



Issued: 27 June 2025 5:02 PM

JUDGMENT/ORDER

COURT DETAILS

Court	Land and Environment Court of NSW
Division	Class 1
Registry	Land and Environment Court Sydney
Case number	2024/00238881

TITLE OF PROCEEDINGS

First Applicant	Captag Investments Pty Ltd ATF Captag Investments Trust ACN 666200442
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First Respondent	CITY OF PARRAMATTA COUNCIL ABN 49907174773
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DATE OF JUDGMENT/ORDER

Date made or given	27 June 2025
Date entered	27 June 2025

TERMS OF JUDGMENT/ORDER

The Court orders that:

(1) The Applicant is to pay the Respondent's costs thrown away by the amendment of the Development Application, pursuant to s 8.15(3) of the Environmental Planning and Assessment Act 1979, in the amount of \$6,830 within 28 days from the date of these Orders.

(2) The appeal is upheld.

(3) Development consent is granted to Development Application No. DA222/2024, as amended, for staged development including the demolition of existing buildings and construction of a part-four, part-seven storey residential flat building comprising 46 residential units and a shared basement, and construction of a six-storey mixed use development comprising a childcare centre and 45 residential units, at 15A and 15B Moseley Street and 25-31 Donald Street, Carlingford NSW 2118, subject to the conditions at Annexure A.

SEAL AND SIGNATURE



Signature	S. Froh
Capacity	Registrar
Date	27 June 2025

If this document was issued by means of the Electronic Case Management System (ECM), pursuant to Part 3 of the Uniform Civil Procedure Rules (UCPR), this document is taken to have been signed if the person's name is printed where his or her signature would otherwise appear.

PERSON PROVIDING DOCUMENT FOR SEALING UNDER UCPR 36.12

Name	Captag Investments Pty Ltd ATF Captag Investments Trust, Applicant 1
Legal representative	ANTHONY JAMES WHEALY
Legal representative reference	
Telephone	0280357848

FURTHER DETAILS ABOUT Applicant(s)

First Applicant	
Name	Captag Investments Pty Ltd ATF Captag Investments Trust ACN 666200442
Address	Suite 2 Level 10 189 - 197 Kent Street SYDNEY NSW 2000
Telephone	
Fax	
E-mail	
Client reference	

Legal representative

Name	ANTHONY JAMES WHEALY
Practicing certificate number	33614
Address	Barrack Place Level 7 151 Clarence Street SYDNEY NSW 2000
DX address	DX 13025 Syd-Market St NSW
Telephone	0280357848
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Email	PES_Anthony_Subteam@millsoakley.com.au
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FURTHER DETAILS ABOUT Respondent(s)**First Respondent**

Name	CITY OF PARRAMATTA COUNCIL ABN 49907174773
Address	126 Church Street PARRAMATTA NSW 2150

ATTACHMENTS TO ORDERS

(238881.24 Horton C (Annexure B).pdf)
(238881.24 Horton C (Annexure A).pdf)

[attach.]

Annexure B**Captag Investments Pty Ltd ATF Captag Investments Trust****v****City of Parramatta Council****Land and Environment Court Proceedings No. 2024/00238881**

TAB	DOCUMENT	DATE
1	Arboricultural Impact Appraisal and Method Statement (Rev D) prepared by EziGrow	20 May 2025
2	Architectural Plans (up to Rev E) prepared by DKO Architecture - DA000 - Cover Page (Rev D) - DA001 - Development Summary (Rev C) - DA002 - Development Summary (Rev C) - DA003 - Basic Summary Report (Rev C) - DA100 - Site Analysis (Rev C) - DA101 - Demolition Plan (Rev C) - DA102 - Staging Plan (Rev C) - DA103 - Site Plan (Rev C) - DA104 - Site Zoning Plan (Rev C) - DA200 - Basement Plan (Rev E) - DA201 - Upper Basement Plan (Rev E) - DA202 - Ground Level Plan (Rev F) - DA203 - Level 1 Plan (Rev B) - DA204 - Level 2 Plan (Rev D) - DA205 - Level 3 Plan (Rev D) - DA206 - Level 4 Plan (Rev D) - DA207 - Level 5 Plan (Rev D) - DA208 - Level 6 Plan (Rev C) - DA209 - Level 7 Plan (Rev C) - DA210 - Roof Plan (Rev C) - DA300 - N & S Elevations (Rev E) - DA301 - E & W Elevations (Rev E) - DA302 - Site Section (Rev C) - DA303 - Building A1 Section (Rev C) - DA304 - Building A2 Section (Rev C) - DA305 - Building B Section (Rev C) - DA306 - Site Sections - Mosley St Public Domain (Rev C) - DA400 - Eye Of The Sun (Rev C) - DA401 - Shadow Analysis (Rev C) - DA402 - COS Shadow Analysis (Rev C) - DA500 - GFA Calculation (Rev D) - DA501 - Apartment Mix (Rev C) - DA502 - NatVent & COS Ventilation Analysis (Rev C) - DA503 - Affordable Housing Dedication (Rev C) - DA504 - Adaptable Unit Allocation Plan (Rev C) - DA505 - Adaptable Units (Rev C) - DA506 - Communal Open Space (Rev C)	Up to 23 June 2025

	- DA507 - Deep Soil (Rev C) - DA508 - Height Plane (Rev C) - DA509 - Artist's Impression 1/2 (Rev C) - DA510 - Artist's Impression 2/2 (Rev C) - DA512 - Notification Plan (Rev C)	
3	Landscape Plans (Rev J) prepared by Conzept Landscape Architects - Public Domain Plan - Hardscape Plan Gf Building A & L2 Building B - Landscape Calculation - Landscape Plan 1 - Gf Building A - Landscape Plan 2 - L2 Building B - Detail Plan - Central Communal Open Space - Landscape Plan - L3 Building B & L1 Building A - Details & Specifications - Details 2 - Details 3 & Section Aa - Details 3 & Section Aa - Planting Mix Matrix	19 May 2025
4	Stormwater Concept Design Plans (Rev A) prepared by S&G Consultants - S02-SW100 - Cover Sheet & Drawing Index - S02-SW101 - Stormwater Drainage Design - Notes & Legend - S02-SW201 - Erosion and Sediment Control Plan - S02-SW202 - Erosion and Sediment Control Details - S02-SW304 - Stormwater Drainage Design - Ground Floor Plan Sheet 01 of 03 - S02-SW402 - Stormwater Drainage Design - Details Sheet 2 of 2 - S02-SW501 - Stormwater Drainage Design - MUSIC-OSD Catchment Plan & Details - S02-SW561 - Stormwater Concept Design - Typical Section	20 May 2025
5	Design Verification Statement prepared by DKO Architecture	24 June 2025
6	ADG Compliance Table prepared by DKO Architecture	25 March 2025

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA222/2024

Development: Staged development including the demolition of existing buildings, construction of a part 4, part 7 storey residential flat building comprising 46 residential units with shared basement and construction of a 6 storey mixed use development comprising childcare centre and 45 residential units

Site: 15A and 15B Moseley Street and 25-31 Donald Street, Carlingford NSW 2118

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

Date of determination: 27 June 2025

Date from which consent takes effect: Date of determination

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as:
 - a. 15A Moseley Street - Lot 35 DP536982
 - b. 15b Moseley Street - Lot 34 DP536982
 - c. 25 Donald Street - Lot 5 DP35555
 - d. 29 Donald Street - Lot 32 DP536982
 - e. 27 Donald Street - Lot 33 DP536982
 - f. 31 Donald Street - Lot 2 DP35555

The conditions of consent are as follows:

SCHEDULE 1

Pursuant to the provisions of Section 4.16 of the Environmental Planning and Assessment Act, 1979, the development application be granted a Deferred Commencement Consent subject to the completion of the following:

1. Relocation of the existing Council owned drainage assets across the development site.
2. Submission to Council of suitable documentary evidence issued confirming the creation of two (2) easements to drain water, being between 2.1m, 2.4m & 3m wide over the stormwater discharge pipe system through the subject site, benefitting the development site, adjoining upstream residential lots and Council's adjoining assets, has been registered with the NSW Land Registry Services.

The above requirement(s) must be satisfied within 24 months of this determination, or the consent will lapse.

Advisory Note: Easements through Council properties can take up to 12 months to finalise.

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

SCHEDULE 2

PART A – GENERAL CONDITIONS

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

Architectural Drawings

Drawing No.	Issue	Plan Title	Dated
DA000	D	Cover Pages	19/05/2025
DA001	D	Cover Pages	23/06/2025
DA002	C	Cover Pages	19/05/2025

Drawing No.	Issue	Plan Title	Dated
DA003	C	BASIX Summary Report	19/05/2025
DA100	C	Site Analysis	19/05/2025
DA102	C	Staging Plan	19/05/2025
DA103	D	Site Plan	19/05/2025
DA200	E	Basement Plan	19/05/2025
DA201	E	Upper Basement Plan	19/05/2025
DA202	F	Ground Level Plan	19/05/2025
DA203	D	Level 1 Plan	19/05/2025
DA204	E	Level 2 Plan	19/05/2025
DA205	D	Level 3 Plan	19/05/2025
DA206	D	Level 4 Plan	19/05/2025
DA207	C	Level 5 Plan	19/05/2025
DA208	C	Level 6 Plan	19/05/2025
DA209	C	Level 7 Plan	19/05/2025
DA210	C	Roof Plan	19/05/2025
DA300	E	N & S Elevations	23/06/2025
DA301	E	E & W Elevations	23/06/2025
DA302	C	Site Section	19/05/2025
DA303	C	Building A1 Section	19/05/2025
DA304	C	Building A2 Section	19/05/2025
DA305	C	Building B Section	19/05/2025
DA306	C	Site Sections – Moseley St Public Domain	19/05/2025
DA400	C	Eye of the Sun	19/05/2025
DA401	C	Shadow Analysis	19/05/2025

Drawing No.	Issue	Plan Title	Dated
DA402	C	COS Shadow Analysis	19/05/2025
DA500	D	GFA Calculation	19/05/2025
DA501	C	Apartment Mix	19/05/2025
DA502	C	Solar & Cross Ventilation Analysis	19/05/2025
DA503	C	Affordable Housing Dedication	19/05/2025
DA504	C	Adaptable Unit Allocation Plan	19/05/2025
DA505	C	Adaptable Units	19/05/2025
DA506	D	Communal Open Space	19/05/2025
DA507	D	Deep Soil	19/05/2025
DA508	C	Height Plane	19/05/2025
DA509	C	Artist's Impression 1/2	19/05/2025
DA510	D	Artist's Impression 2/2	19/05/2025

Civil Drawings/Stormwater

Drawing/Plan No.	Issue	Plan Title	Dated
S02-SW10	A	Cover Sheet	-
S02-SW101	A	Notes & Legend	20/05/2025
S02-SW201	A	Erosion and Sediment Control	20/05/2025
S02-SW202	A	Erosion and Sediment Control	20/05/2025
S02-SW304	P01	Stormwater Drainage Design	16/05/2025
S02-SW402	A	Stormwater Drainage Design	20/05/2025

Drawing/Plan No.	Issue	Plan Title	Dated
S02-SW501	A	Music Catchment Plan & OSD Catchment Plan	20/05/2025
S02-SW561	A	Typical Sections	20/05/2025
-	-	City of Parramatta Marked Up Plan	04/06/2025

Landscape Drawings

Plan No.	Issue	Plan Title	Dated
1	J	Public Domain Plan	19/05/2025
2	J	Hardscape Plan – GF Building A & L2 Building B	19/05/2025
3	J	Landscape Calculation	19/05/2025
4	J	Landscape Plan 1 – GF Building A	19/05/2025
5	J	Landscape Plan 2 – L2 Building B	19/05/2025
6	J	Detail Plan – Central Communal Open Space	19/05/2025
7	J	Landscape Plan -L3 Building B & L1 Building A	19/05/2025
8	J	Details & Specifications	19/05/2025
9	J	Details 2	19/05/2025
10	J	Details 3 & Section AA	19/05/2025
11	J	Details 3 & Section AA	19/05/2025
12	J	Planting Mix Matrix	19/05/2025
-	J	Tree Survey	19/05/2025

Specialist Reports

Document	Issue	Prepared By	Dated
Statement of Environmental Effects	A	Mecone	15/04/2024
Waste Management Plan	-	Leigh Design	01/04/2024
Acoustic Report	4	Rodney Stevens	24/03/2023
Access Report	A	Vista Access	04/04/2024
Traffic and Parking Report		Stanbury Traffic	05/04/2024
Geotechnical Investigation	3	Morrow Geotechnics	21/11/2023
BCA Compliance Report	2.0	Certatude	05/04/2025
Arborist report	A	Ezigrow	24/11/2023
Public Arts Plan	-	Captag	05/04/2024

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

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

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

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

2. A monetary contribution comprising \$1,728,805.48 is payable to City of Parramatta Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and the *City of Parramatta (Outside CBD) Development Contributions Plan 2021 Amendment 1*. Payment must be made by direct bank transfer or credit/debit card only. Payment can be made by contacting Council's Customer Contact Centre on 1300 617 058.

Contribution Type	Amount
Open space and outdoor recreation	\$1,108,272.82
Indoor sports courts	\$ 98,418.07
Community facilities	\$ 129,440.75
Aquatic facilities	\$ 30,167.15
Traffic and transport	\$ 344,587.81
Plan administration	\$ 17,918.88
Total	\$1,728,805.48

Exemptions for Affordable Housing

Council may consider the refund or transfer of credit for development contributions paid in relation to the twenty-two (22) affordable housing units once evidence is provided to Council of an agreement with a registered Community Housing Provider (CHP) for the management of the affordable housing component and the registration of a restriction against the title of the property in accordance with section 88E of the Conveyancing Act 1919 to ensure the affordable housing component is used for affordable housing and managed by a registered CHP.

The above evidence must be provided within 12 months from the date of payment of monetary contributions. For the purposes of implementing this arrangement, a modification application and corresponding consent are required.

Timing of payment

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

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation. Therefore, please visit 'Live Contributions Fees' Register on the Council's [Development Contributions](#) webpage to confirm the amount payable prior to making payment.

The *City of Parramatta (Outside CBD) Development Contributions Plan 2021 Amendment 1* can be viewed on Council's website at: <https://www.cityofparramatta.nsw.gov.au/business-development/planning/development-contributions>

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

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

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

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

Reason: To ensure compliance with legislative requirements.

5. Prior to the issue of any Construction Certificate, a housing productivity contribution must be paid, for the relevant components of the development. Affordable Housing delivered under the State Environmental Planning Policy (Housing) 2021 may be considered exempt upon the submission of documentary evidence. The NSW Planning Portal contains an estimator tool that can calculate the contributions. The contribution will be paid through the NSW Planning Portal which uses the Service NSW payment gateway, enabling options using PayPal, BPAY etc. For further information, and clarification on required payments, a request can be made via hpc.enquiry@planning.nsw.gov.au

Reason: To comply with legislative requirements, including the Environmental Planning and Assessment Legislation Amendment (Housing and Productivity Contributions) Regulation 2023.

6. Notwithstanding any other condition of this consent, this consent permits separate Construction Certificates and Occupation Certificates to be issued for the development approved in accordance with the *Staging Plan, D102, Revision C, dated 19/05/2025*, included in Condition 1 of this consent, provided all conditions of consent relevant to each stage have been complied with prior to the release of the Construction Certificate or Occupation Certificate for the relevant stage.

The separate stages of building works are generally in accordance with the following staged Construction Certificates and Occupation Certificates, as follows:

- Stage 1
- Stage 2

Reason: To enable the staging of the development.

7. Trees equal to or greater than five (5) metres in height, which are protected under the Parramatta Development Control Plan (DCP) 2023 (Part 5.3.4 Tree and Vegetation Preservation), must not be removed or damaged without Council consent.

Reason: To preserve existing landscape features.

8. Trees to be retained are:

Tree No.	Name	Common Name	Location	Tree Protection Zone (m)
30	<i>Corymbia citriodora</i>	Lemon-scented Gum	Refer to arborist report	9.5m
68	<i>Eucalyptus globulus</i>	Southern Blue Gum	Refer to arborist report	11.8m
71	<i>Melaleuca sp.</i>	Paperbark	Refer to arborist report	4m

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

9. 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.

10. 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.

11. The sound barrier fences shall be constructed as discussed in the Noise Impact Assessment Report Proposed Mixed-use Development 15a, 15b Moseley St and 25-31 Donald Street Carlingford, prepared by Rodney Stevens Acoustics Pty Ltd Date 28 March 2024 Revision 5 Ref R230418R1.

- The outdoor play area should have a 2.3m high solid barrier on the south and west side and a 1.8m high barrier on the norther side of the outdoor play area. The 2.3m can be made up of a 1.8m high barrier with an angled cantilever on top with a total height of 2.3m high.
- The eastern outdoor play area should have a 2.1m high solid barrier surrounding it.
- A 1.8m along the southern, eastern and western boundary of the site.

Reason: To demonstrate compliance with submitted reports.

12. Adopt and implement all recommendations contained in Noise Impact Assessment Report Proposed Mixed-use Development 15a, 15b Moseley St and 25-31 Donald Street Carlingford, prepared by Rodney Stevens Acoustics Pty Ltd Date 28 March 2024 Revision 5 Ref R230418R1.

Reason: To demonstrate compliance with submitted reports.

13. The applicant must complete the application for connection of load process with Endeavour Energy's Customer Network Solutions Branch who are responsible for managing the conditions of supply with the applicant and their Accredited Service Provider (ASP) and will provide the final approval to the design package for the provision of electricity supply to the proposed development.

Generally, it is the Level 3 ASP's responsibility (engaged by the applicant / developer) to make sure substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc.

Endeavour Energy's network asset design policy is generally to progressively underground all new urban developments. All new cabling / reticulation infrastructure must be of an underground construction type. Where existing overhead construction is present on or in proximity of the site, it may require undergrounding as the development proceeds. Endeavour Energy is urging applicants /customers to engage with an Electrical Consultant / Accredited Service Provider (ASP) prior to finalising plans to in order to assess and incorporate any required electricity infrastructure. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application.

For further information please also refer to the Endeavour Energy's:

'Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations'.

The use of a fire screen wall requires a positive covenant as per Endeavour Energy's *'Easements and Property Tenure'* guide.

Works are to comply with Endeavour Energy's *'Standard Conditions for Development Applications'* guide and *'Works Near Underground Assets'* guide where relevant.

Works are also to comply with all requirements/conditions outlined in the referral responses from Endeavour Energy in their submissions, dated 06/10/2023 & 22/04/2024 and attached to this consent - Appendix 1 & 2.

*Appendix 1 (22/04/2024) refers to advice provided in Appendix 2 (06/10/2023) being applicable to the development.

Reason: To ensure compliance with the electricity supply authority's requirements.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

14. Convex mirrors, as shown on the plans, are to be installed at the bends and/or ramps along the internal circular roadways within the carpark, with their height and location adjusted to allow drivers a full view of the driveway in order to see if another vehicle is coming through. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To ensure safety of drivers.

15. Three (3) motorcycle spaces are to be provided on-site and used accordingly. The dimensions of the motorcycle spaces are to comply with Clause 2.4.7 and Figure 2.7 of AS 2890.1-2004. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements.

16. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1 and AS 2890.6. A total of 127 parking spaces are to be provided and be allocated as follows:

- 85 parking spaces for the residential units including 10 spaces as accessible parking and 10 spaces dedicated for the affordable housing component;
- 19 visitor parking spaces including one (1) space as a car wash bay;
- 13 parking spaces for childcare staff;
- 14 parking spaces for childcare visitors including two (2) accessible parking spaces.

An EV Ready Connection must be provided to at least one car parking space per dwelling. Tandem car spaces are to be allocated to the same unit or be used as staff parking spaces. Details are to be illustrated on plans submitted with the construction certificate.

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

17. 102 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS 2890.3-2015. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements.

18. The PCA shall ascertain that any new element in the carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS 2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate application.

Reason: To ensure appropriate vehicular manoeuvring is provided.

19. Design Verification issued by a registered architect is to be provided with the application for a Construction Certificate detailing the construction drawings and specifications are consistent with the design quality principles in Schedule 9 of State Environmental Planning Policy (Housing) 2021 - Design Principles of Residential Apartment Development.

Reason: To comply with the requirements of SEPP (Housing) 2021.

20. Before the issue of a Construction Certificate, the applicant is to ensure that the person liable pays the Long Service Levy of 0.25% of the value of building and construction work where the cost of building is \$250,000 or more (inclusive of GST) or as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the Certifier.

Note: The Long Service Levy is to be paid directly to the Long Service Corporation at www.longservice.nsw.gov.au. For more information, please contact the Levy support team on 13 14 41.

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

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

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

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

If a substation is required of the energy provider, it must be wholly located within the property. Substations are not permitted within Council's road reserve.

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

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

The Construction Noise Management Plan must include:

- (a) Identification of nearby residences and other sensitive land uses.
- (b) Assessment of expected noise impacts.
- (c) Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts.
- (d) Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes.

Reason: To prevent loss of amenity to the area.

24. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of a Construction Certificate.
The fee will be in accordance with 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.

The recommendations outlined in Noise Impact Assessment Report Proposed Mixed-use Development 15a, 15b Moseley St and 25-31 Donald Street Carlingford, prepared by Rodney Stevens Acoustics Pty Ltd Date 28 March 2024 Revision 5 Ref R230418R1 shall be incorporated into the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure a suitable level of residential amenity.

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

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

26. All landscape works (including any street tree and turf planting in the street verge / nature strip/ road reserve) shall be maintained and watered 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.

27. A Methodology Statement, prepared by a suitably qualified Consulting Arborist (Australian Qualification Framework Level 5), must accompany the application for a Construction Certificate. This statement is to identify the measures to be implemented for protection of trees numbered 30, 68 and 71 during construction and the expected future health of the trees. The statement is to be structured so that each of the following stages of construction are individually addressed and supervised by the Project Arborist:

- (a) Tree protection measures inclusive of canopy, trunk and root zone to be clearly identified and discussed in accordance with AS 4970-2025 - Protection of Trees on Development Sites.
- (b) Supervision of any minor excavation to be undertaken within the calculated Tree Protection Zones of the above nominated trees and/or within three (3) metres of any other existing tree equal to or greater than five (5) metres in height located on any adjoining property.
- (c) Construction of any structure which requires a modified footing or construction method to bridge over the roots (ie pier & beam);

- (d) Where works are to impact the tree canopies, a tree pruning diagram will be required to be submitted to the Certifying Authority to ensure the level of encroachment into the canopies will be minimal (less than 10%).
- (e) Installation of services (i.e. using non-destructive sensitive construction method, bridging of roots, under-boring, hand-digging) and Back filling;
- (f) Landscaping (i.e. minimise cultivation, compaction and excavation of planting within the TPZ);
- (g) A Tree Protection Plan to identify the specific type of tree protection measures and location required for each tree, critical hold points (Inclusive of photographic evidence of compliance) and the periodic inspection schedule;
- (h) Plus any other stages that the Consulting Arborist deems necessary.

Reason: To ensure adequate protection of existing trees.

28. The final Landscape Plan must be consistent with plans prepared by Conzept Landscape Architects, Revision J dated 19/5/2025, together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:

- (a) Detailed sections are required to be provided of the northern frontage (specifically through the area of the proposed bridge) to clearly demonstrate how the landscaping will be addressed at Level 2.
- (b) All landscape plans are to be prepared by a professionally qualified Landscape Architect or Landscape Designer.

Reason: To ensure restoration of environmental amenity.

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

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

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

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

A detailed acoustic assessment shall be made by a suitably qualified and experienced acoustic consultant once mechanical plant equipment has been

selected. The acoustic report shall be submitted to the Principal Certifying Authority prior to the issue of a construction certificate.

Reason: To demonstrate compliance with submitted reports.

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

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

32. Foundations adjacent to the existing drainage pipe must be constructed in accordance with Council's Code, "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements". Details must accompany an application for a Construction Certificate.

Reason: To ensure structural stability of the stormwater pipe.

33. The proposed reconstruction of Council's stormwater drainage pipes draining Moseley Street and Young Road must be constructed in accordance with Council's Standard Engineering Drawings and submitted to Council's Catchment Management Unit for approval. Details are to also form part of the Construction Certificate documentation.

Reason: To ensure appropriate drainage.

34. Foundations adjacent to a drainage easement are to be constructed in accordance with Council's Development Engineering Design Guidelines and ensure that no loads are transferred to the pipe and that the pipe can be excavated without impacting adjoining structures. The engineering details are to form part of the Construction Certificate documentation.

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

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

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

Reason: To protect Council's infrastructure.

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

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

37. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS9 and DS10. Details must accompany an application for 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.

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

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

39. Water quality treatment devices must be installed to manage surface runoff water to Donald Street to satisfy section 5.1.2 of Parramatta Development Control Plan 2023. Details of the proposed devices and their location must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority and be consistent with the concept stormwater drainage plans, Project No. 20240241, Revision B, dated 4 June 2025, prepared by SGC, and Council's Technical Design Guide – Stormwater Cartridge Filters.

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

40. Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be submitted for the approval of the PCA prior to release of the Construction Certificate for any work on the site.

(a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following Stormwater Plans approved by this consent and with Council's Development Control Plan, Council's Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Hand book (Third or Fourth Edition), the relevant Australian Standards and the National Construction Code.

(i) Concept stormwater drainage plan, Project No. 20240241, Revision B, dated 4 June 2025, prepared by SGC.

(b) A Site Storage Requirement of 470m³/ha and a Permissible Site Discharge of 80L/s/ha (when using 3rd edition of UPRCT's handbook) OR

The Site Reference Discharge (Lower Storage), SRDL of 40L/s/ha, Site Storage Requirement (Lower Storage) SSRL of 300m³/ha, Site Reference Discharge (Upper Storage), SRDU of 150L/s/ha, Site Storage Requirement (Total) SSRT of 455m³/ha (when using the Extended/Flood detention method - 4th edition of UPRCT's handbook).

(c) Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank.

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

(e) Amended OSD tank cross section to provide consistent fall to the tank outlet, proposed step to maintain headroom in the lower basement and consistent top water levels (TWL).

(f) A driveway trench drain (min. 200mm wide) shall be provided inside the front boundary to intercept surface flows from the driveway.

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

41. 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.

42. 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.

43. 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.

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

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

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

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

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

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

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

Reason: To minimise impact on adjoining properties.

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

Reason: To ensure satisfactory stormwater disposal.

47. The Access Report prepared by Vista Access Architects, reference No. 23171 (Issue A), dated 04/04/2024, shall be updated to reflect the approved development and submitted to the satisfaction of the PCA at the Construction Certificate stage. Any recommendations and/or issues outlined in the revised access report shall be implemented during subsequent works, and during the future occupation of the development if required/relevant.

Reason: To ensure fully compliant accessibility measures and detailed universally accessible design.

48. The development must incorporate ten (10) adaptable dwellings in accordance with Section 3.1.3 of Parramatta DCP 2023. The development also requires ten (10) silver living units. Plans submitted with the Construction Certificate must illustrate that the required silver living and adaptable units have been provided and that the adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

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

49. Prior to the issue of a Construction Certificate, the required amendments shown on the **City of Parramatta Marked Up Plan**, dated 04/06/2025 (see table in Condition No. 1), should be made and included with the Construction Certificate documentation.

The following additional details/matters should also be provided/addressed at the CC stage:

- Inclusion of cross-sections (at the location shown with purple lines on the above marked up plan). The cross sections are to include details of the proposed building footings in relation to the proposed pipe and property boundary.
- Inclusion of the long sections of all of the stormwater drainage works including horizontal and vertical location of the existing and proposed utilities.
- Inclusion of stormwater pits schedule confirming in-alignment with the Council Standard Pits. Council stranded pit details are to be included in the final design drawings for construction.
- The two pits on the southeastern corner of the site are to be relocated as shown on above referenced marked up plan.
- The location of existing pipe crossing the road is to be checked and confirmed and if proposed 450 mm diameter pipe from the east can be directly connected to last proposed pit in gutter, to avoid zig zag.

The above requirements should also be submitted to Council's Catchment Management section for approval prior to the issue of the Construction Certificate.

Reason: To ensure compliance with Council's Catchment Engineering requirements.

50. Prior to the issue of a 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:

- All the frontages of the development site between the gutter and building line, including footpath, drainage and setbacks,
- Any publicly accessible areas.

- Any works in carriageway, and
- Onsite landscape work

Grading of the pedestrian footway:

- Detailed design spot levels and designed contour lines are required.
- 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.
- 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.

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

- The latest City of Parramatta Public Domain Guidelines (PDG).
- The demolition plan DA101 Revision C by DKO which is to be updated to show the accurate existing public domain elements, including the footpath built for the exhibition home, which is non-compliant and is to be demolished on Moseley Street, the existing trees, and to be submitted to the Council for stamping.
- Section C in the Drawing – DA306 Revision C which is to be updated with the accurate proposed Public Domain treatment with the footpath closer to the kerb and the existing trees moved within the verge to the boundary and is to be submitted to the Council for stamping.
- The Landscape Updated DA set by Conzept landscape architects Page numbers 0 – 12 Rev J dated May 2025, to be updated with the changes below and to be re submitted to the Council for stamping, and
- All the conditions listed in this consent.

The final set of updated stamped drawings and the Public Domain Construction Drawings must reflect the following changes:

- The footpath on Moseley Street is to be constructed closer to the kerb and at least 600mm from the kerb and is to ensure sufficient clearance from the existing light poles.
- The existing footpath on Moseley Street built for the display suite, is noncompliant and is to be demolished. In addition, the vehicular crossing built for the display suite is not represented accurately in the demolition drawings.
- The above changes are in keeping with Assets team's email after their inspection on Moseley Street for the Display suite.
ECM_284714_v1_RE_31 Donald Street_CARLINGFORD - DA_747_2023 & FC_204_2024 - Final Inspection Failed.msg

- The existing street trees are to be reinstated in the verge closer to the property boundary.
- The footpath on Donald Street is to be built close to the kerb and three street trees are to be planted in the verge closer to the property boundary.

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

51. Notwithstanding the stamped Updated landscape set, the following requirements shall be included in the Public Domain Construction Drawings:

Footpath

The **standard concrete paving**, as per the PDG and Council Standard detail DS 3, shall be applied to Moseley Street and Donald Street to the full length of the development site. Detailed design spot levels are required.

A footpath width of 1500 mm is required. New kerb and gutter, and new verge installation are required as part of these works, as instructed by the Asset team, where an existing vehicular crossing is to be removed or where damage has been caused due to construction.

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

Council's standard kerb ramp detail is to be provided. Refer Council's design standard DS4.

Kerb ramps are to be aligned to kerb ramps on the opposite side of the road.

Vehicle Crossing

Council's standard vehicle crossing is to be provided. Refer Council's design standards DS9 and DS 10.

Pit Lids, Frames and Grates

All Pit lids and grates in paved areas of the public domain should be level with the paving around and aligned with the paving pattern as per the PDG. Joints should be coordinated where possible. Where allowed by the service providers, the pit lids should be infilled with the surrounding paving material. Drainage grates on an accessible path of travel and within common areas, are to have slots or circular openings with a maximum width of 13mm. Slots are to be laid with the long dimension at right angles to the paths of travel.

Tactile Indicators (TGSIs)

TGSIs must be used on the public footpath and comply with the requirements in the Public Domain Guidelines and the latest versions of AS1428.1 and AS1428.4. The TGSIs must be installed in the locations as shown on the approved Public Domain Construction Drawings.

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. Streetlights in the public domain to located at the back of kerb within the furniture zone as per the PDG.

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

52. Notwithstanding the updated and stamped Landscape Architecture, the required street tree species, quantities and supply stocks are:

Street Name	Botanical Name	Common name	Pot Size	Qty	Average Spacing
Mosley Street	<i>Lagerstromia indica</i> 'Natchez'	Crepe Myrtle 'Natchez'	100 l	1	Typically, 8-10m, or as shown on the approved drawings or as agreed by Manager Urban Design or Landscape Management Officer
Donald Street	<i>Tristanopsis laurina</i> 'Luscious'	Luscious Water Gum	100 l	3	

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. Evidence of the order for trees must be submitted to the DTSU with the Public Domain Construction Drawings.

All trees supplied must be grown in accordance with AS2303:2018 (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 AS2303:2018. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.

The requirements for height, calliper and branch clearance for street trees should be in accordance with AS2303:2018. Consistent tree pit size and construction is to be used throughout the public domain areas around the site for the street tree planting. The street tree must be planted in accordance with Council's design standards with adequate clearances to other street elements in accordance with the Public Domain Guidelines.

Calculations demonstrating tree pit and soil volume compliance as per the PDG are to be included in the Public Domain Construction Drawings. Soil volume calculations are to be based on a maximum depth of 1.2 m excluding any drainage layers.

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 ensure high quality street trees are provided, and to minimise plant failure rate and ensure quality of stock utilised.

53. The draft Public Art Plan, dated 05/04/2024, is to be finalised and submitted for approval to Council's Cultural Projects Manager prior to issue of Construction Certificate. The Public Art Plan should be prepared by a suitably qualified and experienced Public Art consultant. For the Design with Country framework component the Public Art consultant should involve, and liaise with, a First Nations Artist and relevant First Nations communities. A detailed budget should be provided demonstrating a commitment to a public art spend of at least 0.5% of total construction budget. The detailed budget should outline the proposed public artwork costs, and the artists fee specified separate, from project costs.

Reason: To comply with Development control requirements.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

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

Bond Type	Amount
Development Sites Bonds: <i>Applies to all developments with a cost greater than 25K and swimming pools regardless of cost (fee is per street frontage). See current Schedule of Fees and Charges.</i>	\$27,040.00

The payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

Note: The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the Roads Act 1993). The amount payable must be in accordance with council's fees and charges at the payment date.

Note: The bond may be paid, by EFTPOS, bank cheque, or 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/222/2024
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

A dilapidation report is required to be prepared and submitted electronically to the City of Parramatta Council (council@cityofparramatta.nsw.gov.au) prior to any work or demolition commencing and with the payment of the bond/s.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road.

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

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

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

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

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

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

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

Defects

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

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

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

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

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

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

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

Reason: To ensure the works comply with Council's Public Domain Guidelines

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

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

58. 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.

59. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 70 of the Environmental Planning and Assessment Regulations 2021 detailing:

- (a) Unauthorised entry of the work site is prohibited;
- (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
- (c) The name, address and telephone number of the Principal Certifier;
- (d) The development consent approved construction hours;
- (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
- (f) This condition does not apply where works are being carried out inside an existing building.

Reason: Statutory requirement.

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

Reason: To ensure public safety.

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

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

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

Reason: To comply with legislative requirements.

62. Tree protection measures are to be installed and maintained, in place, throughout the demolition and construction works, under the supervision of an Australian Qualifications Framework (AQF) Level 5 Consulting Arborist in accordance with AS4970 2025 - "*Protection of Trees on Development Sites*". Regular periodic tree inspections are required to be carried out by the Project Arborist supervising the works at key hold points to ensure the tree protection measures are in place as per the conditions of consent, unless with prior written approval from the Project Arborist. Regular periodic tree inspections shall include photographic evidence (date stamped) and a statement demonstrating the protection measures are compliant with the above requirements, AS4970 2025 and the Conditions of Consent.

Reason: To ensure tree(s) are adequately protected throughout the construction phase.

63. 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.

64. Prior to any works commencing on site, tree protection signage is to be attached to the fencing of each Tree Protection Zone. It is to be displayed in a prominent position and in locations where the fence changes direction. Each sign must contain the following detail in a clear and legible form:

- (a) The Tree Protection Zone is a 'No-Go Zone';
- (b) This fence has been installed to prevent damage to the trees and their growing environment, both above and below ground level. Access to this area is restricted and is not to be removed without the presence or written permission of the site Arborist and;
- (c) The name, address, and telephone number of the developer and site Arborist.

Reason: To protect existing trees during the construction phase.

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

Reason: To protect the environmental amenity of the area.

66. The trees identified for protection within the consent shall be protected prior to and during the demolition/construction process in accordance with the

Arboricultural Impact Assessment and Tree Protection Plan prepared by ezigrow dated 20 May, 2025 and the conditions of consent.

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

67. 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.

68. 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.

69. 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.

70. 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.

71. 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.

72. Implementation of the site management plans

Erosion and sediment control measures are to be installed in accordance with:

- a) the measures required by the construction site management plan and the erosion and sediment control plan (plans), and
- b) a copy of these plans must be kept on site at all times and made available to council officers upon request.

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: Management of records.

75. 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.

76. Prior to the commencement of any works on site, the applicant must submit a Construction and Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:

- (a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:
 - (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - (ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
 - (iii) The locations of proposed Work Zones in the egress frontage roadways,
 - (iv) Location of any proposed crane standing areas,
 - (v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - (vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - (vii) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - (viii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
 - (ix) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

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

- (c) Traffic Control Plan(s) for the site:
 - (i) All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
 - (ii) Approval shall be obtained from City of Parramatta Council for any temporary road closures or crane use from public property.
- (d) Where applicable, the plan must address the following:
 - (i) Evidence of Roads and Maritime Services concurrence where construction access is provided directly or within 20 m of an Arterial Road,
 - (ii) A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
 - (iii) Minimising construction related traffic movements during school peak periods.

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

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

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

Reason: To ensure adequate toilet facilities are provided.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

78. Oversize vehicles using local roads require approval from the National Heavy Vehicle Regulator (NHVR). The applicant is required to submit an application for

an Oversize Vehicle Access Permit through NHVR's portal (www.nhvr.gov.au/about-us/nhvr-portal) prior to driving through local roads within the City of Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

79. 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.

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 following:

- Commencement of public domain works including set out of tree pits.
- Formwork inspection for all footpaths and footpath crossing call 9806 8250 minimum of 24 hours in advance of the required inspection.
- Commencement of the works including survey marks, sub-grade preparation and set out of kerb alignments.
- Delivery of street trees to site.
- Trees shall be installed within 24hrs of delivery; the contractor shall provide Council officers, certification that the trees have been grown in accordance with AS2303:2018 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.

As each basement level is constructed provide survey data demonstrating level change is not required at the building/public domain interface as per the approved updated Alignment Drawings.

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 Public Domain Guidelines. Certification is required to be provided with the Occupation Certificate.

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

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

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

81. A signed registered survey certificate is to be submitted to the Principal Certifier at footing and/or formwork stage. The Certificate must indicate the location of the building in relation to all boundaries and easements and must confirm the finished floor level is consistent with that approved under this consent prior to any further work proceeding on the building.

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

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

OR

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

Reason: To protect the amenity of the neighbourhood.

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

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

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

Reason: To allow the Principal Certifier/Council to respond to concerns raised by the public.

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

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

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

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

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

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

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

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

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

Reason: To protect the amenity of the surrounding area.

85. 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.

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

Reason: To protect the amenity of the area.

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

Reason: To ensure compliance with this consent.

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

Reason: To ensure tree works are carried out safely.

89. Tree removal shall be undertaken in accordance with the Arboricultural Impact Appraisal and Method Statement prepared by ezigrow – Revision D. Refer to the Tree Management Plan. Drawing No. TMP01 Revision D for tree numbers and locations.

Reason: To facilitate development.

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

Reason: Protection of existing environmental infrastructure and community assets.

91. Liquid and solid wastes generated onsite shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999) and NSW EPA Waste Classification Guidelines.

Reason: To prevent pollution of the environment.

92. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 and the NSW Environment

Protection Authority (EPA) Waste Classification Guidelines and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

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

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

94. 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.

95. 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.

96. 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.

97. 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.

98. A 200mm wide grated drain, incorporating a heavy duty removable galvanised grate is to be located within the site at the intersection of the driveway and Council's footway 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.

99. Stormwater must be connected to the road drainage system in Donald Street.

Reason: To ensure satisfactory storm water disposal.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

100. 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's Assets and Environment Team 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. 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's Assets and Environment Manager.

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

101. As per part 2 of Section 82 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) the following should occur in relation to the twenty-two (22) affordable housing units:

(2) **It is a condition of the development consent that before the issue of an occupation certificate for the development:**

a) registration of a restriction against the title of the property in accordance with section 88E of the Conveyancing Act 1919 to ensure the affordable housing component is:

- used for affordable housing, and
- managed by a registered CHP.

b) evidence of an agreement with a registered CHP for the management of the affordable housing component to be given to the Registrar of Community Housing, including the name of the registered CHP, and

c) evidence that the requirements of a) and b) above have been satisfied provided to the consent authority.

The registered CHP who manages the affordable housing component must also apply the NSW Affordable Housing Ministerial Guidelines.

Reason: To ensure that the development includes an affordable housing component.

102. Certification must be provided prior to the issue of an occupation certificate that the required fourteen (14) adaptable dwellings have achieved a Class C design standard in accordance with the requirements of AS 4299 -1995.

Reason: To ensure the requirements of AS 4299 -1995 have been met.

103. An operational Plan of Management (POM) for the childcare centre should be prepared and provided to the PCA prior to the issue of an Occupational Certificate. The POM is to reflect the approved plans and any other relevant requirements (acoustic requirements, number of children, indoor and outdoor play area limitations, hours of operation, evacuation plan, parking requirements etc). The POM is to be implemented throughout the lifetime of the development. The POM must be provided to Council, and a copy is also to be kept on the premises at all times and must be available to staff, and for inspection by Council staff if warranted

Reason: To prevent loss of amenity to the area.

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

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

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

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

105. 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.

106. 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 Schedule 9 of State Environmental Planning Policy (Housing) 2021 - Design Principles of Residential Apartment Development.

Reason: To comply with the requirements of SEPP (Housing) 2021.

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

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

108. Under Section 75 of the Environmental Planning & Assessment Regulation 2021, it is a condition of this development consent that all design and sustainability measures for 'BASIX development' should comply with the submitted BASIX certificate (building sustainability index) prepared by an accredited assessor, should be provided to the PCA.

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

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

Reason: To ensure a visible house number is provided.

110. This consent does not authorise the use or operation of the premises as a child care centre, except where the operator and all employees are in possession of a current valid license from the NSW Department of Education and Communities in accordance with the National Quality Framework requirements.

Reason: Compliance with legislative requirements.

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

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

112. 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.

113. Adequate ventilation to the waste storage room shall be provided in accordance with the requirements of the Building Code of Australia. Certification that the system functions in accordance with Australian Standard AS 1668 is to be provided to the certifying authority prior to occupation of the premises.

Reason: To ensure compliance with BCA requirements.

114. 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.

115. The vehicle wash bay(s) shall comply with Sydney Water liquid waste on-site pre-treatment requirements. The applicant shall provide a report to Council's Environmental Health Team from a qualified person stating that the wash bay complies with Sydney Water requirements and furnish Council with a copy of the

manufacturers specification and maintenance schedule for the wash bay prior to the issue of the occupation certificate.

Reason: To prevent contamination of the stormwater drainage system.

116. Certification to be provided to the principal certifying authority (PCA), prior to occupation, that the fit-out of the childcare centre kitchen 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.

117. Prior to an Occupation Certificate being issued, Council must be notified that the childcare centre is to be used for the preparation of food so that the premises can be registered on Council's food premises licensing database.

Reason: Compliance with the requirements of the Food Act.

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

- Noise Impact Assessment Report Proposed Mixed-use Development 15a, 15b Moseley St and 25-31 Donald Street Carlingford, prepared by Rodney Stevens Acoustics Pty Ltd Date 28 March 2024 Revision 5 Ref R230418R1.

Reason: To demonstrate compliance with submitted reports.

119. 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.

120. 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 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: Pedestrian and Vehicle safety.

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

Reason: To comply with the Conveyancing Act 1919.

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

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

123. Prior to the issue of any Occupation Certificate, a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 must be created, burdening the owner with the requirement to maintain the on-site stormwater detention (OSD) and water sensitive urban design (WSUD) facilities on the lot.

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

Council's standard application form shall be lodged, accompanied by the required documents and plans, only after the completion, final inspection and certification of the on-site detention (OSD) and water sensitive urban design (WSUD) system.

The Positive Covenant and Restriction on the Use of Land is to be created through an application to NSW Land Registry Services using forms 13PC and 13RPA.

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

Electronic colour photographs in jpg format of the on-site detention facility shall accompany the application for the Positive Covenant and the Restriction on the Use of the Land. These photos shall include such elements as the orifice plate, trash screen, step irons, weir, sump and bench on the floor of the DCP, return pipe and flap valve, wide angle view of the storage area or multiple photos, grates closed from above, grates open showing the edges to the opening and under frame packing with mortar or concrete, all pipe entries to the DCP and confined space warning signs at each entry point. The photos must be well labelled and must differentiate between multiple tanks. Additional photos may be requested if required.

Reason: To ensure maintenance of on-site detention (OSD) and water sensitive urban design (WSUD) facilities.

124. Works-As-Executed stormwater plans are to address the following:
- (a) A WAE survey shall be conducted and plans prepared showing the 'as built' of the complete on-site detention (OSD) and water sensitive urban

design (WSUD) systems including (but not limited to) discharge point into Council system, storage tank (including all critical elements), all pipes and pits connected to the OSD and filter cartridge systems, overland flow swale and surface levels that control surface flows to the OSD system and by design bypassing the OSD system.

- (b) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- (c) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- (d) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table)
- (e) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (f) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The certificate must only be provided after conducting a satisfactory final inspection. The final inspection shall include the application of all the ancillary components of the system including but not limited to: step-irons, orifice plate, trash screen with appropriate wall attachment, hinged lockable grates, confined space sign, functioning return lap valve and relief drains within DCP sump etc.
- (g) Certificate of Structural compliance of the OSD tank shall reference the structural elements including floor slab/foundations, walls and cover slab from a qualified structural engineer
- (h) Certificate of installation from the manufacturer of any proprietary water quality improvement products used in the treatment train

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

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

125. In accordance with Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, the Principal Certifying Authority responsible for the critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. The record must include the details required by Section 63 of the Regulations.

Reason: To comply with statutory requirements.

PART F – OCCUPATION AND ONGOING USE

126. If a roller shutter door is to be provided at the driveway entry and exit from Donald Street, it is to be operated via remote control and is to be opened at all times during the child care centre's operating hours. If an intercom is installed, it is to be provided at the centre of the driveway (not attached on the wall) to the carpark in accordance with Clause 3.3 (b) of AS 2890.1 - 2004. If any other gates or shutters are installed along the access driveway to the child care centre car park, it is to remain open at all times during the centre's operating hours.

Reason: To comply with Australian Standards.

127. Noise Management signage is to be installed in prominent locations within the childcare centre and the carpark advising attendees to please consider neighbours and minimise noise when entering and exiting the premises.

Reason: To prevent loss of amenity to the area.

128. PremisesThe child care centre facility shall not be used for functions or similar activities outside of the approved hours of operation.

Reason: To prevent loss of amenity to the area and to comply with this consent.

129. The childcare centre is approved with the following number of children:

Age	Number of Children
0-2	19
2-3	20
3-4	20
4-5	21
Total	80

The required updated Plan of Management should reflect the approved number of children as stated above.

Any changes to the approved number of children shall be subject to further approval.

Reason: To ensure the childcare centre complies with the number of children permitted.

130. Management of waste storage facilities. 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.

131. As per part 3 of Section 82 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) the following should be complied with:

(3) It is a condition of the development consent that during the relevant period:

- a) the affordable housing component must be used for affordable housing, and
- b) the affordable housing component must be managed by a registered community housing provider, and
- c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and
- d) The registered CHP who manages the affordable housing component must also apply the NSW Affordable Housing Ministerial Guidelines.

*The relevant period means a period of **15 years** commencing on the day on which an occupation certificate is issued for all parts of the building or buildings to which the development consent relates.

Reason: To ensure that the development includes an affordable housing component of twenty-two (22) for at least 15 years.

132. There are to be no external speakers at the premises.

Reason: To prevent loss of amenity to the area.

133. 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.

134. The hours of operations are restricted to:

Day	Time
Monday	7am – 7pm
Tuesday	7am – 7pm
Wednesday	7am – 7pm
Thursday	7am – 7pm
Friday	7am – 7pm
Saturday	Closed
Sunday	Closed
Public Holidays	Closed

Reason: To minimise the impact on the amenity of the area.

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

Reason: To minimise noise impact of mechanical equipment.

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

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

137. Signage to encourage correct recycling and reduce contamination is required within shared waste rooms / bin storage areas. Standard signage is available through Council.

Reason: To encourage proper waste and recycling practices onsite.

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

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

139. 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.

140. 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.

141. The operation of the premises is to comply with the relevant provisions of the Food Act 2003, Food Regulation 2015 and the Australia New Zealand Food Authority Food Standards Code.

Reason: To ensure operation of the premises complies with the relevant legislation and standards.

142. The use of the premises not giving rise to:

- (a) transmission of unacceptable vibration to any place of different occupancy;
- (b) 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 prevent loss of amenity to the area.

143. An emergency evacuation plan should be prepared. All staff should be aware of the evacuation plan and appropriate training given.

Reason: To ensure the safety of occupants

144. Any lighting on the site shall be designed so as not to cause a 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.

Reason: To prevent loss of amenity to the area.

145. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.