



**SYDNEY CENTRAL CITY PLANNING PANEL  
COUNCIL ASSESSMENT REPORT**

<b>Panel Reference</b>	PPSSCC-21
<b>DA Number</b>	DA/968/2016/A
<b>LGA</b>	City of Parramatta
<b>Proposed Development</b>	Section 4.55 (2) modification to DA/968/2016 for tree removal and construction of two residential flat buildings containing 556 apartments over 4 levels of basement car parking. Building A comprises a part 4, part 9 storey building and Building B comprises a part 8, part 15 and part 24 storey building. The proposed modifications include reconfiguration of the layout and arrangement of apartments within the floorplate of the tower (Building B3), a reduction in the number of apartments from 556 to 555, changes to the materiality and design of the facades of the tower and minor changes to ground floor terraces in Buildings B1 and B2. The determining authority will be the Sydney West Joint Regional Planning Panel.
<b>Street Address</b>	160 Hawkesbury Road, WESTMEAD NSW 2145 Lots 1-3 DP 1255266
<b>Applicant</b>	Combined Projects Westmead Pty Ltd
<b>Owner</b>	Western Sydney University
<b>Date of DA lodgement</b>	30 August 2019
<b>Number of Submissions</b>	One (1)
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	The application is referred to the Sydney Central City Planning Panel (SCCPP) pursuant to clause 2 of Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 as the development is for general development with a Capital Investment Value (CIV) in excess of \$30 million. The proposed modified development does not alter the CIV value.
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"><li>• Environmental Planning and Assessment (EP&amp;A) Act 1979</li><li>• Environmental Planning and Assessment Regulations 2000</li><li>• State Environmental Planning Policy (SEPP) No. 55 (Remediation of Land)</li><li>• SEPP (Sydney Harbour Catchment) 2005</li><li>• SEPP (Infrastructure) 2007</li><li>• SEPP (State And Regional Development) 2011</li><li>• SEPP (Vegetation in Non-Rural Areas) 2017</li><li>• SEPP No. 65 (Design Quality of Residential Apartment Development)</li><li>• Parramatta Local Environmental Plan (PLEP) 2011</li><li>• Parramatta Development Control Plan (PDCP) 2011</li></ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	Attachment 1 – Architectural Drawings Attachment 2 – BASIX Certificate Attachment 3 – Access Statement Attachment 4 – Statement of Environmental Effects
<b>Report prepared by</b>	Aryan Qayumi Senior Development Assessment Officer

<b>Report date</b>	1 November 2019
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### Summary of S4.15 matters

Have all recommendations in relation to relevant s4.15 and S4.55 matters been summarised in the Executive Summary of the assessment report? Yes

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? Yes

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? Not applicable

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (s7.24 of the EP&A Act 1979)? Not applicable

### Conditions

Have draft conditions been provided to the applicant for comment? Yes

## 1. Executive summary

This report is an assessment of a Section 4.55 (2) Modification Application made to City of Parramatta Council seeking consent for modifications to DA/968/2016, which was approved for tree removal and construction of two residential flat buildings containing 556 apartments over 4 levels of basement car parking. Building A comprises a part 4, part 9 storey building and Building B comprises a part 8, part 15 and part 24 storey building.

The application is referred to the SCCPP pursuant to clause 2 of Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 as the development is for general development with a CIV in excess of \$30 million. The proposed modified development does not increase the CIV value of the development.

The proposed modifications seek to reduce the number of units to 555 and reconfiguration of the unit mix within Building B3 as well as some minor changes to ground floor terraces.

The site is located on land zoned B4 Mixed Use under PLEP 2011.

Based on a detailed assessment of the proposal against the applicable planning controls, the modified proposal generally satisfies the applicable controls and legislative requirements. Accordingly, it is recommended that SCCPP, as the determining authority, approve this application subject to amended conditions of consent, which are provided under Attachment A to this report.

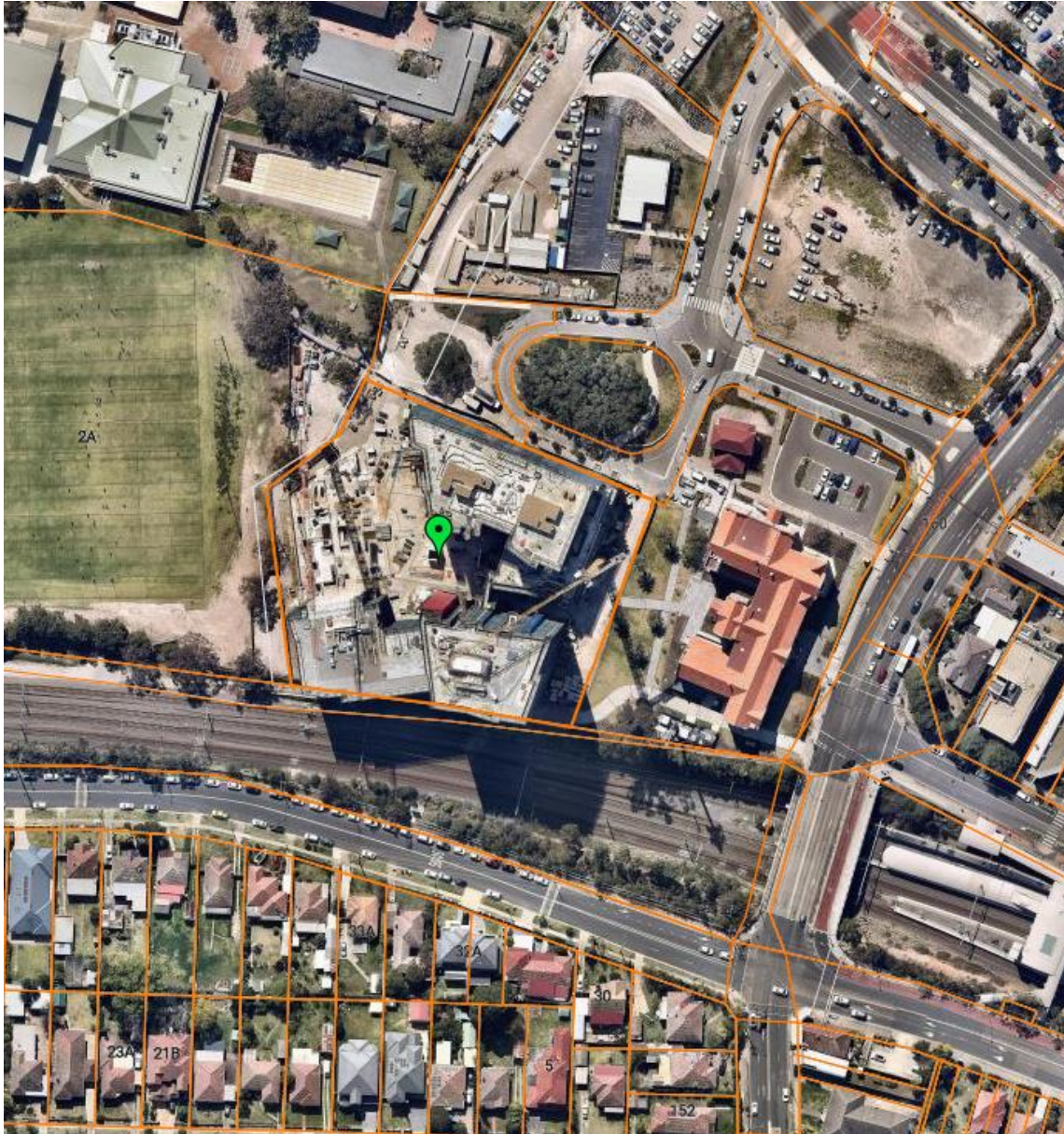
## 2. Site context

The Western Sydney University (WSU) site is bounded by Darcy Road to the north, Hawkesbury Road to the east and a rail corridor to the south. The site has an overall area of approximately 3.672 hectares.

The site for which the proposed modification applies is irregular in shape, falls gently toward the west and has an area of 9,389 square metres. The site is accessed via Maple Tree Road, which connects to both Darcy Road and Hawkesbury Road.

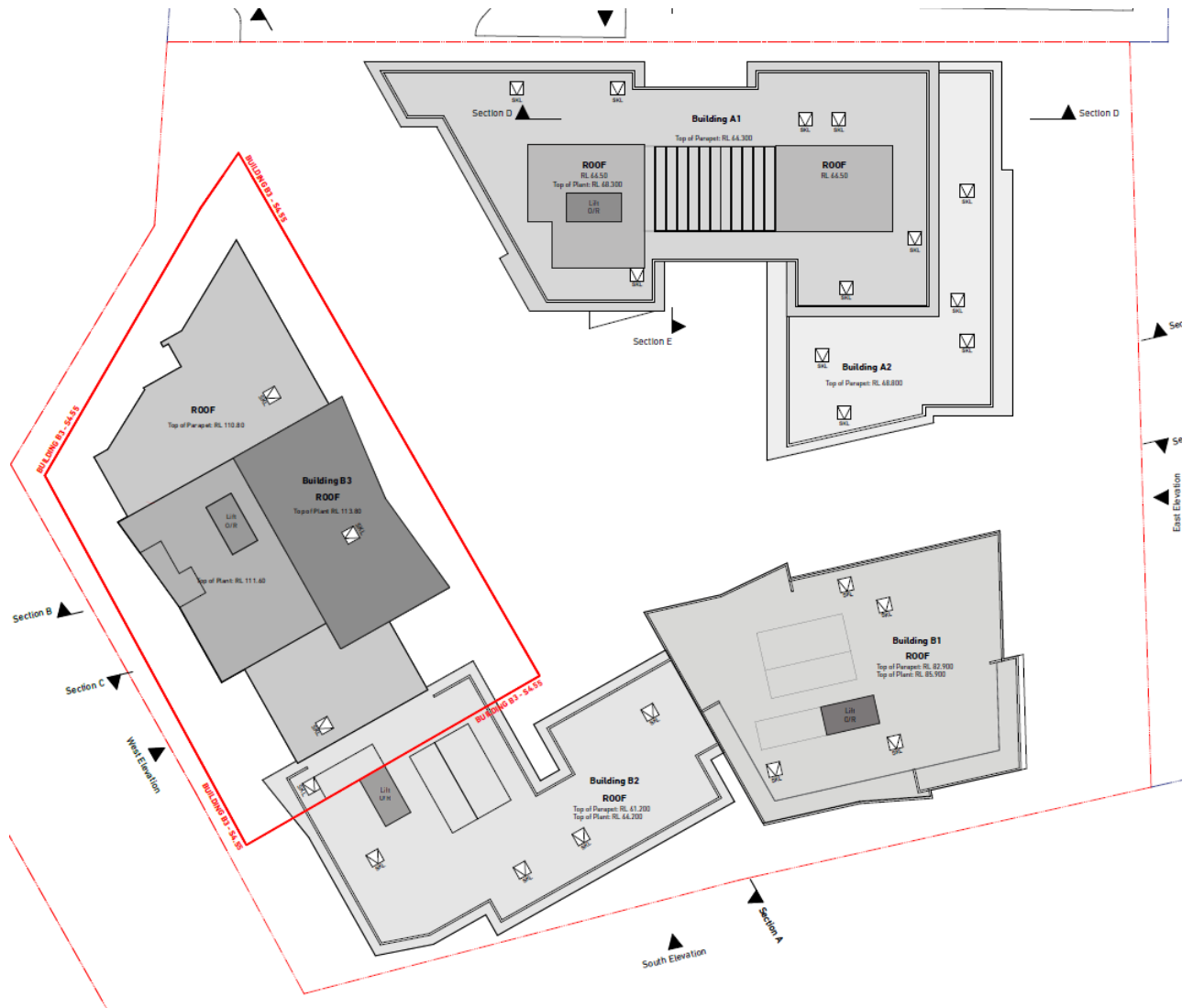
The site is located:

- Directly opposite of Westmead Hospital to the north of the site.
- Adjacent to a railway corridor to the south with Westmead Station located approximately 400 metres within walking distance to the south-east of the site.
- Adjacent to Parramatta Marist High school to the west.
- Approximately 400 metres north-west of Parramatta Park.



**Figure 1:** Aerial image of subject site (indicated with green icon) (Source: Nearmap)





**Figure 2: Overall Site Plan**

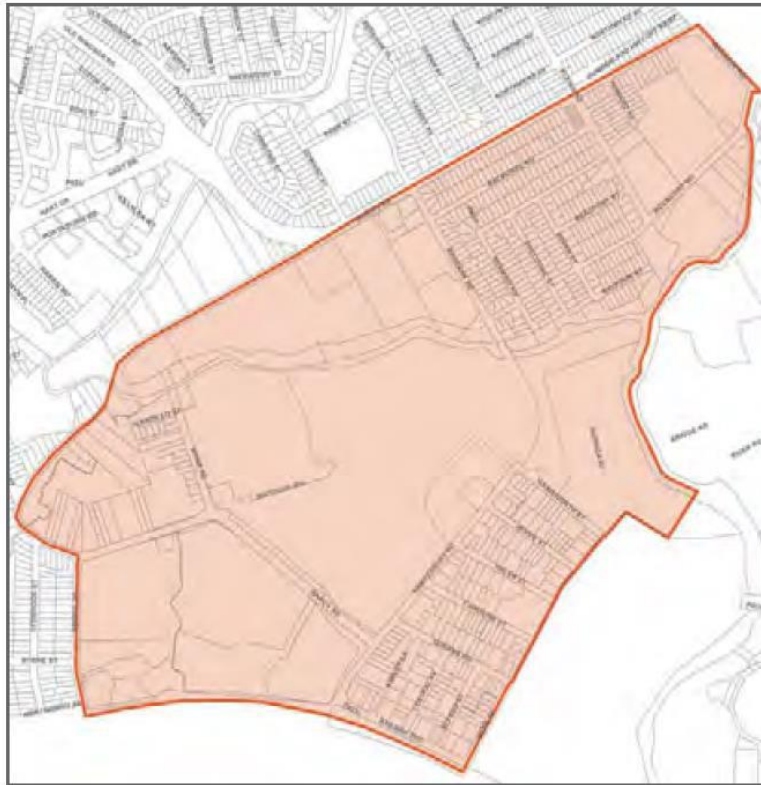


**Figure 3: Subject site (currently under construction)**

### 3. Background

#### Westmead Precinct

The WSU site is located within the Westmead Precinct, which is shown in Figure 4 below. This precinct is identified as being of strategic value as it contains a regionally significant health and educational hub. Westmead also provides high density residential areas which support this primary function. Any redevelopment within the Westmead Precinct should provide additional opportunities for residential, retail, business, hospital, education and community facility development which is to be integrated with the existing public transport network.



**Figure 4:** Westmead Precinct

#### Planning Proposal of 158 -164 Hawkesbury Road and 2A Darcy Road

A Planning Proposal was sought by the University of Western Sydney in 2011 under RZ/4/2011 to rezone the land at 158 – 164 Hawkesbury Road and 2A Darcy Road from SP2 Special Uses (Educational Establishment) to B4 Mixed Uses. The Planning Proposal was submitted with studies and a masterplan prepared by ARUP which informed the amendment to PLEP 2011 as well as provide site specific controls within the PDCP 2011.

The amendment to the LEP was gazetted in 2013. The amendments permitted building heights ranging from 31 – 48 metres and a range of FSR of 1.5:1 – 4:1 on the subject site.

#### The Stage 1 Masterplan under DA/571/2014

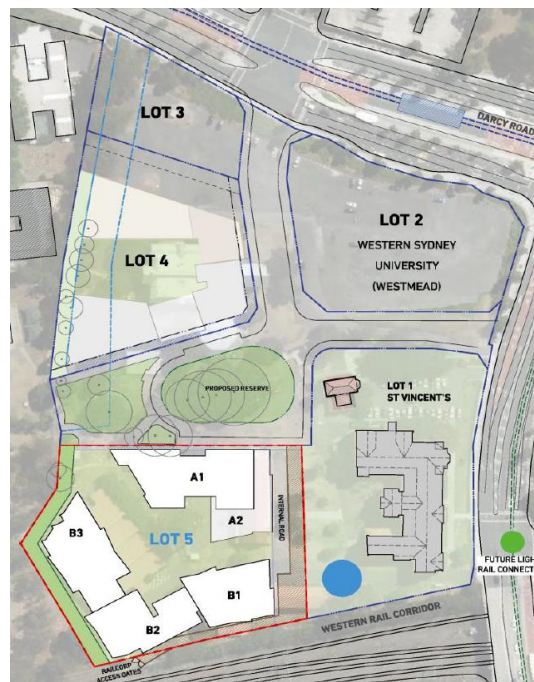
DA/571/2014 is essentially a masterplan for the entire site and provides conceptual building envelopes that were a critical component in determining the appropriate subdivision layout and development form in the site.

The SCCPP approved DA/571/2014 for the demolition of 5 buildings, tree removal, bulk earthworks, and construction of roads and Torrens title subdivision of the site into 5 allotments.

The masterplan envisaged a mixed use character that will complement the medical and research facilities of the precinct by providing housing, commercial space and educational facilities. The subject site with development envisioned of high density residential development

### **The subject site under the Masterplan**

The development subject of DA/968/2016 relates to 'Lot 5' of the masterplan, as shown in Figure 5 below.



**Figure 5:** Lot 5 of the WSU site.

Under DA/571/2014, Lot 5 was granted concept approval with 3 separate buildings scaled to provide the bulk of the massing to the area adjoining the railway corridor to the south.

### **Variation to building height and FSR under DA/968/2016 on Lot 5**

Under the parent consent (DA/968/2016), the development was approved with departures from the FSR and building height standards that apply under the PLEP 2011.

Under the parent consent, Council's Urban Designers, City Architect and the Design Excellence Advisory Panel (DEAP) acknowledged that the current FSR and height controls applying to the site under the PLEP 2011 and PDCP 2011 were not resolved under the original masterplan.

As such, upon further design analysis by the applicant including detailed modelling incorporating the Apartment Design Guide's (ADG) and design controls contained in the PDCP 2011, it was deemed that further departures were required to realise the development potential for the site, in particular the height for Lot 5, in a manner that did not unduly impact on the quality of the final outcome.

## 4. The Proposal

The proposed modifications subject of this Section 4.55 application include the following components:

### Building B1

- A balcony is proposed to the roof over apartment B18.02 at Level 8.
- Minor changes to the ground floor terraces of units.

### Building B2

- Minor changes to ground floor terraces in Building B2.

### Building B3 (tower)

- Deletion of one unit and thereby reducing the overall number of apartments in within Lot 5 from 556 to 555 units and minor change to the overall mix of apartments.
- Reconfiguration of the layout and arrangement of apartments within the floorplate to relocate a greater proportion of the 1 bedroom apartments lower in the tower and greater proportion of larger apartments on higher levels.

Bedrooms	Approved	Modification
Studios	23	17
1 Bedroom	313	320
2 Bedroom	185	179
3 Bedroom	35	39
Total	556	555

- Minor changes to the design of the façade, including the fixed vertical louvre system.
- The lift core, fire stair and corridor location remain the same.

The modifications do not result in a change to the approved building height, FSR, landscaping or communal open space areas.

## 5. Section 4.55 Modification of consents—generally

The proposal, as amended, has been assessed under the provisions of the Environmental Planning and Assessment Act 1979. The matters below are those requiring the consideration of the SCCPP.

### Section 4.55 – 2: Other modifications

**Has the consent lapsed?** No, the consent lapses on 10 August 2022.

Works on the site have commenced under DA/968/2016.

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

**Planner's Comment:**

The proposal is substantially the same development as the development for which consent was originally granted, being tree removal and construction of two Residential Flat Buildings containing 556 apartments over 4 levels of basement car parking. Building A comprises a part 4, part 9 storey building and Building B comprises a part 8, part 15 and part 24 storey building.

The proposed modifications seek to reduce the number of units from 556 to 555, amend the internal layout of units as a result of change to the unit mix and minor changes to the façade treatment of Building B3. Minor changes are proposed to the ground floor terraces within Buildings B1 and B2. The overall built form and streetscape appearance of the development will remain substantially the same as that approved under the parent consent.

- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

**Planner's Comment:**

DA/968/2016 was deemed to be nominated integrated development in accordance with Section 4.47 of the Environmental Planning and Assessment Act 1979, as the development was deemed to be an aquifer interference activity requiring authorisation from the Department of Primary Industries (DPI) – Water. The original application included General Terms of Approval as recommended by DPI – Water. This modification application was not referred to DPI – Water as no additional excavation works are proposed.

The application was referred to Sydney Trains and Transport for NSW (Parramatta Light Rail) and no objections were raised by the State agencies. Sydney Trains confirmed that the original concurrence conditions remain relevant and no additional conditions are requested on the proposed modifications.

Transport for NSW advised that the applicant is to be aware of the light rail works in the vicinity of the development site. The advice will be sent to the applicant accordingly.

- (c) it has notified the application in accordance with:*  
*(i) the regulations, if the regulations so require, or*  
*(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

**Planner's Comment:**

In accordance with the PDGP 2011, owners and occupiers of surrounding properties were given written notice of the application for a 21-day period between 11 September 2019 and 2 October 2019.



*(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

**Planner's Comment:**

One submission was received. Council's response to the submission is provided under "Public Submissions".

**Section 4.55 – All Applications for Modifications**

*In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.*

*The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

**Planner's Comment:**

Consideration of the matters referred to in section 4.15 are addressed below.

**ENVIRONMENTAL PLANNING INSTRUMENTS**

**STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND**

SEPP 55 was considered under the assessment of the original development application and the site was considered suitable for development, subject to conditions of consent being imposed.

**STATE ENVIRONMENTAL PLANNING POLICY – BASIX**

An amended BASIX Certificate has been submitted for the amended proposal. The BASIX Certificate demonstrates compliance with the requirements of the Policy.

Condition No's. 1 and 140 will be amended to reference the amended BASIX Certificate.

**SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)**

The SREP was considered during the assessment of the original development application.

The site is located within proximity to Toongabbie Creek to the east of the site. The nature of this project and the location of the site are such that there are no specific controls that directly apply, with the exception of the objective of improved water quality. Conditions of consent were imposed under the parent consent to address the collection and discharge of water.

## **STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007**

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment under DA/968/2016. The proposal, as amended, is acceptable in respect of the requirements of SEPP (Infrastructure) 2007.

Endeavour Energy provided their recommendations / comments under the parent consent in accordance with clause 45 of SEPP (Infrastructure) 2007.

Having regard to the nature of the modification, being predominantly internal changes only, the modification application was not referred to Endeavour Energy.

The application was referred to Transport for NSW and Sydney Trains in accordance with clauses 85-87 and no objections were raised to the proposed modifications from the State agencies.

The application is not subject to clause 101 of the SEPP as the site does not have frontage to a classified road.

The application is not subject to clause 102 of the SEPP as the average daily traffic within the WSU site is less than 40,000 vehicles.

The application is not subject to clause 104 as the proposal is for a modification application and not a 'development application' in accordance with subsection (3). As such, the application did not require referral to the RMS.

It should be noted that under DA/968/2016, Council referred the application to RMS and no response was received from the State agency at the time of determination.

## **STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011**

This application is captured by Part 4 of this Policy, which provides that the Panel is the consent authority for this application.

## **STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017**

The removal of trees on the subject property were considered during the assessment of the original application. No additional tree removal is proposed as part of this modification.

## **STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT**

SEPP 65 applies as the building is more than 3 storeys in height and contains a residential component.

## DESIGN QUALITY PRINCIPLES

SEPP 65 sets 9 design quality principles. The development has adequately addressed the 9 design quality principle in the following way:

ADG design quality principle	Response
<b>1. Context</b>	The design of the modified development responds to the qualities and identity of the area with respect to its relationship to adjoining sites, streetscape and neighbourhood. The modified development contributes to the context of the area, in particular, the desired future character of the area. The bulk and scale of the development is suitable for the context of the area being substantially the same as that approved under DA/968/2016.
<b>2. Built form and scale</b>	The modified design is consistent with the requirements of the ADG and Council's planning controls with respect to building alignment, proportions, articulation and manipulation of building elements.
<b>3. Density</b>	The proposal results in a density appropriate for the site and its context in terms of floor space, which remains unchanged. The proposed density of the development is reduced to 555, being sustainable and responds to the availability of infrastructure, public transport, community facilities and environmental quality.
<b>4. Sustainability</b>	An amended BASIX Certificate has been submitted with the modification application. Additional BASIX requirements will be addressed at the construction certificate stage of the development.
<b>5. Landscape</b>	A Landscape Plan was submitted with the original development application and was satisfactory. The modified development does not alter the approved landscaped area.
<b>6. Amenity</b>	The modified proposal is satisfactory with respect to amenity and has been designed to optimise internal amenity through orientation, visual and acoustic privacy, solar access, natural ventilation, apartment layout, storage areas and service areas.
<b>7. Safety</b>	The modified proposal satisfactorily addresses safety and provides opportunities for passive surveillance to the street frontage and communal areas of the site through the use of balconies addressing the street frontage and glazed openings. The car park area remains unchanged and was designed for secure access to ensure that the area remains accessible to only the building occupants and their visitors.
<b>8. Housing Diversity and Social Interaction</b>	The proposal comprises a mix of apartments ranging in type, size and affordability similar in nature to that approved under the parent consent in order to provide housing choice for different demographics, living needs and budgets in close proximity to public transport.
<b>9. Aesthetics</b>	The built form is substantially the same as that approved under the parent consent and appropriate with respect to the composition of building elements, textures, materials and colours which reflect the use, internal design and structure of the building. The modified building responds aesthetically to the environment and context, and appropriately contributes to the desired future character of the area.

## Design Excellence Advisory Panel

The original development was considered by DEAP. Having regard to the nature of the modifications, the amended proposal was not required to be referred to DEAP. Council's City Architect Officers have reviewed the proposal and consider the modifications to be satisfactory. Refer to the "Referrals" section of this report for comments provided by City Architect in relation to this proposal.

## Apartment Design Guide

Integral to SEPP 65 is the ADG, which sets benchmarks for the appearance, acceptable impacts and residential amenity of the development.

The relevant provisions of the ADG are considered within the following assessment table:

APARTMENT DESIGN GUIDE			
PARAMATER	CONTROL	PROPOSAL	COMPLIANCE
Visual privacy			
Visual privacy		Yes.  The proposed modifications do not result in increased adverse impacts upon privacy to adjoining sites.  The arrangement of units and privacy measures within the development ensure satisfactory levels of privacy between apartments and private open space areas.	
Parking and Bicycle storage			
Note: The car parking needs for a development must be provided off street.			
Vehicle parking	The site is subject to maximum parking provisions under the Westmead Precinct provisions contained in the PDCP 2011:  Studio apartments – Maximum of 0.6 spaces per apartment.  1, 2 and 3 bedrooms – Maximum of 1 space per apartment plus 1 parking space to be provided for every 5 dwellings for visitors.	<u>Required:</u>  Residential: 549 spaces  Visitors: 111 spaces  Total: 660 spaces  <u>Proposed:</u>  No change to that approved under DA/968/2016, as follows:  Residential: 547 spaces  Visitor: 107  Total: 654 spaces	Yes.  Condition No. 34 of the development consent in DA/968/2016 restricts car parking to 547 residential spaces and 107 visitor spaces (total of 654).  The proposed modifications do not alter the approved car parking arrangements.



	<b>Bicycle parking</b>  1 bicycle space per 2 dwellings	<u>Required:</u> 277.5 (278) bicycle spaces  <u>Proposed:</u> No change to that approved (278 bicycle spaces).	Yes
<b>PART 4 DESIGNING THE BUILDING</b>			
<b>Solar and daylight access</b>	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area	<u>Maximum required:</u> 389 units  <u>Proposed:</u> No change to that approved under the parent consent, being 389 units (70%).	Yes.  As the proposed modifications only seek to alter unit mix on each floor, the building footprint as well as window locations remain the same. There is no change to solar access into the units.
<b>Natural ventilation</b>	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	<u>Required:</u> 221 units  <u>Proposed:</u> 289 units (78.2%) will achieve natural cross-ventilation.	Yes.  More than 60% of apartments are naturally cross-ventilated as a result of the proposed modifications.
Apartment size and layout <b>Note:</b> The minimum internal areas include one bathroom. Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> each.			
<b>Apartment size and layout</b>	<u>Required:</u>  Studio: 35m <sup>2</sup>  1 bedroom: 50m <sup>2</sup>  2 bedrooms: 70m <sup>2</sup>  3 bedrooms: 90m <sup>2</sup>	<u>Proposed:</u>  Studio: > 35m <sup>2</sup>  1 bedroom: > 50m <sup>2</sup>  2 bedrooms: > 70m <sup>2</sup>  3 bedrooms: > 90m <sup>2</sup>	Yes.  The proposed modifications comply with the apartment size and layout provisions.
Private open space and balconies <b>Note:</b> Storage areas on balconies is additional to the minimum balcony size.			
<b>Private open space and balconies</b>	<u>Required:</u>  Studio: 4m <sup>2</sup> 1 bedroom: 8m <sup>2</sup> x 2m 2 bedroom: 10m <sup>2</sup> x 2m 3 bedroom: 12m <sup>2</sup> x 2.4m	<u>Proposed:</u>  Balconies are provided for each unit and satisfy the design criteria, being substantially the same as that approved under	Yes

		the parent consent.	
<b>Common circulation and spaces</b>	The maximum number of apartments off a circulation core on a single level is eight.	<p>The proposed modifications provide the following in Building B3:</p> <ul style="list-style-type: none"> <li>• 10 apartments per core up to level 7;</li> <li>• 11 apartments from level 8 to level 15; and</li> <li>• 8 apartments from level 16 to level 23.</li> </ul>	<p>No, however, considered acceptable.</p> <p>The proposal is designed to ensure that the units are provided with satisfactory cross ventilation as well as solar access in accordance with the ADG. Each core has two lifts and all lobbies have windows solar access.</p> <p>It is noted that departure from this control was supported under DA/968/2016.</p> <p>The ADG stipulates that where the design criteria is not achieved, no more than 12 apartments should be provided off a circulation core on a single level. The proposal complies with this design guide and as such, it is considered acceptable on merit.</p>

#### **PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011**

The relevant matters to be considered under the PLEP 2011 were assessed under the parent consent. The modifications in this Section 4.55 (2) Application do not result in any non-compliance with the relevant standards under the PLEP 2011. It is noted that the building height and FSR of the development were varied and supported under DA/968/2016. The proposed modifications do not alter the development standards approved under the parent consent.

The site is not subject to clause 6.10 Development on certain land at Westmead, as it is not identified in the "Key Sites Map".

## PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

The relevant matters to be considered under PDCP 2011 are outlined below.

DEVELOPMENT CONTROL COMPLIANCE	
<b>Site Considerations</b>	
<b>Protection of Groundwater</b>	<p>Yes.</p> <p>A geotechnical investigation report was submitted with the parent consent and conditions were imposed. The proposed modifications do not result in further excavation.</p>
<b>Public Domain</b>	<p>The development appropriately addresses the public domain and provides opportunities for passive surveillance by the outlook of units.</p>
<b>Preliminary Building Envelope</b>	
<b>Building Form</b>	<p>Yes.</p> <p>No change is proposed to the approved street frontages, building setbacks or building separation. Minor changes are proposed to the built form with regards to the balcony shape and building façade treatment. The proposal complies with the objectives and controls for this section of the PDCP 2011.</p>
<b>Building Façade and Articulation</b>	<p>The proposed development has an articulated façade that adds visual interest to the streetscape and the building finishes are of high quality.</p>
<b>Streetscape</b>	<p>Yes.</p> <p>The modified development responds to the existing and proposed character around the site, being substantially the same as that approved under the parent consent.</p>
<b>Landscaping</b>	<p>No change is proposed to the approved landscaping on the site.</p>
<b>Acoustic Amenity</b>	<p>The parent consent was accompanied by an acoustic report that provided recommendations to control noise emissions to satisfactory levels. Conditions were included in the development consent to ensure that the recommendations are adopted. No change is proposed to these conditions.</p>
<b>Social Amenity</b>	
<p><b>Housing Diversity and Choice</b></p> <p>Is the unit mix in accordance with the following:</p> <p>1 bedroom 10% - 20%</p> <p>2 bedrooms 60% - 75%</p> <p>3 bedrooms 10% - 20%</p> <p><b>Adaptable dwelling provision:</b></p> <p>More than 20 units = 10%</p>	<p>No, however, considered acceptable on merit.</p> <p>The departure is acceptable as the proposed unit mix allows for a range of units to suit diverse living circumstances, increases the number of 3 bedroom units and is generally consistent with that approved under the parent consent.</p>

<p><b>Approved under DA/968/2016:</b></p> <p>23 x studio (4.1%)  313 x 1 bedroom (56.3%)  185 x 2 bedrooms (33.3%)  35 x 3 bedrooms (6.3%)</p> <p>Adaptable units = 56</p> <p><b>Proposed:</b></p> <p>17 x studios (3%)  320 x 1 bedroom units (57.6%)  179 x 2 bedroom units (32.4%)  39 x 3 bedroom units (7%)</p> <p>Adaptable units = 56 (no change)</p>	
<b>Special Precincts</b>	The site is located within the Westmead Precinct. No change is proposed to the considerations under the Westmead Precinct control.
<p><b>Car parking as per the Westmead Precinct control</b></p> <p>Studio apartments – a maximum of 0.6 spaces per apartment.  1, 2 and 3 bedrooms - a maximum of 1 space per apartment plus 1 parking space to be provided for every 5 dwellings for visitors.</p>	<p>Based on these car parking rates, a maximum of 549 residential car parking spaces and 111 visitor car parking spaces would be permitted for the amended proposal.</p> <p>Condition No. 34 of the development consent in DA/968/2016 restricts car parking to 547 residential spaces and 107 visitor spaces (total of 654).</p> <p>The proposed modifications do not alter the car parking provisions and as such, remain compliant subject to the conditions imposed under the parent application.</p>

## REFERRALS

INTERNAL REFERRALS	COMMENT
<b>City Architect</b>	Council's City Architect Officers have reviewed the proposed modifications and raised no objection to the modifications, including increasing the number 3 bedroom units and changes to the façade treatment.
<b>Heritage</b>	<p>Council's Heritage Advisor considers that the proposed modifications will have a similar degree of impact on heritage values, as that approved under the parent consent, and raised no objection from a heritage perspective.</p> <p>It is noted that Council's Heritage Advisor recommends conditioning white colour on the external finishes with a darker colour. However, it is considered that the finishing is appropriate and matches the approach as that approved under the parent consent and as such, a condition of consent will not be imposed to amend the finishing.</p>
EXTERNAL REFERRALS	COMMENTS
<b>Sydney Trains</b>	No objection was raised by the State agency.



<b>Transport for NSW</b>	<p>No objection was raised by the State agency.</p> <p>Transport for NSW advised that the applicant is to be aware of the light rail works in the vicinity of the development site. The advice will be sent to the applicant accordingly.</p>
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## **OTHER MATTERS**

As there was no change in the height of the buildings, a referral to Core Flight / NSW Health regarding their helicopter flight path was not required.

## **DEVELOPMENT CONTRIBUTIONS**

The modifications do not increase the cost of development. As such, the relevant Condition No. 19 requiring the payment of a financial contribution will remain unchanged.

## **BONDS**

The developer was obliged to pay Security Bonds as part of the original development consent in accordance with Council's Schedule of Fees and Charges to ensure the protection of civil infrastructure located in the public domain adjacent to the site.

### **Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 (section 4.15 (1)(a)(iia))**

The applicant has not entered into a voluntary planning agreements (VPA) and section 7.4 does not apply to the application.

### **Provisions of Regulations (section 4.15 (1)(a)(iv))**

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, PCA appointment, critical stage inspections and records of inspection have been addressed by appropriate consent conditions within the parent consent.

### **Impacts of the Development (section 4.15 (1)(b))**

Relevant matters have been addressed elsewhere in this report.

### **Suitability of the Site (section 4.15 (1)(c))**

The relevant matters pertaining to the suitability of the site for the proposed modifications have been considered in this report. Subject to the conditions provided within the recommendation to this report, the site is suitable for the development.

There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development.

### **Public submissions (section 4.15 (1)(d))**

The application was advertised in accordance with Council's advertising procedures contained within Appendix 5 of the PDCP 2011. In response, one submission was received. The issues raised within the submission are addressed below.

Issue	Response
<b>Intensification of parking</b>	Council's Traffic Engineer imposed a condition on the consent requiring the reduction of parking spaces to 547 residential spaces and 107 visitor spaces. No additional changes are proposed to parking arrangements.
<b>Proposal will set a precedent for other high-rise developments</b>	The proposed modifications do not increase the height of the building.  Despite the variations to the height and FSR approved under the parent consent, it is designed as envisaged by Council's controls for the Westmead Precinct.
<b>Increased traffic noting existing traffic conditions due to the health precinct, schools and university</b>	Arrangements for vehicle access, and traffic generation, which were considered under the parent consent and remain unchanged as part of the proposed modifications, will not compromise safety for road users, and will not reduce the efficiency of the local road network.

**Amended Plans:** No

## **CONCILIATION CONFERENCE**

On 11 December 2017, Council resolved that:

*"If more than 7 unique submissions are received over the whole LGA in the form of an objection relating to a development application during a formal notification period, Council will host a conciliation conference at Council offices."*

The application received one unique submission during the formal advertising period and as a result, a Conciliation Conference was not required to be held.

## **Public Interest (section 4.15 (1)(e))**

No circumstances have been identified to indicate the proposed modifications would be contrary to the public interest.

## **CONCLUSION**

### **Conditional consent**

The proposal has been assessed in accordance with section 4.15 and section 4.55 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions. The proposal is suitable for the site and is in the public interest.

A merit assessment of the application has determined that the proposed modifications are satisfactory and suitable for the site.

## **RECOMMENDATION**

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act, 1979:

- i. **That** the Sydney Central City Planning Panel, exercising the functions of the consent authority, approve DA/968/2016/A for section 4.55 (2) modifications to consent for tree removal and construction of two Residential Flat Buildings containing 556 apartments over 4 levels of basement car parking on land at 160 Hawkesbury Road, Westmead, for a period of five (5) years for physical commencement to occur from the date on the **original** Notice of Determination, subject to the conditions in Attachment A.



## ATTACHMENT A- DRAFT CONDITIONS OF CONSENT

DA No. 968/2016/A

**Note:** Amended conditions are in **bold** and *italic* text.

### **General Matters**

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

<b>Drawing No.</b>	<b>Prepared By</b>	<b>Dated</b>
Site Plan, Project No. 16001. Drawing No. DA-110-020. Revision H.	Turner Architects	2 August 2016
Railcorp Easement Plan, Project No. 16001. Drawing No. DA-110-050. Revision H.	Turner Architects	2 August 2016
Site Analysis Plan, Project No. 16001. Drawing No. DA-110-010. Revision H.	Turner Architects	2 August 2016
Basement 01 Plan, Project No. 16001. Drawing No. DA-110-B01. Revision N.	Turner Architects	10 March 2017
Basement 02 Plan, Project No. 16001. Drawing No. DA-110-B02. Revision N.	Turner Architects	10 March 2017
Basement 03 Plan, Project No. 16001. Drawing No. DA-110-B03. Revision N.	Turner Architects	10 March 2017
Basement 04 Plan, Project No. 16001. Drawing No. DA-110-B104. Revision N.	Turner Architects	10 March 2017
<i>Lower Ground Floor Plan, Project No. 16001. Drawing No. DA-110-001. Revision <del>M</del> <b>A-S4.55</b>.</i>	<i>Turner Architects</i>	<del>6 March 2017</del> <b>09.08.19</b>
<i>Ground Floor Plan, Project No. 16001. Drawing No. DA-110-002. Revision <del>M</del> <b>A-S4.55</b>.</i>	<i>Turner Architects</i>	<del>6 March 2017</del> <b>09.08.19</b>
<i>Level 1 Floor Plan, Project No. 16001. Drawing No. DA-110-010. Revision <del>M</del> <b>A-S4.55</b>.</i>	<i>Turner Architects</i>	<del>6 March 2017</del> <b>09.08.19</b>
<i>Level 2 Floor Plan, Project No. 16001. Drawing No. DA-110-020. Revision <del>K</del> <b>A-S4.55</b>.</i>	<i>Turner Architects</i>	<del>6 March 2017</del> <b>09.08.19</b>



Level 3 Floor Plan, Project No. 16001. Drawing No. DA-110-030. Revision <del>K</del> <b>A-S4.55.</b>	Turner Architects	<del>6 March 2017</del> <b>09.08.19</b>
Level 4 Floor Plan, Project No. 16001. Drawing No. DA-110-040. Revision <del>K</del> <b>A-S4.55.</b>	Turner Architects	<del>6 March 2017</del> <b>09.08.19</b>
Level 5 Floor Plan, Project No. 16001. Drawing No. DA-110-050. Revision <del>K</del> <b>A-S4.55.</b>	Turner Architects	<del>6 March 2017</del> <b>09.08.19</b>
Level 6 Floor Plan, Project No. 16001. Drawing No. DA-110-60. Revision <del>K</del> <b>A-S4.55.</b>	Turner Architects	<del>6 March 2017</del> <b>09.08.19</b>
Level 7 Floor Plan, Project No. 16001. Drawing No. DA-110-070. Revision <del>K</del> <b>A-S4.55.</b>	Turner Architects	<del>6 March 2017</del> <b>09.08.19</b>
Level 8 Floor Plan, Project No. 16001. Drawing No. DA-110-080. Revision <del>K</del> <b>A-S4.55.</b>	Turner Architects	<del>6 March 2017</del> <b>09.08.19</b>
Level 9 Floor Plan, Project No. 16001. Drawing No. DA-110-090. Revision <del>K</del> <b>A-S4.55.</b>	Turner Architects	<del>6 March 2017</del> <b>09.08.19</b>
Level 10 Floor Plan, Project No. 16001. Drawing No. DA-110-100. Revision <del>K</del> <b>A-S4.55.</b>	Turner Architects	<del>6 March 2017</del> <b>09.08.19</b>
Level 11 Floor Plan, Project No. 16001. Drawing No. DA-110-110. Revision <del>J</del> <b>A-S4.55.</b>	Turner Architects	<del>6 March 2017</del> <b>09.08.19</b>
Level 12 Floor Plan, Project No. 16001. Drawing No. DA-110-120. Revision <del>J</del> <b>A-S4.55.</b>	Turner Architects	<del>6 March 2017</del> <b>09.08.19</b>
Level 13 Floor Plan, Project No. 16001. Drawing No. DA-110-130. Revision <del>J</del> <b>A-S4.55.</b>	Turner Architects	<del>6 March 2017</del> <b>09.08.19</b>
Level 14 Floor Plan, Project No. 16001. Drawing No. DA-110-140. Revision <del>J</del> <b>A-S4.55.</b>	Turner Architects	<del>6 March 2017</del> <b>09.08.19</b>
Level 15 Floor Plan, Project No. 16001. Drawing No. DA-110-150. Revision <del>J</del> <b>A-S4.55.</b>	Turner Architects	<del>6 March 2017</del> <b>09.08.19</b>
Level 16 Floor Plan, Project No. 16001. Drawing No. DA-110-160. Revision <del>J</del> <b>A-S4.55.</b>	Turner Architects	<del>6 March 2017</del> <b>09.08.19</b>
Level 17 Floor Plan, Project No. 16001. Drawing No. DA-110-170. Revision <del>J</del> <b>A-S4.55.</b>	Turner Architects	<del>6 March 2017</del> <b>09.08.19</b>
Level 18 Floor Plan, Project No. 16001. Drawing No. DA-110-180. Revision <del>J</del> <b>A-S4.55.</b>	Turner Architects	<del>6 March 2017</del> <b>09.08.19</b>
Level 19 Floor Plan, Project No. 16001. Drawing No. DA-110-190. Revision <del>J</del> <b>A-S4.55.</b>	Turner Architects	<del>6 March 2017</del> <b>09.08.19</b>
Level 20 Floor Plan, Project No. 16001. Drawing No. DA-110-200. Revision <del>J</del> <b>A-S4.55.</b>	Turner Architects	<del>6 March 2017</del> <b>09.08.19</b>

Level 21 Floor Plan, Project No. 16001. Drawing No. DA-110-210. Revision <del>J</del> <b>A-S4.55.</b>	Turner Architects	<del>6 March 2017</del> <b>09.08.19</b>
Level 22 Floor Plan, Project No. 16001. Drawing No. DA-110-220. Revision <del>J</del> <b>A-S4.55.</b>	Turner Architects	<del>6 March 2017</del> <b>09.08.19</b>
Level 23 Floor Plan, Project No. 16001. Drawing No. DA-110-230. Revision <del>J</del> <b>A-S4.55.</b>	Turner Architects	<del>6 March 2017</del> <b>09.08.19</b>
Level 24 Plant and Roof Plan, Project No. 16001. Drawing No. DA-110-240. Revision <del>J</del> <b>A-S4.55.</b>	Turner Architects	<del>6 March 2017</del> <b>09.08.19</b>
Overall Roof Plan, Project No. 16001. Drawing No. DA-110-250. Revision <del>J</del> <b>A-S4.55.</b>	Turner Architects	<del>10 March 2017</del> <b>09.08.19</b>
North Elevation Plan, Project No. 16001. Drawing No. DA-210-001. Revision <del>N</del> <b>A-S4.55.</b>	Turner Architects	<del>10 March 2017</del> <b>22.08.19</b>
East Elevation Plan, Project No. 16001. Drawing No. DA-210-002. Revision <del>N</del> <b>A-S4.55.</b>	Turner Architects	<del>10 March 2017</del> <b>22.08.19</b>
South Elevation Plan, Project No. 16001. Drawing No. DA-210-003. Revision <del>N</del> <b>A-S4.55.</b>	Turner Architects	<del>10 March 2017</del> <b>22.08.19</b>
West Elevation Plan, Project No. 16001. Drawing No. DA-210-004. Revision <del>N</del> <b>A-S4.55.</b>	Turner Architects	<del>10 March 2017</del> <b>22.08.19</b>
Section AA Plan, Project No. 16001. Drawing No. DA-310-001. Revision <del>N</del> <b>A-S4.55.</b>	Turner Architects	<del>10 March 2017</del> <b>22.08.19</b>
Section BB Plan, Project No. 16001. Drawing No. DA-310-002. Revision <del>N</del> <b>A-S4.55.</b>	Turner Architects	<del>10 March 2017</del> <b>22.08.19</b>
Section CC Plan, Project No. 16001. Drawing No. DA-310-003. Revision <del>N</del> <b>A-S4.55.</b>	Turner Architects	<del>10 March 2017</del> <b>22.08.19</b>
Section DD & EE Plan, Project No. 20160021. Drawing No. DA100. Revision A.	Turner Architects	10 March 2017
Tree Management Plan, Reference No. 20160021. Drawing No. DA100. Revision 2.	Scott Carver	24 February 2017
General Arrangement Plan, Reference No. 20160021. Drawing No. DA101. Revision 2.	Scott Carver	24 February 2017
Ground Floor Detail Plan, Reference No. 20160021. Drawing No. DA102. Revision 2.	Scott Carver	24 February 2017
Ground Floor Plan 2, Reference No. 20160021. Drawing No. DA103. Revision 2.	Scott Carver	24 February 2017
Level 9 – Rooftop Terrace, Reference No. 20160021. Drawing No. DA104. Revision 2.	Scott Carver	24 February 2017

Ground Floor Detail Plan 2, Reference No. 20160021. Drawing No. DA103. Revision 2.	Scott Carver	24 February 2017
Swept Path Details	Scott Carver	Undated
Ground Floor Section AA Plan, Reference No. 20160021. Drawing No. DA200. Revision 1.	Scott Carver	24 February 2017
Ground Floor Section BB and CC Plan, Reference No. 20160021. Drawing No. DA201. Revision 1.	Scott Carver	24 February 2017
Ground Floor Section DD and CC Plan, Reference No. 20160021. Drawing No. DA202. Revision 1.	Scott Carver	24 February 2017
Soil and Water Management Plan. Project no. 202174601. Drawing No. C005. Revision A.	Bonacci	22 July 2016
Soil and Water Management Details. Project no. 202174601. Drawing No. C006. Revision A.	Bonacci	22 July 2016
Civil Works Cover Sheet, Project No. 0789, Drawing No. C01, Revision A	Neil Lowry & Associates	20 July 2016
Specifications Sheet, Project No. 0789, Drawing No. C02, Revision A	Neil Lowry & Associates	20 July 2016
Bulk Earthworks Plan Project No. 0789, Drawing No. C03, Revision A	Neil Lowry & Associates	20 July 2016
Internal Driveways and Pathway Plan, Project No. 0789, Drawing No. C04, Revision D	Neil Lowry & Associates	8 August 2016
<i>Materials Board, Project No. 16001. Drawing No. DA-990-001. Revision H A-S4.55.</i>	<i>Turner Architects</i>	<del>2 August 2016</del> <b>22.08.19</b>
Engineering Plans to be prepared as per the conditions below.	N/A	To be prepared as per conditions.

Document(s)	Prepared By	Dated
General Terms Of Approval – Water NSW	Water NSW	14 December 2016
General Terms of Approval – Sydney Trains	Transport Sydney Trains	6 July 2017
Natural Ventilation Study	Windtech	13 March 2017
Site Audit Report	JBS&G	14 June 2016
Fire Engineers Report	Affinity Fire Engineering	8 August 2016
Public Arts Plan	Turpin Crawford Studio	July 2016
Pedestrian Wind Environment Statement	Windtech	August 2016
Construction Management Plan	Barker Ryan Stewart	August 2016
Access Review	Morris Goding Accessibility Consulting	8 September 2016
Crime Prevention Assessment	Barker Ryan Stewart	August 2016

Arborist Report	The Ents Tree Consultancy	22 July 2016
Waste Management Plan	Elephants Foot	8 August 2016
<b>BASIX Certificate No. 742824M_04</b>	<del>BASIX</del> <b>Windtech Consultants</b>	<del>4 August 2016</del> <b>23 August 2019</b>
Acoustic Report	Acoustic Noise and Vibration Solutions P/L	9 August 2016
BCA Report	Vic Lilli	9 August 2016
Traffic and Parking Report	Barker Ryan Stewart	August 2016
Heritage Impact Statement	NBRS + Partners	8 August 2016
Geotech Report	EI Australia	11 August 2016
Aviation Report	Landrum and Brown	July 2017

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

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

***Amended pursuant to section 4.55 of the Environmental Planning and Assessment Act 1979 in accordance with DA/968/2016/A.***

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

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

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

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

4. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.

**Reason:** To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.

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

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

6. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.

**Reason:** As per Office of Water requirements.



7. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below- ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
8. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
- (a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
  - (b) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
  - (c) where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.

**Reason:** As per Office of Water requirements.

9. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

**Reason:** As per Office of Water requirements.

10. Documentation (referred to as a 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process must be provided. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

**Reason:** As per Office of Water requirements.

11. The Applicant is to engage an Artist/s to develop the artworks consistent to the proposed themes and treatment areas outlined in the Arts Plan.

**Reason:** To deliver satisfactory public art.

12. On completion of the artwork design stage, the Applicant is required to submit all additional documentation to Council that details the realisation of the Arts Plan through final design concepts, site plan for artworks, construction documentation and project management prior to its implementation.

**Reason:** To deliver satisfactory public art.

13. All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:

- Geotechnical Investigation prepared by EI Australia dated 11 August 2015 (Ref: E23033 GB\_Rev2).
- Structural Report prepared by Bonacci Group dated 7 March 2017 (Ref:2021746).
- Impact Assessment Report prepared by EI Australia dated 28 October 2016 (Ref: E23033 GC\_Rev2)

- Following Structural Drawings prepared by Bonacci Group:
  - S0005-P4
  - S0020-P4
  - S0025-P4
  - S0026-P4
  - S0027-P4
  - S0028-P4
  - S0029-P4
  - S0030-P4
  - S0031-P2
  - S0035-P4
  - S0036-P4

The Principal Certifying Authority is not to issue the Construction Certificate until the measures detailed in the documents approved/certified by Sydney Trains under this Condition are incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate (unless amended and subsequently endorsed by Sydney Trains in order to comply with the requirements of Condition A2). Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

**Reason:** As per Sydney Trains requirements.

## Prior to the Issue of the Construction Certificate

- 14a. Prior to the issue of the Construction Certificate, all necessary approvals from the relevant authorities are to be obtained to confirm that the development will not impact on any flight paths.

**Reason:** To ensure that the development does not obstruct flight path/s.

14. Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the 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.

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. A monetary contribution comprising **\$1681994.20** is payable to Parramatta City Council in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the Parramatta Section 94A Development Contributions Plan (Amendment No. 2). 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.

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation.

Parramatta Section 94A Development Contributions Plan (Amendment No. 2) 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.

17. 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.

18. 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.

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

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

20. 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 968/2016;

(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.

<b>Nature Strip and Roadway</b> (for 2 street frontages)	\$40,000
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A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to Parramatta City Council with the payment of the bond/s.

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

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

21. 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.

22. A noise management plan must be prepared in accordance with the NSW Department of Environment, Climate Change and Water 'Interim Noise Construction Guidelines 2009' and accompany the application for a Construction Certificate. The Certifying Authority must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

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

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

23. Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for a Construction Certificate confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the development.

If a substation is required of the energy provider, it must be located internally within a building/s.

Substations are not permitted within the front setback of the site or within the street elevation of the building; unless such a location has been outlined and approved on the Council stamped Development Application plans. Substations are not permitted within Council's road reserve.

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

24. The development must incorporate 56 adaptable dwellings. Plans submitted with the construction certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

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

25. 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.

26. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to receive written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having the benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

**Reason:** To ensure Council's assets are not damaged.

27. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers [DS9 & DS10]. Details must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

A Vehicle Crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges prior to any work commencing.

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

28. 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.

29. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany an application for a Construction Certificate and be to the satisfaction of the Principal Certifying Authority (PCA). A copy of these details must be forwarded to Council prior to any work being commenced.

Backfilling of excavations adjoining Council property or any void remaining at the completion of the construction between the building and Council property must be fully compacted prior to the completion of works.

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

30. 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.

31. Column locations are to be installed in accordance with Clause 5 and Figures 5.1 and 5.2 of AS 2890.1-2004.

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

32. Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for a Construction Certificate confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the development.

If a substation is required of the energy provider, it must be located internally within a building/s.

Substations are not permitted within the front setback of the site or within the street elevation of the building; unless such a location has been outlined and approved on the Council stamped Development Application plans. Substations are not permitted within Council's road reserve.

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

33. Prior to the issue of the Construction certificate, detailed plans are to be prepared in accordance with the requirements of the Public Domain Guidelines submitted to Council's Urban Design Team for review and approval.

**Reason:** To provide and ensure amenity of public domain.

34. A maximum of **547** residential parking spaces and 107 visitor parking spaces (total of 654) are to be provided on site. Parking spaces are to be provided in accordance with the approved plans referenced in condition 1 and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.

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

35. The redundant spaces as a result of the reduction in car parking spaces in the basement are to be converted to storage areas. are to be accommodate storage areas.

**Reason:** To provide appropriate storage areas.

36. 278 bicycle spaces/racks are to be provided on-site and used accordingly. The dimensions and layout of the bicycle storage/racks are to comply with AS 2890.3 - 2015. Details are to be illustrated on plans submitted with the construction certificate.

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

37. 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

38. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials. Any such materials may only be permitted if they are less than or equal to 900mm height above the driveway level.

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

39. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains for endorsement the following items:

- i. Final Construction Drawings for Construction Certificate
- ii. Confirmation from the Geotechnical Engineer confirming that the Ko values adopted for shotcrete design are acceptable.
- iii. P2 pile details.
- iv. Revised Monitoring Plan addressing the following:
  - a. The predicted wall movement as per the Structural Design Report page 4 is 10mm which is in excess of the nominated alarm/action level. Please confirm the alarm/action levels are appropriate given the predicted movements. It is expected that the anticipated deflection of the shoring wall would be greater than the movement at the site boundary, however in the excavation monitoring plan the deflection limit recommended for the site boundary is 5mm and the shoring wall is 4mm.
  - b. A hold point shall be added for the review of survey results and proposed action levels by the Civil Maintenance Engineer prior to commencement of works.
  - c. Nomination of a competent track person.
- v. Revised Risk Assessment – Management Plan addressing the following:
  - a. The Survey movement criteria is not consistent with the monitoring plan. The management plan needs to ensure that it appropriately references and/or is consistent with the ground movement and vibration monitoring plan.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. In the event that the above documentation requires the amended of the documentation provided in Condition then the Construction Certificate shall be based on the amended documentation endorsed by Sydney Trains.

**Reason:** As per Sydney Trains requirements.

40. The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:

- Machinery to be used during excavation/construction.
- Construction, Excavation and Demolition plan listing the vibration generating equipment, anticipated levels of vibration and proposed method of monitoring

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

**Reason:** As per Sydney Trains requirements.



41. A final Electrolysis Report based on the final approved development is to be prepared prior to the issue of a construction certificate. The Applicant must incorporate in the development all the measures recommended in the report to control that risk.  
**Reason:** As per Sydney Trains requirements.
42. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.  
**Reason:** As per Sydney Trains requirements.
43. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains and Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.  
**Reason:** As per Sydney Trains requirements.
44. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.  
**Reason:** As per Sydney Trains requirements.
45. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.  
**Reason:** As per Sydney Trains requirements.
46. Rainwater from the roof must not be projected and/or falling into the adjoining rail corridor and must be piped down the face of the building which faces the rail corridor.  
**Reason:** As per Sydney Trains requirements.
47. Prior to the issue of a Construction Certificate the Applicant is to submit to Sydney Trains the demolition, excavation and construction methodology and staging for review and endorsement. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.  
**Reason:** As per Sydney Trains requirements.
48. No work is permitted within the Sydney Trains land, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains and/or Transport for NSW. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from those entities confirming that its approval has been granted.  
**Reason:** As per Sydney Trains requirements.
49. The Applicant shall liaise with Sydney Trains regarding access to the rail corridor gates adjoining the site during and post development works. The Applicant shall comply with the requirements of Sydney Trains at all times. The final access road levels and road

surface of the access road to the corridor gates are to be in accordance with Sydney Trains and Transport for NSW Asset Standards Authority requirements. If required by Sydney Trains a right of way or easement for access shall be placed on title in order to provide and maintain legal access for Sydney Trains to the rail corridor.

**Reason:** As per Sydney Trains requirements.

50. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

**Reason:** As per Sydney Trains requirements.

51. If no retaining walls are marked on the approved plans no approval is granted as part of this approval for the construction of any retaining wall that is greater than 600mm in height or within 900mm of any property boundary.

The provision of retaining walls along common boundary lines shall not impact on neighbouring properties. If impact upon neighbouring properties (including fences) is anticipated then written approval from the affected neighbour shall be obtained and submitted to the certifying authority prior commencement of the works.

Structural details, certified by a practicing structural engineer, shall accompany the application for a Construction Certificate for assessment and approval by the certifying authority.

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

52. The basement stormwater pump-out system, must be designed and constructed to include the following:

- (a) A holding tank capable of storing the run-off from a 100 year ARI (average reoccurrence interval) - 2 hour duration storm event, allowing for pump failure.
- (b) A two pump system (on an alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
  - (i) The permissible site discharge (PSD) rate; or
  - (i) The rate of inflow for the one hour, 5 year ARI storm event.
- (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
- (d) A 100 mm freeboard to all parking spaces.
- (e) Submission of full hydraulic details and pump manufacturers specifications.
- (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

Plans and design calculations along with certification from the designer indicating that the design complies with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

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

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

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

54. Prior to the issue of Construction Certificate, the applicant must obtain approval on the stormwater plan from council. In this regard, amended stormwater plan shall be submitted to the satisfaction of Council's Technical Specialist Team (Development Assessment Services). The following matters must be specifically addressed in the amended stormwater Plan:

### **Water Quality Treatment (Filtration) System**

The water quality treatment (Filtration) system shall be consistent with the following requirements:

- a. *To allow the flow up to and equivalent to 1 in 3-month's storm event (First flush) into the filtration system, the outflow from the bottom of the high-flow bypass chamber (i.e. flow up to **1 in 3 month's** flow) to be directed into the filtration unit through a low-level outlet pipe fitted with orifice of suitable diameter, and the overflow from the high-flow bypass chamber (that exceeds **1 in 3 month's** flow) (from upper level outlet), to be directed into the OSD system.*
- b. *The size of the high-flow bypass chamber should such that it fills up quickly to generate the required head to result the flow of **1 in 3 month's** flow into the filtration chamber. In this regard the high-flow bypass chamber should not be large than 1m x1m in area.*
- c. *The floor/ invert of the high-flow bypass chamber should be at least 150mm higher than the invert of the filtration chamber to ensure that there is not backflow of the polluted water from the filtration chamber.*
- d. *The overflow level in the High-flow bypass chamber should be higher than water level in the filtration chamber and approximately match the Top Water Level (1:100-year's event) in the OSD storage chamber to ensure that no backflow occurs into the high-flow bypass chamber from the OSD tank.*
- e. *The outflow (bottom outlet) from the filtration system to be directed into the overflow pit (past the OSD system) and then equivalent flow to be reduced from the PSD in the OSD calculation. It is recommended that the outflow from the filtration unit be directed into overflow pit.*
- f. *The holding tank of the filtration system should be sufficient enough to hold **1 in 3 month's** flow and that no overflow of the polluted water from the filtration occurs that bypass the filtration system.*

In this regard, stormwater plan shall address the following issues.

#### **i. High-flow bypass chamber**

In order for the water quality treatment device (filtration system) to function appropriately, the high-flow bypass chamber be re-designed taking into account of the followings

- hydraulic grade line and the hydraulic head over the orifice within High-flow bypass chamber and
- ensure that head over the orifice within the high-flow bypass chamber does not exceed the designed head for **1 in 3** month's flow (by inundation /backflow from the OSD /high early discharge pit),

In this regard the following adjustments may be considered:

- i. raise the invert level of the high-flow bypass chamber to **IL29.15mAHD** (lower level outlet should be at least 150mm higher than false floor of filtration chamber), and overflow weir to **RL30.70mAHD** (upper level outlet).

i. **Filtration chamber**

Invert level of the filtration chamber (surface level of the false floor) should be adjusted in order to maintain the filtration head to **930mm** (the floor may be raised).

In addition to the above the followings issue also need to be addressed.

ii. **Habitable area over the OSD tank**

The habitable area of the units that lie above the OSD tank should be separated by a layer of free unenclosed space. In this regard, the following adjustment need to be made.

- ✓ Raise the habitable floor level by **300mm to RL 31.70mAHD** or lower the surface level of OSD tank by **400mm to RL 31.00mAHD**.
- ✓ The portion of the OSD tank cover slab lying under the building shall not be enclosed and be freely ventilated. (the submitted plan shows an enclosed space)

iii. **Emergency Overflow weir**

Overflow Weir level for **1:100 year's** storm event, which also acts as emergency overflow, shall be at least **1m wide** with the overflow weir level at **RL 30. 80m.or** as appropriate such that there is storage volume of at least **470m<sup>3</sup>**

iv. **Inconsistencies between the plans.**

The levels shown on the layout plan is inconsistent with that shown on the cross-sectional details (e.g. weir level from OSD HED pit).

**Reason:** To ensure that WSUD system is appropriately incorporated into stormwater OSD system and functions efficiently.

55. Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be submitted for the approval of the PCA prior to release of the Construction Certificate for any work on the site.

(a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following Stormwater Plans approved by this consent and with Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Hand book (Third or Fourth Edition), the relevant Australian Standards and the National Construction Code.

(i) The final drainage plans are consistent with the submitted Drainage Plans i.e. **"Stormwater Plans** (Drawing ref # 0789-SC05:Basement Level 1 Drainage Plan, -SC02:Basement Level4 Drainage Plan, -SC06 & SC7:Ground Level Drainage Plan, -SC33 &SC34:OSD and StormFilter plan and Cross sectional details), Revision **"G"** dated 07/07/2017 prepared by Neil Lowrey & Associates Pty Ltd (6 sheets) together with the notes and rectification as required and address the issues.

- **High-flow bypass chamber**

In order for the water quality treatment device (filtration system) to function appropriately, the high-flow bypass chamber be re-designed taking into account of the followings

- hydraulic grade line and the hydraulic head over the orifice within High-flow bypass chamber and
- ensure that head over the orifice within the high-flow bypass chamber does not exceed the designed head for **1 in 3** month's flow (by inundation /backflow from the OSD /high early discharge pit),

In this regard the following adjustments may be considered:

- raise the invert level of the high-flow bypass chamber to **IL29.15mAHD** (lower level outlet should be at least 150mm higher than false floor of filtration chamber), and overflow weir to **RL30.70mAHD** (upper level outlet). .

- **Filtration chamber**

Invert level of the filtration chamber (surface level of the false floor) should be adjusted in order to maintain the filtration head to **930mm** (the floor may be raised)

In addition to the above the followings issue also need to be addressed.

- **Habitable area over the OSD tank**

The habitable area of the units that lie above the OSD tank should be separated by a layer of free unenclosed space. In this regard, the following adjustment need to be made.

- ✓ Raise the habitable floor level by **300mm to RL 31.70mAHD** or lower the surface level of OSD tank by **400mm to RL 31.00mAHD**.
- ✓ The portion of the OSD tank cover slab lying under the building shall not be enclosed and be freely ventilated. (the submitted plan shows an enclosed space)

- **Emergency Overflow weir**

Overflow Weir level for **1:100 year's** storm event, which also acts as emergency overflow, shall be at least **1m wide** with the overflow weir level at **RL 30. 80m.or** as appropriate such that there is storage volume of at least **470m<sup>3</sup>**.

- **Inconsistencies between the plans.**

The levels shown on the layout plan is inconsistent with that shown on the cross-sectional details (e.g. weir level from OSD HED pit).

- A Site Storage Requirement of **470 m<sup>3</sup>/ha** and a Permissible Site Discharge of **80L/s/ha** (when using **3<sup>rd</sup> edition** of UPRCT's handbook) with the minimum storage capacity of **469.95m<sup>3</sup>/ha** as shown by the **OSD design Calculation summary sheet**.
- Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank.
- Certificate from registered structural engineer certifying the structural design adequacy of the OSD tank structure against the loads/forces including buoyancy forces.

- (d) Any changes, other than that are of minor nature (such as minor relocation of pits and pipes), or the changes that affect the approved landscaping require prior approval from the council.
- (e) The OSD Detailed Design Submission (Form B9) and OSD Detailed Calculation Summary Sheets (from B1) are to be submitted with the documentation accompanying the construction certificate application.

A calculation table showing the available storage volume with the pyramid volume and prismatic volume calculation method is to be shown on the plan.

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

56. As a part accomplishment of Water Sensitive Urban Design principles under section 3.3.6.1 of Parramatta City Council Development Control Plan 2011, the following pollution reduction and stormwater quality improvement measures shall be implemented in accordance with the stormwater plan. Special consideration shall be given to the consistency in the Hydraulic Grade line (HGL) at various critical points of each component.

- (a) All the surface pits at the basement car park shall be fitted with the filtration/screening basket fitted with the oil & grease-trapping pad of Enviropod make or equivalent that are capable of capturing sediments and spilled hydrocarbon.
- (b) Filtration system consisting of **at least seven (7) numbers** of **690mm** dia StormFilter cartridges (**Stormwater360** make or equivalent with demonstrated performance) that provide water quality flow (Filtration) rate of **9.95/s** in normal condition,
- (c) The filter media shall be "**Phosphosorb**", or similar perlite based media that has demonstrated performance characteristics equivalent or better.
- (d) Filtration chamber of at least **30m<sup>2</sup>** area with sufficient holding capacity ( $11 \times 0.930 = 10.3\text{m}^3$ ),
- (e) The hydraulic head drop (head difference between the inlet invert level and the outlet tail water level) of at least **930mm** shall be maintained at any time/event. The water quality flow (filtration) rate of the filtration system shall be no less than **9.95l/s**. If the head drop or water quality flow (filtration) rate cannot be maintained additional cartridges shall be provided proportionately to maintain the designated flow rate.
- (f) The construction and installation of the filtration system shall be in accordance with the manufacturer's specification and instruction.

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

57. As a part accomplishment of Water Sensitive Urban Design principles under section 3.3.6.1 of Parramatta City Council Development Control Plan 2011, the following pollution reduction and stormwater quality improvement measures shall be implemented in accordance with the stormwater plan. Special consideration shall be given to the consistency in the Hydraulic Grade line (HGL) at various critical points of each component.

- (g) All the surface pits at the basement car park shall be fitted with the filtration/screening basket fitted with the oil & grease-trapping pad of Enviropod make or equivalent that are capable of capturing sediments and spilled hydrocarbon.
- (h) Filtration system consisting **thirty (30) numbers** of **690mm** dia StormFilter cartridges (**Stormwater360** make or equivalent with demonstrated

performance) that provide water quality flow (Filtration) rate of **27l/s** in normal condition,

- (i) The filter media shall be “**Phosphosorb**”, or similar perlite based media that has demonstrated performance characteristics equivalent or better.
- (j) Filtration chamber of at least **40m<sup>2</sup>** area as shown on the stormwater plan with sufficient holding capacity of **30m<sup>3</sup>** for first flush (flow equivalent to 1:3 month's flow)
- (k) The hydraulic head drop (head difference between the inlet invert level and the outlet tail water level) of at least **930mm** shall be maintained at any time/event. The water quality flow (filtration) rate of the filtration system shall be no less than **27l/s**. If the head drop or water quality flow (filtration) rate cannot be maintained additional cartridges shall be provided proportionately to maintain the designated flow rate.
- (l) The construction and installation of the filtration system shall be in accordance with the manufacturer's specification and instruction.

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

58. Electricity provision within the site is to be designed so that in the future the electrical connection from this site can be made to an underground connection within the street. Certification from an energy provider addressing their requirements for this provision is to be forwarded to the Certifying Authority with the application for a Construction Certificate.

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

59. Where shoring will be located on or will support Council property, engineering details of the shoring are to be prepared by an appropriately qualified and practising structural engineer. These details are to include the proposed shoring devices, the extent of encroachment and the method of removal and de-stressing of the shoring elements. These details shall accompany the application for a Construction Certificate. A copy of this documentation must be provided to Council for record purposes. All recommendations made by the qualified practising structural engineer must be complied with.

**Reason:** To ensure the protection of existing public infrastructure and adjoining properties.

60. All mechanical 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 - 1998 – ‘The use of ventilation and air conditioning in buildings’ – ‘Fire and smoke control in multi-compartmented buildings’. Details showing compliance are to accompany an application for a Construction Certificate.

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

61. Where a security roller shutter or boom gate prevents access to visitor carparking, an intercom system is required to be installed to enable visitor access to the car parking area. Details of the system and where it is to be located is to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To ensure visitor carparking is accessible.

62. 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.



63. The underground OSD storage tank structures shall be constructed as designed and certified by a Qualified Structural Engineer, taking into **account of the structural loads including dead load and live load from the above and surrounding areas/structures including the buoyancy forces, which exert load on the tank structures**. The principal certifying authority shall ensure that the designer has taken account of all loads influencing the tank structures, duly certified and provided the structural design certificate and comply with Australian Standard: AS3600-2009-concrete structures and AS3700-2001-Masonry structures.

Upon completion of construction, a Certified Practicing Engineer to the satisfaction of the principal certifying authority shall certify the work. The principal certifying authority shall ensure that a practicing certified Engineer upon completion of the works duly certifies the construction works.

**Reason:** To ensure that the structural stability of the underground tank structure.

## **Prior to the Work Commencing**

64. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:
- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
  - (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.

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

65. The site must be enclosed by a 1.8m high security fence erected wholly within the confines of the site to prevent unauthorised access. The fence must be installed to the satisfaction of the Principal Certifying Authority prior to the commencement of any work on site.

**Reason:** To ensure public safety.

66. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:
- (a) Unauthorised entry of the work site is prohibited;
  - (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
  - (c) The name, address and telephone number of the Principal Certifying Authority;
  - (d) The development consent approved construction hours;

The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.

**Reason:** Statutory requirement.

67. Prior to work commencing, adequate toilet facilities are to be provided on the work site.

**Reason:** To ensure adequate toilet facilities are provided.

68. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:
- (a) Above;
  - (b) Below; or

(c) On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works are being undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

**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 authorised by this consent conducted above, below or on any public land owned or controlled by Council.

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

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

70. The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas).

No drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.

**Reason:** To protect Council's assets throughout the development process.

71. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a 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 Principal 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.

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

- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.
- (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
- (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
- (d) The impact on groundwater levels in relation to the basement structure.
- (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

Where it is considered there is potential for the excavation to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development. This design is to ensure there is no change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path of groundwater results, artificial drains such as perimeter drains and through drainage may be utilised.

- (f) The recommendations resulting from the investigations are to demonstrate the works can be satisfactorily implemented. An implementation program is to be prepared along with a suitable monitoring program (where required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction.

The implementation program is to nominate suitable hold points for the various stages of the works in order verify the design intent before certification can be issued and before proceeding with subsequent stages.

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

- (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.

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

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

73. 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.

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

- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
- (b) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
- (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
- (d) the site is to be maintained clear of weeds; and
- (e) all grassed areas are to be mowed on a monthly basis.

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

75. 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.

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 within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval pursuant to Section 138 of the Roads Act 1993:

- (a) On-street mobile plant:

E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, 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 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 they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, 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 work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs..

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

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

77. The trees identified for retention and protection referenced in the submitted Arboricultural Impact Assessment Report prepared by The Ents Tree Consultancy dated 22 July 2016 and on the approved Landscape Plans shall be protected prior to and during the demolition/construction process in accordance with the documents referenced above.

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

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

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

79. Tree protection measures are to be installed and maintained, under the supervision of an Australian Qualifications Framework (AQF) Level 5 Arborist in accordance with AS4970 - "Protection of Trees on Development Sites".

**Reason:** To ensure trees are protected during construction.

80. The following shall be included in the initial report:

- (a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
- (b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building

- together with a discussion of the methodology and information on which this assessment is based.
- (c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
  - (d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [Note that groundwater level measurements should be undertaken on a continuous basis using automatic loggers in monitoring bores.
81. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
82. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
83. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
84. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability determined by slug-testing, pump-testing or other means).
85. A copy of a valid consent for the development shall be provided in the initial report.
86. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.
87. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient

groundwater in the vicinity of the reinjection site.

88. No rock anchors/bolts are to be placed into RailCorp's land or easements.
89. If required by Sydney Trains, a services search is to be undertaken prior to commencement of works. The Applicant is to contact the Sydney Trains Rail Corridor Management Group to confirm the need for this item.
90. All excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.
91. Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
92. Prior to the commencement of works appropriate fencing/hoarding is to be in place along the rail corridor to prevent unauthorised access. Details of the type of fencing/hoarding and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing/hoarding work being undertaken.
93. Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor and rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
94. Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the entire works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to the issuing of the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
95. Prior to commencement of any works, including demolition and excavation, the applicant is to submit to the Council of documentary evidence including photographic evidence of any existing damage to Council's property. Council's property includes footpaths, kerbs, gutters, drainage pits, pipes etc. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the commencement of works. Failure to identify any damage to Council's assets will render the applicant liable for the costs associated with any necessary repairs  
**Reason:** To ensure that the applicant bears the cost of all restoration works to Council's property damaged during the course of this development.

## During Construction



96. 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.

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

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

98. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall 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.

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

Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

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

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

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

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

**Reason:** To allow the Principal Certifying Authority/Council to respond to concerns raised by the public.

101. 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 demolition, excavation and 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.

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

102. 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.

103. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

**Reason:** To ensure no adverse impacts on neighbouring properties.

104. 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.

105. 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.

106. 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.

107. 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.

108. 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.

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

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

110. No materials (including waste and soil), equipment, structures or goods of any type are to be stored, kept or placed within 5m of the trunk of a tree or within the drip line of any tree.

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

111. No service, structure, conduit or the like is permitted to be fixed or attached to any tree.  
**Reason:** To ensure the protection of the tree(s).
112. All trees planted as required by the approved landscape plan are to be a minimum 45 litre container size. All shrubs planted as part of the approved landscape plan are to have a minimum 200mm container size.  
**Reason:** To ensure appropriate landscaping.
113. All trees supplied above a 25L container size must be grown and planted in accordance with:  
(a) Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing tree quality.  
(b) Natspec Guide No.2.  
Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown to Natspec guidelines. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.  
**Reason:** To minimise plant failure rate and ensure quality of stock utilised.
114. Trees to be removed are (refer to Arboricultural Impact Assessment Report: Prepared by The Ents Tree Consultancy dated 22 July 2016 for Tree No's & locations):
- | Tree No. | Species                      | Common Name             | Location |
|----------|------------------------------|-------------------------|----------|
| 30       | <i>Gleditsia triacanthos</i> | Honey Locust            | Grounds  |
| 31       | <i>Gleditsia triacanthos</i> | Honey Locust            | Grounds  |
| 32       | <i>Phoenix canariensis</i>   | Canary Island Date Palm | Grounds  |
| 33       | <i>Corymbia citriodora</i>   | Lemon Scented Gum       | Grounds  |
| 35       | <i>Eucalyptus scoparia</i>   | Wallangarra White Gum   | Grounds  |
- Reason:** To facilitate development.
115. All trees planted within the site must be of an adequate root volume and maturity so as not to require staking or mechanical support. Planting must be carried out in accordance with the approved Landscape Plans and conditions of consent.  
**Reason:** To ensure the trees planted within the site are able to reach their required potential.
116. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Safe Work Australia Guide to managing risks of tree trimming and removal work.  
**Reason:** To ensure works are carried out in accordance the Safe Work Australia Guide to managing risks of tree trimming and removal work.
117. Where activity asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.  
**Reason:** To ensure appropriate disposal of asbestos materials.
118. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guidelines – Part 1 Classifying Waste (EPA 2014) and any other regulatory instrument as amended.  
**Reason:** To ensure appropriate disposal of asbestos materials.
119. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

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

120. Hazardous or intractable wastes shall be removed and disposed of in accordance with the requirements of Work Cover NSW and the EPA, and with the provisions of:
- (a) Work Health and Safety Act 2011
  - (b) NSW Protection Of the Environment Operations Act 1997 (NSW) and
  - (c) NSW Department of Environment and Climate Change Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

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

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

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

122. The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Accordingly only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Landscaping that interferes with electricity infrastructure may become subject to Endeavour Energy's Vegetation Management program and/or the provisions of the Electricity Supply Act 1995 (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

**Reason:** In accordance with Endeavour Energy Requirements.

123. Endeavour Energy's G/Net master facility model indicates that the site is in a locality identified or suspected of having asbestos or asbestos containing materials (ACM) present. Whilst Endeavour Energy's underground detail is not complete within G/Net in some areas, in older communities, cement piping was regularly used for the electricity distribution system and in some instances containing asbestos to strengthen the pipe; for insulation; lightness and cost saving.

When undertaking works on or in the vicinity of Endeavour Energy's electricity network, asbestos or ACM must be identified by a competent person employed by or contracted to the applicant and an asbestos management plan, including its proper disposal, is required whenever construction works has the potential to impact asbestos or ACM.

The company's potential locations of asbestos to which construction / electricity workers could be exposed include:

- o customer meter boards;
- o conduits in ground;
- o padmount substation culvert end panels; and
- o joint connection boxes and connection pits.

Further details are available by contacting Endeavour Energy's Health, Safety & Environment via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm.

**Reason:** In accordance with Endeavour Energy Requirements.

124. As the proposed development will involve work near electricity infrastructure, workers run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>

**Note:** In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note Emergencies Telephone is 131 003 which can be contact 24 hours/7 days.

**Reason:** In accordance with Endeavour Energy Requirements.

125. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.

**Reason:** As per Office of Water requirements.

126. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.

**Reason:** As per Office of Water requirements.

127. Measurement and monitoring arrangements to the satisfaction of the approval body are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.

**Reason:** As per Office of Water requirements.

128. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/so The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.

**Reason:** As per Office of Water requirements.

129. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.

**Reason:** As per Office of Water requirements.

130. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.

**Reason:** As per Office of Water requirements.

131. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the approval body under appropriate safety procedures.

**Reason:** As per Office of Water requirements.

132. Sydney Trains and Transport for NSW, and persons authorised by them for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

**Reason:** As per Sydney Trains requirements.

133. Copies of any certificates, drawings or approvals given to or issued by Sydney Trains or Transport for NSW must be submitted to Council for its records.

**Reason:** As per Sydney Trains requirements.

134. No scaffolding or hoarding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding and hoarding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

**Reason:** As per Sydney Trains requirements.

135. No drainage shall be discharged into the rail corridor.

**Reason:** As per Sydney Trains requirements.

136. The proposed outlet pipe and connection works into the existing downstream kerb inlet pit within the public domain shall comply with the following requirements.

- a) The connection into the stormwater system shall be in the direction of flow (not against the flow).
- b) Connection into the existing downstream pit in accordance with council's Standard Plan (*Please contact the council's civil Infrastructure Unit for requirement details on kerb inlet pit type, connections requirements and the relevant standard plan number/drawing*).
- c) The connection work must be inspected by the qualified practicing engineer and approved prior to backfilling.
- d) Upon completion of works, the following documents shall be submitted to council.
  - i. Work-As-Executed Stormwater plan (layout and long section profile) prepared on the copies of the approved plan with the variations marked in RED ink and duly certified by a registered surveyor.
  - ii. A certificate of compliance by a qualified drainage/hydraulic engineer. The person issuing the compliance certificate shall ensure that all the works have been completed and comply with the approved plans and the council's requirements.

**Reason:** To ensure that the stormwater work comply with requirements of relevant authority.

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

137. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 109H of the Environmental Planning and Assessment Act 1979.

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

138. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority responsible for the critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. The record must include:
- (a) The development application and Construction Certificate number as registered;
  - (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 stator requirements.

139. A street number is to be placed on the site in a readily visible location from a public place prior to the issue of an Occupation Certificate. The numbers are to have a minimum height of 75mm.

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

140. 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. **742824M\_04**, will be complied with prior to occupation

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

***Amended pursuant to section 4.55 of the Environmental Planning and Assessment Act 1979 in accordance with DA/968/2016/A.***

141. 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.

142. A written application to Council's Civil Assets Team for the release of a bond must quote the following:

- (a) Council's Development Application number; and
- (b) Site address.

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

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

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

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

143. 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.

144. Certification must be provided prior to the issue of an occupation certificate that the required adaptable dwelling(s) have achieved a class C design in accordance with the requirements of AS 4299 -1995.

**Reason:** To ensure the requirements of DCP 2011 have been met.

145. 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 and or infrastructure.

The report is to be submitted to the PCA prior to the issue of the occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings/ infrastructure, the PCA must compare the post-construction dilapidation report with the pre-construction dilapidation report, and

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

**Reason:** To establish any damage caused as a result of the building works.

146. All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Standard Plan No. SD004. The reinstatement must be completed prior to the issue of an Occupation Certificate. All costs must be borne by the applicant.

**Reason:** To provide satisfactory drainage.

147. Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted

- 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 using the pyramid volume and prismatic volume calculation method.
- d. OSD WAE Survey certification form and WAE dimensions form (Form B10 and attachment B. Refer to UPRCT Handbook).
- e. Certificate of Hydraulic Compliance (Form B11) from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The person issuing Hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.
- f. Approved verses installed Drainage Design (OSD) Calculation Sheet certified by a qualified practicing Hydraulic Engineer.
- g. Structural Engineer's Certificate for the OSD tank structure, basement pump out tank structure, OSD basin (retaining) wall etc.

The above is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate and another set of the documents shall be submitted to Council.



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

148. 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.

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

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

150. Prior to the issue of any Occupation Certificate, an application is required to be obtained from Council for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and be accompanied by detailed plans showing, grades/levels and specifications that demonstrate compliance with Council's standards, without conflict with all internal finished surface levels. The detailed plan must be submitted to Council's Civil Assets Team for approval prior to commencement of the driveway crossing works. A fee in accordance with Council's adopted 'Fees and Charges' will need to be paid at the time of lodgement.

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

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

**Reason:** Pedestrian and Vehicle safety.

151. An application for street numbering must be lodged with Council for approval, prior to the issue of an Occupation Certificate or Subdivision Certificate whichever occurs first.  
**Note:** Notification of all relevant authorities of the approved street numbers must be carried out by Council.  
**Reason:** To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.
152. All individual parcels of land holding a separate title within the development site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to an Occupation Certificate being issued.  
**Reason:** To comply with the Conveyancing Act 1919.
153. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.  
**Reason:** To ensure restoration of environmental amenity.
154. Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS 2890.1-2004.  
**Reason:** To comply with Australian Standards.
155. The minimum available headroom clearance to be signposted at all entrances is to be 2.2m (for cars and light vans including all travel paths to and from parking spaces) and 2.5m (for parking spaces for people with disabilities) measured to the lowest projection of the roof (fire sprinkler, lighting, sign, and ventilation), according to AS 2890.1-2004 and 2890.6-2009.  
**Reason:** To comply with Australian Standards.
156. A single master TV antenna not exceeding a height of 3.0m above the finished roof level must be installed on each building to service the development. A connection is to be provided internally to each dwelling/unit within the development.
- Details of these connections are to be annotated on the plans and documentation accompanying the Occupation Certificate to the satisfaction of the Certifying Authority.  
**Reason:** To protect the visual amenity of the area.
157. Prior to the issue of an occupational certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and City of Parramatta Council, stating that all works/methods/procedures/control measures approved by Council in the following report has been completed:  
(a) Acoustic Report No. 2016-322, dated 9 August 2016, prepared by Acoustic Noise & Vibration Solutions P/L  
**Reason:** To demonstrate compliance with submitted reports.
158. Prior to issue of the occupation certificate, the applicant shall enter into a commercial contract for the collection of trade wastes and recyclable materials arising from business operations on site. A copy of all-waste contracts and receipts shall be kept on site and made available to Council officers on request.  
**Reason:** To comply with the Requirements of the Protection of the Environment Operations Act 1997 and Regulations.
159. Following cessation of the dewatering operations, the applicant shall submit the completion report which shall include:

- (a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
- (b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
- (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.

**Reason:** As per Office of Water requirements.

160. The completion report is to be assessed by the approval body prior to any certifying agency's approval for occupation or use of the completed construction.

**Reason:** As per Office of Water requirements.

161. The artworks are to be completed in full in line with the documentation submitted and the artworks are installed to the satisfaction of Council prior to the issue of the Occupation Certificate.

**Reason:** To ensure delivery of public art.

162. A final acoustic assessment based on the final approved development is to be prepared in compliance with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines" and submitted to Council.

**Reason:** To ensure the provision of acoustic treatments for the development.

163. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

**Reason:** As per Sydney Trains requirements.

164. Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings shall indicate that there has been no encroachment into Sydney Trains land or easements. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

**Reason:** As per Sydney Trains requirements.

165. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the Water Quality improvement of and facilities installed on the lot. The positive covenant and Restriction on the use of land shall be created only upon completion of the system and certification by a qualified practicing engineer to the satisfaction of the Principal Certifying Authority.

**Note:** *The covenant is to be submitted to Council for approval prior to lodgement with the Land and Property Information Service of NSW. Documents relating proof of completion of the stormwater system according to the*

*approved stormwater plan and certification of the compliance shall be submitted to the council together with the positive covenant and restriction.*

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

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

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

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

## Use of the Site

167. The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.

**Reason:** To ensure the removal of graffiti.

168. Any external plant/air-conditioning system must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.

**Reason:** To minimise noise impact of mechanical equipment.

169. All landscape works shall be maintained for a minimum period of two (2) years following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions.

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

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

- (a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
- (b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
- (c) The walls being cement rendered to a smooth, even surface and coved at all intersections;
- (d) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet;
- (e) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

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

171. 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.
172. All waste storage areas are to be maintained in a clean and tidy condition at all times.  
**Reason:** To ensure the ongoing management of waste storage areas.