

Our Reference: DA/76/2010  
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Beraci Pty Limited  
181-185 Parramatta Road  
GRANVILLE NSW 2142

?? December 2011

## DEVELOPMENT APPLICATION NOTICE OF DETERMINATION

Issued under the Environmental Planning and Assessment Act 1979  
Sections 80, 80A & 81(1)(a)

**Development Consent No:** DA/76/2010

**Property Address:** Lot 1 DP 81084, Lot 1 DP 89526, Lot 1 DP 504298, Lot 1 DP 79624, Lot 1 DP 79102, Lot 2 DP 89526, Lot 1 DP 615141, Lot 58 DP 869379 sub right of C'way, Lot A DP 160406, 171-187 Parramatta Road & 58-60 Victoria Street, GRANVILLE NSW 2142

**Description:** Demolition, tree removal and construction of a 3 - 8 storey mixed use development containing 93 residential apartments, 2187sqm of ground level retail floor space over two levels of basement carparking accessed from Parramatta and Duke Roads. Approval is also sought for the construction of 4 dual occupancies (containing 8 dwellings) along the Victoria Street frontage of the site.

**Determination:**

**Determination Date:**

**Consent to Operate From:**

**Consent to Lapse On:**

You are advised that your application has been **APPROVED** subject to the following conditions:

### General Matters

1. The development is to be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Drawing N <sup>o</sup>	Dated
Site and Ground Floor Plan – Plan No. 6070_DA01 Issue D prepared by Zhinar Architects	Oct 2010
Level 1 Floor Plan – Plan No. 6070_DA02 Issue C prepared by Zhinar Architects	July 2010
Level 2 & 3 Floor Plans – Plan No. 6070_DA03 Issue C prepared by Zhinar Architects	July 2010
Level 4-7 Floor Plans – Plan No. 6070_DA04 Issue C prepared by Zhinar Architects	July 2010
Roof Plan & NatHers – Plan No. 6070_DA05 Issue C prepared by Zhinar Architects	August 2010
Basement Floor Plans – Plan No. 6070_DA06 Issue C prepared by Zhinar Architects	August 2010
Elevations – Plan No. 6070_DA07 Issue B prepared by Zhinar Architects	July 2010
Sections – Plan No. 6070_DA08 Issue B prepared by Zhinar Architects	July 2010
Dual Occupancy Floor Plans – Plan No. 6070_DA09 Issue B prepared by Zhinar Architects	March 2010
Dual Occupancy Elevations – Plan No. 6070_DA010 Issue A prepared by Zhinar Architects	February 2010
Shadow Diagrams (9am) – Plan No. 6070_DA011 Issue B prepared by Zhinar Architects	July 2010
Shadow Diagrams (12pm) – Plan No. 6070_DA012 Issue B prepared by Zhinar Architects	July 2010
Shadow Diagrams (3pm) – Plan No. 6070_DA013 Issue B prepared by Zhinar Architects	July 2010
Area Calculations – Plan No. 6070_DA013 Issue C prepared by Zhinar Architects	August 2010
Private Open Space Area – Plan No. 6070_DA015 Issue A prepared by Zhinar Architects	March 2010
Proposed Subdivision – Plan No. 6070_DA016 Issue A prepared by Zhinar Architects	March 2010
Section D-D Sight Line Details – Plan No. 6070_SK04 Issue A prepared by Zhinar Architects	May 2010
Section E-E Sight Line Details – Plan No. 6070_SK05 Issue A prepared by Zhinar Architects	May 2010
Section F-F Sight Line Details – Plan No. 6070_SK06 Issue A prepared by Zhinar Architects	May 2010

<b>Drawing N<sup>o</sup></b>	<b>Dated</b>
Basement Floor Plans – Plan No. 6070_SK16 Issue A prepared by Zhinar Architects	May 2010
Material Schedule Job 6070 Issue C prepared by Zhinar Architects	undated
Landscape Concept Plan - Plan No. 1001DA1/2 Issue B prepared by Vision Dynamics	27/5/10
Landscape Concept Plan – Plan No. 1001DA2/2 Issue B prepared by Vision Dynamics	26/5/10
Stormwater Layout and on Site Detention Drawing – Plan No. 6070-C-DA1 Issue A prepared by HKMA Engineers	14/1/10
Stormwater Layout and on Site Detention Drawing – Plan No. 6070-C-DA02 Issue A prepared by HKMA Engineers	14/1/10
Stormwater Layout Drawing Basement Level 2 – Plan No. 6070-C-DA03 Issue A prepared by HKMA Engineers	14/1/10
Discharge Control Pit General Details for Basin 1 to 8 and OSD Tank Plan – Plan No. 6070-C-DA04 Issue A prepared by HKMA Engineers	14/1/10
Detention Tank and Rainwater Tank Details – Plan No. 6070-C-DA05 Issue A prepared by HKMA Engineers	14/1/10

<b>Document(s)</b>	<b>Dated</b>
Statement of Environmental Effects prepared by Nexus Environmental Planning	3/2/2010
Letter from Nexus Environmental Planning providing additional information	5/3/2010
Letter from Nexus Environmental Planning providing additional information	28/5/2010
Traffic and Parking Assessment prepared by Traffic Solutions Pty Ltd	December 2009
Cost Assessment prepared by QPC & C Pty td	22/1/2010
ABSA Assessor Certificate prepared by BBK Energyworx (revised)	07/10/2010
Noise Assessment prepared by RSA Acoustics	January 2010
Basix Certificate 290495M (revised)	8/10/2010
Waste Management Plan	05/03/2010
SEPP 65 Design Verification Statement prepared by Zhinar Architects	December 2009
Air Quality Impact Assessment prepared by PAE Holmes	May 2010
Geotechnical Investigation prepared by Jeffrey and Katauskas Pty Ltd	16/08/2004

Document(s)	Dated
Supplementary Letter re: Predicted Ground Movements prepared by Jeffrey and Katauskas Pty Ltd	21/02/2011
Public Art Plan DA Stage prepared by Stuart Slough	March 2010
Environmental Site Screening report prepared by EIS	September 2004
Risk Assessment for proposed structure prepared by HKMA Engineers	07/10/2010

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

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

2. The development is to be undertaken in accordance with conditions of consent outlined in the Roads and Traffic Authority's letter dated 16 April 2010.

3. The development is to be undertaken in accordance with conditions of consent outlined in the Railcorp's letter dated 21 June 2011.

4. The development shall be constructed within the confines of the property boundary. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

**Reason:** To ensure no injury is caused to persons.

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

**Reason:** To ensure appropriate demolition practices occur.

6. No portion of the proposed structure including any fencing and/or gates shall encroach onto or over adjoining properties.

**Reason:** To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.

7. All footings and walls adjacent to a boundary must be set out by a registered surveyor. Prior to commencement of any brickwork or wall construction a surveyor's certificate must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

**Reason:** To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.

8. All building work must be carried out in accordance with the current provisions of the Building Code of Australia.

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

9. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development consent.

**Reason:** To ensure compliance with legislative requirements.

10. All roof water and surface water is to be connected to an approved drainage system.

**Reason:** To ensure satisfactory stormwater disposal.

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

**Reason:** To minimise impact on adjoining properties.

12. Trees to be removed are:

Tree No	Name	Common Name	Height (m)/Condition	Location	Reason
3 x	<i>Lophostemon confertus</i>	Brushbox	9 m/Fair-Poor	Adjacent to No 64 Victoria Street within Development site	The trees are located within the developable proportion of the land. The trees will be impacted by proposed building footprint and hydraulic design. This trees are not considered highly significant and should not be considered a constraint on future development
1	<i>Eucalyptus microcorys</i>	Tallowwood	10 m/Good	Street	To allow consistent design/planting with new street trees.
2	<i>Eucalyptus microcorys</i>	Tallowwood	4 m/Poor	Street	Height exemption
3	<i>Corymbia maculata</i>	Spotted Gum	13 m/Good	Street	To allow consistent design/planting with new street trees.
4	<i>Eucalyptus botryoides</i>	Southern Mahogany	6 m/Poor	Street	Suppressed/Poor form
5	<i>Eucalyptus sideroxylon</i>	Red Ironbark	13 m/ Poor	Street	Basal decay/Poor form
6	<i>Eucalyptus microcorys</i>	Tallowwood	11 m/Fair	Street	To allow consistent design/planting with

					new street trees.
7	<i>Dead Tree</i>	Dead	Dead	Street	Dead
8	<i>Eucalyptus sideroxylon</i>	Red Ironbark	10 m/Fair	Street	To allow consistent design/planting with new street trees.
9	<i>Cupressus macrocarpa</i>	Monterey Cypress	4 m/ Poor	Street	Height exemption/To allow consistent design/planting with new street trees.
10	<i>Lophostemon confertus</i>	Brushbox	4.5 m/ Good	Street	Height exemption/To allow consistent design/planting with new street trees.
11	<i>Cupressus macrocarpa</i>	Monterey Cypress	12 m/Fair	Street	Basal inclusion/ To allow consistent design/planting with new street trees.

**Reason:** To allow appropriate development of the site (Street). (**Note:** street trees numbered from east towards railway line.)

13. All trees supplied above a 25 L container size for the site must be grown and planted in accordance with *Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing tree quality. Natspec Guide No.2*. Certification that trees have been grown to Natspec guidelines is to be provided upon request of Council's Tree Management Officer. **Note:** Minimum container size for street tree planting is 75 litres.

**Reason:** To minimise plant failure rate and ensure quality of stock utilised

14. The applicant's arboricultural service provider is to remove the street trees located in the Victoria Street frontage. A minimum of eleven (11) replacement of *Callistemon viminalis* 'Kings Park Special' (Bottlebrush) are to be supplied in minimum 75 litre containers and planted with a setback of 12 m from the corner (intersection) and two (2) metres from any driveway. Each tree is to be a minimum height of 1.5m at planting and is to be maintained at all times. All trees are to be grown and planted in accordance with Natspec - Clarke .R, *Specifying Trees: A guide to the assessment of tree quality, 2003*. **Note:** no tree planting is to be carried out on the Parramatta Road frontage of the development to comply with Parramatta Council's Street Tree Masterplan.

**Reason:** To ensure restoration of environmental amenity

15. The following species shall be replaced:

- a) The replacement of *Casuarina glauca* (Swamp Oak) tree species with an alternative variety native or indigenous tree. Suitable species are (but not limited to) the following:
- *Melaleuca linariifolia* (Snow in Summer)
  - *Corymbia* 'Wildfire' (Dwarf Orange Flowering Gum)
  - *Callistemon salignus* (White Bottle-brush)
  - *Elaeocarpus reticulatus* (Blueberry Ash)
  - *Melaleuca Bracteata* 'Revolution Gold' (Golden River Tea Tree)

**Reason:** To ensure the restoration of the environmental amenity of the area.

16. 180 off-street parking spaces (including disabled 16 parking spaces) to be provided, permanently marked on the pavement and used accordingly. The dimensions for parking spaces and aisle width to be in accordance with AS 2890.1-2004 (2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent walls & 6.2m aisle width minimum). The disabled parking space dimensions to be modified in accordance with AS 2890.6-2009 (Figure 2.2).

**Reason:** To ensure adequate car parking is provided within the development.

17. A combined entry and exit driveway off Duke Street (7.8m wide with 300mm clearance both sides between kerbs) to be provided and constructed according to AS 2890.1-2004 and Council's specification.

**Reason:** To ensure safe ingress to and egress from the site.

18. The driveway off Parramatta Road (12m wide entry, 12m entry and 4m exit with 2.6m wide physical separator via the slip lane – 45m long with 15m taper) to be provided and constructed according to RTA and Council requirements.

**Reason:** To ensure safe ingress to and egress from the site.

19. The design of the slip lane should be in accordance with RTA requirements.

**Reason:** To ensure traffic safety.

20. Driveway and ramp gradients shall comply with Clause 2.5.3 and Clause 3.3 of AS2890.1-2004

**Reason:** To ensure safe ingress to and egress from the site.

21. The driveway width (w) at the concrete layback shall comply with Council's Standard Vehicular Crossing Plan (DS8) and Heavy Vehicle Crossing (DS9)

**Reason:** To ensure safe ingress to and egress from the site.

22. The section of Duke Street to be used as access through to the basement car parking areas shall be paved and constructed according to Council requirements.

**Reason:** To ensure adequate access is provided.

23. Traffic facilities to be installed such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004

**Reason:** To ensure traffic safety.

24. Ground Clearance Template as shown in Appendix C of AS 2890.1-2004 must be used to check that adequate ground clearance is provided on ramps, circulation roadways, access driveways or other vehicular paths where there is a grade change or an irregularity in the vertical alignment e.g. a hump, dip or gutter.

**Reason:** To ensure traffic safety.

25. Sight distance to pedestrians exiting the property shall be provided by clear lines of sight in a splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with figure 3.3 of AS2890.1. The required sight lines to pedestrian or other vehicles in or around the site should not be compromised by the landscaping, signage fences, walls or display materials.  
**Reason:** To ensure pedestrian safety.
26. The minimum available headroom clearance is to be signposted at all entrances and clearance is to be a minimum of 2.2m (for cars and light vans including all travel paths to and from parking spaces for people with disabilities) measured to the lowest projection of the roof (fire sprinkler, lighting, sign, and ventilation), according to AS 2890.1-2004.  
**Reason:** To ensure adequate access.
27. A convex mirror to be installed within the ramp access (one near the entry driveway and one at the bottom of the ramp access) with its height and location adjusted to allow an exiting driver a full view of the driveway in order to see if another vehicle is coming through.  
**Reason:** To ensure traffic safety.
28. Footpath or road construction and/or restoration during construction of the development shall require a Road Occupancy Permit from Council. The applicant shall submit application for a Road Occupancy Permit through Council's Traffic and Transport Services and a Road Opening Permit through Council's Restoration Engineer, prior to carrying out the construction/restoration works.  
**Reason:** To ensure pedestrian and traffic safety.
29. The underground car park is to provide separate areas for retail and residential areas parking with access from the resident car park to the building being by the restricted means of an electronic pass or by intercom by only.  
**Reason:** For crime prevention purposes.
30. The car park is to be monitored by high-quality CCTV, with all entry and exit points including the lifts monitored continuously. Footage should be kept for a minimum of 14 days and made available to police upon request.  
**Reason:** To ensure user safety and prevent crime.
31. High-quality CCTV is to be installed to monitor all entries and exits and public areas within this development. An electronic access control system is to be installed to restrict entry into the residential portions of the development to residents and their guests. This is to include the lift access.  
**Reason:** To ensure user safety and prevent crime.
32. The building is to be constructed in accordance with the recommended construction components as described in the "Noise assessment- For Mixed



use Development 171 – 189 Parramatta Rd Granville" as prepared by RSA Acoustics and dated January 2010

**Reason:** To ensure an appropriate acoustic environment within the residential apartments.

33. The LA10 noise level emitted from mechanical plant on the premises shall not exceed the background noise level in any octave band centre frequency by more than 5dB between 7am and 10pm at the boundary of any affected resident. The LA10 noise level emitted from mechanical plant on the premises shall not exceed the background noise level in any octave and centre frequency between 10pm and 7am at the boundary of any resident. Notwithstanding compliance with the aforementioned, the noise from mechanical plant shall not be audible within any habitable room in any residential premises between the hours of 10pm and 7am.

**Reason:** To protect the amenity of adjoining residents.

#### Prior to the issue of a Construction Certificate

34. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas within the building and is not to be located on the roof. Details demonstrating compliance are to be submitted with the Construction Certificate application.

**Reason:** Minimise impact on surrounding properties, improved visual appearance and amenity for locality.

35. Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation on an individual piece of equipment or operation of equipment in combination will not exceed more than 5db (A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm – 6.00am) when measured at the boundary of the site.

**Note:** A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

**Reason:** To comply with best practice standards for residential acoustic amenity.

36. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street.

**Reason:** To ensure the quality built form of the development.

37. A single master TV antenna must be installed on each building to service the development and provision made for connection to each dwelling unit within the development. A statement or annotations on the plan must be submitted

to the satisfaction of the PCA prior to the issue of a Construction Certificate. The antenna is not to protrude beyond 3 m above the roof level.

**Reason:** To protect the visual amenity of the area.

38. External materials shall be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of roof finishes and glazing of the proposed development is to be no greater than 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. Details to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

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

39. Documentary evidence confirming that satisfactory arrangements have been made with an energy provider for the provision of electricity supply to the development is to be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate. If a substation is a requirement of the energy provider, it is to be located internal to the building/s on site. Substations cannot be located within the front setback of a site or within the street elevation of the building, unless such a location has been indicated and approved on the Council stamped Development Application plans. Substations cannot be located in Council's road reserve.

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

**Reason:** To ensure adequate electricity supply to the development.

40. To reduce the extent of overhead cabling, all low voltage distribution and service mains to the development must be underground for the full length of the service both inside and outside the property boundary.

41. The bathroom and toilet windows for each dwelling in the development shall have frosted or opaque glass. This requirement is to be indicated on amended plans and submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure privacy to these rooms is adequately maintained.

42. Fixed privacy screen/louvres are to be erected on all windows and balconies to a height of 1.8m above finished floor level on the northern elevation of the the mixed use building. This requirement is to be indicated on amended plans and submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To protect the privacy of adjoining residents.

43. A monetary contribution comprising **\$241,746.43** is payable to Parramatta City Council pursuant to Section 94A of the *Environmental Planning and Assessment Act, 1979* and the *Parramatta Section 94A Development Contributions Plan*. Payment must be by cash, EFTPOS, bank cheque or

credit card only. The contribution is to be paid to Council prior to the issue of a **construction certificate**.

At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

44. Prior to the issue of a construction certificate a further report including accompanying plans shall be submitted to the satisfaction of the Principal Certifying Authority that provides details of the private contractor that will be engaged to collect domestic waste from the site. If Council is not the principal certifying authority a copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc, will be re-cycled. Waste collection from the site shall occur in accordance with the details contained within this report.  
**Reason:** To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.
45. Separate waste bins are to be provided on site for recyclable waste.  
**Reason:** To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.
46. That provision is made for cigarette butt receptacles on the site to minimise littering. Cigarette butt receptacles must be provided during building works on any site and permanently provided to any restaurant/bar/retail/commercial component of the development after construction. Details of the size and the location of the receptacle are to be provided to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.  
**Reason:** To ensure that adequate provision is made for the disposal of cigarette butts to prevent littering of the public domain.
47. All outdoor lighting shall comply with, where relevant, AS/NZS 1158.3: 1999 Pedestrian Area (Category P) Lighting and AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.  
**Reason:** To provide high quality external lighting for security without adverse affects on public amenity from excessive illumination levels.
48. Access for people with disabilities from the public domain and all car parking areas on site to all tenancies within the building are to be provided. Consideration must be given to the means of dignified and equitable access from public places to adjacent buildings, to other areas within the building and to footpath and roads. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction

completed to achieve compliance with the Building Code of Australia Part D3 "Access for People with Disabilities", provisions of the Disability Discrimination Act 1995, and the relevant provisions of AS1428.1 (2001) and AS1428.4.

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

49. Toilet facilities shall be provided for disabled persons in accordance with the design criteria in AS1428.1 (2001) - Design for Access and Mobility - General Requirements for Access - New Building Work. This requirement shall be reflected on the Construction Certificate plans.

**Reason:** To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

50. Signs incorporating the international symbol of access for disabled persons must be provided to identify each accessible:

- (a) entrance
- (b) lift or bank of lifts; and
- (c) sanitary facility

This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

**Reason:** To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

51. Prior to the release of the Construction Certificate design verification is required to be submitted from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No-65, Design Quality of Residential Flat Development.

**Note:** Qualified designer in this condition is as per the definition in SEPP 65)

**Reason:** To comply with the requirements of SEPP 65

52. An *Environmental Enforcement Service Charge* is to be paid to Council prior to the issue of a construction certificate. The fee paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

53. An *Infrastructure and Restoration Administration Fee* is to be paid to Council prior to the issue of a construction certificate. The fee to be paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

54. Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the Principal Certifying Authority for the development to which the work relates fulfils the following:

(a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or

(b) In the case of work to be done by any other person; has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

**Note:** A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purpose of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

**Reason:** To comply with the Home Building Act 1989.

55. The Construction Certificate is not to be released unless the Principle Certifying Authority is satisfied that the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.

**Reason:** To ensure that the levy is paid.

56. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at <http://www.sydneywater.com.au> then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Notice of requirements must be obtained and submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

**Reason:** Statutory requirement.

57. In order to make satisfactory arrangements for the operation of the stormwater pump-out system, the system shall be designed and constructed to ensure the following are provided:

- (a) A holding tank capable of storing the run-off from a 100 year ARI - 2 hour duration storm event allowing for pump failure.
- (b) Two pump system (on alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
  - i. The permissible site discharge (PSD) rate; or
  - ii. The rate of inflow for the one hour, 5 year ARI storm event.
- (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
- (d) A 100 mm freeboard to all parking spaces.
- (e) Submission of full hydraulic details and pump manufacturers specifications.
- (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

Plans and design calculations along with certification from the designer indicating that the design complies with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

**Reason:** To ensure satisfactory storm water disposal.

58. No work shall start on the storm water system until the detailed final storm water plans have been approved by the Principal Certifying Authority. Prior to

the approval of storm water drainage plans, the person issuing the Construction Certificate shall ensure that:

- a. The final drainage plans are consistent with the Concept Drainage Plans with the notations there on, approved with the Development Consent.

Note: The reference Concept Plans are concept in nature only and not to be used for construction purposes as the construction drawing. Rectified Stormwater plan addressing all the issues and notes marked on the approved stormwater plan shall be prepared with details, and submitted with the application for Construction Certificate to the Principal Certifying Authority for approval).

- b. The proposed On-Site Detention (OSD) System has been designed by a suitably qualified Hydraulic Engineer in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Council's Drainage Code E4 and stormwater Drainage Guidelines.

- The arrow head indicating the location of the on-site detention shall show the correct location of the storage area in the rear yard of the units.
- Provide stepping stones in the rear yards of the proposed units between each building patio and its respective clothes line.
- All pipes shall show size and a minimum 1% grade.
- On-site detention underground tanks shall be constructed with reinforced concrete or concrete blocks.

- c. The design achieves

- i. The design achieves a Site Storage Requirement of 470 m<sup>3</sup>/ha and a Permissible Site Discharge of 80 L/s/ha (as per 3<sup>rd</sup> edition of UPRCT's handbook)
- ii. When using the Extended/Flood detention method (4<sup>th</sup> edition of UPRCT's handbook), the Site Reference Discharge (Lower Storage) SRD<sub>L</sub> of 40 l/s/ha, Site Storage Requirement (Lower Storage) SSR<sub>L</sub> of 278 m<sup>3</sup>/ha and Site Reference Discharge (Upper Storage) SRD<sub>U</sub> of 150 l/s/ha, Site Storage Requirement (Total) SSR<sub>T</sub> of 432m<sup>3</sup>/ha as per the submitted OSD calculation.

- a. Detailed drainage plans with cross sectional details of OSD storage areas; pits etc, OSD Detailed Design Submission and OSD Detailed Calculation Summary Sheet are submitted and are acceptable.

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

59. Prior to the issue of a Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The civil/traffic engineer shall provide specific written certification on the plans that:

- Vehicular access can be obtained using grades of 25% (1 in 4) maximum and

- All changes in grade (transitions) comply with Australian Standard 2890.1 (2004) – “Off-street car parking” to prevent the scraping of the underside of the vehicles.

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

60. Prior to the issue of a Construction Certificate the applicant shall nominate an appropriately qualified civil engineer ( at least NPER) to supervise all public area civil and drainage works to ensure that they are constructed in compliance with Council's "Guidelines for Public Domain Works".  
The engineer shall:

- provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:
  - all relevant statutory requirements,
  - all relevant conditions of development consent
  - construction requirements detailed in the above Specification, and
- the requirements of all legislation relating to environmental protection, On completion of the works certify that the works have been constructed in compliance with the approved plans, specifications and conditions of approval and,
- Certify that the Works as Executed plans are true and correct record of what has been built

61. The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required, prior to the release of the Construction Certificate.

**Reason:** To minimise costs to Council.

62. Electricity provision to the site is to be designed so that it can be connected underground when the street supply is relocated underground. Certification from Integral Energy addressing their requirements for this provision is to be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.

**Reason:** To enable future upgrading of electricity services.

63. Prior to the commencement of any works on the site the applicant must submit, a Construction and/or Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:

- Construction Management Plan for the Site  
A plan view of the entire site and frontage roadways indicating:



- i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- iii. The locations of proposed Work Zones in the egress frontage roadways,
- iv. Location of any proposed crane standing areas,
- v. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- vi. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- vii. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.

(b) Traffic Control Plan(s) for the site

- i. All traffic control devices installed in the road reserve shall be in accordance with the Roads and Traffic Authority, NSW (RTA) publication '*Traffic Control Worksite Manual*' and be designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
- ii. Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.

A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided and a copy of this route is to be made available to all contractors.

Where applicable, the plan must address the following:

- i. Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
- ii. A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
- iii. Minimising construction related traffic movements during school peak periods,

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

**Reason:** To ensure that appropriate measures have been considered during all phases of the construction process in a manner that

maintains the environmental amenity and ensures the ongoing safety and protection of people.

64. Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose prepared by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements, shall be submitted with the Construction Certificate. A copy of this documentation must be provided to the Council for record purposes. Any recommendations made by the qualified practising structural engineer shall be complied with.

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

65. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing No. [DS9 & DS10]. Details shall be submitted to the satisfaction of Principal Certifying Authority with the application for the Construction Certificate. A Vehicle Crossing application shall be submitted to Council together with the appropriate fee prior to any work commencing.

**Reason:** To ensure appropriate vehicular access is provided.

66. Prior to the issue of a Construction Certificate, an application is required for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment which must be obtained from Parramatta City Council. All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

In order to apply for a driveway crossing, you are required to complete the relevant application form with supporting plans, levels and specifications and pay the appropriate fee.

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

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

67. Prior to the release of the Construction Certificate, the following design parameters shall be certified by a qualified practicing civil engineer:

- The basement car ramp is a minimum 5.5m wide.
- Commercial vehicle's swept path width complies with AS2890.2:2002 Table 3.1.
- All vehicles' head clearance heights complies with the respective AS2890.1:2004 and AS2890.2:2002

- The proposed slip lane on Parramatta Road is a minimum 3.0m wide.

In general, the parking dimensions, internal circulation, aisle widths, kerb splay corners, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS2890.1 (2004) & AS2890.2 (2002), except where amended by other conditions of this consent.

**Reason:** To ensure car parking complies with Australian Standards.

68. If an excavation associated with the erection or demolition of a building extend below the level of the base of the footings of a building on an adjoining allotment of land; the person causing the excavation to be made; must preserve and protect the building from damage; and if necessary, must underpin and support the building in an approved manner. At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished and submit to the Principal Certifying Authority details of the date and manner by which the adjoining owner(s) were advised.

**Reason:** To control excavation procedures.

69. Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate.

**Reason:** To preserve community health and ensure compliance with acceptable standards.

70. Should a proposed Vehicular Crossing be located where it is likely to disturb or impact upon a utility installation (e.g. power pole, Telstra pit etc) written confirmation from the affected utility provider (e.g. Integral Energy / Telstra) that they have agreed to the proposed impacts shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate.

**Reason:** To ensure the appropriate location of vehicular crossings.

71. In order to maximise visibility in the basement carpark, the ceiling shall be painted white. This requirement shall be reflected on the Construction Certificate plans.

**Reason:** To protect public safety.

72. A detailed contaminated site investigation of the proposed development site shall be prepared by a qualified environmental consultant. Such investigation must be undertaken in accordance with NSW Environment Protection Authority's *Contaminated Sites - Guidelines for Consultants Reporting on Contaminated Sites* and *Contaminated Sites – Sampling Design Guidelines* and submitted to Council prior to the issue of the construction certificate.

**Reason:** To define the nature, extent and degree of contamination and to assess potential risk posed by contaminants to health and environment.

73. The detailed contaminated site investigation shall address the recommendations contained within the report "Environmental Screening Report for Proposed Mixed Use Development at 171 – 189 Parramatta Road and 58 – 60 Victoria Street Granville" prepared by EIS (Environmental Investigation Services) September 2004 being:

- Subsurface investigation within the footprint of the existing site buildings to meet the NSW EPA site investigation density;
- Additional investigation in the vicinity of BH8 and BH9 to assess the extent of the contaminated fill material;
- Waste classification assessment for the off-site disposal of fill, natural soil and rock to be excavated as part of the proposed basement excavation; and
- validation testing to ensure the contaminated fill material has been removed prior to the commencement of bulk excavation works.

**Reason:** To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

74. A site Remedial Action Plan (RAP) shall to be prepared by a suitably qualified environmental consultant and submitted to Council outlining the remediation strategy for the intended land use. The Remedial Action Plan (RAP) is to be submitted to Council prior to the issue of the construction certificate.

**Reason:** To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

75. A validation report is to be prepared by a suitably qualified environment consultant in accordance with the NSW Environment Protection Authority's *Contaminated Sites – Guidelines for Consultants Reporting on Contaminated site and Contaminated Sites – Sampling Design Guidelines* validating that the subject land has been remediated and is suitable for its intended use. The validation report is to be submitted to Council prior to the issue of the construction certificate.

**Reason:** To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

76. If any works require extraction of groundwater on site, a suitably qualified environmental consultant shall undertake a detailed assessment of the groundwater in accordance with the DECCW's *guidelines of the assessment and management of groundwater contamination 2007*, and a report be provided to Council. No works to extract groundwater from the site shall be undertaken without written approval from Council.

**Reason:** For DAs with suspect groundwater contamination to ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

77. A cross section is to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate demonstrating that the proposed finished / existing levels through existing properties of 48-56 Victoria Street and 171-181 Parramatta Road including proposed open space area does not direct overland flow from 11-181 Parramatta Road into 8-56 Victoria Street.  
**Reason:** To ensure no adverse impacts on adjoining properties.
78. The proposed drainage outlet pipe from the discharge control pit to the existing drainage pit at the junction of Duke Street and Parramatta Road is to be maintained by the property owner(s) at no cost to Council. Parramatta Road is a Road and Traffic Authority (RTA) road therefore a copy of the formal written approval from the RTA agreeing to these works is to be submitted to Council prior to the issue of the Construction Certificate.  
**Reason:** To ensure the approval of the RTA is obtained for works to Parramatta Road.
79. The applicant is to provide the details of all service utilities on the design drawings. This includes information as to the type, size, horizontal and vertical position of all service utilities within the vicinity of all works. This information is to also be included on a longitudinal drainage section showing the proposed discharge control pit to existing drainage pit at junction of Duke Street and Parramatta Road.  
**Reason:** To ensure appropriate servicing of the development.
80. A cross section through the entry – exit driveway ramp and footpath area is to be submitted to Council prior to the issue of the Construction Certificate demonstrating that overland flow from road and footpath areas are not being diverted to the basement area.  
**Reason:** To ensure appropriate servicing of the development.
81. The applicant is to submit all additional documentation to Council that details the realisation of the Arts Plan through design concepts, site plan for artworks, artwork construction and project management prior to fabrication and construction.

#### **Prior to Commencement of Works**

82. The preparation of an appropriate hazard management strategy by an licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with the WorkCover Authority's *"Guidelines for Practices Involving Asbestos Cement in Buildings"*. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.  
**Reason:** To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.

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

**Reason:** To comply with the requirements of the NSW WorkCover Authority

84. Prior to the commencement of demolition work a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA). A copy of the statement must also be submitted to the WorkCover Authority.

The statement must be in compliance with AS2601-1991 "Demolition of Structures," the requirements of WorkCover Authority and conditions of the development approval, and must include provisions for:

- (a) enclosing and making the site safe. Any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001);
- (b) induction training for on-site personnel;
- (c) inspection and removal of asbestos and contamination and other hazardous materials;
- (d) dust control. Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
- (e) disconnection of Gas and Electrical Supply;
- (f) fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
- (g) access and egress. No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
- (h) waterproofing of any exposed surfaces of adjoining buildings;
- (i) control of water pollution and leachate and cleaning of vehicles tyres. Proposals shall be in accordance with the "Protection of the Environmental Operations Act 1997";
- (j) working hours, in accordance with this Development Consent;
- (k) confinement of demolished materials in transit;
- (l) proposed truck routes, in accordance with this development consent; and
- (m) location and method of waste disposal and recycling in accordance with the "Waste Minimisation and Management Act 1995".

The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

**Reason:** To provide a Work Method Statement.

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

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

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

86. A minimum of five (5) working days prior to any demolition work commencing a written notice is to be given to Parramatta City Council and all adjoining occupants. Such written notice is to include the date when demolition will be commenced and details of the principal contractors name, address, business hours contact telephone number, Council's after hours contact number and the appropriate NSW WorkCover Authority licence.

**Reason:** To protect the amenity of the area.

87. A Hoarding Application together with the appropriate fee and details is to be submitted to and approved by Council for the enclosure of public space as required by Council's Hoarding Policy.

The hoarding is required to protect persons from construction or demolition works and no works can commence until approval for the hoarding has been obtained.

**Reason:** To improve the visual impact of the hoarding structure and to provide safety adjacent to work sites.

88. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note and provide protection for Council as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

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

**Reason:** To ensure the community is protected from the cost of any claim for damages arising from works on public land.

89. Prior to demolition commencing, either the Principal Certifying Authority or Council's building surveyor must inspect the site. Should the building to be demolished be known or suspected by reason of the buildings age or otherwise to be found to be wholly or partly clad with bonded or friable asbestos material, approval to commence demolition will not be given until the PCA or/and Council is satisfied that appropriate measures are in place for the handling, storage, transport and disposal of the bonded or friable asbestos material. Prior to commencement of demolition an inspection fee is to be paid in accordance with Council's current fee schedule.

**Reason:** To ensure proper handling, storage, transport and disposal of asbestos materials.

90. Demolition works involving the removal, repair, disturbance and disposal of more than 10 square metres of bonded asbestos material must only be undertaken by contractors who hold the appropriate NSW WorkCover Authority licence(s) and approvals.

**Reason:** To comply with the requirements of the NSW WorkCover Authority

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

(a) appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed within 7 days; and

(b) notify Council in writing of their intention to commence works (at least 2 days notice is required prior to the commencement of works).

The PCA must determine when inspections and compliance certificates are required.

**Reason:** To comply with legislative requirements.

92. Prior to work commencing, adequate toilet facilities are to be provided on the work site prior to any works being carried out.

**Reason:** To ensure adequate toilet facilities are provided.

93. The site must be enclosed with a 1.8 m high security fence to prohibit unauthorised access. The fence must be approved by the Principal Certifying Authority and be located wholly within the development site prior to commencement of any works on site.

**Reason:** To ensure public safety.

94. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

(a) Stating that unauthorised entry to the work site is prohibited;



- (b) Showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- (c) Showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (d) Showing the approved construction hours in accordance with this development consent.
- (e) Any such sign must be maintained while the excavation building work or demolition work is being carried out, but must be removed when the work has been completed.
- (f) This condition does not apply to building works being carried out inside an existing building.

**Reason:** Statutory requirement.

95. A pedestrian and Traffic Management Plan must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of demolition and/or excavation. It must include details of the:

- (a) Proposed ingress and egress of vehicles to and from the construction site
- (b) Proposed protection of pedestrians adjacent to the site
- (c) Proposed pedestrian management whilst vehicles are entering and leaving the site
- (d) Proposed route of construction vehicles to and from the site, and
- (e) The Pedestrian and Traffic Management Plan shall be implemented during the demolition, excavation and construction period.

**Reason:** To maintain pedestrian and vehicular safety during construction.

96. The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on site.

**Reason:** To protect Council's assets throughout the development process.

97. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavation face to twice the excavation depth.

The report should include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that qualified professional based on the excavations for the proposal and the recommendations of the geotechnical report. Where

the consulting geotechnical engineer is of the opinion that no dilapidation reports for adjoining structures are required, certification to this effect shall be provided for approval by the Principal Certifying Authority prior to any excavation. A copy of the dilapidation report shall be submitted to Council.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

**Note:** This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

**Reason:** Management of records.

98. Prior to the commencement of any excavation works on site the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:

- The type and extent of substrata formations by the provision of a minimum of 4 representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
- The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
- The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property structures and road reserve if nearby (full support to be provided within the subject site).
- The existing groundwater levels in relation to the basement structure, where influenced.
- The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
- Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable

monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report shall contain site specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- i. No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- ii. No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- iii. No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- iv. Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- v. Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- vi. An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

**Reason:** To ensure the ongoing safety and protection of property.

99. Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

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

100. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site are to be maintained in a safe and tidy manner. In this regards the following is to be undertaken:

- all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
- all site boundaries are to be secured and maintained to prevent unauthorised access to the site
- all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis
- the site is to be maintained clear of weeds
- all grassed areas are to be mown on a monthly basis

**Reason:** To ensure public safety and maintenance of the amenity of the surrounding environment.

101. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) see Your Business then Building and Developing then Building and Renovating or telephone 13 20 92. The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to works commencing on site.

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

102. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to receive written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

**Reason:** To prevent any damage to underground utility services.

103. A Road Opening Permit is to be obtained from Council before any work is undertaken within the Council Domain.

**Reason:** To ensure protection of Council's assets.

104. The paved footpath areas along the Parramatta Road frontage are to be consistent with Council's Paving Policy.

**Reason:** To ensure new paving is consistent with Council's Policy.

105. The new footpath along the Victoria Street frontage is to be constructed in accordance with Council's Standard Drawing DS3.

**Reason:** To ensure the new footpath is consistent with Council's standard requirements.

### **During Construction of Works**

106. A copy of this development consent, stamped plans and accompanying documentation is to be retained for reference with the approved plans on-site

during the course of any works. Appropriate builders, contractors or sub-contractors shall be furnished with a copy of the notice of determination and accompanying documentation.

**Reason:** To ensure compliance with this consent.

107. Noise from the construction, excavation and/or demolition activities associated with the development shall comply with the NSW Department of Environment and Conservation's Environmental Noise Manual and the Protection of the Environment Operations Act 1997.

**Reason:** To protect the amenity of the area.

108. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the NSW Department of Environment and Conservation (DEC). Dust nuisance to surrounding properties should be minimised.

**Reason:** To protect the amenity of the area.

109. No building materials skip bins, concrete pumps, cranes, machinery, signs or vehicles used in or resulting from the construction, excavation or demolition relating to the development shall be stored or placed on Council's footpath, nature strip or roadway.

**Reason:** To ensure pedestrian access.

110. The applicant shall not enter or undertake any work within adjoining public lands (i.e. parks, reserves, roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction Management Plan.

**Reason:** Protection of existing public infrastructure and land and to ensure public safety and proper management of public land.

111. All plant and equipment used in the construction of the development, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.

**Reason:** To ensure public safety and amenity on public land.

112. All work including building, demolition and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring tools etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

**Reason:** To protect the amenity of the area.

113. The applicant shall record details of all complaints received during the construction period in an up to date complaints register. The register shall record, but not necessarily be limited to:
- (a) The date and time of the complaint;
  - (b) The means by which the complaint was made;
  - (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that affect;
  - (d) Nature of the complaints;
  - (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
  - (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

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

114. Noise emissions and vibration must be minimised and work is to be carried out in accordance with Department of Environment and Conservation guidelines for noise emissions from construction/demolition and earth works which are to comply with the provisions of the Protection of the Environment Operations Act 1997.

**Reason:** To ensure residential amenity is maintained in the immediate vicinity.

115. Where demolition is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the Department of Environment and Climate Change (DECC) licensed waste facility for bonded or friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

**Reason:** To ensure appropriate disposal of asbestos materials.

116. All bonded and friable asbestos waste material on-site shall be handled and disposed off-site at a Department of Environment and Climate Change licensed waste facility by an DECC licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 1996 and the EPA publication Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999 and any other regulatory instrument as amended.

**Reason:** To ensure appropriate disposal of asbestos materials.

117. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. The proponent may be required to produce these documents to Council on request during the site works.

**Reason:** To confirm waste minimisation objectives under Parramatta Development Control Plan 2005 are met.

118. Any fill material imported to the site is to be virgin excavated natural material (VENM) and is to be certified as such by a suitably qualified industry

professional. Records of each individual certification are to be kept on site and produced for inspection when requested.

**Reason:** To ensure the site does not become contaminated and appropriate compaction levels can be achieved.

119. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

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

120. The proposed kerb inlet pit shall be constructed in accordance with Council Standard Plan No. DS21.

**Reason:** To ensure appropriate drainage.

121. Any damage to Council assets that impact on public safety during construction is to be rectified immediately to the satisfaction of Council at the cost of the developer.

**Reason:** To protect public safety.

122. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to Section 138 of the Roads Act 1993:

- (a) On-street mobile plant:

E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

- (b) Storage of building materials and building waste containers (skips) on Council's property.

- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.

- (d) Kerbside restrictions, construction zones:

The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a construction zone, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An

earlier application is suggested to avoid delays in construction programs.

**Reason:** Proper management of public land.

123. Construction of a 1.2 m wide by 70 mm thick concrete footpath across the Victoria Street property frontage within the road reserve. Details of the proposed footpath works shall be submitted to and approved by Council prior to commencement of footpath works. Proof of completion of construction work shall be submitted to the satisfaction of Council prior to release of the Occupation Certificate. All costs are to be borne by the applicant.

**Reason:** To provide pedestrian passage.

124. Disused vehicular crossings shall be removed and the kerb reconstructed in accordance with Council's Standard Plan No SD004. Proof of completion of the work shall be submitted to Council prior to the issue of the Occupation Certificate. A Vehicle Crossing/Work Road Opening Permit application shall be submitted to Council together with the appropriate fee prior to any work commencing.

**Reason:** To provide and maintain drainage.

125. All redundant lay-backs and vehicular crossings shall be reinstated to conventional kerb and gutter foot-paving or grassed verge as appropriate. All costs shall be borne by the applicant, and works shall be completed prior to the issue of an Occupation Certificate.

**Reason:** To provide satisfactory drainage.

126. Car parking and driveways shall be constructed, marked and signposted in accordance with AS2890.1 –2004 prior to the occupation of the premises.

**Reason:** To ensure appropriate car parking.

127. Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto the public way.

**Reason:** To ensure pedestrian safety.

128. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- (a) Must preserve and protect the building from damage;
- (b) If necessary, must underpin and support the adjoining building in an approved manner; and
- (c) Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.



The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

**Reason:** To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage.

129. All liquid and solid (contaminated) wastes generated on the site must be collected transport and disposed of in accordance with the *Protection of the Environment Operations (Waste) Regulation 2007* and the EPA publication *Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999*. Official receipts/invoices shall be kept for all liquid and solid waste disposal off site, and copies of the records shall be lodged with Principal Certifying Authority prior the commencement of building works.

**Reason:** To ensure compliance with Protection of the Environment Operations (Waste) Regulation 2007.

130. Soil intended for garden and landscaping purposes shall be imported. No insitu soil is to be used for this purpose unless validated as suitable for use by a qualified environmental consultant. Copies of receipts/invoices for imported soil shall be submitted to Principal Certifying Authority prior to issue of the occupation certificate.

**Reason:** To prevent the importation of contaminated soil.

131. Any soils excavated during the building works shall be disposed of at an EPA licensed waste facility. Copies of all delivery dockets for excavated soils disposed off site shall be lodged with the Principal Certifying Authority prior to issue of the occupation certificate.

**Reason:** To prevent contamination of environment.

132. Council being the appropriate regulatory authority under the *Protection of the Environment Operations Act 1997* must be notified immediately of any pollution incident during on site remediation and development works where material harm to the environment is caused or threatened. This duty extends to all persons carrying on an activity, employers and employees, contractors and the occupier of the premises where the incident occurs.

**Reason:** To ensure compliance with the requirements of the *Protection of the Environment Operations Act 1997*.

### **Prior to Release of Occupation Certificate**

133. The artworks are to be installed in accordance with the approved arts plan to the satisfaction of Council prior to the issue of the Occupation Certificate.

**Reason:** To ensure the appropriate implementation of the approved public art plan.

134. The measures required by the acoustic report(s) prepared by RSA Acoustics (dated January 2010) submitted with the development application (and Construction Certificate if applicable) shall be implemented prior to issue of any Occupation Certificate.  
**Reason:** To minimise the impact of noise.
135. Prior to the issue of an Occupation Certificate the developer shall provide Council with a schedule of individual unit/street numbers allocated to the units within each block of units, that are otherwise to be in accordance with the street numbering approval letter issued by Council.  
**Reason:** To ensure developments are appropriately numbered.
136. A street number is to be placed on the site in a readily visible location, (numbers having a height of not less than 75mm) prior to occupation of the buildings.  
**Reason:** To ensure visible house numbers are provided.
137. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. 290495M will be complied with prior to occupation.  
**Reason:** To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.
138. The developer shall submit to the Principal Certifying Authority a letter from the telecommunications company confirming that satisfactory arrangements have been made for the provision of telephone and cable television services, prior to the release of the Subdivision Certificate or issuing of any Occupation Certificate.  
**Reason:** To ensure provision of appropriately located telecommunication facilities.
139. Submission of a letter confirming satisfactory arrangements have been made for the provision of Integral Energy services.  
**Reason:** To ensure appropriate electricity services are provided.
140. Prior to the issue of any Occupation certificate an intercom system must be provided in a convenient location adjacent to the visitor parking entry to enable easier and safe access to visitor parking prior to final completion of the development.  
**Reason:** To ensure convenient access is available for visitors to the building.
141. Occupation or use, either in part or full, is not permitted until an Occupation Certificate has been issued. The Occupation Certificate must not be issued unless the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia and until all preceding conditions of this consent have been complied with.

Where Council is not the Principal Certifying Authority, a copy of the Occupation Certificate together with registration fee must be provided to Council.

142. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority that is responsible for critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. Where Council is not the PCA, the PCA is to forward a copy of all records to Council.

The record must include details of:

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

143. Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted:

- The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink.
- The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- As built On-Site Detention (OSD) storage volume calculated in tabular form (depth verses volume table).
- OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- Approved verses installed Drainage Design (OSD) Calculation Sheet.
- The original Work-As-Executed plans and all documents mentioned above have been submitted to Council's Development Services Unit.

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

144. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the PCA. In ascertaining whether adverse structural

damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

- (a) compare the post-construction dilapidation report with the pre-construction dilapidation report, and
- (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to Council.

**Reason:** To establish the condition of adjoining properties prior building work and any damage as a result of the building works.

145. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instrument for protection of on-site detention facilities and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch or a works as executed plan, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

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

146. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of our website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

147. The grass verge must be reinstated with a graded uniform cross fall, using clean uniform topsoil and rolled turf.

**Reason:** To ensure restoration of environmental amenity.

148. The Certifying Authority shall arrange for a qualified Landscape Architect/Designer to inspect the completed landscape works to certify adherence to the DA conditions and Construction Certificate drawings. All landscape works are to be fully completed prior to the issue of an Occupation Certificate.

**Reason:** To ensure restoration of environmental amenity.

149. The landscaping shall be completed in accordance with the consent and approved plans, prior to occupation or use of the premises and shall be maintained at all times.

**Reason:** To ensure landscaping is completed in accordance with the approved plans and maintained.

#### **Prior to Release of Subdivision Certificate**

150. The Subdivision Certificate (lien release) shall not be issued until an Occupation Certificate has been issued.

**Reason:** To ensure the development is built in accordance with the approved plan.

151. A separate application must be made for a subdivision certificate. The application is to be accompanied by documentary evidence demonstrating compliance with all conditions of consent.

**Reason:** To comply with the requirements of the Environmental Planning and Assessment Act 1979 (as amended).

152. Prior to issue of the Subdivision Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instrument for protection of on-site detention facilities and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a works as executed plan, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of a Subdivision Certificate.

#### **Use of the Site**

153. Any External Plant/air-conditioning system shall not exceed a noise level of 5 dBA above background noise level when measured at the side and rear boundaries of the property.

**Reason:** To minimise noise impact of mechanical equipment.

154. No advertisement/signage shall be erected on or in conjunction with the development without prior development consent unless the advertisement is 'exempt development' in accordance with the relevant planning instruments.

**Reason:** To comply with legislative controls

155. The advertisement/s/signage shall not be illuminated.

**Reason:** To maintain amenity for adjoining properties.

156. To maintain amenity for adjoining properties, no signage lighting shall be of a flashing variety.

**Reason:** To maintain amenity for adjoining properties.

157. No A-frame signs or sandwich boards shall be used in association with the occupancy either on the street or on private property.  
**Reason:** To protect the amenity of the area.
158. A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.  
**Reason:** To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors.
159. To control the disposal of pollutants, the removal and dismantling of all mechanical parts shall be conducted in a roofed, concrete floored area which is graded to a drainage point connected to the sewer of Sydney Water in accordance with that authority's requirements.
160. No goods, materials, refuse or containers associated with the use shall be visible from a street or public place.  
**Reason:** To control the storage materials outside the building.
161. All deliveries to the premises shall take place between the hours of 9am and 5pm, Monday to Friday etc.  
**Reason:** To protect the amenity of the area.
162. All loading and unloading shall  
b. take place within the designated loading areas on the subject property, or  
c. take place within the approved loading dock to minimise disruption to public spaces, and  
d. is to be carried out wholly within the site  
**Reason:** To protect the amenity of the area.
163. No goods are to be displayed outside the confines of the building.  
**Reason:** To ensure visual amenity.
164. No materials, goods or vehicles associated with the use of the premises are to be stored or displayed on the street reserve or other public area.  
**Reason:** To ensure the integrity of Council's assets is protected and to ensure unobstructed pedestrian movement in the vicinity of the proposal.
165. All new and existing fire safety measures identified in the Fire Safety Schedule shall be maintained in working condition at all times.  
**Reason:** Protection of life and to comply with legislative requirements.
166. Water Sensitive Urban Design principles and minimum water quality requirements need to be implemented throughout the proposed development in accordance with the requirements outlined in Parramatta Development Control Plan.  
**Reason:** To ensure conservation of water usage within the development.

167. The exterior of the building is to be painted with graffiti resistant paint and surfaces are to be designed to prevent or reduce the incidence of graffiti on exterior walls. Plantings are also to be located to reduce graffiti.

**Reason:** To minimize the potential for graffiti.

168. Any graffiti on the building / site that is visible from a public place is to be removed within 48 hours of it occurring.

**Reason:** To ensure appropriate presentation of the building to public areas.

### **Right of Appeal:**

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within twelve (12) months after the date on which you receive this notice.

Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) together with payment of the appropriate fee. The review must be lodged and determined within twelve (12) months of the date on which you received this notice.

Note: To enable the Section 82A review to be considered within the twelve (12) months time frame prescribed by under the Environmental Planning and Assessment Act 1979, it is advisable to lodge the application for review under Section 82A as soon as possible to facilitate the statutory timeframes.

Section 82A does not apply to complying development, designated development, integrated development or a determination made by Council under Division 4 in respect of Crown applications.

Yours sincerely

Mark Leotta  
Development Assessment Officer  
Development Assessment Services