

ATTACHMENT B – CONDITIONS OF CONSENT

SCCPP Reference:	PPSSCC-404
DA No:	DA/904/2022 PAN-276050
Address:	37-39 Hill Road – Wentworth Point

PART A – GENERAL CONDITIONS

Approved Plans & Supporting Documentation

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

Architectural Plans

Plan Title	Plan No	Issue	Prepared By	Dated
Cover Sheet	A00.000	D	Bates Smart	-
Existing Site Plan + Block Plan	A00.001	B	Bates Smart	27.03.2023
Stage 2 Operational Plan/Demolition Plan	A00.002	B	Bates Smart	27.03.2023
Proposed Site Plan	A01.001	B	Bates Smart	27.03.2023
Public Domain Alignment	A01.002	B	Bates Smart	27.03.2023
Level 01	A02.001	D	Bates Smart	21.07.2023
Level 02	A02.002	B	Bates Smart	27.03.2023
Level 03	A02.003	B	Bates Smart	27.03.2023
Level 04	A02.004	B	Bates Smart	27.03.2023
Level 05	A02.005	B	Bates Smart	27.03.2023
Level 06-07	A02.006	B	Bates Smart	27.03.2023
Level 08	A02.008	B	Bates Smart	xxx
Level 09-16	A02.009	B	Bates Smart	27.03.2023
Level 17	A02.017	B	Bates Smart	27.03.2023
Level 18-20	A02.018	B	Bates Smart	27.03.2023
Level 21 – Roof	A02.021	B	Bates Smart	27.03.2023
Basement 01	A02.B01	B	Bates Smart	27.03.2023
Basement 02	A02.B02	B	Bates Smart	27.03.2023
Elevations Sheet 1	A07.001	B	Bates Smart	27.03.2023
Elevations Sheet 2	A07.002	D	Bates Smart	27.07.2023
Elevations Sheet 3	A07.003	D	Bates Smart	27.07.2023
Sections Sheet 1	A08.001	B	Bates Smart	27.03.2023
Sections Sheet 2	A08.002	B	Bates Smart	27.03.2023
Sections Sheet 3	A08.003	D	Bates Smart	27.07.2023
Sections Sheet 4	A08.004	B	Bates Smart	27.03.2023
Sections Sheet 5	A08.005	B	Bates Smart	27.03.2023
Loading Dock Section	A08.100	B	Bates Smart	27.03.2023
1 Bed Apartments Types Sheet 1	A13.011	B	Bates Smart	xxx
2 Bed Apartments Types Sheet 1	A13.021	B	Bates Smart	xxx
2 Bed Apartments Types Sheet 2	A13.022	B	Bates Smart	xxx
2 Bed Apartments Types Sheet 3	A13.023	B	Bates Smart	xxx

3 Bed Apartments Types Sheet 1	A13.031	B	Bates Smart	xxx
3 Bed Apartments Types Sheet 2	A13.032	B	Bates Smart	xxx
3 Bed Apartments Types Sheet 3	A13.033	B	Bates Smart	xxx
Deep Soil and Open Space	A50.001	B	Bates Smart	27.03.2023
Render 01	A50.004	B	Bates Smart	27.03.2023
Render 02	A50.005	B	Bates Smart	27.03.2023
Render 03	A50.006	B	Bates Smart	27.03.2023
Architectural Design Report <i>(exclusive of Appendix 1 – which is revised by above drawings)</i>	-	A	Bates Smart	07.10.2022

Civil Drawings

Plan Title	Plan No	Issue	Prepared By	Dated
Cover Sheet & Locality Plan	17-477-DAC601	A	At&I	29.09.2022
General Notes and Legends Sheet	17-477-DAC602	A	At&I	29.09.2022
General Arrangement Plan	17-477-DAC605	A	At&I	29.09.2022
Site Staging Plan	17-477-DAC606	A	At&I	29.09.2022
Siteworks & Stormwater Drainage Plan	17-477-DAC610	A	At&I	29.09.2022
Proposed Indicative Overland & Stormwater Flow Plan	17-477-DAC640	A	At&I	29.09.2022
Music Catchment Plan	17-477-DAC641	A	At&I	29.09.2022
Stormwater Details Sheet	17-477-DAC645	A	At&I	29.09.2022
WSUD Tank Plan and Details	17-477-DAC646	A	At&I	29.09.2022
Erosion & Sediment Control Plan	17-477-DAC670	A	At&I	29.09.2022
Erosion & Sediment Control Details	17-477-DAC671	A	At&I	29.09.2022

Landscape Drawings

Plan Title	Plan No	Issue	Prepared By	Dated
Landscape Design Report		Rev E	Arcadia	06.04.2023
Drawing Schedule	000	B	Arcadia	16.09.2022
Masterplan – Ground Floor	100	B	Arcadia	16.09.2022
Masterplan – Level 03	110	B	Arcadia	16.09.2022
Masterplan – Level 17	120	B	Arcadia	16.09.2022
Plant Schedule	400	B	Arcadia	16.09.2022
Softworks – Ground Floor	401	B	Arcadia	16.09.2022
Softworks – Ground Floor	402	B	Arcadia	16.09.2022
Softworks – Ground	403	B	Arcadia	16.09.2022

Floor				
Softworks – Ground Floor	404	B	Arcadia	16.09.2022
Softworks – Level 03	410	B	Arcadia	16.09.2022
Softworks – Level 03	411	B	Arcadia	16.09.2022
Softworks – Level 17	420	B	Arcadia	16.09.2022
Landscape Details	601	B	Arcadia	16.09.2022
Landscape Specifications	700	B	Arcadia	16.09.2022

Specialist Reports

Document	Ref No	Issue	Prepared By	Dated
Acid Sulfate Soil Management Plan	Project 85836.02	Rev0	Douglas Partners	16.07.2018
Acoustic Assessment	20220736.1/2309A/R0/AR	0	Acoustic Logic	23.09.2022
BASIX Certificate	1334298M_07	-	Efficient Living	19.06.2023
NatHERS Certificate	HR-ZACE71-03	-	Efficient Living	15.06.2023
Ecologically Sustainable (ESD) Report	22-3183	A	Efficient Living	21.09.2022
Geotechnical Report	289220-GEO-REP-01	0	ARUP	09.09.2022
Acoustic Assessment	20220736.1/2309A/R0/AR		Acoustic Logic	23/09/2022
Remediation Action Plan	Project 85836.03	Rev0	Douglas Partners	21/08/2018
RAP Supplement	289220-03 -ENV-LTR-000003	-	Arup	08.03.2023
Interim Audit Advice 04	S20398_005_LET04	-	Senversa	10.03.2023
Preliminary Demolition & Construction Management Plan	-	2	-	27.09.2022
Waste Management Plan (Operational)	Report No. 4176	C	Elephants Foot	16.12.2022
Amended Wind Tunnel Test	30N-22-0181-TRP-49659-2	Rev 2	Vipac	13.06.2023
Wind Review Addendum	30N-22-0181-GCO-61645-0	-	Vipac	13.07.2023
Traffic Impact Assessment Report	0449r01v02	02	Ason Group	24.10.2022
Section J(A) Report	21-3184	A	Efficient Living	21.09.2022
Natural Ventilation Report	20E-22-0214-TRP-42573-0	00	Vipac	26.09.2022
Flood Emergency Response Plan	R.A12070.01.01	-	BMT Commercial Australia	07.09.2022

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of consent, the condition prevails.

Note: 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.

Physical Commencement

2. Physical commencement must occur in accordance with the requirements of Section 4.53(4) of the Environmental Planning and Assessment Act within 5 years of the date of the issue of the consent. In this regard should physical commencement not occur by **[insert date of consent expiry]** the consent will lapse.

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

Construction Certificate

3. 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.

No encroachment on Council and/or Adjoining Property

4. The development must be constructed within the confines of the property boundary. No portion of the proposed structures, including roads, 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.

WaterNSW General Terms of Approval

5. The development shall comply with the requirements of the General Terms of Approval in the Water NSW letter **Reference Number IDAS1147140** dated **14 February 2023**.

Note: The General Terms of Approval issued by Water NSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Reason: To comply with WaterNSW integrated requirements.

Compliance with Ausgrid Requirements

6. The development shall comply with the requirements of Ausgrid contained within the letter **Reference Number TRIM2017/32/95** dated **12 December 2022**, unless otherwise advised by Ausgrid.

Reason: To comply with Ausgrid concurrence requirements.

Compliance with Basix

7. The development is to be carried out strictly in accordance with the commitments listed in the BASIX certificate No 1334298M_07 dated 19 June 2023 and BASIX stamped plan set approved by this consent reference #HR-ZACE71-03 dated 15 June 2023, for the development to which the consent applies.

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

Cooling Towers

8. The air handling system and cooling tower/s shall be designed, installed and maintained in accordance with the requirements of the Public Health Act 2010 and Regulations. The cooling tower shall be designed and installed in accordance with Australian Standard AS3666.1:2011 Air-handling and water systems of buildings - Microbial control design, installation and commissioning and shall be maintained in accordance with Australian

Standard AS3666.2:2011 Air-handling and water systems of buildings - Microbial control operation and maintenance.

All wastewater from the cooling tower/humidifier/evaporative cooler/warm water system shall be discharged to the sewer under a Trade Waste Agreement from Sydney Water.
Reason: To ensure the correct installation and operation of air handling systems.

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.)

Development Contributions - City of Parramatta (Outside CBD) Development Contributions Plan 2021

9. A monetary contribution comprising **\$5,656,990.47** is payable to City of Parramatta Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and the *City of Parramatta (Outside CBD) Development Contributions Plan 2021*. Payment must be made by direct bank transfer or credit/debit card only. Payment can be made by contacting Council's Customer Contact Centre on 1300 617 058.

Contribution Type	Amount
Open space and outdoor recreation	\$ 3,717,042.06
Indoor sports courts	\$ 343,663.68
Community facilities	\$ 451,991.69
Aquatic facilities	\$ 105,340.26
Traffic and transport	\$ 987,595.19
Plan administration	\$ 51,357.59
Total	\$ 5,656,990.47

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

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

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

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

Security Bonds

10. 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	
Section 0262 Works valued over \$1,000,000	\$25,750.00

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.

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/904/2022;
- 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) 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.

LSL Payment

11. 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. For more information, please contact the Levy support team on 13 14 41.

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

Infrastructure & Restoration Administration Fee

12. 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.

Modification Required to Public Domain Plans

13. Before the issue of any construction certificate involving the ground floor of the building, the approved public domain plans required by Conditions 41 (Public Domain Construction Drawings), 42 (Footway Specifications) and 43 (Street Tree Specifications) of **DA/1041/2017 (as modified)** are required to be revised to adjust the proposed finished ground levels adjoining the site to reflect the stamped approved plans associated with this consent. The plans are to be submitted to Council and approved by the Group Manager, Development and Traffic Services before the issue of the relevant construction certificate.
Reason: To ensure consistency in street levels between the infrastructure works and the proposed building works.

Design Changes Required

14. The following design changes/and or supporting documentation is to be submitted to the satisfaction of the Principal Certifying Authority before the issue of the relevant Construction Certificate(s):
- (a) Extension of the horizontal louvres (above the main entry in Building C2), from Level 3 slab down to Level 2 slab to create a better transitional relationship above the corner.
 - (a) An internal privacy audit be carried out of all key communal areas that interface with private courtyards and apartment windows in order to satisfy effective architectural screening and ensure that plant material buffers provide adequate short and long term privacy
- Reason:** To improve the aesthetic appearance of the development, provide further detailing of elements and protect the privacy and safety of future occupants.

SEPP 65 Verification

15. Design Verification issued by a registered architect is to be provided with the application for the relevant construction certificate detailing the construction drawings and specifications are consistent with the design quality principles in State Environmental Planning Policy 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.

Building Servicing Details

16. Service ducts, plumbing installations and plant servicing the development must be concealed within the building to keep external walls free from service installations. Details are to be included within the plans and documentation accompanying the relevant construction certificate to the satisfaction of the Certifying Authority.
Reason: To ensure the quality built form of the development.

Retaining Walls

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

The provision of retaining walls along common boundary lines shall not impact on neighbouring properties. If impact upon neighbouring properties (including fences) is anticipated, then written approval from the affected neighbour shall be obtained and submitted to the certifying authority prior commencement of the works.

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

Reason: To minimise impact on adjoining properties.

Construction Noise Management Plan

18. 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.

Consideration of Salinity

19. Prior to the issuing of the relevant Construction Certificate details are to be submitted to the Principal Certifying Authority that the footings and slabs of the development have been designed to withstand the impacts of salinity. The design of the development is to take into consideration the guidelines within the Department of Infrastructure, Planning and Natural Resources document - *Western Sydney Salinity Code of Practice 2003*.

Reason: To ensure appropriate safeguards against salinity.

Energy Provider Requirements for Substations

20. Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for the relevant 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.

Adaptable Dwellings

21. The development must incorporate 61 adaptable dwellings. Plans submitted with the relevant Construction Certificate must illustrate that the required adaptable dwellings

have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

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

Accessibility

22. The following additional accessibility matters shall be addressed within the relevant Construction Certificate to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant Construction Certificate:

- (a) Compliant accessible paths of travel are provided to and throughout the development including access from the surrounding streets and the 7 lift lobbies as per AS1428.1 and BCA D3.
- (b) Compliant wayfinding and suitable signage is provided to ensure intuitive access to the lift lobbies and features within the development.
- (c) Access is required to all features of the common areas including tables, seating, BBQs etc: as per BCA table D3.1.
- (d) Provision of access entry into the pool such as a portable/relocatable pool hoist.
- (e) Low level thresholds must be provided at all common doors accessing outdoor areas including the adaptable units.
- (f) The abutment of differing surfaces shall have a smooth transition. Design transition shall be 0 mm. Construction tolerances shall be as follows:
 - (a) 0 ± 3 mm vertical.
 - (b) 0 ± 5 mm, provided the edges have a bevelled or rounded edge to reduce the likelihood of tripping.

Reason: To provide for appropriate accessible areas.

Access and Facilities for People with Disabilities

23. Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia (for all new building work) and in addition, with the relevant requirements of the 'Disability (Access to Premises – Building) Standards 2010' (including for existing buildings, whether or not any works are proposed). Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans/specifications for the relevant Construction Certificate.

Reason: To ensure compliance with the requirements of the Building Code of Australia.

Compliance with Technical Reports

24. Unless otherwise required within this consent, the recommendations of the specialist reports contained within Condition 1 of this consent are to be incorporated within the documentation and design details submitted with the relevant Construction Certificate.

The Principal Certifying Authority shall be satisfied that the recommendations have been incorporated into the plans before the issue of the relevant Construction Certificate.

Reason: To protect the amenity of the area and confirm the details submitted with the application.

Internal Ceiling Heights

25. Plans submitted with the relevant Construction Certificate shall clearly indicate that all residential floors are provided with a minimum internal floor to ceiling height of 2.7m unless not required by the ADG or where mechanical services are required within the kitchen where the minimum floor to ceiling height shall be 2.4m (excluding the thickness of the floor and ceiling slabs). This condition does not authorise the height of the building to be increased.

Reason: To ensure appropriate opportunities for access to natural light and ventilation are provided.

Finishes and Materials

26. The finishes and materials of the building as approved in Condition 1 of this consent are to be incorporated within the relevant Construction Certificate plans.

Reason: To ensure the quality of the design finishes is maintained.

External Walls and Cladding Flammability

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

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

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

Planting upon Structure

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

- (a) Construction details are to be provided by a suitably qualified Structural Engineer showing substrate depth, drainage, waterproofing for all planting on structures, including planting over on-site detention tanks, raised planters and rooftop gardens.
- (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):
- (e) Typical tree planting on structure detail to show overall 800-1200mm soil depth. (Soil Volume to be reflective of proposed tree species size)
- (f) Typical shrub planting on structure detail to show minimum 500-600mm soil depth,
- (g) Typical turf planting on structure to show minimum 200-300mm soil depth.
- (h) Sections through the planters supporting the trees and shrubs over the basement, OSD and on podium level are required to show the above requirements.
- (i) Tree planting densities shall not exceed the prescribed soil volume and area as per ADG – Part 4 requirements.
- (j) A landscape maintenance schedule is required to ensure all landscape areas are well maintained for a sufficient period of time (minimum 1 year)
- (k) A soil specification ('Fit-for-purpose' performance description) for imported soil types to ensure sufficient nutrient and water availability is achieved.
- (l) An Irrigation plan and specification must be provided by a suitably qualified Hydraulic Engineer.

Reason: To ensure the creation of functional gardens.

Car Parking Design

29. The PCA shall ascertain that any new element in the off-street 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, AS 2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the relevant construction certificate application.

Reason: To ensure appropriate vehicular manoeuvring is provided.

Parking Provision

30. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS 2890.2 and AS 2890.6. A maximum total of 445 parking spaces are to be provided and be allocated as follows:

- a) 407 spaces for the residential units;
- b) 38 visitor parking.

The three proposed disabled parking spaces towards the northeast side of Basement Levels 1 and 2 which have their shared area within the parking aisle are to be relocated such that the shared area complies with AS 2890.6 in that a shared area must not be provided in a circulation roadway or parking aisle. Details are to be illustrated on plans submitted with the relevant construction certificate application.

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

Bicycle Parking

31. A minimum of 136 bicycle spaces/racks for residents and 20 bicycle spaces/racks for visitors 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 relevant construction certificate.

Reason: To comply with Council's parking requirements.

Car Share Spaces

32. A minimum 1 car parking space is to be allocated for car share parking space. Car share parking space shall be publicly accessible at all times, adequately lit and sign posted. Written evidence shall be provided with the relevant construction certificate demonstrating that offers of a car space to car share providers have been made together with the outcome of the offers or a letter of commitment to the service. The PCA shall ascertain that agreement with a commercial operator is subscribed prior to issue of the construction certificate. Details are to be illustrated on plans submitted with the construction certificate.

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

Control Point at the Car Park Entrance

33. The control point at the car park entrance is to be located where adequate queuing length between the vehicular control point and the property boundary is provided in accordance to Clause 3.4 of AS 2890.1-2004 to allow free influx of traffic which will not adversely affect traffic or pedestrian flows in the frontage road. Details are to be submitted to Council to the satisfaction of Council's Traffic and Transport Manager prior to the issue of the relevant construction certificate.

Reason: To comply with Australian Standards.

Safety Barriers

34. Suitable bollards or safety barriers are to be installed along the property line on both sides of proposed pedestrian link through the development site between Marine Parade and Monza Boulevard. The design and installation of the treatment must comply with the requirements of AS 3845.2:2017 and must prevent unauthorised vehicle access into

the pedestrian link. Details of the proposed treatment are to be illustrated on plans submitted with the relevant construction certificate.

Reason: To ensure safety of pedestrians

Convex Mirror

35. Convex mirrors as nominated in the architectural plans are to be installed within the off-street carpark to allow drivers a full view of the driveway in order to see if another vehicle is coming through. Details are to be illustrated on plans submitted with the relevant construction certificate.

Reason: To ensure safety of drivers.

Road Surface Construction for Vehicle Support

36. Prior to the issue of the relevant Construction Certificate, the applicant is to provide evidence to the Principal Certifying Authority that the ramp and any area the waste collection vehicle will travel will be constructed to support a load mass of up to 25 tonne.

Reason: To ensure waste vehicles can safely access the ramp to provide waste collections.

Vehicle Crossings

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

Reason: To ensure appropriate vehicular access is provided.

Tanked Basements

38. All basements (including walls and floor slab below ground) shall be constructed with 'tanked' (waterproof) construction methods to ensure groundwater does not penetrate the basements and basement walls and floor slabs do not fail as a result of hydrostatic loading. Design and construction shall provide for the free passage of groundwater around and below the basement. Pumped or drained basements are not acceptable.

Details must accompany an application for the relevant Construction Certificate to the satisfaction of the Principal Certifying Authority.

Reason: To manage groundwater risk.

Basement Drainage System

39. The basement stormwater and seepage pump-out system, must be designed and constructed to include the following:

- (a) A holding tank capable of storing the run-off from a 1% AEP (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
 - (i) The rate of inflow for the one hour, 5 year ARI storm event.
- (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
- (d) A 100 mm freeboard to all parking spaces.
- (e) Submission of full hydraulic details and pump manufacturers specifications.
- (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

Plans and design calculations along with certification from the designer indicating that the design complies with the above requirements are to be submitted to the satisfaction

of the Principal Certifying Authority prior to issue of the relevant Construction Certificate. Note this system must not be used for groundwater pumping.

Reason: To ensure satisfactory storm water and seepage water disposal.

Water Sensitive Urban Design

40. Water Sensitive Design measures generally in accordance with at&I report titled 'Civil Stormwater Management Report' shall be implemented to manage surface runoff water from the site and must satisfy the stormwater and water conservation controls of the Homebush Bay West DCP. Details of the proposed WSUD system and locations must accompany the application for the relevant Construction Certificate to the satisfaction of the Certifying Authority.

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

Connection to Drainage Systems

41. 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 the relevant Construction Certificate.

Reason: To ensure satisfactory stormwater disposal.

Acoustic Report Recommendations

42. The recommendations outlined in the acoustic report prepared by Acoustic Assessment prepared by Acoustic Logic – Reference No. 20220736.1/2309A/R0/AR dated 23 September 2022 shall be incorporated into the plans and documentation accompanying the relevant Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure a suitable level of residential amenity.

Wind Report Recommendations

43. The recommendations outlined in the amended wind tunnel test report and wind review addendum prepared by Vipac as listed in Condition 1 of this consent shall be incorporated into the plans and documentation accompanying the relevant Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure wind impacts have been appropriately mitigated.

Ausgrid Connection Application

44. The applicant is to make a formal submission to Ausgrid by means of a duly completed Connection Application and/or Preliminary Enquiry form to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (e.g. whether a substation is required on site) before the issue of a Construction Certificate.

Note: Any work undertaken near Ausgrid assets needs to be done in accordance with various standards, rules and guidelines including:

- Ausgrid's Network Standards
- Ausgrid's Electrical Safety Rules.

The developer is to ensure that the proposed works do not contravene Ausgrid's Technical Standards and statutory requirements with regards to the safe and reliable operation and maintenance of its network.

Reason: To comply with the requirements of Ausgrid.

Impacts on Utility Installations

45. 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.

Sustainability Measures

46. Prior to the issue of the relevant Construction Certificate(s), the following must be demonstrated to the satisfaction of the Certifying Authority:
- (a) A dual reticulation (dual pipe) system is to be installed throughout the development to support the immediate or future connection to the recycled water network. If a recycled water network is not currently available, the design of the dual reticulation system is to be such that a future change-over to an alternative water supply can be achieved without significant civil or building work, disruption or cost. To facilitate this, the dual reticulation system is to have:
 - (i) One reticulation system servicing drinking water uses, connected to the drinking supply, and
 - (ii) One reticulation system servicing all non-drinking water uses.
 - (iii) The non-drinking water system is to be supplied with harvested rainwater, with drinking water backup, until such time as an alternative water supply connection is available.
 - (b) Solar photovoltaic generation must be installed for the roof area/s in accordance with the Ecologically Sustainable Design (ESD) Report prepared by Efficient Living (Ref 22-3183) dated 21 September 2022.
 - (c) The inclusion of recommendations contained within the Ecologically Sustainable Design (ESD) Report prepared by Efficient Living (Ref 22-3183) dated 21 September 2022.

Reason: To ensure sustainable development outcomes are achieved.

Outdoor Lighting Design

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

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

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

Target Hardening Strategies

48. The following target hardening strategies shall be undertaken on site to assist in the reduction of crime in the locality:-
- a) CCTV digital cameras shall be installed in and around the premises, particularly at the entry and exit points to assist police to identify offenders of crime.
 - b) Warning signs strategically posted in and around the premises to warn intruders of the security measures.
 - c) Additional lighting be installed in and around the premises to act as a deterrent for crime. The lighting shall be installed in accordance with the Australian Standards 1158.3 1999.
 - d) Design of each building is to ensure that no natural ladders occur whereby an offender could climb the building to gain entry through a balcony.

Suitable details shall be provided for approval by the Accredited Certifier prior to the issue of the relevant Construction Certificate.

Reason: To reduce the incidence of late night crime in the locality and to improve public safety late at night.

Provide waste storage room on premises

49. A waste storage room is to be provided on the premises and shall be constructed to comply with the following:

- (i) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types and bulky materials
- (ii) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls
- (iii) The walls being cement rendered to a smooth, even surface and coved at all intersections
- (iv) Cold water being provided in the room with the outlet located 1.5m above floor level to avoid damage and a hose fitted with a nozzle being connected to the outlet
- (v) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

Details are to be submitted to the satisfaction of the Principal Certifying Authority before the issue of the relevant construction certificate.

Reason: To ensure provision of adequate waste storage arrangements.

Garbage Chutes

50. 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. Details are to be submitted to the satisfaction of the Principal Certifying Authority before the issue of the relevant construction certificate.

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

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

Appointment of PCA

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

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

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

Reason: To comply with legislative requirements.

Enclosure of the site

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

Reason: To ensure public safety.

Site Sign

53. 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 2001 detailing:
- (a) Unauthorised entry of the work site is prohibited;
 - (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
 - (c) The name, address and telephone number of the Principal Certifying Authority;
 - (d) The development consent approved construction hours;
 - (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.

Toilet facilities on site

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

Reason: To ensure adequate toilet facilities are provided.

Public liability insurance

55. 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.

Sydney Water Quick Check

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

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

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

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

Dial Before You Dig

57. 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.

Maintenance of Road Verge

58. 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.

Excavation Below Footings

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

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

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

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

Works within Property Boundaries

60. 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.

Footings and walls near boundaries

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

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

Construction Environmental Management Plan

62. Prior to the commencement of construction, a Construction Environmental Management Plan and System (CEMP), including a construction phase soil and water management plan, must be prepared and submitted for the approval of the Group Manager DTSU.

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

The CEMP must be implemented to the satisfaction of the Principal Certifying Authority.

This plan must address, but is not limited to, the applicants proposed management strategies for the following issues:

a) Stormwater management

All stormwater incident on the construction site must be collected and appropriately disposed of in a manner that does not increase the flood risk for the catchment area or degrade the quality of water being disposed of to council stormwater infrastructure.

b) Construction material pollution protection

During construction, any stockpiled materials and/or construction waste stored onsite is to be isolated from stormwater flow to Council stormwater systems and natural waterways, in order that it not become a pollutant. This is to be achieved with provision of continuous perimeter bunding around waste storage areas, constructed to be of sufficient height and durability to withstand site-specific stormwater conditions and construction activity for the life-cycle of the construction project.

c) Erosion and sediment control measures

Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to include, but not be limited to:

- Vehicle Wheel wash, cattle grid, wheel shaker or other appropriate device to remove sediment from vehicle wheels.
- A sediment trapping fence, made of a geotechnical textile specifically designed for such a purpose and installed and maintained to manufacturer's specifications, placed below the disturbed area of the construction site along contours.
- Vegetation is to be maintained on the development site as much as possible, and shall not be cleared from neighboring sites.
- Vehicle access shall be restricted to one designated point, and vehicle driveways are to be adequately covered at all times with blue metal or the like.

All devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

d) Environmental due diligence

In order to remain compliant with the POEO Act (1997), environmental due diligence must be demonstrated to have been exercised throughout the construction process. To this end, an external, regular environmental management and monitoring system must be proposed, to ensure the integrity of pollution control measures.

e) De-watering of the excavation cavity

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.

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

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

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

Full plant and equipment details, an operational and monitoring plan and evidence of ability to achieve the required performance must be presented in the final plan.

Reason: Environmental protection.

Geotechnical Details to be Provided

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

- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.
- (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
- (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
- (d) The impact on groundwater levels in relation to the basement structure.
- (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

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

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

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

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

- (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- (ii) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iii) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iv) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.

- (v) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- (vi) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

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

Dilapidation Survey & Report for Private Properties

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

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

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

Council's Drainage Infrastructure

65. Details of any pipe-work, pits etc on or connected to Council's drainage line shall be submitted for Council's City Assets Unit for approval prior to commencement of any work undertaken on or adjacent to Council's drainage line.

Reason: To ensure adequate stormwater infrastructure is provided.

Remediation Action (RAP)

66. Remediation works shall be carried out in accordance with the Remediation Action Plan numbered *Project 85836.03 Rev0* prepared by *Douglas Partners, dated 21.08.2018* and RAP Supplement reference 289220-03-ENV-LTR-000003 prepared by *Arup, dated 08.03.2023*. The applicant shall inform Council in writing of any proposed variation to the remediation works. Council shall approve these variations in writing prior to the commencement of works.

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

Additional Remediation Requirements

67. Prior to any remediation works commencing, the subject property is to be assessed by a suitably qualified consultant to ensure that any unexploded ordnance that may be present at the site are identified and managed appropriately.

Reason: To manage risk and ensure the health and safety of workers.

Construction and Pedestrian Traffic Management Plan

68. Prior to the commencement of any works on site, the applicant shall submit a Construction and Pedestrian Traffic Management Plan (CPTMP) to the satisfaction of Council's Traffic and Transport Manager. The CPTMP shall be prepared by a suitably qualified and experienced traffic consultant. The following matters must be specifically addressed in the CPTMP:
- a) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - b) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
 - c) The location of proposed Work Zones in the egress frontage roadways,
 - d) Location of any proposed crane standing areas,
 - e) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - f) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - g) The provisions of an on-site parking area for employees, trade person and construction vehicles as far as possible,
 - h) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors,
 - i) A detailed description of locations that will be used for layover for trucks waiting to access the construction site,
 - j) Proposed construction hours,
 - k) Estimated number and type of construction vehicle movements including morning and afternoon peak and off peak movements,
 - l) Construction program that references peak construction activities and proposed construction 'Staging',
 - m) Any potential impact to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works,
 - n) Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified, and,
 - o) The plan may be required to include restrictions on the number of trucks that can access the site in peak hours and a requirement for the developer to provide video footage of the frontage of the site on a weekly basis so that Council can enforce this requirement,
 - p) Evidence of Roads and Maritime Services concurrence where construction access is provided directly or within 20 m of an Arterial Road if applicable,
 - q) A schedule of site inductions on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations,

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

Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Work Zone' restriction in the egress frontage roadways of the development site. Application fees and kerbside charges for 6 months (minimum) are to

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

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

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

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

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

Building Code Compliance

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

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

Hours of work and noise

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

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

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

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

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

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

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

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

- Nature of work to be conducted;

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

Reason: To protect the amenity of the surrounding area.

Vehicles to be Contained within Site

71. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

Reason: To minimise disruption to traffic and pedestrians.

Groundwater Discharge

72. Groundwater may only be discharged to Council's stormwater system during construction phase and then only with Council's approval in writing and as part of the Construction Environmental Management Plan and System. Such groundwater shall be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation and must be subject to treatment and mitigation measures satisfactory to Council prior to discharge to the stormwater system. These measures must be described fully in the Construction Environmental Management Plan which must be submitted for the approval of the Manager DTSU prior to commencement of any excavation or construction. The analytical results must comply with relevant NSW EPA water quality standards and Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000. Such groundwater flows must not be discharged directly into Parramatta River. On completion of construction, all groundwater discharges must cease and no further groundwater discharge will be permitted to Council's stormwater system.

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

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

Imported fill

73. 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 must be validated by either one or both of the following methods during remediation works:

- Imported fill must 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
- Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

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

Signage – Contamination

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

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

Request to Notify about New Contamination Evidence

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

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

Contaminated waste to licensed EPA landfill

76. 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.

Remediation

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

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

Validation Report

78. A validation report prepared by a suitability qualified person shall be provided to the Certifying Authority and Council within 30 days following completion of the remediation works, which demonstrates:

- a) Compliance with the approved RAP
- b) The remediation acceptance criteria (in the approved RAP) has been fully complied with
- c) All remediation works undertaken comply with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997*, SEPP (Resilience and Hazards) 2021 and Council's Management of Contaminated Lands Policy and includes:
 - Works-As-Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a registered surveyor;
 - A "notice of completion of remediation work" as required under Clause 4.15 of SEPP (Resilience and Hazards) 2021; and
 - A statement confirming that the site following remediation of contamination is suitable for the intended use.

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

Validation Report – Site Audit Statement

79. Following the preparation of the validation report, Council requires the applicant to engage an accredited auditor under the *Contaminated Land Management Act 1997* to review the Validation Report prepared by the contaminated land consultant and issue a Site Audit Statement. The accredited auditor shall consult with Council prior to finalising and issuing the Site Audit Statement. The Site Audit Statement should allow for soil

access to occur to ground level courtyards and communal open space areas within the development. The accredited auditor shall provide Council with a copy of the Site Audit Report and Site Audit Statement, prior to the issuing of the Occupation Certificate. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of the inconsistency and a Section 4.55 Modification Application or further Development Application pursuant to the *Environmental Planning and Assessment Act 1979* will be required.

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

Waste data file

80. 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 are met.

Polluted water excavation - analysis before discharge

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

Reason: To prevent pollution of waterways.

De-watering of Excavated Sites

82. 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.

Soil and Water Management – Stockpiles

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

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

Erosion and Sediment Control Measures

84. 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.

Erosion and Sediment Control – Run Off

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

Reason: To ensure no adverse impacts on neighbouring properties.

Damage to Council Assets

86. 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.

Nomination of Engineering Works Supervisor

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

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

Road Occupancy Permit

88. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.

Reason: To ensure proper management of Council assets.

Oversize vehicles using local roads

89. 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) prior to driving through local roads within the City of Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

No removal of trees on public property

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

Reason: Protection of existing environmental infrastructure and community assets.

Material storage and trees

91. No materials (including waste and soil), equipment or goods of any type are to be stored, kept or placed within 5m of the trunk of a tree or within the Tree Protection Zone (TPZ) of any tree whichever is greater. All activities involving soil level changes, excavation, all types of cleaning, and refuelling are prohibited within the TPZ.

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

Trees with adequate root volume

92. 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.

Drainage to existing system

93. Stormwater from all new impervious areas, and subsoil drainage systems, must be piped to the existing site drainage system. The installation of new drainage components must

be completed by a licensed contractor in Accordance with AS3500.3 (2003) - Stormwater Drainage and the Building Code of Australia (National Construction Code).
Reason: To ensure satisfactory stormwater disposal.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

Occupation Certificate

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

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

Record of inspections carried out

95. In accordance with Clause 63 of the Environmental Planning and Assessment Regulation 2021, 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.

Completion of Infrastructure Works

96. An Occupation Certificate shall not be issued until such time as all infrastructure works, including but not limited to the streets, drainage and infrastructure approved for the Stage 1 and Stage 2 works of DA/1041/2017 (as amended) have been completed and issued with a final Occupation Certificate.

Reason: To ensure the infrastructure is in place for the approved development.

Roads to be Operational

97. Required roads for access to the development shall be constructed and operational (including being legally accessible) before the issue of any Occupation Certificate for the residential usage of the buildings. Appropriate certification that the roads have been constructed in accordance with the design requirements and approvals must be provided to the PCA before the issue of an occupation certificate.

Reason: To ensure appropriate access for residents.

Street Number

98. 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.

BASIX Compliance

99. Under Clause 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(s) No 1334298M_07 dated 19 June 2023 and BASIX stamped plan set approved by this consent reference #HR-ZACE71-03 dated 15/06/2023, will be complied with prior to occupation.

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

SEPP 65 Verification Statement OC stage

100. 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.

Adaptable dwellings

101. 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 adaptable dwellings have been provided.

Compliance with Technical Reports

102. The Principal Certifying Authority shall be responsible for ensuring the recommendations of the specialist reports contained within Condition 1 of this consent have been incorporated within the design and construction of the development. Certification from appropriately qualified consultants shall be submitted to the Principal Certifying Authority confirming that all relevant works have been carried out or complied with before the issue of any Occupation Certificate.

Reason: To ensure the recommendations of the reports have been implemented within the development.

Post Construction Private Property Dilapidation Report

103. 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

Release of Securities/Bonds

104. When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held in accordance with **Council's Fees and Charges**.

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.

Certification of Landscaping Works

105. 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.

Completion of Public Utility Services

106. 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

Green Travel Plan

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

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

It is recommended that the plan consider an Opal Card with credit and information pack on public transport (travel access guide) to be provided to the new residents to encourage use of public transport. The Green Travel Plan shall be incorporated into or annexed to the strata management plan for the residential units in perpetuity.

Reason: To encourage travel demand management mechanisms and comply with the Homebush Bay West DCP.

Loading Dock Management Plan – Operational Usage

108. A Loading Dock Management Plan is to be prepared for the usage and maintenance of the loading dock on site. The plan shall incorporate the provision for tenants to use the loading dock for removalist vehicles when moving to/from the development. The plan is to be submitted to the satisfaction of the Principal Certifying Authority before the issue of any Occupation Certificate for the residential component of the building.

Reason: To ensure adequate loading is available for residents.

Compliance with Acoustic Report

109. Prior to the issue of an occupation certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and

Parramatta City Council, stating that all works/methods/procedures/control measures approved by Council in the following report has been completed:

- Acoustic Assessment prepared by Acoustic Logic – Reference No. 20220736.1/2309A/R0/AR dated 23 September 2022.

Reason: To demonstrate compliance with submitted reports.

Ventilation – Waste Storage Rooms

110. 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.

Compliance with Validation Requirements

111. Before the issue of any occupation certificate, the certifying authority is to be satisfied that the site validation conditions (Condition 78 and Condition 79) of this consent have been complied with.

Reason: To ensure that the site is appropriately remediated before occupation.

Waste Room Positive Covenant/Restriction

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

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

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

Note: The standard terms of easement can be found at Appendix A8.1 (Appendix B) of the Parramatta Development Control Plan 2011.

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

Final Waste Inspection

113. Prior to the issue of any Occupation Certificate, communal waste facilities and associated vehicle access on the site shall be inspected and approved by Council's Waste Service Team. Written confirmation of the waste facility approval from Council shall be submitted to the Principal Certifying Authority before the issue of any Occupation Certificate.

Reason: To ensure that appropriate waste collection facilities are provided.

Lock Box for Waste Collection

114. Prior to the issue of any Occupation Certificate, a waste lockbox is to be purchased from Council and installed in an agreed location between Council and the applicant. The lock box will provide Council universal access to all Council service areas of the residential units. The location can be determined during onsite inspection by Council's Waste Service Team.

Reason: To ensure appropriate access to waste collection facilities are provided.

Waste By-Laws

115. Prior to the issue of any Occupation Certificate, a draft strata by-law with the insertion of waste specific by-laws is to be provided to Council's Waste Service Team. The waste specific by-laws can be provided by Council's Waste Service Team.

Reason: To ensure that appropriate waste collection facilities are adequately managed by the authorised representatives and occupants of the building and to ensure no waste activities generated on site is placed on public land.

Access Easements and Covenants

116. Prior to the issue of any Occupation Certificate, the following access easements and positive covenants are to be approved by Council and registered on the title that indicates the following:

- (a) public right of access along the ground floor through site link
- (b) public right of access along the temporary pedestrian footpath adjoining the southern boundary. A positive covenant/restriction on user shall be registered on the land title requiring the removal of the temporary footpath adjoining the southern boundary of Block C and the replacement of the footpath with suitable pedestrian access and landscaping following the construction of the adjoining Nuvolari Road. Details of the replacement access and landscaping are to be submitted to and approved by Council before the works commence.

The required works by this condition must be undertaken in accordance with the approved plans and completed within 12 months of the date of completion of the adjoining Nuvolari Road extension.

The temporary access shall have a public access easement across the land until such time as the temporary access is removed.

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

Details of the registration of this covenant/restriction is to be submitted to the Principal Certifying Authority before the issue of any Occupation Certificate.

Reason: To enable adequate temporary access to the apartments and confirm the details of the application.

Works-as- Executed Stormwater Plans

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

- 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.
- 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.
- The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table)
- OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- 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.

- 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

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.

Positive Covenants - WSUD

118. Prior to the issue of any Occupation Certificate, the applicant must create Positive Covenants and Restrictions on the Use of Land, prepared in accordance with Section 88B of the Conveyancing Act 1919, burdening the owner of the allotments with the requirement to maintain the on-site rainwater harvesting, stormwater management system (including WSUD and associated landscape), bio-retention and water quality treatment facilities. This must be accompanied by a maintenance schedule, to be registered on title.

The terms of the instruments are to be to Council's satisfaction, and based on Council's standard wording for 88B/E instruments.

Registered title documents showing the covenants and restrictions must be submitted to and approved by Council's Manager DTSU prior to the issue of an Occupation Certificate.

Reason: To ensure that appropriate protective instruments are put in place for the rainwater and stormwater quality management system

Section 73 Certificate

119. 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 then the "e-developer" icon or telephone 13 20 92.

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

Telecommunications Provision

120. 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 an Occupation Certificate.

Reason: To ensure appropriate telephone services are provided.

Vehicle washing—general requirement for waste water

121. Washing of vehicles shall be conducted in a vehicle wash bay, which is roofed and bounded to exclude rainwater. The vehicle wash bay shall be installed in accordance with Sydney Water's requirements. A trade wastewater agreement shall be obtained from Sydney Water (if required) before operation of the wash bay commences and a copy of the permit submitted to Council's Environment and Health Unit prior to the issuing of the occupation certificate. The vehicle wash bay shall be regularly cleaned and maintained.

Reason: To ensure proper disposal of waste water.

PART F – OCCUPATION AND ONGOING USE

Location of Air- Conditioning Units

122. No air-conditioning condensers/units are to be located on any of the balconies.
Reason: To ensure the amenity of the units and visual amenity of the building.

Air Conditioners in Residential Buildings

123. 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.

No 'offensive noise'

124. 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.

Graffiti management

125. 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.

Landscape maintenance

126. 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.

Roller shutter door intercom is installed

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

Green Travel Plan Review

128. One year from the issue of the Occupation Certificate, and every year for 2 years thereafter, the applicant shall submit to the satisfaction of Council's Manager Development & Traffic Services a review report on the effectiveness of the Green Travel Plan. The reviews shall include surveys of modal share and vehicle trip generation for the various land uses within the development during peak and off-peak periods. The review shall also include any recommendations for improving the effectiveness of the plan. Any recommendations made to improve the effectiveness of the plan shall be incorporated into an updated Green Travel Plan.
Reason: To ensure the effective management of the Green Travel Plan.

Remove putrescible waste at sufficient frequency

129. 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.

Management of waste storage facilities

130. 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.

Storage of bins between collection periods

131. 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.

Trade Waste

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

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

ADVISORY NOTES:

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

(A) DEMOLITION

Demolition of structures on the subject site has been approved under DA/1041/2017 (as amended by Modification B). The terms and conditions of that notice of determination are to be adhered to during demolition works.

(B) DISABILITY DISCRIMINATION ACT

The Commonwealth Disability Discrimination Act 1992 commenced the 'Disability (Access for Premises – Buildings) Standards 2010' on 1 May 2011 and now applies to all new buildings and affected parts of existing buildings. Submission and/or approval of this application does not imply or confer compliance with either the Act or the new Access Standard. Applicants should satisfy themselves and make their own inquiries to the Human Rights and Equal Opportunity Commission.

Reason: To provide advice on the requirements of the Commonwealth Disability Discrimination Act 1992.

(C) SYDNEY WATER ADVICE:

Out of Scope Building Plan Approval

Sydney Water will need to undertake a detailed review of building plans:

1. That affect or are likely to affect any of the following:

- Wastewater pipes larger than 300mm in size
- Pressure wastewater pipes
- Drinking water or recycled water pipes
- Our property boundary
- An easement in our favour
- Stormwater infrastructure within 10m of the property boundary.

2. Where the building plan includes:

- Construction of a retaining wall over, or within the zone of influence of our assets
- Excavation of a basement or building over, or adjacent to, one of our assets
- Dewatering - removing water from solid material or soil.

The detailed review is to ensure that:

- our assets will not be damaged during, or because of the construction of the development
- we can access our assets for operation and maintenance
- your building will be protected if we need to work on our assets in the future.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.

Tree Planting

Certain tree species placed in close proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Sydney Water requires that all proposed or removed trees and vegetation included within the proposal adhere to the specifications and requirements within Section 46 of the Sydney Water Act (1994) and Diagram 5 - Planting Trees within our Technical guidelines - Building over and adjacent to pipe assets. Please note these guidelines include more examples of potential activities impacting our assets which may also apply to your development.