



SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-291
DA Number	DA/709/2015/B
LGA	City of Parramatta Council
Proposed Development	Section 4.55(2) Modification to DA/709/2015 for a staged development comprising lot consolidation, demolition of existing structures, tree removal, site remediation, excavation of 4 storey basement providing 255 car parking spaces and construction of a 20 storey mixed use building comprising 5 retail tenancies and 264 residential units, landscaping and construction of a public vehicular lane in 2 stages. The modifications include removal of conditions and plans that previously provided for the staging of the development; Revising the basement parking layout in-order to merge the two basement levels; Revision of the rooftop common open space area to reflect the change to staging; Redesign of the ground floor, revision of lifts, and minor changes to apartments. The modification application is Nominated Integrated Development for the purposes of the Water Management Act 2000.
Street Address	2-4 Cowper Street and 5 East Street GRANVILLE NSW 2142
Applicant/Owner	Ellipse Granville Pty Ltd
Date of DA lodgement	7 June 2021
Number of Submissions	None
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	Section 4.55 (2) modification application where the parent application was determined by the SCCPP and the current modification seeks a further variation the development standards beyond 10%.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act and Regulations• State Environmental Planning Policy (Sydney Harbour Catchment) 2005• State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development

	<ul style="list-style-type: none"> • State Environmental Planning Policy (BASIX) 2004 • Parramatta Local Environmental Plan 2011 • Parramatta Development Control Plan 2011
Report prepared by	Denise Fernandez, Senior Development Assessment Officer
Report date	2 November 2021

Summary of s4.15 matters

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

Legislative clauses requiring consent authority satisfaction

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

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **N/A**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Not Applicable**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

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

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

1. The Site and Surrounds

The site is located at the eastern terminus of, and has street frontages to, Cowper Street to the north, and East Street to the south. The site is composed of 4 allotments and a total area of 3,469m², an East Street frontage of 52.0m and a Cowper Street frontage of 58.1 m.

The site exhibits a moderate cross fall of 1.2m from west to east.

The site is located 300m to the east of Granville train station (3 minute walk).

CURRENT SITE CONDITIONS

The site is currently occupied by 5 x 2 storey light industrial buildings and as such may be contaminated. There are 2 heritage items of local significance in the vicinity of the site, namely 21-23 East Street (item Nos.1106 & 1107), a pair of semi-detached buildings on the northern side of East Street to the west of the site. The land directly adjoins Duck Creek to the east of

the site and as such is also likely to contain acid sulphate soils. The site is not identified by Council mapping as likely to be of archaeological or aboriginal significance.

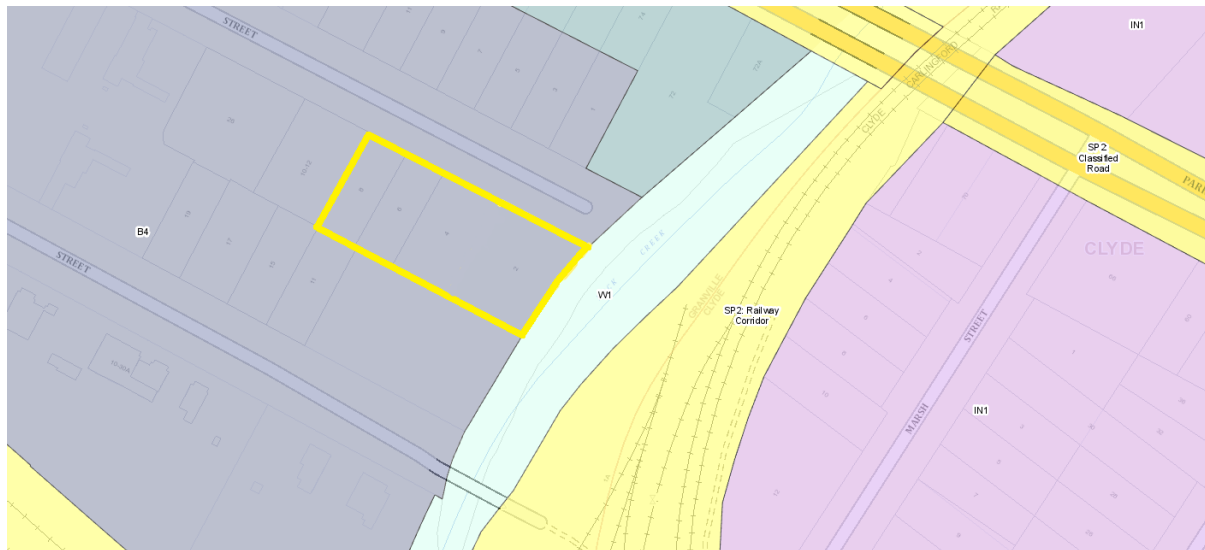


Figure 1: Land Zoning Map (Source: NSW Planning Portal)



Figure 2: Aerial image of the subject site and surrounding context (Source: Nearmaps)

2. Site History

DA/709/2015 was approved by the Sydney West Central Planning Panel (SWCPP) for the staged development comprising lot consolidation, demolition of existing structures, tree removal, site remediation, excavation of 4 storey basement providing 255 car parking spaces and construction of a 20 storey mixed use building comprising 5 retail tenancies and 264 residential units, landscaping and construction of a public vehicular lane in 2 stages on 4 May 2017.

DA/709/2015/A was a Section 4.55 (1A) modification application to the approved 20 storey mixed use development which included changes to the timing of lot consolidation. The modification application was approved under delegation on 10 October 2019.

3. The Proposal

Consent is sought to modify the approved development as follows:

- The approved planned stages are to be deleted
- Total revision of the basement levels including its size, access arrangements and provision of services including lift cores, stairwells, residential storage areas that will resulting in:
 - Reconfiguration and realignment of all 4 basement levels with an overall increase of the car parking spaces from 255 to 314; an increase of 59 additional parking spaces (note the basement is generally not increased in size)
 - Reconfiguration to the overall bicycle parking spaces in terms of its size and where it is located over the 4 basement levels
- Switch and comms room relocated to the basement level.
- Height of the lift overrun increased by RL 73.10 to RL 74.40, an increase of RL 1.3 to allow the site to be serviced by the high rise lifts.
- Lobby roof raised from RL 72.10 to RL 72.90 to permit for a hob to the lobby for waterproofing, 2.4m lobby ceiling height and services within the lobby ceiling.
- Realignment of the basement levels including aligning the basement walls for ease of construction of piling and shoring results in a minor reduction of the deep soil zone to 250m² (7.1%) which continues to achieve compliance with the ADG.
- Revision of the service area including the removal of 1 x lift core per wing or a reduction of 2 lift cores per level and relocation of the stairwell which also results in the reconfiguration of units identified in the plans provided with this submission.
- The stair and lift cores are combined for east of jump form construction. Jump form is utilised for high rise developments. The proposed cores allow for an improved jump form deck to the original approval consisting of split stair and lift core.
- Ground floor layout to be redesigned to have a more efficient layout resulting in:
 - Substation relocated to service lane. The approved location is not suitable for Endeavour Energy installation and servicing due to disabled access ramp.
 - All services located within the service lane including the reconfiguration and relocation of the waste bin to avoid waste being transported through communal open space areas and provision of services including fire pump room.
- Increasing ground floor GFA from 450m² to 482m²
- Bicycle parking room reduced and more efficient Cora Bike Rack system used. The total number of bicycle spaces are maintained.
- Increase of deep soil on ground floor podium and overall providing more communal open space and landscaping which is to be redesigned that will improve to overall layout
- A reduction from 3 to 2 lifts per core is proposed. A lift capacity report is provided in support of the lift traffic capacity report which demonstrates that waiting time meets and exceeds the performance criteria for a residential building. The cores on Levels 1-4 are also connected by a breezeway to assist in the event of a lift breakdown.
- Units 03 & 19 of Levels 1-4 and Units 04 & 09 of Levels 5-19 are amended because of the core change.
- Unit 4 of Levels 1-4 is proposed to be redesigned to provide a better layout which eliminates a long entry corridor. There are no proposed changes to the external façade design.
- As a result of the scissor stair being relocated to the rear of the lift cores, travel distances to western units of Levels 1-4 is reduced. It is proposed to remove the egress stairs adjoining units 10 & 13.
- Terraces to Units 5.01, 5.02, 5.11 & 5.12 are increased over the Level 4 Roof slab.

For ease, the following is a table of development numerical changes from the parent application.

	DA/709/2015	Proposed changes
No. of Apartments	264	No change
GFA	21309m ²	21565m ²
FSR	6.1:1	6.21:1
Height	67.7m	69m
Commercial tenancies	5	4
Commercial areas	335m ²	357.9m ²
Residential parking	196	257
Visitor Parking	53	52
Communal Open Space	910m ² or 26%%	1202.9m ² or 34.2%
Landscape	167m ² or 25m%	1194.8m ² or 34%
Deep Soil	290m ² or 4%	250m ² or 7.1%
Solar Access	70%	No change
Natural Ventilation	61%	No change

Have the works been completed?	No
Has the consent lapsed?	No.
Lapsing date of consent	4 May 2022

4. Assessment Under Section 4.55

SECTION 4.55(2)	Yes
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The consent, as modified, would result in a development that is substantially the same as the original development. See further assessment below.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	The application was referred to the Department of Natural Resources Access Regulator (NRAR) as part of the assessment of this modification. Upon review, NRAR raised no objections to the modifications and noted that the conditions imposed under the parent application shall remain.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	The modification was notified in accordance with the relevant development control plan.

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received.
In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.	An assessment against the relevant matters contained within s4.15 are addressed further in this report. In addition, as the original application was determined by the Regional panel, the modified proposal must be considered against the reasons for approval given by the Panel. The modified proposal remains consistent with the reasons of approval as given by the Panel.
ASSESSMENT OF WHETHER THE PROPOSAL IS SUBSTANTIALLY THE SAME	
<p>In considering whether the development is substantially the same, the applicant bears the onus of satisfying the consent authority that the modified development is substantially the same as the original development (<i>Vacik Pty Ltd v Penrith City Council</i>, unreported, 24 February 1992). In this judgement, Stein J states that it is not appropriate to simply say that the nature of the development, in this case the use of the site as a residential flat building, as amended would be the same use and therefore substantially the same development. Stein J goes on to say that it is necessary to consider whether the proposed modified development would be essentially or materially or having the same essence as that which had been originally approved. These comments are reiterated in Trinvass Pty Ltd v The Council of the City of Sydney [2018] NSWLEC 77.</p> <p>Bignold J in his decision in <i>Moto Projects No 2 Pty Limited v North Sydney Council</i> [1999] 106 LGERA 298, states that:</p> <p><i>“The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is “essentially or materially” the same as the (currently) approved development.</i></p> <p><i>The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted).”</i></p> <p>As such, an assessment of the proposed modified development to determine if substantially the same as the original development requires an assessment of the quantitative and qualitative impacts of the modified proposal.</p> <p>Quantitative Assessment</p> <p>The amended development proposes to increase the overall height of the development by 1.3m (or 69m) and the FSR from 6.1:1 to 6.21:1. The maximum height and FSR for the site are 52m and 6:1 respectively. The overall departure in this case equates to 32% from the height and 2.3% from the FSR. The changes to height and FSR are due to the incremental changes throughout the development to improve efficiency and utility. The bulk of the development remains within the original bulk of the development and is indiscernible from the pedestrian level.</p>	

Under the amendment, commercial areas, residential parking, common open space and landscaping will increase to ensure the changes to the development are accommodated.

However, the proposal will also see a reduction in the number of commercial tenancies, visitor parking and deep soil. It is noted that the reduction to these areas of the development are considered minor and is unlikely to result in adverse impacts for the occupants and users of the development.

Qualitative Assessment

The changes to the reconfiguration of the internal floor layout, external presentation, landscaping, parking, retail spaces, floor area and height do not in this instance result in significant changes to bulk and scale that would otherwise be noticeable on a pedestrian level. These changes also do not result in additional adverse impacts to adjoining neighbours.

Conclusion

Based on the above assessment, the modified development is substantially the same as the original approved development as the development is materially the same in terms of use, intensity and environmental impacts.

ENVIRONMENTAL PLANNING INSTRUMENTS

SEPP	COMMENTS
SEPP 55 – REMEDIATION OF LAND	The provisions of the SEPP were considered in the assessment of the original application. This proposal does not change the assessment.
SEPP (BASIX) 2004	An amended BASIX certificate has been lodged with this modification. Conditions relating to the BASIX certificate have been amended accordingly.
SREP (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)	The provisions of the SEPP were considered in the assessment of the original application. This proposal does not change the assessment.
SEPP (INFRASTRUCTURE) 2007	The provisions of the SEPP were considered in the assessment of the original application. This proposal does not change the assessment.
SEPP (VEGETATION IN NON-RURAL AREAS) 2017	The provisions of the SEPP were considered in the assessment of the original application. This proposal does not change the assessment. There has been no additional tree removal proposed.
SEPP 65 - DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT	The proposal has made changes to the proposal. An assessment has been carried out below.

SEPP 65 - DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

DESIGN PRINCIPLE	
1. Context	The design of the modified development responds to the qualities and identity of the area with respect to its relationship to adjoining sites, streetscape and neighbourhood.
2. Built form and scale	The height of the modified development, is consistent with the built form envisaged for the subject site.
3. Density	The proposed density remains appropriate for the site and its context in terms of floor space yield and number of units.
4. Sustainability	The proposal achieves the minimum requirements within the ADG with regards to sustainability.
5. Landscape	A landscape plan was submitted with the original Development Application and considered satisfactory.

6. Amenity	The modified proposal is satisfactory with regards to amenity and has been designed to optimise internal amenity through orientation, visual and acoustic privacy, solar access, natural ventilation, apartment layout, storage areas, and service areas.
7. Safety	The modified proposal satisfactorily addresses safety and provides opportunities for passive surveillance to the street frontage and communal areas of the site.
8. Housing Diversity and Social Interaction	The proposal comprises a mix of apartments ranging in type, size and affordability in order to provide housing choice for different demographics, living needs and budgets. The development provides housing and communal facilities suiting the existing and future social mix and provide for the desired future community.
9. Aesthetics	The modified built form is appropriate with regard to the composition of building elements, textures, materials and colours, reflecting the use, internal design and structure of the building.

APARTMENT DESIGN GUIDE

CLAUSE	ORIGINAL DA	MODIFICATION	COMPLIANCE
Common Open Space	910m2 (26% of the site)	1202.9m2 (34.2% of the site)	Yes
Deep Soil	167m2 (4%) – no min. dimensions	250m2 or 7.1%	No, but acceptable. The modifications in this regard increase the amount of deep soil area for the site.
Visual Privacy	The building separation for the original development were compliant pursuant to this clause except for the western setback to the tower.	It is noted that the terrace areas for 4 east facing units on Level 5 have been extended. Notwithstanding, the extension of the terrace areas do not reach the eastern boundary in the same way the below podium levels have. In this regard, the proposal maintains adequate privacy to adjoining developments whilst keeping the 4 storey podium form of the original development.	Yes
Parking and Bicycle storage	Residential: 196 Visitor: 53 Total: 249	Residential: 257 Visitor: 52 Total: 309	Yes
Solar Access	184 out of 264 apartments (69.7%) receives min. 2hr of direct sunlight during winter solstice. 15 out of 264 apartments (5.7%) receives no direct sunlight	No change	Yes

Common Circulation	Levels 1 to 9: Max. 10 units per lift core. Levels 10+: Max. 45 units per lift core.	The modifications remove the staging of the development so that 4 lifts services a maximum of 21.	Yes
Natural Ventilation	81 out of 132 apartments (61.4%)	No change	Yes
Apartment size and layout	1B - min. 50m2 2B - min. 73m2 3B - min. 90m2	Minor alterations to units to accommodate improved internal floor layouts but maintains the minimum floor area requirements for each apartment.	Yes, compliant with the original proposal.
Floor to ceiling heights	2.7m (habitable) 2.4m (non-habitable) 3.4m (mixed use)	No change.	Yes
Private Open Space and balconies	>7.7m2/2m (1Bedroom) >9m2/1.8m (2Bedroom) >12m2/2.4m (3Bedroom)	Modifications to 4 of the east facing units on Level 5 results in the extension of the terrace area creating larger POS with increased dimensions.	Yes

LOCAL ENVIRONMENT PLAN 2011

Height

CLAUSE	ORIGINAL DA	MODIFICATION	COMPLIANCE
Height of Buildings – Max. 52m	67.7m (30% variation)	69m (32% variation)	No. See discussion below.

Applications assessed under Section 4.55 of the EPA Act 1979 do not require a variation to be sought under Clause 4.6 of the Parramatta LEP 2011. Notwithstanding, a merit assessment of the variation is provided below.

The applicant has provided the following justification for the variation to the **height** permitted:

- The variation is a result of delivering high rise lifts which requires an overrun that is at least 4m from the FFL of the last stop. Furthermore the lobby roof is to be raised from RL 72.10 to RL 72.90 as the approved RL did not provide sufficient height for a lift lobby. The increase is to permit for a hob to the lobby for waterproofing, 2.4m lobby ceiling height and services within the lobby ceiling.
- This variation provides a beneficial planning outcome as it ensures that the lift will appropriate service the development, especially to the communal open space area within the roof level.
- The addition increase to the height of the approved development does not generate unacceptable adverse impacts to surrounding properties, in terms of overshadowing or privacy impacts. The modification will ensure that the development continues to be compatible with the bulk and scale of
- development constructed under the current planning controls, noting that the development will continue to be consistent with the evolving higher residential density built form character within the Granville Town Centre – Northern Precinct.

Merit assessment of the variation: In assessing a variation to a development standard, the following needs to be considered:

Is the planning control a development standard?

The planning control, Clause 4.3 Height of Buildings is a development standard pursuant to Parramatta Local Environmental Plan 2011.

What is the underlying object or purpose of the standard?

The underlying purpose of Clause 4.3 is to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan; to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development; to require the height of future buildings to have regard to heritage sites and their settings; to ensure the preservation of historic views; to reinforce and respect the existing character and scale of low density residential areas; and to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.

Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act?

Strict compliance with the development standard would allow the delivery of a high rise lift which requires an overrun of at least 4m from the FFL of the last stop. In addition, the exceedance to the height results in the correction of the lobby roof by providing a 2.4m ceiling height for in-ceiling services. As such, reduction in the overall building height would be inconsistent with the relevant aims of the Parramatta LEP 2011 which includes the provision of a transition in built form and land use intensity.

Compliance with the development standard in this case would hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act which include the promotion and co-ordination of the orderly and economic use and development of land.

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

- The departure to the overall height is minor and relates to the lift overrun and a correction to the floor to ceiling height of the lobby.
- The lift overrun being the highest point of the development is necessary to allow access throughout the development whilst also complying with the relevant BCA and Australian Standards. It is also noted that due to the centralised location of the lift overrun, this structure on the roof will be indiscernible when the development is viewed in totality.
- The height does not result in undue solar access or amenity impacts to adjoining development.
- The additional height in this instance does not provide opportunities for increased density.
- The proposal provides generally compliant building separation in accordance with the ADG's and PDGP 2011 to ensure that the development does not contribute to a loss of privacy to and from the site.
- The proposed bulk and scale maintain compatibility with the existing and desired future character of the site.

Is the exception well founded?

Chief Justice Preston of the NSW Land and Environment Court provided further guidance to consent authorities as to how variations to the standards should be approached. Justice Preston expressed the view that there are 5 different circumstances in which an objection may be well founded:

- The objectives of the standard are achieved notwithstanding non-compliance with the standard;

- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and
- The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

The recent findings in case *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* indicate that the consent authority must be satisfied that the applicant's written request adequately demonstrates that the compliance with the development standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravention; and that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for the development within the relevant zone.

In this case, the applicant's justification that the increase in the height of the lift overrun is required to meet BCA requirements as well as provide in-ceiling services to the lobby is adequate. It addresses the matters required to be demonstrated by Clause 4.6(3) and the proposed development is in the public interest as it is consistent with the objectives of the Height of Buildings Development Standard and the objectives for development within the B4 Mixed Use zone.

FSR

Floor Space Ratio – Max. 6:1	6.1:1 (21309m2) (1.15% variation)	6.21:1 (21565m2) (2.3% variation)	No. See discussion below.
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The applicant has provided the following justification for the variation to the **FSR** permitted:

- *The addition of a building managers office and increase to the retail GFA due resulting from a more efficient revised ground floor layout has resulted in the overall increase to the GFA by 256m2. However, the non-compliance is of a minor nature considering the scale of the proposal and is not considered to be an overdevelopment.*
- *The revised retail premises are better suited to the future occupation of the site and how it will interact with the public domain. The retail tenancies floor space could be reduced to ensure compliance with the FSR control however it will result in minimising active frontage or reduce depth of shops and in effect will provide inadequate dimension / depth or generally a poorer outcome.*
- *The addition increase to the overall FSR is a result of revising the design scheme rather than an increase to the overall building footprint or an increase to the overall building height and as such it will not generate unacceptable adverse impacts to surrounding properties, in terms of overshadowing or privacy impacts. The approved development will continue to be consistent with the evolving higher residential density built form character within the Granville Town Centre - Northern Precinct.*
- *The addition of a building managers office and increase to the retail GFA due resulting from a more efficient revised ground floor layout has resulted in the overall increase to the GFA by 32m2. The approved plans were analysed and some discrepancy found in the previous calculations for gross floor area. The recalculation resulted in an additional 27m2 GFA for levels 1,2,3 and 4. There has also been an area which was previously allocated for plant and services on levels 1-4 which has now been repurposed into a multi purpose common room per level. Each conversion of a plant room that now forms part of the communal open space increased the GFA by 29m2. The combination of the added space at the ground level, discrepancy in calculation then added to the unrequired plant room has resulted in the proposed FSR.*

Merit assessment of the variation: In assessing a variation to a development standard, the following needs to be considered:

Is the planning control a development standard?

The planning control, Clause 4.4 FSR is a development standard pursuant to Parramatta Local Environmental Plan 2011.

What is the underlying object or purpose of the standard?

The underlying purpose of Clause 4.4 is to regulate the density of the development and generation of vehicular and pedestrian traffic; provide a transition in built form and land use intensity within the area covered by PLEP 2011; require the bulk and scale of future buildings to have regard to heritage sites and their settings and to reinforce and respect the existing character and scale of low density residential areas.

Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act?

Strict compliance with the development standard would result in the improved utility of the development and economic feasibility. The amended proposal provides additional floor area to create viable commercial tenancies. As such, a smaller FSR would be inconsistent with the relevant aims of the Parramatta LEP 2011 which includes providing a mixture of compatible uses.

Compliance with the development standard in this case would hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act which include the promotion and co-ordination of the orderly and economic use and development of land.

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Compliance with the development standard is unreasonable in the circumstances of the case for the following reasons:

- The additional floor area is considered a minor departure to the development standard and will be indiscernible when viewed in totality of the development.
- The changes to the floor area do not result in additional adverse impacts to adjoining neighbours, including solar and acoustic.
- The number of units within the development do not change.
- The change in floor area allow for additional services and improved utility within the development.
- The proposed bulk and scale are compatible with the existing and desired future character of the site.
- The changes to the FSR do not alter the approved building separation and setbacks to adjoining sites and is therefore unlikely to change any views and sightlines to places of interest.

Is the exception well founded?

Chief Justice Preston of the NSW Land and Environment Court provided further guidance to consent authorities as to how variations to the standards should be approached. Justice Preston expressed the view that there are 5 different circumstances in which an objection may be well founded:

- The objectives of the standard are achieved notwithstanding non-compliance with the standard;
- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

- The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and
- The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

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- The objectives of the standard are achieved notwithstanding non-compliance with the standard;
- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and
- The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

The recent findings in case *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* indicate that the consent authority must be satisfied that the applicant's written request adequately demonstrates that the compliance with the development standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravention; and that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for the development within the relevant zone.

In this case, the applicant's justification that the increase in the FSR will not result in adverse impacts on the surrounding locality and is consistent with the future character envisioned while supporting the role of Parramatta as a strategic centre is adequate. It addresses the matters required to be demonstrated by Clause 4.6(3) and the proposed development is in the public interest as it is consistent with the objectives of the FSR Development Standard and the objectives for development within the B4 Mixed Use zone.

Architectural roof features	An architectural roof feature is not proposed.	No change is proposed	Yes
Development below mean high water mark	The proposal is not for the development of land that is covered by tidal waters.		N/A
Heritage Conservation	The subject site does not contain a heritage item, is not in the vicinity of an item and does not fall within a heritage conservation area.		N/A
Aboriginal Places of Heritage significance	The subject site is located within a low sensitivity recorded area.		N/A
Acid sulphate soils	The site is identified as containing Class 5 Acid Sulphate Soil. An Acid Sulphate Soils Management Plan is not required to be prepared.		N/A

Earthworks	The proposed earthworks were satisfactory.	No change proposed with regards to earthworks	Yes
Flood planning	The site is identified as being flood prone. Council's Catchment Engineer has reviewed the proposal and upon review raised no objections to the modification and that the conditions imposed on the original application be retained.		Yes
Biodiversity protection	The site is not identified on this map		N/A
Water protection	The site is not identified on this map		N/A
Development on landslide risk land	The site is not identified on this map.		N/A
Affected by a Foreshore Building Line	The site is not located in the foreshore area.		N/A
Bushfire Prone Land	The site is not identified on this map.		N/A

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011			
Part 2 Site Planning			
Views and vistas	There are no significant views and vistas from the subject site identified in Appendix 2 of Council's DCP.		
Flooding	See PLEP comment.		
Protection of waterways	The site is not located on/near a waterway		
Protection of groundwater	Due to the number of basement levels, the proposed amendments have the potential to reach groundwater. Accordingly, the modification application was referred to the National Resources Access Regulator for review. Upon review NRAR no objections with the modifications to the basement and that the original conditions imposed on the development remain applicable.		
Sedimentation	Appropriate conditions have been included in the consent.		
Acid sulphate soils	The proposal does not impact on acid sulphate soils.		
Salinity	The proposal does not impact on salinity.		
Air quality	The proposal does not impact on air quality.		
Development on sloping land	The proposal meets the controls.		
Biodiversity	The site does not include EEC.		
Development on land abutting the E2 & W1	The site is not abutting E2 and/or W1 land.		
Public domain	The proposal continues to meet the controls.		
Part 3 Development Principles – residential accommodation			
Development Control	Original DA	Modification	Compliance
Preliminary Building Envelope. See Special Precinct controls below.			
Building Form and Massing	Satisfactory	Despite the change to the overall height and FSR, the building bulk is consistent with that of adjoining	Yes

		developments. The departures to the height and FSR standards are acceptable and, in this case, does not result in undue amenity impacts on nearby developments.	
Building Façade and Articulation	Satisfactory	The proposed modifications are predominantly internal in nature and minor changes result to the external façade and overall building articulation. The changes to the articulation relate to the ground floor with minor changes to Level 5. Notwithstanding, the modifications keep within the core of the development without resulting in undue amenity impacts to adjoining developments.	Yes
Roof Design	Satisfactory	No change is proposed	Yes
Streetscape	Satisfactory	The proposed changes to the ground floor seek to improve the activation of the streetscape by delivering better retail spaces.	Yes
Landscaping	Satisfactory	The increase to the amount of landscaping for the site is acceptable to allow for increased opportunities for vegetation and to improve the perception of hard and soft surfaces throughout the site.	Yes
Common Open Space and Private Open Space	Satisfactory	See ADG Assessment	Yes
Visual and Acoustic Privacy	Satisfactory	The modifications are predominantly internal with no changes to the number of units provided for the development. The proposal also generally maintains the original approved building separation and setbacks to adjoining developments to ensure satisfactory visual and acoustic privacy is maintained.	Yes
Acoustic Amenity	Satisfactory	No change is proposed	Yes
Cross Ventilation	Satisfactory	No change is proposed	Yes
Water Sensitive Urban Design	Satisfactory	Council's Development Engineer has reviewed the amended proposal and raised no objections to the changes. As such, the amended development continues to provide WSUD in accordance with this control.	Yes
Waste Management	Satisfactory	Revision of the approved ground floor scheme results in reconfiguration and relocation of the waste rooms; however, the development will continue to provide appropriate waste rooms and a loading dock and service area to permit the removal of waste from the site.	Yes
Safety and Security	Satisfactory	The changes to the ground floor layout will improve efficiency and movement	Yes

		within the retail tenancies to continue to activate the ground floor.	
Housing Diversity and Choice	15 x 3 bed (6%) 189 x 2 bed (72%) 60 x 1 bed (23%) 30 x adaptable (11%)	No change.	Yes
Car Parking	Satisfactory	See ADG Assessment	Yes
Bicycle Parking	Ground Level = 98 Each Basemen! Level = 8 (x4) = 32 Total = 130 *conditions of consent also imposed to provide an additional 4 bicycle spaces.	No change.	Yes
Heritage & Special Precincts			
<u>Granville Town Centre</u>			
Front Setbacks	East Street: 2.0m - 3.0m Cowper Street: 1.2m East Street: 4.9m - 6.2m Cowper Street: 3.8m - 4.8m	No change proposed.	N/A
Landscaping and Deep Soil	Satisfactory	See ADG Assessment	Yes
Development between Parramatta Road and Railway Line			
Residential and commercial apartments are to be designed to enable casual surveillance of public spaces.	Considered to provide adequate surveillance of public spaces.	The modifications allow for the continued surveillance of public spaces from within the development.	Yes
For development greater than 15m in height, façade horizontal dimension < 35m	12m – 30m	Despite the change to the overall building height, it does not exceed the 35m horizontal façade.	Yes
Draft Parramatta Local Environmental Plan 2020			
Draft Parramatta LEP 2020 was placed on public exhibition on the 31 August 2020, with exhibition closing on the 12 October 2020. The draft LEP will replace the five existing LEPs that apply within the Local Government Area and will be the primary legal planning document for guiding development and land use decisions made by Council. Whilst the draft LEP must be considered when assessing this application, under cl 4.15(1)(a)(ii), the LEP is neither imminent or certain and therefore limited weight is placed on it. Notwithstanding, the proposal development is consistent with the objectives of the Draft LEP.			

REFERRALS

Accessibility Officer	Supported
Development Engineer	Supported
Waste	Supported
Health	Supported
Landscape	Supported subject to conditions.
Traffic and Transport	Supported subject to conditions.
EXTERNAL REFERRALS	
NRAR	Supported

OTHER MATTERS

Changes to conditions that allow staging of the development

The modifications also seek changes to the approved development to delete the staging of the development. The applicant provided the following details with regards to the changes/removal of the conditions to facilitate the staging of the development.

An historic leasing arrangement resulted in industrial land use within the southern half of the site to continue to operate, whilst the remaining portion of site was to be redeveloped. In-order to overcome this restriction, the approved development was to be undertaken in two distinct stages as per DA/709/2015 and subsequently has had a profound impact on the overall design scheme and development outcome including the delivery of split basement layouts.

The said leasing agreement has ceased and as such, staging of the development is no longer necessary.

With the approved design scheme no longer restricted by the staging plan, the current modification is to undertake minor changes to the overall design scheme that will result in improving the overall function and outcome of the development.

Given the above details, Council raises no objections to the changes/removal of the conditions to facilitate the staging of the development. The conditions to be amended are, Conditions 2, 15, 16, 18, 20, 21, 25 - 27, 29, 33 - 38, 42 - 54, 56 - 75, 94, 95, 98, 114, 123, 131, 144, 148, 150, 151, 153 - 169, 171, 173 - 179 and 184.

PUBLIC CONSULTATION

The application was notified in accordance with Appendix 1 of Council's Community Engagement Strategy. In response, no submissions were received.

Amended Plans

Yes

Summary of amendments

- Amended plans to address concerns raised by Council's Accessibility Officer

In accordance with Appendix 1 of Council's Community Engagement Strategy the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

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

COVID-19 STATEMENT

Council's Crisis Management Team suspended all Conciliation Meetings from 25 March 2020, for the foreseeable future, due to COVID19 and maintaining social distancing requirements. Therefore, a conciliation meeting in accordance with Council's resolution was not required to be held for this application.

DEVELOPMENT CONTRIBUTIONS

An adjusted development contribution is required to be paid as the modification works increase the estimated development cost. The standard condition of consent imposed under the original development application approval requiring payment of a development contribution requires modification under this modification application.

CONCLUSION

After consideration of the development against section 4.15 and section 4.55 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved for the following reasons:

1. The development as modified is substantially the same development for which consent was originally granted.
2. The modified development will be compatible with the emerging and planned future character of the area.
3. The modifications do not significantly alter the streetscape appearance of the approved building when viewed from Cowper Street and East Street;
4. The modifications allow for compliance with the relevant BCA requirements;
5. The modified proposal will not result in any significant adverse impacts in respect to privacy, overshadowing or bulk and scale; and
6. For the reasons given above, approval of the application is in the public interest.

RECOMMENDATION

Approval

That the Sydney Central City Planning Panel as the consent authority pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979, modify development consent DA/709/2015 for approved 20 storey mixed use development on land at 2-4 Cowper Street and 5 East Street GRANVILLE NSW 2142, as shown on the plans submitted with the modification application, for a period of five (5) years from the date on the **original** Notice of Determination, subject to amending the conditions as follows:

General Matters

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

Drawing No.	Prepared By	Dated
Civil Drawings		

Drawing No.	Prepared By	Dated
80821209-CI-0001. Revision 3 Title Page	Cardno	6 May 2021
80821209-CI-0002. Revision 3 Civil Construction Notes	Cardno	6 May 2021
80821209-CI-1101. Revision 4 Stormwater Drainage Plan Basement 4	Cardno	28 May 2021
80821209-CI-1102. Revision 4 Stormwater Drainage Plan Basement 3	Cardno	28 May 2021
80821209-CI-1103. Revision 4 Stormwater Drainage Plan Basement 2	Cardno	28 May 2021
80821209-CI-1104. Revision 4 Stormwater Drainage Plan Basement 1	Cardno	28 May 2021
80821209-CI-1105. Revision 4 Stormwater Drainage Plan Ground Floor	Cardno	28 May 2021
80821209-CI-1106. Revision 3 Stormwater Drainage Plan Level 1	Cardno	6 May 2021
80821209-CI-1107. Revision 2 Stormwater Drainage Plan Level 2	Cardno	6 May 2021
80821209-CI-1108. Revision 2 Stormwater Drainage Plan Level 3	Cardno	28 May 2021
80821209-CI-1109. Revision 2 Stormwater Drainage Plan Level 4	Cardno	28 May 2021
80821209-CI-1110. Revision 2 Stormwater Drainage Plan Level 5	Cardno	28 May 2021
80821209-CI-1111. Revision 2 Stormwater Drainage Plan Level 6	Cardno	28 May 2021
80821209-CI-1112. Revision 2 Stormwater Drainage Plan Level 7	Cardno	28 May 2021
80821209-CI-1113. Revision 2 Stormwater Drainage Plan Level 8	Cardno	28 May 2021
80821209-CI-1114. Revision 2 Stormwater Drainage Plan Level 9	Cardno	28 May 2021
80821209-CI-1115. Revision 2 Stormwater Drainage Plan Level 10	Cardno	28 May 2021
80821209-CI-1116. Revision 2 Stormwater Drainage Plan Level 11	Cardno	28 May 2021
80821209-CI-1117. Revision 2 Stormwater Drainage Plan Level 12	Cardno	28 May 2021
80821209-CI-1118. Revision 2 Stormwater Drainage Plan Level 13	Cardno	28 May 2021
80821209-CI-1119. Revision 2 Stormwater Drainage Plan Level 14	Cardno	28 May 2021
80821209-CI-1120. Revision 2 Stormwater Drainage Plan Level 15	Cardno	28 May 2021
80821209-CI-1121. Revision 2 Stormwater Drainage Plan Level 16	Cardno	28 May 2021

Drawing No.	Prepared By	Dated
80821209-CI-1122. Revision 2 Stormwater Drainage Plan Level 17	Cardno	28 May 2021
80821209-CI-1123. Revision 2 Stormwater Drainage Plan Level 18	Cardno	28 May 2021
80821209-CI-1124. Revision 2 Stormwater Drainage Plan Level 19	Cardno	28 May 2021
80821209-CI-1125. Revision 3 Stormwater Drainage Plan Roof Level	Cardno	28 May 2021
0549-DA-STW-004-F Survey Plan	Marchese Partners	13/02/17
80821209-CI-1201. Revision 3 Sedimentation and Erosion Control Plan	Cardno	6 May 2021
80821209-CI-2101. Revision 4 Stormwater Drainage Standard Details	Cardno	6 May 2021
80821209-CI-2102. Revision 3 Sedimentation and Erosion Details Control Details	Cardno	6 May 2021
0549-DA-C-101-F Council Infrastructure Civil Works Levels Plan	Marchese Partners	13/02/17
0549-DA-C-102-F Council Infrastructure Civil Works Drainage Plan	Marchese Partners	13/02/17
0549-DA-C-103-F Council Infrastructure Civil Works Driveway Plan	Marchese Partners	13/02/17
0549-DA-C-104-F Council Infrastructure Civil Works Driveway Longitudinal Section A	Marchese Partners	13/02/17
0549-DA-C-105-F Council Infrastructure Civil Works Driveway Longitudinal Section B	Marchese Partners	13/02/17
0549-DA-C-106-F Council Infrastructure Civil Works Laneway Longitudinal Section	Marchese Partners	13/02/17
0549-DA-C-107-F Council Infrastructure Civil Works Loading Dock Longitudinal Section	Marchese Partners	13/02/17
0549-DA-C-108-F Council Infrastructure Civil Works Site Frontage Cross Section	Marchese Partners	13/02/17
0549-DA-C-109-F Council Infrastructure Civil Works Pavement Plan	Marchese Partners	13/02/17
0549-DA-C-111-F Council Infrastructure Civil Works Civil Details - Sheet 1	Marchese Partners	13/02/17
0549-DA-C-301-F Council Infrastructure Civil Works Stormwater Long Sections	Marchese Partners	13/02/17

Drawing No.	Prepared By	Dated
<i>Architectural Drawings</i>		
15038-DA0.00-H Cover Sheet	Marchese Partners	10/02/17
15038-DA1.01-E Location Plan	Marchese Partners	28/11/16
15038-DA1.02-E Site Analysis	Marchese Partners	17/05/16
PN_0768. Drawing No. A001. Rev. A Site Plan	ADS Architects	21 May 2021
PN_0768. Drawing No. A096. Rev. I Level Basement 4	ADS Architects	21 May 2021
PN_0768. Drawing No. A097. Rev. I Level Basement 3	ADS Architects	21 May 2021
PN_0768. Drawing No. A098. Rev. I Level Basement 2	ADS Architects	21 May 2021
PN_0768. Drawing No. A099. Rev. I Level Basement 1	ADS Architects	21 May 2021
15038-DA2.04.01-E Access Driveway	Marchese Partners	17/05/16
PN_0768. Drawing No. A100. Rev. L Ground Floor	ADS Architects	2 Sept 2021
PN_0768. Drawing No. A101. Rev. F Level 1	ADS Architects	21 May 2021
PN_0768. Drawing No. A102. Rev. F Level 2	ADS Architects	21 May 2021
PN_0768. Drawing No. A103. Rev. F Level 3	ADS Architects	21 May 2021
PN_0768. Drawing No. A104. Rev. F Level 4	ADS Architects	21 May 2021
PN_0768. Drawing No. A105. Rev. F Level 5	ADS Architects	21 May 2021
PN_0768. Drawing No. A106. Rev. F Level 6	ADS Architects	21 May 2021
PN_0768. Drawing No. A107. Rev. F Level 7	ADS Architects	21 May 2021
PN_0768. Drawing No. A108. Rev. F Level 8	ADS Architects	21 May 2021
PN_0768. Drawing No. A109. Rev. F Level 9	ADS Architects	21 May 2021
PN_0768. Drawing No. A110. Rev. F Level 10	ADS Architects	21 May 2021
PN_0768. Drawing No. A111. Rev. F Level 11	ADS Architects	21 May 2021
PN_0768. Drawing No. A112. Rev. F Level 12	ADS Architects	21 May 2021
PN_0768. Drawing No. A113. Rev. F Level 13	ADS Architects	21 May 2021

Drawing No.	Prepared By	Dated
PN_0768. Drawing No. A114. Rev. F Level 14	ADS Architects	21 May 2021
PN_0768. Drawing No. A115. Rev. F Level 15	ADS Architects	21 May 2021
PN_0768. Drawing No. A116. Rev. F Level 16	ADS Architects	21 May 2021
PN_0768. Drawing No. A117. Rev. F Level 17	ADS Architects	21 May 2021
PN_0768. Drawing No. A118. Rev. F Level 18	ADS Architects	21 May 2021
PN_0768. Drawing No. A119. Rev. F Level 19	ADS Architects	21 May 2021
PN_0768. Drawing No. A120. Rev. F Roof Terrace	ADS Architects	21 May 2021
PN_0768. Drawing No. A121. Rev. F Roof – Lift Overrun	ADS Architects	21 May 2021
PN_0768. Drawing No. A200. Rev. E Section A	ADS Architects	21 May 2021
PN_0768. Drawing No. A121. Rev. E Section B	ADS Architects	21 May 2021
PN_0768. Drawing No. A300. Rev. E North Elevation	ADS Architects	21 May 2021
PN_0768. Drawing No. A301. Rev. E South Elevation	ADS Architects	21 May 2021
PN_0768. Drawing No. A302. Rev. E East Elevation	ADS Architects	21 May 2021
PN_0768. Drawing No. A303. Rev. E West Elevation	ADS Architects	21 May 2021
PN_0768. Drawing No. A500. Rev. F Typical Adaptable Units 04 & 09	ADS Architects	21 May 2021
<i>Landscape Drawings</i>		
101-F Regional Context	Arcadia	02/2017
102-F Site Approach	Arcadia	02/2017
103-F Site Approach	Arcadia	02/2017
104-F Vision Concept + Philosophy	Arcadia	02/2017
105-F Vision Concept + Philosophy	Arcadia	02/2017
106-F Landscape Master Plan	Arcadia	02/2017
107-F Landscape Communal Space	Arcadia	02/2017
108-F Section Communal Space	Arcadia	02/2017

Drawing No.	Prepared By	Dated
109-F Landscape Rooftop	Arcadia	02/2017
110-F Landscape Laneway	Arcadia	02/2017
111-F Section Streetscape Laneway	Arcadia	02/2017
112-F Section Streetscape - East Street	Arcadia	02/2017
113-F Section Streetscape - Cowper Street	Arcadia	02/2017
114-F Vision Character + Precedents	Arcadia	02/2017
115-F Vision Planting Palette	Arcadia	02/2017
SS21-4629. Drawing No. 101. Issue D. Landscape Plan – Ground Floor	Site Image Landscape Architects	1 Sept 2021
SS21-4629. Drawing No. 103. Issue D. Landscape Plan – Roof Plan	Site Image Landscape Architects	1 Sept 2021
SS21-4629. Drawing No. 501. Issue D. Landscape Details	Site Image Landscape Architects	1 Sept 2021
SS21-4629. Drawing No. 502. Issue D. Plant Schedule and Imagery	Site Image Landscape Architects	1 Sept 2021

Documents	Prepared By	Dated
Statement of Environmental Effects Section 4.55(2)	Think Planners	18 June 2021
Report on Geotechnical Investigation Ref 85079.02	Douglas Partners	06/2016
Report on Preliminary Site Investigation with Limited Sampling Ref 85079.03	Douglas Partners	02/06/16
BASIX 1200569M_04	Senica	29 May 2021
Fire Engineering Letter Ref 15-0059 R1	iFire Engineers	26/05/16
Access Report Revision R1.1	Access -i	29 April 2021
Part J Energy Efficiency Report. Revision D.	Senica	29 May 2021
Arboricultural Impact Assessment	Footprint Green	30/06/16
Public Art Plan	Guppy & Associates	16/06/16

Traffic and Parking Assessment Report Ref 15628	Varga Traffic Planning	29/06/16
Operational Waste Management Plan - Revision 2	Foresight Environmental	06/05/16
Pedestrian Level Wind and Natural Ventilation Assessment – Revision 5	CPP	20/06/16
Design Report on Site Stormwater and Soil Management	Marchese Partners	20/05/16
Social Impact Assessment	Think Planners	01/10/15
Statement of Heritage Impact	NBRS & Partners	10/2015
Building Code of Australia Report Ref 20073B – R1.1	AI Consultancy	29 April 2021
Planning Stage Acoustic Report Ref S15516	Resonate Acoustics	29/09/15
Waste Management Plan	MRA	21 May 2021
Design Verification Statement	ADS Architects	15 June 2021
Lift Capacity Report	Otis Plan +	5 August 2021

Note: In the event of any inconsistency between the architectural plans and the landscape plans or stormwater disposal plans, the architectural plans shall prevail to the extent of the inconsistency.

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

Note: *As amended by DA/709/2015/B.*

2. **Deleted.**

Note: *As amended by DA/709/2015/B.*

3. 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.

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

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

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

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

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

Reason: To prevent pollution of waterways.

7. Approval is granted for the demolition of all buildings and outbuildings currently on the subject site, subject to compliance with the following:-
- (a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.
Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.
 - (b) The developer is to notify owners and occupiers of the properties on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
 - (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Parramatta City Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
 - (d) On the first day of demolition, work is not to commence until Parramatta City Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
 - (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved

waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001

- (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under “Prior to Works Commencing” in this Consent.
- (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover “Demolition Licence” and a current WorkCover “Class 2 (Restricted) Asbestos Licence”.
- (i) Demolition is to be completed within 2 months of commencement.
- (j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- (k) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (l) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
 - (i) Proposed ingress and egress of vehicles to and from the construction site;
 - (ii) Proposed protection of pedestrians adjacent to the site;
 - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- (m) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- (n) Before demolition works begin, adequate toilet facilities are to be provided.
- (o) After completion, the applicant must notify Parramatta City Council within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- (p) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
- (q) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
- (r) Payment of fees in accordance with Council’s current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

Landscaping & Public Domain

8. Trees to be retained are:

Tree No.	Name	Common Name	Location	DBH Diameter at breast height (mm)	Tree Protection Zone (m)
4	Eucalyptus sp	Gum Tree	Duck Creek riparian zone	650mm	7.80 metres
5	Eucalyptus sp	Gum Tree	Duck Creek riparian zone	600mm	7.20 metres

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

9. Trees greater than 5 metres in height must not be removed or damaged from the subject property or adjoining properties unless approved by this Consent.
Reason: To preserve existing landscape features.

Planning

10. The development shall comply with the requirements of the General Terms of Approval in the Water NSW letter dated 12 October 2016.
Reason: To comply with Water NSW requirements.
- 10A. *The design and construction of the underground high voltage power lines, are to be designed and constructed by an Asset Standards Authority (ASA) Authorised Engineering Organisation (AEO), and must comply with all applicable ASA and Sydney Trains requirements.*
Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.
Note. Added as per deferred commencement activation.
11. No advertisement/signage shall be erected on or in conjunction with the development without prior consent.
Reason: To comply with legislative controls.

Environmental Health

12. All waste storage rooms/areas are to be fully screened from public view and are to be located clear of all landscaped areas, driveways, turning areas, truck standing areas and car parking spaces. No materials, waste matter or products are to be stored outside the building or any approved waste storage area at any time.
Reason: To maintain the amenity of the area.
13. Any garbage chutes must be designed in accordance with the requirements of the *Building Code of Australia* and the Department of Environment and Climate

Change *Better Practice Guide for Waste Management in Multi-Unit Dwellings*. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.

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

14. The waste storage rooms to be provided on the subject site shall be constructed to comply with all the relevant provisions of Council's Development Control Plan (DCP) 2011 including:
- (a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
 - (b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
 - (c) The walls being cement rendered to a smooth, even surface and coved at all intersections;
 - (d) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet.

Reason: To ensure provision of adequate waste storage arrangements.

Prior to the issue of a Construction Certificate

(Note: Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.)

Standard Conditions

15. **A combined construction is to be issued for the development.**

Reason: To ensure certification reflects the modifications under DA/709/2015/B.

Note: Amended as per DA/709/2015/B

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

Reason: To ensure compliance with legislative requirements.

Note: Amended as per DA/709/2015/B

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

- (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or

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

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

Reason: To comply with the Home Building Act 1989.

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

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

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

Reason: To ensure adequate electricity supply to the development.

Note: Amended as per DA/709/2015/B

19. Electricity provision within the subject site is to be made to an underground connection within the street. Certification from an energy provider addressing their requirements for this provision is to be forwarded to the Certifying Authority with the application for each Construction Certificate.

Reason: To ensure appropriate streetscape amenity.

20. **A monetary contribution comprising \$620,583.05 is payable to Parramatta City Council pursuant to Section 94A of the Environmental Planning and Assessment Act, 1979 and the Parramatta Section 94A Development Contributions Plan (Amendment No. 4). Payment must be by EFTPOS, bank cheque or credit card only.**

The contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. Indexation will be applied on the outstanding balance until the final payment is made.

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

Reason: To comply with legislative requirements.

Note: Amended as per DA/709/2015/B

21. 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.

Note: Amended as per DA/709/2015/B

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

Note: Amended as per DA/709/2015/B

23. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of the Construction Certificate for. The fee will be in accordance with Councils adopted 'Fees and Charges' at the time of payment.

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

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

Note: Amended as per DA/709/2015/B

24. 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. 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/709/2015;

- (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
Hoarding	\$5000
Street Furniture	\$2000
Nature Strip and Roadway	\$20,000

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to Parramatta City Council with the payment of the bond/s for each Stage.

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.

Note: Amended as per DA/709/2015/B

25. Service ducts, plumbing installations and plant servicing the development must be concealed within the building to keep external walls free from service installations. This shall include ventilation for all kitchens. Details are to be included within the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

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

Note: Amended as per DA/709/2015/B

26. 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.

Details of these connections are to be annotated on the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To protect the visual amenity of the area.

Note: Amended as per DA/709/2015/B

27. Plans submitted with each Construction Certificate application must show that 10% of dwellings are accessible and 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 appropriate designed.

Note: Amended as per DA/709/2015/B

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

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

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

29. **The recommendations outlined in the acoustic report Acoustic Report Ref S15516 by Resonate Acoustics dated 29/09/15 shall be incorporated into the plans and documentation accompanying each Construction Certificate to the satisfaction of the Certifying Authority.**

Reason: To ensure a suitable level of residential amenity.

Note: Amended as per DA/709/2015/B

30. External materials must be pre-colour coated on manufacture having a low glare and reflectivity finish. The reflectivity index of external 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 each Construction Certificate to the satisfaction of the Certifying Authority.

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

31. A license shall be obtained from the NSW Department of Primary Industries (Water) for approval to extract groundwater under the provisions of the Water Management Act, 2000.

See also the General Terms of Approval from NSW Primary Industries – Water included in this notice.

Reason: To comply with Department of Infrastructure, Planning and Natural Resources requirements.

32. The applicant is to engage a NSW EPA accredited site auditor to undertake an independent assessment of the site investigation (remediation) or (validation) report to address the requirements of section 47(1) (b) of the Contaminated Land Management Act 1997 prior to the issue of the first Construction Certificate. Should the detailed site investigation determine that remediation is required, the remediation work is to be subject to a Remediation Action Plan (RAP) prepared by NSW EPA accredited site auditor.

If a RAP is required, it is to be implemented concurrent with demolition, site preparation and excavation works. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

A site audit statement is to be submitted to Council and the principal certifying authority on the completion of remediation works and prior to the commencement of construction works.

Reason: To ensure the contamination assessment report has adhered to appropriate standards, procedures and guidelines.

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

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

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

Note: Amended as per DA/709/2015/B

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

Reason: To ensure satisfactory storm water disposal.

Note: Amended as per DA/709/2015/B

35. **All mechanical exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS 1668.1 - 1998 – ‘The use of ventilation and air conditioning in buildings’ – ‘Fire and smoke control in multi-compartmented buildings’. Details showing compliance are to accompany the application for a Construction Certificate.**

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

Note: Amended as per DA/709/2015/B

36. **Where work is likely to disturb or impact upon 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 the application for a Construction Certificate to the satisfaction of the Certifying Authority.**

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

Note: Amended as per DA/709/2015/B

37. **Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council**

property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany an application for a Construction Certificate and be to the satisfaction of the Principal Certifying Authority (PCA). A copy of these details must be forwarded to Council prior to any work being commenced.

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

Reason: To protect Council's infrastructure.

Note: Amended as per DA/709/2015/B

38. All individual parcels of land holding a separate title must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to the Occupation Certificate being issued.

Reason: To comply with the Conveyancing Act 1919.

Note: Reinstated and Amended as per DA/709/2015/B

Landscaping & Public Domain

39. Prior to the issue of **any Construction Certificate for works at ground level or above**, a set of **Public Domain Plans**, prepared by a qualified landscape architect and engineer, detailing the provision of public domain upgrades, must be submitted to and approved by Council.

The Public Domain Plans are to cover the following areas:

- The frontages of Nos. 2 – 8 Cowper Street (inclusive) and Nos. 5 – 11 East Street (inclusive);
- The land to be dedicated to Council adjacent to Duck Creek connecting Cowper Street and East Street.

The Public Domain Plans shall include details of the road pavement, kerb returns, pedestrian refuge islands, kerbs & gutters, in-road planting, footpaths, planting beds, drainage, and front setback areas within the public domain and publicly accessible areas generally in accordance with the Public Domain Civil Works drawings by Marchese Partners Engineers and Landscape Plans by Arcadia Landscape Architecture hereby approved subject to the following additional requirements:

- The latest CoP Public Domain Guidelines (PDG). The consultant shall contact Council's Urban Design team for the latest design standards and material specifications before finalising the documentation;
- Fully coordinated across the survey, architectural, landscape, engineering, lighting, stormwater and lighting plans;
- The kerb and gutter shall be reconstructed in accordance with CoP design standard DS1. A 500mm wide road bitumen pavement shall be removed and replaced to meet the proposed kerb levels;
- Kerb ramps shall be provided in end of Cowper Street and East Street in accordance with CoP design standards (DS4);

- The kerb return and radius connecting the new laneway shall be designed to minimise pedestrian crossing distances and prioritise pedestrian movement in the area;
- Provide a 1.5m footpath with asphaltic concrete finish in the western side of the new laneway abutting the property boundary to continue the footpaths in Cowper and East Street;
- According to the Public Domain Guidelines - Granville town centre paving strategy, the 'Secondary Stone Treatment' shall be applied on the footpath. The treatment consists of granite flagstone ('Adelaide Black' or 'Austral Black' at 100x200x50mm) and asphaltic concrete. The paving upgrade should include the entire public domain areas between the street walls, planter beds or stairs/ramps on the street level and the back of kerb. The detailed paving design shall comply with Council's standard paving details - DS45 (granite treatment), which can be obtained from Council's Urban Design team;
- Details of the proposed in-road tree planting shall be included in the Public Domain Construction Certificate package to clearly demonstrate the intent of stormwater treatment or passive irrigation, and associated drainage system for each tree pit;
- Incorporate porous asphalt pavement in the parking lane where 'StrataVault' system is installed;
- Paving material and finishes for the public accessible areas (i.e. terraces) shall be compatible with the paving material used in the public domain. A sample of the selected material shall be provided to Council's Urban Design team for approval prior to the issue of Construction Certificate;
- All the public domain, site entries, thru-site links and other public-accessible areas must comply with the DDA and AS1428 requirements. Any required accessible facilities, including ramps, hand rails, TGSIs at site entries, shall be located within the site boundaries without encroaching pedestrian desire lines or clear paths of travel. The long stairs interfacing Cowper Street and East Street shall be recessed back to allow space for required tactile; and
- Public seating furniture and bin enclosure may be required to be provided in the public domain area. Any proposed public furniture shall comply with the requirements in the PDG.

Reason: To ensure the approved works are consistent and required amendments are addressed in accordance with Council's Policy.

40. Detailed drawings demonstrating the provision of new street trees in the public domain as specified below shall be submitted to the satisfaction of Council officers prior to the issue of **any Construction Certificate for works at ground level or above**.

The new street trees shall be placed in accordance with the minimum clearance requirements in the CoP Public Domain Guidelines. The required tree species, quantities and supply stock are:

Street Name	Botanical Name	Common name	Pot Size	Ave. Spacing
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East Street (in-road)	<i>Lophostemon confertus</i>	Brush Box	200L	20m
East Street (footpath)	<i>Tristaniopsis laurina</i> 'Luscious'	Luscious Water Gum	200L	8m
Cowper Street (in-road)	<i>Ulmus parvifolia</i>	Chinese Elm	200L	20m
Cowper Street (footpath)	<i>Tristaniopsis laurina</i> 'Luscious'	Luscious Water Gum	200L	8m

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

Container Size	Height (above container)	Caliper (at 300mm)	Clear Trunk Height
200 litre	2.8 metres	60mm	1.1 metres

The tree planting details shall be in accordance with the site conditions and Council's standard street tree planting details with 'StrataVault', and the requirements detailed as below (unless otherwise advised by CoP Urban Design Team prior to the issue of Construction Certificate).

The required soil volumes are:

Tree Species	Crown Spread	Crown Projection	Approx. Soil Volume Range
<i>Lophostemon confertus</i>	12m	113m ²	50-55m ³
<i>Ulmus parvifolia</i>	12m	113m ²	50-55m ³
<i>Tristaniopsis laurina</i> 'Luscious'	6m	28m ²	13-15m ³

The sizes and finishes of the tree pits are:

Street Name	Tree Species	Pit Sizes	Finishes	Understorey Planting Species/Sizes
East St	<i>Tristaniopsis laurina</i> 'Luscious'	2m x 6m	Mass planting	<i>Dianella caerulea</i> 'Little Jess'; <i>Dianella tasmanica</i> 'Silver Streak'; and <i>Nandina domestica</i> 'Golf Stream'
	<i>Lophostemon confertus</i>	2.5m x 2.5m	Mass planting	TBC
Cowper St	<i>Tristaniopsis laurina</i> 'Luscious'	2m x 6m	Mass planting	<i>Dianella caerulea</i> 'Little Jess'; <i>Dianella tasmanica</i> 'Silver Streak'; and

				<i>Nandina domestica</i> 'Golf Stream'
	<i>Ulmus parvifolia</i>	2.5m x 2.5m	Mass planting	TBC

A site investigation and underground service mapping is required prior to the issue of the first Construction Certificate to identify any potential constraints on tree planting.

The base of all tree pits shall incorporate a drainage pipe that connects to Council's road stormwater system wherever possible.

Reason: To ensure street trees are planted in appropriate locations.

41. To reduce the extent of overhead cabling, all 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 of a Construction Certificate to the satisfaction of the Certifying Authority.

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

42. **A lighting design for the new laneway hereby approved shall be prepared by a qualified lighting engineer and submitted to Council for approval prior to the issues of any Construction Certificate.**

Reason: To ensure the safety of the new lane and amenity of adjoining residential units.

Note: Amended as per DA/709/2015/B

43. **Prior to the issue of Construction Certificate, the Certifying Authority must be satisfied the design, demonstrating finished levels, of the proposed lane will be designed so as not to impact on the trees required to be retained. In order to reduce the impact on the root structure, isolated piers or pier and beam construction is to be used within the following radius of the nominated trees:**

Tree No.	Name	Common Name	Radius from the trunk
4	<i>Eucalyptus</i> sp	Gum Tree	7.80 metres
5	<i>Eucalyptus</i> sp	Gum Tree	7.20 metres

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

Reason: To ensure adequate protection of existing trees.

Note: Amended as per DA/709/2015/B

44. **All planting beds and boxes shall have no less than 700mm soil level with free draining soil mixes, in accordance with AS 4419:1998 – Soils for landscaping and garden use, and incorporated with drainage layers and pipes connecting to stormwater or drain. An automatic irrigation system**

shall be set up for the planting beds. The public domain construction documentation must include the full performance specifications for the installation and operation of the planters and be submitted for the approval of Council officers prior to the issue of the construction certificate.

Reason: To ensure the appropriate streetscape is maintained.

Note: Amended as per DA/709/2015/B

45. Construction and section details of all proposed on-slab planter boxes showing substrate depth, drainage, waterproofing etc., for ground floor and roof top planter boxes are to be provided with application for a Construction Certificate.

Despite the requirements of any other conditions of consent, planter boxes located over on-site detention tanks and/or podium slabs are to have a minimum depth of 600mm for the planting of shrubs and/or trees and a minimum of 300mm depth for turf/groundcovers proposed.

The proposed soil depths are to be certified by the Landscape Architect to meet the requirements of the proposed species to be planted and provided with each application for a Construction Certificate.

Reason: To ensure the creation of functional gardens.

Note: Amended as per DA/709/2015/B

Flooding & Development Engineering

46. All roof water and surface water is to be connected to an operable drainage system and such system shall be maintained in accordance with the design in perpetuity. Details are to be shown on the plans and documentation accompanying the application for the Construction Certificate. The stormwater design shall be generally in accordance with the amended stormwater plans submitted as per Condition 1 of this consent.

Reason: To ensure satisfactory stormwater management.

Note: Amended as per DA/709/2015/B

47. The perimeter walls and floor of the basement shall be constructed using a "Tank Construction" method, to prevent any flood and ground waters seeping through the basement walls and floorbase.

Plans and design 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 Construction Certificate.

The landowner shall manage groundwater inflows and outflows during construction and thereafter in perpetuity, including monitoring, to ensure all of the requirements of the Water NSW/DPI Water are satisfied and that there are no adverse effects on the environment and public health, including water table levels, surface and groundwater flow regimes, contamination and pollution, flooding and water quality and structural stability.

Reason: Protection of the environment and public health.

Note: Amended as per DA/709/2015/B

48. 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 Construction Certificate.

Reason: To ensure satisfactory storm water disposal.

Note: Amended as per DA/709/2015/B

49. The proposed kerb inlet pit must be constructed in accordance with Council Standard Plan No. DS21. Details are to form part of the Construction Certificate documentation.

Reason: To ensure appropriate drainage.

Note: Amended as per DA/709/2015/B

50. Details of the following flood protection measures shall be submitted for the approval of Council's Team Leader Technical Specialists, which must be obtained prior to release of the Construction Certificate.

- (a) The minimum finished floor level FFL for the habitable floors of the proposed development shall be RL 6.30m AHD.
- (b) The proposed basement carpark entry ramp at the north western corner of the development shall be provided with a crest at a minimum level of RL 6.30m.
- (c) Self-operating flood gates such as 'Flood Break' or equal shall be provided at or near the crests to provide protection to the Probable Maximum Flood Level (PMF).
- (d) Other means shall also be provided such as continuous bunding and flood doors to fire stairs to prevent ingress of floodwaters into the car park to RL 6.30m AHD and to the PMF.

- (e) Council notes that plant rooms and the loading dock have been set to match the existing ground level at RL 5.00m with access to the development through stairs up to RL 6.30m.
- (f) Separate to the fire stairs, the building shall be provided with a safe all weather, flood-protected exit route / staircase(s) from the basement car park to the first floor of the building to a suitable location which is to be established and maintained as a refuge/shelter in place to enable occupants of the building to remain during flooding events when emergency access and egress may be unavailable.

Reason: To ensure the site has adequate flood protection.

Note: Amended as per DA/709/2015/B

51. Stormwater discharges from the site must be connected with an underground connection to Council's piped drainage system, including extension of such system as needed to Council specifications. Council require that street drainage pipelines be constructed to 20 ARI capacity. The Applicant is required to assess and design this infrastructure to Council's satisfaction and incorporate it in the development. Details of this shall be submitted for the approval of Council's Team Leader Technical Specialists, which must be obtained prior to release of Construction Certificate.

Reason: To ensure adequate infrastructure is provided.

Note: Amended as per DA/709/2015/B

52. Detailed drawings of the laneway hereby approved shall be submitted to the satisfaction of Council's Team Leader Technical Specialists, prior to release of the Construction Certificate, incorporating the following changes:

- (a) The reserve between the laneway and Duck Creek is to be densely planted with suitable trees and shrubs to deter access and moderate the floodwater flow.
- (b) The laneway is to comprise a typical 4m max width motor-trafficked pavement and a separate 2m footpath.
- (c) Parking is not to be facilitated in the laneway.
- (d) Each end of the laneway's trafficked pavement is to be designed and constructed as a driveway approximately 3.0-3.5 m wide, at right angles to the turning circle kerbs with standard layback and footpath crossing treatment on both East and Cowper Streets.
- (e) The construction of both the trafficked part of the laneway and the footpath must be durable, scour resistant, and designed in recognition of this being a floodway.
- (f) The footpath and trafficked pavement must be provided with a one way cross-fall towards the Duck Creek channel to ensure drainage is by sheet flow directly into the reserve and runoff is not concentrated in a kerb and/or channel system.
- (g) The box culvert underneath the driveway off the laneway is to be deleted because of its hazardous nature in floods. Simple earthworks may be used in its place.

Reason: To ensure adequate infrastructure is provided.

Note: Amended as per DA/709/2015/B

53. **The building must be designed and certified by a suitably qualified practicing engineer to ensure the building does not fail due to floodwater forces, debris and buoyancy effects from flooding events up to the 1 in 100 year level plus 500mm freeboard.**

A Flood Evacuation & Management Plan must also be prepared by a suitably qualified professional.

The design and certification of the building and the Flood Evacuation & Management Plan must be prepared and submitted with the Stage A application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure the structure can withstand flooding events.

Note: Amended as per DA/709/2015/B

54. **The building must include a flood warning alarm system activated by a float valve. Details must be provided with the Construction Certificate plans and documentation to the satisfaction of the Certifying Authority.**

Reason: To ensure the flood warning system is installed.

Note: Amended as per DA/709/2015/B

55. **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 each application for a Construction Certificate for assessment and approval by the certifying authority.

Reason: To minimise impact on adjoining properties.

56. **Foundations adjacent to existing drainage pipes and structures must be constructed in accordance with Council's Code, "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements". Details must accompany application for a Construction Certificate.**

Reason: To ensure structural stability of the stormwater pipe.

Note: Amended as per DA/709/2015/B

57. **Prior to the issuing of the Construction Certificate details are to be submitted to the Principle Certifying Authority that the footings and slabs have been designed to withstand the impacts of salinity. The design of the development is to take into consideration the guidelines within the**

Department of Infrastructure, Planning and Natural Resources document - Western Sydney Salinity Code of Practice 2003.

Reason: To ensure appropriate safeguards against salinity.

Note: Amended as per DA/709/2015/B

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

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

Note: Amended as per DA/709/2015/B

59. **Adequate clearance shall be provided to all tanks, chambers, filters and electrical components. Details of clearance provisions for ongoing maintenance and servicing shall be indicated on the plans submitted with Construction Certificate to the satisfaction of the Principal Certifying Authority.**

Reason: To enable access for maintenance.

Note: Amended as per DA/709/2015/B

Traffic & Parking

60. **Accessible car-parking spaces must be provided as part of the total car-parking requirements. These spaces and access to these spaces must comply with AS2890.6 - 'Parking facilities' - 'Off-street parking for people with disabilities and AS1428.1 - 'Design for access and mobility' - General requirements for access - New building work' 2001 and 2009 and AS1428.4 - 'Design for access and mobility' - 'Tactile ground surface indicators for orientation of people with vision impairment' - 'Means to assist the orientation of people with vision impairment - Tactile ground surface indicators' 1992 and 2009.**

Details are to accompany application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

Note: Amended as per DA/709/2015/B

61. **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 314 parking spaces is to be provided and be allocated as follows:**

- a) **257 parking spaces for the residential apartments including nine (9) spaces as accessible parking;**

- b) 51 parking spaces for residential visitor including two (2) spaces as accessible parking;**
- c) Five (5) parking spaces for the retail tenancies including one (1) space as accessible parking;**
- d) One (1) car share space.**

Tandem car spaces are to be allocated to same apartment. Details are to be illustrated on plans submitted with the construction certificate.

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

Note: Amended as per DA/709/2015/B

- 62. The number of parking spaces are to be provided in accordance with the approved plans referenced in condition 1 and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.**

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

Note: Amended as per DA/709/2015/B

- 63. A total of 134 bicycle spaces/racks are to be provided on-site. The dimensions and layout of the bicycle storage/racks are to comply with AS 2890.3 - 2015. Details are to be illustrated on plans submitted with each construction certificate.**

Reason: To comply with Council's parking requirements.

Note: Amended as per DA/709/2015/B

- 64. The Applicant shall provide written evidence 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 written evidence is to be submitted to Council prior to the release of the construction certificate.**

Reason: To comply with Council's parking requirements.

Note: Amended as per DA/709/2015/B

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

Reason: To ensure appropriate vehicular manoeuvring is provided

Note: Amended as per DA/709/2015/B

- 66. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site to Cowper Street. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials. Any such**

materials may only be permitted if they are less than or equal to 900mm height above the driveway level.

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

Note: Amended as per DA/709/2015/B

67. Where a security roller shutter or boom gate prevents access to visitor car parking, an intercom system is required to be installed to enable visitor access to the car parking area. Details of the system and where it is to be located is to accompany a Construction Certificate to the satisfaction of the Certifying Authority. If an intercom or security access card to the basement level car park is installed, it is to be provided at the centre of the driveway (not attached on the wall) in accordance with Clause 3.3 (b) of AS 2890.1 - 2004.

Reason: To ensure visitor car parking is accessible.

Note: Amended as per DA/709/2015/B

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

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

Note: Amended as per DA/709/2015/B

69. Each basement visitor car parking space is to be signposted. Details are to be provided with the application for Construction Certificate.

Reason: To comply with Australian Standards.

Note: Amended as per DA/709/2015/B

Planning

70. Deleted

Note: Amended as per DA/709/2015/B

71. Deleted

Note: Amended as per DA/709/2015/B

72. At least 20% of all residential units shall be designed and fit-out to achieve the ‘silver level’ requirements as set out in the Liveable Housing Design Guidelines Details published by Liveable Housing Australia. Details shall be submitted to the satisfaction of the certifying authority prior to the issue of the Construction Certificate.

Reason: To ensure study rooms are not converted to use as bedrooms.

Note: Amended as per DA/709/2015/B

73. Access and services for people with disabilities shall be provided to the ‘affected part’ of the building in accordance with the requirements of the Access to Premises Standard 2010 and the National Construction Code 2013. Detailed plans, documentation and specification must accompany

application for a Construction Certification to the satisfaction of the Certifying Authority.

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

Note: Amended as per DA/709/2015/B

74. Prior to the issue of Construction certificate, the Certifying Authority must be satisfied that all plant and equipment (including but not limited to air conditioning equipment) is located within the basement or otherwise suitably concealed within the building envelope or in rooftop plant that is concealed from view from adjoining public places and no higher than the lift overrun.

Note: Architectural plans identifying the location of all plant and equipment must be provided to the Certifying Authority.

Reason: To minimise impact on surrounding properties, improved visual appearance and amenity for locality.

Note: Amended as per DA/709/2015/B

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

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

Reason: To comply with the requirements of SEPP 65.

Note: Amended as per DA/709/2015/B

Environmental Health

76. Separate waste processing and storage facilities are to be provided for residential and commercial tenants in mixed use developments. These facilities should be designed and located so that they cannot be accessed by the public, and are accessible by a private waste contractor for collection. A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities as indicated in the Waste Management Plan.

Prior to the issue of the construction certificate a further report including accompanying plans shall be submitted to the satisfaction of the Principal Certifying Authority that provides details of the private contractor that will be engaged to collect domestic waste from the subject site. If Council is not the principal certifying authority a copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc, will be re-cycled. Waste collection from the site shall occur in accordance with the details contained within this report.

Reason: To ensure waste is adequately separated and managed in mixed use developments.

Note: Amended as per DA/709/2015/B

77. Exhaust gases shall be discharged via a ventilation system installed in accordance with AS/NZS 1668: 2002- The Use of Mechanical Ventilation and Air-conditioning in Buildings. Details of the ventilation system demonstrating compliance shall be submitted with the Construction Certificate to the satisfaction of the Principal Certifying Authority.

Reason: To ensure the correct installation and operation of equipment for the protection of the local environment.

Sydney Trains

78. Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

79. Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

80. An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

Reason: To comply with the requirements of Sydney Trains and Clause 87(3) of SEPP (Infrastructure) 2007.

81. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

Reason: To comply with the requirements of Sydney Trains and Clause 85(2) of

SEPP (Infrastructure) 2007.

82. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

83. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. It should be noted that craneage and other aerial operations will not be permitted over or in close proximity of the adjacent Sydney Trains high voltage power line. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

84. Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

- 83A. Prior to the issuing of any Construction Certificate for Demolition & Clearing across the site and/or any structural penetration works, or the commencement of demolition works (whichever occurs first), you are required to submit to Sydney Trains for endorsement demolition methodology, safe work method statements, details as to how the current overhead power lines will be protected and any other documents as nominated by Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

Note. Added as per deferred commencement activation.

- 83B. Prior to the issuing of a Construction Certificate for Shoring & Excavation works, you are required to submit to Sydney Trains for endorsement excavation and construction methodology, structural details & drawings, safe work method statements, details as to how the current overhead power lines will be protected and any other documents as nominated by Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written

confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

Note. Added as per deferred commencement activation.

- 83C. Prior to the issuing of a Construction Certificate for Construction of basement up to ground floor (being the current footpath level) works, you are required to submit to Sydney Trains for endorsement excavation and construction methodology, structural details & drawings, safe work method statements, details as to how the current overhead power lines will be protected and any other documents as nominated by Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

Note. Added as per deferred commencement activation.

- 83D. A Construction Certificate for construction above the ground floor works shall not be issued until the new underground powerlines are installed, commissioned and accepted by Sydney Trains/RailCorp and the existing above ground powerlines have been decommissioned. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. No action shall be taken against Sydney Trains or RailCorp or TfNSW (or their contractors) with respect to any delays in obtaining this Construction Certificate as a result of the timing of the undergrounding works nominated in this condition. Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

Note. Added as per deferred commencement activation.

Prior to Work Commencing

Standard Conditions

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

- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
- (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

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

Reason: To comply with legislative requirements.

86. 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.

87. The subject site must be enclosed by a 1.8m high security fence erected wholly within the confines of the subject 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.

88. A sign must be erected in a prominent position on any subject 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.

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

Reason: To ensure adequate toilet facilities are provided.

90. 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.

91. 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.

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

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

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

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

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

94. Prior to commencement of works and during construction works, the subject site and any road verge immediately in front of the subject 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 subject site;

- (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the subject site on a fortnightly basis;
- (d) the subject 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.

95. **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 relevant Stage 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.

Note: Amended as per DA/709/2015/B

96. **Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the subject site 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 subject site. 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.

Note: Amended as per DA/709/2015/B

Landscaping & Public Domain

97. The trees identified for protection within the Arborist Report prepared by Footprint Green Pty Ltd dwg no. aiasc3.01 Revision 1 Sheets 1-7 dated 30 June 2016 shall be protected prior to and during the demolition/construction process in accordance with the documents referenced above.

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

98. Consent from Council must be obtained prior to any pruning works being undertaken on any tree on site, or any trees located in adjoining properties. All approved pruning works must be supervised by an Australian Qualifications Framework (AQF) Level 3 certified Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

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

Flooding & Development Engineering

99. **Prior to the commencement of any excavation works on the subject 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.

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.

Note: Amended as per DA/709/2015/B

100. Details of the proposed reinforced concrete pipe-work within the adjoining road reserves shall be submitted for Council's City Works Unit approval prior to commencement of any work.

Reason: To ensure adequate stormwater infrastructure is provided.

101. 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 subject site. These measures are to be maintained throughout the entire works. Particular care is to be given to ensuring no materials or other pollution enter Duck Creek.

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

Traffic & Parking

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

- (a) Construction Management Plan for the subject site. A plan view of the entire site and frontage roadways indicating:
 - (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - (ii) Turning areas within the subject site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
 - (iii) The locations of proposed Work Zones in the egress frontage roadways,
 - (iv) Location of any proposed crane standing areas,
 - (v) A dedicated unloading and loading point within the subject site for all construction vehicles, plant and deliveries,
 - (vi) Material, plant and spoil bin storage areas within the subject site, where all materials are to be dropped off and collected,
 - (vii) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - (viii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
 - (ix) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
 - (x) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the subject site.

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

- (c) Traffic Control Plan(s) for the subject site:
 - (i) All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
 - (ii) Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
- (d) Where applicable, the plan must address the following:
 - (i) Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
 - (ii) A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
 - (iii) Minimising construction related traffic movements during school peak periods,

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

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

103. The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas). No drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.
- Reason:** To protect Council's assets throughout the development process.

104. 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.

Environmental Health

105. 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, e.g. 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.

106. An updated Waste Management Plan is to be submitted immediately after the letting of all contracts for the development project 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

Sydney Trains

107. The Applicant is to obtain Sydney Trains endorsement prior to the installation of any hoarding or scaffolding adjacent to the Sydney Trains high voltage power lines.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

108. Prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

- 107A. *If required by Sydney Trains or RailCorp, the entering into an Agreement(s) with respect to the undergrounding of the powerlines prior to the undergrounding works are undertaken.*

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

Note. *Added as per deferred commencement activation.*

During Work

Standard Conditions

109. 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.

110. Cigarette butt receptacles must be provided during the construction stage of the development. The receptacles are to be placed adjacent to designated break room/area of the subject site.

Reason: To ensure that adequate provision is made for the disposal of cigarette butts to prevent littering of the public domain.

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

Reason: To protect the amenity of the area.

112. 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.

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

Reason: To protect the amenity of the area.

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

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

The complaints register 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.

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

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

Note: Amended as per DA/709/2015/B

116. 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 on the subject site must ensure sediment is not tracked out from the subject site.

Reason: To ensure no adverse impacts on neighbouring properties.

117. 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 on the subject site.

Reason: To protect public safety.

118. If any European archaeological relics are discovered (or are believed to be discovered) during works, the works must cease and the NSW Office of Environment and Heritage must be notified, in accordance with the NSW Heritage Act.

If any Aboriginal archaeological relics are discovered (or are believed to be discovered) during works, the works must cease and the NSW Office of Environment and Heritage must be notified, in accordance with the NSW National Parks and Wildlife Service Act.

Reason: To ensure that the requirements of the Office of Environment and Heritage are met.

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

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

120. 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 2000.

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.

See also the General Terms of Approval issued by NSW Primary Industries – Water contained in this Notice.

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

Landscaping & Public Domain

121. 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" 2016. Certification is required to be provided with the Occupation Certificate.

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

122. A range of inspections will be carried out by CoP officers during the construction phase. The applicant must contact Council's Civil Assets Inspector on **(02) 9806 8250** for each inspection listed below. At least **48 hours'** notice must be given for all inspections. The required inspections include the following and apply to all Council and privately certified projects.

- (a) Commencement of public domain works including tree protection measures installed and set out of tree pits;
- (b) 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;

- (c) Installation of required underground conduits;
- (d) 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;
- (e) Delivery of street trees to site. Trees shall be installed within 24hrs of delivery;
- (f) 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.

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

123. All excavation within the following radius of trees numbered 4 and 5 as identified within the Arborist Report prepared by Footprint Green Pty Ltd dwg no. aiasc3.01 Revision 1 Sheets 1-7 dated 30 June 2016, is to be supervised by an Australian Qualifications Framework (AQF) Level 5 arborist (Project Arborist) at all times. Once the work is completed the Project Arborist is to provide certification to the Principal Certifying Authority.

Tree No.	Species	Common Name	Location	Distance from trunk
4	Eucalyptus sp	Gum Tree	Duck Creek riparian zone	7.80 metres
5	Eucalyptus sp	Gum Tree	Duck Creek riparian zone	7.20 metres

Reason: To provided adequate protection of trees.

124. **All trees supplied above a 25L container size must be grown and planted in accordance with:**

- (a) **Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing tree quality.**
- (b) **Natspec Guide No.2.**

Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown to Natspec guidelines. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.

Reason: To minimise plant failure rate and ensure quality of stock utilised.

Note: Amended as per DA/709/2015/B

125. Trees to be removed are:

Tree No.	Species	Common Name	Location
1	<i>Syncarpia glomulifera</i>	Turpentine	East Street frontage
2	<i>Ulmus procera</i>	Golden Elm	East Street frontage
3	<i>Melaleuca linariifolia</i>	Snow in Summer	East Street frontage
6	<i>Callistemon sp</i>	Bottlebrush	Cowper Street

			Tree
7	<i>Callistemon sp</i>	Bottlebrush	Cowper Street Tree

Reason: To facilitate development.

126. All trees planted within the subject site must be of an adequate root volume and maturity so as not to require staking or mechanical support. Planting must be carried out in accordance with the planting and growth requirements of Council's Standard Drawing DS39.

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

127. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Safe Work Australia Guide to managing risks of tree trimming and removal work.

Reason: To ensure works are carried out in accordance the Safe Work Australia Guide to managing risks of tree trimming and removal work.

128. 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.

129. 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.

130. No service, structure, conduit or the like is permitted to be fixed or attached to any tree.

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

Traffic & Parking

131. Appropriate signage must be erected at the vehicle egress points to compel all vehicles to stop before proceeding onto the public way.

Reason: To ensure pedestrian safety.

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

Reason: To ensure appropriate car parking.

Note: Amended as per DA/709/2015/B

133. 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

134. **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), prior to driving through local roads within the City of Parramatta LGA.**

Reason: To ensure maintenance of Council's assets.

Note: Amended as per DA/709/2015/B

Environmental Health

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

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

136. All friable and non-friable asbestos-containing waste 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 2005 and the EPA publication 'Waste Classification Guidelines - 2008' and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

137. 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 in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2005 and the EPA publication 'Waste Classification Guidelines – 2008' and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

137. Hazardous or intractable wastes and materials arising from the demolition process shall be removed and disposed of in accordance with the requirements of Work Cover NSW and the EPA, and with the provisions of:

(a) Work Health and Safety Act 2011

(b) NSW Protection of the Environment Operations Act 1997 (NSW) and

(c) NSW Department of Environment and Climate Change Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

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

138. Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 and in accordance with DECC the Environmental

Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

Reason: To prevent pollution of the environment.

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

140. Any new information which comes to light during 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.

141. 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 subject 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.

142. 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.

143. A noise management plan must be submitted to Council for approval prior to any work commencing and complied with during any demolition, remediation, excavation or construction works. The plan must be prepared in accordance with the NSW Department of Environment, Climate Change and Water 'Interim Noise Construction Guidelines 2009' 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) Confirmation of the level of community engagement that has is and will be undertaken with the Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (b) Confirmation of noise, vibration and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise

sensitive properties during the main stages of work at neighbouring noise sensitive

- (c) What course of action will be taken following receipt of a complaint concerning site noise, dust and vibration?
- (d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on the subject site to reduce noise impacts on the occupiers of neighbouring properties to a minimum.
- (e) What plant and equipment is to be used on the subject site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring properties and other less intrusive technologies available.

Reason: To maintain appropriate amenity to nearby occupants.

144. Deleted.

Note: Amended as per DA/709/2015/B

Sydney Trains

145. No rock anchors/bolts are to be installed into RailCorp's property.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

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

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

147. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical infrastructure. This applies to the adjacent Sydney Trains high voltage power line.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

Prior to the issue of an Occupation Certificate

Standard Conditions

- 147A. All individual parcels of land holding a separate title within each respective stage must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to the issue of any Occupation Certificate being issued for the Stage 1 works.**

Reason: To comply with the Conveyancing Act 1919.

Note: Condition added under DA/709/2015/A.

148. Deleted.

Note: Amended as per DA/709/2015/B

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

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

Note: Amended as per DA/709/2015/B

150. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority responsible for the critical inspections must make a record of each inspection as soon as practicable after it has been carried out. The record must include:

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

Reason: To comply with statutory requirements.

Note: Amended as per DA/709/2015/B

151. **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 Certificates No. 1200569M_04, will be complied with prior to occupation.**
Reason: To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.
Note: Amended as per DA/709/2015/B
152. Prior to the issue of an Occupation Certificate, a final fire safety certificate must be issued as required by Clause 153 of the Environmental Planning and Assessment Regulation 2000.
Reason: Protection of life and to comply with legislative requirements.
153. **Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services to the relevant stage/site from an approved electrical energy provider prior to the issue of an Occupation Certificate.**
Reason: To ensure appropriate electricity services are provided.
Note: Amended as per DA/709/2015/B
154. **Prior to the issue of the Occupation Certificate, the developer is to provide evidence that satisfactory arrangements have been made with the National Broadband NBN Co have been made where relevant and implemented at no cost to Council for the provision of broadband access to the subject stage/site.**
Note: For more information, contact NBN Co.; Development Liaison Team: Call 1800 881 816; Email: newdevelopments@nbnco.com.au; Web: www.nbnco.com.au/NewDevelopments.
Reason: To ensure that appropriate provision has been made to accommodate broadband access to the development.
Note: Amended as per DA/709/2015/B
155. The developer must submit to the Principal Certifying Authority a letter from the telecommunications company confirming satisfactory arrangements have been made for the provision of telephone and cable television services, prior to the issuing of any Occupation Certificate.
Reason: To ensure provision of appropriately located telecommunication facilities.
156. **Design Verification issued by a registered architect is to be provided with the application for at Occupation Certificate verifying that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.**
Note: Qualified designer in this condition is as per the definition in SEPP 65.
Reason: To comply with the requirements of SEPP 65.

Note: Amended as per DA/709/2015/B

- 157. Certification must be provided prior to the issue of Occupation Certificate that the required adaptable dwelling(s) have been provided and that they achieve a class C design in accordance with the requirements of AS 4299 - 1995.**

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

Note: Amended as per DA/709/2015/B

- 158. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works for the relevant site. This report is to ascertain whether the construction works created any structural damage to adjoining buildings and or infrastructure adjacent to the relevant site.**

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

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

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

Note: Amended as per DA/709/2015/B

- 159. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of 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 then the “e-developer” icon or telephone 13 20 92.**

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

Note: Amended as per DA/709/2015/B

- 160. An application for street numbering must be lodged with Council for approval, prior to the issue of Occupation Certificate or Subdivision Certificate.**

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

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

Note: Amended as per DA/709/2015/B

- 161. A street number is to be placed on the subject 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.

Note: Amended as per DA/709/2015/B

- 162. A separate application must be made to Council or an accredited certifier to obtain approval of any strata plan under section 37 of the Strata**

Schemes (Freehold Development) Act 1973.

Reason: To comply with the Strata Schemes (Freehold Development) Act 1973.

Note: Amended as per DA/709/2015/B

163. 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 & Stage Number; and
- b) Site address.

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

An Occupation Certificate for the relevant Stage 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.

Landscaping & Public Domain

164. **Prior to the issue of Occupation Certificate (including interim Occupation Certificate), the approved Public Domain Plan works, street trees, and stormwater infrastructure must be completed as approved to Council's satisfaction in one stage and a Final Approval shall be obtained from Council's Assets & Urban Design teams.**

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

Reason: To ensure the required public domain improvements are provided.

Note: Amended as per DA/709/2015/B

165. **Prior to the issue of the relevant Occupation Certificate (including interim Occupation Certificate), the power lines to the front of the following sites shall be undergrounded to the satisfaction of the energy provider, Sydney Trains and Council:**

- Nos. 2 – 8 Cowper Street and Nos. 5 – 11 East Street

Reason: To ensure the required public domain improvements are provided.

Note: Amended as per DA/709/2015/B

166. **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 issue of the Occupation Certificate.**

Reason: To ensure the required public domain improvements are provided.

Note: Amended as per DA/709/2015/B

167. **A two-year (104 weeks) maintenance period, from the date of issue of the Occupation Certificate, is required to be carried out by the applicant for all the works constructed in the public domain. A Landscape maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council, prior to the issue of the Occupation Certificate, that specifies after Council's final approval who and how to maintain the public domain works during the 104 weeks.**

Reason: To ensure the required public domain improvements are maintained.

Note: Amended as per DA/709/2015/B

168. **The 'proposed lane' depicted in the plans under Condition 1 shall be constructed and dedicated to Council at no cost as a public place. For the avoidance of doubt, the lane shall be dedicated prior to Occupation Certificate.**

Reason: To ensure required community benefits are achieved.

Note: Amended as per DA/709/2015/B

169. **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.

Note: Amended as per DA/709/2015/B

Flooding & Development Engineering

170. **Certification from a qualified civil engineer is to be provided prior to the issue of the relevant Occupation Certificate that all public area civil and drainage works have been completed in accordance with Council's "Public Domain Guidelines" 2016.**

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

171. **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 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.

Note: Amended as per DA/709/2015/B

172. Prior to the issue of the relevant 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 management facilities 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 stormwater management facilities, including their 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.

Reason: To ensure maintenance of on-site stormwater management facilities.

173. **An evacuation report and procedure shall be prepared by an appropriate consulting engineer. This report is to demonstrate how the occupants of the development will egress the subject site in the early stages of a storm event, together with how they will seek refuge in a peak stormwater event (i.e. first floor of the building etc.). The report shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. A copy of the report shall be attached to the Occupation Certificate when forwarded to Council.**

Reason: To make property owners/residents aware of the procedure in the case of flood.

Note: Amended as per DA/709/2015/B

Traffic & Parking

174. **Deleted.**

Note: Amended as per DA/709/2015/B

Planning

175. **The Public Art Plan by Guppy & Associates dated 16/6/16, is to be completed in full (as outlined in the 'Art in the Public Domain' Guidelines) for the subject site and approved by Council prior to issue of Occupation Certificate.**

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

The arts works shall be completed in full in line with the documentation submitted and the artworks installed to the satisfaction of the Council.

Reason: To ensure compliance with Council's DCP requirements.

Note: Amended as per DA/709/2015/B

176. Prior to the issue of the Occupation Certificate, the basement storage areas will be allocated to the applicable units. The allocation will be such that each unit has a minimum total secure storage volume (including the storage space within each unit) as follows:

- 1 bedroom units – 6m³
- 2 bedroom units – 8m³
- 3 bedroom units – 10m³

Reason: To ensure each unit has sufficient on-site storage capacity.

Note: Amended as per DA/709/2015/B

Environmental Health

177. Prior to the issue of an Occupation Certificate (Interim or Final) for a written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Parramatta City Council, stating that all works/methods/procedures/control measures approved by Council in the following report has been completed: *Acoustic report titled 1-9 East Street and 2-6 Cowper Street, Mixed Use Development – Planning Stage Acoustic Report* prepared by *Resonate Acoustics* dated *29 September 2015* (reference No. *S15516RP1*).

Reason: To demonstrate compliance with submitted reports.

Note: Amended as per DA/709/2015/B

178. Prior to the issue of an Occupation Certificate a further report including accompanying plans shall be submitted to the satisfaction of the Principal Certifying Authority that provides details of the private contractor that will be engaged to collect domestic waste from the site. If Council is not the principal certifying authority a copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc., will be re-cycled. Waste collection from the site shall occur in accordance with the details contained within this report.

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

Note: Amended as per DA/709/2015/B

179. Prior to issue of an occupation certificate, the applicant shall enter into a

commercial contract for the collection of trade wastes and recyclable materials arising from business operations on site. A copy of all-waste contracts and receipts shall be kept on site and made available to Council officers on request.

Reason: To comply with the Requirements of the Protection of the Environment Operations Act 1997 and Regulations.

Note: Amended as per DA/709/2015/B

Sydney Trains

180. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

The Use of the Site

Flooding & Development Engineering

181. The property owner/body corporate is to ensure the flood warning system is in good working order, through regular testing and maintenance.

Reason: To ensure the integrity of the flood warning system.

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

Reason: To ensure effective operation of equipment.

Traffic & Parking

183. 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 subject site

Reason: To protect the amenity of the neighbourhood.

184. **Deleted.**

Note: Amended as per DA/709/2015/B

Planning

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

application.

Reason: To ensure the removal of graffiti.

186. A separate development application is required for the initial use of the retail premises unless the use is permissible under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Reason: To ensure compliance with legal requirements.

187. The hours of operation of the ground floor retail premises are restricted to 7am to 7pm daily.

Reason: To minimise the impact of the use on adjoining properties.

Environmental Health

188. 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.

189. Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

Reason: To ensure compliance with Sydney Water's requirements and protect the environment.

190. All putrescible waste shall be removed from the subject site with sufficient frequency to avoid nuisance from pests and odours.

Reason: To ensure provision of adequate waste disposal arrangements.

191. Between collection periods, all waste/recyclable materials generated on subject 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.

192. Any external plant must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.

Any air conditioners must not 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.

(c) Emit a sound pressure level when measured at a boundary of any other residential property, at a time other than those specified in (a) and (b) above 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 minimise noise impact of air conditioning equipment and protect amenity.

NSW Department of Primary Industries (Water) - General Terms of Approval

General

1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
3. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - (a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - (b) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - (c) where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
4. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
5. DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

6. The following shall be included in the initial report:
 - (a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.

- (b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
 - (c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
 - (d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]
7. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
 8. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
 9. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
 10. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).
 11. A copy of a valid consent for the development shall be provided in the initial report.
 12. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.

13. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

14. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
15. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
16. Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
17. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
18. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
19. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
20. Access to groundwater management works used in the activity is to be provided to permit inspection when required by DPI Water under appropriate safety procedures.

Following excavation

21. Following completion of the dewatering operations, the applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include:
 - (a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
 - (b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater

flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.

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