

# **MINUTES**

**Planning Committee Meeting**

**17 February 2015**

Minutes of the Planning Committee Meeting of Strathfield Municipal Council held on 17 February 2015, in the Ironbark Room at Strathfield Library, 65 Rochester Street, Homebush.

**COMMENCING:** 6.38pm

**PRESENT:** Mayor Councillor G Vaccari (Chairman)  
Councillor D Bott  
Councillor S Kokkolis  
Councillor H McLucas  
Councillor S Ok  
Councillor A Soulos

**STAFF:** General Manager  
Director Corporate Services  
Director Operations  
Director Technical Services  
Group Manager Planning and Environment  
Personal Assistant to Director Corporate Services

## **1. PECUNIARY INTEREST/CONFLICT OF INTEREST**

Councillor McLucas declared a pecuniary interest in Urgent Business Item 3. Australian Catholic University Legal Proceedings Update as she is employed by the University and advised that she will vacate the meeting room and not take part in discussion on this matter.

Councillor McLucas also declared a non significant non pecuniary interest in Item 3. DA2014/188 - 2-4 Barker Road, Strathfield as she resides at the opposite end of Barker Road and advised that she will remain in the meeting room during discussion on this matter.

Councillor Vaccari declared a significant non pecuniary interest in the Urgent Business Item 3. Australian Catholic University Legal Proceedings Update as he lives in the vicinity of the University and advised that he will vacate the meeting room and not take part in discussion on this matter.

## **2. CONFIRMATION OF MINUTES**

**P01/15**

**RESOLVED:** (Kokkolis/Ok)

That the minutes of the Planning Committee Meeting of the Council held on 16 December 2014, 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.

For the Motion: Councillors Vaccari, Bott, Kokkolis, McLucas, Ok and Soulos

Against the Motion: Nil

**3. APOLOGIES**

An apology was tendered on behalf of Councillor Datta for non attendance.

**P02/15**

**RESOLVED:** (Kokkolis/Bott)

That the apology tendered on behalf of Councillor Datta be accepted and leave of absence granted.

For the Motion: Councillors Vaccari, Bott, Kokkolis, McLucas, Ok and Soulos

Against the Motion: Nil

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

1. Planning Proposal for 330-332 Parramatta Road, Homebush

Noted.

**5. REPORTS BY OFFICERS**

1. **DA2014/174 – 530 – 532 Liverpool Road, Strathfield**

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

<b>In Favour of Application</b>
Mr Ziad Boumelhem

**P03/15**

**RESOLVED:** (Soulos/Kokkolis)

That DA2014/174 for the demolition of existing structures and construction of a four (4) storey residential flat building containing (18) units comprising two (2) x 1 bedroom, (15) x 2 bedroom and one (1) x 3 bedroom units above one (1) level of basement parking at 530-532 Liverpool Road, Strathfield South 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:

Basement Floor Plan Dwg No. 05 Project No. 14-048 Issue B prepared by Urban Link received by Council 10 November 2014.

Ground Floor Plan Dwg No. 06 Project No. 14-048 Issue C prepared by Urban Link received by Council 6 February 2015.

Typical Levels 1 & 2 Dwg No. 07 Project No. 14-048 Issue C prepared by Urban Link received by Council 6 February 2015.

Rooftop Terrace Dwg No. 08 Project No. 14-048 Issue C prepared by Urban Link received by Council 6 February 2015.

Section A & B Dwg No. 09 Project No. 14-048 Issue B prepared by Urban Link received by Council 10 November 2014.

North and South Elevation Dwg No. 10 Project No. 14-048 Issue C prepared by Urban Link received by Council 6 February 2014.

East and West Elevation Dwg No. 11 Project No. 14-048 Issue C prepared by Urban Link received by Council 6 February 2014.

Schedule of Finishes Dwg No. 14 Project No. 14-048 Issue B prepared by Urban Link received by Council 10 November 2014.

Demolition Plan Dwg No. 15 Project No. 14-048 Issue B prepared by Urban Link received by Council 10 November 2014.

Landscape Concept Plan Dwg No 14221 DA1-2 Rev A prepared by Vision Dynamics received by Council 10 November 2014.

Landscape Concept Plan Dwg No 14221 DA2-2 Rev A prepared by Vision Dynamics received by Council 10 November 2014.

Acoustic Report prepared by Acoustic Noise and Vibration Solutions Pty Ltd Reference No. 2014-518 received by Council 10 November 2014.

BASIX Certificate No. 587689M issued 6 November 2014.

Geotechnical Report prepared by SMEC Testing Services Pty Ltd Project No. 19970/4906C Report No. 14/2328 received by Council 10 November 2014.

Sediment and Erosion Control Plan Dwg No A4187-SW01 Rev B prepared by Alpha Engineering and Development received by Council 29 January 2014.

Basement Drainage Plan Dwg No A4187-SW02 Rev B prepared by Alpha Engineering and Development received by Council 29 January 2014.

Ground Floor Drainage Plan Dwg No A4187-SW03 Rev B prepared by Alpha Engineering and Development received by Council 29 January 2014.

Pipe Plan and Long Section Basement Drainage Plan Dwg No A4187-SW04 Rev B prepared by Alpha Engineering and Development received by Council 29 January 2014.

Stormwater Drainage Details Dwg No A4187-SW05 Rev B prepared by Alpha Engineering and Development received by Council 29 January 2014.

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. A planter box containing screening shrubs with a minimum height of 1.0m and depth of 1.0 shall be provided within the common open space adjacent to the western facing bedroom windows to unit G05 in order to enhance acoustic and visual privacy within the unit. Amended plans demonstrating compliance shall be prepared and submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
6. The strata subdivision of the proposal shall be subject to a separate application and shall be consistent with the approved plans listed under condition 1, subject to any amendment as required by the conditions of this consent.
7. The tandem car parking bays shall be allocated for use by residents of the same two (2) or three (3) bedroom unit.

#### **General**

8. 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.
  9. 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.
  10. 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.
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11. **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.
12. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10million and shall provide proof of such cover to Council prior to carrying out works.
13. Storage of goods or the use of portable clotheslines on balconies visible from a public place is strictly prohibited.

**Financial Matters**

14. 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	\$ 15,939.50
Provision of Major Open Space	\$ 76,715.50
Provision of Local Open Space	\$ 13,667.50
Provision Roads and traffic Management	\$ 1,739.00
Administration	\$ 3,266.00
<b>TOTAL</b>	<b>\$111,327.50</b>

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 1<sup>st</sup> 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.**

15. A security payment of \$9,254.00 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	\$1,000.00
Refundable works bond	\$8,000.00
Non-refundable administration fee (\$127/bd)	\$ 254.00
<b>TOTAL</b>	<b>\$9,254.00</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.

16. 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**

17. A total of (31) off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	(24)
Resident – Accessible	(3)
Visitors	(4)
<b>TOTAL</b>	<b>(31)</b>

These spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity and shall be designated at a minimum rate of one (1) parking space per 1 and 2 bedroom unit and two (2) parking spaces per 3 bedroom unit in accordance with the relevant provisions of the Strathfield Consolidated Development Control Plan 2005.

18. Where entry points to car park areas are fitted with security gates/shutter and access to visitor parking is required to be provided a suitable communication system shall be provided at the entry point to allow the security gates/shutter to be opened remotely by occupants of the building.
19. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.
20. The car wash bay shall be drained in accordance with the requirements of Sydney Water.
21. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
22. The footpath, kerb and gutter shall be reconstructed to Council's specifications for the full frontage of the development site at the completion of all building works.
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23. A Construction Traffic Management Plan prepared by an authorised Traffic Management Consultant shall be submitted to and approved by Council's Engineering Works and Services Section **prior to the issue of a Construction Certificate.**
24. 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 rate:
- 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.

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.**

25. Vehicles entering the development shall not obstruct the footpath area while waiting for security gates to open.
26. All traffic management proposals associated with the development, including during the construction phase and any permanent regulatory signs and line markings shall be submitted for the consideration of Strathfield Traffic Committee for approval; and all cost including temporary arrangements shall be borne by the developer.
27. All construction activity shall take place on-site and the use of any public street be subject to the approval of Strathfield Traffic Committee;

#### **Drainage/Stormwater**

28. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe to the newly constructed kerb inlet on Liverpool Road pit via the onsite stormwater detention tank and as depicted on the stormwater drainage concept plans prepared by Alpha Engineering & Development sheets no.1, 2,3,4,5, & 6 of 6 revision b dated 10.12.2014. The rising main from the basement pump out tank is to be connected to the proposed OSD tank.

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.

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, **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/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.**

31. **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.

32. 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.**

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.
- (d) 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. All pits shall be constructed in accordance with Australian Standard AS3500.3.

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

36. 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.

37. 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.**

38. 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.

39. 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.

40. 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.
41. 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.
42. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the on-site stormwater detention system 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.
43. The pipe in Liverpool Road 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. Class of the pipe shall comply with the manufacturer's specification and RMS standard requirements.
44. A lintel inlet drainage pit shall be constructed in Liverpool Road at the kerb line in accordance with the requirements of RMS. The proposed lintel inlet pit shall be located a minimum of 1.0m clear of the layback of the vehicular crossing and power poles and 2.0m clear of any trees within the road reserve. The invert of the proposed junction pit behind the front fence shall not be lower than the invert of the gutter in Liverpool Road.
45. 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 and shown on the long section of the proposed drainage line in Liverpool Road. The relevant authority's written consent for excavation adjacent to their services shall be obtained. Any adjustments required shall be at no cost to RMS or Council.
46. A Road Occupancy Certificate shall be obtained from RMS and works permit from Council's Customer Service Centre prior to undertaking any works on public/Council-controlled lands. This includes any work on the nature strip, footpath. A bond of \$35,000 in the form of cash or bank cheque shall be lodged with council by the applicant **prior to the commencement of drainage works.** This bond covers road and drainage works in Liverpool Road and will be released upon satisfactory completion of these items. An additional bond might be required by RMS for the proposed works in Liverpool Road.
47. For connection to RMS drainage line and construction of lintel inlet pit inspections are 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.
48. Affected areas i.e. Roadway, nature strip, footpath, kerb & guttering and driveways shall be reinstated to the satisfaction of RMS and Manager Engineering Works & Services at no cost to Council or RMS.
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49. Upon completion of drainage works within the road reserve full works-as-executed plans prepared and signed by a registered surveyor, shall be submitted for RMS and 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.

**Public Authority Matters**

50. (a) **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; and
- (b) The existing power pole on the Parramatta Road frontage of the site shall be replaced with a Aluminum Fyntrim Multipole Macarthur or similar pole (ie multi-function light poles) with single outreach arm incorporating suitable lighting to the relevant Australian Standard and requirements of RMS.

**Landscaping/Tree Matters**

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

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>	<u>Protection Zone (m)</u>	<u>Excavation Zone (m)</u>
1) London Plane Tree	15/12	Nature Strip	7.2	2.67

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, turfpave, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.
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).

### Construction Matters

53. **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.
54. 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**.
55. 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).
56. 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.
57. 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.
58. 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.
59. 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.
60. 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.

- 61. 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.
- 62. 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**

- 63. 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.

#### **Sustainability**

- 64. 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**

- 65. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
- 66. 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.**
- 67. 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.**

68. 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

69. 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.**
70. As soon as practicable after a final safety certificate is issued, the owner of the building to which it relates:
- (a) 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;
  - (b) shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to Council for registration; and
  - (c) shall ensure the current fire safety schedule is prominently displayed in the building.
71. 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

72. Any hoarding, fence or awning is to be removed when the work has been completed.
73. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the principal certifying authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
74. An overhead 'B' type hoarding shall be constructed. 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.
75. An overhead 'B' type hoarding shall be constructed where material is being hoisted over or across a public way.
76. 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.

77. 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.

78. 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**

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

80. Noise attenuation measures, as required, shall be provided to the development in order to ensure the internal noise levels required by Clause 102 of the SEPP (Infrastructure) 2007 are able to be satisfactorily met:

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

Acoustic monitoring and certification shall be undertaken **prior to the issue of an Occupation Certificate** in order to confirm compliance with these requirements.

#### **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. Sanitary facilities for persons with disabilities shall be provided in the building 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.**
83. A car parking 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:-
- (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 240 litre garbage bins and 240 litre recycling bins for the residential development which will be collected from the nature strip in Liverpool Road;
  - (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.

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.**

### Integrated Development

86. The access driveway width is to be minimum of 5.5 metres for at least 6 metres from the property line as per AS2890.1 :2004.

The design and construction of the vehicular crossing on Liverpool Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime's Statewide Delivery Section (8849 2138).

Detailed design plans of the proposed vehicular crossing are to be submitted to Roads and Maritime for approval prior to the commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

87. A road occupancy license should be obtained from Transport Management Centre for any works that may impact on traffic flows on Liverpool Road during construction activities.
88. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Roads and Maritime for determination **prior to the issue of a construction certificate.**
89. The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS. In this regard, a plan shall be submitted to Roads and Maritime and Council for approval, which shows that the proposed development complies with this requirement.
90. Council should ensure that the post development storm water discharge from the subject site into the Roads and Maritime drainage system does not exceed the pre-development discharge.
91. Should the post development storm water discharge from the subject site into the Roads and Maritime system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any charges are to be submitted to the Roads and Maritime for approval, prior to the commencement of works.

Details should be forwarded to:

Sydney Asset Management Roads and Maritime Services PO BOX 973 Parramatta CBD 2124

92. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to: Project Engineer, External Works Sydney Asset Management Roads and Maritime Services PO Box 973 Parramatta CBD 2124.

Telephone 88482114 Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

93. All vehicles are to enter and leave the site in a forward direction.
94. Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.

95. All works/regulatory signposting associated with the proposed development are to be at no cost to the Roads and Maritime.

For the Motion: Councillors Vaccari, Bott, Kokkolis, Ok and Soulos

Against the Motion: Councillor McLucas

## **2. DA2014/112 – 36 Noble Avenue, Strathfield**

### **P04/15**

**RESOLVED:** (Soulos/Bott)

That DA 2014/112 for the demolition of the existing structures and construction of a three (3) storey residential flat building containing fourteen (14) residential apartments with two (2) levels of basement parking at 36 Noble Avenue, Strathfield be REFUSED for the following reasons:

1. The proposal fails to satisfy Clause 1.2(a) to the Strathfield Local Environmental Plan 2012 which seeks to ensure high quality urban form and design excellence. The proposal does not provide sufficient separation to the eastern and western side boundaries and will result in apartments with internal amenity compromised in terms of aural and visual privacy and direct solar access (*s.79C (1) (a) (i) of the Environmental Planning and Assessment Act 1979*).
2. The proposal fails to comply with Design Principles 2, 3, 4, 6 & 7 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings in respect of providing a development of appropriate scale, suitable built form, with appropriate landscaping and appropriate level of amenity for future residents and neighbours. (*s.79 C (1) (iii) of the Environmental Planning and Assessment Act 1979*).
3. The proposal fails to comply with the building separation requirements established by the Residential Flat Design Code of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings in relation to the separation from the eastern and western boundaries and the separation to dwellings at No.34 Noble Avenue. The inadequate separation distances will compromise the privacy and amenity of future residents and of neighbours, result in overshadowing of the living room windows and private open space areas of neighbours and will compromise the development potential for the adjoining property to the west (*s.79 C (1) (iii) of the Environmental Planning and Assessment Act 1979*).
4. The proposal fails to comply with the minimum area required for communal open space established by the Residential Flat Design Code of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings. The siting of the communal open space is unsatisfactory as it is overshadowed throughout midwinter (*s.79 C (1) (iii) of the Environmental Planning and Assessment Act 1979*).
5. The proposal fails to comply with the minimum size for primary private open space areas for apartments 1.1, 1.2, 1.3, 1.4, 2.1, 2.2, 2.3 and 2.4 as established by the Residential Flat Design Code of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings resulting in a poor level of amenity for future occupants (*s.79 C (1) (iii) of the Environmental Planning and Assessment Act 1979*).
6. The proposal fails to comply with the minimum number of apartments receiving direct solar access to living rooms and private open space areas as established by the Residential Flat Design Code of State Environmental Planning Policy No. 65 – Design Quality of Residential

Flat Buildings and State Environmental Planning Policy (Affordable Rental Housing) 2009 resulting in a poor level of internal amenity for future occupants (s.79 C (1) (iii) of the *Environmental Planning and Assessment Act 1979*).

7. The proposal fails to provide an adequate setback to the front boundary to Noble Avenue as required by Part C Control 2.2 to Strathfield Consolidated Development Control Plan 2005. The proposed setback will result in inadequate privacy and separation between the public footpath and the private open space areas of Apartments G.1, 1.1 and 1.2 and does not provide sufficient space for deep soil planting to accommodate canopy trees of a scale compatible with the proposed building (s.79 C(1)(iii) of the *Environmental Planning and Assessment Act 1979*).
8. The proposed development results in a number of departures from the relevant Environmental Planning Instruments and Development Control Plans and results in apartments with unacceptable amenity impacts and less than desirable amenity for future occupants and neighbours and as such is not in the public interest (s.79 C (1) (b) of the *Environmental Planning and Assessment Act 1979*).

For the Motion: Councillors Vaccari, Bott, Kokkolis, McLucas, Ok and Soulos

Against the Motion: Nil

### **3. DA2014/188 – 2-4 Barker Road, Strathfield**

**P05/15**

**RESOLVED:** (Kokkolis/Bott)

In accordance with Council's Code of Meeting Practice the following persons addressed the meeting:

<b>In Favour of Application</b>	<b>Against Application</b>
Mr Jeffrey Madden	Mr Gregory Nosworthy

That DA/2014/188 for the demolition of the existing dwelling and associated structures at 2-4 Barker Road, Strathfield be REFUSED for the following reasons:

1. In accordance with Clause 5.10(4) of Strathfield Local Environmental Plan 2012, the effects of the proposal to demolish the existing heritage listed dwelling on both the heritage item and the area have been considered and are deemed to be unacceptable on heritage grounds (s.79C(1) (a)(i) of the *Environmental Planning and Assessment Act 1979*).
2. The proposal will result in unacceptable impacts on the built environment by demolishing an existing structure that contributes to the historical development and significant building fabric of the locality (s.79C(1)(b) of the *Environmental Planning and Assessment Act 1979*).
3. The proposal to demolish the existing dwelling is not suitable on the subject site as the existing dwelling is part of a number of other heritage listed dwellings in the locality that are of different architectural styles and eras. Demolishing the existing dwelling at the site will detract from the collective contribution of these heritage listed dwellings and their ability to portray the

built form evolution of the suburb of Strathfield (s.79C(1)(c) of the *Environmental Planning and Assessment Act 1979*).

4. There have been thirty (30) submissions made to the application from local property owners and occupants. Each submission reinforces the fact that there is strong community sentiment that heritage items should be maintained and preserved as they contribute to the character and identity of the locality (s.79C(1)(d) of the *Environmental Planning and Assessment Act 1979*).
5. As the proposed development still physically exhibits the significant elements that are mentioned in the statement of significance and has been identified to be structurally stable, to demolish the existing building would be contrary to the public interest (s.79C(1)(e) of the *Environmental Planning and Assessment Act 1979*).

For the Motion: Councillors Vaccari, Bott, Kokkolis, McLucas, Ok and Soulos

Against the Motion: Nil

#### **4. D2014/153 – 2-6 Hillcrest Street, Homebush**

In accordance with Council's Code of Meeting Practice the following persons addressed the meeting:

<b>In Favour of Application</b>
Mr Gihad Bechara

#### **P06/15**

**RESOLVED:** (Ok/McLucas)

That DA2014/153 for the demolition of existing structures and construction of a seven (7) storey residential flat building containing (43) units comprising (15) x 1 bedroom, (21) x 2 bedroom and (7) x 3 bedroom units above three (3) levels of basement parking at 2-6 Hillcrest 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:

Ground Floor Plan Drawing No. DA.02 Revision A Project No. 148888 prepared by Bechara Chan & Associates received by Council 16 October 2014.

Level 1 to 4 Plan Drawing No. DA.03 Revision A Project No. 148888 prepared by Bechara Chan & Associates received by Council 16 October 2014.

Level 5 Plan Drawing No. DA.04 Revision A Project No. 148888 prepared by Bechara Chan & Associates received by Council 16 October 2014.

Level 6 Plan Drawing No. DA.05 Revision A Project No. 148888 prepared by Bechara Chan & Associates received by Council 16 October 2014.

Roof and Site Plan Drawing No. DA.06 Revision A Project No. 148888 prepared by Bechara Chan & Associates received by Council 16 October 2014.

Basement 1 Drawing No. DA.07 Revision A Project No. 148888 prepared by Bechara Chan & Associates received by Council 16 October 2014.

Basement 2 Drawing No. DA.08 Revision A Project No. 148888 prepared by Bechara Chan & Associates received by Council 16 October 2014.

Basement 3 Drawing No. DA.09 Revision A Project No. 148888 prepared by Bechara Chan & Associates received by Council 16 October 2014.

Basement 1 Drawing No. DA.07 Revision A Project No. 148888 prepared by Bechara Chan & Associates received by Council 16 October 2014.

North and East Elevation Drawing No. DA.10 Revision B Project No. 148888 prepared by Bechara Chan & Associates received by Council 16 October 2014.

South and West Elevation Drawing No. DA.11 Revision B Project No. 148888 prepared by Bechara Chan & Associates received by Council 16 October 2014.

Section AA Drawing No. DA.12 Revision B Project No. 148888 prepared by Bechara Chan & Associates received by Council 16 October 2014.

Section BB Drawing No. DA.13 Revision B Project No. 148888 prepared by Bechara Chan & Associates received by Council 16 October 2014.

Section CC Drawing No. DA.14 Revision B Project No. 148888 prepared by Bechara Chan & Associates received by Council 16 October 2014.

Front Fence Elevations Drawing No. DA.15 Revision B Project No. 148888 prepared by Bechara Chan & Associates received by Council 16 October 2014.

Driveway Section Drawing No. DA.16 Revision B Project No. 148888 prepared by Bechara Chan & Associates received by Council 16 October 2014.

Basement 3 Stormwater Drainage Plan Dwg D01 Revision B Job No. 14NL189 prepared by LOKA Consulting Engineers received by Council 16 October 2014.

Basement 2 Stormwater Drainage Plan Dwg D02 Revision B Job No. 14NL189 prepared by LOKA Consulting Engineers received by Council 16 October 2014.

Basement 1 Stormwater Drainage Plan Dwg D03 Revision B Job No. 14NL189 prepared by LOKA Consulting Engineers received by Council 16 October 2014.

Basement Stormwater Drainage Details Dwg D04 Revision A Job No. 14NL189 prepared by LOKA Consulting Engineers received by Council 16 October 2014.



Ground Floor/Site Stormwater Drainage Plan Dwg D05 Revision B Job No. 14NL189 prepared by LOKA Consulting Engineers received by Council 16 October 2014.

Stormwater Drainage Details Dwg D06 Revision B Job No. 14NL189 prepared by LOKA Consulting Engineers received by Council 16 October 2014.

Erosion and Sediment Control Plan and Details Dwg D07 Revision A Job No. 14NL189 prepared by LOKA Consulting Engineers received by Council 16 October 2014.

Proposed External Stormwater Drainage Plan and Details Dwg D07 Revision A Job No. 14NL189 prepared by LOKA Consulting Engineers received by Council 6 February 2015.

Proposed External Stormwater Drainage System – Longitudinal Section Plan Dwg D08 Revision A Job No. 14NL189 prepared by LOKA Consulting Engineers received by Council 6 February 2015.

Carpark, Ramp and Driveway Certification of Proposed Residential Development Job No. A1413945N (Version 1a) prepared by ML Traffic Engineers received by Council 16 October 2014.

Arboricultural Impact Assessment Report prepared by Horticultural Management Services received by Council 16 October 2014.

Geotechnical Investigation Report Revision 0.2 prepared by Geo-Environment received by Council 25 November 2014.

Stage 1 and Stage 2 Environmental Site Assessment prepared by Geo-Environment received by Council 16 October 2014.

Waste Management Plan prepared by Bechara Chan and Associates received by Council 16 October 2014.

BASIX Certificate No. 580257M issued 15 October 2014.

Landscape Plan Dwg No. 04715-LS04 Issue C prepared by Greenplan received by Council 16 October 2014.

Landscape Plan Dwg No. 04715-LS05 Issue C prepared by Greenplan received by Council 16 October 2014.

Landscape Details Dwg No. 04715-LS06 Issue B prepared by Greenplan received by Council 16 October 2014.

Landscape Details Dwg No. 04715-LS07 Issue B prepared by Greenplan received by Council 16 October 2014.

Landscape Details Dwg No. 04715-LS08 Issue A prepared by Greenplan received by Council 16 October 2014.

Landscape Details Dwg No. 04715-LS09 Issue A prepared by Greenplan received by Council 16 October 2014.



Demolition Plan Dwg No. D01 Revision A prepared by Bechara Chan & Associates received by Council 16 October 2014.

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** additional acoustic monitoring shall be undertaken and shall include logging from above the height of the existing acoustic barrier located on the northern side of Park Road. The revised acoustic report shall include additional noise attenuation measures, as required, in order to ensure the proposed development is able to meet the internal noise levels required by Clause 102 of the SEPP (Infrastructure) 2007:
  - (a) In any bedroom in the building – 35dB(A) at any time between 10pm and 7am.
  - (b) Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.

Acoustic monitoring shall be undertaken **prior to the issue of an Occupation Certificate** in order to confirm compliance with these requirements.

6. The strata subdivision of the proposal shall be subject to a separate application and shall be consistent with the approved plans listed under condition 1, subject to any amendment as required by the conditions of this consent.
7. The southern elevation of the building (nil setback to 8 Hillcrest Street) is to be treated with horizontal banding or similar treatment to ensure the built to boundary wall is appropriately aesthetically treated until such time as the adjoining site is redeveloped. Details shall be submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
8. Letter boxes shall be provided to the satisfaction of Australia Post and shall be located on the eastern side of the wall adjacent to the pedestrian entry to the site from Park Road. Amended plans demonstrating compliance shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
9. A convex safety mirror shall be installed, at the cost of the developer, on the northern side of Park Road, opposite the proposed driveway to enhance the visibility for exiting vehicles from the site to westbound vehicles driving along Park Road. The maintenance of the convex mirror shall be the responsibility of the owner of the site/owners corporation and shall be installed **prior to the issue of an Occupation Certificate.**
10. A speed cushion shall be installed on the southern carriageway of Park Road at the approach to the subject development's driveway in order to regulate the speed of

westbound vehicles in Park Road. All costs associated with the installation of this device shall be borne by the developer and shall be installed **prior to the issue of an Occupation Certificate.**

**General**

11. 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.
  12. All car spaces are to comply with Australian Standard AS 2890.1 “Parking Facilities: Off-Street Car Parking” and the provisions of AS/NZS 2890.6:2009 “Parking Facilities: Part 6: Off-Street parking for people with disabilities”.
  13. The internal and any external lighting shall be provided such that there is no light spill beyond the boundary with any adjoining residential property in excess of 5 lux. nor cause excessive glare to the residential apartments of the site. Certification demonstrating compliance with this requirement shall be provided to the Principal Certifying Authority **prior to the release of the Construction Certificate.**
  14. Certification from a suitably qualified and experienced Accessibility expert demonstrating that the design of the communal areas and adaptable apartments of the development comply with AS1428 shall be submitted to the Principal Certifying Authority **prior to the release of the Construction Certificate.**
  15. 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.
  16. 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.
  17. **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
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the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils' assets.

18. Storage of goods or the use of portable clotheslines on balconies visible from a public place is strictly prohibited.
19. 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**

20. 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 **prior to the issue of a Construction Certificate** as follows:

Provision of Community Facilities	\$ 37,491.50
Provision of Major Open Space	\$180,443.50
Provision of Local Open Space	\$ 72,394.50
Provision Roads and traffic Management Administration	\$ 8,027.00
	\$ 7,682.00
<b>TOTAL</b>	<b>\$306,038.50</b>

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 1<sup>st</sup> 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.

21. A security payment of \$8,127.00 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	\$8,000.00
Non-refundable administration fee (\$127/bd)	\$ 127.00
<b>TOTAL</b>	<b>\$8,127.00</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.

22. 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**

23. A total of (70) off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Resident	(53)
Resident – Accessible	(8)
Visitors	(9)
<b>Total</b>	<b>(70)</b>

These spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity and shall be designated at a minimum rate of one (1) parking space per 1 and 2 bedroom unit and two (2) parking spaces per 3 bedroom unit in accordance with the relevant provisions of the Strathfield Consolidated Development Control Plan 2005.

24. 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 system shall be provided at the entry point to allow the security gates/shutter to be opened remotely by occupants of the building.
25. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.
26. All vehicles entering and leaving the site shall be driven in a forward direction only.
27. All driveways shall be separated from landscaped areas by a minimum 150mm high by 150mm wide concrete kerb or similar.
28. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.
29. No car parking spaces shall be exclusively used for storage purposes. Sufficient space must be maintained within all car parking spaces to accommodate a sedan, utility vehicle or the like.
30. The kerb and gutter shall be reconstructed to Council's specifications for the full frontage of the development site and shall be undertaken at the completion of all building works.
31. A specific bay for car washing shall be provided within the basement for use by residents. This car wash bay shall be drained in accordance with the requirements of Sydney Water.
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Plans demonstrating compliance with this requirement must be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**. This information shall also form part of any future development application for the Strata Subdivision of the development.

32. 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 rate:

- o 6m<sup>3</sup> for each one (1) bedroom unit.
- o 8m<sup>3</sup> for each two (2) bedroom unit.
- o 10m<sup>3</sup> for each three (3) bedroom unit.

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**.

33. Should Council impose restricted public parking in the vicinity of the development site Resident Preferential Parking permits will **not** be issued for this development.
34. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. The use of any portion of the public street during construction shall be subject to approval by Strathfield Council Traffic Committee.
35. Convex safety mirrors shall be installed at the 90 degree bends at basement ramps to enhance visibility of approaching vehicles.
36. The design of the service vehicle bay shall comply with AS2890.2 and shall have a gradient less than 4% and shall be fitted with a convex safety mirror to assist vehicles reversing into the space.
37. All traffic management proposals including any permanent regulatory signs and line markings associated with the proposed development shall be submitted for the consideration of the Strathfield Traffic Committee for approval and all costs including temporary traffic arrangements shall be borne by the developer.

#### **Drainage/Stormwater**

38. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe to the newly constructed kerb inlet on Park Road pit via the onsite stormwater detention basin and as depicted on the stormwater drainage concept plans prepared by Loka Consulting Engineers sheets no.1-8 of 8 job no.14NL169 dated 08.10.2014
39. 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.**

40. 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.**

41. **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.

42. 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.**

43. 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.

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;
46. 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.
47. 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.**
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48. 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.
49. 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.
50. 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.
51. 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.
52. 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**

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.

53. DETAILS OF THE PROPOSED CONNECTION OF STORMWATER RUNOFF FROM THE DEVELOPMENT SITE BY A SUITABLY QUALIFIED PROFESSIONAL CIVIL ENGINEER FOR CONNECTION to Council's street drainage system shall include plan and long section of the proposed drainage line within the road reserve and structural details of the drainage pits in the road.
54. The connection to Council's street drainage system shall consist of a pipeline across to the street kerb with the pipeline then continuing across the road to the opposite side of Park Road. The pipe then shall continue along Park Road and Short Street to Council's existing drainage pit in the cul-du sac.
55. The proposed pipe in Park Road and Short Street shall be reinforced concrete spigot and socked with rubber ring joints, the lintel inlet pit outside the development site and the pipeline are to be designed to allow for the connection of stormwater runoff from upstream properties on the opposite side of Park Road. Class of the pipe and the minimum cover over the pipe shall comply with the manufacturer's specification.
56. The utility services within the area of effect of the proposed drainage works (i.e. gas, water, sewer, electricity, telephone, etc) shall be shown on the long section of the proposed drainage line in Park Road and 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 RMS or Council. All utility services must be physically located **prior to the commencement of drainage works in Park Road and Short Street.**



57. A Construction Traffic Management Plan prepared by an authorised Traffic Management Consultant shall be submitted to and approved by Council's Engineering Works and Services Section **prior to the commencement of any works including demolition.**
58. A bond of \$80,000.00 in the form of cash or bank cheque shall be lodged with council by the applicant **prior to the commencement of drainage works within the road reserve.** This bond covers road and drainage works in park road and short street and will be released upon satisfactory completion of these items.
59. For drainage works in park road and short street 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.
60. Drainage works in Park Road and Short Street must be completed **prior to the commencement of building works onsite.**
61. On completion of drainage works in park road and short street, the affected areas i.e. Roadway, nature strip, footpath, kerb & guttering and driveways shall be reinstated to the satisfaction of Council's Manager Engineering Works & Services at no cost to Council.
62. Prior to the release of any security bonds, written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work in Park Road and Short Street have been constructed in accordance with the approved drainage plans. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted for Council's approval. These plans shall include levels and locations for all drainage structures and works.

#### Public Authority Matters

63. **Prior to the issue of an Occupation Certificate** all existing overhead electricity and telecommunication cabling adjacent to the development site shall be amalgamated 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

64. Consent is given for the removal of the existing street trees, one (1) *Tristanopsis laurina* (Water Gum), one (1) *Stenocarpus sinuatus* (Queensland Firewheel Tree) subject to the following:
- (a) A minimum of four (4) replacement *Tristanopsis laurina* 'Luscious' (Watergum) shall be provided within Council's nature strip in Park Rd.
  - (b) Trees are to conform to the *NATSPEC guide* and *Guide for assessing the quality of and purchasing of landscape trees* by Ross Clarke, 2003.
  - (c) Replacement trees shall be minimum 50 litre container size. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self supporting. Supplied trees are to have an appropriate stem taper. Roots shall generally grow in an outwards (radial) or downwards direction.
  - (d) 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.
-

- (e) Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
- (f) Minimum 75mm depth of organic mulch shall be placed within an area 0.5m radius from the base of the tree.

65. 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).
66. All noxious weeds on the site shall be removed and destroyed as per their classification under the *Noxious Weeds Act 1993*.
67. 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>
1) <i>Cupressus x leylandii</i> (Leyland Cypress)	12.0 x 5.0	Front
2) <i>Cupressus x leylandii</i> (Leyland Cypress)	12.0 x 5.0	Front
5) <i>Cupressus x leylandii</i> (Leyland Cypress)	12.0 x 6.0	Rear
6) <i>Jacaranda mimosifolia</i> (Jacaranda)	9.0 x 7.0	Rear
7) <i>Lagerstroemia indica</i> (Crepe Myrtle)	5.0 x 5.0	Rear

68. All trees permitted to be removed by this consent shall be replaced by species selected from Council's recommended planting list, which have a minimum mature height of 8 metres. Replacements shall be a minimum 50 litre container size and shall be maintained until maturity. Trees are to conform to the *NATSPEC guide* and *Guide for assessing the quality of and purchasing of landscape trees* by Ross Clarke, 2003.

### **Construction Matters**

69. **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.
70. 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**.
71. 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).

72. 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.
73. 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.
74. 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.
75. 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.
76. 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.
77. 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.
78. 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;
- (i) the location and level of nearby foundations and footings (site and neighbouring);
  - (j) proposed method of excavation;
  - (k) Permanent and temporary support measures for excavation;
  - (l) Potential settlements affecting footings and foundations;
  - (m) Ground water levels (if any);
  - (n) Batter slopes;
  - (o) Potential vibration cause by method of excavation; and
  - (p) 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.

79. 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.
80. 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**.
81. 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**

82. 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.

#### **Sustainability**

83. 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.
84. 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**

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

86. 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.**
87. 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.**
88. 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.
89. Earthworks are to be undertaken as detailed in Section 5 (page 17-22) of the report by Geo-Environmental Engineering dated 23 September 2014 and the recommendations on page 23.

### Fire Safety Measures

90. 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.**
91. As soon as practicable after a final safety certificate is issued, the owner of the building to which it relates:
- (a) 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;
  - (b) shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to Council for registration; and
  - (c) shall ensure the current fire safety schedule is prominently displayed in the building.
92. 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.

### Waste Management

93. 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) provision for six (6) x 660 litre garbage bins and eight (8) x 240 litre recycling bins for the residential development;
  - (d) Detailed architectural drawings demonstrating a 3.4m clearance to any area of the building/basement which is required to be accessed for waste collection;
  - (e) 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.

94. 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.**

#### **NSW Office of Water**

95. There is considerable uncertainty within the geotechnical report in regard to the groundwater level beneath the property. Should the proposed excavation into the groundwater result in the requirement for a significantly greater dewatering volume to be extracted than that currently anticipated, the NSW Office of Water shall be advised of the increased water volume prior to the extraction of the additional water.

#### **Land Contamination**

96. Any new information which comes to light during 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.
97. 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.
98. 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.

#### **Hoardings**

99. Any hoarding, fence or awning is to be removed when the work has been completed.
100. The site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the principal certifying authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
101. An overhead 'B' type hoarding shall be constructed. 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.
102. An overhead 'B' type hoarding shall be constructed where material is being hoisted over or across a public way.
103. 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.
104. 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.
105. 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.

For the Motion: Councillors Vaccari, Bott, Kokkolis, McLucas, Ok and Soulos

Against the Motion: Nil

## **5. DA2014/037 – 84-86 Park Road, Homebush**

**P07/15**

**RESOLVED:** (Soulos/Bott)

That Council endorse the previous recommendation for REFUSAL of DA2014/037 for the demolition of existing structures and construction of a nine (9) storey mixed use development with three (3) commercial tenancies and a total of (39) residential units above two (2) levels of basement car parking for the following reasons:



1. The proposed development has not been accompanied by sufficient information to satisfy Council that the subject site is suitable for the proposed development in accordance with the requirements of SEPP 55 – Remediation of Land. (*Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act, 1979*)
2. The proposed development fails to meet the objectives of SEPP 65 - Design Quality of Residential Flat Development and the Residential Flat Design Code as the development fails to adequately consider the context of the site in relation to built form, height and scale and will provide an unacceptable level of residential amenity. (*Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act, 1979*)
3. The proposal has not been accompanied by sufficient information to meet the requirements of Clause 102 of SEPP (Infrastructure) 2007 and Council is unable to determine whether an acceptable level of internal acoustic amenity will be provided to noise sensitive areas within the development. (*Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act, 1979*)
4. The proposal has a height of 27m, which is a considerable departure from the permitted height of 22m, has an excessive FSR of 3.09:1 (3,3235m<sup>2</sup>) where the permitted FSR is 2:1 and is therefore contrary to Clause 4.3 and 4.4 respectively, of the Strathfield Local Environmental Plan 2012. (*Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act, 1979*)
5. The proposal fails to achieve architectural excellence and therefore fails to meet the Objectives of Clause 1.2(2)(a) and (b) of the Strathfield Local Environmental Plan 2012 which seek to achieve high quality urban form and a rational, efficient and spatially appropriate use of land (*Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act, 1979*)
6. The proposal fails to provide sufficient off-street parking contrary to the requirements of Section 2.13.1 of DCP 20 – Parramatta Road Corridor Area 2005. (*Section 79C(1)(a)(ii) of the Environmental Planning and Assessment Act, 1979*)
7. The proposed development is unable to be accommodated within the site without adversely impacting the amenity of future residents and existing residents on adjoining sites and therefore is unsuitable for the site. (*Section 79C(c) of the Environmental Planning and Assessment Act, 1979*)
8. The proposal fails to meet the objectives and development standards of the EPI's and development control plans which are relevant to the site, the proposed building is considered excessive in bulk, height and scale and would likely provide a poor level of amenity for future residents. Therefore, the proposal is contrary to the public interest. (*Section 79C(e) of the Environmental Planning and Assessment Act, 1979*)
9. The proposed vehicular access to the site is contrary to the provisions of DCP 20 as the location of structures within the site would preclude the construction of the cul-du-sac which is envisaged by Section 2.2 and the Built Form Masterplan maps in Figures 8 to 10 of DCP 20 which would provide vehicular access to the subject site and Lot 1 (129 Parramatta Road).

For the Motion: Councillors Vaccari, Bott, Kokkolis, McLucas, Ok and Soulos

Against the Motion: Nil

**6. Planning Proposal to List Strathfield Synagogue at 19 Florence Street, Strathfield as a Local Heritage Item**

In accordance with Council's Code of Meeting Practice the following persons addressed the meeting:

<b>In Favour of Application</b>
Rabbi Dr Samuel Tov-Lev

**P08/15**

**RESOLVED:** (Kokkolis/Bott)

1. That Council endorse the Planning Proposal to list the Strathfield Synagogue at 19 Florence Street, Strathfield (Lots 13-14 DP 581) as a local heritage item as an amendment to Strathfield Local Environmental Plan (LEP) 2012.
2. That Council request that a draft instrument amending the LEP 2012 be prepared by Parliamentary Counsel in accordance with local delegation.
3. That Council submit the Local Environmental Plan amendment to the Department of Planning and Environment with a request for final notification (gazettal).
4. That Council advise the landowners and those who made submissions in response to the public exhibition of Council's decision.
5. That Council investigate and report on the possibility of preserving fixtures to the building when the matter is next reported to Council.

For the Motion: Councillors Vaccari, Bott, Kokkolis, McLucas, Ok and Soulos

Against the Motion: Nil

**7. Proposed Part O 'Tree Management' Development Control Plan**

**P09/15**

**RESOLVED:** (McLucas/ Vaccari)

1. That Council adopt and implement Part O 'Tree Management' of the Strathfield Consolidated Development Control Plan 2005, in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.
2. That Council notify the community of the adoption and activation of Part O 'Tree Management' of the Strathfield Consolidated Development Control Plan 2005, and that it supersedes the Tree Preservation Order.

For the Motion: Councillors Vaccari, Bott, Kokkolis, McLucas, Ok and Soulos

Against the Motion: Nil

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

**P10/15**

**RESOLVED:** (Bott/Kokkolis)

That pursuant to Clause 241 of the Local Government (General) Regulation 2005 the following matter be dealt with as it is considered to be of great urgency.

**Australian Catholic University Legal Proceedings Update**

For the Motion: Councillors Vaccari, Bott, Kokkolis, McLucas, Ok and Soulos

Against the Motion: Nil

The Chairman ruled that the matter was of great urgency.

**7. CLOSED SESSION**

Councillors Vaccari and McLucas having previously declared a conflict of Interest in this matter vacated the meeting room.

Councillor Kokkolis took the Chair.

**P11/15**

**RESOLVED:** (Bott/Soulos)

That in accordance with Section 10A(2) of the Local Government Act 1993 the following matter be considered in CLOSED SESSION for the reason stated:

**Australian Catholic University Legal Proceedings Update**

This matter is being 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 ground 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 Bott, Kokkolis, Ok and Soulos

Against the Motion: Nil

**Urgent Business - Australian Catholic University Legal Proceedings Update**

**P12/15**

**RESOLVED:** (Bott/Ok)

1. That Council note the update provided on the Australian Catholic University legal proceedings.
2. That Council accept the summary of the terms of settlement with the Australian Catholic University to discontinue the Class 4 proceedings.
3. That the General Manager be authorised to settle and execute the final terms of the Deed of Release and Settlement (Class 4 Proceedings).

For the Motion: Councillors Bott, Kokkolis, Ok and Soulos

Against the Motion: Nil

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

Councillors Vaccari and McLucas returned to the meeting room.

Councillor Kokkolis vacated the Chair.

Councillor Vaccari took the Chair.

**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 7.56PM**

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The foregoing minutes were confirmed at the PLANNING COMMITTEE MEETING of the Council of the Municipality of Strathfield held on 17 March 2015.

Chairman\_\_\_\_\_General Manager\_\_\_\_\_