

Mecone
15/6 Hassall Street
PARRAMATTA NSW 2150

21 November 2024

Dear Sir/Madam,

APPLICATION TO MODIFY DEVELOPMENT CONSENT NOTICE OF DETERMINATION

Pursuant to Clause 118 of the Environmental Planning and Assessment
Regulations 2021

Development Application No: DA/1066/2016/M
NSW PAN Reference No: PAN-402364

Property Address: Lot 12 DP 1271991
8 Phillip Street, PARRAMATTA NSW 2150
Modification sought: Section 4.55(2) modification to the approved mixed-use tower development, specifically 6 additional residential storeys (63 additional units, inclusive of 6 units used for affordable housing), 7 additional residential parking spaces, and revised roof enclosures. The original application was Nominated Integrated Development under the Water Management Act 2000 and the National Parks and Wildlife Act 1974.

Determination Status: **APPROVED**
Determination Date: 19 November 2024
Consent to operate from: 28 June 2018
Consent to lapse on: 28 June 2023

(If physical commencement has not occurred):

You are advised that pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979, the application to modify the development consent issued by Council is **APPROVED**.

Contact us:

council@cityofparramatta.nsw.gov.au | 02 9806 5050
@cityofparramatta | PO Box 32, Parramatta, NSW 2124
ABN 49 907 174 773 | [cityofparramatta.nsw.gov.au](https://www.cityofparramatta.nsw.gov.au)

Council has updated the original consent notice to incorporate the amendments approved under this modification. Amended conditions are in **bold**. Accordingly, the current conditions of consent that apply to this development are:

General Matters

Planning

Approved Plans and Supporting Documentation

1. The development must be carried out in accordance with the plans and documentation listed below, and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

Architectural Drawings (Woods Bagot Project No: 120926)

Plan No.	Issue	Plan Title	Dated
DA0000	N P S R S Y BB	<i>8 PHILLIP STREET</i>	18/05/18 05/10/18 12/11/19 16/06/21 04/04/22 14/06/23 19/10/23
DA1100	G-H	<i>SITE PLAN</i>	20/04/18 18/10/23
DA1103	E	HERITAGE RETENTION PLAN	10/04/18
DA1601	D	VIEW FROM MARSDEN STREET	10/04/18
DA1604	C	URBAN VIEWS	10/04/18
DA1800	D E	BASIX COMPLIANT DESIGN SPECIFICATION	18/05/18 07/06/19
DA22B1	L M N P	BASEMENT 1 GA	14/06/18 07/06/19 18/06/21 04/04/22
DA22B2	K L M N P	BASEMENT 2 GA	14/06/18 07/06/19 18/06/21 04/04/22 19/12/23
DA22B3	M N P Q	BASEMENT 3 GA	14/06/18 07/06/19 18/06/21 19/12/23
DA22B4	L M N P	BASEMENT 4 GA	14/06/18 07/06/19 18/06/21 19/12/23

Plan No.	Issue	Plan Title	Dated
DA22B5	L M N P	BASEMENT 5 GA	14/06/18 07/06/19 18/06/21 19/12/23
DA22B6	K L M N	BASEMENT 6 GA	14/06/18 07/06/19 18/06/21 19/12/23
DA22B7	K L M N	BASEMENT 7 GA	14/06/18 07/06/19 18/06/21 19/12/23
DA22B8	K L M N	BASEMENT 8 GA	14/06/18 07/06/19 18/06/21 19/12/23
DA22B9	K L M N	BASEMENT 9 GA	14/06/18 07/06/19 18/06/21 19/12/23
DA22B10	A	SUB BASEMENT 9 GA	07/06/19
DA2200	L M N P R V	GROUND GA	20/04/18 05/10/18 07/06/19 18/06/21 26/07/22 06/06/23
DA2201	K L M P P T	LEVEL 1 GA ALL DAY DINING/BAR	10/04/18 05/10/18 07/06/19 18/06/21 04/04/22 06/06/23
DA2202	L M N P Q	LEVEL 2 GA MEETING ROOMS BALLROOM MEETING/ PRIVATE DINING ROOMS	18/05/18 05/10/18 07/06/19 18/06/21 04/04/22
DA2202M	A	LEVEL 2 MEZZANINE GA BALLROOM	05/10/18
DA2203M	H J K L M	LEVEL 3 SPA/GYM MEZZANINE	10/04/18 05/10/18 07/06/19 18/06/21 04/04/22

Plan No.	Issue	Plan Title	Dated
DA2204	E-F-G H	LEVEL 4-5 GA HOTEL	10/04/18 07/06/19 18/06/21 04/04/22
DA2205	G-H-J K	LEVELS 6-8 43286 GA HOTEL	10/04/18 07/06/19 04/04/22 29/11/22
DA2210	G-H-J	LEVELS 9-16 42583 GA HOTEL	10/04/18 07/06/19 04/04/22
DA2217	G-H-J B	LEVEL 17 PLANT & HOTEL GA HOTEL SUITES GA	10/04/18 07/06/19 04/04/22 25/08/23
DA2217M	G-H	LEVEL 17M CONFERENCE / MEETING ROOMS PLANT & SPA GA	10/04/18 05/10/18
DA2218	G-J-K L	LEVEL 18 PLANT & HOTEL & FUNCTIONS POOL AMENITY GA	10/04/18 07/06/19 04/04/22 25/08/23
DA2218A	L	LEVEL 18A PLANT AND FUNCTIONS GA	25/08/23
DA2218B	A-B-C	LEVEL BALLROOM GA	07/06/19 04/04/22 25/08/23
DA2218BM	B-C	LEVEL BALLROOM MEZZANINE GA	12/11/19 04/04/22 25/08/23
DA2218P	A-B-C	LEVEL POOL AMENITY GA	07/06/19 04/04/22 25/08/23
DA2219	M-P-Q	LEVEL 19 GA	15/05/18 15/10/19 25/08/23
DA2220	J-M-N	LEVELS 20-23 GA	15/05/18 16/10/19 25/08/23
DA2224	M-P-R	LEVELS 24-33, 35, 39-40, 42, 46, 48 GA LEVELS 24-28, 39-40, 42, 52, 54 GA	15/05/18 16/10/19 25/08/23 22/07/24
DA2229	A	Level 29-33, 35 GA	22/07/24
DA2234	E-H-G J	LEVELS 34, 36-38, 41, 43-45, 47 GA LEVELS 34 GA	15/05/18 16/10/19 25/08/23 22/07/24

Plan No.	Issue	Plan Title	Dated
DA2236	A	LEVELS 36-38, 41, 43-51, 53 GA	22/07/24
DA2249	L P N P	LEVELS 49-51 GA LEVEL 55-57	15/05/18 16/10/19 25/08/23 19/12/23
DA2253	F H J	LEVEL 52 & 53 GA LEVEL 58 & 59 GA	15/05/18 16/10/19 25/08/23 19/12/23
DA2254	G J K L	LEVEL 54 GA ROOFTOP BAR LEVEL 60 GA	10/04/18 16/10/19 04/04/22 20/06/23 19/12/23
DA2254M	G	LEVEL 54M ROOFTOP BAR MEZ	10/04/18
DA2255	G J K L	LEVEL 55 GA ROOF PLAN LEVEL 61GA	10/04/18 16/10/19 04/04/22 20/06/23 19/12/23
DA225	G E F	ROOF PLAN	16/10/19 18/10/23 19/12/23
DA3200	M N R S W Y Z	NORTHERN ELEVATION	15/05/18 08/10/18 28/06/19 04/04/22 14/06/23 19/10/23 20/12/23
DA3201	M N R V X Y	EASTERN ELEVATION	15/05/18 08/10/18 13/06/19 18/06/21 04/04/22 19/10/23 20/12/23
DA3202	L M Q P U W X	SOUTHERN ELEVATION	15/05/18 08/10/18 28/06/19 18/06/21 14/06/23 19/10/23 20/12/23

Plan No.	Issue	Plan Title	Dated
DA3203	M-N-R V-W	WESTERN ELEVATION	15/05/18 08/10/18 28/06/19 18/06/21 04/04/22 14/06/23 19/10/23 20/12/23
DA3300	J-K-N M-P-R T-U	SECTION WEST CUT	10/04/18 08/10/18 13/06/19 18/06/21 04/04/22 26/05/23 19/10/23 20/12/23
DA3301	K-L-P Q-T-U	SECTION SOUTH CUT	18/05/18 08/10/18 13/06/19 04/04/22 29/11/22 19/10/23 20/12/23
DA3401	A-D	COLUMN DETAIL	11/03/22 06/06/23
DA4301	C	TYPICAL APARTMENT & HOTEL FACADE	10/04/18
DA4302	D-E	TYPICAL APARTMENT BALCONY EDGE	04/05/18 29/11/22
DA4303	C	HOTEL DOUBLE SKIN FACADE	10/04/18
DA4304	C-D	ROOF TERRACE FACADE	10/04/18 29/11/22
DA4305	C-D	LEVEL 18 POOL FACADE	10/04/18 29/11/22
DA4306	C	PODIUM ENTRY FACADE	10/04/18
DA4307	D	PODIUM HOTEL ENTRY FACADE REVOLVING DOOR	10/04/18 29/11/22
DA4308	D	PODIUM FACADE RESIDENTIAL ENTRY CANOPY	10/04/18
DA4309	E	RELATIONSHIP TO ST ANDREWS HERITAGE BUILDING	21/05/18
DA4310	B-D	PUBLIC DOMAIN SECTIONS	10/04/18 26/05/23
DA4311	D	ENTRY RAMP FLOOD GATE DETAILS	20/04/18
DA4312	A	HERITAGE WALL & WINDOW REINSTATEMENT DETAILS 01	18/05/18

Plan No.	Issue	Plan Title	Dated
DA4313	A	HERITAGE WALL & WINDOW REINSTATEMENT DETAILS 02	18/05/18
DA4314	A	HERITAGE BRICK WALL & WINDOW REINSTATEMENT DETAILS 03	18/05/18
DA4315	A-E	AWNING DETAILS	18/05/18 08/06/23
DA4501	D	PRE/POST ADAPTABLE & LIVABLE	10/04/18
DA4800	D	SEPP 65 STORAGE	10/04/18
DA4801	D	SEPP 65 STORAGE	10/04/18
DA4802	D	SEPP 65 STORAGE	10/04/18
DA4803	B	SEPP 65 STORAGE	10/04/18
DA8300	H L M	GFA PLANS	29/10/19 26/07/22 29/11/22
DA8301	H L	GFA PLANS	11/11/19 26/07/22
DA8302	F	GFA PLANS	07/06/19
DA8303	E G	GFA PLANS	16/10/19 26/07/22
DA9000	E-G	MATERIALS BOARD	08/05/18 26/05/23

Civil Drawings (Mance Arraj Project No: 2203-DA)

Plan No.	Issue	Plan Title	Dated
PD010	B	PUBLIC DOMAIN ALIGNMENT DRAWING	15/05/18
PD020	B	PUBLIC DOMAIN ALIGNMENT DRAWING LONG SECTIONS AND CROSS SECTIONS ALONG PHILLIPS AND MARSDEN ST AND PHILLIP LANE	15/05/18
SW010	B	STORMWATER LAYOUT DRAWING BASEMENT LEVEL 9 AND PUMP OUT TANK DETAILS AND SECTIONS	09/05/18
SW020	C	STORMWATER LAYOUT DRAWING BASEMENT LEVEL 1 MUSIC DIAGRAM AND ORIFICE CALCS	09/05/18
SW021	C	STORMWATER LAYOUT DRAWING OSD AND STORMFILTER TANK DETAILS AND SECTIONS	09/05/18
SW030	C	STORMWATER LAYOUT DRAWING GROUND LEVEL	09/05/18
SW010	A	STORMWATER LAYOUT DRAWING LEVEL 17M	04/11/16
N/A	N/A	PLAN SHOWING PROPOSED FLOOD	N/A

Plan No.	Issue	Plan Title	Dated
		BARRIER LOCATIONS FOR BASEMENT PROTECTION	

Landscape Drawings (Durie Design Project No: DD543)

Plan No.	Issue	Plan Title	Dated
DA0001	M	LANDSCAPE PLAN GROUND FLOOR PLAN	13/04/18
DA0002	B	LANDSCAPE PLAN POOL AMENITY	13/04/18
DA0003	B	LANDSCAPE PLAN LEVEL 54 GA ROOFTOP BAR	13/04/18
DA0004	A	LANDSCAPE PLAN SECTIONS DETAILS	13/04/18

Landscape Drawings (Fieldwork Associates)

Plan No.	Issue	Plan Title	Dated
LS4.55-01	G	LANDSCAPE S4.55 DOCUMENTATION DRAWING REGISTER, PLANTING SCHEDULE, AND PROJECT NOTES	27/06/19
LS4.55-02	G	LANDSCAPE S4.55 DOCUMENTATION LANDSCAPE PLAN - GROUND FLOOR	27/06/19
LS4.55-03	G	LANDSCAPE S4.55 DOCUMENTATION SECTION - S1 - COURTYARD BENCH WITH PLANTER	27/06/19

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Aboriginal Cultural Heritage Assessment Report	23404	1	Biosis	05/12/17
Access Compliance Report	16194 19207	C-A	Vista Access Architects	08/11/16 15/12/2023
Acid Sulfate Soil Management Plan	E23143AB	N/A	El Australia	03/11/16
Addendum Statement of Environmental Effects	N/A	N/A	Mecone	07/2017
Aeronautical Assessment (as submitted 02/08/17)	N/A	N/A	Airspace Design Solutions Thompson GCS	N/A 5/02/24
Architectural Design Report (as submitted 16/11/16)	N/A	N/A	Woods Bagot	N/A
BASIX Certificate	773884M 773884M_13	6 13	Wood & Grieve Engineers	22/05/18 20/12/23

			Stantec Australia Pty Ltd	
BASIX Compliance Report	29702-SYD-G 301350825	6 13	Wood & Grieve Engineers Stantec Australia Pty Ltd	22/05/18 20/12/23
BCA Compliance Assessment Report	B6U027A1 114705	N/A 7	Certified Building Specialists Jensen Hughes Pty Ltd	09/11/16 4/12/23
Construction Management Plan	N/A	N/A	MN Builders	N/A
DA Acoustic Assessment	20161380	1	Acoustic Logic	08/11/16
Density & Yield Development Summary	N/A	N/A	Woods Bagot	N/A
Desktop Archaeological Assessment	16-192	1	City Plan Services	11/01/16
Detailed Site Investigation & Acid Sulfate Soils Assessment	E23143AC	0	EI Australia	10/01/17
Ecological Sustainable Development Report	29702-SYD-G	1	Wood & Grieve Engineers	22/06/17
Environmental Wind Tunnel Tests	8153	N/A	CPP	29/01/18
Fire Engineering Services Letter (as submitted 15/11/16)	132167	D	Holmes Fire	N/A
Flood Risk Assessment Report	N/A	N/A	Mance Arraj	04/11/16
Geotechnical and Hydrogeological Investigation	30553LARpt	0	JK Geotechnics	15/12/17
Hall Retention Letter	ST16049	N/A	Structural Design Solutions	07/02/18
Heritage Impact Statement	16-192	6	City Plan Services	05/03/18
Historical Archaeological Assessment and Research Design	14-043	1	JCIS Consultants	27/09/17
NatHERS Group Certificate	OWQ2N91J1 H XN80LOYEH B	N/A	Wood & Grieve Engineers Stantec	22/05/18 18/12/23
On Site Detention Report	N/A	A	Mance Arraj	06/2017
Plan of Management (Draft)	N/A	N/A	N/A	N/A
Preliminary Height	LB00155	2	Landrum &	16/11/17

Assessment			Brown	
Preliminary Site Investigation	E23143 AA	0	EI Australia	03/11/16
Public Arts Plan	N/A	N/A	Authority Creative	15/03/17
Remediation Action Plan	E23143 AD	0	EI Australia	24/02/17
Replacement of Existing Street Trees Letter	N/A	N/A	Durie Design	14/02/18
Section J Compliance Table (as submitted 17/01/18)	N/A	N/A	N/A	N/A
Solar Reflectivity Assessment	8153	N/A	CPP	01/11/16
Solar Reflectivity Letter	8153	N/A	CPP	04/05/18
Statement of Environmental Effects	N/A	N/A	Mecone	11/2016
Stormwater Quality Management Plan	N/A	B	Mance Arraj	06/2017
Traffic Report	N/A	8	In Roads Group	01/06/18
Visual Analysis Assessment	N/A	N/A	AE Design Partnership	17/10/16
Waste Management Plan	N/A SO796	D-E	Elephants Foot	14/11/16 22/12/23
8 Phillip Street, Parramatta – Wind Compliance Letter	8153	N/A	CPP	12/11/18
8 Phillip Street, Parramatta – Proposed Extended Working Hours Acoustic Review	N/A	N/A	Acoustic Logic	12/04/2024
Letter (Affordable Housing Covenant Terms)	N/A	N/A	Coronation Property Co	17/07/24
Lift Traffic Analysis Report	156457	-	Schindler	19/09/24

Note: In the event of any inconsistency between the architectural plans, landscape plans, stormwater disposal plans or photomontages, the architectural plans shall prevail to the extent of the inconsistency.

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

(Modified by DA/1066/2016/A on 19/02/2019, DA/1066/2016/D on 10/12/2019, DA/1066/2016/H on 13/04/2022, DA/1066/2016/I on 31/08/2022, DA/1066/2016/K on 15/06/2023, DA/1066/2016/L on 24/10/2023, DA/1066/2016/N on 02/09/2024 and **DA/1066/2016/M on 19/11/2024**)

Building Work in Compliance with BCA

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

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

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.

No Encroachment on Council and/or Adjoining Property

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

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

Demolition of Buildings

5. Approval is granted for demolition of the office building and associated hardstand areas at No. 10 Phillip Street, and the elements of the hall not identified for retention in the Conservation Management Plan required by this consent, subject to compliance with the following:-

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

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

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

licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.

- (d) On the first day of demolition, work is not to commence until City of Parramatta has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with WorkCover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
- (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
- (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
- (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- (i) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- (j) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (k) 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.
- (l) Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.

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

Reason: To protect the amenity of the area.

Water NSW General Terms of Approval

- 6. The development shall comply with the requirements of the General Terms of Approval in the Water NSW letter Ref 10ERM2016/1099 dated 16 December 2016.

Reason: To comply with Water NSW requirements.

Department of Infrastructure, Regional Development and Cities

- 7. The development shall comply with the requirements of the controlled activity approval as outlined in the ~~Australian Department of Infrastructure, Regional Development and Cities~~ **Department of Infrastructure, Transport, Regional Development, Communications and the Arts** letter Ref ~~F17/968-20 dated 5 March 2018~~ **Ref 2024-bwu-001-B-VAR dated 6 November 2024.**

Reason: To comply with aeronautic requirements.

(Modified by DA/1066/2016/M on 19/11/2024)

Maximum Building Height

8. The building hereby approved must not exceed a maximum height of 208 **227.612** metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lighting rods, any roof top garden planting, exhaust flues, etc. A survey report confirming compliance is to be submitted to the satisfaction of the Principal Certifying Authority prior to the release of any Occupation Certificate. A copy of the report is to be provided to Council for their records.
Reason: To comply with the requirements of the Department of Infrastructure, Regional Development and Cities.

(Modified by DA/1066/2016/M on 19/11/2024)

Public Utility Relocation

9. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work, and as required by the various public utility authorities and/or their agents.
Reason: To ensure the applicant bears all reasonable costs for the development.

Communal Open Space

10. All the common areas proposed within the site, including rooftop terraces, shall be fully accessible to disabled persons.
Reason: To provide equitable access for disabled persons.

No Subdivision of Dual Key Apartments

- 10A. Each dual-key configured apartment pair is to remain on one strata title (if and when strata subdivision occurs), with no further subdivision permitted.
Reason: To ensure the dual key apartments retain maximum flexibility to be used as a 3-bedroom unit when required.

(Added by DA/1066/2016/M on 19/11/2024)

Design Excellence**Design Excellence Preservation**

11. In order to ensure the design excellence quality of the development is retained:
- (a) The architectural design team, *Woods Bagot*, is to have direct involvement in the design documentation, contract documentation and construction stages of the project (including signing off any required certifications at DA, Modification Applications, Construction Certificate and Occupation Certificate stages).
 - (b) The design architect's team is to have full access to the site, following appropriate safety inductions, and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of any design issues throughout

the life of the project.

- (c) Evidence of the design architect's team commission is to be provided to the Council prior to release of any Construction Certificate.
- (d) Council's Design Competition Panel (Design Excellence Jury) is to review and provide comment on the architectural drawings, landscape drawings and samples of all external materials, in particular the external glazing and façade detailing to ensure the scheme remains substantially the same as the award winning scheme prior to the issue of any relevant Construction Certificate and any Occupation Certificate.
- (e) The design architect of the project is not to be changed without prior notice and approval of the Design Excellence Jury.

The Principal Certifying Authority must be satisfied that the above matters have been complied with prior to the issue of a relevant Construction Certificate, in accordance with written confirmation from City of Parramatta Council.

Reason: To ensure the design excellence quality of the development is retained.

Endeavor Energy

Electrical Infrastructure - Asbestos

12. Endeavour Energy's G/Net master facility model indicates that the site is in a locality identified or suspected of having asbestos or asbestos containing materials (ACM) present. Whilst Endeavour Energy's underground detail is not complete within G/Net in some areas, in older communities, cement piping was regularly used for the electricity distribution system and in some instances containing asbestos to strengthen the pipe; for insulation; lightness and cost saving.

When undertaking works on, or in the vicinity of, Endeavour Energy's electricity network, asbestos or ACM must be identified by a competent person employed by or contracted to the applicant and an asbestos management plan, including its proper disposal, is required whenever construction works has the potential to impact asbestos or ACM.

The company's potential locations of asbestos to which construction or electrical workers could be exposed include:

- Customer meter boards;
- Conduits in ground;
- Padmount substation culvert end panels; and
- Joint connection boxes and connection pits.

Further details are available by contacting Endeavour Energy's Health, Safety & Environment via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm.

Reason: To protect the amenity of the area and ensure construction safety.

Electrical Connection

13. Although there are existing customer connections to the site, the applicant for the future proposed development of the site may need to submit an application for connection of additional load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount substations will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please find attached a copy of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link: <http://www.endeavourenergy.com.au/>

Advice on the electricity infrastructure required to facilitate the proposed development (including asset relocations) can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Alternatively the applicant should engage a Level 3 Accredited Service Provider (ASP) approved to design distribution network assets, including underground or overhead. The ASP scheme is administered by NSW Trade & Investment and details are available on their website via the following link or telephone 13 77 88:

<http://www.resourcesandenergy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/contestable-works>

Reason: To comply with the requirements of Endeavour Energy.

Electrical Easements

14. The following is a summary of the usual / main terms of Endeavour Energy's electrical easements / protected electrical works requiring that the land owner:
- Not install or permit to be installed any services or structures within the easement site.
 - Not alter the surface level of the easement site.

- Not do or permit to be done anything that restricts access to the easement site without the prior written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose.

If the proposed works will encroach/affect Endeavour Energy's easements contact must first be made with the Endeavour Energy's Easements Officer.

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

Reason: To comply with the requirements of Endeavour Energy.

Electrical Workers Safety

15. Workers involved in work near electricity infrastructure are at risk of receiving an electric shock and causing substantial damage to plant and equipment. All physical works must to comply with Endeavour Energy's public safety policies, that assist the general public and construction workers in understanding associated risks and safe work procedures. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should report this immediately via telephone to the 24-hour emergency service centre on 131 003.

Reason: To ensure construction safety procedures are appropriately implemented.

Environmental Health

Hazardous/Intractable Waste Disposed Legislation

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

- a) Work Health and Safety Act 2011
- b) NSW Protection of the Environment Operations Act 1997 (NSW) and
- c) NSW Department of Environment and Climate Change Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

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.

Site Investigation & Site Audit Statement

17. Following demolition activities, the soil must be tested by a person with suitable expertise, to ensure the soil contaminant levels are below acceptable health criteria for residential areas. The soil investigation shall be carried out in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites and the NSW Department of Environment and Conservation Guidelines for the Assessment and Management of Groundwater Contamination 2007.

A site audit statement shall be issued at the completion of the investigation by an approved NSW Environment Protection Authority Auditor in accordance with the NSW Environment Protection Authority's Guidelines for the NSW Site Auditor Scheme.

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

Site Audit Statement

18. The applicant is to engage an NSW EPA accredited site auditor to undertake an independent assessment of the site investigation (remediation) or (validation) report to address the requirements of section 47(1) (b) of the Contaminated Land Management Act 1997. A site audit statement is to be submitted to Council and the principal certifying authority on the completion of remediation works

Reason: To ensure the contamination assessment report has adhered to appropriate standards, procedures and guidelines.

Heritage**Conservation Management Plan**

19. Prior to any works on site the applicant shall commission a detailed Conservation Management Plan (CMP) for the site prepared by suitably qualified heritage. The Plan shall include:
- a) A Schedule of Required Conservation Works. Conservation works required to be undertaken include, but are not limited to, detailed schedule of original fabric to be retained, reconstruction of dismantled fabric, cleaning and repointing of face brickwork and reconstructing window joinery.
 - b) A Cyclical Maintenance Plan outlining regular inspection, maintenance and repair of the retained heritage fabric. The Plan should also include how costs associated with such a plan will be shared by the various owners of the site.

The CMP shall be developed in accordance with the relevant recommendations of the NSW Office of Environmental & Heritage: <http://www.environment.nsw.gov.au/Heritage/conservation/managementplan.htm>

The CMP shall be submitted to, and approved by, Council's Manager DTSU prior to any works on site.

Reason: To ensure the heritage fabric is maintained appropriately.

Heritage Hall (General)

20. The front façade of the heritage hall building on the site (defined as Section A in report referenced below) shall not be demolished and shall be retained in situ, on site, during the entire development process (including, but not limited to, site preparation, demolition, remediation, excavation and construction works) in accordance with the recommendations outlined in the Hall Retention Letter by Structural Design Solutions dated 07/02/18.

Prior to demolition work to the church hall the applicant must submit, for approval by Council's Manager DTSU and an appropriately qualified independent third party engineer, the full retention methodology. The methodology shall be implemented as endorsed.

Reason: To maximise retention of original heritage fabric.

Heritage Hall (Doors/Windows)

21. The original doors and windows of the retained elements of the heritage hall shall remain in situ on site in perpetuity following construction. Any new fabric required for BCA, DDA compliance or the like is to be integrated with the existing elements.

Reason: To maximise retention of original heritage fabric.

General Heritage

22. The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.

New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.

Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of conservation works.

The face brickwork must not be rendered, painted or coated.

Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

Reason: To minimise impact on retained heritage fabric.

Use of Conservation Architect

23. An experienced conservation architect is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Evidence and details of the above commission, on the above terms, are to be provided to Council prior to commencement of work on site. The conservation architect must sign off the completed project prior to the issue of an Occupation Certificate or the commencement of the use, whichever is earlier.

Reason: To ensure works to heritage elements are done in a sensitive way.

Archive

24. Prior to any demolition work to the church hall, an archival photographic recording of the existing building is to be prepared to Council's satisfaction. The recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Office guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

- (a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- (b) The Development Application number must be noted on the front of the folder and in the report.
- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Parramatta is granted a perpetual nonexclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
- (f) A digital based recording is to include: CD or DVD containing the report in PDF format and the electronic images saved as JPEG, TIFF or PDF files and cross referenced to the digital catalogue sheets and base plans.

- (g) A film based recording is to include: 35mm film images submitted as contact sheets with equivalent negatives, a selection of black and white prints 200 x 250mm, and 35mm colour transparencies, all labelled and cross-referenced to the catalogue sheets and base plans.

Reason: To provide a historical record of heritage significant works on the site for archival purposes.

Office of Environment and Heritage (Archaeology)

Separate Heritage Approvals

25. No excavation or ground disturbance works should occur on site until the relevant approval has been obtained under the NSW Heritage Act 1977. A copy of the relevant approval should be supplied to City of Parramatta Council.

Reason: To ensure the development is in accordance with the Heritage Act 1977 and its requirements to manage potential archaeological resources at this site.

Aboriginal Archaeology

26. Potential Aboriginal archaeology and 'objects' at the site must be managed in accordance with the National Parks and Wildlife Act 1974. Copies of relevant approvals from the Office of Environment and Heritage should be provided to City of Parramatta prior to the commencement of any ground disturbance at the site.

Reason: To comply with legislation.

Traffic

No Works to Lane

27. Notwithstanding the approved plans, this approval includes no consent for works, or modifications to the design of, the service lane to the east of the site, other than provision of the new vehicular crossover and removal of the existing vehicular crossover.

Reason: To clarify the scope of the approval.

Car Parking Allocation

28. The approved car parking spaces are to be allocated as follows in perpetuity:
- a) Residential Maximum – ~~160 spaces~~ **167 spaces**
 - b) Hotel/Commercial Maximum – 17 spaces (including at least 1 accessible space);

At least 1 accessible residential space shall be allocated to each adaptable residential unit;

Total on-site car parking shall be limited to ~~177~~ **184** spaces (not including car share spaces or loading bays).

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

Reason: To ensure car parking is allocated to nominated uses within the development generally in accordance with the requirements of Parramatta Development Control Plan 2011.

(Modified under DA/1066/2016/M on 19/11/2024)

Prior to 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

Home Warranty Insurance

29. Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the Certifying Authority for the development to which the work relates fulfils the following:

- (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or
- (b) In the case of work to be done by any other person; has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purpose of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

Reason: To comply with the Home Building Act 1989.

Section 7.12 Contributions

30. A monetary contribution comprising ~~\$7,180,167.31~~ ~~\$6,231,343.08~~ ~~\$6,338,858.97~~ ~~\$6,366,876.35~~ ~~\$6,390,300.30~~ **\$7,160,241.48** is payable to City of Parramatta in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and the *Parramatta City Centre S94A Development Contribution Plan (Amendment No. 4)*. Payment must be by EFTPOS, bank cheque or credit card only.

~~The contribution is to be paid to Council prior to the issue of any Construction Certificate.~~

In accordance with the NSW Government Planning Circular PS 20-003 dated 3 July 2020, and noting the first Construction Certificate was issued on 26 July 2022, the deferred payment of infrastructure contributions is to be paid to Council prior to the issue of the Occupation Certificate.

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.

Parramatta City Centre S94A Development Contribution Plan (Amendment No. 4) 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.

(Modified under DA/1066/2016/C, DA/1066/2016/D on 10/12/2019, DA/1066/2016/H on 13 April 2022 and DA/1066/2016/K on 15/06/2023 and DA/1066/2016/M on 19/11/2024)

Long Service Levy

31. A Construction Certificate is not to be issued unless the Certifying Authority is satisfied the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.

Reason: To ensure that the levy is paid.

Environmental Enforcement Service Charge

32. An Environmental Enforcement Service Charge must be paid to Council prior to the issue of any Construction Certificate. The fee will be in accordance with Council's 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.

Infrastructure & Restoration Administration Fee

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

The fee will be in accordance with Councils adopted 'Fees and Charges' at the time of payment.

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

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

Security Bonds

34. In accordance with Section 4.17(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application/approval associated with the allotment, (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate is not required.

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/1066/2016;
- (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.

Bonds shall be provided as follows:

Bond Type
Hoarding (see Schedule of Fees and charges, \$5,000 -\$10,000 per street frontage in current financial year)
Street Furniture (see Schedule of Fees and Charges, \$2,000 per item in current financial year)
Street Trees (see Schedule of Fees and Charges, \$2,000 per tree in current financial year)
Development Site (see Schedule of Fees and Charges, \$25,000 in current financial year)

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to City of Parramatta 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.

No External Service Ducts

35. 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.

Single Master TV antenna

36. A single master TV antenna not exceeding a height of 3.0m above the finished roof level (**or 227.612m AHD**) must be installed on the building to service the development. A connection is to be provided internally to each dwelling/unit within the development. Details of these connections are to be annotated on the plans and documentation accompanying the relevant Construction Certificate to the satisfaction of the Certifying Authority. The connections are to be operational prior to the issue of any Occupation Certificate.

Reason: To protect the visual amenity of the area.

(Modified by DA/1066/2016/M on 19/11/2024)

SEPP 65 Verification

37. 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.

Adaptable Dwellings

38. At least **40** adaptable residential units shall be provided. 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 appropriate designed.

(Modified under DA/1066/2016/M on 19/11/2024)

Liveable Housing

39. At least **76** of the residential units shall be designed and fit-out to achieve the 'silver level' requirements as set out in the Liveable Housing Design Guidelines Details published by Liveable Housing Australia. Details shall be submitted to the satisfaction of the certifying authority prior to the issue of the relevant Construction Certificate.

Reason: To ensure study rooms are not converted to use as bedrooms.

(Modified under DA/1066/2016/M on 19/11/2024)

Accessible Hotel Rooms

40. At least 11 accessible rooms shall be provided within the hotel, distributed proportionately across the mix of hotel room types (ideally at least 1 accessible room for each room type). Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

Reason: To maximise accessible options.

Storage Provision

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

- i) Studio units – 4m³
- ii) 1 bedroom units – 6m³
- iii) 2 bedroom units – 8m³
- iv) 3 bedroom units – 10m³

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

Specialist Reports

42. The recommendations in the specialist reports outlined in Condition 1 shall be incorporated into the plans and documentation accompanying the relevant Construction Certificate to the satisfaction of the Certifying Authority. A list of all of the recommendations and how they have been actioned shall be provided to Council.

Reason: To ensure the development is implemented as proposed.

Access and Services for People with Disabilities

43. Access and services for people with disabilities shall be provided to the 'affected part' of the building, in accordance with the requirements of the Access to Premises Standard 2010, and the National Construction Code 2013. Detailed plans, documentation and specification must accompany each application for a Construction Certification to the satisfaction of the Certifying Authority.

Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

Location of Plant

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

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

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

Location of Mains Services

45. To reduce the extent of overhead cabling, all service mains required to facilitate the development must be underground, both within the allotment boundaries and the public way. Details must be provided with the plans and documentation accompanying the relevant Construction Certificate application to the satisfaction of the Certifying Authority.

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

Study Rooms

- ~~46. The windowless room in all residential units of type 7 and 9 (1 windowless room in each) shall be reduced in size such that each internal dimension is no more than 2m. These rooms shall be fitted with desk and/or cabinet joinery. Details shall be submitted to the satisfaction of the certifying authority prior to the issue of the relevant Construction Certificate.~~

~~**Reason:** To ensure study rooms are not convertible for use as bedrooms.~~

(Deleted by DA/1066/2016/D on 10/12/2019)

Windowless Rooms

47. ~~The windowless room in all residential units of type 4 and 5 (1 windowless room in each) shall be deleted and the bedroom expanded to have minimum dimensions of at least 3m and a minimum internal area of at least 10m² (excluding wardrobe). Details shall be submitted to the satisfaction of the certifying authority prior to the issue of the relevant Construction Certificate.~~

~~**Reason:** To improve Apartment Design Guide compliance.~~

(Deleted by DA/1066/2016/D on 10/12/2019)

Unit to Unit Acoustic Amenity

48. ~~The internal layout in all residential units of type 23 shall be flipped east/west such that the room uses match those on adjacent units. Details shall be submitted to the satisfaction of the certifying authority prior to the issue of the relevant Construction Certificate.~~

~~**Reason:** To improve acoustic amenity in keeping with the requirements of the Apartment Design Guide.~~

(Deleted by DA/1066/2016/J)

External Walls and Cladding Flammability

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

Driveway Fence

50. A 900mm fence (or higher if required by the BCA), with maximum 50% opacity, is to be provided along the top of the retaining wall around the driveway. Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

Reason: To ensure safety of pedestrians.

Privacy

51. Additional external full height vertical fins, matching those shown on the approved drawings, shall be added to the façade of the commercial kitchens (Levels 1 and 2) and Level 3 2 ballroom sufficient to restrict close views from the development into the transparent habitable room windows on the adjoining site to the north (101 Marsden Street). In this condition, 'close views' is defined as within 12m. Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

Reason: To reduce glare to, and ensure visual privacy of, adjoining residential occupiers.

(Modified by DA/1066/2016/A on 19/02/2019)

Wind Amenity

52. Detailed drawings of the wind amelioration required for the Level 18 outdoor amenity space in the Environmental Wind Tunnel Tests Report Ref: 8153 by CPP dated 29/01/18 shall be submitted to, and approved by, Council's Manager DTSU prior to the issue of the relevant Construction Certificate. Further wind tunnel testing is to be completed with the amelioration to demonstrate that the entire area passes the safety criteria.

Reason: To ensure safety of occupants.

Submit Detailed Concept Development, Including Artwork

53. A Detailed Public Art Plan prepared by a suitably qualified and experienced public art consultant, developed in accordance with the City of Parramatta's 'Interim Public Art Guidelines for Developers' and the Public Arts Plan by Authority Creative dated 15/03/2017, shall be submitted to and approved by Council's Service Manager of City Animation, prior to the issue of the relevant Construction Certificate.

The Public Art Plan is to include contextual and historical themes, and design details of each public art work, including concept drawings, scale and context, materials and finishes, timeline showing staging of the artwork, and an estimated budget, indicated on the approved plans.

Reason: To achieve public art that is consistent with Council's guidelines.

Lift Requirements

- 53A. The two Low-Rise Residential Passenger lifts are to have a standard operating speed rating of at least 5.00 m/s or as otherwise agreed by Council's Manager DTSU. The two High-Rise Residential Passenger Lifts are to have a standard operating speed rating of at least 7.00 m/s or as otherwise agreed by Council's Manager DTSU. Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of any Construction Certificate(s) that relate to the residential lift shafts.

Reason: To ensure satisfactory level of lift service for future occupants.

(Added by DA/1066/2016/M on 19/11/2024)

Design Excellence

Façade Samples

54. Prior to the issue of the relevant Construction Certificate, the following detail must be submitted to, and approved by, Council's City Architect, Design Excellence Jury and Environmentally Sustainable Development consultant:

- A 1:1 manufactured visual mock-up (VMU) of key junctions of the external glazed facade (minimum 3m x 3m dimensions)

Reason: To fulfil the Design Excellence criteria of the Parramatta LEP 2011

Detailed Drawings

55. Prior to the release of the relevant construction certificate the applicant shall submit for the approval of the City Architect, key cross sections, partial plans and partial elevations through external walls, balconies, pergolas and other key external details (including, but not limited to, the ground level entrance awning). Drawings are to be fully annotated at a scale of 1:50 (or if necessary 1:20) showing details, materials, finishes and colours, so that the details and materiality of the external facades are clearly documented. Revised 3D photomontages should also be submitted. The development shall be completed in accordance with the plans approved to satisfy this condition.

Reason: To ensure the design excellence quality of the development is retained.

(Modified by DA/1066/2016/D on 10/12/2019)

Endeavour Energy

Energy Provider Requirements for Substations

56. 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.

Engineering

Stormwater Disposal

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

Reason: To ensure satisfactory stormwater disposal.

Water Treatment for Stormwater

58. Stormwater quality treatment devices must be installed generally as shown on amended stormwater design by Mance Arraj ISSUE C dated 9 May 2018 to manage surface runoff water to Marsden Street and satisfy clause 3.3.6.1 of Parramatta Development Control Plan 2011. Details of the proposed devices and their location must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

Design to Withstand Flooding

59. The building must be designed and certified by a registered structural engineer to ensure the building does not fail due to floodwater forces, debris and buoyancy effects from flooding in events up to the 1 in 100 year level plus 500mm freeboard.

Reason: To ensure the structure can withstand flooding impacts.

Flood Protection

60. The basement must be flood proofed and occupants protected from flooding up to the Probable Maximum Flood generally as shown in the approved DA documentation. In particular:

- (a) The basement must be protected from the ingress of floodwater by passive measures at least up to the flood planning level (9.0m AHD). These measures are likely to include provision of a driveway crest at or above the flood planning level with associated wing / or bund walls to this level to prevent floodwaters flowing into the basement.
- (b) The basement must be protected from the ingress of floodwater via the driveway up to the Probable Maximum Flood level (12.7m AHD).
- (c) The basement must be protected from the ingress of floodwater via stairwells and other openings up to the Probable Maximum Flood level. These measures are likely to include a combination of a self-closing flood doors, flood gates and bund walls.
- (d) Provision of flood-free escape stairs from the basement up to a place of refuge within the building above the PMF level with adequate facilities for users during and after a flood.
- (e) Submission of a comprehensive Flood Emergency Response Plan incorporating all of the above.

Details demonstrating compliance must be submitted to, and approved by, Council's Manager DTSU prior to the release of any Construction Certificate (excluding a Construction Certificate in relation to early works or bulk excavation).

Reason: To ensure the building is adequately protected from the risk of flood.

Tanked Basement Construction

61. The perimeter walls and floor of the basement shall be constructed using a "Tanked Construction" method, to prevent any flood and ground waters seeping through the basement walls and floor base. This must be provided using a diaphragm wall and membrane or other approved form of construction and not through permanent draining of the basement structure. The landowner shall manage groundwater inflows and outflows during construction and thereafter in perpetuity, including monitoring, to ensure all of the requirements of the Water NSW/DPI Water are satisfied and that there are no adverse effects on the environment and public health, including water table levels, surface and groundwater flow regimes, contamination and pollution, flooding and water quality and structural stability. Details demonstrated compliance are to be submitted to the satisfaction of the Principal Certifying Authority prior to release of relevant Construction Certificate.

Reason: Protection of the environment and public health.

Construction Phase Soil and Water Management Plan

62. 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) Bunding must be provided to the Flood Planning Level around the excavation site and all equipment and materials storage areas. The flood planning level for this site must be set at the 1% AEP overland flooding level, plus a 500mm freeboard, as overland flooding is the critical inundation mode in this case.
 - (ii) 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.
 - (iii) All stormwater incident on the construction site must be collected and appropriately disposed of in a manner that does not increase the flood risk for the catchment area or degrade the quality of water being disposed of to Council stormwater infrastructure. The proposed methods of collection, treatment and disposal for the entire excavation

-
- must be shown on the integrated plan and detailed in the report.
- (iv) Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to include, but not be limited to:
 - (a) Vehicle Wheel wash, cattle grid, wheel shaker or other appropriate device to remove sediment from vehicle wheels.
 - (b) A sediment trapping fence, made of a geotechnical textile specifically designed for such a purpose and installed and maintained to manufacturer's specifications, placed below the disturbed area of the construction site along contours.
 - (c) The sediment control fences and other installations must not obstruct pedestrian movement in the locality or vehicle access to adjoining properties.
 - (d) Vehicle access shall be restricted to a minimum number of locations, and vehicle driveways are to be adequately covered at all times with blue metal or the like.
 - (e) The protection of all stormwater collection pits in the vicinity of the works.
 - (f) The protection of all stockpiled construction waste and materials. Details of the above must be shown on the plan and outlined in the report.
 - (v) Full plant and equipment details, including the location of any proposed access ramps, cranes, site entry points etc.
 - (vi) An operational and monitoring plan.

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

Reason: Environmental protection.

De-watering of Excavation Sites

63. 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.

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 protect against subsidence, erosion and water pollution during excavation.

Geotechnical Consideration

64. The recommendations as outlined in the Geotechnical Report titled "Report on Geotechnical and Hydrogeological Investigation", Report Number 30553LARpt, Revision 0 dated 15/12/2017, prepared by JK Geotechnics shall be implemented to the satisfaction of the Certifying Authority.

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

Retaining Walls

65. 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.

Sydney Water Tap In

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

The Sydney Water [Tap in™](#) online self-service replaces our Quick Check Agents as of 30 November 2015.

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

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

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

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

Dial Before You Dig Service

67. 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.

Driveway Surface to Match Existing Footpath Level

68. The driveway within the property shall be designed and constructed to match the surface levels with that of existing footpath within the property frontage and that joints are smooth, and no part of the concrete protrudes out. To prevent street stormwater spilling into the property through the driveway, the driveway surface should be graded such that it rises upward from kerb & gutter with the crest across the driveway at the property line, which should be at least 150mm higher than the top of kerb.

Reason: To provide suitable vehicle access and smooth junction.

Driveway Trench at Boundary

69. A 300mm wide grated drain, incorporating a heavy duty removable galvanised grate, is to be located within the site at the intersection of the driveway and the western side of the 3m eastern setback area to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.

Reason: Stormwater Control.

Basement Carpark and Subsurface Drainage

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

Plans and design calculations along with certification from the designer indicating that the design complies with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure satisfactory storm water disposal.

Collection and Discharge of Dirty Water from Car Wash Bay

71. All washing of motor vehicles must be carried out in a designated area and must be drained to a sump and cleansed via a coalescing plate separator prior to discharge into the sewer. Documentary evidence is required from the Trade Waste Section of the Sydney Water Corporation Ltd confirming satisfactory arrangements have been made with the Corporation with respect to the disposal of dirty water into the sewerage system, prior to the issue of the Construction Certificate.

Reason: To ensure satisfactory storm water disposal.

Construction of a Heavy Duty Vehicular Crossing

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

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

Reason: To ensure appropriate vehicular access is provided.

Exhaust Fumes

73. All mechanical exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1 - 1998 – 'The use of ventilation and air conditioning in buildings' – 'Fire and smoke control in multi-compartmented buildings'. Details showing compliance are to accompany the relevant application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

Security Roller Shutters for Basement Car Parking

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

Reason: To ensure visitor car parking is accessible.

Impact on Existing Utility Installations

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

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

Support for Council Roads, Footpath, Drainage Reserve

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

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

Reason: To protect Council's infrastructure.

Environmental Health

Food Preparation Facilities

77. Detailed plans of any food / beverage preparation facilities and waste storage areas shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate.

The fit-out of the food premises shall comply with:

- (a) Australian Standard AS4674-2004 - Design, Construction and Fit-out of Food Premises.
- (b) Food Safety Standards
 - Standard 3.2.2 Food Safety Practices and General Requirements
 - Standard 3.2.3 Food Premises and Equipment
- (c) The cool rooms shall be provided with safety devices to comply with G1.2 of the BCA.
- (d) No approval is granted for any remote storage area.
- (e) The business being registered with NSW Food Authority.
- (f) Comply with the requirements of Sydney Water – Trade Waste Section (grease trap).

If a Private Certifier is to be used, the final inspection shall be carried out by a suitably qualified person to ensure that food standards are met. Council's Environmental Health Officer may be engaged to carry out the required inspection for a prescribed fee.

Note: Copies of AS 4764 may be obtained from Standards Australia. Copies of the Food Standards Code may be obtained from Australia and New Zealand Food Authority. Alternatively, you may obtain a copy of the 'Food premises design, construction and fit-out guide' from Council. This guide is based on the above standards and sets out minimum requirements to achieve compliance.

Reason: To ensure design of the premises meets relevant public health standards.

Construction Noise Management Plan

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

Waste and Recycling Storage Facilities

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

Reason: To ensure adequate storage for refuse.

Separation of Waste

- 80. Separate waste processing and storage facilities are to be provided for residential and commercial tenants in mixed use developments. These facilities should be designed and located so that they cannot be accessed by the public, and are accessible by a private waste contractor for collection.

A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities as indicated in the Waste Management Plan.

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

Waste Storage Visibility

- 81. All waste storage rooms/areas are to be fully screened from public view and are to be located clear of all landscaped areas, driveways, turning areas, truck standing areas and car parking spaces. No materials, waste matter or products are to be stored outside the building or any approved waste storage area at any time.

Reason: To maintain the amenity of the area.

Appoint Waste Contractor

- 82. Prior to the issue of the relevant Construction Certificate, a report including accompanying plans shall be submitted to the satisfaction of the Principal Certifying Authority that provides details of the private contractor that will be engaged to collect domestic waste from the subject site. If Council is not the principal certifying authority, a copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc, will be recycled. Waste collection from the site shall occur in accordance with the details contained within this report.

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

Garbage Chutes

83. The garbage chutes must be designed in accordance with the requirements of the Building Code of Australia and the Department of Environment and Climate Change Better Practice Guide for Waste Management in Multi-Unit Dwellings. Details are to be provided on the plans and documentation accompanying the relevant Construction Certificate application to the satisfaction of the Certifying Authority.

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

Waste Storage Rooms

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

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

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

Reason: To ensure provision of adequate waste storage arrangements.

Acid-Sulphate Soils Management

85. An acid-sulphate soils management strategy (prepared by a suitably qualified and experienced environmental/geotechnical consultant) must be submitted to the Principal Certifying Authority, prior to the issue of the relevant Construction Certificate. This strategy is required to recommend specific procedures and mitigation measures and must include a site analysis from a National Association of Testing Authorities (NATA) registered laboratory.

This strategy must address the following aspects:

- (a) Specific mitigating measures to minimise the disturbance of acid sulphate soils as well as measures relating to acid generation and acid neutralisation of the soil;
- (b) Management and disposal of the excavated material;
- (c) Measures taken to neutralise the acidity; and
- (d) Run-off control measures.
- (e) The recommendations of the strategy must be completed prior to the

commencement of building works.

Reason: To protect the development from the harmful effects of acid-sulphate soils.

Outdoor Lighting

86. 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 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.

Heritage

Heritage Interpretation Strategy

87. Prior to issue of any Construction Certificate, a revised Heritage Interpretation Strategy is to be submitted to and approved by Council's DTSU Manager. The Strategy is to:

- (a) Outline how the objectives of the Principles for Site Specific Development Control Guidelines, by TKD Architects, dated 2016 are achieved.
- (b) Detail how information on the history and significance of the site and building will be provided for the public and make recommendations regarding public accessibility, signage and lighting. The strategy may, for example, include public art, details of the heritage design, or the display of selected artefacts.

Reason: To ensure that loss of heritage fabric at the site is offset by an appropriate interpretation strategy.

Measures to Comply with the BCA and Heritage Fabric

88. Any adopted measures to address non-compliances with the BCA, including all the alternative solutions, must respect the significant fabric and features of the heritage hall building and minimise their impact on the significance of the building.

Details of those measures, including all the alternative solutions, are to be submitted to and approved by Council's Manager DTSUI prior to the issue of the relevant Construction Certificate.

Reason: To ensure heritage fabric is sensitively retained.

Public Domain

Public Domain Construction Drawings

89. Prior to the issue of the Construction Certificate for any construction work relating to the ground floor, including slab pour, public domain works or any other above ground structure, a set of detailed **Public Domain Construction Drawings** must be submitted to and approved by Council's Development and Traffic Services Unit (DTSU) Manager. The drawings shall address, but not be limited to, the following areas:

- The Marsden Street and Phillip Street frontages of the development site between the gutter and building line, including footpath, drainage, forecourt, front setback;
- Any publicly accessible areas;
- Any works in carriageway, and
- Onsite landscape work.

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

- The latest City of Parramatta Public Domain Guidelines (PDG);
- The approved drawings;
- The conditions listed in this consent; and
- Any additional advice offered by Service Manager DTSU.

Reason: To ensure the public domain is constructed in accordance with Council standards.

Footway Specifications

90. Notwithstanding the approved Public Domain Drawings and Public Domain Alignment Drawings, the following requirements shall be included in the Public Domain Construction Drawings:

Coordination of Design

Grading of the pedestrian footway:

- Detailed design spot levels and designed contour lines are required. Ensure no sudden change in levels, all level changes to be gradual.
- Localised flattening of public footpath levels at building doorways is not permitted. Any change of level required to provide compliant access to the building must be achieved behind the property boundary line and or within the building.
- Localised ramps are not permitted in the footway. Longitudinal grading must follow the gradient of the top of kerb line unless agreed otherwise with Council. Ramping of the footway to suit adjacent building entry/access requirements will not be accepted.

Footpath

The standard 'City Centre Paving' concrete paver, **Pebblecrete, product PPX:544:35D, 300x300x60mm, with honed finish**, shall be applied to the entire public domain areas of Marsden St and Phillip St to the full length of the development site. This includes the public footway and any setback between the building/podium line and property boundary. For unit paving, the footpath paving set out and details must comply with Council's design standard (DS40, sheet 1-3). A copy of the Design Standard (DS) Drawings referenced above can be obtained from Council's Customer Service department on 9806 5050, Mon – Fri (8:30am-4:30pm).

Kerb Ramps

Kerb ramps must be designed and located in accordance with Council's design standards (DS40 sheet 1-3), using **Pebblecrete, product PPX:544:35D, 300x300x60mm, with shot blast finish**. Ramps are to be aimed to the ramp on the opposite side of the road.

Vehicle Crossing

Council's standard vehicle crossing is to be provided. Refer Council's design standard (DS40 sheet 1-3), using **Pebblecrete, product PPX:544:35D, 150x150x60mm, with honed finish for vehicle crossing**.

Tactile Indicators (TGSIs)

TGSIs used on the public footpath must be installed in the locations as shown on the approved Public Domain Construction Drawings.

TGSI's must also comply as follows.

- TGSI's are required at the top and base of each stair flight/ramp, to comply with AS1428.4.1 (2009) or latest version
- TGSI's are not required on a landing where handrails continue through the landing.

Clear Path of Travel (Shore-Lining)

Clear Path of Travel is required at the building edge as per the PDG, see *3.2.1 Footways*, and *Table 3.1 Footway Width Recommendations*.

Council continues to develop uniform design approach(s) to delineating a clear path of travel past complex built forms at the footway level. Options could include, but not be limited to, change in pavement colour, textures and or other visual aids etc. that meet DDA requirements. Final design solutions to suit the project are to be proposed by the applicant for consideration and inclusion in the Public Domain Construction Drawings prior to issuing of CC approval.

Sealant

Sealant is to be applied to all paved surfaces in the public domain in accordance with Council requirements.

Non-slip surface

The applicant shall provide test results (after applying paving sealant) to prove all pavement material and finishes used in the public domain and any plaza areas are **non-slip surfaces** that comply with a V5 rating (according to AS4586:2013) in both wet and dry conditions.

Street Furniture

Street furniture (seats, benches, bins, bollards, bike racks etc) selection and detail shall be to Council's requirements where the furniture is located in publicly owned land and must comply with Council's PDG. Locations outside of this zone to be agreed by Council's DTSU Manager prior to issue of Construction Certificate. Maintenance and management of furniture ie emptying of bins etc, not on Council land remains the responsibility of the applicant.

Lighting

Pedestrian and street lighting shall be to Council's requirements and Australian Standards. All the lighting features in the public domain shall be detailed in the Public Domain Construction Documentation. All new LED luminaires shall include 7pin NEMA socket.

Steps

Steps in public open space not supported.

Handrails

Handrails must comply as follows:

- Handrails installed on each side of the stair (or centrally).
- Landing area designed to sufficiently accommodate the required TGSI and handrail projection, which must be outside pedestrian path of travel and circulation spaces.
- Design of handrail according to AS1428.1:2009.
- Diameter of handrail 30-50mm.
- Clearance behind the handrail at least 50mm.

Ramps

Ramps must comply as follows:

- Level landings at top and base
- Non-slip surfaces in wet and dry conditions
- Compliant handrails on each side with at least 1000mm between handrails
- A lower rail with maximum clearance of 65mm below.

Preference is to achieve ramps which do not require handrails (ie make them flatter than 1:20).

Multi-media conduit

A conduit for Council's multi-media facilities shall be installed to the full length of the street frontages for Marsden St and Phillip St. The conduit must be positioned and installed in accordance with Council's design standard drawing and specifications, refer Council's Community Crime Prevention Officer.

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

Reason: To comply with the Public Domain Guidelines and Council's standard details

Street Tree Specifications

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

Street Name	Botanical Name	Pot Size	Qty	Average Spacing
Phillip Street	<i>Flindersia Austarlis</i>	400 Lt	As shown on the approved drawings or as agreed by Council's DTSU Manager	
Marsden Street	<i>Platanus orientalis</i> 'Digitata'	400 Lt		

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

The tree supply stock shall comply with the guidance given in publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003). The requirements for height, calliper and branch clearance for street trees are as below table:

Container Size	Height (above container)	Calliper (at 300mm)	Clear Height Trunk
45 litre	1.9 – 2.3 metres	30 – 35mm	1.2 metres
75 litre	2.2 – 2.4 metres	40 – 45mm	1.4 metres
100 litre	2.4 metres	50mm	1.4 metres
200 litre	2.8 metres	60mm	1.5 metres
400 litre	3.5 metres	80mm	1.7 metres

Consistent tree pit size and construction is to be used throughout the public domain areas around the site for the street tree planting.

A structural pavement system is required around proposed street trees *in paved areas* in the footway and publicly accessible pedestrian areas to mitigate against soil compaction and to maximise aeration and porosity in the tree root zone. Suitable systems include suspended concrete slabs or structural cells such as strata cells. Tree grates may be required depending on the detailed design of the selected pavement structure system.

The street tree must be planted in accordance with Council's design standard CoP Street tree planting in StrataVault with 1500x1500mm Grate, Filtapave, or Planting, with adequate clearances to other street elements in accordance with the Public Domain Guidelines. The base of all tree pits shall incorporate a drainage layer and pipe that connects to nearest stormwater pit and must be shown on the Public Domain Construction Drawings. The invert level of the storm water pit receiving the drainage water from the tree pits is also to be shown on the Public Domain Construction Drawings.

Trees and all planted areas must be provided with the required soil volumes and depths as follows:

- Trees located in deep soil – in accordance with the Public Domain Guidelines (refer Table 5.1)
- Any planting on bedrock or podium slabs and any planters – Apartment Design Guide (refer Section 4O, Table 5).

Calculations demonstrating soil volume compliance are to be included in the Public Domain Construction Drawings. Soil depth calculations are to be based on a minimum depth of 1m excluding any drainage layers.

Where tree and understorey planting is proposed on slab, under building, green wall or any other overhang fronting the public domain an automatic irrigation system is to be provided. Irrigation design information is to be provided in the Public Domain Construction Drawings.

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

Reason: To provide best conditions to achieve healthy, thriving, long-lived trees in the public and private domain.

Sustainability

ESD Initiatives

92. Prior to the issue of the relevant Construction Certificate, the following must be demonstrated to the satisfaction of the Principal Certifying Authority:
 - (a) The building must achieve a 5-star Green Star Design as-built rating (v1.2 or later). Evidence is to be provided in accordance with the Design Review certified rating of the Green Building Council of

Australia.^[1]_{SEP}

- (b) A dual reticulation (dual pipe) system is to be installed of sufficient size and capacity to supply all potable and non-potable water uses for the building including single connection point at the boundary of the site for connection to a future recycled water scheme.
- (c) Rainwater collection and reuse is to be installed and suitably sized to serve toilets, urinals and cooling towers.
- (d) LED lighting must be provided throughout the building, including carpark and exterior lighting.
- (e) 95% of all timber is used on the project is to be FSC Certified under the Forest Stewardship Council certification system.
- (f) Limit the use of PVC with minimum replacement of 60% (by cost) compared to standard practice.
- (g) All lifts must be gearless with regenerative drives. Passenger lifts to have destination control.
- (h) Water efficient fixtures and fittings must be used throughout the hotel portion, including guestrooms. Minimum WELS rating of 4 star for toilets, 6 Star for tapware and 3 star (less than 7.5 l/min) for showers and 6 star for urinals are required.
- (i) The building will be designed and constructed to operate at a minimum NABERS Hotel Energy rating of 4.5 stars without accounting for any Green Power used in the building and a corresponding Commitment Agreement be entered into with NSW Office of Environment and Heritage.
- (j) Electric Vehicle fast charging is required to be provided to 18 car parking bays distributed proportionately between uses.

Reason: To ensure sustainable development outcomes are achieved.

Reflectivity

93. The design of the building facade shall not result in reflected glare that causes discomfort or threatens safety of pedestrians, drivers or other building occupants. A Reflectivity Report that analyses potential glare from the proposed development on pedestrians, motorists and other building users is required. The report must demonstrate that the proposed building, its facade and finishes adequately mitigates adverse reflected glare.

Details demonstrating compliance must be submitted to, and approved by, Council's Manager DTSU prior to the release of the relevant Construction Certificate.

Reason: To have a minimal impact on neighbouring properties and the public domain.

Thermal Comfort

94. Prior to the issue of the relevant Construction Certificate, the following must be demonstrated to the satisfaction of the Principal Certifying Authority:

- (a) Openable windows off habitable rooms of residential apartments are to be provided with an Effective Open Area equal to not less than 5% of the floor area of the room. Effective Open Area is to be calculated in accordance with the Glossary definition of the NSW Apartment Design Guide. The 5% requirement must be met after taking into account opening restrictors, fly screens, etc.
- (b) The number and distribution of openable windows is to be not less than shown on the architectural drawings hereby approved.
- (c) Corner units (i.e. units with at least 2 elevations facing in different directions) are to have at least 1 operable window on each elevation to provide for additional cross ventilation (ability to purge hot air).
- (d) Internal blinds shall be installed as part of the building contract to provide internal shading to all vision glazing. The internal blinds are to provide a non-specular external solar reflectance of greater than 60% and allow no more than 10% solar transmittance.
- (e) All gold glass panels and façade panels adjacent to structural columns are to be provided with insulated backpans of R2.0 or greater
- (f) All vision glazing to residential units that does not comprise a sliding door to a balcony shall have a solar heat gain coefficient (SHGC) of less than 0.4 and an external solar reflectance of less than 20%.
- (g) All glazing within the hotel portion is to meet the requirements of Section J of the NCC and glass selections must be of the minimum practical external solar reflectance.

For the purposes of this condition 'vision glazing' is taken to include all transparent and translucent external glazing.

Reason: To ensure sustainable development outcomes are achieved.

Traffic

Car Parking

95. Parking spaces and internal access ways are to be provided in accordance with the approved plans and with AS 2890.1, AS2890.2 and AS 2890.6.

Any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6.

Details of compliance are to accompany the relevant Construction Certificate application to the satisfaction of the Certifying Authority.

Reason: To ensure appropriate vehicular manoeuvring is provided.

Bicycle Parking

96. The bicycle storage areas must be capable of accommodating a minimum of **207** bicycles (residential) and 30 (commercial) within fixed bicycle rails. The bicycle storage areas and bicycle rails must be designed to meet the requirements of AS 2890.3 – 2015. Details of compliance with this standard are to accompany the relevant Construction Certificate application to the satisfaction of the Certifying Authority.

Reason: To comply with Council's parking requirements.

(Modified under DA/1066/2016/M on 19/11/2024)

Driveway Grades

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

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

Pedestrian Safety

98. A splay extending 2m from the driveway edge along the western side of the 3m wide eastern public right of way and 2.5m from the western side of the 3m wide eastern public right of way along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site. This shall not be compromised by the landscaping, signage fences, walls or display materials. Any such materials may only be permitted if they are less than or equal to 900mm height above the driveway level. Details are to be illustrated on plans submitted with the relevant Construction Certificate application to the satisfaction of the Certifying Authority.

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

Construction Traffic Management Plan

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

- A plan view of the entire site and frontage roadways indicating:
 - (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,

-
- (ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
 - (iii) The locations of proposed Work Zones in the egress frontage roadways,
 - (iv) Location of any proposed crane standing areas,
 - (v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - (vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - (vii) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - (viii) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors;
 - Proposed construction hours;
 - Estimated number and type of construction vehicle movements including morning and afternoon peak and off peak movements;
 - Construction program that references peak construction activities and proposed construction 'Staging';
 - Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
 - Cumulative construction impacts of projects in the Parramatta CBD. Should any impacts be identified, the duration of the impacts;
 - Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified;
 - Phillip Street access to Church Street will be closed during PLR works allowing local & emergency Access only; and
 - PLR construction traffic will use Church Street from early 2020 to early 2022.
 - Evidence that the applicant has made reasonable attempts to confer with, and resolve the construction traffic management concerns of, the developer of the adjoining tower under construction at 12-14 Phillip Street.

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

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

Traffic Control Plan(s) for the site:

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

Where applicable, the plan must address the following:

- (i) Evidence of Roads and Maritime Services concurrence where construction access is provided directly or within 20 m of an Arterial Road,
- (ii) A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
- (iii) Minimising construction related traffic movements during school peak periods.

The Construction and Traffic Management Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition.

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

Loading Dock Management Plan

100. Prior to the issue of the relevant construction certificate the applicant must submit a Loading Dock Management Plan to the satisfaction of Council's Traffic Services Manager and the Transport for NSW: Sydney Coordination Office. The Plan must achieve the following requirements:
- All loading and servicing is to be conducted on-site.
 - Adequate, provision of loading bays to be provided within the site, generally consistent with the RMS Guide to Traffic Generating Developments (2002).

- All vehicles are to enter and exit the site in a forward direction.
- The applicant should not rely on the kerbside restrictions to conduct their business.

Reason: To ensure compliance with the Parramatta DCP 2011 and reduce kerbside stopping reliance.

Accessible Car Parking

101. Accessible car parking spaces must be provided as part of the total car parking requirements.

These spaces, and access to these spaces, must comply with the BCA, AS2890.6: 'Parking facilities', 'Off-street parking for people with disabilities', AS1428.1: 'Design for access and mobility', 'General requirements for access - New building work' 2001 and 2009, and AS1428.4: 'Design for access and mobility', 'Tactile ground surface indicators for orientation of people with vision impairment', 'Means to assist the orientation of people with vision impairment - Tactile ground surface indicators' 1992 and 2009. Details of compliance are to accompany the relevant Construction Certificate application to the satisfaction of the Certifying Authority.

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

Visitor Parking

102. Each basement visitor car parking space is to be signposted. Details of compliance are to accompany the relevant Construction Certificate application to the satisfaction of the Certifying Authority.

Reason: To comply with Australian Standards.

Trees and Landscaping

Planting Upon Structure

103. The following must be provided with the relevant application for a Construction Certificate to the satisfaction of the Certifying Authority:

- (a) Construction details showing substrate depth, drainage, waterproofing for all planting on structures, including planting over stormwater tanks, raised planters and rooftop gardens are to be provided by a suitably qualified structural engineer.
- (b) A specification for the soil volume, soil depth and soil area must meet the prescribed standards in "Apartment Design Guide – tools for improving the design of residential apartment development" (NSW Department of Planning and Environment, 2015) to be provided by a suitably qualified Landscape Architect/Designer for all proposed tree plantings with an expected mature height of five (5) metres or greater.

- (c) A specification ('Fit-for-purpose' performance description) for soil type and maintenance schedule specified by a suitably qualified Soil Scientist, to ensure sufficient nutrient and water availability is achieved which must be specific to the tree species proposed must be provided by a suitably qualified Soil Scientist.
- (d) Tree planting densities shall not exceed the prescribed soil volume and area required for plant type and certification must be provided by a suitably qualified Landscape Architect/Designer.
- (e) Planter boxes located over stormwater tanks and/or podium slabs are to have a minimum depth of 600mm for the planting of shrubs and/or trees, and a minimum of 300mm depth for turf/groundcovers proposed.

Reason: To ensure the creation of functional gardens.

Prior to Work Commencing

Planning

Appointment of PCA

104. 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

105. 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

106. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000 detailing:

- (a) Unauthorised entry of the work site is prohibited;
- (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and

- (c) The name, address and telephone number of the Principal Certifying Authority;
- (d) The development consent approved construction hours;

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

This condition does not apply where works are being carried.

Reason: Statutory requirement.

Toilet Facilities On Site

107. 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

108. 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.

Footings and Walls Near Boundaries

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

walls/posts.

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

Survey Report

110. A survey certificate is to be submitted to the Principal Certifying Authority at footing and/or formwork stage. The certificate must indicate the location of the building in relation to all boundaries, and must confirm the floor level is consistent with that approved under this consent prior to any further work proceeding on the building.

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

Engineering

Construction Environmental Management System and Plan

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

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

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

Reason: Environment protection.

Road Opening Permits

112. 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

113. 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.

Geotechnical Report

114. Prior to the commencement of any excavation works on site the applicant must submit, for approval by Council's Manager DTSU and an appropriately qualified independent third party engineer, a geotechnical/civil engineering report which addresses (but is not limited to) the following:
- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.
 - (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
 - (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
 - (d) The impact on groundwater levels in relation to the basement structure.

- (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

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

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

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

- (g) Evidence that the applicant has made reasonable attempts to confer with, and resolve the geotechnical and hydrogeological concerns of, the developer of the adjoining tower under construction at 12-14 Phillip Street.

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

115. 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

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

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

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

Shoring and Adequacy of Adjoining Property

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

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

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

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

Special Permits

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

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

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

Reason: Proper management of public land.

Driveway Crossing Application

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

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

The application for a driveway crossing requires the completion of the relevant application form and accompanied by plans, grades/levels and specifications. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

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

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

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

Existing Damage to Public Infrastructure

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

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

Reinforced Concrete Pipe Work

121. Details of the proposed reinforced concrete pipe-work within Marsden Street shall be submitted to, and approved by, Council's Manager Civil Infrastructure prior to commencement of any work.

Reason: To ensure adequate stormwater infrastructure is provided.

Environmental Health

Asbestos Hazard Management Strategy

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

that the site is rendered suitable for the development.

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

Hazardous Material Survey

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

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

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

Waste Management Plan – Demolition

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

- (a) expected volumes and types of waste to be generated during the demolition and construction stages of the development;
- (b) destination of each type of waste, including the name, address and contact number for each receiving facility.

The Waste Management Plan is to be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any works on site.

Reason: To ensure waste is managed and disposed of properly.

Public Domain

Prior to the Commencement of Construction in Public Domain

125. The certifying authority is to confirm the ground floor slab levels, including finishes, finish flush with existing public domain as per the approved Public Domain Alignment Drawings

Reason: To ensure the public domain is constructed in accordance with Council standards.

Trees and Landscaping

Pruning/Works on Trees

126. Consent from Council must be obtained prior to any pruning works being undertaken on any tree on site, or any trees located in adjoining properties. All approved pruning works must be supervised by an Australian Qualifications Framework (AQF) Level 3 certified Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

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

During Work

Planning

Copy of Development Consent

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

Reason: To ensure compliance with this consent.

Materials on Footpath

128. 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

129. 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

130. All work (excluding demolition which has separate days and hours outlined below), including building and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development, must only be carried out between the hours of 7:00am and 5:00pm on Monday to Friday inclusive, and 8:00am to 5:00pm on Saturday. No work is to be carried out on Sunday or public holidays.

Demolition works are restricted to Monday to Friday between the hours of 7:00am and 5:00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

Extended Hours (Trial Period)

In addition to the above hours, consent is granted for the following works to be undertaken in the following extended hours of construction.

- Internal fit out works including plasterboard sheeting and lining, painting, tiling, carpet laying, fit out and installation of services, and use of internal lift. Extended hours – 5:00pm to 10:30pm, Monday to Friday.
- Deliveries (light vehicles and vans only) to the basement. Extended hours – 5:00pm to 8:30pm, Monday to Friday.

The acoustic mitigation strategies within the approved acoustic report titled '8 Phillip Street, Parramatta – Proposed Extended Working Hours Acoustic Review' prepared by Acoustic Logic dated 12 April 2024 are to be implemented during the extended construction hours at all times.

The above approved extended construction hours are limited to a six-month trial period commencing from the date of determination of modification application DA/1066/2016/N. A further application under the Environmental Planning & Assessment Act 1979 may be made up to one month prior to the lapsing of the six-month period for extension of trial extended construction hours. Whilst this application is under assessment by Council, construction works may be undertaken as per the approved extended construction hours up until determination of the application. Any substantiated noise complaints received by Council during the trial will be taken into consideration in any future application. Should the proponent not apply for extension of trial extended construction hours prior to the lapsing of the trial period, the construction hours will revert to the base hours above.

Reason: To protect the amenity of the area.

(Condition amended under DA/1066/2016/N)

Complaints Register

131. 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 effect;
- (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.

Endeavour Energy

Electrical Infrastructure Access

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

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

Engineering

Erosion & Sediment Control Measures

133. 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

134. 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.

Car Parking & Driveways

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

Reason: To ensure appropriate car parking.

Vehicle Egress Signs

136. Appropriate signage must be erected at the vehicle egress points to compel all vehicles to stop before proceeding onto the public way.

Reason: To ensure pedestrian safety.

Nomination of Engineering Works Supervisor

137. 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.

Connection into Existing Stormwater Pipe

138. The proposed outlet pipe and connection works into the existing downstream kerb inlet pit within the public domain shall comply with the following requirements.

- (a) The connection into the stormwater system shall be in the direction of flow (not against the flow).
- (b) A new kerb inlet pit (KIP) shall be constructed on Marsden Street frontage to connect the site Stormwater pipe into this pit. The new kerb inlet pit shall be constructed in accordance with Council Standard Plan). (Please contact the council's civil Infrastructure Unit for requirement details on kerb inlet pit type, connections requirements and the relevant standard plan *number/drawing*).
- (c) Request for inspection by council's Civil Infrastructure Unit, of works during progression as required by Council's Civil Infrastructure Unit.
- (d) The connection work must be inspected by the engineer from Council's Civil Infrastructure Unit and approved prior to backfilling.
- (e) Remediation of site upon completion of work to the satisfaction of Council's Civil Infrastructure Unit.
- (f) Upon completion of works, the following documents shall be submitted to council.
 - (i) Work-As-Executed Stormwater plan (layout and long section profile) prepared on the copies of the approved plan with the variations marked in RED ink and duly certified by a registered surveyor.
 - (ii) A certificate of compliance a qualified drainage/hydraulic engineer. The person issuing the compliance certificate shall ensure that all the works have been completed and comply with the approved plans and the council's requirements.
- (g) Final inspection and satisfactory completion of the pipe work to the satisfaction of Council's Civil Infrastructure unit.

Prior approval for the drawings shall be obtained from Council's Civil Infrastructure Unit. No pipe/pit works shall commence until the approval is obtained. During the progress of work, booking for staged/progress inspection by Council's Civil Infrastructure Unit shall be made.

Upon completion of the work, the construction and connection work shall be certified by a qualified engineer. A separate Work-As-Executed plan shall be prepared on the approved stormwater plan and submitted together with the engineer's certificates to Council separately.

Reason: To ensure that the stormwater work comply with requirements of relevant authority.

Environmental Health

Remediation Contact Details

139. 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.

Contamination – Additional Information

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

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

Remediation Works

141. All remediation works shall be carried out in accordance with clauses 17 and 18 of State Environmental Planning Policy 55 - Remediation of Land.

Reason: To comply with the statutory requirements of State Environmental Planning Policy 55.

Groundwater Analysis

142. Groundwater shall 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 NSW EPA water quality standards and Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000.

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.

Contaminated Waste to Licensed EPA Landfill

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

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

Handled and Disposed of by Licensed Facility

144. All friable and non-friable asbestos-containing waste on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2005 and the EPA publication 'Waste Classification Guidelines - 2008' and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

Asbestos – Records Disposal

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

Reason: To ensure appropriate disposal of asbestos materials.

Waste Data Maintained

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

Reason: To confirm waste minimisation objectives are met.

Dust Control

147. Dust control measures shall be implemented during all periods of earth works, demolition, excavation, and construction to minimise the dust nuisance on surrounding properties.

In this regard, dust minimisation practices must be carried out in accordance with the City of Parramatta Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the *Protection of the Environment Operations Act 1997*.

Reason: To protect the amenity of the area.

Importation of Clean Fill

148. Any fill material, required by this consent, imported to the site is to be virgin excavated natural material (VENM), and is to be certified as such by a suitably qualified industry professional. The certification of each delivery is to be kept on site and produced for inspection if requested.

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

Noise/Vibration

149. Noise emissions and vibration must be minimised, work is to be carried out in accordance with the NSW Department of Environment, Climate Change and Water's Interim Noise Construction Guidelines 2009 for noise emissions from demolition, excavation and construction activities.

Vibration levels resulting from demolition and excavation activities must not exceed 5mm/sec peak particle velocity (PPV) when measured at the footing of any nearby building.

Reason: To protect the amenity of the area.

Heritage***Heritage Impact Assessment and Conservation Management Plan***

150. The development must be undertaken strictly in accordance with the findings and recommendations contained in the approved heritage drawings, the Heritage Impact Statement Ref: 16-192 Rev: 6 by City Plan Services dated 05/03/18 and the Conservation Management Plan required by this consent unless modified by another condition of this consent.

Reason: To ensure the appropriate maintenance of Parramatta's Heritage.

Cease Work if Damage

151. Should any part of the existing heritage fabric which is indicated on the approved plans to be retained be damaged or in any way altered beyond the approved scope of works, all works on site are to cease and written notification to be provided to Council. No work is to resume until the written approval to continue works is obtained from the Council.

Reason: Conservation of listed heritage item and ensure compliance.

Heritage Materials

152. New materials for making good heritage fabric are to match the original materials in terms of colours, finishes, sizes, profile and materials.

Reason: To maintain heritage character of building.

Public Domain***Public Domain Works Inspections***

153. All the public domain works shall be constructed by licensed contractors. All the soft landscape works shall be carried out by licensed landscape contractors.

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

The required inspections include the followings:

- Commencement of public domain works including tree protection measures installed and set out of tree pits;
- Subgrade inspection following excavation for footings, drainage and pavements, tree pits showing root barriers, structural soil cell, sub-surface drainage and irrigation system as required;
- Installation of required underground conduits;
- Blinding layer/concrete slab based completion and initial (indicative) set out of pavers street fixtures and fittings as applicable to ensure compliance with the requirements in the Public Domain Guidelines;
- Commencement of the works including survey marks, sub-grade preparation and set out of kerb alignments;
- Completion of concrete blinding layer before any paver to be laid; and set out/location of furniture installation;
- Completion of (raised) planting beds with required sub-drainage layer installed as specified. Procured soil media specifications and docket receipts to be signed at this inspection;
- Completion of unit (granite) paving and furniture (seatings) installation. Manufacturer's warranty and maintenance information for all proprietary products shall be provided to Council's Inspection Officer; and
- Completion of paving sealant application and tactile indicator installation as per Council's specification.
- Delivery of street trees to site. Trees shall be installed within 24hrs of delivery; The contractor shall provide Council Officer the NATSPEC document to prove the quality of the tree stock.
- Final defects inspection after all work has been completed to view paving sealant, tactile surface indicators, service lids, nature strip/vegetation and location of fixtures and fittings.

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

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

Traffic

Occupation of any part of Footpath/Road

154. 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

155. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

Trees and Landscaping***Tree Removal***

156. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Draft Tree Work Code of Practice 2007.

Reason: To ensure works are carried out in accordance with the Draft Tree Work Code of Practice 2007.

Prior to the issue of an Occupation Certificate / Subdivision Certificate**Planning*****Occupation Certificate***

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

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

Record of Inspections Carried Out

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

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

Reason: To comply with stator requirements.

BASIX Compliance

159. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. 773884M_0613, will be complied with prior to occupation

Reason: To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.

(Modified under DA/1066/2016/M on 19/11/2024)

Compliance with Covenant for Affordable Housing

159A. Prior to the issue of the relevant Occupation Certificate for the development, evidence must be provided to Council that the title to a stratum lot within the development that contains at least 6 dwellings is burdened by a public positive covenant pursuant to section 88E of the Conveyancing Act 1919 to the effect of the covenant identified and approved in Condition 1. The 6 dwellings are to be nominated on the plans and comprise a unit mix of 3 x 1 bedroom units and 3 x 2 bedroom units.

Reason: To ensure that the approved Affordable Housing is delivered and operated as such in perpetuity.

(Added under DA/1066/2016/M on 19/11/2024)

The Release of Bond(s)

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

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

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

An Occupation Certificate is not to be issued until correspondence has been issued by Council detailing the bond has been released.

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

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner.

SEPP 65 Verification Statement OC Stage

161. 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

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

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

Liveable Housing

163. Confirmation that 20% of the units comply with the Liveable Housing Guidelines Silver Level design feature is to be prepared by a suitably qualified consultant and submitted to Council prior to the issue of an Occupation Certificate.

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

Public Right of Way

164. Prior to the issue of an Occupation Certificate, the applicant shall establish a public right of way over the 3m ground floor eastern setback area, for use as an unrestricted public footpath, in perpetuity. This area shall not be occupied by signage, planter boxes, furniture or the like without the consent of Council.

Reason: To ensure that public benefits are provided in keeping with the applicant's offer.

Certification – Fire Safety

165. Prior to the issue of each Occupation Certificate, a final fire safety certificate must be issued as required by Clause 153 of the Environmental Planning and Assessment Regulation 2000.

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

Street Numbering Application

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

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

Reason: To ensure all properties have clearly identified street numbering,

particularly for safety and emergency situations.

Schedule of Street Numbering

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

Reason: To ensure developments are appropriately numbered.

Street Numbering Display

168. A street number is to be placed on the building 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 assist wayfinding.

Broadband Access

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

Note: For more information contact NBN Co. Development Liaison Team:

Call: 1800 881 816

Email: newdevelopments@nbnco.com.au

Web: www.nbnco.com.au/NewDevelopments.

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

Provision of Telephone Services

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

Reason: To ensure appropriate telephone services are provided.

Strata Subdivision Certificate

171. A separate application must be made to Council or the Principal Certifying Authority to obtain approval of the strata plan under section 37 of the Strata Schemes (Freehold Development) Act 1973. The linen plan must not be issued until a final occupation certificate has been issued.

Reason: To comply with the *Strata Schemes (Freehold Development) Act 1973*.

Restriction on Use of Serviced Apartments

171A. Prior to issue of any Occupation Certificate, the applicant must create a Restriction as to user under Section 88E of the Conveyancing Act 1919, prohibiting the 7 serviced apartments at Levels **58-59** of the building hereby approved from use as any form of residential accommodation, as defined by Parramatta Local Environmental Plan 2011.

Note: All restrictions created as part of this consent are to contain a provision that they cannot be released, varied or modified except with the written consent of City of Parramatta Council.

Reason: To ensure that the development meets the requirements of Clause 7.13 of Parramatta Local Environmental Plan 2011.

(Added by DA/1066/2016/D on 10/12/2019 and DA/1066/2016/M on 19/11/2024)

Residential Access to Communal Facilities

172. Prior to the issue of an Occupation Certificate, the applicant shall either:

- (a) ensure the Level **18B** pool, pool deck, change rooms, gym, meeting room and toilet are included in the residential stratum, or
- (b) establish a right of way, benefitting all residential occupiers, over the Level 18B pool, pool deck, change rooms, gym, meeting room and toilet in the hotel stratum or
- (c) a combination of both so as to ensure residential access to the listed facilities.

Reason: To ensure that residents have access to communal facilities.

(Modified by DA/1066/2016/D on 10/12/2019 and DA/1066/2016/M on 19/11/2024)

Hotel Operational Plan of Management

173. Prior to the issue of an Occupation Certificate, the applicant shall develop a Hotel Operational Plan of Management which includes the following:

- How amenity impacts on adjoining/nearby residents will be minimised;
- How complaints will be logged and resolved;
- Details of how guests arriving by private vehicle will be accommodated (i.e. how valet services will operate, location and extent of off-site parking, how large coaches/buses will be deterred, etc);
- Details of how guest arrival by private vehicle will be minimised (i.e. How public transport will be promoted to guests);
- How conflict over areas shared with residential occupiers will be minimised and resolved;
- How heritage fabric will be protected and maintained;

In developing this Plan the applicant is to:

- Undertake a survey of similarly sized hotels that provides off-site parking for customers' needs.

- Confer with the owners and occupiers of adjoining and nearby properties to understand key areas of concern and take all reasonable steps to avoid or minimise those impacts in the plan.

Details demonstrate compliance shall be submitted to the satisfaction of the Certifying Authority. A copy of the plan shall be submitted to Council.

Reason: To ensure that residents have access to communal facilities.

Certification – Artwork

174. Final documentation including details of fabrication and installation of the public art work, including a maintenance schedule, must be submitted and approved by Council and the art work completed in full and installed to the satisfaction of Council prior to the issue of the final Occupation Certificate.

Reason: To comply with Development control requirements.

Design Excellence

Design Jury Review

175. Council's Design Competition Panel (Design Excellence Jury) shall review and comment on the development prior to the issue of an Occupation Certificate to ensure design integrity. Where the Jury identifies matters which are not satisfactory, resolution to shall be required prior to the issue of the Certificate.

Reason: To ensure the proposal achieves design excellence.

Endeavour Energy

Provision of Endeavour Energy Services

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

Reason: To ensure appropriate electricity services are provided.

Engineering

Reinstatement of Laybacks

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

Reason: To provide satisfactory drainage.

Lot Consolidation

178. All individual parcels of land holding a separate title within the development site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to an Occupation Certificate being issued.

Reason: To comply with the Conveyancing Act 1919.

Section 73 Certificate

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

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

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

If you require any further information, please contact Lulu Huang of Growth Planning and Development on urbangrowth@sydneywater.com.au.

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

Flood Evacuation Management Plan

180. A Flood Evacuation Management Plan (FEMP) shall be prepared by an appropriately qualified consulting engineer. This report is to demonstrate how the occupants of the development will egress the site in the early stages of a storm event, together with how they will seek refuge in a peak stormwater event (i.e. first floor of the building). The FEMP shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. A copy of the FEMP shall be attached to the Occupation Certificate when forwarded to Council. A copy of the FEMP shall be kept on site at all times and distributed to all owners and operators.

Reason: To make property owners/residents aware of the procedure in the case of flood.

Work-as-Executed Plan

181. Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans.

A set of the documents shall be submitted to Council.

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

Positive Covenant for Water Treatment Devices

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

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through an application to the Land Titles Office using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the stormwater management facilities, including its relationship to the building footprint.

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

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

Reason: To ensure maintenance of stormwater management facilities.

Flood Gate

183. Prior to the issue of any Occupation Certificate the applicant shall create a Positive Covenant under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the Flood Gates installed on the lot as well as all warning systems associated with the flood gates. The positive covenant shall be created upon completion of installation of the flood gates and certification by the manufacturer to the satisfaction of the Principal Certifying Authority.

The following shall be incorporated:

- a) The instrument shall accompany a plan as annexure showing the location of the installed flood gates in accordance with the requirements of NSW Land Registry Services.

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

Note: The covenant shall be submitted to Council for approval prior to lodgement with NSW Land Registry Services Documents relating to proof of completion of installation of the flood gates in accordance with the approved stormwater plan and certification of the compliance shall be submitted to the Council together with the positive covenant.

Reason: To ensure maintenance of the installed flood gates.

Post-Construction Dilapidation Report

184. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

- (a) compare the post-construction dilapidation report with the pre-construction dilapidation report, and
- (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (c) carry out site inspection to verify the report and ensure that any damage to the public infrastructure as a result of the construction work have been rectified immediately by the developer at his/her cost.
- (d) Forward a copy of the dilapidation report with the PCA's comparison and assessment review report to Council.

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

All Works/Methods/Procedures/Control Measures

185. 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 the City of Parramatta, stating that all works/methods/procedures/control measures/recommendations approved by Council in the specialist reports listed in Condition 1 have been implemented.

Reason: To demonstrate compliance with submitted reports.

Environmental Health

Food Premises Fitout

186. Certification to be provided to the principal certifying authority (PCA), prior to occupation, that the fit-out of the food premises has been completed in accordance with plans complying with food safety standards prescribed under the Food Act 2003, and the requirements of Australian Standard AS 4674 - 2004.

It is incumbent on the PCA to determine the competency of the person providing this certification, based on that person's qualifications, experience and currency of practice.

Reason: To ensure construction and fit-out of the premises meets relevant public health standards.

Food Premises Ventilation

187. Prior to the use commencing, a multi-stage air filtration unit be incorporated in the mechanical exhaust ventilation system due to topography of the land, the prevailing weather conditions and the proximity of the structure in relation to other buildings adjacent to the site.

- (a) The design, construction and installation of all duct work to be in accordance with the requirements of Clause 7.5 of Australian Standard AS 1668.2-2012 (Fire and Smoke Control - Kitchen Hood Exhaust Systems).
- (b) The design, manufacture and installation of exhaust hoods to be in accordance with the requirements of Appendix E of Australian Standard AS 1668.2- 2012 (Kitchen Exhaust Hoods).

The air filtration system is to retain a minimum of 90 per cent of total smoke and a minimum of 95 per cent of oil and fat discharged by the cooking process. In this regard, details of filtration data, including details of the efficiency of each stage of the filtration system and fan unit details are to be documented and kept on site;

The multi stage air filtration unit must be fitted with a self-actuating by-pass in the odour absorption filter stage and be provided with air filters, differential pressure gauges as well as electrical interlocks to prevent use of the system unless all filter stages are in place.

Reason: To control offensive emissions and ensure the protection of the environment.

Commencement of Waste Collection Services

188. Prior to the issue of any occupation certificate, evidence that a waste collection service contractor has been engaged to service the site shall be submitted to the satisfaction of the PCA.

Reason: To ensure a waste collection service is commenced at the time of occupation of the development.

Waste Storage Rooms

189. 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 appropriate waste storage facilities are provided for future occupants.

Heritage

Conservation Works

190. All conservation work required by the Conservation Management Plan required by this consent must be completed prior to the issue of an Occupation Certificate to the satisfaction of the certifying authority.

Reason: To ensure the retained heritage fabric is maintained appropriately.

Positive Covenant for Heritage Item

191. Prior to the issue of an Occupation Certificate, a positive covenant is to be registered on title that burdens the development site and is enforceable by Council (Council to be the prescribed authority imposing the covenant) in accordance with section 88E of the Conveyancing Act 1919 (NSW), on terms satisfactory to Council, that requires the registered proprietor(s) of the development site to comply with the obligations and requirements of the Conservation Management Plan required by this consent.

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

Reason: To ensure the heritage fabric is appropriately maintained in perpetuity.

Conservation Costs

192. Any future stratum subdivision of the site shall set out how the ongoing maintenance costs associated with the Cyclical Maintenance Plan within the Conservation Management Plan (CMP) required by this consent will be shared between the various owners.

Reason: To ensure the heritage fabric is appropriately maintained in perpetuity.

Rectification of Damage

193. Any damage to the retained heritage fabric on site shall be fully restored prior to the issue of an Occupation Certificate.

Reason: To ensure the heritage fabric is appropriately maintained in perpetuity.

Historic Marker

194. A brass plaque relating to the history of the site must be installed on the front façade of the church hall building prior to occupation. The design, location and wording must be submitted to, and approved by, Council's Manager DTSU prior to issue of an Occupation Certificate.

Reason: To promote public understanding of the significance of the site.

Office of Environment and Heritage (Archaeology)

Archaeology Interpretation Plan

195. The Applicant shall prepare an Archaeology Interpretation Plan for the site which incorporates the results of any archaeological investigations undertaken on the site. This plan should be prepared in accordance with Heritage Council of NSW Guidelines for Interpretation. The plan should consider options including the display of artefacts recovered from the site and how the public may interact with these displays during non-office hours (e.g. on weekends). This plan must incorporate the advice of the Heritage Council of NSW or its Delegate. Interpretation must be installed at the site prior to the issue of an Occupation Certificate for the development.

Reason: The interpretation of the predicted early and rare archaeological resources from this site would provide another key activation point for understanding and explaining the earlier and ongoing occupation of this important Place in NSW.

Certification - Heritage Council

196. The Applicant shall submit a copy of written correspondence from the Heritage Council of NSW confirming that their requirements have been satisfied under any approvals issued under the Heritage Act 1977. This correspondence shall be provided to City of Parramatta Council and the Principal Certifying Authority prior to the issue of the Occupation Certificate for the site.

Reason: To ensure the requirements of any approved Heritage Act consent are satisfied prior to occupation of the premises.

Public Domain

Public Domain Works-as-Executed

197. Prior to **any issue** of the Occupation Certificate (including a Preliminary OC), the works outlined **in** the approved Public Domain Construction Drawings must be completed to Council's satisfaction with a **final approval** obtained from Council's Assets & Environment Manager.

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

Council will issue the **final approval** for public domain works in accordance with the approved public domain documentation and to Council's satisfaction. A **final inspection** will be conducted by Council staff after all the works are completed and the defects identified during inspections are rectified. The Certificate of Completion shall not be issued until Council's final approved is obtained.

A one year (52 week) maintenance period is required to be carried out by the applicant for all the works constructed in the public domain (including dedicated reserve/park). A landscape maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council specifying minimum 52 weeks' plant establishment to be provided by the applicant following handover of paving and furniture assets to Council. Council maintenance of plant material to commence following the above plant establishment period.

A two year (104 week) maintenance and defects period is required for any public domain works that include WSUD devices, including bio-retention tree pit, rain garden, swale etc., to be carried out by the developer following final OC approval of the public domain works by Council Officers.

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

Traffic

Car Share

198. The Applicant shall provide written evidence to Council's DTSU Manager, prior to release of the final Occupation Certificate, demonstrating that at least two (2) car share spaces have been offered to all car share providers operating in the greater Sydney area together with the outcome of the offers or a letter of commitment to the service if an operator has not been secured.

Reason: To comply with Council's parking requirements.

Green Travel Plan

199. A Green Travel Plan for the hotel use, to promote non-private vehicle transport for employees and guests, is to be submitted to the satisfaction of the Certifying Authority and a copy provided to Council prior to the issue of the final Occupation Certificate.

Reason: To discourage trips by private vehicle.

Driveway Crossover

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

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

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

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

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

Reason: Pedestrian and Vehicle safety.

Signal System

201. To prevent collisions between service vehicles and private vehicles a signal system shall be installed and located:

- Within the building adjacent to the street alignment;
- Along the ramp between ground and basement level 1; and
- At the bottom of the ramp on basement level 1.

The system is to illuminate green when it is safe to use the ramp and red when a vehicle is negotiating the ramp.

Certification the system is in working order is to be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To properly manage vehicle entry to, and exit from the subject site.

Trees and Landscaping

Tree Planting Container Size

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

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

Landscape Certification

203. 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.

Operational Conditions - The Use of the Site

Planning

Ancillary Use Only

204. The café (ground GA), ~~conference facilities~~ bar restaurant (levels 1/2), meeting rooms (level 2), spa/gym (level ~~47M~~ 3), ballroom (levels ~~3/3M~~ ~~2/2M~~ **18D** and **18E**), ~~conference facilities~~ (level 17M), and mid-tower bar/restaurant (level 18B and **18C**) and ~~rooftop bar restaurant~~ (levels ~~54/54M~~) are to operate as ancillary uses to the approved hotel use (i.e. not be run by a separate operator, not be advertised as separate uses, used primarily by hotel or residential occupants) unless otherwise approved by Council.

Reason: To ensure the use is operated in accordance with the application.

*(Modified by DA/1066/2016/A on 19/02/2019, DA/1066/2016/D on 10/12/2019 and **DA/1066/2016/M on 19/11/2024**)*

Ancillary Hotel Operations

205. The café (ground GA), ~~conference facilities~~ bar restaurant (levels 1/2), meeting rooms (level 2), spa/gym (level ~~47M~~ 3), ballroom (levels ~~3/3M~~ ~~2/2M~~ **18D** and **18E**), ~~conference facilities~~ (level 17M), and mid-tower bar/restaurant (level 18B and **18C**) and ~~rooftop bar restaurant~~ (levels ~~54/54M~~) ancillary to the primary hotel use are restricted to hours of operation of 8:00am to 11:00pm daily, unless approved otherwise by Council under a separate application. Notwithstanding the above, the hotel breakfast service for guests may operate from 6am.

Reason: To minimise the impact of the use on adjoining properties.

*(Modified by DA/1066/2016/A on 19/02/2019, DA/1066/2016/D on 10/12/2019 and **DA/1066/2016/M on 19/11/2024**)*

Penthouse Suites – Use

205A. The seven (7) suites on Levels **58** and **59** are to be operated as hotel/motel accommodation or as serviced apartments. The suites may only be used to provide temporary or short-term accommodation on a commercial basis.

Reason: To ensure that the suites are not used for residential accommodation.

*(Added by DA/1066/2016/D on 10/12/2019 and **DA/1066/2016/M on 19/11/2024**)*

Operational Plan of Management Compliance

206. The Hotel Operational Plan of Management required by this consent shall be adhered to at all times.

Reason: To ensure appropriate use of the site.

Separate Approval for Public Entertainment

207. Any use of the premises as a Place of Public Entertainment requires separate approval from Council.

Reason: To protect the amenity of the area.

Servicing Hours

208. Hotel deliveries/servicing shall not occur between the hours of 7:00pm and 7:00am daily unless otherwise approved by Council.

Reason: To protect the amenity of the area.

Graffiti Management

209. 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.

Garbage Collection

210. All garbage collection must occur on site (i.e. off-street).

Reason: To minimise impact on the road network.

Signage Consent

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

Reason: To comply with legislative controls.

Ground Level Appearance

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

Reason: To provide an appropriate streetscape appearance.

Goods Not to be Displayed Outside Premises

213. No goods are to be stored/displayed outside the walls of the building.

Reason: To ensure visual amenity.

Environmental Health

~~Offensive Noise/Vibration Restriction Noise Criteria – Liquor Licenced Venue~~

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

- ~~(a) Not result in transmission of unacceptable vibration to any place of different occupancy,~~
- (b) The L10 noise level emitted from the premises shall not exceed 5dB above the background L90 sound level in any Octave Band Centre Frequency (31.5kHz to 8kHz inclusive) between the hours of 8.00am to 11.00pm when assessed at the boundary of the nearest affected residential premises.
- (c) The L10 noise level emitted from the premises shall not exceed the background L90 sound level in any Octave Band Centre Frequency (31.5kHz to 8kHz inclusive) between 11:00pm and 08:00 am at the boundary of the nearest affected residential premises.

Reason: To prevent loss of amenity to the area.

(Modified by DA/1066/2016/D on 10/12/2019)

Noise from Mechanical Equipment

215. The proposed use of the premises and the operation of all plant and equipment shall not give rise to:

- (a) an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.
- (b) transmission of unacceptable vibration to any place of different occupancy
- (c) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.

Reason: To protect the amenity of the area.

(Modified by DA/1066/2016/D on 10/12/2019)

Neighbourhood Amenity near Licensed Premises

216. Signs must be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.

The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management/licensee must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the management/licensee is to employ private security staff to ensure that this condition is complied with.

Reason: To prevent loss of amenity to the area.

Separate Waste Bins

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

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

Putrescible Waste

218. 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.

Maintenance of Waste Storage Areas

219. All waste storage areas are to be maintained in a clean and tidy condition at all times.

Reason: To ensure the ongoing management of waste storage areas.

Waste Storage

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

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

Hazardous Materials Disposal

221. To reduce the risk of pollution to natural water courses all hazardous waste materials are to be stored, used and disposed in accordance with plans, detail and recommendations submitted by Elephant's Foot Recycling Solutions, dated 9 November 2016.

Reason: To ensure that any liquid spills can be contained on site and prevent the contamination of stormwater drains.

Heritage

Cyclical Maintenance Plan

222. The retained heritage fabric on the site (church and church hall) are to be conserved and maintained, in perpetuity, in accordance with the Cyclical Maintenance Plan within the Conservation Management Plan (CMP) required by this consent.

Reason: To ensure the heritage building fabric does not deteriorate beyond reasonable repair.

Window Coverings

223. No non-traditional covering (including signs, walls, furniture, mail boxes, etc) shall be placed in front of, or behind, the front windows of the heritage hall. To avoid confusion, traditional curtains behind the windows are acceptable if desired.

Reason: To maintain heritage character of building.

Public Domain

Maintenance of Public Domain Works

224. A two-year (104 weeks) maintenance period, from the date of issue of the final Occupation Certificate, is required to be carried out by the applicant for all the works constructed in the public domain.

A Landscape maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council, prior to the issue of the final Occupation Certificate, that specifies after Council's final approval who and how to maintain the public domain works during the 104 weeks.

Reason: To ensure the required public domain improvements are maintained.

Sustainability

Green Star Reporting

225. The applicant will undertake a formal Green Star Design and As Built rating within 18 months of practical completion and submit the results to the City of Parramatta.

Reason: To ensure sustainable development outcomes are achieved.

NABERS Reporting

226. The applicant will undertake a formal NABERS Energy Rating within 18 months of the building occupation, and submission of the rating result to the City of Parramatta.

Reason: To ensure sustainable development outcomes are achieved.

Traffic

Green Travel Plan

227. The Green Travel Plan, required by these conditions, shall be displayed at all times through the employee-only areas of the hotel.

Reason: To discourage trips by private vehicle.

Car Share

228. If a car share provider accepts the applicant's offer of 1 or more car share spaces, the car share space(s) shall be provided to the preferred operator on the site for as long as the car share operator would like to occupy the space or as otherwise agreed by Council's DTSU Manager.

Any car share space(s) are to be provided within the basement. The car share space(s) shall be accessible to the public at all times. A right of way shall be registered on the title to this effect.

Reason: To comply with Council's parking requirements.

Loading Dock Management

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

Reason: To ensure the efficient servicing of the site.

Trees and Landscaping

Maintenance of Site Works

230. All landscape works shall be maintained for a minimum period of two (2) years following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions

Reason: To ensure restoration of environmental amenity.

You are reminded that to comply with the conditions of consent, this modification may require you to obtain a construction certificate or an amended construction certificate.

Rights of Appeal:

If you are dissatisfied with this decision, Section 8.9 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court. Refer to Section 8.10 of the Environmental Planning and Assessment Act 1979 for timeframes prescribed under the Environmental Planning and Assessment Act in which appeals are to be lodged with the Land and Environment Court.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Darren Wan'.

Darren Wan
Executive Planner