

## ATTACHMENT 2- DRAFT CONDITIONS OF CONSENT

<b>SWCCP reference</b>	PPSSCC-28
<b>DA No.</b>	528/2019

### GENERAL MATTERS

#### Approved plans and supporting documentation

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

Drawing No. and Revision	Title	Dated
DA-0107 Rev 19	Proposed envelope plan	15.10.2020
DA-0108 Rev 19	Hazard contour plan	15.10.2020
DA-0201 Rev 21	Basement 04 plan	15.10.2020
DA-0202 Rev 21	Basement 03 plan	15.10.2020
DA-0203 Rev 21	Basement 02 plan	15.10.2020
DA-0204 Rev 21	Basement 01 plan	15.10.2020
DA-0205 Rev 29	Level 01- Ground level	17.2.21
DA-0206 Rev 25	Level 02 - Podium plan	17.2.21
DA-0207 Rev 25	Level 03 and 04 – Podium plan	17.2.21
DA-0209 Rev 25	Level 05 – Top of podium	17.2.21
DA-0210 Rev 25	Levels 06-23	17.2.21
DA-0211 Rev 22	Level 24 – Sub penthouse	17.2.21
DA-0211A Rev 22	Level 25 – Sub penthouse	17.2.21
DA-0212 Rev 25	Level 25- Penthouse Tower B	17.2.21
DA-0213 Rev 25	Level 27- Penthouse Tower A	17.2.21
DA-0215 Rev 23	Roof plan	17.2.21
DA-0221 Rev 18	SEPP 65 compliance plan – L01	15.10.20
DA-0222 Rev 18	SEPP 65 compliance plan – L02	15.10.20
DA-0223 Rev 18	SEPP 65 compliance plan – L03 and 04	15.10.20
DA-0224 Rev 18	SEPP 65 compliance plan – L05	15.10.20
DA-0225 Rev 19	SEPP 65 compliance plan – L06-23	15.10.20
DA-0226 Rev 18	SEPP 65 compliance plan – L25	15.10.20
DA-0227 Rev 18	SEPP 65 compliance plan – L27	15.10.20
DA-0501 Rev 23	Elevation - North East (Edwin Flack Ave)	17.2.21

DA-0502 Rev 23	Elevation - North West	17.2.21
DA-0503 Rev 23	Elevation – South East	17.2.21
DA-0504 Rev 23	Elevation – South West	17.2.21
DA-0601 Rev 20	Section A	15.10.20
DA-0602 Rev 20	Section B	15.10.20
DA-0603 Rev 19	Typical streetscape sections	15.10.20
DA-0604 Rev 19	Driveway section	15.10.20
DA-1310 Rev 19	Adaptable apartments (2B and 3B)	15.10.20
DA-2901 Rev 20	GFA calculation sheet 01	15.10.20
DA-2902 Rev 20	GFA calculation sheet 02	15.10.20
DA-2903A Rev 19	GFA calculation sheet 03	15.10.20
DA-3321 Rev 20	Façade condition sheet 01	15.10.20
DA-3322 Rev 19	Façade condition sheet 02	15.10.20
DA-3323 Rev 20	Façade condition sheet 03	15.10.20
DA-3324 Rev 20	Façade condition sheet 04	15.10.20
DA-3401 Rev 19	Materials and finishes board	15.10.20

The development is to be carried out in accordance with the following **landscape plans** prepared by Taylor Brammer, 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. and Revision</b>	<b>Title</b>	<b>Dated</b>
LA 03 Rev D	Masterplan	12.10.20
LA 04 Rev D	Materiality	12.10.20
LA05 Rev D	Section AA	12.10.20
LA 06 Rev D	Level 5	12.10.20
LA 07 Rev D	Level 26	12.10.20
LA 08 Rev D	Planting Plan	12.10.20
LA 09 Rev D	Tree retention and removal plan	12.10.20
LA 10 Rev A	Levels Plan	12.10.20
LD 01 Rev D	Landscape details	12.10.20

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

Drawing No. and Revision	Title	Dated
80819105-CI-100 Rev 2	Cover sheet, drawing list and locality plan	12.10.20
80819105-CI-101 Rev 2	Notes sheet	12.10.20
80819105-CI-105 Rev 2	Site plan	12.10.20
80819105-CI-110 Rev 2	TYPICAL SECTIONS AND DETAILS	12.10.20
80819105-CI-115 Rev 2	General arrangement	12.10.20
80819105-CI-118 Rev 2	Indicative earthworks	12.10.20
80819105-CI-120 Rev 2	Road longitudinal section	12.10.20
80819105-CI-125 Rev 2	Road cross section sheet 1	12.10.20
80819105-CI-126 Rev 2	Road cross section sheet 2	12.10.20
80819105-CI-127 Rev 1	Road cross section sheet 3	12.10.20
80819105-CI-140 Rev 2	Pavement plan and details	12.10.20
80819105-CI-150 Rev 2	Stormwater plan	12.10.20
80819105-CI-155 Rev 2	Stormwater longitudinal section Sheet 1	12.10.20
80819105-CI-156 Rev 2	Stormwater longitudinal section Sheet 2	12.10.20
80819105-CI-160 Rev 2	Erosion and sediment control plan	12.10.20
80819105-CI-161 Rev 2	Erosion and sediment control details	12.10.20

**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.

#### Physical commencement

- Physical commencement must occur in accordance with the requirements of Section 95(4) of the Environmental Planning and Assessment Act within 5 years of the date of the issue of the consent. Should physical commencement not occur within 5 years the consent will lapse.

**Reason:** To provide certainty to the community as to when physical commencement must occur.

#### No approval for demolition

- This consent does not permit demolition of any buildings or structures. All demolition work must be the subject of a separate approval.

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

#### Building work in compliance with BCA

- 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.

#### Construction Certificate

- 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.

It is acknowledged the development may proceed in stages, and that separate construction certificates may be issued for separate components within each stage. All relevant terms and conditions are to be met for each stage/component

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

#### **No encroachment outside the site**

120. 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.

### *ENVIRONMENTAL HEALTH – CONTAMINATION*

#### **Site Investigation & Site Audit Statement**

6. Following demolition activities, a Detailed Site Investigation is to be undertaken to address the data gaps identified in Section 10.3 of the Stage 1 Environmental Site Assessment, prepared by Environmental Investigation Services, dated 6 March 2019, REF: E32076BDrpt. The Detailed Site Investigation should:

- include an additional Waste Classification
- ensure the soil is tested by a person with suitable expertise, to ensure the soil contaminant levels are below acceptable health criteria for residential areas. The soil investigation shall be carried out in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites and the NSW Department of Environment and Conservation Guidelines for the Assessment and Management of Groundwater Contamination 2007.

A site audit statement shall be issued at the completion of the investigation by an approved NSW Environment Protection Authority Auditor in accordance with the NSW Environment Protection Authority's Guidelines for the NSW Site Auditor Scheme.

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

#### **Hazardous/intractable waste disposed legislation**

7. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Safework 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 Environment Protection Authority (EPA) Waste Classification Guidelines.

**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.

### **Imported fill**

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

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

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

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

### **Signage – Contamination**

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

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

### **Requirement to notify about new contamination evidence**

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

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

### **Discharge of Contaminated Groundwater**

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

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

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

### **Contaminated waste to licensed EPA landfill**

12. 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.

## **ENVIRONMENTAL HEALTH – WASTE**

### **Provide waste storage room on premises**

13. 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 and in accordance with AS1668

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

#### **Amenity of waste storage areas**

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

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

#### **Garbage Chutes**

15. Any garbage chutes must be designed in accordance with the requirements of the Building Code of Australia and the Department of Environment and Climate Change Better Practice Guide for Waste Management in Multi-Unit Dwellings. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.

No e-waste diverters shall be installed in the development.

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

#### **Separate waste bins for general & recycling waste**

16. Separate waste bins are to be provided on site for recyclable waste.

**Reason:** To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.

#### **Adjustment to a public utility service**

17. The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer.

**Reason:** To minimise costs to Council

#### **LANDSCAPE**

18. Trees equal to or greater than 3.5 metres in height, which are protected under Auburn Development Control Plan 2010 (Tree Preservation), must not be removed or damaged without Council consent.

**Reason:** To preserve existing landscape features.

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

#### **TRANSPORT FOR NSW**

19. Prior to the issue of the relevant construction Certificate, the layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.

20. Prior to the issue of the relevant Construction Certificate, sight distances from the proposed vehicular crossings to vehicles are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.
21. The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate shows that the proposed development complies with this requirement.
22. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements shall be to the satisfaction of Council.

#### *SYDNEY OLYMPIC PARK AUTHORITY*

23. The Arboricultural Impact Assessment identifies the need to prune six (6) trees within SOPA land. The applicant must obtain the prior written approval from SOPA's Director – Environment and Planning to undertake formative pruning of any trees on SOPA land prior to the issue of a Construction Certificate
24. SOPA must be consulted if the scope of works changes to result in any new or additional impacts to trees on SOPA land, noting that any tree removal will require SOPA approval including agreement on any replacement planting.
25. A Construction Traffic and Pedestrian Management Plan must be approved by SOPA's Director, Environment and Planning prior to the issue of any Construction Certificate. The Construction TPMP should include all proposed truck routes and should consider alternative arrangements for managing event road closures within the precinct.

#### *AUSGRID*

##### **Proximity to Existing Network Assets - Underground Cables**

26. There are existing underground electricity network assets in Birnie Avenue. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Safework Australia –Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

This matter is to be addressed to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

### **Activities Within or Near to the Electricity Easement**

27. This easement was acquired for the 33,000 volt transmission assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the transmission assets and to provide adequate working space along the route of the lines for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities under or near the transmission lines which could either by accident or otherwise create an unsafe situation for workers or the public, to reduce the security and reliability of Ausgrid's network.

### **Activities Within the Electricity Easement**

28. The following matters are to be addressed to the satisfaction of the Principal Certifying Authority prior to either the issue of the relevant Construction Certificate, or works commencing, as may be appropriate.
- a. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.
  - b. Ausgrid is not responsible for the reinstatement of any finished surface within the easement site.
  - c. Ausgrid requires 24 hour access along the easement for plant and personnel. For the purpose of exercising its rights under the easement, Ausgrid may cut fences and/or walls and install gates in them. Where the easements on a site do not provide practical access to all of Ausgrid's infrastructure, a suitable right of access at least 5m wide must be provided to each asset.
  - d. No buildings/structures or parts thereof constructed may encroach the easement.
  - e. No machine excavation is permitted within the easement without Ausgrid's express permission.
  - f. Bulk solids (e.g sand and gravels) are not to be stored within the easement area.
  - g. No fill material or retaining walls are to be placed within the easement without Ausgrid's written approval.
  - h. Any excavation adjacent to the easement must utilise adequate shoring to prevent destabilisation or subsidence of the ground around the LV cable.
  - i. Ausgrid is to be indemnified from all actions, suits, claims and demands of whatsoever nature, which Ausgrid may incur as a result of the encroachment/s.
  - j. Ausgrid reserves the right, by written notice, to require the owner of the property, at the owner's expense, to implement further safety measures, removal or modification of any encroachments not specifically approved by Ausgrid should this be necessary in the future for the safe and continued operation or upgrade of the network asset.

### **FEES AND CHARGES**

#### **Long Service Levy payment**

29. 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.



### Development Contribution

30. A monetary contribution comprising \$1,746,200.24 is payable to the City of Parramatta Council in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and the *Carter Street Precinct Development Contributions Plan 2016*. Payment must be by EFTPOS, bank cheque or credit card only.

The contribution required by this condition must be paid before the issue of the first Occupation Certificate in respect of any building to which this consent relates. In that instance, the first Occupation Certificate cannot be issued until Council has confirmed in writing that the contribution levy has been received in full.

**Note** however that payment of the contribution will be required prior to the issue of any Construction Certificate if no Construction Certificate in respect of the erection of any building to which the consent relates is issued before or on 25 September 2022 (or later if extended by the NSW Government), in which case the monetary contribution must be paid before the issue of the any Construction Certificate after that date for any such building.

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. 4)* can be viewed on Council's website at:

[http://www.parracity.nsw.gov.au/build/forms\\_and\\_planning\\_controls/developer\\_contributions](http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions)

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

### Environmental Enforcement Service Charge

31. An Environmental Enforcement Service Charge must be paid to Council prior to the issue of each 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.

### Infrastructure and Restoration Administration Fee

32. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of each 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.

### Development site bond

33. 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/528/2019;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

Bond Type	Amount
Development site bond	\$25,750

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.

## PLANNING

### Event covenant

34. Prior to the issue of any Construction Certificate a covenant under section 88E of the Conveyancing Act 1919 shall be registered on the land. The covenant shall burden the land and property substantially in the form of the event covenant used by Sydney Olympic Park Authority, and otherwise to the satisfaction of Council, in relation to disturbance, inconvenience, nuisance, disruption or economic loss arising in connection with the operation of Sydney Olympic Park.

### SEPP 65 verification

35. Design Verification issued by a registered architect is to be provided with the application for all relevant Construction Certificates 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.

### Location of plant

36. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas within the building as shown on the approved plans, and is not to be located on the roof. Details demonstrating compliance are to be submitted with the relevant Construction Certificate.

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

#### **No external service ducts**

37. 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 relevant Construction Certificates to the satisfaction of the Certifying Authority.

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

#### **Implementation of technical reports**

38. The recommendations outlined in the following reports shall be incorporated into the plans and documentation accompanying the relevant Construction Certificate to the satisfaction of the Principal Certifying Authority:

- (a) Accessibility Design Review by ABE Consulting (Ref: 8262 dated 21 August 2019)
- (b) Waste Management Plan by MRA Consulting Group (Issue 5, dated 26.8.2019)
- (c) Noise Impact Assessment by Acoustic Logic (Ref: 20181339.1, Issue 1, dated 29.8.2019)
- (d) BASIX Certificate 1038818M\_05, 12 February 2021.

except as amended elsewhere in this Notice

**Reason:** To ensure a suitable level of residential amenity.

#### **Noise mitigation**

39. Prior to the issue of the relevant Construction Certificate(s) details to the satisfaction the Principal Certifying Authority shall be provided which demonstrate the design and construction of the buildings will achieve the recommended noise criteria in section 12.2.2 of the Carter Street Precinct Development Framework 2020, being:
- Living and working areas: 40 dBA(Laeq)
  - Sleeping areas: 35dBA (Laeq)

#### **Single master TV antenna**

40. 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 relevant Construction Certificate to the satisfaction of the Certifying Authority.

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

#### **Reflectivity of external finishes**

41. Prior to the issue of the relevant Construction Certificate(s) the PCA must be provided certification from a suitably qualified person that all recommendations within the External Reflectivity Compliance Report prepared by Inhabit Group (Ref: 8305-RPT-ES0002. Issue 4, dated 22.3.21) have been incorporated into the development.

In addition, all external materials must be pre colour coated on manufacture having a low glare and reflectivity finish. The reflectivity index of roof finishes and glazing is to be no greater than 20% so as not to result in glare that causes any nuisance or interference to any person or place. Details must accompany the Construction Certificate to the satisfaction of the Certifying Authority.

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

## Wind mitigation

42. Prior to the issue of the relevant Construction Certificate(s) the PCA must be provided certification from a suitably qualified person that all recommendations within the Pedestrian Wind Environment Study prepared by Windtech (Ref: WE430-04F03(REV0)-WE REPORT, dated 29.1.21) have been incorporated into the development.

In implementing the required mitigation measures the following obligations also apply to the relevant Construction Certificate for **building works**:

- a) The suitability of the wind mitigation treatments for the private balconies must be quantified and demonstrated as effective. In that regard, the study location 57 treatment should be also applied to study locations 47 to 49 and any other lower levels locations that fails the safety criterion.
- b) The wind conditions on the Level 5 communal outdoor area have been shown to be well above the target criterion for recreational activities. Landscaping as proposed will not be sufficient to mitigate impacts. Additional measures such as such as vertical screens, canopies, and pergolas, to mitigate the wind conditions for the intended activities must be provided. The suitability of those additional measures must be quantified and demonstrated as effective.

In implementing the required mitigation measures the following obligations also apply to the relevant Construction Certificate for **landscaping and associated ground level works such as baffle screens and canopies**:

- c) The approved landscaping plans noted elsewhere in this consent must be further amended as follows:
  - i) All landscaping nominated in Figure 7a of the Windtech report must be provided at a semi mature state at the time of planting. In this regard the plans must be revised to include notations confirming that:
    - All landscaping noted as needing to be 1.5m – 2m will be that height at planting
    - All landscaping/trees noted as needing to be 3m-5m high will be at least 3m high at planting:
    - All landscaping/trees noted as needing to be 5m-8m or higher will be at least 5m high at planting:
  - ii) For study location 28, the target criterion for short duration activities must be achieved in the landscaped outdoor area between the towers. All nominated mitigation treatments (i.e. screens and canopy) must be provided, and their effectiveness quantified.

**Reason:** To provide for the safety and amenity for residents.

## Outdoor lighting

43. All outdoor lighting must comply with the relevant provisions of AS/NZS 1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

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

## Electricity supply and substations

44. 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 entire 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 any street elevation of the building; unless existing or 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.

### **Undergrounding of services**

45. To reduce the extent of overhead cabling, all low voltage distribution and service mains required to facilitate the development must be underground both within the allotment boundaries and the public way. Details must be provided with the plans and documentation accompanying the application for the relevant Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To provide infrastructure that facilitates the future improvement of the streetscape.

### **Adaptable dwellings**

46. The development must incorporate 41 adaptable dwellings. Plans submitted with the relevant 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.

### **External walls and cladding flammability**

47. The external walls of the building including attachments must comply with the relevant requirements of the *National Construction Code (NCC)*. Prior to the issue of the relevant Construction Certificate and any Occupation Certificate the Certifying Authority and Principal Certifying Authority must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

**Reason:** To ensure public safety.

### **Dual water reticulation**

48. Prior to the issue of any construction certificate for the ground floor or above, the following must be demonstrated to the satisfaction of the certifying authority:

- (a) A dual reticulation (dual pipe) system is to be installed throughout the development to support the immediate or future connection to a recycled water network such as the Sydney Olympic Park **Water Reclamation and Management Scheme (WRAMS)** or other future Sydney Water recycled water system.

If a recycled water network is not currently available, the design of the dual reticulation system is to be such that a future change-over to an alternative water

supply can be achieved without significant civil or building work, disruption or cost. To facilitate this, the dual reticulation system is to have:

- i. One reticulation system servicing drinking water uses, connected to the drinking supply, and
- ii. One reticulation system servicing all non-drinking water uses.
- iii. The non-drinking water system is to be supplied with harvested rainwater, with drinking water backup, until such time as an alternative water supply connection is available

#### **Rock anchors**

49. Prior to the issue of the relevant Construction Certificate, approval is to be obtained from the property owner for any anchors that may be proposed beneath adjoining private property. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.

If the use of permanent or temporary rock anchors is required extending into the road reserve, then approval must be obtained from Council and/or the Roads and Maritime Services in accordance with section 138 of the Roads Act 1993 prior to the issue of a construction certificate. A fee is payable for this approval.

**Note:** if works impact a Council designated road, the consent holder is to contact Council's Property Services Officer to seek approval for rock anchors under section 138 of the Roads Act 1993.

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

#### *ENVIRONMENTAL HEALTH – NOISE*

##### **Construction Noise Management Plan**

50. 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.
- (b) Assessment of expected noise impacts.
- (c) Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts.
- (d) 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.

#### *TRAFFIC*

51. 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 relevant Construction Certificate application.

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

52. 454 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS2890.3-2015. Details are to be illustrated on plans

submitted with the relevant Construction Certificate. Note that provision of bicycle parking spaces within storage cages for residents is accepted.

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

53. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS2890.2 and AS 2890.6. A total of 458 parking spaces is to be provided and be allocated as follows:

- a) 406 parking spaces for the residential units including 42 spaces as accessible parking;
- b) 46 visitor parking spaces including four (4) spaces as accessible parking;
- c) Four (4) car share spaces;
- d) Two (2) electrical vehicle charging stations.

Tandem car spaces are to be allocated to same unit. Details are to be illustrated on plans submitted with the relevant Construction Certificate.

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

54. Detailed engineering design plans of the driveway and median island extension in Birnie Avenue, Lidcombe are to be submitted to Council's Traffic and Transport Manager for consideration by the Parramatta Traffic Committee and approval by Council prior to the issue of any Construction Certificate for any construction work relating to the ground level.

The construction of the approved treatment is to be carried out by the applicant and all costs associated with the supply and construction of the traffic facility and appropriate signage are to be paid for by the applicant at no cost to Council.

**Reason:** To ensure maintenance of traffic flow and safety on the surrounding road network.

55. Four (4) car parking spaces are to be allocated for car share parking space. Car share parking spaces shall be publicly accessible at all times, adequately lit and sign posted. Written evidence shall be provided with the development application demonstrating that offers of a car space to car share providers have been made together with the outcome of the offers or a letter of commitment to the service. The PCA shall ascertain that agreement with a commercial operator is subscribed prior to issue of the construction certificate. If agreement with a car share provider is not obtained then the car share space is to be used for additional visitor parking until such time as a car share provider is obtained. Details are to be illustrated on plans submitted with the relevant Construction Certificate.

**Reason:** To comply with Council's Development Control Plan.

56. The exit from the site onto Edwin Flack Avenue is to be restricted to left out arrangement only. The kerb alignment at this location is to be re-aligned in order to prevent left in movements from Edwin Flack Avenue into the proposed development. Details are to be illustrated on plans submitted with the relevant Construction Certificate.

**Reason:** To ensure appropriate traffic flow and safety on the road network.

## ENGINEERING

### Stormwater Disposal

57. All roof water and surface water is to be connected to an operable drainage system. Details are to be shown on the plans and documentation accompanying the relevant application for a Construction Certificate.

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

### **Retaining walls**

58. 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 the relevant Construction Certificate for assessment and approval by the certifying authority.

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

### **Sydney Water Quick check**

59. A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

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

### **Dial Before you Dig Service**

60. 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.

### **Basement carpark and subsurface drainage**

61. 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
    - (ii) 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 relevant Construction Certificate.

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



### On Site Detention

62. 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 relevant 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 Auburn DCP 2010 – Stormwater Drainage, Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, the relevant Australian Standards and the National Construction Code.
    - (i) Concept stormwater drainage plans, Drawing Nos. 80819105-CI-150, 80819105-CI-155, 80819105-CI-156, Revision 2, dated 12 October 2020, prepared by Cardno.
    - (ii) Stormwater Management Report, Ref. No. 80819105, Version 1, dated 14 October 2020, prepared by Cardno.
  - (b) A Site Storage Requirement (SSR) of 325 m<sup>3</sup>/ha and a Permissible Site Discharge (PSD) of 150 L/s/ha unless Council has been satisfied with a runoff routing model (e.g. DRAINS) that the development can achieve the PSD rate with a lower SSR and written confirmation from Council is supplied with the plans to this effect.
  - (c) The piped drainage system shall be designed with capacity for the 1% AEP design storm event with allowance for the interception of wind driven rain by vertical surfaces in accordance with AS3500.3-2003.
  - (d) The OSD tank shall be designed to comply with the underground storage design specifications contained with Section 5.4 of the Auburn DCP 2010 – Stormwater Drainage.
  - (e) 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.
  - (f) The OSD tank shall include a provision for any surcharge of the OSD tank to be directed to a surface flow path through the site and towards the point of discharge. Any adjoining buildings shall be provided with adequate freeboard above the water levels within the flow path.
  - (g) Where possible, overflows of the piped drainage system shall be directed to the OSD storage with surface flowpaths.
  - (h) The swale located along the north western boundary adjoining Lot 65 DP1191648 shall be wholly located within the development site.
  - (i) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.

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

### Water quality treatment devices

63. Water quality treatment devices must be installed to manage the quality of stormwater discharge in accordance with the Stormwater Management Report, Ref. No. 80819105, Version 1, dated 14 October 2020, prepared by Cardno. Details of the proposed devices

and their location must accompany the application for the relevant Construction Certificates to the satisfaction of the Certifying Authority.

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

#### **Shoring for adjoining Council property**

64. 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/or de-stressing of the shoring elements. These details shall accompany the application for the relevant 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.

#### **Construction of a heavy duty vehicular crossing**

65. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS9 and DS10. Details must accompany an application for the relevant Construction Certificate to the satisfaction of the Principal 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.

#### **Construction of bicycle pedestrian paths**

66. The bicycle path shall be constructed to meet the following minimum standards:

- The thickness of the cycleway slab shall be 130mm.
- The concrete is placed as fibrecrrete equivalent to SL82 mesh.

The pedestrian path between Birnie Avenue and Edwin Flack Avenue shall be constructed to Councils' relevant Design Standards. Details are to be shown on the relevant Construction Certificate(s).

**Reason:** To ensure the bicycle path is properly constructed.

#### **Road Construction**

67. The private road connecting Birnie Avenue and Edwin Flack Avenue shall be constructed in accordance with:

- (a) The civil plans approved at condition 1;
- (b) All relevant Australian Standards
- (c) All relevant requirements of AustRoads.

The PCA must be provided with certification from a suitably qualified person that the terms of this condition are satisfied prior to issue of the relevant Construction Certificate(s).

**Reason:** To ensure the road is properly constructed.

#### **Impact on Existing Utility Installations**

68. 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 the relevant 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.

#### **Support for adjoining Council property**

69. 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 the relevant Construction Certificate and be to the satisfaction of the Principal Certifying Authority. 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.

#### **Stormwater drainage and civil works in Birnie Avenue**

70. Details of the proposed stormwater drainage and civil works in Birnie Avenue shall be submitted to Council's Civil Infrastructure Unit for separate construction approval prior to commencement of works. Details are to form part of the relevant Construction Certificate documentation.

**Reason:** To ensure appropriate drainage.

#### **Basements must be tanked**

71. The design of the basement structure is not to rely on the continuous pumping and disposal of groundwater into Council's stormwater drainage system. Details are to be shown on the plans issued with the Construction Certificate.

**Reason:** To ensure that groundwater is not disposed into Council's stormwater drainage system.

### **PUBLIC DOMAIN**

#### **Public Domain Construction Drawings**

72. Prior to the issue of the Construction Certificate for any construction work relating to the ground floor, including slab pour, public domain works or any other above ground structure, a set of detailed Public Domain Construction Drawings must be submitted to and approved by Council's Development and Traffic Services Unit (DTSU) Manager. The drawings shall address, but not limited to, the following areas:

- All the frontages of the development site between the gutter and building line, including footpath, drainage, forecourt, front setback, *vehicle crossings and bicycle path*
- Any publicly accessible areas;
- Any works in carriageway, and
- Onsite landscape work.

Grading of the pedestrian footway:

- Detailed design spot levels and designed contour lines are required.
- Localised flattening of public footpath levels at building doorways is not permitted. Any change of level required to provide compliant access to the building must be achieved behind the property boundary line.
- Localised ramps are not permitted in the footway. Longitudinal grading must follow the gradient of the top of kerb line unless agreed otherwise with Council. Ramping of the footway to suit adjacent building entry/access requirements will not be accepted.

The Public Domain Construction Drawings and specifications shall be prepared in accordance with:

- The latest City of Parramatta Public Domain Guidelines (PDG);
- The approved public domain drawings,
- The approved public domain alignment drawings,
- The approved landscape drawings, and
- All the conditions listed in this consent.

The Public Domain Construction Drawings must be prepared to reflect the following changes:

- As per the PDG, the landscape dwgs must show all work in the public domain and be fully coordinated with other relevant disciplines. The landscape dwgs need to be update to reflect the civil dwgs, in particular the footpath connecting Birnie Ave to Edwin Flack Ave.
- All vehicle crossings including but not limited to Edwin Flack Ave, and vehicle crossing to basement entry and loading zone, should be redesigned prioritising pedestrians over vehicles by using Council's standard construction Detail DS9 Heavy Vehicle Crossing. The levels of the vehicle crossings and associated pavement may need to be raised to drain positively from the building to the road stormwater system.
- Kerb ramps to be provided at the intersection of Birnie Ave and the new road, subject to Supervisor Civil Assets advice
- Construction details as nominated in the PPDG including but not limited to permeable pavement to be provided.
- The landscape and civil dwgs must be properly and fully coordinated to accurately reflect proposed scope of work relative to the surveyed information, in particular removal of existing trees subject to Landscape Management officer's advice.
- The new road is to be centred to Carter St. Set out points for the new road should be provided showing this requirement is met, subject to Traffic advice
- All new street trees to be properly and clearly identified.
- Streetlight poles to be located at back of kerb as per the PDG

**Reason:** To ensure the public domain is constructed in accordance with Council standards.

### **Footway Specifications**

73. Notwithstanding the approved Public Domain Drawings and Public Domain Alignment Drawings, the following requirements shall be included in the Public Domain Construction Drawings:

#### Footpath

The standard in situ concrete, as per the Council's standard construction detail DS3 shall be applied to the public domain to the full length of the new road, connecting Birnie Ave to Edwin Flack Ave. This includes the public footway up to the base of stairs and or ramps or logical design threshold within the site and as close to the building as possible.

A copy of the Design Standard (DS) Drawings referenced above can be obtained from Council's Customer Service department on 9806 5050, Mon – Fri (8:30am-4:30pm).

#### Kerb Ramps

Kerb ramps must be designed and located in accordance with Council's design standards (DS4), using in situ concrete.

Ramps are to be aimed to the ramp on the opposite side of the road.

### Vehicle Crossing

Council's standard vehicle crossing is to be provided. Refer Council's design standard (DS9), using in situ concrete.

### Pit Lids

All Pit lids in paved areas of the public domain should be level with the paving around and aligned with the paving pattern. Joints should be coordinated where possible. Where allowed by the service providers, the pit lids should be infilled with the surrounding paving material

### Tactile Indicators (TGSIs)

TGSIs must be used on the public footpath and comply with the requirements in the Public Domain Guidelines. The TGSIs must be installed in the locations as shown on the approved Public Domain Construction Drawings.

TGSI's must comply as follows.

- TGSI's are required at the top and base of each flight/ramp, to comply with AS1428.4.1 (2009) including its amendment in 2010.
- TGSI's are not required on a landing where handrails continue through the landing.

### Clear Path of Travel (Shore-Lining)

Council continues to develop uniform design approach(s) to delineating a clear path of travel past complex built forms at the footway level. Options could include, but not be limited to, change in pavement colour, textures and or other visual aids etc. that meet DDA requirements. Final design solutions to suit the project are to be proposed by the applicant for consideration and inclusion in the Public Domain Construction Drawings prior to issuing of CC approval.

Independent slip resistance test results to P5 Classification (Wet Pendulum Test) of completed works should be submitted.

### Street Furniture

Street furniture selection and detail shall be to Council's requirements where the furniture is located in publicly owned land. Street furniture in the public domain must comply with Council's Public Domain Guidelines.

### Cycle racks

Not required

### Lighting

Pedestrian and street lighting shall be to Council's requirements and Australian Standards. All the lighting features in the public domain shall be detailed in the Public Domain Construction Documentation. All new LED luminaires shall include 7pin NEMA socket. Street lights in the public domain to located at the back of kerb within the furniture zone as per the PDG, ie within the furniture zone, face of pole typically 600mm back from face of kerb

### Applied to Publically Accessible Private Space

#### Non-slip surface

For non-council Standard Pavements, the applicant shall provide test results (after applying paving sealant) to prove applicable pavement material and finishes used in the publicly accessible areas and any plaza areas are non-slip surfaces that comply with a P4 rating as per AS4586:2013. Independent slip resistance test results to P5 Classification (Wet Pendulum Test) of completed works should be submitted.

### Steps

Steps in public open space must comply with the following requirements:

- Equal height risers of 150-165mm, and equal width treads of 275-300mm.
- Level landing areas at the top and base of steps.
- The first riser at least 900mm from the property boundary
- Opaque risers
- Compliant contrast nosing strips for full stair width
- Non-slip surfaces in wet conditions

### Handrails

Handrails must comply as follows:

- Handrails installed on each side of the stair.
- Landing area designed to sufficiently accommodate the required TGSi and handrail projection, which must be outside pedestrian path of travel and circulation spaces.
- Design of handrail according to AS1428.1:2009.
- Diameter of handrail 30-50mm.
- Clearance behind the handrail at least 50mm.
- Must have no obstruction for 2700 as shown in fig 29 of AS1428.1

### Ramps

Ramps must comply as follows:

- Level landings at top and base
- Non-slip surfaces in wet conditions
- Compliant handrails on each side with at least 1000mm between handrails
- A lower rail with maximum clearance of 65mm below.
- A kerb or kerb rail at a height between 65mm and 75mm or greater than 150mm as per fig 18 of AS1428.1

Preference is to achieve ramps which do not require handrails (ie make them flatter than 1:20).

Documentary evidence of compliance with these requirements is to be confirmed in the Public Domain Construction Drawings to be submitted to and approved by Council's DTSU Manager prior to the issue of the relevant Construction Certificate.

Reason: To comply with the Public Domain Guidelines and Council's standard construction details.

### **Street Tree Specifications**

74. Notwithstanding the approved public domain drawings, required street tree species, quantities and supply stocks are:

Street Name	Botanical Name	Common name	Pot Size	Qty	Average Spacing
New Road	Subject to approved CC dwgs				Typically 8-10m, or as shown on the approved drawings or as agreed by Manager Urban Design

**Note: Large trees are currently in short supply and pre-ordering of stock at a very early stage of the project to secure the specified size is required. Size and species adjustments based on lack of project co-ordination will not be permissible.**

All trees supplied must be grown in accordance with AS2303:2018 (Tree stock for landscape use). Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown in accordance with AS2303:2018. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.

The requirements for height, calliper and branch clearance for street trees should be in accordance with AS2303:2018.

Consistent tree pit size and construction is to be used throughout the public domain areas around the site for the street tree planting. The street tree must be planted in accordance with Council's design standard or best practice as agreed by Council's Landscape Management officer with adequate clearances to other street elements in accordance with the Public Domain Guidelines.

The base of all tree pits shall incorporate a drainage layer and pipe that connects to nearest stormwater pit and must be shown on the Public Domain Construction Drawings. The invert level of the storm water pit receiving the drainage water from the tree pits is also to be shown on the Public Domain Construction Drawings.

Documentary evidence of compliance with these requirements is to be confirmed in the **Public Domain Construction Drawings** and submitted to and approved by Council's DTSU Manager prior to the issue of the relevant Construction Certificate.

**Reason:** To ensure high quality street trees are provided; To minimise plant failure rate and ensure quality of stock utilised.

## LANDSCAPING

### Planting upon Structures

75. Plans and documents submitted must include the following with an application for the relevant Construction Certificate:

- (a) Construction details are to be provided by a suitably qualified structural engineer showing substrate depth, drainage, waterproofing for all planting on structures, including planting over on-site detention tanks, raised planters and rooftop gardens. All raised planting boxes/beds containing trees must be retained to a minimum height of 800mm.
- (b) Soil volume, soil depth and soil area must meet the prescribed standards in "Apartment Design Guide – tools for improving the design of residential apartment development" (NSW Department of Planning and Environment, 2015). Tree planting densities shall not exceed the prescribed soil volume and area required for plant type and any soil mounding must not exceed a maximum 1:8 grade which must be demonstrated on amended plans and certified by a suitably qualified Landscape Architect/Designer.
- (c) A specification ('Fit-for-purpose' performance description) for soil type and a maintenance schedule specified by a suitably qualified Soil Scientist, to ensure sufficient nutrient and water availability is achieved.

**Reason:** To ensure the creation of functional gardens.

### Tree Retention

76. Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be satisfied that the proposed electrical sub-station is relocated so as not to impact on the trees required to be retained on the neighbouring property. In order to reduce the impact on the root structure, no excavation is permitted within the following radius of the nominated tree(s):

Tree No.	Name	Common Name	Radius from the trunk
73	<i>Corymbia maculata</i>	Spotted gum	2.3 metres
74	<i>Acacia binervia</i>	Coastal Myall	1.8 metres

Plans submitted with the Construction Certificate application must reflect the above requirements.

**Reason:** To ensure adequate protection of existing trees.

### Landscaping Plan

77. The final Landscape Plan must be consistent with plans numbered LA00 – LA10 and LD01 revision D dated 12.10.2020, prepared by Taylor Brammer Landscape Architects together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:
- (a) Existing trees to be numbered on the plan as per the Arborist Report prepared by Tree Management Strategies dated 26.08.2019
  - (b) A planting plan and plant schedule indicating planting locations, species type (botanic/ common name) mature dimensions, plant numbers and the size of the containers at planting to be provided for all landscape areas, public domain areas, communal gardens and roof terraces.
  - (c) The location of all proposed underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees.
  - (d) A landscape treatment for the part to the site south of the new access road affected by various easements. The landscape treatment shall be confirmed as satisfactory by Viva Energy.

**Reason:** To ensure that appropriate landscaping is implemented.

### Statement on specific tree protection

78. A Tree Location and Protection Plan is to be prepared by an Australian Qualifications Framework (AQF) Level 5 Arborist in accordance with AS4970 - "Protection of Trees on Development Sites" for all existing trees on neighbouring properties, equal to or greater than 3.5 metres in height, located within three (3) metres to the common boundary. Trees identified are required to be numbered in accordance with the Arboricultural Impact Report prepared by Tree Management Strategies (Leigh Brennan) dated 26 August 2019 and must identify the measures to be implemented for tree protection.

**Reason:** To ensure adequate protection of existing trees.

## PRIOR TO WORKS COMMENCING

### SYDNEY OLYMPIC PARK AUTHORITY

79. Prior to any works commencing, a pre-construction dilapidation report must be provided to SOPA detailing the current structural condition of any SOPA buildings, roads and public domain or infrastructure assets within the zone of influence.

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.

**Reason:** To safe guard the public assets of SOPA 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.



## PIPELINE RISK MANAGEMENT

### Management of pipeline risk

80. Prior to any works commencing the applicant must provide to the PCA evidence from a suitably qualified person, that all measures within section 6 of the Safety Management Study prepared by Altus Group (Ref: 505116, Rev B, dated 8 August 2019) have been adhered to and implemented.

**Reason:** To comply with legislative requirements and to manage site risks.

### Construction Safety Study and Final Hazard Analysis

81. At least one month before the commencement of construction of any hazardous works or works adjacent to hazardous infrastructure, the applicant must prepare and submit the following to the satisfaction of Council's Group Manager Development and Traffic Services Unit (DTSU):

- (a) A Construction Safety Study, prepared consistent with Hazardous Industry Planning Advisory Paper No. 7 'Construction Safety'. The Construction Safety Study must be prepared in consultation with the relevant dangerous goods pipeline operators and licensees, and include details of the proposed safety measures to ensure the relevant underground pipelines will not be impacted by the construction of the development, including those from the Safety Management Study prepared by Altus Group (Ref: 505116, Rev B, dated 8 August 2019).
- (b) A Final Hazard Analysis of the development, consistent with the Department's Hazardous Industry Planning Advisory Paper No. 6 'Hazard Analysis'. The study must be prepared based on the final detailed design of the development and include:
  - (i) a quantitative risk assessment;
  - (ii) findings and recommendations from the Safety Management Study undertaken in consultation with the relevant dangerous goods pipeline operators and pipeline licensees;
  - (iii) details of all safeguards to be implemented, in particular those impacting on the safety and integrity of the underground pipelines;
  - (iv) demonstrate that the risk from the development satisfy relevant NSW Risk Criteria.

### Standard of works

82. The landowner must at no cost to Viva Energy Australia Pty Ltd, carry out the works (whether or not within the pipeline easement) for the development to meet the requirements of:
- (a) Australian Standard AS2885 Pipelines – Gas and Liquid Petroleum;
  - (b) Pipelines Act 2005; and
  - (c) Pipeline Regulations 2017
  - (d) Safety Management Study completed

## PLANNING

### Appointment of Principal Certifying Authority

83. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate(s) 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(s) when inspections, certification and compliance certificates are required.

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

#### **Enclosure of the site**

84. 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.

#### **Site Sign**

85. 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.

This condition does not apply where works are being carried.

**Reason:** Statutory requirement.

#### **Public liability insurance**

86. 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 re 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.

#### **Air Space Encroachment**

87. No part of a tower crane is to extend, operate or otherwise encroach the airspace of any adjoining properties at any time, including outside construction work hours, unless an agreement to do so has been reached between the developer and any relevant property owner/s, including any Strata body. Such agreement must be in place prior to installation of any component of the tower crane.

**Reason:** To preserve the amenity of adjoining property and ensure consistency with the requirements of Council's Hoarding and Tower Crane Policy 233.

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

- (a) An overall construction management program;
- (b) Construction traffic management;
- (c) Construction zones;
- (d) Pedestrian management;
- (e) Hoardings;
- (f) Dust management;
- (g) Hours of work;
- (h) Noise and vibration management measures;
- (i) Dilapidation reports;
- (j) Identification and disposal of hazardous materials/demolition materials;
- (k) Materials handling, waste management and recycling;
- (l) Disposal of excavated materials; and
- (m) Unexpected archaeological finds
- (n) Specific matters nominated within the consent notice.

All work must be undertaken in manner consistent with the terms of this Plan.

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

## *ENVIRONMENTAL HEALTH – NOISE*

### **Noise Management Plan – Construction Sites**

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

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

- (a) Identify sensitive location near the site;
- (b) Identify potential impacts (i.e. exceedance of the goals at the identified locations);
- (c) Mitigation measures to control noise and dust from the site, the noise reduction likely and the feasibility and reasonableness of these measures;
- (d) Selection criteria for plant and equipment;
- (e) Community consultation;
- (f) Details of work schedules for all construction phases;
- (g) Selection of traffic routes to minimise residential noise intrusion;
- (h) Schedule of plant and equipment use and maintenance programs;
- (i) Noise monitoring techniques and method of reporting results;
- (j) The methodology to be employed for handling and investigating any complaints should they arise;
- (k) Site induction details for employees and contractors; and
- (l) A declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

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

## ENVIRONMENTAL HEALTH – CONTAMINATION

### Asbestos Hazard Management Strategy

90. The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure that any such proposed demolition works involving asbestos are carried out in accordance with the requirements of the 'Code of Practice: How to Safely Remove Asbestos' published by Safework NSW. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

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

### Asbestos - signage

91. On demolition sites where buildings are known to contain friable or non-friable asbestos material, standard warning signs containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm are to be erected in a prominent position on site visible from the street kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by contacting the NSW SafeWork Authority hotline or their website [www.safework.nsw.gov.au/](http://www.safework.nsw.gov.au/)

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

### Hazardous material survey

92. At least one (1) week prior to demolition, the applicant must submit to the satisfaction of the Principal Certifying Authority a hazardous materials survey of the site. Hazardous materials include (but are not limited to) asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must be prepared by a suitably qualified and experienced environmental scientist and must include at least the following information:

- (a) The location of hazardous materials throughout the site;
- (b) A description of the hazardous material;
- (c) The form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- (d) An estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- (e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- (f) Identification of the disposal sites to which the hazardous materials will be taken.

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

## ENVIRONMENTAL HEALTH – WASTE

### Asbestos – hazardous management strategy

93. The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure that any such proposed demolition works involving asbestos are carried out in accordance with the requirements of the 'Code of Practice: How to Safely Remove Asbestos' published by WorkCover NSW. The strategy shall be submitted to the Principal Certifying Authority,

prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

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

#### **Waste management plan – demolition**

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

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

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

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

#### **TRAFFIC**

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

95. Prior to the commencement of any works on site, the applicant shall submit a Construction and Pedestrian Traffic Management Plan (CPTMP) to the satisfaction of Council's Traffic and Transport Manager. The CPTMP shall be prepared by a suitably qualified and experienced traffic consultant. The following matters must be specifically addressed in the CPTMP:

- a) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- b) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
- c) The location of proposed Work Zones in the egress frontage roadways,
- d) Location of any proposed crane standing areas,
- e) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- f) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- g) The provisions of an on-site parking area for employees, trade person and construction vehicles as far as possible,
- h) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors,
- i) A detailed description of locations that will be used for layover for trucks waiting to access the construction site,
- j) Proposed construction hours,
- k) Estimated number and type of construction vehicle movements including morning and afternoon peak and off peak movements,
- l) Construction program that references peak construction activities and proposed construction 'Staging',
- m) Any potential impact to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works,
- n) Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified,
- o) The plan may be required to include restrictions on the number of trucks that can access the site in peak hours and a requirement for the developer to provide video footage of the frontage of the site on a weekly basis so that Council can enforce this

- requirement,
- p) Evidence of Roads and Maritime Services concurrence where construction access is provided directly or within 20 m of an Arterial Road if applicable, and,
  - q) A schedule of site inductions on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations,

The CPTMP is to include the provision of a sign on the hoarding that provides a phone number and email address for members of the local community to make enquires or complaints regarding traffic control for the site. The construction company for the site is to provide a representative for meetings that may occur once a month and may include representatives of the local community and Council staff to discuss traffic control at the site.

Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Work Zone' restriction in the egress frontage roadways of the development site. Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Work Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.

All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.

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

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

## *LANDSCAPING*

### **Tree protection as per arborist report**

96. The trees identified for protection within the consent shall be protected prior to and during the demolition/construction process in accordance with the Arboricultural Impact Assessment Tree Management Strategies (Leigh Brennan) dated 26 August 2019 any additional arboricultural supervision or reporting requirements included within the conditions of consent.

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

### **Protection of street trees**

97. Street trees adjoining the site shall be protected prior to and during the construction process. 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.

## ENGINEERING

### Road Opening Permits

98. 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).

In addition, 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.

### Dilapidation survey & report for private properties

99. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with an electronic copy forwarded to Council at [council@cityofparramatta.nsw.gov.au](mailto:council@cityofparramatta.nsw.gov.au)) 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.

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

**Note:** This documentation is for record keeping purposes only, and can be made available to an applicant or affected property owner should it be requested to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

**Reason:** Management of records.

### Geotechnical/civil engineering report

100. 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.

#### **Stormwater drainage and civil works in Birnie Avenue**

- 101. Details of the proposed stormwater drainage and civil works in Birnie Avenue shall be submitted to and approved by Council's Civil Infrastructure Unit for separate construction approval prior to commencement of works.

**Reason:** To ensure adequate stormwater infrastructure is provided.

#### **Erosion and Sediment Control measures**

- 102. 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.

#### **Site Maintenance**

103. 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.

#### **Shoring and adequacy of adjoining property**

104. 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.

#### **Special Permits**

105. 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.

### **Driveway Crossing Application**

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

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

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

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

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

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

## **DURING WORKS**

### *PLANNING*

#### **Copy of development consent**

107. 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.

#### **Dust Control**

108. 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 Section 126 of the Protection of the Environment Operations Act 1997.

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

#### **No work on public open space**

109. The applicant must not enter or undertake any work within any adjoining public parks or reserves without the prior written consent of Council.

**Reason:** Protection of existing public infrastructure and land and to ensure public safety and proper management of public land.

#### **Hours of work and noise**

110. 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 following hours:

- Monday to Friday inclusive: 7.00am and 5.00pm; and
- Saturday: 8.00am to 5.00pm.
- No work is to be carried out on Sunday or Public Holidays.

Demolition works are restricted to:

- Monday to Friday: 7.00am to 5.00pm; and
- No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

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

### **Materials on footpath**

111. 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.

### **Complaints register**

112. 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.

### **Survey Reports**

113. Survey certificates must be submitted to the Principal Certifying Authority at footing and/or formwork stage. The certificates must indicate the location of the buildings in relation to all boundaries, and must confirm that **boundary setbacks** of each building, every **floor level** of each building, and **the separation distances** between each building, is consistent with that approved under this consent **prior to any further work proceeding** on the building. These certificates shall be forwarded to the Principal Certifying Authority prior to pouring of the relevant footings or slabs and/or the construction of any walls/posts.

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

### **Access to assets**

114. During the construction works the applicant must ensure that access for all parties which benefit from easements over this site are provided with unrestricted access.

## TRAFFIC

115. 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.

116. Oversize vehicles using local roads require approval from the National Heavy Vehicle Regulator (NHVR). The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through NHVR's portal ([www.nhvr.gov.au/about-us/nhvr-portal](http://www.nhvr.gov.au/about-us/nhvr-portal)), prior to driving through local roads within the City of Parramatta LGA.

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

## PUBLIC DOMAIN

117. All the public domain works shall be constructed by licensed contractors. All the soft landscape works shall be carried out by licensed landscape contractors.

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

The required inspections include the followings:

- Commencement of public domain works including tree protection measures installed and set out of tree pits;
- Subgrade inspection following excavation for footings, drainage and pavements, tree pits showing root barriers, structural soil cell, sub-surface drainage and irrigation system as required;
- Installation of required underground conduits;
- Blinding layer/concrete slab based completion and initial (indicative) set out of pavers street fixtures and fittings as applicable to ensure compliance with the requirements in the Public Domain Guidelines;
- Commencement of the works including survey marks, sub-grade preparation and set out of kerb alignments;
- Completion of concrete blinding layer before any paver to be laid; and set out/location of furniture installation;
- Completion of (raised) planting beds with required sub-drainage layer installed as specified. Procured soil media specifications and docket receipts to be signed at this inspection;
- Completion of unit (granite) paving and furniture (seatings) installation. Manufacturer's warranty and maintenance information for all proprietary products shall be provided to Council's Inspection Officer; and
- Completion of paving sealant application and tactile indicator installation as per Council's specification.
- Installation of street trees including required sub-drainage layer installed as specified.
- Delivery of street trees to site. Trees shall be installed within 24hrs of delivery; the contractor shall provide Council officers, certification that the trees have been grown in accordance with AS2303:2018 to prove the quality of the tree stock.
- Final defects inspection after all work has been completed to view paving sealant, tactile surface indicators, service lids, nature strip/vegetation and location of fixtures and fittings.

Note: Additional daily inspections by Council Officers may occur to view progressive

paving set out and construction depending on the project size and type.

**As each basement level is constructed provide survey data demonstrating level change is not required at the building/public domain interface as per the approved updated Alignment Drawings.**

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 Public Domain Guidelines. Certification is required to be provided with the Occupation Certificate.

**Note 1:** Additional daily inspections by Council officers may occur to view progressive paving set out and construction depending on the project size and type.

**Note 2:** Inspections for all public domain and/or stormwater works must be booked at least 24 hours in advance by calling Council's Civil Infrastructure Unit on 9806 8250.

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

#### **Rectification of defects – Public domain works**

118. Any defects raised by Council officers during the above construction and defects period inspections will be notified in writing. Defects may include incorrect location of elements, unsatisfactory construction techniques or finishes, or any other non-compliances with the approved plans and specifications or the public domain guidelines.

All defects raised by Council's officer during the construction period or defects liability period need to be rectified prior to and signed off at the final defects inspection by Council's officer in order to achieve Occupation Certification. This applies to both Council and privately certified projects.

**Reason:** To ensure any defects are rectified.

### **LANDSCAPING**

#### **Trees on public property**

119. No trees on public property (footpaths, roads, reserves, etc.) are permitted to be removed, pruned or damaged during construction including the installation of fences, hoardings or other temporary works, unless approved in this consent.

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

#### **Pruning of trees by an arborist**

120. All pruning must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist and confirm to the provisions of AS4373-2007 "Pruning Amenity Trees" and the Code of Practice for Amenity Tree Industry 1998.

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

#### **Material storage and trees**

121. 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.

#### **Advanced tree planting**

122. All trees supplied above a 25L container size must be grown in accordance with AS2303:2015 (Tree stock for landscape use). Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have

been grown in accordance with AS2303:2015. 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.

#### **Tree Removal**

123. Trees to be removed are existing trees numbered **1 to 22 (inclusive), 24 to 35 (inclusive) and 46 to 49 (inclusive)** as nominated in the Arboricultural Impact Assessment Prepared by Tree Management Strategies (Leigh Brennan) dated 26 August 2019.

#### **Trees with adequate root volume**

124. All trees/shrubs planted within the site must be of an adequate root volume and maturity so as not to require staking or mechanical support unless in a wind-prone area. Planting must be carried out in accordance with the approved Landscape Plan and conditions of consent.

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

#### **Removal of trees by an arborist**

125. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist and undertaken in accordance with the Code of Practice for Amenity Tree Industry 1998.

**Reason:** To ensure tree works are carried out safely.

#### **Hold points**

126. The steps identified within the witness/hold points as prescribed by Clause 5. Step 11 in the Arboricultural Impact Report prepared by Tree Management Strategies (Leigh Brennan) dated 26 August 2019 must be completed during construction works.

**Reason:** to ensure safe retention of existing trees

### **ENGINEERING**

#### **Stormwater connected to road drainage**

127. Stormwater must be connected to the road drainage system in Birnie Avenue.

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

#### **Erosion & sediment control measures**

128. 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.

#### **Damage to public infrastructure**

129. 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.

#### **Civil engineer to supervise works**

130. During construction of all public area civil and drainage works a qualified civil engineer must supervise the relevant 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.

### **Noise emissions and vibration**

131. 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.

### *ENVIRONMENTAL HEALTH – CONTAMINATION*

#### **Asbestos–records disposal**

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

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

#### **Asbestos– disposal to licensed waste facility**

133. 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 EPA NSW Environment Protection Authority (EPA) Waste Classification Guidelines' and any other regulatory instrument as amended.

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

### *ENVIRONMENTAL HEALTH – WASTE*

#### **Waste data maintained**

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

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

#### **Hazardous/intractable waste disposed of in accord.**

135. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of SafeWork 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; NSW EPA Waste Classification Guidelines

**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.

#### **Liquid and Solid Wastes**

136. Liquid and solid wastes generated on site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and in accordance with the Environment Protection Authority's Waste Tracking Guidelines as described in the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999). NSW EPA Waste Classification Guidelines

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

#### **Contaminated waste to licensed EPA landfill**

137. 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.

#### **Polluted water excavated - analysis before discharge**

138. Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and Australian & New Zealand Guidelines for Fresh & Marine Water Quality Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

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

#### **De-watering of Excavated Sites**

139. Any site excavation areas must be kept free of accumulated water at all times. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property. A de-watering plan is required to be included and submitted to Council for review prior to issue of a Construction Certificate.

**Reason:** To protect against subsidence, erosion and other nuisances.

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

### *SYDNEY OLYMPIC PARK AUTHORITY*

#### **Post construction dilapidation**

140. 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 SOPA assets including buildings and or infrastructure.

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.

A copy of this report forwarded to SOPA. Rectification of any damage shall be completed to the satisfaction of SOPA, with written evidence of such provided to the PCA.

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

### *PLANNING*

#### **Occupation Certificates**

141. Occupation or use of the building or part is not permitted until Occupation Certificate(s) have 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.



### **BASIX Compliance**

142. 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 1038818M\_05, 12 February 2021, must be complied with prior to occupation of the relevant stage of development.

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

### **Design Verification**

143. Design Verification issued by a registered architect is to be provided with the application for the relevant Occupation Certificate(s) 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.

### **Adaptable dwellings**

144. Certification must be provided prior to the issue of an occupation certificate that the required 41 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.

### **Compliance with technical reports**

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

- (c) Accessibility Design Review by ABE Consulting (Ref: 8262 dated 21 August 2019)
- (d) Waste Management Plan by MRA Consulting Group (Issue 5, dated 26.8.2019)
- (c) Noise Impact Assessment by Acoustic Logic (Ref: 20181339.1, Issue 1, dated 29.8.2019)

except as amended elsewhere in this Notice

**Reason:** To ensure a suitable level of residential amenity.

### **Implementation of reflectivity mitigation measures**

146. Prior to the issue of any Occupation Certificate, the PCA must be provided with certification from a suitably qualified person, that all recommendations within the External Reflectivity Compliance Report prepared by Inhabit Group (Ref: 8305-RPT-ES0002. Issue 4, dated 22.3.21) have been incorporated into the development.

### **Implementation of wind mitigation measures**

147. Prior to the issue of any Occupation Certificate, the PCA must be provided with certification from a suitably qualified person, that all recommendations within the Pedestrian Wind Environment Study prepared by Windtech (Ref: WE430-04F03(REV0)-WE REPORT, dated 29.1.21) and as otherwise amended by conditions elsewhere in this Notice, have all been incorporated into the development.

### **Noise mitigation**

148. Prior to the issue of any Occupation Certificate(s) (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority that design and construction of the buildings will achieve the recommended noise criteria in section 4.6 of the Carter Street Precinct Development Control Plan 2016, being:

- Living and working areas: 40 dBA(Laeq)
- Sleeping areas: 35dBA (Laeq)

**Reason:** To ensure a suitable level of amenity for residents.

### **Crime prevention measures**

149. Prior to the issue of any Occupation Certificate the following measures shall be installed to address CPTED considerations:

- (a) The applicant shall install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the buildings. The cameras must include the foyer area to the buildings including areas around the mail boxes. CCTV cameras should also cover any communal areas, lifts, public spaces and the basement car parks. Recordings should be made twenty four (24) hours a day seven (7) days a week. The time and date must automatically be recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed;
- (b) Intercom facilities should be incorporated into entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development;
- (c) Letterboxes shall be provided with locks; and
- (d) Fire exit doors to the development shall be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the development.

**Reason:** To comply with CPTED requirements

### **Post construction dilapidation**

150. 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 forwarded to Council electronically at [council@cityofparramatta.nsw.gov.au](mailto:council@cityofparramatta.nsw.gov.au).

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

### **Water features**

151. Water features must be assessed against relevant legislation and fenced/treated if necessary in accordance with provisions of the National Construction Code (2013) together with the referenced Australian Standard AS1926 Parts 1 and 2 (2007), prior to the filling of the pool with water.

Any fence must be installed to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate .

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

### **Street numbering**

152. 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.

**Schedule of individual unit/street numbers**

153. Prior to the issue of the first Occupation Certificate (Interim or Final) the developer must provide Council with a schedule of individual unit/street numbers as displayed within the development for identification purposes. The numbering sequence must be in accordance with the street numbering approval letter issued by Council.

**Reason:** To ensure developments are appropriately numbered.

**Street Number when site readily visible location**

154. 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.

**Telephone services**

155. The developer must submit to the Principal Certifying Authority a letter from provider authorised under the Telecommunications Act 1997 confirming satisfactory arrangements have been made for the provision of telephone services, prior to the release of the any Occupation Certificate.

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

**Electricity services**

156. 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 any Occupation Certificate.

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

**Broadband access**

157. Prior to the issue of the Occupation Certificate, the developer is to provide evidence that satisfactory arrangements have been made for the provision of broadband access to the development.

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

**Intercom system**

158. Prior to the issue of any Occupation Certificate an intercom system must be provided in a convenient location adjacent to the visitor parking entry.

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

**Building Management Plan**

159. A Building Management Plan must be prepared which incorporates:

- (a) All necessary actions to maintain and operate the On Site Detention and Water Sensitive Urban Design stormwater treatment facilities within the site;
- (b) All necessary actions to maintain and operate the new road, pedestrian footpath and bicycle path connecting Birnie Avenue and Edwin Flack Avenue, including all associated infrastructure and landscaping;
- (c) Details confirming the prohibition of residents using all visitor parking spaces spaces;
- (d) Emergency Evacuation Procedures to manage pipeline incidents, including the nomination of defined Muster Point(s) to the north of the site and away from the pipelines, in case of building evacuation;
- (e) Maintenance of all landscaping, canopies, screens and the like to the recommendations within the Pedestrian Wind Environment Study prepared by Windtech (Ref: WE430-04F03(REV0)- WE REPORT, dated 29.1.21)
- (f) Confirmation that the City of Parramatta Council can undertake all enforcement actions relating to the regulation of vehicles within the new access road consistent with the relevant sections of the Local Government Act 1919

Details of the plan shall be submitted for the approval of the PCA, and then registered on all relevant land titles prior to the release of any Occupation Certificate. The Plan shall be implemented for the life of the development.

#### **Pipeline easement**

160. Evidence of registration a new easement agreement on the relevant property shall be submitted to the PCA, which satisfies the following matters:

- a. Sufficient area on and surrounding the Pipeline for the un-obstructed operation of the Pipeline and
- b. If future access to the Pipelines is required, then any extra works related to any changes to the Property (including any excavation works) and any installed developments will be completed at cost to the applicable Property owner. This will also apply to any reinstatement costs.

The terms of the easement shall be to the satisfaction of Viva Energy.

#### *LANDSCAPING*

#### **Certification of completed works**

161. 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.

#### **Certification Schedule of witness/hold points**

162. A Certification Schedule of witness/hold points as prescribed by Clause 5. Step 11 in the Arboricultural Impact Report prepared by Tree Management Strategies (Leigh Brennan) dated 26 August 2019 the must be completed by the supervising qualified (Australian Qualification Framework Level 5) Arborist and issued to the principal certifying authority prior to the issue of an Occupation Certificate.

**Reason:** to ensure safe retention of existing trees

#### *ENVIROMENTAL HEALTH – WASTE*

#### **Waste collection**

163. Prior to the issue of any Occupation Certificate the applicant shall contact council's Supervisor Waste Services to:

- a. Confirm the appointment of council to collect all domestic waste from the site
- b. Arrange a site inspection to confirm the adequacy of access for Council's garbage collection vehicles
- c. Confirm details for the supply of a lockbox, at the applicant's cost, from Council's waste team for the storage of access card/keys into the building. The lockbox allows Council universal access to all properties we provide a waste service
- d. Demonstrate that the draft strata bylaws to regarding waste are suitable to Council
- e. Confirm a commencement date for the service

#### **Easement for waste vehicle access**

164. Prior to the issue of any Occupation Certificate the applicant shall have an easement registered enabling required access by Council for the purpose of collecting domestic waste.

The terms of the easement shall be approved by council's Supervisor Waste Services prior to registration of that easement. In this regard the easement must be in a form

prescribed by Council and must include covenants to the effect that parties will not be liable for any damage caused to the property by reason of the operation of any vehicle or other equipment used in connection with the collection of garbage and to the effect that the owner of the land shall indemnify the Council, its agents and persons, save as to any damage to be as a result of wilful neglect, wilful misconduct or gross negligence .

## *PUBLIC DOMAIN*

### **Completion of public domain works**

165. Prior to **any issue** of the Occupation Certificate (including a Preliminary OC), the works outlined in the approved Public Domain Construction Drawings must be completed to Council's satisfaction with a **final approval** obtained from Council's Assets & Environment Manager.

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

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

A one year (52 week) maintenance period is required to be carried out by the applicant for all the works constructed in the public domain (including dedicated reserve/park). A landscape maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council specifying minimum 52 weeks' plant establishment to be provided by the applicant following handover of paving and furniture assets to Council. Council maintenance of plant material to commence following the above plant establishment period.

A two year (104 week) maintenance and defects period is required for any public domain works that include WSUD devices, including bio-retention tree pit, rain garden, swale etc., to be carried out by the developer following final OC approval of the public domain works by Council Officers.

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

## *ENGINEERING*

### **Work-as-Executed Plan**

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

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

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

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

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

167. 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 (OSD) and water quality treatment facilities (WSUD) on the lot.

The terms of the 88E Instruments are to be generally in accordance with Council's "standard terms" available in Council's website, under Development Forms.

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

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to Occupation or use of on-site.

Electronic colour photographs in jpg format of the on-site detention facility shall accompany the application for the Positive Covenant and the Restriction on the Use of the Land. These photos shall include such elements as the orifice plate, trash screen, step irons, weir, sump and bench on the floor of the DCP, return pipe and flap valve, wide angle view of the storage area or multiple photos, grates closed from above, grates open showing the edges to the opening and under frame packing with mortar or concrete, all pipe entries to the DCP and confined space warning signs at each entry point. The photos must be well labelled and must differentiate between multiple tanks. Additional photos may be requested if required.

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

#### **Section 73 Certificate**

168. 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.

#### **Driveway Crossover**

169. 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 Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

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

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

**Reason:** Pedestrian and Vehicle safety.

### **Reinstatement of laybacks**

170. 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. DS1. 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.

### **RELEASE OF BONDS**

171. 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.

Any 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.

### **TRAFFIC**

#### **Green Travel Plan**

172. Prior to the issue of the relevant Occupation Certificate(s), a Green Travel Plan, is to be submitted to Council, supported by details of how that Plan will be implemented. The plan is to include:

- a) Targets to reduce single occupant car trips to the site for the journey to work and business travel based on an initial estimate of the number of trips to the site by mode,
- b) Measures to achieve the targets including a list of specific tools or actions,
- c) Monitoring Scheme including annual travel survey to estimate the change in travel behaviour to and from the site and a review of the measures based on the results of the travel survey.

It is recommended that the plan consider an Opal Card with credit and information pack

on public transport to be provided to the new residents and information pack on public transport to encourage use of public transport. The Green Travel Plan shall be incorporated into or annexed to the strata management plan for the residential units in perpetuity.

#### **Car Share Spaces Protected**

173. 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 provide and maintain 4 car share parking spaces on the lot and provide public access to these spaces. The authority to release must be the City of Parramatta Council.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through 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 car share spaces within the lot.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to Occupation or use of the site.

**Reason:** To ensure the availability of these spaces for car share operators.

#### **Parramatta Local Traffic Committee**

174. All required traffic facilities approved by the Parramatta Local Traffic Committee, must be installed and completed prior to the issue of any Occupation Certificate, to the satisfaction of Council's Manager, Traffic and Transport.

#### **EASEMENTS AND COVENANTS**

175. The applicant shall provide an Instrument under the relevant sections of the Conveyancing Act 1919, to the satisfaction of council. The Instrument shall detail all Positive Covenants, Restrictions on the Use of the Land and Easements as necessary, and to address the following matters:

- a) Create a Right of Way or easements for all basement levels to allow for private and public vehicle access, including service vehicles.
- b) Easements for all services.
- c) Prohibit all approved visitor parking spaces, and spaces within the new road, from being used by residents.
- d) All other matters as nominated in this consent.

Regarding OSD facilities, 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 the issue of any Occupation Certificate.



**Reason:** To ensure the proper function and maintenance of the development

#### **Public Access**

176. Public access right of ways (Easement) shall be provided for the full width of the new pedestrian pathway and bicycle path, for the public benefit. The terms and conditions of the Easement shall be prepared to Council's satisfaction.

The owner is fully responsible for managing, maintaining and repairing the easement site and must ensure that the easement site is kept safe for public use. Council is responsible for maintaining appropriate public liability insurance for the easement site and will indemnify the owner for any claims made by members of the public in connection with the public's use of the easement site, except to the extent where any such claim arises out of the owner's breach of the easement terms, or any negligent act, error or omission by the owner, or someone acting on behalf of the owner.

The Easement must be registered on the land title with NSW Land Registry Services pursuant to Section 88B of the Conveyancing Act 1919.

Council shall be the authority to modify, vary or release the above.

Details of the registration of this easement is to be submitted to the Principal Certifying Authority before the issue of any Occupation Certificate for the residential component of the building.

**Reason:** To ensure the proper function and maintenance of the development

#### *ENVIRONMENTAL HEALTH – CONTAMINATION*

##### **Validation Report – Site Audit Statement**

177. Following the preparation of the validation report, Council requires the applicant to engage an accredited auditor under the *Contaminated Land Management Act 1997* to review the Validation Report prepared by the contaminated land consultant and issue a **Site Audit Statement**. The accredited auditor shall consult with Council prior to finalising and issuing the Site Audit Statement. The Site Audit Statement should allow for soil access to occur to ground level courtyards and communal open space areas within the development. The accredited auditor shall provide Council with a copy of the Site Audit Report and Site Audit Statement, prior to the issuing of the Occupation Certificate. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of the inconsistency and a Section 4.55 Modification Application or further Development Application pursuant to the *Environmental Planning and Assessment Act 1979* will be required.

**Reason:** To ensure that the development complies with the Remedial Action Plan and that the works are in accordance with the *Contaminated Land Management Act 1997*

#### *SYDNEY OLYMPIC PARK AUTHORITY*

178. Prior to the release of any Occupation Certificate, provide, to the satisfaction of SOPA, a post construction dilapidation report detailing the current structural condition of any SOPA buildings, roads and public domain or infrastructure assets within the zone of influence.

**Reason:** To safeguard the public assets of SOPA 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.

## THE USE OF THE SITE

### Use is not to cause offensive noise or vibration

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

- (a) transmission of unacceptable vibration to any place of different occupancy,
- (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Noise Policy for Industry 2017 and the Protection of the Environment Operations Act 1997.

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

### No 'offensive noise'

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

**Reason:** To reduce noise levels.

### Air Conditioners in Residential Buildings

181. The air conditioner/s must not:

- (1) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):

- (a) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
- (b) before 7.00am and after 10.00pm on any other day.

- (2) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those as specified in (1), which exceeds the background (LA90, 15 minute) by more than 5dB(A).

The source noise level must be measured as a LAeq 15 minute.

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

### Waste

182. 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.

183. 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.

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

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

### Landscape

185. All landscape works shall be maintained for a minimum period of 12 months following the establishment on an Owners Corporation or the issue of a Final Occupation Certificate, whichever occurs first, in accordance with the approved landscape plan and conditions.

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

## **Traffic**

186. All loading and unloading must:

- (a) take place within the designated loading areas on the subject property, or
- (b) take place within the approved loading dock to minimise disruption of public spaces, and
- (c) is to be carried out wholly within the site

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

187. If a roller shutter door is to be provided at the driveway entry and exit, it is to be operated via remote control. If an intercom is installed, it is to be provided at the centre of the driveway (not attached on the wall) to the carpark in accordance with Clause 3.3 (b) of AS 2890.1 - 2004.

188. One year from the issue of the Occupation Certificate, and every year for 3 years thereafter, the applicant shall submit to Council's Manager Development & Traffic Services a review of the effectiveness of the Green Travel Plan. The reviews shall include surveys of modal share and vehicle trip generation for the various land uses within the development during peak and off-peak periods. The review shall also include recommendations for improving the effectiveness of the plan. Any recommendations made to improve the effectiveness of the plan shall be incorporated into an updated Green Travel Plan.

**Reason:** To ensure the effective management of the Green Travel Plan.

## **ADVISORY NOTES**

- A. Prior to any works commencing the applicant shall secure any necessary approvals under the Water Management Act 200 for dewatering of the site during construction.
- B. Separate consent, either via a development application or a Complying Development Certificate if appropriate, shall be obtained for any subdivision of the buildings.
- C. As part of any future subdivision the car share spaces are to be included within common property on the site. These spaces are not to be sold for use as, leased for use as, or used as, residential occupant spaces.
- D. For the purposes of condition 54 Council will consult with Transport for NewSouth Wales to determine whether the provision of signals at the intersection of Carter Street and Birnie Ave is supported in the future.

If signals are supported then the design of the road works to connect the site with Birnie Avenue will need to be subject to an "Agreement In Principle" from TfNSW. Access arrangements at Birnie Avenue may be impacted.

If signals are not supported then a roundabout will be the preferred treatment. In that case the applicant will need to ensure the design of the road works will minimise the need for rectification works in the future.

Both options may require the future dedication of land for that purpose.