

MEMO

Folder Number: DA/116/2011

To Lord Mayor All Councillors	Date 29 June 2012
Copies Sue Weatherley Mark Leotta Claire Stephens	
From Brad Delapierre	
Subject Item 9.2 1-5 Chestnut Avenue & 6-8 Burke Street, Telopea Demolition, tree removal and construction of an affordable rental housing development under Division 1 of the Affordable Rental Housing SEPP comprising 5 buildings containing a total of 24 units, car parking for 14 vehicles and consolidation of all lots into 1 lot.	

A report on this application was considered at the Council Regulatory Meeting on 12 June 2012, where the following was resolved:

***That** the application be deferred to the next Council Meeting (Regulatory) with a report to be brought back to Council providing grounds for the possible refusal of the application.*

The matter has been relisted as Item 9.2 on the business paper for the 9 July 2012 Council (Development) Meeting with this memo further addressing the Council resolution.

Possible Reasons for Refusal

1. The proposal fails to satisfy the provisions of State Environmental Planning Policy (Affordable Rental Housing) Amendments 2011 as it does not satisfy the local character provision as the proposed development will not be compatible with the existing and/or the desired future character of the locality.
2. The proposed development is contrary to the aims and objectives of Parramatta Local Environmental Plan 2001 and Parramatta Local Environmental Plan 2011 and the proposed residential flat building is a prohibited development under the zoning of the site and is out of character with the area.
3. The proposed development will have an unacceptable acoustic and visual privacy impact upon adjoining properties.

4. The proposed development will have an unacceptable visual bulk when viewed from adjoining properties.
5. The proposed development will result in unacceptable social impacts upon the community.
6. The proposed development will result in the displacement of existing tenants who are part of the community.
7. The proposed development is not in the public interest.

It should be noted that this application is a Crown application.

Pursuant to Section 89(1)(a) of the Environmental Planning & Assessment Act, Council cannot refuse consent to a Crown development application, except with the approval of the Minister. In this regard, should Council be of the mind to refuse the application, it will need to be referred to the Sydney West Joint Regional Planning Panel (JRPP) for determination.

Land & Housing Corporation Concurrence

Notwithstanding the above, should Council be of the mind to approve the application, the concurrence to the imposition of conditions is required from the Land and Housing Corporation before the application can be approved (pursuant to Section 89(1)(b) of the Environmental Planning & Assessment Act).

The Land and Housing Corporation have provided correspondence with respect to giving concurrence to the draft conditions of consent. Following discussions with the Land and Housing Corporation, agreement has been reached on the proposed conditions of consent. The revised draft conditions are attached to this memo.

RECOMMENDATION

- (a) **That** Development Application No. DA/116/2011 for the demolition, tree removal and construction of an affordable rental housing development under Division 1 of the Affordable Rental Housing SEPP comprising 5 buildings containing a total of 24 units, carparking for 14 vehicles and consolidation of all lots into 1 lot on land at 1-5 Chestnut Avenue & 6-8 Burke Street, Telopea be approved subject to conditions of consent as attached to this memo.
- (b) **Further, that** the objectors and the head petitioner be advised of Council's determination of the application.

Brad Delapierre
Team Leader
Development Assessment Services

RECOMEMNDED DRAFT CONDITIONS OF CONSENT –Last Modified 29 June 2012
DA/116/2011 – 1-3 Chestnut Avenue & 6-8 Burke Street – Telopea

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
Site/External Works Sheet 5 of 18	8 March 2012
Ground Floor Plan Sheet 6 of 18	8 March 2012
First Floor Plan Sheet 7 of 18	8 March 2012
Roof Plan Sheet 8 of 18	8 March 2012
Elevations Sheet 12 of 18	8 March 2012
Sections Sheet 13 of 18	8 March 2012
Perspectives Sheet 14 of 18	8 March 2012
Colours & Materials Sheet 15 of 18	8 March 2012
Fence Plan Sheet 16 of 18	8 March 2012
Demolition Plan Sheet 17 of 18	8 March 2012
Landscape Concept Plan – Sheet 1 of 4 – Revision C prepared by Christine Murphy Landscape Architect (approved subject to further modifications – see Condition 16)	18/10/2011
"Site Stormwater Drainage Layout Plan", 10030-C01E, Sheet C01, Revision "F" (subject to change upon amendment) prepared by Michael Ell consulting Engineers (1 Sheet).	22/10/2011
"Stormwater Details", 10030-C02B, Sheet C02, Revision "B" (subject to change upon amendment) prepared by Michael Ell consulting Engineers (1 Sheet).	22/10/2011
"Stormwater Details", 10030-C03A Sheet C03, Revision "A" (subject to change upon amendment) prepared by Michael Ell consulting Engineers (1 Sheet).	26/07//2010

Document(s)	Dated
BASIX Certificate 329814M_02	01/03/2011
Waste Management Plan	Undated
Development Impact Assessment Report prepared by Earthscape Horticultural Services	Aug 2010

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. All 24 dwellings within the development are to be used as affordable rental housing under the provisions of the SEPP (Affordable Rental Housing) 2009.
Reason: 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. Demolition work shall be carried out in accordance with Australian Standard 2601-2001 - *Demolition of Structures* and the requirements of the NSW WorkCover Authority.
Reason: To ensure appropriate demolition practices occur.
5. Trees to be retained are:

Tree No	Name	Common Name	Location	DBH Diameter at breast height (mm)	Tree Protection Zone (m)
1-3	<i>Callistemon viminalis</i>	Weeping Bottlebrush	Burke Street Road reserve	380	3.1
4	<i>Callistemon citrinus</i>	Bottlebrush	Burke Street Road reserve	290	2.4
5	<i>Callistemon viminalis</i>	Weeping Bottlebrush	Burke Street Road reserve	380	3.1
17	<i>Jacaranda mimosifolia</i>	Jacaranda	As per Appendix 7 and 8 of the arborist report prepared by Earthscape Horticultural Services dated 19/8/2010	350	3.6
59	<i>Castenospermum australe</i>	Blackbean	As per Appendix 7 and 8 of the arborist report prepared by Earthscape Horticultural Services dated 19/8/2010	750	6.1
76	<i>Liquidambar styraciflua</i>	Liquidambar	As per Appendix 7 and 8 of the arborist report prepared by Earthscape Horticultural Services dated 19/8/2010	450	4.6
77	<i>Liquidambar styraciflua</i>	Liquidambar	As per Appendix 7 and 8 of the arborist report prepared by Earthscape Horticultural	750	6.1

			Services dated 19/8/2010		
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Reason: To protect significant trees which contribute to the landscape character of the area.

6. Trees numbered 6-16, 18-58, 60-75a and 78-88 within Appendix 5 of the Development Impact Assessment Report prepared by Earthscape Horticultural Services dated August 2010 are to be removed.

Note: Please refer to the attached appendices of this report for identification and location of the subject trees.

Reason: To confirm the trees that may be removed.

7. Oversize vehicles using local roads during the demolition/construction period 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.

8. Retaining wall for excavation shall be constructed when cut or fill exceeds 600mm. Where necessary to prevent damage to the adjoining properties all approved retaining walls associated with the approved development are to be constructed to the construction of the ground floor.

Reason: To prevent damage to the adjoining properties.

9. The stormwater system shall be constructed as per the Approved Stormwater Plan addressing the issues and incorporating all the notes and comments annotated on the plan. The Approved stormwater plan consists of the following amended plans with the text "Approved Stormwater Plan" stamped on the them together with the comments, notes and rectification requirements as annotated thereon and approved with this consent.

- a. "Site Stormwater Drainage Layout Plan", no Drawing #, File # 10030-C01E, Sheet C01, Revision "F" dated 22/10/2011 (subject to change upon amendment) prepared by Michael Ell consulting Engineers (1 Sheet).
- b. "Stormwater Details", no Drawing #, File # 10030-C02B, Sheet C02, Revision "B" dated 22/10/2011 (subject to change upon amendment) prepared by Michael Ell consulting Engineers (1 Sheet).
- c. "Stormwater Details", no Drawing #, File # 10030-C03A Sheet C03, Revision "A" dated 25/07/2010 (subject to change upon amendment) prepared by Michael Ell consulting Engineers (1 Sheet).

Reason: To ensure satisfactory storm water disposal.

10. The provision of gates over the driveway to the adaptable units (via Units 4 & 8) are to be deleted.

Reason: To enable satisfactory disabled access.

11. No portion of the proposed structure, whether over-hanging or underground, including the building structure, carport, car park etc, shall encroach onto the existing drainage easement.

Note: The stormwater plan submitted indicates encroachments on the north-eastern portion of the car park (i.e. the aisle end and the rear left corner of car space #12). These encroachments will need to be rectified.

Reason: To ensure that the easement is free of any building encroachment and those other structures.

12. The foundation at around the north-eastern (rear left) corner of Unit #9 building, which is proposed adjacent to the existing drainage easement (i.e. at the rear yard of #5 Chestnut Avenue), is likely to impact on the stormwater

pipe within the easement. The foundation around the area shall be designed by a qualified practicing structural/geotechnical engineer constructed in accordance with Council's Code, "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements and constructed accordingly. Upon completion of the work the engineer shall certify the construction work. A copy of the certificate shall be submitted to council prior to occupation of the site.

Reason: To ensure that the easement is free of any building encroachment and that other structures are erected in accordance with the approval granted and Council's Code, "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements.

13. The overland flow path as shown on Figure 7 of the "Flood Study & Drainage Assessment Report for Housing NSW at 6-8 Burke St & 1-5 Chestnut Ave, Telopea" dated 22/08/2011 prepared by Jones Nicholson Pty Ltd) shall be kept free of the any obstruction whether temporary or permanent at the entry point, exit point and within the subject site. Further:

- a. No obstruction of the overland flow at the entry and exit point (i.e. rear property boundary of #3 Chestnut Avenue where the overland flow enters and front and right-side property boundary of #5 Chestnut Avenue where the flow exits) is permitted. The unobstructed entry and exit shall be maintained/ managed by providing clear openings of at least 400mm deep, or 150mm freeboard plus the depth of flow, whichever is larger, at the bottom of the boundary fence/wall for a length of 14m at the entry as well as at the exit point of the site (measured from the western edge of the flood extent), clearing the full width of the flood at the property boundaries as shown on the figure 7 of the flood study report.
- b. The overland flow path within the subject site i.e. area affected by the overland flow/flood, as shown on the figure 7 of "Flood Study Report shall be kept clear off any obstruction such as inter-allotment fence/wall or any other structures, whether temporary or permanent. Any obstructions such as fence/wall or any other structures that encroach into the overland flow path and/or alter the flow characteristics shall be the either deleted or rectified to make a provision for clear openings of at least **400mm** deep, or **150mm** freeboard plus the depth of flow, whichever is larger, at the bottom of the obstruction (i.e. fence/wall etc) for the full width of the flood extent, crating clear opening, to allow free flow of flood water

Reason: To prevent obstruction and allow free flow of overland flow.

BEFORE THE COMMENCEMENT OF WORKS:

14. Privacy screens being located on the following balconies:
- (i) the eastern balcony wall adjoining the living area of Unit 17
 - (ii) the eastern balcony wall adjoining the living area of Unit 18
 - (iii) the western balcony wall adjoining the bedroom of Unit 19
 - (iv) the southern balcony wall adjoining the living area of Unit 21
- In addition, openable highlight windows must be provided to the kitchen of Unit 22.
- Reason:** To improve internal privacy between dwellings.
15. Revised plans indicating compliance with the following traffic related matters are to be submitted to the satisfaction of the Land and Housing Corporation before the commencement of works:
- a) A minimum of 11 off-street parking spaces (including 3 disabled parking spaces) are to be provided, permanently marked on the pavement and used accordingly. The dimensions for parking spaces and aisle width within the carpark area are to be in accordance with AS 2890.1-2004 (minimum of 2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent walls & 6.2m aisle width minimum).

- b) A combined entry & exit driveway (3m wide with 300mm clearance on both sides between kerbs) and 2 separate driveways for each of the adaptable units to be provided and constructed according to AS 2890.1- 2004.
- c) Driveway gradients are to comply with Clause 2.5, Clause 2.6 and Clause 3.3 of AS2890.1-2004.
- d) The driveway width (w) at the concrete layback is to comply with Council's Standard Vehicular Crossing plan (DS8).
- e) Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.
- f) Sight distance to pedestrians exiting the property is to be provided by clear lines of sight in a splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1. 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.

Reason: To ensure appropriate access is provided.

16. A final Landscape Plan is to be submitted to Council before the commencement of works. The final Landscape Plan shall address the following requirements:

- (a) Provision of a minimum of 10 locally occurring canopy trees within the subject site.
- (b) A revised plant schedule is required to be submitted which indicates low water use, indigenous/endemic plant species be used in preference to exotic species, reflecting the vegetation communities of the locality.
- (d) A proposed plant schedule indicating planting locations, mature dimensions, plant numbers and the size of the containers at planting.
- (e) Indicate retention of trees within the Burke Street road reserve.
- (f) All landscape plans are to be prepared by a professionally qualified landscape architect or designer.

Reason: To ensure that appropriate landscaping is implemented.

17. A minimum of 3 dwellings are to be constructed in accordance with the requirements of AS 4299 so as to be adaptable.

Reason: To promote the design of buildings that are adaptable and flexible in design to suit the changing lifecycle housing needs of residents over time in accordance with Section 4.4.3 of PDCP 2005.

18. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street.

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

19. 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 Land and Housing Corporation prior to the commencement of work. If a substation is a requirement of the energy provider, it is to be located in a location that will not create any visual impacts on the streetscape. Please note substations can not be located within Council's road reserve.

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

20. The required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be paid before the commencement of works.

Reason: To ensure that the levy is paid.

21. The footings and slabs of the development must be designed to withstand the impacts of salinity. The design of the development is to take into consideration the guidelines within the Department of Infrastructure, Planning and Natural Resources document *-Western Sydney Salinity Code of Practice 2003*.
Reason: To ensure appropriate safeguards against salinity.
22. A final Waste Management Plan is to be prepared and submitted to Land and Housing Corporation prior to the commencement of demolition/construction. The plan shall detail the amount of waste material and the destination of all materials, recyclables and non-recyclable, and shall provide details on the cleaning of waste bins, access to water and discharge of waste water from the garbage storage area.
Reason: To provide for the appropriate cleaning of bins and bin storage area within the proposed development whilst minimising the impact of the development upon adjoining residents.
23. Separate waste bins are to be provided on site for recyclable waste.
Reason: To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.
24. A Construction Noise Management Plan shall be prepared prior to the commencement of work, 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
25. Prior to the commencement of works, the person approving the detailed stormwater plan shall ensure that:
- a. The final stormwater plans are consistent with, and address and incorporate all the notes/issues marked on the Approved Stormwater Plans i.e. the following plans, with the text "Approved Stormwater Plan" stamped on the plan together with the comments, notes and rectification requirements annotated *thereon*, and approved with the Development Consent.
 - i. **"Site Stormwater Drainage Layout Plan"**, no Drawing #, File # 10030-C01E, Sheet C01, Revision **"F"** dated 22/10/2011 (**subject to change upon amendment**) prepared by Michael Ell consulting Engineers (1 Sheet).
 - ii. **"Stormwater Details"**, no Drawing #, File # 10030-C02B, Sheet C02, Revision **"B"** dated 22/10/2011 (**subject to change upon amendment**) prepared by Michael Ell consulting Engineers (1 Sheet).
 - iii. **"Stormwater Details"**, no Drawing #, File # 10030-C03A Sheet C03, Revision **"A"** dated 25/07/2010 (**subject to change upon amendment**) prepared by Michael Ell consulting Engineers (1 Sheet).

Note: The approved Stormwater Plans are concept in nature only for the DA approval and shall not be used for construction purposes as the construction plan (drawing). Separate Rectified Plan addressing the issues and incorporating all notes marked on this plan shall be submitted to and approval obtained from the Land and Housing Corporation prior to commencement of works.
 - b. The proposed On-Site Detention (OSD) System has been designed and certified by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Council's Drainage Code E4 and stormwater Drainage Guidelines.

- c. The design of OSD system should achieve, a Site Storage Requirement of **330m³/ha** and a Permissible Site Discharge of **130 L/s/ha** (as per 3rd edition of UPRCT's handbook) for undrowned orifice condition and **520 m³/ha** for drowned orifice condition with the basin storage capacities of at least **120m³**.
 - d. Detailed Stormwater plans with cross sectional details of OSD storage areas; pits etc, OSD Detailed Design Submission (**Form B9**) and OSD Detailed Calculation Summary Sheets are submitted and are acceptable.
- Reason:** To minimise the quantity of storm water run-off from the site, surcharge from the existing drainage system and to manage downstream flooding.
26. The underground OSD tank structures shall be designed by a Certified Practicing Structural Engineer, taking into account of the live loads and the structural loads from the above and surrounding areas/structures, which exert load on the tank structures. Upon completion of construction, the work shall be certified by a Certified Practicing Structural Engineer. The Land and Housing Corporation shall ensure that the designer has taken account of all the loads (live as well as the dead loads) exerted on the tank structures, and that the construction works duly certified by a practicing certified Structural Engineer
- Reason:** To ensure that the structural stability of the underground OSD tank structure.
27. An emergency overflow escape route from the access opening of the control pit to the nearest downstream street Stormwater system shall be provided and be maintained by removing any obstruction within the emergency over escape route/flow path as shown on the Approved Stormwater plan.
- Reason:** To provide controlled emergency escape route.
28. Prior to the commencement of work, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted to and approved by the Land and Housing Corporation. These profiles are to be at 1:100 scale along both edges of the proposed driveway(s) to the car park/car port, starting from the centreline of the frontage street carriageway to the proposed car park/ carport floor levels. The civil/traffic engineer shall provide specific written certification on the plans that
 - Vehicular access can be obtained using grades of 20% (1 in 5) maximum and
 - All changes in grade (transitions) comply with Australian Standard 2890.1 (2004) – "Off-street car parking" to prevent the scraping of the underside of the vehicles.
 - The grade of the driveway shall be NOT more than max 5% at the property line. Grade Transition with transition length of at least 2m shall be provided where the grade change is 12.5% or more for the Summit grade change and 15% or more for the Sag grade change.
- Reason:** To provide suitable vehicle access without disruption to pedestrian and vehicular traffic.
29. Heavy-duty vehicular crossings at access driveway to the property shall be constructed in accordance with Council's **Standard Plan # DS9 & DS10**. Details shall be submitted to the Land and Housing Corporation and approval obtained prior to commencement of the construction work.
- Reason:** To ensure appropriate vehicular access is provided.
30. 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); and **DS10** (Vehicular Crossing Profiles).
- Note: 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.
- Reason:** To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

31. The designated disabled car spaces shall have minimum dimensions of 2.4m wide with a dedicated 2.4m wide shared area or 3.8m wide x 5.5m. The disabled car space shall have a minimum of 2.5m clearance height at the entry and within the parking space and comply with the provision made under AS 2890.6-2009. Further, the car space for the adaptable unit shall be a dedicated disabled car space with a provision of 2.4m wide dedicated shared zone adjacent to it as shown on the approved stormwater plan.
Reason: To improve access to the car parking space.
32. Prior to the commencement of works 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.
33. Should any proposed work be undertaken where it is likely to disturb or impact upon a public utility installation (e.g. power pole, Telstra pit sewer pipeline, water main etc) written confirmation from the affected utility provider (e.g. Integral Energy / Telstra) that they have agreed to the proposed works shall be obtained by the Land and Housing Corporation, prior to the commencement of works. The arrangements and costs associated with any adjustment to a public utility installation shall be borne in full by the applicant/developer.
Note: Details, such as utility type, exact location(s), size, and depths below the ground surface (or reduced level in m AHD) etc. shall be obtained from the respective authority or investigated in the field and confirmed by the authority.
Reason: To ensure no unauthorised work to public utility installations and to minimise costs to Council.
34. No encroachment into the Tree Protection Zone (TPZ) of existing Trees is permitted by any structure such as pits & pipes. If any of the proposed structures such as pits & pipes, driveway, including the any retaining walls, section of structural wall, and its foundation that encroach TPZ of the existing trees, they shall be relocated away from the TPZ or suitable design measures shall be taken to prevent the encroachment.
Reason: To ensure protection of existing trees.
35. No shrubs, trees is shall be planted or raised garden beds to be built within the drainage easement that will obstruct free flow of overland stormwater through the drainage easement. The proposed trees/shrubs raised garden beds within drainage easement cause obstruction, and are in conflict with the provision of overland flow path and/or the existing stormwater pipe. Hence they should be deleted or relocated away from drainage easement to prevent obstruction to overland flow and/or intrusion by the tree roots.

Further, the trees/shrubs, which are proposed to be planted adjacent to the drainage easement, which are likely to intrude the stormwater pipe by their root system, should be

relocated away from the drainage easement to a distance that will ensure no root intrusion occurs.

Reason: To prevent stormwater pipe being damaged by tree roots

36. The connection to Council's stormwater system shall be made at the existing pit in front of the property. If required the stormwater shall be modified or an access pit shall be constructed at the point of connection to Council's stormwater drainage system. This pit is to be constructed in accordance with Council's Standard Drawing DS29. A notation to this effect is to be included on the drawing. Drawings showing cross-section and connections details shall be submitted and get approved by Council's City Infrastructure Unit prior to commencement of the work.

Reason: To ensure appropriate drainage connection to the council pipe system

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

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

38. Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

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

39. If the site is identified as being potentially affected by soil contamination, it is to be inspected by a suitably qualified person to identify any contaminated or hazardous material present. A proposal for remediation is to be prepared, which may include preparation of a Remedial Action Plan, and remediation is to be carried out in accordance with the proposal. A Validation Report prepared in accordance with the Office & Environment and Heritage requirements, is to be obtained from a qualified expert upon completion of the remediation work. To verify that the site is suitable for the intended residential use. A copy of the Validation Report is to be provided to Land and Housing Corporation on completion of the remediation works.

40. A minimum of five (5) working days prior to any demolition work commencing a written notice is to be given to Parramatta City Council and all adjoining occupants. Such written notice is to include the date when demolition will be commenced and details of the principal contractors name, address, business hours contact telephone number, Council's after hours contact number and the appropriate NSW WorkCover Authority licence.

Reason: To protect the amenity of the area.

41. 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.
42. The site must be enclosed with a 1.8 m high security fence to prohibit unauthorised access and be located wholly within the development site prior to commencement of any works on site.
Reason: To ensure public safety.
43. On demolition sites where buildings are known to contain bonded or friable asbestos material, a standard sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position on site visible from the street kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by contacting the NSW WorkCover Authority hotline or the website www.workcover.nsw.gov.au.
Reason: To comply with the requirements of the NSW WorkCover Authority.
44. 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 contractor 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.
45. If an excavation associated with the erection or demolition of a building extend 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; must preserve and protect the building from damage; and if necessary, must underpin and support the building in an approved manner. At least 7 days before excavating 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 must 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.
Reason: To control excavation procedures.
46. Prior to the commencement of any works on the site the applicant must submit a Construction and/or Traffic Management Plan to Council for information. 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.
 - (vii) Pedestrian safety and access along footpath.
- (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) Parramatta City Council shall be notified of 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.

47. 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.

48. 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 see Your Business then Building and Developing then Building and Renovating or telephone 13 20 92. The Land and Housing Corporation must ensure the plans are stamped by Sydney Water prior to works commencing on site.

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

49. Prior to any excavation on or near the subject site the principle contractor is 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 the Land and Housing Corporation prior to any excavation occurring.

Reason: To prevent any damage to underground utility services.

DURING WORKS:

50. 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.

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

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

Reason: to maintain appropriate amenity to nearby occupants.

52. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the Office of Environment and Heritage. Dust nuisance to surrounding properties should be minimised.

Reason: To protect the amenity of the area.

53. 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.

54. 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.

55. 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.

Note – Council may allow extended work hours for properties located on land affected by Parramatta City Centre LEP 2007 in limited circumstances and upon written application and approval being given by Parramatta City Council at least 30 days in advance.

Such circumstances where extended hours may be permitted include:

- (a) Delivery of cranes required to the site outside of normal business hours;
- (b) Site is not located in close proximity to residential use or sensitive land uses;
- (c) Internal fit out work.

Reason: To protect the amenity of the area.

56. 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 upon request.

57. 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.
58. 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.
Reason: To confirm waste minimisation objectives under Parramatta Development Control Plan 2005 are met.
59. 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 be site works commence.
60. A **200mm** wide grated drain, with heavy-duty removable galvanised grates is to be located within the site at the intersection of the driveway and the property boundary/Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the main drainage system /street system, either separately or via the main site outlet as shown on the approved stormwater plan.
Reason: Stormwater control & runoff management.
61. Construction of a **1.2 m** wide by **80mm** thick concrete footpath across the **Chestnut Avenue and Burke Street** property frontage within the road reserve in accordance with Council's Standard Plan **#DS3**. Details of the proposed footpath works shall be submitted to Council prior to commencement of footpath works. Proof of completion of construction work shall be submitted to Council prior to occupation of the site. The principle contractor shall advise Council that the infrastructure has been constructed in accordance with Council's Standard Plans. All costs are to be borne by the applicant.
Reason: To provide pedestrian passage.
62. Construction of a Standard Kerb Ramp in accordance with Council Plan No. **DS4** in the kerb at the intersection of **Chestnut Avenue and Burke Street**. Details of the proposed works shall be resubmitted to Council prior to commencement of works. Proof of completion of construction work shall be submitted to Council prior to the occupation of the site. The principle contractor shall advise Council that the infrastructure has been constructed in accordance with Council's Standard Plans. All costs are to be borne by the applicant.
Reason: To provide adequate access.
63. Any damage to Council assets that affect public safety during construction shall be rectified immediately to Council Standards and at the cost of the developer.
Reason: To protect public infrastructure and maintain public safety.

64. All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, foot-paving or grassed verge as appropriate in accordance with Council's **Standard Plan No. DS1**. All costs shall be borne by the applicant, and works shall be completed in accordance with Council Standards prior to the occupation of the site.

Reason: To provide satisfactory drainage.

65. 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.

66. The following trees are to be supplied in (a) 45L container and be a minimum height of 1.5m at the time of planting. All street trees are to be setback 3 m from any driveway and 12 m from any intersection and are to be maintained at all times. All trees are to be grown and planted in accordance with Natspec – Clarke .R, *Specifying Trees: A guide to the assessment of tree quality, 2003*.

Tree No.	Name	Location
7x	<i>Lophostemon confertus</i> (Brush Box)	Chestnut Avenue frontage

Reason: To ensure restoration of environmental amenity.

67. 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.

68. The trees identified on the approved plans as being retained shall be protected prior to and throughout the demolition/construction process in accordance with the Tree Management Plan contained within the arborist report prepared by Earthscape Horticultural dated August, 2010 and the relevant conditions of this consent.

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

69. Retained trees or treed areas shall be fenced with a 1.8 metre high chainwire link or welded mesh fence, fully supported at grade, to minimise the disturbance to existing ground conditions within the canopy drip line or a setback as specified on the approved landscaping plan for the duration of the construction works. "Tree Protection Zone" signage is to be attached to protective fencing.

Reason: To protect the environmental amenity of the area.

70. The consent from Council is to be obtained prior to any pruning works being undertaken on any tree, including tree/s located in adjoining properties. Pruning works that are to be undertaken must be carried out by a 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.

71. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in the consent shall be removed or damaged during

construction including the erection of any fences, hoardings or other temporary works.

Reason: Protection of existing environmental infrastructure and community assets.

72. 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

73. No service, structure, conduit or the like shall be fixed or, attached to any tree.

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

74. 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.

75. The grass verge must be reinstated with a graded uniform cross fall, using clean uniform topsoil and rolled turf.

Reason: To ensure restoration of environmental amenity.

PRIOR TO OCCUPATION OF THE SITE:

76. A street number is 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.

77. The developer shall obtain 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 occupation of the site.

Reason: To ensure provision of appropriately located telecommunication facilities

78. The developer shall obtain a letter confirming satisfactory arrangements have been made for the provision of Integral Energy services.

Reason: To ensure appropriate electricity services are provided.

79. Works-As-Executed stormwater plans shall be submitted to the Land and Housing Corporation and Council prior to the occupation of the site, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The following documentation is to be completed and submitted:

- Stormwater system including On-Site Detention systems, and the dish/swale drain channel & pipelines within the drainage easement over the downstream properties have been built according to and comply with the requirements including the OSD storage volume as shown on the approved stormwater plan.
- The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued for the construction of works and variations are marked in red ink.
- The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- As built On-Site Detention (OSD) storage volume calculated in tabular form (in incremental depth verses segmental area and volume table) and certified by the registered surveyor.
- OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook - Form B11 Certificate). The person issuing Hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.

- Approved verses installed Drainage Design (OSD) Calculation Sheet certified by a qualified practicing Hydraulic Engineer.
- Structural Engineer's Certificate for the OSD tank structure, basement pump-out tank structure, OSD basin (retaining) wall etc.
- The original Work-As-Executed plans and all documents mentioned above have been submitted to Council's Development Services Unit.

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

80. Prior to the occupation of the site, the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instrument for protection of on-site detention facilities and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch or a works as executed plan, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted to the Land and Housing Corporation prior to the occupation of the site.

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

Reason: To ensure maintenance of on-site detention system.

81. The existing drainage easement along the south-eastern (right side) side property boundary shall be widened to additional 1.5m wide, towards the west at the front property line and reducing to null (i.e. tapering to 0m) for a length of 15m upstream to cover the council's existing stormwater pipe and registration of the easement with the NSW Department of Lands shall be completed prior to the occupation of the site.

Reason: To ensure an appropriate easement is in place.

82. 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 damage to Council owned assets, including infrastructure and roads. The report is to be submitted to the Land and Housing Corporation. In ascertaining whether adverse damage has occurred the Land and Housing Corporation must:

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

A copy of this report shall be forwarded to Council.

Reason: To ensure any damage as a result of the construction works have been rectified.

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

The Section 73 Certificate must be submitted to the NSW Department of Housing prior to occupation of the development.

Reason: Statutory requirement.

84. The landscaping shall be completed in accordance with the consent and approved plans, prior to occupation or use of the premises and shall be maintained at all times.

Reason: To ensure landscaping is completed in accordance with the approved plans and maintained.

85. All titles within the site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to the occupation of the site.

Reason: To comply with the *Conveyancing Act 1919*.

THE USE OF THE SITE:

86. 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.

87. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 7 days of its application.

Reason: To ensure the removal of graffiti

88. No air-conditioning condensers/units are to be located on any of the balconies.

Reason: To ensure the amenity of the units and visual amenity of the building.

89. A maximum of one antennae shall be provided for each building and shall not be visually intrusive.

Reason: To ensure the amenity of the area.

Advisory Note:

There could potentially be a negative impact for existing NSW Department of Housing tenants who are being relocated due to the redevelopment. In this regard, Council recommends that the NSW Department of Housing give strong consideration to the following:

- Provide home purchase options to the existing social housing tenants within the new development.
- Provide existing tenants the opportunity to stay with current leasing arrangements when they are transferred.
- Cover rehousing costs of existing tenants, such as moving expenses, utility reconnection fees and establishment expenses in new property.

- Support existing tenants to return new development if desired.
- Relocate existing tenants as close as possible to the suburb where their support structures are already in place.
- Provide the existing tenants a choice of two (2) new dwellings when being relocated, rather than the current one (1) offer policy on the site.