

## **SCHEDULE A – DEFERRED COMMENCEMENT**

Pursuant to the provisions of Section 80(3) of the Environmental Planning and Assessment Act, 1979 the development application be granted a Deferred Commencement Consent subject to the completion of the following:

1. The applicant shall submit amended plans addressing the following:

- i. Ground Floor  
Relocate the fire stairs proposed to zero-lot adjacent to the carpark entrance to provide a minimum 3m setback from the eastern boundary with a landscaped strip.
- ii. Level 1  
Relocate the fire stairs proposed to zero-lot to provide a minimum 3m setback from the eastern boundary.
- iii. Level 2  
Units 11 and 12 shall be deleted in their entirety, and Unit 13 shall be reconfigured in order to provide a minimum 9m setback from the eastern boundary. The fire stairs shall be relocated to achieve the same required side setback.
- iv. Level 3  
Units 30 and 31 shall be deleted in their entirety, and the fire stairs shall be relocated in order to provide a minimum 9m setback from the eastern boundary.
- v. Level 4  
Unit 31 shall be deleted in its entirety, and the fire stairs shall be relocated in order to provide a minimum 9m setback from the eastern boundary.
- vi. Level 5  
Units 64 and 65 shall be deleted in their entirety, and the fire stairs shall be relocated in order to provide a minimum 9m setback from the eastern boundary.
- vii. Level 6  
Units 64 and 65 shall be deleted in their entirety to provide a minimum 9m setback from the eastern boundary.

The above amendments will also require the submission of a revised BASIX Certificate, stormwater plan, landscape plan, schedule of materials and finishes, and shadow analysis for Council's review and endorsement.

The applicant must provide to the Council appropriate documentary evidence sufficient to enable it to be satisfied of the matters in the above condition within twelve (12) months or such further period as Council may determine is appropriate, upon application in writing being made to Council no later than four weeks before the Notice of Expiry date.

Upon compliance with the above requirements, a full Consent will be issued subject to the following conditions:

## SCHEDULE B

### General Matters

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

Document(s)	Dated
Public Arts Plan prepared by MAPA	March 2015
Acoustic Report No. 13889RO-1 prepared by Rodney Stevens Acoustics.	24 November 2014

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

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

2. 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.

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

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

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

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

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

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

6. 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.

7. An Artist/s is to develop site specific artworks consistent with the proposed themes and treatment areas outlined in the Arts Plan referenced in Condition 1.

8. 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.  
**Reason:** To ensure provision of adequate waste disposal arrangements
9. If no retaining walls are marked on the approved plans no approval is granted as part of this approval for the construction of any retaining wall that is greater than 600 mm in height or within 900 mm of any property boundary.  
**Reason:** To minimise impact on adjoining properties.
10. Any garbage chutes must be designed in accordance with the requirements of the Building Code of Australia and the Department of Environment and Climate Change Better Practice Guide for Waste Management in Multi-Unit Dwellings. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.  
**Reason:** To ensure waste conveyance equipment is appropriately designed and managed.
11. Separate waste processing and storage facilities are to be provided for residential and commercial tenants in mixed use developments. These facilities should be designed and located so that they cannot be accessed by the public, and are accessible by a private waste contractor for collection. A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities.  
**Reason:** To ensure waste is adequately separated and managed in mixed use developments.
12. All waste storage rooms/areas are to be fully screened from public view and are to be located clear of all landscaped areas, driveways, turning areas, truck standing areas and car parking spaces. No materials, waste matter or products are to be stored outside the building or any approved waste storage area at any time.  
**Reason:** To maintain the amenity of the area.

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

13. Prior to the issue of the Construction Certificate, a set of detailed Public Domain Construction Plans and Specifications must be submitted and approved by Council for all the works within the public domain, which consist of the following areas:

- all the frontages of the development site between the gutter and building lines along Church and Fennell Streets, which include the public footpath, recessed areas outside the building, and the garden bed at the building entry on Church Street.

The public domain construction documentation and specifications shall be prepared in accordance with the following:

- The latest Parramatta City Council Public Domain Guidelines;
- The approved public domain plans as listed above; and
- All the listed conditions in this consent.

**Reason:** To ensure the approved works being consistent and required amendments being addressed.

14. All roof water and surface water drainage should be in accordance with the following plans prepared by Engineering Studio Civil & structural consultants.

- Drawing No.C03.01 of job No. 14696 – Ground Stormwater Drainage Plan (Rev C, dated 23/06/15);
- Drawing No. C01.01 of job No. 14696 – Sediment & erosion control plan Rev. C, dated 23.06.15
- Drawing No. C02.01 of job No. 14696 – Roof Stormwater drainage plan Rev. C, dated 23.06.15
- Drawing No. C00.01 of job No. 14696 – General Notes (Revision C, dated 23/06/15)
- Drawing No.C03.02 of job No. 14696 – Longitudinal Section Sheet 1 (Rev C, dated 23/06/15);
- Drawing No.C03.03 of job No. 14696 – Longitudinal Section Sheet 2 (Rev C, dated 23/06/15);
- Drawing No. C05.01 of job No. 14696 – Basement 2 Stormwater drainage plan (Rev. C, dated 23/06/15)
- Drawing No. C04.01 of job No. 14696 – Basement 1 Stormwater drainage plan (Rev. C, dated 23/06/15).

Note: The diameter of the proposed belowground stormwater pipe within the Church street frontage shall be increased to 150mm instead of the proposed 100mm.

Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

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

15. All cleaning and washing of motor vehicles must be carried out in a designated area and must be drained to a sump and cleansed via a coalescing plate separator prior to discharge into the sewer. Documentary evidence is required from the Trade Waste Section of the Sydney Water Corporation Ltd confirming satisfactory arrangements have been made with the Corporation with respect to the disposal of dirty water into the sewerage system, prior to the issue of the Construction Certificate.

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

16. Noise attenuation measures shall be incorporated into the development to comply with the design requirements of Department of Environment and Climate Change Road and Rail Noise Intrusion Guidelines. A design report outlining the proposed noise attenuation measures prepared by a suitably qualified acoustical consultant (who is a member of either the Australian Acoustical Society, or the Association of Australian Acoustical Consultants), is to be submitted and approved by the principal certifying authority before the issue of the construction certificate. After completion of the works, prior to the issue of an occupation certificate, the developer must submit to the accredited certifier, a report from a practicing acoustic engineer (as above) verifying that the works as installed meet the above design condition.

**Reason:** To reduce noise levels.

17. The car wash bay, measuring a minimum of 3.5m x 5.5m must be provided with a water connection and drainage to sewer. All wash bay discharges are to be disposed of according to the requirements of Sydney Water which requires a trade waste agreement. Details of the design of the car wash bay are to be included on the construction certificate plans.

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

18. The footpath must be constructed in accordance with Council's standard drawing DS40, and all the proposed levels and falls must comply with the Disability Discrimination Act (DDA) requirements, including the areas near the adjoining

Sydney Water property. Details to be provided to the Certifying Authority prior to the issue of a Construction Certificate.

The footpath paving set out and details must comply with Council's standard drawings DS40 (sheet 1-3) which can be obtained from Council's Civil Design Unit. A full accessible assessment must be conducted prior to the issue of Construction Certificate to ensure the footpath fully complied with AS1428: Design for Access and Mobility, including the all the street entries and accessible platform.

19. Motorcycle spaces are to be provided on-site and used accordingly. Installation of motorcycle spaces is to comply with AS 2890.1-2004. The proposed development does not provide motorcycle parking spaces on-site.  
**Reason:** To comply with Council's parking requirements and Australian Standards.
20. A total of 60 bicycle spaces/racks are to be provided on-site and used accordingly. Installation of bicycle spaces/racks is to comply with AS 2890.3-1993. Note that the proposed development provides 42 bicycle parking spaces with a deficiency of 18 spaces.  
**Reason:** To comply with Council's parking requirements and Australian Standards.
21. A car share space is to be provided for residential development to comply with Clause 3.6.1 of DCP 2011 and these spaces is to be publicly accessible at all times, adequately lit and signposted.  
**Reason:** To comply with Council's parking requirements.
22. Parking spaces are to be provided in accordance with the approved plans referenced in condition 1 and AS 2890.1, AS2890.2, AS2890.3 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate. Note that the disabled car parking space at No. 30 and the adjacent shared area to be swapped between each other, and the disabled parking space at No. 31 to be relocated to space 22 and the adjacent turning area to be used as a shared space to comply with the AS 2890.1. Bollards to be installed at the shared spaces for disabled parking spaces to comply with Figure 2.2 and Figure 2.3 of AS 2890.6 – 2009.  
**Reason:** To comply with Council's parking requirements and Australian Standards.
23. The existing median island on the driveway is to be relocated to provide 5m wide entry and 4.2m wide exit driveways separated by a 1m concrete median island. The island is to set back from the property boundary by 1.5m (minimum).  
**Reason:** To ensure appropriate vehicular manoeuvring is provided
24. The PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.  
**Reason:** To ensure appropriate vehicular manoeuvring is provided.
25. 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 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site.

This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials.

**Reason:** To comply with Australian Standards and ensure pedestrian safety.

26. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

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

27. The proposed community facility/room indicated on the approved landscape plan shall be consistent with the community facility/room indicated on the approved floor plans for the development. Amended landscape plans shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

**Reason:** To ensure plans are consistent.

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

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

29. The internal lining of all balconies shall be render in a colour match the alucabond used for the balconies. Details to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

**Reason:** Aesthetics.

30. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing No. DS9 & DS10. Disused crossings shall be removed and constructed with kerb and gutter. Details must accompany an application for a Construction Certificate to the satisfaction of Principal Certifying Authority. A vehicular crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges, prior to any work commencing.

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

31. To avoid chemicals, grease and other pollutants from discharging from the development and causing harm to the environment, all cleaning, washing and degreasing of motor vehicles shall be carried out in an area set aside for the purpose and shall be drained to a sump and cleansed via a coalescing plate separator prior to

discharge into the sewer. The submission of documentary evidence is required from the Trade Waste Section of Sydney Water Corporation Ltd confirming that satisfactory arrangements have been made with the Corporation regarding the disposal of dirty water into the sewerage system, prior to the issue of the Construction Certificate.

32. 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".
33. 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.
34. 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 plan 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.
35. A monetary contribution recalculated in accordance with the costs of works outlined in a revised Quantity Survey Report is payable to Parramatta City Council pursuant to Section 94A of the Environmental Planning and Assessment Act, 1979 and the Parramatta Section 94A Development Contributions Plan. Payment must be by EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a Construction Certificate. At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

**Reason:** To provide for adequate infrastructure and to comply with Council policy.
36. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for 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/approval associated with the allotment, (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate is not required.

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

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/828/2014
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

Bonds shall be provided as follows:

Bond Type	Amount
Nature Strip and Roadway (2 street frontages)	\$40, 000

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.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including 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.

37. 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.

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

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

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

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

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

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



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

- (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or
- (b) In the case of work to be done by any other person; has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

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

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

41. 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.

42. Parking spaces are to be provided in accordance with the approved plans referenced in condition 1, to comply with AS 2890.1 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.

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

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

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

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

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

45. Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose prepared by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements, shall be submitted with the Construction Certificate. A copy of this documentation must be provided to the Council for record purposes. Any recommendations made by the qualified practising structural engineer shall be complied with.  
**Reason:** To ensure the protection of existing public infrastructure and adjoining properties.
46. Where work is likely to disturb or impact upon a utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.  
**Reason:** To ensure no unauthorised work to public utility installations and to minimise costs to Council.
47. Prior to the issue of a construction certificate a further report including accompanying plans shall be submitted to the satisfaction of the Principal Certifying Authority that provides details of the private contractor that will be engaged to collect domestic waste from the site. This report is to stipulate that any waste collection is to be undertaken within the development. No Kerb side collection of garbage bins is approved. If Council is not the principal certifying authority a copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc, will be re-cycled. Waste collection from the site shall occur in accordance with the details contained within this report.  
**Reason:** To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.
48. Separate waste bins are to be provided on site for recyclable waste.  
**Reason:** To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.
49. Provision is to be made for cigarette butt receptacles on the site to minimise littering. Cigarette butt receptacles must be provided during building works on any site and permanently provided to the commercial component of the development after construction. Details of the size and the location of the receptacle are to be provided to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.  
**Reason:** To ensure that adequate provision is made for the disposal of cigarette butts to prevent littering of the public domain.
50. 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.

51. Prior to the issue of the Construction Certificate, the applicant is to provide evidence that appropriate provision is required and has been made to accommodate broadband access to the development. The applicant is to liaise with Telstra or another telecommunications provider to determine and make provision for any relevant infrastructure at no cost to Council.  
**Reason:** To ensure that appropriate provision has been made to accommodate broadband access to the development.
52. On completion of each artwork design stage, the Applicant will be required to submit all additional documentation to Council that details the realisation of the Arts Plan through final design concepts, site plan for artworks, construction documentation and project management **prior to its implementation.**
53. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany an application for a Construction Certificate and be to the satisfaction of the Principal Certifying Authority (PCA). A copy of these details must be forwarded to Council prior to any work being commenced.
54. Detailed drawings of the proposed works within public domain area should be submitted to the approval of the Council's City Assets unit, prior to the issue of the Construction Certificate.  
**Reason:** To ensure works comply with Council's public domain guidelines and to ensure the public safety.

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

55. 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.
56. 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.
57. 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.

58. 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.

59. All works associated with the construction and/or extension of a driveway crossover/layback within Council owned land requires an application to be lodged and approved by 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).

The application for a driveway crossing requires the completion of the relevant application form and accompanied by plans, grades/levels and specifications. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

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.

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

Authority details of the date and manner by which the adjoining owner(s) were advised.

**Reason:** To control excavation procedures.

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

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

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

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

62. Council property adjoining the construction site must be fully supported at all times during all excavation and construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified structural engineer or geotechnical engineer, must be submitted to and approved by the Principal certifying Authority (PCA), before the commencement of the works. A copy of these details must be forwarded to Council. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.

**Reason:** To protect Council's infrastructure.

63. 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.

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

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

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

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

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

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

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

67. An updated Waste Management Plan is to be submitted immediately after the letting of all contracts detailing the:

- (a) expected volumes and types of waste to be generated during the demolition and construction stages of the development;
- (b) destination of each type of waste, including the name, address and contact number for each receiving facility.

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

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

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

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

69. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:  
The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBO 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 88492114 or Fax: 88492766.

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

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

- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,

- Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- The locations of proposed Work Zones in the egress frontage roadways,
- Location of any proposed crane standing areas,
- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- 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.
- A detailed description of locations that will be used for layover for trucks waiting to access the construction site.

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.

Traffic Control Plan(s) for the site:

- 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.

Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.

Where applicable, the plan must address the following:

- Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
- 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.
- Minimising construction related traffic movements during school peak periods,

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

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

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

71. Prior to 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.

72. 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.

73. Prior to any excavation and or stump grinding 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.



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

- (a) On-street mobile plant:  
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.
- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.
- (d) Kerbside restrictions, construction zones:  
The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a construction zone, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

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

75. 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.

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

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

### **During Construction**

77. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

**Reason:** To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.

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

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

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

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

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

80. A range of inspections will be carried out by Council staff during the construction phase. The applicant must contact Council's Inspection Officer (or Public Domain Officer) for each inspection listed below. At least 48 hour notice must be given for all inspections.

The required inspections include the followings:

- Commencement of public domain works including tree protection measures installed and set out of tree pits;
- Excavated tree pits with required root barrier (or soil cells) and sub-drainage installed as specified. Procured soil media specifications and docket receipts to be signed at this inspection;
- Installation of the required underground conduit and completion of subgrade preparation for pavements and prior to commencement of concrete slab installation;
- Trees delivered to site and prior to planting. Trees are to be installed within 24 hours of delivery;
- Completion of concrete slabs and set out/location of furniture installation; and
- Completion of unit paving, and furniture installation. Manufacturer's warranty and maintenance information for all proprietary products shall be provided to Council's Inspection Officer;
- Removal of the tree protection fencing on Church Street and commencement of removing the existing paver by hand within the tree protection zones; and
- Completion of set out of tree pits for the existing street trees and planting on Church Street.

**Reason:** To ensure the quality of public domain works complying with Council standards and requirements.

81. The plumber is to certify the existing stormwater drainage lines are in working order and capable of carrying the additional stormwater from the proposed development as outlined in AS 3500.3 – Stormwater Drainage - 2003.

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

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

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

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

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

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

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

86. 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.

87. 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.

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

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

Such circumstances where extended hours may be permitted include:

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

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

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

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

90. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.  
**Reason:** To ensure the development is being built as per the approved plans.
91. Any damage to Council assets that impact on public safety during construction is to be rectified immediately to the satisfaction of Council at the cost of the developer.  
**Reason:** To protect public safety.
92. All plants which have been declared, pursuant to Sections 7 and 8 of the Noxious Weeds Act 1993, to be Noxious Weeds within the area of Parramatta City Council shall be removed on site and replaced with appropriate indigenous or native species.  
**Reason:** To ensure the compliance with the Noxious Weed Act 1993.
93. Footpath or road construction and/or restoration during construction of the development shall require a Road Occupancy Permit from Council. The applicant shall submit an application for a Road Occupancy Permit through Council's Traffic & Transport Services and a Road Opening Permit through Council's Restoration Engineer, prior to carrying out the construction/restoration works.  
**Reason:** To provide appropriate vehicular and pedestrian amenity.
94. 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 be site works commence.
95. 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.

96. To minimise glare nuisance, the reflectivity index of the glass is not to be more than 20%.

**Reason:** To maintain neighbouring amenity.

97. Roofing materials must be of low glare and reflectivity.

**Reason:** To maintain neighbouring amenity.

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

**Reason:** To ensure proper management of Council assets.

99. Stormwater drainage from the proposed development site should be connected to the existing site drainage system which has been connected to an existing Kerb Inlet Pit within the property frontage of Fennell Street.

The installation of new drainage components must be completed by a licensed contractor in Accordance with AS3500.3 (2003) - Stormwater Drainage and the Building Code of Australia (National Construction Code).

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

100. Car wash bay spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the owners corporation.

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

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

101. Noise attenuation measures shall be incorporated into the development to comply with the design requirements of Department of Environment, Climate Change and Water's Road and Rail Noise Intrusion Guidelines. A design report outlining the proposed noise attenuation measures prepared by a suitably qualified acoustical consultant (who is a member of either the Australian Acoustical Society, or the Association of Australian Acoustical Consultants), is to be submitted and approved by the principal certifying authority before the issue of the construction certificate. After completion of the works, prior to the issue of an occupation certificate, the

developer must submit to the accredited certifier, a report from a practicing acoustic engineer (as above) verifying that the works as installed meet the above design condition.

**Reason:** To reduce noise levels.

102. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Church Street.
103. All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

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

104. The approved public artworks referred to in Condition 1 are to be installed to the satisfaction of Council prior to the issue of the Occupation Certificate and all documentation is required to be submitted to Council including a maintenance schedule.
105. Signage by the Artist and to the satisfaction of Council shall be installed with the artwork.
106. The artworks are to be completed in full in line with the documentation submitted and the artworks are installed to the satisfaction of Council prior to the issue of the Occupation Certificate.
107. The details of caretaker and person in charge of maintaining the waste storage area must be provided to Council.  
**Reason:** To maintain amenity.
108. Prior to any issue of the Occupation Certificate (including interim Occupation Certificate), the public domain construction works must be completed to Council's satisfaction and a final approval shall be obtained from Council

Council will issue the final approval for the finished public domain works that complied with the approved public domain documentations and Council's satisfaction. A final inspection will be conducted by Council staff after all the works are completed and the defects identified during inspections are rectified. The Certificate of Completion shall not be issued until Council's final approved is obtained.

The Work-as-Executed Plans shall be prepared and submitted to Council showing the final-approved public domain works after the final approval, and prior to any issue of the Occupation Certificate.

A 26 weeks maintenance period is required to be carried out by the applicant for all the works constructed in the public domain. A Landscape maintenance schedule shall be prepared by a qualified Landscape Architect to Council that specifies that at 26 weeks after Council's final approval how and who to maintain the public domain works.

**Reason:** To ensure the quality of public domain works is to Council's satisfactory.

109. The proposed cross sections in drawing no: C03.04 & C03.05 shall be reviewed to ensure the falls comply with Council's design standards (DS40). The cross falls at the desired public path of travel should not exceed 2.5%.
- Reason:** To comply with Council's design standards.
110. The standard 'City Centre Paving' shall be applied to the entire public domain areas in Church and Fennel Streets to the full length of the development site. This includes the entire street frontage between the kerb and building lines, ramps and stairs to the building entries. The footpath paving set out and details should comply with Council's design standard (DS40, sheet 1-3).
- Reason:** To comply with the Public Domain Guidelines.
111. A conduit for Council's multi-media facilities is required to be installed to the full length of the street frontages on Church Street. The conduit must be positioned and installed in accordance with Council's standards drawing and specifications that can be obtained from Council's Community Crime Prevention Officer.
- Reason:** To facilitate Council's CCTV network.
112. The existing Kerb ramp on Fennell Street shall be reconstructed to comply with Council's design standards (DS4) that ensures the kerb ramp layout is to be aligned with the desired direction of pedestrian travel.
113. Two new kerb ramps shall be constructed to cross Church St, on both sides of the street, near the corner of Fennell Street. The new kerb ramps shall align with the existing refuge island in Church Street.
114. TGSIs must be used on the public footpath to comply with the AS 1428.1 and the requirements in the Public Domain Guidelines. Apart from the proposed locations in the approved alignment plan, TGSIs must be installed in the following locations:
- Before the driveway crossing on Fennell Street in both directions.
- Reason:** To improve accessibility in public domain and comply with AS 1428.1.
115. The proposed kerb ramp adjacent to the existing vehicle crossing on Fennell Street shall be removed. The falls and levels on the footpath adjacent to the crossing shall be designed and constructed to provide smooth transitions and comply with Council's design standard for CBD vehicle crossing (DS40-sheet 3).
- Reason:** To improve accessibility in public domain and comply with AS 1428.1
116. A set of three (3) bike rack is required to be provided and installed in the public domain on Church Street. The details of the bike rack are as follow:
- Manufacturer: Rowen Wagner
  - Product: Geo Rack
  - Location: on Church Street, between the 1st and 2nd street trees at the corner of Fennell Street. The bike rack is to align with the centres of tree pits.
  - Installation: Chemset bolts for bike rack to binding layer with 2 X M16 bolts with sheer nuts. Bolts to be minimum 100mm embedded into blinding layer.
117. The existing bin adjacent to the existing bus stop shall be relocated to accommodate the new tree pits on Church Street.
- Reason:** To improve public domain amenity.
118. The six (6) existing *Flindersia Australis* (Australian Teak) growing along Church Street outside the development site must be retained and protected during the construction phase. Prior to the commencement of construction in public domain,

tree protection zones (TPZs) of 1.5 (deep) X 3m (long) must be established around each tree with protection fencing complying with AS 4970-2009 Protection of trees in development sites. The TPZs and fencing details shall be shown in the public domain construction documents.

119. A qualified arborist shall be engaged by the applicant to provide site supervision during excavation near street trees on Church Street. No roots greater than 15mm diameter shall be damaged or cut without Council's permit. An Arboricultural Compliance Report is required to be prepared by the arborist and submitted to Council prior to the final approval of the public domain works.

The tree protection fencings around existing trees on Church Street shall not be removed until all the machinery has been removed from the site and all the pavement works have done in the rest of the public domain area.

Existing paving materials and binding materials shall be removed by hand in the tree protection zones under the supervision of the arborist. The tree pits at the size of 1.5 X 3m shall be set out for each street tree with understorey planting with selected native groundcover/grass species. Planting detail need to be shown in the public domain construction documentation.

The tree pits shall align with the kerb and avoid any encroachment to the existing bus stop and service pits on the footpath.

Two (2) new street trees shall be provided on Church Street near the northern boundary of the site. The detail of the tree pits shall be consistent with the others in front of the site.

**Reason:** To ensure street trees are being planted in appropriate location and existing street trees are protected.

120. Four (4) new street trees shall be planted on Fennell Street in accordance with CBD standard tree planting detail (DS 39). The tree pit shall be at size of 1.2 X 1.8m with "FiltaPave<sup>TM</sup>" finish.

The street tree must be planted in accordance with Council's design standard (DS 39) with adequate clearances to other street elements in accordance with the Public Domain Guidelines.

**Reason:** To ensure street trees being planted in appropriate locations

121. The following required street tree species, quantities and supply stocks are to be provided:

Street Name	Botanical Name	Common name	Pot Size	Qty
Church Street	<i>Flindersia Australis</i>	Australian Teak	400L	2
Fennel Street	<i>Fraxinus 'Raywoodii'</i>	Claret Ash	400L	4

The tree supply stock shall comply with the guidance given in publication Specifying Trees: a guide to assessment of tree quality by Ross Clark (NATSPEC, 2003). The requirements for height, calliper and branch clearance for street trees are as below table:

Container Size	Height (above container)	Caliper (at 300mm)	Clear Trunk Height
400 litre	6.0 metres	80mm	2.8 metres

**Reason:** To ensure high quality of street trees



122. The public domain construction documentation shall include the details of the proposed raised garden bed at the main entry on Church Street. The details need to indicate the dimensions, heights and the finishes of the wall and seating bench.

All the plants in the planting bed shall be no less than 200mm pot size. The planting bed shall have no less than 600mm deep soil level with free draining soil mixes, in accordance with AS 4419:1998 – Soils for landscaping and garden use, and incorporated with drainage layers and pipes connecting to stormwater or drain. An automatic irrigation system shall be set up for the planting bed. The public domain construction documentation must include the full performance specifications for the installation and operation.

123. The proposed plant species used in the roof communal space on Level 1 need to be reviewed to ensure the selected species are hardy to the exposed environment. The rainforest species, such as *Elaeocarpus reticulatus*, *Cerapetalum gummifera*, *Backhousia myrtifolia*, shall be replaced with species hardy to shallow soil depth, exposed and windy conditions.

**Reason:** To avoid adverse impacts of the development to the public domain and ensure high quality of communal open spaces.

124. Works as executed plans for the works carried out within the public domain area should be submitted to the Council for record keeping purposes.

**Reason:** To ensure works are carried out in accordance with the development approval.

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

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

126. Four (4) convex mirrors are to be installed within the basement ramps near the northern property boundary with its height and location adjusted to allow an existing driver a full view of the driveway in order to see if another vehicle is coming through.

**Reason:** To ensure safety of drivers

127. Prior to the issue of the occupation certificate, a convex mirror is to be installed at the top of the ramp with its height and location adjusted to allow vehicles on the ramp to have a clear view of the lift at all times.

**Reason:** To ensure safety of drivers.

128. A street number is to be placed on the site in a readily visible location, (numbers having a height of not less than 75mm) prior to occupation of the building.

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

129. 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. 59452M will be complied with prior to occupation.

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

130. 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.

131. A written application to Council's Civil Assets Team for the release of a bond must quote the following:
- (a) Council's Development Application number; and
  - (b) Site address.

The bond is refundable only where Council is satisfied the public way has been adequately reinstated, and any necessary remediation/rectification works have been completed.

An Occupation Certificate is not to be issued until correspondence has been issued by Council detailing the bond has been released.

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

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

132. 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.

133. 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 and Sub floor areas all have been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that:

134. All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, foot-paving or grassed verge as appropriate in accordance with Council's Standard Plan DS1. All costs shall be borne by the applicant, and works shall be completed to the satisfaction of Council. Proof of completion of the work shall be submitted to Council prior to the issue of an Occupation Certificate.

**Reason:** To provide satisfactory drainage.

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

**Reason:** To ensure pedestrian safety.

136. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.

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

137. The development must incorporate separate waste/recycling storage rooms/areas for the residential and non-residential components. Commercial tenants must be prevented (via signage and other means), from using the residential waste/recycling bins and vice versa.

**Reason:** To maintain acceptable waste storage provision.

138. Prior to the issue of any Occupation Certificate, the developer is to provide evidence that satisfactory arrangements with a telecommunications provider have been made and implemented where required 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.

139. 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/damage report with the pre-construction dilapidation/ damage report, and
- (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (c) carry out site inspection to verify the report and ensure that any damage to the public infrastructure as a result of the construction work have been rectified immediately by the developer at his/her cost.

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

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

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

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the Occupation Certificate being issued.

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

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

141. 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.
142. Any External Plant/ air-conditioning system shall not exceed a noise level of 5 dBA above background noise level when measured at the side and rear boundaries of the property.  
**Reason:** To minimise noise impact of mechanical equipment.
143. The use of the premises not giving rise to:
- (a) transmission of unacceptable vibration to any place of different occupancy,
  - (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Environmental Noise Control Manual, Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.
- Reason:** To prevent loss of amenity to the area.
144. A single master TV antenna must be installed to service the development and provision made for connection to each dwelling unit within the development. A statement or annotations on the plan must be submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate. The antenna is not to protrude beyond 3 m above the roof level.  
**Reason:** To protect the visual amenity of the area.
145. A waste storage room is to be provided on the premises and shall be constructed to comply with all the relevant provisions of Council's Development Control Plan (DCP) 2011 including:
- a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
  - b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
  - c) The walls being cement rendered to a smooth, even surface and coved at all intersections;
  - d) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet.
- Reason:** To ensure provision of adequate waste storage arrangements
146. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.  
**Reason:** To ensure provision of adequate waste disposal arrangements.
147. All waste storage areas are to be maintained in a clean and tidy condition at all times.  
**Reason:** To ensure the ongoing management of waste storage areas.

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

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

149. Prior to the issue of an occupational certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Parramatta City Council, stating that all works/methods/procedures/control measures approved by Council in the following report has been completed:

Acoustic Report No. 13889RO-1, dated 24 November 2014, prepared by Rodney Stevens Acoustics.

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

### **Advisory Notes**

**The following points are issued as advice to the applicant. They do not form conditions of the Notice of Determination.**

The subject site is within an identified viewline of a World Heritage listed property. In order to ensure compliance with the requirements of the Environment Protection and Biodiversity Conservation Act 1999 (Cth), the proposed development should be referred to the Australian Department of Sustainability, Environment, Water, Population for comment and/or approval before any works commence on the site. It is further noted that the onus for this referral is on the person who will be carrying out the works.