

MODIFICATION APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	MOD2022/0211
Applicant:	Merrylands 88 Pty Ltd PO Box 4801 STRATHFIELD SOUTH NSW 2136
Property Description:	224-240 Pitt Street Merrylands. Lot 1 DP 1217412
Development:	Section 4.55(2) modification to an approved mixed use development, including altering the floor levels and overall height of the development, revised unit layout, reduction in unit numbers from 365 to 363, provision of additional commercial space, revised plant and service areas, revised basement level layout and alterations to facade treatment and communal open space areas
Determined by:	Sydney Central City Planning Panel.

CONDITIONS OF CONSENT

A) Modify the following conditions numbered 2, 13, 15a, 38 and 203 to read as follows.

2. **DAGCA02 - Approved Plans and Supporting Documents**

The development must be carried out in accordance with the following endorsed plans and documents, except as otherwise provided by the conditions of this consent.

Reference/Dwg No	Title/Description	Prepared By	Date/s
D00.01 Revision C	Cover Sheet	Sketch Design Group	27/9/2022
D04.03 Revision A	Site Area Calculation	Sketch Design Group	24/2/2022
D00.20 Revision B	Site Analysis Plan	Sketch Design Group	27/9/2022
D01.01 Revision C	Basement 04	Sketch Design Group	27/9/2022
D01.02 Revision C	Basement 03	Sketch Design Group	27/9/2022
D01.03 Revision C	Basement 02	Sketch Design Group	23/9/2022
D01.04 Revision C	Basement 01	Sketch Design Group	23/9/2022
D01.05 Revision B	Ground Floor Plan	Sketch Design Group	21/9/2022
D01.06 Revision C	Level 01	Sketch Design Group	27/9/2022
D01.07 Revision C	Level 02	Sketch Design Group	27/9/2022
D01.08 Revision B	Level 03	Sketch Design Group	27/9/2022
D01.09 Revision B	Level 04-09	Sketch Design Group	27/9/2022
D01.10 Revision C	Level 10	Sketch Design Group	27/9/2022
D01.11 Revision B	Level 11-13	Sketch Design Group	27/9/2022
D01.12 Revision C	Level 14 to 18	Sketch Design Group	27/9/2022
D01.13 Revision C	Level 19	Sketch Design Group	27/9/2022
D01.14 Revision C	Roof Terrace Plan	Sketch Design Group	27/9/2022
D01.15 Revision B	Roof Plan	Sketch Design Group	27/9/2022
D02.01 Revision B	Elevation North	Sketch Design Group	27/9/2022
D02.02 Revision B	Elevation East	Sketch Design Group	27/9/2022
D02.03 Revision B	Elevation South East	Sketch Design Group	27/9/2022
D02.04 Revision C	Elevation South	Sketch Design Group	27/9/2022
D02.05 Revision C	Elevation West	Sketch Design Group	27/9/2022
D02.06 Revision B	Elevation Internal	Sketch Design Group	27/9/2022

D02.51 Revision B	Section A	Sketch Design Group	27/9/2022
D02.52 Revision B	Section B	Sketch Design Group	27/9/2022
D02.53 Revision B	Section C	Sketch Design Group	27/9/2022
D03.01 Revision B	Details Sections	Sketch Design Group	27/9/2022
D03.21 Revision B	Building A Typical Unit Plan - Sheet 01	Sketch Design Group	27/9/2022
D03.22 Revision B	Building A Typical Unit Plan - Sheet 02	Sketch Design Group	27/9/2022
D03.23 Revision B	Building B Typical Unit Plan - Sheet 01	Sketch Design Group	27/9/2022
D03.24 Revision B	Building B Typical Unit Plan - Sheet 02	Sketch Design Group	27/9/2022
D03.25 Revision B	Building B Typical Unit Plan - Sheet 03	Sketch Design Group	27/9/2022
D03.26 Revision B	Building C/D Typical Unit Plan Sheet 01	Sketch Design Group	27/9/2022
D07.01 Revision B	Building B Level 01-13 Lobby Area Part Plans	Sketch Design Group	27/9/2022
D07.02 Revision B	Unit B213 Typical Retail Plan Building B Level 02	Sketch Design Group	27/9/2022
D07.04 Revision B	Driveway Section	Sketch Design Group	27/9/2022
D08.01 Revision B	Finishes and Schedule	Finishes Schedule	27/9/2022
Drawing Number 000 Issue E	Landscape Cover Sheet	Site Image Landscape Architects	13/9/2022
Drawing Number 100 Issue E	Landscape Colour Plan	Site Image Landscape Architects	13/9/2022
Drawing Number 100 Issue E	Landscape Plan Composite	Site Image Landscape Architects	13/9/2022
Drawing Number 101 Issue E	Ground Floor Central Courtyard	Site Image Landscape Architects	13/9/2022
Drawing Number 102 Issue E	Building C Level 4 Roof Terrace Building B Level 10 Roof Terrace	Site Image Landscape Architects	13/9/2022
Drawing Number 103 Issue E	Building A Level 20 Roof Terrace	Site Image Landscape Architects	13/9/2022
Drawing Number 401.1 Issue E	Landscape Planting Plan - Streetscape	Site Image Landscape Architects	13/9/2022
Drawing Number 401 Issue E	Landscape Planting Plan - Ground Floor Central Courtyard	Site Image Landscape Architects	13/9/2022
Drawing Number 402 Issue E	Landscape Planning Plan'	Site Image Landscape Architects	13/9/2022
Drawing Number 403 Issue E	Landscape Planting Plan	Site Image Landscape Architects	13/9/2022
Drawing Number 501 Issue E	Landscape Details and Landscape Specification	Site Image Landscape Architects	13/9/2022
Drawing Number SW0001 Issue A	Title Page, Notes and Details Drawing	Mance Arraj	1/6/2022
Drawing Number SW010 Issue A	Concept Stormwater Layout Drawing Basement Level 4	Mance Arraj	1/6/2022
Drawing Number SW011 Issue A	Basement Pump Out, Stormfilter	Mance Arraj	1/6/2022

	Tank 2 and Env Pit 1 Sections and Details and Floor Grate Details		
Drawing Number SW020 Issue A	Concept Stormwater Layout Drawing Ground Level	Mance Arraj	1/6/2022
Drawing Number SW021 Issue A (Including the changes marked in red)	OSD Tank, Stormfilter Tank 1 and Stormwater Tank Plan and Section Details	Mance Arraj	1/6/2022
Drawing Number SW030 Issue A	Music Model Catchment Plan, Results and Calcs	Mance Arraj	1/6/2022
Revision A	Stormwater Management Plan	Mance Arraj	June 2022
Ref 610.30747-R01	Section J Assessment Deemed to Satisfy	SLR	June 2022
Ref 610.30747-R01 Version V2.0	Desktop Environmental Wind Study	SLR	June 2022
Certificate 1300358M	BASIX Certificate	SLR Consulting	3 June 2022
No 0007775810	NatHERS Certificate	SLR Consulting	3 June 2022
Report Number E22397 AA Revision 0	Preliminary Site Investigation with Limited Sampling	Environmental Investigations Australia	20 March 2015
Report Number E22397 AB Revision 1	Remediation Action	Environmental Investigations Australia	25 February 2016
Reference No R150061R3 Revision 2	Acoustic Report	Acoustic Stevens Acoustics	23 December 2015
Reference No 1210	Arboricultural Impact Assessment	Redgum Horticultural	13 May 2015
Reference No 14285	Traffic Report	Transport and Traffic Associates	October 2016
Reference No 59916007	Flood Impact Assessment (Site C)	Cardno	5 November 2015
Reference No 59916007	Flood Impact Assessment (Precinct)	Cardno	2 October 2015
Reference No 15-283-01 Revision 2	Civil Report	AT and L	17 March 2016
Reference No D2015-024	BCA Capability Statement	Technical Inner Sight	9 November 2015
Reference No A2174 Revision 1.0	Adaptable Housing Design Review	AED Group	25 May 2015
Project No A2174	Access Capability Statement	AED Group	25 November 2015
Revision D	Waste Management Plan	Elephants Foot	25 February 2016
Reference No SYD15/00706(A95396 50)	Correspondence and all conditions contained within.	Roads and Maritime Services	30 June 2015
	Correspondence	Sydney Water	18 April 2016
Ref201065, 199662	Correspondence	Sydney Water	26 August 2022
	Correspondence	Sydney Trains	29 June 2015

	Correspondence and all conditions contained within.	Endeavour Energy	10/7/2022
Reference No D/2015/276015	Correspondence	NSW Police Holroyd Local Area Command	22 June 2015
	Residential Waste Management Plan	Work Tech Services Pty Ltd	23 September 2016
	Commercial Waste Management Plan	Work Tech Services Pty Ltd	26 September 2016

(Reason: To confirm and clarify the details of the approval.)

[Condition 2 is modified by the Section 4.55(2) Modification Application 2022/0211]

15a DACCZ01 - Maximum height of Building A

The maximum building height of Building A shall not exceed RL 83.25. The construction certificate plans must clearly demonstrate that no structure / lift shaft / parapet or part of the building exceeds RL 83.25 at any point.

(Reason: To ensure the height of Tower A is compliant with the approved plans.)

[Condition 15a is modified by the Section 4.55(2) Modification Application 2022/0211]

38. DACCZ02 - Landscape Plans

Fully documented landscape plans are to be prepared for the site by a qualified landscape architect. The plans shall correspond with the landscape plans prepared by Site Image Landscape Architects as follows:

Drawing Number	Title	Prepared by	Date
Drawing Number 000 Issue E	Landscape Cover Sheet	Site Image Landscape Architects	13/9/2022
Drawing Number C100 Issue E	Landscape Colour Plan	Site Image Landscape Architects	13/9/2022
Drawing Number 100 Issue E	Landscape Plan Composite	Site Image Landscape Architects	13/9/2022
Drawing Number 101 Issue E	Ground Floor Central Courtyard	Site Image Landscape Architects	13/9/2022
Drawing Number 102 Issue E	Building C Level 4 Roof Terrace Building B Level 10 Roof Terrace	Site Image Landscape Architects	13/9/2022
Drawing Number 103 Issue E	Building A Level 20 Roof Terrace	Site Image Landscape Architects	13/9/2022
Drawing Number 401.1 Issue E	Landscape Planting Plan - Streetscape	Site Image Landscape Architects	13/9/2022
Drawing Number 401 Issue E	Landscape Planting Plan - Ground floor central courtyard	Site Image Landscape Architects	13/9/2022
Drawing Number 402 Issue E	Landscape Planning Plan	Site Image Landscape Architects	13/9/2022
Drawing Number 403 Issue E	Landscape Planning Plan	Site Image Landscape Architects	13/9/2022
Drawing Number 501 Issue E	Landscape Details and Landscape Specification	Site Image Landscape Architects	13/9/2022

Certification from the landscape architect that the plans comply with the modification application 2022/0211 shall be submitted to the Principal Certifying Authority prior to the issue of the modified construction certificate.

(Reason: To ensure the landscape plans comply with the consents issued.)

[Condition 38 is modified by the Section 4.55(2) Modification Application 2022/0211]

203 DACCG04 - Off Street Car Parking - Residential Buildings

No less than 534 car parking spaces are required to be provided on site as follows:

- a) Minimum 376 car spaces to support the residential apartments.
- b) Minimum of 73 car parking spaces for visitor use.
- c) Minimum 62 spaces shall be allocated for commercial and retail use.

This will leave 24 car spaces remaining that may be reallocated for either residential or commercial uses across the development.

- a) All car spaces shall be allocated and marked according to this requirement.
- b) If the development is to be strata subdivided, the car park layout must reflect the above allocation and shall be part of the entitlement of that strata lot.
- c) Each space shall have minimum dimensions in accordance with the relevant Australian Standard.
- d) Visitor spaces shall only be used by persons visiting residents of the property or persons with a legitimate legal reason to be upon the land.
- e) A sign shall be erected at the vehicular entrance indicating the availability of visitor parking. Such spaces shall be clearly marked.

The following traffic control measures shall be implemented on site: -

- a) Signage indicating "Entry Only" shall be prominently displayed at the entrance to the development.
- b) Signage indicating "Exit Only" shall be prominently displayed at the exit to the development.
- c) One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

Details are to be submitted to Council or Registered Certifier prior to the issue of a Construction Certificate showing compliance with this condition.

(Reason: Parking and access.)

[Condition 203 is modified by the Section 4.55(2) Modification Application 2022/0211]

B) Delete the following conditions that reads as 40A

40A DAPCZ01 - Car parking allocation

~~Prior to the issue of a Construction Certificate, the car parking layout shall be amended to reallocate 10 car parking spaces from commercial to residential so that no more than 44 commercial car spaces are contained on site. Details are to be included with any construction certificate application~~

[Condition 40A is deleted by the Section 4.55(2) Modification Application 2022/0211]

C) Add the following conditions 226 to 245 to read as follows

226. DAGCZ01 - Amended Fire Safety Report

An amended fire safety report from a suitably qualified Fire Safety Engineer for the subject premises which has been prepared by an accredited C10 - Fire Safety Engineer detailing all non-compliances with the current requirements of Sections C, D, E, G and H of the Building Code of Australia (National Construction Code Series) shall be prepared and submitted to the Private Certifier for inclusion into the amended Construction Certificate.

The report will need to rationalise the non-compliances and clearly recommend in the conclusion, all works required to be completed at the premises. The report will also need to provide a schedule of existing and proposed essential fire safety measures and address the need to carry out in accordance to the Report's recommendations.

(Reason: To ensure the development is compliant with the Building Code of Australia.)

[Condition 226 is added by the Section 4.55(2) Modification Application 2022/0211]

227. DAGCZ02 - Amended Access report

An amended statement addressing disability access prepared by a disability access consultant in accordance with the requirements of Part D3 of the Building Code of Australia (The National Construction Code Series) and the Disability (Access to Premises-Buildings), Standards 2010 AS 1428.1- 2009, AS 1428.2, AS 1428.3, AS 1735.12, AS 2890.1, AS 1680.0, AS 3661.1, AS 4299, AS 4586 & 1228.2 shall be submitted to the Private Certifier for inclusion into any amended Construction Certificate.

(Reason: To ensure the modified development is compliant with the Building Code of Australia.)

[Condition 227 is added by the Section 4.55(2) Modification Application 2022/0211]

228. DACCA02 - Application for an amended Construction Certificate

Construction work must not commence until a modified Construction Certificate has been obtained from Council or a Registered Certifier.

(Reason: Statutory requirement.)

[Condition 228 is added by the Section 4.55(2) Modification Application 2022/0211]

229. DAOUB01 - Annual Fire Safety Statement

An Annual Fire Safety Statement Pursuant to Part 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 shall be issued by or on behalf of the owner of a building to the effect that-

- a) each essential fire safety measure specified in the statement has been assessed by an accredited practitioner (fire safety) as capable of performing for an essential fire safety measure specified in the fire safety schedule-to a standard no less than that specified in the schedule, and
- b) the building has been inspected by an accredited practitioner (fire safety) and was found, when it was inspected, to be in a condition that did not disclose grounds for a prosecution under Part 15 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

The Annual Fire Safety Statement shall be issued within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Annual Fire Safety Statement shall also be:

- (a) Forwarded to the Commissioner - Fire and Rescue New South Wales; and
- (b) Prominently displayed in the building.

(Reason: Fire safety)

[Condition 229 is added by the Section 4.55(2) Modification Application 2022/0211]

230. DAGCZ03 - Acoustic Verification Report

A suitably qualified acoustic consultant* must prepare an acoustic verification report to the satisfaction of the Principal Certifier that confirms the following:

- a) That the recommendations and conclusions contained in the DA acoustic report prepared by Rodney Stevens Acoustics (Report R150061R3) dated 23 December 2015 will not be impacted by the modification within this application.
- b) If the modifications cannot be verified and the project specific criteria and/or the recommendations and conclusion are not the same, then a new or revised acoustic report must be prepared and submitted to council for review.

*Note: Suitably qualified Acoustic Consultant being a consultant who holds a current member grade

of the Australian Acoustical Society.

(Reason: To ensure the recommendations of the acoustic report are still complied with.)

[Condition 230 is added by the Section 4.55(2) Modification Application 2022/0211]

231. DAGCZ04 - Sydney Trains condition Reflective building materials

The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Principal Certifying Authority is not to issue the construction certificate until written confirmation has been received from Sydney Trains confirming that the condition has been satisfied.

(Reason: To protect Sydney Trains assets.)

[Condition 231 is added by the Section 4.55(2) Modification Application 2022/0211]

232. DAGCZ05 - Landscape maintenance strategy

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of Council or Registered Certifier. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival.)

[Condition 232 is added by the Section 4.55(2) Modification Application 2022/0211]

233. DAGCZ06 - On slab landscaping

The on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees and 300mm for grass and ground covers. Adequate drainage and a permanent, automatic irrigation system shall be provided conforming to Sydney Water's requirements. Details shall be submitted with the Construction Certificate application to demonstrate compliance with this condition.

(Reason: To ensure the site landscaping thrives.)

[Condition 233 is added by the Section 4.55(2) Modification Application 2022/0211]

234. DAGCZ07 - Tree replacement

The landscape plan submitted with the Construction Certificate application shall incorporate the following replacement tree/s to ensure the preservation of the landscape character of the area.

Species	Location	Pot size
Pyrus calleryana 'chandaleer'	Along Pitt street & 'new road frontage.	75 litres

(Reason: Preservation of the landscape character of the area.)

[Condition 234 is added by the Section 4.55(2) Modification Application 2022/0211]

235. DAOCF01 - Landscape

Prior to the issue of an Occupation Certificate all approved landscaping/tree planting works required on the subject site are to be completed to a professional standard in accordance with the endorsed landscape plan/s. At the completion of the landscape works, a final on-site inspection of the works and comparison with the relevant endorsed documents is required by the designer of the approved Landscape Plan or another suitably qualified person (not the person who carried out the landscape works).

Following the inspection and prior to the issue of an Occupation Certificate, certification of completion of all landscape/tree planting works in accordance with the relevant conditions of this Consent and the approved Landscape Plan/s must be provided to the Principal Certifier.

(Reason: Landscape certification)

[Condition 235 is added by the Section 4.55(2) Modification Application 2022/0211]

236. DAOUD02- Landscape Maintenance - General

All open space areas are to be regularly maintained in a neat and tidy state. In this regard, lawn areas are to be kept mown and gardens weeded and mulched with any dead plants replaced. Property owners must maintain their trees in a safe growing condition.

(Reason: Safety and landscape amenity)

[Condition 236 is added by the Section 4.55(2) Modification Application 2022/0211]

237. DACCF08 - Tree Planting

Minimum soil standards for plant size are provided in accordance with the Table below:

Tree Size	Height	Spread	Min Soil Area	Min Soil depth
Large trees	>12m	>8m	10 x 10	1.2m
Medium trees	8-12m	4-8m	6 x 6m	1.0m
Small trees	5-8m	<4m	3.5 x 3.5m	0.8m
Shrubs				0.5-0.6m
Turf				0.2m

(Reason: Preservation of the landscape character of the area)

[Condition 237 is added by the Section 4.55(2) Modification Application 2022/0211]

238. DACCZ03 - Amended stormwater plan

Prior to the issue of construction certificate, the stormwater plan shall be amended to address the following issues and submitted to the satisfaction of council

- a. The proposed arrangement results in the initial runoff high in pollutant concentration (also called first flush) being mixed with subsequent flow resulting dilution of pollutants concentration but with large volume, all of which will be required to be without being escaped / overflow. The overflow from the rainwater tank into the OSD system results in the pollutants being escaped without being treated/captured.

It is recommended that the initial flow (first flush) with the equivalent to 1 in 3 month's flow which largely contains high concentration of pollutants, be separated from the subsequent flow and directed into the filtration chamber directly. The subsequent flows generally fairly clear with very lower pollutants concentration be directed into rainwater tank thus minimising the requirement to treat full amount of runoff for whole duration.

- b. The overflow from filtration chamber into overflow pit results in the pollutants from the filtration chamber being escaped without being treated/captured and not consistent with the MUSIC model. The filtration chamber must not have any overflow and all walls around the filtration chamber must extend up to the ceiling.

(Reason: to maintain consistency and provision of appropriate stormwater management system.)

[Condition 238 is added by the Section 4.55(2) Modification Application 2022/0211]

239. DACCZ04 - Amended architectural plan

The architectural plan shall be amended addressing the following issue of basement. The amended plan shall be submitted to the satisfaction of council.

Access driveway and associated ramp on the south-eastern corner of the site for access in the car parking area

- a. The proposed gradient and transition do not comply with AS2890.1-2004. Appropriate remedial amendments shall be made such the change in gradient at the crest does not exceed 15%. In this regard, the proposed transition length of 1.2m flat top crest shall be increased from 1.2m to 2m and the respective gradients readjusted accordingly to comply with the gradient requirements of AS2890.1-2004.

Access driveway and associated ramp proposed on North-Eastern corner of the site for the loading bay and garbage collection truck

- b. The proposed gradient and transition do not comply with AS2890.2-2002. Appropriate remedial amendments shall be made to render the access driveway and associated ramp to access the loading bay and garbage collection area to comply with the following.
 - i. The maximum gradient shall not exceed 15.4%.
 - ii. The Rate of change in gradient shall not exceed 6.25% in 7m of travel.
- c. The fire door FSB2, next to commercial garbage collection room, and the first stair FS3 on ground level as indicated on the Architectural floor plan must be relocated further inside such that when open it does not protrude out into the aisle and disrupt vehicle movements.
- d. The door of the commercial garbage collection room, bin holding area, and another room on either side of the fire exit on the ground level must not open outward to cause obstruction to manoeuvring vehicles.

Headroom clearance

- e. The access driveway and ramp from the ground level to basement level 1 shall comply with minimum headroom clearance required for the largest vehicle including the largest garbage collection truck for collection of residential garbage at basement level 1 in accordance with AS2890.2-2002.

The long -section profile indicates the provision of 2.66m headroom clearance at the ramp does not appear to be sufficient for the garbage collection truck to manoeuvre to the residential garbage collection points. Appropriate remedial measures shall be incorporated to resolve this.

Swept Path clearance diagram

- f. The swept path diagram of the appropriate garbage truck shall be provided from the street up to the loading bay at the point of collection at basement level 1 demonstrating that the truck is able to collect the residential garbage on the basement level 1.
- g. Appropriate measure shall be made to ensure that the line of sight of the manoeuvring vehicles are not obstructed through the bends/ turns along the circulation aisle and ramps.

(Reason: To ensure parking provision comply with the requirements as outlined in AS2890.1-2004 and Cumberland DCP 2021.)

[Condition 239 is added by the Section 4.55(2) Modification Application 2022/0211]

240. DACCZ05 - Storage cages within the car parking spaces

Prior to issue of construction certificate, the architectural plan shall be amended addressing the following issue. The amended plan shall be submitted to the satisfaction of the Registered Certifier.

- a. The provision of storage within the outer peripheral parking spaces on Basement Levels 2, 3 and 4 are not allowed unless demonstrated that the manoeuvring and parking into the spaces in forward entry direction are not obstructed. Appropriate remedial measures shall be incorporated into the plans to address the issue.

(Reason: To ensure parking provision comply with the requirements as outlined in AS2890.1-2004

and Cumberland DCP 2021.)

[Condition 240 is added by the Section 4.55(2) Modification Application 2022/0211]

241. DACCZ06 - Water sensitive urban design - Water quality measures

In accordance with the water quality objective and control under section 2.5 (Table 5) of the Cumberland DCP 2021 Part G4, appropriate Water quality measures / Water Sensitive Urban Design Measures (Water Quality measures) shall be employed as a part of Site Stormwater Management) to achieve the water quality target set out. A WSUD strategy / measure shall be incorporated into the stormwater management plan. Details shall be submitted to the certifying authority prior to the issue of a Construction Certificate. In addition, the following shall be addressed.

- a. Demonstrate compliance with Council's approved OSD stormwater plans.
- b. The Water quality target as set out in the Table 5 shall be achieved.
- c. The Stormwater quality treatment device (storm 360 filtration system) shall be offline with the high-flow bypass chamber (diversion box) so as to collect 1 in 3 month's equivalent flow to be directed into the treatment device and excess overflow to be directed to OSD system directly.
- d. The water quality treatment system (filtration system) shall be offline capable of treatment of a flow equivalent to 1 in 3 month's site flow.
- e. If the treatment device is online, then the filtration system treatment capacity shall be at least match or higher than the inflow rate into the filtration system such that no overflow that carries pollutants and escapes treatment system, occurs from the filtration system.
- f. A regular minor and major maintenance schedule shall be implemented.

(Reason: To ensure appropriate WSUD stormwater management.)

[Condition 241 is added by the Section 4.55(2) Modification Application 2022/0211]

242. DAOCZ01 - Gradients and transitional length

Prior to issue of the occupation certificate the following shall be complied with to the satisfaction of the Registered Certifier.

- a. The vehicle access driveway and associated ramp proposed on the south-eastern corner of the site for access in the car parking area from ground level to at the basement level 1 shall comply with AS2890.1-2004 in regard to the gradient and transition length requirement,
- b. The vehicle access driveway and associated ramp proposed on the north-Eastern corner of the site for the loading bay and garbage collection truck, shall comply with the following requirement as per AS2890.2-2002 as following.
 - i. The maximum gradient shall not exceed 15.4%.
 - ii. The Rate of change in gradient shall not exceed 6.25% in 7m of travel.
- c. The manoeuvring and circulation area shall not be obstructed or conflict with any doors opening outwards and causing obstruction to the manoeuvring of vehicles.
 - i. fire door FSB2, next to commercial garbage collection room, and the first stair FS3 on ground level, must be relocated further inside such that when open it does not protrude out into the aisle, so that it does not cause obstruction to the manoeuvring vehicles.
 - ii. The door of the commercial garbage collection room, bin holding area and another room on either side of the fire exit on the ground level must not open outward.

Headroom clearance

- d. The access driveway and ramp from the ground level to basement level 1 shall comply with minimum headroom clearance required for the largest vehicle including the largest garbage collection truck for collection of residential garbage at basement level 1 in accordance with AS2890.2-2002.

(Reason: To ensure parking provision comply with the requirements as outlined in AS2890.1-2004 and Cumberland DCP 2021.)

[Condition 242 is added by the Section 4.55(2) Modification Application 2022/0211]

243. DAOCZ02 - Internal vehicle circulation and management system

Appropriate internal traffic circulation and management system comprising of traffic sign, traffic convex mirrors etc. shall be designed and installed at each critical location such as the corner/bend along the circulation aisle where the turning is required and where line of sight is critical. (i.e., on either end of the driveway ramp, and at each corner turning of both basement levels as shown on the approved plan).

(Reason: To improve traffic circulation and safety.)

[Condition 243 is added by the Section 4.55(2) Modification Application 2022/0211]

244. DAOUZ01 - Annual maintenance inspection of OSD and WSUD

An annual maintenance inspection summary of the onsite detention (OSD) and water quality treatment devices (WSUD measures) with associated certificates shall be sent to Council within the first month of every calendar year. In this regard:

- All critical inspections shall be carried out by a qualified person.
- A maintenance logbook shall be maintained as per the approved maintenance schedule on site and readily available for inspection by a Council officer.
- All associated cost shall be borne by the owner(s).

Reason: to ensure the onsite detention facility is in good working order.

[Condition 244 is added by the Section 4.55(2) Modification Application 2022/0211]

245. DACCZ07 - Floor to floor heights of Tower Buildings A and B

The floor to floor heights of each and every floor of Tower Building A and Tower building B being the commercial floors and the apartment floors above shall be retained in accordance with the most recent approval being Modification Application 2015/220/5 and dated 17 April 2019.

In this regard:

- The floor to floor heights of each commercial floor shall follow those approved within Modification Application 2015/220/5.
- The floor to floor heights of each apartment within Buildings A and B shall be 3 metres and not 3.1 metres.

Modified plans complying with the requirements shall be submitted with the construction certificate for approval by Council or the Registered Certifier.

(Reason: To reduce the height variation of both Buildings A and B to acceptable levels.)

[Condition 245 is added by the Section 4.55(2) Modification Application MOD 2022/0211]