

## Conditions of Consent – Thursday 11 October 2012

### Recommendation

#### APPROVAL SUBJECT TO CONDITIONS

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

That the Western Sydney Joint Regional Planning Panel as the consent authority is of the opinion that the following variations under Clause 4.6 of *Parramatta Local Environmental Plan 2011* are supportable:

- (i) minimum subdivision size under Clause 4.1 of Parramatta Local Environmental Plan 2011
- (ii) floor space ratio under Clause 4.4 of Parramatta Local Environmental Plan 2011

That the Western Sydney Joint Regional Planning Panel is also of the opinion that strict compliance with the development standards is unreasonable and unnecessary in the circumstances of this case as the proposal satisfies the objectives of the development standard and will not compromise the amenity of the locality.

#### AND

That the Western Sydney Joint Regional Planning Panel, as the consent authority, being satisfied that the variations under Clause 4.6 of *Parramatta Local Environmental Plan 2011* is supportable and that granting consent to Development Application DA/298/2012 is consistent with the aims of the LEP, grant consent to Development Application No. DA/298/2012 for the tree removal, construction of 210 dwellings, laneway construction, and land subdivision comprising 67 Torrens title lots and 161 Community title lots on land at 2B Broadoaks Street, Ermington as shown on approved plans, for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the following conditions:

#### General Matters:

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

| Drawing No   | Dated      |
|--|------------|
| <b>Architectural Plans</b>   |            |
| <b>Coverpage</b><br>Project No. 10483 Drawing No. DA001 – Issue D        | 09/10/2012 |
| <b>Compliance Table</b><br>Project No. 10483 Drawing No. DA103 – Issue A | 18/05/2012 |

| <b>Drawing No</b>  | <b>Dated</b> |
|--|--------------|
| <b>Site Analysis</b><br>Project No. 10483 Drawing No. DA110 – Issue A                                      | 18/05/2012   |
| <b>Masterplan Drawings</b><br>Project No. 10483 Drawing No. DA120 to DA121 – Issue A                       | 18/05/2012   |
| Project No. 10483 Drawing No. DA122 – Issue B  | 21/08/2012   |
| Project No. 10483 Drawing No. DA123 to DA125 – Issue A   | 18/05/2012   |
| <b>Superlot Drawings</b><br>Project No. 10483 Drawing No. DA130 – Issue D                                  | 09/10/2012   |
| Project No. 10483 Drawing No. DA131 – Issue A  | 18/05/2012   |
| Project No. 10483 Drawing No. DA132 – Issue D  | 09/10/2012   |
| Project No. 10483 Drawing No. DA133 – Issue A  | 18/05/2012   |
| Project No. 10483 Drawing No. DA134 – Issue D  | 09/10/2012   |
| Project No. 10483 Drawing No. DA135 – Issue A  | 18/05/2012   |
| Project No. 10483 Drawing No. DA136 – Issue D  | 09/10/2012   |
| Project No. 10483 Drawing No. DA137 – Issue A  | 18/05/2012   |
| Project No. 10483 Drawing No. DA138 – Issue D  | 09/10/2012   |
| Project No. 10483 Drawing No. DA139 – Issue A  | 18/05/2012   |
| Project No. 10483 Drawing No. DA140 – Issue B  | 21/08/2012   |
| Project No. 10483 Drawing No. DA141 – Issue A  | 18/05/2012   |
| Project No. 10483 Drawing No. DA142 – Issue C  | 03/09/2012   |
| Project No. 10483 Drawing No. DA143 – Issue A  | 18/05/2012   |
| Project No. 10483 Drawing No. DA144 – Issue C  | 03/09/2012   |
| Project No. 10483 Drawing No. DA145 – Issue A  | 18/05/2012   |
| Project No. 10483 Drawing No. DA146 – Issue C  | 03/09/2012   |
| Project No. 10483 Drawing No. DA147 – Issue A  | 18/05/2012   |
| Project No. 10483 Drawing No. DA148 – Issue C  | 03/09/2012   |
| Project No. 10483 Drawing No. DA149 – Issue A  | 18/05/2012   |
| Project No. 10483 Drawing No. DA150 – Issue C  | 03/09/2012   |
| Project No. 10483 Drawing No. DA151 – Issue A  | 18/05/2012   |
| <b>Streetscapes &amp; Street Views</b><br>Project No. 10483 Drawing No. DA166 to DA168 – Issue A           | 18/05/2012   |
| <b>Context</b><br>Project No. 10483 Drawing No. DA170 – Issue A  | 18/05/2012   |
| <b>Colour Schemes</b><br>Project No. 10483 Drawing No. DA171 to DA172 – Issue A                            | 18/05/2012   |
| <b>Courtyard House Type Drawings</b><br>Project No. 10483 Drawing No. DA200/01-05 to DA225/01-05 – Issue A | 18/05/2012   |
| <b>Townhouse Type Drawings</b><br>Project No. 10483 Drawing No. DA226/01-05 to DA235– Issue A              | 18/05/2012   |

| Drawing No  | Dated  |
|---|--|
| <b>Landscape/Materials Plans</b><br>Typical Plans: Drawing L01 – Issue B<br>Typical Plans: Drawing L01 to L07 – Issue A<br><br>Planting Palette: Drawing L01 – L02 – Issue ADV<br>Materials Palette: Drawing L03 – Issue ADV  | 04/09/2012<br>18/05/2012<br><br>04/05/2012<br>04/05/2012 |
| <b>Stormwater/Engineering Plans</b> <ul style="list-style-type: none"> <li>Proposed Road and Drainage Works. Plans prepared by Indesco Consult Australia.</li> </ul> <p><u>Drawing Schedule:</u> (All drawings dated 21-05-12, Issue B)</p> <ul style="list-style-type: none"> <li>Cover Sheet</li> <li>General Notes and Legend – Drawing No. 001</li> <li>Key Plan - Drawing No. 002</li> <li>Engineering Plans (9Sheets) – Drawing Nos. 010 to 018</li> <li>Longitudinal Sections (2 Sheets) – Drawing Nos. 30 &amp; 31</li> </ul> <p>As amended by</p> <ol style="list-style-type: none"> <li>Key Plan by Indesco Project No 54962-DA Dwg No 002 amendment C</li> <li>Engineering Plan by Indesco sheet 4 of 9 Project No 54962-DA Dwg No 013 amendment C</li> <li>Engineering Plan by Indesco sheet 7 of 9 Project No 54962-DA Dwg No 016 amendment C</li> </ol> |  |
| <b>Concept Subdivision Plan</b><br>Sheets 1 of 23 to 23 of 23 inclusive   | Undated  |
| <b>Erosion &amp; Sedimentation Control Plan</b><br>Project S4962-DA Drawing 050 & 051 – Amendment C   | 21/05/2012   |

| Document(s)  | Dated       |
|--|-------------|
| Basix Certificate 428510M  | 17/05/2012  |
| Preliminary Exterior Finishes – Scheme A and Scheme B                      | Undated     |
| Site Audit Statement No. M60038837-SAS2008.2                               | 07/03/2008  |
| Acid Sulfate Soil Management Plan<br>Reference No. 12343\205\0602\R001.DOC | 8 July 2002 |
| Landscape Report   | May 2012    |
| Community Management Statement   | Undated     |

**Note:** In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

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

2. For the purposes of this condition each "Stage" (which does not include "Stage 2") shall be all of the proposed dwellings approved in this consent in a single street block.

Provided that full compliance with the infrastructure staging condition (Condition 63A of this consent) is first achieved, construction of each Stage may be carried out in any order or sequence and in any combination of Stages concurrently in accordance with all relevant conditions contained within this consent.

**Reason:** To provide the applicant flexibility in construction works and to confirm the details of the application.

3. All building work must be carried out in accordance with the current provisions of the Building Code of Australia.

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

4. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development consent.

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

5. The development shall be constructed within the confines of the property boundary. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

**Reason:** To ensure no injury is caused to persons.

6. No portion of the proposed structure including any fencing and/or gates shall encroach onto or over adjoining properties.

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

7. The tree to be removed is:

| Tree No | Name                     | Common Name | Location                        |
|---------|--------------------------|-------------|---------------------------------|
| 94      | <i>Corymbia maculata</i> | Spotted Gum | Located within proposed Lot 119 |

**Reason:** To allow appropriate development of the site.

8. Occupation of any part of footpath or road at or above (including construction and/or restoration of footpath and/or kerb or gutter) 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 comply with Council requirements.

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

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

10. Deleted.

### **Prior to the issue of the Construction Certificate:**

11. An Environmental Enforcement Service Charge is to be paid to Council prior to the issue of a construction certificate. The fee paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

12. An Infrastructure and Restoration Administration Fee is to be paid to Council prior to the issue of a construction certificate. The fee to be paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

13. A monetary contribution comprising **\$50,285.70** is payable to Parramatta City Council pursuant to Section 94A of the *Environmental Planning and Assessment Act, 1979* and the *Parramatta Section 94A Development Contributions Plan*. Payment must be by cash, EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a construction certificate.

At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

**Reason:** To comply with Council's S94A Development Contributions Plan.

14. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds are required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate has not been issued or not required.

The bond may be paid, by EFTPOS, bank cheque, credit card or be an unconditional bank guarantee.

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA/298/2012;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

Bonds shall be provided as follows:

Nature strip and roadway \$20,000

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to Parramatta City Council with the payment of the bond/s to the Civil Assets Unit. The dilapidation report is required to report on any existing damage to kerbs, footpaths, roads, nature strip, street trees and furniture bounded by all street frontage/s of the development site to the centre of the road.

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

15. Deleted.

16. The dwellings are to be designed and constructed in accordance with AS/NZS 2107:2000 Acoustics - Recommended design sound levels and reverberation times for building interiors and EPA Environmental Criteria for Road Traffic Noise, in accordance with details to be submitted to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate.

**Reason:** To ensure the adequate acoustic performance of the buildings.

17. Prior to the issue of a Construction Certificate, the applicant shall submit revised plans to Council's Manager Traffic Services satisfaction indicating the following traffic related matters:

- (a) Concrete median island in Silverse Street at River Road intersection
- (b) Concrete median islands at the intersection of Seamist Avenue and River Road on the north and west side of the intersection and associated double barrier linemarking (BB lines)
- (c) Traffic calming devices at the intersection of Seamist Avenue and Corsair Street
- (d) Traffic calming devices at the intersection of Seamist Avenue and Rondelle Street

- (e) A bus stop (with bus shelter and seat) is to be provided on the eastern side of Silverwater Road (north of Silverse Street) and a footpath (3m wide) is to be provided from Silverse Street to the bus stop location. The bus stop (bus shelter, bus seat and signage) and footpath is to be provided by the applicant at no cost to Council or the Roads and Maritime Services. The provision of the bus stop is to be referred to, and approved by the Roads and Maritime Services and Sydney Buses. In the event that approval is not granted for the bus stop **within 90 days of written approval being sought**, the applicant shall alternatively provide footpaths in the following locations:
- South Street - on the southern side from the existing footpath to River Road with kerb ramp for pedestrians wishing to cross River Road at South Street, Ermington
  - River Road - on the eastern side from Lindsay Avenue to the development site.
- (f) Locations of bus stops in Broadoaks Street, Seamist Avenue and River Road are to be identified as indicated in the submitted Traffic Report.
- (g) Due to the narrow road width (6m) of the streets to the south of Seamist Avenue and where parking is to be provided on 1 side of the street, "No Parking" restrictions are to be installed on the other side of the street subject the Parramatta Traffic Committee approval processes. These streets will also include Haleym Street south (2<sup>nd</sup>) and Zanana Street south (4<sup>th</sup>), Tenth Street, Bundarra Street and Koorine Street. All costs associated with the supply and installation of the appropriate parking signs are to be paid for by the applicant at no cost to Council.
- (h) Sightlines are to be provided in accordance with Figure 3.3 of AS2890.1. The Principal Certifying Authority is to be satisfied that the required sight lines to pedestrians or other vehicles in or around the site should not be compromised by the landscaping, signage fences, walls or display materials.
- (i) Rear pedestrian doors in the garage of the following lots are to be relocated or changed to open 'out' instead of open 'in' to the garage as a vehicle parked in the garage will encroach on to the garage (roller) door:
- Laneway between Haleym Street and River Road - Lot Nos. 103,107 and 108.
  - Laneway between Koorine Street and Seamist Avenue - Lot No. 011
  - Laneway between Bundarra Street and Seamist Avenue - Lot Nos. 044, 043 and 040
  - Laneway off Bundarra between Haleym Street and Corsair Street - Lot Nos. 064, 066, 071 and 073
  - Laneway off Seamist Avenue between River Road and Yarramona Street - Lot Nos. 092, 094, 098, 090 and 081

Notes: Traffic facilities (including line marking within the main access way) to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.

The above traffic facilities are to be installed by the applicant at no cost to Council, in accordance with the relevant Austroads Guide to Road Design.

**Reason:** To ensure appropriate traffic facilities and access is provided.

18. The submission of a final Plant Schedule to the Principal Certifying Authority, prior to the release of the Construction Certificate. The revised plant schedule shall address the following requirements:

- (a) The replacement of *Agapanthus* with *Crinum pedunculatum*
- (b) The replacement of *Sollya heterophylla* with *Pandorea pandorana* or *Hardenbergia violacea*
- (c) The replacement of *Convovulus sp.* with *Carpobrotus glaucescens* and/or *Westringia fruticosa* "Mundi"
- (d) The deletion of proposed *Tradescantia sp.* and *Alternanthera dentata*

**Reason:** To ensure that appropriate landscaping is implemented.

19. The location of all substations are to be identified and indicated on a plan to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate. No substations shall be placed on individual residential lots or in Council's road reserve

**Reason:** To ensure appropriate streetscape amenity is provided.

20. The Construction Certificate is not to be released unless the Principal Certifying Authority is satisfied that the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.

**Reason:** To ensure that the levy is paid.

21. The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required, prior to the release of the Construction Certificate.

**Reason:** To minimise costs to Council.

22. The proponent shall submit to the Principal Certifying Authority and Council, a Construction Noise Management Plan prior to the issue of the construction certificate as described in the NSW Department of Environment, Climate Change and Water Interim Noise Construction Guidelines 2009. The Construction Noise Management Plan must describe in detail the methods that will be implemented during the construction phase of the project to minimise noise impacts on the community.

The Construction Noise Management Plan must include:

- Identification of nearby residences and other sensitive land uses
- Assessment of expected noise impacts



- Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts
- 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

23. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) see Your Business then Building and Developing then Building and Renovating or telephone 13 20 92.

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, storm water drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

The PCA must ensure that the plans have been appropriately stamped prior to the issue of any construction Certificate.

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

**Advisory note:**

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating or telephone 13 20 92.

24. Should any proposed work be undertaken where it is likely to disturb or impact upon a utility installation (e.g. power pole, telecommunications infrastructure, etc) written confirmation from the affected utility provider that they have agreed to the proposed works shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate or any works commencing, whichever comes first. The arrangements and costs associated with any adjustment to a utility installation shall be borne in full by the applicant/developer.

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

25. Prior to the issue of the Construction Certificate, the applicant is to provide evidence that appropriate provision is required and has been made to accommodate broadband access to the development. The applicant is to liaise with Telstra or another telecommunications provider to determine and make provision for any relevant infrastructure at no cost to Council.

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

**NOTE:** For more information contact NBN Co.

**Development Liaison Team:**

Call 1800 881 816

Email [newdevelopments@nbnco.com.au](mailto:newdevelopments@nbnco.com.au)

Web [www.nbnco.com.au/NewDevelopments](http://www.nbnco.com.au/NewDevelopments)

26. A standard vehicular crossing shall be constructed to the proposed dwellings in accordance with Council's Standard Drawing No. DS8 & DS10. Details shall be submitted to the satisfaction of Principal Certifying Authority with the application for the Construction Certificate. A Vehicle Crossing application shall be submitted to Council together with the appropriate fee prior to any work commencing.

**Reason:** To ensure appropriate vehicular access is provided.

27. No work shall start on the storm water system of the proposed dwellings, until the detailed final storm water plans have been approved by the Principal Certifying Authority. Prior to the approval of storm water drainage plans, the person issuing the Construction Certificate shall ensure that:

- The final drainage plans are adequate to drain the roof water and the surface water to the street drainage system.
- Any Rainwater Tank requirements as per the basix standards have been incorporated in the drainage system and the overflow is directed to the street drainage system.

**Reason:** To ensure adequate stormwater disposal systems are in place.

- 27A. Adequate and suitable grassed swales shall be provided along the northern boundary fence line, within the development site, to intercept the upstream overland flows and to guide the flows along the designated flow paths. The proposed overland flow paths between the dwellings shall be naturally formed in such a way that the overland flows can follow the intended flow paths and drain into the associated roads. Final details of the swales and the formed overland flow paths shall be submitted to the satisfaction of the Principal Certifying Authority, prior to the issue of the Construction Certificate.

**Reason:** To ensure adequate measures are in place to intercept the upstream catchment overland flows and to convey through the intended overland flow pathways, without causing problems to the residents or buildings.

28. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standards 2890.1 – 2004 "Off street car parking". Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure that parking spaces are in accordance with the approved development.

29. Prior to the issue of a Construction Certificate the applicant shall nominate an appropriately qualified civil engineer (at least NPER) to supervise all public area civil and drainage works to ensure that they are constructed in compliance with Council's "Guidelines for Public Domain Works".  
The engineer shall:
- a. provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:
    - a. all relevant statutory requirements,
    - b. all relevant conditions of development consent
    - c. construction requirements detailed in the above Specification, and
    - d. the requirements of all legislation relating to environmental protection,
  - b. On completion of the works certify that the works have been constructed in compliance with the approved plans, specifications and conditions of approval and,
  - c. Certify that the Works as Executed plans are true and correct record of what has been built.

### **Prior to Works Commencing:**

30. Deleted.
31. Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:
- (a) appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed within 7 days; and
  - (b) notify Council in writing of their intention to commence works (at least 2 days notice is required prior to the commencement of works).
- The PCA must determine when inspections and compliance certificates are required.
- Reason:** To comply with legislative requirements.
32. Prior to work commencing, adequate toilet facilities are to be provided on the work site prior to any works being carried out.
- Reason:** To ensure adequate toilet facilities are provided.
33. The site must be enclosed with a 1.8 m high security fence to prohibit unauthorised access. The fence must be approved by the Principal Certifying Authority and be located wholly within the development site prior to commencement of any works on site.
- Reason:** To ensure public safety.
34. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) Stating that unauthorised entry to the work site is prohibited;
- (b) Showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- (c) Showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (d) Showing the approved construction hours in accordance with this development consent.
- (e) Any such sign must be maintained while the excavation building work or demolition work is being carried out, but must be removed when the work has been completed.
- (f) This condition does not apply to building works being carried out inside an existing building.

**Reason:** Statutory requirement.

35. Prior to the commencement of any works on the site the applicant must submit, a Construction and/or Traffic Management Plan to the satisfaction of the Principal 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 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.
- (b) Traffic Control Plan(s) for the site:
  - (i) All traffic control devices installed in the road reserve shall be in accordance with the Roads and Traffic Authority, NSW (RTA) publication '*Traffic Control Worksite Manual*' and be designed by a person licensed to do so (minimum RTA '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 Parramatta City Council for any temporary road closures or crane use from public property.
- (iii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided and a copy of this route is to be made available to all contractors.
- (iv) Where applicable, the plan must address the following:
- (v) Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
- (vi) 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.
- (vii) 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.

36. Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose prepared by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements, shall be submitted with the Construction Certificate. A copy of this documentation must be provided to the Council for record purposes. Any recommendations made by the qualified practising structural engineer shall be complied with.

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

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

The report should include a photographic survey of 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 as determined necessary by that qualified professional based on the excavations for the proposal and the recommendations of the geotechnical report. Where the consulting geotechnical engineer is of the opinion that no dilapidation reports for adjoining structures are required, certification to this effect shall be

provided for approval by the Principal Certifying Authority prior to any excavation. A copy of the dilapidation report shall be submitted to Council.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required 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.

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

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

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

39. 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 received written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having 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 prevent any damage to underground utility services.

40. All appointed waste contractors for the construction works are to be advised to Council in writing before the commencement of works. Any amendments to the submitted waste plan are to be advised in writing to Council.

**Reason:** To ensure appropriate waste disposal.

41. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note and provide protection for Council as an interested party and a copy of the Policy must be submitted to

Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

**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 on public land.

### **During Works:**

42. The discovery of any unusual buried materials is to be dealt with in accordance with URS Australia Pty Ltd (December 2007a) Site Management Plan Stage 2 Sale Area Department of Defence Ermington NSW.

**Reason:** To ensure any land contaminants are dealt with in an appropriate manner.

43. Any earth related works to the site that could affect the condition of potential acid sulphate soils shall be undertaken in accordance with the Acid Sulphate Soils Management Plan, former Defence Naval Stores Ermington NSW (URS July 2002).

**Reason:** To ensure acid sulphate soils are dealt with in an appropriate manner.

44. A copy of this development consent, stamped plans and accompanying documentation is to be retained for reference with the approved plans on-site during the course of any works. Appropriate builders, contractors or sub-contractors shall be furnished with a copy of the notice of determination and accompanying documentation.

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

45. Noise from the construction, excavation and/or demolition activities associated with the development shall comply with the NSW Department of Environment, Climate Change and Water Interim Noise Construction Guidelines 2009 and the Protection of the Environment Operations Act 1997.

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

46. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the NSW Department of Environment and Conservation (DEC). Dust nuisance to surrounding properties should be minimised.

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

47. No building materials skip bins, concrete pumps, cranes, machinery, signs or vehicles used in or resulting from the construction, excavation or demolition relating to the development shall be stored or placed on Council's footpath, nature strip or roadway.

**Reason:** To ensure pedestrian access.

48. All plant and equipment used in the construction of the development, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and

the like shall be discharged onto the building site, and is to be contained within the site boundaries.

**Reason:** To ensure public safety and amenity on public land.

49. All work including building, demolition and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

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

50. The applicant shall record details of all complaints received during the construction period in an up to date complaints register. The register shall 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 affect;
- (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 complainant; 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 shall be made available to Council and/ or the principal certifying authority upon request.

51. Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto the public way.

**Reason:** To ensure pedestrian safety.

52. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. The proponent may be required to produce these documents to Council on request during the site works.

**Reason:** To confirm waste minimisation objectives under Parramatta Development Control Plan 2005 are met.

53. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices must be maintained throughout the entire demolition, excavation and construction phases of the development.

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



54. Any damage to Council assets that impact on public safety during construction is to be rectified immediately to the satisfaction of Council at the cost of the developer.

**Reason:** To protect public safety.

55. The vehicular entry/exits to the site within Council's road reserve must prevent sediment from being tracked out from the development site. This area must be laid with a non-slip, hard-surface material, which will not wash into the street drainage system or watercourse. The access point is to remain free of any sediment build-up at all times.

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

56. 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 on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property 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, the area of operation, 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 that 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. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space 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 construction zone, 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.

**Reason:** Proper management of public land.

57. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- (a) Must preserve and protect the building from damage;
- (b) If necessary, must underpin and support the adjoining building in an approved manner; and
- (c) Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

**Reason:** To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage.

- 58. All approved tree removals shall be carried out by a qualified Arborist and conform to the provisions of AS4373-2007, Australian Standards for Pruning Amenity Trees and Tree Work Draft Code of Practice 2007. The developer is responsible for all tree removal and stump grinding.

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

- 59. All trees planted within the site must have an adequate root volume to physically and biologically support the tree. No tree within the site shall be staked or supported at the time of planting.

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

- 60. All plants which have been declared, pursuant to Sections 7 and 8 of the Noxious Weeds Act 1993, to be Noxious Weeds within the area of Parramatta City Council shall be removed on site and replaced with appropriate indigenous or native species.

**Reason:** To ensure the compliance with the Noxious Weed Act 1993

- 61. No materials (including waste and soil), equipment, structures or good of any type are to be stored, kept or placed within 5 m from the trunk or within the drip line of any tree.

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

- 62. All trees planted as part of the approved landscape plan are to have a minimum 45 litre container size. All shrubs planted as part of the approved landscape plan are to have a minimum 200mm container size.

**Reason:** To ensure appropriate planting.

## **Prior to Occupation/Issue of Occupation Certificate:**

63. An Occupation Certificate shall not be issued for any of the dwellings permitted by this consent until all of the Relevant Works approved and Relevant Conditions contained within the consent DA 114-4-2002 issued by the Minister for Planning on 15 October 2005 has been completed.

### Note:

- Relevant Works means all of the works approved in Consent 114 but does not include subdivision.
- Relevant Conditions means all conditions in Consent 114 other than conditions which relate to subdivision.
- For the purposes of this condition "Consent 114" means the consent issued by the Minister for Planning on 15 October 2005 in respect of DA 114-4-2002, as amended.

**Reason:** To ensure all infrastructure works for the site are complete before the occupation of the dwellings.

- 63A. No Occupation Certificate for any dwellings permitted by this consent shall be issued until:

- (a) construction of Stage 2 has been completed
- (b) Lot 1011 in DP 1080642 and all of the other roads in the subdivision approved by Consent 114 have been dedicated to Council as public roads
- (c) Lot 1018 in DP 1080642, Lot 1023 in DP 1101488 and Lots 1013, 1014, 1017 and 1021 In DP 1080642 have been dedicated to Council as public reserves at no cost Parramatta City Council.

Note: For the purposes of this condition "Stage 2" means Stage 2 as defined in Condition A3 Staging of the consent issued by the Minister for Planning on 15 October 2005 in respect of DA 114-4-2002 with the following amendments:-

- (a) Stage 2 shall not include the culvert over the multi-product pipeline required by Condition E21 of the aforementioned Consent.

For the purposes of this condition "Consent 114" means the consent issued by the Minister for Planning on 15 October 2005 in respect of DA 114-4-2002, as amended.

**Reason:** To ensure that adequate infrastructure is in place before occupation of any dwellings and ensure that the assets are handed over to Council in a satisfactory condition.

- 63B. Despite any formal dedication of these assets. the applicant shall remain responsible for the satisfactory embellishment and maintenance of the parks, and the satisfactory construction and maintenance of the roads, to the satisfaction of the Council's Manager, City Assets and Environment until the formal handover of the assets to council.

64. Occupation or use, either in part or full, is not permitted until an Occupation Certificate has been issued. The Occupation Certificate must not be issued unless the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia and until all preceding conditions of this consent have been complied with.

Where Council is not the Principal Certifying Authority, a copy of the Occupation Certificate together with registration fee must be provided to Council.

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

65. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority that is responsible for critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. Where Council is not the PCA, the PCA is to forward a copy of all records to Council.

The record must include details of:

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

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

66. An application for street numbering shall be lodged with Council for approval prior to the issue of an Occupation Certificate.

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

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

67. An endorsement from a specialist in strata and community title insurance covering Council's contractor against any damage shall be submitted to Council for access to any part of the property which is community title before the issue of an Occupation Certificate.

**Reason:** To ensure Council's waste contractors are indemnified whilst using community title land.

68. Street numbers are to be placed on the site in a readily visible location, (numbers having a height of not less than 75mm) prior to occupation of the building.

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

69. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures

identified in the BASIX Certificate No. 428510M will be complied with prior to occupation.

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

70. The developer shall submit to the Principal Certifying Authority a letter from the telecommunications company confirming that satisfactory arrangements have been made for the provision of telephone and cable television services, prior to the release of the Subdivision Certificate or issuing of any Occupation Certificate.

**Reason:** To ensure provision of appropriately located telecommunication facilities

71. Submission of a letter confirming satisfactory arrangements have been made for the provision of Integral Energy services.

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

72. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report, and
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to Council.

**Reason:** To establish the condition of adjoining properties prior building work and any damage as a result of the building works.

73. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of our website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

**Reason:** Statutory requirement.

74. The Certifying Authority shall arrange for a qualified Landscape Architect/Designer to inspect the completed landscape works to certify adherence to the DA conditions and Construction Certificate drawings. All landscape works are to be fully completed prior to the issue of an Occupation Certificate.

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

75. A written application for release of the bond(s), quoting Council's development application number and site address is required to be lodged with Council's Civil Assets Team prior to the issue of any occupation certificate or completion of demolition works where no construction certificate has been applied for.

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction.

Once the site and adjacent public road reserve has been inspected and in the case of any damage occurring it has been satisfactory repaired Council will advise in writing that this condition has been satisfied and will organise for the bond to be released. The occupation certificate shall not be released until the PCA has been provided with a copy of the letter advising either that no damage was caused to Council's Assets or that the damage has been rectified.

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

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

76. Prior to the issue of any Occupation Certificate, the developer is to provide evidence that satisfactory arrangements with a telecommunications provider have been made and implemented where required at no cost to Council for the provision of broadband access to the development.

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

**NOTE:** For more information contact NBN Co.

**Development Liaison Team:**

Call 1800 881 816

Email [newdevelopments@nbnco.com.au](mailto:newdevelopments@nbnco.com.au)

Web [www.nbnco.com.au/NewDevelopments](http://www.nbnco.com.au/NewDevelopments)

- 76A. Documentary evidence confirming that satisfactory arrangements have been made with an energy provider for the provision of electricity supply to the development is to be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

**Reason:** To ensure adequate electricity supply to the development.

77. Prior to the issue of the Occupation Certificate for the 150<sup>th</sup> dwelling, the traffic infrastructure required by Condition 17(a) to 17(g) inclusive shall be installed.

**Reason:** To ensure the appropriate construction of the traffic facilities.

78. Deleted.

79. An effective evacuation report and procedure shall be prepared by an appropriate consulting engineer. The report shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. A copy of the report shall be provided to Council for record keeping purposes. The report shall incorporate an effective evacuation process and procedure for

egress both from the site in the early stages of a storm to upper floor evacuation during the peak of storm events. Suitable warning signs with evacuation routes lift access restrictions and other flood warning systems shall be installed for the basement levels to warn and prevent people from going into basements in the event that water starts to overtop the ramp threshold and flood the basement.

**Reason:** For the property to ensure future property owners are made aware of the procedure in the case of flood.

### **Prior to the Issue of the Subdivision Certificate:**

80. A separate application must be made to Council to obtain approval of the plan of subdivision under Part 4A of the *Environmental Planning and Assessment Act 1979*.

Prior to the issue of the Part 4A (Subdivision Certificate) for any stage as detailed within the Staging Plan (Project No. 10483 Drawing No. DA121 – Issue A dated 18 May 2012), the applicant shall submit an original plan of subdivision plus 1 digital disc (eg. CD ROM) for Council's endorsement. The following information shall also be submitted:

- (a) Evidence that all conditions of the Development Consent have been satisfied (including required utility provider certificates etc).
- (b) Evidence of payment of all relevant fees.
- (c) The 88B/E instrument (if required).
- (d) A copy of the final Occupation Certificate issued for the development.
- (e) All surveyors or engineers' certification if required by the development consent

**Reason:** To comply with the *Environmental Planning & Assessment Act 1979*

- 80A. Prior to issue of the Subdivision Certificate the applicant must create an easement over the affected properties, along the proposed overland flow paths. In addition to this, a Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the properties affected by the overland flows and benefitting Council shall also be created, advising that the overland flow path has to be maintained at all times without any alterations to the land or encroachments with structures. The 88B Instrument can be incorporated with the Subdivision Linen Plans submitted with the Subdivision Certificate application. Parramatta City Council is to be named as the Authority whose consent is required to release, vary or modify the restriction.

**Reason:** To ensure the proposed overland flow paths are maintained and protected at all times.

### **The Use of the Site:**

81. Any external plant/ air-conditioning system shall not exceed a noise level of 5 dBA above background noise level when measured at the side and rear boundaries of the property.

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

82. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.  
**Reason:** To ensure the removal of graffiti
83. The rooms located above the garages (where applicable) are to be used solely in conjunction with the dwelling house located on the same land, and not used as a separate dwelling.  
**Reason:** To ensure the rooms are used as part of the dwelling house.