

The original consent notice has been updated to incorporate the amendments recommended for approval under this modification. Proposed amended, delated or new conditions are in **bold**. Note: the numbering of conditions has been adjusted to accommodate the incorporation of the modification conditions. Accordingly, the conditions of consent proposed to apply to this development are:

## GENERAL MATTERS

### Approved Development

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

| Drawing No.  | Revision  | Title   | Prepared By                     | Date              |
|--------------|-----------|---|---------------------------------|-------------------|
| 1 of 2       | B         | Contours and Spot Levels                            | R.J Hansen                      | 12.03.2012        |
| 2 of 2       | B         | Contours and Spot Levels                            | R.J Hansen                      | 23.04.2012        |
| A01          | C         | Title Sheet   | Krikis Taylor Architects        | 20.12.2013        |
| A02          | C         | Location Plan and Site Analysis Plan                | Krikis Taylor Architects        | 20.12.2013        |
| <b>A1009</b> | <b>3</b>  | <b>Basement Level 5 Plan (Residential Car Park)</b> | <b>Krikis Taylor Architects</b> | <b>18.06.2015</b> |
| <b>A1010</b> | <b>3</b>  | <b>Basement Level 4 Plan (Residential Car Park)</b> | <b>Krikis Taylor Architects</b> | <b>18.06.2015</b> |
| <b>A1011</b> | <b>6</b>  | <b>Basement Level 3 Plan (Residential Car Park)</b> | <b>Krikis Taylor Architects</b> | <b>18.06.2015</b> |
| <b>A1012</b> | <b>6</b>  | <b>Basement Level 2 Plan (Residential Car Park)</b> | <b>Krikis Taylor Architects</b> | <b>18.06.2015</b> |
| <b>A1013</b> | <b>8</b>  | <b>Basement Level 1 Plan (Residential Car Park)</b> | <b>Krikis Taylor Architects</b> | <b>18.06.2015</b> |
| A13          | C         | Council Carpark Level 1 Lower Floor Plan            | Krikis Taylor Architects        | 20.12.2013        |
| <b>A2001</b> | <b>15</b> | <b>Upper Level 1 Floor Plan (Council Car Park)</b>  | <b>Krikis Taylor Architects</b> | <b>07.12.2015</b> |
| A15          | C         | Council Carpark Level 2 Floor Plan                  | Krikis Taylor Architects        | 20.12.2013        |
| A16          | C         | Council Carpark Level 3 Floor Plan                  | Krikis Taylor Architects        | 20.12.2013        |
| A17          | C         | Council Carpark Level 4 Floor Plan                  | Krikis Taylor Architects        | 20.12.2013        |
| A18          | C         | Council Carpark Level                               | Krikis Taylor                   | 20.12.2013        |

|            |   |                                       |                                       |            |
|------------|---|---------------------------------------|---------------------------------------|------------|
|            |   | 5 Floor Plan                          | Architects                            |            |
| A19        | C | Council Carpark Level<br>6 Floor Plan | Krikis Taylor<br>Architects           | 20.12.2013 |
| A20        | C | Level 7 Floor Plan<br>(Podium)        | Krikis Taylor<br>Architects           | 20.12.2013 |
| A21        | C | Level 8 Floor Plan                    | Krikis Taylor<br>Architects           | 20.12.2013 |
| A22        | C | Typical Floor Plan<br>Levels 9-16     | Krikis Taylor<br>Architects           | 20.12.2013 |
| A23        | C | Level 17 Floor Plan                   | Krikis Taylor<br>Architects           | 20.12.2013 |
| A24        | C | Level 18 Floor Plan                   | Krikis Taylor<br>Architects           | 20.12.2013 |
| A25        | C | Typical Floor Plan<br>Levels 19-30    | Krikis Taylor<br>Architects           | 20.12.2013 |
| A26        | C | Level 31 Floor Plan<br>(Plant Rooms)  | Krikis Taylor<br>Architects           | 20.12.2013 |
| A27        | C | Roof Plan                             | Krikis Taylor<br>Architects           | 20.12.2013 |
| A30        | C | South Elevation –<br>Hassall Street   | Krikis Taylor<br>Architects           | 20.12.2013 |
| A31        | C | North Elevation –<br>Hassall Street   | Krikis Taylor<br>Architects           | 20.12.2013 |
| A32        | C | West Elevation                        | Krikis Taylor<br>Architects           | 20.12.2013 |
| A33        | C | East Elevation                        | Krikis Taylor<br>Architects           | 20.12.2013 |
| A34        | C | South Tower North<br>Elevation        | Krikis Taylor<br>Architects           | 20.12.2013 |
| A35        | C | North Tower South<br>Elevation        | Krikis Taylor<br>Architects           | 20.12.2013 |
| A36        | C | Section A-A                           | Krikis Taylor<br>Architects           | 20.12.2013 |
| A40        | C | Shadow Diagrams –<br>Equinox          | Krikis Taylor<br>Architects           | 20.12.2013 |
| A41        | C | Shadow Diagrams –<br>Winter Solstice  | Krikis Taylor<br>Architects           | 20.12.2013 |
| A42        | C | Shadow Diagrams –<br>Summer Solstice  | Krikis Taylor<br>Architects           | 20.12.2013 |
| A50        | C | Material Finishes                     | Krikis Taylor<br>Architects           | 20.12.2013 |
| 211.13/500 | - | Street Level<br>Landscape Plan        | iScape Landscape<br>Architecture      | Dec 2013   |
| 211.13/502 | - | Podium Level<br>Landscape Plan        | iScape Landscape<br>Architecture      | Dec 2013   |
| 211.13/503 | - | Planters Plan                         | iScape Landscape<br>Architecture      | Dec 2013   |
| C01        | A | Alignment Plan                        | Australian<br>Consulting<br>Engineers | Dec 2013   |
| C02        | A | Longitudinal Section                  | Australian                            | Dec 2013   |

|              |          |   |  |                   |
|--------------|----------|---|--|-------------------|
|              |          | Top of Kerb Alignment Hassall Street                        | Consulting Engineers                   |                   |
| C03          | A        | Longitudinal Section Top of Kerb Alignment Macquarie Street | Australian Consulting Engineers        | Dec 2013          |
| C04          | A        | Cross Section Hassall Street                                | Australian Consulting Engineers        | Dec 2013          |
| C05          | A        | Cross Section Macquarie Street                              | Australian Consulting Engineers        | Dec 2013          |
| <b>D00.4</b> | <b>A</b> | <b>Basement 5 Stormwater Drainage Plan</b>                  | <b>Australian Consulting Engineers</b> | <b>22.06.2015</b> |
| <b>D00.5</b> | <b>A</b> | <b>Basement 4 Stormwater Drainage Plan</b>                  | <b>Australian Consulting Engineers</b> | <b>22.06.2015</b> |
| <b>D01</b>   | <b>F</b> | <b>Basement 3 Stormwater Drainage Plan</b>                  | <b>Australian Consulting Engineers</b> | <b>22.06.2015</b> |
| <b>D02</b>   | <b>C</b> | <b>Basement Stormwater Drainage Details</b>                 | <b>Australian Consulting Engineers</b> | <b>22.06.2015</b> |
| <b>D03</b>   | <b>F</b> | <b>Basement 2 Stormwater Drainage Plan</b>                  | <b>Australian Consulting Engineers</b> | <b>22.06.2015</b> |
| <b>D04</b>   | <b>F</b> | <b>Basement 1 Stormwater Drainage Plan</b>                  | <b>Australian Consulting Engineers</b> | <b>22.06.2015</b> |
| D05          | C        | Lower Level 1 Stormwater Plan                               | Australian Consulting Engineers        | Jan 2013          |
| D06          | D        | Upper Level 1 Stormwater Plan                               | Australian Consulting Engineers        | Jan 2013          |
| D07          | E        | Level 2 Stormwater Plan                                     | Australian Consulting Engineers        | Jan 2013          |
| D08          | D        | Level 3 Stormwater Plan                                     | Australian Consulting Engineers        | Jan 2013          |
| D09          | D        | Level 4 Stormwater Plan                                     | Australian Consulting Engineers        | Jan 2013          |
| D10          | D        | Level 5 Stormwater Plan                                     | Australian Consulting Engineers        | Jan 2013          |
| D11          | E        | Level 6 Stormwater Plan                                     | Australian Consulting Engineers        | Jan 2013          |
| D12          | E        | On Site Detention   | Australian                             | Jan 2013          |

|     |   |   |                                 |          |
|-----|---|---|---------------------------------|----------|
|     |   | System and Stormwater Drainage Detail 1 | Consulting Engineers            |          |
| D13 | D | Stormwater Drainage Detail 2            | Australian Consulting Engineers | Jan 2013 |
| D14 | B | Erosion and Sediment Control Plan       | Australian Consulting Engineers | Jan 2013 |
| D15 | B | Erosion and Sediment Control Details    | Australian Consulting Engineers | Jan 2013 |

| Document Title   | Prepared By                           | Date              |
|--|---------------------------------------|-------------------|
| Pedestrian Wind Environment Statement  | Windtech                              | 12.12.2013        |
| Access Report  | Accessibility Solutions               | 19.12.2013        |
| BASIX Certificate  | SLR Consulting                        | 17.12.2013        |
| BCA Capability Report  | Vic Lilli                             | 17.12.2013        |
| Acoustic Report No. (5028-1.1R Rev C)  | Day Design Pty Ltd                    | 31.03.2015        |
| <b>Flood Study – Review B</b>  | <b>KF Williams and Associates</b>     | <b>13.05.2014</b> |
| <b>Assessment of DA &amp; KFW Flood Study B</b>  | <b>Cardno</b>                         | <b>29.05.2014</b> |
| <b>Geotechnical Assessment of Proposed Additional Basements</b>  | <b>Asset Geotechnical Engineering</b> | <b>24.05.2015</b> |
| <b>General Terms of Approval issued by NSW Department of Primary Industries – Water (DPI Water) (10ERM2014/0044)</b> | <b>DPI Water</b>                      | <b>20.08.2015</b> |

**Note:** In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan, 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.

**(Condition Modified by DA/852/2013/A on xxx)**

- The applicant is to provide the identified monetary contributions and carry out the Public Domain works in accordance with the Planning Agreement between JKN Para Pty Ltd, Toplace Pty Ltd, Jean Nassif, and Parramatta City Council, dated April 2015. Nothing in this consent derogates from the rights and obligations conferred by the Planning Agreement.

**Reason:** To ensure performance of obligations under a Planning Agreement.

- Post Competition Process- Design Integrity

(a) In order to ensure the design quality excellence of the development is retained:

- (i) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
  - (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project.
  - (iii) Evidence of the design architect's commission is to be provided to the Council prior to the release of the Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council.

**Reason:** To ensure the design quality excellence of the development is retained.

4. The finishes and materials of the building as approved in Condition 1 of this consent are to be incorporated within the Construction Certificate Plans.

**Reason:** To ensure the quality of the design finishes is maintained.

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

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

6. A CPTED (Crime Prevention Through Environmental Design) analysis is to be provided with any future Development Application for the fit out and use of each retail space.

7. Strata or stratum subdivision requires development consent and therefore the lodgement of a separate development application and subsequent approval from Council or an accredited certifier, of the Strata Plan or Stratum Plan under section 37 of the *Strata Schemes (Freehold Development) Act 1973* is required.

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

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

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

9. Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.

**Reason:** To protect public safety.

10. The approved loading dock will only be used between the hours of 7am and 10pm Monday to Friday and 8am to 5pm Saturday. It will not be used on weekends and public holidays.

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

#### **PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE**

11. The applicant is to investigate the feasibility of a flood trigger alarm (located on the Hassall Street frontage) for evacuation of vehicles from the residential basement for flood events approaching the 1% AEP flood event peak. Consideration must be given to the likely flood characteristics and hydrograph, the available response time, and whether the basement vehicle evacuation could be carried out with an adequate safety margin. If a flood evacuation trigger is set it should be calibrated to avoid premature flood evacuation for events which will not cause the flooding of Macquarie Street, but will still allow adequate time for evacuation during larger flood events (if possible). The applicant is to employ a suitably qualified engineer to carry out the investigation. If a flood trigger alarm is recommended the details are to be incorporated into the design specification of the building prior to issue of the Construction Certificate for the building.

**11A The Construction Certificate will not be issued over any part of the site requiring an authorisation for an aquifer interference activity (construction dewatering) until a copy of the authorisation has been provided to the Principal Certifying Authority (PCA) and Council. The applicant must apply NSW Department of Primary Industries – Water (DPI Water) for an authorisation before the commencement of any work or activity that requires the extraction of groundwater.**

**Reason:** As per the requirements of DPI Water.

***(Condition Added by DA/852/2013/A on xxx)***

**11B Prior to the issue of the Construction Certificate, the Applicant is required to submit appropriate plans and documentation for Council approval demonstrating that the basement car park is to be flood proofed by continuous bunding and driveway crests(s) to the minimum flood planning level of 8.6 m Australian Height Datum on the Hassall Street frontage and 6.9m AHD on the Macquarie Street frontage and that the minimum habitable floor level of the development is to be 8.6m AHD except on the ground floor immediately adjacent to the Macquarie Street entrance where it is required to be 6.9m AHD.**

***(Condition Added by DA/852/2013/A on xxx)***

**11C The Applicant shall submit to Council a Flood Emergency and Evacuation Plan for both construction phase and permanent occupation of the development which shall be prepared by an appropriately qualified person in consultation with Council and submitted for the approval of Council's Manager City Significant Projects prior to release of the first Construction Certificate. This shall include assessment of the limited warning times, the appropriateness or not of taking refuge on higher levels within the building or**

by external escape and the special safety needs associated with the basement car park.

*(Condition Added by DA/852/2013/A on xxx)*

- 11D During construction of the basement, the full site must be flood-proofed to prevent ingress of floodwaters by provision of continuous perimeter bunding to a level of 8.6 m Australian Height Datum on the Hassall Street frontage and 6.9m AHD on the Macquarie Street frontage, including crests on temporary accessways and stormwater lines. Construction of the bunding and accessway crests is to be sufficiently durable so as to withstand the forces of floodwaters and construction activity. Details are to be submitted for the approval of the Principal Certifying Authority prior to release of the Construction Certificate.

*(Condition Added by DA/852/2013/A on xxx)*

- 11E Provide structural details and certification by a qualified structural engineer of the flood plenum (if pursued) and certification that these can support all loads and stresses including when full of water. Alternatively, demonstrate to Council's reasonable satisfaction that the flood storage plenum does not achieve a significant benefit in regard to neighbourhood flooding and may be deleted or modified.

Reason: Appropriate infrastructure is provided.

*(Condition Added by DA/852/2013/A on xxx)*

- 11F Throughout site disturbance and construction phase the Applicant shall adequately manage stormwater, groundwater and floodwater runoff to prevent transport off site of pollution, including sediments, colloidal soil particles, oil and grease and other contaminants.

The Applicant is also directed to the need to comply with the requirements of the *Protection of the Environment Operations Act 1997* and any EPA licence requirements. In addition to any EPA licence requirements, Council requires the following discharge water quality standards be achieved at all times throughout the construction phase of the development:

- pH 6.5-8.5;
- Total Suspended Solids (TSS) 50 mg/l;
- Oil and Grease 'Not visible'.

Prior to release of the Construction Certificate the Applicant must provide to the Principal Certifying Authority for approval, full details of the construction phase stormwater and groundwater collection and discharge pollution control and quality management system, including full plant and equipment details, an operational and monitoring plan and evidence of ability to achieve the required performance. The Applicant is to propose a stormwater and groundwater collection and treatment system and submit this for the approval of the manager City Significant Development Prior to release of the

**Construction Certificate.** This is required to include construction of a holding pond at the base of the excavation, then pumping of this water from the pond via a rising main to a 'WETSEP 60' type treatment plant (or approved equivalent) to treat all waste stormwater and groundwater prior to discharge. The Applicant shall provide and operate this, or any other appropriate system approved by Council or the Principal Certifying Authority, to achieve Council's requirement for effective discharge water quality management from this site throughout the construction phase.

**Reason:** To prevent pollution and environmental harm.

*(Condition Added by DA/852/2013/A on xxx)*

**11G** In addition to the required driveway crests and continuous bunding to provide flood exclusion up to the flood planning level/s, an additional level of flood protection is required by installation of floodgates to protect the basement car park and other parts of the building from incursion by floodwaters up to the level of RL 9.5m AHD (the predicted PMF level). These floodgates must be located at or near the driveway crests, and if necessary any other parts of the bund, and must be located so as to prevent passage of flood waters up to the level specified. The design and specifications of the flood gates must be submitted to and approved by the Director Strategic Outcomes and Development prior to release of the Construction Certificate. The flood gates must be self-powered in that they do not rely on external sources such as electricity, batteries or mains water pressure. Flotation forces are acceptable. The flood gates must not be dependent on operation by humans or electro-mechanical triggering, self-triggering by rising floodwaters is acceptable. The design life must be equivalent to that of the building.

12. A final landscape plan shall be submitted to and approved in writing by the Council's team leader technical Specialists prior to the release of a Construction Certificate. The plan shall provide for proposed densely foliating trees to be planted in an advanced state and capable of growing to a height of at least 4m with a 3m wide canopy, in order to reduce potential wind impacts on public and common areas of the development. The tree should be an evergreen species to ensure their effectiveness in wind mitigation throughout the year. These areas include:

- Hassall Street Frontage
  - Western boundary / Pedestrian through-site link
  - Level 7 Common Open Space
- Street Tree Planting & Tree Pit

Consistent tree pit size of 1.8X1.2 metres should be used thorough the public domain areas around the site for the street tree planting. The street tree must be planted in accordance with Council's design standard (no: DS 39).

Clearances are required to be provided from the centre of tree trunk to the following street elements:

- Road intersection – 12 metres from intersection kerb line;
- Pedestrian crossing – 5 metres from pedestrian crossing;



- Driveway – 2 metres from driveways;
- Street light pole – 5 metres from centre of light pole;
- Underground service pit – 2 metres from edge of pit.

The required street tree species, quantities and supply stocks are:

| Street Name      | Botanical Name              | Common name     | Pot Size | Qty | Ave. Spacing |
|------------------|-----------------------------|-----------------|----------|-----|--------------|
| Hassall Street   | <i>Flindersia Australis</i> | Australian Teak | 100L     | 3   | 7m           |
| Macquarie Street | <i>Flindersia Australis</i> | Australian Teak | 100L     | 5   | 7m           |

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 |
|----------------|--------------------------|--------------------|--------------------|
| 100 litre      | 2.4 metres               | 50mm               | 1.5 metres         |

#### Planter Bed on Hassall Street

The first planter bed near the car park entry at Hassall Street must be shortened by approximately 2 metres at the western end to allow for smooth pedestrian movement.

13. Kerb ramps must be designed and located in accordance with Council's design standards (drawing no: DS4). The width of kerb ramps shown in the alignment plans should be 1.5m wide and TGSIs should extend across the full width of the ramps.
14. Prior to commencement of any construction works associated with the approved development it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.

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

- 14A 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.

*(Condition Added by DA/852/2013/A on xxx)*

- 14B** Prior to the commencement of any excavation works on site, the applicant must submit for approval by the PCA (with a copy forwarded to Council) a dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

The report must include a photographic survey of the adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer in accordance with the recommendation of the geotechnical report. A copy of the dilapidation report must be submitted to Council.

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

**Note:** This documentation is for record keeping purposes only, and can be made available to an applicant or affected property owner should it be requested 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.

*(Condition Added by DA/852/2013/A on xxx)*

15. The Construction Certificate is not to be issued unless the Certifying Authority is satisfied 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.

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

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

17. 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.

18. 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 each building tower of 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.

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

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

20. 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.

21. Electricity provision to the site is to be designed so that it can be connected underground when the street supply is relocated underground. Certification from the energy infrastructure authority addressing their requirements for this provision is to

be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.

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

22. Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate.

**Reason:** To preserve community health and ensure compliance with acceptable standards.

23. 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.

24. In order to maximise visibility in the basement residential carpark and the whole public car park ceiling shall be painted white. This requirement shall be reflected on the Construction Certificate plans.

**Reason:** To protect public safety.

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

**Reason:** To ensure consolidation occurs.

### **Public Domain Works**

26. Prior to the issue of the Construction Certificate, a set of detailed public domain construction plans must be submitted and approved by Parramatta City Council Urban design Manager for all the works within the public domain area, which includes the public lands on the footpath, the dedicated pedestrian through site link and the setback areas in front of building lines.

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

- The latest Parramatta City Council Public Domain Guidelines, Chapter 2 - Council Advice & Approval Process;
- The plans must be in accordance with the approved DA plans, approved roundabout design and the conditions of consent and shall clearly indicate site levels, elevations and sections as well as explanation of all materials, paving types etc and are to include:

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

**Note:** The standard 'City Centre Paving' must be applied to the entire public domain areas in Hassall and Macquarie Street adjacent to the site. This includes the public footpaths, the setbacks between the building line and property boundary, and the dedicated pedestrian through site link. The footpath paving set out and details should comply with Council's design standard (drawing no: DS40, sheet 1-3).

27. The pedestrian crossing across the car park entry/exit shall be raised to minimise the grade changes for pedestrians between footpath and crossing. The design of the pedestrian crossing shall be submitted as part of the final alignment plans for approval from the Civil Assets Manager prior to the issue of Construction Certificate.
28. External materials must be pre colour coated on manufacture having a low glare and reflectivity finish. The reflectivity index of roof finishes and glazing is to be no greater than 20% so as not to result in glare that causes any nuisance or interference to any person or place. Details must accompany the Construction Certificate to the satisfaction of the Certifying Authority.

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

29. All outdoor lighting must comply with the relevant provisions of *AS/NZS 1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*.

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

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

#### **Traffic (RMS)**

30. All vehicles are to enter and leave the site in a forward direction.
31. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicle usage.
32. All works / regulatory signage associated with the proposed development are to be at no cost to the Roads and Maritime Services.

33. Design Verification issued by a registered architect is to be provided with the application for a Construction Certificate detailing the construction drawings and specifications are consistent with the design quality principles in *State Environmental Planning Policy No-65. Design Quality of Residential Flat Development*.

**Note:** Qualified designer in this condition is as per the definition in *SEPP 65*.

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

34. An *Environmental Enforcement Service Charge* must be paid to Council prior to the issue of a Construction Certificate.

The fee will 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.

35. An *Infrastructure and Restoration Administration Fee* must be paid to Council prior to the issue of a Construction Certificate.

The fee will 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.

36. A suitable hoarding meeting WorkCover requirements is to be provided for all areas that are accessible along any of the property boundaries is to be erected. A Hoarding Application is to be submitted and accompanied by the appropriate fee calculated according to Council's adopted Fees and Charges, together with details showing the location and type of hoarding proposed as required by *Council's Hoarding Policy*.

No demolition or works can commence until approval for the hoarding has been obtained.

37. 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 852/2013;
- 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 must be provided as follows:

| <b>Bond Type</b>                   | <b>Amount</b> |
|------------------------------------|---------------|
| <b>Hoarding</b> – Macquarie Street | \$20,000      |
| <b>Hoarding</b> – Hassall Street   | \$20,000      |
| <b>TOTAL</b>                       | \$40,000      |

38. The monetary contribution identified in clause 7 of the VPA is payable to Parramatta City Council in accordance with Section 94A of the *Environmental Planning and Assessment Act 1979* and the *Parramatta City Centre Civic Improvement Plan (Amendment No. 1)*. The final amount payable will be calculated once final useable car parking numbers have been established and agreed by Council. 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. *Parramatta City Centre Civic Improvement Plan (Amendment No. 1)* can be viewed on Council's website at:  
[http://www.parracity.nsw.gov.au/build/forms\\_and\\_planning\\_controls/developer\\_contributions](http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions).

**A monetary contribution for the construction of the two additional basements comprising \$210,487.38 is payable to Parramatta City Council in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the Parramatta City Centre Civic Improvement Plan (Amendment No. 4). 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. Parramatta City Centre Civic Improvement Plan (Amendment No. 4) can be viewed on Council's website at:  
[http://www.parracity.nsw.gov.au/build/forms\\_and\\_planning\\_controls/developer\\_contributions](http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions)**

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

**(Condition Modified by DA/852/2013/A on xxx)**

**Access**

39. Details of ramps, doorways, lifts, stairways, accessible parking, accessible sanitary facilities and internal fitouts of the common areas, Council car park access and retail areas shall be confirmed prior to the release of the Construction Certificate in accordance with requirements of AS 1428.1, AS 1428.4.1, AS 1735.12, AS 2890.6 as required by Parts D3, E3.6, F2.4 of the BCA and DDA Premises Standards.
40. The Council is to ensure the full implementation of the *Parramatta CBD Car Parking Strategy Communication Plan*, dated October 30, 2014 and prepared by Straight Talk, from the date of this consent until the full replacement of the current car parking area on site.

### **Traffic/Parking**

41. Parking spaces (including carshare spaces) are to be provided in accordance with the approved plans referenced in condition 1, and AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the Construction Certificate. ~~Details are to be illustrated on plans submitted with the Construction Certificate.~~ **Note that the residential parking spaces are to be marked on the pavement; and column locations shall comply with Figure 5.2 of AS 2890.1-2004.**

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

### **(Condition Modified by DA/852/2013/A on xxx)**

42. The Applicant shall provide written evidence demonstrating that offers of a car space to carshare providers have been made together with the outcome of the offers or a letter of commitment to the service. The written evidence, as stated above, is to be submitted to Council prior to the release of the Construction Certificate.

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

43. 25 motorcycle spaces located near the switch room in the public car parking area, and 31 bicycle spaces located between the female/male change rooms and residential garbage room off Macquarie Street are to be provided on-site and used accordingly. The layout of the bicycle storage area is to comply with Section 2 of AS 2890.1-2004. Details are to be illustrated on plans submitted with the Construction Certificate.

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

44. Double unbroken lines are to be installed to delineate and enhance two-traffic movements along the ramp access driveway on Levels 2 to 6 – Council Carpark from Hassall Street; and Levels 1 to **5** – Residential Carpark from Macquarie Street. Details are to be illustrated on plans submitted with the Construction Certificate.

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

### **(Condition Modified by DA/852/2013/A on xxx)**



45. The 'entry boom gates' and security card reader are to be brought forward so it is on a straight line and easier for the customers to use the entry machines. Details are to be illustrated on plans submitted with the Construction Certificate.

**Reason:** To provide ease of use at the entry machines.

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

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

47. 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 from Hassall Street access points and Macquarie Street access driveway, as shown on the submitted plans (**Dwg A2001 – Issue 15 – dated 07/12/2015** and Dwg A13 – Issue D – 24/03/2015). 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.

**(Condition Modified by DA/852/2013/A on xxx)**

48. 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.

49. Service ducts, plumbing installations and plant servicing the development must be concealed within the building to keep external walls free from service installations. Details are to be included within the plans and documentation accompanying the Construction Certificate for Stage 2 works to the satisfaction of the Certifying Authority.

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

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

**Reason:** To protect public land.

51. Full details of the lighting of the architectural feature are to be provided and approved in writing by Council prior to the release of a Construction Certificate.

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

52. The approved plans must be submitted to a Sydney Water Quick Check agent or Sydney Water 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. This process will result in the plans being appropriately stamped.

The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to the issue of any Construction Certificate and works commencing on site.

**Notes:** For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) – see Building and Developing – then Quick Check or telephone 13 20 92. For Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing - then Building and Renovating or telephone 13 20 92.

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

### **Stormwater**

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

(a) In this regard, a longitudinal section shall be prepared of the proposed stormwater discharge pipe across the footpath on Macquarie Street showing the Public Utility Services location and levels to the proposed pipe.

(b) The proposed stormwater discharge pipe to the street kerb and gutter within the property frontage of Hassall Street shall be RHS galvanised section.

The above engineering submission shall also show the designed discharge litres per second for each pipe against the capacity of each of the proposed stormwater discharge pipe across the footpath area, are satisfactory and adequate.

Details of the above are to be shown on the plans and documentation accompanying the application for a Construction Certificate and subject to the satisfaction of Council's Civil Infrastructure Unit.

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

### **On site Detention**

54. No work is to commence on the storm water system until the detailed final storm water plans have been approved by the Certifying Authority.

Prior to the approval of storm water drainage plans, the person issuing the Construction Certificate must ensure:

(a) The final drainage plans are consistent with the Concept Drainage Plans D05, D06, D07, D11, D12, D13 prepared by Australian Consulting Engineers consultants, approved with the Development Consent.

**Note:** The reference 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 must 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 stormwater Drainage Guidelines.
- (c) The design achieves:
  - (i) The design achieves a Site Storage Requirement of 470 m<sup>3</sup>/ha and a Permissible Site Discharge of 80 L/s/ha (as per 3rd edition of UPRCT’s handbook).
  - (ii) The on-site detention tanks shall be certified by a practicing qualified structural engineer to be structurally adequate to be supported and support the designated load.
  - (iii) The Principal Certifying Authority shall ensure that each on-site detention tank is provided with a surcharge escape route as an overflow pipe or pit, bypassing the orifice plate in case of a blockage of the orifice plate to avoid flooding the surrounding environment.
  - (iv) The Principal Certifying Authority shall ensure that each on-site detention tank is provided with sufficient ventilation and is shown on plan.
  - (v) Each chamber of the on-site detention tank shall be provided with a sufficient human access into tank and the provision of steps and/or ladder.
  - (vi) Each site stormwater discharge pipe into Council’s stormwater system is to be provided with a boundary pit which is to be considered for future maintenance and provide possible surcharge to the street.
- (d) Prior to the issue of a Construction Certificate, the Principal Certifying Authority is to ensure that the proposed stormwater treatment device is adequate and can fit within the dedicated space as shown design on the drainage engineering plan D05 Revision C and plan D13 Rev D prepared by Australian Consulting Engineers consultant.
- (e) Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall ensure that there is no conflict between the proposed on-site detention tank and its surroundings whether it is the space above or the space below the tank. In conclusion that there is no conflict between the proposed drainage plan and the approved architectural plans.
- (f) 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.

55. Details of individual apartment storage to be provided in the basement is to be submitted to and approved in writing by the Council. Each unit must be provided with at least 3m<sup>3</sup> of storage either as an over the bonnet box for those with a parking space or elsewhere in the residential basement.

**Reason:** To ensure adequate storage for future residents.

## **PRIOR TO THE COMMENCEMENT OF WORKS**

### **Construction and Traffic Management Plan**

56. 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:

- (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.
  - (viii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
  - (ix) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

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

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

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

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

- (i) Evidence of 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.

**56A Prior to the commencement of any excavation works on site the applicant shall submit, for approval by the PCA, a geotechnical/civil engineering report which contain site specific geotechnical recommendations in accordance with the Geotechnical Assessment of Proposed Additional Basements, prepared by Asset Geotechnical Engineering Pty Ltd, dated 24 May 2015 and shall specify the necessary hold/inspection points by relevant professionals as appropriate.**

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

**(Condition Added by DA/852/2013/A on xxx)**

57. An updated Waste Management Plan is to be submitted immediately after the letting of all contracts detailing the: expected volumes and types of waste to be generated during the construction stages of the development; 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.

58. Prior to the issue of a Construction Certificate, detailed drainage and flooding engineering plan shall be submitted to Council's Manager of Civil Infrastructure unit for satisfaction and approval.

**Reason:** To ensure a satisfactory outcome of the proposed civil and drainage works across Council's assets and infrastructure.

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

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

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

(a) Construction Noise and Vibration Management Sub Plan,

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

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

Noise from the construction, 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.

(b) Construction Contaminated Land Management Sub

(c) Construction Soil and Water Management Sub Plan.

The approved CEMP must be made publicly available.

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

**59A 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:**

- (a) Protect and support the adjoining premises from possible damage from the excavation**
- (b) 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.

***(Condition Added by DA/852/2013/A on xxx)***

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

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

The approved OEMP must be made publicly available.

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

61. 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.

62. 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.

63. 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 property boundary to prevent unauthorised access and vandalism;
- ii. all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
- iii. all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
- iv. the site is to be maintained clear of weeds; and
- v. all grassed areas are to be mown on a monthly basis

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

64. 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.

65. Prior to commencement of any works, 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.

66. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

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

### **Traffic**

67. 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.

68. 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 Local Government Authority.

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

### **Public Domain**

69. A conduit for Council's multi-media facilities is required to be installed to the full length of the street frontages on Hassall and Macquarie Street. Full drawings for the conduit must be submitted for the written approval of the Council's Civil Assets manager.

### **DURING CONSTRUCTION:**

70. A roundabout is to be constructed in accordance with the approved plans at Condition 1 or as agreed in writing by Council at the intersection of Hassall Street and Wigram Street in order to provide safe and efficient access to the public car park within the development site. This facility is to be constructed subject to the approval of Parramatta Traffic Committee and Council prior to the issue of the Occupation Certificate. All costs associated with the supply and installation of the roundabout and its associated signs and linemarking are to be paid for by the applicant at no cost to Council.

**Reason:** To provide safe and efficient access to the public car park within the development site and ensure safety of both pedestrians and vehicular traffic.

71. A range of inspections will be carried out by Council staff during the construction phase. The applicant must contact Council's Inspection Officer for each required inspection. At least 48 hour notice must be given for all inspections. The required inspections include the following:

- 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 cell and sub-drainage installed as specified. Procured soil media specifications and docket receipts to be signed at this inspections;
- Trees delivered to site and prior to planting. Trees are to be installed within 24 hours of delivery;
- Installation of required underground conduit and completion of subgrade preparation for pavements and prior to commencement of concrete slab installation;
- 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.

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

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

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

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made;
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that 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.

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

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

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

75. The vehicular entry/exits to the site within Council's road reserve must prevent sediment from being tracked out from the development site. This area must be laid

with a non-slip, hard-surface material which will not wash into the street drainage system or watercourse. The access point is to remain free of any sediment build-up at all times.

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

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

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

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

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

77. 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.

78. 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 minimization objectives under Parramatta Development Control Plan 2011 are met.

79. 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.

### **Development Engineering**

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

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

81. Dust control measures must be implemented during all periods of earth works and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the *Protection of the Environment Operations Act 1997*.

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

82. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition must be stored or placed on/in Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the *Roads Act 1993*.

**Reason:** To ensure pedestrian access.

83. All plant and equipment used in the construction of the development, including concrete pumps, wagons, lifts, mobile cranes, etc., must be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

Alternatively, if plant and equipment is unable to be placed within the site, prior to the placement of skip bins, concrete pumps, cranes, machinery, any temporary traffic control measures or the like on Council's roads, footpath or nature strip, approval under Section 138 of the *Roads Act 1993* is required.

**Reason:** To protect public infrastructure and land and to ensure public safety and proper management of public land.

84. All construction work and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and

unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

Noise emissions and vibration must be minimised, 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 construction activities.

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

## **Environmental Health**

86. Importation of Clean Fill

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.

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

88. Liquid and solid wastes generated on site shall be collected, transported and disposed of in accordance with the *Protection of the Environment Operations (Waste) Regulation 2005* and in accordance with the Environment Protection Authority's Waste Tracking Guidelines as described in the *Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999)*.

**Reason:** To prevent pollution of the environment.

89. 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.

90. Construction of a concrete footpath  
Notwithstanding condition 27, a footpath is to be constructed in accordance with Council Standard Drawing DS3 in front of the site within the road reserve. Details of the proposed footpath works shall be submitted to and approved by Council's Civil Asset Team prior to commencement of footpath works. All costs are to be borne by the applicant.

**Reason:** To provide pedestrian passage.

91. Car parking area and internal accessways must be constructed, marked and signposted in accordance with AS2890.1 –2004 'Off Street Car Parking Facilities' prior to an Occupation Certificate being issued.

**Reason:** To ensure appropriate car parking.

92. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council's "Guidelines for Public Domain Works". Certification is required to be provided with the Occupation Certificate.

**Reason:** To ensure Council's assets are appropriately constructed.

93. Works-As-Executed stormwater plans are to address the following:

- (a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- (b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- (c) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table)
- (d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (e) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- (f) Approved verses installed Drainage Design (OSD) Calculation Sheet.

The above is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate and a copy is to accompany the Occupation Certificate when lodged with Council.

**Reason:** To ensure works comply with approved plans and adequate information is available for Council to update the Upper Parramatta River Catchment Trust.

94. In accordance with Clause 162B of the *Environmental Planning and Assessment Regulation 2000*, the Principal Certifying Authority that is responsible for critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. Where Council is not the PCA, the PCA is to forward a copy of all records to Council.

The record must include details of:

- (a) the development application and Construction Certificate number;
- (b) the address of the property at which the inspection was carried out;
- (c) the type of inspection;
- (d) the date on which it was carried out;
- (e) the name and accreditation number of the certifying authority by whom the inspection was carried out; and
- (f) whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

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

#### **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

95. The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 (2004) – “Off-street car parking” to prevent the underside of the vehicles scraping. Details are to be provided with the application for a Construction Certificate.

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

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

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

**Reason:** To complying with legislative requirements of the *Environmental Planning and Assessment Act 1979*.

97. An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to Council.

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

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

**98A** Prior to occupation or use of the basement or driveway/accessway, the driveway/accessway and any openings to the basement must be flood-proofed to prevent ingress of flood waters up to the Flood Planning Level or higher by provision of continuous bunding to a minimum of 8.6 m Australian Height Datum on the Hassell Street frontage and 6.9m AHD on the Macquarie Street frontage AHD minimum, including crests on permanent accessways and stormwater lines. A Work as Executed drawing showing compliance with these provisions, signed by a Registered Surveyor, shall be submitted for the approval of Council's Manager City Significant Projects prior to issue of an Occupation Certificate for the whole development.

*(Condition Added by DA/852/2013/A on xxx)*

**98B** The minimum floor level of all habitable rooms shall be 8.6 m Australian Height Datum, except those on the ground level that are in the immediate vicinity of Macquarie Street where the minimum level required is to be 6.9 m AHD. This shall be certified by a qualified Registered Surveyor prior to the release of any Occupation Certificate.

*(Condition Added by DA/852/2013/A on xxx)*

99. 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.

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

- Compare the post-construction dilapidation report with the pre-construction dilapidation report, and
- Have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

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

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

101. 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.

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

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

103. 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.

104. 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.

105. Waste storage room on premises

A waste storage rooms 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 surfaced, 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.

All waste storage areas are to be maintained in a clean and tidy condition at all times and a private waste contractor must be appointed to service the development.

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 areas(s) between collection periods.

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

106. 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.

107. 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.

#### **Traffic**

- ~~108. The convex mirror at the entry level, as shown on the plan Dwg A14 – Issue C – dated 20/12/2013, is to be changed to “Stop and Go” lights to enhance traffic safety within the site.~~

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

**(Condition Deleted by DA/852/2013/A on xxx)**

109. Prior to the issue of the occupation certificate, convex mirrors are also to be installed within the ramp access for each level of parking area for both the public and private parking areas (one near the entry driveway/ramp access driveway & one at the bottom of the ramp access) with its height and location adjusted to allow an exiting driver a full view of the driveway in order to see if another vehicle is coming through.

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

110. The artworks must be installed in accordance with the approved arts plan prepared by Milne and Stonehouse Artists and must be to the written satisfaction of Council prior to Occupation Certificate.

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

111. 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. 520831M, will be complied with prior to Occupation.

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

112. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider prior to the issue of an Occupation Certificate.

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

113. Design Verification issued by a registered architect is to be provided with the application for a Occupation Certificate verifying that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development*.

**Note:** Qualified designer in this condition is as per the definition in *SEPP 65*.

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

114. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained. Application must be made through an authorized Water Servicing Coordinator. Note that the drinking water main along part of the Macquarie Street frontage needs to be upsized to a 200mm main.

Please refer to the “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 the assessment of an application a “Notice of Requirements” will detail:

- Water and sewer extensions/upgrades to be built; and
- Charges that will be incurred.

Please make early contact with the co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services, the building, and driveway or landscape design.

Note that the Notice of Requirements must be obtained and submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** Statutory requirement.

### **OSD Positive Covenant/Restriction**

115. Prior to the issue of an Occupation Certificate a Positive Covenant and Restriction on the Use of Land under Section 88E of the *Conveyancing Act 1919* must be

created, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

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

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

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior

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

### **Residential Car Parking Limit**

**115A Prior to the issue of an Occupation Certificate, a Restriction on the Use of Land (Lot 1 DP 1214839) under Section 88E of the *Conveyancing Act 1919* must be created, burdening the owner with the requirement to provide no more than a total of 425 car parking spaces on-site for residential car parking purposes.**

**Reason:** The Modification would permit 1:1 parking for residential dwellings which, whilst complying with the "maximum" parking standards in Clause 22C of the LEP, is contrary to: a) Clause 2(f) of the Aims of the *Parramatta City Centre Local Environmental Plan 2007* (the LEP); b) Clause 22E(i) of the LEP; and c) objectives of the B4 zone in terms of encouraging increased car usage in the Parramatta City Centre. Having regard to this statutory planning framework, the intent of the condition is to limit the total number of residential car parking spaces that can be provided on the site.

**(Condition Added by DA/852/2013/A on xxx)**

### **THE USE OF THE SITE**

116. The specific retail use or occupation of the ground floor tenancies shall be the subject of further development approval for such use or occupation. At this stage detailed plans of any food / beverage preparation facilities and waste storage areas shall be submitted to the principal certifying authority (PCA) prior to the issue of the any subsequent Construction Certificate.

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

- (a) Australian Standard AS4674-2004 - Design, Construction and Fit-out of Food Premises.
- (b) Food Safety Standards

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

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

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

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

**Note:** The design and construction of any food / beverage preparation facilities and waste storage areas associated with this activity shall satisfy the requirements of food safety standards prescribed under the Food Act 2003, as well as Australian Standard AS 4674 – 2004: 'Design, Construction and Fit-out of Food Premises'

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

**116A Prior to occupation or use of the basement, all associated power lines and electrical facilities must be flood-proofed to prevent damage and hazards when they are fully immersed in flood waters.**

**Reason:** Safety and reliability of service.

**(Condition Added by DA/852/2013/A on xxx)**

117. 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.

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

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

## Traffic

119. Loading and unloading of commercial goods, and apartment removalists is to occur off-street in the designated loading dock.
120. Entry and access driveway to the public carpark from Hassall Street -
- (a) The roller shutter door, boom gates and control are to be installed in accordance with AS 2890.1 - 2004.
  - (b) Card reader and ticket machines are to be provided on the median (not attached on the wall) and should be in accordance with Clause 3.3 (b) of AS 2890.1 - 2004.

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

### Acoustic

121. Use is not to cause offensive noise or vibration.

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.

The air conditioner/s must not:

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

And:

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

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

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

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

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

123. 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.

124. 24 hour operation for the Public Carpark is granted for a limited period of 12 months, commencing on the date of issue of the Occupation Certificate of the Public Carpark. The applicant must apply for a Section 96 modification 90 days prior to the expiry of the trial period to alter the hours of operation or to extend the trial period. 24 hour operation can continue whilst Council are in the process of determining the modification application.

The pedestrian through site link is to be kept opened for the same period of time as the public car park. The link is to be well lit, with CCTV cameras installed at appropriate points. Prominent signage is to be provided at entry and cut through points indicating that the area is monitored by CCTV cameras. The gates to the link will be closed by the car park operator.

**Reason:** To minimise the impact on the amenity of the area.