

## JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No.	<b>2014SYW124</b>
DA Number	<b>DA/391/2012/B</b>
Local Government Area	<b>Parramatta</b>
Proposed Development	Section 96(2) modification to an approved staged development application for the construction of a mixed use development containing approximately 770 apartments. The modification seeks approval to alter stage 1 works including: 1. Changes to proposed landscaping; 2. Modification to the roof; 3. Changes to the internal layout; and 4. Changes to the external facade.
Street Address	2 Morton Street, Parramatta
Applicant/Owner	Applicant: ProBuild Owner: Starryland Sydney Pty Ltd
Number of Submissions	<b>No submissions</b>
Regional Development Criteria (Schedule 4A of the Act)	<b>Section 96(2) modification to an application that was previously considered by the panel.</b>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>List all of the relevant environmental planning instruments: s79C(1)(a)(i) <b>SEPP 65, SEPP 55, SEPP (Infrastructure) 2007, Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, Parramatta Local Environment Plan 2011.</b></li> <li>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</li> <li>List any relevant development control plan: s79C(1)(a)(iii) <b>Parramatta Development Control Plan 2011.</b></li> <li>List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)</li> <li>List any coastal zone management plan: s79C(1)(a)(v)</li> <li>List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</li> </ul>
List all documents submitted with this report for the panel's	<b>Plans, Statement of Environmental Effects, SEPP 65 Summary, GFA Schedule</b>

consideration	
Recommendation	<b>Approval subject to conditions</b>
Report by	<b>Ashleigh Matta</b> <b>Development Assessment Officer</b>



## **ASSESSMENT REPORT – SECTION 96 MODIFICATION Environmental Planning & Assessment Act 1979**

### **SUMMARY**

#### **Application details**

DA No:	DA/391/2012/B
Assessment Officer:	Ashleigh Matta
Property:	Lot 1 DP 817709 Subj to Electricity Easement, 2 Morton Street, PARRAMATTA NSW 2150
Proposal:	Section 96(2) modification to an approved staged development application for the construction of a mixed use development containing approximately 770 apartments. The modification seeks approval to alter stage 1 works including: <ol style="list-style-type: none"><li>1. Changes to proposed landscaping;</li><li>2. Modification to the roof;</li><li>3. Changes to the internal layout; and</li><li>4. Changes to the external facade.</li></ol>
Date of receipt:	28 August 2014
Applicant:	ProBuild
Owner:	Starryland Sydney Pty Ltd
Submissions received:	No submissions
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Issues:	No issues
Recommendation:	Approval subject to conditions

## Legislative requirements

Zoning:	B4 Mixed Use R4 High Density Residential RE1 Public Recreation W1 Natural Waterways
Permissible under:	Parramatta Local Environmental Plan 2011
Relevant legislation/policies:	Parramatta Development Control Plan 2011 BASIX SEPP, Section 94A Plan, Notification DCP, SEPP 55, Policy for the Handling of Unclear insufficient and amended development applications
Variations:	No variations
Integrated development:	Yes - Office of Water
Crown development:	No

## The site

Site Area:	4.924ha
Easements/rights of way:	No
Heritage item:	Yes – The Wetlands along Parramatta River is listed as a heritage item. The proposed modifications are not located to the area listed as heritage.
In the vicinity of a heritage item:	No
Site History:	Yes
13 December 2012	DA/391/2012 was granted a deferred commencement consent by the Western Sydney Joint Regional Planning Panel for:  Staged Development Application for the construction of a Mixed Use development including 774 dwellings, retail and commercial uses.  Stage 1 comprises tree removal and construction of a residential flat building complex containing 277 dwellings and 440 car parking spaces, dedication of land to Council

for a Foreshore Park and land for a portion of the proposed north/south internal road off Broughton Street. Buildings within Stage 1 are up to 12 storeys in height.

Concept approval is sought for Stage 2, comprising a Mixed Use development of up to 7 storeys.

Concept approval is sought for Stage 3 comprising a Mixed Use development of up to 12 storeys.

10 July 2014

DA/391/2012/A was approved for Section 96(1A) modification to an approved staged development application for the construction of a mixed use development containing approximately 770 apartments.

The modification seeks approval to:

- (a) provide the contamination/validation report prior to the issue of the Occupation Certificate: and
- (b) correctly identify the number of carparking spaces required for stage 1 of the development that contains 277 apartments.

## **DA history**

28 August 2014

The application was lodged.

10 September to 24 September 2014 The application was notified and advertised for 21 days.

8 October 2014

DEAP Meeting.

## **SECTION 96 ASSESSMENT**

### **SITE & SURROUNDS**

The site is located at 2 Morton Street Parramatta and is situated on the southern side of Broughton Street and to the east of Morton Street. The land is generally rectangular in shape with total site area of 4.924ha and is legally described as Lot 1 DP 817709. The Parramatta River forms the southern boundary of the site.

The site slopes in a southerly direction towards the Parramatta River frontage with a maximum fall of 12m. The foreshore is identified as flood prone and is inundated during both 1 in 20 years and 1 in 100 years flood events.

The eastern section of the site is vacant, contains a drainage channel and some vegetation along the central and southern areas.

The western portion of the land is developed with three (3) industrial warehouses. The industrial buildings located towards the north western corner of the site contain a number of light industrial warehouses and are fully occupied. The other warehouse building is currently occupied by Toshiba International Corporation. A large at-grade carpark is located along the southern boundary.

## **THE PROPOSAL**

Consent is sought to modify the approved development as follows:

- Modifications to the interface between the development and the foreshore park, including reconfiguration of the external steps which link the podium to the foreshore park;
- Modifications to the podium and landscape design;
- Changes to the timing of delivery of the approved north-south road, including temporary works to incorporate a turning head;
- Modifications to the roof clerestories on Buildings A 1 and A3;
- Relocation of the approved car share parking space;
- Changes to the waste management arrangements;
- Changes to the design of the approved substation;
- Various minor internal modifications; and
- Various minor external modifications.

The works have not been completed.

## **PERMISSIBILITY**

### **Parramatta Local Environmental Plan 2011**

The site is zoned B4 Mixed Use, R4 High Density Residential, RE1 Public Recreation and W1 Natural Waterways under the provisions of Parramatta Local Environmental Plan 2011.

The proposed use is defined as a “mixed use” and “residential flat building” under Parramatta LEP 2011. The proposal satisfies the definition of a “mixed use” and “residential flat building” and is permissible under the R4 – High Density Residential and B4 – Mixed Use zoning applying to the land.

## **REFERRALS**

### **Traffic and Transport Investigations Engineer**

The development application was referred to the Traffic and Transport Investigations Engineer who provided advice that they raised no issues with the proposed modifications to the parking arrangements. All other traffic and transport requirements were included in the original conditions of consent.

## **Landscape**

The development application was referred to the Landscape Officer who provided advice that they raised no issues with the proposed modifications. No additional conditions were recommended by the officer.

## **Infrastructure**

The development application was referred to the Asset Systems and Contract Coordinator (Infrastructure) given the application proposes changes to the timing of delivery of the approved north-south road, including temporary works to incorporate a turning head. Under the original approval, the road was to be constructed as part of the works for Stage 2. The current application proposes to include the road as part of Stage 1.

The new turning head is temporary and will be located in the Stage 3 site and will be in place until the southern end of the north-south road is constructed.

Council's Asset Systems and Contract Coordinator (Infrastructure) provided advice that they raised no issues to the proposed modifications.

## **Design Excellence Advisory Panel**

The development application was considered by DEAP at its meeting on 8 October 2014. The panel provided the following comments on the application:

*"The proponent presented a comprehensive package of revision as part of the S96.2 submission. These were clearly outlined at the meeting and the Panel had no issues with the proposed changes."*

## **SECTION 96 MATTERS OF CONSIDERATION**

**Has the consent lapsed?** No

### **Section 96(2) Modification Other modifications**

#### **Substantially the same development**

The proposed development to be modified is considered to be substantially the same development as that to which the original development consent relates being the construction of a mixed use development containing approximately 770 apartments.

The proposed modifications relate mainly to Building A1, A2, A3 and A4 which was approved for 277 apartments for Stage 1 works.

The unit mix and overall number of units is not modified and the application proposes to increase GFA by a minimal 67m<sup>2</sup> (or 0.18%).

Given this, the proposal is considered to be substantially the same development

### **Consultation with Minister, public authority or approval body**

Consultation has not been carried out with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body.

### **Notification & Submissions**

In accordance with Appendix 5 of DCP 2011, owners and occupiers of surrounding properties were given notice of the application for a 14 day period between 10 September and 24 September 2014 and an advertising sign was placed on the site.

In response no submissions were received.

### **Threatened Species**

The modification does not relate to development consent referred to in section 79B (3), or in respect of which a biobanking statement has been issued under Part 7A of the Threatened Species Conservation Act 1995.

### **Section 79C Assessment**

The proposed modifications have been assessed in accordance with the matters for consideration under Section 79C of the EP&A Act, 1979.

## **STATE ENVIRONMENTAL PLANNING POLICY NO. 65**

### **Residential Flat Design Code**

There are no changes proposed to the building depth, storage, residential ceiling heights, minimum apartment sizes, open space, deep soil, daylight access and natural ventilation.

The following table highlights the controls relevant to this Section 96 Modification only:

PARAMETER	CONTROL	PROPOSAL	COMPLIANCE
Separation	12m between habitable rooms (up to 4 storeys)  18m between habitable rooms (5-8 storeys)	Refer to discussion below.	No

**Original application:**

Under the original application there were three areas of non-compliance with the building separation distances for Stage 1.

	Levels	Distance	Requirement
Building A1 and A2	Level 4 to Level 6	9.0m	12m -18m
Building A2 and A3	Level 6	12.7m	18m
Building A3 and A4	Ground to Level 2	6.5m	12m



### Section 96 Application:

The proposed changes to the width of the wall construction for Building A2 has resulted in changes to the separation distances between Building A2 and Building A3, and Building A2 and Building A1.

	Levels	Distance	Requirement
Building A1 and A2	Level 4 to Level 6	8.71m	12m -18m
Building A2 and A3	Level 6	12.615m	18m
Building A3 and A4	Ground to Level 2	6.5m	12m

The applicant has provided details in the Statement of Environmental Effects of measures proposed to ensure privacy and amenity of all apartments, as follows:

- *Primary windows/balconies oriented away from other buildings;*
- *Secondary windows/openings for cross ventilation located in facades facing other buildings;*
- *Considered location of habitable and non-habitable space in adjacent buildings;*
- *Windows offset for additional privacy; and*
- *Screen planting provided to give privacy and improved outlook.*

The proposed modifications are minor (max 85mm) and can be supported given there is no significant issues.

Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.  If 3br or more apartment is a 2.4m deep primary balcony provided that can accommodate a table and 4 chairs.	The proposed internal modifications result in changes to the sizes of the balconies associated with unit 7 on the ground floor, first floor, second floor and third floor of Building A1.  The minimum depth of these balconies is 2m with a minimum area of 10m <sup>2</sup> .	Yes
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### STATE ENVIRONMENTAL PLANNING POLICY NO. 55

The provisions of SEPP No. 55 have been considered in the assessment of the original development application and was found to be satisfactory subject to conditions.

## PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

The relevant matters to be considered under Parramatta Local Environmental Plan 2011 for the proposed development are outlined below.

COMPLIANCE TABLE		
Development standard	Discussion	Compliance
<b>1.1 Minimum Subdivision Lot Size</b>  Do the proposed lots comply with the minimum allotment size shown for the land on the Minimum Allotment Size Map?	No changes are proposed to the lot sizes as part of this modification.  The proposed super lot subdivision complies with the minimum lot size requirement.	Yes
<b>4.3 Height of Buildings</b>  Do the buildings comply with the maximum building height shown for the land on the Height of Buildings Map?	The Height of the Buildings Map indicates that buildings on this site can be a maximum height of 40m above existing natural ground level.  The buildings remain within the 40m height limit; however the proposed modifications include increasing the architectural roof feature to Building A3 by 750mm resulting in a height of 42.25m. This is further discussed below in Section 5.6.	Yes
<b>4.4 Floor Space Ratio</b>  Does the development comply with the maximum floor space ratio shown for the land on the Floor Space Ratio Map?	The Floor Space Ratio Map indicates that buildings on site can achieve a maximum floor space ratio of 1.75:1.  Refer to discussion	Yes

	below.	
<p><u>Approved FSR</u></p> <p>Total GFA = 64,351m<sup>2</sup> FSR = 1.748:1</p> <p><u>Section 96 Application</u></p> <p>Total GFA = 64,418m<sup>2</sup> FSR = 1.75:1</p> <p>The application proposes modifications to each unit. 07 on the ground floor – 3<sup>rd</sup> floor of Building A1.</p> <p>Modifications include enclosing a portion of the balcony to align with the glazing on the upper floors L4-L6. As a result the bedrooms increase in area and the balconies are reduced in size.</p> <p>As a result of these modifications, the gross floor area is increased by 67m<sup>2</sup>.</p> <p>The development maintains compliance with Clause 4.4 with a FSR of 1.75:1.</p>		
<p><b>5.1 and 5.1A Development on land intended to be acquired for public purposes</b></p> <p>Is any portion of the land identified for acquisition for local road widening on the Land Reservation Acquisition Map?</p>	<p>The site is not identified on this map.</p>	<p>N/A</p>
<p><b>5.6 Architectural roof features</b></p> <p>Does an architectural roof feature result in a building exceeding the maximum building height for the site outlined in clause 4.3?</p> <p>If yes does the roof feature satisfy clause 5.6.3?</p>	<p>Refer to discussion below.</p>	<p>Yes</p>
<p>The proposed modifications include an architectural roof feature on Building A3 which will increase the overall height of this building to a maximum 42.25m; 0.75m above the approved height of 41.7m.</p> <p>The proposal meets the objectives of the Clause as the roof feature integrates with the building composition and form and the building complies with Clause 4.3 Height with a height of less than 40m.</p> <p>The Statement of Environmental Effects submitted with the application states the</p>		

following in regards to the proposed modification to the architectural roof feature:

*“The roof feature takes the form of a vaulted skylight, which will enhance the geometry of the roofline (deviating from a standard, flat roof structure), whilst providing improved solar access into the apartments below.”*

The architectural roof is considered appropriate.

<b>5.7 Development below mean high water mark</b>	The proposal does not apply to the development of land that is covered by tidal waters.	Yes
<b>5.9 Preservation of trees</b>	Council’s Tree Management & Landscape Officer has not raised objection to the proposed modifications to the landscape plan. See previous discussion in the ‘Referrals’ section of this report.	Yes
<b>5.10 Heritage Conservation</b>  Does the development satisfy clause 5.10.4 (effect of proposed development on heritage significance)?	<p>According to the LEP Heritage maps, a portion of the subject site contains heritage listed wetlands.</p> <p>The wetlands are situated on the land along the Parramatta River that will be dedicated to Council.</p> <p>The proposed modifications are located to the north of the site and are not located within close proximity of the wetlands.</p>	Yes

<p><b>5.10.8 Aboriginal Places of Heritage significance</b></p> <p>What is the identified Aboriginal significance of the site?</p>	<p>The site is identified in Council's records as being of high aboriginal sensitivity.</p> <p>The Archaeological Assessment provided in support of the original application concluded that no Aboriginal sites have been identified within the site. The area is also considered of low archaeological potential.</p> <p>The proposal was notified to Gandangara Local Aboriginal Land Council, Deerubbin Local Aboriginal Land Council, The Metropolitan Local Aboriginal Land Council and Darug Tribal Aboriginal Corporation.</p> <p>No response has been received to date.</p> <p>Accordingly the proposal is not considered to unacceptably impact an Aboriginal place of heritage significance.</p>	<p>Yes</p>
<p><b>6.1 Acid sulfate soils</b></p> <p>What class of Acid Sulfate Soil does the Acid Sulfates soil Map indicate the site contains?</p> <p>Is an Acid Sulfate Soils Management Plan Required?</p>	<p>Class 1 and Class 2</p> <p>The Environmental Health Officer assessed the potential ASS issue associated with the site during the assessment of the original application and recommended conditions to be included in the consent.</p>	<p>Yes</p>

<p><b>6.2 Earthworks</b></p> <p>Are the earthworks associated with the development appropriate?</p>	<p>The extent of earthworks proposed is not considered significant for a development of this nature.</p> <p>Council's Development Engineer has reviewed the application including the proposed amount of excavation and considers that the proposed earthworks are satisfactory.</p>	<p>Yes</p>
<p><b>6.3 Flood planning</b></p> <p>Is the site flood prone?</p>	<p>The site is identified as being affected by the 1:20 year or 1:100 year flood. No modifications are proposed to the approved Finished Floor Levels or flood gates.</p>	
<p><b>6.4 Biodiversity protection</b></p> <p>Is the site identified as containing biodiversity on the 'Natural Resources –Biodiversity Map'?</p>	<p>A small portion of land is identified on the Natural Resources – Biodiversity map.</p> <p>The applicant provided an Ecological Assessment with the original application which concluded that the site does not contain habitat for any threatened or endangered species.</p>	<p>Yes</p>
<p><b>6.5 Water protection</b></p> <p>Is the site identified as being riparian land on the 'Riparian Land and Waterways Map'?</p>	<p>A small portion of land is identified on the Natural Resources – Riparian Land and Waterways Map.</p> <p>The applicant provided an</p>	<p>Yes</p>

	Ecological Assessment with the original application which concluded that the site does not contain habitat for any threatened or endangered species.	
<b>6.6 Development on landslide risk land</b>  Is the site identified as being landslide risk land on the 'Landslide Risk Map?	The site is not identified on this map.	N/A
<b>6.7 Affected by a Foreshore Building Line</b>  Is the site affected by the foreshore building line?	The subject land is identified on the foreshore building line map and it is proposed that the affected land be dedicated to Council.  The proposal will therefore not impact on the Parramatta River foreshore.	N/A

### **Zone objectives**

Under the provisions of the Parramatta LEP 2011, the site is zoned:

- R4 – High Density Residential
- B4 – Mixed Use;
- RE1 – Public Recreation; and
- W1 – Natural Waterways

The Stage 1 residential development will be located solely on land zoned R4 High Density Residential, while the Stage 2 & 3 works will be undertaken on the land zoned R4 High Density Residential and B4 Mixed Use.

The land to be dedicated to Council is zoned RE1 Public Recreation and W1 Natural Waterways.

The application complies with the objectives of all four zones.

## PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

The following table highlights the controls relevant to this Section 96 Modification:

Development Control	Proposal	Compliance
<b>3. DEVELOPMENT PRINCIPLES</b>		
<b>3.1 Preliminary Building Envelope</b>		
<b>3.1.3 – Preliminary Building Envelope Table</b>		
<i>Height</i>		
Maximum height is shown on the LEP 'Height of Buildings Map' – 40m	The building complies with the LEP height limit and also contains an architectural roof feature.	Yes
<i>Floor space ratio</i>		
Maximum floor space ratio is shown on the LEP 'Floor Space Ratio Map' – 1.75:1	The overall development will have a FSR of 1.75:1.	Yes
<b>3.3.7 – Waste Management</b>		
Is the waste management plan satisfactory?		Yes
<p>The application proposes changes to the waste management arrangements.</p> <p>Buildings A1, A2 and A3 will contain eDiverter shutles.</p> <p>Residents from Level 2 and above will be supplied with a chute outlet that provides the opportunity to dispose of garbage and recyclable items.</p> <p>Residents on levels 00 and 01 will be provided with a bin room containing garbage and recycling bins.</p> <p>Council's Environment and Health Officer has reviewed the amended WMP and has provided comment that the Waste Management Plan and proposed modifications are satisfactory.</p>		
<b>3.6 Movement &amp; Circulation</b>		
<b>3.6.2 Parking and Vehicular Access</b>		
Car share	The application proposes changes to the location of the loading bay and car share space.	Yes
<i>Minimum Car Parking Rates</i> <ul style="list-style-type: none"> <li>- 1 space / 1 bedroom unit</li> <li>- 1.25 space / 2 bedroom unit.</li> <li>- 1.5 spaces / 3 bedroom units.</li> </ul>	Approved: 404 spaces (334 residential and 70 visitors)  Modifications:	Yes



<ul style="list-style-type: none"> <li>- 0.25 spaces / dwelling for visitor car parking (a car wash bay may be used as a visitor space)</li> </ul> <p><b>Total requirement = 403 spaces</b></p>	405 spaces (335 residential and 70 visitors)	
<b>4A Special Precincts</b>		
<b>4.1.9 Morton Street Precinct</b>		
Public Domain	<p>The land along the Parramatta River will be dedicated to Council and provide the opportunity to create linkages with the surrounding public parkland.</p> <p>The application proposes modifications to the interface between the development and the foreshore park.</p> <p>Modifications include removal of the approved external staircase between Building A1 and Building A4 and replace it with a set of narrower, more refined steps at the ground level which lead to an internal stair connecting to the podium. The internal stairs will be glazed.</p>	Yes

## SECTION 94A

A letter from a Quantity Surveyor was submitted with the application which confirms that a review of the construction cost indicates that the actual cost will not exceed the amount which was provided at the original DA stage being \$101,160,055.

## Conclusion

After consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved subject to the imposition of appropriate conditions.

## **Recommendation**

### **Approval**

That JRPP as the consent authority, modify development consent as follows:

**Modify condition no. 2.**

**All other conditions of DA/391/2012 and DA/391/2012/A remain unmodified.**

**Report prepared by:**

***Ashleigh Matta***  
***Development Assessment Officer***  
***Development Assessment Team***

A handwritten signature in black ink, appearing to read 'Ashleigh Matta', is positioned above the 'Signature:' label.

**Signature:**

**Date:**                      **14 November 2014**

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## Full list of conditions

### **SCHEDULE 2**

#### **Part A**

1. Following issuing of any operative consent for the site physical commencement must occur in accordance with the requirements of Section 95(4) of the Environmental Planning and Assessment Act within 5 years of the date of the issue of the deferred commencement consent. In this regard should physical commencement not occur by **13 December 2017**, the consent shall lapse.  
**Reason:** To provide certainty to the community as to when physical commencement must occur.
2. 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 No	Dated
Morton Street Masterplan DA000 – Title, Legend & Drawing Schedule by Smart Design Studio	04/07/2012
Morton Street Masterplan DA001 – Site Analysis Plan by Smart Design Studio	04/07/2012
Morton Street Masterplan DA:005 Master Plan by Smart Design Studio	04/07/2012
Morton Street Masterplan DA:007 Setback Plan by Smart Design Studio	04/07/2012
Morton Street Masterplan DA:008 Building Height Plan by Smart Design Studio	04/07/2012
Morton Street Masterplan DA:010 B4 Mixed Use Zone by Smart Design Studio	04/07/2012
Morton Street Masterplan DA:120 Shadow Diagrams by Smart Design Studio	04/07/2012
Morton Street Masterplan DA:121 Shadows Diagrams by Smart Design Studio	04/07/2012
Morton Street Masterplan DA:122 Shadows Diagrams by Smart Design Studio	04/07/2012

Morton Street Masterplan DA:300 Elevations (external street) by Smart Design Studio	04/07/2012
Morton Street Masterplan DA:301 Elevations (internal street) by Smart Design Studio	04/07/2012
Morton Street Masterplan DA:400 Site Sections by Smart Design Studio	04/07/2012
Morton Street Masterplan DA:000 Title, Legend & Drawing by Smart Design Studio	04/07/2012
Key Plan & Staging Plan Dwg No. 11814 - C4.01 Rev 4 by Northrop <i>as amended to satisfy the deferred commencement condition.</i>	Unknown

Drawing No	Dated
Morton Street Stage 1 – DA:000 Legend & Drawing Schedule by Smart Design Studio	04/07/2012
Morton Street Stage 1 – DA:001 Site/Roof Plan by Smart Design Studio Revision P4	06/08/2014
Morton Street Stage 1 – DA:100 Ground Level Plan by Smart Design Studio Revision P4	06/08/2014
Morton Street Stage 1 – DA:101 Level 1 Plan by Smart Design Studio Revision P5	06/08/2014
Morton Street Stage 1 – DA:102 Level 2 Plan by Smart Design Studio Revision P4	06/08/2014
Morton Street Stage 1 – DA:103 Level 3 Plan by Smart Design Studio	06/08/2014

Revision P4	
Morton Street Stage 1 – DA:104 Podium Level 4 Plan by Smart Design Studio Revision P5	06/08/2014
Morton Street Stage 1 – DA:105 Level 5 Plan by Smart Design Studio Revision P4	06/08/2014
Morton Street Stage 1 – DA:106 Level 6 Plan by Smart Design Studio Revision P4	06/08/2014
Morton Street Stage 1 – DA:107 Level 7 & 8 (A3) Plan by Smart Design Studio Revision P4	06/08/2014
Morton Street Stage 1 – DA:108 Level 9 Plan by Smart Design Studio Revision P4	06/08/2014
Morton Street Stage 1 – DA:109 Level 10 Plan by Smart Design Studio Revision P4	06/08/2014
Morton Street Stage 1 – DA:110 Level 11 Plan and A3 Roof Plan by Smart Design Studio Revision P4	06/08/2014
Morton Street Stage 1 – DA:300 Elevations 1 by Smart Design Studio Revision P4	06/08/2014
Morton Street Stage 1 – DA:301 Elevations 2 by Smart Design Studio Revision P4	06/08/2014
Morton Street Stage 1 – DA:302 Elevations 3 by Smart Design Studio Revision P4	06/08/2014
Morton Street Stage 1 – DA:400 Sections AA & BB by Smart Design Studio Revision P4	06/08/2014
Morton Street Stage 1 – DA:401 Sections CC by Smart Design Studio Revision P4	06/08/2014
Morton Street Stage 1 – DA:500 GFA Area	06/08/2014

Diagrams by Smart Design Studio Revision P3	
Morton Street Stage 1 – DA:501 GFA Area Diagrams by Smart Design Studio Revision P3	06/08/2014
2 Morton Street – Typical Balcony Shading, Section 1 – Page 1.38 by Smart Design Studio	November 2012
2 Morton Street – Building Separation, Section 1 – Page 1.40 by Smart Design Studio	November 2012
Landscape Plan Drawing No. 13087-LA-S96 Revision 05	28/07/2014

Drawing No	Dated
Plan Form 2 (A2) – DA Subdivision Plan 1 (Issue 4) by Tasy Moraitis	26/11/2012
Plan Form 6 – Deposited Plan Administration Sheet by Tasy Moraitis	26/11/2012
Draft Stage 1 Community Plan (Issue 3) by Tasy Moraitis	2/07/2012

Drawing No	Dated
Legend LA011 Rev A	21/03/2014
Planting plan 1 LA401 Rev B	21/03/2014
Planting plan 2 LA402 Rev B	21/03/2014
Planting plan 3 LA403 Rev B	21/03/2014
Planting plan 4 LA404 Rev B	21/03/2014
Planting plan 5 LA405 Rev B	21/03/2014
Planting plan 6 LA406 Rev B	21/03/2014
Softworks Details – Podium Landscape LA601 Rev B	21/03/2014
Softworks Details – On grade LA602 Rev A	14/03/2014
Materials and Finishes Plan 6 LA106 Rev D	26/06/2014

Materials and Finishes Plan 5 LA105 Rev D	26/06/2014
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Drawing No	Document title	Revision
C1.01	Cover Sheet, Drawing Schedule & Locality Plan	4
C1.02	Specification Notes	3
C2.01	Key Plan – Concept Sediment & Erosion Control Plan	1
C2.02	Stage 1 – Concept Sediment & Erosion Control Plan	3
C2.04	Stage 2 – Concept Sediment & Erosion Control Plan – Sheet 1 of 2	1
C2.05	Stage 2 – Concept Sediment & Erosion Control Plan – Sheet 2 of 2	1
C2.06	Stage 3 – Concept Sediment & Erosion Control Plan	1
C2.11	Sediment & Erosion Control Details Sheet	3
C3.01	Key Plan – Bulk Earthworks	1
C3.02	Bulk Earthworks Plan – Sheet 1 of 2	1
C3.03	Bulk Earthworks Plan – Sheet 2 of 2	1
C3.21	Bulk Earthworks Sections	1
C4.01	Key Plan & Staging Plan - Stormwater & Siteworks	2
C4.02	Master Plan - Concept Stormwater Management Plan - Sheet 1 of 2	2
C4.03	Master Plan - Concept Stormwater Management Plan - Sheet 2 of 2	2
C4.04	Stage 1 - Concept Stormwater Management Plan	2
C4.11	Road Reserve & Siteworks Plan – Sheet 1 of 10 (Stage 2)	4
C4.12	Road Reserve & Siteworks Plan – Sheet 2 of 10 (Stage 1)	5
C4.13	Road Reserve & Siteworks Plan – Sheet 3 of 10 (Stage 1)	5
C4.14	Road Reserve & Siteworks Plan – Sheet 4 of 10 (Stage 3)	4
C4.15	Road Reserve & Siteworks Plan – Sheet 5 of 10 (Stage 3)	5



C4.16	Road Reserve & Siteworks Plan – Sheet 6 of 10 (Stage 3)	5
C4.17	Road Reserve & Siteworks Plan – Sheet 7 of 10 (Stage 3)	5
C4.18	Road Reserve & Siteworks Plan – Sheet 8 of 10 (Stage 3)	4

Drawing No	Name	Revision
C4.19	Road Reserve & Siteworks Plan – Sheet 9 of 10 (Stage 3)	5
C4.20	Road Reserve & Siteworks Plan – Sheet 10 of 10 (Stage 1)	6
C4.21	Typical Road Sections	3
C4.22	Stormwater Details – Sheet 1 of 2	2
C4.23	Stormwater Details – Sheet 2 of 2	2
C4.24	Siteworks Details Sheet	5
C4.25	Suspended Slab Section	1
C4.31	Stage 1 – OSD Details	2
C5.21	Long Sections – Foreshore Rd & Internal St – Sheet 1 of 2	2
C5.22	Long Sections – Foreshore Rd & Internal St – Sheet 2 of 2	1
C5.23	Long Sections – New Zealand St	1
C5.24	Long Sections – Pemberton Street	1
C5.31	Cross Sections – Foreshore Rd & Internal St – Sheet 1 of 3	1
C5.32	Cross Sections – Foreshore Rd & Internal St – Sheet 2 of 3	1
C5.33	Cross Sections – Foreshore Rd & Internal St – Sheet 3 of 3	1
C5.36	Cross Sections – New Zealand St	1
C5.41	Cross Sections – Pemberton St	1

Document(s)	Dated
Arts Plan prepared by Environmental Art+Design	Undated
Waste Management Plan prepared by Wastech Services Pty Ltd	28/06/2012
Environmental Site Assessment prepared by Environmental Investigation Services	April 2012

BASIX Certificate No. 436154M_02	4/07/2012
Arborists Reports prepared by Urban Forestry Australia	June 2012
Non-Indigenous Heritage Assessment prepared by Artefact Heritage Services	June 2012
Flora and Fauna Assessment Report prepared by Cumberland Ecology	June 2012
Flood Impact Assessment / Evacuation and Management Measures Plan prepared by Northrop	26/11/2012
Acoustic Assessment prepared by Renzo Tonin and Associates	27/06/2012
Access Reviews for Masterplan and Stage 1 DA prepared by Morris Godding Accessibility Consulting	29/06/2012
Aboriginal Archaeology Assessment prepared by Artefact Heritage Services	June 2012
Traffic Impact Assessment prepared by Brown Smart Consulting	June 2012
BCA Assessment Report prepared by Blackett Maguire and Goldsmith Pty Ltd	22/06/2012

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

**Condition No. 2 was modified as part of DA/391/2012/B**

3. To clarify this approval and what requires additional approval, Development Consent is granted for DA/391/2012 as a staged DA with the detailed provisions of staged 1 approved. Detailed DA consent is not granted for the following specified part or aspect of that development:
- Development included in Stage 2 (Buildings B1 to B4);
  - Development included in Stage 3 (Buildings C1 to C4);
  - River Platform; and
  - Marketing Suite.

The above specified part or aspect shall be subject of another Development Consent following further consideration of all relevant matters pertaining to it.

**Reason:** To clarify terms of this Development Application approval.

- 3A. Pursuant to section 931(3) of the Environmental Planning & Assessment Act 1979, the applicant must enter into a planning agreement in terms of the offer set out in the letter dated 21 December 2010 from Frasers Morton Pty Ltd to Council and will carry out the works as per the VPA as registered on the legal title of the site. 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
- 3B. All roads are to be constructed at the expense of the developer and dedicated to Council, including the construction of a section of road to extend Morton Street to connect with the proposed Foreshore Road.  
**Reason:** To ensure that the development is integrated with a connected public road network.
4. The development shall be constructed within the confines of the property boundary. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.  
**Reason:** To ensure no injury is caused to persons.
5. Demolition work shall be carried out in accordance with Australian Standard 2601-2001 - Demolition of Structures and the requirements of the NSW WorkCover Authority.  
**Reason:** To ensure appropriate demolition practices occur.
6. All building work must be carried out in accordance with the current provisions of the Building Code of Australia.  
**Reason:** To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.
7. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development consent.  
**Reason:** To ensure compliance with legislative requirements.
8. All roof water and surface water is to be connected to an approved drainage system.

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

9. No approval is granted as part of this approval for the construction of any retaining wall that is greater than 600 mm in height or within 900 mm of any property boundary not shown on the approved drawings.

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

10. Council being the 'appropriate regulatory authority' must be notified immediately of any pollution incident where material harm to the environment is caused or threatened. This duty extends to persons carrying on an activity, employers and employees, contractors and the occupier of the premises where the incident occurs.

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

11. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Work Cover NSW and the Department of Environment and Climate Change, and with the provisions of:

- NSW Occupational Health and Safety Act, 2000;
- NSW Occupational Health and Safety Regulation 2001;
- NSW Protection Of the Environment Operations Act 1997 (NSW) and
- NSW Department of Environment and Climate Change Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

**Reason:** To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

12. The on street parking area(s) must drain to a stormwater treatment device capable of removing litter, oil, grease and sediment prior to discharge to the stormwater system, complying with:

- Environment Protection Authority's Environment Protection Manual for Authorised Officers: Technical Section (Stormwater First Flush Pollution); and
- Environment Protection Authority's Managing Urban
- Environment Protection Authority's Managing Urban Stormwater: treatment techniques (1997).

The stormwater treatment device(s) are to be maintained on a regular basis to ensure their functionality. All solid and liquid wastes collected

from the device are to be disposed of in accordance with Protection of the Environment Operations Act 1997.

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

13. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the Protection of the Environment Operations Act 1997.

**Reason:** To ensure effective operation of equipment.

14. Deleted.

15. The operation of the premises is to be conducted in a manner which does not pollute waters as defined by the Protection of the Environment Operations Act 1997.

**Reason:** To ensure that stormwater drains are not polluted.

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

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

- Imported fill should 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.

17. 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 immediately.

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

18. All remediation works shall be carried out in accordance with clauses 17 and 18 of State Environmental Planning Policy 55 - Remediation of Land.

**Reason:** To comply with the statutory requirements of State Environmental Planning Policy 55.

19. 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.

20. To minimise disturbance to existing mature trees located in the adjacent reserve, no excavation shall take place within the Structural Root Zone (SRZ)\*, measured as a radius from the centre of the trunk of the tree. Excavation may occur between the SRZ and TPZ but only by hand. In the event that structural roots (>50mm in diameter) are encountered between the SRZ and tree protection zones, appropriate measures should be implemented to ensure the long term retention of the tree.

\*SRZ specified offsets provided in Schedule of Assessed Trees of Urban Forestry Australia reports, June 2012

\*TPZ = 12 x trunk diameter at 1400mm from ground level (measured as a radius from the centre of the trunk)"

**Reason:** To ensure mature trees are maintained.

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

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

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

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

- 22A. Trees are to be retained in accordance with the Schedule of Assessed Trees prepared by Urban Forestry Australia for Lot 1 D.P .817709 (Proposed stages 1,2 & 3) and (Land dedicated at public reserve) dated June, 2012.

**Reason:** To protect significant trees which contribute to the landscape character of the area.

- 22B. Tree removal shall be undertaken in accordance with the following documents;

- Schedule of Assessed Trees prepared by Urban Forestry Australia for Lot 1 D.P .817709 (Proposed stages 1,2 & 3) and (Land dedicated at public reserve) dated June, 2012.
- Tree Action Plan: Prepared by McGregor Coxall Revision C
- Staging of tree removal works shall be undertaken in accordance with Appendix C of the Statement of Environmental Effects July, 2012

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

22C. A Construction Certificate must be obtained from a Principal Certifying authority prior to any stage of building work commencing. Staged Construction Certificates may be issued prior to any stage of building works commencing provided that all relevant conditions of consent are satisfied before it is issued.

23. Prior to issue of any Construction Certificate for each of the buildings an artist(s) shall be engaged to develop site specific artwork/s which is consistent with the concepts outlined in the Arts Plan. *The interpretation Plan should refer to Council's River Foreshore Interpretation Strategy for direction on themes and storylines.* Further additional meaning and engaging ways to present the stories shall be incorporated in the interpretation plan. On completion of the artwork design stage, all additional documentation shall be submitted to Council for approval that details the realisation of the Arts Plan through final design concepts, site plan for artworks, construction documentation and project management including specific information indicating the scale of the artwork during the construction certificate phase of development. The plans approved by Council shall form part of the approved construction certificate.

**Reason:** To ensure compliance with Council requirements

24. Prior to the commencement of any work, including bulk earthworks and construction works the applicant/developer is to approach the NSW State Heritage Office to satisfy any archaeological requirements for the site. This may include a preliminary archaeological assessment or a request for an exemption permit.

A copy of the written correspondence from the Heritage Office 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 archaeological items are appropriately managed.

25. All the proposed civil works, concrete footpath and stormwater drainage pipes in the road are to be submitted to the satisfaction and approval of Council's Civil Infrastructure unit prior to the issue of Construction Certificate of this consent.

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

26. An amended Flood Evacuation & Management Plan shall be prepared by a suitably qualified practicing drainage engineer and submitted to the satisfaction of Council's catchment management engineers unit prior to the issue of the Construction Certificate.

In this regard, the proposed Foreshore Road is subject to frequent flood event. The final engineering plan shall incorporate the following design issues:

- (a) That vehicle's parking is limited to 2 hours maximum on the proposed Foreshore Road at any time.
- (b) Provide gates along both ends of the proposed Foreshore Road to restrict vehicles from using the proposed road during flood conditions or during major storm events.
- (c) Provide multiple warning signs stating that the road is subject to 'Frequent Flooding from the River'.
- (d) Provide signs stating: No parking overnight (alternatively; no parking between 7.0pm and 7.0am).
- (e) That The recommendations as outlined in the DA submitted Flood Impact Assessment/Evacuation and Management Measures Plan report in regard to flood warning system and Site Emergency Response Plan should be adopted with the inclusion of the following:
  - (f) Nominate personnel responsible for maintaining and implementing plan. Plan should also identify all training to be undertaken by the nominated personnel.
  - (g) It should also indicate procedure for replacing nominated personnel as existing members leave so that required numbers are maintained.
  - (h) Communicate impacts of flooding to all unit occupants/owners.
  - (i) Plan should also include details of regular ongoing communications to accommodate new owners/occupiers.
  - (j) Flood detection system/gating and access control. Plan should also identify all regular maintenance.

**Reason:** To ensure the flood warning system is in working order.

27. Structural certification from a suitably qualified structural engineer should be submitted with the application for a Construction Certificate indicating that all columns, buildings and structures and On-Site



Detention tanks 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. In this regard, the Principal Certifying Authority is to ensure that:

- (a) All structures to have flood compatible building components below the 100 year ARI flood level plus 0.5 metre freeboard.
- (b) A Qualified Practising Structural Engineers report required to certify that the building structure and columns can withstand the forces of floodwater, debris and buoyancy up to and including PMF.
- (c) All utilities located above 100 year ARI flood level plus 0.5 metre freeboard.

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

28. No work shall start on the storm water system until the detailed final storm water plans have been approved by the Principal Certifying Authority. Prior to the approval of storm water drainage plans, the person issuing the Construction Certificate shall ensure that:
- (a) The final drainage plans are consistent with the Concept Drainage Plans Concept Stormwater Drainage plan. Dwg No. C4.04 & C4.31 Revision 2, dated 2/07/2012 prepared by Northrop, approved with this Development Consent.  
Note: The referenced concept plans are concept in nature only and not to be used for construction purposes as the construction drawing. Rectified Stormwater plan addressing all the issues and notes marked on the approved stormwater plan shall be prepared with details, and submitted with the application for Construction Certificate to the Principal Certifying Authority for approval.
  - (b) The proposed On-Site Detention (OSD) System has been designed by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Council's Drainage Code E4 and stormwater Drainage Guidelines.
  - (c) The design achieves:
    - The design achieves a Site Storage Requirement of 235m<sup>3</sup>/ha and a Permissible Site Discharge of 208L/s/ha (as per 3rd edition of UPRCT's handbook).
    - Grates and/or access covers shall be placed at the extremities of the OSD tank.
    - Provision of OSD warning signs shall comply with Upper Parramatta River Catchment Trust OSD handbook.

- The tank shall be designed and certified to be structurally adequate to carry the designate live load.
- Detailed drainage plans with cross sectional details of OSD storage areas; pits etc, OSD Detailed Design Submission and OSD Detailed Calculation Summary Sheet are submitted and are acceptable.

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

29. At least one water quality treatment devices shall be installed prior to disposal of stormwater to the street system. Details of the proposed units shall be submitted for the approval of the Principal Certifying Authority prior to the determination of the Construction Certificate.

Water Sensitive Urban Design (WSUD) is required to be incorporated within the proposed development design in accordance with Parramatta Development Control Plan part 3 clause 3.3.6 to the satisfaction of Council's Catchment Management Engineers unit prior to the issue of Construction Certificate. In this regard, an electronic copy of MUSIC Modelling would be required to be included in the submission to Council.

**Reason:** To ensure appropriate water quality treatment measures are in place.

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

- (a) Vehicular access can be obtained using grades of 25% (1 in 4) maximum and
- (b) All changes in grade (transitions) comply with Australian Standard 2890.1 (2004) – "Off-street car parking" to prevent the scraping of the underside of the vehicles.

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

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. Electricity provision to the site is to be designed so that it can be connected underground when the street supply is relocated underground. Certification from Integral Energy addressing their requirements for this provision is to be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate. Provision of underground power supply (consumer mains cables) will be provided between the substation and site main switchboard. Upon receiving certification (if provided by Integral Energy) this certificate will be forward onto the Principal Certifying authority prior to issuing Construction Certificate.

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

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

(a) Construction Management Plan for the Site

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

- i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- 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.
  - vii. 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.
  - viii. 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 RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
  - ii. A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new

employees are aware of the construction management obligations.

- iii. Minimising construction related traffic movements during school peak periods,

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

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

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

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

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

In order to apply for a driveway crossing, you are required to complete the relevant application form with supporting plans, levels and specifications and pay a fee in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

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

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

36. 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.

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

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

38. 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/391/2012;
- 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

Hoarding \$10,000  
Nature strip and roadway \$ 40,000  
Street Trees \$8000

A dilapidation report is required to be prepared prior to any work or 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 safe guard 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.

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

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.

The PCA must ensure that the plans have been appropriately stamped prior to the issue of any construction Certificate.

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

Advisory note: Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- 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.

40. 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 mitigated 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.

41. Revised plans indicating compliance with the following traffic related matters are to be submitted to the satisfaction of the Principal Certifying Authority before the issue of the Construction Certificate:

- (a) 404 off-street parking spaces minimum (including 28 disabled parking spaces; 305 residential spaces; 70 visitor spaces and 1 car share space) are to be provided, permanently marked on the pavement and used accordingly, as shown on the DA plans (Drawing DA:100 Revision N). The dimensions for parking spaces and aisle width to be in accordance with AS 2890.1-2004 (minimum of 2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent walls and 5.8m aisle width minimum. At blind aisle, the aisle is to be extended by 1.0m (minimum) beyond the last parking space), as shown on the DA plans (Drawing DA:100 Revision N).
- (b) 140 bicycle parking spaces are to be provided, permanently marked on the pavement and used accordingly, as shown on the DA plans (Drawing DA:100 Revision N).
- (c) The dimensions and configuration of the 28 disabled parking spaces are to comply with AS 2890.6-2009 (a dedicated space plus



a shared space - 2.4m wide x 5.4m long each with a bollard installed on the shared space), as shown on the DA plans (Drawing DA:100 Revision N).

- (d) A combined entry and exit driveway for Stage 1 (Site A) off Broughton Street (6m wide with 300mm clearance both sides between kerbs) for Stage 1 development (Site A), as shown on the DA plans (Drawing DA:100 Revision N) is to be provided and constructed according to AS 2890.1- 2004 and Council's specification.
- (e) Driveway and ramp gradients are to comply with Clause 2.5 and Clause 3.3 of AS2890.1-2004.
- (f) The driveway width (w) at the concrete layback is to comply with Council's Standard Vehicular Crossing plan (DS8).
- (g) Column locations are to be installed in accordance with Clause 5 and Figures 5.1 and 5.2 of AS 2890.1-2004.
- (h) Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.
- (i) Ground Clearance Template as shown in Appendix C of AS 2890.1-2004 must be used to check that adequate ground clearance is provided on ramps, circulation roadways, access driveways or other vehicular paths where there is a grade change or an irregularity in the vertical alignment e.g. a hump, dip or gutter.
- (j) Sight distance to pedestrians exiting the property is to be provided by clear lines of sight in a splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1. The required sight lines to pedestrians or other vehicles in or around the site should not be compromised by the landscaping, signage fences, walls or display materials.
- (k) The minimum available headroom clearance to be signposted at all entrances is to be 2.2m (for cars and light vans including all travel paths to and from parking spaces) and 2.5m (for parking spaces for people with disabilities) measured to the lowest projection of the roof (fire sprinkler, lighting, sign, and ventilation), according to AS 2890.1-2004 and 2890.6-2009.
- (l) 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 appropriate access is provided.

- 42. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas within the building and is not to be located on the roof unless suitably screened or

integrated into the building architecture. Details demonstrating compliance are to be submitted with the Construction Certificate application.

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

43. Deleted.

44. 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.

45. To minimise the impact of noise from the adjoining major road or rail corridor on the occupants of the building it shall be acoustically designed and constructed to meet the requirements of AS3671-1989 (Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction), AS 2107-2000 (Recommended design sound levels and Reverberation times in Building interiors), the NSW Environment Protection Authority's Environmental Criteria for Road Traffic Noise and the Environmental Noise Control Manual (Sleep Disturbance)

A report from an appropriately qualified person that these acoustic and vibration design requirements will be met shall be provided to the satisfaction of the PCA prior to the issue of a Construction Certificate.

**Reason:** To ensure a suitable level of residential amenity not affected by excessive noise and vibration from surrounding activities.

46. Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the building is acoustically designed and constructed to meet the requirements of AS 2107 and the Environment Protection Authority's Guidelines for Acoustic Privacy within premises.

*Note:* Plans and specifications of the required acoustic design shall be prepared by a practising acoustic engineer and shall be submitted to the Principal Certifying Authority.

**Reason:** To minimise the impact of noise from the adjoining major road or rail corridor on the occupants of the development.

47. An acoustic report by Renzo Tonin & Associates 2 Morton Street Parramatta Acoustic Assessment for Development Application DA/391/2012 identified construction noise measures that were recommended for adoption in the development. The proponent shall submit to the Principal Certifying Authority and Council, a Construction Noise Management Plan as described in the NSW Environment Protection Authority, Interim Noise Construction Guidelines 2009 and, Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites" prior to the issue of the construction certificate. The Construction Noise Management Plan must describe in detail the methods that will be implemented for the whole project to minimise noise impacts on the community.

The Construction Noise Management Plan shall include:

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

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

48. The Preliminary Stage 1 Environmental Site Assessment dated April 2012 prepared by Environmental Site Investigations identified the presence of contamination on site. The proponent must submit a Stage 2 Detailed Investigation in accordance with Clause 3.4.1 of the SEPP 55 Guidelines- Land Contamination and the NSW Environment Protection Authority Guidelines for Consultants Reporting on Contaminated Sites (1997) by an suitability qualified consultant to define the nature, extent and degree of contamination; to assess potential risks posed by contaminants to health and the environment; and to obtain sufficient information to develop a remedial action plan (RAP), to be submitted to Council and the Principal Certifying Authority prior to the issue of the construction certificate.

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

49. A site Remedial Action Plan (RAP) must be prepared by a suitably qualified environmental consultant and submitted to Council and the Principal Certifying Authority should the stage 2 contaminated site investigation reveal contamination exceeding criteria prescribed by the NSW Environment Protection Authority's Contaminated Sites Guidelines for the NSW Site Auditor Scheme and the National Environmental Protection Measure 1999 Assessment of Site Contamination. The Remedial Action Plan (RAP) must be submitted to Council prior to the issue of the construction certificate.

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

50. Deleted.

**Condition No. 50 was deleted under DA/391/2012/A.**

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

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

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

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

53. Access for people with disabilities to and from and between the public domain, residential units and all common open space areas are to be provided. Consideration must be given to the means of dignified and equitable access from public places to adjacent buildings, to other areas within the building and to footpath and roads. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction completed to achieve compliance with the Building Code of Australia Part D3 'Access for People with Disabilities', provisions of the Disability Discrimination Act, and the relevant provisions of AS1428.1 (2001) and AS1428.4.

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

54. Signs incorporating the international symbol of access for disabled persons must be provided to identify each accessible:
- (a) entrance
  - (b) lift or bank of lifts; and
  - (c) sanitary facility

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

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

55. Prior to the release of the Construction Certificate design verification is required to be submitted from a registered architect to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No-65. Design Quality of Residential Flat Development.  
*Note:* Qualified designer in this condition is as per the definition in SEPP 65.

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

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

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

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

57. Documentary evidence confirming that satisfactory arrangements have been made with an Level 3 energy provider for the provision of electricity supply to the development is to be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate. If a substation is a requirement of the energy provider, it is to be located internal to the building/s on site. Substations cannot be located within the front setback of a site or within the street elevation of the building, unless such a location has been indicated and approved on the Council stamped Development Application plans. Substations cannot be located in Council's road reserve.

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

58. Prior to the issue of any Occupation Certificate, the developer is to provide evidence that satisfactory arrangements with the NBN Co have been made where relevant and implemented at no cost to Council for the provision of broadband access to the development.

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

*NOTE:* For more information contact NBN Co.

Development Liaison Team:

Call 1800 881 816

Email [newdevelopments@nbnco.com.au](mailto:newdevelopments@nbnco.com.au)

Web [www.nbnco.com.au/NewDevelopments](http://www.nbnco.com.au/NewDevelopments)

59. 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.

60. deleted

61. Washing of vehicles shall be conducted in a vehicle wash bay, which is roofed and bunded to exclude rainwater. The vehicle wash bay shall be installed in accordance with Sydney Water's requirements. A trade wastewater permit shall be obtained from Sydney Water before operation of the washbay commences and a copy of the permit submitted to Council's Environment and Health unit prior to the issuing of the occupation certificate. The vehicle wash bay shall be regularly cleaned and maintained.

**Reason:** To ensure proper disposal of waste water.

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

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

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

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

63. 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.

64. The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following:

Details of recycling and the removal of soil and rubbish from the site in the course of demolition and excavation operations including:

- (i) Type and quantities of material expected from demolition and excavation;
- (ii) Name and address of transport company;
- (iii) Address of proposed site of disposal;
- (iv) Name/address of company/organisation accepting material;
- (v) Types and quantities of materials that are to be re-used; or recycled, on and off site and procedures involved;
- (vi) Name of company/contractor undertaking on and off site re-use and recycling, and address of recycling outlet;
- (vii) Material for disposal and justification of disposal; and
- (viii) If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.

The Waste Management Plan must 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.

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

- (a) appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed within 7 days; and
  - (b) notify Council in writing of their intention to commence works (at least 2 days notice is required prior to the commencement of works).
- The PCA must determine when inspections and compliance certificates are required.

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

66. 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 protect Council's assets throughout the development process.
67. 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.
68. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavation face to twice the excavation depth.

The report should include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that qualified professional based on the excavations for the proposal and the recommendations of the geotechnical report. Where the consulting geotechnical engineer is of the opinion that no dilapidation reports for adjoining structures are required, certification to this effect shall be provided for approval by the Principal Certifying Authority prior to any



excavation. A copy of the dilapidation report shall be submitted to Council.

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

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

**Reason:** Management of records.

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

- The type and extent of substrata formations by the provision of a minimum of 4 representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
- The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
- The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property structures and road reserve if nearby (full support to be provided within the subject site).
- The existing groundwater levels in relation to the basement structure, where influenced.
- The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed

development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised.

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

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

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

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

70. Details of the proposed 375 mm diameter reinforced concrete pipe-work within the proposed roads shall be submitted for Council's Civil Infrastructure Unit approval prior to the release of Construction Certificate.  
**Reason:** To ensure Council requirements are met.
71. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site are to be maintained in a safe and tidy manner. In this regards the following is to be undertaken:
- all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
  - all site boundaries are to be secured and maintained to prevent unauthorised access to the site
  - all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis
  - the site is to be maintained clear of weeds
  - all grassed areas are to be mown on a monthly basis
- Reason:** To ensure public safety and maintenance of the amenity of the surrounding environment.
72. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to received written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.  
**Reason:** To prevent any damage to underground utility services.
73. 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.
74. 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.
75. 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.

76. 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.

*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.

77. deleted

78. deleted

79. deleted

80A. deleted

- 80B. Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the

sign repeated where the fence changes direction, Each sign shall contain in a clearly legible form, the following information:

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

**Reason:** To protect existing trees during the construction phase.

### **During Construction Works**

80C. All trees planted within the site must have an adequate root volume to physically and biologically support the tree. No tree within the site is to be staked or supported at the time of planting.

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

80D. The trees identified on the endorsed plans as being retained shall be protected prior to and throughout the demolition/construction process in accordance with the arborist reports prepared by Urban Forestry Australia for Lot 1 D.P .817709 (Land dedicated at public reserve) and (Proposed stages 1,2 & 3) dated June 2012 and the relevant conditions of this consent.

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

80. All pruning shall be carried out by a qualified Arborist and conform to the provisions of AS4373-2007 Australian Standards for Pruning Amenity Trees, and Tree Work draft code of practice 2007.

**Reason:** To ensure the pruning will not adversely affect the tree(s).

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

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

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

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

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83. A copy of this development consent, stamped plans and accompanying documentation is to be retained for reference with the approved plans on-site during the course of any works. Appropriate builders, contractors or sub-contractors shall be furnished with a copy of the notice of determination and accompanying documentation.  
**Reason:** To ensure compliance with this consent.
84. No vehicle access is to be provided from the premises into the adjoining bushland reserve.  
**Reason:** To ensure protection of the bushland reserve and manage the impacts of the development.
85. Noise from the construction, excavation and/or demolition activities associated with the development shall comply with the NSW Department of Environment and Conservation's Interim Noise Construction Guidelines 2009.  
**Reason:** To protect the amenity of the area.
86. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the NSW Department of Environment and Conservation (DEC) including the interim noise manual. Dust nuisance to surrounding properties should be minimised.  
**Reason:** To protect the amenity of the area.
87. 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.
88. The applicant shall not enter or undertake any work within adjoining public lands (i.e. parks, reserves, roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction Management Plan.  
**Reason:** Protection of existing public infrastructure and land and to ensure public safety and proper management of public land.
89. 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.

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

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

Such circumstances where extended hours may be permitted include:

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

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

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

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

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

92. 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.

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

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

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

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

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

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

96. Any fill material imported to the site is to be virgin excavated natural material (VENM) and is to be certified as such by a suitably qualified industry professional. Records of each individual certification are to be kept on site and produced for inspection when requested.

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

97. The proposed kerb inlet pit shall be constructed in accordance with Council Standard drawings.

**Reason:** To ensure appropriate drainage.

98. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices must be maintained throughout the entire demolition, excavation and construction phases of the development.



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

99. 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.

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

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

101. 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.

102. The dedicated area below the building screened from outside shall remain unobstructed at all times and designed to the satisfaction of a hydraulic engineer to permit the free flow of floodwaters.

**Reason:** To ensure the flow of water.

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

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

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

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

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

104. deleted.

105. deleted

106. deleted

107. deleted

108. deleted

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

109. Noise attenuation measures shall be incorporated into the development to comply with the design requirements specified in the acoustic report Renzo Tonin & Associates, 2 Morton Street Parramatta Acoustic

Assessment for Development Application 391/2012 and the following documents:

- NSW Environmental Protection Authority, Road Traffic Noise Policy (2011)
- Australian Standard AS2107:2000 "Recommended Design Sound Levels And Reverberation Times for Building Interiors"

After completion of the works, prior to the issue of an occupation certificate, the developer must submit to the Principal Certifying Authority and Council, a report from a practicing acoustic engineer verifying that the works as installed meet the above design condition.

**Reason:** To reduce noise levels

110. The acoustic report by Renzo Tonin & Associates for 2 Morton Street Parramatta Acoustic Assessment for Development Application 391/2012 identified that external noise emissions from the building services was not addressed I assessed in the acoustic report as details of mechanical plant were not provided at the development application

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.

Prior to the application for a Construction Certificate, the proponent must submit to the Council and the accredited certifier a report from a qualified, practicing, acoustic engineer (who is a member of either the Australian Acoustical Society, or the Association of Australian Acoustical Consultants). The report must be submitted with or before the application for a Construction Certificate and must:

- Include the measurements and calculations
- Certify that the method of treating all mechanical equipment will ensure that the noise level, as measured at the most or potentially most affective noise sensitive locations, will not exceed the recommended acceptable project specific noise levels, detailed in the Environment Protection Authority's Industrial Noise Policy
- If the mechanical equipment is to be operated between 10pm-7am on weekdays and/or 1 Opm-8am on weekends and public holidays the report must also certify that when operated it will be inaudible from within a habitable room of another residential premises (regardless of whether any door or window is open).

After completion of the works, prior to the issue of an Occupation Certificate, the developer must submit to the Council and the Principal Certifying Authority, a report from a practicing acoustic engineer (as

above) verifying that the works as installed meet the above design conditions.

**Reason:** To ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area.

111. The artworks shall be installed in accordance with the approved arts plan.

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

112. 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. 436154M\_02, will be complied with prior to occupation.

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

113. 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.

114. Submission of a letter confirming satisfactory arrangements have been made for the provision of electricity services.

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

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

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

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

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

117. Prior to the issue of any Occupation certificate an intercom system must be provided in a convenient location adjacent to the visitor parking entry to enable easier and safe access to visitor parking prior to final completion of the development.

**Reason:** To ensure convenient access is available for visitors to the building.

118. Occupation or use, either in part or full, is not permitted until an Occupation Certificate has been issued. The Occupation Certificate must not be issued unless the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia and until all preceding conditions of this consent have been complied with.

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

119. 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 ensure that the building level is in accordance with the approval.

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

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

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

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

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

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

122. 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.

123. Deleted.

124. 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.

125. Prior to the issue of the occupation Certificate, the applicant must create of 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 Modelling and Impact Assessment report (Rev 2) dated 28/06/2012 prepared by Northrop 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. 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.

126. The minimum habitable floor level for the proposed building/addition shall be Relative 5.1m Australian Height Datum (AHD). (i.e. 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.

- 127A. Prior to the release of each occupation certificate, the Principal Certifying Authority must obtain written advice from Council's Group Manager Outcomes and Development that the requirements of the Planning Agreement between Parramatta City Council and Frasers Morton Pty Ltd have been complied with to Council's satisfaction.

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

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

128. 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.

- 128A. A validation and monitoring report must be prepared by a suitably qualified environment consultant in accordance with the NSW Environment Protection Authority's Contaminated Sites- Guidelines for Consultants Reporting on Contaminated Sites and Contaminated Sites- Sampling Design Guidelines validating that the development has been remediated and poses no risk to the environment and human health. The validation report must be submitted to Council together with notice of completion of remediation pursuant to clause 18 of SEPP 55 prior to the issue of any Occupation Certificate.**

**Reason: To ensure that the land is suitable for it's proposed use and poses no risk to the environmental and human health.**

**Condition No. 128A was included under DA/391/2012/A.**



## **Prior to the issue of the Subdivision Certificate**

106A. A separate application must be made to Council to obtain approval of the plan of subdivision under Part 4A of the Environmental Planning and Assessment Act 1979.

Prior to the issue of the Part 4A (Subdivision Certificate) the applicant shall submit an original plan of subdivision plus 1 digital disc (eg. CD ROM ) for Council's endorsement. The following information shall also be submitted:

- (a) Evidence that all conditions of the Development Consent have been satisfied (including required utility provider certificates etc).
- (b) Evidence of payment of all relevant fees.
- (c) The 88B/E instrument (if required).
- (d) A copy of the final Occupation Certificate issued for the development.
- (e) All surveyors or engineers' certification if required by the development consent

Reason: To comply with the Environmental Planning & Assessment Act 1979

106B. Prior to issue of the Subdivision Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instrument for protection of on-site detention facilities and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch **or** a works as executed plan if the work is completed, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of a Subdivision Certificate. Prior to issue of the Subdivision Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instrument for protection of on-site detention facilities and to the satisfaction of Council. For existing Titles, the

Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a works as executed plan, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of a Subdivision Certificate.

129. An application for street numbering shall be lodged with Council for approval prior to the issue of a Subdivision Certificate.

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

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

### **Use of the Site**

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

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

131. 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.

132. A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.

**Reason:** To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors.

133. All new and existing fire safety measures identified in the Fire Safety Schedule shall be maintained in working condition at all times.

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

134. A waste storage room is to be provided on the premises, capable of accommodating all garbage, stored liquid, recyclable wastes and associated containers arising from the use of the premises and accessible by waste collection contractors. Disposal of wastes from the premises shall comply with the approved waste management plan.

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

135. All landscape works shall be maintained for a minimum period of two (2) years after the final completion, in accordance with the approved landscape plan and conditions

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

## Part B – Office of Water Approval

Number	Condition
<b>Plans, standards and guidelines</b>	
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 391/2012 and provided by Council.</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>
3	<p>The consent holder must prepare or commission the preparation of:</p> <ul style="list-style-type: none"> <li>(i) Vegetation Management Plan</li> <li>(ii) Erosion and Sediment Control Plan</li> <li>(iii) Soil and Water Management Plan</li> </ul>
4	<p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at:</p> <p><a href="http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx">www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx</a></p>
5	The consent holder must

	<ul style="list-style-type: none"> <li>(i) carry out any controlled activity in accordance with approved plans and</li> <li>(ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and</li> <li>(iii) when required, provide a certificate of completion to the NSW Office of Water.</li> </ul>
<b>Rehabilitation and maintenance</b>	
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
<b>Access-ways</b>	
8	The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
9	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.
<b>Disposal</b>	
10	<p>The consent holder must ensure that no materials or cleared vegetation that may</p> <ul style="list-style-type: none"> <li>(i) obstruct flow,</li> <li>(ii) wash into the water body, or</li> <li>(iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.</li> </ul>
<b>Drainage and Stormwater</b>	
11	<p>The consent holder is to ensure that all drainage works</p> <ul style="list-style-type: none"> <li>(i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and</li> <li>(ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.</li> </ul>
17	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

<b>Erosion control</b>	
19	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
<b>Excavation</b>	
20	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
21	The consent holder must ensure that any excavation does not result in <ul style="list-style-type: none"> <li>a. diversion of any river</li> <li>b. bed or bank instability or</li> <li>c. damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.</li> </ul>
<b>Maintaining river</b>	
22	The consent holder must ensure that <ul style="list-style-type: none"> <li>d. river diversion, realignment or alteration does not result from any controlled activity work and</li> <li>e. bank control or protection works maintain the existing river hydraulic and geomorphic functions, and</li> <li>f. bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.</li> </ul>
23	The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by the NSW Office of Water.
<b>River bed and bank protection</b>	
24	The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain a riparian corridor with a width measured horizontally landward from the Mean High Water Level of the estuary for the length of the site directly affected by the controlled activity in accordance with a plan approved by the NSW Office of Water.
25	The consent holder must establish a riparian corridor along Parramatta River in accordance with a plan approved by the NSW Office of Water.



