

MEMO

File Number: DA/634/2012

To Lord Mayor All Councillors	Date 6 May 2013
Copies Sue Weatherley Alison Geddes Mark Leotta Brad Delapierre	
From Kate Lafferty	
Subject Item 8.6 – Council (Development) Meeting on 13 May 2013 8-12 Bungaree Road, Toongabbie Demolition, tree removal and construction of a two storey apartment building containing 10 apartments under the Seniors Living SEPP.	

The purpose of this memorandum is to amend the recommendation within the Executive Summary and Section 79C assessment report which appears as Attachment 1 to the Council report listed under Item 8.6.

The proposed development is made by a Crown authority, being the Land & Housing Corporation.

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).

At the time of preparation of the report, the Land and Housing Corporation had not provided agreement to the proposed conditions of consent. The report therefore recommends the deferral of the application to seek concurrence, which reads as follows:

- A. *That the development application DA/634/2012 for the demolition, tree removal and construction of a two storey apartment building containing 10 apartments under the Seniors Living SEPP at 8-12 Bungaree Road, Toongabbie be **DEFERRED** and the following course of action be adopted by the Council:***
- (a) ***That the applicant be advised that the application is acceptable to Council subject to the imposition of the conditions listed below.***
 - (b) ***That the applicant be requested to advise Council in writing of their agreement to the imposition of the conditions listed below (subject to minor change if appropriate) within a period of one (1) month from the date of Council's notification.***

- (c) ***That** upon receipt by the Council of the written agreement of the applicant, delegated authority be granted to the Manager, Development & Traffic Services to determine the application. The consent shall be granted for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination.*

The Land and Housing Corporation have since 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. This correspondence was received on 6 May 2013. The revised draft conditions are attached to this memo.

It is noted that minor changes were made to the conditions, including deletion of advisory conditions, deletion of requirements to obtain approvals under the Roads Act (which is not applicable to a Crown Authority) and modification to the references made to the Crown authority's name.

As concurrence has been received, it is recommended that the application now be approved subject to the conditions contained within Attachment 1 to this memorandum.

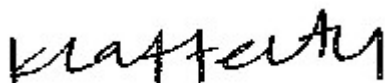
Advisory Note to Councillors on Determination

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.

RECOMMENDATION

- (a) **That** the development application DA/634/2012 for the demolition, tree removal and construction of a two storey apartment building containing 10 apartments under the Seniors Living SEPP on land at 8-12 Bungaree Road, Toongabbie be **APPROVED** subject to conditions of consent as contained within Attachment 1 to this memorandum.
- (b) **Further, that** the objectors and the head petitioner be advised of Council's determination of the application.



Kate Lafferty
Senior Development Assessment Officer
Development Assessment Services

ATTACHMENT 1

RECOMMENDED CONDITIONS OF CONSENT DA/634/2012 – 8-12 Bungaree Road – Toongabbie

General Matters:

- The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent:

Drawing N ^o	Dated
Block Analysis/Demolition Plan/Site Analysis Project No. BG506 – Drawing 1 of 7 – Rev A	04/09/2012
Site/Ground Floor Plan Project No. BG506 – Drawing 2 of 7 – Rev A	04/09/2012
First Floor Plan Project No. BG506 – Drawing 3 of 7 – Rev A	04/09/2012
Roof Plan Project No. BG506 – Drawing 4 of 7 – Rev A	04/09/2012
Elevations & Section Project No. BG506 – Drawing 5 of 7 – Rev A	04/09/2012
Colour Schedule Project No. BG506 – Drawing 7 of 7 – Rev A	04/09/2012
Garbage Store Areas Project No. BG506 – Drawing 1 of 7 – Rev A	04/09/2012
Stormwater Plans Project No. BG506 – Drawing 1 of 5 – Rev D Project No. BG506 – Drawing 2 of 5 – Rev C Project No. BG506 – Drawing 3 of 5 – Rev C Project No. BG506 – Drawing 5 of 5 – Rev B	07/02/2013 07/02/2013 07/02/2013 07/02/2013
Landscape Plan Drawing No. LA-01 & LA-02 prepared by Susan Stratton Landscape Architect Pty Ltd	6 January 2012

Document(s)	Dated
Arboricultural Impact Assessment Reference 6021 prepared by Redgum Horticultural Consultants	10 Feb 2011
Waste Management Plan	9 October 2012
BASIX Certificate No.351434M_02	17 October 2012
Access Report prepared by Accessibility Solutions	15 February 2013
Statement of Environmental Effects prepared by the Land and Housing Corporation	September 2012

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 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.

- 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 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.

- 5 All footings and walls adjacent to a boundary must be set out by a registered surveyor.

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

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

Reason: To minimise impact on adjoining properties.

- 7 Trees to be retained are (refer to Arboricultural Impact Assessment by Redgum Horticultural Consultants (Ref No – 6021) prepared 10 February 2011):

Tree No	Name	Common Name	Location	DBH Diameter at breast height (mm)	Tree Protection Zone (m)
1	<i>Lophostemon confertus</i>	Brushbox	Street	300	3.6
2	<i>Callistemon salignus</i>	Paperbark Bottlebrush	Street	300	3.6
4	<i>Eucalyptus elata</i>	River Peppermint	Rear	490	5.3
8	<i>Lophostemon confertus</i>	Brushbox	Street	300	3.6
9	<i>Lophostemon</i>	Brushbox	Street	290	3.5

	confertus				
12	<i>Chamaecyparis obtusa 'Crippsii'</i>	Hinoki Cypress	Adjacent property in Willmot Avenue.	250	3.5

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

- 8 Trees to be removed are (refer to Arboricultural Impact Assessment by Redgum Horticultural Consultants (Ref No – 6021) prepared 10 February 2011):

Tree No	Name	Common Name	Location
3	Liquidambar styraciflua	Liquidambar	Front
5	Dead Tree	Unknown	Rear
6	Araucaria cunninghamiana	Hoop Pine	Rear
7	Corymbia citriodora	Lemon Scented Gum	Front
10	Corymbia citriodora	Lemon Scented Gum	Front
11	Liquidambar styraciflua	Liquidambar	Front

Reason: To allow appropriate development of the site.

- 9 Appropriate investigation shall be carried out at the location where the proposed stormwater pipeline crosses any existing services (such as the existing sewer service line and water main etc). Drawings showing the cross-sectional details of the proposed structures at the crossing shall be submitted to the Land & Housing Corporation to ensure that the proposed structure(s) are not in conflict with any existing services such as sewer pipe line etc.

Reason: To ensure that the proposed structure(s) are not in conflict with any existing services.

Prior to the Commencement of Works:

- 10 An *Environmental Enforcement Service Charge* is to be paid to Council prior to the commencement of works. The fee paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

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

- 11 An *Infrastructure and Restoration Administration Fee* is to be paid to Council prior to the commencement of works. The fee to be paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

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

- 12 Works are not to commence unless 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.

- 13 Revised plans indicating the following design modifications be submitted and approved by the Land & Housing Corporation before the commencement of works:

- (a) a 1.6m high privacy screen be installed to the northern face of the balcony to Unit 10
- (b) The sill heights of the bathroom and kitchen windows of Unit 6 be a minimum of 1.6m above finished floor level
- (c) The bathroom window to Unit 6 be fitted with translucent glazing.

Reason: To improve internal privacy between dwellings and prevent overlooking into the adjoining dwelling house.

- 14 No construction works shall start on the stormwater system until the detailed final storm water plans have been prepared by a qualified Practising Hydraulic Engineer to the satisfaction of the Land & Housing Corporation. The Land & Housing Corporation shall ensure that:

- a. The final stormwater plans are in general consistent with the stormwater plan, i.e. **“Stormwater Site Drainage Layout Plan”** (sheet 1) and **“Stormwater Details”**(sheet 2 & 3) Project # BG506, Revision **“D”** dated 07/02/2013 prepared by Michael Ell consulting Engineers Pty Ltd and address all the relevant issues

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 & 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 achieves, based on the 4th edition of Upper Parramatta River Catchment Trust’s (UPRCT’s) handbook as adopted by the applicant, the Site Reference Discharge (Lower Storage), **SRD_L of 40 l/s/ha** with Site Storage Requirement (Lower Storage) **SSR_L of 300m³/ha** and Site Reference Discharge (Upper Storage), **SRD_U of 150 l/s/ha** with Site Storage Requirement (Total) **SSR_T of 455m³/ha** for undrowned orifice condition with the OSD storage volumes not less than **52m³** for Extended Detention Storage, and **26m³** for Flood Detention Storage with Total Storage of at least **79m³**
- 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.

- e. A calculation table for available storage volume with pyramid volume calculation method has been provided.
- f. Changes and/or alterations to the approved design are not permitted. Any changes, other than that are of minor nature (such as minor relocation of pits and pipes), or the changes that affect the landscaping require prior approval from the council.

The stormwater plans should be amended (if required) to comply with the above requirements prior to commencement of works.

The Land & Housing Corporation shall ensure that upon completion of the construction works, the stormwater system has been inspected and certified by a qualified practicing engineer/engineering work supervisor. A copy of the certificate shall be forwarded to Council for its record.

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

15. The underground tank structures shall be designed and certified by a Certified Practicing Structural Engineer, taking into account of the structural loads from the above and the surrounding areas/structures, which exert load on the tank structures. The Land & Housing Corporation shall ensure that the designer has taken account of all loads influencing the tank structures, duly certified and provided the structural design certificate

The Land & Housing Corporation shall ensure that the construction works are duly certified by a qualified practicing engineer/ engineering work supervisor upon completion of the works.

Reason: To ensure that the structural stability of the underground tank structure.

16. The site stormwater shall be discharged into the council's Stormwater Pipe system. The connection to Council's stormwater system shall be made by construction of a new kerb inlet pit at the connection point in front of the subject property. The connection into Council's stormwater drainage system shall be made in accordance with Council's **Standard Drawing DS29 (Sheet #2)**. Drawings showing cross-section and connections details shall be prepared by a suitably qualified Civil Engineer and a copy provided to Council's Infrastructure Unit..

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

17. Prior to any works commencing on the driveway crossover and prior to the occupation of the site, an application is required for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment, which must be obtained from Parramatta City Council. All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings (e.g. **DS1**-Kerbs & Laybacks; **DS7**-Standard Passenger Car Clearance Profile; **DS8** - Standard Vehicular Crossing; **DS9**- Heavy-Duty Vehicular Crossing, and **DS10**-Vehicular Crossing Profiles)

In order to apply for a driveway crossing, you are required to complete the relevant application form with supporting plans, levels and specifications and pay a fee in accordance with Councils adopted 'Fees and Charges' at the time of payment.

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

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

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

- 18 Prior to the commencement of any works on the site the applicant must submit, a Construction and/or Traffic Management Plan to Land and Housing Corporation and a copy provided to Council by the builder. The following matters must be specifically addressed in the Plan:

Construction Management Plan for the Site indicating:

- I. Dedicated construction site entrances and exits.
- II. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- III. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- IV. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- V. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- VI. 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).

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.

- 19 The proponent shall submit to the Land and Housing Corporation and Council, a Construction Noise Management Plan prior to the commencement of works 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.

- 20 Prior to work commencing, adequate toilet facilities are to be provided on the work site prior to any work being carried out.

Reason: To ensure adequate toilet facilities are provided.

- 21 The site must be enclosed with a 1.8 m high security fence to prohibit unauthorised access. The fence must be located wholly within the development site prior to commencement of any works on site.

Reason: To ensure public safety.

- 22 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 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.

- 23 The preparation of an appropriate hazard management strategy by an licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with the WorkCover Authority's *"Guidelines for Practices Involving Asbestos Cement in Buildings"*. The strategy shall be prepared prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

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

- 24 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.

- 25 Demolition works involving the removal, repair, disturbance and disposal of more than 10 square metres of bonded asbestos material must only be undertaken by contractors who hold the appropriate NSW WorkCover Authority licence(s) and approvals.

Reason: To comply with the requirements of the NSW WorkCover Authority.

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

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

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

- 27 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.

- 28 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:
 - i. all relevant statutory requirements,
 - ii. all relevant conditions of development consent
 - iii. construction requirements detailed in the above Specification, and
 - iv. 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.

Reason: To ensure works carried out in the public domain are carried out to Council requirement.

- 29 Prior to the commencement of works, 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

Web www.nbnco.com.au/NewDevelopments

- 30 Prior to the commencement of works it is to be confirmed that the footings and slabs of the development have been 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.

- 31 Electricity provision to the site is to be designed so that it can be connected underground when the street supply is relocated underground in accordance with the requirements of Endeavour Energy.

Reason: To enable future upgrading of electricity services.

- 32 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 obtained, prior any works commencing. 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.

- 33 A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to Land and Housing Corporation and a copy provided to Council's Civil Assets Unit. The dilapidation report is required to report any existing damage to kerbs, footpaths, roads, nature strip, street trees and furniture bounded by the street frontage 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.

- 34 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:

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

- 35 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.

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

- 36 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 prior to commencement of work.

Advisory note: Please telephone 13 20 92 or refer to the web site 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**".

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

- 37 Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to receive written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services.

Reason: To prevent any damage to underground utility services.

- 38 The trees identified on the approved plans and identified within the submitted Tree Report as being retained shall be protected prior to and throughout the demolition/construction process in accordance with the '*Tree Protection During Construction*' notes contained within the 3. Arboricultural Impact Assessment by Redgum Horticultural Consultants (Ref No – 6021) prepared 10 February 2011 and the relevant conditions of this consent.

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

- 39 A Tree Protection Zone (TPZ) is to be established prior to any works commencing around those trees that are to be retained as shown in the Arboricultural Impact Assessment by Redgum Horticultural Consultants (Ref No – 6021) prepared 10 February 2011. The area is to be enclosed with protective fencing consisting of 1.8m high fully supported chain-wire link or welded mesh fence. "Tree Protection Zone" signage is to be attached to protective fencing; this must include the name and contact details of the site Arborist.

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

- 40 Prior to works commencing, tree protection signage shall be attached to each tree protection zone, displayed in a prominent position and the sign repeated where the fence changes direction, Each sign shall contain in a clearly legible form, the following information:

- (a) That the tree protection zone is a No Go Zone
- (b) This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
- (c) The name, address, and telephone number of the developer and site Arborist.

Reason: To protect existing trees during the construction phase.

During Construction:

- 41 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.

- 42 Noise from the construction, excavation and/or demolition activities associated with the development shall comply with the NSW Department of Environment and Conservation's Environmental Noise Manual and the Protection of the Environment Operations Act 1997.
Reason: To protect the amenity of the area.
- 43 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.
- 44 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.
- 45 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.
- 46 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 (e.g. 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.
- 47 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 effect;
 - (d) Nature of the complaints;
 - (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the 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.

Reason: To ensure the property recording of complaints and action taken to address them.

- 48 Where demolition is undertaken, the contractor must submit to Council, copies of all receipts issued by the Department of Environment and Climate Change (DECC) licensed waste facility for bonded or friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

Reason: To ensure appropriate disposal of asbestos materials.

- 49 All bonded and friable asbestos waste material on-site shall be handled and disposed off-site at a Department of Environment and Climate Change licensed waste facility by an DECC licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 1996 and the EPA publication The Waste Classification Guidelines (DECC March 2008). To reflect the current documentation and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

- 50 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 2011 are met.

- 51 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.

- 52 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.

- 53 All plants (Bamboo) which has 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.

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

- 54 All trees supplied above a 25 L container size for the site must be grown and planted in accordance with *Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing tree quality. Natspec Guide No.2*. Certification that trees have been grown to Natspec guidelines is to be provided upon request of Council's Tree Management Officer. **NOTE:** All tree planting shall be located a minimum of two (2) metres to any boundary or underground services and shall have a minimum container size of 45 litres.

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

- 55 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.
- 56 No trees on public property (footpaths, roads, reserves, etc.) 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.
- 57 No materials (including waste and soil), equipment, structures or good of any type shall be stored, kept or placed within five (5) metres 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.
- 58 All excavation within three (3) metres from the tree/s identified to be retained on site shall be supervised by an AQF Level 3 arborist, who shall undertake any remedial work, including the pruning of roots, if necessary.
Reason: To provided adequate protection of trees
- 59 No service, structure, conduit or the like shall be fixed or, attached to any tree.
Reason: To ensure the protection of the tree(s).
- 60 A qualified landscape architect/designer is to inspect the completed landscape works to certify adherence to the DA conditions and the approved drawings. All landscape works are to be fully completed prior to occupation. Certification shall be submitted to Land and Housing Corporation and a copy provided to Council.
Reason: To ensure restoration of environmental amenity.
- 61 A normal duty vehicular crossing must be constructed in accordance with Council's Standard Drawing No. [DS8 – DS9] for the vehicular access in Willmot Avenue and a heavy duty vehicular crossing must be constructed in accordance with Council's Standard Drawing No. [DS9 – DS10] for the vehicular access in Bungaree Road.
Reason: To ensure appropriate vehicular access is provided.
- 62 The driveway / access way within the property shall be designed and constructed to match the surface levels with that of existing concrete footpath or natural ground level at the property boundary and that the joints are smooth, and no part of the concrete protrudes out
Reason: To provide suitable vehicle access and smooth junction.
- 63 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.

- 64 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

- 65 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.

Reason: To provide satisfactory drainage.

- 66 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.

Prior to Occupation:

- 67 Prior to the occupation of the development, a restriction is to be registered in accordance with section 88E of the Conveyancing Act 1919 against the title of the property, restricting the occupation of the premises to:

- (a) seniors or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to the approved housing.

The restriction shall also acknowledge the definition of "seniors" and "people with a disability" as defined under Clauses 8 and 9 of the SEPP (Housing for Seniors or People with a Disability) 2004.

Reason: To comply with the provisions of SEPP (Housing for Seniors or People with a Disability) 2004.

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

- Stormwater system including On-Site Detention systems, and the dish/swale drain channel & pipelines 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 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.

69 Prior to the occupation of the building, 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 positive covenant and restriction on the use of land shall be created only upon completion of the OSD system and certification by a qualified practicing engineer. 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 (Not in 88B instrument)**. 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 and the detailed maintenance schedule, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Land & Housing Corporation prior to occupation.

Note: The covenant is to be submitted to Council for approval prior to lodgement with the NSW Land & Property Information. 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 facilities.

- 70 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.

- 71 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.351434M_02 dated 17 October 2012, will be complied with prior to occupation.

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

- 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 Land and Housing Corporation and a copy provided to Council.

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

- 73 The site is to be consolidated into one Torrens title allotment prior to occupation

Reason: To ensure that the legal boundaries of the site reflect the nature of development approved.

- 74 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.

Reason: To comply with legislative requirements.

- 75 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.

- 76 Submission of a letter confirming satisfactory arrangements have been made for the provision of electricity services from Endeavour Energy or an approved electricity provider.

Reason: To ensure appropriate electricity services are provided.

The Use of the Site:

- 77 All dwellings within the development may only be occupied by seniors or people with a disability as defined under SEPP (Housing for Seniors or People with a Disability) 2004.

Reason: To comply with the provisions of SEPP (Housing for Seniors or People with a Disability) 2004.

- 78 The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seven (7) days to provide Land and Housing Corporation adequate time to remove the graffiti.

Reason: To ensure the removal of graffiti.

- 79 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.