

THE PANEL UNANIMOUSLY APPROVES THE APPLICATION FOR THE REASONS GIVEN IN THE COUNCIL ASSESSMENT REPORT AND SUBJECT TO THE CONDITIONS GENERALLY AS ATTACHED TO THAT REPORT AND AS AMENDED BELOW:

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^o	Dated
Site analysis and demolition plan DA02 , Issue A , by aleksandar design group	21 October 2011
Site , roof+ staging Plan DA03, Issue A by aleksandar design group	21 October 2011
Lower Ground 4 Plan DA04 Issue C by aleksandar design group	5 April 2012
Lower Ground 3Plan DA05 Issue C by aleksandar design group	March 2012
Lower Ground 2 Plan DA06 Issue B by aleksandar design group	13 February 2012
Lower ground 1 Plan DA07Issue B by aleksandar design group	13 February 2012
Level 01 Plan DA08 Issue C by aleksandar design group	March 2012
Level 02 Plan DA09 Issue C by aleksandar design group	March 2012
Level 03 Plan DA10 Issue B by aleksandar design group	13 February 2012
Level 04 Plan DA11 Issue B by aleksandar design group	13 February 2012
Section A + B DA 12 , Issue C by aleksandar design group	12 April 2012
Section C + D DA 13 Issue C by aleksandar design group	12 April 2012
North and South Elevations DA14 Issue C by aleksandar design group	12 April 2012
West and East elevations DA15 Issue C by aleksandar design group	12 April 2012
Shadow diagrams DA16, 17, 18 Issue A by aleksandar design group	21 October 2011
Landscape Plan. LS01-DA Issue D by Melissa Wilson Landscape Architects	25 April 2012
Alignment Plan and Cross sections C05.01 and C05.02 .C05.3 and C05.4 by ABC Consultants	January 2012
Plan of subdivision Ref 3525 by Mepstead &	8 June 2012

Drawing N ^o	Dated
Associates	

Document(s)	Dated
Access Assessment Report by PSE Access Consulting	28 October 2011
Arborist Report by Arboreport	2 May 2012
Staging plan document	
Waste Management Plan	
Arts Concept Plan by Redshift Architecture & Art Pty Ltd	March 2012
Quantity Surveyors Report and attachments by MMDC	2 November 2011 and 14 June 2012
Statement of Environmental Effects by Andrew Martin Planning	31 October 2011, 24 November 2011 and revised on 23 April 2011
Clause 4.6 Objection by Andrew Martin Planning	23 April 2012
Geotechnical Assessment Report by Geotechnique Pty Ltd	7 April 2011
BASIX Certificate No. 400599M_02	23 April 2012
Traffic Assessment Report Ref. No 11030 by Traffix	October 2011
Acoustic Report by Day Design Pty Ltd	3 November 2011
Ralcorp Letters along with Attachment A	20 February 2012, 26 March 2012 and 25 May 2012.
Access Assessment Report by PSE Access Consulting	28 October 2011

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.

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

Reason: To ensure appropriate demolition practices occur.

- 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. All roof water and surface water is to be connected to an approved drainage system.
Reason: To ensure satisfactory stormwater disposal.
5. 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.
6. 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.
7. 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.
8. The secondary balconies to the southern elevation of Buildings C and D are deleted on all levels above the ground level.
Reason: To ensure amenities of the immediate neighbouring properties are retained.
9. 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.
10. Trees to be retained are:
Trees numbered 8-10, 11A, 12, 15, 21-26, 40-44 as identified in the arboricultural impact assessment prepared by arboreport 2/5/2012 and Tree Location Plan Issue C contained within the report
Reason: To protect significant trees which contribute to the landscape character of the area.
11. Trees to be removed are:
Trees numbered 1, 3, 4, 5, 5A, 6, 7, 11, 13, 14, 16, 17, 18, 20, 27-36, 36A, 36B, 37, 38 & 39 as identified in the arboricultural impact assessment prepared by arboreport 2/5/2012 and Tree Location Plan Issue C contained within the report

Reason: To facilitate development.

12. 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.

13. 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.

14. No access through or storage of materials in the reserve is permitted to ensure protection of the waterway bushland riparian corridor and unrestricted public access (including the right of the public to pass, re-pass and remain upon the land for recreational and access purposes);

Reason: To comply with Council requirements

15. To minimise disturbance to existing mature trees located in the adjacent reserve, no excavation shall take place within the critical root zone (CRZ)*, measured as a radius from the centre of the trunk of the tree. Excavation may occur between the critical and primary root zones (PRZ)* but only by hand. In the event that major structural roots or feeder roots (>50mm in diameter) are encountered between the critical and primary root zones, appropriate measures should be implemented to ensure the long term retention of the tree.

*CRZ = 5 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk)

*PRZ = 10 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk)"

Reason: To ensure mature trees are maintained.

- 15 A. No objection is raised to separate construction certificates being issued for each construction stage of the proposed development as per the approved Staging plan document No objection is also raised to separate strata subdivision certificates being issued for each stage of the development as per the approved Staging plan document provided.

Reason: To allow for the staged construction of the development.

- 15 B. The development shall be covered by a Staged strata plan.

Reason: To ensure that all future occupiers have access to all common open spaces and rear laneway access.

16. The Subdivision plan is to be amended to show the land to be transferred to the Council for a rear vehicular and pedestrian access way in accordance with the subdivision plan by mepstead & associates dated 8 June 2012. For the land

where the Stormwater Spreader is located, an easement for access from the main part of Lot 100 to the smaller part of Lot 100 is to be created and registered.

Reason: To ensure appropriate maintenance of the stormwater assets.

Prior to the Issue of a Construction Certificate

17. Prior to issue of a construction Certificate an amended stormwater drainage plan shall be submitted to Council, for approval, prepared by a qualified and practicing drainage engineer, indicating that the on-site detention tank is not located under habitable areas and the details of the construction of the On Site Detention systems for each stage of the development.

18. Prior to the issue of any construction certificate, approval is to be obtained from the property owner for any anchors that may be proposed beneath adjoining private property. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.

If the use of permanent or temporary rock anchors is required extending into the road reserve then approval must be obtained from Council and/or the Roads and Maritime Services in accordance with Section 138 of the Roads Act 1993 prior to issue of a construction certificate. A fee is payable for this approval.

Note: If works impact a Council designated road, the consent holder is to contact Council's Property Services Officer to seek approval for rock anchors under Section 138 of the Roads Act 1993.

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

19. The submission of a final Landscape Plan to the Principal Certifying Authority, prior to the release of any Construction Certificate. The final Landscape Plan shall address the following requirements:

(a) Relocation of all structures and services outside of the tree protection areas for trees 42, 43 and 44 as identified in the arboricultural impact assessment prepared by arboreport 2/5/2012 and Tree Location Plan Issue C contained within the report

Reason: To ensure that trees located within adjoining properties are not unduly impacted by the proposed works

20. Decking around a swimming pool must not be more than 600mm above ground level (existing).

Reason: To comply with Council requirements

21. Coping around a swimming pool must not be more than:
1.4m above ground level (existing), or 300mm wide if the coping is more than 600mm above ground level (existing). Details shall be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council requirements

22. Prior to issue of any Construction Certificate for each of the buildings an artist/s shall be engaged to develop site specific artwork/s which is consistent with the concepts outlined in the Arts Plan.. On completion of the artwork design stage, all additional documentation shall be submitted to Council that details the realisation of the Arts Plan through final design concepts, site plan for artworks, construction documentation and project management including specific information indicating the scale of the artwork **during the construction certificate phase of development.**

Reason: To ensure compliance with Council requirements

23. The design and construction of the proposed gutter crossing on Pennant Hills Road shall be in accordance with RMS requirements. The design requirements shall be in accordance with RMS Road Design Guide and other Australian Codes of Practices. Details of these requirements should be obtained from the RMS Project Services Manager, Traffic Projects Section, Parramatta (telephone 02 8849 2496). The certified copies of the civil design plans shall be submitted to RMS for consideration and approval prior to the release of any construction certificate by Council or PCA and commencement of road works. A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by RMS.

Reason: To comply with RMS requirements

24. To maintain driveway operational efficiency and safety, physical segregation" of the ingress and egress arrangement at the driveway should be achieved via the provision of a low profile concrete median island. Details shall be illustrated on plans submitted with the construction certificate.

Reason: To comply with RMS requirements

25. The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the Works Authorisation Deed (WAD) will need to be executed prior to RMS assessment of the detailed civil design plans.

Reason: To comply with RMS requirements

26. The acoustic walls fronting Pennant Hills Road shall be setback 1 m from the boundary.

Reason: To comply with Council requirements.

27. A Road Occupancy Licence shall be obtained from RMS for any works that may impact on traffic flows on Pennant Hills Road during construction activities.

Reason: To comply with RMS requirements

28. All works/regulatory signage associated with the proposed development are to be *at no cost to RMS*.

Reason: To comply with RMS requirements

29. Resident parking should be clearly signposted at entry to car parking areas.

Reason: To comply with RMS requirements

30. The proposed development should be designed such that road traffic noise from Pennant Hills Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 subdivision 3 of State Environmental Planning Policy (Infrastructure) 2007.

Reason: To comply with RMS requirements

31. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan showing the swept path of service vehicles entering and exiting the site shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

Reason: To comply with RMS requirements

32. All vehicles are to enter and leave the site in a forward direction.

Reason: To comply with RMS requirements

33. Car parking requirements for each stage of development shall be in accordance with the staging plan.

Reason: To comply with the conditions of consent.

34. All vehicles are to be wholly contained on site before being required to stop

Reason: To comply with RMS requirements

35. 119 off-street parking spaces (including 86 spaces for residents, 10 disabled parking spaces, 22 visitor spaces and 1 carwash bay) 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 and 5.8m aisle width minimum), as shown on the DA plans. At blind aisle, the aisle is to be extended by 1.0m (minimum) beyond the last parking space, as shown on the amended DA plans.

Reason: To comply with Council requirements

36. The dimensions and configuration of the disabled parking spaces are to comply with AS 2890.6-2009 (a dedicated space plus a shared space - 2.4m wide x 5.4m long each with a bollard installed on the shared space).

Reason: To ensure compliance with Australian Standards

37. A combined entry and exit driveway (8m wide with 300mm clearance both sides between kerbs), as shown on the plan, off Pennant Hills Road is to be provided and constructed according to AS 2890.1- 2004 and Council's specification.

Reason: To ensure compliance with Australian Standards and Council requirements.

38. The additional access driveway (5.5m wide) at the rear of the site, as shown on the amended DA plans, to the basement level is to be provided and constructed according to AS 2890.1- 2004 and Council's specification.
Reason: To ensure compliance with Australian Standards and Council requirements
39. Driveway and ramp gradients are to comply with Clause 2.5, Clause 2.6 and Clause 3.3 of AS2890.1-2004.
Reason: To ensure compliance with Australian Standards
40. The driveway width (w) at the concrete layback is to comply with Council's Standard Vehicular Crossing plan (DS8).
Reason: To ensure compliance with Council requirements
41. Column locations are to be installed in accordance with Clause 5 and Figures 5.1 and 5.2 of AS 2890.1-2004.
Reason: To ensure compliance with Australian Standards
42. 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 compliance with Australian Standards
43. 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 compliance with Australian Standards
44. 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.
Reason: To ensure compliance with Australian Standards
45. The minimum available headroom clearance to be signposted at all entrances is to be 2.2m (for cars and light vans including all travel paths to and from parking spaces) and 2.5m (for 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 and 2890.6-2009.
Reason: To ensure compliance with Australian Standards
46. A convex mirror is to be installed 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 safety of drivers

47. 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 ensure compliance with Council requirements

48. 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 ensure compliance with Council requirements

49. The installation of any security roller shutter for the basement car parking area shall not restrict access to any designated visitor car parking space. In the event that the approved visitor car parking spaces are located behind any proposed security roller shutter, an intercom system is required to be installed to enable visitor access into the basement car parking area. This requirement is to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Principal Certifying Authority, prior to the release of the Construction Certificate.

Reason: To ensure compliance with Council requirements

50. 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.

51. The storage areas in the basement shall be clearly marked and allocated to each unit prior to issue of any construction certificate.

Reason: To comply with Council requirements.

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

Reason: To protect public safety.

53. 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.

54. The proposed development shall comply with the requirements of Ralcorp in accordance with the Ralcorp communication dated 20 February 2012 along with Attachment A and letters dated 26 March 2012 and 25 May 2012. The Principal Certifying Authority shall ascertain that these requirements have been satisfied prior to the issue of any construction certificate.

Reason: To comply with Ralcorp requirements

55. 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 any Construction Certificate.

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

56. Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of any 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.

57. A monetary contribution comprising **\$203,490** 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 (Amendment No. 1). Payment must be by cash, EFTPOS, bank cheque or credit card only. The contributions are to be paid to Council as follows:

- **\$63,408.48** is to be paid to Council prior to the issue of a construction certificate for Stage 1.

- **\$42,263.42** is to be paid to Council prior to the issue of a construction certificate for Stage 2.

- **\$62,130.93** is to be paid to Council prior to the issue of a construction certificate for Stage 3.
- **\$35,687.17** is to be paid to Council prior to the issue of a construction certificate for Stage 4.

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.

Parramatta Section 94A Development Contributions Plan (Amendment No. 1). can be viewed on Council's website at:
http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions.

Note: Condition No. 56 enables the staging of section 94A development contribution payments on the basis that separate construction certificates (cc) will be issued for each stage as shown on the Staging Plan.

Reason: To comply with the legislative requirements.

58. An *Environmental Enforcement Service Charge* is to be paid to Council prior to the issue of any 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.

59. An *Infrastructure and Restoration Administration Fee* is to be paid to Council prior to the issue of any construction certificate. The fee to be 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.

60. Prior to the release of any 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.

61. Prior to the issue of any 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. The bins shall be collected from within the site and not placed along the kerb facing Pennant Hills Road.

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

62. 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.

63. 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.

64. Any 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.

65. 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 any Construction Certificate.

Reason: Statutory requirement.

66. 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 any 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 approved drainage plans are considered to be Concept Plans. 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

- The design achieves a Site Storage Requirement of 285 m³/ha and a Permissible Site Discharge of 160L/s/ha (as per 3rd edition of UPRCT’s handbook).
- When using the Extended/Flood detention method (4th edition of UPRCT’s handbook), the Site Reference Discharge (Lower Storage), SRD_L of **40** l/s/ha, Site Storage Requirement (Lower Storage) SSR_L of **262** m³/ha and Site Reference Discharge (Upper Storage), SRD_U of **150** l/s/ha, Site Storage Requirement (Total) SSR_T of 415m³/ha as per the submitted OSD calculation.
- The On-site detention tank is to have an overflow weir within the tank bypassing the orifice plate for 1:100 year surcharge flow.
- The on-site detention tank is not to be located under habitable areas.

- All retaining walls surrounding the on-site detention shall be water tight to ensure no leakage on the adjoining environment.

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.

67. Prior to the issue of any 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:
- a. Vehicular access can be obtained using grades of 25% (1 in 4) maximum and
 - b. 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.

68. Prior to the issue of any 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:
 - a. all relevant statutory requirements,
 - b. all relevant conditions of development consent
 - c. construction requirements detailed in the above Specification, and
 - d. 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.

69. 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 any Construction Certificate.

Reason: To minimise costs to Council

70. 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 Principal Certifying Authority. The following matters must be specifically addressed in the Plan:

(a) Construction Management Plan for the Site indicating:

- I. Dedicated construction site entrances and exits.
- II. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- III. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- IV. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- V. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- VI. 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).

(b) *Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.*

Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.

(c) Traffic Control Plan(s) for the site:

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

(d) Where applicable, the plan must address the following:

- 1) Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
- 2) 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.
- 3) 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.

71. 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, you are required to complete the relevant application form with supporting plans, levels and specifications and pay a fee 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.

Prior to the Commencement of Work

72. The post-development storm water discharge from the subject site into the RMS drainage system should not exceed the pre-development discharge. Should there be changes to RMS drainage system then detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works. Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.
A plan checking fee will be payable and a performance bond may be required before RMS approval is issued. With regard to the Civil Works requirement please contact the RMS Project Engineer. External Works on (02) 8849 2114 or fax (02) 8849 2766.
Reason: To comply with RMS requirements
73. 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.
74. 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.
75. 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.
76. 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.
77. 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.

78. 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 Work Cover Authority hotline or the website www.workcover.nsw.gov.au.

Reason: To comply with the requirements of the NSW Work Cover Authority.

79. 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.

80. 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 Work Cover Authority licence.
Reason: To protect the amenity of the area.
81. 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.
82. 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 Work Cover Authority licence(s) and approvals.
Reason: To comply with the requirements of the NSW Work Cover Authority.
83. 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.
84. Council property adjoining the construction site must be fully supported at all times during all excavation and construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified structural engineer or geotechnical engineer, must be submitted to and approved by the Principal certifying Authority (PCA), before the commencement of the works. A copy of these details must be forwarded to Council. Backfilling of excavations adjoining Council property or any void

remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

85. 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.

86. Prior to commencement of any works, including demolition and excavation, the applicant is to submit to the Principal Certifying Authority (and Council if not the PCA) of documentary evidence including photographic evidence of any existing damage to Council's property. Council's property includes footpaths, kerbs, gutters and drainage pits.

Reason: To ensure that the applicant bares the cost of all restoration works to Council's property damaged during the course of this development.

87. 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.

88. 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.

89. 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:

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

90. 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 persons 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.

91. 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 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.

92. 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 (PCA) prior to any excavation occurring.

Reason: To prevent any damage to underground utility services.

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

Reason: To protect the environmental amenity of the area.

94. Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated where the fence changes direction, Each sign shall contain in a clearly legible form, the following information:

- (a) That the tree protection zone is a No Go Zone
- (b) This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
- (c) The name, address, and telephone number of the developer and site Arborist.

Reason: To protect existing trees during the construction phase.

95. 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:

- i. 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.
- ii. 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.
- iii. 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).
- iv. The existing groundwater levels in relation to the basement structure, where influenced.

- v. 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.
- vi. 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/hydro geological 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:

- (a) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- (f) 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.

96. The consent from Council is to be obtained prior to any pruning works being undertaken on any tree, including tree/s located in adjoining properties. Pruning works that are to be undertaken must be carried out by a certified Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

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

During Construction

97. 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.

98. Noise from the construction, excavation and/or demolition activities associated with the development shall comply with the NSW Department of Environment and Conservation's Interim Construction Noise Guidelines 2009

Reason: To protect the amenity of the area.

99. 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.

100. 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.

101. 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.

102. 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.

103. 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.

104. 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.

105. 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.

106. 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.

107. 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 2011 are met.
108. 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.
109. A 200mm wide grated channel/trench drain with a heavy - duty removable galvanised grate is to be provided in front of the garage door/ basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
Reason: Stormwater control.
110. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices must be maintained throughout the entire demolition, excavation and construction phases of the development.
Reason: To ensure soil and water management controls are in place before site works commence.
111. 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.
112. 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.

113. 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.

114. Construction of a 1.2 m wide by 70 mm thick concrete footpath across the property frontage within the road reserve to Council's specifications. 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.

115. All plants which have been declared, pursuant to Sections 7 and 8 of the Noxious Weeds Act 1993, to be Noxious Weeds within the area of Parramatta City Council shall be removed on site and replaced with appropriate indigenous or native species.

Reason: To ensure the compliance with the Noxious Weed Act 1993

116. All pruning 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 the pruning will not adversely affect the tree(s).

117. 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.

118. 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.

119. No materials (including waste and soil), equipment, structures or good 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 the tree(s) to be retained on the site.

120. Prior to use or operation of the swimming pool, any filtration equipment or pump(s) shall be enclosed with appropriate sound insulation materials to ensure noise levels do not exceed 5dBA above the ambient background noise level when measured at the side and rear boundaries of the property.

Reason: To minimise the aural impact of the mechanical equipment associated with the maintenance of the swimming pool and maintain the residential amenity of the adjoining and adjacent properties.

121. Surface waters from about the swimming pool must be collected and disposed of to the satisfaction of the Principal Certifying Authority.

Reason: To protect the amenity of the adjoining neighbours.

122. The concourse of the swimming pool shall be graded back to the pool so as to prevent water flowing into the neighbouring property.

Reason: To protect the amenity of the adjoining properties.

123. The swimming pool shall be fenced in accordance with Section 7 of the Swimming Pools Act 1992 and Australian Standard AS1926 (2007), prior to the filling of water in the pool or use of the pool. Such fence shall be provided with a self-latching and self-closing gate, opening outwards, capable of being opened from the poolside only and with provision for permanent locking when not in use. The fence shall be installed to the satisfaction of the Principal Certifying Authority, prior to the filling of water in the pool/use of the pool.

Reason: To comply with the Building Code of Australia.

124. The swimming pool including overflow water shall be drained to the sewer. The consent of Sydney Water to dispose of waste water shall be obtained and compliance with any conditions imposed in connection therewith.

Reason: Water from a swimming pool is classified as waste water and cannot be legally disposed of into the stormwater system.

125. The owner of the pool shall display a notice showing:

- (a) Appropriate instructions of artificial resuscitation methods.
- (b) A warning stating 'YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL'.

Note: This notice shall be kept in a legible condition and at the pool side.

Reason: To ensure an adequate level of safety for young pool users.

Prior to release of Occupation Certificate

126. A separate application must be made to Council or an accredited certifier to obtain approval of the strata plan under section 37 of the *Strata Schemes (Freehold Development) Act 1973*.

Reason: To comply with the *Strata Schemes (Freehold Development) Act 1973*

127. All redundant driveways on Pennant Hills Road shall be removed and replaced

with kerb and gutter to match existing.

Reason: To comply with RMS requirements

128. Prior to issue of any Occupation Certificate a Travel Plan is required to be prepared and a copy of the same must be available to Council on request. The travel plan must include targets, travel data and measures in order to reduce car trips and encourage use of sustainable transport.

Reason: To comply with Council's Development Controls.

129. Prior to the Occupation Certificate being issued for Building D the rear vehicular access way and associated pedestrian path as shown on the approved architectural plans DA04 Issue C dated 5 April 2012 shall be embellished in accordance with the approved plans contained in condition 1 and transferred at no cost to the Council. If the Lot burdened becomes a road, the owners or the strata of the property shall ensure that any right of way can be extinguished without compensation. The requirements for undertaking this transfer can be obtained by contacting Council's Property Services Officer on 9806 5567.

Reason: To ensure compliance with Council's Development Control Plan

130. The measures required by the Acoustic Report by Day Design Pty Ltd 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.

131. All land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to an Occupation Certificate being issued.

Reason: To comply with the *Conveyancing Act 1919*.

132. Prior to the issue of any occupation certificate, evidence that a waste collection service contractor has been engaged to service the site shall be submitted to the satisfaction of the PCA.

Reason: To ensure a waste collection service is commenced at the time of occupation of the development.

133. The artwork is to be completed in full in line with the documentation submitted and the artworks are installed to the satisfaction of Council prior to the issue of the final Stage Occupation Certificate.

Reason: To ensure compliance with Council requirements.

134. 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.

135. 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. 400599M_02 , will be complied with prior to occupation.

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

136. 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.

Reason: To comply with Legislative requirements

137. 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.

138. 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 building work and any damage as a result of the building works.

139. 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.

140. 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 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.

141. 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.

142. 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.

143. 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.

144. The strata subdivision certificate for each stage will not be issued until documentary evidence of compliance with each stage of construction under Development Consent No. [DA/783/2011](#) has been submitted to Council.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and conditions of consent.

145. A Notification Agreement outlining the electrical construction requirements and associated fees shall be obtained from Energy provider prior to the release of Occupation Certificate.

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

146. The following conditions shall be complied with:

- i. For safety, access to the swimming pool must be restricted by fencing or other measures as described by the Swimming Pools Act 1992 Australian Standard AS1926-1992. The fencing or other measures must be completed before any water is placed in the pool.
- ii. Any mechanical equipment associated with the swimming pool and spa shall be located in a sound-proof container and positioned so that noise levels associated with spa/pool pumping units shall not exceed 5 dBA at the boundaries of the site.
- iii. To maintain the visual amenity of the area, devices or structures used for heating swimming pool water must not be placed where it is not visible from a public place.

- iv. To ensure the proper disposal of polluted waters and to avoid runoff nuisance for downstream properties, all drainage including any overland waters associated with the pool and spa must be pipe-drained to the nearest sewer system in accordance with the requirements of Council. No drainage, including overflow from the pool or spa shall enter Council's stormwater system.
- v. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or storm water drainage system is prohibited. These waters are to discharge via a permanent drainage line into Sydney Water's sewer in accordance with Australian Standard AS3500.2 section 10.9. Permission is to be obtained from Sydney Water prior to the emptying of any pool to the sewer.
- vi. Lighting from the swimming pool and other communal facilities shall not detrimentally impact the amenity of other premises and adjacent dwellings.
- vii. The occupier of any premises on which a swimming pool is situated must ensure that there is at all times a sign which must contain the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in accordance with the relevant provisions of the document entitled "Cardio Pulmonary Resuscitation". This sign is to be displayed in a prominent position in the immediate vicinity of the swimming pool.

Reason: To ensure compliance with the Swimming Pools Act 1992 and to maintain amenity.

147. The submission of a letter from the telecommunications provider authorised under the Telecommunications Act 1997 confirming arrangements have been made for the provision of telephone services.

Reason: To ensure appropriate telephone services are provided.

148. A separate application must be made to Council or an accredited certifier to obtain approval of the strata plan under section 37 of the *Strata Schemes (Freehold Development) Act 1973*.

Reason: To comply with the *Strata Schemes (Freehold Development) Act 1973*

The Use of the site

149. 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.

150. 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.
151. All landscape works shall be maintained for a minimum period of two (2) years after the final completion, in accordance with the approved landscape plan and conditions
Reason: To ensure restoration of environmental amenity.
152. All new 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.
153. No air-conditioning condensers/ units are to be located on any of the balconies.
Reason: To ensure the amenity of the units and visual amenity of the building
154. A single antennae for the purpose of receiving television signals and a single satellite dish for the purpose of receiving satellite signals shall be installed for the entire building and not affixed to balconies or walls of individual units, and shall not be visible from Pennant Hills Road frontage.
Reason: To ensure the amenity of the area.

