



City of Parramatta	
File No:	DA/318/2022

SECTION 4.15 ASSESSMENT REPORT

Environmental Planning & Assessment Act 1979

DA No:	DA/318/2022
Subject Property:	Lot 61 DP 1264730, 1 Windsor Road, NORTH ROCKS NSW 2151
Proposal:	Construction of a commercial retail development comprising of a Woolworths supermarket, BWS liquor store, Direct to Boot distribution centre, gymnasium, and three (3) retail premises and associated car parking, landscaping, and business identification signage. The building is identified as a local heritage item A23 pursuant to THLEP 2012. Integrated development under Water Management Act 2000. Installation of 20 signage types to include business identification/advertising/ direction/ safety and other.
Date of receipt:	20 April 2022
Applicant:	Fabcot Pty Ltd
Owner:	J L Dunrose Pty Ltd and Newtown Dyers & Bleachers
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor, however a VPA was negotiated, with terms that require the landowner to dedicate portions of the subject site to Council.
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	Nil
Recommendation:	Approval
Assessment Officer:	Darren Wan

LEGISLATIVE REQUIREMENTS

Relevant provisions considered under section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979	<ul style="list-style-type: none">• State Environmental Planning Policy (Biodiversity and Conservation) 2021• State Environmental Planning Policy (Resilience and Hazards) 2021• State Environmental Planning Policy (Transport and Infrastructure) 2021• State Environmental Planning Policy (Industry and Employment) 2021• Parramatta (former The Hills) Local Environmental Plan 2012 (PFTHLEP 2012)• The Hills Development Control Plan 2012 (THDCP 2012)• Draft Parramatta Local Environmental Plan 2020 (DLEP 2020).
Zoning	B6 Enterprise Corridor
Bushfire Prone Land	No
Heritage	Yes – Identified as Archaeological Site A23
Heritage Conservation Area	No
Designated Development	No
Integrated Development	Yes – Water Management Act 2000
Clause 4.6 variation	No
Delegation	Parramatta Local Planning Panel (PLPP) due to VPA with Council

1. EXECUTIVE SUMMARY

Development Application DA/318/2022 was lodged on 20 April 2022 for the *'Construction of a commercial retail development comprising of a Woolworths supermarket, BWS liquor store, Direct to Boot distribution centre, gymnasium, and three (3) retail premises and associated car parking, landscaping, and business identification signage. The building is identified as a local heritage item A23 pursuant to THLEP 2012. Integrated development under Water Management Act 2000. Installation of 20 signage types to include business identification/advertising/direction/ safety and other'*.

The application is being referred to Parramatta Local Planning Panel due to a Voluntary Planning Agreement ('VPA') being negotiated between Council and the developer. The VPA requires that the developer dedicate a portion of the land to Council for the possible future road widening of James Ruse Drive, register a public access easement over the land, construct a lightweight bridge structure, and pay a monetary contribution. The VPA was negotiated to accompany a Planning Proposal to allow a site specific clause to allow up to 3,800m² of retail GFA on the subject site.

In accordance with the Consolidated Parramatta Notification Plan the Development Application was notified and advertised on 29 April to 27 May 2022. No submissions were received during the notification period.

Section 4.15 Assessment Summary

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.

The proposed development seeks alterations and additions to an existing building, previously used as a Bunnings Warehouse and repurpose it as a Woolworths Supermarket, with associated BWS Liquor Store and Direct to Booth facilities. The proposal will also include three (3) innominate business premises tenancies and a gymnasium tenancy. These innominate tenancies will require future development consents for fit-out and use.

All proposed uses are permitted on the subject site pursuant to the provisions of *Parramatta (former The Hills) Local Environmental Plan 2012*.

The application was referred to a number of internal and external stakeholders, including the following:

- Catchment Engineer
- Landscape Officer
- Traffic Officer
- Environmental Health Officer
- Heritage Officer
- Open Space and Natural Resources
- Accessibility Officer
- Crim Prevention Officer
- NSW Police
- Environment Protection Authority
- Natural Resources Access Regulator
- AMPOL
- Endeavour Energy
- Transport for NSW

All referrals were returned with no objections raised, subject to the imposition of conditions of consent.

The proposal is not considered to have any other impacts to the surrounding amenity of the locality.

Having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, it is recommended Development Application DA/318/2022 be approved. The recommended conditions of consent are within **Attachment 1**.

2. SITE DESCRIPTION AND CONDITIONS

The subject site is legally described as Lot 61 DP 1264730, known as 1 Windsor Road, North Rocks and has an approximate area of 2.57Ha. It is bound by James Ruse Drive to the north, Windsor Road to the west and Darling Mills Creek to the east and south. Vehicular access to the site is via an elevated concrete bridge to the south-east which connects the subject site to North Rocks Road.

The site currently contains a large warehouse building (previously occupied by Bunnings Warehouse) with a gross floor area of 7,405m², and at-grade parking.

The site is located north of the Parramatta CBD. It is located within a mixed-use area, characterised by low to high density residential development, light-industrial uses, commercial uses, and a school.



Figure 1: Aerial of the locality, with subject site outlined in red (Nearmap)



Figure 2: Existing elevated concrete bridge connecting the subject site to North Rocks Road

3. RELEVANT SITE HISTORY

Parramatta (former The Hills) Local Environmental Plan 2012 (Amendment No 1)	<p>A Planning Proposal was adopted on 27 May 2022 to include Clause 17 within Schedule 1 of the PFTHLEP2012 to allow for a supermarket and liquor store to be permitted on the subject site.</p> <p>The Planning Proposal was accompanied with a Voluntary Planning Agreement that the developer dedicates a portion of the land to Council for the possible future road widening of James Ruse Drive, register a public access easement over the land, construct a lightweight bridge structure, and pay a monetary contribution.</p>
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4. THE PROPOSAL

The proposal seeks *'Construction of a commercial retail development comprising of a Woolworths supermarket, BWS liquor store, Direct to Boot distribution centre, gymnasium, and three (3) retail premises and associated car parking, landscaping, and business identification signage. The building is identified as a local heritage item A23 pursuant to THLEP 2012. Integrated development under Water Management Act 2000. Installation of 20 signage types to include business identification/advertising/direction/ safety and other.'*

Specifically, the proposed development will comprise the following:

Works

- Tree removal;
- Partial demolition of the existing warehouse and mezzanine, and kerbs within the at-grade parking;
- Fit-out of the existing warehouse to accommodate a Woolworths supermarket, BWS liquor store and a 'direct to boot' area for online sales;
- Establish a new Loading Dock
- Establish innominate uses for a gymnasium and three (3) business tenancies;
- Works to the at-grade carpark to accommodate 225 parking spaces; and
- Signage;
- Associated landscaping works; and
- Associated works in relation to the VPA, including building a new pedestrian bridge.

Hours of Operation

- Woolworths – 7:00am to 12:00am, 7 days per week
- BWS Liquor Store – 8:00am – 10:00pm Monday to Saturday and 10:00am-10:00pm Sundays
- Loading Dock – 5:00am – 12:00am, 7 days per week

Note: At this stage, only the Woolworths and BWS Liquor Store is being assessed. The proposed gymnasium and business tenancies are being assessed as innominate uses and will require further consents to formalise those tenancies.

5. REFERRALS

Referral	Comment
Catchment Engineer	Supported, subject to conditions of consent.
Landscape Officer	Supported, subject to conditions of consent.
Traffic Officer	Supported, subject to conditions of consent.
Environmental Health Officer	Supported, subject to conditions of consent.
Heritage Officer	Supported, subject to conditions of consent.
Open Space and Natural Resources	Supported, subject to conditions of consent.
Accessibility Officer	Supported, subject to conditions of consent.
Crim Prevention Officer	Supported, subject to conditions of consent.
NSW Police	Supported, subject to conditions of consent.
Environment Protection Authority	Supported, subject to conditions of consent.
Natural Resources Access Regulator	Supported, subject to conditions of consent.
AMPOL	Supported, subject to conditions of consent.
Endeavour Energy	Supported, subject to conditions of consent.
Transport for NSW	Supported, subject to conditions of consent.

6. ENVIRONMENTAL PLANNING INSTRUMENTS

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

The requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 apply to the subject site. In accordance with Chapter 4 of the SEPP, Council must consider if the land is contaminated, if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

The site is not identified in Council's records as being contaminated, however the site did have a previous land use that may have caused contamination. In that regard, a Detailed Site Investigation was prepared by Geo-Logix (dated 11 March 2022) and was submitted with the application. The DSI concluded:

Contamination has not been identified in soil, groundwater or soil vapour at levels that would present an offsite liability and/or duty to notify the authorities under the Contamination Land Management Act 1997. The site is considered suitable for the proposed commercial/retail development without the requirement for remediation.

The application along with the PSI submitted by the applicant was reviewed by Council's Environmental Health team who raised no objection to the development, subject to the imposition of conditions of consent.

Therefore, in accordance with Clause 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021, the land is suitable for the proposed development being a commercial premises.

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

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the site. The aims of the plan are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of the non-rural areas of the State through the preservation of trees and other vegetation.

The development proposal will require the removal of a large number of trees along the eastern boundary to facilitate the public access easement, and construction of the lightweight bridge structure as negotiated between the developer and Council.

The tree removal was referred to Council's Landscape Officer and Council's Open Space and Natural Areas Officer. Both of which have raised no objection to the tree removal, subject to the imposition of conditions of consent.

6.3 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 – CHAPTER 10 SYDNEY HARBOUR CATCHMENT

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment, and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal, and any matters of general relevance (erosion control, etc) are able to be managed by conditions of consent.

6.4 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021 – CHAPTER 2 INFRASTRUCTURE

The relevant matters to be considered under Chapter 2 of the SEPP for the proposed development are outlined below.

Clause	Comment
Clause 2.48 – development likely to affect an electricity transmission or distribution network	Yes – The application was referred to Endeavour energy, who raised no objections to the development, subject to the imposition of conditions of consent.
Clause 2.77 – development adjacent to pipeline corridors	Yes – The application was referred to AMPOL, who raised no objections to the development.
Clause 2.119 – frontage to a classified road	Yes – The application has been reviewed by TfNSW who raised no objection to the proposed development, subject to the imposition of conditions of consent.
Clause 2.120 - average daily traffic volume of more than 20,000 vehicles.	Yes – The application has been reviewed by TfNSW who raised no objection to the proposed development, subject to the imposition of conditions of consent.
Clause 2.121 – Traffic generating development	Yes – The application has been reviewed by TfNSW who raised no objection to the proposed development, subject to the imposition of conditions of consent.

Appropriate conditions are recommended to address the requirements of the SEPP.

6.5 STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021 – CHAPTER 3 ADVERTISING AND SIGNAGE

The provisions of State Environmental Planning Policy (Industry and Employment) apply to the site. As per Clause 3.4 of the SEPP, the provisions of this policy are considered to be relevant to this proposal.

The proposal includes 20 total signs around the site of various sizes. Only Signs 1, 2 and 3 are located at the boundary and are Business Identification Signs. All other signs are located within the site and are used for Business Identification and directions. 10 of the 20 signs are proposed to be illuminated.

No third-party advertising is proposed.

The proposed signage has been assessed against the provisions under Schedule 5 – Assessment Criteria of the SEPP and is considered to be satisfactory as shown below.

SCHEDULE 1 – ASSESSMENT CRITERIA	
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the desired future character of the area. Only 3 signs will be placed at the boundary for way finding purposes, with the remaining signs located internal to direct traffic and pedestrians. The area is a mix of commercial, industrial and residential and the proposed signage is considered to be compatible.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signage presentation to Windsor Road and North Rocks Road will be comparable to other existing signage in the locality, including the large signage from the commercial precinct located on the western side of Windsor Road.
2 Special Areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed scheme does not detract from the amenity or visual quality of the surrounding area.

3 Views and vistas	
Does the proposal obscure or compromise important views?	No important views are obscured or compromised.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage will not dominate the skyline, with only 3 signs proposed to be at the boundary. The remaining signs will be internal to the site, with the most prominent one being the Woolworths/BWS sign located on the building. This would be compatible with the existing Bunnings signage.
Does the proposal respect the viewing rights of other advertisers?	No viewing rights of other advertised is compromised. No third party advertising is proposed.
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage are of a scale and extent that maintains the character and amenity values of the area and is consistent with that anticipated from a stand-alone supermarket. The character of the streetscape is maintained.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The design, location and size of the proposed signage will complement the surrounding streetscape setting. The signage is consistent in terms of colour scheme with that of the proposed facility. Each sign is integrated into the existing and proposed landscape scheme.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage does not replace any existing signage as Bunnings vacated the premises number of years ago.
Does the proposal screen unsightliness?	The proposal does not screen unsightliness.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude above any structures or tree canopies in the area or locality.
Does the proposal require ongoing vegetation management?	The location will not require any ongoing vegetation maintenance.
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is of a scale, compatible with the existing large building on the subject site.
Does the proposal respect important features of the site or building, or both?	The design and display of the proposed signage is complementary to the site and overall design of the building.
Does the proposal show innovation and imagination in its relationship to the site or building, or both	The proposal will ensure effective communication of business information and commercial individuality within the context of the wider commercial area.
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Proposed lighting is discreet and integrated with the overall design of the sign.
7 Illumination	
Would illumination result in unacceptable glare?	The proposal will not result in unacceptable glare.
Would illumination affect safety for pedestrians, vehicles or aircraft?	Illumination will not affect the safety of pedestrians, vehicles and aircraft.
Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed illumination is generally west and south facing, with no illuminated signage proposed to the residential units to the north. Given the proposed extent of illumination and the recommended conditions as well as having James Ruse Drive between the subject site and any residential uses, the amenity of surrounding properties is not considered to be affected.
Can the intensity of illumination be adjusted, if necessary?	An appropriate condition will be recommended requiring a timing device be fitted to switch off the illumination.
Is the illumination subject to a curfew?	A condition has been recommended ensuring illumination of the signage is restricted to between 7.00am to 12.00am daily only and the sign shall be fitted with a timing device to switch off the illumination between 12.00am and 7.00am.

8 Safety	
Would the proposal reduce the safety for any public road?	Each proposed sign is located wholly on the subject site. Road safety will not be reduced.
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposal will not affect pedestrian or cyclist safety.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Each proposed sign is located wholly on the subject site. Sightlines from public areas will not be obscured.

Having regard to the aims and objectives, and Schedule 5 of the SEPP, the proposal can be supported as it has satisfied Clause 3.6 of the SEPP as follows:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and;
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

Based on the above assessment the proposed signage is considered to be satisfactory, having regard to the aims and objectives as well as the Assessment Criteria of SEPP (Industry and Employment) 2021 – Chapter 3.

7. PARRAMATTA (FORMER THE HILLS) LOCAL ENVIRONMENTAL PLAN 2012

The site is part zoned B6 Enterprise Corridor and part zoned SP2 Public Transport Corridor. The aims and objectives for the B6 Enterprise Corridor zone in Clause 2.3 – Zone Objectives are as follows:

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.

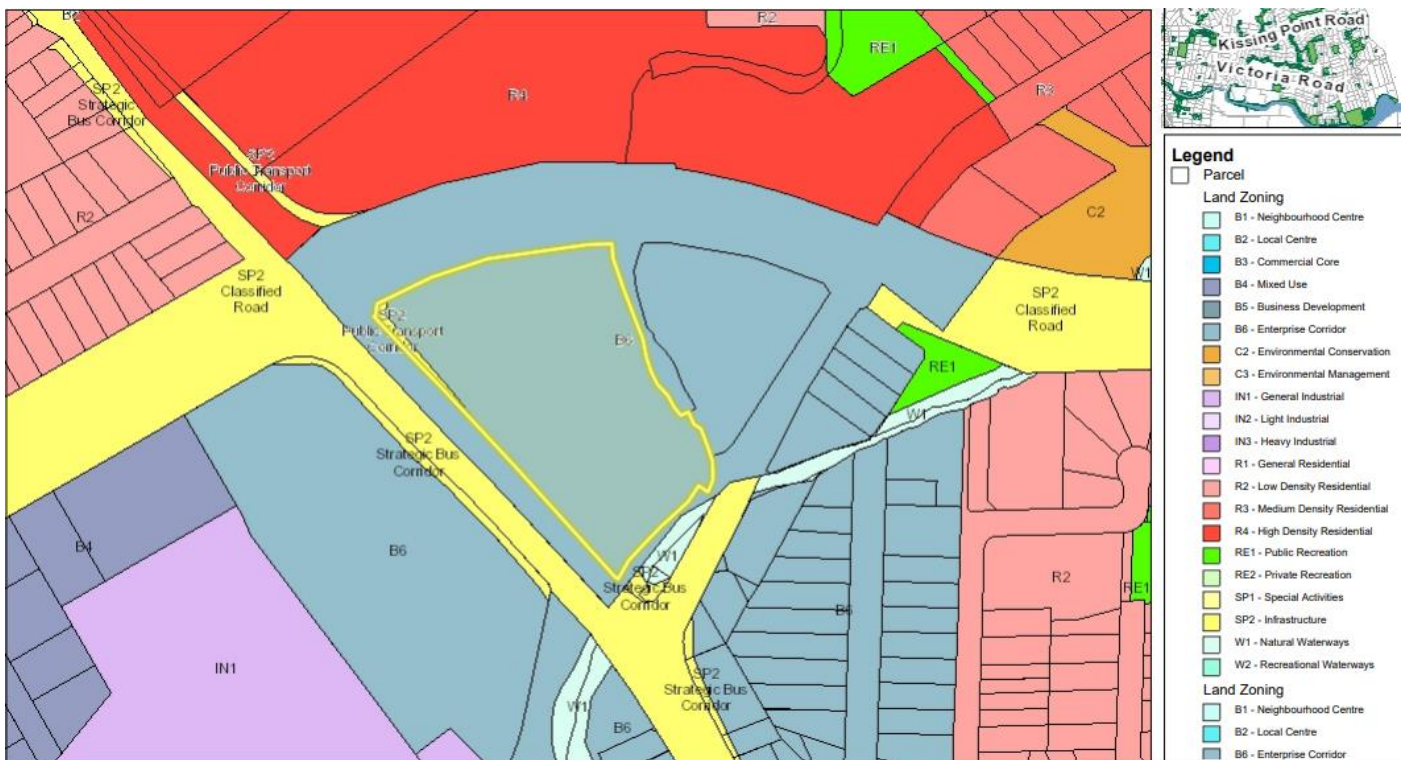


Figure 3: Zoning of the subject site and surrounds

The application proposes three different uses of the site, including ‘retail premises’, ‘business premises’, ‘warehouse and distribution centre’ and ‘recreation facility (indoor)’.

Business Premises and *Recreation Facilities (indoor)* are permitted with consent within the B6 Enterprise Corridor zone. However, retail premises is prohibited. A Planning Proposal has been adopted to include Cl. 17 under Schedule 1 of the LEP, which states that:

- 1) *This clause applies to Lot 61, DP 1264730, 1 Windsor Road, North Rocks.*
- 2) *Development for the purposes of retail premises that are a supermarket and liquor store is permitted with development consent.*
- 3) *Development consent must not be granted to development under subclause (2) if the development would result in more than 3,800m² of the gross floor area of all buildings on the land to which this clause applies being used for the purposes of retail premises.*

In that regard, the proposal will comprise 3,800m² of GFA used for retail premises and complies with Cl. 17 above. A Condition of consent will be imposed to ensure no additional GFA is ever used as retail premises.

Standards and Provisions	Compliance
Part 4 Principal development standards	
Cl. 4.3 Height of buildings Allowable: 16m Proposed: 13.2m	Yes – the proposal will result in a roof that retains the RL of the existing warehouse, with the exception of the mechanical platforms. Regardless, the overall development will continue to comply with the 16m height limit.
Cl. 4.4 Floor Space Ratio Allowable: 1:1 (2.52ha) Proposed: 0.24:1 (5,916m ²)	Yes
Part 5 Miscellaneous provisions	
Cl. 5.1A Development on land intended to be acquired for public purposes	Yes – the subject site contains portions of land zoned SP2 – Public Transport Corridor. The proposed development does not seek to use that portion of the site. The application was referred to TfNSW who raised no objections, subject to the imposition of conditions of consent.
Cl. 5.10 Heritage conservation	<p>The site is identified as Archaeological Site A23 - <i>'Stone bridge approached and foundations plaque, Sydney Woollen Mills'</i>.</p> <p>The application was referred to Council's Heritage Advisor who advised the following:</p> <p><i>The proposal satisfies the requirements of Council's controls and can be supported, subject to standard and/or special conditions of consent.</i></p> <p><i>The proposed works will not affect the existing heritage item located on site. As the proposal seeks to reuse the existing concrete panel building on the site, there are largely no new buildings that will affect the historic remnant wall.</i></p> <p><i>The works will not impact the known historical archaeological resource. There is no intention to penetrate fills that are located beneath the car park and its bedding layer. The fills created in c.2000 cap the site's actual archaeological resource.</i></p> <p><i>The interpretation located in the car park presumably to relate to archaeological features relating to the Darling Mills will be retained and reinstated as part of the development. The current siting of the interpretation must be recorded and shown at the new carpark level.</i></p> <p>In that regard, the imposed conditions of consent will adequately satisfy the requirements of Cl 5.10.</p>
Cl. 5.21 Flood Planning	Yes – The fringes of the site are affected by the 1% AEP and the whole site is affected by the PMF. The application was referred to Council's Catchment Engineer who raised no objections, subject to the imposition of conditions of consent.

Part 7 Additional local provisions**Cl. 7.2 Earthworks**

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Associated earthworks to create a level parking lot within the site. The scale and location of the proposed earthworks will not adversely affect the visual quality and amenity values of the site given the earthworks are localised to the vicinity of the site and are largely required to create a safer car park. The proposed earthworks will not change the line of the landscape.

In addition, adequate sediment and erosion control measures are proposed as part of this development as are supporting conditions.

The proposed earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

8. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

The Draft Parramatta Local Environmental Plan 2020 was placed on public exhibition from 31 August 2020 to 12 October 2020. The draft LEP will replace the five existing LEPs that apply within the Local Government Area and will be the primary legal planning document for guiding development and land use decisions made by Council.

Whilst the draft LEP must be considered when assessing this application under Clause 4.15 (1) (a) (ii) of the Environmental Planning & Assessment Act 1979, the LEP is neither imminent nor certain and therefore limited weight has been placed on it.

Control	PFTHLEP 2012	Draft LEP 2022
Zoning	B6 Enterprise Corridor	B6 Enterprise Corridor
Height	16m	16m
FSR	1:1	1:1

There are no changes proposed under the draft LEP that amend key development standards applicable to the site. As such, the proposal is consistent with the provisions of this draft LEP in the same manner as the current PFTHLEP 2012.

9. THE HILLS DEVELOPMENT CONTROL PLAN 2012

CONTROL	PROPOSED	COMPLIANCE
2.4 Floor Space Ratio	0.24:1 (5,916m ²)	Yes
2.5 Setbacks	The proposal seeks to repurpose the existing warehouse previously used as a Bunnings Warehouse. The proposal will increase setbacks by demolishing areas previously used for the nursery.	Yes
2.6 Building Height	The proposal will result in a roof that retains the RL of the existing warehouse, with the exception of the mechanical platforms. Regardless, the overall development will continue to comply with the 16m height limit.	Yes
2.7 Building Design & Materials	The proposal will generally retain the shell of the existing warehouse. The proposed materials are considered to be compatible with the surrounding locality and contribute positively to the streetscape.	Yes
2.8 Signage	Please refer to discussion under SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage.	Yes

2.9 Hours of Operation	<p>At this stage, only the operation of the Woolworths and BWS stores are being assessed. The Woolworths seeks to operate between 7am and 12midnight 7 days a week, with loading dock operations starting at 5am.</p> <p>The application was referred to Council's Environmental Health Officer who raised no objection to the operating hours from an acoustic perspective, subject to the imposition of conditions of consent.</p>	Yes
2.11 Biodiversity	The application was referred to Council's Open Space and Natural Areas Officer. No objections were raised subject to the imposition of conditions of consent.	Yes
2.12 Erosion and Sediment Control	An erosion and sedimentation plan has been submitted with the application and conditions have been imposed to ensure that this development will minimise sedimentation of waterways and not unduly contribute to wind-blown soil loss.	Yes
2.13 Fencing Landscaping and Tree Preservation	The proposal will generally retain the existing fencing around the site. All trees consented to be removed are required in order to facilitate the proposed development. Where trees are to be retained, they have been conditions to be protected during works.	Yes
2.15 Vehicular Access	The proposal does not seek to create additional vehicular access, other than the existing bridge connecting the site to North Rocks Road.	Yes
2.16 Car Parking	<p>Based on the carparking rates, the overall development will require 287 parking spaces, inclusive of the innominate gym and business premises uses. The proposal provides 225 spaces and will be deficient by 62.</p> <p>To justify the shortfall, the applicant provided parking demand surveys of similar sized supermarkets within western Sydney, showing the parking rates within the Hills DCP to be excessive.</p> <p>The proposal was referred to Council's Traffic and Transport Officer who raised no objection to the proposal, subject to the imposition of conditions of consent.</p>	No, but acceptable
2.17 Bicycle Parking	16 bicycle spaces are provided.	Yes
2.18 Loading Docks	<p>Based on the DCP, a supermarket of this size requires 7 loading bays. The proposal seeks consent for 3 but is considered acceptable subject to an adequate Loading Dock Management Plan.</p> <p>The proposal was referred to Council's Traffic and Transport Officer who raised no objection to the proposal, subject to the imposition of conditions of consent.</p>	Yes
2.19 Pedestrian Access and Movement	<p>There is clearly defined pedestrian pathways within the carpark, and between each tenancy and North Rocks Road.</p> <p>A condition of consent has been imposed to ensure that the alterations and addition comply with AS1428.1 – Design for Access and Mobility.</p>	Yes
2.20 Parenting Facilities	The proposal has bathroom facilities. A condition of consent has been imposed to ensure it contains all the parent amenities required in this control.	Yes
2.21 Stormwater Management	The application was referred to Council's Development Engineer who raised no objection to the proposal, subject to the imposition of conditions of consent.	Yes

2.22 Waste Management – Storage and Facilities	The proposed development will have two separate commercial waste areas. The application was referred to Council’s Environmental Health Officer who raised no objection to the proposal, subject to the imposition of conditions of consent.	Yes
2.23 Waste Management	The proposal will require engagement of private waste contractors. The application was referred to Council’s Environmental Health Officer who raised no objection to the proposal, subject to the imposition of conditions of consent.	Yes
2.24 Heritage	The application was referred to Council’s Heritage Advisor who raised no objection to the proposal, subject to the imposition of conditions of consent.	Yes
2.25 Development Contributions	Development Contributions have been calculated in accordance with the relevant Contribution Plan.	Yes
2.27 Pollution Control	The application was referred to Council’s Environmental Health Officer who raised no objection to the proposal, subject to the imposition of conditions of consent.	Yes

10. DEVELOPMENT CONTRIBUTIONS

The City of Parramatta Council (Outside CBD) Development Contributions Plan 2021 applies to the land. As such, a development contribution based on the gross floor area of the nominated uses has been calculated.

A standard condition of consent has been imposed requiring the contribution to be paid prior to the issue of a Construction Certificate.

11. BONDS

In accordance with Council’s Schedule of Fees and Charges, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site. A standard condition of consent has been imposed requiring the Security Bond to be paid prior to the issue of a Construction Certificate.

12. EP&A REGULATION 2021

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions, refer to Appendix 1.

13. THE LIKELY IMPACTS OF THE DEVELOPMENT

The assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment through compliance with the applicable planning instruments and controls. All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report, including natural impacts such as tree removal and excavation, and built environment impacts such as traffic and build form. In the context of the site and the assessments provided by Council’s experts, the development is considered satisfactory in terms of environmental impacts.

14. SUITABILITY OF THE SITE

The subject site can accommodate a development of a Commercial Premises of this scale as the proposal repurposes an existing warehouse formerly used for a similar commercial purpose without causing further impacts on the amenity of surrounding properties.

Suitable investigations and documentation have been provided to demonstrate that the site can be made suitable for the proposed development and the development is consistent with the land use planning framework for the locality.

No natural hazards or site constraints exist that are likely to have an unacceptably adverse impact on the proposed development.

Subject to the conditions provided within the recommendation to this report, the site is considered to be suitable for the proposed development.

15. PUBLIC CONSULTATION

In accordance with the Parramatta Notification Plan the Development Application was notified and advertised between 29 April 2022 and 27 May 2022. No submissions were received during the notification period.

16. PUBLIC INTEREST

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.

17. 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.

Having regard to the assessment of the proposal from a merit perspective, Council Officers are satisfied that the development has been appropriately designed and will provide acceptable levels of amenity for the existing residents to the north. It is considered that the proposal sufficiently minimises adverse impacts on the amenity of neighbouring properties. Hence the development is consistent with the intentions of the relevant planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979 and is recommended for approval subject to conditions.

18. RECOMMENDATION

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979:

- A. **That** the Parramatta Local Planning Panel, exercising the function of the consent authority, **approve** development consent to DA/318/2022 for the *'Construction of a commercial retail development comprising of a Woolworths supermarket, BWS liquor store, Direct to Boot distribution centre, gymnasium, and three (3) retail premises and associated car parking, landscaping, and business identification signage. The building is identified as a local heritage item A23 pursuant to THLEP 2012. Integrated development under Water Management Act 2000. Installation of 20 signage types to include business identification/advertising/ direction/ safety and other'* on land at 1 Windsor Road, North Rocks.

REASONS FOR APPROVAL

1. The development is permissible in the B6 Enterprise Corridor zone pursuant to Parramatta (former The Hills) Local Environmental Plan 2012 and generally satisfies the requirements of the applicable planning framework.
2. The development will be compatible with the emerging and planned future character of the area.
3. The development will promote a business along a main road and encourages a mix of compatible uses.
4. The proposal provides a range of employment opportunities.
5. The amenity impacts can be appropriately managed.
6. The development is in the public interest because it is consistent with the objectives of for development in the B6 Enterprise Corridor zone.
7. For the reasons given above, approval of the application is in the public interest.

“Appendix 1” to Section 4.15 Assessment Report - DA/318/2022

DRAFT CONDITIONS OF CONSENT

Upon the signature of the applicable delegate, the conditions in this Appendix will form the conditions of development consent.

Development Consent No.: DA/318/2022
Property Address: Lot 61 DP 1264730
1 Windsor Road, NORTH ROCKS NSW
2151

PART A – GENERAL CONDITIONS

PA0001 #Approved Plans & Support Doc(DIEP Mandatory Cond)

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

Architectural Drawings (Project No. 11899)

Plan No.	Issue	Plan Title	Dated
DA01	D	Site Analysis/Site Plan	15.02.22
DA02	D	Existing and Demolition Plan	15.02.22
DA03	D	Demolition Elevations	15.02.22
DA04	H	Ground Floor Plan	22.08.22
DA05	D	Mezzanine Floor Plan	15.02.22
DA06	D	Roof Plan	15.02.22
DA07	D	North and South Elevation	15.02.22
DA08	D	East and West Elevation	15.02.22
DA10	D	Building Sections – Sheet 1	15.02.22
DA61	D	Signage Plan	15.02.22

Civil Drawings/Stormwater (Project No. 19966)

Plan No.	Issue	Plan Title	Dated
C000	03	Cover Sheet	26.07.22
C100	05	Overall Plan	26.07.22
C101	02	Detailed Stormwater and Grading Plan – Sheet 1 of 3	26.07.22
C102	02	Detailed Stormwater and Grading Plan – Sheet 2 of 3	26.07.22

Plan No.	Issue	Plan Title	Dated
C103	02	Detailed Stormwater and Grading Plan – Sheet 3 of 3	26.07.22
C110	04	Site Sections	26.07.22
C200	05	Stormwater Miscellaneous Details and Pit Lid Schedule	26.07.22
C250	01	Pre-Development Plan	26.07.22
C251	01	Post-Development Plan	26.07.22
C301	02	Retaining Wall Details	26.07.22
C501	01	Pavement and Jointing Plan – Sheet 1 of 3	26.07.22
C502	01	Pavement and Jointing Plan – Sheet 2 of 3	26.07.22
C503	01	Pavement and Jointing Plan – Sheet 3 of 3	26.07.22
C505	01	Pavement and Jointing Details	26.07.22
SE01	02	Sediment and Erosion Control Plan	26.07.22
SE02	02	Sediment and Erosion Control Details	26.07.22

Landscape Drawings (Project No. 20210216)

Plan No.	Issue	Plan Title	Dated
LDA-001	H	Landscape Cover Sheet	05.09.22
LDA-101	H	Existing Tree Plan	05.09.22
LDA201	H	Landscape Plan	05.09.22
LDA-301	H	Drawing No.	05.09.22
LDA-401	H	Section Plan, Drawing No.	05.09.22
LDA-402	H	Café Spill out Area Landscape Plan	05.09.22
LDA-501	H	Landscape Section	05.09.22
LDA-601	H	Landscape Section 2	05.09.22
LDA-702	H	Landscape Elevation	05.09.22

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Statement of Environmental Effects	M190233	-	Planning Ingenuity	22.03.22

Waste Management Plan	-	E	WSP	24.02.22
Detailed Investigation	Site 2101105	V01	Geo-Logix	11.03.22
Heritage Statement	Impact 0220303	Final	Extent	28.02.22
Traffic Impact Statement	11723	3	Colston Budd Rogers & Kafes	March 2022
Ecological Test	21WOOL04.2-		Travers Bushfire & Ecology	9.9.22
Arborist Report	-	B	Naturally Trees	31.08.22

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

Note: An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

PA0003 Construction Certificate

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

Reason: To ensure compliance with legislative requirements.

PA0004 No encroachment on Council and/or Adjoining proper

3. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.

Exception is made for works required as part of the VPA.

Reason: To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.

PA0011 #Demolition of Buildings

4. Approval is granted for the partial demolition the existing buildings and outbuildings 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 469 of the Work Health and Safety Regulation 2017.
 - (f) Demolition must not commence until all trees required to be retained are protected.

- (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (h) Prior to the commencement of any demolition works, and where the site ceases to be occupied during works, the property owner must notify Council to discontinue the domestic waste service and to collect any garbage and recycling bins from any dwelling/ building that is to be demolished. Waste service charges will continue to be charged where this is not done. Construction and/ or demolition workers are not permitted to use Council's domestic waste service for the disposal of any waste.
- (i) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- (j) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (k) 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.
- (l) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the NSW Environment Protection Authority (EPA).
- (m) Before demolition works begin, adequate toilet facilities are to be provided.
- (n) 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.
- (o) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
 - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
 - (iii) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

PA0013 #LSL Payment Const> \$25,000 (DIEP Mandatory Cond)

5. Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy of \$56,876 as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier.

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

Reason: To ensure that the long service levy is paid.

PA0014 #Payment of Security deposits(DIEP Mandatory Cond)

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

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

The payments will be used for the cost of:

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

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

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

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

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/318/2022;

- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

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

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

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

PA0015 #Payment of Sec7.11 Contrib. (DIEP Mandatory Cond)

7. Before the issue of a construction certificate, the applicant must pay the following contributions to Council for:

Contribution Type	Amount
Open space and outdoor recreation	\$ 48,067.00
Indoor sports courts	\$ 0.00
Community facilities	\$ 0.00
Aquatic facilities	\$ 0.00
Traffic and transport	\$ 67,795.00
Plan administration	\$ 3,526.00
Total	\$ 119,388.00

The total contribution payable to Council under this condition is \$119,388 as calculated at the date of this consent, in accordance with City of Parramatta (outside CBD) Development Contributions Plan 2021.

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the City of Parramatta (outside CBD) Development Contributions Plan 2021.

A copy of the development contributions plan is available for inspection at <https://www.cityofparramatta.nsw.gov.au/development/planning/development-contributions>.

Reason: To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development

PANSC Non-standard - General Matters

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

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

9. A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents relating to Development Application DA/318/2022 provided by the Council to the Department of Planning and Environment—Water.

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

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

10. The attached GTA issued by the Department of Planning and Environment—Water do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to the department for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.

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

PANSC Non-standard - General Matters

11. The construction and operation of the development must be in accordance with the security measures outlined in the report prepared by NSW Police – Hills PAC, dated 5 May 2022.

Reason: To ensure compliance with NSW Police comments.

PANSC Non-standard - General Matters

12. The colour scheme for repainting of the historic façade should align and enhance the historic significance of the item. Bright colours and patterns should be avoided. Muted, natural colours that emulate traditional materials (such as stone, natural cement render, etc.) are acceptable.

Alternatively, colours that are like-for-like or of a similar palette to the existing colour would be acceptable.

Reason: To protect the Heritage Significance of the subject site.

13. The design and finishing of the carpark include scope to reinstate the existing interpretive feature (which is presumed to indicate the location and alignment of the former Darling Mills building) by an applied painted outline onto the new asphalt carpark surface. This is an acceptable interpretation measure. Additional interpretation measures to further supplement the surface treatment, such as additional designs or signage that further enhances the feature and the site's significance, would also be acceptable.

Reason: To protect the Heritage Significance of the subject site.

14. The works proposed will affect the interpretation located at the carpark which is presumed to relate to archaeological features relating to the Darling Mills. The interpretation must be retained or reinstated as part of the development. As the carpark is planned to be raised, the current siting of the interpretation must be recorded and shown at the new carpark level.

Reason: To protect the Heritage Significance of the subject site.

15. Works with the potential to disturb archaeological resources require that Heritage NSW be notified of the work because this is a listed site.

- Application to Heritage NSW for an Exception under s139 (4) of the Heritage Act (1977 as amended).
- Management of on-site work should include considerations and guidance provided through an Unexpected Archaeological Finds Procedure. Any unexpected discovery should be managed through an unexpected finds procedure

Reason: To protect the Heritage Significance of the subject site.

16. It is recommended that the proposed works do not impact the **area of moderate aboriginal archaeological sensitivity**, if impact cannot be avoided, further archaeological investigations will be needed to assess this area prior to development. Investigations under the Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW 2010 (CoP) (DECCW 2010b) will include:

- a. Depending on the findings of the Archaeological Report (i.e., where impacts to identified Aboriginal Objects cannot be avoided),
- b. it may be necessary to complete an Aboriginal Cultural Heritage Assessment Report (ACHAR) and apply for an Aboriginal Heritage Impact Permit (AHIP).
- c. further consultation with identified Aboriginal stakeholders registered as Registered Aboriginal Parties (RAPs) will also be required as part of the ACHAR

Note: Human remains

If human skeletal material less than 100 years old is discovered, the *Coroners Act 2009* requires that all works should cease, and the NSW Police and the NSW Coroner's Office should be contacted. Traditional Aboriginal burials (older than 100 years) are protected under the *National Parks and Wildlife Act 1974* and should not be disturbed. Interpreting the age and nature of skeletal remains is a specialist field and therefore, an appropriately skilled archaeologist or physical anthropologist should be contacted to inspect the discovery site and recommend an appropriate course of action. Should the skeletal material prove to be of Aboriginal ancestry and greater than 100 years old, notification of Heritage NSW (DPC) and the Deerubbin Local Aboriginal Land Council will be required. Notification should also be made to the Commonwealth Minister for the Environment, under the provisions of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

Reason: To protect the Heritage Significance of the subject site.

PANSC Non-standard - General Matters

17. This Development Application is to be read in conjunction with the Voluntary Planning Agreement between City of Parramatta Council, FABCOT Pty Ltd, and J.L Dunrose Pty Ltd dated May 2022.

The PCA is to ensure all critical stage agreements within the VPA are satisfied.

Reason: To ensure the development is constructed in accordance with the VPA.

PANSC Non-standard - General Matters

18. The development is to comply with all the requirements of TfNSW. The latest correspondence with TfNSW is a letter dated 15 November 2022. If any subsequent discussions with TfNSW result in different requirements, the Developer must notify Council of the changes within 14 days.

Reason: To ensure compliance with TfNSW requirements.

ECA0004 Imported fill

19. 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.

ECA0006 Require to notify about new contamination evidence

20. 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.

EFA0001 Requirement for Trade Waste Agreement

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

Reason: To ensure proper disposal of waste water.

EFA0002 Provide waste storage room on premises

22. 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.

Reason: To ensure provision of adequate waste storage arrangements.

LA0001 #Tree Retention

23. In addition to the trees identified for retention and protection within the arboricultural impact appraisal prepared by Naturally Trees dated 31 August, Trees numbered 41, 105-108, 110-113, 115-117, 119-121, 126 and 128 shall also be retained and protected.

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

OA0009 Waterways Protection

24. All works must be carried out so that:

- a) No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of Darling Mills Creek; and
- b) No materials are likely to be carried by natural forces to the bed, shore or waters of Darling Mills Creek.

Any material that does enter Darling Mills Creek must be removed immediately.

Reason: To ensure protection of waterways.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

PB0022 Cigarette butt receptacle for commercial develop.

25. 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.

PB0024 Disabled access for commercial developments

26. 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.

PB0030 Infrastructure & Restoration Adm. fee for all DAs

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

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

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

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

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

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

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

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

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

PBNSC Non-standard – Prior to CC

29. Before the issue of a construction certificate, a noise and vibration management plan is to be submitted to the satisfaction of Council.

Reason: to ensure reasonable amenity levels during construction.

PB0055 Waste Management Plan (DIEP Mandatory Cond)

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

(a) Council's Waste Management Development Control Plan

OR

(b) Details the following:

- the contact details of the person(s) removing the waste

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

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

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

DB0001 Stormwater Disposal

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

Reason: To ensure satisfactory stormwater disposal.

DB0002 Retaining walls

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

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

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

Reason: To minimise impact on adjoining properties.

DB0003 Sydney Water Quick check

33. A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

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

DB0004 Dial Before you Dig Service

34. 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.

DB0008 Certification of existing drainage system

35. A registered plumber is to certify the condition and functionality of the existing stormwater system and that it is capable of carrying the additional stormwater from the proposed development as outlined in AS 3500.3 – Stormwater Drainage - 2003. A registered hydraulic engineer shall certify that the existing system's discharge point is not causing any sediment or erosion on the banks of Darling Mills Creek. Any required works shall accompany the application for a Construction Certificate for assessment and approval by the Certifying Authority.

Reason: To ensure satisfactory storm water disposal.

DB0010 Design to withstand flooding

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

Reason: To ensure the structure can withstand flooding impacts.

DB0011 Flood warning system for medium/high density dev.

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

Reason: To ensure the flood warning system is installed.

DB0015 Shoring for adjoining Council property

38. If shoring is required, where shoring will be located on or will support Council property, engineering details of the shoring are to be prepared by an appropriately qualified and practising structural engineer. These details are to include the proposed shoring devices, the extent of encroachment and the method of removal and de-stressing of the shoring elements. These details shall accompany the application for a Construction Certificate. A copy of this documentation must be provided to Council for record purposes. All recommendations made by the qualified practising structural engineer must be complied with.

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

DB0017A Construction of a heavy duty vehicular crossing

39. If a vehicle crossing is proposed, 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.

DB0019 #Disabled parking

40. A total of 5 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.

DB0021 Impact on Existing Utility Installations

41. 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.

DB0022 Support for Council Rds, footpath, drainage reserv.

42. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany an application for a Construction Certificate and be to the satisfaction of the Principal Certifying Authority

(PCA). A copy of these details must be forwarded to Council prior to any work being commenced.

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

Reason: To protect Council's infrastructure.

DB0023 Construction adjacent to a drainage easement

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

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

DB0026 Driveway Grades

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

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

EFB0001 Design of fit-out to comply with food safety stand

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

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

- (a) Australian Standard AS4674-2004 - Design, Construction and Fit-out of Food Premises.
- (b) Food Safety Standards
 - Standard 3.2.2 Food Safety Practices and General Requirements
 - Standard 3.2.3 Food Premises and Equipment
- (c) The cool rooms shall be provided with safety devices to comply with G1.2 of the BCA.
- (d) No approval is granted for any remote storage area.
- (e) The business being registered with City of Parramatta (retail) or NSW Food Authority (wholesale/retail meat/manufacturer).
- (f) Comply with the requirements of Sydney Water – Trade Waste Section (grease trap).

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

Note: Copies of AS4764-2004 may be obtained from Standards Australia. Copies of the Food Standards Code may be obtained from Australia and New Zealand Food Authority.

Alternatively, you may obtain a copy of the 'Food premises design, construction and fit-out guide' from Council. This guide is based on the above standards and sets out minimum requirements to achieve compliance.

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

LB0001 Planter Box Details

46. The proposed landscape documentation is required to be updated to include construction details showing substrate depth, drainage, waterproofing for ground floor and roof top planter boxes and is to form part of the application for a Construction Certificate.

Reason: To ensure the creation of functional gardens.

LB0001A Planting upon Structure

47. Plans and documents submitted must include the following with an application for a Construction Certificate:

- (a) Construction details are to be provided by a suitably qualified structural engineer showing substrate depth, drainage, waterproofing for all planting on structures, including planting over on-site detention tanks, raised planters and rooftop gardens. All raised planting boxes/beds containing trees must be retained to a minimum height of 800mm.
- (b) A specification ('Fit-for-purpose' performance description) for soil type and a maintenance schedule specified by a suitably qualified Soil Scientist, to ensure sufficient nutrient and water availability is achieved.

Reason: To ensure the creation of functional gardens.

LB0003 #Tree Retention

48. Prior to the issue of the Construction Certificate, the Certifying Authority must be satisfied the proposed pedestrian footbridge located at the North-eastern corner of the site has been redesigned to ensure retention and protection of trees numbered 41, 105-108, 110-113, 115-117, 119-121, 126 and 128. The footings of the proposed pedestrian walkway will be designed so as not to impact on the trees required to be retained.

Plans submitted with the Construction Certificate application must reflect the above requirements.

Reason: To ensure adequate protection of existing trees.

LB0004 #Landscaping Plan

49. The final Landscape Plan must be consistent with the plan prepared by Ground Ink dated 12/10/2022 Issue I together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:
- (a) Provision of a detailed planting specification reflective of the indicative planting palette provided.
 - (b) Retention of trees numbered 41, 105-108, 110-113, 115-117, 119-121, 126 and 128.
 - (c) The location of all proposed and existing overhead and underground service lines.
 - (d) All landscape plans are to be prepared by a professionally qualified Landscape Architect or Landscape Designer.

Reason: To ensure restoration of environmental amenity.

LB0006 #Statement on specific tree protection

50. A Methodology Statement, prepared by a suitably qualified consulting arborist (Australian Qualification Framework Level 5), must accompany the application for a Construction Certificate. This statement is to identify the measures to be implemented for protection of trees numbered 41, 105-108, 110-113, 115-117, 119-121, 126 and 128 shall also be retained and protected during construction. The statement is to be structured so that each of the following stages of construction are individually addressed and supervised by the project arborist:
- (a) Tree Protection Measures inclusive of canopy, trunk and tree root protection in accordance with AS 4970-2009 - Protection of Trees on Development Sites;
 - (b) Supervision of any excavation to be undertaken within the calculated Tree Protection Zones of the above nominated trees and/or within three (3) metres of any other existing tree equal to or greater than five (5) metres in height located on any adjoining property.
 - (c) Construction of any structure which requires a footing;
 - (d) Installation of services (i.e. bridging of roots) and Back filling;
 - (e) Landscaping
 - (f) Any other stages that the project arborist deems necessary;

Reason: To ensure adequate protection of existing trees.

LB0008 Amended Plans to reflect trees to be retained

51. All documentation is to be amended to reflect the conditions of consent provided with regard to tree retention and removal conditions for trees located within the site, road reserve and adjoining properties. All trees shown on the plans are required to be numbered in accordance with the Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP) prepared by Naturally Trees dated 31 August, 2022. All trees conditioned to be retained are to be identified with a solid circle. All trees approved for removal are to be identified with a dashed circle.

Reason: To ensure adequate protection of existing trees.

OBNSC Non-standard - Prior to the issue of a CC

52. Prior to the issue of a Construction Certificate, a Vegetation Management Plan (VMP) for the riparian corridor located within the subject site must be prepared by an appropriately qualified Bushland Management Consultant and be submitted to the Principal Certifying Authority. The VMP must be consistent with the NSW Department of Industry Guidelines for controlled activities on waterfront land - Riparian Corridors (2018) and must achieve a gradual removal of weeds and replacement with native species that are descriptive of the Sydney Turpentine Ironbark Forest (STIF) vegetation community. A commencement date for the vegetation management works must be included in the VMP.

Reason: to ensure restoration of riparian corridor and meet the requirements under the *Biosecurity Act 2015*.

TB0001 #Car Parking Condition

53. 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, AS 2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate application.

Reason: To ensure appropriate vehicular manoeuvring is provided.

TB0002 #Bicycle parking condition

54. 16 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS 2890.3-2015. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements.

TB0003 #Parking Provision

55. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS 2890.2 and AS 2890.6. A total of 225 parking spaces is to be provided and be allocated as follows:

- a) 219 spaces for customers and staff including five (5) space as accessible parking;
- b) Six (6) Direct to Boot spaces.

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

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

TB0006 #Motorcycle Parking Condition

56. Six (6) 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.

TB0016 #Loading Dock Management Plan

57. Prior to the issue of the relevant construction certificate, the applicant shall submit a Loading Dock Management Plan to the satisfaction of Council's Traffic and Transport Manager. The Plan must address the following matters:

- Delivery requirements and service schedules;
- Operational aspects on how to use facilities; and
- Management duties and responsibilities.

Reason: To ensure compliance with the Parramatta DCP 2011 and reduce kerbside stopping reliance.

PC0012 Pcerosion & Sediment Controls in Place

58. Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).

Reason: To ensure runoff and site debris do not impact local stormwater systems and waterways

LF0001 Landscape maintenance

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

Reason: To ensure restoration of environmental amenity.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

BC0001 Toilet facilities on site

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

Reason: To ensure adequate toilet facilities are provided.

PC0001 #Appointment of PCA

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

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

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

Reason: To comply with legislative requirements.

PC0002 Enclosure of the site

62. 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 and must only stay up for the entirety of the building works.

Reason: To ensure public safety.

PC0003 Site Sign

63. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 70 of the Environmental Planning and Assessment Regulations 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.
- (f) This condition does not apply where works are being carried out inside an existing building.

Reason: Statutory requirement.

PC0005 Public liability insurance

64. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:

- (a) Above;
- (b) Below; or
- (c) On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works are being undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

Note: Applications for hoarding permits, vehicular crossing etc. will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works authorised by this consent conducted above, below or on any public land owned or controlled by Council.

DC0001 Construction and Traffic Management Plan

65. 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 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.

DC0002 Road Opening Permits - DA's involving drainage wrk

- 66. 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.

DC0006 Erosion and Sediment Control measures

67. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

Reason: To ensure soil and water management controls are in place before site works commence.

DC0007 Site Maintenance

68. 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.

DC0009 Special Permits

69. 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.

DC0010 Driveway Crossing Application

70. 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.

EFC0001 Food premises DA/CC plans to satisfy requirements

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

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

LC0002 #Tree protection as per arborist report

72. The trees identified for protection within the arboricultural impact assessment report prepared by Naturally trees dated 31 August, 2022 shall be protected prior to and during the demolition/construction process in accordance with this document. Additional trees identified for protection within the consent shall be retained and protected in accordance with the Methodology statement to be prepared prior to issue of the construction certificate.

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

LC0004 Protective fencing

73. Retained trees or treed areas must be fenced with a 1.8 metre high chainwire link or welded mesh fence. The fence is to be fully supported at grade, to minimise the disturbance of existing ground conditions within the canopy drip line or the setback nominated on the approved landscaping plan. The fencing is to be in place for the duration of the construction works. "Tree Protection Zone" signage must be attached to the protective fencing.

Reason: To protect the environmental amenity of the area.

LC0006 Pruning/works on tree(s)

74. Consent from Council must be obtained prior to any pruning works being undertaken on any tree on site, or any trees located in adjoining properties.

All approved pruning works must be supervised by an Australian Qualifications Framework (AQF) Level 3 certified Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

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

LC0007 Tree Protection During Construction

75. Tree protection measures are to be installed and maintained, under the supervision of an Australian Qualification Framework (AQF) Level 5

Arborist in accordance with AS4970 - Protection of Trees on Development Sites.

Reason: To ensure trees are protected during construction.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

PD0001 Copy of development consent

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

Reason: To ensure compliance with this consent.

PD0003 Dust Control

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

Reason: To protect the amenity of the area.

PD0004 Materials on footpath

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

Reason: To ensure pedestrian access.

PD0006 Hours of work and noise (DPIE Mandatory Condition)

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

- **7am to 5pm on Monday to Friday**
- **8am to 5pm on Saturday**

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

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

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

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

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

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

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

Reason: To protect the amenity of the surrounding area.

PD0007 Complaints register

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

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

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

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

PD0008 Construction Noise (DPIE Mandatory Cond)

81. While building work is being carried out, and where a noise and vibration management plan is approved under this consent, the applicant must

ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.

OR

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

Reason: To protect the amenity of the neighbourhood.

PD0010 Survey Report

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

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

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

PD0020 Building Work Compliance BCA (DIEP Mandatory Cond)

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

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

PD0022 Uncover Relics/Aboriginal Obj(DPIE Mandatory Cond)

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

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:-
 - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - (b) is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being

habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

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

PD0025 Responsibility for changes public infrastructure

85. While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

Reason: To ensure payment of approved changes to public infrastructure.

DD0001 Drainage to existing system

86. Stormwater from all new impervious areas, and subsoil drainage systems, must be piped to the existing site drainage system. The installation of new drainage components must be completed by a licensed contractor in Accordance with AS3500.3 (2003) - Stormwater Drainage and the Building Code of Australia (National Construction Code).

Reason: To ensure satisfactory stormwater disposal.

DD0005 Erosion & sediment control measures

87. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

Reason: To ensure no adverse impacts on neighbouring properties.

DD0006 Damage to public infrastructure

88. 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.

DD0009 Car parking & driveways

89. 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.

LD0006 #Excavation to be supervised by arborist

90. Any excavation within the prescribed tree protection of a retained tree is to be supervised by an Australian Qualifications Framework (AQF) Level 3 arborist. If during excavation the Arborist identifies remedial work is necessary, it is to be supervised by this Arborist.

Once the work is completed a written report detailing the remedial work undertaken is to be forwarded to the Principal Certifying Authority.

Reason: To provide adequate protection of trees.

LD0012 Trees with adequate root volume

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

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

LD0013 Removal of trees by an arborist

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

Reason: To ensure tree works are carried out safely.

OD0001 Bushland Protection

93. The applicant is to ensure no storage or stockpiling of building materials, excavated fill or topsoil during the site works shall take place within the vegetated riparian corridor for the duration of on-site works.

Reason: To ensure protection of bushland and minimise the impacts of the development.

OD0002 Machinery is to be cleaned of soil and debris

94. All machinery is to be cleaned of soil and debris before entering the site to prevent the spread of weed and fungal pathogens such as Cinnamon Fungus (*Phytophthora cinnamomi*) and Chytrid Fungus (*Batrachochytrium dendrobatidis*).

Reason: To ensure protection of bushland and minimise the impacts of the development.

TD0001 Road Occupancy Permit

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

Reason: To ensure proper management of Council assets.

TD0002 Oversize vehicles using local roads

96. Oversize vehicles using local roads require approval from the National Heavy Vehicle Regulator (NHVR). The applicant is required to submit an application for an Oversize Vehicle Access Permit through NHVR's portal

(www.nhvr.gov.au/about-us/nhvr-portal) prior to driving through local roads within the City of Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

BE0001 Record of inspections carried out

97. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority responsible for the critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. The record must include:

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

Reason: To comply with statutory requirements.

PE0001 Occupation Certificate

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

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

PE0020 Operational plan of Management Supermarkets

99. Prior to the issue of an Occupation Certificate, an operational plan of management is to be submitted to and approved by Council. At a minimum, the plan must;

- (a) Incorporate a trolley containment system to contain trolleys to the premises (these could include coin/token operated systems, wheel locks activated by a radio signal or magnetic strip, radio signal transmitters on trolleys or other means);
- (b) Include sufficient trolley bays within or adjacent to the premises (including its car park);
- (c) Incorporate signage that trolleys should not be removed from the premises;
- (d) Provide adequate trolley collection services to ensure that unattended trolleys are collected in a timely fashion;

- (e) Ensure that all trolleys are marked or labelled in such a manner that Council can easily ascertain the owner of the trolley (including the store responsible for its provision);
- (f) Agree to a process of ongoing liaison with Council to ensure that Council's objectives regarding shopping trolley management and collection are being met;
- (g) Outline how and when the operator will remove general litter associated with the premises from any public places immediately adjoining or adjacent to the site.

Reason: To maintain the amenity of the surrounding area.

DE0003 Work-as-Executed Plan (DPIE Condition)

100. Before the issue of the relevant occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:

- (a) All stormwater drainage systems and storage systems
- (b) The following matters that Council requires to be documented
 - (i) *The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.*
 - (ii) *The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.*
 - (iii) *The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table*
 - (iv) *OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).*
 - (v) *Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).*
 - (vi) *Certificate of Structural compliance of the OSD tank walls and cover slab from a qualified structural engineer*

The principal certifier must provide a copy of the plans to Council with the occupation certificate.

Reason: To confirm the location of works once constructed that will become council assets

DE0004 #Creation of a floodway restriction

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

The restriction is to be over the 100 year ARI flood zones identified in the flood report prepared by BMT dated 17/11/2021 reference number KS: L.A11205.001.01-WoolworthsNorthRocks_FRA.docx preventing the placement of any new structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within the identified zone.

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

Reason: To protect the environment.

DE0006 Section 73 Certificate

102. 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.

DE0010 Effective evacuation report

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

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

DE0018 Reinstatement of laybacks etc

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

Reason: To provide satisfactory drainage.

EAE0001 #All works/methods/procedures/control measures

105. Prior to the issue of an occupation certificate (Interim or Final), written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and City of Parramatta Council, stating that all works/methods/procedures/control measures approved by Council in the following report have been completed:

(a) Acoustic Report No. 20210269.1/2309A/R1/AZ, dated 23/09/21, prepared by Acoustic Logic.

Reason: To demonstrate compliance with submitted reports.

EFE0002 Notification of food business – Council

106. Prior to an Occupation Certificate being issued, Council must be notified that the premises is to be used for the preparation of food for sale so that

the premises can be registered on Council's food premises licensing database.

Reason: Compliance with the requirements of the Food Act.

EFE0003 Certify mechanical ventilation installation

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

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

EFE0004 Certify fitout complies with food safety standards

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

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

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

EFE0005 Mechanical ventilation installations – optional

109. Prior to the use commencing, a multi-stage air filtration unit be incorporated in the mechanical exhaust ventilation system due to topography of the land, the prevailing weather conditions and the proximity of the structure in relation to other buildings adjacent to the site.

- (a) The design, construction and installation of all duct work to be in accordance with the requirements of Clause 7.5 of Australian Standard AS 1668.2-2012 (Fire and Smoke Control - Kitchen Hood Exhaust Systems).
- (b) The design, manufacture and installation of exhaust hoods to be in accordance with the requirements of Appendix E of Australian Standard AS 1668.2- 2012 (Kitchen Exhaust Hoods).

The air filtration system is to retain a minimum of 90 per cent of total smoke and a minimum of 95 per cent of oil and fat discharged by the cooking process. In this regard, details of filtration data, including details of the efficiency of each stage of the filtration system and fan unit details are to be documented and kept on site.

The multi stage air filtration unit must be fitted with a self-actuating by-pass in the odour absorption filter stage and be provided with air filters,

differential pressure gauges as well as electrical interlocks to prevent use of the system unless all filter stages are in place.

Reason: To control offensive emissions and ensure the protection of the environment.

EHE0001 #Submission of Reports

110. 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:

- (a) Acoustic Report No.20210269.1/2309A/R1/AZ, dated 23/09/21, prepared by Acoustic Logic.
- (b) Noise Management Plan 1-9 North Rocks Road, North Rocks dated July 2022

Reason: To demonstrate compliance with submitted reports.

LE0002 Cert.Auth.Arrange Qualified LandscapeArch.(multi)

111. 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.

PART F – OCCUPATION AND ONGOING USE

PF0004 External Plant/Air-conditioning noise levels

112. Any external plant/air-conditioning system must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.

Reason: To minimise noise impact of mechanical equipment.

PF0017 Goods not to be displayed outside premises

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

Reason: To ensure visual amenity.

PF0025 #Operating hours

114. The days and hours of operation are restricted to:

Woolworths

Day	Time
Monday	7:00am – 12:00am
Tuesday	7:00am – 12:00am
Wednesday	7:00am – 12:00am
Thursday	7:00am – 12:00am
Friday	7:00am – 12:00am

Saturday	7:00am – 12:00am
Sunday	7:00am – 12:00am
Public Holidays	7:00am – 12:00am

BWS Liquor Store

Day	Time
Monday	8:00am – 10:00pm
Tuesday	8:00am – 10:00pm
Wednesday	8:00am – 10:00pm
Thursday	8:00am – 10:00pm
Friday	8:00am – 10:00pm
Saturday	8:00am – 10:00pm
Sunday	10:00am – 10:00pm
Public Holidays	10:00am – 10:00pm

Loading Dock

Day	Time
Monday	5:00am – 12:00am
Tuesday	5:00am – 12:00am
Wednesday	5:00am – 12:00am
Thursday	5:00am – 12:00am
Friday	5:00am – 12:00am
Saturday	5:00am – 12:00am
Sunday	5:00am – 12:00am
Public Holidays	5:00am – 12:00am

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

PF0029 Shopfront appearance

115. Roller shutters are not to be placed over any external door or window of the premises. Any security grill is to be located on the inside of the glass shop front and must be an open grille able to be seen through.

Reason: To provide an appropriate streetscape appearance.

PF0049 Graffiti Management

116. The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.

Reason: To ensure the removal of graffiti.

PF0054 Release of Securities/Bonds (DIEP Mandatory Cond)

117. When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held in accordance with Parramatta Fee Schedule 2022/20223.

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

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

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

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

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

EAF0001 Use is not to cause offensive noise or vibration

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

- (a) transmission of unacceptable vibration to any place of different occupancy,
- (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Noise Policy for Industry 2017 and the Protection of the Environment Operations Act 1997.

Reason: To prevent loss of amenity to the area.

EAF0004 No 'offensive noise'

119. 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.

EAF0007 Noise from mechanical equipment

120. 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.

EAF0008 Noise to street

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

Reason: To prevent loss of amenity to the area.

EAF0009 Use of Premises

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

- (a) transmission of unacceptable vibration to any place of different occupancy;
- (b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.

Reason: To prevent loss of amenity to the area.

EFE0006 Location of mechanical ventilation (If Applicable)

123. During occupation and ongoing use of the building, the applicant must ensure all subsequently installed noise generating mechanical ventilation system(s) or other plant and equipment that generates noise are in an appropriate location on the site (including a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBa at the boundary adjacent to any habitable room of an adjoining residential premises.

Reason: To protect the residential amenity of neighbouring properties

EFF0001 Food premises

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

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

EFF0003 Remove putrescible waste at sufficient frequency

125. 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.

EFF0004 Use is not to cause air impurities

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

Reason: To prevent loss of amenity to the area.

EFF0005 Use is not to cause offensive noise or vibration

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

- a) transmission of unacceptable vibration to any place of different occupancy,
- b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level

by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Noise Policy for Industry 2017 and the Protection of the Environment Operations Act 1997.

Reason: To prevent loss of amenity to the area.

EFF0006 Noise from mechanical equipment

128. 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.

EFF0007 Use of Premises

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

- (a) transmission of unacceptable vibration to any place of different occupancy;
- (b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.

Reason: To prevent loss of amenity to the area.

EFF0012 Management of waste storage facilities

130. 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.

Date: 29 November 2022

Responsible Officer: Darren Wan