is supported nonetheless (see clause 4.6 discussion earlier);
- Operational characteristics of the site will not result in adverse impacts for adjacent sites or the wider locality.

7.2 Views

The subject site is not within a significant view or vista corridor identified in Appendix 2 of PDGP 2011.

Regardless, a Visual Impact Assessment was submitted with the application, which took into considerations views specified by Appendix 2 along with others in the vicinity.

None of the visual impacts assessed are assessed to be substantial or major. Moderate/minor impacts are expected from Rosehill Racecourse JR Flemings Stand, Rydges Hotel Parramatta and the lookout at Millennium Parklands. All other impacts are considered minor or negligible.

Given the nature of the locality, the view impacts are considered acceptable.

7.3 Site works

Earthworks

The development proposes earthworks across the site, predominantly filling of the site to assist in mitigating contamination and flooding impacts.

A total volume of 440m³ of cut and 31,650m³ of fill is proposed.

Appropriate conditions of consent have been imposed to ensure the following requirements for fill material:

- All fill imported shall be validated to ensure it is suitable from a contamination perspective (imported fill is to be accompanied by documentation from the supplier which certifies it is not contaminated).
- Fill is to be compatible with existing soil characteristic for drainage purposes.
- Any fill imported is to be virgin excavated natural material (VENM) and certified as such by a suitably qualified industry professional.

With the imposition of these conditions, the proposed earthworks are considered appropriate.

Tree removal

Tree removal does not form part of this application.

Services

All required services are available. These services will be decommissioned/diverted as necessary to enable construction, and then augmented as nominated by the relevant service provider to satisfy the increased demands generated by the proposal.

7.4 Site design and internal design

Setbacks and built form

The building in stage 1 has the following approximate setbacks:

- 9.5m front setback;
- 30m side setback;
- 10m rear setback.

Some ancillary structures, such as fuel tanks, fuel pump rooms, fuel fill cabinets, rain water tank etc., are located within these setbacks, but are all appropriately located within the site.

Height, bulk and scale

The bulk and scale of the proposal is consistent with the outcomes expected by the precinct planning controls, and satisfactory on merit.

The height of the proposal does not comply with the maximum height of building pursuant to PLEP 2011, but a clause 4.6 request has been submitted and supported (see section 2.7.1 for full discussion).

Overall, the height, bulk and scale is typical of industrial development and is appropriate.

External materials, schedule of finishes

The external materials and finishes for façades consist primarily of painted pre-cast concrete panels, metal louvres, perforated metal screens and clear glass.

The façades and articulation is typical in appearance of similar development types, and compatible with the industrial character of the locality.

Accessibility

The application is supported by an accessibility report prepared by Obvius Access and dated 18 December 2019, that provides an assessment against PDCA 2011, the Disability (Access to Premises – Buildings) Standards 2010 and National Construction Code.

The audit concludes that the development is compliant, or capable of compliance at construction certificate stage.

7.5 Amenity considerations

Overshadowing

The proposal has been accompanied by diagrams demonstrating shadows cast.

The shadow analysis shows shadows to be cast by the built form of stage 1, and the shadows likely to be cast by the envelope of stage 2 (detailed assessment of shadows will also form part of any future assessment of separate development application for stage 2 built form).

It is considered that the shadows cast do not unreasonably or detrimentally affect surrounding land uses.

Landscaping

The development proposes landscaping equivalent to 10.1% of the site area. This is considered acceptable. Additionally, the majority of planting will include native species, most of which are low water consumption.

2,419.55sqm of landscaping will occur under Stage 1, and an additional 1,895.85sqm will occur under Stage 2, totalling 4,315.4sqm (10.1%).

Full plant schedule is as below.

Botanical name	Common name	Stage 1 quantity	Stage 2 quantity	Mature height	Native?
<i>Acmena smithii</i> 'Minor'	Dwarf Lilli Pilli 'Minor'	91	59	3m	Yes
<i>Acmena smithii</i> "Allyn Magic"	Dwarf Lilli Pilli 'Magic'	102	220	1m	Yes
<i>Banksia ericifolia</i>	Heath banksia	20	130	3m	Yes
<i>Banksia spinulosa</i>	Hairpin banksia	0	68	1.5m	Yes
<i>Cupaniopsis anacardioides</i>	Tuckeroo	2	0	10m	Yes
<i>Callistemon citrinus</i>	Crimson bottlebrush	108	0	2.5m	Yes
<i>Dianella revoluta</i>	Flax lily	735	1,082	0.4m	Yes
<i>Hardenbergia violacea</i>	Native sarsaparilla	651	1265	Prostrate	Yes
<i>Kunzea ambigua</i>	Tick bush	18	0	2.5m	Yes
<i>Lomandra confertifolia</i> 'Seascape'	Seascape Lomandra	1,478	1,118	0.4m	Yes
<i>Melaleuca linarifolia</i>	Snow in Summer/ Paperbark	2	24	7m	Yes
<i>Ozothamnus diosmifolius</i>	Everlasting/ Rice flower	129	0	2m	Yes
<i>Phormium tenax</i>	New Zealand flax	260	76	1m	No
<i>Syzygium australe</i> 'Elegance'	Dwarf Lilli Pilli 'Elegance'	165	68	1.5m	Yes
<i>Syzygium australe</i> 'Pinnacle'	Dwarf Lilli Pilli 'Pinnacle'	130	0	3m	Yes
<i>Themeda australis</i>	Kangaroo grass	872	992	0.4m	Yes
<i>Tristaniposis laurina</i>	Water gum	2	0	8m	Yes

7.6 Access, transport and traffic

Car parking supply

The development proposes a total of 105 parking spaces, inclusive of two accessible spaces.

Strict compliance with relevant DCPs would require a total of 433 spaces for the entire development (i.e. both stages), including 366 spaces for the data hall component and 67 spaces for the ancillary office areas.

The provision of 105 spaces represents a provision of 24% of total PDCP 2011 requirement (76% departure).

The application is supported by a comprehensive traffic impact assessment (TIA) which deals with traffic generation and car parking supply.

The TIA documents the specific operations of the proposal and outlines that the majority of the data hall component is occupied by hardware and servers, and that the industrial parking rates of PDCP 2011 are inappropriate to apply. It is expected that staff onsite will utilise the office component of the development as the usage of the data hall does not require staff in attendance.

It also details that while the operations of the development is 24 hours, 7 days a week, staff will likely be present throughout normal working hours between 7:00am and 5:00pm. Maintenance and security staff are to be present on shift bases throughout the 24 hours. The building of stage 1 would require 30 full-time equivalent employees, 20 maintenance and security staff, and 15 customers on a daily basis.

As such, the specific operations mean that the development does not require 366 spaces and the provision of 105 spaces is more than adequate.

The application has been assessed by Council's traffic engineer who generally agrees with the car parking provision and holds no objection to the proposed development, subject to imposition of appropriate conditions of consent.

Parking access and design and service vehicle access

The application has been reviewed by Council's traffic engineer who has outlined that the layout and dimensions of parking spaces and aisle widths are satisfactory. Parking spaces are 2.4m wide and are 5.4m long. Accessible spaces include a dedicated space and an adjoining shared space with bollard. Aisle widths are 6m.

The access from Grand Avenue is a combined entry and exit with a 27.6m width.

Swept paths for heavy vehicles from the access driveway to the parking areas have been submitted and demonstrate satisfactory on-site manoeuvring.

The above configurations are considered appropriate, subject to imposition of appropriate conditions, including requiring compliance with AS 2890.1.

Appropriate conditions of consent are imposed to ensure the development is satisfactory.

7.7 Water management

Water quality during construction

This matter is addressed by conditions in recommendation of this report.

On-site stormwater collection and disposal

The proposal includes a stormwater drainage concept that includes pipes and pits within the site, managing stormwater before it is discharged.

It is intended that the development will capture and reuse 95% of the typical annual rainfall falling on the roof area. This water will be reused in cooling towers, as cooling towers account for 99% of the data centre's total water demand.

For this development, Council has not required on-site detention as the site drains almost directly to Parramatta River, and it is considered counterproductive to delay stormwater discharge.

As such, it is considered that the development incorporates an appropriate stormwater management strategy. Conditions of consent reflect this strategy and ensure that the development will be satisfactory.

7.8 Waste management

Construction phase

A construction waste management plan, prepared by Elephant's Foot (dated 31 March 2020), was submitted in support of the application and the methodology addresses the following components:

- Legislation and guidelines;
- Waste diversion targets from NSW waste Avoidance and Resource Recovery Strategy 2014-2021, including:
 - Increasing construction and demolition recycling rates to 80%;
 - Increasing waste diverted from landfill to 75%;
 - Reducing litter by 40%; and
 - Reduce illegal dumping incidents by 30%;
- Stakeholder roles and responsibilities;
- Monitoring and reporting;
- Opportunities for reuse and recycling;
- Management of hazardous waste materials;
- Management of excavation waste;
- Site-specific operational measures; and
- Storage areas.

Appropriate conditions are provided in the recommendation.

Operational phase

An operational waste management plan, prepared by Elephant's Foot (dated 31 March 2020), was submitted in support of the application and the methodology addresses the following components:

- Stakeholder roles and responsibilities;
- Education;
- Waste management (including estimated waste generation volumes) and four main waste streams, including:
 - E-waste;
 - General waste;

- Paper/cardboard recyclables; and
- Plastic recyclables;
- Interim waste storage areas, including waste rooms, signage and ventilation; and
- Waste collection.

A waste storage room (7m wide, 3.6m deep and 3.5m high) is located along the eastern façade of stage 1 building, accessed externally from the building, nearby the loading and servicing areas. The storage room is designed to accommodate seven 1,100L bins and three 240L bins.

A private waste contractor will be engaged to service the development.

Relevant sections of Council have reviewed the documentation and have raised no objection to the proposed arrangements.

Appropriate conditions are provided in the recommendation.

7.9 Safety, security and crime prevention

Crime Prevention through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of the built environment to reduce opportunities for crime and anti-social behaviour.

A CPTED report, prepared by Mecone and dated 16 December 2019, was submitted in support of the proposal.

The CPTED report assesses the application against the following principles:

- a. Surveillance
 - Movements of individuals to and from site present opportunity for natural surveillance;
 - Office floor space permits sightlines between Building A and surrounding car park;
 - Windows and location of customer waiting area permits sightlines to and from the entrance and car park;
 - The southern façade (adjoining generator building) is blank and windowless; however, the configuration of buildings will mean there is limited opportunities for surveillance. There is opportunity for concealment around the cooling towers.
 - The report recommends to maintain sightlines, ensure landscaping does not obstruct sightlines and ensure entrance and external paths do not contain items that impede sightlines.
- b. Lighting and technical supervision
 - Lighting should be adequate to permit facial recognition and be maximised within areas of high vehicle and pedestrian activity;
 - The report recommends CCTV be installed for interior and exterior, lighting should allow adequate facial recognition, and consistent levels of lighting provided throughout (between 30-40 LUX with 0.4 uniformity).
- c. Territorial re-enforcement
 - The office component and pedestrian entrance are located adjacent to driveway and have high level of visibility;
 - Staff occupation will promote guardianship;
 - Distinct paving treatments are proposed to the east, west and south of Building A;
 - The report recommends that display of signage is used to clarify ownership.
- d. Activity and space management

- The office component experiences high occupation, and the uses have been positioned to send cues as to which areas are for staff occupation;
 - The entrance is located adjacent to driveway, and windows are provided on this façade, meaning it is highly visible;
 - The report recommends that security staff conduct regular patrols, particularly outside operating hours.
- e. Access control
- Distinct access point is provided;
 - Access doors throughout will be managed by secure access arrangements;
 - Secure fencing is proposed around the perimeters, and perimeter landscaping will function as a symbolic barrier;
 - The report recommends that access be controlled via a security gate, all doors should be fitted with appropriate locks and technical arrangements to restrict entry and access to loading bay should be provided only at times of loading.
- f. Environmental maintenance
- It is envisaged that once in operation, the site will be regularly maintained;
 - The report recommends that mechanisms facilitate ongoing maintenance of building and landscaping, a rapid removal policy for graffiti and vandalism should be adopted, and waste facilities should be provided externally near external seating areas.
- g. Design, definition and designation
- The design of the development is appropriate for its use and reflects its purpose;
 - The office space and data halls are dependent and complementary to one another;
 - The uses are clearly demarcated;
 - The report recommends that security staff conduct regular patrols, particularly outside operating hours.

As such, it is considered that appropriate measures are in place (or shall be in place following adoption of the CPTED report's recommendations) to ensure the site is safe and secure, limiting the opportunity for anti-social behaviour.

Appropriate conditions of consent have been imposed to ensure the recommendations of the report are incorporated.

8. Site suitability

Does the proposal fit the locality and is the site suitable?

The subject site is appropriately zoned for the proposed development, and is located within the Camellia and Rydalmere strategic precinct.

Flooding

The site is subject to flooding in a Probable Maximum Flood (PMF), but according to Council's adopted modelling is not flood affected in a 1% AEP (100 year) flood. The PMF level of this site is RL 7.8m AHD.

The proposed building is above the required flood planning level. Appropriate conditions of consent are imposed to appropriately mitigate flooding concerns and ensure the development is appropriate. All construction must be designed to withstand flood loading up to the PMF level. Similarly, 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 events up to the PMF.

A 'shelter in place' refuge is also required for use during a severe flood event.

Contamination

As a result of previous uses, the subject site is known to be contaminated (see section 2.5).

A Remediation Action Plan (RAP) has been prepared by Edison Environmental & Engineering, with the objective to remove the risks posed by contamination at and attributable to the site.

Appropriate conditions of consent have been imposed on the development consent to ensure all remediation works are carried out in accordance with the submitted RAP (including addendums). Conditions also require validation be provide to the certifying authority and Council within 30 days following completion of the remediation works.

It is considered that implementation of the RAP will appropriately manage contamination, and make the site suitable for its intended use.

There are no other natural hazards or significant site constraints that will have an adverse impact on the proposal.

Accordingly, the site is considered to be suitable for the proposed development subject to relevant conditions.

9. Public interest and notification

Subject to implementation of conditions of consent outlined in the recommendation below, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

The Greater Sydney Commission's (GSC) five District Plans are a guide for implementing 'A Metropolis of Three Cities – the Greater Sydney Region Plan' at a District level. These twenty year plans are a bridge between regional and local planning.

The City of Parramatta falls within the Central City District, which has the following planning priorities and actions outlined in the plan:

- Infrastructure and collaboration;
- Liveability;
- Productivity;
- Sustainability; and
- Implementation.

This application is generally consistent with the specific controls and the wider planning framework, and therefore accords with the Central City District Plan.

No submissions were received during notification of the application.

10. Disclosure of Political Donations and Gifts

No disclosures of any political donations or gifts have been declared by the applicant or any organisation / persons that have made submissions in respect to the proposed development.

ATTACHMENT B – CONDITIONS OF CONSENT

Panel Reference	PPSSCC-64
DA Number	DA/751/2019

PART A – THE CONCEPT PLAN CONDITIONS

APPROVED CONCEPT PLAN – STAGE 2

- The development is to be carried out in accordance with the following **architectural plans** prepared by Greenbox Architecture Pty Ltd, endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Drawing no. and revision	Title	Dated
DA-015, rev: 17	Site plan	30 March 2020
DA-017 rev: 3	Height plane diagram	30 March 2020
DA-050, rev: 6	Demolition plan	30 March 2020
DA-150, rev: 8	Site elevations	30 March 2020
DA-500, rev: 6	Staging plan	31 March 2020

The development is to be carried out in accordance with the following **on-site landscape plans** prepared by iScale Landscape Architecture, endorsed with Council's stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Drawing no. and revision	Title	Dated
170.20(19)/370, rev: A	Overall landscape plan	26 March 2020
170.20(19)/371, rev: A	Detailed landscape plan 1	26 March 2020
170.20(19)/373, rev: A	Detailed landscape plan 3	26 March 2020

The development is to be carried out in accordance with the following **civil plans** prepared by van der Meer Consulting, endorsed with Council's stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Drawing no. and revision	Title	Dated
DA-C101, rev: B	Site plan	7 May 2020
DA-C201, rev: B	Bulk earthworks sheet 1 of 2	7 May 2020
DA-C202, rev: B	Bulk earthworks sheet 2 of 2	7 May 2020
DA-C203, rev: B	Bulk earthworks sections sheet 1 of 2	7 May 2020
DA-C204, rev: B	Bulk earthworks sections sheet 2 of 2	7 May 2020
DA-C210, rev: B	Erosion and sediment control	7 May 2020
DA-C301, rev: B	Pavement layout sheet 1 of 2	7 May 2020
DA-C302, rev: B	Pavement layout sheet 2 of 2	7 May 2020
DA-C303, rev: B	Pavement details	7 May 2020
DA-C401, rev: B	Drainage layout sheet 1 of 2	7 May 2020
DA-C402, rev: B	Drainage layout sheet 2 of 2	7 May 2020
DA-C403, rev: B	Drainage details	7 May 2020
DA-C421, rev: A	DRAINS catchment plan	7 May 2020
DA-C422, rev: A	MUSIC catchment plan	7 May 2020

The development is to be carried out in accordance with the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Document	Prepared by	Dated
Statement of Environmental Effects	Mecone	January 2020
Construction and Demolition Waste Management Plan (project no. SO437, revision D)	Elephants Foot	31 March 2020
Operational Waste Management Plan (project no. SO437, revision G)	Elephants Foot	31 March 2020
Sustainability Assessment Report (project no. 20190878, revision 3)	Building Services Engineers	8 May 2020
Traffic Impact Assessment (revision 4)	PTC	27 March 2020
Green Travel Plan (revision 2)	PTC	27 March 2020
Crime Prevention through Environmental design report (revision 1)	Mecone	16 December 2019
Remediation Action Plan (report no. E17012-BIL-03-RAP revision 1)	Edison Environmental & Engineering Pty Ltd	22 March 2020
Addendum to Final Remediation Action Plan (reference no. 99509.01 R.002, revision 1)	prepared by Douglas Partners,	7 April 2020

Note: In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

Reason: To ensure the work is carried out in accordance with the approved plans.

2. Development is to be carried out sequentially in accordance with the staging plan and Statement of Environmental Effects approved by Condition no. 1 of this consent, including:

- a. Stage 1 – staged or entire site remediation, earthworks, building A and associated works as shown on staging plan approved by condition no. 1 of this consent;
- b. Stage 2 – no consent is granted for construction works within the footprint of building B.

Reason: To provide for the orderly development of the site and to ensure the site is made suitable for its intended use.

3. The following applies in relation to the concept approval of Stage 2 –

- a. The gross floor area of future Stage 2 development must not exceed 14,806sqm;
- b. The maximum height of building for future Stage 2 development must not exceed 20.1m;
- c. The landscaped area provided for future Stage 2 development must not be less than 1,895.85sqm.
- d. Separate development consent is required for the detailed design of any buildings, structures or associated facilities in Stage 2.

Reason: To ensure Stage 2 is subject to separate development consent and to ensure any resulting development is carried out in accordance with the approved clause 4.6 request to vary the site's 12m height limit of Parramatta Local Environmental Plan 2011.

PART B – STAGE 1

GENERAL MATTERS

Planning and standard conditions

1. The development is to be carried out in accordance with the following **architectural plans** prepared by Greenbox Architecture Pty Ltd, endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Drawing no. and revision	Title	Dated
DA-015, rev: 17	Site plan	30 March 2020
DA-017 rev: 3	Height plane diagram	30 March 2020
DA-025, rev: 7	Area schedule – GFA plans	30 March 2020
DA-050, rev: 6	Demolition plan	30 March 2020
DA-100, rev: 11	GA – building A – ground floor plan	30 March 2020
DA-110, rev: 10	GA – building A – level 1 plan	30 March 2020
DA-120, rev: 10	GA – building A – level 2 plan	30 March 2020
DA-130, rev: 10	GA – building A – roof plan	30 March 2020
DA-150, rev: 8	Site elevations	30 March 2020
DA-155, rev: 10	GA – building A – elevations	30 March 2020
DA-156, rev: 10	GA – building A – elevations	30 March 2020
DA-200, rev: 9	GA – building A – sections	30 March 2020
DA-500, rev: 6	Staging plan	31 March 2020

The development is to be carried out in accordance with the following **on-site landscape plans** prepared by iScape Landscape Architecture, endorsed with Council's stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Drawing no. and revision	Title	Dated
170.20(19)/370, rev: A	Overall landscape plan	26 March 2020
170.20(19)/371, rev: A	Detailed landscape plan 1	26 March 2020
170.20(19)/372, rev: A	Detailed landscape plan 2	26 March 2020
170.20(19)/373, rev: A	Detailed landscape plan 3	26 March 2020
170.20(19)/374, rev: A	Detailed landscape plan 4	26 March 2020
170.20(19)/083, rev: A	Detailed landscape plan 5	26 March 2020

The development is to be carried out in accordance with the following **civil plans** prepared by van der Meer Consulting, endorsed with Council's stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Drawing no. and revision	Title	Dated
DA-C101, rev: B	Site plan	7 May 2020
DA-C201, rev: B	Bulk earthworks sheet 1 of 2	7 May 2020
DA-C202, rev: B	Bulk earthworks sheet 2 of 2	7 May 2020
DA-C203, rev: B	Bulk earthworks sections sheet 1 of 2	7 May 2020
DA-C204, rev: B	Bulk earthworks sections sheet 2 of 2	7 May 2020
DA-C210, rev: B	Erosion and sediment control	7 May 2020
DA-C301, rev: B	Pavement layout sheet 1 of 2	7 May 2020

DA-C302, rev: B	Pavement layout sheet 2 of 2	7 May 2020
DA-C303, rev: B	Pavement details	7 May 2020
DA-C401, rev: B	Drainage layout sheet 1 of 2	7 May 2020
DA-C402, rev: B	Drainage layout sheet 2 of 2	7 May 2020
DA-C403, rev: B	Drainage details	7 May 2020
DA-C421, rev: A	DRAINS catchment plan	7 May 2020
DA-C422, rev: A	MUSIC catchment plan	7 May 2020

The development is to be carried out in accordance with the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Document	Prepared by	Dated
Statement of Environmental Effects	Mecone	January 2020
Acoustic Report (job no. 272253 issue 3)	Arup	25 March 2020
Construction and Demolition Waste Management Plan (project no. SO437, revision D)	Elephants Foot	31 March 2020
Operational Waste Management Plan (project no. SO437, revision G)	Elephants Foot	31 March 2020
Sustainability Assessment Report (project no. 20190878, revision 3)	Building Services Engineers	8 May 2020
Traffic Impact Assessment (revision 4)	PTC	27 March 2020
Green Travel Plan (revision 2)	PTC	27 March 2020
Building Code of Australia assessment report (report no. 190380, revision 2)	City Plan	17 December 2019
Access Certification	Obvius Access Consultants	18 December 2019
Crime Prevention through Environmental design report (revision 1)	Mecone	16 December 2019
Remediation Action Plan (report no. E17012-BIL-03-RAP revision 1)	Edison Environmental & Engineering Pty Ltd	22 March 2020
Addendum to Final Remediation Action Plan (reference no. 99509.01 R.002, revision 1)	Douglas Partners	7 April 2020

Note: In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

Reason: To ensure the work is carried out in accordance with the approved plans.

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

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

3. 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.

4. 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.

5. Demolition work must be carried out in accordance with Australian Standard 2601-2001 – Demolition of Structures and the requirements of the NSW WorkCover Authority.

Reason: To ensure appropriate demolition practices occur.

6. Approval is granted for the demolition of structures identified on approved plans 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 WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.
- (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
- (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to City of Parramatta for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- (d) On the first day of demolition, work is not to commence until City of Parramatta has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
- (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
- (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
- (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- (i) Demolition is to be completed within 30 days of commencement.

- (j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- (k) 1.8m high protective fencing is to be installed to prevent public access to the site.
- (l) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
 - (i) Proposed ingress and egress of vehicles to and from the construction site;
 - (ii) Proposed protection of pedestrians adjacent to the site;
 - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- (m) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- (n) Before demolition works begin, adequate toilet facilities are to be provided.
- (o) 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.
- (p) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
 - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
 - (iii) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

7. The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer.

Reason: To minimise costs to Council.

8. This consent does not include any approval for any signage related to the development. No advertisements or signage shall be erected on or in conjunction with the development without prior consent, unless the signage meets the exempt development criteria under State Environmental Planning Policy 9(exempt and Complying Development Cods) 2008.

Reason: To comply with legislative controls and clarify the terms of this development consent.

Engineering

9. The site is subject to flooding in severe flood events up to the Probable Maximum Flood (PMF). All construction must be designed to withstand flood loading up to this PMF level which is RL 7.8m AHD. This is to be confirmed by a structural engineering certificate from a registered structural engineer.

Environmental health

10. All plant and equipment on site shall be operated and maintained in a proper and efficient manner so as to not cause air pollution.

Reason: To comply with the Protection of the Environment Operations Act 1997.

11. Sufficient supplies of appropriate absorbent materials and/or other spill clean-up equipment shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods only.
Reason: To ensure that any liquid spills can be contained on site and prevent the contamination of stormwater drains.
12. An Environmental Management Plan shall be drafted by a suitably qualified person for the facility to cover all operations. The policy should establish a commitment to the protection of the environment and the prevention of pollution. This policy must cover all aspects of the development that have the potential to cause air, noise, water or land pollution. This policy must be implemented and regularly updated to ensure it remains relevant to the sites operations.
Reason: To ensure that the business establishes a commitment to the protection of the environment.
13. Council being the 'appropriate regulatory authority' must be notified immediately of any pollution incident where material harm to the environment is caused or threatened. This duty extends to persons carrying on an activity, employers and employees, contractors and the occupier of the premises where the incident occurs.
Reason: To comply with the requirements of the Protection of the Environment Operations Act 1997.
14. The fuel filling area shall be designed and operated by a duly qualified person in accordance with:
- (a) AS4897-2008 The design, installation and operation of underground petroleum storage systems; and
 - (b) NSW Department of Environment and Climate Change – Environmental Action for Service Stations guide (2008).
- Reason:** To prevent contamination of the stormwater drainage system.
15. The installation of the fuel storage tank(s) shall comply with Work Health and Safety Act & Regulation and AS1940:2017 'The Storage and Handling of Flammable and Combustible Liquids.'
Reason: To ensure the proper installation of fuel tanks.
16. 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.
17. The air handling system and cooling towers shall be designed, installed and maintained in accordance with the requirements of the Public Health Act 2010 and Regulations. The cooling towers shall be designed and installed in accordance with Australian Standard AS3666.1: 2011 Air-handling and water systems of buildings – Microbial control Design, installation and commissioning and shall be maintained in accordance with Australian Standard AS3666.2: 2011 Air-handling and water systems of buildings – Microbial control Operation and maintenance.
- All wastewater from the cooling tower/humidifier/evaporative cooler/warm water system shall be discharged to the sewer under a Trade Waste Agreement from Sydney Water.
Reason: To ensure the correct installation and operation of air handling systems.

Environmental health – Contamination

18. Remediation works shall be carried out in accordance with the:

- (a) Remediation Action Plan, prepared by Edison Environmental & Engineering Pty Ltd, reference no. E17012-BIL-03-RAP, revision 1 and dated: 22nd March 2019;
- (b) Addendum to Final Remediation Action Plan, prepared by Douglas Partners, reference no. 99509.01 R.002, revision 1 and dated 7 April 2020;
- (c) Any other relevant documents submitted in regards to management of contamination on site submitted as part of this application.

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 no. 55.

19. 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) that the remediation acceptance criteria (in the approved RAP) has been fully complied with;
- (c) that 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:

- (d) Works-As-Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a registered surveyor;
- (e) a "notice of completion of remediation work" as required under Clause 18 of SEPP 55; and
- (f) 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

20. 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.

21. All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines

Reason: To ensure imported fill is of an acceptable standard.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. Underground tanks shall be decommissioned and removed by a duly qualified person in accordance with:

- (a) AS4976:2008 The Removal and disposal of underground petroleum storage tanks;
- (b) Australian Standard AS 1940:2017 The Storage and Handling of Flammable and Combustible Liquids.
- (c) SafeWork NSW Code of Practice for the Storage and Handling of Dangerous Goods.
- (d) NSW Department of Environment and Climate Change: Environmental Guidelines: Assessment, Classification and Management of Liquid and Non Liquid Wastes

Reason: To ensure the safe removal of underground storage tanks.

28. 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.

29. A covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated materials, including the discharge or prevention of discharge there from of any contaminants or for any works required by the Environment Protection Authority.

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.

Environmental health – waste

30. 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) 2011 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;
- (e) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia and in accordance with AS1668

Reason: To ensure provision of adequate waste storage arrangements

31. All waste storage rooms/areas are to be fully screened from public view and are to be located clear of all landscaped areas, driveways, turning areas, truck standing areas and car parking spaces. No materials, waste matter or products are to be stored outside the building or any approved waste storage area at any time.

Reason: To maintain the amenity of the area.

32. 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.

33. 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.

34. No materials, waste matter or products are to be stored outside the building or any approved waste storage area at any time.

Reason: To maintain the amenity of the area.

Transport for NSW (TfNSW) including Roads and Maritime Services (RMS)

35. The applicant is advised that the usage/access to Grand Ave may be limited or restricted during construction of the Parramatta Light Rail Stage 1 Project. This restriction/ limitation may be in place until 2023.

Reason: to ensure compliance with requirements of TfNSW.

36. The development shall be undertaken to comply with the following requirements of RMS:

- (a) All vehicles shall enter and exit the site in a forward direction.
- (b) 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.
- (c) Consideration should also be given to providing bicycle parking facilities either within the development or close to it, in order to support and encourage active transport.
- (d) The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.
- (e) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding state road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

Reason: to ensure compliance with requirements of RMS.

Sydney Water

37. The proposed development presents potentially large water servicing demands and as such, further investigation will be required to determine the servicing requirements for this site.

- It is recommended that a Water Servicing Coordinator is engaged as soon as possible, and a feasibility application is lodged with Sydney Water prior to a Section 73 application being made.
- It is recommended that an inception meeting is held with Sydney Water after the proponent has prepared a detailed concept servicing proposal for potable water wastewater services and potentially recycled water services.

Reason: to ensure compliance with requirements of Sydney Water.

38. The proposed development is directly adjacent to the following critical trunk assets and consultation with Sydney Water is required to ensure that any potential impacts are eliminated:

- A 1500mm SCL potable water main on Grand Avenue and Colquhoun Street
- A 1200mm SCL IBL potable water main on Grand Avenue and Colquhoun Street
- A 1200mm CACL potable water main on Durham Street and Devon Street

Given the significance and size of these assets, strict technical requirements will apply. The proponent is advised to lodge a **Building Over and Adjacent – Out of Scope application** linked to the **feasibility application** to determine Sydney Water's full requirements for these assets.

This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions, amplifications and adjustments, will be provided once the development is referred to Sydney Water for a feasibility application and a

Building Over and Adjacent – Out of Scope application. More information about the development process is available on our web page in the Land Development Manual.

Endeavour Energy

39. The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations' as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. Inadequate connection to the earth to allow a leaking/fault current to flow into the grounding system and be properly dissipated places persons, equipment connected to the network and the electricity network itself at risk from electric shock, fire and physical injury.
40. With oil-filled equipment used in the substations there is the possibility of fires occurring. The appropriate selection, installation, maintenance and condition monitoring of the equipment must be used in substations to reduce the possibility of fires and their containment. Although the risk cannot be eliminated entirely, Endeavour Energy's aim is to reduce the residual risk of these potential hazardous events to 'As Low As Reasonably Practicable'.

Endeavour Energy has traditionally focused on the likelihood of its network starting a fire. However conversely Endeavour Energy believes that Councils (and applicants) should consider the safety risks associated with inappropriate development in proximity of electricity infrastructure that may result in damage to the network and the loss of electricity supply.

Endeavour Energy is aware that the provisions of State Environmental Planning Policy No 33— Hazardous and Offensive Development (SEPP33) that in regard to the preparation of a preliminary hazard assessment under SEPP33 that electricity infrastructure is not defined / regarded as sensitive land use.

However, in similar situations Endeavour Energy has sought further advice from the consultants preparing the preliminary hazard assessment on the basis that, although not a sensitive land use in the traditional /environmental sense, if the electricity infrastructure on or in proximity of the site is damaged, the resulting outage could leave thousands of properties / customers without power.

The consultants have been requested to specifically address the risks associated with the proximity of the electricity infrastructure i.e. detail design considerations, technical or operational controls etc. to demonstrate as required by SEPP33 that the proposed business / development is suitably located and can be built and operated with an adequate level of safety and pollution control.

This equally applies to customer owned substations as is likely to be the case on this site e.g. the risk of locating the 'Future Substation Subject to Separate DA' with flammable transformer oil near the fuel pump room and fuel tank areas needs to be fully assessed.

41. The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure (including any new electricity infrastructure required to facilitate the proposed development). Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants

to use. Larger trees should be planted well away from electricity infrastructure (at least the same distance from overhead power lines as their potential full grown height) and even with underground cables, be installed with a root barrier around the root ball of the plant.

Landscaping that interferes with electricity infrastructure may become a potential safety risk, cause of bush fire, restrict access, reduce light levels from streetlights or result in the interruption of supply. Such landscaping may be subject to Endeavour Energy's Vegetation Management program and/or the provisions of the Electricity Supply Act 1995 (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

42. Before commencing any underground activity the applicant is required to obtain advice from the Dial Before You Dig 1100 service in accordance with the requirements of the Electricity Supply Act 1995 (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.
43. Endeavour Energy's G/Net master facility model indicates that the site is in an area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network. Whilst Endeavour Energy's underground detail is not complete within G/Net in some areas, in older communities, cement piping was regularly used for the electricity distribution system and in some instances containing asbestos to strengthen the pipe; for insulation; lightness and cost saving.

When undertaking works on or in the vicinity of Endeavour Energy's electricity network, asbestos or ACM must be identified by a competent person employed by or contracted to the applicant and an asbestos management plan, including its proper disposal, is required whenever construction works has the potential to impact asbestos or ACM.

The company's potential locations of asbestos to which construction / electricity workers could be exposed include:

- customer meter boards;
- conduits in ground;
- padmount substation culvert end panels; and
- joint connection boxes and connection pits.

Further details are available by contacting Endeavour Energy's Health, Safety & Environment Assurance Section via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm.

44. Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

If the applicant has any concerns over the proposed works in proximity of the Endeavour Energy's electricity infrastructure to the road verge / roadway, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of multiple stakeholders across the company in order to provide more effective lines of communication with the general public who may be undertaking construction activities in proximity of electricity infrastructure such as builders, construction industry workers etc. The email address is Construction.Works@endeavourenergy.com.au.

45. In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days. Endeavour Energy's contact details should be included in any relevant risk and safety management plan.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Planning

46. The relevant Construction Certificate for each stage of the works is not to be issued unless the Certifying Authority is satisfied the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.

Reason: To ensure that the levy is paid.

47. A monetary contribution comprising \$492,428.50 is payable to the City of Parramatta Council in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and the City of Parramatta Section 94A Development Contributions Plan (Amendment 5). Payment must be by EFTPOS, bank cheque or credit card only.

The contribution is to be paid to Council prior to the issue of any construction certificate.

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.

City of Parramatta Section 94A Development Contributions Plan (Amendment 5) 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.

48. An Environmental Enforcement Service Charge must be paid to Council prior to the issue of any Construction Certificate. The fee will be in accordance with Council's 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.

49. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of each Construction Certificate. The fee will be in accordance with Council's 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.

50. In accordance with Section 4.17(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application/approval associated with the allotment, (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate is not required. The bond may be paid, by EFTPOS, bank cheque, or be an unconditional bank guarantee.

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/751/2019;
- (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.

Bonds shall be provided as follows:

Bond Type	Amount
Development site bond	\$25,750.00
Street trees	\$2,060.00

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

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

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

51. External materials must be pre-colour coated on manufacture having a low glare and reflectivity finish. The reflectivity index of roof finishes and glazing is to be no greater than 20% so as not to result in glare that causes any nuisance or interference to any person or place. Details must accompany the construction certificate to the satisfaction of the Certifying Authority.

Reason: To have a minimal impact on the neighbouring property.

52. The recommendations outlined in the following reports shall be incorporated into the plans and documentation accompanying the relevant Construction Certificate to the satisfaction of the Principal Certifying Authority (except as amended elsewhere in this Notice):

- (a) Acoustic Report, prepared by Arup, job no. 272253, issue 3, dated 25 March 2020;

- (b) Construction and Demolition Waste Management Plan, prepared by Elephants Foot, revision D, dated 31 March 2020;
- (c) Operational Waste Management Plan, prepared by Elephants Foot, revision G, dated 31 March 2020;
- (a) Sustainability Assessment Report, prepared by Building Services Engineers, report no. 20190878, revision 3, dated 8 May 2020;
- (b) Traffic Impact Assessment, prepared by PTC, revision 4, dated 27 March 2020;
- (c) Building Code of Australia assessment report, prepared by City Plan, report no. 190380, revision 2, dated 17 December 2019;
- (d) Access Certification, prepared by Obvius Access Consultants, dated 18 December 2019;
- (e) Crime Prevention through Environmental design report, prepared by Mecone, revision 1, dated 16 December 2019
- (f) Remediation Action Plan, prepared by Edison Environmental & Engineering Pty Ltd, report no. E17012-BIL-03-RAP, revision 1, dated 22 March 2020;
- (g) Addendum to Final Remediation Action Plan, prepared by Douglas Partners, reference no. 99509.01 R.002, revision 1, dated 7 April 2020.

Reason: To ensure a suitable level of amenity.

53. All outdoor lighting must comply with the relevant provisions of AS/NZS1158.3.1:2020 Lighting for roads and public spaces Pedestrian Area (Category P) Lighting – Performance and design requirements and AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting.

Details demonstrating compliance with these requirements must accompany the relevant Construction Certificate application and be to the satisfaction of the Certifying Authority.

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

54. Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for the relevant Construction Certificate confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the entire development.

Substations are not permitted within the front setback of the site; unless existing or such a location has been outlined and approved on the Council stamped Development Application plans or the substation is temporary in nature. Any temporary substations required within the front setback of the site or within any street elevation shall not remain for a period longer than 24 months following any occupation certificate being issued, unless written approval is received from Council's Group Manager Development and Traffic Services Unit (DTSU). Substations are not permitted within Council's road reserve.

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

55. 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 Certifying Authority.

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

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 Certifying Authority.

Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

57. 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 at neighbouring noise sensitive
- (c) What course of action 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.
- (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.

Traffic

58. 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 relevant construction certificate application.

Reason: To ensure appropriate vehicular manoeuvring is provided.

59. 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 105 parking spaces is to be provided and be allocated as follows:

- (a) 105 spaces for the staff and visitors including two (2) spaces as accessible parking.

Details are to be illustrated on plans submitted with the relevant construction certificate.

Reason: To comply with Council's parking requirements and Australian Standards.

60. 16 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS2890.3-2015. Details are to be illustrated on plans submitted with the relevant construction certificate.

Reason: To comply with Council's parking requirements.

61. 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 the relevant Construction Certificate.

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

62. Sight lines at the property line are to be provided in accordance with the minimum requirements specified in Figure 3.3 of AS 2890.1-2004 (a splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway) on both sides of the access driveway. This splay shall not to be compromised by obstructions greater than 900mm in height such as landscaping, signage fences, walls or any display materials.

Reason: To ensure pedestrians safety

63. Eight (8) 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

Engineering

64. 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 the relevant Construction Certificate.

Reason: To ensure satisfactory stormwater disposal.

65. If no retaining walls are marked on the approved plans no approval is granted as part of this approval for the construction of any retaining wall that is greater than 600mm in height or within 900mm of any property boundary.

The provision of retaining walls along common boundary lines shall not impact on neighbouring properties. If impact upon neighbouring properties (including fences) is anticipated, then written approval from the affected neighbour shall be obtained and submitted to the certifying authority prior commencement of the works.

Structural details, certified by a practicing structural engineer, shall accompany the application for the relevant Construction Certificate for assessment and approval by the certifying authority.

Reason: To minimise impact on adjoining properties.

66. The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

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

67. 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.
68. 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 events up to the Probable Maximum Flood (PMF).
Reason: To ensure the structure can withstand flooding impacts.
69. Construction of a concrete vehicle access-way, for the full length of the proposed battle axe handle/right of carriageway, to be in accordance with Parramatta City Council's Standard Plan number DS44.
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 provide appropriate access.
70. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS9 and DS10. Details must accompany an application for a 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.
71. Accessible car-parking spaces must be provided as part of the total car-parking requirements. These spaces and access to these spaces must comply with AS2890.6 - 'Parking facilities' - 'Off-street parking for people with disabilities and AS1428.1 - 'Design for access and mobility' - General requirements for access - New building work' 2001 and 2009 and AS1428.4 - 'Design for access and mobility' - 'Tactile ground surface indicators for orientation of people with vision impairment' - 'Means to assist the orientation of people with vision impairment - Tactile ground surface indicators' 1992 and 2009.
Details are to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.
Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.
72. Where work is likely to disturb or impact upon utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.
Reason: To ensure no unauthorised work to public utility installations and to minimise costs to Council.
73. Updated stormwater plans are required to be approved by Council's Group Manager Development and Traffic Services Unit (DTSU) prior to submission to the certifying authority for approval and must address the implementation of PDCP 2011, in particular WSUD and clauses under 3.3.6, and the substantial use of rainwater in the development's operation.

74. A 'Shelter in Place' refuge must be provided for all occupants of the building to take refuge in during a severe flood event. The refuge must be of suitable size and be properly equipped for all occupants. It must be located above the PMF flood level of RL 7.8m AHD. The shelter in place facility must include bathroom and drinking water facilities, food, first aid and communications.

Environmental health – Waste

75. An Erosion and Sedimentation plan is to be provided that details the location of silt fences, protection of existing stormwater drains and prevention measures that are proposed to ensure that soil remains on the site during the construction phase. These are to be shown on the architectural plans. A copy of these must be provided to Council.
Reason: To ensure soil and water management controls are in place before site works commence.

Sustainability

76. Prior to the issue of the relevant construction certificate, the following must be demonstrated to the satisfaction of the certifying authority:
- (a) The building has been designed and will be constructed to operate at a minimum NABERS Energy for Data Centres (infrastructure) rating of 4.5 stars without accounting for any Green Power used in the building and a corresponding Commitment Agreement be entered into with NSW Office of Environment and Heritage.
 - (b) Solar photovoltaic generation must be installed on site to an equivalent area of not less than 2,400sqm.
 - (c) A dual reticulation (dual pipe) system is to be installed, with the dual reticulation system being of sufficient size to supply all non-drinking water uses of the building, including cooling towers, and suitable for future connection to a recycled water main.
 - (d) The building is to capture rainwater and provide sufficient storage for reuse of no less than 95% of the typical annual rainfall falling on the building's roof for non-drinking water uses through the dual reticulation system.
 - (e) All PVC installed is to be provided in line with industry best practice guidance, and alternatives to PVC will be used for the following aspects of the development:
 - a. Above-ground stormwater pipework; and
 - b. All vinyl floor coverings associated with the development.
 - (f) 95% of all timber that is used on the project is to be FSC Certified under the Forest Stewardship Council certification system.
 - (g) Water efficient fixtures and fittings must be used throughout. Minimum WELS rating of 4 star for toilets, 6 star for urinals, 6 star for tapware and 3 star (less than 7.5 l/min) for showers are required.
 - (h) LED lighting must be provided throughout the building and externally lit area.
 - (i) Where surfaces on roof tops are not used for the purposes of private or public open space, for solar panels, or for heat reject plant, the materials used must have a minimum solar reflectivity index (SRI) of 82 if a horizontal surface or a minimum SRI of 39 for sloped surfaces greater than 15 degrees.
 - (j) Provide no less than 6 number shared EV charging connections each with a minimum Level 2 32A/22kW fast charger and Power Supply to a car parking space.

Reason: To ensure environmentally sustainable development outcomes are achieved.

Transport for NSW (TfNSW) including Roads and Maritime Services (RMS)

77. A Construction Pedestrian Traffic Management Plan (CPTMP) should be submitted in consultation with the TfNSW Sydney Coordination Office (SCO) and City of Parramatta Council, prior to the issue of a Construction Certificate.
Usage/access to Grand Ave may be limited or restricted during the construction of the PLR Stage 1 Project. The CPTMP needs to include, but not be limited to, the following:

- Construction vehicle routes,
- Number of trucks,
- Hours of operation,
- Access arrangements and traffic control,
- Taking into consideration the cumulative traffic impacts of other developments in the area.

Reason: to ensure compliance with requirements of TfNSW.

PRIOR TO WORKS COMMENCING

Planning and standard conditions

78. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate(s) approval must:

- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
- (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate(s) when inspections, certification and compliance certificates are required.

Reason: To comply with legislative requirements.

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

Reason: To ensure public safety.

80. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000 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 certifying authority;
- (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.

Reason: Statutory requirement.

81. 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.

82. Prior to the commencement of work, a registered surveyor is to undertake a set out survey to identify the location of all 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 will be consistent with boundary setbacks as shown on the approved plans. This set out survey showing the location of the development relative to the boundaries of the site, is to be forwarded to the Principal Certifying Authority 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.

83. 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 prior to any excavation occurring.

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

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

- (a) An overall construction management program;
- (b) Construction traffic management;
- (c) Construction zones;
- (d) Pedestrian management;
- (e) Hoardings;
- (f) Dust management;
- (g) Hours of work;
- (h) Noise and vibration management measures;
- (i) Dilapidation reports;
- (j) Identification and disposal of hazardous materials/demolition materials;
- (k) Materials handling, waste management and recycling;
- (l) Disposal of excavated materials; and
- (m) Unexpected archaeological finds
- (n) Specific matters nominated within the consent notice.

All work must be undertaken in manner consistent with the terms of this Plan.

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

Engineering

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

Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.
 - (c) Traffic Control Plan(s) for the site:
 - (i) All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
 - (ii) Approval shall be obtained from City of Parramatta Council for any temporary road closures or crane use from public property.
 - (d) Where applicable, the plan must address the following:
 - (i) Evidence of Roads and Maritime Services concurrence where construction access is provided directly or within 20 m of an Arterial Road,
 - (ii) A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
 - (iii) Minimising construction related traffic movements during school peak periods.

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

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

86. 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.

87. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with an electronic copy forwarded to Council at council@cityofparramatta.nsw.gov.au) a dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

The report must include a photographic survey of the adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer in accordance with the recommendation of the geotechnical report.

In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principle Certifying Authority.

Note: This documentation is for record keeping purposes only, and can be made available to an applicant or affected property owner should it be requested to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

Reason: Management of records.

88. 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.

89. 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.

90. 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.

91. 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.

Environmental health – Contamination

92. 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 SafeWork 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.

93. 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 NSW SafeWork Authority hotline or their website www.safework.nsw.gov.au/.

Reason: To comply with the requirements of the SafeWork NSW Authority.

DURING WORKS

Planning and standard conditions

94. 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.

95. Dust control measures shall be implemented during all periods of earthworks, 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.

96. 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.

97. All work (excluding demolition which has separate days and hours outlined below) including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development must only be carried out between the following hours:

- Monday to Friday inclusive: 7:00am and 5:00pm; and
- Saturday: 8:00am and 5:00pm.
- No work is to be carried out on Sunday or Public Holidays.

Demolition works are restricted to:

- Monday to Friday inclusive: 7:00am and 5:00pm; and
- No work is to be carried out on Saturday, Sunday or Public Holidays.

Reason: To protect the amenity of the area.

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

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

The complaints register must be made available to Council and/or the principal certifying authority upon request.

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

99. Noise emissions and vibration must be minimised, work is to be carried out in accordance with the NSW Department of Environment, Climate Change and Water's Interim Noise Construction Guidelines 2009 for noise emissions from demolition, excavation and construction activities.

Vibration levels resulting from demolition and excavation activities must not exceed the prescribed vibration limits outlined in table 12 of the Acoustic Report, prepared by Arup, job no. 272253, issue 3, dated 25 March 2020.

Reason: To protect the amenity of the area.

100. A survey certificate is to be submitted to the Principal Certifying Authority at footing and/or formwork stage. The certificate must indicate the location of the building in relation to all boundaries, and must confirm each floor level of each building, and the separation distances between each building, is consistent with that approved under this consent prior to any further work proceeding on the building.

Reason: To ensure the development is being built as per the approved plans.

Traffic

101. 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.

102. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within the City of Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

Engineering

103. 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.

104. 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.

105. Car parking area and internal accessways must be constructed, marked and signposted in accordance with AS2890.1 –2004 'Off Street Car Parking Facilities' prior to an Occupation Certificate being issued.

Reason: To ensure appropriate car parking.

106. Appropriate signage must be erected at the vehicle egress points to compel all vehicles to stop before proceeding onto the public way.

Reason: To ensure pedestrian safety.

107. 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.

Environmental health – contamination and waste

108. 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.

109. 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.

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

Reason: To ensure appropriate disposal of asbestos materials.

111. A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.
Reason: To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.
112. 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.
113. 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.
114. Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and Australian & New Zealand Guidelines for Fresh & Marine Water Quality. Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.
Reason: To prevent pollution of waterways.
115. Any site excavation areas must be kept free of accumulated water at all times. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property. A de-watering plan is required to be included and submitted to Council for review prior to issue of a Construction Certificate.
Reason: To protect against subsidence, erosion and other nuisances.

Landscaping

116. All trees planted as required by the approved landscape plans are to be minimum 45 litre container size. All shrubs planted as part of the approved landscape plans are to have a minimum 200mm container size.
Reason: To ensure appropriate landscaping.
117. 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. Planting must be carried out in accordance with the approved landscape plans and conditions of consent.
Reason: To ensure the trees/shrubs planted within the site are able to reach their required potential.

PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

Planning and standard conditions

118. Occupation or use of the building or part is not permitted until Occupation Certificate(s) have been issued in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979.
Reason: To complying with legislative requirements of the Environmental Planning and Assessment Act 1979.
119. Street number(s) for each building are to be placed on the site in a readily visible location from a public place prior to the issue of the relevant Occupation Certificate. The numbers are to have a minimum height of 75mm.
Reason: To ensure a visible house number is provided.
120. The developer must submit to the Principal Certifying Authority a letter from provider authorised under the Telecommunications Act 1997 confirming satisfactory arrangements have been made for the provision of telephone and cable television services, prior to the release of the any Occupation Certificate.
Reason: To ensure provision of appropriately located telecommunication facilities.
121. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider prior to the issue of any Occupation Certificate.
Reason: To ensure appropriate electricity services are provided.
122. A written application to Council's Civil Assets Team for the release of a bond must quote the following:
- (a) Council's Development Application number; and
 - (b) Site address.
- The bond is refundable only where Council is satisfied the public way has been adequately reinstated, and any necessary remediation/rectification works have been completed.
- Any Occupation Certificate is not to be issued until correspondence has been issued by Council detailing the bond has been released.
- Note: Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.
Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner.
123. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings and or infrastructure.
- The report is to be submitted to the PCA prior to the issue of any Occupation Certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings/ infrastructure, the PCA must compare the post-construction dilapidation report with the pre-construction dilapidation report, and require rectification of all instances of damage.
- A copy of this report is to be forwarded to Council electronically at council@cityofparramatta.nsw.gov.au.
Reason: To establish any damage caused as a result of the building works.
124. Prior to the issue of an occupation certificate(s) (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and the City of Parramatta Council, stating that all

works/methods/procedures/control measures approved by Council in the following report has been completed:

- (a) Acoustic Report, prepared by Arup, job no. 272253, issue 3, dated 25 March 2020;
- (b) Construction and Demolition Waste Management Plan, prepared by Elephants Foot, revision D, dated 31 March 2020;
- (c) Operational Waste Management Plan, prepared by Elephants Foot, revision G, dated 31 March 2020;
- (d) Sustainability Assessment Report, prepared by Building Services Engineers, report no. 20190878, revision 3, dated 8 May 2020;
- (e) Traffic Impact Assessment, prepared by PTC, revision 4, dated 27 March 2020;
- (f) Building Code of Australia assessment report, prepared by City Plan, report no. 190380, revision 2, dated 17 December 2019;
- (g) Access Certification, prepared by Obvius Access Consultants, dated 18 December 2019;
- (h) Crime Prevention through Environmental design report, prepared by Mecone, revision 1, dated 16 December 2019
- (i) Remediation Action Plan, prepared by Edison Environmental & Engineering Pty Ltd, report no. E17012-BIL-03-RAP, revision 1, dated 22 March 2020;
- (j) Addendum to Final Remediation Action Plan, prepared by Douglas Partners, reference no. 99509.01 R.002, revision 1, dated 7 April 2020.

Reason: To ensure a suitable level of amenity.

Engineering

125. 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.

126. 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 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: Pedestrian and Vehicle safety.

127. 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.

128. All of the Stage 2 site area must be landscaped and/or stabilised to Council's reasonable satisfaction prior to occupation of Stage 1 and until such time as Stage 2 construction commences.

Environmental health – acoustic

129. 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 has been completed:

- Acoustic Report, prepared by Arup, job no. 272253, issue 3, dated 25 March 2020;

Reason: To demonstrate compliance with submitted reports.

Landscaping

130. 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.

THE USE OF THE SITE

Planning and standard conditions

131. 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.

132. One year from the issue of the Occupation Certificate, and every year for 3 years thereafter, the applicant shall submit to Council's Group Manager Development and Traffic Services Unit (DTSU) a review of the effectiveness of the Green Travel Plan. The reviews shall include surveys of modal share and vehicle trip generation for the various land uses within the development during peak and off-peak periods. The review shall also include recommendations for improving the effectiveness of the plan. Any recommendations made to improve the effectiveness of the plan shall be incorporated into an updated Green Travel Plan.

Reason: To ensure the effective management of the Green Travel Plan.

133. Any roller shutter door or gates provided at the driveway entry and exit must be operated via remote control or swipe card. If an intercom or swipe card infrastructure is installed, it is to be provided at the centre of the driveway (not attached on the wall) to the carpark in accordance with Clause 3.3(b) of AS 2890.1 - 2004.

Reason: To comply with Australian Standards.

134. All loading and unloading must:

- (a) take place within the designated loading areas on the subject property, or
- (b) take place within the approved loading dock to minimise disruption of public spaces, and
- (c) is to be carried out wholly within the site

Reason: To protect the amenity of the neighbourhood.

135. Security personnel licensed under the Security Industry Act 1997 shall be engaged by the licensee to patrol the area to ensure that patrons do not cause nuisance, or annoyance to the quiet and good order of the neighbourhood.

Reason: To protect the amenity of the surrounding neighbourhood.

136. 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

137. There are to be no external speakers at the premises.

Reason: To prevent loss of amenity to the area.

138. The owner/manager of the site is responsible for the removal of all graffiti at the site within 48 hours of its application.

Reason: To ensure the removal of graffiti.

Environmental health

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

- (a) AS 1940-2017 – The Storage and Handling of Flammable and Combustible Liquids and
- (b) Work Health and Safety Act 2011
- (c) Managing risks of hazardous chemicals in the workplace Code of Practice 2018

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

140. All aboveground storages of hazardous materials, oils and chemicals are to be bunded. The bund is to be made of any impervious material and should be roofed or of double-wall construction and large enough to hold the contents of the largest container plus 10%. If not roofed and in an area where rainwater may collect in the bund, then measures must be put in place to regularly dispose of this waste water appropriately (not directed to stormwater) so to not reduce the storage capacity of the bund.

Reason: To ensure that hazardous materials are correctly contained.

141. To ensure correct handling of hazardous materials, Safety Data Sheets (SDS) must be held at the facility for all hazardous materials. These can be obtained free of charge from the supplier.

Reason: To ensure compliance with the Work Health & Safety Act 2011 & Regulations.

Environmental health – waste

142. 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.

143. 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.

144. 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

Environmental health – acoustic

145. 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 and Assessment Act 1979: Environmental Noise Control Manual, Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.

Reason: To prevent loss of amenity to the area.

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

Reason: To reduce noise levels.

Landscaping and tree management

147. All landscape works shall be maintained for a minimum period of two (2) years following the issue of a final Occupation Certificate, in accordance with the approved landscape plan and conditions.

Reason: To ensure restoration of environmental amenity.