COMMENCING: 6.07pm

PRESENT: Councillor P Barron (Chairman)
         Councillor T Maroun
         Councillor S Eswaran
         Councillor K Kwon

Councillors Brett-Bowen, Carney and McLucas arrived later in the proceedings.

STAFF: General Manager
       Director Technical Services
       Director Operations
       Director Corporate Services
       Group Manager Planning and Environment
       Manager Strategic Planning
       PA to Director Corporate Services

1. PECUNIARY INTEREST/CONFLICT OF INTEREST

Nil.

2. CONFIRMATION OF MINUTES

P45/11
RESOLVED: (Eswaran/Kwon)

That the minutes of the Planning Committee Meeting of the Council held on 12 July 2011, copies of which have 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.

Voting on this item was unanimous.

3. APOLOGIES

Apologies were tendered on behalf of Councillors Brett-Bowen, Carney and McLucas for late attendance.

P46/11
RESOLVED: (Maroun/Barron)

That the apologies tendered on behalf of Councillors Brett-Bowen, Carney and McLucas for late attendance be accepted and leave of absence granted.

Voting on this item was unanimous.

Councillor Brett-Bowen entered the meeting room.
4. DEFERRED/OUTSTANDING MATTERS AWAITING REPORT

Nil.

5. REPORTS BY OFFICERS

1. DA 1995/105/01– 63 Churchill Avenue, Strathfield

In accordance with Council’s Code of Meeting Practice Ms Angela Ashton, objector and Mr Norm Bradshaw representing Ms Le San Huynh, objector, addressed the meeting.

P47/11
RESOLVED: (Kwon/Eswaran)

That DA1995/105/01 for modifications to an approved development to convert the existing dwelling at No. 63 Churchill Avenue into two (2) self contained flats for dual occupancy purposes, to erect two (2) attached dwellings for dual occupancy and to subdivide No. 65 Churchill Avenue, to additions and alterations to No. 63 Churchill Avenue for use as a single residential dwelling be approved subject to the following conditions:

Condition (1) shall be modified to read as follows.

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:

   Plan No: DA01/A Proposed Ground Floor Plan – Alterations and Additions date received by Council 10 July 2011;

   Plan No: DA02/A Proposed First Floor Plan – Alterations and Additions date received by Council 10 July 2011;

   Plan No: DA03/A Proposed Elevations – Alterations and Additions date received by Council 10 July 2011;

   Plan No: DA04/A Proposed Elevations – Alterations and Additions date received by Council 10 July 2011;

   Plan No: DA05/A Proposed Shadow Diagram – Alterations and Additions date received by Council 10 July 2011;

   Section 96 Modification Accompanying Statement date received by Council 10 July 2011;

   Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction/demolition associated with this consent.
The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.

1.2 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.

Condition (6) being deleted.

Condition (35) being modified to read as follows:

35. **Prior to the issue of a construction certificate** the applicant shall submit and have approved by the Principal Certifying Authority (PCA) a detailed landscape plan shall be prepared in accordance with the Landscape provisions contained within section 10.0 of Part A of the Strathfield Council Development Control Plan. The plans shall include the following:

(a) A minimum 1.5m wide garden is to be established to the full width of the property frontage (except for vehicular crossings and pedestrian ways). The garden bed is to be planted with suitable shrubs and ground cover plants;
(b) A detailed planting schedule for all garden areas indicating the species type, height, number and size;
(c) Soft landscaping shall account for no less than 408.84m² of the site;
(d) Details of all hard and soft surfaces such as turf, gravel, paving, stepping stones and the like shall be shown;
(e) Gardens should feature a mix of trees, shrubs, grasses and ground covers. A minimum of 25% of all plantings shall be locally indigenous species;
(f) 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
(g) The plan shall demonstrate compliance with any other landscape condition of consent.

Should Council not act as the Certifying Authority a copy of the plan shall be forwarded to Council as part of the Construction Certificate.

The following conditions shall be added as follows:

46. The double garage shall measure no greater than 40m² and no higher than 3.5m at the roof pitch. Details of the above measures shall be submitted to the Principal Certifying Authority for approval **prior to issue of Construction Certificate**.

47. All windows and doors on the dwelling, garage and pergola shall be finished in timber in accordance with plans approved under DA95/101.

48. The roof pitch on the first floor addition shall measure no less than five (5) degrees on the east and west elevations.

49. The windows on the east and west elevations of the first floor addition shall;
   a) have a sill height of at least 0.9m above the finished floor level;
   b) Measure no wider than 1m;
c) Be awning style with no balustrade detailing; and

d) Be affixed with obscured glazing to a height of 1.7m as measured from the finished floor level;

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

50. The vehicular access off Ardittos Lane shall measure no wider than 3m.

51. 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.

52. 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;

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

53. The dwelling at no. 63 Churchill Avenue shall be used as a single residential domicile.

Voting on this item was unanimous.

2. DA2011/057 16-18 Brunswick Avenue, Strathfield

P48/11
RESOLVED: (Kwon/Brett-Bowen)

That DA2011/057 for the demolition and construction of a two (2) storey dwelling with basement storage, in-ground swimming pool and front fence at 16-18 Brunswick Avenue, Strathfield be REFUSED for the following reasons:

1. The proposed development having excessive floor to ceiling heights and maximum overall height is incompatible with the bulk, scale and mass of existing and future likely development in the vicinity of the site. This is further exacerbated by the use of extensive parapet features in the design of the front façade contrary to Clause 41B (a) of the Strathfield Planning Scheme Ordinance, 1969, Clause 17 of the draft Strathfield Local Environmental Plan, 2008 and Clauses 3.3.1, 3.3.2 and 8.3.4 of Part A of the Strathfield Consolidated DCP 2005. The proposal would therefore be likely to adversely
impact on the rhythm of the streetscape (Environmental Planning and Assessment Act, 1979 Section 79C (1) (a) (i), (ii), (iii) and (b) respectively).

2. The proposed development fails to ensure that the proposed swimming pool will not adversely impede the flow of flood waters around the dwelling in the event of a 1 in 100 year flood contrary to Clause 59 of the draft Strathfield Local Environmental Plan, 2008. This in turn may result in adverse flooding issues on adjoining residents (Environmental Planning and Assessment Act, 1979 Section 79C (1) (a) (ii) and (b) respectively).

3. The proposed development requires the removal of one (1) Council street tree in order to accommodate the relocation of the existing driveway contrary to Clauses 3.3.3 and 11.3.1 of Part A of the Strathfield Consolidated DCP 2005. In addition, the proposed 3.5m width of the driveway crossover is contrary to the maximum 3.0m permitted under Clause 11.3.1 of Part A of the Strathfield Consolidated DCP 2005. The proposal is therefore likely to result in an unacceptable impact on the amenity of the Brunswick Avenue streetscape (Environmental Planning and Assessment Act, 1979 Section 79C (1) (iii) and (b)).

4. The site is unsuitable for the proposed development as the elevated swimming pool is likely to adversely impede the flow of flood waters through the site during the 1 in 100 year flood event (Environmental Planning and Assessment Act, 1979 Section 79C (1) (c)).

5. As the proposed development is unable to be satisfactorily accommodated on the site in accordance with Council’s planning policies, approval of the proposal is contrary to the public interest (Environmental Planning and Assessment Act, 1979 Section 79C (1) (e)).

Voting on this item was unanimous.

The above Resolution was subject to the following Motion which was Lost:

MOTION: (Eswaran/Maroun)

That DA2011/057 for the demolition and construction of a two (2) storey dwelling with basement storage, in-ground swimming pool and front fence at 16-18 Brunswick Avenue, Strathfield be Deferred to allow consideration of amended plans.

For the Motion: Councillors Eswaran and Maroun
Against the Motion: Councillors Barron, Brett-Bowen and Kwon

Councillor McLucas entered the meeting room.
3. DA 2011/047 – 38-40 Parramatta Road, Homebush

In accordance with Council’s Code of Meeting Practice, Ms Lauren Nguyen, objector, and Mr David Barnes representing the owners of AJ Bush & Sons Pty Ltd, in support, addressed the meeting.

P49/11
RESOLVED: (Eswaran/Maroun)

That DA2011/047 for the demolition of existing structures and construction of a six (6) storey mixed use development for 20 residential units, 250m² commercial floor space and associated basement parking for 28 cars at 38-40 Parramatta Road, 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:

   Plan No: DA-005 Parking Level 1, drawn by Adriaan Winton Architects date received by Council 8 July 2011;

   Plan No: DA-006 Parking Level 2, drawn by Adriaan Winton Architects date received by Council 8 July 2011;

   Plan No: DA-0067 Parking Level 3, drawn by Adriaan Winton Architects date received by Council 8 July 2011;

   Plan No: DA-008 Ground Floor, drawn by Adriaan Winton Architects date received by Council 8 July 2011;

   Plan No: DA-009 Level 1, drawn by Adriaan Winton Architects date received by Council 8 July 2011;

   Plan No: DA-010 Level 2-3, drawn by Adriaan Winton Architects date received by Council 8 July 2011;

   Plan No: DA-011 Level 4-5, drawn by Adriaan Winton Architects date received by Council 8 July 2011;

   Plan No: DA-012 Roof Terrace, drawn by Adriaan Winton Architects date received by Council 8 July 2011;

   Plan No: DA-013 North Elevation - Parramatta Road, drawn by Adriaan Winton Architects date received by Council 8 July 2011;
Plan No: DA-014 South Elevation, drawn by Adriaan Winton Architects date received by Council 8 July 2011;

Plan No: DA-015 West Elevation, drawn by Adriaan Winton Architects date received by Council 8 July 2011;

Plan No: DA-016 East Elevation, drawn by Adriaan Winton Architects date received by Council 8 July 2011;

Survey Plan drawn by Stephen Conroy (Surveyors) date received by Council 7 April 2011;

Waste Management Plan prepared by David Barnes date received by Council 7 April 2011;

Landscape Concept Plan and Roof Plan (Two (2) pages) - drawing no: D02 drawn by Sydney Garden Works Pty Ltd date received by Council 9 July

Correspondence from Williams Consulting Engineers date received Council 7 April 2011;

Deed of Grant of Drainage Easement between David Lhuede Pty Limited and A J Bush and Sons and Orest Peter Swak and Stephanie Swak made on 8 March 2011 and date received by Council 7 April 2011;

Statement of Environmental Effects prepared by Innovation Planning Australia date received by Council 7 April 2011;

Stormwater Plans prepared by Williams Consulting Engineers Australia (L drawing no.2011/009 Drawings 1, 2, & 3 date received by Council 13 July 2011.

SEPP 65 Statement for a Mixed Use Development prepared by Adriaan Winton Architects date received by Council 7 April 2011;

Acoustic Report by Acoustic Logic Consultancy 38-40 Parramatta Road, Homebush

DA Noise Assessment date received by Council 7 April 2011;

Stage 1 Contamination Assessment prepared by Innovation Planning Australia date received by Council 7 April 2011;

Stage 2 Contamination Assessment Job No: 11920/1 dated December 2008 prepared by Geotechnique Pty Ltd date received by Council 7 April 2011;

Further Investigation and Remedial Action Plan Report No: 11920/1-AB dated 22 April 2010 prepared by Geotechnique Pty Ltd date received by Council 7 April 2011;

Traffic and Parking Assessment Report Ref: 10105 prepared by Varga Traffic Planning
date received by Council 20 July 2011;

BASIX Certificate date received by Council 1 August 2011
Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction/demolition associated with this consent.

The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.

2. 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

3. Details concerning the “Area Control System’ for the basement car park shall be designed by a qualified traffic engineer and comply with the Building Code of Australia. Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate. The approved system shall be implemented and maintained in accordance with the manufacturer’s specifications.

4. A shade structure shall be provided on the roof top garden.

5. No obscured or tinted glass is permitted at ground level on the Parramatta Road and Station Street frontages of the development. Glazing shall be transparent to enable active treatment along both frontages.

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 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.

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. Storage of goods or the use of portable clotheslines on balconies visible from a public place is strictly prohibited.

**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:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision of Community Facilities</td>
<td>$21371.20</td>
</tr>
<tr>
<td>Provision of Major Open Space</td>
<td>$131952.40</td>
</tr>
<tr>
<td>Provision of Local Open Space</td>
<td>$53002.80</td>
</tr>
<tr>
<td>Provision Roads and Traffic Management</td>
<td>$4793.00</td>
</tr>
<tr>
<td>Administration</td>
<td>$5652.80</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$217133.00</strong></td>
</tr>
</tbody>
</table>

The total amount of the contribution is valid as at the date of determination and is subject to annual indexation. If the contribution is paid after 1st July in any year, the amount of the contribution under this condition shall be indexed 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 or as otherwise specified in writing by Council.**

12. A security payment of $11 324.00 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:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree Protection bond</td>
<td>$1000.00</td>
</tr>
<tr>
<td>Refundable drainage bond</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Non-refundable administration fee ($124/bd)</td>
<td>$124.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$11,124.00</strong></td>
</tr>
</tbody>
</table>
The security payment covers the following matters and will be released upon satisfactory completion of these items:

a) creation of the Positive Covenant on the property title;
b) connection to Council’s stormwater drainage system;
c) installation and maintenance of sediment control measures for the duration of construction activities; and
d) Construction of the on-site detention storage system.
e) 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.

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. All vehicles associated with the approved use shall be parked within the parking spaces on the site and not on adjacent footpath, access driveways or landscaped areas.

15. A sign shall be erected in a suitable location on the site advising that parking is available for visitors/customers.

16. Where entry points to carpark areas are fitted with security gates/shutter and access to visitor parking is required to be provided a suitable communication systems shall be provided at the entry point to allow the security gates/shutter 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 off-street car parking spaces together with access driveways shall be available at all times to employees and customers.
21. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.

22. All car washing, engine degreasing and steam cleaning shall be conducted in the wash bay which is drained in accordance with the requirements of Sydney Water.

23. All redundant vehicular crossings on Parramatta Road and Station Street shall be removed and replaced with kerb and gutter and footpath at no cost to Council.

24. 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.

25. A Traffic Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

26. A minimum of five (5) bicycle parking facilities shall be provided.

**Drainage/Stormwater**

27. Stormwater runoff from all the roof and paved surfaces shall be collected and discharged by means of a gravity fed system and discharged to piped easement via the proposed onsite stormwater detention system shown on the concept stormwater management plans prepared by Williams Consulting Engineers Australia [drawing no. 2011/009/1,2, & 3 dated July 2011].

28. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.

29. 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, once the Construction Certificate is issued.

30. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path system draining the site.

31. 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 system. Final details of this system are to be submitted with the Construction Certificate application.

32. The following documents shall be submitted to the principal Certifying Authority prior to the issue of Occupation Certificate.

   a. Written verification from a suitably qualified professional civil engineer, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.
b. Full work-as-executed plans prepared and signed by a registered surveyor or engineer. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and locations for all drainage structures and works, buildings, and finished ground and pavement surface levels, and the extent of pervious and impervious areas.

33. 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.

34. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of $10 million, and shall provide proof of such cover prior to carrying out the works.

(1) 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. This includes any work on the nature strip, footpaths, driveways, stormwater outlets, Council's drainage, kerb & guttering and roadways.

(2) The permit must be retained on site at all times and produced on request from any Council Officer.

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/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.

36. All existing public footpath slabs along the Parramatta Road frontage are to be specified as to be removed and repaved to the satisfaction of Council. Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Occupation Certificate.

(a) The new public footpath paving to be supplied and installed is to be specified as 300 x 300 x 50mm concrete pavers with river pebble aggregate and honed finish as equal to Boral 'stylestone' Tan (honed).

(b) Pavers are to be butt joined and laid on 25 mm sand bed over 100mm of 15MPa concrete base with RF62 Mesh on chairs, 40mm cover. Paving is to be laid in diamond pattern with perimeter header courses and regular header cross banding (e.g. every 6 metres). Allow for clay brick pavers 230 x 110 x 50mm in
dark brick red colour as equal to ‘Claypave’ Regency Tan as header and banding pavers.
c) Paving is to extend from the property boundary to the street kerb.

Landscaping/Tree Matters

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

<table>
<thead>
<tr>
<th>Tree</th>
<th>Height/Spread (m)</th>
<th>Location</th>
<th>Protection Zone (m)</th>
<th>Excavation Zone (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lophostemom Confestus</td>
<td>9m x 9m</td>
<td>Nature Strip – Station Street</td>
<td>6.5m</td>
<td>2.55m</td>
</tr>
</tbody>
</table>

The trees shall be 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 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.

- No concrete slurry or wash, building materials, builders’ rubble, excavation spoil or similar shall be placed or stored within the tree protection zone.

- The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.

- The tree protection zone shall be regularly watered.

- Any major structural roots which are encountered shall be pruned by a qualified Arborist.

- **No excavation or construction shall be carried out** within the stated Excavation Zone distances from the base of the trunk surface.

- 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.

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

39. All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious Weeds Act.
40. A minimum of two (2) street trees shall be provided within Council's nature strip in Parramatta Road in accordance with the following:

- Plants shall be a 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 roots systems with no evidence of root curl, restriction or damage. Trees are to have a single leader and clear straight trunk.

- Replacement trees must be Eucalyptus microcorys (Tallow-wood).

- The trees are to be spaced at approximately 8-10 metres intervals the trees are to be located within 1.2 x 1.2 metre wide bays located adjacent to the street kerb.

- 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.

- The trees shall supplied and installed in accordance with the following:
  - Tree Grates - 1.2 x 1.2 metre wide four piece cast iron (as equal to the product installed to the eastern side of Raw Square between Albert Road and Churchill Avenue) are to be installed adjacent to the street kerb. A 75mm depth of pine bark mulch is to be provided over the soil under the tree grate, at a finished level 30mm below the underside of the tree grate.
  - Tree Guards - powder coated steel painted in Dulux 'Classic Hawthorn Green' (as equal to the product installed to the eastern side of Raw Square between Albert Road and Churchill Avenue) are to be installed surrounding each street tree.

- Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.

- Apply soil conditioner/fertilizer/moisture retention additive/s in accordance with manufacturer’s recommendations, and mix into the backfilling soil after planting tree/s.

- Minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.

41. 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).

42. 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.
Site Operation

43. All operations/activities shall be carried out wholly within the building.

44. The storage of goods, materials, equipment, machinery, refuse, or refuse bins (including industrial waste containers) shall be carried out in an area specifically designed for that purpose and not within the road reserve except in accordance with Council’s Materials on the Footpath Policy.

45. Any proposed lighting of the site shall be designed, located or shielded to ensure the amenity of the surrounding area is not adversely affected by light overspill and details shall be submitted and approved by the Principal Certifying Authority prior to the installation thereof.

46. No flashing lights or flashing animated signs shall be erected on the property.

47. No advertising flags, banners or the like are to be erected on or attached to the ground floor tenancies.

48. No advertising, corporate colours, logos or decal are to be applied or painted or placed within 1 metre of the shopfront windows so as to be visible from outside without the prior written approval of Council.

49. No flashing signage visible from the public way shall be installed.

Construction Matters

50. 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.

51. 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).

52. 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.

53. 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
    (h) vehicular ramp gradients.
Copies of the surveyor’s certificates must be submitted to and accepted by Council at the stages nominated above.

54. 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.

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.

55. 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.

56. 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.

57. 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:

- Must preserve and protect the building from damage; and
- If necessary, must underpin and support the building in an approved manner, and
- 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.

58. 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.

59. 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.

60. Certification of the structural adequacy of the sign shall be prepared by a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

61. 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.

62. 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

63. Individual clotheslines shall be provided on the balconies behind a suitable screen wall or balustrade. The clotheslines shall be designed and located so as to not be visible from any public street. A detailed drawing (to a scale of 1:20) of the clothesline and any privacy screening shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

64. The external glass used in the building shall have a reflectivity index of less than 20%. Details and specifications of the glass shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

65. 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.

66. 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

67. 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:
   - Toilet flushing;
   - Clothes washing;
   - Garden irrigation;
   - Car washing and similar outdoor uses;
   - Filling swimming pools, spa pools and ornamental ponds; and
   - Fire fighting.

68. 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

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

70. 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.

71. 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.

Fire Safety Measures

72. 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.

73. As soon as practicable after a final safety certificate is issued, the owner of the building to which it relates:
   - shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to the Commissioner of NSW Fire Brigades;
   - shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to Council for registration; and
   - shall ensure the current fire safety schedule is prominently displayed in the building.
Hoardings

74. No advertisements of any kind shall be affixed to hoardings except for a board not exceeding 2.4m x 1.8m on which may be shown the architect’s/builder’s/demolisher’s names or any particulars regarding the subject building and notices regarding the existing or future occupancies in the building.

75. Hoardings/overhead protective structures at ground level shall have mesh wire or other such material fixed to the surface to a height at least 2 metres in order to preclude the fixing of posters.

76. A sign with the words “Billposters Will Be Prosecuted” shall be attached or printed on the hoarding/overhead protective structures at regular intervals so it is visible from the street or any adjoining public place.

77. Any hoarding, fence or awning is to be removed when the work has been completed.

Air Quality

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

79. The use of the premises shall not give rise to:

(a) The transmission of unacceptable vibration to any surrounding occupancy; and
(b) A noise level exceeding the background (L90) noise level by more than 5dB(A) when measured from an adjoining premises. The source noise level shall be assessed as an $L_{Aeq,15min}$ reading and adjusted in accordance with current EPA Guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and intermittency or any subsequent guidelines.

80. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises. Such measures are to be installed at no cost to Council and may require further development consent from Council.

Disabled Access

81. Access to the building for persons with disabilities shall be in accordance with the requirements of 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.

82. 15% of the units shall be designed in accordance with the Australian Standard AS 4299 – Adaptable Housing (Class C). Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
83. 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.

Waste Management

84. 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:

- type and likely quantity of waste arising from the demolition and construction activities;
- storage, disposal and recycling measures for all demolition and construction waste, including specific disposal points and arrangements;
- 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;
- provision for ten (10) x 240l Red lid (general waste) and ten (10) x 240l (yellow lid) and one (1) commercial 240l blue bin and one (1) green waste bin;
- storage, disposal, collection and recycling arrangements for all trade and operational waste; and
- 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.

85. 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.

Land Contamination

86. The site shall be remediated in accordance with the approved Remedial Action Plan and to the appropriate criteria and validated by a suitably qualified consultant.

87. Submit to Council a Site Audit Statement and Summary Audit report completed and signed by an accredited site auditor in accordance with the Contaminated Land Management Act 1997 and the relevant guidelines and legislation. The Site Audit Statement and Summary Audit report should clearly state that the land is suitable for the proposed use without the need for any further remediation or testing.

88. The validation report and any required documentation shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
89. 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.

90. 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.

91. 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.

For the Motion: Councillors Barron, Eswaran, McLucas and Maroun

Against the Motion: Councillors Brett-Bowen and Kwon

Councillor Carney entered the meeting room.

4. DA 2011/101 – 8-12 Marlborough Road, Homebush West

P50/11
 RESOLVED: (Carney/Maroun)

That the report concerning the Development Application 2011/101 for 8-12 Marlborough Road, Homebush West be noted.

Voting on this item was unanimous.

5. DA 2011/109 – 6-12 Courallie Avenue, Homebush West

P51/11
 RESOLVED: (Carney/Eswaran)

That the report concerning the Development Application 2011/109 for 6-12 Courallie Avenue, Homebush West be noted.

Voting on this item was unanimous.

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

Nil.
7. CLOSED SESSION

Nil.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 6.39pm

The foregoing minutes were confirmed at the PLANNING COMMITTEE MEETING of the Council of the Municipality of Strathfield held on 13 September 2011.

Chairman__________________________General Manager__________________________