

# **MINUTES**

**Council Meeting**

**19 July 2016**

Minutes of the Council Meeting of Strathfield Municipal Council held on 19 July 2016, in the Council Chambers, 65 Homebush Road, Strathfield.

**COMMENCING:** 6.35pm

**PRESENT:** Mayor Councillor S Ok (Chairman)  
Councillor A Soulos  
Councillor D Bott  
Councillor R Datta

Councillor H McLucas arrived later in the proceedings at 6.42pm.

**STAFF:** A/General Manager  
A/Director Infrastructure and Development  
Manager Service Delivery  
A/Manager Planning & Development  
Governance Coordinator  
Personal Assistant to Director Corporate Services

1. **OPENING:** The prayer was read.

2. **RECOGNITION OF TRADITIONAL CUSTODIANS:** The Recognition was read.

3. **PECUNIARY INTEREST/CONFLICT OF INTEREST**

Councillor Datta declared a non-significant non-pecuniary interest in Item 7.2. DA2015/133 – 86-87 The Crescent, Homebush as he lives in the area and advised that as it is a non-significant non-pecuniary interest he intends to remain in the meeting room during discussion on this matter.

Councillor Soulos declared a non-significant non-pecuniary interest in Item 10.1. Strathfield Town Centre Master Plan Steering Committee meeting 23 June 2016 as members of his family own property in the Strathfield Town Centre and advised that intends to exclude himself from voting on this matter and will vacate the meeting room and not participate in discussion on this matter.

Councillor Soulos also declared a non-significant non-pecuniary interest in Item 7.5. Draft Strathfield Direct Development Contribution Plan 2020-2030 – Version 2 as members of his family own property in the Strathfield Town Centre. The Strathfield Town Centre is mentioned in the Draft Direct Development Contributions Plan and he advised that he intends to exclude himself from voting on this matter and will vacate the meeting room during discussion on this matter.

Councillor Bott declared a non-significant non-pecuniary interest in Item 7.4. DA2016/052 – 28 Burlington Road, Homebush as he owns a property in Burlington Road and advised that as it is a non-significant non-pecuniary interest he intends to remain in the meeting room and participate in discussion on this matter.

**SUSPENSION OF STANDING ORDERS**

**209/16**

**RESOLVED:** (Bott/Soulos)

1. That Standing Orders be Suspended to allow consideration of the following matter:

Closed Session Item 1. Legal Fight Against Amalgamation

2. That in accordance with Section 10A(2) of the Local Government Act 1993 the following matter be considered in CLOSED SESSION as it relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege and on balance, the public interest in preserving confidentiality of legal information provided outweighs the public interest in openness and transparency in council decision-making by discussing the matter in open meeting.

For the Motion: Councillors OK, Bott, Datta and Soulos

Against the Motion: Nil.

The Meeting proceeded into Closed Session with the Press and Public excluded.

**14. CLOSED SESSION**

**1. Legal Fight against Amalgamation**

**210/16**

**RESOLVED:** (Bott/Soulos)

1. That Council note the legal advice and action taken to date.
2. That Council approve an additional budget of \$50,000 for the legal proceedings against amalgamation.

For the Motion: Councillors Bott, Datta and Soulos

Against the Motion: Councillor Ok

The Mayor declared the Motion Carried.

Open Council resumed and the Chairperson advised details of the Resolution made in Closed Session.

**STANDING ORDERS**

Standing Orders were Resumed.

#### **4. CONFIRMATION OF MINUTES**

**211/16**

**RESOLVED:** (Bott/Datta)

That the minutes of the Ordinary Council meeting held on 5 July 2016, a copy of which has been furnished to each Councillor, be taken as read and confirmed as a true and correct record of that meeting and that the Chairman and General Manager be authorised to sign such minutes.

For the Motion: Councillors OK, Bott, Datta and Soulos

Against the Motion: Nil.

Councillor McLucas entered the meeting room at 6.42pm.

#### **5. APOLOGIES**

Apologies were tendered on behalf of Councillor Vaccari for non attendance and Councillor Kokkolis for late attendance.

**212/16**

**RESOLVED:** (Bott/Ok)

That the apologies tendered on behalf of Councillor Vaccari for non attendance and Councillor Kokkolis for late attendance be accepted and leave of absence granted.

For the Motion: Councillors OK, Bott, Datta, McLucas and Soulos

Against the Motion: Nil.

#### **SUSPENSION OF STANDING ORDERS**

**213/16**

**RESOLVED:** (Bott/McLucas)

That Standing Orders be Suspended to allow consideration of the following matter:

Item 11.A.1 Motion Pursuant to Notice – Actions by Minister for Local Government

For the Motion: Councillors Bott, Datta and McLucas

Against the Motion: Councillor Ok and Soulos

The Mayor declared the Motion Carried.

**11. MOTIONS PURSUANT TO NOTICE**

A. Notice of Motion submitted by Councillor Bott

**1. Actions by Minister for Local Government**

I MOVE THAT:

1. Council notes that in the Disclosure Summary for Mr Paul Toole, Minister for Local Government, the following was documented;

*On 25/8/2015 he met with Mr Stephen Blackadder and the purpose of the meeting is described as "Meet and greet."*

2. Council writes to the Minister and requests detailed information on what occurred in this meeting.
3. Council also writes to the Minister and advises that we oppose Mr Stephen Blackadder being appointed as an Administrator to any council.

**214/16**

**RESOLVED:** (Bott/McLucas)

THAT:

1. Council notes that in the Disclosure Summary for Mr Paul Toole, Minister for Local Government, the following was documented;

*On 25/8/2015 he met with Mr Stephen Blackadder and the purpose of the meeting is described as "Meet and greet."*

2. Council writes to the Minister and requests detailed information on what occurred in this meeting.
3. Council also writes to the Minister and advises that we oppose Mr Stephen Blackadder, or anyone associated with him, being appointed as an Administrator to any council.

For the Motion: Councillors Bott, Datta and McLucas

Against the Motion: Councillor Ok and Soulos

The Mayor declared the Motion Carried.

**STANDING ORDERS**

Standing Orders were Resumed.

**6. DEFERRED/OUTSTANDING MATTERS AWAITING REPORT**

**1. DA2015/114 – 6-8 Mintaro Avenue, Strathfield**

On 28 June 2016, a Section 34 Conciliation Conference was held between Council Officers and the Applicant and was proceeded over by Commissioner Fakes of the Land and Environment Court. Council Officers are currently in discussions with the Applicant on a “Without Prejudice” basis. Following the conclusion of these discussions, Council will be updated accordingly.

Noted.

**2. Dedicated Parking Scheme for Care Workers**

Noted.

**7. PLANNING AND DEVELOPMENT MATTERS**

**1. DA2016/024 – 25-27 Short Street, Homebush**

**215/16**

**RESOLVED:** (McLucas/Bott)

That DA2016/024 for the demolition of existing structures and construction of a seven (7) storey residential flat building containing (40) residential units comprising eight (8) x 1 bedroom, (29) x 2 bedroom and three (3) x 3 bedroom units above two (2) levels of basement carparking at 25-27 Short Street, Homebush, be APPROVED subject to the following conditions:

**PART B - OTHER CONDITIONS**

**Plans**

1. The development shall be completed in accordance with the approved plans and documents listed below, prior to the building being used or occupied, and subject to any amendments “in red” and any variation as required by conditions of this consent:

Site Plan/Roof Plan, Drawing Number DA1001, Revision B, prepared by Urbanlink Architecture received by Council 8 April 2016.

Basement 02, Drawing Number DA2100, Revision B, prepared by Urbanlink Architecture received by Council 15 June 2016.

Basement 01, Drawing Number DA2101, Revision B, prepared by Urbanlink Architecture received by Council 15 June 2016.

Ground Floor, Drawing Number DA2102, Revision B, prepared by Urbanlink Architecture, received by Council 15 June 2016.

Level 1, Drawing Number DA2103, Revision B, prepared by Urbanlink Architecture, received by Council 15 June 2016.

Levels 2-4, Drawing Number DA2104, Revision B, prepared by Urbanlink Architecture, received by Council 15 June 2016.

Level 5, Drawing Number DA2105, Revision B, prepared by Urbanlink Architecture, received by Council 15 June 2016.

Level 6, Drawing Number DA2106, Revision B, prepared by Urbanlink Architecture, received by Council 15 June 2016.

Elevations, Drawing Number DA3000, Revision B, prepared by Urbanlink Architecture, received by Council 15 June 2016.

Elevations, Drawing Number DA3001, Revision B, prepared by Urbanlink Architecture, received by Council 15 June 2016.

Section, Drawing Number DA3100, Revision B, prepared by Urbanlink Architecture, received by Council 15 June 2016.

Section, Drawing Number DA3101, Revision B, prepared by Urbanlink Architecture, received by Council 15 June 2016.

Schedule of Finishes, Drawing Number DA5000, Revision B, prepared by Urbanlink Architecture, received by Council 15 June 2016.

Access Compliance Report, Project Ref. 15209, prepared by Vista Access Architects Pty Ltd, received by Council 1 March 2016.

Acoustic Report, Project No. 20160050.1, prepared by Acoustic Logic, received by Council 1 March 2016.

Arboricultural Impact Assessment, prepared by the Tree and Landscape Consultants, received by Council 1 March 2016.

BASIX Certificate No. 708254M, issued to Building & Energy Consultants 1 March 2016.

Geotechnical Assessment Report, Report No. 16/10022, prepared by STS GeoEnvironmental, received by Council 2 June 2016.

Landscape Plan, Drawing No. LS01, Issue C, prepared by Melissa Wilson, received by Council 8 April 2016.

Stormwater Drainage/Sediment Control Details, Drawing Number D00, Revision A, prepared by LOKA Consulting Engineers Pty Ltd received by Council 15 June 2016.

Basement 2 Stormwater Drainage Plan, Drawing Number D01, Revision D, prepared by LOKA Consulting Engineers Pty Ltd received by Council 15 June 2016.

Basement 1 Stormwater Drainage Plan, Drawing Number D02, Revision C, prepared by LOKA Consulting Engineers Pty Ltd received by Council 15 June 2016.

Basement Stormwater Drainage Details, Drawing Number D03, Revision C, prepared by LOKA Consulting Engineers Pty Ltd received by Council 15 June 2016.

Ground Floor/ Site Stormwater Drainage Plan, Drawing Number D04, Revision D, prepared by LOKA Consulting Engineers Pty Ltd received by Council 15 June 2016.

Stormwater Drainage Details, Drawing Number D05, Revision D, prepared by LOKA Consulting Engineers Pty Ltd received by Council 15 June 2016.

Erosion and Sediment Control Plan and Details, Drawing Number D06, Revision B, prepared by LOKA Consulting Engineers Pty Ltd received by Council 15 June 2016.

2. A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction associated with this consent.
3. The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.
4. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

#### **Special Conditions**

5. **Prior to the issue of a Construction Certificate**, amended plans shall be prepared and submitted to the Principal Certifying Authority demonstrating nine (9) units as adaptable units in accordance with Australian Standard 4299. The amended plans shall be certified by a suitably qualified Access Specialist.
6. **Prior to the issue of a Construction Certificate**, amended plans shall be prepared and submitted to the Principal Certifying Authority which demonstrate the height of the front fence as being no higher than 1m above existing ground level.

#### **General**

7. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.
8. For residential flat developments which are subject to State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Flat Development and required to be accompanied by a design verification from a qualified designer under Clause 50(1A) of the Environmental Planning and Assessment Act Regulation 2000, a certifying authority must not issue:
  - (a) a **Construction Certificate** unless the certifying authority has received a design verification statement from a qualified designer that verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 143A of the Regulations; and
  - (b) an **Occupation Certificate** to authorise a person to commence occupation or use of the residential flat building unless the certifying authority has received a design verification statement from a qualified designer that verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having



regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 154A of the Regulations.

9. A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council-controlled areas. The permit must be retained on site at all times.
10. **Prior to the issue of a Construction Certificate**, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils' assets.
11. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$20million and shall provide proof of such cover to Council prior to carrying out works.

**Financial Matters**

12. In accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Provision of Community Facilities	\$ 43,030.94
Provision of Major Open Space	\$ 207,104.39
Provision of Local Open Space	\$ 83,090.93
Provision Roads and traffic Management	\$ 8,974.58
Administration	\$ 8,817.03
<b>TOTAL</b>	<b>\$ 351,017.87</b>

The total amount of the contribution is valid as at the date of determination and is subject to annual indexation. Contributions shall be indexed at the time of payment in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

The required contribution shall be paid **prior to the issue of a Construction Certificate**.

13. A security payment of **\$7,254.00** in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council **prior to the issue of a Construction Certificate**. The security payment is GST inclusive and comprises the following:

Refundable tree protection bond	\$3,000.00
Refundable works bond	\$4,000.00
Non-refundable administration fee (\$127/bd)	\$ 254.00
<b>TOTAL</b>	<b>\$7,254.00</b>

The security payment covers the following matters and will be released upon satisfactory completion of these items:

- (a) road and stormwater drainage works in roadways and public areas;
- (b) connection to Council's stormwater drainage system;

- (c) installation and maintenance of sediment control measures for the duration of construction activities;
- (d) tree final inspection to ensure that Council's street trees have been retained, protected or replanted in accordance with conditions of consent and/or Arborists' report for the post final inspection twelve (12) month period; and
- (e) Ensuring no damage occurs to or building debris/materials are left on Council land including footpath, nature strip, kerb and gutter. The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

14. Fees are payable where Council is appointed as principal certifying authority to carry out the post-approval inspections. A quotation for the fees can be obtained by contacting Council and the fees shall be paid **prior to the carrying out of any of the inspections.**

Any re-inspection which is necessary due to site access not being available, defective work, or the matter not being ready for inspection will be charged in accordance with Council's Fees and Charges Policy. Council will advise in writing if an additional re-inspection is required and the re-inspection fee shall be paid **prior to release of the damage deposit.** If the additional fee is not paid it will be deducted from the damage deposit.

**Parking/Traffic Matters**

15. A total of 34 off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	36 (Including 6 accessible parking spaces)
Visitors	8
<b>TOTAL</b>	<b>44</b>

These spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

Residential parking spaces shall be designated at a rate of at least one (1) space per 1 and 2 bedroom unit and two (2) spaces per 3 bedroom unit.

Visitor parking spaces shall be provided on the upper most level of basement parking.

If it is proposed to strata subdivide the development in the future, parking designation shall be strictly in accordance with this condition.

16. The entry point to the basement carpark area shall be fitted with security gates/shutter to control the entry and exit of vehicles to and from the basement. Any security gates/shutter shall be designed in order to ensure it is able to be opened remotely by occupants of the building.
17. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.
18. All vehicles entering and leaving the site shall be driven in a forward direction only.

19. All driveways shall be separated from landscaped areas by a minimum 150mm high by 150mm wide concrete kerb or similar.
20. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.
21. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
22. Reconstruct the footpath, kerb and gutter to Council's specifications for the full frontage of the development site at the completion of all building works.
23. Purpose built storage compartment(s) shall be provided to and within each of the resident car parking bays and/or associated dwellings at the following rates:
  - o 6m<sup>3</sup> for each one (1) bedroom unit
  - o 8m<sup>3</sup> for each two (2) bedroom unit, and
  - o 10m<sup>3</sup> for each unit with three (3) bedrooms or more.

In order to deter theft, the security compartments shall be designed in a manner to conceal from view and secure their contents i.e. through the use of dense, solid material and a shroud covered padlock (or similar).

Amended plans showing the location and configuration of each of storage compartment(s) shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

24. An application for a 'Works Zone' must be submitted to and approved by the Strathfield Council Traffic Committee prior to the commencement of any site work (including demolition).

The suitability of the proposed length and duration of the Works Zone is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Strathfield Council Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

25. A detailed Construction Site Traffic Management Plan (CTMP) must be submitted to and approved by Council, prior to commencement of any site work (including demolition).

The CTMP must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- (a) A description of the demolition, excavation and construction works
- (b) A site plan/s showing the site, roads, footpaths, site access points and vehicular movements

- (c) Any proposed road and/or footpath closures
- (d) Proposed site access locations for personnel, deliveries and materials
- (e) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- (f) Provision for loading and unloading of goods and materials
- (g) Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network
- (h) Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- (i) Proposed hours of construction related activities and vehicular movements to and from the site
- (j) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority)
- (k) Any activities proposed to be located or impact upon Council's road, footways or any public place
- (l) Measures to maintain public safety and convenience
- (m) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc).

26. **Prior to the issue of a Construction Certificate**, a suitably qualified Civil or Traffic Engineer shall certify that the Access to the basement car park, head room for basement entry, driveway ramp and turning circles complies with AS 2890.1-2004 and will cause no scrapping to the underside of a B99 vehicle.
27. The basement ramp at the property boundary shall result in no change to the existing footpath level.

#### **Drainage/Stormwater**

28. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to a new kerb inlet pit located within Short Street. The proposed onsite stormwater detention tank will connect into this new kerb inlet pit. The internal drainage system has been designed generally satisfactory and is depicted on the concept drainage plans prepared by Loka Consulting Engineers Pty Ltd job No.15NL010 Drawings No.D00 Issue B, D01 Issue D, D02 Issue C, D03 Issue C, D04 Issue E, D05 Issue D and D06 Issue B.
29. Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans **AND** the requirements of Council's Stormwater Management Code and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.
30. On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system. The storage system shall be designed in accordance with the endorsed concept stormwater plans **AND** Council's Stormwater Management Code. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.
31. Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing,

Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

32. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.
33. **Prior to the issue of an Occupation Certificate,** written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.

In addition, detailed works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to and approved by the Principal Certifying Authority. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels.

34. For drainage works within public land or connecting to Council's stormwater drainage system the following inspections will be required:-
- (a) After the excavation of pipeline trenches.
  - (b) After the laying of all pipes prior to backfilling.
  - (c) After the completion of all pits and connection points.

A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Works and Services section on 9748-9999 during office hours. Work is not to proceed until the works are inspected and approved by Council.

35. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the:
- (a) On-site stormwater detention system.

The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority **prior to the issue of an Occupation Certificate.**

The positive covenant is required to prevent future modification or alteration without the written consent of the consent authority, and to ensure suitable maintenance is carried out.

36. Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.
37. The connection to Council's street drainage system shall consist of a pipeline across to the street kerb with the pipeline being laid under the kerb and gutter and then continuing straight to the connection point to Council's drainage pit in Short Street.

38. The pipe in Short Street shall be 375mm in diameter, reinforced concrete spigot and socked with rubber ring joints. A pit shall be constructed at the property boundary, and at the kerb line.
39. The utility services within the area of effect of the proposed drainage works (i.e. gas, water, sewer, electricity, telephone, etc) shall be physically located **prior to the commencement of drainage works** in Short Street. The relevant authority's written consent for excavation adjacent to their services shall be obtained. Any adjustments required shall be at no cost to Council.
40. Upon completion of drainage works within the road reserve an electronic copy of full works-as-executed plans prepared and signed by a registered surveyor, shall be submitted for Council's approval. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and locations for the drainage structures and works.
41. The proposed drainage line and pits connecting to Council's drainage pit in Short Street shall be constructed **prior to the issue of an Occupation Certificate.**
42. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.
43. All surface inlet drains upstream of the on-site detention basin must be designed so that there is no overflow before the storage is full.
44. All pits shall be constructed in accordance with Australian Standard AS3500.3.
45. All subsoil drainage must be designed to meet the requirements of AS3500.

**Landscaping/Tree Matters**

46. The trees listed below shall be retained at all times:

<b><u>Tree</u></b>	<b><u>Height/ Spread (m)</u></b>	<b><u>Location</u></b>	<b><u>Protection Zone (m)</u></b>	<b><u>Excavation Zone (m)</u></b>
<i>Brachychiton acerifolius</i>	12 x 6	Rear yard 25 Short St	3.6	2.25
<i>Stenocarpus sinuatus</i>	8 x 4	Road Reserve	4.08	2.2
<i>Stenocarpus sinuatus</i>	7 x 4	Road Reserve	4.2	2.2
<i>Stenocarpus sinuatus</i>	7 x 4	Road Reserve	4.2	2.2

and protected by the establishment of a **protection zone** before any site works begin (including any demolition/excavation). The protection zone shall be maintained for the duration of works and implemented as follows:

- (a) A minimum 1.2m high barrier (made of hardwood/metal stakes with suitable hessian or canvas material) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.

- (b) No concrete slurry or wash, building materials, builders' rubble, excavation soil or similar shall be placed or stored within the tree protection zone.
- (c) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
- (d) The tree protection zone shall be regularly watered.
- (e) Any major structural roots which are encountered shall be pruned by a qualified Arborist.
- (f) **No excavation or construction shall be carried out** within the stated Excavation Zone distances from the base of the trunk surface.
- (g) Only permeable surfaces (e.g. decomposed granite, gravel, turf-pave, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.

47. A minimum 600mm deep root deflection barrier shall be provided on both sides of the proposed driveway crossing(s) and footpaths.

48. The following listed trees are permitted to be removed to accommodate the proposed development:

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>
Tristaniopsis laurina	4 x 6	Road reserve
Corymbia citriodora	18 x 12	Rear yard
Cinnamomum camphora	6 x 4	Rear yard
Cinnamomum camphora	6 x 4	Rear yard

49. All trees permitted to be removed by this consent shall be replaced by species selected from Council's recommended planting list. Replacements shall be a minimum 50 litre container size and shall be maintained until maturity.

50. The following branch or root pruning works are permitted to accommodate the proposed development:

<u>Tree</u>	<u>Approved Works</u>
Brachychiton acerifolius	Severance of branches and roots <30mm diameter outside of the TPZ

- (a) All pruning work **must** be undertaken by a minimum level 2 (AQF 2) qualified Arborist who is currently a member or eligible for membership to *Arboriculture Australia* (AA) or the *Tree Contractors Association Australia* (TCAA) and in accordance with AS4373—*Pruning of amenity trees*.
- (b) No climbing spikes/spurs are to be worn.
- (c) Root pruning/root barrier installation must be undertaken by a minimum level 4 (AQF 4) qualified Arborist who is currently a member or eligible for membership to the *Arboriculture Australia* (AA) or *Tree Contractors Association Australia* (TCAA) and in accordance with AS4373—*Pruning of amenity trees*.

51. Consent is given for the removal of the existing *Tristaniopsis laurina* street tree subject to the following:

- (a) A minimum of one (1) replacement *Tristaniopsis laurina* shall be provided within Council's nature strip as directed by Council's Tree Co-ordinator.

- (b) Replacement trees shall be minimum 50 litre container size. Plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage. Trees are to have a single leader and clear straight trunk.
  - (c) All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
  - (d) Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
  - (e) Minimum 75mm depth of organic mulch shall be placed within an area 0.5m radius from the base of the tree.
52. General maintenance of Council's nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).
53. Manual excavation is required within canopy spread of Trees 1-3 *Stenocarpus sinuatus* and Tree 7 *Brachychiton acerifolius* as identified within the endorsed Aboricultural Assessment Report prepared by Tree and Landscape Consultants.
54. All common and private landscape areas including all planters are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and all relevant Australian Standards.

### Construction Matters

55. **Prior to the commencement of any construction or demolition work**, the Applicant or principal contractor must, subject to obtaining permission from the respective property owners, provide dilapidation reports prepared by a suitably qualified person (such as a structural engineer), on the buildings located on any lot adjacent to the subject site, inclusive of ancillary structures. A copy of the respective report must be provided to the Principal Certifying Authority and neighbouring property owners that are the subject of that report.
56. The proposed development shall comply with the Building Code of Australia and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**.
57. Footings shall be designed in accordance with the soil classification of H, or Highly Reactive (unless determined to the contrary by a suitably qualified person).
58. If the soil conditions require it retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.
59. The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.
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60. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.
61. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
62. If an excavation associated with the approved works 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; and
  - (b) If necessary, must underpin and support the building in an approved manner, and
  - (c) Must, at least seven (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.
63. There are built structures which may be in the zone of influence of the proposed works and excavations on the site. A qualified practicing geotechnical engineer must prepare a Construction Methodology Report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.
- The report must be submitted with the application for a Construction Certificate and must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include;
- (a) the location and level of nearby foundations and footings (site and neighbouring);
  - (b) proposed method of excavation;
  - (c) Permanent and temporary support measures for excavation;
  - (d) Potential settlements affecting footings and foundations;
  - (e) Ground water levels (if any);
  - (f) Batter slopes;
  - (g) Potential vibration cause by method of excavation; and
  - (h) De-watering including seepage and offsite disposal rate (if any).
- Excavation, retention, underpinning and construction must be undertaken onsite by an excavation contractor with specialist excavation experience. A suitably qualified geotechnical engineer, specialising in excavation must supervise the excavation procedure.
64. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
65. The common access pathways, letterboxes and entry doorways to the building shall be provided with suitable low level artificial lighting systems to ensure safe and convenient access at night. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
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### Building Matters

66. Identification numbers are to be clearly displayed at the front of the premises and be easily visible from the street.

If it is proposed to strata subdivide the building, the lot numbers and unit numbers shall be the same as those nominated on the approved plans and be in accordance with Council's requirements. For strata subdivision, parking spaces shall have the same lot number as the residential portion and shall not be numbered separately.

67. **Prior to the issue of an Occupation Certificate**, the applicant shall submit evidence to the Principal Certifying Authority that a Master TV antenna has been installed on the roof of the building that services all apartments.

### Sustainability

68. Water collected in the rainwater tank must be roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:

- (a) Toilet flushing;
- (b) Clothes washing;
- (c) Garden irrigation;
- (d) Car washing and similar outdoor uses;
- (e) Filling swimming pools, spa pools and ornamental ponds; and
- (f) Fire fighting.

69. Water heating systems to multi-unit residential developments shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

### Demolition

70. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.

71. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority **prior to any work commencing on site**.

72. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority **prior to any work commencing on site**.

73. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

### Fire Safety Measures

74. Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within the

building and specified in the fire safety schedule. The final fire safety certificate shall be provided **prior to the issue of an Occupation Certificate.**

75. Each 12 months after the installation of essential fire or other safety measures, the owner of a building must submit an Annual Fire Safety Statement for the building to Council. In addition a copy of the statement must be given to the NSW Fire Commissioner and a copy displayed prominently in the building.

### **Hoardings**

76. If 'A' type hoarding is to be erected about the building site, it is to comply with NSW Workcover's requirements; shall have a minimum height of 1.8 m and comply with AS1725-2003 (Galvanized Rail-Less Chain-Wire Security Fences and Gates) or AS 4687-2007 (Temporary Fencing and Hoardings). Inverted trench mesh is not an acceptable 'A' type hoarding and as such does not satisfy AS1725-2003 and as such shall not be installed to the building site.
77. An overhead 'B' type hoarding shall be constructed where buildings over 7.5 m in height above the footpath level and within 3.6 m of the street alignment are being erected or demolished or where the outer part of such a building adjoining a public way is being altered. Where the height of the building or the position of the site is such that danger is likely to occur from falling objects, additional safety hoarding shall be provided to the satisfaction of the principal certifying authority and Workcover NSW.
78. An overhead 'B' type hoarding shall be constructed where material is being hoisted over or across a public way.
79. The following additional requirements apply to the erection of a 'B' type hoarding:
- (a) No advertisement of any kind shall be affixed to hoarding with the exception of a board not exceeding 2400 –mm by 1800-mm on which may be shown the architects, builders and principal certifying authority company name / contact details or any particulars regarding the subject building, and notices regarding the existing or future occupancies in the building.
  - (b) A sign reading 'Billposters will be Prosecuted' shall be attached or printed upon the front of the hoarding
  - (c) A hydrant or other footpath box shall not be covered in any way or access to it impeded
  - (d) Cranes shall not be placed upon the public way unless a permit has been obtained under section 68 Local Government Act, 1993.
  - (e) The hoarding must be so constructed that it will not obstruct the view of traffic lights of motorists or pedestrians.
  - (f) The use of the roadway for the storage of building materials is not permitted.
  - (g) Where materials are being hoisted over a public way a sign shall be attached or printed upon the front of the hoarding at the decking level with the lettering 'Lifting Operation Above'. The lettering shall not be less than 300-mm in height.
  - (h) Persons undertaking the work in accordance with this Approval must hold this Approval/Permit on-site for inspection.
  - (i) Approval for a temporary protective structure does not permit use of the roadway for general loading and unloading from construction vehicles. This requires a separate Construction Zone Application.

(j) An appropriate qualified practising structural engineer shall certify the structural stability / adequacy of the erected 'B' type hoarding. A copy of the certificate shall be forward to the principal certifying authority and to Council, where Council is not the principal certifying authority.

80. The builder shall erect and maintain all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary and must be in place before the approved activity commences.

81. Permits are required to erect Class 'A' or 'B' type hoardings. If any type hoarding is to occupy a section of Council's property, that section will require a permit for the occupation of Council's property. The applicant, owner, builder or site supervisor must apply for specific permits. The application form is available from Council's Customer Service Department.

### Air Quality

82. As required by the Protection of the Environment Operations (Noise Control) Regulation 2008, air-conditioning units or heat pump water heaters shall not be audible in the habitable rooms of any other residential premises before 8am or after 10pm on any Saturday, Sunday or public holiday, or before 7am or after 10pm on any other day.

83. **Prior to the issue of any Occupation Certificate** the Principal Certifying Authority shall confirm that the development has been constructed in accordance with the recommended methodology within the endorsed Acoustic report to ensure noise levels do not exceed:

- (a) In any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am, and
- (b) Anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

### Subdivision

84. The site shall be consolidated into one allotment and a plan of consolidation shall be approved by the Council, or lodged with Land & Property Information NSW (with proof of lodgement being furnished to the Council) **prior to issue of Construction Certificate** and shall be registered **prior to the issue of an Occupation Certificate**.

### Disabled Access

85. Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia, the relevant standards and the requirements of the Disability (Access to Premises – Buildings) Standards 2010. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

86. **Prior to the issue of a Construction Certificate**, certification shall be submitted to the Principal Certifying Authority demonstrating that at least 20% of the residential units meet the silver level Universal Design Guide requirements of the Livable Housing Design. In order to meet the requirements, the following must be achieved:

- (a) A safe continuous and step free path of travel from the street entrance and/or parking area to a dwelling entrance that is level.

- (b) Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.
- (c) A toilet on the ground (or entry) level that provides easy access.
- (d) A bathroom that contains a hobless (step-free) shower recess.
- (e) Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date
- (f) A continuous handrail on one side of any stairway where there is a rise of more than one metre.
- (g) Stairways are designed to reduce the likelihood of injury and also enable future adaptation.

### Waste Management

87. A comprehensive Waste Management Plan is to be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**. Such plan shall address demolition, construction and operation waste arising from the development and shall include:-

- (a) type and likely quantity of waste arising from the demolition and construction activities;
- (b) storage, disposal and recycling measures for all demolition and construction waste, including specific disposal points and arrangements;
- (c) provision for a suitable number of 660 litre garbage bins and 240 litre recycling bins for the residential development; and
- (d) fitout details of any garbage/waste enclosures and storage areas.

Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.

88. The waste storage room shall be designed to comply with the relevant standards and details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

89. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property as follows:

- (a) Full and free right must be provided to Strathfield Council employees or its authorised contractors to:
  - (i) Enter upon the land and remove any waste products using any vehicle or equipment as necessary;
- (b) The owner of the lot burdened shall be solely responsible for the cost of maintaining in good and sufficient repair at all times the internal roads or access ways used by Strathfield Council for the purpose of exercising its rights as set out in clause (a) above.

The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority **prior to the issue of an Occupation Certificate**.

**Land Contamination**

90. **Prior to the commencement of construction works** soil sampling is to be undertaken in accordance with the recommendations of the Preliminary Site Investigation prepared by STS GeoEnvironmental Pty Ltd to ensure that soil to be removed from the site is appropriately classified for off-site disposal
91. Throughout bulk excavation works any ground water seepage that accumulates on the site is to be sampled and analysed to determine the most appropriate means for its removal/disposal.

**NSW Office of Water**

92. An authorisation shall be obtained from NSW Office of Water for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified in the authorisation.
93. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.
94. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
- (a) Any groundwater mounding at the edge of the structure shall be at a level not greater than 10% above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure;
  - (b) Any elevated water table is more than 1.0m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
  - (c) Where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirements to maintain groundwater flows beneath the structure is not applicable.
95. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
96. DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report – which will accompany the application for authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completions of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at the Parramatta Office in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

97. The following shall be included in the initial report:
- (a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
  - (b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
  - (c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
  - (d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.
98. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
99. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
100. Groundwater quality testing generally in accordance with Condition 99, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
101. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).
102. A copy of a valid consent for the development shall be provided in the initial report.
103. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from
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the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called “tailwater”) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.

104. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

#### During excavation

105. Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
106. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
107. Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
108. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
109. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
110. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
111. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the DPI Water under appropriate safety procedures.

#### Following excavation

112. Following completion of the dewatering operations, the applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include:
- (a) detail of the volume of water taken, the precise periods and location of water taken,



the details of water level monitoring in all of the relevant bores; and

- (b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
- (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.

113. The completion report is to be assessed by DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

For the Motion: Councillors OK, Bott, Datta, McLucas and Soulos

Against the Motion: Nil.

## **2. DA2015/133 – 86-87 The Crescent, Homebush West**

**216/16**

**RESOLVED:** (McLucas/Bott)

That DA2015/133 for the demolition of existing structures and construction of a four (4) storey residential flat building containing (20) units comprising three (3) x 1 bedroom, (14) x 2 bedroom and three (3) x 3 bedroom units above one (1) level of basement parking at 86-87 The Crescent, Homebush West be granted a DEFERRED COMMENCEMENT consent subject to the following conditions:

### **PART A - DEFERRED COMMENCEMENT CONDITIONS**

This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

#### **A1**

The Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

1. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
2. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
3. Cross sectional drawings showing the tunnel easement, tunnel location, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
4. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and tunnel location.
5. If required by Sydney Trains, an FE analysis which assesses the different stages

of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

6. Due to the presence of Sydney Trains high voltage power lines adjacent to the subject site, documentation detailing the following items is to be submitted:
  - a. blow-out design and calculations
  - b. compliance with AS 7000
  - c. compliance with ISSC 20, Guideline for the management of activities within Electrical Easements and Close to electrical Infrastructure.
  - d. compliance with SMS-06-GD-0268 – Working around electrical equipment.
  - e. compliance with relevant Transport for NSW Asset Standards Authority standards/guidelines
  - f. construction management plan detailing as to the unloading of building material and equipment and method of construction in close proximity to power lines

Should it be deemed by Sydney Trains that the proposal cannot be constructed safely or occupied safely and in compliance with the items in listed in Condition 6 above the applicant will be required to amend the development proposal (please note that should the proposal require the enclosure of any balconies in close proximity to the power lines, that the proposed design solution shall also be endorsed by Council in addition to Sydney Trains. Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

## **PART B - OTHER CONDITIONS**

### **Plans**

1. The development shall be completed in accordance with the approved plans and documents listed below, prior to the building being used or occupied, and subject to any amendments “in red” and any variation as required by conditions of this consent:

Demolition Pal Dwg 00 Issue B prepared by Platform Architects Pty Ltd received by Council 22 April 2016.

Ground Floor Plan Dwg 02 Issue C prepared by Platform Architects Pty Ltd received by Council 22 April 2016.

First and Second Floor Plan Dwg 03 Issue C prepared by Platform Architects Pty Ltd received by Council 22 April 2016.

Third Floor Plan Dwg 04 Issue C prepared by Platform Architects Pty Ltd received by Council 22 April 2016.

Roof Plan / Site Plan Dwg 05 Issue C prepared by Platform Architects Pty Ltd received by Council 22 April 2016.

Basement Car Park Dwg 06 Issue C prepared by Platform Architects Pty Ltd received by Council 22 April 2016.

North Elevation Dwg 10 Issue B prepared by Platform Architects Pty Ltd received by Council 24 June 2016.

East Elevation / Section DD Dwg 11 Issue B prepared by Platform Architects Pty Ltd received by Council 22 April 2016.

South Elevation Dwg 12 Issue B prepared by Platform Architects Pty Ltd received by Council 22 April 2016.

West Elevation Dwg 13 Issue B prepared by Platform Architects Pty Ltd received by Council 22 April 2016.

Section A-A Dwg 20 Issue B prepared by Platform Architects Pty Ltd received by Council 22 April 2016.

Section C-C Dwg 21 Issue B prepared by Platform Architects Pty Ltd received by Council 22 April 2016.

Preliminary Site Investigation Report No. E22653 AA\_Rev 0 prepared by EIAUSTRALIA received by Council 22 April 2016.

Flood Impact Assessment prepared by SGC received by Council 22 April 2016.  
BASIX Certificate No. 659177M issued 8 October 2015.

Colours and Finishes Schedule prepared by Platform Architects received by Council 22 April 2016.

Arboricultural Impact Report prepared by Landscape Matrix received by council 28 October 2015.

Carpark Ramp and Driveway Certification prepared by ML Traffic Engineers received by Council 28 October 2015.

Acoustic Assessment prepared by Acoustic Logic received by Council 28 October 2015.

Landscape Plan Dwg No. 1 of 2 Issue B prepared by Paul Scrivener received by Council 28 October 2015.

Landscape Plan Dwg No. 2 of 2 Issue B prepared by Paul Scrivener received by Council 28 October 2015.

2. A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction associated with this consent.
3. The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.
4. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

### Special Conditions

5. **Prior to the issue of a Construction Certificate**, amended plans shall be prepared and submitted to the Principal Certified Authority demonstrating the following:
1. Deletion of the northerly orientated terrace adjacent to Bed 2 in Unit 04;
  2. Reconfiguration of the stair accessing the south facing terrace to Unit 04. The reconfigured stair is to traverse from north to south and be provided with a privacy screen along the eastern side of the stair achieving a height of 1.8m above the finished floor level of the terrace;
  3. Increase to the width of the planter adjacent to Bed 3 in Unit 01 to provide visual and physical separation between the bedroom window and the common open space;
  4. Provision of external louvered privacy screens to the window to Bed 2 in Unit 12 and 18 and to Bed 2 in Unit 7 and 13;
  5. Provision of 1.8m fixed privacy screen with maximum apertures of 25mm to the northern and eastern elevations of the balcony to units 9 and 15;
  6. Provision of 150mm minimum apertures in the batten screening on balconies orientated toward The Crescent to ensure it is permeable;
  7. Provision of accessible ramps satisfying the grades required by AS1428 from the ground floor common corridors to common open space areas; and
  8. Conversion of parking space No. 24 to a ventilated waste room for the storage of bins. Note: the area adjacent to the driveway is only permitted to be used for the temporary storage of full bins awaiting collection.

### General

6. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.
7. For residential flat developments which are subject to State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Flat Development and required to be accompanied by a design verification from a qualified designer under Clause 50(1A) of the Environmental Planning and Assessment Act Regulation 2000, a certifying authority must not issue:
- (a) a **Construction Certificate** unless the certifying authority has received a design verification statement from a qualified designer that verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 143A of the Regulations; and
  - (b) an **Occupation Certificate** to authorise a person to commence occupation or use of the residential flat building unless the certifying authority has received a design verification statement from a qualified designer that verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 154A of the Regulations.
8. A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior to the commencement of any works on public/Council-controlled areas including the
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erection of site fencing and demolition or excavation. The permit must be retained on site at all times.

9. **Prior to the issue of a Construction Certificate**, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils' assets.
10. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$20million and shall provide proof of such cover to Council prior to carrying out works.

**Financial Matters**

11. In accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Provision of Community Facilities	\$ 20,924.25
Provision of Major Open Space	\$100,706.67
Provision of Local Open Space	\$ 33,553.36
Provision Roads and traffic Management	\$ 3,530.06
Administration	\$ 4,287.37
<b>TOTAL</b>	<b>\$163,001.71</b>

The total amount of the contribution is valid as at the date of determination and is subject to annual indexation. Contributions shall be indexed at the time of payment in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

The required contribution shall be paid prior to the issue of a Construction Certificate.

12. A security payment of \$5,254.00 in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council **prior to the issue of a Construction Certificate**. The security payment is GST inclusive and comprises the following:

Refundable works bond	\$4,000.00
Tree Protection bond	\$1,000.00
Non-refundable administration fee (\$127/bd)	\$ 254.00
<b>TOTAL</b>	<b>\$5,254.00</b>

The security payment covers the following matters and will be released upon satisfactory completion of these items:

- (a) road and stormwater drainage works in roadways and public areas;
- (b) connection to Council's stormwater drainage system;
- (c) installation and maintenance of sediment control measures for the duration of construction activities; and
- (d) Ensuring no damage occurs to or building debris/materials are left on Council land including footpath, nature strip, kerb and gutter. The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

13. Fees are payable where Council is appointed as principal certifying authority to carry out the post-approval inspections. A quotation for the fees can be obtained by contacting Council and the fees shall be paid prior to the carrying out of any of the inspections.

Any re-inspection which is necessary due to site access not being available, defective work, or the matter not being ready for inspection will be charged in accordance with Council's Fees and Charges Policy. Council will advise in writing if an additional re-inspection is required and the re-inspection fee shall be paid prior to release of the damage deposit. If the additional fee is not paid it will be deducted from the damage deposit.

### **Parking/Traffic Matters**

14. A total of 14 off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	15
Resident Accessible	4
Car Wash Bay	1
Visitors	<u>3</u>
<b>TOTAL</b>	<b>23</b>

These spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

Residential parking spaces shall be designated at a rate of at least one (1) space per 1 and 2 bedroom unit and two (2) spaces per 3 bedroom unit.

Visitor parking spaces shall be provided on the upper most level of basement parking.

If it is proposed to strata subdivide the development in the future, parking designation shall be strictly in accordance with this condition.

15. A sign shall be erected in a suitable location on the site advising that parking is available for visitors.
16. The entry point to the basement carpark area shall be fitted with security gates/shutter and a traffic signal controlled management system to control the entry and exit of vehicles to and from the basement. Any security gates/shutter shall be designed in order to ensure it is able to be opened remotely by occupants of the building.
17. All vehicles entering and leaving the site shall be driven in a forward direction only.
18. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.
19. All vehicles associated with the use shall be restricted to fixed axle vehicles only that are able to turn on-site.
20. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
-

21. Reconstruct the footpath, kerb and gutter to Council's specifications for the full frontage of the development site at the completion of all building works.
22. Purpose built storage compartment(s) shall be provided to and within each of the resident car parking bays and/or associated dwellings at the following rates:
- o 6m<sup>3</sup> for each one (1) bedroom unit
  - o 8m<sup>3</sup> for each two (2) bedroom unit, and
  - o 10m<sup>3</sup> for each unit with three (3) bedrooms or more.

In order to deter theft, the security compartments shall be designed in a manner to conceal from view and secure their contents i.e. through the use of dense, solid material and a shroud covered padlock (or similar).

Amended plans showing the location and configuration of each of storage compartment(s) shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

### Works Zone

23. An application for a 'Works Zone' must be submitted to and approved by the Strathfield Council Traffic Committee prior to the commencement of any site work (including demolition).

The suitability of the proposed length and duration of the Works Zone is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Strathfield Council Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

### Construction Traffic Management Plan

24. A detailed Construction Site Traffic Management Plan (CTMP) must be submitted to and approved by Council, prior to commencement of any site work (including demolition).

The CTMP must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- (a) A description of the demolition, excavation and construction works
  - (b) A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
  - (c) Any proposed road and/or footpath closures
  - (d) Proposed site access locations for personnel, deliveries and materials
  - (e) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
  - (f) Provision for loading and unloading of goods and materials
-

- (g) Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network
- (h) Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- (i) Proposed hours of construction related activities and vehicular movements to and from the site
- (j) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority)
- (k) Any activities proposed to be located or impact upon Council's road, footways or any public place
- (l) Measures to maintain public safety and convenience
- (m) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc)

### Drainage/Stormwater

25. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe to a new kerb inlet pit located within The Crescent. The onsite stormwater detention tank will connect into this new kerb inlet pit. The internal drainage system has been designed generally satisfactory and is depicted on the CONCEPT drainage plans prepared **BY SGC CONSULTANTS PTY LTD DATED 14 APRIL 2016.**

26. Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans AND the requirements of Council's Stormwater Management Code.

In this project the above engineering plans are satisfactory as Concept plans. The assessment authority, (either (a) Council, or (b) a Private Certifier), is to satisfy themselves of the adequacy of the above plans for the purposes of Construction. They are to independently determine what details, if any, are to be added to the Construction Certificate plans, in order for the issue of the Construction Certificate.

Where a Private Certifier issues the Construction Certificate a copy must be provided to Council, **prior to the issue of a Construction Certificate.**

27. On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system. The storage system shall be designed in accordance with the endorsed concept stormwater plans AND/OR Council's Stormwater Management Code. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

28. **Prior to the issue of an Occupation Certificate/use of the building,** written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.

In addition, detailed works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to and approved by the Principal Certifying Authority. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels.



29. Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

30. For drainage works within public land or connecting to Council's stormwater drainage system the following inspections will be required:-

- (a) After the excavation of pipeline trenches.
- (b) After the laying of all pipes prior to backfilling.
- (c) After the completion of all pits and connection points.

A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Works and Services section on 9748-9999 during office hours. Work is not to proceed until the works are inspected and approved by Council.

31. All pits shall be constructed in accordance with Australian Standard AS3500.3.

32. All subsoil drainage must be designed to meet the requirements of AS3500;

33. Access to the basement car park, head room for basement entry, driveway ramp and turning circles shall be designed in accordance with AS 2890.1-2004.

34. The proposed basement pump out system is to be strictly in accordance with the requirements set out in Strathfield Council's Stormwater Management Code 2007. The rising main shall be connected to the OSD tank/basin. Final details of this system are to be submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

35. All surface inlet drains upstream of the on-site detention basin must be designed so that there is no overflow before the storage is full.

36. A Flood Certificate is to be prepared by an experienced Drainage/Flood Engineer and submitted to the Certifying Authority stating compliance with the submitted Flood Impact Report prepared by **SGC CONSULTANTS PTY LTD DATED 14 APRIL 2016** and NSW Floodplain Management Manual in particular freeboard, structural soundness, carparking & access, evacuation and engineering management & design has been achieved etc. This certificate shall be submitted **prior to the issue of an Occupation Certificate/use of the building.**

37. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.

38. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.

39. Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.
40. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the:

- (a) **On-site stormwater detention system**
- (b) **Surface flow path**

incorporated in the development. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority **prior to the issue of an Occupation Certificate/use of the building.**

The positive covenant is required to prevent future modification or alteration without the written consent of the consent authority, and to ensure suitable maintenance is carried out.

#### **Public Authority Matters**

41. **Prior to the issue of an Occupation Certificate** all existing overhead electricity and telecommunication cabling adjacent to the development site shall be consolidated into a single Aerial Bundle Cable (ABC) at the applicants' expense in accordance with the specifications of AusGrid and the telecommunications supplier.

#### **Landscaping/Tree Matters**

42. General maintenance of Council's nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).
43. All common landscape areas including all planters are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and all relevant Australian Standards.

#### **Construction Matters**

44. **Prior to the commencement of any construction or demolition work,** the Applicant or principal contractor must, subject to obtaining permission from the respective property owners, provide dilapidation reports prepared by a suitably qualified person (such as a structural engineer), on the buildings located on any lot adjacent to the subject site, inclusive of ancillary structures. A copy of the respective report must be provided to the Principal Certifying Authority and neighbouring property owners that are the subject of that report.
45. The proposed development shall comply with the National Construction Code and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.**
46. Footings shall be designed in accordance with the soil classification of H, or Highly Reactive (unless determined to the contrary by a suitably qualified person).

47. Certification shall be obtained from a registered surveyor at the following stage(s) of construction confirming that the building has been constructed in accordance with the approved plans including any approved amendments (S.96 approvals) and plans and details required by Council as conditions of development consent:
- (a) footings excavation prior to placement of concrete;
  - (b) car park/garage level prior to placement of concrete or pavement;
  - (c) ground floor and first floor levels;
  - (d) roof ridge height;
  - (e) all floors of the building, roof eaves and all roof ridges;
  - (f) wall setbacks from property boundaries and street alignment;
  - (g) dimensions and areas of balconies/courtyards;
  - (h) vehicular ramp gradients.

Copies of the surveyor's certificates must be submitted to and accepted by Council at the stages nominated above.

48. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.
49. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
50. If an excavation associated with the approved works 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:
- (d) Must preserve and protect the building from damage; and
  - (e) If necessary, must underpin and support the building in an approved manner, and
  - (f) Must, at least seven (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.

51. There are built structures which may be in the zone of influence of the proposed works and excavations on the site. A qualified practicing geotechnical engineer must prepare a Construction Methodology Report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.

The report must be submitted with the application for a Construction Certificate and must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include;

- (a) the location and level of nearby foundations and footings (site and neighbouring);
  - (b) proposed method of excavation;
  - (c) Permanent and temporary support measures for excavation;
  - (d) Potential settlements affecting footings and foundations;
  - (e) Ground water levels (if any);
  - (f) Batter slopes;
  - (g) Potential vibration cause by method of excavation; and
  - (h) De-watering including seepage and off-site disposal rate (if any).
-

Excavation, retention, underpinning and construction must be undertaken onsite by an excavation contractor with specialist excavation experience. A suitably qualified geotechnical engineer, specialising in excavation must supervise the excavation procedure.

52. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
53. The common access pathways, letterboxes and entry doorways to the building shall be provided with suitable low level artificial lighting systems to ensure safe and convenient access at night. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

### Building Matters

54. Identification numbers are to be clearly displayed at the front of the premises and be easily visible from the street.
- If it is proposed to strata subdivide the building, the lot numbers and unit numbers shall be the same as those nominated on the approved plans and be in accordance with Council's requirements. For strata subdivision, parking spaces shall have the same lot number as the residential portion and shall not be numbered separately.
55. Where building intruder alarms are installed in the building they shall be fitted with an automated "cut-off" timing device and operated as per the Protection of the Environment Operations (Noise Control) Regulation 2008.

### Sustainability

56. Water collected in the rainwater tank must be roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:
- (a) Toilet flushing;
  - (b) Clothes washing;
  - (c) Garden irrigation;
  - (d) Car washing and similar outdoor uses;
  - (e) Filling swimming pools, spa pools and ornamental ponds; and
  - (f) Fire fighting.
57. Water heating systems to multi-unit residential developments shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

### Demolition

58. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.

59. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority **prior to any work commencing on site.**
60. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority **prior to any work commencing on site.**
61. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

### **Works Zone**

62. An application for a 'Works Zone' must be submitted to and approved by the Strathfield Council Traffic Committee prior to the commencement of any site work (including demolition).

The suitability of the proposed length and duration of the Works Zone is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Strathfield Council Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

### **Construction Traffic Management Plan**

63. A detailed Construction Site Traffic Management Plan (CTMP) must be submitted to and approved by Council, prior to commencement of any site work (including demolition).

The CTMP must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- (a) A description of the demolition, excavation and construction works
- (b) A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- (c) Any proposed road and/or footpath closures
- (d) Proposed site access locations for personnel, deliveries and materials
- (e) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- (f) Provision for loading and unloading of goods and materials
- (g) Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network
- (h) Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- (i) Proposed hours of construction related activities and vehicular movements to and from the site

- (j) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority)
- (k) Any activities proposed to be located or impact upon Council's road, footways or any public place
- (l) Measures to maintain public safety and convenience
- (m) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc)

### Fire Safety Measures

- 64. Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within the building and specified in the fire safety schedule. The final fire safety certificate shall be provided **prior to the issue of an Occupation Certificate.**
- 65. Each 12 months after the installation of essential fire or other safety measures, the owner of a building must submit an Annual Fire Safety Statement for the building to Council. In addition a copy of the statement must be given to the NSW Fire Commissioner and a copy displayed prominently in the building.

### Hoardings

- 66. If 'A' type hoarding is to be erected about the building site, it is to comply with NSW Workcover's requirements; shall have a minimum height of 1.8 m and comply with AS1725-2003 (Galvanized Rail-Less Chain-Wire Security Fences and Gates) or AS 4687-2007 (Temporary Fencing and Hoardings). Inverted trench mesh is not an acceptable 'A' type hoarding and as such does not satisfy AS1725-2003 and as such shall not be installed to the building site.
- 67. An overhead 'B' type hoarding shall be constructed where buildings over 7.5 m in height above the footpath level and within 3.6 m of the street alignment are being erected or demolished or where the outer part of such a building adjoining a public way is being altered. Where the height of the building or the position of the site is such that danger is likely to occur from falling objects, additional safety hoarding shall be provided to the satisfaction of the principal certifying authority and Workcover NSW.
- 68. An overhead 'B' type hoarding shall be constructed where material is being hoisted over or across a public way.
- 69. The following additional requirements apply to the erection of a 'B' type hoarding:
  - (a) No advertisement of any kind shall be affixed to hoarding with the exception of a board not exceeding 2400 –mm by 1800-mm on which may be shown the architects, builders and principal certifying authority company name / contact details or any particulars regarding the subject building, and notices regarding the existing or future occupancies in the building.
  - (b) A sign reading 'Billposters will be Prosecuted' shall be attached or printed upon the front of the hoarding.
  - (c) A hydrant or other footpath box shall not be covered in any way or access to it impeded.
  - (d) Cranes shall not be placed upon the public way unless a permit has been obtained under section 68 Local Government Act, 1993.

- (e) The hoarding must be so constructed that it will not obstruct the view of traffic lights of motorists or pedestrians.
- (f) The use of the roadway for the storage of building materials is not permitted.
- (g) Where materials are being hoisted over a public way a sign shall be attached or printed upon the front of the hoarding at the decking level with the lettering 'Lifting Operation Above'. The lettering shall not be less than 300-mm in height.
- (h) Persons undertaking the work in accordance with this Approval must hold this Approval/Permit on-site for inspection.
- (i) Approval for a temporary protective structure does not permit use of the roadway for general loading and unloading from construction vehicles. This requires a separate Construction Zone Application.
- (j) An appropriate qualified practising structural engineer shall certify the structural stability / adequacy of the erected 'B' type hoarding. A copy of the certificate shall be forward to the principal certifying authority and to Council, where Council is not the principal certifying authority.

70. The builder shall erect and maintain all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary and must be in place before the approved activity commences.

71. Permits are required to erect Class 'A' or 'B' type hoardings. If any type hoarding is to occupy a section of Council's property, that section will require a permit for the occupation of Council's property. The applicant, owner, builder or site supervisor must apply for specific permits. The application form is available from Council's Customer Service Department.

#### **Air Quality**

72. Full compliance shall be given to the recommendations contained in the endorsed acoustic consultant's report.

#### **Disabled Access**

73. Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia, the relevant standards and the requirements of the Disability (Access to Premises – Buildings) Standards 2010. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

74. A carparking space for persons with disabilities shall be provided in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

75. 15% of the development (3 units) shall be designed as Accessible Housing in accordance with AS4299. **Prior to the issue of a Construction Certificate,** the Principal Certifying Authority shall confirm that the post-adaptable unit configurations are satisfactory through assessment by an accredited Access Consultant.

### Waste Management

76. Submission of a comprehensive Waste Management Plan to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**. Such plan shall address demolition, construction and operation waste arising from the development and shall include:-
- (e) type and likely quantity of waste arising from the demolition and construction activities;
  - (f) storage, disposal and recycling measures for all demolition and construction waste, including specific disposal points and arrangements;
  - (g) provision for a suitable number of 660 litre garbage bins and 240 litre recycling bins for the residential development;
  - (h) fitout details of any garbage/waste enclosures and storage areas.
- Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.
77. Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.
78. An enclosed waste storage room is required to be provided within the basement in place of parking space No. 24. The waste storage room shall be designed to comply with the relevant standards and details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**. The temporary waste storage area adjacent to the basement entry ramp shall only be utilised for bins awaiting collection and bins shall be relocated to the basement storage area once emptied.

### Integrated Development

79. If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
80. An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
81. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.



82. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
83. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
84. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
85. If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.

For the Motion: Councillors OK, Bott, Datta, McLucas and Soulos

Against the Motion: Nil.

### **3. DA2016/040 – 3-7 Anselm Street, Strathfield South**

In accordance with Council's Code of Meeting Practice the following person addressed the meeting.

<b>Against the Application</b>
Mr Stephen Austin

#### **MOTION:** (McLucas/Bott)

That DA 2016/040 for the demolition of existing structures, erection of an infill affordable rental housing development containing (25) units (1) level of basement parking at 3-7 Anselm Street, Strathfield South, be granted a DEFERRED COMMENCEMENT CONSENT subject to the conditions in the report.

#### **AMENDMENT:** (McLucas/Soulos)

That DA2016/040 for the demolition of existing structures, erection of an infill affordable rental housing development containing (25) units (1) level of basement parking at 3-7 Anselm Street, Strathfield South, be deferred to negotiate with the residents and a traffic report be prepared.

For the Amendment: Councillors Datta, McLucas and Soulos

Against the Amendment: Councillors Bott and Ok

**217/16**

**RESOLVED:** (McLucas/Soulos)

That DA2016/040 for the demolition of existing structures, erection of an infill affordable rental housing development containing (25) units (1) level of basement parking at 3-7 Anselm Street, Strathfield South, be deferred to negotiate with the residents and a traffic report be prepared.

For the Motion: Councillors Datta, McLucas and Soulos

Against the Motion: Councillors Ok and Bott

The Mayor declared the Motion Carried.

Councillor Soulos vacated the meeting room at 7.34pm.

**4. DA2016/052 – 28 Burlington Road, Homebush**

Councillor Bott declared a non-significant non-pecuniary interest in this matter as owns a property on Burlington Road and advised that as it is a non-significant non-pecuniary interest he intends to remain in the meeting room during discussion on the matter.

**218/16**

**RESOLVED:** (McLucas/Datta)

That Council note DA2016/052 for the demolition of existing structures and construction of a three (3) storey residential flat building containing a total of nine (9) units comprising three (3) x 2 bedroom and six (6) x 1 bedroom units above one (1) level of basement car parking at 28 Burlington Road, Homebush has been withdrawn by the Applicant.

For the Motion: Councillors Ok, Bott, Datta and McLucas

Against the Motion: Nil.

**5. Draft Strathfield Direct Development Contributions Plan 2010-2030 – Version 2**

Councillor Soulos previously declared a conflict of interest in this matter was not in attendance in the meeting room during discussion and voting on the matter.

**219/16**

**RESOLVED:** (Datta/McLucas)

1. That Council endorse the draft Strathfield Direct Development Contributions Plan 2010-2030 – Version 2, subject to the inclusion of Strathfield Park as a Priority 1 project.
2. That Council proceed with the public exhibition of the draft Strathfield Direct Development Contributions Plan 2010-2030 – Version 2, in accordance with the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulations 2000.
3. That a further report on the draft Strathfield Direct Development Contributions Plan 2010-2030 – Version 2 be provided to Council following the public exhibition period.

For the Motion: Councillors Ok, Bott, Datta and McLucas

Against the Motion: Nil.

**6. Planning Proposal for 38-50 Weeroona Road, Strathfield**

**220/16**

**RESOLVED:** (McLucas/Datta)

1. That Council endorse the Planning Proposal to rezone 38-50 Weeroona Road, Strathfield (Lot 1 DP 803688) from SP2 Electricity Supply to IN1 General Industrial.
2. That Council exercise the delegation authorised by the Minister's delegate in the Gateway Determination to amend the Strathfield Local Environmental Plan 2012 in accordance with Section 59 of the Environmental Planning and Assessment Act 1979 (EP&A Act).
3. That the proponent and objectors be notified accordingly.

For the Motion: Councillors Ok, Bott, Datta and McLucas

Against the Motion: Nil.

Councillor Soulos returned to the meeting room at 7.36pm.

**7. Planning Proposal for 7-33 Water Street, Strathfield South**

In accordance with Council's Code of Meeting Practice the following person addressed the meeting.

<b>In Favour of Proposal</b>
Mr Ian Cady - Urbis

**221/16**

**RESOLVED:** (McLucas/Datta)

1. That the Planning Proposal to rezone 7-33 Water Street, Strathfield South from IN1 General Industrial to R4 High Density Residential should not proceed to Gateway Determination for the following reasons:
  - Lack of a comprehensive Flood Study to support the zoning change;
  - Lack of detail and consultation with external agencies regarding the proposed Voluntary Planning Agreement;
  - The proposed maximum height of 28m and maximum Floor Space Ratio of 1.85:1 are excessive considering context of the site; and
  - Potential land use conflict between the proposed R4 High Density Residential zoning and neighbouring IN1 General Industrial zoning.
2. That the proponent be advised to amend the Planning Proposal in accordance with maximum height of 11m and maximum FSR up to 1.2:1 consistent with the established Strathfield Local Environmental Plan spatial hierarchy, subject to the submission of additional information to satisfy the flooding issues within the site and value capture matters.
3. That the Department of Planning & Environment be notified accordingly.

For the Motion: Councillors Bott, Datta, McLucas and Soulos

Against the Motion: Councillor Ok

The Mayor declared the Motion Carried.

**8. DA2016/019 – 31-35 Smallwood Avenue, Homebush**

**222/16**

**RESOLVED:** (Datta/McLucas)

That DA2016/019 for the demolition of existing site structures and the construction of a seven (7) storey mixed use building comprising of one (1) retail suite and (45) residential units over two (2) levels of basement parking at 31-35 Smallwood Avenue, Homebush, be APPROVED subject to the following conditions:

**PART B - OTHER CONDITIONS**

**Plans**

1. The development shall be completed in accordance with the approved plans and documents listed below, prior to the building being used or occupied, and subject to any amendments “in red” and any variation as required by conditions of this consent:

Site Plan, Drawing No.A1010, Issue A, prepared by Ghazi Al Ali Architects, received by Council 8 February 2016.

Demolition Plan Drawing No.A1100, Issue A, prepared by Ghazi Al Ali Architects, received by Council 8 February 2016.

Basement 02 Floor Plan Drawing No.A1200, Issue B, prepared by Ghazi Al Ali Architects, received by Council 12 July 2016.

Basement 01 Floor Plan Drawing No.A1201, Issue A, prepared by Ghazi Al Ali Architects, received by Council 12 July 2016.

Ground Floor Plan Drawing No.A1202, Issue D, prepared by Ghazi Al Ali Architects, received by Council 12 July 2016.

Level 01 Floor Plan Drawing No.A1203, Issue D prepared by Ghazi Al Ali Architects, received by Council 12 July 2016.

Level 02 Floor Plan Drawing No.A1204, Issue D prepared by Ghazi Al Ali Architects, received by Council 12 July 2016.

Level 03 Floor Plan Drawing No.A1205, Issue D prepared by Ghazi Al Ali Architects, received by Council 12 July 2016.

Level 04 Floor Plan Drawing No.A1206, Issue D prepared by Ghazi Al Ali Architects, received by Council 12 July 2016.

Level 05 Floor Plan Drawing No.A1207, Issue C prepared by Ghazi Al Ali Architects, received by Council 12 July 2016.

Level 06 Floor Plan Drawing No.A1208, Issue C prepared by Ghazi Al Ali Architects, received by Council 12 July 2016.

Roof Plan Drawing No.A1209, Issue C prepared by Ghazi Al Ali Architects, received by Council 12 July 2016.

East Elevation Drawing No.A1500, Issue C prepared by Ghazi Al Ali Architects, received by Council 12 July 2016.

North Elevation Drawing No.A1501, Issue B prepared by Ghazi Al Ali Architects, received by Council 12 July 2016.

West Elevation Drawing No.A1502, Issue C prepared by Ghazi Al Ali Architects, received by Council 12 July 2016.

South Elevation Drawing No.A1503, Issue B prepared by Ghazi Al Ali Architects, received by Council 12 July 2016.

Section A Drawing No.A1700, Issue B prepared by Ghazi Al Ali Architects, received by Council 12 July 2016.

Section B Drawing No.A1701, Issue A prepared by Ghazi Al Ali Architects, received by Council 12 July 2016.

Section C Through Driveway and Ramps Drawing No.A1702, Issue B prepared by Ghazi Al Ali Architects, received by Council 12 July 2016.

Landscape Plan Drawing No.LPDA 16-247/1 Issue F received by Council 12 July 2016.

Landscape Plan Drawing No.LPDA 16-247/1 Issue A received by Council 12 July 2016.

Materials Schedule (East Façade) Drawing No.A1600, Issue A prepared by Ghazi Al Ali Architects, received by Council 15 February 2016.

Materials Schedule (West Façade) Drawing No.A1601, Issue A prepared by Ghazi Al Ali Architects, received by Council 15 February 2016.

Materials Schedule (South Façade) Drawing No.A1602, Issue A prepared by Ghazi Al Ali Architects, received by Council 15 February 2016

BASIX Certificate No.690695M\_02, received by Council 13 July 2016.

Waste Management Plan prepared by Ghazi Al Ali Architect, received by Council 15 February 2016.

Cover Sheet Project No.20150012 Drawing No.SW01 Revision A Sheet 1 of 6 prepared by SGC, received by Council 15 February 2016.

Stormwater Concept Design Basement 2 Plan Project No.20150012 Drawing No.SW02 Revision A Sheet 2 of 6 prepared by SGC, received by Council 15 February 2016.

Stormwater Concept Design Basement 1 Plan Project No.20150012 Drawing No.SW03 Revision A Sheet 3 of 6 prepared by SGC, received by Council 15 February 2016.

Stormwater Concept Design Ground Floor Plan Project No.20150012 Drawing No.SW04 Revision A Sheet 4 of 6 prepared by SGC, received by Council 15 February 2016.

Erosion and Sediment Control Plan Project No.20150012 Drawing No.SW05 Revision A Sheet 5 of 6 prepared by SGC, received by Council 15 February 2016.

Stormwater Concept Design Details Project No.20150012 Drawing No.SW06 Revision A Sheet 6 of 6 prepared by SGC, received by Council 15 February 2016.

Noise Assessment prepared by Acoustic Consulting Engineers, received by Council 15 February 2016.

Carpark, Ramp and Driveway Certification of Proposed Residential Development prepared by ML Traffic Engineer, received by Council 15 February 2016.

Geotechnical Investigation Report prepared by Geo-environmental Engineering, received by Council 15 February 2016.

Stage 1 – Preliminary Site Contamination Investigation prepared by Geo-environmental Engineering, received by Council 15 February 2016.

2. A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction associated with this consent.
3. The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.
4. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

### Special Conditions

5. The following privacy measures shall be installed and maintained at all times:
  - (a) all windows shown upon North Elevation Drawing No.A1501, Issue B prepared by Ghazi Al Ali Architects shall be treated with obscure glazing to a minimum height of 1.7m measured from the Finished Floor Level or be highlight windows with a minimum sill height of 1.7m above finished floor level.

Details of the above measures shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**.

6. **Prior to the issue of a Construction Certificate**, amended plans shall be prepared and submitted to the Principal Certifying Authority demonstrating nine (9) units as adaptable units in accordance with Australian Standard 4299. The amended plans shall be certified by a suitably qualified Access Specialist.

### General

7. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in

accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.

8. For residential flat developments which are subject to State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Flat Development and required to be accompanied by a design verification from a qualified designer under Clause 50(1A) of the Environmental Planning and Assessment Act Regulation 2000, a certifying authority must not issue:
  - (a) a **Construction Certificate** unless the certifying authority has received a design verification statement from a qualified designer that verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 143A of the Regulations; and
  - (b) an **Occupation Certificate** to authorise a person to commence occupation or use of the residential flat building unless the certifying authority has received a design verification statement from a qualified designer that verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 154A of the Regulations.
  
9. A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council-controlled areas. The permit must be retained on site at all times.
  
10. **Prior to the issue of a Construction Certificate**, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils' assets.
  
11. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$20million and shall provide proof of such cover to Council prior to carrying out works.

**Financial Matters**

12. In accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Provision of Community Facilities	\$ 51,822.21
Provision of Major Open Space	\$253,089.09
Provision of Local Open Space	\$101,547.57
Provision Roads and traffic Management	\$184,258.75
Administration	\$ 10,796.08
<b>TOTAL</b>	<b>\$601,513.71</b>

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. Contributions shall be indexed at the time of payment in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

The required contribution shall be paid **prior to the issue of a Construction Certificate.**

13. A security payment of \$7,254.00 in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council **prior to the issue of a Construction Certificate.** The security payment is GST inclusive and comprises the following:

Refundable tree protection bond	\$3,000.00
Refundable works bond	\$4,000.00
Non-refundable administration fee (\$127/bd)	\$ 254.00
<b>TOTAL</b>	<b>\$7,254.00</b>

The security payment covers the following matters and will be released upon satisfactory completion of these items:

- (a) road and stormwater drainage works in roadways and public areas;
- (b) connection to Council's stormwater drainage system;
- (c) installation and maintenance of sediment control measures for the duration of construction activities;
- (d) tree final inspection to ensure that Council's street trees have been retained, protected or replanted in accordance with conditions of consent and/or Arborists' report for the post final inspection twelve (12) month period; and
- (e) Ensuring no damage occurs to or building debris/materials are left on Council land including footpath, nature strip, kerb and gutter. The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

14. Fees are payable where Council is appointed as principal certifying authority to carry out the post-approval inspections. A quotation for the fees can be obtained by contacting Council and the fees shall be paid **prior to the carrying out of any of the inspections.**

Any re-inspection which is necessary due to site access not being available, defective work, or the matter not being ready for inspection will be charged in accordance with Council's Fees and Charges Policy. Council will advise in writing if an additional re-inspection is required and the re-inspection fee shall be paid **prior to release of the damage deposit.** If the additional fee is not paid it will be deducted from the damage deposit.

**Parking/Traffic Matters**

15. A total of (56) off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	45 (including 7 accessible spaces)
Visitors	9
Retail/Commercial	2
<b>TOTAL</b>	<b>56</b>



These spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

Residential parking spaces shall be designated at a rate of at least one (1) space per 1 and 2 bedroom unit and commercial spaces at a rate of 1 per 40m<sup>2</sup> of floor area.

Commercial and visitor parking spaces shall be provided on the upper most level of basement parking.

If it is proposed to strata subdivide the development in the future, parking designation shall be strictly in accordance with this condition.

16. A sign shall be erected in a suitable location on the site advising that parking is available for visitors/customers.
17. The entry point to the basement carpark area shall be fitted with security gates/shutter to control the entry and exit of vehicles to and from the basement. Any security gates/shutter shall be designed in order to ensure it is able to be opened remotely by occupants of the building.
18. All vehicles entering and leaving the site shall be driven in a forward direction only.
19. All driveways shall be separated from landscaped areas by a minimum 150mm high by 150mm wide concrete kerb or similar.
20. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.
21. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
22. Reconstruct the footpath, kerb and gutter to Council's specifications for the full frontage of the development site at the completion of all building works.
23. Purpose built storage compartment(s) shall be provided to and within each of the resident car parking bays and/or associated dwellings at the following rates:
  - o 6m<sup>3</sup> for each one (1) bedroom unit
  - o 8m<sup>3</sup> for each two (2) bedroom unit, and
  - o 10m<sup>3</sup> for each unit with three (3) bedrooms or more.

In order to deter theft, the security compartments shall be designed in a manner to conceal from view and secure their contents i.e. through the use of dense, solid material and a shroud covered padlock (or similar).

Amended plans showing the location and configuration of each of storage compartment(s) shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

24. A detailed Construction Site Traffic Management Plan (CTMP) must be submitted to and approved by Council, prior to commencement of any site work (including demolition).

The CTMP must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- (a) A description of the demolition, excavation and construction works
- (b) A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- (c) Any proposed road and/or footpath closures
- (d) Proposed site access locations for personnel, deliveries and materials
- (e) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- (f) Provision for loading and unloading of goods and materials
- (g) Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network
- (h) Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- (i) Proposed hours of construction related activities and vehicular movements to and from the site
- (j) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority)
- (k) Any activities proposed to be located or impact upon Council's road, footways or any public place
- (l) Measures to maintain public safety and convenience
- (m) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc).

25. **Prior to the issue of a Construction Certificate**, a suitably qualified Civil or Traffic Engineer shall certify that the Access to the basement car park, head room for basement entry, driveway ramp and turning circles complies with AS 2890.1-2004 and will cause no scrapping to the underside of a B85 vehicle.
26. The basement ramp at the property boundary shall result in no change to the existing footpath level.

#### **Drainage/Stormwater**

27. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to Council's Street Drainage System located within Hudson Street. The proposed onsite stormwater detention tank will connect into this new kerb inlet pit. The internal drainage system has been designed generally satisfactory and is depicted on the concept drainage plans prepared by S&G Consultants Pty Ltd Project No.20150012 Drawings No.SW02 Rev A, SW03 Rev A, SW04 Rev A, SW05 Rev A, SW06 Rev A.
28. Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans **AND** the requirements of Council's Stormwater Management Code and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.
29. On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system. The storage system shall be designed in accordance with the endorsed concept stormwater plans **AND** Council's Stormwater Management Code. Details of the

storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

30. Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
31. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.
32. **Prior to the issue of an Occupation Certificate,** written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.

In addition, detailed works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to and approved by the Principal Certifying Authority. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels.

33. For drainage works within public land or connecting to Council's stormwater drainage system the following inspections will be required:-
- (a) After the excavation of pipeline trenches.
  - (b) After the laying of all pipes prior to backfilling.
  - (c) After the completion of all pits and connection points.

A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Works and Services section on 9748-9999 during office hours. Work is not to proceed until the works are inspected and approved by Council.

34. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the:
- (a) On-site stormwater detention system.

The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority **prior to the issue of an Occupation Certificate.**

The positive covenant is required to prevent future modification or alteration without the written consent of the consent authority, and to ensure suitable maintenance is carried out.

35. Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.

36. The connection to Council's street drainage system shall consist of a pipeline across to the street kerb with the pipeline being laid under the kerb and gutter and then continuing straight to the connection point to Council's junction pit in Hudson Street.
37. The pipe in Hudson Street shall be 375mm in diameter, reinforced concrete spigot and socked with rubber ring joints. A pit shall be constructed at the property boundary, and at the kerb line.
38. The utility services within the area of effect of the proposed drainage works (i.e. gas, water, sewer, electricity, telephone, etc) shall be physically located **prior to the commencement of drainage works** in Short Street. The relevant authority's written consent for excavation adjacent to their services shall be obtained. Any adjustments required shall be at no cost to Council.
39. Upon completion of drainage works within the road reserve an electronic copy of full works-as-executed plans prepared and signed by a registered surveyor, shall be submitted for Council's approval. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and locations for the drainage structures and works.
40. The proposed drainage line and pits connecting to Council's drainage pit in Short Street shall be constructed **prior to the issue of an Occupation Certificate.**
41. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.
42. All surface inlet drains upstream of the on-site detention basin must be designed so that there is no overflow before the storage is full.
43. All pits shall be constructed in accordance with Australian Standard AS3500.3.
44. All subsoil drainage must be designed to meet the requirements of AS3500.

#### **Landscaping/Tree Matters**

45. The trees listed below shall be retained at all times:

<b><u>Tree</u></b>	<b><u>Height/ Spread (m)</u></b>	<b><u>Location</u></b>	<b><u>Protection Zone (m)</u></b>	<b><u>Structural Root Zone (m)</u></b>
Tristaniopsis laurina	4 x 4	Road reserve	3.84	2.32
Tristaniopsis laurina	4 x 4	Road reserve	3.84	2.32
Tristaniopsis laurina	4 x 4	Road reserve	3.84	2.32
Group of Corymbia maculata	8 x 3	Adjoining , South	3.0	2.13

and protected by the establishment of a **protection zone** (in accordance with Australian Standard AS4970-*Protection of trees on development sites*) before any site works begin (including any demolition/excavation). The protection zone shall be maintained for the duration of works and implemented as follows:

- (a) A minimum 1.8m high barrier (Chain wire mesh panels, plywood or wooden paling fence panels: refer to AS4687-*Temporary fencing and hoardings* for fencing

requirements) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area. Fence posts and supports should have a diameter greater than 20mm and be located clear of roots. The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.

- (b) Signs identifying the Protection Zone should be installed on the fencing and be visible from within the development site. Lettering should comply with *AS4970-2009: Protection of Trees on Development Sites*.
- (c) No concrete slurry or wash, building materials, builders' rubble, excavation soil or similar shall be placed or stored within the tree protection zone.
- (d) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
- (e) The tree protection zone shall be regularly watered.
- (f) Any major structural roots which are encountered shall be pruned by a qualified Arborist.
- (g) **No excavation or construction shall be carried out** within the stated *Structural Root Zone* distances from the base of the trunk surface.
- (h) Only permeable surfaces (e.g. decomposed granite, gravel, turfpave, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.

- 46. A minimum 600mm deep root deflection barrier shall be provided on both sides of the proposed driveway crossing(s) and footpaths.
- 47. All noxious weeds on the site shall be removed and destroyed as per their classification under the *Noxious Weeds Act 1993*.
- 48. The following listed trees are permitted to be removed to accommodate the proposed development however, any of the trees listed below that are located on adjoining properties must only be removed after consent from the tree's owner has been sought and obtained in writing:

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>
Ligustrum lucidum	10 x 6	Rear yard 31 Smallwood
Syagrus romanzoffianum	8 x 3	Rear yard 31 Smallwood

- 49. All trees permitted to be removed by this consent shall be replaced by species selected from Council's recommended planting list. Replacements shall be a minimum 50 litre container size and shall be maintained until maturity.
- 50. General maintenance of Council's nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).
- 51. Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m shall be planted along side and rear boundaries to provide privacy screening and shall be maintained at all times. Details of the selected plants shall be submitted to and

approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

52. To protect existing trees, masonry fence piers must be setback a minimum 2.0 metre radius from Trees 1-3 *Tristaniopsis laurina* and all masonry walling between the piers within this zone must be supported on concrete beams (not strip footings).
53. All common and private landscape areas including all planters are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and all relevant Australian Standards.

### Construction Matters

54. An application for a 'Works Zone' must be submitted to and approved by the Strathfield Council Traffic Committee prior to the commencement of any site work (including demolition).

The suitability of the proposed length and duration of the Works Zone is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Strathfield Council Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

55. **Prior to the commencement of any construction or demolition work**, the Applicant or principal contractor must, subject to obtaining permission from the respective property owners, provide dilapidation reports prepared by a suitably qualified person (such as a structural engineer), on the buildings located on any lot adjacent to the subject site, inclusive of ancillary structures. A copy of the respective report must be provided to the Principal Certifying Authority and neighbouring property owners that are the subject of that report.
56. The proposed development shall comply with the Building Code of Australia and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.**
57. Footings shall be designed in accordance with the soil classification of H, or Highly Reactive (unless determined to the contrary by a suitably qualified person).
58. If the soil conditions require it retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.
59. The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match

the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.

60. If the existing ground levels are altered during construction, Council may require a survey plan of the finished ground levels to be prepared and submitted **prior to the issue of an Occupation Certificate** to determine if there have been changes to the pre-development levels and if there are any impacts on adjoining properties as a result.
61. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.
62. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
63. If an excavation associated with the approved works 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; and
  - (b) If necessary, must underpin and support the building in an approved manner, and
  - (c) Must, at least seven (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.
64. There are built structures which may be in the zone of influence of the proposed works and excavations on the site. A qualified practicing geotechnical engineer must prepare a Construction Methodology Report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.

The report must be submitted with the application for a Construction Certificate and must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include;

- (a) the location and level of nearby foundations and footings (site and neighbouring);
- (b) proposed method of excavation;
- (c) Permanent and temporary support measures for excavation;
- (d) Potential settlements affecting footings and foundations;
- (e) Ground water levels (if any);
- (f) Batter slopes;
- (g) Potential vibration cause by method of excavation; and
- (h) De-watering including seepage and offsite disposal rate (if any).

Excavation, retention, underpinning and construction must be undertaken onsite by an excavation contractor with specialist excavation experience. A suitably qualified geotechnical engineer, specialising in excavation must supervise the excavation procedure.

65. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
66. The common access pathways, letterboxes and entry doorways to the building shall be provided with suitable low level artificial lighting systems to ensure safe and convenient access at night. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.
67. To maintain pedestrian safety in common areas suitable lighting is to be provided on the development site adjoining each street frontage and near pedestrian main entrances to the site. Details shall be submitted and approved by the Principal Certifying Authority **prior to the installation** thereof.

### **Building Matters**

68. Identification numbers are to be clearly displayed at the front of the premises and be easily visible from the street.
- If it is proposed to strata subdivide the building, the lot numbers and unit numbers shall be the same as those nominated on the approved plans and be in accordance with Council's requirements. For strata subdivision, parking spaces shall have the same lot number as the residential portion and shall not be numbered separately.
69. **Prior to the issue of an Occupation Certificate**, the applicant shall submit evidence to the Principal Certifying Authority that a Master TV antenna has been installed on the roof of the building that services all apartments.

### **Sustainability**

70. Water collected in the rainwater tank must be roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:
- (a) Toilet flushing;
  - (b) Clothes washing;
  - (c) Garden irrigation;
  - (d) Car washing and similar outdoor uses;
  - (e) Filling swimming pools, spa pools and ornamental ponds; and
  - (f) Fire fighting.
71. Water heating systems to multi-unit residential developments shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

### **Demolition**

72. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.



73. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority **prior to any work commencing on site.**
74. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority **prior to any work commencing on site.**
75. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

### Fire Safety Measures

76. Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within the building and specified in the fire safety schedule. The final fire safety certificate shall be provided **prior to the issue of an Occupation Certificate.**
77. Each 12 months after the installation of essential fire or other safety measures, the owner of a building must submit an Annual Fire Safety Statement for the building to Council. In addition a copy of the statement must be given to the NSW Fire Commissioner and a copy displayed prominently in the building.

### Hoardings

78. If 'A' type hoarding is to be erected about the building site, it is to comply with NSW Workcover's requirements; shall have a minimum height of 1.8 m and comply with AS1725-2003 (Galvanized Rail-Less Chain-Wire Security Fences and Gates) or AS 4687-2007 (Temporary Fencing and Hoardings). Inverted trench mesh is not an acceptable 'A' type hoarding and as such does not satisfy AS1725-2003 and as such shall not be installed to the building site.
79. An overhead 'B' type hoarding shall be constructed where buildings over 7.5 m in height above the footpath level and within 3.6 m of the street alignment are being erected or demolished or where the outer part of such a building adjoining a public way is being altered. Where the height of the building or the position of the site is such that danger is likely to occur from falling objects, additional safety hoarding shall be provided to the satisfaction of the principal certifying authority and Workcover NSW.
80. An overhead 'B' type hoarding shall be constructed where material is being hoisted over or across a public way.
81. The following additional requirements apply to the erection of a 'B' type hoarding:
- (a) No advertisement of any kind shall be affixed to hoarding with the exception of a board not exceeding 2400 –mm by 1800-mm on which may be shown the architects, builders and principal certifying authority company name / contact details or any particulars regarding the subject building, and notices regarding the existing or future occupancies in the building.
  - (b) A sign reading 'Billposters will be Prosecuted' shall be attached or printed upon the front of the hoarding

- (c) A hydrant or other footpath box shall not be covered in any way or access to it impeded
- (d) Cranes shall not be placed upon the public way unless a permit has been obtained under section 68 Local Government Act, 1993.
- (e) The hoarding must be so constructed that it will not obstruct the view of traffic lights of motorists or pedestrians.
- (f) The use of the roadway for the storage of building materials is not permitted.
- (g) Where materials are being hoisted over a public way a sign shall be attached or printed upon the front of the hoarding at the decking level with the lettering 'Lifting Operation Above'. The lettering shall not be less than 300-mm in height.
- (h) Persons undertaking the work in accordance with this Approval must hold this Approval/Permit on-site for inspection.
- (i) Approval for a temporary protective structure does not permit use of the roadway for general loading and unloading from construction vehicles. This requires a separate Construction Zone Application.
- (j) An appropriate qualified practising structural engineer shall certify the structural stability / adequacy of the erected 'B' type hoarding. A copy of the certificate shall be forward to the principal certifying authority and to Council, where Council is not the principal certifying authority.

82. The builder shall erect and maintain all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary and must be in place before the approved activity commences.

83. Permits are required to erect Class 'A' or 'B' type hoardings. If any type hoarding is to occupy a section of Council's property, that section will require a permit for the occupation of Council's property. The applicant, owner, builder or site supervisor must apply for specific permits. The application form is available from Council's Customer Service Department.

#### **Air Quality**

84. As required by the Protection of the Environment Operations (Noise Control) Regulation 2008, air-conditioning units or heat pump water heaters shall not be audible in the habitable rooms of any other residential premises before 8am or after 10pm on any Saturday, Sunday or public holiday, or before 7am or after 10pm on any other day.

85. Full compliance shall be given to the recommendations contained in the endorsed acoustic consultant's report.

86. **Prior to the issue of any Occupation Certificate** the Principal Certifying Authority shall confirm that the development has been constructed in accordance with the recommended methodology within the endorsed Acoustic report to ensure noise levels do not exceed:

- (a) In any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am, and
- (b) Anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

#### **Subdivision**

87. The strata subdivision of the development shall be subject to a separate application.

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### Disabled Access

88. Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia, the relevant standards and the requirements of the Disability (Access to Premises – Buildings) Standards 2010. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
89. **Prior to the issue of a Construction Certificate,** certification shall be submitted to the Principal Certifying Authority demonstrating that at least 20% of the residential units meet the silver level Universal Design Guide requirements of the Livable Housing Design. In order to meet the requirements, the following must be achieved:
- (a) A safe continuous and step free path of travel from the street entrance and/or parking area to a dwelling entrance that is level.
  - (b) Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.
  - (c) A toilet on the ground (or entry) level that provides easy access.
  - (d) A bathroom that contains a hobless (step-free) shower recess.
  - (e) Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date
  - (f) A continuous handrail on one side of any stairway where there is a rise of more than one metre.
  - (g) Stairways are designed to reduce the likelihood of injury and also enable future adaptation.

### Waste Management

90. Submission of a comprehensive Waste Management Plan to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.** Such plan shall address demolition, construction and operation waste arising from the development and shall include:-
- (a) type and likely quantity of waste arising from the demolition and construction activities;
  - (b) storage, disposal and recycling measures for all demolition and construction waste, including specific disposal points and arrangements;
  - (c) type and likely quantity of trade and operational waste arising from the proposed development, including storage and collection details. Note: Strathfield Council does not provide a trade waste service;
  - (d) provision for a suitable number of 660 litre garbage bins and 240 litre recycling bins for the residential development;
  - (e) storage, disposal, collection and recycling arrangements for all trade and operational waste; and
  - (f) fit out details of any garbage/waste enclosures and storage areas.

Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.

91. The waste storage room shall be designed to comply with the relevant standards and details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
92. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property as follows:
- (a) Full and free right must be provided to Strathfield Council employees or its authorised contractors to:
    - (ii) Enter upon the land and remove any waste products using any vehicle or equipment as necessary;
  - (b) The owner of the lot burdened shall be solely responsible for the cost of maintaining in good and sufficient repair at all times the internal roads or access ways used by Strathfield Council for the purpose of exercising its rights as set out in clause (a) above.

The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority **prior to the issue of an Occupation Certificate.**

#### NSW Office of Water

93. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
94. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
95. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
- a. any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
  - b. any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
  - c. where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
96. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
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97. DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

98. The following shall be included in the initial report:
- a. measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
  - b. a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
  - c. details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
  - d. a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]
99. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
100. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.

101. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
102. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).
103. A copy of a valid consent for the development shall be provided in the initial report.
104. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called “tailwater”) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
105. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

106. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
107. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
108. Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
109. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority’s approval and/or owner’s consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
110. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.

111. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
112. Access to groundwater management works used in the activity is to be provided to permit inspection when required by DPI Water under appropriate safety procedures.

Following excavation

113. Following completion of the dewatering operations, the applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include:
- a. detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
  - b. a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
  - c. a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
114. The completion report is to be assessed by DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

**Land Contamination**

115. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.
116. All fill imported on to the site shall be validated by an appropriately qualified person/body to ensure the imported fill is suitable, from a contamination perspective, for the proposed land use. Fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage purposes.
117. Details of the appropriate validation of imported fill material are to be submitted with any application for future development of the site. All fill imported onto the site is to be validated during remediation works by sampling and analysis of the fill material in accordance with the applicable guidelines to ensure that the material is not contaminated.
118. Any soils proposed for removal from the site should initially be classified in accordance with the "waste Classification Guidelines Part 1: Classifying Waste" NSW DECC (2014).
119. A Hazardous Materials Assessment of the buildings should be undertaken prior to demolition being carried out on site.

For the Motion: Councillors Ok, Bott, Datta, McLucas and Soulos

Against the Motion: Nil

**8. MAYORAL MINUTE (S) IN ACCORDANCE WITH COUNCIL'S CODE OF MEETING PRACTICE**

Nil.

**9. COUNCILLORS' QUESTIONS TO THE MAYOR**

Nil.

**10. REPORTS FROM COMMITTEES**

1. Report of Strathfield Town Centre Master Plan Steering Committee Meeting held on 23 June 2016

Councillor Soulos having previously declared a non-significant non-pecuniary interest in this matter vacated the meeting room and took no part in discussion or voting on the matter.

**223/16**

**RESOLVED:** (McLucas/Datta)

That the minutes of the Strathfield Town Centre Master Plan Steering Committee Meeting held on 23 June 2016 be noted and the recommendations (if any) be adopted.

For the Motion: Councillors Ok, Bott, Datta and McLucas

Against the Motion: Nil

2. Report of Australian Korean Memorial Garden and Cultural Centre Steering Committee Meeting held on 23 June 2016

**224/16**

**RESOLVED:** (Datta/McLucas)

That the minutes of the Australian Korean Memorial Garden and Cultural Centre Steering Committee Meeting held on 23 June 2016 be noted and the recommendations (if any) be adopted.

For the Motion: Councillors Ok, Datta and McLucas

Against the Motion: Councillor Bott

Councillor Soulos returned to the meeting room at 7.51pm.



**11. MOTIONS PURSUANT TO NOTICE**

A. Notice of Motions signed by Councillor Bott

**2. Walking and Cycling**

I MOVE:

That Council report on potential proposals for walking and cycling improvements for Strathfield Local Government Area that can be submitted to RMS's Walking and Cycling program.

**225/16**

**RESOLVED:** (Bott/Datta)

That Council report on potential proposals for walking and cycling improvements for Strathfield Local Government Area that can be submitted to RMS's Walking and Cycling program.

For the Motion: Councillors Ok, Bott, Datta, McLucas and Soulos

Against the Motion: Nil

**12. GENERAL BUSINESS**

**GM1. NSW Local Government Reform Process**

**226/16**

**RESOLVED:** (Datta/Bott)

1. That the report concerning the NSW Local Government Reform Process be noted.
2. That Strathfield Council write to the Minister for Local Government advising that we condemn the recent forced amalgamation of various councils across NSW, the sacking of democratically elected councillors and the disregard for democratic process and the lack of recognition of residents feedback against forced amalgamations.
3. That the affected councils be listed in the letter.

For the Motion: Councillors Bott, Datta, McLucas and Soulos

Against the Motion: Councillor Ok

**GM2. Legal Expenditure**

**227/16**

**RESOLVED:** (McLucas/Datta)

That Council note the report concerning legal expenditure.

For the Motion: Councillors Ok, Bott, Datta, McLucas and Soulos

Against the Motion: Nil

**CS1. Terms of Reference for Youth Engagement Advisory Committee**

**228/16**

**RESOLVED:** (Bott/Soulos)

That Council approve two changes to the Terms of Reference for the Strathfield Youth Engagement Advisory Committee.

For the Motion: Councillors Ok, Bott, Datta, McLucas and Soulos

Against the Motion: Nil

**CS2. Report on Outcomes of Community BBQs**

**229/16**

**RESOLVED:** (McLucas/Datta)

1. That events be automatically rescheduled 24 hours before the event if rain is forecasted.
2. That events be scheduled for spring and early autumn delivery on weekends.

For the Motion: Councillors Ok, Bott, Datta, McLucas and Soulos

Against the Motion: Nil

**ID1. Asbestos Remediation Works at Chisolm Street, Belfield**

**230/16**

**RESOLVED:** (Datta/McLucas)

1. That Council proceed with a Request for Tender for the remediation works at the open space at the northern end of Chisholm Street, Belfield.
2. That Council approve the funding for the remediation project of \$200,000 from Council's General Fund.

For the Motion: Councillors Ok, Bott, Datta, McLucas and Soulos

Against the Motion: Nil

**ID2. Plant Replacement and Improvement Program**

**231/16**

**RESOLVED:** (McLucas/Datta)

1. That Council note and authorise the implementation of the proposed Plant Replacement and Improvement Program as detailed in the report and for the purposes of the Section 23A Guidelines note that the report details why proposed actions in respect of matters that may be covered by the Guidelines, are required and warranted.

2. That funding for the Plant Replacement and Improvement Program be provided from the 2016/17 adopted Budget and any shortfall in funding for upgrades be provided from the Plant Reserve.

For the Motion: Councillors Ok, Bott, Datta, McLucas and Soulos

Against the Motion: Nil

**13. MATTERS OF URGENCY IN ACCORDANCE WITH CLAUSE 241 OF THE LOCAL GOVERNMENT (GENERAL) REGULATIONS, 2005**

Nil.

**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 8.03PM.**

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The foregoing Minutes were confirmed at the meeting of the Council of the Municipality of Strathfield held on 2 August 2016.

Chairman \_\_\_\_\_ General Manager \_\_\_\_\_