



18 December 2025

Mr Nathan Stringer
Principal Planning Officer,
Affordable Housing Assessments,
Department of Planning, Housing and Infrastructure,
Via NSW Planning Portal

Dear Nathan,

RFI Response – Crescent Parklands, Holroyd (SSD-70283710)

This letter relates to State Significant Development Application SSD-70283710 for the proposed mixed-use precinct development, including seven residential tower buildings, an eastern mixed-use podium and associated car parking at 1 Crescent Street, Holroyd (**the site**).

On behalf of Tiberius (Holroyd) Pty Ltd (**the applicant**), this letter has been prepared to address additional comments and recommended conditions provided by the Department of Planning Housing and Infrastructure (**DPHI**), Cumberland City Council (**Council**), City of Parramatta, Transport for NSW (**TfNSW**), NSW Department of Climate Change, Energy, the Environment and Water (**DCCEEW**) and Heritage NSW, in December 2025.

This letter has provided a table format response to each of the comments provided by the Agencies. It is to be read in conjunction with the main Submission and Amendment Report (**SAR**) prepared by Urbis, dated November 2025 and accompanying technical documents outlined below:

- Appendix A – Updated Integrated Stormwater Management Report and Civil Plans, dated December 2025, prepared by BG&E
- Appendix B – Technical Traffic Memo, dated December 2025, prepared by TTPP

1 Department of Planning Housing and Infrastructure

DPHI has reviewed the Submissions and Amendment Report submitted to the DPHI on 14 November 2025. The Table below responds to the RFI points raised by the DPHI.

Table 1 Comments from DPHI

DPHI Comments	Response								
Staging Strategy The Department requests that you provide clarification regarding the proposed staging strategy, noting that the strategy set out in Table 6 (comparative analysis) and Section 3.4.2 of the SAR is inconsistent with Appendix NN. You must clarify which strategy is proposed and provided an updated comparative analysis table and staging assessment, where relevant.	The comparative analysis table below has updated to reflect the information contained in the Staging Strategy (Appendix NN). <table><tr><th>COMPONENT</th><th>SSD PROPOSAL AS LODGED (JANUARY 2025)</th><th>AMENDED PROPOSAL (NOVEMBER 2025)</th><th>VARIANCE</th></tr><tr><td>Staging</td><td>Phase 1 - Buildings 1, 2 and 3 Phase 2 - Buildings 4 and 5 Phase 3 - Buildings 6 and 7</td><td>Stage A0 – Early Enabling Works Stage A - Buildings 1, 2 and 3 Stage B - Buildings 4 and 5 Stage C - Buildings 6 and 7 Stage D - Bridge</td><td>Amended to provide: - Further detail on staging - Flexibility to allow varied sequencing (between Stages A, B and C) - Separate Stage for the Bridge (Stage D)</td></tr></table> Section 3.4.2 of the SAR in relation to Development Staging and Early Works has been updated below to reflect what is in the Staging Strategy in Appendix NN. Summary of Development Staging The Crescent Parklands development is proposed to be delivered in three primary stages (A, B and C), together with:	COMPONENT	SSD PROPOSAL AS LODGED (JANUARY 2025)	AMENDED PROPOSAL (NOVEMBER 2025)	VARIANCE	Staging	Phase 1 - Buildings 1, 2 and 3 Phase 2 - Buildings 4 and 5 Phase 3 - Buildings 6 and 7	Stage A0 – Early Enabling Works Stage A - Buildings 1, 2 and 3 Stage B - Buildings 4 and 5 Stage C - Buildings 6 and 7 Stage D - Bridge	Amended to provide: - Further detail on staging - Flexibility to allow varied sequencing (between Stages A, B and C) - Separate Stage for the Bridge (Stage D)
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DPHI Comments

Response

Stage A0 – Early Enabling Works

Stage D – Bridge over A’Becketts Creek

Each stage corresponds to a logical development cluster and will deliver all necessary remediation, infrastructure and public domain works to allow for independent operation

The indicative staging of development is summarised in the following table.

STAGING	LOCATION	INCLUSIONS
Stage A0	Early Enabling Works	
Stage A	East Precinct	• Buildings 1, 2 and 3 (including podium) • Road access, including part of the internal road • Part of the central area of open space • TfNSW easement • Crescent Street Road widening
Stage B	Central Precinct	• Buildings 4 and 5 (including podium) • Part of the internal road • Part of the central area of open space
Stage C	West Precinct	• Buildings 6 and 7 (including podium) • Landscaping, and part of the open space • Part of the internal road
Stage D	Bridge	• Pedestrian/cycle bridge over A’Becketts Creek

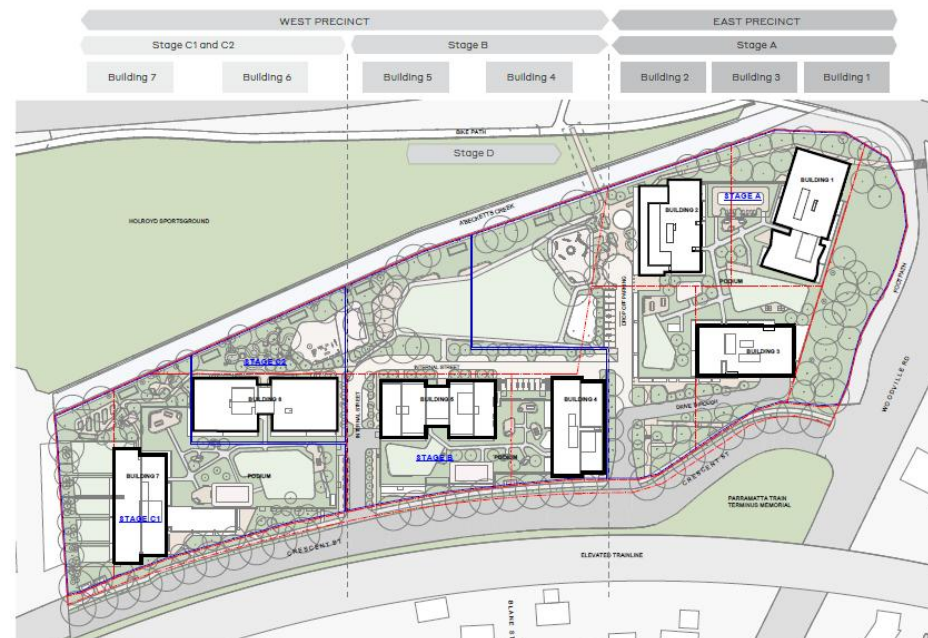


Table 2 Comments from Council

Council Comment	Response
Planning Agreement and Public Spaces	
The contamination issue remains unresolved, which is critical to the intent of dedication of the open space within the REI zone to Council and the proposed LTEMP stakeholders arrangement (future strata subject to staged development and Council) that remains unchanged. The open space within the REI zone is still being referred to as public park throughout the documentation.	Appendix A (page 10) of the SAR addresses this matter. As previously outlined, the option of entering into a planning agreement can continue to be explored with Council post-approval. However, Council's current requirements for dedication of the REI land are not acceptable in their present form, and therefore the applicant is not in a position to commit to dedication at this time. Notwithstanding this, the applicant has committed to providing 24/7 public access and use of the REI public park through conditions of consent, ensuring the public benefit is secured irrespective of whether a VPA is ultimately agreed with Council.
No letter of offer has been submitted for any proposed dedication to Council, including public open space and the bridge connecting with Holroyd Sportsground. The letter of offer will need to be endorsed by Council to determine the terms of any future planning agreement.	No formal letter of offer has been made to Council as yet, as the proponent has not been able to secure in-principle terms with Council on key matters such as the agreed state of the future park in terms of site remediation. A number of options have been explored with Council but are yet to be resolved such that no formal public benefit offer can be made. Similarly, while concept designs have been provided on the future bridge, final agreement is yet to be reached and the dedication of the bridge is dependent on the resolution of the ownership of the public park. It is the intention of the proponent to further explore these matters post consent. The proponent acknowledges Council's process to enter into an agreement with Council. The consent can be issued without a VPA in place as the applicant will accept conditions that require suitable access easements to be put in place to ensure that the park is fully accessible to the community at all times.

Council Comment	Response
Maintenance schedule will be required to determine future cost of maintaining any dedicated items as this would burden Council. Should Council accept dedication, the proponent should be liable for the life cycle cost, subject to further negotiation. A deed of agreement suggested by the proponent may not be sufficient.	As per the above comments, the ability to dedicate the land to Council is dependent upon reaching agreed terms. A regime to quantify future maintenance costs is yet to be prepared on the basis that the threshold of issue of the agreed form of site remediation has not been agreed at this time. On this basis, it is proposed that the land be maintained by the proponent (and successors in ownership) until such time that alternative arrangements with Council can be reached. Retention in private ownership would include suitable conditions for public access as noted above.
Car parking spaces are proposed within internal road in the RE1 zone, which does not appear to be a permitted use with consent under the Cumberland LEP 2021. However, this may be considered an ancillary use to the proposed use of the road.	Car parking spaces proposed within internal road in the RE1 zone have been treated as ancillary to the road noting these are publicly accessible car spaces not dedicated to a specific use. On this basis they can be treated as being part of "road" which is permitted with consent in the RE1 Zone.
Further clarification will be required as staging of construction is now proposed. The site is relying on one internal road connection that may not be completed during each of the staging works and how does each completed stage will maintain access to the site when the other stages have not completed. Staging arrangement will not prevent the issuing of OC for the completed stage.	The proposed staging has been designed so that each stage maintains fully independent vehicular access without reliance on the internal road connection being completed. Access Arrangements: - Stage A will be accessed via the eastern driveway on Crescent Street. - Stages B and C will be accessed via the western driveway on Crescent Street. The interconnecting internal road is not required for access to any stage and does not form a dependency for occupation.

Council Comment	Response
	Accordingly, the staging arrangement enables the issuing of an OC for each completed stage, as each stage retains compliant and independent access throughout construction.
Remediation works as part of the staged development appear to relate to each stage instead of being undertaken as part of the initial works for the entire site. Noting that there will be a host of below ground service venting structures required to manage the build up gas from the contaminant throughout the site, the amended submission does not provide clarity how this will be managed.	The remediation works are intentionally staged, consistent with the development sequencing. Contamination capping and gas mitigation measures are installed Stage-by-Stage, validated Stage-by-Stage, and safely managed at boundaries through temporary capping and controlled interfaces. This approach is fully endorsed within the RAP and the site auditor's framework.
Part F1-20 –Cumberland Development Control Plan	
The development shall ensure the promotion of connectivity such as pedestrian connectivity, cycling, walking and shuttle bus service that align with the site specific DCP.	The applicant included Appendix LL in the SAR which outlines proposed off-site active transport works, which were previously raised by Council during consultation, and which align to the DCP objectives of enhancing connectivity to and from the site. This report specifically investigates improved connectivity to Merrylands and explores the existing conditions and opportunities for improvements. The details are outlined in Appendix LL.
<u>DCP – Sub-part 3.7 Vehicle access and movement</u> Council also requires a commitment for the provision of walking and cycling infrastructure upgrade to support continuous connections between the site and Merrylands Station, to provide alternate transport options in response to additional demand generated by the site.	As noted above, connectivity towards Merrylands Town Centre has been comprehensively addressed in Appendix LL – Proposed Off-Site Active Transport Works, which identifies feasible and proportionate off-site measures including targeted lighting, signage, line marking and a potential shared-path lantern phase at Neil/Pitt Street. These measures respond directly to Council's request for improvements. The QS has costed these works at \$102,000, and rather than undertaking physical works on Council land, the proponent proposes to provide a monetary contribution of this amount for Council to deliver the improvements. Appendix LL also demonstrates that more extensive upgrades sought by Council are constrained by existing road geometry, utilities, land ownership

Council Comment	Response
	and TfNSW infrastructure. As such, Council's request for broader network-wide improvements is beyond the scope of the SSDA and not supported by a causal nexus. The proposal therefore meets and exceeds the required connectivity outcomes through a combination of: (i) strong on-site permeability; (ii) a dedicated new pedestrian bridge into Holroyd Sportsground; and (iii) feasible, evidence-based off-site enhancements, with the proponent committing a \$102,000 contribution towards their delivery. No further works are required.
<u>DCP – Sub-Part 3.8 Connectivity</u> Ensuring north-south pedestrian and cycle connections are provided through the site, connecting the cycle way to the north of Holroyd Sportsground and Crescent Street to the south of the site. Pedestrian and cycle connectivity should be provided to Holroyd Sportsground to the north of the site and towards Merrylands Station to the south of the site. Council also required a commitment to improvements for the wider pedestrian and cycle network to improve accessibility and ensure barrier free access to nearby rail stations for future residents and workers.	It is not feasible to construct a north-south cycle connection through the site given the lack of connections and access through adjacent land. The strategy has been to widen the Crescent Street footpath within the curtilage of the site and then for cyclists to continue southwards towards Walpole Street. For cyclists travelling north, they are likely to use the bridge connection onto the regional bicycle path. Pedestrian and cycle connectivity to Holroyd Sportsground is already clearly provided via the dedicated bridge connection at the northern end of the site. This bridge forms the safe, direct and universally accessible connection between the site and the sportsground, consistent with both the SDRP recommendations and the landscape strategy documented in the RTS package. With respect to connections towards Merrylands Station see 3.7 response above. Council's request is unclear, and it is not certain as to how this would be achieved beyond the enhancements already outlined. The proponent will be

Council Comment	Response
	contributing significant monetary contributions under the existing section 7.11 plan which can fund significant local infrastructure in the immediate area.
Heritage – Alternative Built Form Approach	
The applicant's comments regarding existing shading to the Railway Memorial (1121) have been noted. However, Council's assessment is guided by the Cumberland DCP, which requires new development to be carefully sited to avoid adversely affecting the curtilage, landscaping, setting, solar access and views associated with any heritage item. While the memorial may currently experience some shading from vegetation, this does not justify additional permanent overshadowing arising from built form. The memorial is located within a public open space, and increased overshadowing would impact not only the item itself but also its curtilage and the amenity of the surrounding reserve, which contribute to its heritage setting and public appreciation. Accordingly, alternative massing or design refinements should be explored to minimise further overshadowing and better align with the DCP objectives.	Council's position on this matter is unreasonable and lacks proportionality. The project will bring significant housing at a time of a national housing crisis. To suggest that the project should be significantly reduced in scale to protect sunlight to the memorial is not a tenable or reasonable planning position to adopt. Being due south of the subject site, it is inevitable that shadowing will occur in the area of the memorial particularly during the winter months, although it should be noted that the memorial will still access sun at the winter solstice during the hours of 9am to 11am. To redesign the project as suggested by Council would significantly impact the development and is not proportionate to the planning outcome sought in protecting the memorial to full sun. The heritage assessment prepared for the SSDA concludes that the Memorial's significance is derived from its historical associations and the ability to read the plaque, not from its current landscape setting nor its pattern of sunlight and shadow. The setting has already changed substantially as a result of past infrastructure works and existing evergreen vegetation, and the Memorial was not designed with an interpretive reliance on sunlight or shadow conditions. On this basis, the proposed built form does not diminish the item's heritage values as defined in the Council's own Statement of Significance. We defer to DPHI's assessment of the adequacy of the heritage analysis already provided.

Council Comment	Response
Stormwater Management	
The sub-catchment area for each OSD system associated to the OSD system should be delineated on the plan and the area shown in m ² . The OSD sub-catchment delineation/demarcation and the area has not been provided.	The OSD sub-catchment delineation/demarcation and the area has been added to the civil plans, refer to Appendix A.
The OSD design calculation summary sheet for each of the OSD systems should also be provided. The provision of OSD storage for each catchment must be based on the sub catchment area. The information provided is incomplete. The OSD design calculation summary sheets have not been provided.	The OSD design calculation summary sheet for each of the OSD systems has been provided in Appendix DD of the SARs.
The cross-sectional details of the OSD tanks including the levels and storage volume have not been provided. The cross sectional details shown but lack the orifice centreline levels, and the overflow outlet level that controls the top water level within the tank. The numbers/figures stated in section 6.4 of the Stormwater report are not consistent with that shown on the sectional detail drawings.	These sections have been provided in Appendix DD of the SARs. The sections clearly, show the levels and volumes. Overflow outlet grate levels and top water levels are shown on plan and noted in the tank summary as well
Based on the available information, the available OSD storage volume appears to be insufficient. Particularly the available OSD storage volume from the OSD tank 2 appears to be 345m ³ , noting that average depth of 0.7m only based on the slab inverts levels which varies from 12.3m to 12.55m. The average depth of 1m and storage volume of 410m ³ could not be comprehend.	Refer to Appendix DD of the SARs. The tank for stage 2 is called up as phase B OSD tank with an area of 407m ² . The depth, area and volume information is provided in the summary notes adjacent to the tank
The OSD Total storage calculated for Stage B appears to be underestimated and insufficient. In addition, the total OSD storage provision for stage C appears to be insufficient and the numbers shown area not consistent (area calculated appears to be incorrect).	For Stage C, the tank area contains a typographical error, which will be corrected to reflect the accurate calculation. For Stage B, the storage provision is sufficient when assessed against the relevant phase area.

Council Comment	Response
All stormwater runoffs should be directed into the High Early Discharge (HED) control pit/chamber to maximise the efficiency and functioning of the OSD system.	A HED system is not proposed. The OSD system proposed is in line with Upper Parramatta River Catchment Trust (UPRCT) requirements with a dual orifice system in line with figure 5.1 of UPRCT Handbook Edition 4.
The OSD design calculation method adopted (HED) and the provision (non-HED) on the layout drawing are inconsistent.	A HED system is not proposed. The OSD system proposed is in line with UPRCT requirements with a dual orifice system in line with figure 5.1 of UPRCT Handbook Edition 4.
Stormwater Quality / Water Sensitive Urban Design (WSUD) Measures	
The provision of water sensitive urban design (WSUD) measures should be demonstrated by MUSIC model. No such model have been provided demonstrating compliance with the pollutant removal target in accordance with the table 5 (section 2.5) of Cumberland DCP 2021 Part G4.	The MUSIC model has been prepared and will be submitted to confirm the proposed WSUD measures meet the required performance criteria.
The MUSIC model should be consistent with and reflect the treatment system components (water quality treatment devices) as proposed and shown on the plan.	The MUSIC model is consistent with and reflects the treatment system components (water quality treatment devices) as proposed and shown on the plan.
The provision needs to be re-assessed, and further comment will be made upon receipt of the MUSIC model.	Noted
Electronic copy of the MUSIC model adopted has not been provided. The provision needs to be reassessed upon receipt of the model.	Noted
Landscaping	
The Landscape Concept Plan prepare by Arcadia provides an overview of the landscape plan for the site but lack details such a precise location of proposed species, quantity etc. A condition has been recommended in Attachment B.	Noted - the proponent is in agreement for DPHI to impose a suitable condition of consent to resolve this matter.

Table 3 Draft Conditions from Council

Draft Condition	Response
<u>Section 7.11</u> Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 7.11 of the Environmental Planning and Assessment Act 1979 and the Cumberland Local Infrastructure Contributions Plan 2020 is to be paid to Council. The amount of contribution payable is \$21,286,804.00 + CPI as at the date of this consent but is subject to change by the consumer price index to the date of payment. A copy of the Cumberland Local Infrastructure Contributions Plan 2020 can be viewed on Council's website (Reason: To ensure compliance with Cumberland Local Infrastructure Contributions Plan)	The condition as drafted requires payment of the entire Section 7.11 contribution prior to the issue of any Construction Certificate. This is not acceptable for a staged development of this scale and would prevent the delivery of any works due to the burdensome upfront cost. The Cumberland Local Infrastructure Contributions Plan 2020 expressly allows for staged payments where a development is staged. Consistent with standard practice across NSW SSDA determinations, contributions should be payable prior to the issue of the Construction Certificate relating to each stage of development, apportioned to the works in that stage. To ensure legal and practical workability, the condition must be amended so that contributions are levied proportionately and only prior to the issue of the relevant CC.
<u>Damage Deposit for Council Infrastructure</u> A damage deposit of \$29,880.00 shall be paid to Council prior to the issue of the Construction Certificate. Council may use part or all of the deposit to carry out rectification work to Council's infrastructure that was damaged as a result of carrying out development works. Unused portions of the damage deposit can be refunded following the completion the issue of an Occupation Certificate and a written request to release the deposit. (Reason: To encourage protection of Council infrastructure and to fund rectification works for damaged Council infrastructure)	Noted

Draft Condition			Response
<u>Fees to be paid to Council</u>			The condition as drafted requires payment of the entire Section 7.11 contribution prior to the issue of any Construction Certificate. This is not acceptable for a staged development of this scale and would prevent the delivery of any works due to the burdensome upfront cost. The Cumberland Local Infrastructure Contributions Plan 2020 expressly allows for staged payments where a development is staged. Consistent with standard practice across NSW SSDA determinations, contributions should be payable prior to the issue of the Construction Certificate relating to each stage of development, apportioned to the works in that stage. To ensure legal and practical workability, the condition must be amended so that contributions are levied proportionately and only prior to the issue of the relevant CC.
Type of fees	Amount	Payment Timing	
Damage Deposit	\$29,880.00	Prior to issue of CC	
Sect. 7.11 Contributions	\$21, 286, 804.00 + CPI	Prior to issue of CC	
TOTAL	\$21,316,684.00 + CPI where applicable		
Payment of the above fees shall be paid to Council in accordance with timing stipulated above. Please note that other fees and charges may be applicable to the proposal. Fees to be paid to Council will be determined at the time of payment in accordance with Council’s adopted Fees and Charges Policy and may therefore exceed the fee amount quoted above. Note: In the event that the applicant does not apply for a refund of bonds, Council will forfeit the bonds and it will be transferred to the Infrastructure Reserve seven years after the completion of works in accordance with Council’s Construction Bonds Management Policy. (Reason: Statutory requirement and information)			
<u>Easement for Bridge Over Council Land</u>			Council’s requested wording requires the easement to be created prior to the issue of any Construction Certificate. This is not acceptable, as it would prevent CCs for unrelated works – including Stage A works entirely within our land – from being issued. The easement is only required in connection with the pedestrian/cycle bridge, which is the only element that traverses Council land. The appropriate trigger
Prior to the issue of any Construction Certificate, an easement shall be created in favour of the development site within Council land for the proposed bridge across A’Beckett Creek which leads into Council’s land being Holroyd Sportsground.			

Draft Condition	Response
In this regard, easement details including detailed design of the bridge shall be submitted to Council for approval to negotiate the process. All associated cost shall be borne by the applicant. (Reason: To ensure the private bridge has an appropriate easement over Council land)	is therefore the Construction Certificate for the bridge works, not for the development more broadly.
<u>Re-direction of Council Culvert and Drainage Easement</u> Prior to the issue of any Construction Certificate, plans detailing the relocation of Council's culvert and drainage easement shall be submitted to Council's Manager Engineering and Building for approval. The diversion shall be undertaken to the satisfaction of Council and need to be completed prior to the removal of the existing culvert. The required easement shall be created in favour of Council to the satisfaction of Council. All associated cost shall be borne by the applicant. (Reason: To protect Council's asset and maintain quality)	Confirmation on referenced culvert required. Assumed to be regarding DP1241836 which runs along Crescent St and around the east of the site up Woodville Road, thus relocated as part of the road widening works. Condition should be updated to be "Prior to the issue of the first Construction Certificate for Crescent Street road widening works".
<u>Footpath and Driveway Design Levels</u> Detailed footpath levels shall be obtained from Council before finalisation of the footpath and driveway design with the Construction Certificate application by lodging an 'Application for Property Boundary Line Levels'. Any required adjustments shall be included in the Construction Certificate plans. Unless an alternative specific design is submitted and approved by Council, the footpath and driveway levels adjoining the site shall generally be as follows: a) The internal driveway levels shall be designed to meet Council's footpath verge levels such that a maximum cross fall of 2.5% is achieved where the footpath crosses the driveway.	Noted

Draft Condition	Response
b) The levels of the driveway at the property boundary shall incorporate a cross fall equivalent to the general longitudinal grade of the street. c) The approved boundary line levels are to be incorporated in plans and submitted for approval under section 138 of the Roads Act 1993. (Reason: To ensure appropriate vehicular access that has regard to prevailing topography and that preserves safe pedestrian access)	
<u>Driveway Design</u> Detailed driveway plans prepared by a suitably qualified and practising engineer shall be submitted to and approved by the Council or registered certifier. The plans shall include a longitudinal section for each edge of the driveway / ramp from the centreline of the road to the parking spaces which demonstrates that grades and transitions comply with clauses 2.5.3 and 2.6 of AS2890.1:2004. Levels at the property boundary shall accord to those obtained from Council via an <i>Application for Property Boundary Line Levels</i>. (Reason: To ensure safe and suitable vehicular access)	Noted
<u>Separate Approval for Works in the Public Road (External Works) – Section 138 Roads Act</u> In accordance with section 138 of the Roads Act 1993 and prior to the issue of any Construction Certificate, the applicant must submit a Road and Footpath Opening Permit application that is accompanied by detailed plans. Written approval must be obtained from the appropriate road authority under the Roads Act 1993 for any works in the road reserve prior to the commencement of works. Where the work is likely to have an impact on the operation of an arterial road then a Road Occupancy Licence must be obtained from the relevant road authority. The application should be lodged at least 10 days prior to the	Noted

Draft Condition	Response
planned commencement date. When lodging the 'Application for Road Occupancy Licence' fees are payable in accordance with Council's adopted fees and charges. (Reason: Protection of Public Assets and information)	
<u>Landscape Plan</u> A landscape plan prepared by a qualified landscape architect or landscape designer to a scale of 1:100 or 1:200, is to be submitted with the Construction Certificate application to the satisfaction of the Council or registered certifier. The landscape plan is to accord with the approved Landscape Concept Plan/s and satisfy the relevant conditions of this consent. Certification from the landscape architect or landscape designer that the landscape plan complies with this Development Consent is to be submitted to the Council or registered certifier prior to the issue/release of the Construction Certificate. The plan must include the following information: a) the location of all existing and proposed landscape features including materials to be used; b) delineate and identify all trees to be retained, removed or transplanted; c) existing and proposed finished ground levels; d) top and bottom wall levels for both existing and proposed retaining walls and free standing walls; e) proposed locations of stormwater pits and on site detention locations; and f) detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity. At least 50% of the tree and shrubs shall be species native to the region.	Noted

Draft Condition	Response
Consideration within the design shall be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development. The plan shall propose a combination of tree planting for shade, mid height shrubs, lawn and ground covers. (Reason: Landscape quality)	
<u>Restriction as to User – Park, Internal Roads and Bridge</u> Prior to the issue of any occupation certificate, a right of public access shall be created in favour of Cumberland City Council and must be registered on the title of the property under s.88E of the Conveyancing Act 1919 stating that: a) The general public has access to the REI zoned land; b) The general public has access to the internal road/s; and c) The general public has access to the proposed bridge across A'Beckett Creek which leads into Council's land being Holroyd Sportsground. All associated cost shall be borne by the applicant. In this regard the detailed wording shall be approved by Council prior to the lodgement of a subdivision certificate in relation to the registration of the restrictions. Evidence that a restriction as to user has been registered on the title to the property under section 88E of the Conveyancing Act 1919 shall be given to Council prior to the occupation of the premises. (Reason: To ensure access to public spaces is provided)	A right of public pedestrian and cycle access shall be created under s88E of the Conveyancing Act 1919 over those parts of the internal road network necessary to enable the public to access the REI public open space and the pedestrian bridge to Holroyd Sportsground, as shown on the approved plans. The extent of the access way shall be defined on a plan of easements
<u>Restriction as to User for Maintenance of Facilities</u>	The applicant supports the intent of the condition requiring a restriction on the use of land under section 88E of the Conveyancing Act 1919 to secure the ongoing maintenance, access and insurance obligations for the REI public open space, internal road network and future bridge connection. However, the

Draft Condition	Response
Prior to the issue of any occupation certificate, a restriction on the use of land must be registered on the title of the property under s.88E of the Conveyancing Act 1919 providing that: a) The property owners are responsible for the maintenance of the bridge and associated structures at all time. b) The property owners are responsible for the maintenance of the park in the REI zone and the roads are in good working order at all time. c) The property owners are responsible for having an ongoing public liability insurance to the satisfaction Council indemnifying Council. d) Council shall be nominated as the authority to vary or modify the above restrictions. In this regards the detailed wording shall be approved by Council prior to the lodgement of a subdivision certificate in relation to the registration of the restrictions. Evidence that a restriction as to user has been registered on the title to the property under section 88E of the Conveyancing Act 1919 shall be given to Council prior to the occupation of the premises. (Reason: To ensure the facilities are maintained in good working order)	condition as currently drafted requires the registration of these restrictions prior to the issue of any Occupation Certificate, notwithstanding that the some of these works may be delivered in a later construction stage. It is not feasible or reasonable to require the creation and registration of a restriction relating to infrastructure that is not yet constructed, not spatially defined, and not capable of being maintained or insured at the time the first Occupation Certificate is sought. In its current form, the condition is therefore incapable of being complied with and risks unnecessarily preventing the lawful occupation of earlier stages of the development that do not rely on the delivery of the bridge. The timing for registration of any s88E instruments required by this consent shall correspond with the delivery of the relevant infrastructure. The instruments shall be registered prior to the Occupation Certificate for the stage in which the relevant infrastructure is completed.
<u>Shuttle Bus</u> Prior to the issue of any occupation certificate, the provision of a shuttle bus service operated from the site on an ongoing basis, providing connectivity (at a minimum) between the site and Merrylands Train Station shall be implemented. In this regard, a restriction on the use of land must be registered on the title of the property under s.88E of the Conveyancing Act 1919 providing that:	A condition of consent can require the proponent to operate a private shuttle bus connecting the Development to Parramatta Station and Harris Park Station during nominated operating periods. Once the development transitions to occupation, responsibility for the ongoing service would pass to the relevant Owners Corporation(s), with funding obligations incorporated into the strata budget and levied to lot owners in accordance with the scheme's entitlement structure. Mechanism: • Condition of consent securing the requirement for a private shuttle bus for

Draft Condition	Response
a) The property owners are responsible for the ongoing shuttle bus service to and from the property. b) The shuttle bus service shall be implemented for the life of the development. c) Council shall be nominated as the authority to vary or modify the above restrictions. d) All associated cost shall be borne by the applicant. Detailed wording shall be approved by Council prior to the lodgement of a subdivision certificate / registration. (Reason: To ensure access to connectivity and access to public transport)	the life of the development. • Incorporation into the development's Operational/Green Travel Plan and referenced within the strata management framework (via the Building/Strata Management Statement and initial budgets). • Cost recovery through strata levies, ensuring each lot contributes proportionately to the ongoing operation. This structure preserves operational flexibility, avoids unnecessary title encumbrances, aligns with industry practice for large mixed-use precincts and ensures a clear, enforceable pathway for long-term shuttle provision. However, we wish to clarify that Merrylands Station is not the primary rail destination for residents of this development. Based on the site's location, direct pedestrian connectivity, and travel patterns, Parramatta Station and Harris Park Station are significantly closer and more directly accessible. These stations will serve as the logical interchange points for the majority of residents and visitors. Accordingly, the shuttle service will be designed to connect the site to Parramatta Station and Harris Park Station, and not Merrylands. This reflects the TIA, the actual desire lines, and the intended travel behaviour of future occupants.
<u>Offsite Active Transport</u> Prior to the issue of any occupation certificate, the following active transport connections/upgrades between the site and Merrylands Station shall be completed to the satisfaction of Council: a) Wayfinding signage at key decision points to indicate the direction to travel. b) Provide lighting on the off-road shared use path from Walpole Street to the M4 Motorway regional cycle route.	The applicant notes Council's requested upgrades. Appendix LL submitted with the SAR identifies feasible and proportionate off-site active transport measures, which align with the items raised by Council. The works outlined in Appendix LL address the reasonable opportunities to enhance connectivity between the site and Merrylands. For item (e), we wish to clarify that it is not intended to add a new signal phase or significantly change the operation of the signals but rather update the lanterns so that a pedestrian and cyclist could cross within an existing signal phase.

Draft Condition	Response
c) Provide shared use path signage along the route to indicate that the path can be cycled. Currently there is a lack of signage to indicate a shared use path. d) Shared use path line marking on Pitt Street between Neil Street and Terminal Place. e) New shared path signal phase at the intersection of Neil Street and Pitt Street intersection. (Reason: To promote active transport)	As the improvements are located on Council land, the proponent proposes to provide a monetary contribution in lieu of undertaking the physical works, enabling Council to deliver the upgrades.
<u>Waste Storage Facilities and Management Strategy (Mixed Use Development)</u> Designated waste and recyclable storage facilities must be provided within the premises in accordance with the following requirements: a) The waste storage room/s must be fully enclosed, suitably sized to contain all waste and recyclable material generated on the premises, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls; b) The waste storage facilities including collection bays and storage rooms must be easily accessible for the collection and disposal of all waste and recyclable material; c) The floor must be graded and drain to sewer in accordance with Sydney Water requirements; d) A hot and cold water hose cock shall be provided within the room; and e) If there is a mix of residential and commercial uses on site, then separate storage rooms complying with the above requirements must be provided for each.	Noted

Draft Condition	Response
A detailed waste and recycling management strategy including plans and specifications showing the design and location of all waste/recycling storage rooms and the site collection approach including any required waste/recycling collection bays must be submitted to the Council or registered certifier prior to the issue of the Construction Certificate. (Reason: To protect the environment and ensure waste is adequately contained and able to be easily collected)	
<u>Future use of Mixed-Use Building for Commercial Tenancy</u> The building design must incorporate measures to enable the installation of appropriate mechanical ventilation systems that comply with relevant Australian Standards including AS1668 and are capable of accommodating any exhaust/ventilation requirements for ground floor commercial units in particular food premises. In the event that a food premises requires a mechanical exhaust system for charcoal cooking purposes, separate consent is required as additional filtration systems and odour assessment will be necessary. (Reason: Ensure that future commercial tenancies can meet legislative requirements for mechanical ventilation)	Noted
<u>Compliance with Hazardous Materials Survey Report</u> All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Building Materials Survey Report prepared by Douglas Partners Pty Ltd, dated 14 November 2024, project 84770.05 prior to commencement of demolition works, must be complied with. Prior to the Occupation Certificate being issued, a clearance certificate must be submitted to the Principal Certifier from a suitably qualified person (such as a certified Occupational Hygienist) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the	Noted

Draft Condition	Response
recommendations in the Hazardous Materials Survey Report, and that the site is safe for future occupation in accordance with the approved use. (Reason: To ensure controls are in place for hazardous materials)	
<u>Classification of Waste</u> Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA's Waste Classification Guidelines, Part1: Classifying Waste (2014). The materials must be transported and disposed of in accordance with the Protection of the Environment Operations Act 1997 and the requirements of their relevant classification. (Reason: Environmental protection)	Noted
<u>Importation of Fill</u> All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristics for site drainage purposes. Validation shall take place by one or both of the following methods: a) Provision of documentation from the supplier certifying that the material is not contaminated based upon analysis of the material for the known past history of the site from where the material was sourced; and/or b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines. (Reason: To ensure controls are in place for contamination management)	Noted

Draft Condition	Response
<u>Notification of New Contamination Evidence</u> Any new information which comes to light during site preparation, remediation, demolition or construction works which has the potential to alter previous conclusions about site suitability and contamination must be notified to the Principal Certifier and Council. Council may require a NSW accredited site auditor to be engaged to review the contamination assessment and remediation/validation process. If appropriate, Council may also require a new Remedial Action Plan (RAP) to be prepared and implemented to ensure the site can be made suitable for the approved use in light of the new information. Where a NSW accredited Site Auditor is engaged, an Occupation Certificate must not be issued until a Section A Site Audit Statement has been submitted to Council by the Auditor confirming the site is now suitable for the proposed use. (Reason: To ensure controls are in place for contamination management)	A Remedial Action Plan should only be revised if new contamination information materially changes the remediation strategy, not simply because "Council may require it".
<u>Dewatering</u> If it becomes necessary to undertake dewatering activities at the site, prior to the commencement of dewatering, the following actions must be completed to the satisfaction of the Principal Certifier: a) Any required approval to dewater must be obtained from Water NSW and adhered to, with a copy of the approval to be kept on site at all times and made available to the Principal Certifier and the Council upon request. b) A Dewatering Management Plan (DMP) must be prepared by a qualified water quality expert with a copy submitted to Council. The DMP must: ▪ State why de-watering is necessary and confirm any required approvals; ▪ Clearly state that the DMP will be used as the basis for approval to enable connection and discharge to the stormwater system;	Noted

Draft Condition	Response
▪ Detail the proposed dewatering technique; ▪ Outline the anticipated dewatering flow rate and total dewatering duration; ▪ Detail the controls (e.g. settling tank, turbidity curtain etc) and the method of discharge to ensure compliance with any conditions of approval and requirements of the Protection of the Environment Operations Act 1997; ▪ Explain the measures and techniques to monitor and record groundwater and tailwater quality, water discharges, and monitoring results. Groundwater must be discharged directly to the nearest stormwater pit and not spread over any road or footpath areas. Safe passage for pedestrians must be maintained; ▪ Provide a contingency plan in case of an emergency situation; ▪ Provide details of water quality analysis and testing that has been undertaken by a NATA accredited laboratory, and demonstrate compliance against relevant water quality criteria including the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ 2018). Where the ANZECC/ARMAC 2018 guidelines are silent on any elements or chemicals identified in testing, the water discharge is to comply with relevant endorsed guidelines and recommendations issued by the NSW EPA. The DMP must state that further analysis will be undertaken prior to connection to Council's stormwater system; ▪ State that the release of water into Council's stormwater system is to halt immediately where water quality does not meet discharge criteria identified above; ▪ State that the water quality monitoring will be certified by an experienced water quality expert. ▪ State that water quality parameters will be tested bi-weekly. (Reason: To minimise/prevent impacts on waterways)	

Draft Condition	Response
<u>Structure Borne Noise</u> Structure borne noise emitted from the development must not exceed the following criteria when measured inside any separate sensitive noise receiver at any time: a) Residential receivers: LA1, Slow 15 minute $\leq$ LA90, 15 minute + 0 dB(A) b) Commercial receivers: LA1, Slow 15 minute $\leq$ LA90, 15 minute + 3 dB(A) (Reason: To protect residential amenity)	Noted
<u>Compliance with Acoustic Report</u> Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant, being a consultant who holds a current member grade of the Australian Acoustic Society, as being in accordance with any requirements and recommendations of the approved acoustic report prepared by E-Lab Consulting, project P00485, dated 14 November 2025. (Reason: To ensure appropriate noise attenuation measures are used)	Noted
<u>Acoustic Verification Report</u> Prior to the issue of the Occupation Certificate, a suitably qualified acoustic consultant, being a consultant who holds current member grade of the Australian Acoustical Society, must prepare an acoustic verification report to the satisfaction of the Principal Certifier that confirms the following: a) All recommendations contained in the DA acoustic report prepared by E-Lab Consulting, project P00485, dated 14 November 2025 have been implemented, and	Noted

Draft Condition	Response
b) The project specific noise criteria established in the DA acoustic report and any other noise and vibration criteria specified in this consent are being complied with. (Reason: To protect residential amenity)	
<u>Business/Trade Commercial Waste Collection</u> Prior to occupation of the premises, the operator shall enter into a commercial contract for the collection of trade waste and recyclables generated at the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council on request. (Reason: Ensure arrangements are in place for collection of business/trade commercial waste and recyclables)	Noted.
<u>Air Emissions</u> The use of the premises shall not give rise to air pollution or an offensive odour within the meaning of the Protection of the Environment Operations Act 1997. (Reason: To protect human health and the environment)	Noted
<u>Noise – Residential buildings</u> The <***air conditioner/s/ swimming pool pump/ spa pump / mechanical ventilation systems/rainwater tank pumps> must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not: a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open): ▪ before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or	Noted

Draft Condition	Response
▪ before 7.00am and after 10.00pm on any other day; and b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute. (Reason: To protect residential amenity)	
<u>Entertainment Noise Emission Criteria</u> Noise from entertainment sources at the premises (music and patrons) must comply with the following: a) The LA10, 15 minute noise level emitted from the use must not exceed the background noise level (LA90, 15minute) in any octave band centre frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB(A) between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence. b) The LA10, 15 minute noise level emitted from the use must not exceed the background noise level (LA90, 15 minute) in any octave band centre frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence. c) Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an LA10, 15 minute enters any residential use through an internal to internal transmission path is not to exceed the existing internal LA90, 15 minute (from external sources excluding the use) in any octave band centre frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the LA10, 15 minute noise level is below the threshold of hearing, Tf at any octave band centre frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level	Noted

Draft Condition	Response
Contours then the value of Tf corresponding to that octave band centre frequency shall be used instead. d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am. The LA10, 15 minute noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of environmental noise. The background noise level LA90, 15 minute is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. It is to be determined from the assessment LA90 / rating LA90 methodology in complete accordance with the processes listed in the NSW Noise Policy for Industry (2017) and relevant requirements of AS1055.1997. (Reason: To protect residential amenity)	
<u>General Noise Emission Criteria</u> Cumulative noise from the development must not exceed any required project amenity/intrusiveness noise level or maximum noise level as determined in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI). Background noise monitoring for the purpose of ensuring compliance with the NPfI must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI. An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 minute (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Consideration must be given to any annoying characteristics of the noise in accordance with Fact Sheet C of the NPfI. (Reason: To protect residential amenity)	Noted

Draft Condition	Response
<u>Site Audit Statement</u> Prior to the issue of any Construction Certificate associated with the building works, excluding work directly relating to remediation, a Section A Site Audit Statement must be obtained from a NSW EPA Accredited Site Auditor. The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that the site is suitable for the proposed use. In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council. This may necessitate lodgement and approval of a s4.55 modification of consent application. (Reason: To ensure controls are in place for contamination management)	Noted
<u>Land Remediation (Auditor Engaged)</u> The site is to be remediated and validated in accordance with the Remedial Action Plan 1 and Plan 2 prepared by Douglas Partners, dated 26 September 2025, project 84770.05 and the Letter of Interim Advice prepared by NSW Environment Protection Authority Accredited Site Auditor David Gregory dated 27 October 2025 and ECM reference 12208633. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the Contaminated Land Management Act 1997. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Principal Certifier. Any variations to the approved Remedial Action Plan shall be approved in writing by the Site Auditor prior to the commencement of such work.	Noted

Draft Condition	Response
(Reason: To ensure controls are in place for contamination management) <u>Site Audit Statement</u> The Principal Certifier must not issue any Occupation Certificate for the use unless a copy of the Section A Site Audit Statement has been submitted to Council and complies with the following: a) The Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor who has considered all aspects of the site investigation, remediation and validation works. b) The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan submitted with this application and clearly state that site is suitable for the proposed use. c) Where the Site Audit statement will be subject to conditions that require ongoing review by Cumberland Council, these must be reviewed and approved in writing by Council before the Site Audit Statement is issued. d) In circumstances where the Site Audit Statement conditions are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a s4.55 modification of the consent under the Environmental Planning & Assessment Act 1979). (Reason: To ensure controls are in place for contamination management)	Noted
<u>Site Audit Statement subject to Environmental Management Plan</u> Where the Section A Site Audit Statement (SAS) is dependent upon the implementation of an Environmental Management Plan (EMP), the EMP must be approved by the Site Auditor and Council prior to the issue of the SAS. The owner of the land is required to comply with all ongoing obligations of the EMP, which form part of the SAS for the site.	Noted

Draft Condition	Response
(Reason: To ensure controls are in place for contamination management)	
<u>Food Premises – Detailed Plans</u> Detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the Australia New Zealand Food Standards Code – 3.2.3 – Food Premises and Equipment under the Food Act 2003 and AS 4674 – Design, Construction and Fit-out of Food Premises. A copy of these plans must be submitted to and approved by Council or the registered certifier as being compliant with the required standards prior to the issue of the Construction Certificate. (Reason: To ensure the food premises fitout complies with relevant food safety legislation and standards)	Noted
<u>Food Premises – Waste Storage Area</u> To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated enclosed waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 – Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment and must be: a) Suitably sized to contain all waste and recyclable material; b) Provided with a hose tap connected to the water supply; c) Paved with impervious floor materials; d) Coved at the intersection of the floor and walls; e) Graded and drained to a waste disposal system in accordance with the requirements of Sydney Water;	Noted

Draft Condition	Response
f) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the Protection of the Environment Operations Act 1997; g) Fitted with appropriate interventions to meet fire safety standards in accordance with the National Construction Code; h) Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling; and i) Appropriately managed so that it does not attract pests or create litter. Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Council or registered certifier prior to the issue of the Construction Certificate. (Reason: To ensure waste generated by the business is appropriately contained)	
<u>Control of Noise</u> A clearly visible sign shall be placed immediately adjacent to the entry/exit doors indicating that patrons are to leave the vicinity of the premises in a manner that does not disturb the quiet and good order of the neighbourhood. (Reason: Public interest)	Noted
<u>Mechanical Ventilation</u> The premises must be suitably ventilated in accordance with the National Construction Code 2019 and AS1668.1 and 2 - 2012: The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings. (Reason: To ensure compliance with ventilation standards)	Noted

Draft Condition	Response
<u>Mechanical Ventilation – Certification of Compliance</u> Details of any mechanical ventilation and / or air handling system must be prepared by a suitably qualified person and certified in accordance with clause A2.2 (a) (iii) of the National Construction Code, to the satisfaction of the Council or registered certifier prior to the issue of a Construction Certificate. The system must be certified as complying with AS1668.1 and 2 – 2012 The Use of Ventilation and Air-Conditioning in Buildings – Mechanical Ventilation in Buildings and relevant Australian Standards. (Reason: To ensure adequate mechanical ventilation is provided)	Noted
<u>Mechanical Ventilation – Compliance</u> Prior to issue of an Occupation Certificate, certification must be provided that the mechanical ventilation system has been designed, installed and is operating in accordance with the National Construction Code 2019. (Reason: To ensure correct installation of mechanical ventilation systems)	Noted
<u>Food Premises – Design, Construction and Fitout of Food Premises</u> The design, construction, and fitout of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 – 2004 Design, Construction and Fitout of Food Premises. (Reason: To ensure the food premises fitout complies with relevant food safety legislation and standards)	Noted
<u>Liquid Trade Waste</u> If a grease trap is required to be installed, then it must be installed in accordance with Sydney Water trade waste requirements by a suitably qualified and licensed plumber in accordance with the Plumbing Code of	Noted

Draft Condition	Response
Australia. The grease trap must be suitably constructed; suitably located for cleaning and pump out; must not be located in any kitchen, food preparation or food storage area or accessed through these areas for cleaning and pump out purposes; and must not impact on stormwater systems. (Reason: Ensure that liquid trade waste is suitably disposed and does not affect the environment/food safety)	
<u>Liquid Trade Waste</u> Liquid trade waste materials from the food premises are to be disposed of in accordance with the requirements of Sydney Water. (Reason: To ensure compliance with health standards)	Noted
<u>Notification of Food Business</u> The proprietor of a food business must not conduct the food business unless the proprietor has given written notice (at least one week prior to operating), to the appropriate enforcement agency, in the approved form, the details of the food business, in accordance with the Food Act 2003 and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements, clause 4. Registration forms are available on request from Council. (Reason: Registration and notification to relevant authorities)	Noted
<u>Charcoal and Solid Fuel Cooking Prohibited</u> No charcoal or solid fuel cooking activities are permitted on the premises. (Reason: To manage odours and safety)	Noted

Draft Condition	Response
<u>Waste Management</u> Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction phases of the development. (Reason: Compliance with approval)	Noted
<u>Construction and Operating Standards for Skin Penetration Premises</u> The construction, fit out and operation of the skin penetration premises must comply with the requirements of the Public Health Act 2010 and the Public Health Regulation 2022.	Noted
<u>Construction and Operating Standards for Skin Penetration Premises</u> The construction, fit out and operation of the skin penetration premises must comply with the requirements of the <i>Public Health Act 2010</i> and the <i>Public Health Regulation 2022</i> and must also meet the following requirements: a) The floor in any treatment room is to be finished with an impervious material capable of being easily cleaned; b) A separate, dedicated hand wash basin is to be located in every treatment room; c) Hand basins are to have an adequate supply of potable water at a temperature of 40°C mixed through a common spout from a hot and cold water supply, liquid soap in a dispenser located next to it, and single-use hand drying towel in a dispenser or other suitable hand drying equipment located next to it; d) Include a separate wash sink, in addition to any hand basin(s), for the cleaning of equipment that has an adequate supply of potable water at a	Noted

Draft Condition	Response
temperature of at least 40°C mixed through a common spout from a hot and cold water supply. A drying area or bench is to be located adjacent the sink; e) Adequate storage facilities must be provided for all equipment and materials such as clean linen, or disposable covers, sterilised or single use equipment, other materials or equipment that must be protected and kept in a clean and hygienic condition; and f) Skin penetration premises that use sharps must have a supply of sharps containers and a sharps container being located in every room that sharps are used. Note: Guidance for the operation of the approved use may be sought from publications by NSW Health. Detailed plans of the premises demonstrating compliance with the above requirements must be submitted to the satisfaction of Council or registered certifier with the Construction Certificate. (Reason: To ensure compliance with health standards for infection control)	
<u>Noise from operation of swimming pool/spa pump at residential dwelling</u> Noise emitted by the pool/spa pump installed at the premises must comply with the following criteria: a) Shall be inaudible within any room in any other residential premises (that is not a garage, storage area, bathroom, laundry, toilet or pantry) whether or not any door or window to that room is open during the following hours: ▪ before 8.00 am or after 8.00 pm on any Saturday, Sunday or public holiday, or ▪ before 7.00 am or after 8.00 pm on any other day, and b) Shall not emit an LAeq,15min noise level when measured at the boundary of any other residential property which exceeds the background (LA90,	Noted

Draft Condition	Response
15minutes) by more than 5dB(A) when used during all other times not restricted in (a) above. (Reason: To protect residential amenity)	
<u>Swimming Pool/Spa</u> The approved swimming pool/spa must comply with the Swimming Pools Act 1992 and relevant standards, as follows: a) The swimming pool shall be provided with a swimming pool barrier in accordance with the Australian Standards 1926.212, Swimming Pools Act 1992 and Swimming Pools Regulation 2018; b) The swimming pool must be registered on the NSW Government Swimming Pool Register and evidence shall be provided to the Principal Certifier demonstrating that the pool has been inspected and registered; c) A pool safety warning notice in accordance with the requirements of the Swimming Pools Act 1992 is to be erected in a position in the vicinity of the swimming pool prior to a final inspection being carried out and the pool being used. The sign is to be maintained in that position thereafter. (Reason: Statutory requirement)	Noted
<u>Microbial Control</u> The installation and ongoing operation of the water cooling systems, evaporative coolers and hot/warm water systems within the premises shall be undertaken in accordance with the relevant provisions of: a) Public Health Act 2010 and Public Health Regulation 2022 b) Relevant Australian Standard AS/NZS 3666 – Air Handling and Water Systems of Buildings – Microbial Control; and	Noted

Draft Condition	Response
c) Any relevant NSW Health Guidelines and Codes for the Control of Legionnaires Disease. (Reason: Health and safety)	
<u>Cooling Water System – Risk Assessment Required</u> A risk assessment of all cooling water systems installed at the premises must be undertaken by, or under the supervision of, a competent person before the system commences operating. The assessment must be undertaken in accordance with the requirements of the Public Health Act 2010, Public Health Regulation 2022, AS 3666 Air handling and water systems of buildings – Microbial control, and any relevant guidelines published by NSW Health. The risk assessment must be in the form approved by NSW Health, and a copy of any risk management plan certificate must be submitted to Council along with the registration form within 7 days of receipt by the occupier. (Reason: To ensure controls are in place for infection control)	Noted
<u>Notification of Warm Water and Cooling Water Systems</u> Within one month of installation of any warm water and cooling water systems at the premises, the occupier must notify Council of the details of the system in accordance with the Public Health Act 2010. Registration forms are available from Council's website www.cumberland.nsw.gov.au. (Reason: To ensure premises are notified to Council)	Noted
<u>General standards for Warm Water and Cooling Water Systems</u> All warm water and cooling water systems installed at the premises must be notified to Council and comply with the relevant requirements of the Public Health Act 2010, Public Health Regulation 2022, and relevant parts of AS 3666 Air handling and water systems of buildings – Microbial control.	Noted

Draft Condition	Response
(Reason: To ensure compliance with health standards for infection control)	
<u>Residential Car Wash Bay</u> A car wash bay is to be provided on the premises for use by residents for car cleaning and washing activities. This area is to be suitably designed and located to ensure rainwater is excluded. All wastewater from the bay must be discharged to the sewer in accordance with a Trade Waste Agreement with Sydney Water. This may require the installation of a pre-treatment device. Details are to be submitted to the Council or registered certifier with the Construction Certificate application. (Reason: To protect the environment)	Noted
<u>Car Wash Bay</u> Washing of vehicles shall be conducted in a car wash bay, which is roofed and bunded to exclude rainwater. The carwash bay shall be regularly cleaned and maintained. The Owners Corporation or building owner should advise all users of the car wash facilities, how to operate, maintain and use the equipment so that good housekeeping practices can be adopted at all times. Clearly visible sign(s) shall be erected as the car wash bay stating that no degreasing, engine washing or mechanical work is to be undertaken. The sign(s) shall further encourage users to minimise the use of detergents and water. (Reason: To protect the environment)	Noted
<u>Recreation Facility (Swimming Pool) – Use & Operation</u> The construction and operation of the pools located on the premises shall comply with all applicable legislation/regulation and standards, including (but not limited to):	Noted

Draft Condition	Response
a) The Public Health Act 2010; b) The Public Health Regulation 2022; and c) NSW Public Swimming Pool and Spa Pool Advisory Guidelines as adopted by NSW Health. (Reason: To ensure compliance with health standards)	

3 City of Parramatta

City of Parramatta has reviewed the Submissions and Amendment Report submitted to the DPHI on 14 November 2025. The Table below responds to the RFI points raised by Council.

Table 4 Comments from City of Parramatta

Comment	Response
Parking & Traffic Congestion	
The applicant's response does not address the previous concerns raised by Council regarding the traffic impact to a road network that already is significantly congested other than noting the previous modelling works and the provision of a shuttle bus. Accordingly, Council maintains its concerns regarding the scale of the development in this area.	The suitability of the scale and density of the development was assessed in detail at the rezoning stage, with detailed assessment of the suitability of the road network to accommodate the development. This resulted in the more significant traffic generators (like retail GFA) being reduced as part of the LEP finalisation. The planning controls support the intensity of development proposed. It is noted that if the site has been empty for a number of years but if it was redeveloped even as a commercial site, it would be at a far greater intensity than the former use. Previous work undertaken confirmed that a residential use with linked retail/commercial would be a lower traffic generator as opposed to other potential uses (see attached letter) at the existing site
With regards to the shuttle bus, it is noted that the applicant will accept a condition of consent requiring this to be provided and operated privately by the development for the life of the development. It is recommended for this to be clearly conditioned, and ideally a covenant on title, and not just detailed in the Green Travel Plan (GTP), to ensure easy enforceability. Further, the condition/covenant must clearly state the minimum operating frequency of the service as indicated in the Traffic Impact Assessment (TIA) to ensure that future updates to the GTP do not compromise the level of service in favour of saving on costs.	The applicant accepts a condition of consent requiring the shuttle bus service to be provided and operated privately for the life of the development. We agree that the condition should provide clarity on the minimum level of service at commencement, consistent with the Traffic Impact Assessment. The applicant requests that the condition allow for reasonable operational adjustments over time. Travel patterns, resident needs and surrounding transport infrastructure will evolve over the coming decade, and it may be necessary to update the shuttle route, destinations or frequency to ensure the service continues to achieve its intended purpose.

Comment	Response
	To balance enforceability with long-term practicality, we propose that: <i>A minimum baseline service (route/destinations and operating frequency) is established, consistent with the TIA.</i> <i>Any future variations must achieve an equivalent or improved level of transport accessibility</i> <i>Operational details (timetable, route variations, etc.) continue to be managed through the Green Travel Plan, which is periodically updated and reviewed.</i> This approach ensures the service is clearly secured, consistent with Council's request, while allowing necessary flexibility so that the shuttle can remain effective and fit for purpose over the life of the development.
Site Access	
It is reiterated that the eastern driveway is located close to the signalised intersection at Woodville Road and that outstanding safety concerns require further consideration. While the applicant has undertaken modelling demonstrating that the eastern driveway will perform adequately, design deficiencies and influence of driver behaviour has not been given sufficient consideration. In this regard, it is noted that the proposed right turn bay in Crescent Avenue is only 25m as per the SIDRA layout. This appears to be non-compliant with section 5.2 of Austroads Guide to Road Design Part 4A (2023) as it would require vehicles to slow down within the through lane prior to entering the right turn bay. This would result in a rear end collision risk. The bay should be revised such that the total length allows for deceleration to the back of queue.	We do not consider that 100m to be 'close' to the intersection. The right turn length was conservatively modelled as 25m based on the effective storage lane length shown in the design. The design plans show the right turn bay starting at chainage 50 and ending 85 total of 35m. This is consistent with a CHR(s) design which does not require the distances in Austroads Guide to Road Design section 5.2. In response, the Applicant has undertaken a detailed review of the Austroads Guide to Road Design Part 4A (2023) right-turn lane warrants, including revised traffic flow inputs and storage requirements. This further assessment confirms that a full auxiliary right-turn lane is warranted at the eastern driveway. Accordingly, the Crescent Street design has been refined to increase the total right-turn bay length from 25 metres to 52.5 metres, comprising:

Comment	Response
	• 12.5 metres of storage length, sufficient to accommodate the calculated back-of queue under design peak traffic conditions, and • 40 metres of deceleration (including 15m taper), consistent with Austroads 4 A guidance for a 50 km/h operating environment. The Crescent Street corridor provides adequate longitudinal distance between the Woodville Road traffic control signals and the eastern driveway to accommodate this full auxiliary lane within the proposed road reserve, without affecting pedestrian paths, landscape zones or adjoining interfaces. The updated design: • meets or exceeds Section 5.2 of Austroads Guide to Road Design Part 4A (2023), • provides a compliant deceleration path ensuring that vehicles are removed from the through lane prior to slowing, • eliminates the rear-end collision risk referenced in the TfNSW comment, • provides sufficient queue storage to avoid spillback toward the Woodville Road intersection, and • materially improves the overall road safety performance of the eastern driveway. With this refinement, the design deficiency identified by TfNSW is now fully addressed, and the right-turn movement can be safely accommodated in accordance with Austroads criteria. (See additional information provided in Appendix B)
With the sight line assessments provided in the updated TIA, it is unclear if this considered the proposed landscaping along the nature strip as indicated in the landscaping plans. Accordingly, the assessment should be updated to ensure that no vegetation is planted that may compromise driver sight lines.	A condition is proposed to ensure there is no potential impacts from vegetation that would compromise driver sightlines. Proposed Condition

Comment	Response
	<i>Sight lines from the driveway to Crescent Street must be maintained in accordance with the sight distance requirements shown on Figure 5 prepared by TTPP, dated 12 December 2025 (Appendix B). No vegetation, including trees, shrubs or other landscaping elements, is to be planted or retained within the identified sight line areas that would compromise driver visibility. Should existing vegetation within these areas be retained, it must be pruned or managed to ensure compliance with the sight distance requirements.</i>
It is noted that Council's view is unchanged in that the eastern driveway should be made left-in left-out through the provision of a median island and that the western driveway access and internal roads be updated to account for the re-assignment of traffic including heavy vehicles.	For the reasons noted above the applicant does not agree with Council's view that the eastern driveway should be made left in left out. The intent to bring all of the retail/commercial traffic and service vehicles around the back of the residential site around the park is a poor outcome for the amenity of the site and internal traffic flow. The separation of the commercial and residential traffic is a standard transport planning outcome.
Active Transport	
It is noted that the applicant's response indicates active transport users can use the M4 underpass and Wigram Street cycleway to access Harris Park. However, this neglects the significant number of active transport users (especially pedestrians) that would be walking via Church Street to access Parramatta CBD, as well as key public transport routes and other employment generating activities along this corridor. Accordingly, Council maintains that the applicant has not given this critical route due consideration and that the upgrade of the Boundary Street and Church Street intersection to include the missing signalised pedestrian and cyclist phase should form part of this development.	The TIA confirms that active transport desire lines are strongest via the M4 underpass and Wigram Street cycleway, which provide a separated, legible and safer connection to Harris Park and Parramatta without requiring pedestrians to traverse the Boundary Street / Church Street intersection. On this basis, the development does not materially increase pedestrian demand at that intersection, nor does it create a safety issue that would warrant its upgrade. Given the location of the intersection in a neighbouring LGA, the absence of a demonstrated causal nexus, and the fact that the proposal already delivers substantial on-site active transport improvements and a new pedestrian bridge connection, it is not reasonable or proportionate for this development to fund or deliver a signalised pedestrian and cyclist phase at Boundary Street / Church Street.

Comment	Response
	Accordingly, we maintain that no further works are required at this intersection as part of the SSDA.

4 Transport for NSW

Transport for NSW has reviewed the Response to Submissions (RTS) and made note of the key changes that have been made to the proposed development since it went on public exhibition. TfNSW notes that previous concerns regarding the shuttle bus have been addressed.

Table 5 Comments from Transport for NSW

Comment	Response
The other critical concern for TfNSW regarding the proposed development was the road safety impact of proposed eastern driveway in The Crescent. Whilst the RTS indicates that the impact of the right turning vehicles at the eastern driveway is unlikely to impact the existing traffic control signals (TCS) in terms of operational efficiency, TfNSW are of the view that the road safety issues have not adequately been addressed. In this regard, TfNSW reiterate our previous that eastern driveway should be restricted to left-in, left-out (LILO) movements only with right turn access being permitted from the western driveway only. To assist with the Applicant's staging concerns, TfNSW would be willing to accept an interim access arrangement condition that allows movements into and out of the site from the eastern driveway that would remain in place until the internal access road that links the eastern and western driveways is completed. Following the completion of the western driveway and internal access connection, the eastern driveway is to be restricted to LILO movements only.	TfNSW's comments regarding the road safety performance of right-turn movements at the eastern driveway are acknowledged. In response, the Applicant has undertaken a detailed reassessment of the auxiliary lane warrants and intersection geometry in accordance with Austroads <i>Guide to Road Design Part 4A</i>. This has resulted in a refinement to the Crescent Street design, with the right-turn bay extended to 52.5 metres (40 deceleration plus a 12.5 meters storage). The Crescent Street corridor provides sufficient width and longitudinal distance between the Woodville Road traffic control signals and the eastern driveway to accommodate the full length auxiliary lane. This refinement significantly enhances deceleration, storage, and separation between through and turning vehicles, thereby resolving the road safety concern previously raised by TfNSW. With the updated design now: • providing a fully compliant Austroads auxiliary right-turn lane, • eliminating any risk of through-traffic conflict or queuing spillback, and • ensuring safe right-turn operation under both interim and ultimate traffic

Comment	Response
	conditions, the Applicant's position is that permanent full-movements at the eastern driveway can be safely accommodated. We acknowledge TfNSW's preference for a LIFO restriction in the long term; however, the updated analysis and geometric design demonstrate that the eastern driveway can continue to operate safely as a full-movement access point without adverse impact on the Woodville Road intersection or the broader network. (See additional information provided in Appendix B)

Table 6 Draft Conditions from Transport for NSW

Comment and Draft Condition	Response
Road Widening of Crescent Street and Traffic Signal Works at Woodville Road	
<u>Comments:</u> TfNSW notes that as part of the proposal Crescent Street will be widened to provide 3 approach lanes in Crescent Street at the TCS with Woodville Road (classified road) which is consistent with the Planning Proposal and requires modifications to the existing traffic signal layout which requires separate TfNSW approval under section 87 (4) of the Roads Act, 1993. TfNSW is of the view that on road safety grounds, the proposed length of the road widening on Crescent Street should be designed as follows: ▪ three lane eastbound arrangement in Crescent Street commencing east of the eastern driveway with Crescent to Woodville Road ▪ two lane eastbound arrangement in Crescent Street commencing east of the western driveway up to the eastern driveway. <u>Recommendation:</u> TfNSW recommends the following condition to be included in any Development Consent issued by DPHI: ▪ The proposed Traffic Control Signal upgrade at the intersection of Woodville Road / Crescent Street and associated road widening of The Crescent shall be designed to meet TfNSW requirements. The Traffic Control Signal (TCS) plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner. The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant TfNSW supplements (available on https://roadswaterways.transport.nsw.gov.au/business-industry/partners-suppliers/documenttypes/supplements-austroads-guides/road-	Noted

Comment and Draft Condition	Response
design.html). The certified copies of the TCS design and civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of a Construction Certificate and commencement of road works. Please send all documentation to development.sydney@transport.nsw.gov.au. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works. The developer will be required to enter a Works Authorisation Deed (WAD) for the abovementioned works.	
Proposed staged access arrangements in Crescent Street	
<u>Comment:</u> TfNSW is concerned regarding potential road safety issues created by the development's traffic pertaining to the turning movements at the eastern driveway. Vehicles turning right into the driveway from Crescent Street are required to turn across three opposing traffic lanes uncontrolled from a short right turn bay and vehicles turning right out the site are required to turn across 5 opposing lanes. <u>Recommendation:</u> TfNSW recommends that the access arrangement be amended and conditioned as follows: Interim access arrangement that allows movements ingress and egress of the site from the eastern driveway that shall remain in place until the western driveway and internal access road that links the eastern and western portions of the site is completed.	Noted

Comment and Draft Condition	Response
- Following the completion of the western driveway and internal access connection, the eastern driveway shall be restricted to left-in, left-out movements only. - Adjustments to the internal access road arrangement shall be undertaken by the Applicant so all the development traffic turning right into the site can access the car parking spaces from the western driveway. It may require an extension of the right turn bay proposed at the western driveway to accommodate the volume of right turning traffic generated by the development and undertaken to the satisfaction of the Planning Secretary and relevant Road Authority.	
Construction pedestrian and Traffic Management Plan	
<u>Comment:</u> TfNSW raises concerns with the impact of construction vehicle traffic on the surrounding transport network. <u>Recommendation:</u> TfNSW recommends the following condition to be included in any consent issued by DPHI: - Prior to the issue of any construction certificate, the applicant shall prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW. The CPTMP needs to specify matters including, but not limited to, the following: - To mitigate the impact of construction traffic and reduce interaction with other projects, all access to the site shall be provided from Crescent Street only. - Proposed haulage routes and construction vehicle access arrangements.	Noted

Comment and Draft Condition	Response
○ Predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can be accommodated within the context of road changes in the surrounding area. ○ Identify any potential impacts to general traffic, cyclists, pedestrians, and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works.; ○ Identify the cumulative construction activities of the development and other projects within or around the development site. ○ Proposed measures to minimise the cumulative impacts on the surrounding road network should be clearly identified and included in the CPTMP. ○ Construction program and construction methodology, including any construction staging. ○ Consultation strategy for liaison with surrounding stakeholders and other developments under construction. ○ Details of crane arrangements including location of any crane(s) and crane movement plan. ○ Proposed construction hours. ○ A detailed plan of any proposed hoarding and/or scaffolding. ○ Provide the direct contact details to businesses and residents impacted by the construction work and TfNSW via development.ctmp.cjp@transport.nsw.gov.au to resolve issues during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction; and ○ Submit a copy of the final plan to TfNSW for endorsement via development.ctmp.cjp@transport.nsw.gov.au.	

5 Sydney Trains

Table 7 Draft Conditions from Sydney Trains

Comment and Draft Condition	Response
Sydney Trains advises there are 11kV & 33kV High Voltage Cables located underneath Crescent Street in close proximity to the proposed works. Sydney Trains must be consulted before any excavation works occur on the road or in close proximity to the cables.	Noted
Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail corridor and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.	Noted
Prior to the issue of a Construction Certificate, the Applicant shall provide cross sectional drawings (both architectural and structural) to Sydney Trains showing the nearest rail tracks and infrastructure (including 11kV & 33kV HV Cables), property boundaries, proposed development/excavation and/or structural design of sub ground support (i.e., footings/piles etc) adjacent to the rail corridor. The measured distances between the proposed development, property boundary and rail asset(s) at the closest point must be shown. All measurements are to be verified by a Registered Surveyor.	Noted
The Applicant shall provide a Geotechnical Engineering report to Sydney Trains for review by Sydney Trains' Geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Sydney Trains. The report shall include the potential impact of demolition and excavation, and demolition- and	Noted

Comment and Draft Condition	Response
excavation-induced vibration in rail facilities, and loadings imposed on Sydney Trains Facilities by the development.	
Prior to the issue of a Construction Certificate, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the application for a Construction Certificate. The Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.	Noted
The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.	Noted
Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Certifier is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.	Noted
Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority and Council certifying that the completed development meets the requirements of State Environmental Planning Policy (Transport and	Noted

Comment and Draft Condition	Response
Infrastructure) 2021 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.	
During all stages of the development, the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.	Noted
Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.	Noted
Sydney Trains or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.	Noted
The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:	Noted

Comment and Draft Condition	Response
▪ oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains; ▪ acts as the authorised representative of the Applicant; and ▪ is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.	
Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.	Noted
Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is West Interface, and they can be contacted via email on West_Interface@transport.nsw.gov.au.	Noted

6 NSW Department of Climate Change, Energy, the Environment and Water – Water Group

Table 8 Comments from NSW DCCEEW Water Group

Comment	Response
<u>Recommendation – post approval</u>	Noted

DPHI should request the proponent to obtain a water access licence (WAL) to account for the maximum predicted water take for construction and operation activities unless an exemption applies under the Water Management (General) Regulation 2025.

Explanation

Under the Water Management Act 2000, if groundwater is intercepted a WAL must be obtained prior to any water take occurring unless an exemption under the Water Management (General) Regulation 2025 applies. An exemption may be available for water take during construction activities in coastal water sources under Clause 6 of Schedule 4 of the WM Reg, or where the groundwater take during construction or operation is less than or equal to 3ML per water year (cl 19, sch 4 of WM Reg). To claim either of these exemptions certain requirements must be met, such as

- the person claiming the exemption keeps a record of the water taken under the exemption and provides this to the Minister within 28 days of the end of the water year; and
- the records are kept for 5 years.

Further information on these requirements and other information on licensing and approvals and exemptions, including a form to report and record water taken can be found at: <https://water.dpie.nsw.gov.au/licensing-and-trade> and Groundwater access licence exemptions | NSW Government Water.

7 Heritage NSW

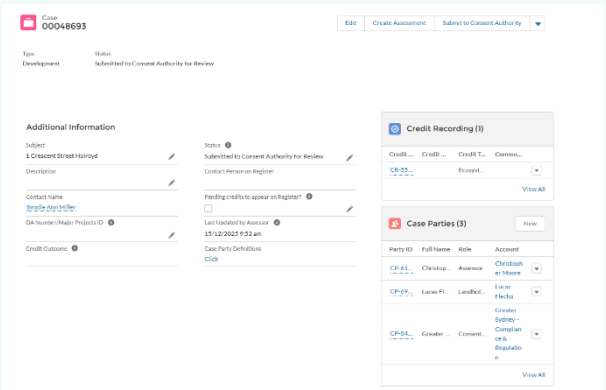
Table 9 Draft Conditions from Heritage NSW

Draft Condition	Response
Aboriginal Heritage	

All reasonable steps must be taken to avoid harm, modification, or other impact to Aboriginal objects.	Noted
Registered Aboriginal Parties must be kept informed and consulted on heritage management throughout the SSD.	Noted
Prior to development, the Applicant must include Aboriginal heritage management procedures in the Construction Environmental Management Plan (CEMP). a. This must include a contingency and reporting plan for unexpected Aboriginal finds and human remains. b. The procedures must be prepared by a qualified heritage specialist, in consultation with Registered Aboriginal Parties, and comply with the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (2010). c. The procedures must be submitted to the Planning Secretary and implemented during construction.	Noted

8 NSW Department of Climate Change, Energy, the Environment and Water – Conservation Programs, Heritage and Regulation Group

Table 10 Draft Conditions from Heritage NSW

Key Assessment Issues raised in CPHR Submissions (18 March 2025)	Response
BDAR and BAM-C Access This issue has not been addressed. CPHR still does not have access to the case in Biodiversity Offsets and Agreement Management System (BOAMS), including access to the digital files. <u>Recommended Action:</u> The assessor submits the case to the consent authority, being 'Greater Sydney – Compliance & Regulation'. If the case has already been submitted as requested, then the assessor should contact the Biodiversity Offsets Scheme (BOS) helpdesk for assistance.	This matter raised by CPHR has now been resolved and case submitted in BOAMS. Refer to image below for confirmation. Case Reference: 00048963 
Vegetation Integrity / survey plot location This issue has been adequately addressed. CPHR notes an additional site assessment was undertaken using 10 x 100m plots, resulting in higher VI scores and a credit requirement of 5 credits for PCT 3320.	Noted
Flora and fauna surveys This issue has been adequately addressed.	Noted

The updated BDAR has made it clearer that no suitable microhabitats were present for any serious and irreversible impacts (SAII) species. As such the predicted species were unlikely to occur and no targeted surveys were required under section 5.3 of the BAM.	
Avoid and Minimise This issue has been adequately addressed. The updated BDAR provides greater details on the limitation to retain trees on site. CPHR notes that tree retention is prohibited due to the site containing asbestos and requiring capping. Such capping, up to 500 mm deep, does not permit retention of trees. There are further impacts that relate to site access for trucks and a requirement to widen Crescent Street, a requirement under the PP for the site.	Noted
Arboricultural Impact Assessment (AIA) This issue has been adequately addressed. The updated AIA has provided clarifications and details on impacts to Tree Protection Zone for each tree and by referencing relevant plans. Retention of threatened ecological community trees is not considered feasible given the site constraints, particularly the capping of asbestos. The use of credit offsets is considered appropriate in this situation. The updated BDAR resulted in a credit offset from 0 credits in the original BDAR, to 5 credits in the updated BDAR. CPHR also notes that the updated AIA provides sufficient consideration to retaining neighbouring trees impacted by the proposal	Noted

We trust that the information provided in the tables above addresses the additional comments and conditions provided by DPHI, Cumberland Council, City of Parramatta, TfNSW, DCCEEW and Heritage NSW, allowing the planning assessment to be finalised and development consent issued.

Having considered all relevant matters, there will be no additional adverse environmental impacts as a result of the proposed refinements, clarifications and recommended conditions. The proposed refinements continue to ensure any previously known and assessed impacts will be appropriately managed and mitigated where relevant. On this basis, the proposed development is appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Belinda Thomas".

Belinda Thomas
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