

## Recommendation

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979:

- (a) **That** the variation to Clause 21 – Building Height of the Parramatta City Centre Local Environmental Plan 2007 is granted under the provisions of Clause 24.
- (b) **That** the consent authority grants development consent to Development Application No. DA/171/2014 for the demolition, tree removal and construction of a 41 storey mixed use building containing retail tenancies, conference centre, discovery/exhibition centre with café and 413 residential apartments over 7 levels of basement car parking with stratum and Torrens title freehold lots subdivision at 12-14 Phillip Street and 331A-339 Church Street, PARRAMATTA NSW 2150 for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the following conditions:

## 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
Site Plan – Site Existing and Demolition. Drawing No. DA-A-050. Revision 04	28 January 2015
Site Plan – Proposed Site. Drawing No. DA-A-051. Revision 05	28 January 2015
Site Section – North-South. Drawing No. DA-A052. Revision 05	28 January 2015
Site Section – East-West. Drawing No. DA-A058. Revision 05	28 January 2015
Plan-Flood Model Sections. Drawing No. DA-A-075. Revision 01	28 January 2015
Plan – Basement 7. Drawing No. DA-A-100. Revision 03	28 January 2015
Plan – Basement 3-6. Drawing No. DA-A-101. Revision 17	28 January 2015
Plan – Basement 2. Drawing No. DA-A-102. Revision 17	28 January 2015
Plan – Basement 1. Drawing No. DA-A-103. Revision 24	28 January 2015
Plan – Ground Level. Drawing No. DA-A-104. Revision 26	28 January 2015
Plan – Level 1 – Discovery Centre. Drawing No. DA-A-105. Revision 23	28 January 2015
Plan – Level 2 – Conference Centre. Drawing No. DA-A-106. Revision 20	28 January 2015
Plan – Level 3 – Residential Amenities. Drawing No. DA-A-107. Revision 20	28 January 2015
Plan – Podium Roof. Drawing No. DA-A-117. Revision 10	28 January 2015
Plan – Low Rise – Levels 8-17. Drawing No. DA-A-108. Revision 18	28 January 2015
Plan – Mid Rise 1 – Levels 18-30. Drawing No. DA-A-109. Revision 15	28 January 2015
Plan – Mid Rise 2 – Levels 31-38. Drawing No. DA-A-110. Revision 15	28 January 2015
Plan – High Rise – Levels 39-42. Drawing No. DA-A-111. Revision 15	28 January 2015
Plan – Penthouse 1 – Level 43. Drawing No. DA-A-113.	28 January 2015

<b>Drawing N<sup>o</sup></b>	<b>Dated</b>
Revision 15	
Plan – Penthouse 2 – Level 44. Drawing No. DA-A-114. Revision 15	28 January 2015
Plan – Tower Roof. Drawing No. DA-A-115. Revision 13	28 January 2015
Section – Church Street Entry Structure. Drawing No. DA-A-250. Revision 02	28 January 2015
Elevation - North. Drawing No. DA-A-300. Revision 05	28 January 2015
Elevation - East. Drawing No. DA-A-301. Revision 04	28 January 2015
Elevation - South. Drawing No. DA-A-302. Revision 06	28 January 2015
Elevation - West. Drawing No. DA-A-303. Revision 05	28 January 2015
Photomontage 1. Drawing No. DA-A-801. Revision 01	28 January 2015
Photomontage 2. Drawing No. DA-A-802. Revision 01	28 January 2015
Photomontage 3. Drawing No. DA-A-803. Revision 02	28 January 2015
Photomontage 4. Drawing No. DA-A-804. Revision 02	28 January 2015
Photomontage 5. Drawing No. DA-A-805. Revision 01	28 January 2015
Photomontage 6. Drawing No. DA-A-806. Revision 01	28 January 2015
Photomontage 7. Drawing No. DA-A-807. Revision 01	28 January 2015
Sketch View 1. Drawing No. DA-A-811. Revision 00	28 January 2015
Sketch View 2. Drawing No. DA-A-808. Revision 00	28 January 2015
Sketch View 3. Drawing No. DA-A-812. Revision 02	28 January 2015
Sketch View 4. Drawing No. DA-A-813. Revision 01	28 January 2015
Public Domain Plan Aerial View. Drawing No. L-001. Revision 05	16 March 2015
South Bank Sections. Drawing No. DA-L-200. Revision 06	28 January 2015
South Bank Sections. Drawing No. DA-L-202. Revision 03	28 January 2015
Civil Infrastructure and Alignment Plans. Drawing Nos. S13013-DRG-C-0001, 0002, 0003, 0900, 0901, 0902, 0903, 0904, 0905, 0906, 0907, 0910, 0911, 0920, 0921, 0922, 0923, 0924, 0925, 0930, 0931, 0932, 0933, 0934, Revision A	11 December 2013

<b>Document(s)</b>	<b>Dated</b>
Design Review Panel Report Riverside Parramatta	31 October 2013
Biodiversity Assessment	January 2014
Statement of Heritage Impact	14 January 2014
Assessment of Historical Archaeological Potential	January 2014
Aboriginal Archaeological Assessment	January 2014
Flood Assessment	13 January 2014
Addendum to Flood Assessment	7 October 2014
Revised Flood Assessment to Reflect Layout Changes	23 February 2015
Flood Management and Evacuation Plan	January 2014
Phase 1 and 2 Contamination Investigation	November 2011
Survey Plans	21 April 2013
Design Report	16 January 2014
Public Domain Report	16 January 2014
Public Art Strategy	16 January 2014
Traffic and Parking Assessment Report	20 January 2014
Updated Traffic and Parking Assessment	13 March 2015
Loading Dock and Phillip Lane Design Details	16 March 2015

Document(s)	Dated
Proposed Stratum Subdivision Plans	Undated
Operational Waste Management Plan	December 2013
Design Certification - Lifts & Electrical	2 December 2013
Design Certification - Fire & Hydraulics	Undated
Design Certification - Mechanical services	5 December 2013
Connection of Load Application	10 December 2013
Site Stormwater Management Plan	13 January 2014
Construction Management Plan	December 2014
Environmental Management Plan	December 2013
Construction Waste Management Plan	7 August 2013
Cost Plan No 1	15 January 2014
BASIX Assessment	29 November 2013
Direct Solar Access Report	17 January 2014
Natural Ventilation Study	15 January 2014
Arboricultural Impact Assessment	November 2013
Solar Light Reflectivity Analysis	15 January 2014
Shadow Studies	16 January 2014
Access Report	23 January 2014
Geotechnical Assessment	November 2011
Geotechnical Assessment advice	10 December 2014
Pedestrian Wind Environment Study	17 January 2014
Environmental Noise Assessment	9 January 2014
Crime Prevention Through Environmental Design Report	10 January 2014
BCA Report	10 December 2013
Fire Engineering Statement	13 January 2014
Discovery Centre Design Consideration Response	October 2014
Impact and Mitigation Strategy	October 2014
Residential Car Parking Provision	8 October 2014
Section 88A/B - Statement of Intent Riverside Parramatta	9 February 2015
General Terms of Approval issued by NSW Office of Water (10 ERM 2014/0327)	22 April 2014
General Terms of Approval issued by NSW Office of Water (10 ERM 2014/0327)	13 May 2014
General Terms of Approval issued by Fisheries NSW (IDA14/52)	28 May 2014

**Note:** In the event of any inconsistency between the architectural plan(s) and the public domain plan(s) and/or stormwater 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 applicant is to provide the identified monetary contributions and carry out the Public Domain works in accordance with the voluntary planning agreement between LIDIS Group Pty Limited and Parramatta City Council, dated 13 February 2015. Nothing in this consent derogates from the rights and obligations conferred by the planning agreement.

**Reason:** To ensure performance of obligations under a planning agreement.

3. Approval is granted for the demolition of buildings and parking infrastructure within the site (but not including any encroaching private structures) currently on the property, subject to compliance with the following:

- (a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.  
**Note:** Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.
- (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
- (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Parramatta City Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- (d) On the first day of demolition, work is not to commence until Parramatta City Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
- (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
- (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
- (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- (i) Demolition is to be completed within 28 days of commencement.
- (j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- (k) 1.8m high Protective fencing is to be installed to prevent public access to the site.

- (l) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
  - (i) Proposed ingress and egress of vehicles to and from the construction site;
  - (ii) Proposed protection of pedestrians adjacent to the site;
  - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- (m) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- (n) Before demolition works begin, adequate toilet facilities are to be provided.
- (o) After completion, the applicant must notify Parramatta City Council within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- (p) Within 14 days of completion of demolition, the applicant must submit to Council an:
  - (i) Asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site;
  - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
- (q) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

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

- 4. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).

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

- 5. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.

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

- 6. All roof water and surface water is to be connected to an approved drainage system complying with Council's specifications and policy requirements.

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

- 7. Trees to be removed are 5 x *Jacaranda mimosifolia* (Jacaranda) located on the northern boundary of the site, adjacent to the Parramatta River. All Tree removals shall be supervised by an AQF Level 3 qualified arborist and conform to the provisions of the NSW Tree Work Draft Code of Practice 2007.

**Reason:** To ensure works are carried out in accordance with Tree Work Draft Code of Practice 2007.

8. Separate waste processing and storage facilities are to be provided for residential and commercial tenants in mixed use developments. These facilities should be designed and located so that they cannot be accessed by the public, and are accessible by a private waste contractor for collection. A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities.

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

9. All waste storage rooms/areas are to be fully screened from public view and are to be located clear of all landscaped areas, driveways, turning areas, truck standing areas and car parking spaces. No materials, waste matter or products are to be stored outside the building or any approved waste storage area at any time.

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

10. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority (PCA) immediately.

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

11. The recommendations as provided in section 9 of the report: *Riverside Parramatta DA Environmental Noise Assessment* (No. 20131146.1) by Acoustic Logic dated 9 January 2014 is to be adopted into the design, construction and operation of the proposed development in their entirety.

**Reason:** To ensure compliance with the relevant noise criteria in the building composition and usage.

12. Strata subdivision requires approval from Council or an accredited certifier, of the strata plan, under section 37 of the *Strata Schemes (Freehold Development) Act 1973*.

**Reason:** To comply with the *Environmental Planning & Assessment Act 1979* and *Strata Schemes (Freehold Development) Act 1973*.

13. The use of the area owned by RMS on Lot A DP 333263, but notified as a reserve (unlimited in height and depth), placed under the care and control of Council, is to be limited to only public domain improvements.

**Reason:** As per RMS requirements.

#### **Prior to the Issue of a Construction Certificate**

14. The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to the PCA and Council.

The GTAs issued by the NSW Office of Water is **not** the controlled activity approval. The applicant must apply (to the Office of Water) for a controlled activity approval before the commencement of any work or activity on waterfront land.

**Reason:** As per the recommendations of NSW Office of Water.

15. The Construction Certificate will not be issued over any part of the site requiring an authorisation for an aquifer interference activity (construction dewatering) until a copy of the authorisation has been provided to the PCA and Council.

The applicant must apply (to the Office of Water) for an authorisation before the commencement of any work or activity that requires the extraction of groundwater.

**Reason:** As per the recommendations of NSW Office of Water.

16. The Construction Certificate will not be issued over any part of the site requiring a Part 7 permit for dredging and reclamation under the Fisheries Management Act 1994 until a copy of the permit has been provided to the PCA and Council.

The GTAs issued by Fisheries NSW is **not** the Part 7 permit. The applicant must apply (to Fisheries NSW) for a Part 7 permit before the commencement of any works on the site.

**Reason:** As per the recommendations of Fisheries NSW.

17. An instrument formalising the provision of a right of access and easement for loading and unloading for the specified Church Street properties is to be created pursuant to Section 88A/B of the Conveyancing Act 1919 in accordance with the Section 88A/B Statement of Intent and Section 88A/B Instrument Plan, dated 9 February 2015. The instrument is to be submitted to the Council for its written approval, and registered prior to the release of any Occupation Certificate.

**Reason:** To formalise access arrangements for the specified Church Street properties.

18. Design Verification issued by a registered architect is to be provided with the application for a Construction Certificate detailing the construction drawings and specifications are consistent with 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.

19. The submission of final Public Domain Plans and Alignment Plans to the written satisfaction of the Council's Urban Design Manager, prior to the release of the Construction Certificate.

The plans shall clearly indicate site levels, elevations and sections as well as explanation of all materials, paving types etc and to include:

- Materials and finishes of all paved footpath within the road reserve in accordance with the requirements of the relevant Council public domain policy for the city centre;
- Location, numbers and type of street tree species to be provided;
- Details of planting procedure and maintenance; and
- Adequate number and placement of litter bins;

**Reason:** To ensure that appropriate public domain improvements and alignments are implemented.

20. An acoustic impact assessment is to be conducted by an appropriately qualified person/s and submitted to Council prior to the issue of a Construction Certificate. The report is to address the below areas to ensure that the development adheres to the required noise criteria as specified by the NSW EPA Industrial Noise Policy, relevant Australian Standards and Council's DCP:

- Detailed acoustic design of the Level 1 Discovery Centre;
- Detailed acoustic design of the Level 2 Conference Centre;
- Detailed noise impact of all specified plant and equipment; and
- Detailed assessment of vibration isolation treatments in the pool and gymnasium.

**Reason:** To ensure compliance with the relevant noise criteria.

21. Prior to the issue of the Construction Certificate, the Applicant shall submit all additional documentation to Council that details the realisation of the Arts Plan through design concepts, site plan for artworks, construction documentation and project management.

**Reason:** To ensure the Arts Plan is appropriately completed.

22. The Applicant shall provide written evidence demonstrating that offers of a car space to car share providers have been made together with the outcome of the offers or a letter of commitment to the service. The written evidence is to be submitted to Council prior to the release of the construction certificate.

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

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

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

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

24. 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.

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



**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.

26. 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.

27. The Construction Certificate is not to be released unless the Principal 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.

28. Prior to the issue of the Construction Certificate, the applicant is to provide evidence that appropriate provision is required and has been made to accommodate broadband access to the development. The applicant is to liaise with Telstra or another telecommunications provider to determine and make provision for any relevant infrastructure at no cost to Council.

**Reason:** To ensure that appropriate provision has been made to accommodate broadband access to the development.

29. A single master TV antenna must be installed on the building to service the development and provision made for connection to each dwelling unit within the development. A statement or annotations on the plan must be submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate. The antenna is not to protrude beyond 3 m above the roof level.

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

30. 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 the issue of the construction certificate.

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, storm water drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

- Quick Check agents details - see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating or telephone 13 20 92.

**Reason:** To comply with Sydney Water requirements.

31. 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.

32. Prior to the issue of a Construction Certificate, the applicant is to provide the Telstra Major Projects division with a letter of notice and proposed protection methodology and access during construction to its assets. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place and comply with Telstra's requirements.

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

33. 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.

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

- (a) Construction Management Plan for the Site in accordance with the approved Draft Construction Management Plan referred to in Condition 1. A plan view of the entire site and frontage roadways indicating:
  - i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
  - ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
  - iii. The locations of proposed Work Zones in the egress frontage roadways,
  - iv. Location of any proposed crane standing areas,
  - v. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
  - vi. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
  - vii. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
  - viii. A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
  - ix. A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (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:

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

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

**Reason:** To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

35. 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 the energy infrastructure authority 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.

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

**Reason:** To control excavation procedures.

37. 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.

38. Where work is likely to disturb or impact upon a utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

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. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds are required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate has not been issued or not required.

The bond may be paid, by EFTPOS, bank cheque, credit card or be an unconditional bank guarantee.

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 171/2014;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

Bonds shall be provided as follows

Nature strip and roadway \$40,000

**Reason:** To provide security for the proper completion of works.

41. A dilapidation report is required to be prepared prior to demolition commencing. This is required to be submitted to Parramatta City Council with the payment of the bond/s to the Civil Assets Unit. The dilapidation report is required to report on any existing damage to kerbs, footpaths, roads, nature strip, street trees and furniture bounded by all street frontage/s of the development site to the centre of the road.

**Reason:** To safeguard the public assets of Council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

42. The Principal Certifying Authority shall ensure that the following engineering issues are addressed adequately as required:

- a) The engineering recommendations for the development site; design and Flood Evacuation & Management Plan as stated in the Flood Assessment reports dated 13 January 2014, 7 October 2014 and 23 February 2015 prepared by BG&E and Flood Management and Evacuation Plan dated January 2014 by Molino Stewart, are implemented and incorporated within the design and shown on the engineering plans prior to the issue of the Construction Certificate. In this regard, compliance with this condition shall be certified in writing by a suitably qualified professional engineer to the satisfaction of the Principal Certifying Authority and certification submitted to Parramatta City Council together with the application for the Construction Certificate.
- b) Structural certification from a suitably qualified structural engineer is to be submitted with the application for a Construction Certificate indicating that all columns, buildings and structures have been designed to withstand inundation, debris and buoyancy

forces of floodwater through the site for all storms up to and including the Probable Maximum Flood (PMF) assuming total pipe blockage.

- c) The building façade shall be designed so as not to obstruct flood flows in extreme flood events.
- d) Access and egress points to all buildings are to be positioned away from overland flow paths and above 100 year flood level plus freeboard.
- e) Any fencing or property security is to be 'flood friendly' allowing flood waters to easily pass through
- f) The dedicated 'refuge area' located above the (PMF) level for each building of this proposed development shall be clearly indicated on the final architectural and engineering plans.

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

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

43. Prior to the issue of the Construction Certificate, the applicant is to submit to Council for approval the final design and details for the installation of flood doors for the café and other facilities below the 1 in 100 year flood level.

**Reason:** To confirm that the flood doors are appropriately designed.

44. A stormwater management system shall be designed in accordance with the water sensitive urban design (WSUD) principles as per Parramatta City Council's Development Control Plan (DCP). The quality of the stormwater flow from the development site shall be improved to achieve the Pollution Retention Criteria in Council's DCP, prior to discharge into the river. In the case of using filter cartridges, the compliance of the (WSUD) system shall be certified to comply with the Product Design Manual to the satisfaction of the Principal Certifying Authority.

**Reason:** Stormwater filtration system designed to improve quality of stormwater runoff from the site

45. An on-site detention system as part of a complete site stormwater system shall be designed and prepared by a practicing drainage engineer in accordance with Upper Parramatta River Catchment Trust On-site Stormwater Detention Handbook (Refer to the UPRCT website [http://www.uprct.nsw.gov.au/osd/osd\\_download\\_centre.htm](http://www.uprct.nsw.gov.au/osd/osd_download_centre.htm)). The stormwater from the entire site has to be managed. Area of site drained to storage shall strictly comply with the requirements of the handbook.

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

46. The development of an Integrated Water Cycle Management scheme shall target the following outcomes:

- i. Reduction of the demand for potable water from Sydney Water's water supply system by water conservation and by the use of alternate water sources including water recycling.
- ii. Reduction of the discharge to sewers and the impact to receiving waters.
- iii. Prevention of pollution entering the stormwater system and hence improve the quality of receiving waters following stormwater quality best practice principles.

The IWCMS is to be submitted to the Council's Development Services Unit for written approval.

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

47. Prior to the commencement of any work, including bulk earthworks and construction works the applicant is to satisfy the archaeological requirements for the site. A copy of the written correspondence from the Heritage Division confirming that their requirements have been satisfied shall be provided to Council and the Principal Certifying Authority prior to the issue of the construction certificate.

**Reason:** To ensure that the requirements of the Heritage Office are met and any European / Aboriginal archaeological items are appropriately managed.

48. The existing lots shall be consolidated into one (1) lot and the plan of consolidation registered at the NSW Department of Lands. Proof of registration shall be submitted prior to issue of the Construction Certificate.

**Reason:** To ensure consolidation occurs.

49. The development must incorporate 42 adaptable dwellings. Plans submitted with the construction certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

**Reason:** To ensure the required adaptable dwellings are appropriately designed.

50. The loading dock facilities and shared area for the development is to comply with AS2890.1: 2004 Parking Facilities Part 1: Off-street car parking and AS2890.2: 2002 Parking Facilities Part 1: Off-street commercial vehicle facilities. Certification or details of compliance are to be submitted with the Construction Certificate plans.

**Reason:** To ensure the loading dock complies with Australian Standards.

51. 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), 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.

52. Car parking spaces are to be provided in accordance with the approved plans referenced in condition 1, and AS 2890.1, AS2890.2 and AS 2890.6.

Accessible parking spaces and access to these spaces must comply with AS2890.6 - 'Parking facilities' - 'Off-street parking for people with disabilities and AS1428.1 - 'Design for access and mobility' - General requirements for access - New building work' 2001 and 2009 and AS1428.4 - 'Design for access and mobility' - 'Tactile ground surface indicators for orientation of people with vision impairment' - 'Means to assist the orientation of people with vision impairment - Tactile ground surface indicators' 1992 and 2009.

Details are to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

53. The number of bicycle spaces/racks is to be provided in accordance with Council's Development Control Plan requirements. The bicycle storage areas are to comply with AS 290.3-1993.

**Reason:** To comply with Council's bicycle parking requirements.

54. 14 motorcycle spaces are to be provided on-site in accordance with the approved plans referenced in condition 1 and used accordingly.

**Reason:** To comply with Council's motorcycle parking requirements.

55. Prior to the issue of the construction certificate, the PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.

**Reason:** To ensure appropriate vehicular manoeuvring is provided

56. Detailed plans of any food / beverage preparation facilities and waste storage areas shall be submitted to the principal certifying authority (PCA) prior to the issue of the construction certificate.

The fit-out of the food premises shall comply with:

- (a) Australian Standard AS4674-2004 - Design, Construction and Fit-out of Food Premises.
- (b) Food Safety Standards  
Standard 3.2.2 Food Safety Practices and General Requirements  
Standard 3.2.3 Food Premises and Equipment
- (c) The cool rooms shall be provided with safety devices to comply with G1.2 of the BCA.
- (d) No approval is granted for any remote storage area.
- (e) The business being registered with NSW Food Authority.
- (f) Comply with the requirements of Sydney Water – Trade Waste Section (grease trap).

If a Private Certifier is to be used, the final inspection shall be carried out by a suitably qualified person to ensure that food standards are met. Council's Environmental Health Officer may be engaged to carry out the required inspection for a prescribed fee.

Note: Copies of AS 4764 may be obtained from Standards Australia  
Copies of the Food Standards Code may be obtained from Australia and New Zealand Food Authority.

Alternatively, you may obtain a copy of the 'Food premises design, construction and fit-out guide' from Council. This guide is based on the above standards and sets out minimum requirements to achieve compliance.



**Reason:** To ensure design of the premises meets relevant public health standards.

57. The design and construction of any food / beverage preparation facilities and waste storage areas associated with this activity shall satisfy the requirements of food safety standards prescribed under the Food Act 2003, as well as Australian Standard AS 4674 – 2004: 'Design, Construction and Fit-out of Food Premises'. Final design drawings for these areas are to be submitted to the principal certifying authority prior to commencement of work.

**Reason:** To ensure design of the premises meets relevant public health standards.

58. All outdoor lighting must comply with the relevant provisions of AS/NZS1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Details demonstrating compliance with these requirements must accompany the Construction Certificate application and be to the satisfaction of the Certifying Authority.

**Reason:** To provide high quality external lighting for security without adverse effects on public amenity from excessive illumination levels.

59. A Public Arts Plan shall be submitted for approval by Council. That Plan shall demonstrate:
- (a) Arrangements for the commissioning an artist(s) to design, create and install public art to the value of 0.5% of the total cost of the development;
  - (b) That the site specific artwork/s are consistent to the proposed themes and treatment areas outlined in the Arts Plan submitted to Council; and
  - (c) That on completion of the artwork design stage, the applicant will submit all additional documentation to Council that details the realisation of the Arts Plan through final design concepts, site plan for artworks, maintenance schedule, construction documentation and project management prior to its implementation.

**Reason:** To ensure the finalisation and implementation of the Public Arts Plan.

60. Any garbage chutes must be designed in accordance with the requirements of the Building Code of Australia and the Department of Environment and Climate Change *Better Practice Guide for Waste Management in Multi-Unit Dwellings*. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use. The details are to be shown on the plans lodged with the application for the Construction Certificate.

**Reason:** To ensure waste conveyance equipment is appropriately designed and managed.

61. Service ducts, plumbing installations and plant servicing the development must be concealed within the building to keep external walls free from service installations. Details are to be included within the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

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

62. There are to be no building overhangs over public land of more than 400mm unless shown on the approved plans.

**Reason:** To protect public land.

63. An acid-sulphate soils management strategy (prepared by a suitably qualified and experienced environmental/geotechnical consultant) shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate. This strategy is required to recommend specific procedures and mitigation measures and shall include a site analysis from a National Association of Testing Authorities (NATA) registered laboratory. This strategy shall address the following aspects:
- (a) specific mitigative measures to minimise the disturbance of acid sulphate soils as well as measures relating to acid generation and acid neutralisation of the soil;
  - (b) management and disposal of the excavated material;
  - (c) measures taken to neutralise the acidity; and
  - (d) run-off control measures.

The recommendations of the strategy shall be completed, prior to the commencement of building works.

**Reason:** To protect the development from the harmful effects of acid-sulphate soils.

#### **Prior to the Commencement of Work**

64. Should the post development storm water discharge from the subject site into the RMS system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any charges are to be submitted to the RMS for approval, prior to the commencement of works.

Details are to be forwarded to:

Sydney Asset Management  
Roads and Maritime Services  
PO BOX 973 Parramatta CBD 2124

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

65. Prior to the commencement of any works including demolition, evidence is to be provided to Council that the Office of Environment and Heritage (OEH) had been consulted prior to undertaking any environmental assessment for the native water dragon and other native species habitats in the adjoining the river corridor. The requirements of the General Terms of Approval from Fisheries NSW are also to be addressed.

**Reason:** As per the recommendations of OEH.

66. An updated Waste Management Plan is to be submitted immediately after the letting of all contracts detailing the:
- a) Expected volumes and types of waste to be generated during the demolition and construction stages of the development; and
  - b) Destination of each type of waste, including the name, address and contact number for each receiving facility.

The Waste Management Plan is to be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any works on site.

**Reason:** To ensure waste is managed and disposed of properly.

67. 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 Councils 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.

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

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

- (a) Confirmation of the level of community engagement that has, is and will be undertaken with the Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (b) Confirmation of noise, vibration and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum.
- (c) What course of action will be taken following receipt of a complaint concerning site noise, dust and vibration.
- (d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring properties to a minimum.
- (e) What plant and equipment is to be used on the site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring properties and other less intrusive technologies available.

**Reason:** To maintain appropriate amenity to nearby occupants.

69. A Construction Environmental Management Plan (CEMP) must be prepared in accordance with the Department of Infrastructure, Planning and Natural Resources (2004) Guidelines for the Preparation of Environmental Management Plans and submitted to the relevant authorities at least 4 weeks prior to the commencement of construction.

The CEMP must be prepared and implemented in accordance with the procedures, safeguards and mitigation measures identified in the EA and in consultation with relevant stakeholders. One such safeguard measure to be implemented prior to operation is the installation of a pollution control valve that will contain all pollutants on the premises so that all stormwater outlets from the premises are capable of being closed off.

The CEMP must contain all the Construction Sub Plans, including:

- a) Construction Noise and Vibration Management Sub Plan,
- b) Construction Contaminated Land Management Sub Plan (to further assess the extent of asbestos and ensure the ash layer will not be disturbed during construction in addition to any relevant Remedial Action Plan),
- c) Construction Soil and Water Management Sub Plan.

The approved CEMP must be made publicly available.

**Reason:** To minimise environmental impacts during construction works.

70. An Operation Environmental Management Plan (OEMP) must be prepared in accordance with the Department of Infrastructure, Planning and Natural Resources (2004) Guidelines for the Preparation of Environmental Management Plans and submitted to the relevant authority at least 4 weeks prior to the commencement of operation. The OEMP must be prepared and implemented in accordance with the procedures, safeguards and mitigation measures identified in the EA and in consultation with relevant stakeholders. The OEMP must incorporate a monitoring and review program which contains (but is not limited to):

- a) an Operation Noise Management Sub Plan,
- b) an Operation Air Quality/Odour Management Sub Plan,
- c) a Quantitative Final Hazard Analysis,

The approved OEMP must be made publicly available.

**Reason:** To minimise environmental impacts during operation.

71. Consent from Council must be obtained prior to any pruning works being undertaken on any tree on site, or any trees located in adjoining properties.

All approved pruning works must be supervised by an Australian Qualifications Framework (AQF) Level 3 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.

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

obtained by contacting the NSW WorkCover Authority hotline or their website [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

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

73. Prior to the commencement of work, the a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and walls adjacent to a boundary This is to ensure the development when complete, will be constructed wholly within the confines of the subject allotment. This set out survey showing the location of the development relative to the boundaries of the site, is to be forwarded to the Principal Certifying Authority prior to pouring of any footings or slabs and/or the construction of any walls/posts.

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

74. 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.

75. 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.

76. 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.

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

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

78. Any excavation work conducted in the north-west corner of the site in or near the location of the monitoring well (MW01) and the borehole (BH107) as indicated in the Phase 1 & 2 Contamination Investigation conducted by Douglas Partners (Project 72628.00) dated November 2011, is to involve the engagement of an AS A licensed contractor to remove the contaminated material. Air monitoring will be required to be conducted during this process.

**Reason:** To ensure appropriate removal of contaminated material.

79. Any soils requiring removal from the site must initially be classified in accordance with the NSW EPA Waste Classification Guidelines.

Following the removal of the concrete slabs beneath the building at 333 Church Street, further borehole and monitoring well sampling is to be conducted in this location to ensure that the sampling density regime is in accordance with the OEH NSW requirements and a thorough analysis of potential contamination of the entire site is completed.

**Reason:** To ensure the entire site area is tested for potential land contamination.

80. 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.

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. 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 dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

The report must 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 in accordance with the recommendation of the geotechnical report. A copy of the dilapidation report must be submitted to Council.

In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principle Certifying Authority.

Any damage caused during construction works to adjoining properties is to be fully rectified prior to the release of an Occupation Certificate at the cost of the developer.

**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.

83. 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 proposed methods to ensure that no damage is caused to the fabric or structure of Lennox Bridge.
- v. The existing groundwater levels in relation to the basement structure, where influenced.
- vi. 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.

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

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

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

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

- 84. Nothing in this development consent grants property rights to access neighbouring property. If rock anchors are to be used to construct the development, then the applicant upon obtaining legal access must ensure that the rock anchors are de-stressed following completion of construction up to ground level so that their presence does not restrict future development of those properties.

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

- 85. 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; and
- 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.

86. A Pedestrian and Traffic Management Plan must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of 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.

87. 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.

88. 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.

89. 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 bears the cost of all restoration works to Council's property damaged during the course of this development.

90. 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.

91. 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.

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 receive written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

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

### **During Construction**

93. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.

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

94. Environmental safeguards (eg. the use of silt curtains, booms etc. when foreshore works are being constructed) are to be used during construction to ensure that there is no escape of turbid plumes into the aquatic environment. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms.

Piling / excavation works within the Parramatta River are to occur outside of the Australian Bass migration period from June/July to January.

**Reason:** As per the recommendations of Fisheries NSW.

95. All fill imported onto the site and soil exported to the site shall be validated to ensure the imported/exported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported and exported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site fill exported off the site is to be validated by either one or both of the following methods during remediation works:

- Imported fill/Exported fill is to be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

**Reason:** To ensure imported fill is of an acceptable standard.

96. A sign displaying the contact details of the remediation shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.

**Reason:** To provide contact details for council inspectors and for the public to report any incidents.

97. Groundwater shall be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant NSW EPA water quality standards and Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000.

Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason:** To ensure that contaminated groundwater does not impact upon waterways.

98. No service, structure, conduit or the like shall be fixed or, attached to any tree.

**Reason:** To ensure the protection of the tree(s).

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

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

100. Noise emissions and vibration must be minimised and work is to be carried out in accordance with the NSW Department of Environment, Climate Change and Water's Interim Noise Construction Guidelines 2009 for noise emissions from demolition, excavation and construction activities.

Vibration levels resulting from demolition and excavation activities shall not exceed 5mm/sec peak particle velocity (PPV) when measured at the footing of any nearby building.

**Reason:** To maintain appropriate amenity to nearby occupants.

101. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Council's

Guidelines for Controlling Dust from Construction Sites and Section 126 of the Protection of the Environment Operations Act 1997.

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

102. 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.

103. 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.

104. All work (excluding demolition which has separate days and hours as outlined in Condition 3) including building, 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 of tools, machinery 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:

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

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

105. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made;
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
- (d) Nature of the complaints;
- (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
- (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

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

**Reason:** To ensure any complaints are appropriately recorded and handled.

106. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate must indicate the location of the building in relation to all boundaries, and must confirm the floor level is consistent with that approved under this consent prior to any further work proceeding on the building.

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

107. 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.

108. 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.

109. 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:  
Eg. 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 are to note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

The application is to be lodged with Council's Customer Service Centre.

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

110. 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.

111. 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 proper management of Council assets.

112. 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 maintenance of Council's assets.

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

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

114. 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

115. 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. These records must be retained and made available to Council on request.

**Reason:** To ensure appropriate disposal of demolition and construction waste.

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

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

117. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2005 and the EPA publication 'Waste Classification Guidelines – 2008' and any other regulatory instrument as amended.

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

118. Stockpiles of topsoil, sand, aggregate, soil or other material are not to be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

**Reason:** To ensure that building materials are not washed into stormwater drains.

119. Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and ANZECC standards for water quality.

Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason:** To prevent pollution of waterways.

120. The swimming pool must be fenced in accordance with provisions of the National Construction Code (2013) together with the referenced Australian Standard AS1926 Parts 1 and 2 (2007), prior to the filling of the pool with water.

The fence shall be installed to the satisfaction of the Principal Certifying Authority.

**Reason:** To comply with the Legislative requirements.

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

- (a) A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques for infants, children and adults. This sign is to be displayed in a prominent position in the immediate vicinity of the swimming pool.
- (b) 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 following words *“YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL”, “POOL GATES MUST BE KEPT CLOSED AT ALL TIMES”, and “KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES”,*

**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 and compliance with the Swimming Pools Act 1992 and the Swimming Pools Regulation 2008.

### **Prior to release of Occupation Certificate**

122. Prior to the issue of the Occupation Certificate, the consent holder is to have complied with all the conditions under the Voluntary Planning Agreement associated the approved development under Consent No. 141/2014 on the subject land at 12-14 Phillip Street and 331A-339 Church Street, Parramatta.

**Reason:** To comply with the requirements under the Voluntary Planning Agreement.

123. Prior to the issue of an occupation certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Parramatta City Council, stating that all relevant works/methods/procedures/control measures approved by Council in the reports referred to in Condition 1 have been completed.

**Reason:** To demonstrate compliance with submitted reports.

124. An Operational Management and Maintenance Report is required to be lodged with the Occupation Certificate application as a separable section of the Stormwater Drainage Plan to provide an outline of the proposed long term operational management and maintenance requirements of the stormwater system on the site. As a guide the maintenance report is required to cover all aspects of on-site facilities associated with the management of stormwater quality and is to outline the following requirements:

- (i) aims and objectives (including water quality and filter media parameters);
- (ii) a plan showing the location of the individual components of the system
- (iii) manufacturer's data and product information sheets for any proprietary products
- (iv) location of inspection and monitoring points shown clearly on the plan
- (v) describe inspection/maintenance techniques and the associated rectification procedures
- (vi) A schedule or timetable for the proposed regular inspection and monitoring of the devices, (Council recommends a visual inspection at least 3 times per year between October and May the following year, with a maximum of 3 months between successive inspections). Inspection is to be made not less than 24 hours and not more than 72 hours after the cessation of rainfall if the total rainfall on any day exceeds 30mm
- (vii) record keeping and reporting requirements
- (viii) review and update requirements

The report is required to be prepared by a suitably qualified and experienced professional to the satisfaction of Council and utilise the maintenance checklists located '*Product Design Manual*' or (in the Water Sensitive Urban Design Technical Design Guidelines for South East Queensland).

In this regard, the approved report is required to be implemented in perpetuity to the satisfaction of Council. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s.

**Reason:** To ensure appropriate management and maintenance requirements are established.

125. A Loading Dock Management Plan is to be prepared prior to occupation of the building generally in accordance with the GTA report of 23 July 2014 and submitted to the written satisfaction of the Council prior to the issue of the Occupation Certificate.

The Loading Dock Management Plan is to ensure that reasonable access is provided to cater for the servicing" type functions as well as for the Refit/Upgrade events associated with the commercial operations of the specified Church Street "Eat Street" properties as well as the commercial operations of the other neighbours" in the loading dock space.

**Reason:** To provide an appropriate management regime for the operation of the shared loading dock.



126. 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.

127. 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. 14730311, will be complied with prior to occupation.

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

128. 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.

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

129. 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;
- (d) the date on which it was carried out;
- (e) the name and accreditation number of the certifying authority by whom the inspection was carried out; and
- (f) whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

**Reason:** To comply with legislative requirements of Clause 162B of the Environmental Planning & Assessment Regulation 2000.

130. Design Verification issued by a registered architect is to be provided with the application for a Occupation Certificate verifying that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of 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.

131. 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.

132. 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.

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

The terms of the instruments are to be generally in accordance with Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" to Council's satisfaction.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through via an application to the Land Titles Office using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the On-Site Detention facility, including its relationship to the building footprint.

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

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

134. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

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

135. A written application for release of the bond(s), quoting Council's development application number and site address is required to be lodged with Council's Civil Assets Team prior to the issue of any occupation certificate or completion of demolition works where no construction certificate has been applied for.

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction.

Once the site and adjacent public road reserve has been inspected and in the case of any damage occurring it has been satisfactory repaired Council will advise in writing that this condition has been satisfied and will organise for the bond to be released. The occupation certificate shall not be released until the PCA has been provided with a copy of the letter advising either that no damage was caused to Council's Assets or that the damage has been rectified.

**Reason:** To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner.

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

136. Prior to the issue of an Occupation Certificate, a final fire safety certificate must be issued as required by Clause 153 of the Environmental Planning and Assessment Regulation 2000.

**Reason:** Protection of life and to comply with legislative requirements.

137. The artworks shall be installed in accordance with the approved Public Arts Plan. The works incorporated in the Public Arts Plan are to be installed to the satisfaction of the Principal Certifying Authority prior to the release of an Occupation Certificate.

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

138. The developer shall submit to the Principal Certifying Authority a letter from the telecommunications company confirming that satisfactory arrangements have been made for the provision of telephone and cable television services, prior to the release of the Subdivision Certificate or issuing of any Occupation Certificate.

**Reason:** To ensure provision of appropriately located telecommunication facilities.

139. Submission of a letter confirming satisfactory arrangements have been made for the provision of electricity services from Endeavour Energy or an approved electricity provider.

**Reason:** To ensure appropriate electricity services are provided.

140. 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.

141. Prior to the issue of the occupation Certificate, the applicant must recognise and create where it is applicable; a restriction –on-use on the title of the subject property. The restriction is to be over the 100 year ARI flood zone identified in the Flood Assessment report by BG&E dated 13 January 2014 and 7 October 2014 and must prevent the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within that zone (other than what is approved in this Development Consent). Parramatta City Council is to be named as the Authority whose consent is required to release, vary or modify the restriction.

**Reason:** To protect the environment.

142. The habitable floor level for the proposed buildings shall be minimum 0.5 m above the 1 in 100 year flood level. Certification of compliance with approved floor level by Registered Surveyor shall be provided to the Principal Certifying Authority upon completion of the ground floor.

**Reason:** To ensure that the building level is in accordance with the approval.

143. Prior to the issue of the Final Occupation Certificate, the Principal Certifying Authority shall ensure that the final Flood Management and Evacuation Plan 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.

The accredited certifier shall ensure that the recommendations of the flood report are implemented and all signage, warning systems and the Emergency Evacuation Plan are installed and certified appropriately. The warning signs are to be displayed in visible locations.

**Reason:** For the property to ensure future property owners are made aware of the procedure in the case of flood.

144. The applicant is to engage an NSW EPA accredited site auditor to undertake an independent assessment of the site investigation (remediation) or (validation) report to address the requirements of section 47(1) (b) of the Contaminated Land Management Act 1997. A site audit statement is to be submitted to the satisfaction of Council and the principal certifying authority on the completion of remediation works and prior to the issue of any Occupation certificate.

**Reason:** To ensure the contamination assessment report has adhered to appropriate standards, procedures and guidelines

145. A waste storage room is to be provided on the premises and shall be constructed to comply with all the relevant provisions of Council's Development Control Plan (DCP) 2011 including:

- a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
- b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;

- c) The walls being cement rendered to a smooth, even surface and coved at all intersections;
- d) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet.

**Reason:** To ensure provision of adequate waste storage arrangements

146. Prior to the issue of the occupation certificate, 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.

147. Adequate ventilation to work areas and other occupied enclosures shall be provided in accordance with the requirements of the Building Code of Australia. Where any system of mechanical ventilation is installed, certification that the system functions in accordance with Australian Standard AS 1668 (Parts 1 & 2) is to be provided to the certifying authority prior to occupation of the premises.

**Reason:** To comply with the Building Code of Australia and the relevant Australian Standard.

148. Certification to be provided to the principal certifying authority (PCA), prior to occupation, that the fit-out of the food premises has been completed in accordance with plans complying with food safety standards prescribed under the Food Act 2003, and the requirements of Australian Standard AS 4674 - 2004. It is incumbent on the PCA to determine the competency of the person providing this certification, based on that person's qualifications, experience and currency of practice.

**Reason:** To ensure construction and fit-out of the premises meets relevant public health standards.

149. Notification of the food business is to be made to the NSW Food Authority before any food handling operations are commenced at the premises.

**Reason:** To comply with requirements of the Food Act 2003.

### **The Use of the site**

150. The use of the premises not giving rise to:

- (a) transmission of unacceptable vibration to any place of different occupancy,
- (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Environmental Noise Control Manual, Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.

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

151. The air conditioner/s must not:

- (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
  - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
  - (ii) before 7.00am and after 10.00pm on any other day.

(b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15 minute) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

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

152. The proprietors of the Conference Centre venue shall be responsible at all times for the orderly dispersal of patrons from the venue.

**Reason:** To protect the amenity of the surrounding neighbourhood.

153. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.

**Reason:** To reduce noise levels.

154. The specific 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.

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

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

156. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

**Reason:** To ensure provision of adequate waste disposal arrangements.

157. The operation of the premises is not to give rise to emissions of air impurities in contravention of the Protection of the Environment Operations Act 1997. Air emissions from the premises must not cause a nuisance from odours, nor be hazardous to human health or the environment.

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

158. All waste storage areas are to be maintained in a clean and tidy condition at all times.

**Reason:** To ensure the ongoing management of waste storage areas.

159. A security card reader is to be installed at the basement driveway entry and exit.

**Reason:** To comply with Australian Standards.

160. The residents and their visitors shall not be entitled to apply for a resident or visitor parking permits, as well as the retail tenancies shall not be eligible to apply for business parking permit.

**Reason:** To comply with Council's residential parking scheme.

161. The operation of the premises is to comply with the relevant provisions of the Food Act 2003, Food Regulation 2010 and the Australia New Zealand Food Authority Food Standards Code.

**Reason:** To ensure operation of the premises complies with the relevant legislation and standards.

162. 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.