



**Land and Environment  
Court**  
of New South Wales

Level 4 225 Macquarie Street SYDNEY NSW 2000  
Level 4 GPO Box 3565 SYDNEY NSW 2001  
DX ,

Telephone: 02 9113 8200  
Facsimile:  
02 91138208

Email: [lecourt@justice.nsw.gov.au](mailto:lecourt@justice.nsw.gov.au)  
Website: <https://www.lec.nsw.gov.au>

ABN: 52 659 114 436

Adam Joseph Seton  
[Land\\_&\\_Environment@marsdens.net.au](mailto:Land_&_Environment@marsdens.net.au)

Your Ref:



7 June 2024

### NOTICE OF ORDERS MADE

Case number      2023/00178916  
Case title        Karimbla Properties (No. 61) Pty Ltd v City of Parramatta Council

On 7 June 2024 the following orders (and/or directions) were made:

The Court orders that:

- (1) Leave is granted to the Applicant to amend Development Application No. DA/53/2022 and rely upon the amended plans and documents referred to in condition 1 at Annexure A.
- (2) Pursuant to s 8.15(3) of the Environmental Planning and Assessment Act 1979, the Applicant is to pay the Respondent's costs thrown away as a result of amending the Development Application as agreed or assessed.
- (3) The Applicant's written request, pursuant to cl 4.6 of the Parramatta (former The Hills) Local Environmental Plan 2012 (PLEP), seeking to vary the development standard for height of buildings as set out at cl 4.3 of the PLEP, is upheld.
- (4) The appeal is upheld.
- (5) Consent is granted to Development Application DA/53/2022 (as amended) for construction of five, 6-18 storey buildings comprising 336 residential apartments, childcare centre for 75 children, 1,906m<sup>2</sup> of 18 neighbourhood retail shops, 548 basement car parking spaces, publicly accessible open spaces and through site links, and roads, landscaping and tree removal, at 263-273 Pennant Hills Road and 18 Shirley Street, Carlingford, subject to the conditions of consent at Annexure A.

For the Registrar

## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

**Development Application No:** DA/53/2022

**Development:** Construction of five 6-18 storey buildings comprising 336 residential units, childcare centre for 75 children, 1,906sqm of 18 neighbourhood retail shops, 548 basement car parking spaces, publicly accessible open spaces and through site links, and roads, landscaping, and tree removal on the Site (not including early works approved under Development Consent No. DA/57/2024)

**Site:** 263-273 Pennant Hills Road and 18 Shirley Street, Carlingford

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

**Date of determination:** 07 June 2024

**Date from which consent takes effect:** Date of determination

#### TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as:
  - a. Lot 22 in Deposited Plan 21386;
  - b. Lot 2 in Deposited Plan 9614;
  - c. Lot 3 in Deposited Plan 9614;

- d. Lot 4 in Deposited Plan 9614;
- e. Lot 61 in Deposited Plan 819136
- f. Lot 62 in Deposited Plan 819136
- g. Lot 1 in Deposited Plan 1219291

and otherwise known as 263-273 Pennant Hills Road, Carlingford 2118 and 18 Shirley Street, Carlingford 2118

The conditions of consent are as follows:

## CONDITIONS OF CONSENT

### PART A – GENERAL CONDITIONS

#### Planning

1. Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise:

#### Architectural Drawings (Project No.20188)

Drawing/Plan No.	Issue	Plan Title	Dated
<b>Context Drawings</b>			
DA1-006	4	Site Plan Demolition	28/03/2024
DA1-007	4	Site Controls + Staging	28/03/2024
DA1-010	4	Site Plan	28/03/2024
DA1-011	4	Site Plan Ground Plane	28/03/2024
DA1-012	4	Site Plan – Staging Plan	28/03/2024
DA1-013	4	Site Plan – Easement Plan	28/03/2024
<b>Master Plan GA Drawings</b>			
DA1-090	5	LG 10 Floor Plan	01/05/2024
DA1-091	5	LG 9 Floor Plan	01/05/2024
DA1-092	5	LG 8 Floor Plan	01/05/2024
DA1-093	5	LG 7 Floor Plan	01/05/2024
DA1-094	5	LG 6 Floor Plan	01/05/2024
DA1-095	5	LG 5 Floor Plan	01/05/2024
DA1-096	5	LG 4 Floor Plan	01/05/2024
DA1-097	5	LG 3 Floor Plan	01/05/2024
DA1-098	5	LG 2 Floor Plan	01/05/2024
DA1-099	5	LG 1 Floor Plan	01/05/2024
DA1-100	5	Ground Floor Plan	01/05/2024
DA1-101	4	Level 1 Floor Plan	28/03/2024
DA1-102	5	Level 2 Floor Plan	01/05/2024
DA1-103	5	Level 3 Floor Plan	01/05/2024
DA1-104	5	Level 4 Floor Plan	01/05/2024
DA1-105	4	Level 5 Floor Plan	28/03/2024
DA1-106	4	Level 6 Floor Plan	28/03/2024
DA1-107	4	Level 7 Floor Plan	28/03/2024
DA1-108	4	Level 8 Floor Plan	28/03/2024
DA1-109	4	Level 9 Floor Plan	28/03/2024
DA1-110	4	Level 10 Floor Plan	28/03/2024
DA1-111	4	Level 11 Floor Plan	28/03/2024
DA1-112	4	Level 12 Floor Plan	28/03/2024
DA1-113	4	Level 13 Floor Plan	28/03/2024
DA1-114	4	Level 14 Floor Plan	28/03/2024
DA1-115	4	Level 15 Floor Plan	28/03/2024

Drawing/Plan No.	Issue	Plan Title	Dated
DA1-116	4	Level 16 Floor Plan	28/03/2024
DA1-117	4	Level 17 Floor Plan	28/03/2024
DA1-130	4	Roof Plan	28/03/2024
<b>Site Elevations</b>			
DA1-200	4	Site Elevations 01	28/03/2024
DA1-201	5	Site Elevations 02	01/05/2024
<b>Site Sections</b>			
DA1-250	5	Site Sections 01	01/05/2024
DA1-251	5	Site Sections 02	01/05/2024
<b>Building A</b>			
DA1-BA-090	5	LG 10 Floor Plan	01/05/2024
DA1-BA-091	5	LG 9 Floor Plan	01/05/2024
DA1-BA-092	5	LG 8 Floor Plan	01/05/2024
DA1-BA-093	4	LG 7 Floor Plan	28/03/2024
DA1-BA-094	4	LG 6 Floor Plan	28/03/2024
DA1-BA-095	5	LG 5 Ground Floor Plan	01/05/2024
DA1-BA-096	5	LG 4 Floor Plan	01/05/2024
DA1-BA-097	4	LG 3 Level 3 Floor Plan – Typical Tower	28/03/2024
DA1-BA-102	4	Level 3 Roof Plan	28/03/2024
DA1-BA-200	5	Elevations 01	01/05/2024
DA1-BA-250	5	Sections	01/05/2024
<b>Building B</b>			
DA1-BB-090	5	LG 10 Floor Plan	01/05/2024
DA1-BB-091	5	LG 9 Floor Plan	01/05/2024
DA1-BB-092	5	LG 8 Floor Plan	01/05/2024
DA1-BB-093	5	LG 7 Floor Plan	01/05/2024
DA1-BB-094	5	LG 6 Floor Plan	01/05/2024
DA1-BB-095	5	LG 5 Floor Plan	01/05/2024
DA1-BB-096	5	LG 4 Floor Plan	01/05/2024
DA1-BB-097	5	LG 3 Floor Plan	01/05/2024
DA1-BB-098	5	LG 2 Floor Plan	01/05/2024
DA1-BB-099	5	LG 1 Floor Plan	01/05/2024
DA1-BB-100	5	Ground Floor Plan	01/05/2024
DA1-BB-101	5	Level 1 Floor Plan – Typical Podium	01/05/2024
DA1-BB-102	5	Level 2 Floor Plan	01/05/2024
DA1-BB-103	5	Level 3 Floor Plan	01/05/2024
DA1-BB-104	5	Level 4 Floor Plan – Typical Tower	01/05/2024
DA1-BB-105	5	Roof Floor Plan	01/05/2024
DA1-BB-200	5	Elevations 01	01/05/2024
DA1-BB-201	4	Elevations 02	28/03/2024
DA1-BB-250	5	Sections	01/05/2024
<b>Building C</b>			

Drawing/Plan No.	Issue	Plan Title	Dated
DA1-BC-092	5	LG 8 Floor Plan	01/05/2024
DA1-BC-093	5	LG 7 Floor Plan	01/05/2024
DA1-BC-094	5	LG 6 Floor Plan	01/05/2024
DA1-BC-095	5	LG 5 Floor Plan	01/05/2024
DA1-BC-096	5	LG 4 Floor Plan	01/05/2024
DA1-BC-097	5	LG 3 Floor Plan	01/05/2024
DA1-BC-098	5	LG 2 Floor Plan	01/05/2024
DA1-BC-099	5	LG 1 Floor Plan	01/05/2024
DA1-BC-100	5	Ground Floor Plan	01/05/2024
DA1-BC-101	5	Level 1 Floor Plan	01/05/2024
DA1-BC-102	5	Level 2 Floor Plan – Typical Podium	01/05/2024
DA1-BC-103	5	Level 3 Floor Plan	01/05/2024
DA1-BC-104	5	Level 4 Floor Plan	01/05/2024
DA1-BC-105	5	Level 5 Floor Plan – Typical Tower	01/05/2024
DA1-BC-111	5	Roof Floor Plan	01/05/2024
DA1-BC-200	5	Elevations 01	01/05/2024
DA1-BC-201	4	Elevations 02	28/03/2024
DA1-BC-250	4	Sections	28/03/2024
<b>Building D</b>			
DA1-BD-093	4	LG 7 Floor Plan	28/03/2024
DA1-BD-094	4	LG 6 Floor Plan	28/03/2024
DA1-BD-095	4	LG 5 Floor Plan	28/03/2024
DA1-BD-096	4	LG 4 Floor Plan	28/03/2024
DA1-BD-097	4	LG 3 Floor Plan	28/03/2024
DA1-BD-098	4	LG 2 Floor Plan	28/03/2024
DA1-BD-099	4	LG 1 Floor Plan	28/03/2024
DA1-BD-100	4	Ground Floor Plan	28/03/2024
DA1-BD-102	4	Level 2 Floor Plan	28/03/2024
DA1-BD-103	4	Level 3 Floor Plan - Typical Podium	28/03/2024
DA1-BD-108	4	Level 8 Floor Plan – Typical Tower	28/03/2024
DA1-BD-114	4	Roof Floor 01	28/03/2024
DA1-BD-200	4	Elevations	28/03/2024
DA1-BD-250	4	Sections	28/03/2024
<b>Building G</b>			
DA1-BG-090	5	LG 10 Floor Plan	01/05/2024
DA1-BG-091	5	LG 9 Floor Plan	01/05/2024
DA1-BG-092	5	LG 8 Floor Plan	01/05/2024
DA1-BG-093	5	LG 7 Floor Plan	01/05/2024
DA1-BG-094	4	LG 6 Floor Plan	28/03/2024
DA1-BG-095	4	LG 5 Floor Plan	28/03/2024
DA1-BG-096	4	LG 4 Floor Plan	28/03/2024

Drawing/Plan No.	Issue	Plan Title	Dated
DA1-BG-097	4	LG 3 Floor Plan	28/03/2024
DA1-BG-098	5	LG 2 Floor Plan	01/05/2024
DA1-BG-099	5	Level 1 Floor Plan – Typical Tower	01/05/2024
DA1-BG-104	4	Roof Floor Plan	28/03/2024
DA1-BG-200	5	Elevations 01	01/05/2024
DA1-BG-250	4	Sections	28/03/2024
<b>Façade Typologies</b>			
SK-0202.1		Façade Typologies – Cover	28/03/2024
SK-0202.2		Key Elevations	28/03/2024
SK-0202.3		Tower Facades	28/03/2024
SK-0202.4		Podiums Resi	28/03/2024
SK-0202.5		Podiums Resi	28/03/2024

**Public Domain Works (Project No. SY21-007)**

Drawing/Plan No.	Issue	Plan Title	Dated
C-1000	P4	Cover Sheet Locality Plan and Drawing List	05/02/2024
C-1010	P4	General Arrangement Plan	05/02/2024
C-1200	P4	Roadworks and Drainage Plan Sheet 1	05/02/2024
C-1201	P4	Roadworks and Drainage Plan Sheet 2	05/02/2024
C-1202	P4	Roadworks and Drainage Plan Sheet 3	05/02/2024

**Civil Drawings/Stormwater (Project No. SY21-007)**

Drawing/Plan No.	Issue	Plan Title	Dated
C-3 001	P5	Locality Plan and Drawing List	27/03/2023
C-3 002	P5	General Notes	27/03/2023
C-3 010	P5	General Arrangements Plan	27/03/2023
C-3 015	P5	Earthworks Cut/Fill Plan	27/03/2023
C-3 020	P5	Typical Site Sections Sheet 1	27/03/2023
C-3 021	P5	Typical Site Sections Sheet 2	27/03/2023
C-3 200	P5	Siteworks and Stormwater Drainage Plan Sheet 1	27/03/2023
C-3 201	P5	Siteworks and Stormwater Drainage Plan Sheet 1	27/03/2023
C-3 210	P5	Lower Basement Drainage Plan Sheet 1	27/03/2023
C-3 211	P5	Lower Basement Drainage Plan Sheet 2	27/03/2023
C-3 250	P5	Road Longitudinal Sections Sheet 1	27/03/2023
C-3 251	P5	Road Longitudinal Sections Sheet 2	27/03/2023
C-3 255	P5	Road Cross Sections Sheet 1	27/03/2023
C-3 256	P5	Road Cross Sections Sheet 2	27/03/2023
C-3 257	P5	Road Cross Sections Sheet 3	27/03/2023
C-3 258	P5	Road Cross Sections Sheet 4	27/03/2023
C-3 259	P5	Road Cross Sections Sheet 5	27/03/2023

Drawing/Plan No.	Issue	Plan Title	Dated
C-3 300	P5	Pre-Development Catchment Plan	27/03/2023
C-3 301	P5	Post-Development (Ultimate) Catchment	27/03/2023
C-3 302	P5	Post-Development Water Quality Catchment	27/03/2023
C-3 310	P5	Stormwater Drainage OSD layout and Sections	27/03/2023
C-3 311	P5	Stormwater Drainage OSD Details	27/03/2023
C-3 700	P5	Erosion and Sedimentation Control Plan	27/03/2023
C-3 710	P5	Erosion and Sedimentation Control Details	27/03/2023

#### Landscape Drawings (Project No. P0036080)

Drawing/Plan No.	Issue	Plan Title	Dated
L500	B	Cover Sheet + Drawing Register + Legend + Key Plan	30/01/2024
L501	B	Plant Schedule	30/01/2024
L502	C	GL Planting Plan	28/03/2024
L503	B	GL Planting Plan	28/03/2024
L504	B	GL Planting Plan	28/03/2024
L505	B	GL Planting Plan	28/03/2024
L506	B	GL Planting Plan	28/03/2024
L507	B	GL Planting Plan	28/03/2024
L508	B	GL Planting Plan	28/03/2024
L509	B	GL Planting Plan	28/03/2024
L510	B	GL Planting Plan	28/03/2024
L511	C	Rooftop Planting Plan	28/03/2024
L512	B	Rooftop Planting Plan	28/03/2024
L513	B	Rooftop Planting Plan	28/03/2024
L514	B	Rooftop Planting Plan	28/03/2024
L515	B	Rooftop Planting Plan	28/03/2024

#### Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Accessibility Review Report - DA	23253_ADR_DA_v1.1	1.0	ABE Consulting	03/04/2024
Arboricultural Impact Assessment Report			Jackson Nature Works	15/01/2024
BASIX and NatHERS Assessment	24-5761	G	Efficient Living	03/05/2024
BASIX Certificate	1733105M_09			03/05/2024
Nationwide House Energy Rating Scheme — Class 2 Summary	HR-TSFNEX-01			
Construction Management Plan			Karimbla Constructions Services (NSW)	28/03/2024



Document	Ref No.	Issue	Prepared By	Dated
			Pty Limited	
Crime Prevention Through Environmental Design Assessment			The APP Group	December 2023
Stormwater Drainage Report	SY21-007-R02-03-Meriton Carlingford	03	Sky Engineering and Project Management	27/3/2024
Transport Impact Assessment	TTPP Reference: 21009	V05	tpp Transport Planning	28/03/2024
Landscape Assessment Report	Project Code: P0036080	05	URBIS	28/03/2024
Operational Waste Management Plan	Report No. 3408	K	Elephants Foot	27/03/2024
Pedestrian Wind Environment Study	WH942-07F03(REV0)- WE REPORT		Windtech	26/03/2024
Pedestrian Wind Environment Statement – Addendum Letter	WH942-07F04(rev0)- WE Letter		Windtech	27/03/2024
Peer Review Response Letter	WH942-07F02(rev0)		Windtech	26/03/2024
Reflectivity Assessment	Project No.: 610.30489	R02-v4.0	SLR	04/04/2024
Reflectivity Assessment – Addendum Letter	Project No.: 610.30489	L04-v1	SLR	24/04/2024
Remediation Action Plan	A101021.1772.02	v1f	ADE Consulting Group	06/12/2023
Appendix A of Acoustic Review of Natural Ventilation Requirements	20210596.7/2803A/R0RF		Acoustic Logic	28/03/2024
Acoustic Assessment	Project ID 20210596.5	3	Acoustic Logic	10/01/2024

**Note:** In the event of any inconsistency between the approved plans and/or the civil drawings and/or landscape plans and/or supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of consent, the condition prevails.

An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

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

**Note:** In the event of any inconsistency between the approved plans and/or the civil drawings and/or landscape plans and/or supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of consent, the condition prevails.

An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

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

**Staging**

2. Prior to submission of any Construction Certificate above the finished ground floor, Staging Plan shall be submitted to the satisfaction of the Council's Group Manager Traffic and Development Services which demonstrates the staging of the development, including appropriate timing of basements, buildings, internal roadways, accessways and public domain improvements.

**Reason:** To allow development to be completed in stages.

**Construction Certificate**

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

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

**No Encroachment on Council and/or Adjoining Property**

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

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

**Long Service Levy**

5. Before the issue of any Construction Certificate, the applicant is to ensure that the person liable pays the Long Service Levy of 0.25% of the value of building and construction work where the cost of building is \$250,000 or more (inclusive of GST) or as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the Certifier.

**Note:** The Long Service Levy is to be paid directly to the **Long Service Corporation** at [www.longservice.nsw.gov.au](http://www.longservice.nsw.gov.au). For more information, please contact the Levy support team on 13 14 41.

**Reason:** To ensure that the Long Service Levy is paid.

**Payment of security deposits**

6. Before the issue of any construction certificate, the applicant must make all of the following payments to Council and provide written evidence of these payments to the certifier:

	Amount in current financial year
<b>Hoarding (per street frontage):</b>	\$3,170 (Class A) \$6,330 (Class B)
<b>Street Furniture:</b>	\$2,410/item
<b>Development Sites Bonds:</b>	\$25,700
<b>Street Trees</b>	\$2,410 per tree

The payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and

- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

**Note:** The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the Roads Act 1993). The amount payable must be in accordance with council's fees and charges at the payment date.

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

Should a bank guarantee be lodged it must:

- Have no expiry date;
- Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/53/2022;
- 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.

A dilapidation report is required to be prepared and submitted electronically to the City of Parramatta Council ([council@cityofparramatta.nsw.gov.au](mailto:council@cityofparramatta.nsw.gov.au)) prior to any work or demolition commencing and with the payment of the bond/s.

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

**Reason:** To ensure any damage to public infrastructure is rectified and public works can be completed.

#### **City of Parramatta (Outside CBD) Development Contribution Plan 2021**

- A monetary contribution comprising **\$6,247,048** is payable to City of Parramatta Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and the City of Parramatta (Outside CBD) Development Contributions Plan 2021. Payment must be made by direct bank transfer or credit/debit card only. Payment can be made by contacting Council's Customer Contact Centre on 1300 617 058.

Contribution Type	Amount
Open space and outdoor recreation	\$4,032,88.12
Indoor sports courts	\$362,580.85
Community facilities	\$476,872.19
Aquatic facilities	\$111,138.85
Traffic and transport	\$1,198,838.25
Plan administration	\$64,729.98
<b>Total</b>	<b>\$6,247,048</b>

#### Timing of payment

The contribution is to be paid to Council prior to the first construction certificate. Deferred payments of contributions will not be accepted, and requests for payment by multiple instalments will not be granted.

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

The City of Parramatta (Outside CBD) Development Contributions Plan 2021 can be viewed on Council's website at: <https://www.cityofparramatta.nsw.gov.au/business-development/planning/development-contributions>

*Note: The above calculation of development contributions was based on the following:*

- 336 residential units (90 x 1 bedroom units, 165 x 2 bedroom units & 81 x 3 bedroom units)
- Inclusive of 33.4 workers generated from 1,906sqm of retail space (shops) in Buildings C & D
- Inclusive of 13.3 staff generated from a 560sqm child care centre in Building G.
- A credit of \$320,000 attributable to the 16 single dwellings previously present on the site.

This condition is subject to the provisions of any executed Planning Agreement that relates to the development the subject of this consent. To the extent of any inconsistency, any such executed Planning Agreement applies.

***Planning Agreement***

8. The land is subject to a planning agreement entered into under Section 7.4 of the Environmental Planning and Assessment Act 1979 (Dealing No. AT839852). The timing and provisions of all deliverables under this planning agreement must be met in accordance with the requirements of that planning agreement. The Principal Certifier must ensure that the requirements of the planning agreement have been satisfied in accordance with that agreement before issuing any occupation certificates for the development.

**Reason:** To ensure the terms of the Planning Agreement are met.

***Public utility relocation***

9. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work, and as required by the various public utility authorities and/or their agents.

**Reason:** To ensure the applicant bears all reasonable costs for the development.

***Communal open space***

10. All the common areas proposed within the site, including rooftop terraces, shall be fully accessible to disabled persons.

**Reason:** To provide equitable access for disabled persons.

***Scope of approved works – DA/57/2024***

11. Notwithstanding the drawings hereby approved, this consent does not include the excavation, shoring and drainage associated with consent issued for DA/57/2024

**Reason:** To clarify the consent's scope.

***Scope of approved works***

12. Notwithstanding the drawings hereby approved, this consent does not include the following:
- a) the fit-out and occupation of the child care centre within Building G.
  - b) fit-out and operation of the retail spaces, except where the requirements of Exempt and Complying provisions are satisfied..

Separate development consents are required for a) and b).

**Reason:** To clarify the consent's scope.

***BASIX Compliance***

13. The development is to be carried out strictly in accordance with the commitments listed in the

BASIX certificate No. 1733105M\_09 dated 03 May 2024 and the BASIX stamped plan set approved by this consent with plot date 01.05.2024 and Certificate No. #HR-TSFNEX-01, for the development to which the consent applies.

**Reason:** To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate and in accordance with 97A(2) of the Environmental Planning and Assessment Regulation 2021

***Fall prevention***

14. All windows requiring a fall prevention barrier under part D1P3 of the National Construction Code 2022 Volume One. are to be fitted with a complying screen or mesh and provide unrestricted window openings.

**Reason:** To ensure BASIX commitments are fulfilled

***Reflectivity***

15. The development is to be carried out in accordance with the recommendations of the Reflectivity Assessment revision R02-v4.0 by SLR dated 4 April 2024 and detailed in figures 19, 20 and 21. All other glazing not scheduled or documented otherwise must have a visible light reflectivity not greater than 20% (measured at the normal angle).

**Reason:** To reduce the impact of potential reflectivity (glare) on pedestrians and motorists.

***Glazing performance***

16. All glazing assemblies are to be strictly in accordance with the commitments listed in BASIX certificate No 1733105M\_09 dated 03 May 2024 and the BASIX stamped plan set approved by this consent with plot date 01.05.2024 and Certificate No. #HR-TSFNEX-01, and the glazing components have an external visible light reflectivity no greater than recommended by the Reflectivity Assessment revision R02-v4.0 by SLR dated 4 April 2024.

**Reason:** To ensure BASIX commitments and solar reflectivity mitigation requirements are fulfilled

**Engineering (General)**

***Groundwater Discharge 1***

17. Council may permit discharge of managed groundwater into Council's drainage system only during construction, for a specified period of time, and provided certain safeguards are met, including as follows:

- a) Operating practices and technology including dewatering shall not contaminate groundwater or adversely impact adjoining properties and infrastructure.
- b) Council infrastructure can accommodate anticipated groundwater volumes over the period of construction.

**Reason:** To ensure groundwater is satisfactorily discharged.

***Groundwater Discharge 2***

18. Discharge of groundwater into council stormwater infrastructure is not permitted following the completion of the construction of each of the two basement structures.

**Reason:** To ensure groundwater does not burden Council's stormwater system.

***Basement Tanking***

19. The perimeter walls and floor of the basements shall be constructed using a "Tanked Construction" method, to prevent any flood and ground waters seeping through the basements walls and floor base. This must be provided via an approved form of construction and not through permanent draining of the basement structure.

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/DPE 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, water quality and structural stability.

Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifying Authority prior to release of relevant Construction Certificate.

**Reason:** Protection of the environment and public health.

## Environmental Health

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

20. Any new information which comes to light during 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.

## Waste Management (General)

### ***Waste facilities in Mixed Use Developments***

21. The waste handling, storage and collection systems for residential and commercial wastes are to be completely separate and self-contained, and designed in accordance with the City of Parramatta Waste Management Guidelines for New Developments. A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities.

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

### ***Amenity of waste storage areas (general)***

22. All waste storage areas/rooms are to comply with the City of Parramatta Waste Management Guidelines for New Developments. No waste materials are to be stored outside the building or any approved waste storage area at any time.

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

### ***Garbage Chutes***

23. Any garbage chutes must be designed in accordance with the requirements of the Building Code of Australia and the NSW EPA's *Better Practice Guide for Resource Recovery in Residential Developments* (2019). 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. Recycled materials can easily clog chute systems.

### ***Waste storage room on premises***

24. Waste storage rooms are to be provided on the premises and shall be constructed to comply with all the relevant provisions of Council's Development Control Plan (DCP) including:

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

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

### ***Separate waste bins for general, recycling and FOGO.***

25. Separate waste bins are to be provided on site for recyclable waste and Food Organics Garden Organics.

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

### Transport for NSW

#### **Land Subject to Road Widening**

26. Any new buildings or structures or any improvements associated with this approval, are erected clear of the land required for road widening (unlimited in height or depth) and wholly within the freehold property (unlimited in height or depth), along the Pennant Hills Road boundary.

**Reason:** SEPP (Transport and Infrastructure) 2021 concurrence requirement of Transport for NSW and to satisfy the Parramatta (Former The Hills) LEP 2012.

### Sydney Water (General)

#### **Sydney Water Response**

27. The applicant is to ensure compliance with the comments provided by Sydney Water in their correspondence (Ref: 212908 dated 27 March 2024).

**Reason:** To ensure compliance with the requirements of Sydney Water.

### Ausgrid

#### **Ausgrid Response**

28. The applicant is to ensure compliance with the comments provided by Ausgrid in their correspondence dated 18 April 2024.

**Reason:** To ensure compliance with the requirements of Ausgrid.

### Trees and Landscaping

#### **Tree Retention**

29. Trees to be retained and protected are:

Tree No.	Name	Common Name	Location	Tree Protection Zone (m)
25A	<i>Morus nigra</i>	Mulberry	29 Lloyds Avenue	2.7m
76	<i>Celtis australis</i>	European nettle tree	283 Pennant Hills Road	5.9m

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

## **PART B – BEFORE 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.)

### Planning (Prior to CC)

#### **Infrastructure & Restoration Administration Fee**

30. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of any Construction Certificate.

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.

**No External Service Ducts**

31. Service ducts, plumbing installations and plant servicing the development must be concealed within the building to keep external walls free from service installations. Details are to be included within the plans and documentation accompanying the relevant Construction Certificates to the satisfaction of the Principal Certifier.

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

**Single Master TV antenna**

32. A single master TV antenna not exceeding a height of 3.0m above the finished roof level must be installed on each building to service the development. A connection is to be provided internally to each dwelling/unit within the development.

Details of these connections are to be annotated on the plans and documentation accompanying the relevant Construction Certificate to the satisfaction of the Principal Certifier.

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

**SEPP (Housing) Verification**

33. Design Verification issued by a registered architect is to be provided with the application for the relevant Construction Certificate detailing the construction drawings and specifications are consistent with the design quality principles in State Environmental Planning Policy (Housing) 2021.

**Note:** Qualified designer in this condition is as per the definition in SEPP (Housing).

**Reason:** To comply with the requirements of SEPP (Housing).

**Adaptable Dwellings**

34. Plans submitted with the relevant Construction Certificate must illustrate that the required adaptable dwellings have been provided and reviewed by a suitably qualified consultant in accordance with the requirements of AS 4299-1995 for a class B Adaptable House, including
- AS4299 Principles. "Later modification to adaptable housing will prove relatively easy to do at minimum inconvenience and minimum cost";
  - AS4299 Sanitary Facilities 4.4.1 The WC pan should either be located in the after-adaptation location initially or be fitted with a P trap; and
  - AS1428.1 - toilet paper dispensers and WC flushing controls.

To the satisfaction of the Principal Certifier.

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

**Liveable Housing**

35. At least 68 of the 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 Principal Certifier prior to the issue of the relevant Construction Certificate.

**Reason:** To ensure the required liveable dwellings are provided in accordance with State Environmental Planning Policy 65 – Apartment Design Guide.

**Storage Provision**

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

- i) 1 bedroom units – 6m<sup>3</sup>
- ii) 2 bedroom units – 8m<sup>3</sup>



- iii) 3 and 4 bedroom units – 10m<sup>3</sup>

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

***Specialist Report – Accessibility***

37. The recommendations in the Accessibility Review Report – DA prepared by ABE Consulting dated 3 April 2024 shall be incorporated into the Architectural, Civil and Landscape Plans and documentation accompanying the relevant Construction Certificate to the satisfaction of the Access Consultant and Principal Certifier.

A list of all of the recommendations and how they have been actioned shall be provided to Council.

**Reason:** To ensure the development is implemented as proposed

***Specialist Report – Wind Impacts***

38. The recommendations contained in the following documents prepared by WindTech:
- Pedestrian Wind Environment Study WH942-07F03(REV0)-WE Report dated 26 March 2024;
  - Peer Review Response Letter WH942-07F02(rev0) dated 26 March 2024; and
  - Wind Environment Letter WH942-07F04(rev0)-WE Letter dated 27 March 2024.

shall be incorporated into the plans and documentation accompanying the relevant Construction Certificate to the satisfaction of the Principal Certifier.

A list of all of the recommendations and how they have been actioned shall be provided to Council.

**Reason:** To ensure the development is implemented as proposed

***Obscure Glazing***

39. All window openings servicing a bathroom and/or WC within each dwelling must have either frosted or obscure glazing. Details are to be provided on the plans and documentation accompanying the Construction Certificate application to the satisfaction of the Principal Certifier.
- Reason:** To ensure privacy to adjoining sites is adequately maintained.

***Access and Services for People with Disabilities***

40. 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 each application for a Construction Certification to the satisfaction of the Principal Certifier.

**Reason:** To ensure the provision of equitable and dignified access for all people in accordance with Disability Discrimination Act 1992 and relevant Australian Standards.

***Location of Plant***

41. Prior to the issue of the relevant construction certificate, the Principal Certifier must be satisfied that all plant and equipment (including but not limited to air condition equipment) is located within the basement or screened on the roof, except as explicitly shown otherwise on the approved drawings.

**Note:** Architectural plans identifying the location of all plant and equipment must be provided to the Principal Certifier.

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

***Location of Mains Services***

42. All service mains, including all overhead cabling, required to facilitate the development must be undergrounded with the subject site. Details must be provided with the plans and documentation accompanying the relevant Construction Certificate application to the satisfaction of the Principal

Certifier.

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

**Study / Multi Media Rooms**

43. The study or multi-media rooms on the approved drawings shall be reduced in size such that each internal area is no more than 9 square metres. These rooms shall be fitted with desk joinery. Details shall be submitted to the satisfaction of the Principal Certifier prior to the issue of the relevant Construction Certificate.

**Reason:** To ensure study or multi-media rooms are not convertible for use as bedrooms.

**Specialist Report – Noise Affected Apartments**

44. The recommendations contained in Section 5.2 of the DA Acoustic Assessment documents prepared by Acoustic Logic dated 10 January 2024 (20210596.5/1001A/R3/RF) shall be incorporated into the plans and documentation accompanying the relevant Construction Certificate to the satisfaction of the Principal Certifier.

A list of the recommendations in sections 5.2 and how they have been actioned shall be provided to Council.

**Reason:** To ensure the development is implemented as proposed

**Natural Ventilation for Noise Affected Apartments**

45. Prior to the issue of relevant Construction Certificate, the following must be demonstrated to the satisfaction of Council:

- a) Architectural plans which indicate the installation of vertical plenums which provide natural ventilation to all noise affected apartments as identified in Appendix A of report by Acoustic Logic dated 28 March 2024.
- b) A performance verification report prepared by a suitably qualified professional demonstrating that the vertical plenums provide alternative natural ventilation of apartments in noisy environments and providing all necessary details of proposed design elements and performance characteristics.
- c) A maintenance plan prepared by a suitably qualified professional that demonstrates how the plenums will be maintained for the life of the development. It must include the details for the regular cleaning of the plenums and the maintenance of internal components such as flyscreen and control dampers.
- d) The architectural design and acoustic design must be adequately resolved and consistent with the basis of verification of performance and maintenance plan provided in conditions (b) and (c) above

**Reason:** To meet the requirements of the Apartment Design Guide

**Ventilation to Corridors**

46. Any external windows off the following corridors and levels shall contain openable windows:

- Building B – Levels LG3, LG2, LG1, Ground, 2 to 13 (inclusive);
- Building C – Levels 3 to 13 (inclusive); and
- Building D – Levels 3 – 15 (inclusive).

Details demonstrating compliance shall be submitted to the satisfaction of the Principal Certifier prior to the issue of the relevant Construction Certificate.

**Reason:** To provide natural ventilation and reduce reliance on mechanical cooling and meet requirements of Apartment Design Guide.

**Western Sun Shading Devices**

47. Blades shall be incorporated on the western elevations of Buildings B, C, D and G. The blades shall be spaced and aligned to provide at least 30% shading from the sun between 1pm and 4pm AEST on 21 December. This can be measured as an average from the face of the glazing. Shading should be angled to maximise the shading from the summer sun and minimise loss of direct sun access in winter. This requirement is to be indicated on amended architectural plans and submitted to the satisfaction of Group Manager Development and Traffic Services prior to the issue of the relevant Construction Certificate.

**Reason:** To provide thermal comfort to western facing units.”

***Integrated Paint Finish***

48. The Materiality Schedule of the Façade Typology Drawing SK-0202.2 shall be amended to show Cf01 and Cf03 as an integrated colour or off-form finishes. This requirement is to be indicated on amended façade plans and submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

**Reason:** To ensure the long-term aesthetic and durability of the building in accordance with the SEPP (Housing).

***External Walls and Cladding Flammability***

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

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

**Reason:** To ensure building materials are sufficiently non-combustible.

***Outdoor Lighting***

50. All outdoor lighting must comply with the relevant provisions of AS/NZS 158.3: 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 Principal Certifier.

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

**Ausgrid**

51. Prior to the issue of a Construction Certificate, plans must be submitted to Ausgrid for approval to determine whether the development will affect Ausgrid's network or easements. The developer must identify any potential impacts of the proposed construction and operation on the existing utility infrastructure and service provider assets and demonstrate how these will be protected or impacts mitigated.

Ausgrid notes that the proponent has commenced consultation with Ausgrid regarding the potential construction impact by the development to the Ausgrid underground assets.

Once consultation has been finalised the proponent will be provided a letter by Ausgrid to confirm Ausgrid is satisfied with the designs and appropriate controls placed to mitigate risks related to civil structural aspects. A construction certificate is not to be issued for this development until Ausgrid has provided such letter.

**Reason:** To ensure compliance with the requirements of Ausgrid.

**Sydney Water**

***Building Plan Approval***

52. The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in® to apply.

Sydney Water recommends developers apply for Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

**Reason:** To ensure compliance with the requirements of Sydney Water

***Tree Planting***

53. Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's Technical guidelines – Building over and adjacent to pipe assets.

**Reason:** To ensure compliance with the requirements of Sydney Water

**Engineering**

***Stormwater Pipe Upgrade***

54. Prior to the issue of the relevant Construction Certificate, full engineering details shall be submitted to Council's satisfaction which shows:
- a) Disconnection of the existing drainage line through 27-29 Lloyds Avenue Carlingford to be and capped at the inlet within the site and the existing pit outlet on Shirley Road
  - b) Provision of a new 450 mm reinforced concrete pipe (RCP) drainage line installed within the drainage easement within 2-6 Shirley Street Carlingford (SP65894) and connect into Council's kerb inlet pit within Shirley Road.

The details should be submitted to Council's Group Manager Development and Traffic Services for approval.

**Reason:** To provide a suitable drainage outlet arrangement and connection to Council's drainage network.

***Structural Design and Construction of OSD tank/filtration structure***

55. The underground OSD storage tank structures shall be constructed as designed and certified by a Qualified Engineer, taking into account of the structural loads including dead load and live load from the above and surrounding areas/structures including the buoyancy forces, which exert load on the tank structures.

The principal certifying authority shall ensure that the designer has taken account of all loads influencing the tank structures, duly certified and provided the structural design certificate and comply with Australian Standard: AS3600-2009-concrete structures and AS3700-2001-Masonry structures.

The principal certifying authority shall ensure that upon completion of the works a practicing certified Engineer has duly certified the construction works.

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

***Stormwater treatment***

56. A Stormfilter cartridge water quality treatment device must be installed to treat surface runoff water prior to discharge to Shirley Street.

Details of the proposed device and arrangements for maintenance access to the Stormfilter cartridges must accompany the application for the relevant Construction Certificate to the satisfaction of the Certifying Authority.

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

***Stormwater Management***

57. All roof water and surface water is to be directed to an appropriate system to ensure flows are directed to either the rainwater tank (for roofwater only) or the on-site detention system. The stormwater drainage pits and pipes within the site are to be sized to carry up to the 1 in 100 AEP event with an allowance of 50% blockage for stormwater pits. Details are to be shown on the plans and documentation accompanying the application of the relevant Construction Certificate.

**Reason:** To ensure satisfactory stormwater capture and discharge.

***Proposed Inlet Pit***

58. The proposed kerb inlet pits must be constructed in accordance with Council Standard Plan No. DS21. Details are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

**Reason:** To ensure appropriate drainage.

***Construction Adjacent to Drainage Easement/Pipes***

59. Foundations adjacent to a drainage easement/pipes are to be constructed in accordance with Council's Code "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements – Parramatta City Council Code E-3". Engineering details demonstrating compliance must be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the relevant Construction Certificate(s).

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

***Construction Phase Soil and Water Management Plan***

60. A comprehensive construction phase soil and water management plan must be prepared for the concurrent excavations and below ground construction. This plan must consider how the site will be managed. It must focus on the protection of environment, existing infrastructure and human safety by addressing the following issues:

- i) Detailed plans of water quality treatment for construction phase excavation cavity dewatering. The location of any proprietary treatment and pumping devices onsite must be indicated on the consolidated excavation plan, as well as calculations demonstrating expected compliance with the water quality parameters outlined in Council's DCP 2011.
- ii) All stormwater incident on the construction site must be collected and appropriately disposed of in a manner that does not increase the flood risk for the catchment area or degrade the quality of water being disposed of to Council stormwater infrastructure. The proposed methods of collection, treatment and disposal for the site must be shown on the integrated plan and detailed in the report.
- iii) Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to include, but not be limited to:
  - a. Vehicle Wheel wash, cattle grid, wheel shaker or other appropriate device to remove sediment from vehicle wheels.
  - b. A sediment trapping fence, made of a geotechnical textile specifically designed for such a purpose and installed and maintained to manufacturer's specifications, placed below the disturbed area of the construction site along contours.
  - c. The sediment control fences and other installations must not obstruct pedestrian movement in the locality or vehicle access to adjoining properties.
  - d. Vehicle access shall be restricted to a minimum number of locations, and vehicle driveways are to be adequately covered at all times with blue metal or the like.
  - e. The protection of all stormwater collection pits in the vicinity of the works.
  - f. The protection of all stockpiled construction waste and materials.

Details of the above must be shown on the plan and outlined in the report.

- iv) Full plant and equipment details, including the location of any proposed access ramps, cranes, site entry points etc.
  - v) An operational and monitoring plan.
- The precinct wide construction phase soil and water management plan must be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.

**Reason:** Environmental protection.

**Construction Phase - De-watering**

61. 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:
- i) The pollution of waters,
  - ii) Nuisance to neighbouring properties, or
  - iii) Damage/potential damage to neighbouring land and/or property.

For water accumulated within an excavation to be approved for drainage into Council Stormwater systems, the following discharge water quality standards must be met at all times throughout the construction phase of the development:

- i) pH 6.5-8.5;
- ii) Total Suspended Solids (TSS) 50 mg/l;
- iii) Oil and Grease 'Not visible'.
- iv) If site identified as containing contaminated or acid-sulphate soils, all trace contaminants must be removed from the groundwater prior to disposal.

This may be achieved through the use of a 'WETSEP' system or equal, to hold and treat water prior to discharge.

Prior to release of the Construction Certificate the Applicant must provide to the Principal Certifying Authority for approval full details of the construction phase stormwater and groundwater collection and discharge pollution control and quality management system, including full plant and equipment details, an operational and monitoring plan and evidence of ability to achieve the required performance.

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

**Retaining Walls**

62. 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 Principal Certifying Authority prior to commencement of the works.

Structural details, certified by a practicing structural engineer, shall accompany the application for the relevant Construction Certificate for assessment and approval by the Principal Certifying Authority.

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

**Sydney Water Tap In**

63. The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals

- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm) online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

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

***Before You Dig Service***

64. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact Before You Dig Australia (BYDA) at <https://www.byda.com.au/> to receive written confirmation from BYDA 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 BYDA to their Principal Certifier prior to any excavation occurring.

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

***Basement Carpark and Subsurface Drainage***

65. The basement stormwater pump-out system, must be designed and constructed in accordance with AS3500.3 *Plumbing and Drainage – Stormwater Drainage* to include the following:
- (a) A holding tank capable of storing the run-off from any potential inflows from the driveway up to the 100 year ARI (average recurrence 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 sump and pump in the lowest level of the basement
  - (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.

***Collection and Discharge of Dirty Water from Car Wash Bay***

66. 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.

***Driveway Surface to Match Existing Footpath Level***

67. The driveway within the property shall be designed and constructed to match the surface levels with that of existing footpath within the property frontage and that joints are smooth, and no part

of the concrete protrudes out. To prevent street stormwater spilling into the property through the driveway, the driveway surface should be graded such that it rises upward from kerb & gutter with the crest across the driveway at the property line, which should be at least 150mm higher than the top of kerb.

**Reason:** To provide suitable vehicle access and smooth junction.

***Construction of a Heavy Duty Vehicular Crossing***

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

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

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

***Exhaust Fumes***

69. All mechanical exhaust ventilation from the car park is to be ventilated in accordance with the provisions of AS1668.1 - 1998 – 'The use of ventilation and air conditioning in buildings' – 'Fire and smoke control in multi-compartmented buildings'.

The design of the ventilation shall not interfere with the amenity of residential units and private and communal open space.

Details showing compliance are to accompany the relevant application relevant Construction Certificate to the satisfaction of Council.

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

***Impact on Existing Utility Installations***

70. Where work is likely to disturb or impact upon an existing utility installation, (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 relevant application for a Construction Certificate to the satisfaction of the Principal Certifying Authority.

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

***Support for Council Roads, Footpath, Drainage Reserve***

71. 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 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 must accompany the relevant 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.

**Environmental Health**

***Construction Noise Management Plan***

72. A noise management plan must be prepared in accordance with the NSW Department of Environment, Climate Change and Water 'Interim Noise Construction Guidelines 2009' and accompany the application for any Construction Certificate or before works commence. The



Principal Certifying Authority must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

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

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

**Construction Site Management Plan**

73. Before the issue of any construction certificate or works commencing, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter on the site
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures
- location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

**Reason:** To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

**Waste and Recycling Storage Facilities**

74. Waste and recycling storage facilities are to be provided in each residential unit. Details of the unit waste storage areas are to be provided to the satisfaction of the Principal Certifying Authority, prior to the issue of the relevant Construction Certificate.

**Reason:** To ensure adequate storage for refuse.

**Separation of Waste**

75. 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.

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

**Waste Storage Visibility**

76. 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.

**Appoint Waste Contractor (Commercial/Mixed Use Only)**

77. Prior to the issue of the relevant Construction Certificate, a 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 commercial 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 recycled. 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 properties.

**Garbage Chutes**

78. The 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. Details are to be provided on the plans and documentation accompanying the relevant Construction Certificate application to the satisfaction of the Principal Certifying Authority.

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

**Waste Storage Rooms**

79. Storage rooms for waste and recyclables are to be provided within the development as indicated on the approved plans, and shall be constructed to comply with the following provisions:

- i) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
- ii) 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;
- iii) The walls being cement rendered to a smooth, even surface and coved at all intersections;
- iv) 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.
- v) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

Details shall be indicated on the plans submitted with the relevant Construction Certificate application that demonstrate compliance with these requirements to the satisfaction of the Principal Certifying Authority.

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

**Waste Management Plan – Construction**

80. Before the issue of the relevant construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:

- (a) Council's Waste Management Development Control Plan

**OR**

- (b) details the following:
- the contact details of the person(s) removing the waste
  - an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
  - the address of the disposal location(s) where the waste is to be taken

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

**Reason:** To ensure resource recovery is promoted and local amenity protected during construction.

**Waste Management - Operation**

81. Prior to issue of the relevant Construction Certificate the Principal Certifying Authority is to be satisfied that the following elements of the approved Waste Management Plan will be implemented:
- The garbage (chute) rooms and waste storage rooms at the ground level must include water or a hose for cleaning, graded floors with drainage to sewer, a robust door, sealed and impervious surface, adequate lighting and ventilation, and must be lockable. The sizing of such rooms must be in accordance with the approved Waste Management Plan.
  - A report(s) must be prepared by a registered surveyor and submitted to the Principal Certifying Authority prior to the issue of the relevant Subdivision/Occupation Certificate, certifying that the finished access way (including ramp, loading bay and site entry/exit) to be used by waste collection vehicles, complies with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for large rigid vehicles.
  - The bin carting routes must be devoid of any steps. Note: Ramps between different levels are acceptable.
  - "No Parking" signs must be installed to prevent cars parking in the loading bay.
  - A minimum 4.5 metre vertical clearance height within the truck travel path must not be reduced by ducting, lights, pipes, roller doors or anything else.
  - Access to the automatic waste volume handling equipment by unauthorised persons (including residents and waste collectors) must be prevented.

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

**Outdoor Lighting**

82. All outdoor lighting and lighting of publicly accessible spaces must comply with the relevant provisions of AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting, and with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting, and designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill.

A detailed lighting plan demonstrating compliance with these requirements be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

**Reason:** To protect the amenity of the surrounding neighbourhood from the emission of light and to provide high quality external lighting for security without adverse effects on public amenity from excessive illumination levels.

Public Domain

**Public Domain Construction Drawings**

83. The delivery of public domain works is to be staged in accordance with the **Staging Plan** approved to satisfy elsewhere in this notice. For the purpose of this condition Public Domain works comprise all works to Shirley Street, Pennant Hills Road and all internal footpaths and roads and parks.

Prior to the issue of the relevant Construction Certificate for each stage of the public domain works a set of detailed **Public Domain Construction Drawings** must be submitted to and approved by Council's Development and Traffic Services Unit (DTSU) Group Manager.

The drawings shall address, but not be limited to, the following areas:

- All the frontages of the development site between the gutter and building line, including footpath, drainage, ground level forecourt, front setback, footway and kerb & gutter with drainage,
- The internal road from building to building, or from building to RE1 interface (extent of work) as applicable including, but not limited to, road and travel lanes, street parking spaces, tree

pits and landscaping, drainage infrastructure, footways, steps, ramps, handrails, balustrades and retaining walls.

- Any publicly accessible areas,
- Any works in carriageway,
- Works to integrate with adjacent public amenity, and
- Onsite landscape work

Grading of the pedestrian footway:

- Detailed design spot levels and designed contour lines are required.
- Localised flattening of public footpath levels at building doorways or driveway crossings is not permitted. Any change of level required to provide compliant access to the building must be achieved behind the property boundary line. Clear and accurate grading designs are to be provided demonstrating this.
- Localised ramps are not permitted in the public footway. Longitudinal grading must follow the gradient of the top of kerb line unless agreed otherwise with Council. Ramping of the footway to suit adjacent building entry/access requirements will not be accepted.
- Cross sections must confirm 1%(min)-2.5%(max) crossfall. Cross sections at minimum 20m centres are required.

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

- The latest City of Parramatta Public Domain Guidelines (PPDG) as applicable,
- The approved civil drawings and levels,
- The approved public domain alignment drawings,
- The approved landscape drawings, and
- All the conditions listed in this consent.

Documentation Accuracy:

Drawings must show all work in the public domain accurately by providing Public Domain Construction Drawings that are fully coordinated across all design disciplines and across all phases of the project.

Notwithstanding any approved public domain or civil concept design drawings, the Public Domain Construction Drawings must be prepared to reflect the following changes:

Pennant Hills Road:

- a. A 3 metre wide in-situ concrete shared path measured from back of kerb.
- b) The applicant shall relocate all existing street light poles out of the proposed 3 metre shared path, as is reasonably possible. Street light pole locations should be coordinated so to be in neat alignment at the back of the footpath and not obstructing the footpath. New street lighting poles positioned as required to suit lighting designs. Use standard tapered steel pole type from the standard service authority range.
- c) Pedestrian pole top posts and lights should be deleted from the Public Domain Plans. A detailed lighting design should demonstrate V category lighting levels suitable for the arterial road context in accordance with AS standard requirements (AS1158).
- d) Cabinets and any upstanding structures (existing relocated or new as required) arranged in neat alignment at the back of the footpath and not obstructing the footpath at any location.
- e) Regrading of Jannell Crescent and existing driveways to be retained to suit the gradient requirements of the proposed shared path.
- f) Liaise with Council and Transport for NSW to achieve even realignment of the existing kerb indent at 279 Pennant Hills Road.

Shirley Street:

- g. Minimum 1.5m in-situ concrete footpath in the public verge.

- h. New street tree species *Eucalyptus saligna*. A specific tree pit detail is to be included in documentation demonstrating the required soil volume is achieved. Strata cell pavement support shown as required.
- i. Confirm road pavement upgrade and extent per Council engineers' requirements. Liaise with Council's engineers as required.
- j. Street trees - soil volume requirements shall be as per the Council's Public Domain Guidelines, section 5.1.1 table 5.1. Strata cell pavement support to be provided as required to achieve required uncompacted soil volumes. A specific tree pit detail is to be included in documentation demonstrating that the required soil volumes are achieved and detailing the proposed tree pit surface finish.

Internal Road:

- k. (k) New public footpath that directly follows the road alignment. Minimum width 1.5m and maximum width 1.8m.
- l. (l) Direct level entry from the internal road footpath/drop off to the building entry porch for Building B separate to ramp and step system at least one location. The kerb ramp positioned at the centre of the building to be moved up the hill slightly to facilitate this and to ensure that ramp does not direct pedestrians into the driveway across the road.
- m. Street lighting to be designed to suit the needs of pedestrians as well as vehicles and to comply with the relevant categories of AS/NZ1158. Lighting should achieve a quality lit environment that is comfortable and feels safe without excessive illumination. Light pole locations to be coordinated with trees and other elements in the internal street setting.
- n. Maximum retaining wall height 900mm to minimise/negate the need for balustrades in the 4m landscape setback to buildings. CC drawings to include all top and bottom retaining wall levels to confirm this.
- o. Street tree location and species are to be agreed upon with Council's Landscape officer and to suit sight lines. Street trees should be provided at 8-10 m centres typically so that proposed street tree species canopy connect at maturity to mitigate urban heat build-up. Maximum 2 car parking spaces between street trees where necessary.
- p. Longitudinal sections through the tree pits supporting the trees are required to show the above requirements.
- q. Permeable paving to be provided in car parking zones.
- r. Street trees - cross sections are to clearly show the location and level of basement structures and final pavement levels (on the same cross section) demonstrating that the required soil depths and volumes are achieved. The final look of street trees and public domain should be perceived as being in ground and on one level with the footpath / surrounding public domain.
- s. A tree pit detail is required for all different tree planting configurations. To ensure the required soil volume is achieved a structural pavement system must be incorporated below the parking bays and adjacent pavement, such as a suspended concrete slab or (strata) modular cells. This is to mitigate against soil compaction under the paving and to maximise aeration and porosity for the tree root zone. Isolated planting areas, including tree pits, must be contiguous with the adjacent landscape areas. The tree pits shall incorporate an aeration pipe, drainage layers and pipe that connects to nearest stormwater pit. Tree pit details must show relationship with the proposed SW drainage line (off-set and construction detail).
- t. The extent of the tree pits and structural pavement system is to be shown on all plans. Calculations demonstrating tree pit and soil volume compliance as per the ADG are to be included in the Construction Drawings. Soil volume calculations are to be based on a minimum soil depth of 1m (max 1.2m). Soil volume to be reflective of proposed tree species size as per the ADG requirements. The structural/soil cell system must be coordinated on the civil engineering plans to ensure that required soil depths exclusive of pavement thicknesses and drainage layer requirements are adequately considered and accommodated. Documentary evidence of compliance with these requirements is to be confirmed in the landscape plans and submitted to and approved by Council's DTSU Manager prior to the issue of the relevant Construction Certificate.

**Reason:** To ensure the public domain is constructed in accordance with Council standards where necessary, that public and privately owned streets and spaces are legibly

integrated in terms of amenity and quality ensuring maximised public amenity for the roads and public domain in Carlingford.

**Footway Specifications**

84. Notwithstanding the approved Civil Drawings and Public Domain Concept Plans, the following requirements shall be included in the Public Domain Construction Drawings.

**Footpath**

For Pennant Hills Road and Shirley Street footpaths standard concrete in situ paving finish is required. Construction standard as per the PDG and relevant Council Standard construction details (DS3 and DS6), to the full length of the development site. Detailed design spot levels are required.

Renovate existing kerb and gutter as required as part of these works.

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

**Kerb Ramps**

Kerb ramps must be designed and located in accordance with Council's design standard DS4.

Kerb ramps are to be directly facing and aligned with matching kerb ramps on the opposite side of the road. Kerb ramps cannot face an opposite driveway.

**Vehicle Crossing**

Council's standard vehicle crossing is to be provided. Refer Council's design standards DS9 and DS10. In the event that special unit paving finishes are proposed, the applicant needs to also consider the DS40/DS45 driveway designs as a guideline for pedestrian priority and grading requirements.

Maximum driveway width 8m to all residential buildings.

**Pit Lids, Frames and Grates**

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

A schedule of proposed pit lid, frame and grate finishes is to be submitted with the Public Domain Construction Drawings. Class C load capacity (AS 3996) for all pit lids, grates and frames is required for Council public footpaths and recommended for internal public plazas as well.

Drainage grates on an accessible path of travel and within common areas, are to have slots or circular openings with a maximum width of 13mm. Slots are to be laid with the long dimension at right angles to the paths of travel.

**Tactile Indicators (TGSIs)**

TGSIs must be used on the public footpath and comply with the requirements in the Public Domain Guidelines and the latest versions of AS1428.1 and AS1428.4. The TGSIs must be installed in the locations as shown on the approved Public Domain & Landscape Construction Drawings.

TGSIs, balustrades or handrails for stairs or ramps connecting to the main pedestrian footpath must not extend into the footpath space, or Council public domain area, but must be set back.

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

Council continues to develop uniform design approach(s) to delineating a clear path of travel past complex built forms at the footway level. Options could include, but not be limited to,

change in pavement colour, textures and or other visual aids etc. that meet DDA requirements. Final design solutions to suit the project are to be proposed by the applicant for consideration and inclusion in the Public Domain & Landscape Construction Drawings prior to issuing of the relevant Construction Certificate

#### Slip Resistance

For non-council standard pavements, the applicant shall provide test results (after applying any paving sealant or finish as applicable) to prove applicable pavement material and finishes used in the publicly accessible areas and any plaza areas are non-slip surfaces that meet Council's standard slip resistance requirements (*refer to Council standard pavement details DA40 and DS45 for guidance*).

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

#### Street Furniture

Street furniture (seats/bins etc) are not required in the council owned public streets.

Street furniture selections for internal plazas and street settings are to be robust in structure with good looking hardy finishes that can be maintained to a consistently high standard. Street furniture elements are to be carefully located so that they do not cause obstruction to pedestrian movement. Proposed locations are to be shown on CC drawings.

#### Cycle racks

Cycle racks are to be provided within the private development in the publicly accessible plaza. Proposed locations are to be shown on CC drawings.

Cycle racks are to be located so that bicycles do not encroach onto main pedestrian thoroughfares.

#### Lighting

Street lighting designs are to be provided for Pennant Hills Road demonstrating V category street lighting levels according to AS1158 requirements. New streetlight poles are to be located at the back of the footpath and detailed in CC documentation. Luminaires to be LED.

Street lighting for the internal road is to be designed to suit the needs of pedestrians as well as vehicles and to comply with the relevant P categories of AS/NZ1158.

The lighting design should achieve a quality lit environment that is comfortable and feels safe without excessive illumination. Light pole locations to be coordinated with trees and other elements in the internal street setting.

All the lighting features in the public domain shall be detailed in the Public Domain Construction Documentation.

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

**Reason:** To comply with the Public Domain Guidelines.

#### Electrical Pillars

Green Pillars for electrical connections, where required, should be coordinated with public domain elements, be outside the clear path of travel, shown on drawings, and must be neatly located 100mm away from the face of the building / property boundary line (as applicable) and be installed square and plumb.

Any existing green pillars must be moved and relocated as necessary to achieve the above.

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

**Reason:** To coordinate the location of electricity pillars so they are not an obstruction in the public footway.

### **Street Tree Specifications**

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

Street Name	Botanical Name	Pot Size	Qty	Average Spacing
Shirley Road	<i>Eucalyptus saligna</i>	100L	1	As per approved plans.
Internal Road	<i>Refer separate landscape conditions.</i>			

**Note:** Large trees are currently in short supply and pre-ordering of stock at a very early stage of the project to secure the specified size is required. Size and species adjustments based on lack of project co-ordination will not be permissible. Evidence of the order for trees must be submitted to the DTSU with the Public Domain Construction Drawings.

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

The requirements for height, calliper and branch clearance for street trees should be in accordance with AS2303:2018. Consistent tree pit size and construction is to be used throughout the public domain areas around the site for the street tree planting. The street tree must be planted in accordance with Council's design standard with adequate clearances to other street elements in accordance with the Public Domain Guidelines.

A structural pavement system is required around proposed street trees where necessary in paved areas in the footway and publicly accessible pedestrian areas to mitigate against soil compaction and to maximise aeration and porosity in the tree root zone. Suitable systems include suspended concrete slabs or structural cells such as strata cells. Tree grates may be required depending on location of the site. For details and locations refer the PDG.

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

Calculations demonstrating tree pit and soil volume compliance as per the PDG are to be included in the Public Domain Construction Drawings. Soil volume calculations are to be based on a maximum depth of 1.2 m excluding any drainage layers.

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

### **Prior to delivery of any Street Trees to site for installation**

86. The following must be submitted to the satisfaction of Council's Group Manager Development Traffic Services Unit:

- 3 photographs of each tree to be planted, showing left side, right side and front-on of the tree in the ground without stakes and ties. These photographs must be accompanied with a 'Nursery Certificate' noting their state of health and their care, including the



location details. The certificate must state the trees were grown to the nursery stock standards and must be provided by the nursery that grew/supplied the tree; and

- Imported top soil data sheet.

These certificates are to be provided before the delivery of trees to site and / or prior to raising the inspection request.

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

#### ***On-street Parking***

87. On-street parking spaces are to be provided in accordance with the approved plans and AS 2890.5-2020. Adequate clearance between the parking bay and the nearest moving traffic lane is to be provided for parallel parking, angled parking and centre-of-road parking in accordance with Table 3.1, 3.3 and 3.6 of AS 2890.5-2020. Details are to be illustrated on plans submitted with the construction certificate.

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

#### ***Carriageway Specifications***

88. Notwithstanding the approved Public Domain Drawings and Public Domain Alignment Drawings, the public road reserve and, in particular kerb and gutter alignment is to remain unchanged.

**Reason:** To ensure a consistent kerb alignment.

### **Traffic**

#### ***Vehicle Manoeuvring***

89. The Principal Certifying Authority shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate application.

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

#### ***Parking Provision – Building D***

90. 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 72 parking spaces is to be provided for Building D and be allocated and delineated as follows:

- a) 60 parking spaces for the residential apartments;
- b) 12 residential visitor parking spaces;

Tandem car spaces are to be allocated to same apartments or staff parking whichever applicable. A physical barrier such as a bollard or kerb is to be installed in any space that is large enough for a standard vehicle but is not a designated parking space or is within the parking aisle to prevent motorists from parking in unauthorised areas. Details are to be illustrated on plans submitted with the construction certificate for Stage 1.

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

#### ***Motorcycle Parking Provision – Building D***

91. A minimum of 2 motorcycle spaces are to be provided on-site at Building D and used accordingly. The dimensions of the motorcycle spaces are to comply with Clause 2.4.7 and Figure 2.7 of AS 2890.1-2004. Details are to be illustrated on plans for Building D submitted with the construction certificate for Stage 1.

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

#### ***Bicycle Parking Provision – Building D***

92. A minimum of 12 bicycle storage spaces for residential units and 3 bicycle racks for visitor parking

are to be provided on-site at Building D and used accordingly. The bicycle storage/racks are to comply with AS 2890.3-2015. Details of compliance with this standard are to accompany the Construction Certificate application for Stage1 to the satisfaction of the Principal Certifying Authority.

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

**Parking Provision – Buildings A, B, C & G**

93. 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 476 parking spaces is to be provided for Buildings A, B, C, and G and be allocated and delineated as follows:

- a) 284 parking spaces for the residential apartments;
- b) 56 residential visitor parking spaces;
- c) 103 parking spaces for the retail areas;
- d) 33 parking spaces for the child care centre.

Tandem car spaces are to be allocated to same apartments or staff parking whichever applicable. At locations within the retail parking levels, a physical barrier such as a bollard or kerb is to be installed in any space that is large enough for a standard vehicle but is not a designated parking space or is within the parking aisle to prevent motorists from parking in unauthorised areas. Appropriate delineation devices (e.g. 'Keep Left' sign and linemarking) are to be installed where there are columns located in the middle of a parking aisle to ensure safe vehicle manoeuvring. Details are to be illustrated on plans submitted with the construction certificate for Stage 2.

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

**Motorcycle Parking Provision – Buildings A, B, C & G**

94. A minimum of 10 motorcycle spaces are to be provided on-site and used accordingly for Buildings A, B, C and G. The dimensions of the motorcycle spaces are to comply with Clause 2.4.7 and Figure 2.7 of AS 2890.1-2004. Details are to be illustrated on plans submitted with the construction certificate for Stage 2.

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

**Bicycle Parking Provision – Buildings A, B, C & G**

95. A minimum 80 of bicycle storage areas and racks are to be provided on-site and used accordingly:

- a) 55 storage spaces for residents
- b) 14 racks for residential visitors
- c) 2 spaces for staff and visitors to the child care centre
- d) 8 spaces for retail visitor parking
- e) 1 spaces for the Community Centre/Library

The bicycle storage/racks are to comply with AS 2890.3-2015. Details of compliance with this standard are to accompany the Construction Certificate application for Stage 2 to the satisfaction of the Principal Certifying Authority.

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

**On Street Parking Management**

96. The applicant is to submit a separate application for the proposed line markings and signage along the new internal roads to Council's Traffic and Transport Services for review and approval. The on-street parking provision within the new internal roads are to be time-restricted (i.e. 2 hour all day parking). The construction of the approved treatment is to be carried out by the applicant and all costs associated with the supply and construction of the facility and appropriate signage are to be paid for by the applicant at no cost to Council.

**Reason:** To ensure adequate on-street parking is available for public.

**Driveways - Splay**

97. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the

boundary along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials.

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

***Traffic Management Measures for Approval***

98. The applicant is to submit a separate application for the proposed line markings and signage within the internal road network to Council's Traffic and Transport Services for consideration by the Parramatta Traffic Committee under Delegated Authority and Council's approval. The construction of the approved treatment is to be carried out by the applicant and all costs associated with the supply and construction of the traffic facility and appropriate signage are to be paid for by the applicant at no cost to Council.

**Reason:** To comply with Roads Act 1993.

***Internal Roads***

99. Revised Civil Engineering design plans for the proposed internal road network are to be submitted to Council's Traffic and Transport Manager for approval. The revised plans must address but not be limited to the following Traffic related items:

- a) The designs of the intersection of the proposed new roads and Shirley Street are to be revised such that they are in the form of a standard intersection and not via driveway entry treatment or continuous footpath treatment. Swept path plans are to be provided for a 12.5m HRV to demonstrate vehicle manoeuvrability through the intersection.
- b) Details of the road pavements in the internal roads are to be clearly shown on the plans noting that pavers or cobblestone pavements are not acceptable pavement types for the proposed internal roads. Furthermore, flush thresholds or contrasting pavements at pedestrian crossing points that are not formal pedestrian crossings must not be installed.
- c) Details of any proposed pedestrian crossings are to be shown on the plans. All pedestrian crossings must comply with relevant Australian Standards and Austroads Guidelines.

The construction of the approved treatment is to be carried out by the applicant at no cost to Council.

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

***Convex Mirrors***

100. Convex mirrors are to be installed along the access ramps within the basement carpark at locations where the swept path of the design vehicle overlaps with an oncoming vehicle as identified within the Transport Impact Assessment by ttp Transport Planning dated 28 March 2024 with their height and location adjusted to allow drivers a full view of the driveway in order to see if another vehicle is coming through. Details are to be illustrated on plans submitted with the construction certificate.

**Reason:** To ensure safe vehicle access within the carpark

***Control Points and Roller Shutter Doors***

101. All control points at the car park entrances or within the basement carparks are to be located where adequate queuing lengths are provided in accordance with Clause 3.4 of AS 2890.1-2004 and to ensure the queues do not obstruct access to other parts of the car park. If roller shutter doors are provided at the entrance to the retail and/or childcare car park, it is to be opened at all times during the opening hours of any shops and childcare centres. Roller shutter doors are to be provided at the driveway entry and exit for the residential carparks and are to operate via remote control. If an intercom is installed, it is to be provided at the centre of the driveway (not attached on a wall) to the carpark in accordance with Clause 3.3 (b) of AS 2890.1-2004. Details are to be submitted to Council to the satisfaction of Council's Traffic and Transport Manager prior to the issue of the relevant construction certificate.

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

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

102. Prior to the commencement of works on site (excluding exploratory and investigative works), the applicant must submit a Construction Pedestrian and Traffic Management Plan to the satisfaction of Council's Service Manager Traffic & Transport, the Transport for NSW Sydney Coordination Office and the Transport for NSW Parramatta Light Rail Office. The following matters must be specifically addressed in the Plan:

- A plan view of the entire site and frontage roadways indicating:
  - (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
  - (ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
  - (iii) The locations of proposed Work Zones in the egress frontage roadways,
  - (iv) Location of any proposed crane standing areas,
  - (v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
  - (vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
  - (vii) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
  - (viii) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- 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;
- Proposed construction hours;
- Estimated number and type of construction vehicle movements including morning and afternoon peak and off peak movements;
- Construction program that references peak construction activities and proposed construction 'Staging';
- Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
- Cumulative construction impacts of projects **Carlingford area**. Should any impacts be identified, the duration of the impacts;
- Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified;

Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

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

Traffic Control Plan(s) for the site:

- (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 City of Parramatta Council for any temporary road closures or crane use from public property.

Where applicable, the plan must address the following:

- (i) Evidence of Roads and Maritime Services 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.

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

#### ***Loading Dock Management Plan***

103. Prior to the issue of the relevant Construction Certificate the applicant must submit a Loading Dock Management Plan to the satisfaction of Council's Traffic Services Manager and the Transport for NSW: Sydney Coordination Office. The Plan must achieve the following requirements:

- All loading and servicing is to be conducted on-site.
- All vehicles are to enter and exit the site in a forward direction.
- The applicant should not rely on the kerbside restrictions to conduct their business.
- Loading bay management details including service vehicle movements during peak periods;
- Management of vehicle queuing during incidents within the car park including details of alternate car parking locations; and
- Management of vehicle queuing during malfunction of traffic signals within the car park and the turn table.

**Reason:** To reduce kerbside stopping reliance.

#### ***Accessible Car Parking***

104. 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 the BCA, AS2890.6: 'Parking facilities', 'Off-street parking for people with disabilities', 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 of compliance are to accompany the relevant Construction Certificate application to the satisfaction of the Principal Certifying Authority.

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

#### ***Shared cycle/pedestrian path***

105. Notwithstanding the drawings hereby approved under Condition 1, the pathway between Buildings B and C shall be designed as a shared cycleway and pedestrian path. The shared pathway should be designed in accordance with City of Parramatta Standard Drawing DS3. Details must be provided with the plans and specifications accompanying the application for the relevant Construction Certificate.

**Reason:** to facilitate cycleway access from the site to Pennant Hills Road shared pathway.

***End of Trip Facilities for Workers***

106. End of trip facilities including showers must be provided within the development and made accessible without charge to cyclists who work in the building. Details must be provided with the plans and specifications accompanying the application for a Construction Certificate.

**Reason:** To promote and provide facilities for alternative forms of transport.

**Transport for NSW**

***Driveways along Pennant Hills Road***

107. The redundant driveways on Pennant Hills Road shall be removed and replaced with kerb and gutter to match existing.

The removal of the redundant driveways on Pennant Hills Road and reinstatement of kerb and gutter to match existing shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to [developerworks.sydney@transport.nsw.gov.au](mailto:developerworks.sydney@transport.nsw.gov.au).

Detailed design plans of the proposed road works on Pennant Hills Road are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

**Reason:** To meet the requirements of Transport for NSW

***Information requirements Transport for NSW***

108. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW.

Forward all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au)

**Reason:** To meet the requirements of Transport for NSW

***Information requirements Transport for NSW***

109. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on Pennant Hills Road are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

**Reason:** To meet the requirements of Transport for NSW

***Road Occupancy Licence***

110. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre

(TMC) for any works that may impact on traffic flows on Pennant Hills Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

**Reason:** To meet the requirements of Transport for NSW

**Flood Assessment – Parramatta Light Rail**

111. Prior to the issue of any construction certificate the Applicant should submit the Flood Assessment Report to the Parramatta Light Rail (PLR) Operator for review and endorsement demonstrating no detrimental flooding impacts to the PLR corridor. The Certifying Authority must receive written confirmation from PLR that this condition has been satisfied.

Please send to: [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

**Reason:** TfNSW confirmation is required to understand the flood impact to the state rail infrastructure.

**Trees and Landscaping**

**Tree Protection Zones**

112. Prior to the issue of the relevant Construction Certificate, the Certifying Authority and Project Arborist must both be satisfied, in writing, that the following structures have been modified to minimise the construction impact within the Tree Protection Zone (TPZ) of the following nominated trees:

Tree No.	Botanical name	Common name	Structure to be modified	TPZ Radius from trunk
25A	<i>Morus nigra</i>	Mulberry	Stormwater services	2.7m
76	<i>Celtis australis</i>	European nettle tree	Retaining walls	5.9m

The footings of the proposed retaining wall along the northern boundary will be designed using non-destructive construction method so as not to impact on tree 76 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 radius of the nominated tree as numbered in the table.

The stormwater detailed design notes are to be amended to discuss non-destruction construction method for the installation of drainage pipes within the TPZ of tree 25A. Pipes are to be installed using non-destructive construction method such as hydro-vac or careful hand-dig to retain all roots >30mm in diameter. Pipes are to be threaded through roots.

All design modifications within the TPZ of trees to be retained will need to be pre-approved by the Project Arborist before they are issued for Construction Certificate to ensure they have minimised the impact to the trees as per AS4970-2009 Protection of trees on development sites. Tree protection methodology and design changes to be added to all relevant plans and be submitted with the Construction Certificate application.

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

**Tree Protection Zones**

113. Prior to the issue of the relevant Construction Certificate, a Tree Protection Management Plan (TPMP), prepared by a suitably qualified Consulting Arborist (Australian Qualification Framework Level 5), should be submitted. The TPMP is to identify specific tree protection

measures to be implemented for the trees located within the site and adjacent to the site during demolition and construction and the expected future health of the trees. It should cover all stages of the works and cover any works to be supervised by the Project Arborist including:

- (a) A Tree Protection Plan must follow the tree numbers already identified in the existing Arboricultural Impact Assessment.
- (b) The TPMP must identify the specific tree protection type and location required for each tree inclusive of canopy, trunk and tree root protection in accordance with AS 4970-2009 - *Protection of Trees on Development Sites*.
- (c) The TPMP must discuss the specific non-destructive construction method to minimise the impact and encroachment and discuss the specific protection measures required throughout the demolition and construction works.
- (d) Discuss supervision of any approved excavation and/or works to be undertaken within the calculated Tree Protection Zones of the trees to be retained and protected.
- (e) Provide guidance on the approved services to be installed within the TPZ of trees, to ensure non-destructive construction techniques are used to minimise the construction impact (i.e. bridging of roots).
- (f) Construction of any structure which requires a modified footing.
- (g) Landscaping (i.e. minimise cultivation, excavation planting techniques within the TPZ & SRZ).
- (h) Any other stages that the Project Arborist deems necessary.

A Periodic Tree Inspection summary documenting the works within the TPZ, with photo evidence, will be required to be submitted to the PCA by the Project Arborist supervising the works. At the end of the works documentary evidence of compliance with these requirements will be required to be submitted to Council's Group Manager Development and Traffic Services to ensure the works were carried out as per the TPMP.

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

#### ***Landscape Plans***

114. Before the issue of the relevant Construction Certificate, Revised landscape plans are to be submitted to the written satisfaction of Council's Group Manager Development and Traffic Services Unit which address the following requirements:

##### Existing Trees

- a) Retention of trees numbered 25A and 76 as per the Arboricultural Impact Assessment Report by Jacksons Nature Works. Tree Protection Zones (TPZ) to be shown on both trees for coordination.
- b) No walls, edging or plants are to be shown within the TPZ's unless it can be demonstrated, and approved in writing by the Project Arborist, that the proposed works within the TPZ will be carried out using non-destructive construction methods to minimise any construction impacts to the tree root systems. Note - All non-destructive construction details within the TPZ of the trees are to be prepared in conjunction with the Project Arborist to ensure the trees will be adequately protected during the works. Notes to be added to the plans.
- c) Details for all proposed and approved non-destructive works within the TPZs of tree 25A and 76 to be provided.

##### Services

- d) The location of all proposed and existing underground service lines, easements, swales, WSUD, stormwater drainage pits and pipes to be shown and to be coordinated with the Civil Engineer.

##### Proposed trees

- e) Trees are to be provided in a minimum 100 litre container and are to be re-positioned with a:



- minimum setback of 3m to the building edge for small trees (5-9m) to avoid canopy conflict;
- minimum setback of 5m to the building edge for all medium to large (9m+) trees to avoid canopy conflict;
- minimum 2m distance from any proposed or existing drainage line or pit for all trees to avoid roots conflicting with the infrastructure.
- minimum spacing of 4m for small trees and 6m for medium to large trees within the planters and landscaped areas to reduce competition for soil, light and space.
- f) Delete the *Eucalyptus microcorys* tree shown on top of the stormwater pit in the rear southwestern corner of Building A.
- g) Delete all *Eucalyptus tereticornis* from within the site.
- h) Internal street tree species *Elaeocarpus reticulatus* to be changed. Suitable tree species include (but are not limited to): *Corymbia eximia*; or *Elaeocarpus eumundi*; or *Waterhousea floribunda* 'Sweeper'.
- i) Add small to medium sized trees to the central planters between the internal street and Building B
- j) Ensure all trees are positioned to not conflict with the surround planter/paving/wall/edge/footings or haunching detail. Sections and details through the trees are required to show the tree rootball (proposed size) to ensure it will fit within the allocated spaces indicated. Council does not support 'cut to fit' rootballs.
- k) Large trees within the Pennant Hills Road front setback to be repositioned to ensure the trees, at maturity, will have sufficient canopy clearance from the existing overhead wires to avoid any (future) severe powerline clearance pruning.

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

#### Screening and boundary treatments

- l) Continuous screening along all existing rear boundaries must be shown on the planting plans for privacy and amenity. Screen hedge planting must be provided in a minimum 200mm containers, be able to reach a minimum 1.8m height at maturity and be planted at maximum distances of 1 (one) metre between trunk centres. Suitable species include (but are not limited to) the following:
  - *Syzygium australe* 'Pinnacle' (Lilly Pilly)
  - *Callistemon viminalis* 'Slim' (Bottlebrush)
  - *Acmena smithii* 'Firescreen' (Lilly Pilly)
- m) A continuous buffer screen must be included within the landscaped area, along the rear boundary, of the proposed childcare for privacy and amenity as per the Childcare Planning Guidelines 2021. Screen hedge planting must be provided in a minimum 200mm containers, be able to reach a minimum 1.8m height at maturity and be planted at maximum distances of 1 (one) metre between trunk centres.
- n) For screening hedge planting within the swale and overland flow path, it must use a single-stemmed hedge species. Hedge foliage to be 'crown' lifted to a minimum 400mm above ground level. Low growing groundcovers (no mulch) to be planted below.
- o) Ensure all boundary walls are capped at a maximum height of 600mm above the natural ground level. And where applicable the boundary fence is to be fixed to the wall above.
- p) The temporary batter on the border of the RE1 Public Recreation zoned land and R4 High Density zoned land along the internal road is to be shown finished with a soft landscape treatment such as turf to help prevent soil erosion.

#### Plaza and Communal Open Space

- q) Relocate the seating shown within the grassed area to the rear of Building A so it is touching the paved footpaths and can be accessed by all.

- r) Adjust the external levels to the rear of Building A to ensure there is access between the indoor residential amenity and the outdoor communal open space.
- s) Delete the seating area and associated paving to the Pennant Hills Road side Building C near the retail plaza and replace with planting.
- t) Increase the planter width to Building D between the outdoor café area and footpath where the path curves and decrease width of footpath to decrease to 3m along the curve. Add a seat wall as part of the raised planter on footpath side.

#### Proposed Details

- u) Trees should be self-supporting from the nursery. For trees to be planted in wind-prone areas and/or on the podium roof terraces, the tree detail is to be updated to show underground guying to secure the tree rootball in place.
- v) A tree pit detail is required for all different tree planting configurations. Consistent tree pit sizes and construction is to be used throughout the site for all tree planting.
- w) All isolated planting areas, including treepits and island planters, must be connected (contiguous) with the adjacent landscape areas to ensure each planting area will meet the prescribed soil volume as per the ADG requirements to support the mature growth of the proposed trees and shrubs. Structural soil and/or modular cells and letterbox openings within the planter walls, below paving level and in the void areas where possible, are to be used to ensure the plant roots will have access to the soil zones connected below the paving finished levels. Sections and details to be updated to show this configuration.
- x) All tree pits, landscaping and planters on structures shall incorporate an aeration pipe, drainage layers and pipe that connects to nearest stormwater pit.
- y) The location of the WSUD is to be clearly shown on the plans and a section showing the proposed landscape treatment in conjunction with the Civil Engineer.
- z) Detail for all proposed softscape details to be provided.
- aa) Details for all proposed hardscape structures and details to be provided.
- bb) Location of the tree grate shown in the material strategy page 2.23 to be clearly shown on the plans or removed.
- cc) All sections to include dimension lines, +TOW, +RL, +SSL +EX (where applicable) and +FFL for the internal adjacent building finish levels.
- dd) Sections are also to include any underground or overhead infrastructure to ensure all works are coordinated with the other specialist consultants.
- ee) The extent of all over-head awning and balconies are to be shown on all plans to ensure tree canopies will not clash with the built form.

#### Proposed shrubs and groundcovers

- ff) WSUD planting species to be nominated and shown on the planting plans and planting schedule. Suitable species include (but are not limited to) the following:
  - *Lomandra hystrix* 'Katie Belles' (Spiny-head Mat-rush)
  - *Dianella revoluta* 'Revelation' (Flax Lilly)
  - *Juncus usitatus* (Common Rush)

#### Internal Retaining Walls & Grading

- gg) Retaining walls are not permitted in the landscape setback zones other than those shown on the approved civil plans. The following requirements are to be met:
  - Maximum 900mm for all planter walls, retaining walls and any free-standing walls. (This does not include the boundary retaining walls).
- hh) Landscape Construction Drawings landscape plans must show detailed grading contours, spot levels and embankment gradients for all landscape setback zones.
  - Maximum landscape gradient 1:6 for maximum 1m lifts.

#### Rooftop Terraces

- ii) Each rooftop communal open spaces and planting areas that are located on different levels within buildings must clearly be shown on landscape plans together with planting schedules.

- jj) All planting labels are completed on all plans.
- kk) The outdoor terraced areas on buildings B and C (northern portions) must be clearly labelled to understand who will be maintaining the planting areas in the future. If they are private, additional screening between the apartments will be required.
- ll) Specific sections and details through all building rooftop terraces and planting areas is required to show in detail the paving and pedestals/planter/seating/tree/shrub/soil depth/width/ any arbour structures to understand the different planting and material configuration alongside the architectural detail for the parapet and glass balustrade screening for example. This is to ensure the soil depth and volume meets the minimum ADG requirements and that there are no fall height issues (i.e. from stepping on to the seating/planters).
- mm) An on-structure soil depth plan is required for the rooftop planters to ensure they all meet the prescribed soil standards in the Apartment Design Guide (ADG) – Part 4, 4P *Planting on Structures - Tools for improving the design of residential apartment development* (NSW Department of Planning and Environment, 2015).
- nn) Trees are to be relocated (or changed to a smaller species) to ensure that the canopy will not conflict with the building façade and that there is sufficient soil volume to support the mature growth of the proposed trees.

#### Legibility

- oo) All landscape plans and planting plans to be provided at 1:100 or 1:200 scale showing adjoining properties, streetscape and building names for context;
- pp) All plans must include a continuation line and a key plan for orientation;
- qq) All text and planting labels to be contained within the titleblock layout and not overrun on to adjacent pages.

**Reason:** To ensure high quality restoration of the shared environmental amenity.

## **PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK**

### Planning

#### ***Appointment of PCA***

115. 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.

#### ***Enclosure of the Site***

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

**Reason:** To ensure public safety.

#### ***Site Sign***

117. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 70(2) of the Environmental Planning and

Assessment Regulation 2021 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.

***Toilet Facilities On Site***

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

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

***Public liability Insurance***

119. 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.

***Footings and Walls Near Boundaries***

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

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

***Survey Report***

121. 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 buildings 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.

## Engineering

### **Construction Environmental Management System and Plan**

122. A Construction Environmental Management System and Plan (CEMP) shall be submitted to, and approved by, Council's Manager DTSU prior to work.

The CEMP must be prepared in accordance with ISO14001:2015 and the Department of Infrastructure, Planning and Natural Resources (2004) '*Guidelines for the Preparation of Environmental Management Plans*' and submitted to the relevant authorities at least 4 weeks prior to the commencement of construction.

This plan should cover demolition, soil and water management and site maintenance and any associated groundwater, flooding and overland stormwater flow management. It must address any possible pollution risks, and how they will be managed. It must incorporate updated erosion and sediment control plans/ stormwater plan showing how rainwater and groundwater captured within the site will be treated to satisfactory water quality standards, monitored and discharged. The plan and management system must be implemented throughout the work.

**Reason:** Environment protection.

### **Road Opening Permits**

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

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

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

### **Dilapidation Survey & Report for Private Properties**

124. Prior to the commencement of aboveground works on site, the applicant must submit for approval by the Principal Certifier (with an electronic copy forwarded to Council at council@cityofparramatta.nsw.gov.au) a dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

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

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

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

**Reason:** Management of records.

### **Geotechnical Report**

125. Prior to the commencement of any excavation works on site the applicant must submit, for approval by Council's Manager DTSU and an appropriately qualified independent third party engineer, a geotechnical/civil engineering report which addresses (but is not limited to) the following:

(a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs

which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.

- (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
- (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
- (d) The impact on groundwater levels in relation to the basement structure.
- (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

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

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

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

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

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

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

***Erosion and Sediment Control Measures***

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

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

***Site Maintenance***

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

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

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

***Shoring and Adequacy of Adjoining Property***

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

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

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

**Reason:** As prescribed under the Environmental Planning and Assessment Regulation 2021.

***Special Permits***

129. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval pursuant to Section 138 of the Roads Act 1993:

- (a) On-street mobile plant:  
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.
- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.
- (d) Kerbside restrictions - construction zones:  
The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and

the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

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

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

***Driveway Crossing Application***

130. 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 Council's adopted 'Fees and Charges' will need to be paid at the time of lodgement.

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

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

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

***Existing Damage to Public Infrastructure***

131. Prior to commencement of any works, including demolition and excavation, the applicant is to submit to the Council of documentary evidence including photographic evidence of any existing damage to Council's property. Council's property includes footpaths, kerbs, gutters, drainage pits, pipes etc. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the commencement of works. Failure to identify any damage to Council's assets will render the applicant liable for the costs associated with any necessary repairs

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

***Reinforced Concrete Pipe Work***

132. Details of the proposed reinforced concrete pipe-work within the adjacent public road reserves shall be submitted to, and approved by, Council's Group Manager DTSU prior to commencement of any work.

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

***Construction Phase Emergency Response Plan***

133. A site construction phase emergency response plan must be prepared, detailing evacuation procedure, storing of construction equipment and any procedures for the protection of the site on the occasion of fire, flood or other emergency event. Details must be submitted for PCA approval prior to works.

**Reason:** To ensure workers are adequately protected.

**Environmental Health**

***Asbestos Hazard Management Strategy***

134. The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required where existing on the site.. This strategy shall ensure that



any such proposed demolition works involving asbestos are carried out in accordance with the requirements of the 'Code of Practice: How to Safely Remove Asbestos' published by WorkCover NSW. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

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

#### **Waste Management Plan – Demolition**

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

- (a) expected volumes and types of waste to be generated during the 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.

### Trees and Landscaping

#### **Tree Protection Zones**

136. Prior to the commencement of any demolition, excavation or construction works, the required Tree Protection Zones (TPZ) are to be established and in place according to the schedule below.

The trees are to be enclosed with protective fencing consisting of 1.8m high, fully supported chainmesh along the TPZ radius distances within the site. The area enclosed is to be a designated "No-Go Zone" and is to be kept weed and grass free for the entire duration of works. The enclosed area is to be mulched with 100mm of leaf mulch to minimise disturbance to existing ground conditions for the duration of the construction works. "Tree Protection Zone" signage is to be attached to protective fencing; this must include the name and contact details of the Project Arborist.

Tree No.	Species	Common Name	Location	Radius from Trunk for TPZ
25A	<i>Morus nigra</i>	Mulberry	29 Lloyds Ave	2.7m
76	<i>Celtis australis</i>	European nettle tree	283 Pennant Hills Road	5.9m

**Reason:** To protect the trees to be retained on the neighbouring properties during the demolition, and construction phases.

## **PART D – WHILE BUILDING WORK IS BEING CARRIED OUT**

### Planning

#### **Building Work in Compliance with BCA**

137. 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 2021.

**Copy of Development Consent**

138. A copy of this development consent, together with the stamped plans, reference documents and associated specifications, is to be held onsite 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.

**Materials on Footpath**

139. 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.

**Materials on Drainage Line**

140. 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.

**Hours of Work and Noise**

141. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7am to 5pm on Monday to Friday
- 8am to 5pm on Saturday

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

**Note:** Any variation to the hours of work requires Council's approval.

Council may permit an extension to the approved hours of work in extenuating or unforeseen circumstances subject to an application and approval by City of Parramatta Council (CoPC) in accordance with the 'After Hours Works for Approved Development Applications Policy' (Policy).

A copy of this Policy and associated application form is available on the CoPC website. A fee will apply to any application made in accordance with this Policy.

The matters of consideration of any extension sought would include, but not be limited to the following aspects and should be detailed in any application made:

- Nature of work to be conducted;
- Reason for after-hours completion;
- Residual effect of work (noise, traffic, parking);
- Demographic of area (residential, industrial);
- Compliance history of subject premises;
- Current hours of operation;
- Mitigating or extenuating circumstance; and
- Impact of works not being completed.

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

**Construction Noise**

142. While building work is being carried out, and where a noise and vibration management plan is approved under this consent, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.

OR

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

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

***Implementation of BASIX Commitments***

143. While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate No.1733105M\_09 dated 03 May 2024 and the BASIX stamped plan approved by this consent with plot date 01.05.2024 and Certificate No. #HR-TSFNEX-01, for the development to which the consent applies.

**Reason:** To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75 of the EP&A Regulation 2021)

***Uncovering Relics/Aboriginal Objects***

144. While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:-
  - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
  - (b) is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

**Reason:** To ensure the protection of objects of potential significance during works.

***Complaints Register***

145. 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:

- i) The date and time of the complaint;
- ii) The means by which the complaint was made;
- iii) Any personal details of the complainants that were provided, or if no details were provided, a note to that affect;
- iv) Nature of the complaints;
- v) Any action(s) taken by the applicant in relation to the complainant, including any follow up contact with the complainant; and
- vi) 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 to ensure complaints are dealt with appropriately.

***Survey report of building works***

146. 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.

Survey certificates are to be submitted to the Principal Certifying Authority at footing and/or formwork stage. The certificates are to be forwarded to the Principal Certifying Authority prior to pouring of any footings or slabs and/or the construction of any walls/posts, and must confirm that the following aspects are consistent with the approved plans prior to any further work proceeding on the building:

- a) The location of the building in relation to all boundaries
- b) The RL of each floor level of each building

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

## Ausgrid

### ***Electrical Infrastructure Access***

147. Access to the existing electrical infrastructure adjacent and on the site must be maintained at all times. To ensure that supply electricity is available to the community, access to the electrical assets may be required at any time.

**Reason:** To ensure that supply electricity is available to the community in the protection of services.

## Engineering

### ***Stormwater Pipe Upgrade***

148. The following stormwater upgrade shall be carried out:

- a) Disconnection of the existing drainage line through 27-29 Lloyds Avenue Carlingford to be and capped at the inlet within the site and the existing pit outlet on Shirley Road
- b) Provision of a new 450 mm reinforced concrete pipe (RCP) drainage line installed within the drainage easement within 2-6 Shirley Street Carlingford (SP65894) and connect into Council's kerb inlet pit within Shirley Road.

Works as executed plans should be submitted to Council upon completion.

**Reason:** To provide a suitable drainage outlet arrangement and connection to Council's drainage network.

### ***Erosion & Sediment Control Measures***

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

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

### ***Damage to Public Infrastructure***

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

**Reason:** To protect public safety.

### ***Construction of a footpath***

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

**Reason:** To provide pedestrian passage.

### ***Car Parking & Driveways***

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

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

***Vehicle Egress Signs***

153. 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.

***Nomination of Engineering Works Supervisor***

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

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

**Environmental Health**

***Contamination – Additional Information***

155. Any new information which comes to light during remediation, demolition, or construction works, which has the potential to alter previous conclusions about site contamination, shall be notified to the Council and the Principal Certifying Authority immediately.

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

***Remediation Works***

156. All remediation works shall be carried out in accordance with clauses 4.14 and 4.15 of State Environmental Planning Policy (Resilience and Hazards) 2021.

**Reason:** To comply with the statutory requirements of State Environmental Planning Policy (Resilience and Hazards) 2021.

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

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

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

***Handled and Disposed of by Licensed Facility***

158. 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.

***Asbestos – Records Disposal***

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

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

***Waste Data Maintained***

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

**Reason:** To confirm waste minimisation objectives are met.

**Dust Control**

161. 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 the City of Parramatta 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.

**Noise/Vibration**

162. 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.

**Importation of Clean Fill**

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

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

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

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

**Public Domain**

**Public Domain Works**

164. Public domain works along Shirley Street and Pennant Hills Road and shall be completed in accordance with the approved Staging Plan.

All the public domain works along Shirley Street Pennant Hills Road shall be constructed by licensed contractors. All the soft landscape works shall be carried out by licensed landscape contractors.

A range of inspections will be carried out by Council staff during the construction phase. The applicant must contact **Council's Public Domain Team** for each inspection. At least **48 hours** notice must be given for all inspections.

The required inspections may include the following:

- Commencement of public domain works including set out of tree pits;
- Subgrade inspection following excavation for footings, drainage and pavements, tree pits showing root barriers, structural soil cell, sub-surface drainage and irrigation system as required.
- Formwork inspection for all footpaths and footpath crossing call 9806 8250 minimum of 24 hours in advance of the required inspection.
- Commencement of the works including survey marks, sub-grade preparation and set out of kerb alignments.
- Delivery of street trees to site.
- Installation of street trees including required sub-drainage layer installed as specified.

- Trees shall be installed within 24hrs of delivery; the contractor shall provide Council officers, certification that the trees have been grown in accordance with AS2303:2018 to prove the quality of the tree stock.
- Final defects inspection after all work has been completed to view paving sealant, tactile surface indicators, service lids, nature strip/vegetation and location of fixtures and fittings.

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

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 and Council standards. Certification is required to be provided with the Occupation Certificate.

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

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

***Internal Landscape, Publicly accessible areas and Road Works***

165. During construction a qualified civil engineer must supervise the work to all internal landscape, publicly accessible areas and internal road works to ensure it is completed in accordance with the approved plans and relevant conditions contained in this consent.

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

**Reason:** To ensure a quality public domain

**Traffic**

***Occupation of any part of Footpath/Road***

166. 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.

***Oversize Vehicles Using Local Roads***

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

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

**Trees and Landscaping**

***Tree Protection during construction***

168. Tree protection measures are to be installed prior to works commencing on site and are to be maintained throughout the demolition and construction works, under the supervision of an Australian Qualifications Framework (AQF) Level 5 Consulting Arborist in accordance with

AS4970:2009 - “*Protection of Trees on Development Sites*”. Written confirmation by the Project Arborist to be forwarded to the Certifying Authority to state tree protection measures were retained and in place, in accordance with the Conditions of Consent (unless prior approval from the Project Arborist was provided).

**Reason:** To ensure existing trees are adequately protected throughout the construction Phase.

#### **Tree Removal**

169. Trees approved to be removed are numbered 1 (Street tree on Shirley Street), 22, 23, 27, 28, 29, 30, 35, 35, 36, 38, 40, 44, 45, 46, 58, 68, 69, 71, 72, 73, 74. Refer to the Arboricultural Impact Assessment by Jacksons Nature Works dated 15th January 2024.

**Reason:** To facilitate development.

#### **Tree Removal**

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

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

#### **Material Storage and Trees**

171. No materials (including waste and soil), equipment or goods of any type are to be stored, kept or placed within 5 metres of the trunk of the trees to be retained and protected (25A, 76). All activities involving soil level changes, excavation, all types of cleaning, and refuelling are prohibited within the TPZ.

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

#### **Excavation to be supervised by an Arborist**

172. All approved works within the TPZ distances below, is to be supervised by an Australian Qualifications Framework (AQF) Level 5 Consulting Arborist.

Tree No.	Species	Common Name	Location	Distance from trunk
25A	<i>Morus nigra</i>	Mulberry	29 Lloyds Avenue	2.7m
76	<i>Celtis australis</i>	European nettle tree	283 Pennant Hills Road	5.9m

All works within this zone is to be carried out using non-destructive construction method such as hydrovac (on the lowest setting) or careful hand-dig to retain all roots >30mm in diameter. The Project Arborist supervising the works must document the works as part of the Periodic Tree Inspection Report.

Once the work is completed the Project Arborist is to provide a written summary detailing the works undertaken, including the periodic tree photos to show evidence of compliance with these requirements, the Conditions of Consent and AS4970 *Protection of Trees on the Development sites*. This is to be submitted to Council’s DTSU Manager and forwarded to the Certifying Authority.

**Reason:** To ensure all works within the tree protection zones are compliant and evidence provided to show the trees are adequately protected throughout the works.

## **PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

### **Planning**

#### **Occupation Certificate**

173. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979.

**Reason:** To complying with legislative requirements of the Environmental Planning and



Assessment Act 1979.

**Easements**

174. Prior to issue of the relevant Occupation Certificates, the applicant shall provide an Instrument under the relevant sections of the Conveyancing Act 1919, to the satisfaction of Council. The Instrument shall detail all Positive Covenants, Restrictions on the Use of the Land and Easements as necessary, and to address the following matters:
- (a) Show rights of way and use arrangements for the residents in relation to accessible pathways, car parking, loading and servicing in the basement;
  - (b) A public easement across all internal roadways and footpaths;
  - (c) A public easement across the pocket park;
  - (d) A public easements demonstrating access via lobbies and lifts through (part of) Buildings B and C demonstrating a path of travel compliant with AS1428.1-2009.
  - (e) Easements for all services;
  - (f) All other matters as nominated in this consent.

The terms of the 88E Instruments are to be generally in accordance with Council's "standard terms" available on Council's website, under Development Forms. All Covenants / Restrictions created as part of this consent are to contain a provision that they cannot be released, varied or modified except with the written consent of the City of Parramatta Council. The terms are to be submitted to Council for approval prior to lodgement with NSW Land Registry Services.

Registered title documents showing the covenants and restrictions must be submitted to Council's Manager Development and Traffic Services Unit (DTSU) prior to the issue of any Subdivision Certificate.

**Reason:** To ensure maintenance of facilities and access.

**Strata Subdivision Certificate**

175. A separate application must be made to Council or an accredited certifier to obtain approval of the strata plan under Part 4 of the Strata Schemes Development Act 2015 (NSW).
- Reason:** To comply with the Strata Schemes Development Act 2015.

**Lot Consolidation**

176. All individual parcels of land holding a separate title within the development site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the NSW Land Registry Services, prior to the final Occupation Certificate being issued.
- Reason:** To comply with the Conveyancing Act 1919.

**Record of Inspections Carried Out**

177. The Principal Certifying Authority responsible for the critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. The record must include:
- (a) The development application and Construction Certificate number as registered;
  - (b) The address of the property at which the inspection was carried out;
  - (c) The type of inspection;
  - (d) The date on which it was carried out;
  - (e) The name and accreditation number of the Principal Certifying Authority by whom the inspection was carried out; and
  - (f) Whether or not the inspection was satisfactory in the opinion of the Principal Certifying Authority who carried it out.

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

**BASIX Compliance**

178. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate(s) No.. 1733105M\_09 dated 03 May 2024 and BASIX stamped plan set approved by this consent with

plot date 01.05.2024 and Certificate No. #HR-TSFNEX-01, will be complied with prior to occupation.

**Reason:** To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2021.

***Appliance Ratings***

179. Prior to the issue of any Occupation Certificate for self-contained dwellings the Principal Certifying Authority is to ensure that all Fridges, Clothes Washers, Clothes Driers, Dishwashers and Air Conditioners have at least the Energy Star Ratings and WELS water ratings as required by the BASIX certificate No.1733105M\_09 dated 03 May 2024.

**Reason:** To ensure the BASIX Commitments are met.

***Glazing performance***

180. Prior to the issue of any Occupation Certificate for self-contained dwellings the Principal Certifying Authority is to ensure that all glazing assemblies have been installed strictly in accordance with the commitments listed in BASIX certificate No. 1733105M\_09 dated 03 May 2024 and the BASIX stamped plan set approved by this consent with plot date 01.05.2024 and Certificate No. #HR-TSFNEX-01, and the glazing components have an external visible light reflectivity no greater than recommended by the Reflectivity Assessment Revision R02-v4.0 by SLR dated 4 April 2024.

**Reason:** To ensure BASIX commitments and solar reflectivity mitigation requirements are met.

***Natural Ventilation for Noise Affected Apartments***

181. Prior to the issue of the relevant Occupancy Certificate, the following must be demonstrated to the satisfaction of the council:

- a) Certification prepared by a suitably qualified professional must be submitted to the Council and the Principal Certifier that certifies that the natural ventilation vertical plenums installed are consistent with the requirements of the verification report and the performance is not diminished.
- b) A maintenance report prepared by a suitably qualified professional that demonstrates how the plenums will be maintained for the life of the development must be submitted to the Council. It must include the details for the regular cleaning of the plenums and the maintenance of internal components such as fly screens and control dampers.
- c) The plenums must be retained for the life of the development, and the maintenance report referred to in (b) above must be registered as a positive covenant on the title of all residential apartments and common property and be included in the strata management plan.

**Reason:** To confirm the plenum design is adequate for the purposes of providing minimum natural ventilation requirements.

***Fall Prevention***

182. Prior to the issue of any Occupation Certificate for self-contained dwellings the Principal Certifying Authority is to ensure that all windows requiring a fall prevention barrier under part D1P3 of the National Construction Code 2022 Volume One are to be fitted with a complying screen or mesh and provide unrestricted window openings.

**Reason:** To ensure BASIX commitments are fulfilled.

***Release of Securities/Bonds***

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

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

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

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

**Reason:** To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.

***SEPP (Housing) Verification Statement OC Stage***

184. Design Verification issued by a registered architect is to be provided with the application for a relevant 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 Schedule 9 of the State Environmental Planning Policy (Housing) 2021.

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

***Adaptable Dwellings***

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

**Reason:** To ensure that the development provides dwelling options for future occupants.

***Liveable Housing***

186. Confirmation that 68 of the units comply with the Liveable Housing Guidelines Silver Level design feature is to be prepared by a suitably qualified consultant and submitted to Council prior to the issue of the relevant Occupation Certificate.

**Reason:** To ensure that the development provides accessible dwelling options for future occupants.

***Certification – Fire Safety***

187. Prior to the issue of each Occupation Certificate, a final fire safety certificate must be issued as required by Clause 41 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021

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

***Street Numbering***

188. An application for street numbering must be lodged with Council for approval, prior to the issue of the relevant Occupation Certificate or relevant Subdivision Certificate whichever occurs first.

The developer must provide Council with a schedule of individual unit/street numbers as displayed within the development for identification purposes.

The numbering sequence must be in accordance with the street numbering approval letter issued by Council.

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

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

***Street Numbering Display***

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

**Reason:** To assist wayfinding.

***Broadband Access***

190. Prior to the issue of the relevant Occupation Certificate, the developer is to provide evidence that satisfactory arrangements have been made with the National Broadband Network (NBN) Company or similar operator where relevant, and implemented at no cost to Council for the provision of broadband access to the development.

**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.

***Provision of Electricity Services***

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

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

**Sydney Water**

***Section 73 Compliance Certificate***

192. A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extension, adjustment or connection to our mains. Make early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an occupation or subdivision certificate will be issued.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

**Reason:** To ensure compliance with the requirements of Sydney Water

**Engineering**

***Reinstatement of Laybacks***

193. All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Standard Plan No. DS1. The reinstatement must be completed prior to the issue of the relevant Occupation Certificate. All costs must be borne by the applicant.

**Reason:** To provide satisfactory drainage.

***Section 73 Certificate***

194. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water.

It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

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

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

195. Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the relevant Occupation Certificate, certifying that the stormwater drainage system, including the upgraded stormwater pipe in 2-6 Shirley Street and connection, has been constructed and completed in accordance with the approved stormwater plans. The person

issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted

- a. The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- b. The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- c. The "As-built" On-Site Detention (OSD) storage volumes are to be presented in a tabular form using the pyramid volume and prismatic volume calculation method.
- d. OSD WAE Survey certification form and WAE dimensions form (Form B10 and attachment B. Refer to UPRCT Handbook).
- e. Certificate of Hydraulic Compliance (Form B11) from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The person issuing Hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.
- f. Approved verses installed Drainage Design (OSD) Calculation Sheet certified by a qualified practicing Hydraulic Engineer.
- g. Structural Engineer's Certificate for the OSD tank structure, basement pump out tank structure, OSD basin (retaining) wall etc.

The above is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Occupation Certificate and another set of the documents shall be submitted to Council.

**Reason:** To ensure works comply with approved plans and adequate information are available for Council to update the Council's Record.

***Positive Covenant/Restriction – Integrated Water Management Facilities OSD and Rainwater Tank***

196. 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 following water management systems:

- a) On-site stormwater detention facilities on the lot;
- b) Rainwater tank; and
- c) Burdening the owner with the requirement to maintain the stormwater management facilities and water sensitive urban design stormwater facilities installed 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.

Council's standard application form shall be lodged, accompanied by the required documents and plans, only after the completion, final inspection and certification of the on-site detention system.

The Positive Covenant and Restriction on the Use of Land is to be created through an application to NSW Land Registry Services using forms 13PC and 13RPA.

Accompanying this form is the requirement for a plan to scale showing the relative location of the stormwater management facilities, including its relationship to the building footprint.

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

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

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

***Post-Construction Dilapidation Report***

197. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the relevant occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
- (a) compare the post-construction dilapidation report with the pre-construction dilapidation report, and
  - (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - (c) carry out site inspection to verify the report and ensure that any damage to the public infrastructure as a result of the construction work have been rectified immediately by the developer at his/her cost.
  - (d) Forward a copy of the dilapidation report with the PCA's comparison and assessment review report to Council.

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

***All Works/Methods/Procedures/Control Measures***

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

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

**Environmental Health**

***Details of commercial contract for collection***

199. Prior to issue of the relevant 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

***Waste Storage Rooms***

200. Adequate ventilation to the waste storage room shall be provided in accordance with the requirements of the Building Code of Australia. Certification that the system functions in accordance with Australian Standard AS 1668 is to be provided to the Principal Certifying Authority prior to the relevant occupation of the premises.

**Reason:** To ensure appropriate waste storage facilities are provided for future occupants.

***Waste Room Positive Covenant/Restriction***

201. A right of access and easement for Council to facilitate waste and recycling removal, using terms available from Council, must be registered on the land title with NSW Land Registry Services pursuant to Section 88B of the Conveyancing Act 1919.

The easement must entitle Council, its servants and agents and persons authorised by it, to enter upon the subject land and to operate thereon, including vehicles and other equipment, for the purposes of waste and recycling collection.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to issue of the relevant Occupation Certificate.

**Reason:** To ensure appropriate access to waste storage room(s) for removal of waste.

***Final Waste Inspection***

202. Prior to issue of the relevant Occupation Certificate, a final inspection of the waste storage areas and facilities must be undertaken by a member of Council's Waste Team to ensure compliance and to discuss the necessary arrangements for bin supply and commencement of services.  
**Reason:** To ensure appropriate waste services are provided to occupants.

## Public Domain

### **Public Domain –Occupation Certificate Requirements**

203. Prior to any issue of the relevant Occupation Certificate (including a Preliminary OC), the works outlined in the approved Public Domain Construction Drawings must be completed to Council's satisfaction and final defects rectified, with a final approval obtained from Council's Road Asset Planning, Catchment Management & Environment Manager.

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

All defects raised by Council officers during the construction period and at final inspection need to be rectified prior to and signed off at the final defects' inspection by Council officers to achieve Occupation Certification.

A 52 week defects period will commence with issue of the relevant Occupation Certificate. Further signoff of defects will again be needed prior to final handover.

The Certificate of Completion shall not be issued until Council's final approval is obtained.

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

A **landscape maintenance schedule** prepared by a qualified Landscape Architect shall be submitted to Council specifying the required plant establishment to be provided by the applicant following OC.

Maintenance of plant material to commence following OC for plant establishment period of –

- 52 weeks plant establishment & maintenance period for street trees
- A two year (104 weeks) plant establishment and maintenance period for any public domain works that include WSUD devices, including bio-retention tree pit, rain garden, swale etc; and
- A 5 year plant establishment and maintenance period for all soft works for any park area

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

## Trees and Landscaping

### **Tree Planting Container Size**

204. All trees supplied above a 25L container size must be grown in accordance with AS2303:2015 (Tree stock for landscape use). Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown in accordance with AS2303:2015. A copy of this certificate is to be forwarded to Council with the final Occupation Certificate.

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

### **Landscape Certification**

205. 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 the final Occupation Certificate.

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

### Crime Prevention

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

- a) Security and access control systems to be provided to private residential areas or communal facilities not open to the public. This includes in the basement to distinguish between the public and private parking areas to prevent unauthorised access to private basement parking and basement storage areas;
- b) If any basement storage compartments are provided for residents of the development, they must be secure, with solid, opaque walls and door and have the ability to be locked
- c) Implement a CCTV system to provide 24/7 surveillance of all building entry and exit points (including car park entry and exit) and mail box area, as well as roads, footpaths and publicly accessible areas. The CCTV system operated by the complex should comply with Australian Standard AS/NZS 62676-20206. Images should be retained for a minimum of 30 days before deletion. This is an expansion of the recommendation in the CPTED report, which only calls for an effective CCTV strategy to be developed in collaboration with a suitably qualified security consultant, and for coverage of blind spots. While a consultant may recommend;
- d) Wayfinding measures within parking levels.
- e) Internal and external lighting to Australian Standards.
- f) All mailboxes must be located inside each building and positioned so that mail can only be removed from inside a private space that is fitted with access control to prevent non-residents from accessing the area;
- g) Each mailbox must be fitted with an individualised key lock or, alternatively, individual electronic access;

**Reason:** to ensure safety and amenity for future occupants and visitors to the site.

## **PART F – OCCUPATION AND ONGOING USE**

### Planning

#### ***Signage Consent***

207. No advertisement or signage shall be erected on, or in conjunction with the development without prior consent. No digital displays are to be installed behind the shop display or otherwise.

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

#### ***Ground Level Appearance***

208. Roller shutters are not to be placed over any external door or window of the premises.

**Reason:** To provide an appropriate streetscape appearance.

#### ***Servicing Hours – Retail and Shops***

209. Commercial deliveries shall not occur between the hours of 10pm and 7am daily unless otherwise approved by Council.

**Reason:** to provide a reasonable acoustic amenity to surrounding residents.

### Environmental Health

#### ***Offensive Noise/Vibration Restriction***

210. All plant, operations and use of the building hereby approved shall comply with the following standards:

- (a) Not result in transmission of unacceptable vibration to any place of different occupancy,
- (b) The L10 noise level emitted from the premises shall not exceed 5dB above the background



L90 sound level in any Octave Band Centre Frequency (31.5kHz to 8kHz inclusive) between the hours of 8.00am to 11.00pm when assessed at the boundary of the nearest affected residential premises.

- (c) The L10 noise level emitted from the premises shall not exceed the background L90 sound level in any Octave Band Centre Frequency (31.5kHz to 8kHz inclusive) between 11:00pm and 08:00 am at the boundary of the nearest affected residential premises.

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

**Noise from Mechanical Equipment**

211. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.

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

**Separate Waste Bins**

212. Separate waste bins are to be provided on site for landfill and recyclable waste.

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

**Putrescible Waste**

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

**Reason:** To ensure provision of adequate waste disposal arrangements.

**Waste Collection**

214. All waste collection must occur on site (i.e. off-street).

**Reason:** To minimise impact on the road network.

**Maintenance of Waste Storage Areas**

215. 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.

**Waste Storage**

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

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

**Hazardous/intractable waste disposed legislation**

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

- (a) Work Health and Safety Act 2011;
- (b) NSW Protection Of the Environment Operations Act 1997 (NSW); and
- (c) NSW Environment Protection Authority (EPA) Waste Classification Guidelines.

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

**Liquid and Solid Wastes**

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

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

**Waste Storage Area and Waste Management**

219. The waste management on site must be in accordance with the following requirements:
- a) Site security measures implemented on the property, including electronic gates, must not prevent access to the bin room/collection point by waste removal services.
  - b) Site security measures be implemented to prevent access to the waste volume handling equipment by unauthorised persons including residents.
  - c) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas, ensuring the chute system and related devices are maintained in effective and efficient working order, arranging the prompt removal of dumped rubbish, and ensuring all residents are informed of the use of the waste management system (including clear labelling on each floor).
  - d) Council and/or its contractors must be issued with security access swipe cards/keys to access the nominated loading dock prior to the commencement of service.
- Reason:** To ensure provision of adequate waste disposal arrangements.

## Public Domain

### ***Maintenance of Street Tree – Shirley Street***

220. A two-year (104 weeks) maintenance period, from the date of issue of the final Occupation Certificate, is required to be carried out by the applicant the street tree along Shirley Street.

A Landscape maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council, prior to the issue of the final 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.

## Traffic

### ***On Street Parking Restrictions***

221. The Body Corporate is to enter into an agreement with Council's Regulatory Services for on street parking enforcement. The agreement is to be reviewed every 3 years and is to allow Council to expand parking restriction in consultation with residents.

**Reason:** To ensure adequate on-street parking is available for public.

### ***Loading Dock Management***

222. The loading dock shall be managed at all times in keeping with the requirements of the Loading Dock Management Plan required by this consent.

**Reason:** To ensure the efficient servicing of the site.

### ***Exit in a forward direction***

223. All vehicles are to enter and exit the site in a forward direction onto the internal road and Shirley Street and are to be wholly contained on site before being required to stop. Reversing from the access driveway is to be prohibited for safety reasons.

**Reason:** To ensure all road users safety.

## Trees and Landscaping

### ***Tree Stock***

224. All trees supplied must be grown in accordance with AS2303:2015 (Tree stock for landscape use). Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown in accordance with AS2303:2015. A copy of this certificate is to be forwarded to Council with the final Occupation Certificate.

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

### ***Landscape Plan***

225. A qualified Landscape Architect 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 the final Occupation Certificate.

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

***Maintenance of Landscape Works***

226. All private landscape works shall be maintained by the body corporate for a minimum period of one (1) year following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions.

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

## **ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with the *Environmental Planning and Assessment Act 1979* Environmental Planning and Assessment Regulation 2021, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act.

### **Early Works Approval**

- Development application (DA/57/2024) was approved on 9 May 2024 for the undertaking of excavation and shoring associated with the building of a future basement and mixed use development on the subject site. The application is integrated as it impacts on groundwater and required approval under the Water Management Act 2000.
- Separate approvals maybe necessary from Water NSW for additional time for water extraction during construction; or other activities that interfere with the water aquifer.