

## General Matters:

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

Drawing N <sup>o</sup>	Dated
<b>Site Analysis</b> Job No. 1941 Drawing DA01 – Issue A	11/03/2011
<b>Basement Level 4</b> Job No. 1941 Drawing DA02 – Issue A	11/03/2011
<b>Basement Level 3</b> Job No. 1941 Drawing DA03 – Issue A	11/03/2011
<b>Basement Level 2</b> Job No. 1941 Drawing DA04 – Issue A	11/03/2011
<b>Basement Level 1</b> Job No. 1941 Drawing DA05 – Issue E	25/7/2011
<b>Ground Level</b> Job No. 1941 Drawing DA06 – Issue G	18/10/2011
<b>Ground Level – Mezzanine</b> Job No. 1941 Drawing DA07 – Issue E	25/07/2011
<b>Podium Level 2</b> Job No. 1941 Drawing DA08 – Issue C	04/05/2011
<b>Podium Level 3</b> Job No. 1941 Drawing DA09 – Issue C	04/05/2011
<b>Podium Level 4</b> Job No. 1941 Drawing DA10 – Issue C	04/05/2011
<b>Podium Level 5</b> Job No. 1941 Drawing DA11 – Issue C	04/05/2011
<b>Podium Level 6</b> Job No. 1941 Drawing DA12 – Issue C	04/05/2011
<b>Tower Levels 7-17</b> Job No. 1941 Drawing DA13 – Issue C	04/05/2011
<b>Tower Level 18</b> Job No. 1941 Drawing DA14 – Issue C	04/05/2011
<b>Tower Levels 19-23</b> Job No. 1941 Drawing DA15 – Issue C	04/05/2011
<b>Roof Terrace Level 24</b> Job No. 1941 Drawing DA16 – Issue C	04/05/2011
<b>Roof Plan</b> Job No. 1941 Drawing DA17 – Issue A	11/03/2011
<b>Elevations 1 &amp; 2</b> Job No. 1941 Drawing DA18 – Issue A	11/03/2011
<b>Elevations 3 &amp; 4</b> Job No. 1941 Drawing DA19 – Issue A	11/03/2011
<b>Sections A &amp; B</b> Job No. 1941 Drawing DA20 – Issue C	04/05/2011
<b>Section Details</b>	04/05/2011

<b>Drawing N<sup>o</sup></b>	<b>Dated</b>
Job No. 1941 Drawing DA21 – Issue C	
<b>Fence &amp; Mail Details</b> Job No. 1941 Drawing DA22 – Issue A	11/03/2011
<b>Waste Management Details</b> Job No. 1941 Drawing DA23 – Issue A	11/03/2011
<b>Typical Unit Layouts</b> Job No. 1941 Drawing DA25 – Issue C	04/05/2011
<b>Railway Infrastructure Plan</b> Job No. 1941 Drawing DA30 – Issue G	20/09/2011
<b>Balcony Amendments</b> Job No. 1941 Drawing DA31 – Issue A	22/11/2011
<b>Stormwater Plans</b> Job No. SW11058 Drawing S1 & S2 – Issue A	13/03/2011
<b>Landscape Plans</b> Job No. 11031DA Drawings 1 to 4 – Issue A	10/03/2011

<b>Document N<sup>o</sup></b>	<b>Dated</b>
Acoustic Assessment Report No. 2OC-11-0030-TRP-463149-2 prepared by Vipac	21/03/2011
Waste Management Plan	29/03/2011
Basix Certificate No. 362295M_02	14/03/2011
Schedule of Finishes – 4 pages (Appendix C – Statement of Environmental Effects)	Undated

**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 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.

3. 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.

4. 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.

5. 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 and Assessment Act 1979*, and the *Environmental Planning & Assessment Regulation 2000*.

6. 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.

7. 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.

8. Security doors to the apartment lift lobby on Hunter Street shall be provided. Doors should be provided close to the building line to avoid deep recessed spaces and discourage anti social behaviour.

**Reason:** To ensure an appropriate level of security for occupants.

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

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

10. 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.

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

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

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

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

13. The development shall be carried out in accordance with the requirements of Railcorp as outlined in their letter dated 21 December 2011 that is attached to this consent.

**Note:** This condition is imposed as part of Railcorp's concurrence to the application under Clause 86(3) of the *State Environmental Planning Policy (Infrastructure) 2007*.

**Reason:** To comply with Railcorp's requirements.

### **Prior to the release of a Construction Certificate:**

14. The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RTA for assessment. The developer is to meet the full cost of the assessment by the RTA.

This report would need to address the following key issues:

- a) The impact of excavation/rock anchors on the stability of O'Connell Street and detailing how the carriageway would be monitored for settlement.
- b) The impact of the excavation on the structural stability of O'Connell Street.
- c) Any other issues that may need to be addressed. (Contact: Geotechnical Engineer Stanley Yuen on phone 8837 0246 or Graham Yip on phone 8837 0245 for details).

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owners of the roadway are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

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

15. Revised plans indicating compliance with the following traffic related matters are to be submitted to the satisfaction of the PCA before the issue of the Construction Certificate:
- (a) 142 off-street parking spaces (including 13 disabled spaces in 4 basement levels of which 2 for visitors and 11 for adaptable units) are 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 (minimum of 2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent walls & 5.8m aisle width minimum).
  - (b) The dimensions and configuration of the disabled parking spaces (R6, R19 and R39 on basement level 2; R40 & R73 on basement level 3; R74, R87, R92, R93 and R108 on basement level 4) as marked on the plan to be modified to comply with AS 2890.6-2009 (a dedicated space plus a shared space - 2.4m wide x 5.4m long each).
  - (c) 14 bicycle racks as shown on the plan to be provided and used accordingly.
  - (d) A combined entry & exit driveway (6m wide to the basement levels as shown on the plan with 300mm clearance both sides between kerbs and 4m ramp access width to the loading dock on the ground level) to

be provided and constructed according to AS 2890.1- 2004 and Council's specification.

- (e) Driveway and ramp gradients are to comply with Clause 2.5, Clause 2.6 and Clause 3.3 of AS2890.1-2004.
- (f) The driveway width (w) at the concrete layback is to comply with Council's Standard Vehicular Crossing plan (DS8).
- (g) Column locations are to be installed in accordance with Clause 5 & Figures 5.1 & 5.2 of AS 2890.1-2004.
- (h) Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.
- (i) 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.
- (j) Sight distance to pedestrians exiting the property is to 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 pedestrians or other vehicles in or around the site should not be compromised by the landscaping, signage fences, walls or display materials.
- (k) 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.
- (l) A convex mirror is to be installed on basement levels 1, 2, 3 and 4 within the ramp access (one near the entry driveway & 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 appropriate access is provided.

16. 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.

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

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

17. 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 Councils adopted 'Fees and Charges' at the time of payment.

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

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

18. 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.

19. A monetary contribution comprising **\$936,837.00** is payable to Parramatta City Council pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979* and the *Parramatta City Centre Civic Improvement 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.

**Reason:** To comply with Parramatta Section 94A Contributions Plan.

20. 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.

21. 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*.

22. 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.

23. Separate waste bins are to be provided on site for recyclable waste. The specific number of bins shall be determined in consultation with Council's Public Health Protection Officer.

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

24. Prior to the release of the Construction Certificate design verification is required to be submitted from a registered architect 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

25. The pocket gardens and common areas to be designed by a qualified landscape Architect, in accordance with details to be submitted to the satisfaction of the Principal Certifying Authority before the issue of the Construction Certificate.

**Reason:** To maximise the quality of the internal landscaped areas.

26. A minimum of 11 dwellings are to be constructed in accordance with the requirements of AS 4299 so as to be adaptable. The adaptable dwellings are to represent a mix of dwelling types including 1 bedroom, 2 bedroom and 3 bedroom dwellings, and provided generally in accordance with the unit mix requirements of Section 6.1 (Control (d)). These details are to be submitted to

the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.

**Reason:** To promote the design of buildings that are adaptable and flexible in design to suit the changing lifecycle housing needs of residents over time in accordance with Section 4.4.3 of PDCP 2005.

27. The property is identified on Council's Flood map as being affected by the probable maximum flood (PMF). The building shall be designed and certified by a suitably qualified practicing engineer to ensure against failure due to flooding. In addition, a Flood Evacuation & Management Plan shall also be prepared by a suitable qualified practicing engineer.

The design and certification of the building and the Flood Evacuation & Management Plan shall be submitted to the satisfaction of the Principal Certifying Authority together with the application for the Construction Certificate.

A copy of the report shall be provided to Council for record keeping purposes. The report shall incorporate an effective evacuation process and procedure for egress both from the site in the early stages of a storm to upper floor evacuation during the peak of storm events.

**Note:** The architectural drawings do not clarify the level of the access stairs in the stairwell which is located immediately adjacent to the basement ramp. In this regard, it is considered that either (i) those stairs should also achieve the same level of basement flood protection, or (ii) the street level door should be watertight and persons in the basement be warned not to use the stairs when the flood warning system has been activated.

**Reason:** To ensure the structure can withstand flooding events.

28. 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.

29. Stormwater shall be connected to the kerb and gutter as indicated on the stormwater drainage plan by "alw design" dwg No. : SW11058- S2 Issue A", dated 14/03/2011. Prior to the issue of the Construction Certificate, the detailed drainage plan shall include a section in elevation showing the



headroom clearance below the proposed on-site detention tank complying with the requirements of AS2890.1 and AS2890.2 respectively as required for the designated vehicles using this area on site.

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

30. 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:
  - The permissible site discharge (PSD) rate; or
  - 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.
- (g) Pump storage tank shall be increased in size to contain 7.0m<sup>3</sup> in volume.

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 stormwater disposal.

31. No work shall start on the stormwater system until the detailed final stormwater plans have been approved by the Principal Certifying Authority. Prior to the approval of stormwater 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 thereon, approved with the Development Consent.

**Note:** *The reference SW11058- S1 & S2 as 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.
- c. 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).
  - 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 **300**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 455m<sup>3</sup>/ha as per the submitted OSD calculation.
  - The headroom clearance below the proposed on-site detention tank shall comply with AS2890.1 and AS2890.2 as required for the designated vehicles using this part of the site.

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 stormwater run-off from the site, surcharge from the existing drainage system and to manage downstream flooding.

32. The consultant drainage engineer shall certify the capacity of the OSD tank prior to the issue of a Construction Certificate to match the calculated volume as required by the Upper Parramatta Catchment Trust OSD handbook, Form B1, Drainage Design Summary sheet.

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

33. A truck manoeuvring template is to be certified by a qualified practising Traffic Engineer to the satisfaction of the PCA prior to the release of a Construction Certificate. In this regard, the template shall identify that a designated waste collection truck is able to turn within the proposed building and leave the site in a forward direction.

**Reason:** To ensure that adequate manoeuvrability is provided on site for waste vehicles.

34. Should any proposed work be undertaken where it is likely to disturb or impact upon a utility installation (e.g. power pole, telecommunications infrastructure, etc) written confirmation from the affected utility provider that they have agreed to the proposed works shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate or any works commencing, whichever comes first. The arrangements and costs associated with any adjustment to a utility installation shall be borne in full by the applicant/developer.

**Reason:** To ensure no unauthorised work to public utility installations and to minimise costs to Council.

35. 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.

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

(a) Construction Management Plan for the Site

A plan view of the entire site and frontage roadways indicating:

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

(c) 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 Plans 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. A copy will be given to Council for its records.

**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.

37. Prior to any works commencing on the driveway crossover and prior to the issue of any Occupation 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, the relevant application form must be completed with supporting plans, levels and specifications and a fee paid in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

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

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

38. Prior to commencement of works the applicant shall advise Council in writing, of any existing damage to Council property. A dilapidation survey of Council's assets, including photographs and written record, must be prepared and submitted to the Principal Certifying Authority and Council (if Council is not the

PCA) prior to the commencement of works; failure to identify any damage to Council's assets will render the applicant liable for the costs associated with any necessary repairs.

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

39. 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.

40. Any exhaust ventilation from the car park is to be ventilated 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.

41. The proponent shall submit to the Principal Certifying Authority for assessment and approval and Council for information, a Construction Noise Management Plan prior to the issue of the construction certificate as described in the NSW Department of Environment, Climate Change and Water Interim Noise Construction Guidelines 2009. The Construction Noise Management Plan must describe in detail the methods that will be implemented during the construction phase of the project to minimise noise impacts on the community.

The Construction Noise Management Plan must include:

- Identification of nearby residences and other sensitive land uses
- Assessment of expected noise impacts
- Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts
- Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes.

**Reason:** To prevent loss of amenity to the area

42. The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted to the Principal Certifying Authority with the construction certificate.

**Note:** The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement).

**Reason:** To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development.

43. 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:

- (a) provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:
    - (i) all relevant statutory requirements,
    - (ii) all relevant conditions of development consent
    - (iii) construction requirements detailed in the above Specification, and
    - (iv) the requirements of all legislation relating to environmental protection,
  - (b) On completion of the works certify that the works have been constructed in compliance with the approved plans, specifications and conditions of approval and,
  - (c) Certify that the Works as Executed plans are true and correct record of what has been built.
44. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standards 2890.1 – 2004 "Off street car parking". Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.
- Reason:** To ensure that parking spaces are in accordance with the approved development.
45. 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 Endeavour 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.
46. 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.
47. 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.

48. The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, 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):

- Basement Ramp width shall be minimum 5.5m.
- All vehicles are to enter and exit the site in forward direction.
- Width of vehicular crossing shall be minimum 6.2m or as it is required by AS2890.2 -2002 Table 3.1
- Commercial Vehicles parking and clearance height shall comply with AS2890.2-2002

Except where amended by other conditions of this consent. Certification or details of compliance are to be submitted with the Construction Certificate plans.

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

49. The applicant is required to submit a final Arts Plan to the satisfaction of Council's Senior Strategic Project Manager that details the provision of high quality artworks accessible by the public within the development prior to the issue of the construction certificate. Documentation to be submitted includes design concepts, site plan for artworks, construction documentation and project management.

**Reason:** To ensure an appropriate Arts Plan is submitted.

50. A revised Public Domain Plan in accordance with the Parramatta City Council's Public Domain Guidelines is to be submitted to the satisfaction of Council's Supervisor, Civil Assets before the issue of a Construction Certificate.

Note: The following matters are required to be considered during the preparation of this plan:

- The 2 street trees (*Camphor Laurels*) are to be removed and are to be replaced with 2 x *Lophostemon confertus* (Brush Box) in a minimum 45litre pot size in accordance with Council's Standard Street Tree Planting / Pit specifications. The new trees are to be planted a minimum distance of 10m apart.
- Revised and updated pavement plan with the kerb ramps relocated and redesigned, different treatment to drive, no decorative banding or margins and 150mm x 150mm pavers to the drive.

**Reason:** To improve the public domain.

51. A revised Alignment Plan in accordance with the Parramatta City Council's Public Domain Guidelines (in particular, Chapter 3) is to be submitted to the satisfaction of Council's Supervisor, Civil Assets before the issue of a Construction Certificate. Particular attention is to be given to the provision of access for people with disabilities on the kerb ramps.

**Reason:** To protect and enhance the public domain.

52. 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.

53. 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.

54. 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.

55. Acoustic measures are to be incorporated within the design in accordance with the recommendations outlined within Section 5 of the Acoustic Assessment Report No. 20C-11-0030-TRP-463149-2 prepared by Vipac dated 21 March 2011. These measures are to be reflected within the Construction Certificate.

**Reason:** To protect the amenity of the future occupants of the site and adjoining properties.

#### **55A.**

The following requirements apply to telecommunication facilities in the building:-

- a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.



- b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
- c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the *Environmental Planning and Assessment Act 1979*.
- d) A separate Development Application must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

Reason:: to ensure adequate provision for telecommunication facilities within the development.

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

- 56. 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 commencement of demolition work.

- 57. 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

- 58. 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 Environment 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.

59. 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.

60. A minimum of five (5) working days prior to commencement of any demolition work, 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 Work Cover Authority licence.

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

61. Prior to commencement of demolition, the Principal Certifying Authority must inspect the site. Should the building to be demolished be known or suspected by reason of the building's age or otherwise found to be wholly or partly clad with bonded or friable asbestos material, approval to commence demolition will not be given until the PCA is satisfied that appropriate measures are in place for the handling, storage, transport and disposal of the bonded or friable asbestos material.

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

62. 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

63. 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. Hoardings in the *City Centre Local Environmental Plan* area must also address the "Parramatta First - Marketing the City Brand". Details on policy compliance and brand marketing can be obtained by contacting Council's Construction Services on 02 9806 5602.

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

64. 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.

65. 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.

66. 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.

67. 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.

68. 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.

69. 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.

70. 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.

71. 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.

72. 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:
- (a) 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.
  - (b) 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.
  - (c) 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).
  - (d) The existing groundwater levels in relation to the basement structure, where influenced.
  - (e) 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.
  - (f) 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.
  - (g) 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.

73. 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.

74. 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 compliance with the requirements of Sydney Water..

75. 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 received 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 prior to any excavation occurring.

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

76. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- Protect and support the adjoining premises from possible damage from the excavation
- Where necessary, underpin the adjoining premises to prevent any such damage.

**Note:** If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

**Reason:** As prescribed under the *Environmental Planning and Assessment Regulation 2000*.

77. 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.

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

### **During Construction or Works:**

78. 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.

79. Deleted

80. 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.

81. 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.



82. 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.

- 82A. 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 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.

Note – Council may allow extended work hours for properties located on land affected by *Parramatta City Centre LEP 2007* in limited circumstances and upon written application and approval being given by Parramatta City Council at least 30 days in advance.

Such circumstances where extended hours may be permitted include:

- Delivery of cranes required to the site outside of normal business hours;
- Site is not located in close proximity to residential use or sensitive land uses;
- Internal fit out work.

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

83. 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 effect;
- (d) Nature of the complaints;
- (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
- (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

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

85. Noise emissions and vibration must be minimised and work is to be carried out in accordance with the NSW Department of Environment, Climate Change

& Water's *Interim Noise Construction Guidelines 2009* for noise emissions from construction/demolition and earth works.

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

86. 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.

87. 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..

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

88. A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. 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.

89. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in the consent, shall be removed or damaged during construction including the erection of any fences, hoardings or other temporary works.

**Reason:** Protection of existing environmental infrastructure and community assets.

90. The vehicular entry/exits to the site within Council's road reserve must prevent sediment from being tracked out from the development site. This area must be laid with a non-slip, hard-surface material which will not wash into the street drainage system or watercourse. The access point is to remain free of any sediment build-up at all times.

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

91. 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.

92. 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, restrictions apply to the hours of operation, the area of operation. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibility to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owners' 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.

93. 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 owners' property rights are protected and protect adjoining properties from potential damage.

94. A 200mm wide grated drain, with heavy duty removable galvanised grates is to be located within the site at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.

**Reason:** Stormwater control.

95. 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.

96. 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.

97. All tree removals shall be carried out by a qualified Arborist and conform to the provisions of AS4373-2007, Australian standards for Pruning Amenity Trees and Tree work draft code of practice 2007.

**Reason:** To ensure works are carried out in accordance with Tree work draft Code of practice 2007.

98. 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.

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

99. All trees planted within the site must have an adequate root volume to physically and biologically support the tree. No tree within the site is to be staked or supported at the time of planting.

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

100. No materials (including waste and soil), equipment, structures or goods of any type are to be stored, kept or placed within 5 m from the trunk or within the drip line of any tree.

**Reason:** To ensure the protection of any tree to be retained on the site.

101. 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.

### **Prior to the issue of an Occupation Certificate:**

102. An application for street numbering shall be lodged with Council for approval, prior to the issue of a Subdivision Certificate, whichever occurs first.

**Note:** Notification of all relevant authorities of the approved street numbers shall be carried out by Council.

**Reason:** To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.

103. 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 building.

**Reason:** To ensure a visible house number is provided.

104. 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.

105. Under Clause 97A of the *Environmental Planning and Assessment Regulation 2000*, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. 362295M\_02, will be complied with prior to occupation.

**Reason:** To comply with legislative requirements of Clause 97A of the *Environmental Planning and Assessment Regulation 2000*.

106. Acoustic measures are to be carried out in accordance with the recommendations outlined within Section 5 of the Acoustic Assessment Report No. 2OC-11-0030-TRP-463149-2 prepared by Vipac dated 21 March 2011. Appropriate monitoring and certification that the works have been carried out and are achieving the recommended noise levels is to be submitted to the satisfaction of the Principal Certifying Authority before the issue of the Occupation Certificate.

**Reason:** To protect the amenity of future occupants of the site and adjoining properties.

107. Occupation or use, either in part of 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.

108. 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.

109. The Certifying Authority shall arrange for a qualified Landscape Architect/Designer to inspect the completed landscape works to certify adherence to these consent 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.

110. A Notification Agreement outlining the electrical construction requirements and associated fees shall be obtained from an energy provider prior to the release of the linen plans.

**Reason:** To ensure electricity supply is available to all properties.

111. 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.

112. 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 versus 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.

113. 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 scaled 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.

114. 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:

- compare the post-construction dilapidation report with the pre-construction dilapidation report, and
- 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 to building work and any damage as a result of the building works.

115. 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 [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 the issue of an Occupation Certificate.

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

116. All works approved within the Public Domain Plan are to be carried out to the satisfaction of Council's Supervisor Civil Assets before the issue of an Occupation Certificate.

**Reason:** To ensure public domain works are complete.

117. The artworks are to be installed to the satisfaction of Council's Senior Strategic Project Manager prior to the issue of the occupation certificate.

**Reason:** To ensure that the Arts Plan is implemented appropriately.

118. A "No Stopping" restriction for a minimum distance of 20 m from the intersection of O'Connell Street shall be installed on the southern side of Hunter Street before the issue of an Occupation Certificate. It is noted that installing of "No Stopping" restriction will require approval from the local traffic committee.

**Reason:** To satisfy the requirements of the RTA.

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

119. The specific commercial and/or retail use or occupation of the ground floor tenancies shall be the subject of further development approval for such use or occupation.

**Reason:** To ensure development consent is obtained prior to that use commencing.

120. 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.

121. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.

**Reason:** To ensure the removal of graffiti.

122. All loading and unloading shall take place within the designated loading areas on the subject property.

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

123. To preserve the streetscape, roller shutters are not to be placed over the entrance or the windows of the commercial premises. Any security grill is to be located on the inside of the glass shop front and must be an open grille and see through.

**Reason:** To provide an appropriate streetscape appearance.

### **Advisory Notes:**



- (a) All demolition and construction vehicles and activities are to be contained wholly within the site or on Hunter Street as a work zone permit will not be approved on O'Connell Street.
- (b) A Road Occupancy Licence should be obtained from the RTA for any works that may impact on traffic flows on O'Connell Street during construction activities.
- (c) All costs associated with the proposed development shall be at not cost to the RTA or Council.