



City of Parramatta	
File No:	DA/834/2022

SECTION 4.15 ASSESSMENT REPORT
Environmental Planning & Assessment Act 1979

DA No:	DA/834/2022
Subject Property:	LOT 1094 DP 36696, 23 King Street, DUNDAS VALLEY NSW 2117
Proposal:	Demolition of existing structures, tree removal and construction of a 2 storey 44 place centre based childcare centre with 11 spaces of at grade parking.
Date of receipt:	24 October 2022
Applicant:	ArtMade Architects
Owner:	F & M Investment Australia Pty Ltd and Wei Cheng Investment Pty Ltd
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	21
Conciliation Conference Held:	No
Recommendation:	Deferred Commencement 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• Parramatta Local Environmental Plan 2011 (PLEP 2011)• Parramatta Development Control Plan 2011 (PDCP 2011)
Zoning	R2 Low Density Residential zone
Bushfire Prone Land	No
Heritage	No
Heritage Conservation Area	No
Designated Development	No
Integrated Development	No
Clause 4.6 variation	No
Delegation	Parramatta Local Planning Panel (PLPP) due to >10 submissions

1. EXECUTIVE SUMMARY

Development Application DA/834/2022 was lodged on 24 October 2022 for the 'demolition of existing structures, tree removal and construction of a 2 storey 44 place centre based childcare centre with 11 spaces of at grade parking' on land at 23 King Street, Dundas Valley. Associated civil engineering, earthworks and landscaping is also proposed.

In accordance with the City of Parramatta Consolidated Notification Plan, the application was notified and advertised 1 November 2022 to 22 November 2022. In response, 21 submissions were received.

Key concerns raised in the submissions are as follows:

- Traffic and parking issues.
- The proposal is not consistent with the character of the Low-Density Zone and the surrounding area.
- The proposed tree removal.
- The proposed stormwater easement.
- Visual and Acoustic privacy impacts.
- The commercial nature of the development and the future use of the site if the centre fails.
- Unacceptable bulk and scale impacts for neighbouring properties.
- Unacceptable streetscape impacts.

In accordance with the Environmental Planning and Assessment Act 1979, Section 9.1 – Directions by the Minister, this application is reported to the Parramatta Local Planning Panel for determination as the proposed development received more than 10 submissions.

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 use of the subject site as a Centre Based Child Care Facility is permitted with consent pursuant to the provisions of Parramatta Local Environmental Plan 2011.

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

- Development Engineer;
- Landscape Officer;
- Transport and Traffic Officer;
- Environmental Health Officer (food);
- Environmental Health Officer (acoustic);
- Environmental Health Officer (waste); and
- Environmental Health Officer (contamination).

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. The proposed development is appropriately located and is generally compliant with the provisions of Parramatta LEP 2011. Some variations to the DCP are sought, which relates to side and rear setbacks due to the irregular shape of the lot. The design of the building is considered to be acceptable as it orientates the play areas toward the north where there are no-residential receptors.

Having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, it is recommended Development Application No. DA/834/2022 be approved. The recommended conditions of consent are within **Attachment 1**.

2. SITE DESCRIPTION AND CONDITIONS

The subject site is known as 23 King Street, Dundas Valley. The current property description is Lot 1094 DP 36696. The site is an irregularly shaped allotment and has a slight slope from the eastern street boundary toward the rear north-western corner of the site of approximately 2 metres over a distance of 53 metres.

The subject site has the following area and dimensions:

Area – 877.9 square metres

Frontage – 9.755 metres

Rear – 32.92 metres

North – 53.465 metres

South – 42.585 metres

The site is zoned R2 Low Density Residential. The surrounding properties to the west, south and east are also zoned R2 Low Density Residential. To the north is land zoned RE1 Public Recreation and W1 Natural Waterways.



Figure 1: Zoning of the subject site and surrounds

The subject site currently accommodates a single storey dwelling. It is located within an established residential area characterised by single and double storey residential dwellings as well as dual occupancy developments. Adjoining the subject site to the west is Yates Avenue Public School. Adjoining the subject site to the north is a private pathway owned by the school, which provides access to King Street. On the northern side of the path, there is a public reserve known as Iona Creek Reserve. Adjoining the subject site to the south is a single storey dwelling.

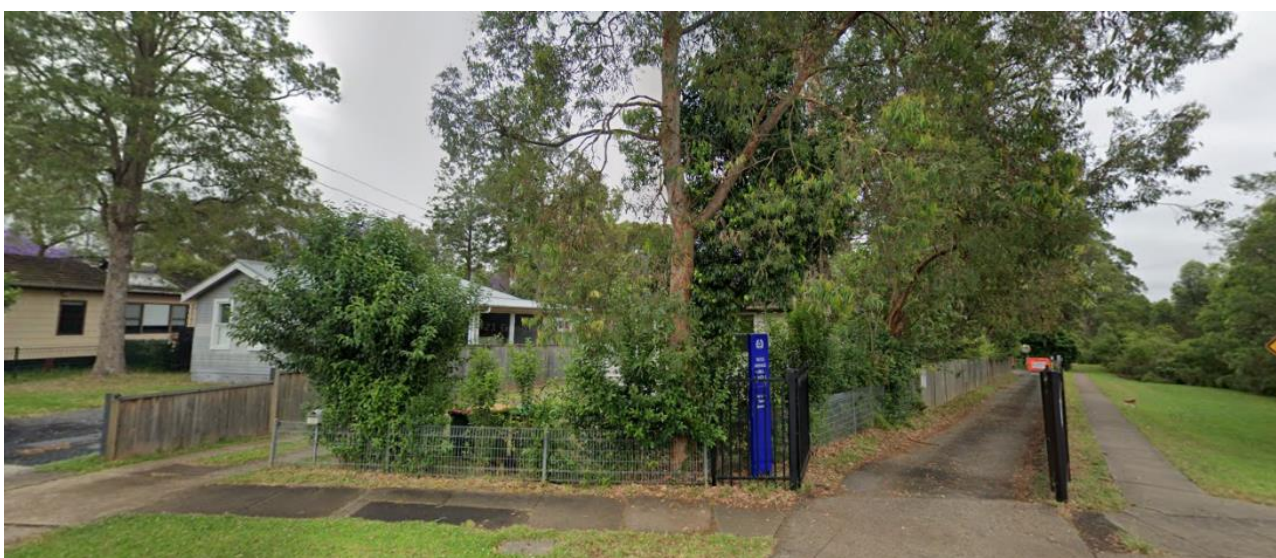


Figure 2: View of the subject site and aforementioned private pathway owned by the school as seen from King Street

3. THE PROPOSAL

The proposed development would be defined as a 'centre-based child care facility' which is permitted with consent within the R2 Low Density Residential zone. Specifically, the proposed works include the following:

Works

- Demolition;
- Tree removal; and
- Construction of a two (2) storey childcare centre comprising the following:
 - **Ground Floor:**
At-grade parking for 11 vehicles, ramp from street level to lobby, office, lift, disabled bathroom, indoor play area 0-2 years (28m²), indoor play area 2-3 years (37m²), junior bathroom, outdoor play area 0-2 years (60m²), outdoor play area 2-5 years (117m²).
 - **First Floor:**
Staff room, disabled bathroom, kitchen, laundry, indoor play areas 3-5 years (89m²), junior bathroom, balcony containing outdoor play area (153m²).

Use

- Maximum capacity of 44 children with the following age breakdown:
 - 0-2 years – 8 places (minimum 2 staff required)
 - 2-3 years – 10 places (minimum 2 staff required)
 - 3-5 years – 26 places (minimum 3 staff required)
- The centre will be run by 7 staff
- The proposed hours of operation are to be 7:00am to 6:00pm, Monday to Friday.

4. REFERRALS

The following section outlines the response and conditions recommended from each of the internal and external referrals in relation to the subject application.

Referral	Comment
Development Engineer	Supported, subject to conditions of consent.
Transport and Traffic Engineer	Supported, subject to conditions of consent.
Tree and Landscape	Supported, subject to conditions of consent.
Environmental Health (Food)	Supported, subject to conditions of consent.
Environmental Health (Acoustic)	Supported, subject to conditions of consent.
Environmental Health (Waste)	Supported, subject to conditions of consent.
Environmental Health (Contamination)	Supported, subject to conditions of consent.

5. ENVIRONMENTAL PLANNING INSTRUMENTS

5.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 – CHAPTER 4 REMEDICATION OF LAND

- A site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination;
- Historic aerial photographs were used to investigate the history of uses on the site;
- A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination;
- A search of public authority databases did not include the property as contaminated;
- The Statement of Environmental Effects states that the property is not contaminated.

The development application was accompanied with a Stage 1 Site Investigation Report, which did not identify any contamination or potential contamination. The report was referred to Council's Environmental Health Officer who raised no objection to the development, subject to the imposition of conditions of consent.

Accordingly, Clause 4.6 of the SEPP is considered to be satisfied, and the subject site is suitable for the proposed use as a centre-based child care facility.

5.2 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.

Council's Landscape Officer raised no objections to the removal of thirteen (13) trees subject to appropriate conditions of consent.

It is considered that the removal of the trees on site will not have an adverse impact of the ecological, heritage, aesthetic, and cultural significance of the area. The proposed replacement planting will ensure that the development will not result in an unacceptable loss of amenity values or finite natural resources. The development as a whole will positively contribute to ensuring a sustainable urban forest canopy in the City of Parramatta.

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

The provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Clause	Comment
Clause 2.48 – Electricity infrastructure	The proposed development does not impact upon any electricity infrastructure.
Clause 2.118 – Frontage to a classified road	The subject site does not have frontage to a classified road.
Clause 2.119 – Impact of road noise or vibration on non-road development	The subject site is not located within close proximity to a classified road.

5.4 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021 – CHAPTER 3: EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES

DEVELOPMENT STANDARD	PROPOSED	COMPLIANCE
3.22 – Concurrence of the Regulatory Authority This clause applies to development for the purpose of a centre-based child care facility if: (a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or (b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.	A total number of 44 children are proposed. The proposal will need a minimum unencumbered indoor and outdoor space as follows: Indoor: 143m ² Outdoor: 308m ² The proposal provides unencumbered indoor and outdoor space as follows: Indoor: 154m ² Outdoor: 330m ²	Yes
3.23 – Matters for Consideration by Consent Authorities Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.	The proposal has been assessed against the relevant provisions of the Child Care Planning Guidelines.	Yes
3.24 – Additional Matters for Consideration by Consent Authorities The consent authority must consider the following matters before determining a development application for development for the purpose of a centre-based child care facility on land in Zone IN1 General Industrial or Zone IN2 Light Industrial— (a) whether the proposed development is compatible with neighbouring land uses, including its proximity to restricted premises, sex services premises or hazardous land uses, (b) whether the proposed development has the potential to restrict the operation of existing industrial land uses, (c) whether the location of the proposed development will pose a health or safety risk to children, visitors or staff.	N/A	N/A – The subject site is not located within land zoned IN1 General Industrial or IN2 Light Industrial.

<p>3.25 – Floor Space Ratio Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1. This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility.</p>	<p>Maximum GFA: 438.95m² Proposed GFA: 354m²</p>	<p>Yes</p>
<p>3.26 – Non-Discretionary Development Standards (a) Location (b) Indoor and Outdoor Space (c) Site Area and Site Dimensions (d) Colour of Building Materials or Shade Structures</p>	<p>The non-discretionary development standards subject of this clause including location, indoor and outdoor space in excess of the regulations, site area and dimensions, and building materials and finishes have been considered satisfactory during the assessment of the application.</p>	<p>Yes</p>
<p>3.27 – Development Control Plans A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) <u>does not apply</u> to development for the purpose of a centre-based child care facility: (a) operational or management plans or arrangements (including hours of operation), (b) demonstrated need or demand for child care services, (c) proximity of facility to other early education and care facilities, (d) any matter relating to development for the purpose of a centre-based child care facility contained in— (i) the design principles set out in Part 2 of the Child Care Planning Guideline, or (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).</p>	<p>The provisions contained in PDCP2011 pertaining to this clause have not been applied when assessing the proposed development.</p>	<p>Yes</p>

Compliance with Child Care Planning Guideline 2021

The Guideline identifies issues that must be taken into consideration when assessing the proposal for a Childcare Centre. It also refers to the application of the *National Regulations for Childcare Centres*. The table below responds to each consideration raised in the Guideline. The assessment against the National Regulations is addressed in a separate table below.

Provisions	Comment	Complies
Part 2 – Design Quality Principles		
Principle 1 – Context	<p>The subject site is considered an appropriate location for the proposed childcare centre for the following reasons:</p> <ul style="list-style-type: none"> • The site has adequate vehicular access via King Street. • The site is of a size and shape that provides for efficient access and circulation spaces with extensive play areas. • The site is within close proximity to public transport and employment and business nodes. Nearby bus services include 513 and 545, which provides connections between Parramatta and West Ryde. • The site is not a battle-axe allotment or a cul-de-sac. 	<p>Yes</p>
Principle 2 – Built Form	<p>The design of the centre will present to the street with a two-storey built form, which is compatible with the surrounding low-density character of the locality.</p>	<p>Yes</p>
Principle 3 – Adaptive Learning Spaces	<p>The proposed childcare centre is considered to have outdoor play spaces that are well designed and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use.</p>	<p>Yes</p>
Principles 4 – Sustainability	<p>The design of the building is considered to be sustainable as the building form allows for cross ventilation, as well as acceptable solar access to the play areas.</p>	<p>Yes</p>
Principle 5 – Landscape	<p>The development provides adequate landscaping, including a landscape buffer between the play area and the property boundary.</p>	<p>Yes</p>
Principle 6 – Amenity	<p>The development provides appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, storage, service areas, and accessible areas.</p>	<p>Yes</p>
Principle 7 – Safety	<p>The childcare centre is considered to have adequate evacuation procedures as there are routes from the outdoor play areas directly to the street without having to re-enter the building.</p>	<p>Yes</p>

Part 3 – Matters for Consideration	
<p>3.1 Site selection and location</p> <p><i>C1 Zone Considerations</i></p> <p><i>Objective: To ensure that appropriate zone considerations are assessed when selecting a site</i></p>	<p>Visual and Acoustic Privacy The subject site is located within a residential zone with detached single and double storey dwellings surrounding the site to the east and west.</p> <p>Due to the slope of the site, the outdoor play area to the rear is slightly filled by up to 950mm. The fill is not considered to create amenity impacts as the site backs onto the staff carpark for the school. The first-floor internal play area has obscured glass blocks on the southern side elevation and will not contribute to overlooking. The outdoor play area is oriented to the north and faces a reserve.</p> <p>Regarding acoustic privacy, the proposal seeks a 1.8m high acoustic barrier around the perimeter of the ground floor outdoor play area and a 1.5m high acoustic barrier around the first-floor outdoor play area. This is acceptable.</p> <p>An Acoustic Report was submitted with the application. This report was reviewed by Council's Environmental Health Officer, who raised no objections, subject to conditions of consent.</p> <p>Traffic and Parking Council's Traffic Engineer has reviewed the submitted Traffic and Parking assessment and raised no objection to the development subject to the imposition of conditions of consent.</p>
<p>3.1 Site selection and location</p> <p><i>C2 Site selection</i></p> <p><i>Objective: To ensure that the site selected for a proposed childcare facility is suitable for the use.</i></p>	<p>Compatible uses Contextually, existing developments in the surrounding area are detached residential dwellings and dual occupancies. The proposed development has been designed to distinguish itself as a separate childcare use but remains compatible with the surrounding locality.</p> <p>Drop off areas The site provides 5 drop off spaces within the at-grade car park. Council's Traffic and Transport Officer reviewed the application and raised no objection to the proposal subject to the imposition of conditions of consent.</p> <p>Restricted Premises The site is not located in proximity to any restricted premises or places of incompatible social behaviour.</p>
<p>3.1 Site selection and location</p> <p><i>C3 Site location</i></p> <p><i>Objective: To ensure that sites for childcare facilities are appropriately located.</i></p>	<p>The site is within close proximity to public transport and employment and business nodes. Nearby bus services include 513 and 545, which provides connections between Parramatta and West Ryde.</p>
<p>3.1 Site selection and location</p> <p><i>C4 Avoidance of hazards</i></p> <p><i>Objective: To ensure that sites for childcare facilities do not incur risks from environmental, health or safety hazards.</i></p>	<p>Contamination Please refer to discussion under SEPP (Resilience and Hazards) 2021 – Chapter 4: Remediation of Land.</p>
<p>3.2 Local character, streetscape and the public domain interface</p> <p><i>C5 Compatible character and streetscape</i></p> <p><i>Objective: To ensure that a childcare facility is compatible with the local character and surrounding streetscape.</i></p>	<p>Design Contextually, existing developments in the surrounding area are detached residential dwellings and dual occupancies. The proposed development has been designed to distinguish itself as a separate childcare use, but it is considered that some amendments can be made to improve compatibility.</p>

<p>3.2 Local character, streetscape and the public domain interface</p> <p><i>C6 Public and Private Spaces</i> <i>C7 Multiple Entries</i> <i>C8 Parks and open spaces</i></p> <p><i>Objective: To ensure clear delineation between the childcare facility and public spaces.</i></p>	<p>Play Space The childcare centre has clear delineations between the public and private domain with a single entry to the centre.</p> <p>Multiple Entries A pedestrian entry to the childcare facility is proposed from King Street. Although the pedestrian entry is adjacent to the vehicle entry, it is clearly delineated from the driveway through a change in materials and colours.</p>
<p>3.2 Local character, streetscape and the public domain interface</p> <p><i>C9 Front Fencing</i></p> <p><i>C10 Fencing on Classified Roads</i></p> <p><i>Objective: to ensure the front fences and retaining walls responds to and complement the context and character of the area and for not dominate the public domain.</i></p>	<p>Front fencing No front fence is proposed.</p> <p>Fencing on Classified Roads The site does not front a classified road.</p>
<p>3.3 Building orientation, envelope and accessibility</p> <p><i>C11 Building Layout</i></p> <p><i>Objective: To respond to the streetscape and site, while optimising solar access and opportunities for shade.</i></p>	<p>Solar Access The play areas are oriented to the north and west and will receive adequate solar access.</p> <p>Cut and Fill The development requires fill to the rear outdoor play area up to 950mm to create a level play space. As the rear adjoins a parking lot, this is not considered to raise any issue.</p>
<p>3.3 Building orientation, envelope and accessibility</p> <p><i>C12 Scale</i></p> <p><i>Objective: To ensure that the scale of the childcare facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</i></p>	<p>Scale The proposed scale and building mass are compliant with the building height and floor space ratio development standards as well as with the prevailing street setback of King Street. In that regard the development exhibits a satisfactory scale to the streetscape.</p>
<p>3.3 Building orientation, envelope and accessibility</p> <p><i>C13 Front Setback</i> <i>C14 Rear Setback</i></p> <p><i>Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.</i></p>	<p>Front Setback The development proposes a front setback in excess of the prevailing streetscape to accommodate the at-grade carpark and is acceptable.</p> <p>Rear Setback – acceptable The development will extend into the 30% site length rear setback requirement. However, this is considered to be acceptable due to the increased front setback and the fact that the north and west boundaries adjoin non-residential uses. This limits the amount of impact of the non-compliant rear setback.</p>
<p>3.3 Building orientation, envelope and accessibility</p> <p><i>C15 Entry</i></p> <p><i>Objective: To ensure that the buildings are designed to create safe environments for all users.</i></p>	<p>Entry to the childcare centre provides for a separate pedestrian pathway and a single-entry door and a two-way vehicle entrance to the at-grade parking and is acceptable.</p>

<p>3.3 Building orientation, envelope and accessibility</p> <p><i>C16 Accessibility</i></p> <p><i>Objective: To ensure that childcare facilities are designed to be accessible by all potential users.</i></p>	<p>Accessibility</p> <p>The development provides an accessible visitor car space within the site. The play areas are also accessible.</p>
<p>3.4 Landscaping</p> <p><i>C17 Landscaping</i> <i>C18 Car park landscaping</i></p> <p><i>Objective: To provide landscape design that contributes to the streetscape and amenity.</i></p>	<p>The proposal will have a landscaped area that addresses King Street and is considered acceptable.</p>
<p>3.5 Visual and Acoustic Privacy</p> <p><i>C19 Balconies</i> <i>C20 Overlooking from public space</i> <i>C21 Overlooking onto adjoining developments</i> <i>C22 Acoustic privacy</i> <i>C23 Acoustic consultant</i></p> <p><i>Objective: To protect the privacy and security of children attending the facility.</i></p> <p><i>Objective: To minimise impacts on privacy of adjoining properties.</i></p> <p><i>Objective: To minimise the impact of childcare facilities on the acoustic privacy of neighbouring residential developments</i></p>	<p>Overlooking from public space</p> <p>The play areas are oriented to the north and west and will not be subject to overlooking from a public space.</p> <p>Overlooking onto adjoining private space</p> <p>The first-floor internal play areas and administration spaces have obscured glass block windows on the south elevation and are not considered to create overlooking impacts onto neighbouring properties.</p> <p>Acoustic Consultant</p> <p>The application was accompanied by an Acoustic Report. The report was referred to Council's Environmental Health Officer who raised no objections, subject to conditions of consent.</p>
<p>3.6 Noise and air pollution</p> <p><i>C24 Noise attenuation measures from centre</i> <i>C25 Noise attenuation from external sources</i> <i>C26 Air pollution</i> <i>C27 Air quality report</i></p> <p><i>Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.</i></p> <p><i>Objective: To ensure air quality is acceptable where childcare facilities are proposed close to external sources of air pollution such as major roads and industrial development.</i></p>	<p>Noise attenuation measures from centre</p> <p>The proposal utilises a 1.8m high solid barrier around the perimeter of the outdoor play area and is considered to be acceptable.</p> <p>Noise attenuation from external sources</p> <p>The centre is not located nearby a noise source that requires attenuation of external noise sources.</p> <p>Air Pollution</p> <p>There are no nearby land uses that would necessitate an air quality report.</p>

<p>3.7 Hours of Operation</p> <p><i>C28 Hours of Operation</i> <i>C29 Mixed use Areas</i></p> <p><i>Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</i></p>	<p>Hours of Operation The proposal seeks to operate 7am – 6pm, weekdays and is acceptable.</p>
<p>3.8 Traffic, parking and pedestrian circulation</p> <p><i>C30 Carparking rates</i> <i>C31 Commercial or Industrial zones</i> <i>C32 Traffic and Parking Study</i> <i>C33 Alternate vehicular access</i> <i>C34 Cul de sac</i> <i>C35 Development design</i> <i>C36 Mixed use developments</i> <i>C37 Carparking design</i></p> <p><i>Objective: To provide parking that satisfies the needs of users and the demand generated by the centre and to minimise conflicts between pedestrians and vehicles.</i></p> <p><i>Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</i></p> <p><i>Objective: To provide a safe and connected environment for pedestrians both on and around the site.</i></p>	<p>Carparking rates The development is required to provide 11 spaces for 44 children and complies.</p> <p>Carpark Design The application was referred to Council's Traffic and Transport Officer raised no objection to the development subject to the imposition of conditions of consent.</p>

Part 4 – Applying the National Regulations to Development Proposals (Checklist)		
Controls	Proposed	Compliance
4.1 Indoor space requirements		
<p>Regulation 107 Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.</p>	<p>Required – 143m² Provided – 154m²</p>	<p>Yes</p>
<p>Verandas' as indoor space For a veranda to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather.</p>	<p>The application does not rely on verandas' as indoor space.</p>	<p>N/A</p>
<p>Storage Storage areas including joinery units are not to be included in the calculation of indoor space.</p> <p>It is recommended that a child care facility provide:</p> <ul style="list-style-type: none"> • a minimum of 0.3m³ per child of external storage space • a minimum of 0.2m³ per child of internal storage space. 	<p>Required External Storage – 13.2m³ Provided External Storage – 14.58m³</p> <p>It is unclear where the storage areas are located on the west elevation plan given the presentation of ground level.</p> <p>Required Internal Storage – 8.8m³ Provided Internal Storage – 27m³</p>	<p>Yes</p>

4.2 Laundry and hygiene facilities		
Regulation 106 There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen	A laundry room is provided on the first floor. This room is contained so as not to pose a risk to children.	Yes
4.3 Toilet and hygiene facilities		
Regulation 109 A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.	Satisfactory toilet and hygiene facilities have been provided for use by children attending the CCC.	Yes
4.4 Ventilation and natural light		
Regulation 110 Education and Care Services National Regulations Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.	Each room to be utilised by the children has access to an external opening to provide the required ventilation and natural light	Yes
4.5 Administrative space		
Regulation 111 A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.	The CCC is provided with a staff room, office, and a reception area.	Yes
4.6 Nappy change facilities		
Regulation 112 Childcare facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.	As the CCC will accommodate children that wear nappies, nappy change facilities are provided in all children's bathrooms.	Yes
4.7 Premises designed to facilitate supervision		
Regulation 115 A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.	Internal play areas are separated into the respective age groups to simplify supervision for staff.	Yes
4.8 Emergency and evacuation procedures		
Regulations 97 and 168 Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including: • instructions for what must be done in the event of an emergency • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit • a risk assessment to identify potential emergencies that are relevant to the service.	There is one main path of evacuation for the CCC. The pathway runs along the northern side boundary and is acceptable.	Yes
4.9 Outdoor space requirements		
Regulation 108 An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7m ² of unencumbered outdoor space. If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.	Required – 308m ² Provided – 330m ²	Yes
4.10 Natural environment		
Regulation 113 The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment. Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space.	The development generally provides outdoor play spaces that are well integrated with the proposed building and would provide diversity in function and use, age appropriateness and amenity.	Yes

4.11 Shade		
Regulation 114 The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	The proposal provides for satisfactory shaded areas around the CCC. The shade structure allows for monitoring of the children from within the CCC. The proposal provides solar access to at least 30% of the outdoor play area. The shaded areas are evenly distributed throughout the CCC.	Yes
4.12 Fencing		
Regulation 104 Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it. Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.	The outdoor play area is enclosed by a minimum of 1.8m acoustic fencing.	Yes
4.13 Soil Assessment		
Regulation 25 Education and Care Services National Regulations Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval.	Please refer to discussion under SEPP (Resilience and Hazards) 2021 – Chapter 4: Remediation of Land.	Yes

6. PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

The relevant matters to be considered under Parramatta Local Environmental Plan 2011 for the proposed development are outlined below.

Development standard	Comment	Compliance
Height of Buildings	The subject site is prescribed a maximum building height of 9m. The proposed building has a height of 9m.	Yes
Floor Space Ratio	The site has a prescribed maximum FSR of 0.5:1. The proposed building has an internal gross floor area of 354m ² , which equates to 0.4:1.	Yes
Development on land intended to be acquired for public purposes	The proposal is not identified on the map.	N/A
Architectural roof features	An architectural roof feature is not proposed.	N/A
Development below mean high water mark	The proposal is not for the development of land that is covered by tidal waters.	N/A
Heritage Conservation	The subject site is not identified as an item of heritage significance, nor is it located within a heritage conservation area.	N/A
Aboriginal Places of Heritage significance	The subject site is identified as having low sensitivity to Aboriginal Places of Heritage Significance. Accordingly, it is considered unlikely that the proposal would impact upon any Aboriginal Places of Heritage Significance.	Yes
Acid sulphate soils	An Acid Sulphate Soils Management Plan is not required to be prepared.	Yes
Earthworks	Council's Development Engineer raised no objection to earthworks.	Yes
Flood planning	The subject site is not identified as being within flood prone land.	N/A
Biodiversity protection	The site is not identified on this map	N/A
Water protection	The site is not identified on this map	N/A
Development on landslide risk land	The site is not identified on this map.	N/A
Affected by a Foreshore Building Line	The site is not located in the foreshore area.	N/A
Bushfire Prone Land	The site is not identified on this map.	N/A

7. PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023

Parramatta LEP 2023 was gazetted on 2 March 2023. Clause 1.8 of the LEP now repeals the following planning instrument which applied to the land:

- Auburn Local Environmental Plan 2010
- Holroyd Local Environmental Plan 2013
- Parramatta (former The Hills) Local Environmental Plan 2012
- Parramatta Local Environmental Plan 2011

Clause 1.8A Savings provision relating to development applications states:

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

The current DA was lodged on 24 October 2022 and therefore shall continue to be assessed under Parramatta LEP 2011.

8. PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

The relevant matters to be considered under Parramatta Development Control Plan 2011 or the proposed development are outlined below.

Control	Compliance
<p>Building Setbacks</p> <p>The child care centre shall comply with the minimum street and side setback and building envelope controls for the respective Residential zones. Side setback is to be a minimum 2m.</p>	<p>Yes – The subject site is zoned R2 Low Density Residential, therefore, the respective setback controls applicable are those for a dual occupancy.</p> <p><u>Front Setback – 5-9 metres or consistent with prevailing street</u> The proposed building will have a 9.2m setback from the front street boundary and complies.</p> <p><u>Side Setbacks – Minimum 2m</u> The proposal will have a 2m setback to the side boundaries and complies.</p> <p><u>Rear Setback – Minimum 30% of the length of the site</u> No, but acceptable – 30% of the length of the site equates to 12.7m. The ground floor will have a setback to the rear boundary of 4.6m and does not comply. The first floor will have a setback to the rear boundary of 6m and does not comply. The non-compliance is considered to be acceptable for the following reasons:</p> <ul style="list-style-type: none"> • The irregular nature of the subject site prevents a fully compliant building envelope to be constructed. • The adjoining land uses to the west and north are non-residential. • The first-floor uses are mainly oriented to the north. Where there are openings that face the southern side setback, they either have high windowsills or are obscured glass. • The built form still allows for sufficient solar access to the rear POS of the dwelling to the south.
<p>Access and Parking</p> <p>1 space/4 children</p> <p>1 Accessible Space/10 car spaces</p> <p>1 Bicycle/25 children</p>	<p>Yes – With 44 childcare places proposed, 11 total parking spaces, 1 accessible space and 2 bicycles spaces are required.</p> <p>The childcare centre will be designated with 11 total spaces, with one accessible parking space, and 2 bicycle spaces, and complies.</p>
<p>Acoustic and Visual Privacy</p>	<p>Yes – In regard to visual privacy, the proposed development is not considered likely to create any overlooking impacts onto neighbouring properties as the childcare uses will mainly face the western boundary or the northern boundary which are non-residential uses. The first floor will have a staff room with a window outlook toward the southern side boundary, however this window will have a high sill height and will not allow for overlooking. The first-floor indoor playroom will also have windows facing the southern side boundary but will comprise obscure glass bricks.</p> <p>In regard to acoustic privacy, an Acoustic Report was submitted with the application. This report was reviewed by Council's Environmental Health Officer, who raised no objections, subject to conditions of consent.</p>

Stormwater Drainage	Council's Engineer has imposed a deferred commencement condition requiring the registration of an easement to accommodate the stormwater discharge from the development.
Transition Areas	Yes – all outdoor play spaces have a shaded area that provides an undercover transition area between the indoor and outdoor space and supports both indoor and outdoor activities.
Waste Management	Yes – The Waste Management Plan was reviewed by Council's environmental Health Officer, who raised no objections, subject to conditions of consent.

9. DEVELOPMENT CONTRIBUTIONS

As this Development Application was lodged on 24 October 2022, the City of Parramatta Council (Outside Parramatta CBD) Contributions Plan 2021 applies to the land. As such, a development contribution based on the GFA of the development is required to be paid. A standard condition of consent has been imposed requiring the contribution to be paid prior to the issue of a Construction Certificate.

10. 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.

11. 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.

12. 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 built environment impacts such as traffic and built 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.

13. SUITABILITY OF THE SITE

The subject site can accommodate a development of centre-based child care facility without causing further impacts on the amenity of surrounding properties and is ideally located close to public transport links, services and facilities.

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.

14. PUBLIC CONSULTATION

In accordance with the Consolidated City of Parramatta Notification Procedures the Development Application was advertised between 1 November 2022 and 22 November 2022. In total, 21 submissions were received. Key concerns raised in the submissions are addressed below.

Issue	Response
Traffic/Parking/ /Driveway Sightlines	<p>Concerns raised in the submissions comprise the following:</p> <ul style="list-style-type: none"> • Concerns with swept paths at the corner of the street outside 6 Ulandi Place; • Removal of on-street parking; • Accuracy of Traffic Modelling; • Safety and delays at the intersection of King Street/Dobson Crescent; • Increase in overall traffic; • Concerns with car park layout; • Increased pedestrian movements on King Street and exacerbation of school pickup; and • Concerns with site servicing. <p>The application was reviewed by Council’s Traffic Management Officer. In conclusion, the Officer advised that:</p> <p><i>“The estimated traffic generation of the proposal is in the order of 36 and 31 trips in the morning and evening peak hours, respectively. Transport for New south Wales (TNSW) defines a vehicle trip as a one-way vehicular movement from one point to another excluding the return journey. Accordingly, the estimated trips will be in the order of 18 in and 18 out in the morning peak hour and 16 in and 15 out in the evening peak hour. This traffic generation on average equates to 1 car either approaching or departing the centre every 1 minutes and 43 seconds in the morning and 1 car either approaching or departing every 1 minutes and 56 seconds in the evening. This minor increase in traffic flow will not have any unacceptable impacts upon the operation of King Street or the surrounding road network”.</i></p> <p>Accordingly, they raised no objections to the proposal, subject to conditions of consent</p>
Tree Removal	<p>Concerns were raised in regard to the removal of trees to facilitate the development. The application was referred to Council’s Landscape Officer who raised no issue with the tree removal subject to the imposition of conditions of consent, including replacement tree planting.</p>
Stormwater	<p>Concerns were raised regarding the requirement of a drainage easement through the school. Council and the NSW Department of Education have been in discussions regarding the stormwater easement. A deferred commencement condition has been provided to require the easement be registered prior to the issue of an operative consent.</p>
Amenity: <ul style="list-style-type: none"> – Visual Privacy; – Noise Impacts. 	<p>In regard to visual privacy, the proposed development is not considered likely to create any overlooking impacts onto neighbouring properties as the childcare centre orientates its play areas toward the rear and northern boundaries. All elevated windows that face the southern boundary are obscured glass blocks.</p> <p>In regard to noise impacts, the proposal utilises a 1.8m high solid barrier around the perimeter of the outdoor play area and is considered to be acceptable. Council’s Environmental Health Officer raised no objections to the proposal, subject to conditions of consent.</p>
Proposal is Prohibited in the R2 Zone/this will lead to future commercial uses within the zone	<p>Concerns were raised regarding the commercial nature of the development within a residential zone, as well as the possibility of other unauthorised commercial uses being used on the site in the future if the childcare centre fails.</p> <p>The development is defined as a Centre-Based Child Care Facility and is a permitted use within the R2 Low Density Residential zone under Parramatta LEP 2011.</p> <p>As the site is not being rezoned under this proposal, any future uses would also be required to be permitted with consent within the R2 Low Density Residential zone under Parramatta LEP 2011 and would be subject to a merit assessment.</p>

Local Need/over supply of Child Care Centres	Concern has been raised in regard to the local need of a child care centre on the subject site as there are many other child care centres within close proximity of the subject site. Whilst it is acknowledged that there are existing centres located nearby, the proposed use is permitted with consent within the R2 zone. In accordance with Clause 3.27(c) of SEPP (Transport and Infrastructure) 2021, there is no requirement for the proposed use to be located any distance from these existing centres.
Overshadowing/Shade structure overhand boundaries	By virtue of the east-west orientation of the site the proposal is not considered to have any solar impacts on neighbouring properties. The proposal will have a compliant building height, FSR and side setback. The private open space for the neighbouring property to the south will continue to receive adequate solar access during the winter solstice, from 12 noon onwards.
Not notified to entire street	The application was notified in accordance with Council's Consolidated Notification Procedures, which included an advertising sign being placed at the front of the site.
Bulk and scale	The proposed development will have compliant building height, FSR and side setbacks and is not considered to be of an incompatible scale to the surrounding streetscape.

15. 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.

16. 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 future children of the centre. 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.

17. RECOMMENDATION

Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act, 1979:

- A. **That** the Parramatta Local Planning Panel, exercising the function of the consent authority, provide a **deferred commencement approval** to development consent to DA/834/2022 for *'demolition of existing structures, tree removal and construction of a 2 storey 44 place centre based childcare centre with 11 spaces of at grade parking'* on land at 23 King Street, Dundas Valley.

REASONS FOR APPROVAL

1. The development is permissible in the R2 Low Density Residential zone pursuant to Parramatta Local Environmental Plan 2011 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 land use that provides a facility to meet the day to day needs of residents.
4. The proposal provides a non-residential land use that has amenity impacts that can be appropriately managed.
5. The development is in the public interest because it is consistent with the objectives of for development in the R2 Low Density Residential zone.
6. For the reasons given above, approval of the application is in the public interest.

- B. **That** Council advise those who made a submission of the determination.

“Appendix 1” to Section 4.15 Assessment Report - DA/834/2022

DRAFT DEFERRED COMMENCEMENT CONDITIONS

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

Development Consent No.: DA/834/2022
Property Address: LOT 1094 DP 36696
23 King Street, DUNDAS VALLEY NSW
2117

Schedule 1:

DAA0002 #Interallotment Drainage Easement

- A. Pursuant to the provisions of Section 4.16(3) of the Environmental Planning and Assessment Act, 1979, the development application be granted a Deferred Commencement Consent subject to the completion of the following:

Submission to Council of suitable documentary evidence issued by the NSW Land Registry Services confirming the creation of an easement to drain water 1.5 metres wide over a downstream property benefiting the subject lot known as 23 King Street and burdening the downstream property known as lot 1106 DP36696 has been registered with the NSW Land and Property Information Service.

The above requirement(s) must be satisfied within 24 months of this determination or the consent will lapse.

Advisory Note: Easements through Council properties (or Crown land managed by Council) can take up to 12 months to finalise.

Upon compliance with the above requirements, a full Consent will be issued subject to the following conditions:

Advisory Note:

Requesting Operational Consent: Once logged into the NSW Planning Portal, locate and open the development application with the deferred commencement in your Active work – Select “Request Operational Consent” from the Actions dropdown Menu – Enter the details of the Request – Upload your documents and categorise the file type before clicking attach – Click on the submit button

If you need more information, or experience any issues, you will need to liaise directly with ServiceNSW. To contact ServiceNSW, please phone 1300 305 695 or email info@service.nsw.gov.au.

Schedule 2:

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. 20584)

Drawing No.	Issue	Plan Title	Dated
A02.01	B	Site Plan/Demolition	01.02.2023
A03.01	C	Ground Floor Plan	21.06.2023
A03.02	C	First Floor Plan	21.06.2023
A04.01	C	External Elevations	21.06.2023
A05.01	C	Section and External Finishes	21.06.2023

Civil Drawings (Project No. A22100)

Drawing No.	Issue	Plan Title	Dated
Cover	J	General Notes	24.02.2023
SW01	J	Sediment and Erosion Control Plan	24.02.2023
SW02	J	Ground Floor Drainage Plan	24.02.2023
SW03	J	Level 1 Drainage Plan	24.02.2023
SW04	J	Roof Drainage Plan	24.02.2023
SW05	J	Stormwater Section and Details	24.02.2023
SW06	J	Stormwater Section and Details 2	24.02.2023
SW07	J	Music Modelling	24.02.2023
SW08	J	Catchment Plans and Details	24.02.2023

Landscape Drawings (Project No. 2004)

Drawing No.	Issue	Plan Title	Dated
Sht-02	F	Site Plan	08.02.2023
Sht-03	F	Ground Floor Landscape Plan	08.02.2023
Sht-04	F	Ground Floor Detail Plan	08.02.2023

Sht-05	F	Ground Floor Detail Plan 2	08.02.2023
Sht-06	F	Ground Floor Detail Plan 3	08.02.2023
Sht-07	F	Ground Floor Planting Plan	08.02.2023
Sht-08	F	First Floor Landscape Plan	08.02.2023
Sht-09	F	First Floor Planting Plan	08.02.2023
Sht-10	F	Section Elevations	08.02.2023
Sht-12	F	Palette, Notes & Details	08.02.2023

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Statement of Environmental Effects	-	-	Think Planners	13.10.2022
Waste Management Plan	-	-	Artmade architects	15.01.2020
Contamination Report	CA/19/148-4001	1	NG Child & Associates	13.01.2020
Acoustic Report	6896-1.1R	1	Day Design	29.01.2020
Arborist Report	-	-	Horticultural Management Services	08.12.2019
Access Report	P19257	1	BCA Vision	11.12.2019
Traffic Report	22.23.015	-	Traffic Solutions	14.10.2022
Operational Plan of Management	-	-	Chapman Planning	24.01.2020

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.

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 demolition of # (all 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 in accordance with the conditions detailed under “Prior to Works Commencing” in this Consent.
- (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (h) Prior to the commencement of any demolition works, and where the site ceases to be occupied during works, the property owner must notify Council to discontinue the domestic waste service and to collect any garbage and recycling bins from any dwelling/ building that is to be demolished. Waste service charges will continue to be charged where this is not done. Construction and/ or demolition workers are not permitted to use Council’s domestic waste service for the disposal of any waste.
- (i) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover “Demolition Licence” and a current WorkCover “Class 2 (Restricted) Asbestos Licence”.
- (j) Demolition is to be completed within 5 days of commencement.
- (k) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- (l) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (m) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
 - (i) Proposed ingress and egress of vehicles to and from the construction site;
 - (ii) Proposed protection of pedestrians adjacent to the site;
 - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- (n) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the NSW Environment Protection Authority (EPA).
- (o) Before demolition works begin, adequate toilet facilities are to be provided.
- (p) After completion, the applicant must notify City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- (q) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and

- (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
- (iii) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

PA0013 LSL Payment Const> \$250,000 (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 0.25% of the value of building and construction work where the cost of building is \$250,000 or more (inclusive of GST) or as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the Certifier.

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

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

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/834/2022
- (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
Traffic and transport	\$ 9,837.94
Plan administration	\$ 511.64
Total	\$ 10,349.58

The total contribution payable to Council under this condition is \$10,349.58 as calculated at the date of this consent, in accordance with City of Parramatta (Outside CBD) Contributions Plan 2021 (Amendment 1).

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) Contributions Plan 2021 (Amendment 1).

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

ECA0001 Hazardous/intractable waste disposed legislation

8. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Safework NSW and the EPA, and with the provisions of:
- Work Health and Safety Act 2011;
 - NSW Protection Of the Environment Operations Act 1997 (NSW); and
 - NSW Environment Protection Authority (EPA) Waste Classification Guidelines.

Reason: To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

ECA0006 Require to notify about new contamination evidence

9. 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.

ECA0009 Contaminated waste to licensed EPA landfill

10. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

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

EFA0001 Requirement for Trade Waste Agreement

11. 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.

EPA0068 Erosion and Sediment Control Measures

12. 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.

EPA0069 Erosion and Sediment Control - Run Off

13. 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.

EWA0002 Amenity of waste storage areas (general)

14. All waste storage areas/rooms are to comply with the City of Parramatta Waste Management Guidelines for New Developments. No waste materials are to be stored outside the building or any approved waste storage area at any time.

Reason: To ensure waste is adequately separated and managed in mixed use developments.

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.)

PB0030 Infrastructure & Restoration Adm. fee for all DAs

15. 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)

16. 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

PB0055 Waste Management Plan (DIEP Mandatory Cond)

17. 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

18. 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

19. 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

20. 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

21. 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.

DB0012 #On Site Detention

22. Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be submitted for the approval of the PCA prior to release of the Construction Certificate for any work on the site.

- (a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following Stormwater Plans approved by this consent and with Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, The Upper Parramatta River

Catchment Trust On Site Detention Hand book (Third or Fourth Edition), the relevant Australian Standards and the National Construction Code.

- (i) ***“Stormwater Management Plan”, prepared by Alpha Engineering, project number A22100, issue J, dated 24 Feb 2023***
- (b) A Site Storage Requirement of 330 m³/ha and a Permissible Site Discharge of 130 L/s/ha (when using 3rd edition of UPRCT’s handbook)
- (c) Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank.
- (d) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.

Reason: To minimise the quantity of storm water run-off from the site, surcharge from the existing drainage system and to manage downstream flooding.

DB0013 #Water treatment for stormwater

23. Water quality treatment devices must be installed to manage surface runoff water to King Street to satisfy section 3.3.6.1 of Parramatta City Council Development Control Plan 2011. Details of the proposed devices and their location and certification from the manufacturer/Installer must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

DB0017A Construction of a heavy duty vehicular crossing

24. 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.

DB0021 Impact on Existing Utility Installations

25. 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.

EAB0002 Noise impact on child-care centres

26. Prior to the issue of a Construction Certificate, written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and City of Parramatta Council, stating that appropriate design and construction materials are to be utilised within the development to ensure compliance with the following noise criteria specified for managing the noise impact on child-care centres from rail corridors and/or busy roads:

a) In any area: 40dB(A) at any time.

Reason: Compliance with relevant noise amenity criteria in Infrastructure SEPP.

EAB0003 Noise Management Plan - Construction Sites

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

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

- a) Identify sensitive locations near the site;
- b) Identify potential impacts (i.e. exceedance of the goals at the identified locations);
- c) Mitigation measures to control noise from the site, the noise reduction likely and the feasibility and reasonableness of these measures;
- d) Selection criteria for plant and equipment;
- e) Community consultation;
- f) Details of work schedules for all construction phases;
- g) Selection of traffic routes to minimise residential noise intrusion;
- h) Schedule of plant and equipment use and maintenance programs;
- i) Noise monitoring techniques and method of reporting results;
- j) The methodology to be employed for handling and investigating any complaints should they arise;
- k) Site induction details for employees and contractors; and
- l) A declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

Reason: To maintain appropriate amenity to nearby occupants.

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

28. 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.

EWB0002 Management of Construction and/or Demolition Waste

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

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

LB0004 #Landscaping Plan

30. The Stormwater Plan must be amended prior to the issuing of the Construction Certificate. The amended plan must be consistent with all approved plans together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:

- (a) That the location of any proposed drainage lines/associated pits or easement takes into consideration appropriate distances from

boundaries and proposed landscaped areas – recommended distance 2.0 metres.

Reason: To ensure proposed stormwater infrastructure is appropriately distanced from landscaped areas.

LF0001 Landscape maintenance

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

Reason: To ensure restoration of environmental amenity.

TB0001 #Car Parking Condition

32. 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

33. Two (2) 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

34. 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 11 parking spaces is to be provided and be allocated as follows:

- a) Six (6) spaces for staff parking;
- b) Five (5) parking spaces for visitors/parents including one (1) space as accessible parking.

Tandem car spaces are to be allocated to staff parking. Details are to be illustrated on plans submitted with the construction certificate application.

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

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

BC0001 Toilet facilities on site

35. 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

36. 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

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

Reason: To ensure public safety.

PC0003 Site Sign

38. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 70 of the Environmental Planning and Assessment Regulations 2021 detailing:

- (a) Unauthorised entry of the work site is prohibited;
- (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
- (c) The name, address and telephone number of the Principal 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

39. 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.

DC0002 Road Opening Permits - DA's involving drainage wrk

40. 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

41. 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

42. 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

43. 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

44. 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.

ECC0002 Asbestos - signage

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

Reason: To comply with the requirements of Safework NSW.

ECC0003 Hazardous material survey

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

- (a) The location of hazardous materials throughout the site;
- (b) A description of the hazardous material;
- (c) The form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- (d) An estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- (e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- (f) Identification of the disposal sites to which the hazardous materials will be taken.

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

EFC0001 Food premises DA/CC plans to satisfy requirements

47. 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.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

PD0001 Copy of development consent

48. 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

49. 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

- B. 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)

50. 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

51. 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)

52. 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

53. 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)

54. 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)

55. 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.

DD0005 Erosion & sediment control measures

56. 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

57. 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.

DD0010 Vehicle egress signs

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

Reason: To ensure pedestrian safety.

ECD0002 Asbestos records disposal& licensed waste facility

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

Reason: To ensure appropriate disposal of asbestos materials.

ECD0003 Asbestos handled& disposed of by licensed facility

60. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 and the NSW Environment Protection Authority (EPA) Waste Classification Guidelines and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

EPD0001 Dust Control

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

Reason: To protect the amenity of the area.

EWD0003 Waste data file maintained

62. A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

Reason: To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.

EWD0004 Hazardous/intractable waste disposed of in accor.

63. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Safework NSW and the EPA, and with the provisions of:

- (a) Work Health and Safety Act 2011;
- (b) NSW Protection of the Environment Operations Act 1997 (NSW); and
- (c) NSW Department of Environment and Climate Change Environmental Guidelines; NSW EPA Waste Classification Guidelines.

Reason: To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

LD0009 Planting Requirements

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

Reason: To ensure appropriate landscaping.

LD0011 Tree Removal

65. The following trees are approved to be removed to facilitate the development: **refer to the submitted Arborist Report prepared by Horticultural Management Services dated 8 December 2019 for tree No's & locations: Tree No's 1 - 13**

Reason: To facilitate development.

LD0012 Trees with adequate root volume

66. 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

67. 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.

TD0001 Road Occupancy Permit

68. 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

69. 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

70. 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

71. 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.

DE0003 Work-as-Executed Plan (DPIE Condition)

72. Works-As-Executed stormwater plans are to address the following:

- (a) A WAE survey shall be conducted and plans prepared showing the 'as built' of the complete on-site detention system including (but not limited to) discharge point into Council system, storage tank (including all critical elements), all pipes and pits connected to the

OSD system, overland flow swale and surface levels that control surface flows to the OSD system and by design bypassing the OSD system.

- (b) 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.
- (c) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- (d) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table
- (e) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (f) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The certificate must only be provided after conducting a satisfactory final inspection. The final inspection shall include the application of all the ancillary components of the system including but not limited to: step-irons, orifice plate, trash screen with appropriate wall attachment, hinged lockable grates, confined space sign, functioning return lap valve and relief drains within DCP sump etc.
- (g) Certificate of Structural compliance of the OSD tank shall reference the structural elements including floor slab/foundations, walls and cover slab from a qualified structural engineer

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

Reason: To ensure works comply with approved plans and adequate information is available for Council to update the Upper Parramatta River Catchment Trust.

DE0005 OSD Positive Covenant/Restriction

73. Prior to the issue of an Occupation Certificate a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 must be created, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

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

Council's standard application form shall be lodged, accompanied by the required documents and plans, only after the completion, final inspection and certification of the on-site detention system.

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

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

Electronic colour photographs in jpg format of the on-site detention facility shall accompany the application for the Positive Covenant and the Restriction on the Use of the Land. These photos shall include such elements as the orifice plate, trash screen, step irons, weir, sump and bench on the floor of the DCP, return pipe and flap valve, wide angle view of the storage area or multiple photos, grates closed from above, grates open showing the edges to the opening and under frame packing with mortar or concrete, all pipe entries to the DCP and confined space warning signs at each entry point. The photos must be well labelled and must differentiate between multiple tanks. Additional photos may be requested if required.

Reason: To ensure maintenance of on-site detention facilities.

DE0006 Section 73 Certificate

74. 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.

DE0015 Driveway Crossover

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

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

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

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

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

Reason: Pedestrian and Vehicle safety.

DE0018 Reinstatement of laybacks etc

76. 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

77. 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. (6896-1.1R), dated (29/1/20), prepared by (Day Design PTY LTD)

Reason: To demonstrate compliance with submitted reports.

EFE0002 Notification of food business – Council

78. 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

79. 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

80. 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.

EWE0002 Details of commercial contract for collection

81. Prior to issue of the occupation certificate, the applicant shall enter into a commercial contract for the collection of trade wastes and recyclable materials arising from business operations on site. A copy of all waste contracts and receipts shall be kept on site and made available to Council officers on request.

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

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

82. 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

83. 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

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

Reason: To ensure visual amenity.

PF0025 #Operating hours

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

Day	Time
Monday	7:00am – 6:00pm
Tuesday	7:00am – 6:00pm
Wednesday	7:00am – 6:00pm
Thursday	7:00am – 6:00pm
Friday	7:00am – 6:00pm
Saturday	Closed
Sunday	Closed
Public Holidays	Closed

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

PF0049 Graffiti Management

86. 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)

87. When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held in accordance with **City of Parramatta Fees and Charges Schedule 2022/2023**.

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

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

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

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

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

EAF0001 Use is not to cause offensive noise or vibration

88. 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'

89. 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

90. 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.

EAF0009 Use of Premises

91. 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.

EFF0001 Food premises

92. 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.

EWF0003 Remove putrescible waste at sufficient frequency

93. 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.

EWF0006 Storage of bins between collection periods

94. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

Reason: To ensure waste is adequately stored within the premises.

EWF0008 Ongoing Management of Wastes (general)

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

Reason: To ensure that waste does not accumulate onsite.

EWF0010 Compliance with Servicing Requirements

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

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

TF0003 #Roller Shutter Door Opening Hours

97. If a roller shutter door is to be provided at the driveway entry and exit from King Street, it is to be opened at all times during the centre's operating hours from 7am to 6pm Monday to Friday.

Reason: To comply with Council requirements.

Date: 22 June 2023

Responsible Officer: Darren Wan