



CITY OF PARRAMATTA

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA/57/2024 PAN-405761
Applicant	Walter Gordon, Karimbla Properties (No. 61) Pty Limited Level 11, 582 Kent Street, SYDNEY NSW 2000
Description of development	Early site works including bulk earthworks and excavation, site clearing, tree removal to accommodate part 6 and part 7 storey basements and associated shoring, retaining walls and drainage works. The proposal is integrated development under the Water Management Act 2000.
Property	263-281 PENNANT HILLS ROAD CARLINGFORD 2118 4/-/DP9614, 3/-/DP9614, 2/-/DP9614, 61/-/DP819136, 62/-/DP819136, 22/-/DP21386, 1/-/DP1219291
Determination	Approved Consent Authority - Council staff under delegated authority
Date of determination	9/05/2024
Date from which the consent operates	9/05/2024
Date on which the consent lapses	9/05/2029

**Building Code of
Australia building
classification**

N/A

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

The proposal is considered to satisfy the relevant considerations under s4.15 of the Environmental Planning and Assessment Act 1979.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.



Per: Jennifer Concato
Executive Director City Planning and Design
Person on behalf of the consent authority

For further information, please contact Bianca Lewis / Executive Planner City Planning and Design

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

PART A - GENERAL CONDITIONS

Approved Plans and 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:

Civil Drawings (ABC Consultants, Project No. 23047)

Drawing/Plan No.	Issue	Plan Title	Dated
Shoring & Excavation Plans			
S00.005	P1	SITE RETENTION NOTES - SHEET 1	30/4/2024
S01.006	P1	SITE RETENTION NOTES - SHEET 2	30/4/2024
S01.001	T1	OVER ALL - SHORING PLAN	30/4/2024
S01.002	T1	BUILDING A AND B - SHORING PLAN	30/4/2024
S01.003	T1	BUILDING C - SHORING PLAN	30/4/2024
S01.004	T1	BUILDING D - SHORING PLAN	30/4/2024
S01.005	P2	BUILDING G - SHORING PLAN	30/4/2024
S01.011	P1	SHORING ELEVATION SHEET 1	30/4/2024
S01.012	P1	SHORING ELEVATION SHEET 2	30/4/2024
S01.014	P1	SHORING ELEVATION SHEET 4	30/4/2024
S01.015	P1	SHORING ELEVATION SHEET 5	30/4/2024
S01.016	P1	SHORING ELEVATION SHEET 6	30/4/2024
S01.017	P1	SHORING ELEVATION SHEET 7	30/4/2024
S01.018	P1	SHORING ELEVATION SHEET 8	30/4/2024
S01.020	P1	SHORING ELEVATION SHEET 10	30/4/2024
S01.021	P1	SHORING ELEVATION SHEET 11	30/4/2024
S01.022	P1	SHORING ELEVATION SHEET 12	30/4/2024
S01.023	P1	SHORING ELEVATION SHEET 13	30/4/2024
S01.024	P1	SHORING ELEVATION SHEET 14	30/4/2024
S01.025	P1	SHORING ELEVATION SHEET 15	30/4/2024

Drawing/Plan No.	Issue	Plan Title	Dated
S01.026	P1	SHORING ELEVATION SHEET 16	30/4/2024
S01.041	P1	SHORING DETAILS AND SECTIONS - SHEET 1	30/4/2024
S01.042	P1	SHORING DETAILS AND SECTIONS - SHEET 2	30/4/2024
S01.043	P2	SHORING DETAILS AND SECTIONS - SHEET 3	30/4/2024
S01.044	P1	SHORING DETAILS AND SECTIONS - SHEET 4	30/4/2024
S01.045	P1	SHORING DETAILS AND SECTIONS - SHEET 5	30/4/2024
S01.046	P1	SHORING DETAILS AND SECTIONS - SHEET 6	30/4/2024
S01.047	P1	SHORING DETAILS AND SECTIONS - SHEET 7	30/4/2024
S01.048	P1	SHORING DETAILS AND SECTIONS - SHEET 8	30/4/2024
S01.049	P2	SHORING DETAILS AND SECTIONS - SHEET 9	30/4/2024

Earthworks Cut & Fill (Sky Engineering & Project Management, Project No. SY21-007)

C-3 015	P4	EARTHWORKS CUT/FILL PLAN	03/02/2024
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Erosion & Sediment Control Plan (Sky Engineering & Project Management, Project No. SY21-007)

C-3 700	P2	EROSION AND SEDIMENT CONTROL PLAN	10/10/2023
C-3 710	P2	EROSION AND SEDIMENT CONTROL DETAILS	10/10/2023

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Arboriculture Impact Assessment Report			Ross Jackson	28/02/2024
Construction Management Plan			Karimbla Constructions Services (NSW)	22/12/2023
Preliminary Environmental Site Assessment		1	Environmental Consulting Service	18/11/2020
Waste Management Plan			Earthworx Group Pty Ltd	

Document	Ref No.	Issue	Prepared By	Dated
Remediation Action Plan	RAP_v1f	V1f	ADE Consulting Group Pty Ltd	06/12/2023

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

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

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

2. Permanent basement construction are not within the scope of this consent (including drainage and buildings) and require separate development consent.

Reason: To clarify scope of this consent

Construction Certificate

3. Prior to commencement of any construction works associated with the approved development (including excavation), 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.

Separate Approval required.

4. Notwithstanding the approved drawings, no approval is granted for the installation of any rock anchors outside of Lot 1 DP1219291, Lot 22 DP21386, Lots 2-4 in DP 9614, Lots 61 and 62 in DP 819136 (known as 263-281 Pennant Hills Road Carlingford).

Where such anchors are proposed in order to meet obligations elsewhere in this Notice, the prior consent of all relevant adjoining landowners must be obtained prior to the installation of those anchors, and a copy of the consent(s) provided to Council for its records.

Reason: To ensure that the development is in accordance with the terms of the application.

No Encroachment on Council and/or Adjoining Property

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

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

Public Utility Relocation

6. The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer.

Reason: To minimise costs to Council and public authorities

Stockpiling

7. No consent is given to raise existing ground levels across any part of the subject site. Excavated material shall be managed off site in accordance with the Waste Management Plan prepared by Earthworx Group Pty Ltd.

WaterNSW General Terms of Approval

8. The applicant is to ensure compliance with the General Terms of Approval provided by WaterNSW (Ref:IDAS 1153900 dated 24 April 2024).

Reason: To ensure compliance with the General Terms of Approval provided by WaterNSW.

Ausgrid

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

Reason: To ensure compliance with the requirements of Ausgrid.

Transport for NSW

10. Any new building or structures, together with any improvements integral to the future use of the site, are erected clear of the land required for road (unlimited in height or depth) and are wholly within the freehold property (unlimited in height or depth), along the Pennant Hills Road boundary.

Reason: To meet the requirements of Transport for NSW

Sydney Water (General)

11. The applicant is to ensure compliance with the comments provided by Sydney Water in their correspondence (Ref: 208501 dated 5 April 2024).

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

Landscape

12. Trees to be retained and protected are:

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

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

Engineering – General

Shoring and Rock Anchors

13. Notwithstanding Condition 1, the shoring and rock anchors must be carried out in such a way that they facilitate the implementation of fully tanked (waterproof) basements for the permanent phase of the development.

Revised technical supporting information and / or plans shall be submitted and approved by Council's Group Manager Traffic and Development Services prior to issue of a construction certificate, confirming the shoring and rock anchor method facilitates a tanked basement construction.

Reason: To ensure a tanked basement is constructed for the protection of the environment and public health.

Construction Phase - De-watering

14. Any site excavation areas must be kept free of accumulated water at all times. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in:

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

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

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

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

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

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

Groundwater Requirements

15. The Landowner shall:
- a) protect and/or improve groundwater quality, flows and drainage patterns during demolition, construction and ongoing operation phases of a development;
 - b) control and regulate groundwater usage in a sustainable manner;
 - c) ensure that long term protection of groundwater quality is an essential consideration

- for all of the development;
- d) ensure Council stormwater drainage infrastructure is not used for the discharge of ground water except where permitted during construction;
- e) ensure adequate treatment of groundwater prior to discharge; and
- f) avoid or minimise interception of groundwater.

Reason: To ensure groundwater is satisfactorily dealt with.

Groundwater Discharge

16. Discharge of groundwater into council stormwater infrastructure is not permitted post-development.

Reason: To ensure groundwater is satisfactorily discharged.

Environmental Health – Acoustic

Acoustic

17. Adopt and implement all noise and vibration control measures or methods or procedures or recommendations given in the report titled 'Construction Noise and Vibration Management Plan' 263-273 & 277-281 Pennant Hills Road, Carlingford prepared by Acoustic Logic Pty Ltd dated 05 October 2023 Ref: 20210596.6/0510A/R0/RF.

Reason: To protect the amenity of the surrounding neighbourhood and comply with the submitted report.

Environmental Health – Contamination

Hazardous/intractable waste disposed legislation

18. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Safework NSW and the EPA, and with the provisions of:
 - (a) Work Health and Safety Act 2011;
 - (b) NSW Protection Of the Environment Operations Act 1997 (NSW); and
 - (c) NSW Environment Protection Authority (EPA) Waste Classification Guidelines.

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

Signage – Contamination

19. 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.

Required to notify about new contamination evidence

20. 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.

Imported fill

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

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

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

Contaminated waste to licensed EPA landfill

22. 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 Works

23. 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.

Remediation Action (RAP)

24. Remediation works shall be carried out in accordance with the *Remediation Action Plan, 263, 265, 267, 269, 271, 273, 277-281 Pennant Hills Road, Carlingford NSW prepared by ADE Consulting Group Pty Ltd dated 06 December 2023 Ref: RAP_v1f*. 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. **Validation Report**

25. 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*, and Council's Management of Contaminated Lands Policy and includes:

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**

26. 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

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

Planning

Long Service Levy

27. 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 and Restoration Administration Fee

28. 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.

Payment of Security Deposits

29. Before the commencement of any works on the site or the issue of a construction certificate, the applicant must make the relevant payments to Council and provide written evidence of these payments to the Certifier.

Bond Type	Amount
Hoarding \$3,170-\$12,655 per street frontage in current financial year	<i>Refer current Schedule of Fees and Charges</i>
Development Site Bonds: Applies to works valued over \$1,000,000.	
Street Trees: \$2,060 per street tree in current financial year.	
Street Furniture: \$2,410 per item in current financial year	

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:

- a) Have no expiry date;
- b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/57/2024;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

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 ensure any damage to public infrastructure is rectified and public works can be completed.

Dilapidation Report

30. Before the issue of a construction certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, and public land, to the satisfaction of the certifier. If the engineer is denied access to any adjoining properties to prepare the dilapidation report, the report must be based

on a survey of what can be observed externally and demonstrate, in writing, to the certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.

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

Shoring for adjoining Council property

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

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

32. 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 the Principal Certifying Authority prior to any excavation occurring.

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

33. Where work is likely to disturb or impact upon a 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 be 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.

Construction Site Management Plan

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

- location and materials for protective fencing and hoardings to the perimeter on the site
- provisions for public safety
- hours of work
- pedestrian and vehicular site access points and construction activity zones
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)

- Dilapidation reports.
- Details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures
- location of temporary toilets.
- Any other relevant matters identified by conditions in this consent Notice

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

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

Engineering

Stormwater and Groundwater Treatment - Construction

35. Achieving required water quality standards during construction will require a stormwater and groundwater collection and treatment system. This may include construction of a holding pond at the base of the excavation, then pumping of this water from the pond via a rising main to a 'WETSEP 60' type treatment plant (or equivalent) to treat all waste stormwater and groundwater prior to discharge to the Sydney Water sewerage system under a trade waste licence. The Applicant shall provide and operate this, or any other appropriate system approved by the Principal Certifying Authority, to achieve Council's requirement for effective discharge water quality management from this site throughout the construction phase.

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

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

Support for Council Roads, footpath, drainage reserve

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

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

Reason: To protect Council's infrastructure.

Construction Phase Soil and Water Management Plan

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

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

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

- iv) Full plant and equipment details, including the location of any proposed access ramps, cranes, site entry points etc.
- v) An operational and monitoring plan.

The construction phase soil and water management plan must be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.

Reason: Environmental protection.

Transport for NSW

38. Prior to the commencement of the construction certificate that pertains to the shoring wall along Pennant Hills Road, the applicant is required to demonstrate compliance with the items listed at TAB B of letter provided by Transport for NSW in their correspondence (Ref: SYD24/00455/01 dated 25 March 2024).

Reason: To ensure compliance with the requirements of Transport for NSW.

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

The developer is to submit all documentation at least six (6) weeks prior to issue of the relevant construction certificate that pertains to the shoring wall along Pennant Hills Road and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au.

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

Reason: To ensure compliance with the requirements of Transport for NSW.

Ausgrid

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

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

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

Reason: To ensure compliance with the requirements of Ausgrid.

Sydney Water

Sydney Water - Building Plan Approval

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

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

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

PART C - PRIOR TO THE COMMENCEMENT OF WORKS

Appointment of PCA

42. 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
 - (a) 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

43. 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

44. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 70(2) of the Environmental Planning and Assessment Regulation 2021 detailing:
- (a) Unauthorised entry of the work site is prohibited;
 - (a) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
 - (b) The name, address and telephone number of the Principal Certifying Authority;
 - (c) The development consent approved construction hours;

The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.

This condition does not apply where works are being carried.

Reason: Statutory requirement.

Toilet Facilities On Site

45. 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

46. 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;
 - (a) Below; or
 - (b) 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.

Footings and Walls Near Boundaries

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

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

Survey Certificate – Future and Current Public Land

48. Prior to the commencement of works, a survey certificate is submitted to the Principal Certifying Authority identifying the following boundaries:
- The boundary between the currently zoned RE1 Public Recreation lands (both within the subject site and adjoining the subject site) and the R4 High Density Residential zoned land (the subject site) as identified in the Paramatta LEP 2023; and
 - The boundary between the future RE1 Public Recreation zoned land and current R4 High Density Residential zoned land within subject site as identified in the draft amendment to Parramatta LEP 2023.

The boundaries of (a) and (b) above are to be clearly identified on site using physical means and no below ground excavation shall extend beyond the boundary of the R4 High Residential Development zoned land into future or current RE1 Public Recreation zoned land.

Reason: To ensure no basement encroachment on current and future public lands

Survey Certificate

49. A survey certificate is to be submitted to the Principal Certifying Authority demonstrating that the area of excavation is consistent with details on the approved plans. The certificate must indicate the location of the works in relation to all boundaries.

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

Engineering

Relocation of Council Stormwater Pipes

50. Prior to commencement of works, the detail of any relocation of Council's stormwater pipe/s must be submitted and approved by Group Manager, Development and Traffic Services before commencement of excavation work.

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

Road Opening Permits

51. The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas). In addition, no drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.

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

Dilapidation Survey & Report for Private Properties

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

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

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

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

Reason: Management of records.

Notice Regarding Dilapidation Report

53. Before the commencement of the relevant site or building work, the principal certifier must ensure the adjoining building owner(s) is provided with a copy of the dilapidation report for their property(ies) no less than 7 days before the commencement of any site or building works and provide a copy of the report to Council at the same time.

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

Geotechnical Report

54. 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 movements during construction.

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

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

- i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.

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

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

Erosion and Sediment Control Measures

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

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

Site Maintenance

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

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

Shoring and adequacy of adjoining property

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

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

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

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

Environmental Health

Noise Management Plan – Construction Sites

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

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

- a) Identify sensitive location near the site;
- b) Identify potential impacts, that is exceedance of the goals at the identified locations (including the noise associated with dewatering equipment, which is anticipated to operate on a 24/7 basis);
- c) Mitigation measures to control noise and dust from the site, the noise reduction likely and the feasibility and reasonableness of these measures;
- d) Selection criteria for plant and equipment;
- e) Community consultation;
- f) Details of work schedules for all construction phases;
- g) Selection of traffic routes to minimise residential noise intrusion;
- h) Schedule of plant and equipment use and maintenance programs;
- i) Noise monitoring techniques and method of reporting results;
- j) The methodology to be employed for handling and investigating any complaints should they arise;
- k) Site induction details for employees and contractors; and
- l) A declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

Reason: To prevent loss of amenity to nearby occupants.

Traffic

Construction and Pedestrian Traffic Management Plan

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

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

- c) The location of proposed Work Zones and or No Stopping restrictions required to facilitate truck movements to and from the site,
- 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, tradesperson and construction vehicles as far as possible,
- h) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors,
- i) A detailed description of locations that will be used for layover for trucks waiting to access the construction site,
- j) Proposed construction hours,
- k) Estimated number and type of construction vehicle movements including morning and afternoon peak and off peak movements,
- l) Construction program that references peak construction activities and proposed construction 'Staging',
- m) Any potential impact to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works,
- n) Cumulative construction impacts of projects in Carlingford in the vicinity of the site. Should any impacts be identified, the duration of the impacts,
- o) Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified, and,
- p) The plan may be required to include restrictions on the number of trucks that can access the site in peak hours and a requirement for the developer to provide video footage of the frontage of the site on a weekly basis so that Council can enforce this requirement,
- q) 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' and or 'No Stopping' 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.

Special Permits

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.

Landscape

Tree Protection Zones

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

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

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

Reason: To protect the trees to be retained on the neighbouring properties during construction works.

Tree Protection

62. Tree protection measures are to be installed prior to works commencing on site and are to be maintained throughout the demolition and construction works, under the supervision of an Australian Qualifications Framework (AQF) Level 5 Consulting Arborist in accordance with AS4970:2009 - “*Protection of Trees on Development Sites*”. Written confirmation by the Project Arborist to be forwarded to the Certifying Authority to state tree protection measures were retained and in place, in accordance with the Conditions of Consent (unless prior approval from the Project Arborist was provided).

Reason: To ensure trees are adequately protected throughout the construction phase.

Transport for NSW

63. If the detailed design plans and hydraulic calculations propose any changes to the stormwater drainage system to Pennant Hills Road, the applicant shall submit the plans to TfNSW for review and approval, prior to the commencement of any works that impact Pennant Hills Road. Please send all documentation to development.sydney@transport.nsw.gov.au.

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

Reason: To ensure compliance with the requirements of Transport for NSW.

64. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to TfNSW for review and endorsement prior to the issue of a construction certificate. Please send to development.ctmp.cjp@transport.nsw.gov.au.

As part of any CPTMP, it should be demonstrated how to access the current active bus zone (stop number 211842) at the Pennant Hills Road frontage of the site is maintained throughout the works. If any relocation is required of the bus stop, this should be to the satisfaction of the Local Traffic Committee.

Reason: To ensure compliance with the requirements of Transport for NSW.

PART D - DURING WORKS

Planning

Building Work Compliance with BCA

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

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

Copy of Development Consent

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

Reason: To ensure compliance with this consent.

Implementation of the site management plans

67. A copy of each of the following approved documents must be kept on site for the duration of works:
- a. Construction Site Management Plan
 - a. Waste Management Plan
 - b. Construction Traffic and Pedestrian Management Plan
 - c. Construction Noise and Vibration Management Plan
 - d. Construction Phase Soil and Water Management Plan
 - e. Construction Environmental Management System and Plan

All works are to be carried out in accordance with these plans, including but not limited to; water quality monitoring and treatment, sediment and stormwater management, environmental auditing and reporting.

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.

Materials on Footpath

67. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs, or vehicles associated with the construction, excavation, or demolition shall be stored or placed on/in Council's footpath, nature strip, roadway, park, or reserve without the prior approval being issued by Council under section 138 of the *Roads Act 1993*.

Reason: To ensure pedestrian access.

Materials on Drainage Line

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

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

Hours of Work and Noise

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

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

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

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

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

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

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

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

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

Reason: To protect the amenity of the surrounding area

Engineering

Drainage to existing system

70. 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.

Construction Environmental Management System and Plan

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

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

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

Reason: Environment protection.

Erosion and Sediment Control Measures

72. 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

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

Reason: To ensure no adverse impacts on neighbouring properties.

Damage to public infrastructure

74. 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.

Shoring and adequacy of adjoining property

75. If development involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road corridor), the person having the benefit of the development consent must, at the persons own expense:
- (a) Protect and support the building, structure or work from possible damage from the excavation; and
 - (b) Where necessary, underpin the building, structure or work to prevent any such damage.

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

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

Site Maintenance

76. 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:
- (e) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
 - (f) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
 - (g) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
 - (h) the site is to be maintained clear of weeds; and
 - (i) 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.

Nomination of Engineering Works Supervisor

77. 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.

Traffic

Occupation of any part of Footpath/Road

78. 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

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

Reason: To ensure maintenance of Council's assets.

Construction Noise

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

OR

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

Reason: To protect the amenity of the neighbourhood

Dust Control

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

Reason: To protect the amenity of the area.

Complaints Register

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

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

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

Reason: To allow the Principal Certifying Authority to ensure complaints are dealt with appropriately.

Landscape

Material storage and trees

83. 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 the neighbouring trees 25A and 76 to be retained and protected. 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 trees to be retained on the neighbouring site.

Tree removal

84. Trees to be removed are numbered 1 (street tree) and 22, 23, 27, 28, 29, 30, 35, 35, 36, 38, 40, 44, 45, 46, 58, 68, 69, 71, 72, 73, 74.

Reason: To facilitate development.

Tree Removal – Supervision

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

Reason: To ensure tree works are carried out safely.

Transport for NSW

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

Reason: To ensure compliance with the requirements of Transport for NSW.

PART E - PRIOR TO OCCUPATION CERTIFICATION

56. A Final Occupation Certificate shall be issued by the project manager confirming that all conditions of consent have been satisfied.

Final Site Levels

58. A survey certificate shall be provided to the Principal Certifying Authority confirming the site levels outside the area of excavation.

Backfilling

86. Backfilling of excavations adjoining Council / private property or any void remaining at the completion of the construction between the approved works must be fully compacted prior to the completion of works.

Reason: To protect infrastructure

Release of Securities/Bonds

87. 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 relevant policy.

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
- a. 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.

All Works/Methods/Procedures/Control Measures

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

Reason: To demonstrate compliance with submitted reports.

Post-Construction Dilapidation Report – Private Property

89. 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 the Principal Certifier and to the relevant adjoining property owner(s).

Reason: To identify damage to adjoining properties resulting from construction works on the development site.

Groundwater Discharge disconnected

90. Prior to the issue of an occupation certificate, groundwater must not be connected to, nor discharged into, Council's stormwater system and all temporary connections must be decommissioned to Council's satisfaction.

Reason: To ensure groundwater is not discharged post development.

Final Survey– Future and Current Public Land

91. Prior to the issue of an Occupation Certificate a Survey Plan, prepared by a qualified surveyor, is submitted to Councils Group Manager Traffic and Development Services confirming that no basement is located on any future or current RE1 Public recreation zoned land within the subject site.

Reason: To ensure no basement encroachment on current and future public lands.

PART F – ONGOING USE OF THE SITE

62. (a) Within two (2) years from the date of this Notice of Determination, Council must be provided with evidence, to the satisfaction of the Group Manager Development and Traffic Services, of the physical commencement of a separate development consent approved for building work which rely upon the scope of this application.

(b) Should the requirements of (a) not be met the landowner must reinstate and rehabilitate all areas the subject of works completed under this Notice, to the satisfaction of Council.

The rehabilitation works shall include, but not be limited to, reinstating existing ground levels using certified clean fill, with all disturbed areas adequately grassed (or similarly treated) to maintain a permeable surface.

(c) Prior to undertaking any works to satisfy (b) the land owner must receive from Council its endorsement of plans that fully document the extent and timing for the reinstatement and rehabilitation works.

(d) The documents required by (c) must be lodged with Council within 30 days of the end the 2 year period at (a) above.

(e) Any endorsement granted for (c) shall be subject to conditions determined by Council at that time, including a timeframe for completion, and certification of the rehabilitation works.

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.

- **Basement Location**

Consistent with Development application advice DA/53/2022 and Planning Proposal RZ/5/2023, Council will not permit basements of future buildings to be located beneath future or current RE1 Public Recreation zoned land to be dedicated to Council. This also applies to the 10 metre deep soil setback along Pennant Hills Road.

- **Sydney Water Trees**

Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees. For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal. For guidance on types of trees that can cause damage

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

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means CITY OF PARRAMATTA COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Parramatta Local Planning Panel

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Sydney district or regional planning panel means Sydney Central City Planning Panel.