



## Land and Environment Court New South Wales

**Case Name:** Shirley Street Project Pty Ltd v City of Parramatta Council

**Medium Neutral Citation:** [2024] NSWLEC 1382

**Hearing Date(s):** Conciliation conference 21 May 2024

**Date of Orders:** 5 July 2024

**Date of Decision:** 5 July 2024

**Jurisdiction:** Class 1

**Before:** Porter C

**Decision:** The Court orders:

- (1) The Applicant to pay the Respondent's costs thrown away as a result of the amendments made in the sum of \$21,500, in accordance with s 8.15(3) of the *Environmental Planning and Assessment Act 1979*, within 28 days of these orders.
- (2) The appeal is upheld.
- (3) Development Application DA/843/2022 for demolition of existing structures and construction of a 12 storey mixed use development with 81 residential units above two levels of basement parking and lower ground level of parking including removal of trees at 11-17 Shirley Street, Carlingford, is determined by the grant of consent subject to conditions contained in Annexure 'A'.

**Catchwords:** DEVELOPMENT APPLICATION – mixed use development – conciliation conference – agreement between the parties – orders

**Legislation Cited:** *Environmental Planning and Assessment Act 1979*, ss 4.16, 8.7, 8.15  
*Land and Environment Court Act 1979*, s 34  
*Water Management Act 2000*, s 90

	<p>Environmental Planning and Assessment Regulation 2021, ss 29, 38</p> <p>State Environmental Planning Policy (Housing) 2021, Ch 4, ss 8, 144, 147, Sch 7A, 9</p> <p>State Environmental Planning Policy (Resilience and Hazards) 2021, s 4.6</p> <p>State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chs 2, 10, ss 6.65, 10.10</p> <p>State Environmental Planning Policy (Sustainable Buildings) 2022, s 4.2</p> <p>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</p> <p>State Environmental Planning Policy (Transport and Infrastructure) 2021, ss 2.45, 2.48, 2.99, 2.100</p> <p>Parramatta Local Environmental Plan 2023, cl 1.8A</p> <p>Parramatta (Former The Hills) Local Environmental Plan 2012, cll 2.3, 4.1A, 4.3, 4.4, 4.6, 7.2</p>
Category:	Principal judgment
Parties:	<p>Shirley Street Pty Ltd (Applicant)</p> <p>Parramatta City Council (Respondent)</p>
Representation:	<p>Counsel:</p> <p>N Eastman SC (Applicant)</p> <p>C Campbell (Solicitor) (Respondent)</p> <p>Solicitors:</p> <p>Mills Oakley (Applicant)</p> <p>Sparke Helmore (Respondent)</p>
File Number(s):	2023/127732
Publication Restriction:	Nil

## JUDGMENT

- 1     **COMMISSIONER:** This is a Class 1 Development Appeal pursuant to s 8.7 of the *Environmental Planning and Assessment Act 1979* (EPA Act) being an appeal against the refusal of development application 843/2022 for the consolidation of four allotments, demolition works, tree removal and construction of a 12 storey mixed use development comprising a 76 place childcare centre with 87 residential apartments and three levels of basement car parking (DA) at 11-17 Shirley Street, Carlingford, legally known as Lots 7, 8, 9 and 10 in DP 24777 (site).
- 2     The Court granted leave to amend the DA on 5 April 2024, which included deletion of the childcare centre component, creation of two residential towers, increased southern setback, changes to the OSD, general internal reconfiguration and changes to the materials.
- 3     The proceedings were set down for a hearing for 20 May 2024 to 22 May 2024. Following the amendment of the application on 5 April 2024 and further discussions between the parties, the parties agreed that the contested issues have been resolved. The parties, therefore, requested that the proceedings be adjourned and listed for a conciliation conference under s 34 of the *Land and Environment Court Act 1979* (LEC Act).
- 4     The Court granted the request and arranged a conciliation conference between the parties, which was held on 21 May 2024. I have presided over the conciliation conference.
- 5     The Respondent, as the relevant consent authority, has approved under s 38 of the *Environmental Planning and Assessment Regulation 2021* (EPA Reg) to the Applicant amending DA/843/2022 in accordance with the documents listed at [36] (amended DA). In summary, the changes from the original DA, the 5 April 2024 amended application and the amended DA were:

- Removal of the childcare centre element;

- Change from one to two tower forms;
  - Increase in the southern setback from 3m to 4.5m;
  - Internal changes to the car parking and ground floor;
  - Stormwater system changes;
  - Further / amended supporting documentation.
- 6 At the conciliation conference, the parties reached agreement as to the terms of a decision in the proceedings that would be acceptable to the parties. This decision involved the Court upholding the appeal for the amended DA and granting development consent subject to conditions of consent.
- 7 I note that as part of the s 34 agreement, the parties have submitted a jurisdictional statement setting out how the proposal has satisfied the jurisdictional requirements and other matters.
- 8 Under s 34(3) of the LEC Act, I must dispose of the proceedings in accordance with the parties' decision if the parties' decision is a decision that the Court could have made in the proper exercise of its functions.
- 9 The parties' decision involves the Court exercising the function under s 4.16 of the EPA Act to grant consent to the development application.

### **Jurisdictional Prerequisites**

- 10 There are jurisdictional prerequisites that must be satisfied before this function can be exercised. The parties identified the jurisdictional prerequisites of relevance in these proceedings and explained how the jurisdictional prerequisites have been satisfied. I am satisfied that the parties' decision is one that the Court could have made in the proper exercise of its functions, as required by s 34(3) of the LEC Act, as set out below.

- 11 I am satisfied that owners consent accompanied the Class 1 appeal. I am satisfied on the basis of the parties' agreed jurisdictional statement that owners consent has been granted for the deferred commencement condition to create an easement over the Respondent's land (Shirley Street Reserve).
- 12 The DA was lodged to the Respondent on 27 October 2022. The Respondent notified the DA between 8 November 2022 to 6 December 2022 where three submissions were received. The first amendment to the DA on 5 April 2024 and was notified between 15 April 2024 to 10 May 2024, where one submission was received.
- 13 The concerns raised in the submissions have been considered by the Respondent and Applicant in reaching agreement on the acceptability of the amended DA.

#### *Water Management Act 2000*

- 14 Whilst not lodged as Integrated Development, the DA was referred to Water NSW who issued General Terms of Approval (GTAs) pursuant to s 90(2) of the *Water Management Act 2000*. The GTAs have been included in the conditions of consent at Annexure A.

#### *Parramatta (Former The Hills) Local Environmental Plan 2012 (PLEP)*

- 15 Due to the lodgement date of the DA and pursuant to cl 1.8A of the Parramatta Local Environmental Plan 2023, the DA is saved and PLEP applies instead.
- 16 The site is zoned R4 High Density Residential under the PLEP. The proposed development for a residential flat building and neighbourhood shop are permissible with consent. Pursuant to cl 2.3, I have had regard to the objectives of the zone.
- 17 Clause 4.1A minimum lot size applies to the development, requiring a minimum lot size of 4,000m<sup>2</sup>. The site area is 3,141.8m<sup>2</sup> as shown on the survey plan prepared by G&R Surveying Services dated 9 August 2012. The amended DA

seeks to vary the development standard pursuant to cl 4.6 and is supported by a Request for Variation under Clause 4.6 prepared by Dickson Rothschild dated 10 May 2024 (written request). The parties are satisfied of the merits of the written request. I accept that the written request responds to the mandatory provisions of cl 4.6.

- 18 Clause 4.3 height of buildings applies to the site, permitting a maximum height of 27m. The amended DA is 38.2m at its highest point. The amended DA seeks to vary the development standard pursuant to cl 4.6 and is supported by a Request for Variation under Clause 4.6 prepared by Dickson Rothschild dated 9 May 2024 (written request). The parties are satisfied of the merits of the written request. I accept that the written request responds to the mandatory provisions of cl 4.6.
- 19 Clause 4.4 floor space ratio (FSR) applies to the site, permitting a maximum FSR of 1.99:1. The amended DA proposes an FSR of 2.58:1. The amended DA seeks to vary the development standard pursuant to cl 4.6 and is supported by a Request for Variation under Clause 4.6 prepared by Dickson Rothschild dated 9 May 2024 (written request). The parties are satisfied of the merits of the written request. I accept that the written request responds to the mandatory provisions of cl 4.6.
- 20 Clause 7.2 earthworks applies to the amended DA. I accept the parties' agreement that the provisions of cl 7.2 have been considered as demonstrated through the stormwater plans, Geotechnical Investigation assessment prepared by Asset Geo Enviro dated 6 July 2022 (geotechnical report), and Waste Management Plan prepared by Dickens Solutions dated March 2024.

*State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP BC)*

- 21 The amended DA includes the removal of trees. The parties agree and I accept that the tree removal is not inconsistent with the provisions of Ch 2.

22 The site is located within the Sydney Harbour Catchment area. Due to the lodgement date of the DA, the former provisions of SEPP BC apply in accordance with s 6.65.

23 I accept the parties' agreement that the amended DA satisfies the provisions of Ch 10 and s 10.10 on the basis of the stormwater plans that form conditions of consent at Annexure A and the jurisdictional statement.

*State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*

24 Chapter 4 of the Housing SEPP applies to the amended DA in accordance with Sch 7A, s 8 (2A) and s 144. Section 147 requires consideration of the design principles contained in Sch 9 and the Apartment Design Guide (ADG).

25 Relevantly, s 29 of the EPA Reg requires that residential apartment development must be accompanied by a statement prepared by a qualified designer in relation to the design principles within Sch 9 of the Housing SEPP and Parts 3 and 4 ADG.

26 The parties agree and I accept that the amended DA meets the provisions of the Housing SEPP on the basis of the SEPP 65 Design Verification Statement completed by the nominated qualified designers Robert Nigel Dickson and Paul Oreshkin (registered architect numbers 5364 and 7774) dated 18 March 2024. I note that the DA was considered by the Design Excellence Advisory Panel.

*State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP TI)*

27 Sections 2.45 and 2.48 in relation to electrical assets apply to the development, which was referred to Endeavour Energy. Endeavour Energy did not object to the development and provided conditions of consent, which have been incorporated at Annexure A.

28 The provisions of s 2.99 apply to the site as it is located with the requisite proximity of a rail corridor (Parramatta Light Rail). TfNSW granted concurrence

on 18 November 2022, such has been included in the conditions of consent at Annexure A.

- 29 Section 2.100 applies to the development and requires an assessment of noise or vibration impacts. The amended DA is accompanied by an Acoustic Assessment prepared by Acoustic Logic dated 7 October 2022 which concludes that the development will comply subject to the implementation of the recommended acoustic measures. These have been incorporated into the conditions of consent at Annexure A.
- 30 I accept the parties' agreement that the relevant provisions of SEPP TI have been satisfied.

*State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP RH)*

- 31 The provisions of s 4.6 of SEPP RH apply to the site. The amended DA is accompanied by a Statement of Environmental Effects prepared by Dickson Rothschild dated 25 March 2024 which states that the site has a history of residential zoning and contamination is unlikely. Accordingly, the parties agree, and I accept that the provisions of s 4.6 of SEPP Resilience and Hazards have been satisfied.

*State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

- 32 The DA was lodged prior to the commencement of State Environmental Planning Policy (Sustainable Buildings) 2022. In accordance with the savings provisions under s 4.2, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) applies instead. An amended BASIX Certificate accompanies the amended DA that meets the requirements.

**Conclusion**

- 33 In making the orders to give effect to the agreement between the parties, I was not required to, and have not, made any merit assessment of the issues that were originally in dispute between the parties.

- 34 I have considered the jurisdictional prerequisites and I am satisfied on the basis of the evidence before me that the agreement of the parties is a decision that the Court could have made in the proper exercise of its functions.
- 35 As the parties' decision is a decision that the Court could have made in the proper exercise of its functions, I am required under s 34(3) of the LEC Act to dispose of the proceedings in accordance with the parties' decision.
- 36 The Court notes that the Respondent has approved, as the relevant consent authority, under s 38 of the EPA Reg to the Applicant amending DA/843/2022 to rely upon the following amended plans and documents:

Drawing No.	Issue	Plan Title	Dated
<b>Amended Architectural Plans</b>			
DA-0-001	W	Cover Sheet	17/05/2024
DA-0-005	J	BASIX thermal specification	17/05/2024
DA-0-321	A	East Elevation – BASIX/NatHERS	17/05/2024
DA-0-322	A	North Elevation - BASIX/NatHERS	17/05/2024
DA-0-323	A	West Elevation - BASIX/NatHERS	17/05/2024
DA-0-324	A	South Elevation - BASIX/NatHERS	17/05/2024
DA-0-325	A	Tower A - North Elevation - BASIX/NatHERS	17/05/2024
DA-0-326	A	Tower B - South Elevation - BASIX/NatHERS	17/05/2024
<b>Amended Survey Plan</b>			
10073	N/A	Adjoining Detail and Level Survey No. 11-17 Shirley Street Carlingford	01/05/2024
<b>Amended Stormwater plans</b>			
000	D	Cover Sheet	03/05/2024
101	G	Stormwater Concept Plan Basement Level 2 Sheet 1 of 2	20/03/2024
102	D	Stormwater Concept Plan Basement Level 3 Sheet 2 of 2	11/03/2024
103	G	Stormwater Concept Plan Basement Level 1	20/03/2024
105	H	Stormwater Concept Plan Lower Ground	03/05/2024
105.1	B	Inset Plan	03/05/2024

Drawing No.	Issue	Plan Title	Dated
106	G	Stormwater Concept Plan Ground Floor	20/03/2024
107	F	WSUD Catchment Plan	20/03/2024
108	G	On site Detention Details and Calculations Sheet 1 of 2	03/05/2024
109	E	On site Detention Details and Calculations Sheet 2 of 2	03/05/2024
110	C	Sediment and Erosion Control Plan and Details	11/03/2024
111	C	Miscellaneous details sheet	11/03/2024
<b>Reports</b>			
Amended Clause 4.6 Variation Request – Floor Space Ratio (Rev D) prepared by Dickson Rothschild dated 9 May 2024			
Amended Clause 4.6 Variation Request – Height of Building (Rev E) prepared by Dickson Rothschild dated 9 May 2024			
Amended Clause 4.6 Variation Request – Minimum Lot Size (Rev D) prepared by Dickson Rothschild dated 10 May 2024			
Amended BASIX Certificate and stamped plans prepared by LC Consulting Engineers dated 17 May 2024			
Amended NaTHERS Certificate prepared by LC Consulting Engineers dated 17 May 2024			

## Orders:

37 The Court orders:

- (1) The Applicant is to pay the Respondent's costs thrown away as a result of the amendments made in the sum of \$21,500, in accordance with s 8.15(3) of the *Environmental Planning and Assessment Act 1979*, within 28 days of these orders.
- (2) The appeal is upheld.
- (3) Development Application DA/843/2022 for demolition of existing structures and construction of a 12 storey mixed use development with 81 residential units above 2 levels of basement parking and lower ground level of parking including removal of trees at 11-17 Shirley Street,

Carlingford, is determined by the grant of consent subject to conditions contained in Annexure 'A'.

I certify that this and the preceding **8 pages** are a true copy of my reasons for judgment.



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**S Porter**

**Commissioner of the Court**

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**Annexure A****DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF  
CONSENT**

<b>Development Application No:</b>	DA/843/2022
<b>Development:</b>	Demolition of existing structures and construction of a 12 storey mixed use development with 81 residential units above 2 levels of basement parking and lower ground level of parking including removal of trees
<b>Site:</b>	11-17 Shirley Street, Carlingford Lot 10 DP 24777, Lot 9 DP 24777, Lot 8 DP 24777, Lot 7 DP 24777

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

<b>Date of determination:</b>	5 July 2024
<b>Date from which consent takes effect:</b>	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 11-17 Shirley Street, Carlingford.

The conditions of consent are as follows:

## **PART A – GENERAL CONDITIONS**

### **SCHEDULE 1 – DEFERRED COMMENCEMENT**

- Pursuant to the provisions of Section 80(3) of the Environmental Planning and Assessment Act, 1979, the development application be granted a Deferred Commencement Consent subject to the completion of the following:

Submission to Council of suitable documentary evidence issued by the Department of Lands confirming the creation of an easement to drain water 2 metres wide over a downstream property benefiting the subject lot 7,8,9 and 10 of DP24777 known as 11-17 Shirley St Carlingford and burdening the downstream property lot 10 DP1255614 known as Shirley Street Reserve has been registered with the NSW Land and Property Information Service.

The above requirement(s) must be satisfied within 36 months of this determination or the consent will lapse.

**Advisory Note:** Easements through Council properties (or Crown land managed by Council) can take up to 12 months to finalise.

Upon compliance with the above requirements, a full Consent will be issued subject to the following conditions:

### **SCHEDULE 2**

## **PART A – GENERAL CONDITIONS**

### **PA0001 Approved Plans & Supporting Documents**

- 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.)**

<b>Drawing/Plan No.</b>	<b>Issue</b>	<b>Plan Title</b>	<b>Dated</b>
DA-0-001	W	Cover sheet	17 May 2024
DA-0-005	J	BASIX Thermal Specification	17 May 2024
DA-0-015	N	Site plan and site analysis	22 March 2024
DA-0-201	V	Basement 2	22 March 2024
DA-0-202	V	Basement 1	22 March 2024
DA-0-203	W	Lower Ground	22 March 2024
DA-0-204	Y	Ground Floor Plan	22 March 2024
DA-0-205	W	Level 1-2 Floor Plan	22 March 2024

Drawing/Plan No.	Issue	Plan Title	Dated
DA-0-206	X	Level 3 Floor Plan	22 March 2024
DA-0-207	X	Level 4-6 Floor Plan	22 March 2024
DA-0-208	I	Level 7 Floor Plan	22 March 2024
DA-0-209	Y	Level 8 Floor Plan	22 March 2024
DA-0-210	X	Level 9-10 Floor Plan	22 March 2024
DA-0-211	D	Level 11	22 March 2024
DA-0-213	Y	Roof Plan	22 March 2024
DA-0-321	A	East Elevation	17 May 2024
DA-0-322	A	North Elevation	17 May 2024
DA-0-323	A	West Elevation	17 May 2024
DA-0-324	A	South Elevation	17 May 2024
DA-0-325	A	Tower A – North Elevation	17 May 2024
DA-0-326	A	Tower B – South Elevation	17 May 2024
DA-0-401	X	Section 1	22 March 2024
DA-0-402	W	Section 2	22 March 2024
DA-0-403	W	Section 3	22 March 2024
DA-0-941	C	Finishes Schedule	22 March 2024

**Civil Drawings/Stormwater (Project No.)**

Drawing/Plan No.	Issue	Plan Title	Dated
000	D	Cover Sheet Plan	3 May 2024
101	G	Stormwater Concept Plan Basement 2 Sheet 1 of 2	20 March 2024
102	D	Stormwater Concept Plan Basement 2 Sheet 2 of 2	11 March 2024
103	G	Stormwater Concept Plan Basement Level 1	20 March 2024
104	D	Deleted	11 March 2024
105	H	Stormwater Concept Plan Basement Lower Ground	3 May 2024
105.1	B	Inset Plan	15 May 2024
106	G	Stormwater Concept Plan Basement Ground Floor	20 March 2024
107	F	WSUD Catchment Plan	20 March 2024
108	G	On-Site Detention Details and Calculations Sheet 1 of 2	3 May 2024
109	E	On-Site Detention Details and Calculations Sheet 2 of 2	3 May 2024

Drawing/Plan No.	Issue	Plan Title	Dated
110	C	Sediment and Erosion Control Plan & Details	11 March 2024
111	C	Miscellaneous Details Sheet	11 March 2024

#### Landscape Drawings (Project No.)

Drawing/Plan No.	Issue	Plan Title	Dated
Sheet 1	L	Landscape Plan – Ground Level	22 March 2024
Sheet 2	L	Details Plans	22 March 2024
Sheet 3	L	Planting Plan	22 March 2024
Sheet 4	L	Level 7 & 8 Plan	22 March 2024
Sheet 5	L	Noises and Schedule	22 March 2024
Sheet 6	L	Details	22 March 2024

#### Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Statement of Environmental Effects	21-087	D	Dickson Rothschild	25 March 2024
Waste Management Plan			Dickens Solutions	March 2024
Geotechnical Investigation	6857-G1	0	Asset geo environmental	08/07 2022
BASIX Certificate.	1323881M_02	N/A	LC Consulting Engineers	17 May 2024
Acoustic Assessment	20221215.1/0710A/ R0/RR	0	Acoustic Logic	06/10/2022
Arboricultural Impact Assessment			All Arbor Solutions	24/08/2022

**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 all parties are aware of the approved plans and supporting documentation that applies to the development

**PA0003 Construction Certificate**

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

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

**PA0004 No encroachment on Council and/or Adjoining proper**

3. 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.

**PA0011 Demolition of Buildings**

4. Approval is granted for the demolition of all buildings and outbuildings currently on the property, subject to compliance with the following: -

- (a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.

**Note:** Developers are reminded that Safe Work NSW requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

- (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
- (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to City of Parramatta for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- (d) On the first day of demolition, work is not to commence until City of Parramatta has inspected the site. Should the building to be

demolished be found to be wholly or partly contain with asbestos approval to commence demolition will not be given until Council is satisfied that all asbestos removal measures and obligations are in place.

- (e) On demolition sites where buildings to be demolished contain asbestos cement, signage is to be erected and maintained in accordance with Cl.469 of the Work Health and Safety Regulation 2017.
- (f) Should the conditions of this development consent require tree protection measures then demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
- (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (h) Prior to the commencement of any demolition works, and where the site ceases to be occupied during works, the property owner must notify Council to discontinue the domestic waste service and to collect any garbage and recycling bins from any dwelling/ building that is to be demolished. Waste service charges will continue to be charged where this is not done. Construction and/ or demolition workers are not permitted to use Council's domestic waste service for the disposal of any waste.
- (i) Demolition works involving the removal and disposal of friable asbestos must be undertaken by a Class A friable licensed asbestos professional. Where there is in excess of 10sqm of non-friable (bonded) asbestos, the removal and disposal of the non-friable asbestos must be undertaken by either a Class A or Class B Asbestos Licence asbestos professional.
- (j) Demolition is to be completed within 5 days of commencement. Unless agreed in writing by the City of Parramatta Council for larger sites.
- (k) Demolition works are restricted to Monday to Saturday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Sundays or Public Holidays.
- (l) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (m) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
  - (i) Proposed ingress and egress of vehicles to and from the construction site;
  - (ii) Proposed protection of pedestrians adjacent to the site;
  - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.

- (n) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the NSW Environment Protection Authority (EPA).
- (o) Before demolition works begin, adequate toilet facilities are to be provided.
- (p) After completion, the applicant must notify City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- (q) Within 14 days of completion of demolition, the applicant must submit to Council:
  - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
  - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
  - (iii) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.
  - (iv) Prior to any earthworks or construction undertaken on site associated with the proposed development, ensure the above items are submitted and a post demolition clearance is provided from Council.

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

#### **LA0001 Tree Retention**

5. Trees to be retained are outlined in the table below in accordance with the Arboricultural Impact Assessment prepared by All Arbor Solutions dated 24 August 2022 (Arborist Report):

<b>Tree No.</b>	<b>Name</b>	<b>Common Name</b>	<b>Location</b>	<b>Tree Protection Zone (m)</b>
4	<i>Corymbia maculata</i>	Spotted gum	Front garden	13.20m
8	<i>Viburnum sp</i>	Viburnum	Refer to Arborist Report	3.0m
9	<i>Viburnum sp</i>	Viburnum	Refer to Arborist Report	3.0m
10	<i>Macadamia integrifolia</i>	Macadamia	Refer to Arborist Report	3.60m

11	<i>Callistemon viminalis</i>	Bottlebrush	Refer to Arborist Report	3.0m
12	<i>Jacaranda mimosioflia</i>	Jacaranda	Refer to Arborist Report	3.0m
14	<i>Jacaranda mimosioflia</i>	Jacaranda		2.0m
34	<i>Casuarina glauca</i>	Swamp Sheoak	Neighbouring tree	3.6m
35	<i>Casuarina glauca</i>	Swamp Sheoak	Neighbouring tree	2m
36	<i>Casuarina glauca</i>	Swamp Sheoak	Neighbouring tree	3.36m
37	<i>X Cupressocyparis leylandii</i>	Leightons Green	Neighbouring tree	2m
38	<i>Melaleuca quinquenervia</i>	Broad-leaf Paperbark	Neighbouring tree	9.6m

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

#### **LA0002 Demolition & tree removal (Delete N/A Councils)**

6. Trees equal to or greater than six (6) metres in height, which are protected under Hills Development Control Plan 2012 (Part C Section 3) and not nominated for removal under condition 5 must not be removed or damaged without Council consent (Refer to the City of Parramatta Council website version dated 12 May, 2016)

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

#### **LA0003 Replacement of street trees**

7. The following street trees shall be planted within the road reserve;

Qty	Name	Common Name	Minimum Pot Size	Name of Street Frontage
4	<i>Tristanopsis laurina</i>	Water Gum	45L	Shirley Street

**Note:** All approved street tree plantings shall be planted a minimum of 3m from any driveway and 12m from an intersection.

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

#### **PA0013 LSL Payment Const> \$250,000 (DIEP Mandatory Cond)**

8. Before the issue of a 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.

**PA0014 Payment of Security deposits(DIEP Mandatory Cond)**

9. Before the commencement of any works on the site or the issue of a construction certificate, the applicant must make all of the following payments to Council and provide written evidence of these payments to the certifier:

Bond Type	Amount
Nature Strip and Roadway:	\$ 77,250.00

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.

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

**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 843/2022;
- 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 safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

**EPA0068 Erosion and Sediment Control Measures**

10. 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.

**EPA0069 Erosion and Sediment Control – Run Off**

11. 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.

**ECA0001 Hazardous/intractable waste disposed legislation**

12. 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.

**ECA0004 Imported fill**

13. 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.

14. A noise management plan must be prepared in accordance with the Environment Protection Authority (EPA) Noise Policy for Industry 2017 and accompany the application for a Construction Certificate. The Certifying Authority must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

- (a) Identification of nearby residences and other sensitive land uses;
- (b) Assessment of expected noise impacts;
- (c) Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts; and
- (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.

#### **EWA0001 Waste facilities in Mixed Use Developments**

15. 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.

#### **EWA0002 Amenity of waste storage areas (general)**

16. 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.

**EWA0005 Garbage Chutes**

17. 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.

**EWA0006 Provide waste storage room on premises**

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

1. The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types and bulky materials;
2. 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;
3. The walls being cement rendered to a smooth, even surface and coved at all intersections;
4. Cold water being provided in the room with the outlet located 1.5m above floor level to avoid damage and a hose fitted with a nozzle being connected to the outlet;
5. 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.

19. The design of any electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.

**Reason:** Per Endeavour Energy requirements

20. Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.

**Reason:** Per Endeavour Energy requirements

21. Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.

**Reason:** Per Endeavour Energy requirements

- 21a. The development shall comply with the requirements of the General Terms of Approval in the WaterNSW letter IDAS1146520 dated 24 November 2022.

**Reason:** To ensure that the terms of the WaterNSW GTAs are met.

22. Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the *Electricity Supply Act 1995* (NSW).

**Reason:** Per Endeavour Energy requirements

22a. Prior to the issue of the construction certificate, amended plans are to demonstrate that privacy louvres are provided for the rear internal facing balconies on both buildings. The louvres should only allow direct view to the rear.

**Reason:** To ensure protection of privacy when using balconies.

## **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.)

### **Design Amendments**

22b Prior to the issue of the relevant Occupation Certificate the following design amendments must be made:

- a) All west-facing glazing to habitable rooms must be provided with appropriate (vertical louvre) and operable sun-shading. Typical 1:25 detail drawings (in plan, elevation and section) should be submitted for Council's review and approval.
- b) All bathrooms with frontages to external walls should be provided with windows that provide natural daylight (at a minimum) and preferably allow these wet areas to naturally ventilate. Privacy to be maintained with opaque glass. BCA advice should be sought.
- c) Improvements to the amenity of apartment 101 should be made, including a reduction in the depth of the combined living/dining/kitchen space so that the 8m (ADG compliance depth) from the south-facing windows is not exceeded. The second bathroom should be increased in size appropriate to (4bed) unit size and the pathway distance to the furthest most bedroom reduced in length by half.
- d) Typical 1:25 and 1:5 façade drawings of the podium level façade up to and including level 3 should be submitted for Council's review and approval. These drawings should detail the interface between the proposed stone cladding (thickness, size and fixing method) and its relationship to the infill material (FC sheet), as well as the stone interfaces with parapet and ground conditions. Drawings should indicate how the proposed cladding material will perform, and be maintained, over a nominal 15-20 year life cycle.

**Reason:** To improve internal apartment amenity, reduce reliance on mechanical ventilation and light, and create a more thoughtful design.

**PB0030 Infrastructure & Restoration Adm. fee for all DAs**

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

The fee will be in accordance with 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.

**PB0008 No external service ducts for multi-unit development**

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

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

**PB0012 Single master TV antenna**

25. 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 Construction Certificate to the satisfaction of the Principal Certifier.

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

**PB0028 SEPP 65 verification**

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

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

**Reason:** To comply with the requirements of SEPP 65.

**PB0032 Constr. Noise Managt. Plan for townhouses & above**

27. A noise management plan must be prepared in accordance with the NSW Department of Environment, Climate Change and Water 'Interim Noise Construction Guidelines 2009' and accompany the application for a Construction Certificate. The Principal Certifier 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.

**PB0033 Energy Provider requirements for Substations**

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

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

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

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

**PB0039 Adaptable Dwellings for Multi-unit and RFB's**

29. The development must incorporate 9 adaptable dwellings. Plans submitted with the Construction Certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

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

**LF0001 Landscape maintenance**

30. All landscape works shall be maintained 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.

**LB0001A Planting upon Structure**

31. Plans and documents submitted must include the following changes with an application for a Construction Certificate:

- (a) Construction details are to be provided by a suitably qualified Structural Engineer showing substrate depth, drainage, waterproofing for all planting on structures, including planting over on-site detention tanks, raised planters and rooftop gardens.

- (b) All raised planting boxes/beds containing trees must be retained to a minimum height of 800mm.
- (c) Any soil mounding must not exceed a maximum 1:8 grade which must be demonstrated on amended plans and certified by a suitably qualified Landscape Architect.
- (d) Soil volume, depth and soil area must meet the following prescribed 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):
  - Typical tree planting on structure detail to show overall 800-1200mm soil depth. (Soil Volume to be reflective of proposed tree species size)
  - Typical shrub planting on structure detail to show minimum 500-600mm soil depth,
  - Typical turf planting on structure to show minimum 200-300mm soil depth.
- (e) Sections through the planters supporting the trees and shrubs over the basement, OSD and on podium level are required to show the above requirements.
- (f) Tree planting densities shall not exceed the prescribed soil volume and area as per ADG – Part 4 requirements.
- (g) A landscape maintenance schedule is required to ensure all landscape areas are well maintained for a sufficient period of time (minimum 1 year)
- (h) A soil specification ('Fit-for-purpose' performance description) for imported soil types to ensure sufficient nutrient and water availability is achieved.
- (i) An Irrigation plan and specification must be provided by a suitably qualified Hydraulic Engineer.

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

#### **LB0003 Tree Retention**

32. Prior to the issue of the relevant Construction Certificate, the revised landscape plans and civil details are to be submitted to the written satisfaction of Council's Manager Development and Traffic Services Unit.

All structures within the Tree Protection Zone (TPZ) of the following nominated tree(s) must be designed in conjunction with, and to the approval of, the Project Arborist to ensure they have been sufficiently modified to minimise the construction impact to an acceptable level as per the AS4970-2009: *Protection of Trees on Development Sites*.

<b>Tree No.</b>	<b>Botanical name</b>	<b>Common name</b>	<b>Structure to be modified</b>	<b>TPZ Radius from trunk</b>
4	<i>Corymbia maculata</i>	Spotted gum	Retaining wall and footpath	13m
38	<i>Melaleuca quinquenervia</i>	Broadleaf Paperbark	Pit 8 & the associated	9

			stormwater pipes	
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- (a) The footings and construction of the proposed retaining wall will be designed so as not to impact on tree 4 required to be retained. In order to reduce the impact on the root structure, there will be no excavation behind the wall into the TPZ of tree 4.
- (b) 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 38. Pipes from pit 7 to 8 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 treaded through roots.
- (c) The stormwater pit 8 is to be relocated a minimum 7m away from neighbouring tree 38.
- (d) The footpath design within the TPZ of tree 4 numbered in the table must demonstrate it is to be built above the natural grade to avoid severing roots. No compaction to the subbase is to occur. The design must demonstrate no edging, excavation, or re-grading is to occur within the existing natural ground of the TPZ of these trees.

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.

#### **LB0004 Landscaping Plan**

33. The final Landscape Plan must be consistent with plans numbered sheet 1 to 6 rev L dated 22.03.2024, prepared by Paul Scrivener Landscape together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:

- (a) Retention of trees numbered 4, 8, 9, 10, 11, 34, 35, 36, 37, 38. The Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) is to be added to all plans for coordination.
- (b) Ensure replacement trees are planted with a minimum setback of 3.5m to the outside wall or edge of a legally constructed building or the proposed development and a minimum 2m distance from any proposed or existing drainage line.
- (c) Delete all proposed edging within the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of the trees to be retained to avoid severing the roots.
- (d) Delete all proposed planting within the Structural Root Zone (SRZ) of the trees to be retained to avoid severing the roots.

- (e) All proposed groundcovers and shrubs within the Tree Protection Zone (TPZ) of the trees to be retained are to be reduced in size to tubestock only to avoid severing the roots.
  - (f) Change the street tree species as per conditions.
  - (g) Updated the proposed plant schedule indicating the above changes, planting locations, species type (including both botanic / common name) mature dimensions, plant numbers and the size of the containers at planting.
  - (h) Delete the 'tree stake' detail from the typical tree planting detail as the tree should be self-supporting from the nursery. For trees on the podium and in wind-prone areas, under-ground guying is recommended to avoid the visual clutter.
  - (i) The street tree pit detail is to be updated. To ensure the soil volume is achieved under the paving and it is connected to the adjacent landscape areas, a structural pavement system is required such as a structural / modular cells within the paved area to mitigate against soil compaction and to maximise aeration and porosity in the tree root zone. The base of the tree pit shall incorporate a drainage layer and pipe that connects to nearest stormwater pit.
  - (j) Extent of the modular cells is to be indicated on the plans.
- Reason:** To ensure restoration of environmental amenity.

**LB0006A Statement on Tree Protection Management Plan**

34. A Tree Protection Management Plan (TPMP), prepared by a suitably qualified Consulting Arborist (Australian Qualification Framework Level 5), must accompany the application for a Construction Certificate. This 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. 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. 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 by All Arbor Solutions dated 24.08.2022;
- (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) Discuss supervision of any approved excavation to be undertaken within the calculated Tree Protection Zones of the trees to be retained and protected
- (d) 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);

- (e) Construction of any structure which requires a modified footing or that is to be built above grade;
- (f) Landscaping (i.e. minimise cultivation, excavation planting techniques within the TPZ);
- (g) Any other stages that the Project Arborist deems necessary;

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

**PB0007 Location of plant (residential flat buildings)**

35. Prior to the issue of a Construction certificate, the Certifying Authority must be satisfied that all plant and equipment (including but not limited to air conditioning equipment) is located within the basement.

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

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

**PB0008 No external service ducts for multi-unit development**

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

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

**PB0026 Bicycle storage & parking**

37. The bicycle storage area must be capable of accommodating a minimum of 35 bicycles within a fixed bicycle rail. The bicycle storage areas and bicycle rail must be designed to meet the requirements of AS 2890.3 Details of compliance with this standard are to accompany a Construction Certificate application.

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

**PB0032 Construction Noise Management Plan for townhouses & above**

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

The Construction Noise Management Plan must include:

- (a) Identification of nearby residences and other sensitive land uses.
- (b) Assessment of expected noise impacts.
- (c) Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts.

- (d) Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes.

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

**PB0036 Noise Management Plan -Demolition Excavation. & Construction**

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

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

- (a) Confirmation of the level of community engagement that has, is and will be undertaken with the Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases..
- (b) Confirmation of noise, vibration and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties during the main stages of work at neighbouring noise sensitive
- (c) What course of action will be taken following receipt of a complaint concerning site noise, dust and vibration?
- (d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring properties to a minimum.
- (e) What plant and equipment is to be used on the site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring properties and other less intrusive technologies available.

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

**PB0051 Parra Develop Contrib. Plan – Outside CBD 2021 (Amend 1)**

40. A monetary contribution comprising \$1, 521, 674.74 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 Amendment 1*. 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	\$990,077.49

Indoor sports courts	\$90,109.49
Community facilities	\$118,513.29
Aquatic facilities	\$27,620.44
Traffic and transport	\$280,754.19
Plan administration	\$14,599.84
<b>Total</b>	<b>\$1,521, 674.74</b>

#### Timing of payment

#### **INSTRUCTION ONLY:**

- (a) In the case of an approved development application for building works, applicants must pay their contribution prior to obtaining a construction certificate. If a development requires multiple construction certificates, Council will require payment prior to the release of the first construction certificate that relates to the development consent on which the contributions were levied.

The contribution is to be paid to Council prior to the issue of the Construction Certificate per above. 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 Amendment 1* can be viewed on Council's website at: <https://www.cityofparramatta.nsw.gov.au/business-development/planning/development-contributions>

**Reason:** To comply with legislative requirements and to provide for the increased demand for public amenities and services resulting from the development

#### **PB0053 Construction Site Management Plan (DIEP Mandatory Cond)**

41. Before the issue of a construction certificate, 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.

**PB0055 Waste Management Plan (DIEP Mandatory Cond)**

42. Before the issue of a 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.

**PB0056 Utilities and Services**

43. Before the issue of the relevant construction certificate, the applicant must submit the following written evidence of service provider requirements to the certifier:

- (a) a letter of consent from the electricity provider demonstrating that satisfactory arrangements can be made for the installation and supply of electricity

- (b) a response from Sydney Water as to whether the plans proposed to accompany the application for a construction certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met.
- (c) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

**Reason:** To ensure relevant utility and service providers requirements are provided to the certifier

**PB0057 Dilapidation Report (If Applicable)**

44. Before the issue of a construction certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, and public land, to the satisfaction of the certifier. If the engineer is denied access to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.

**Reason:** To establish and document the structural condition of adjoining properties and public land for comparison as building work progresses and is completed.

45. Before the issue of the relevant construction certificate, the applicant must ensure a report from a suitably qualified consultant is prepared and demonstrates, to the certifier's satisfaction, that any adaptable dwellings specified in the approved plans or supporting documentation comply with the provisions of *AS 4299-1995 Adaptable Housing Standards*.

**Reason:** To ensure adaptable units are designed in accordance with the Australian Standard.

**DB0001 Stormwater Disposal**

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

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

**DB0002 Retaining walls**

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

The provision of retaining walls along common boundary lines shall not impact on neighbouring properties. If impact upon neighbouring properties (including fences) is anticipated, then written approval from the affected

neighbour shall be obtained and submitted to the certifying authority prior commencement of the works.

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

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

**DB0003 Sydney Water Quick check**

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

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

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

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

**DB0004 Dial Before you Dig Service**

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

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

**DB0020 Security roller shutters for basement car parking**

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

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

**DB0021 Impact on Existing Utility Installations**

51. Where work is likely to disturb or impact upon utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

**DB0022 Support for Council Rds, footpath, drainage reserv.**

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

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

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

**TB0001 Car Parking Condition**

53. The PCA shall ascertain that any new element in the 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.

**TB0002 Bicycle Parking Condition**

54. 35 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS 2890.3-2015. Details are to be illustrated on plans submitted with the construction certificate.

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

55. two motorcycle spaces are to be provided on-site 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 submitted with the construction certificate.

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

56. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1 and AS 2890.6. A total of 150 parking spaces (including the car wash bay and EV Charging Bay) are to be provided and be allocated as follows:

- a) A minimum of 127 spaces for residential units;
- b) A minimum of 17 spaces for visitors;
- c) A minimum of four (4) spaces for retail use;

- d) A minimum of one (1) space to be allocated as a Loading Bay which is to be located on the lower ground level next to the space marked as the EV Charging Space on the Architectural Plans;
- e) One (1) EV Charging Space
- f) One (1) Car Wash Bay.

The parking bays that have been identified within the Traffic Report which have a column within the car space envelope are to be adjusted to ensure that the column is not within the envelope in accordance with the Australian Standards. Tandem parking spaces are to be allocated to the same residential unit and are not to be allocated for retail or visitor parking spaces. Details are to be illustrated on plans submitted with the construction certificate.

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

#### **EWB0001 Detailed Waste Management Plans**

57. Prior to the issue of a construction certificate plans shall be submitted to the satisfaction of the Principal Certifying Authority detailing how waste is to be stored and collected from the site, ensuring all waste storage areas/rooms and collection routes comply with the City of Parramatta Waste Management Guidelines for New Developments. If Council is not the principal certifying authority a copy of these plans are to be provided to Council.

**Reason:** To ensure adequate design for the ongoing storage and collection of wastes from the development.

#### **EWB0002 Management of Construction and/or Demolition Waste**

58. Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to reuse or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. Receipts of all waste/recycling tipping must be retained and produced in a legible form to any authorised officer of the Council who asks to see them.

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

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

- a) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- b) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,

- c) The location of proposed Work Zones in the egress frontage roadways,
- d) Location of any proposed crane standing areas,
- e) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- f) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- g) The provisions of an on-site parking area for employees, tradeperson and construction vehicles as far as possible,
- h) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors,
- i) A detailed description of locations that will be used for layover for trucks waiting to access the construction site,
- j) Proposed construction hours,
- k) Estimated number and type of construction vehicle movements including morning and afternoon peak and off peak movements,
- l) Construction program that references peak construction activities and proposed construction 'Staging',
- m) Any potential impact to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works,
- n) Cumulative construction impacts of projects in the Carlingford area. Should any impacts be identified, the duration of the impacts,
- o) Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified, and,
- p) The plan may be required to include restrictions on the number of trucks that can access the site in peak hours and a requirement for the developer to provide video footage of the frontage of the site on a weekly basis so that Council can enforce this requirement,
- q) Evidence of Roads and Maritime Services concurrence where construction access is provided directly or within 20 m of an Arterial Road if applicable,
- r) A schedule of site inductions on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations,

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

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

All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each. Approval shall be obtained from City of Parramatta Council for any temporary road closure or crane use from public property.

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

60. Prior to the issue of the relevant Construction Certificate, the applicant shall design lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare and reflectivity to the satisfaction of TfNSW.

**Reason:** Per Transport for NSW requirements

#### **EAB0001 Noise impact on residential building**

61. Prior to the issue of a Construction Certificate, written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and City of Parramatta Council, stating that appropriate design and construction materials are to be utilised within the development to ensure compliance with the following noise criteria specified for managing the noise impact on **residential buildings** from rail corridors and/or busy roads:

- (a) In any bedroom in the building: 35dB(A) between 10pm – 7am;
- (b) Anywhere else in the building (other than a garage, hallway, kitchen or bathroom) 40dB(A) at any time.

**Reason:** Compliance with relevant noise amenity criteria in Infrastructure SEPP.

**EAB0004 Construction Noise Management Plan**

62. A noise management plan must be prepared in accordance with the Environment Protection Authority (EPA) Noise Policy for Industry 2017 and accompany the application for a Construction Certificate. The Certifying Authority must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

- (a) Identification of nearby residences and other sensitive land uses;
- (b) Assessment of expected noise impacts;
- (c) Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts; and
- (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.

**PB0011 Noise from Road/s/Rail Corridors**

63. Prior to the issue of the Construction Certificate, the Certifying Authority must be satisfied the building has been acoustically designed and capable of being constructed to meet the requirements of:

- (a) AS3671-1989 (Acoustics – Road Traffic Noise Intrusion - Building Siting and Construction), and
- (b) AS 2107-2016 (Recommended design sound levels and Reverberation times in Building interiors); and
- (c) The NSW EPA Road Noise Policy.
- (d) NSW Department of Planning Development Near Rail Corridors and Busy Roads-Interim Guideline

Certification is to be provided by a practising acoustic engineer certifying the construction plans have been prepared to satisfy the above criteria.

**Reason:** To ensure a suitable level of residential amenity and compliance with relevant noise criteria in Infrastructure SEPP.

64. Prior to the issue of the Construction Certificate, public domain drawings are to be prepared and submitted to Council for approval. The public alignment drawings shall show existing and proposed levels for roads, kerb and gutter, footways, forecourts and through-site links. The drawings should align with the civil drawings and should clearly show positive drainage away from the building and interfaces of the public domain and new building entries via a series of engineering cross and long sections, along with a preliminary public domain plan showing proposed general layout of elements, services and finishes. All drawings to be prepared in accordance with the requirements outlined in Chapter 2 of the Public Domain Guidelines (ref: <https://www.cityofparramatta.nsw.gov.au/business-development/public-domain-guidelines>)

**Reason:** To ensure compliance with Council's with Public Domain requirements

65. The basement stormwater pump-out system, must be designed and constructed to include the following:
- (a) A holding tank capable of storing the run-off from a 100 year ARI (average reoccurrence interval) - 2 hour duration storm event, allowing for pump failure.
  - (b) A two pump system (on an alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
    - (i) The permissible site discharge (PSD) rate; or
    - (ii) The rate of inflow for the one hour, 5 year ARI storm event.
  - (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
  - (d) A 100 mm freeboard to all parking spaces.
  - (e) Submission of full hydraulic details and pump manufacturers specifications.
  - (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.  
Plans and design calculations along with certification from the designer indicating that the design complies with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

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

66. Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be submitted for the approval of the PCA prior to release of the Construction Certificate for any work on the site.
- (a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following Stormwater Plans approved by this consent, as referred to in condition 1 and with Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Handbook (Third or Fourth Edition), the relevant Australian Standards and the National Construction Code.
  - (b) A Site Storage Requirement of 470 m<sup>3</sup>/ha and a Permissible Site Discharge of 80 L/s/ha (when using 3rd edition of UPRCT's handbook)
  - (c) Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank.

- (d) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.

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

67. 2x 690mm high Ocean Protect Psorb Stormwater Filter Cartridges must be installed to manage surface runoff water to Councils Piped drainage system within Shirley Street Reserve to satisfy section 3.3.6.1 of Parramatta City Council Development Control Plan 2011. Details of the proposed devices and their location must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

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

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

69. All mechanical exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1 - 2015 – 'The use of ventilation and air conditioning in buildings' – 'Fire and smoke control in multi-compartmented buildings'. Details showing compliance are to accompany an application for a Construction Certificate.

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

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

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

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

71. The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 to prevent the underside of the vehicles scraping. Where the geometric change in grade exceeds 18%, the gradients of the driveway and ramps shall be checked using the method at Appendix C in AS2890.1:2004 and adjustments will be made to accommodate suitable transition lengths. Details are to be provided with the application for a Construction Certificate.

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

72. Prior to the construction certificate application a final detailed stormwater drainage plan and specifications suitable for construction, prepared by a qualified and experienced stormwater drainage consultant shall be submitted to the certifying authority for approval. The final plan shall be in accordance with the abovementioned stormwater concept plan and shall comply with City of Parramatta Stormwater Disposal Policy, the BASIX requirements and with AS 3500. The plans shall in particular include the following;

- a.) A design certificate shall be provided from the manufacturer of the proposed WSUD devices certifying the design of the system is to the manufacturers requires. This certificate shall give specific reference to the design size of the storm filter chamber.
- b.) Surface levels shall be provided demonstrating that flows are directed around the building towards the discharge point at minimum 1% grade to ensure that flows do not inundate the building

**Reason:** To ensure satisfactory stormwater disposal

73. The perimeter walls and floor of the basement shall be constructed using a "Tanked Construction" method, to prevent any ground waters seeping through the basement walls and floor base. This must be provided using a diaphragm wall and membrane or other approved form of construction and not through permanent draining of the basement structure.

The basement shoring walls and base slab must be waterproof and able to withstand the considerable pressure of the water behind the wall and slab (hydrostatic loading).

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

**Reason:** To ensure satisfactory groundwater management

**PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK****PC0010 Compliance with Home Building Act (If Applicable)**

74. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

**Reason:** Prescribed condition EP&A Regulation, section 69(1).

**PC0001 Appointment of Principal Certifier**

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

- (a) Appoint a Principal Certifier 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 Certifier 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.

**PC0002 Enclosure of the site**

76. 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 Certifier prior to the commencement of any work on site.

**Reason:** To ensure public safety.

**PC0003 Site Sign**

77. 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 of the Environmental Planning and Assessment Regulations 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 Certifier;
- (d) The development consent approved construction hours;
- (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
- (f) This condition does not apply where works are being carried out inside an existing building.

**Reason:** Statutory requirement.

**BC0001 record of facilities on site**

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

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

**PC0005 Public liability insurance**

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

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

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

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

**Note:** Applications for hoarding permits, vehicular crossing etc. will require evidence of insurance upon lodgement of the application.

**Reason:** To ensure the community is protected from the cost of any claim for damages arising from works authorised by this consent conducted above, below or on any public land owned or controlled by Council.

**PC0007 Footings and walls near boundaries**

80. Prior to the commencement of work, a registered surveyor is to undertake a set out survey to identify the location of any easements, 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 and clear of any easements. This set out survey showing the location of the development relative to the boundaries of the site, easements, to be forwarded to the Principal Certifier 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.

**LC0002 Tree protection as per arborist report**

81. The trees identified for protection within the consent shall be protected prior to and during the demolition/construction process in accordance with the Arboricultural Impact Assessment and Tree Protection Plan prepared by All Arbour Solutions Pty Ltd dated 24.08.22 and the conditions of consent.

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

**LC0007 Tree Protection During Construction**

82. Tree protection measures are to be installed as per the Arborist Methodology Statement as per the Conditions of Consent. They 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 trees are adequately protected throughout the construction phase.

**LC0004 Protective fencing**

83. Prior to the commencement of any demolition, excavation or construction works, retained trees or treed areas must be fenced with a 1.8 metre high chainwire link or welded mesh fence. The fence is to be fully supported at grade, to minimise the disturbance of existing ground conditions within the canopy Tree Protection Zone or the setback nominated on the approved landscaping plan. The fencing is to be in place for the duration of the construction works. "Tree Protection Zone" signage must be attached to the protective fencing.

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

**LC0006 Pruning/works on tree(s)**

84. Consent from Council must be obtained prior to any pruning works being undertaken on any tree on site, or any trees located in adjoining properties.

All approved pruning works must be supervised by an Australian Qualifications Framework (AQF) Level 3 certified Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

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

**PC0008 Inspection prior Works in Public Domain/Assets**

85. Prior to the commencement of any works in the Public Domain or on any asset that will be handed over to Council to maintain, the consent holder must arrange for a schedule of inspections to be carried out by Council's Civil Infrastructure Unit.

The required Council inspections include (but are not necessarily limited to) the following where applicable and apply to all **Council and privately certified** projects.

- (a) Commencement of public domain works including tree protection measures installed and set out of tree pits;
- (b) Subgrade and formwork inspection following excavation for footings, drainage and pavements, tree pits showing root barriers, structural soil cell, sub-surface drainage and irrigation system as required;
- (c) Installation of required underground conduits;
- (d) Blinding layer / concrete slab base completion and initial (indicative) setout of pavers, street fixtures and fittings as applicable to ensure compliance with the requirements of the public domain guidelines;
- (e) Delivery of street trees to site. Trees shall be installed within 24hrs of delivery;
- (f) Final defects inspection after all work has been completed to view paving sealant, tactile surface indicators, service lids, nature strip/vegetation/street trees 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.

### Defects

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

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

In addition, **all** construction works for stormwater systems to be handed over to Council must:

- (a) **prior to issue of a construction certificate** have a full set of plans stamped and approved by Council's Service Manager Civil Infrastructure.
- (b) be inspected by Council's Catchment Management team in line with the schedule of inspections agreed to with Council **prior to any works commencing**

Inspection of the works will be required (but not necessarily limited to) on the following stages:

- (a) construction of the stormwater pipe prior to backfilling of trench
- (b) construction of formwork to any drainage pits(s) prior to placement of concrete.
- (c) construction of any formwork to concrete pavement, footpath, driveway, kerb & gutter etc. and prior to placement of concrete.
- (d) The stormwater drainage work is to comply with all other Special Notes – Conditions of Approval on Council stamped and approved drawings.

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

**Reason:** To ensure protection of Council's Assets.

### **PC0010 Compliance with Home Building Act (If Applicable)**

86. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

**Reason:** Prescribed condition EP&A Regulation, clause 98(1)(b).

**PC0011 Home Building Act requirements**

87. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information —
- (a) In the case of work for which a principal contractor is required to be appointed—
    - (i) the name and licence number of the principal contractor, and
    - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
  - (b) In the case of work to be done by an owner-builder—
    - (i) the name of the owner-builder, and
    - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

**Reason:** Prescribed condition EP&A Regulation, clause 98B(2) and (3).

**DC0001 Construction and Traffic Management Plan**

88. Prior to the commencement of any works on site, the applicant must submit a Construction and Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:
- (a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:
    - (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
    - (ii) Turning areas within the 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 and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine

floatage and a copy of this route is to be made available to all contractors.

- (ix) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the 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.

- (c) 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.
- (d) 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.

**DC0002 Road Opening Permits - DA's involving drainage wrk**

89. 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.

**DC0003 Dilapidation survey & report for private properties**

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

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

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

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

**Reason:** Management of records.

**DC0004 Geotechnical report**

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

- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the

finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.

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

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

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

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

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with demonstrated experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent properties and structures both during and after construction. The report must contain site specific geotechnical recommendations and must specify the

necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- (ii) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iii) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iv) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- (v) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- (vi) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table C1 of AS 2870 - 1996.

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

**DC0006 Erosion and Sediment Control measures**

92. 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.

**DC0007 Site Maintenance**

93. 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.

**DC0008 Shoring and adequacy of adjoining property**

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

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

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

**Reason:** As prescribed under the Environmental Planning and Assessment Regulation 2000.

**DC0009 Special Permits**

95. 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.

#### **DC0010 Driveway Crossing Application**

96. 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.

#### **PC0012 Erosion & Sediment Controls in Place**

97. Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).

**Reason:** To ensure runoff and site debris do not impact local stormwater systems and waterways

#### **PC0014 Notice of Commencement of works**

98. Before the commencement of any site or building work, the principal certifier must ensure the adjoining building owner(s) is provided with a copy of the dilapidation report for their property(ies) no less than 14 days before the commencement of any site or building works and provide a copy of the report to Council at the same time.

**Reason:** To advise neighbours and Council of any dilapidation report.

**ECC0001 Asbestos Hazard Management Strategy**

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

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

**ECC0002 Asbestos - signage**

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

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

**ECC0003 Hazardous material survey**

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

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

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

**EWC0001 Asbestos – hazardous management strategy**

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

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

**EWC0002 Asbestos – signage**

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

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

5. All existing boundary fence(s) parallel to the light rail corridor are to be maintained during construction. Any changes to the boundary fence during the construction process will require consultation with TfNSW

**Reason:** Per Transport for NSW requirements

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

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

The application for a driveway crossing requires the completion of the relevant application form and accompanied by plans, grades/levels and

specifications. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

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

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

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

### **PD0020 Building Work with Compliance BCA**

104. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code) and ABCB Housing Provisions Standard.

**Reason:** To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2021.

### **PD0006 Hours of work and noise**

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

- **7am to 5pm on Monday to Friday**
- **7am 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.

**TD0001 Road Occupancy Permit**

106. 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.

**TD0002 Oversize vehicles using local roads**

107. Oversize vehicles using local roads require approval from the National Heavy Vehicle Regulator (NHVR). The applicant is 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.

**LD0004 Material storage and trees**

108. No materials (including waste and soil), equipment or goods of any type are to be stored, kept or placed within the Tree Protection Zone (TPZ), at any time. This is a No Access Zone. The following activities are prohibited within the specified Tree Protection Zones:-

- All activities involving soil level changes and soil disturbance; (such as re-grading, excavation, compaction and any additional fill material)
- All types of cleaning activities;
- Refuelling;
- Trenching;
- Ripping or cultivation of soil;
- Mechanical removal of vegetation;
- Access and storage of plant, equipment & vehicles;
- Erection of site sheds;
- Cleaning
- Disposal of waste materials and chemicals including paint, solvents, cement slurry, fuel, oil and other toxic liquids;
- And any other activity likely to cause damage to the tree.

**Reason:** To ensure the protection of the trees to be retained on the site.

**LD0008 No attachments to trees**

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

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

**LD0011 Tree Removal**

110. Trees approved to be removed are numbered **1, 2, 3, 5 - 7, 13, 15- 33, 39 and 40** as specified in the Arboricultural Impact Assessment Prepared by All Arbour Solutions Pty Ltd dated 24.08.22.

**Reason:** To facilitate development.

**LD0013 Removal of trees by an arborist**

111. 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.

**LD0006 Excavation to be supervised by arborist**

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

Tre No.	Species	Common Name	Location	Distance from trunk
4	<i>Corymbia maculata</i>	Spotted Gum	Front setback	13m
38	<i>Melaleuca quinquenervia</i>	Broadleaf Paperbark	Neighbouring property	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.

Once the work is completed a written summary detailing the works undertaken is to be forwarded to the Certifying Authority and to state if works were carried out in accordance with the Conditions of Consent and AS4970 *Protection of Trees on the Development sites*.

**Reason:** To provided adequate protection of trees.

**LD0010 Advanced tree planting**

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

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

**LD0012 Trees with adequate root volume**

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

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

**PD0001 Copy of development consent**

115. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.

**Reason:** To ensure compliance with this consent.

**PD0002 Adjoining Bushland**

116. No vehicle access is permitted from the premises into the adjoining bushland reserve/park/public land.

**Reason:** To ensure protection of the bushland reserve and manage the impacts of the development.

**PD0003 Dust Control**

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

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

**PD0005 No work on public open space**

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

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

**PD0007 Complaints register**

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

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

The complaints register must be made available to Council and/or the Principal Certifying Authority upon request.

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

**PD0008 Construction Noise (DPIE Mandatory Cond)**

120. 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

**PD0009 Cut and fill (if applicable)**

121. While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- (a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be reported to the principal certifier.
- (b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.

**Reason:** To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

**PD0010 Survey Report**

122. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier: -

- (a) All footings/ foundations
- (b) At other stages of construction – any marks that are required by the principal certifier

**Reason:** To ensure buildings are sited and positioned in the approved location.

**PD0019 Material identified as contaminated**

123. In the event that material is identified at the subject site as contaminated as defined in the Managing Land Contamination Planning Guidelines dated 1998 and prepared by the Department of Urban Affairs and Planning, the soil must be tested by a person with suitable expertise, to ensure the soil contaminant levels are below acceptable health criteria for residential areas. Any soil investigation must be carried out in accordance with the NSW

Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites, the NSW Department of Environment and Conservation Guidelines for the Assessment and Management of Groundwater Contamination 2007, and the provisions of the Contaminated Land Management Act 1997 and Regulation 2013.

**Reason:** To ensure that the provisions set out in Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 have been met and the use of the land poses no risk to the environment and human health.

**PD0020 Building Work Compliance BCA (DIEP Mandatory Cond)**

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

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

**PD0021 Implement. of BASIX Commit. (DPIE Mandatory Cond)**

125. While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, 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 97A(2) EP&A Regulation)

**PD0022 - Uncover Relics/Aboriginal Obj(DPIE Mandatory Cond)**

126. 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.

**PD0023 Procedure for critical stage inspections**

127. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.

7. While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times. The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

**Reason:** To ensure the required site management measures are implemented during construction.

**PD0025 Responsibility for changes public infrastructure**

128. While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

**Reason:** To ensure payment of approved changes to public infrastructure.

**PD0026 - Shoring & adequacy of adjoining property**

129. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense:-

- (a) Protect and support the building, structure or work from possible damage from the excavation, and
- (b) Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

**Reason:** Prescribed condition - EP&A Regulation clause 98E

**PD0027 Waste Management**

130. While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.

Upon disposal of waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following:

- The contact details of the person(s) who removed the waste
- The waste carrier vehicle registration
- The date and time of waste collection
- A description of the waste (type of waste and estimated 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 was taken
- The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

**Note:** If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

**Reason:** To require records to be provided, during construction, documenting that waste is appropriately handled

**DD0005 Erosion & sediment control measures**

131. 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.

**DD0006 Damage to public infrastructure**

132. 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.

8. 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.

**DD0009 Car parking & driveways**

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

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

**DD0010 Vehicle egress signs**

134. 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.

**DD0011 Nomination of Engineering Works Supervisor**

135. 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". A qualified civil engineer must supervise the work to ensure that the proposed excavation and stormwater infrastructure connection to the Council stormwater system are completed in accordance with the following:

- a. Council asset is well protected during the excavation.
- b. Prior to the connection of the proposed stormwater to the existing Council stormwater pit/pipe, photos shall be taken to show the existing condition of the pit/pipe;
- c. Photos shall be taken from the opening to the Council pit/pipe;
- d. After the connection and before the backfilling, clear and enough photos shall be taken to show the general condition of the pit after connection.
- e. After the connection, the pipe shall be flushed with a high-pressure water jet.

The applicant engineer supervisor to supervise the associated works and to provide a certificate confirming that no damage to Council stormwater infrastructure has occurred.

Certification is required to be provided with the Occupation certificate.

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

**ECD0001 Importation of clean fill**

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

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

**ECD0002 Asbestos-records disposal & licensed waste facility.**

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

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

**Clean ECD0003 Handled and disposed of by licensed facility**

138. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the

Protection of the Environment Operations (Waste) Regulation 2014 and the NSW Environment Protection Authority (EPA) Waste Classification Guidelines and any other regulatory instrument as amended.

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

**ECD0004 Waste data maintained**

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

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

**ECD0005 Disposal of Material at Licensed Landfill**

140. 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.

**EWD0001 Asbestos—records of disposal & licensed waste fac.**

141. 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.

**EWD0002 Asbestos—handled & disposed of by licensed facility**

142. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guidelines – Part 1 Classifying Waste (EPA 2014) and any other regulatory instrument as amended.

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

**EWD0003 Waste data maintained**

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

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

**EWD0004 Hazardous/intractable waste disposed of in accord.**

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

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

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

145. 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.

#### **EWD0014 De-watering of Excavated Sites**

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

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

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

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

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

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

transporter for treatment/disposal to an appropriate waste treatment/processing facility.

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

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

### **PE0001 Occupation Certificate**

149. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 6.9 and/or 6.10 of the Environmental Planning and Assessment Act 1979.

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

### **BE0001 Record of inspections carried out**

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

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

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

### **PE0005 Schedule of street numbering**

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

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

### **PE0006 Street Number when site readily visible location**

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

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

### **PE0007 BASIX Compliance**

153. Under Section 75 of the Environmental Planning & Assessment Regulation 2021, it is a condition of this development consent that all design measures

identified in the BASIX Certificate No. 1323881M\_02, will be complied with prior to occupation.

**Reason:** To comply with legislative requirements of section 75 of the Environmental Planning & Assessment Regulation 2021.

**PE0025 SEPP 65 verification statement OC stage**

154. Design Verification issued by a registered architect is to be provided with the application for a Occupation Certificate verifying that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.

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

**Reason:** To comply with the requirements of SEPP 65.

**PE0008 Completion of Public Utility Services**

155. Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.

**Reason:** To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation

**PE0026 PE25 –Adaptable dwellings Multi-unit and RFB's**

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

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

**PE0027 Post Construction. Private Property Dilapidation Report**

157. Before the issue of an occupation certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the principal certifier, detailing whether:

- (a) after comparing the pre-construction dilapidation report to the postconstruction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- (b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.

Before the issue of an occupation certificate, the principal certifier is to provide a copy of the post-construction dilapidation report to Council (where

Council is not the principal certifier) and to the relevant adjoining property owner(s).

**Reason:** To identify damage to adjoining properties resulting from building work on the development site

**LE0002 Certifying Authority Arrange Qualified Landscape Arch.(multi)**

158. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.

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

**PE0008 Completion of Public Utility Services**

159. Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

Before the issue of the occupation certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.

**Reason:** To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation

**PE0010 Provision of telephone services**

160. The submission of documentary evidence from the telecommunications provider authorised under the Telecommunications Act 1997 confirming arrangements have been made for the provision of telephone services prior to the issue of a Subdivision Certificate.

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

**PE0011 Notification agreement from Integral Energy**

161. A Notification Agreement outlining the electrical construction requirements and associated fees shall be obtained from an energy provider prior to the release of the subdivision certificate.

**Reason:** To ensure electricity supply is available to all properties.

**PE0023 Broadband access for dev. less 100 dwellings/units**

162. Prior to the issue of any Occupation Certificate, the developer is to provide the Principle Certifying Authority with evidence satisfactory arrangements have been made with a telecommunications provider to provide broadband access to the development.

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

**PE0025 SEPP 65 verification statement OC stage**

163. Design Verification issued by a registered architect is to be provided with the application for a Occupation Certificate verifying that the residential flat

development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.

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

**Reason:** To comply with the requirements of SEPP 65.

**PE0026 PE25 –Adaptable dwellings Multi-unit and RFB’smodi**

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

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

**PE0027 Post Construction Private Property Dilapidation**

165. Before the issue of an occupation certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the principal certifier, detailing whether:

- (a) after comparing the pre-construction dilapidation report to the postconstruction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- (b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.

Before the issue of an occupation certificate, the principal certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s).

**Reason:** To identify damage to adjoining properties resulting from building work on the development site

**PE0036 REPAIR OF INFRASTRUCTURE**

166. Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

**Note:** If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

**Reason:** To ensure any damage to public infrastructure is rectified

**PE0037 PRESERVATION OF SURVEY MARKS**

167. Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:

- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or

- (b) the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

**Reason:** To protect the State's survey infrastructure

**PE0038 REMOVAL OF WASTE UPON COMPLETION**

168. Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier.

Before the issue of a partial occupation certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier's satisfaction.

**Reason:** To ensure waste material is appropriately disposed or satisfactorily stored

**PE0039 COMPLETION OF LANDSCAPE AND TREE WORKS**

169. Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with AS 4373-2007 Pruning of amenity trees and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.

**Reason:** To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s)

**BE0002 Fire safety measures - final fire safety cert.**

170. Prior to the issue of an 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.

**DE0006 Section 73 Certificate**

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

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

**DE0007 Street Numbering**

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

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

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

**DE0014 Lot consolidation**

173. 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 an Occupation Certificate being issued.

**Reason:** To comply with the Conveyancing Act 1919.

**DE0015 Driveway Crossover**

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

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

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

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

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

**Reason:** Pedestrian and Vehicle safety.

**DE0016 Construction of a standard kerb ramp**

175. Proof of completion of the Kerb Ramp must be submitted to the satisfaction of the Council prior to the issue of an Occupation Certificate.

**Reason:** To provide adequate access.

**DE0018 Reinstatement of laybacks etc**

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

**Reason:** To provide satisfactory drainage.

**EWE0006 Ventilation – waste storage rooms**

177. 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 certifying authority prior to occupation of the premises.

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

178. Prior to the issue of the Occupation Certificate, the applicant shall demonstrate that lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor were installed limiting glare and reflectivity to the satisfaction of TfNSW.

**Reason:** Per Transport for NSW requirements.

179. Prior to issue of the occupation certificate, the applicant shall enter into a commercial contract for the collection of trade wastes and recyclable materials arising from business operations on site. A copy of all waste contracts and receipts shall be kept on site and made available to Council officers on request.

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

180. Proof of completion of footpath construction work shall be submitted to the satisfaction of Council prior to release of the Occupation Certificate.

**Reason:** To provide pedestrian passage.

180A. The stormwater drainage works on Lot 10 in DP1255614 as shown within the proposed easement shall be carried out accordance with Inset plan No. 105.5 (Rev B) dated 15/05/2024 prepared by Core Consulting Engineers and approved under Schedule 2 condition 1 and the terms of any easement granted following satisfaction of deferred commencement condition 1.

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

- (a) A WAE survey shall be conducted and plans prepared showing the 'as built' of the complete on-site detention system including (but not limited to) discharge point into Council system, storage tank (including all critical elements), all pipes and pits connected to the OSD system, overland flow swale and surface levels that control surface flows to the OSD system and by design bypassing the OSD system.
- (b) 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.
- (c) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- (d) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table
- (e) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (f) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The certificate must only be provided after conducting a satisfactory final inspection. The final inspection shall include the application of all the ancillary components of the system including but not limited to: step-irons, orifice plate, trash screen with appropriate wall attachment, hinged lockable grates, confined space sign, functioning return lap valve and relief drains within DCP sump etc.
- (g) Certificate of Structural compliance of the OSD tank shall reference the structural elements including floor slab/foundations, walls and cover slab from a qualified structural engineer
- (h) Certificate from the water quality devices manufacturer verifying that the Constructed Stormwater Quality Control System will function effectively

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

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

182. Prior to the issue of an Occupation Certificate a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 must be created, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

The terms of the 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.

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

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

Note: The covenant is to be submitted to Council for approval prior to lodgement with the Land and Property Information Service of NSW. Documents relating proof of completion of the stormwater system according to the approved stormwater plan and certification of the compliance shall be submitted to the council together with the positive covenant.

**Reason:** To ensure appropriate documentation is in place.

184. Prior to the issue of an Occupation Certificate a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 must be created, burdening the owner with the requirement to maintain the water sensitive urban design devices on the lot.

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

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through via an application to the Land Titles Office using forms 13PC and 13RPA.

A certificate from the water quality devices manufacturer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively.

Written evidence is to be provided that the owner/developer has entered into and prepaid a minimum three (3) year maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the Oceanguard pit and Stormfilters.

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

**Reason:** To ensure maintenance of water sensitive urban design facilities.

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

### **PF0054 Release of Securities/Bonds**

185. When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held in accordance with the relevant policies.

Council may use part, or all of the securities held to complete the works to its satisfaction if the works do not meet Council's requirements.

**Note:** 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.

**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.

### **PF0004 External Plant/Air-conditioning noise levels**

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

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

### **PF0049 Graffiti Management**

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

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

**BF0001 Fire safety measures**

188. All new and existing fire safety measures identified in the Fire Safety Schedule shall be maintained in working condition at all times.

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

**EAF0004 No 'offensive noise'**

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

**Reason:** To reduce noise levels.

**EAF0010 Air Conditioners in Residential Buildings**

190. The air conditioner/s must not:

- a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
  - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
  - (ii) before 7.00am and after 10.00pm on any other day.
- b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those as specified in (1), which exceeds the background (LA90, 15 minute) by more than 5dB(A).

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

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

**EWF0003 Remove putrescible waste at sufficient frequency**

191. 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.

**EWF0005 Management of waste storage facilities**

192. 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.

**EWF0006 Storage of bins between collection periods**

193. 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.

**EWF0008 Ongoing Management of Wastes (general)**

194. All waste generated onsite must be removed at regular intervals and no less frequent than once weekly for garbage and once fortnightly for recycling. The collection of waste and recycling must not cause nuisance or interfere

with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the formal approval of Council. Waste collection vehicles servicing the development onsite must enter and exit a property in a forward direction.

**Reason:** To ensure that waste does not accumulate onsite.

**EWF0010 Compliance with Servicing Requirements**

195. All waste servicing instructions from Council must be complied with at all times. This includes any directives regarding the presentation of bins to a designated collection point and the maintenance of waste storage areas.

**Reason:** To ensure the safety and effectiveness of ongoing waste collection services.

196. If a roller shutter door is to be provided at the driveway entry and exit from Shirley Street, it is to be operated via remote control and is to be opened at all times during the opening hours of the neighbourhood shop. If an intercom is installed, it is to be provided at the centre of the driveway (not attached on the wall) to the carpark in accordance with Clause 3.3 (b) of AS 2890.1 - 2004.

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

197. Ensure any existing boundary fence parallel to the rail corridor is maintained and kept in place at all times for the life of the development.

**Reason:** Per Transport for NSW requirements

198. Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.

**Reason:** Per Endeavour Energy requirements

199. Groundwater shall not be pumped to Councils Stormwater drainage infrastructure.

**Reason:** To ensure Councils infrastructure is maintained