

# **Minutes**

**Of the meeting of the:**

## **Strathfield Independent Hearing and Assessment Panel (SIHAP)**

**Held on:**

**Thursday, 6 April 2017**

Commencing at 10:30am at Council Town Hall, 65  
Homebush Road, Strathfield

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**\*\*\*\* END OF AGENDA \*\*\*\***

The meeting of the Strathfield Independent Hearing and Assessment Panel was held in the Council Town Hall Supper Room, 65 Homebush Road, Strathfield on Thursday 6 April 2017. The meeting commenced at 10:30am.

**PRESENT**

The Hon Paul Stein QC AM – Chair  
Dr R Bali  
Ms Sue Hobleby  
Ms Jan Murrell

**ALSO PRESENT**

Silvio Falato, A/Director Planning and Infrastructure  
Stephen Clements, A/Director Corporate Services  
Philippa Frecklington, A/Manager Planning and Development  
Valentina Gorgioski, Administration Assistant  
Lily Lam, Administration Assistant

**DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST**

Ms Dr Renata Bali declared a conflict of interest and did not participate in item 1

**TO:** Strathfield Independent Hearing and Assessment Panel – 6 April 2017  
**REPORT:** SIHAP – Report No. 1  
**SUBJECT:** 127 Cosgrove Road, Strathfield South - Part Lot 19 DP 1183316  
**DA NO:** 2016/132

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## **SUMMARY**

<b>Proposal:</b>	Garden centre
<b>Assessment officer:</b>	LP
<b>Date of lodgement:</b>	16 August 2016
<b>Notification period:</b>	13 September 2016 to 22 September 2016
<b>Submissions received:</b>	Thirteen (13) including nine (9) in support
<b>Applicant:</b>	LJB Urban Planning Pty Ltd
<b>Owner:</b>	Port Botany Lessor Pty Ltd
<b>Estimated cost of works:</b>	\$10,263,000
<b>Zoning:</b>	Part IN1 General Industrial, Part RE2 Private Recreation – SLEP 2012
<b>Heritage:</b>	Tarpaulin Shed listed on NSW Ports Section 170 Register
<b>Flood affected:</b>	No
<b>Is a Clause 4.6 variation proposed?</b>	No
<b>Extent of the variation supported?</b>	n/a
<b>RECOMMENDATION</b>	<b>REFUSAL</b>

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## **RECOMMENDATION**

The panel defers this item until the next meeting to allow the applicant to lodge amended plans relating to the development within the RE2 Private Recreation zone and to provide the following:

1. Contamination report to be submitted to council prepared by a suitably qualified practitioner.
2. Address the RMS advice dated 6<sup>th</sup> October 2016.
3. Geotechnical report to be submitted to council prepared by a suitably qualified practitioner, in particular the report should address the proposed cut and construction of retaining walls in relation to the mound.

**For the decision:** Stein, Hobley, Murrell

**Against the decision:** Nil

**\*\*\*\* End Minutes – Report No. 1\*\*\*\***

**TO:** Strathfield Independent Hearing and Assessment Panel – 6 April 2017  
**REPORT:** SIHAP – Report No. 2  
**SUBJECT:** 247-249 Homebush Road, Strathfield South – Lot 40 & 41 DP 2043  
**DA NO:** 2016/078

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## SUMMARY

**Proposal:** Infill affordable rental housing (mixed-use development)

**Assessment officer:** LP

**Date of lodgement:** 11 May 2016

**Notification period:** 24 May 2016 to 24 June 2016 and 17 January 2017 to 1 February 2017

**Submissions received:** Seventeen (17) written submissions including one (1) petition containing fifty (50) signatures

**Applicant:** CMB Investment Group

**Owner:** CMB Investment Group

**Estimated cost of works:** \$5,684,645

**Zoning:** B4 Mixed Use - SLEP 2012

**Heritage:** n/a

**Flood affected:** No

**Is a Clause 4.6 variation proposed?** Yes – Building height

**Extent of the variation supported?** Nil (Conditioned)

**Peer review of Clause 4.6 variation:** A peer review of the Clause 4.6 variation has been undertaken and the assessment officer's recommendation is supported.

## RECOMMENDATION

## APPROVAL

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### RECOMMENDATION

In consideration of Clause 4.6 of the Strathfield Local Environmental Plan (SLEP) 2012, the consent authority is satisfied that compliance with the development standard contained within Clause 4.3 (Height of Building) of the SLEP 2012 is well founded and that there are sufficient environmental planning grounds to justify contravening the development standard.

That DA2016/078 for the demolition of existing structures and construction of a four (4) storey mixed use development under the provisions of the Affordable Rental Housing SEPP comprising a total of (18) units and one (1) commercial tenancy above two (2) levels of basement parking at 247-249 Homebush Road, Strathfield South be **APPROVED**, subject to the following conditions:

**CONDITIONS OF CONSENT****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 Proposed Level-02, Project No.1549, Drawing No.DA07B, prepared by Kennedy Associates Architects, received by Council 17 October 2016.

Basement Proposed Level-01, Project No.1549, Drawing No.DA08B, prepared by Kennedy Associated Architects, received by Council 17 October 2016.

Proposed Level 00, Project No.1549, Drawing No.DA09B, prepared by Kennedy Associated Architects, received by Council 17 October 2016.

Proposed Level 01, Project No.1549, Drawing No.DA10B, prepared by Kennedy Associated Architects, received by Council 17 October 2016.

Proposed Level 02, Project No.1549, Drawing No.DA11B, prepared by Kennedy Associated Architects, received by Council 17 October 2016.

Proposed Level 03, Project No.1549, Drawing No.DA12B, prepared by Kennedy Associated Architects, received by Council 17 October 2016.

Proposed Level 04, Project No.1549, Drawing No.DA13B, prepared by Kennedy Associated Architects, received by Council 17 October 2016.

Proposed Roof Plan, Project No.1549, Drawing No.DA14B, prepared by Kennedy Associated Architects, received by Council 17 October 2016.

Homebush Road (East) Elevation Plan, Project No.1549, Drawing No.DA18B, prepared by Kennedy Associated Architects, received by Council 17 October 2016.

South Elevation Plan, Project No.1549, Drawing No.DA19B, prepared by Kennedy Associated Architects, received by Council 17 October 2016.

North Elevation Plan, Project No.1549, Drawing No.DA20B, prepared by Kennedy Associated Architects, received by Council 17 October 2016.

West Elevation Plan, Project No.1549, Drawing No.DA22B, prepared by Kennedy Associated Architects, received by Council 17 October 2016.

Landscape Plan Drawing No.LPDA16-421, Revision C, prepared by Concept Landscape Architects, received by Council 17 October 2016.

BASIX Certificate No.717928M\_03, issued 14 October 2016.

Cover Sheet Project No.20160090, Drawing No.SW01, Revision B, prepared by SGC, received by Council 17 October 2016.

Stormwater Concept Design Basement 2 Plan Project No.20160090, Drawing No.SW02, Revision B, prepared by SGC, received by Council 17 October 2016.

Stormwater Concept Design Ground Floor Plan Project No.20160090, Drawing No.SW03, Revision B, prepared by SGC, received by Council 17 October 2016.

Stormwater Concept Design Roof Plan Project No.20160090, Drawing No.SW04, Revision B, prepared by SGC, received by Council 17 October 2016.

Sediment and Erosion Control Plan & Details Sheet Project No.20160090, Drawing No.SW05, Revision B, prepared by SGC, received by Council 17 October 2016.

Stormwater Concept Design Details Sheet Project No.20160090, Drawing No.SW06, Revision B, prepared by SGC, received by Council 17 October 2016.

Preliminary Geotechnical Investigation Report prepared by Geo-Environmental Engineering, received by Council 11 May 2016.

Preliminary Site Investigation Report prepared by Benviron group, received by Council 11 May 2016.

Traffic and Parking Assessment Report, prepared by Varga Traffic Planning Pty Ltd, received by Council 11 May 2016.

Arboricultural Impact Assessment prepared by Redgum Horticultural, received by Council 11 May 2016.

Waste Management Plan, received by Council 11 May 2016.

2. Four (4) copies of architectural drawings consistent with the development consent and associated conditions are to be submitted to the Council/Accredited Certifier **prior to the issue of the Construction Certificate.**
3. A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction associated with this consent.
4. The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.
5. 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

6. No structures associated with the development including plant and lift overruns but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like; shall exceed a height of RL43.20 in order to comply with the 13m height restriction imposed under Clause 4.3 of the SLEP 2012. Plans are to be amended accordingly and approved by the Principal Certifying Authority, **prior to the issue of a Construction Certificate.**



7. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property stating that units at least 20% or 290.074m<sup>2</sup> of the Gross Floor Area of the development shall be managed by a Community Housing Provider and used for the purpose of affordable rental housing for a minimum period of ten (10) years from the date of issue of an Occupation Certificate.

The restriction shall place an upper limit on rent charged to 30% of the Moderate Household Weekly Income Band, being between 80% and 120% of the median personal weekly income for NSW as determined by the Australian Bureau of Statistics.

The wording of the Instrument shall be submitted to, co-signed and approved by Council prior to lodgement at Land & Property Information NSW. Council must be a signatory to the instrument which cannot be extinguished without the prior consent of Council.

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 any Occupation Certificate.**

8. A minimum of 15% of all units shall be 'Adaptable Housing' in accordance with AS4299 or any subsequent standard. The Principal Certifying Authority must confirm a minimum of (3) adaptable units with designated disabled parking spaces have been included in the development **prior to the issue of a Construction Certificate.**
9. A fold out clothes line shall be affixed to the balconies of each unit, either to the wall behind the louvres/ privacy screen (where one is to be located) or below the balustrade height on those units with no louvres. These shall be installed and approved by the Principal Certifying Authority **prior to the issue of an Occupation Certificate.**
10. A sample board detailing all external finishes and materials including roofing, windows and door materials shall be provided to Council for approval, **prior to issue of a Construction Certificate.** All external cladding and trim (including windows and doors) and roofing materials must be of low glare and reflectivity.

#### **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. Development consent shall be obtained from Council prior to the demolition of the existing buildings/structures on the property.
13. A separate development application shall be lodged with and approved by the Council for the use of the commercial tenancy.
14. 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.
15. A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior any work (including demolition, excavation and the erection of site fencing/hording). The approved Works Permit and any approved Construction Traffic Management Plan must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed. The permit must be retained on site at all times.
  16. **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.
  17. Storage of goods or the use of portable clotheslines on balconies visible from a public place is strictly prohibited.
  18. All exhaust and other emissions including noise from the premises shall comply with the provisions of the Protection of the Environment Operations Act 1997 and Regulations.
  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 \$10million 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:

Provision of Community Facilities	\$ 29,181.76
Provision of Major Open Space	\$151,605.40
Provision of Local Open Space	\$ 33,360.80
Provision Roads and Traffic Management	\$ 4,304.00
Administration	\$ 2,894.40
<b>TOTAL</b>	<b>\$221,055.60</b>

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

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

21. A security payment of **\$6,254.00** 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	\$2,000.00
Refundable works bond	\$4,000.00
Non-refundable administration fee (\$127/bd)	\$ 254.00
<b>TOTAL</b>	<b>\$6,254.00</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) installation and maintenance of sediment control measures for the duration of construction activities;
  - (c) 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
  - (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 **(25)** off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	16
Unallocated	2

Retail/Commercial	3
Visitor	4
<b>TOTAL</b>	<b>25</b>

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

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

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

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

24. **Prior to the issue of any Occupation Certificate**, fixed signage shall be placed within the basement car park of the building adjacent to the lift stating that Council will not issue residential parking permits for owners and residents of the subject site.
25. All vehicles associated with the approved use shall be parked within the parking spaces on the site and not on adjacent footpath, access driveways or landscaped areas.
26. A sign shall be erected in a suitable location on the site advising that parking is available for visitors/customers.
27. The entry point to the basement carpark area shall be fitted with security gates/shutter to control the entry and exit of vehicles to and from the basement. Any security gates/shutter shall be designed in order to ensure it is able to be opened remotely by occupants of the building.
28. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.
29. All vehicles entering and leaving the site shall be driven in a forward direction only.
30. The off-street car parking spaces together with access driveways shall be available at all times to employees and customers.
31. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.
32. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
33. Reconstruct the footpath, kerb and gutter to Council's specifications for the full frontage of the development site at the completion of all building works.
34. All driveway/access ramp grades, access and car parking must comply with the Australian/New Zealand Standard *AS/NZS 2890.1:2004 - Parking facilities - Off-*

*street car parking* in order to ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

35. The dimensions of car parking bays and aisle widths in the car park are to comply with *Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1-2004* in order to ensure compliance with this consent and Australian Standards relating to manoeuvring, access and parking of vehicles.
36. Purpose built storage compartment(s) shall be provided to and within each of the resident car parking bays and/or associated dwellings at the following rates:
- 6m<sup>3</sup> for each one (1) bedroom unit
  - 8m<sup>3</sup> for each two (2) bedroom unit, and
  - 10m<sup>3</sup> for each unit with three (3) bedrooms or more.

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

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

#### **Drainage/Stormwater**

37. The Stormwater Concept Plans do not show a clear connection from the basement access ramp area to the pump out pit in the basement. As such, **prior to the issue of a Construction Certificate**, an amended stormwater concept plan is to be prepared by a suitably qualified Hydraulic Engineer and submitted to the Principal Certifying Authority for approval demonstrating the following modifications:
- (a) Basement access ramp area connection to the pump out pit
38. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to Council's street drainage system located in Homebush Road subject to Council's standard requirements as depicted on the concept plan prepared by **SGC Engineering Value sheets no.1-6 of 6 project no.20160090 rev A dated 18.04.2016.**
39. A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by a practicing Chartered Professional Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia and submitted to the Accredited Certifier and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.
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** 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. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.
42. 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.
43. 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.**
44. Easements in favour of upstream lots shall be provided over the lots traversed by any existing/proposed underground services, including stormwater, electricity, water, gas, telecommunication and sewer. The minimum width of any easement shall be 1.0m. Registration of the easement shall be effected before completion of the development and evidence shall be furnished to the Principal Certifying Authority **prior to the issue of an Occupation Certificate/use of the building.**
45. All pits shall be constructed in accordance with Australian Standard AS3500.3.
46. All subsoil drainage must be designed to meet the requirements of AS3500.
47. 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.
48. A longitudinal section of the basement driveway entry ramp extending to the existing kerb & channel in Homebush Road shall be submitted to Council for approval **prior to the issue of a Construction Certificate.** This driveway section shall indicate AHD levels and grades of the driveway to demonstrate adequate interface with the existing verge, to ensure Council's standard verge profile will be maintained.
49. The proposed basement pump out system storage capacity shall be capable of handling 4 hours 100yr ARI storm event and the catchment draining is to be limited to the basement access ramp area and the subsoil drainage only. The pipes under basement 2 shall not be PVC or HDPE. The rising main shall be connected to the OSD. Final details of this system are to be submitted with the Construction Certificate application.
50. The OSD basin must be graded to drain completely and gradients shall not be less than 1%. Discharge restriction from the OSD shall be by the use of appropriately sized short length or reduced diameter pipe and weir; orifice plate shall not be used. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
51. 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.

52. **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.

53. 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.

54. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the:

- (a) on-site stormwater detention system;

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

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

55. 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.

56. The connection of stormwater runoff from the development site to Council's street drainage system in Homebush Road shall consist of a pipeline across to the street kerb with the pipeline then continuing under the kerb and gutter to Council's lintel inlet pit on the western side of Homebush Road. The proposed pipe in Homebush Road shall be reinforced concrete, spigot and socked with rubber ring joints. The pipe in Homebush Road shall be laid at a grade of 1% to allow for connection of upstream properties.

57. The overflow from the On-site Stormwater Detention storage (OSD) shall be connected to the outlet pipe. Connection of the overflow from the OSD to Council's footpath is not permitted.

58. Drainage plan shall also show On-site Stormwater Detention Storage (OSD) and invert levels of the outlet pipe connecting to the proposed lintel inlet pit in Homebush Road. The invert level of the outlet pipe connecting to street drainage system shall not be lower than 1/3 of the depth of pit from top of grate in the road.
59. 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 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

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

### Landscaping/Tree Matters

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

<b><u>Tree</u></b>	<b><u>Height/Spread (m)</u></b>	<b><u>Location</u></b>	<b><u>Protection Zone (m)</u></b>	<b><u>Excavation Zone (m)</u></b>
<i>Callistemon viminalis</i> 'Dawson River'	7	Adjoining property	4.4	4
<i>Tristaniopsis laurina</i>	3	Road reserve (north)	3.6	2.25

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 1.8m 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.



62. A minimum 600mm deep root deflection barrier shall be provided on both sides of the proposed driveway crossing(s) and footpaths.
63. All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious Weeds Act.
64. 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>
<i>Ficus rubiganosa</i>	15	Rear yard
<i>Trisaniopsis laurina</i>	3	Road reserve (South)

65. All trees permitted to be removed by this consent shall be replaced by species selected from Council's recommended planting list. Replacements shall be a minimum 50 litre container size and shall be maintained until maturity unless otherwise specified within this consent.
66. Consent is given for the removal of the existing *Ficus rubiganosa* tree subject to the following:
- The replacement tree in the north western corner of the site shall be minimum 25 litre container size. Plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage. Trees are to have a single leader and clear straight trunk.
  - 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.
  - Minimum 75mm depth of organic mulch shall be placed within an area 0.5m radius from the base of the tree.
67. A minimum of *one (1) Syncarpia glomulifera* street tree shall be provided within Council's nature strip in Homebush Road in accordance with the following:
- Plants shall be a minimum 50 litre container size. Plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy roots systems with no evidence of root curl, restriction or damage. Trees are to have a single leader and clear straight trunk.
  - 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.
  - Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
  - Apply soil conditioner/fertilizer/moisture retention additive/s in accordance with manufacturer's recommendations, and mix into the backfilling soil after planting tree/s.
  - Minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.

68. 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).
69. All common and private landscape areas including all planters are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and all relevant Australian Standards.
70. The 2.2m wide non-pervious strip to the north of the driveway adjacent the front boundary shall be replaced with soft landscaping and include the provision of at least two (2) canopy trees and suitable screen planting. Plans are to be amended accordingly, prior to issue of the Construction Certificate.
71. Suitable screen planting capable of reaching on maturity of minimum height of 3 metres is to be provided along the northern, southern and western sides at the rear. Plans are to be amended accordingly, **prior to issue of the Construction Certificate.**
72. A landscape plan for the site, prepared by a qualified landscape architect or landscape consultant to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent is to be submitted to Council's Planning Unit for approval, prior to issue of the Construction Certificate,

The plan must include the following information:

- (i) location of all existing and proposed landscape features including materials to be used;
- (ii) delineate and identify all trees to be retained, removed or transplanted;
- (iii) existing and proposed finished ground levels;
- (iv) top and bottom wall levels for both existing and proposed retaining and free standing walls; and
- (v) detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity.

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

### **Construction Matters**

73. **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.

74. 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**.

75. Pursuant to Section 98(1) of the *Environmental Planning & Assessment Regulation 2000*, the applicant must ensure that all architectural drawings, specifications and related documentation comply with the Building Code of Australia (BCA). All work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

In the case of residential building work for which the [Home Building Act 1989](#) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

76. A Geotechnical Report is to be prepared by a suitably qualified geotechnical engineer for the proposed excavation. All recommendations of the report are to be fully conformed with and compliance demonstrated to the Principal Certifying Authority.

77. A Dilapidation Report is required for this development. A photographic survey of all the adjoining properties detailing the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other such items, is to be submitted to Council and the Principal Certifying Authority (where Council does not issue the Construction Certificate), prior to issue of the Construction Certificate. This survey is to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining properties.

All costs incurred in achieving compliance with this condition must be borne by the person entitled to act on this Consent.

If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to Council's satisfaction attempts have been made to obtain access and/or advise the affected property owner of the reason for the survey and these attempts have been unsuccessful. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

78. 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).

79. 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.

80. 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.

81. 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.
82. 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.
83. 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.
84. 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.
85. 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.

86. 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.
87. 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.**
88. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including drawings and specifications must be submitted to Council/ Principal Certifying Authority accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Council's Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Sediment Control Plan must incorporate and disclose:
- (i) all details of drainage to protect and drain the site during the construction processes,
  - (ii) all sediment control devices, barriers and the like,
  - (iii) sedimentation tanks, ponds or the like,
  - (iv) covering materials and methods, and
  - (v) a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing these design requirements have been met must be submitted with the Construction Certificate and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

### **Building Matters**

89. The external glass used in the building shall have a reflectivity index of less than 20%. Details and specifications of the glass shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
90. 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.

91. Where building intruder alarms are installed in the building they shall be fitted with an automated "cut-off" timing device and operated as per the Protection of the Environment Operations (Noise Control) Regulation 2008.

### **Sustainability**

92. 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.
93. 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

94. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
95. 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.**
96. 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.**
97. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

### Works Zone

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

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

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

### Construction Traffic Management Plan

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

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

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

### Fire Safety Measures

100. 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.**
101. 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

102. If 'A' type hoarding is to be erected about the building site, it is to comply with NSW Workcover's requirements; shall have a minimum height of 1.8 m and comply with AS1725-2003 (Galvanized Rail-Less Chain-Wire Security Fences and Gates) or AS 4687-2007 (Temporary Fencing and Hoardings). Inverted trench mesh is not an acceptable 'A' type hoarding and as such does not satisfy AS1725-2003 and as such shall not be installed to the building site.

103. An overhead 'B' type hoarding shall be constructed where buildings over 7.5 m in height above the footpath level and within 3.6 m of the street alignment are being erected or demolished or where the outer part of such a building adjoining a public way is being altered. Where the height of the building or the position of the site is such that danger is likely to occur from falling objects, additional safety hoarding shall be provided to the satisfaction of the principal certifying authority and Workcover NSW.
104. An overhead 'B' type hoarding shall be constructed where material is being hoisted over or across a public way.
105. 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.
106. 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.
107. 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



108. As required by the Protection of the Environment Operations (Noise Control) Regulation 2008, air-conditioning units or heat pump water heaters shall not be audible in the habitable rooms of any other residential premises before 8am or after 10pm on any Saturday, Sunday or public holiday, or before 7am or after 10pm on any other day.
109. Dust emissions from the stockpiles shall be suppressed by a permanently installed irrigation system and details shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**. The irrigation system shall be installed in accordance with the approved details prior to the work/use commencing and maintained at all times to Council's satisfaction.
110. The use of the premises shall not give rise to:
- (a) The transmission of unacceptable vibration to any surrounding occupancy; and
  - (b) A noise level exceeding the background ( $L_{90}$ ) noise level by more than 5dB(A) when measured from an adjoining premises. The source noise level shall be assessed as an  $LA_{eq,15min}$  reading and adjusted in accordance with current EPA Guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and intermittency or any subsequent guidelines.
111. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises. Such measures are to be installed at no cost to Council and may require further development consent from Council.

### Disabled Access

112. Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia, the relevant standards and the requirements of the Disability (Access to Premises – Buildings) Standards 2010. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.
113. 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**.
114. 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**.
115. **Prior to the issue of a Construction Certificate**, certification shall be submitted to the Principal Certifying Authority demonstrating that at least 20% of the residential units meet the silver level Universal Design Guide requirements of the Livable Housing Design. In order to meet the requirements, the following must be achieved:

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

### **Waste Management**

116. 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.
117. 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.**
118. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property as follows:
- (a) Full and free right must be provided to Strathfield Council employees or its authorised contractors to:
    - (i) Enter upon the land and remove any waste products using any vehicle or equipment as necessary;
  - (b) The owner of the lot burdened shall be solely responsible for the cost of maintaining in good and sufficient repair at all times the internal roads or access ways used by Strathfield Council for the purpose of exercising its rights as set out in clause (a) above.

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

### **Integrated Development**

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

119. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.

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

Prior to excavation

124. The following shall be included in the initial report:
- i. measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
  - ii. a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
  - iii. details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.

- iv. a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [Note that groundwater level measurements should be undertaken on a continuous basis using automatic loggers in monitoring bores.
125. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
126. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
127. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
128. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability determined by slug-testing, pump-testing or other means).
129. A copy of a valid consent for the development shall be provided in the initial report.
130. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
131. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

## During excavation

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

## Following excavation

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

**Resolution:**

**That this application be approved subject to the recommended conditions of consent in the report as amended by the panel.**

**For the Decision: Stein, Hopley, Murrell, Bali**

**Against the Decision: Nil**

**\*\*\*\* End Minutes – Report No. 2\*\*\*\***

**TO:** Strathfield Independent Hearing and Assessment Panel – 6 April 2017  
**REPORT:** SIHAP – Report No. 3  
**SUBJECT:** 387 Liverpool Road, Strathfield - Lot A DP 321566  
**DA NO:** 2016/123

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## SUMMARY

**Proposal:** Infill affordable rental housing  
**Assessment officer:** LP  
**Date of lodgement:** 22 July 2016  
**Notification period:** 2 August 2016 to 17 August 2016  
**Submissions received:** (12) including one (1) petition containing (57) signatures  
**Applicant:** Dora Christodoulides  
**Owner:** Mrs D. Christodoulides  
**Estimated cost of works:** \$5,684,645  
**Zoning:** R3 Medium Density Residential - SLEP 2012  
**Heritage:** n/a  
**Flood affected:** No  
**Is a Clause 4.6 variation proposed?** Yes - building height  
**Extent of the variation supported?** 32% (3.1m)  
**Peer review of Clause 4.6 variation:** A peer review of the Clause 4.6 variation has been undertaken and the assessment officer's recommendation is supported.

## RECOMMENDATION

## APPROVAL

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### RECOMMENDATION

In consideration of Clause 4.6 of the Strathfield Local Environmental Plan (SLEP) 2012, the consent authority is satisfied that compliance with the development standard contained within Clause 4.3 (Height of Building) of the SLEP 2012 is well founded and that there are sufficient environmental planning grounds to justify contravening the development standard.

That DA2016/123 for the demolition of existing site structures and construction of an "Infill Affordable Housing" development under the Affordable Rental Housing SEPP comprising a three (3) storey residential flat building containing (11) units comprising three (3) x 1 bedroom, seven (7) x 2 bedroom and one (1) x 3 bedroom units above one (1) level of basement parking at 387 Liverpool Road, Strathfield, be **APPROVED** subject to the following conditions:

### CONDITIONS OF CONSENT

## 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:

Roof and Site Plan, Dwg no. DA03, Issue D, prepared by Aleksander Design Group, received by Council 22 July 2016

Basement Plan, Dwg no. DA04, Issue D, prepared by Aleksander Design Group, received by Council 22 July 2016

Level 1 Plan, Dwg no. DA05, Issue F, prepared by Aleksander Design Group, received by Council 30 September 2016

Level 2 Plan, Dwg no. DA06, Issue F, prepared by Aleksander Design Group, received by Council 30 September 2016

Level 3 Plan, Dwg no. DA07, Issue D, prepared by Aleksander Design Group, received by Council 30 September 2016

Section A-A and B-B, Dwg no. DA08, Issue B, prepared by Aleksander Design Group, received by Council 22 July 2016

North and South Elevation, Dwg no. DA09, Issue D, prepared by Aleksander Design Group, received by Council 30 September 2016

East and West Elevation, Dwg no. DA10, Issue E, prepared by Aleksander Design Group, received by Council 30 September 2016

Arboricultural Implication Assessment and Tree Protection Specification, Issue B, prepared by Horticultural Resources Consulting Group, received by Council 22 July 2016

Tree Management Plan, Issue B, prepared by Horticultural Resources Consulting Group, received by Council 22 July 2016

Geotechnical Investigation Report, Report No.GS6528-1A, prepared by Agrus Pty Ltd, received by Council 22 July 2016

Acoustic Assessment, prepared by Acoustic Logic, received by Council 22 July 2016

BASIX Certificate Issue No.719771M, received by Council 22 July 2016

Waste Management Plan, prepared by Aleksander Design Group, received by Council 22 July 2016

Landscape Plan, Dwg no. DA-L101, Rev P1, prepared by Canvas Landscape Architects, received by Council 22 July 2016

Roof Drainage, Sediment & Erosion Control Plan, Dwg no. C01.001, Rev C,



prepared by Engineering Studio Civil and Structural, received by Council 22 July 2016

Ground Stormwater Drainage Plan, Dwg no. C02.01, Rev C, prepared by Engineering Studio Civil and Structural, received by Council 22 July 2016

Basement Stormwater Drainage Plan, Dwg no. C03.01, Rev B, prepared by Engineering Studio Civil and Structural, received by Council 22 July 2016

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

### Special Conditions

5. Two (2) adaptable units are to be provided within the development. Detailed plans showing the internal layout of the two (2) units pre and post adaptation shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
6. Full compliance is to be given to the recommendations contained within the Acoustic Assessment, prepared by Acoustic Logic, received by Council 22 July 2016.
7. All side and rear boundary fencing is to have a maximum height of 1.8m as measured for the finished ground level.
8. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property stating that units 3, 4, 5, and 6 shall be managed by a Community Housing Provider and used for the purpose of affordable rental housing for a minimum period of ten (10) years from the date of issue of an Occupation Certificate.

The wording of the Instrument shall be submitted to, co-signed and approved by Council prior to lodgement at Land & Property Information NSW. Council must be a signatory to the instrument which cannot be extinguished without the prior consent of Council.

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.**

- 8A. The lift overrun and rooftop structures shall be reduced in size and to a maximum height of 2.7 metres.

**Reason: To reduce overshadowing of neighbouring properties and to bring the height closer to compliance.**

### General

9. 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.
10. 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.
11. A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior any work (including demolition, excavation and the erection of site fencing/hording). The approved Works Permit and any approved Construction Traffic Management Plan must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed. The permit must be retained on site at all times.
12. **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.
13. 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

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	\$18,976.58
Provision of Major Open Space	\$86,337.75
Provision of Local Open Space	\$18,999.30
Provision Roads and traffic Management	\$2,946.36
Administration	\$1,636.20
<b>TOTAL</b>	<b>\$128,869.29</b>

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

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

15. A security payment of \$8,254.00 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	\$4,000.00
Refundable works bond	\$4,000.00
Non-refundable administration fee (\$127/bd)	\$254.00
<b>TOTAL</b>	<b>\$8,254.00</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) installation and maintenance of sediment control measures for the duration of construction activities;
  - c) **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
  - 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.
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 (14) off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	10
Visitors	2
Disabled	2
<b>TOTAL</b>	<b>14</b>

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

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

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

18. **Prior to the issue of any Occupation Certificate**, fixed signage shall be placed within the basement car park of the building adjacent to the lift stating that Council will not issue residential parking permits for owners and residents of the subject site.
19. **Prior to the issue of any Occupation Certificate**, all off-street parking spaces shall be line marked in accordance with requirements of AS2890.1.
20. The two (2) visitor parking spaces upon Basement Plan, Dwg no. DA04, Issue D, prepared by Aleksander Design Group, received by Council 22 July 2016 are to be retained as visitor parking spaces and provided as a wash bay. Amended plans including such a wash bay are to be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.
21. All vehicles associated with the approved use shall be parked within the parking spaces on the site and not on adjacent footpath, access driveways or landscaped areas.
22. A sign shall be erected in a suitable location on the site advising that parking is available for visitors.
23. The entry point to the basement carpark area shall be fitted with security gates/shutter to control the entry and exit of vehicles to and from the basement. Any security gates/shutter shall be designed in order to ensure it is able to be opened remotely by occupants of the building.
24. All vehicles entering and leaving the site shall be driven in a forward direction only.

25. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.
26. All car washing, engine degreasing and steam cleaning shall be conducted in the wash bay which is drained in accordance with the requirements of Sydney Water.
27. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
28. Reconstruct the footpath, kerb and gutter to Council's specifications for the full frontage of the development site at the completion of all building works.
29. Purpose built storage compartment(s) shall be provided to and within each of the resident car parking bays and/or associated dwellings at the following rates:
  - 6m<sup>3</sup> for each one (1) bedroom unit
  - 8m<sup>3</sup> for each two (2) bedroom unit, and
  - 10m<sup>3</sup> for each unit with three (3) bedrooms or more.

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

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

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

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

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

- (m) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.)

### **Drainage/Stormwater**

31. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system via the OSD system to the existing junction pit located under the kerb and gutter in High Street as depicted on the concept plan prepared by Engineering Studio rev C dated 19.06.2016.
32. Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans **AND** the requirements of Council's Stormwater Management Code and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
33. On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system. The storage system shall be designed in accordance with the endorsed concept stormwater plans **AND** Council's Stormwater Management Code. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
34. 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.**
35. 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.
36. 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.
37. 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.
38. The proposed basement pump out system storage capacity shall be capable of handling 4 hours 100yr ARI storm event and the catchment contributing to it shall be limited to the basement access ramp area and the subsoil drainage only.
39. The pipes beneath the basement shall not be PVC or HDPE.
40. The rising main shall be connected to the OSD. Final details of this system are to be submitted with the Construction Certificate application.
41. **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.

42. 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.

43. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the:

- (a) on-site stormwater detention system;

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

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

44. 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.
45. The OSD basin must be graded to drain completely and gradients shall not be less than 1%. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
46. Discharge restriction from the OSD shall be by use of appropriately sized short length of reduced diameter pipe and weir. An Orifice plate shall not be used.
47. The outlet pipe connecting to Council's drainage pit in High Street shall be located a minimum of 3m clear of all street trees.

### Public Authority Matters

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

consolidated into a single Aerial Bundle Cable (ABC) at the applicants' expense in accordance with the specifications of AusGrid and the telecommunications supplier.

### Landscaping/Tree Matters

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

Tree	Height/Spread (m)	Location	Protection Zone (m)	Excavation Zone (m)
All trees noted for retention within the Arboricultural Implication Assessment and Tree Protection Specification, prepared by Horticultural Resources Consulting Group being as follows: 7, 8, 9 and 16.	As per Arboricultural Implication Assessment and Tree Protection Specification, Issue B, prepared by Horticultural Resources Consulting Group received by Council 22 July 2016			

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

- a) A minimum 1.2m high barrier (made of hardwood/metal stakes with suitable hessian or canvas material) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.
  - b) No concrete slurry or wash, building materials, builders' rubble, excavation soil or similar shall be placed or stored within the tree protection zone.
  - c) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
  - d) The tree protection zone shall be regularly watered.
  - e) Any major structural roots which are encountered shall be pruned by a qualified Arborist.
  - f) **No excavation or construction shall be carried out** within the stated Excavation Zone distances from the base of the trunk surface.
  - g) Only permeable surfaces (e.g. decomposed granite, gravel, turf-pave, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.
50. A minimum 600mm deep root deflection barrier shall be provided on both sides of the proposed driveway crossing(s) and footpaths.
51. All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious Weeds Act.
52. 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>
All trees noted for removal within the Arboricultural Implication Assessment and Tree Protection Specification, prepared by Horticultural Resources Consulting Group being as follows: 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, and 15	As per Arboricultural Implication Assessment and Tree Protection Specification, Issue B, prepared by Horticultural Resources Consulting Group received by Council 22 July 2016	

53. All trees permitted to be removed by this consent shall be replaced by species selected from Council's recommended planting list. Replacements shall be a minimum 50 litre container size and shall be maintained until maturity.
54. 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).
55. All common and private landscape areas including all planters are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and all relevant Australian Standards.

### Construction Matters

56. **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.
57. 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**.
58. 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).
59. 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.
60. 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.

61. 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.
62. 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.
63. 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.
64. 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.
65. 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.

66. 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.
67. 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**

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

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

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

### **Sustainability**

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

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

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

### **Demolition**

72. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
73. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority **prior to any work commencing on site.**

74. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority **prior to any work commencing on site.**
75. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

### **Fire Safety Measures**

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

### **Hoardings**

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

- (e) The hoarding must be so constructed that it will not obstruct the view of traffic lights of motorists or pedestrians.
  - (f) The use of the roadway for the storage of building materials is not permitted.
  - (g) Where materials are being hoisted over a public way a sign shall be attached or printed upon the front of the hoarding at the decking level with the lettering 'Lifting Operation Above'. The lettering shall not be less than 300-mm in height.
  - (h) Persons undertaking the work in accordance with this Approval must hold this Approval/Permit on-site for inspection.
  - (i) Approval for a temporary protective structure does not permit use of the roadway for general loading and unloading from construction vehicles. This requires a separate Construction Zone Application.
  - (j) An appropriate qualified practising structural engineer shall certify the structural stability / adequacy of the erected 'B' type hoarding. A copy of the certificate shall be forward to the principal certifying authority and to Council, where Council is not the principal certifying authority.
82. The builder shall erect and maintain all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary and must be in place before the approved activity commences.
83. Permits are required to erect Class 'A' or 'B' type hoardings. If any type hoarding is to occupy a section of Council's property, that section will require a permit for the occupation of Council's property. The applicant, owner, builder or site supervisor must apply for specific permits. The application form is available from Council's Customer Service Department.

### **Air Quality**

84. As required by the Protection of the Environment Operations (Noise Control) Regulation 2008, air-conditioning units or heat pump water heaters shall not be audible in the habitable rooms of any other residential premises before 8am or after 10pm on any Saturday, Sunday or public holiday, or before 7am or after 10pm on any other day.
85. Prior to the issue of any Occupation Certificate the Principal Certifying Authority shall confirm that the development has been constructed in accordance with the recommended methodology within the endorsed Acoustic report to ensure noise levels do not exceed:
- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
  - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

### **Subdivision**

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

### **Disabled Access**

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

### **Waste Management**

89. 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.
90. 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.**

### **Resolution:**

In consideration of Clause 4.6 of the Strathfield Local Environmental Plan (SLEP) 2012, the consent authority is satisfied that compliance with the development standard contained within Clause 4.3 (Height of Building) of the SLEP 2012 is well founded and that there are sufficient environmental planning grounds to justify contravening the development standard.

**The application is approved subject to the recommended conditions of consent as amended by the panel.**

**For the Decision: Stein, Hopley, Murrell, Bali**

**Against the Decision: Nil**

**\*\*\*\* End Minutes – Report No. 3\*\*\*\***

**TO:** Strathfield Independent Hearing and Assessment Panel – 6 April 2017  
**REPORT:** SIHAP – Report No. 4  
**SUBJECT:** 2-4 Mintaro Avenue, Strathfield - Lot 1 DP 954705 & Lot 1 DP 105600  
**DA NO:** 2015/120

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## SUMMARY

**Proposal:** Part four (4) storey, Part three (3) Storey Residential Flat Building

**Assessment officer:** LP

**Date of lodgement:** 2 October 2015

**Notification period:** 13 October 2015 to 28 October 2015, 23 February 2016 to 9 March 2016 and 17 January 2017 to 1 February 2017

**Submissions received:** Thirty-eight (38) written submissions

**Applicant:** Bechara Chan & Associates

**Owner:** Yuean Yee Lai and John Kwong Lee

**Estimated cost of works:** \$5,473,304

**Zoning:** B2 Local Centre and R3 Medium Density Residential - SLEP 2012

**Heritage:** n/a

**Flood affected:** No

**Is a Clause 4.6 variation proposed?** Yes - building height

**Extent of the variation supported?** Part 4% (0.66m) and Part 7.5% (0.83m)

**Peer review of Clause 4.6 variation:** A peer review of the Clause 4.6 variation has been undertaken. The variation was not considered to be well founded.

## RECOMMENDATION

## APPROVAL

### RECOMMENDATION

In consideration of Clause 4.6 of the Strathfield Local Environmental Plan (SLEP) 2012, the consent authority is not satisfied that compliance with the development standard contained within Clause 4.3 (Height of Building) of the SLEP 2012 is unreasonable or unnecessary in the circumstances of the case and that there are insufficient environmental planning grounds to justify contravening the development standard.

That DA2015/120 for the demolition of existing site structures and the construction of a part five (5) storey, part three (3) storey Residential Flat Building comprised of (16) units above two (2) levels of basement parking at 2-4 Mintaro Avenue, Strathfield, be **APPROVED**

subject to the following conditions:

## **CONDITIONS OF CONSENT**

### **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 and Level 1 Floor Plan, Drawing DA.03, Issue K, prepared by BC & Associates Pty Ltd, received by Council 29 August 2016.

Level 2-3 Floor Plan, Drawing DA.04, Issue K, prepared by BC & Associates Pty Ltd, received by Council 29 August 2016.

Level 4 Floor Plan, Roof and Site Plan, Drawing DA.05, Issue K, prepared by BC & Associates Pty Ltd, received by Council 29 August 2016.

Level 4 Floor Plan, Roof and Site Plan, Drawing DA.06, Issue K, prepared by BC & Associates Pty Ltd, received by Council 29 August 2016.

North Elevation and East Elevation, Drawing DA.07, Issue K, prepared by BC & Associates Pty Ltd, received by Council 29 August 2016.

South Elevation and West Elevation, Drawing DA.08, Issue K, prepared by BC & Associates Pty Ltd, received by Council 29 August 2016.

Section AA, Section BB, Front Fence Elevation, Drawing DA.09, Issue K, prepared by BC & Associates Pty Ltd, received by Council 29 August 2016.

Driveway Section, Drawing DA.10, Issue K, prepared by BC & Associates Pty Ltd, received by Council 29 August 2016.

BASIX Certificate No. 642025M\_03, issued 25 October 2016, received by Council 26 October 2016.

Cover Sheet, Legend and Drawing Schedule, DWG D00, Rev A, prepared by Australian Consulting Engineers Pty Ltd, received by Council 26 October 2016.

Basement 2 and Basement 1 Stormwater Drainage Plan, DWG D01, Rev D, prepared by Australian Consulting Engineers Pty Ltd, received by Council 26 October 2016.

Ground Floor Stormwater Drainage Plan, DWG D02, Rev D, prepared by Australian Consulting Engineers Pty Ltd, received by Council 26 October 2016.

Site Stormwater Drainage Details 1, DWG D05, Rev A, prepared by Australian Consulting Engineers Pty Ltd, received by Council 26 October 2016.

Site Stormwater Drainage Details 2, DWG D06, Rev C, prepared by Australian Consulting Engineers Pty Ltd, received by Council 26 October 2016.



Erosion and Sediment Control Plan and Details, DWG E10, Rev A, prepared by Australian Consulting Engineers Pty Ltd, received by Council 26 October 2016.

Noise Assessment, February 2016, prepared by GHD, received by Council 03 February 2016.

Detailed Site Investigation, Report E22638 AB, Rev 0, prepared by Environmental Investigations Australia, received by Council 3 February 2016.

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

### Special Conditions

5. **Prior to the issue of a Construction Certificate**, amended plans shall be prepared and approved by the Principal Certifying Authority relocating the balcony to unit 2.02 toward the front boundary to provide a minimum 6m setback to the western boundary. The balcony to unit 2.02 shall be 8m in depth and 10m<sup>2</sup>. The balcony shall be provided with a glass balustrade to the west and northern elevations so that it is open-form in appearance.
- 5A. A new Landscape Plan prepared by qualified landscape architect or landscape consultant to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent is to be submitted to the satisfaction to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

The plan must include the following information:

- a) Details demonstrating compliance with Part C of SCDCP 2005 in relation to landscaping.
  - b) Details of how the communal space areas integrate together to achieve functional and useable communal open space areas.
  - c) Location of all existing and proposed landscape features including materials to be used.
  - d) All trees to be retained, removed or transplanted.
  - e) Existing and proposed finished ground levels.
  - f) Top and bottom wall levels for both existing and proposed retaining and free standing.
  - g) A detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantity of each species, pot sizes and the estimated size at maturity.
  - h) The deletion of the roof garden pergola.
- 5B A new sample board of external materials, colours and finishes shall be submitted to Council's Planning Unit for approval, prior to the issue of a Construction Certificate.

*Reason: To ensure the development is more sympathetic with the streetscape.*

## General

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

## Financial Matters

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

Provision of Community Facilities	\$32,194.48
Provision of Major Open Space	\$146,475.26
Provision of Local Open Space	\$32,233.04

Provision Roads and traffic Management Administration	\$4,267.57 \$2,776.05
<b>TOTAL</b>	<b>\$217,946.40</b>

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. 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.**

### Parking/Traffic Matters

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

Residents (including (2) disabled)	30
Visitors	4
<b>TOTAL</b>	<b>34</b>

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

Residential parking spaces shall be designated at a rate of at least one (1) space per 1 and 2 bedroom unit and two (2) spaces per 3 bedroom unit and commercial spaces at a rate of 1 per 40m<sup>2</sup> of floor area.

13. The entry point to the basement carpark area shall be fitted with security gates/shutter to control the entry and exit of vehicles to and from the basement. Any security gates/shutter shall be designed in order to ensure it is able to be opened remotely by occupants of the building.
14. All driveways shall be separated from landscaped areas by a minimum 150mm high by 150mm wide concrete kerb or similar.
15. All car washing shall be conducted in the wash bay which is drained in accordance with the requirements of Sydney Water.
16. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
17. Purpose built storage compartment(s) shall be provided to and within each of the resident car parking bays and/or associated dwellings at the following rates:
- 6m<sup>3</sup> for each one (1) bedroom unit
  - 8m<sup>3</sup> for each two (2) bedroom unit, and
  - 10m<sup>3</sup> for each unit with three (3) bedrooms or more.

In order to deter theft, the security compartments shall be designed in a manner to conceal from view and secure their contents i.e. through the use of dense, solid

material and a shroud covered padlock (or similar).

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

18. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.
19. An application for a 'Works Zone' must be submitted to and approved by the Strathfield Council Traffic Committee **prior to the commencement of any site work (including demolition).**

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

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

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

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

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

- m) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc)
21. Vehicles entering the development shall not obstruct the footpath area while waiting for any security gates to open.
22. All construction activity shall take place on-site and the use of any public street be subject to the approval of Strathfield Council.
23. All vehicles associated with the development shall enter and exit the site in a forward direction.

### Drainage/Stormwater

24. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe to a new kerb inlet pit located within **Mintaro Avenue**. The onsite stormwater detention tank will connect into this new kerb inlet pit. The internal drainage system has been designed generally satisfactory and is depicted on the CONCEPT drainage plans prepared by **Australian Consulting Engineers sheets no. D00 – D06 Job No.150443 received by Council 26 October 2016**.
25. 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.**

26. 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.**
27. The rainwater tank proposed shall have only roof area connected into it with a first flush mechanism. All design components of the rainwater tank are to comply with the relevant Australian Standards. Details of the Rainwater tank system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
28. **Prior to the issue of an Occupation Certificate/use of the building,** written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.

In addition, detailed works-as-executed plans, prepared and signed by a registered

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

29. Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
30. For drainage works within public land or connecting to Council's stormwater drainage system the following inspections will be required:-
- (a) After the excavation of pipeline trenches.
  - (b) After the laying of all pipes prior to backfilling.
  - (c) After the completion of all pits and connection points.

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

31. All pits shall be constructed in accordance with Australian Standard AS3500.3.
32. All subsoil drainage must be designed to meet the requirements of AS3500;
33. Access to the basement car park, head room for basement entry, driveway ramp and turning circles shall be designed in accordance with AS 2890.1-2004.
34. The proposed basement pump out system is to be strictly in accordance with the requirements set out in Strathfield Council's Stormwater Management Code 2007. The rising main shall be connected to the OSD tank/basin. Final details of this system are to be submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
35. All surface inlet drains upstream of the on-site detention basin must be designed so that there is no overflow before the storage is full.
36. 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.
37. 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.
38. 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.

39. 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.

40. The connection of stormwater runoff from the development site to Council's street drainage system shall consist of a pipe line across to the street kerb with the pipeline then continuing under the kerb and gutter to Council's drainage pipe on the southern side of Mintaro Avenue.
41. The pipe 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 Council's standard requirements.
42. A plan and long section of the proposed drainage line within the road reserve shall be submitted for approval of Council's Engineering Works & Services. 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 Mintaro Avenue.

### Public Authority Matters

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

### Landscaping/Tree Matters

44. 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>Structural Root Zone (m)</u>
2 x <i>Lophostemon confertus</i>	5/8	Council verge	4.2	2.3

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

- a) A minimum 1.8m high barrier (Chain wire mesh panels, plywood or wooden paling fence panels: refer to AS4687-*Temporary fencing and hoardings* for fencing requirements) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area. Fence posts and supports should have a diameter greater than 20mm and be located clear of roots. The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.
  - b) Signs identifying the Protection Zone should be installed on the fencing and be visible from within the development site. Lettering should comply with AS4970-2009: *Protection of Trees on Development Sites*.
  - c) No concrete slurry or wash, building materials, builders' rubble, excavation soil or similar shall be placed or stored within the tree protection zone.
  - d) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
  - e) The tree protection zone shall be regularly watered.
  - f) Any major structural roots which are encountered shall be pruned by a qualified Arborist.
  - g) **No excavation or construction shall be carried out** within the stated *Structural Root Zone* distances from the base of the trunk surface.
  - h) Only permeable surfaces (e.g. decomposed granite, gravel, turfpave, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.
45. A minimum of one (1) x 400 litre size tree which has a minimum mature height of 6 metres shall be planted in the deep soil area between the front of the building and the front property boundary. Trees are to be selected from Strathfield Councils Tree List and shall comply with the following requirements:
- (a) Plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage. Trees are to have a single leader and clear straight trunk.
  - (b) 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.
  - (c) Minimum 75mm depth of organic mulch shall be placed within an area 0.5m radius from the base of the tree.
46. A minimum of three (3) x 200 litre size trees which have a minimum mature height of 6 metres shall be planted in the deep soil area between the front of the building and the front property boundary. Trees are to be selected from Strathfield Councils Tree List and comply with the following requirements:
- (a) Plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage. Trees are to have a single leader and clear straight trunk.
  - (b) 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.



- (c) Minimum 75mm depth of organic mulch shall be placed within an area 0.5m radius from the base of the tree.
47. A minimum 600mm deep root deflection barrier shall be provided on both sides of the proposed driveway crossing(s) and footpaths.
48. All noxious weeds on the site shall be removed and destroyed as per their classification under the *Noxious Weeds Act 1993*.
49. 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.

### Construction Matters

50. **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.
51. The proposed development shall comply with the Building Code of Australia and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**.
52. 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).
53. 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.
54. The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.
55. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.
56. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
57. If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- (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.

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

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

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

59. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
60. 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**.
61. 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**

62. 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

63. 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.
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. 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

71. 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.
72. If 'A' type hoarding is to be erected about the building site, it is to comply with NSW Workcover's requirements; shall have a minimum height of 1.8 m and comply with AS1725-2003 (Galvanized Rail-Less Chain-Wire Security Fences and Gates) or AS 4687-2007 (Temporary Fencing and Hoardings). Inverted trench mesh is not an acceptable 'A' type hoarding and as such does not satisfy AS1725-2003 and as such shall not be installed to the building site.
73. An overhead 'B' type hoarding shall be constructed where buildings over 7.5 m in height above the footpath level and within 3.6 m of the street alignment are being erected or demolished or where the outer part of such a building adjoining a public way is being altered. Where the height of the building or the position of the site is such that danger is likely to occur from falling objects, additional safety hoarding shall be provided to the satisfaction of the principal certifying authority and Workcover NSW.
74. An overhead 'B' type hoarding shall be constructed where material is being hoisted over or across a public way.
75. 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.

76. 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.
77. 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.

### **Disabled Access**

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

### **Waste Management**

80. 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.
81. 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 any Construction Certificate.**
82. Fixed educational signage is to be provided within the waste storage room to inform residents of Council's general waste and recycling requirements and shall be installed **prior to the issue of an Occupation Certificate.** Note suitable signage is

available from Council's Customer Service Centre or <http://www.epa.nsw.gov.au/wastetools/signs-posters-symbols.htm>

83. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property as follows:
- a) Full and free right must be provided to Strathfield Council employees or its authorised contractors to:
    - i. Enter upon the land and remove any waste products using any vehicle or equipment as necessary;
  - b) The owner of the lot burdened shall be solely responsible for the cost of maintaining in good and sufficient repair at all times the internal roads or access ways used by Strathfield Council for the purpose of exercising its rights as set out in clause (a) above.

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

#### Land Contamination

84. **Prior to the commencement of any works, including demolition,** a hazardous materials building survey shall be completed and a hazardous materials register prepared for the Site prior to the commencement of any building alteration or demolition works. The register should be prepared in accordance with the requirements of *the Work Health and Safety Regulation 2011*.
85. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.
86. 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.
87. 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.

#### Resolution:

In consideration of Clause 4.6 of the Strathfield Local Environmental Plan (SLEP) 2012, the consent authority is satisfied that compliance with the development standard contained within Clause 4.3 (Height of Building) of the SLEP 2012 is well founded and that there are sufficient environmental planning grounds to justify contravening the development standard.

This application be approved subject to the recommended conditions of consent in the report as amended by the panel.

For the Decision: Stein, Hopley, Murrell, Bali

Against the Decision: Nil

\*\*\*\* End Minutes – Report No. 4\*\*\*\*

**TO:** Strathfield Independent Hearing and Assessment Panel – 6 April 2017  
**REPORT:** SIHAP – Report No. 5  
**SUBJECT:** 40-42 Loftus Crescent, Homebush - Lot X in DP 446141, Lot 37 in DP 9154, and Lot 38 in DP 9154  
**DA NO:** DA2016/172

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## SUMMARY

**Proposal:** Demolition of existing structures and construction of a part nine (9) storey, part five (5) storey residential flat building containing (80) units consisting of (19) x 1 bedroom, (56) x 2 bedroom and five (5) x 3 bedroom units over two (2) levels of basement car parking

**Assessment officer:** LM

**Date of lodgement:** 23 November 2016

**Notification period:** 6 December 2016 – 16 January 2017

**Submissions received:** One (1) submission received

**Applicant:** Urban Link Pty Ltd

**Owner:** Mr & Mrs Malek

**Estimated cost of works:** \$19,365,192.00

**Zoning:** R4 – High Density Residential - SLEP 2012

**Flood affected:** Yes

**Is a Clause 4.6 variation proposed?** Yes – building height

**Extent of the variation supported?** 1.9% (550mm)

**Peer review of Clause 4.6 variation:** A peer review of the Clause 4.6 variation has been undertaken. The officer's recommendation is concurred with.

## RECOMMENDATION

## DEFERRED COMMENCEMENT

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### RECOMMENDATION

In consideration of Clause 4.6 of the Strathfield Local Environmental Plan (SLEP) 2012, the consent authority is satisfied that compliance with the development standard contained within Clause 4.3 (Height of Building) of the SLEP 2012 is well founded and that there are insufficient environmental planning grounds to justify contravening the development standard.

That DA2016/172 for the demolition of existing structures and construction of a part nine (9) storey, part five (5) storey residential flat building containing (80) units consisting of (19) x 1



bedroom, (56) x 2 bedroom and five (5) x 3 bedroom units over two (2) levels of basement car parking at 40-42 Loftus Crescent, Homebush be granted **DEFERRED COMMENCEMENT APPROVAL** pursuant to section 80(3) of the EP&A Act 1979, subject to the following conditions:

## **DEFERRED COMMENCEMENT CONDITIONS**

### **SCHEDULE A**

D1 This consent is not to operate until the Applicant satisfies the Council, within twelve (12) months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

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

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

D2 A new Landscape Plan prepared by qualified landscape architect or landscape designer to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent is to be submitted to the satisfaction to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

The plan must include the following information:

- i. Details demonstrating compliance with Part C of SCDCP 2005 in relation to landscaping.
- ii. Details of how the communal space areas integrate together to achieve functional and useable communal open space areas.
- iii. Location of all existing and proposed landscape features including materials to be used.
- iv. All trees to be retained, removed or transplanted.
- v. Existing and proposed finished ground levels.
- vi. Top and bottom wall levels for both existing and proposed retaining and free standing.

- vii. A detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantity of each species, pot sizes and the estimated size at maturity.
- viii. A section of the internal ground level communal open space showing depth of planter boxes and level changes.

Upon written confirmation from Strathfield Council that the above conditions have been satisfied, the consent will become operative subject to the following conditions.

## **CONDITIONS OF CONSENT**

### **Plans**

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

Site Plan, Project No.16-103, Drawing No.DA1002, prepared by Urbanlink, received by Council 23 November 2016.

Demolition Plan, Project No.16-103, Drawing No.DA1003, prepared by Urbanlink, received by Council 23 November 2016.

Floor Plans – Lower Ground & B2, Project No.16-103, Drawing No.DA2101, prepared by Urbanlink, received by Council 14 February 2017.

Ground Floor & Level 1 Plan, Project No.16-103, Drawing number DA2102 Issue C, prepared by Urbanlink, received by Council 14 February 2017.

Level 02, 03 & 04 Plans, Project No.16-103, Drawing number DA2103 Issue C, prepared by Urbanlink, received by Council 14 February 2017.

Level 05 & 06 Plans, Project No.16-103, Drawing number DA2104 Issue C, prepared by Urbanlink, received by Council 14 February 2017.

Level 07 Plans, Project No.16-103, Drawing number DA2105 Issue C, prepared by Urbanlink, received by Council 14 February 2017.

Elevations – Loftus Crescent, Project No.16-103, Drawing number DA3001 Issue C, prepared by Urbanlink, received by Council 14 February 2017.

Elevations – Building A North, Project No.16-103, Drawing number DA3002 Issue C, prepared by Urbanlink, received by Council 14 February 2017.

Elevations – Building B South, Project No.16-103, Drawing number DA3003 Issue C, prepared by Urbanlink, received by Council 14 February 2017.

Elevations – Loftus Lane, Project No.16-103, Drawing number DA3004 Issue C, prepared by Urbanlink, received by Council 14 February 2017.

Elevations – East/West, Project No.16-103, Drawing number DA3005 Issue C, prepared by Urbanlink, received by Council 14 February 2017.

Section AA/BB, Project No.16-103, Drawing number DA3101 Issue C, prepared by Urbanlink, received by Council 14 February 2017.

Section CC/FF, Project No.16-103, Drawing number DA3102 Issue C, prepared by Urbanlink, received by Council 14 February 2017.

Section DD, Project No.16-103, Drawing number DA3103 Issue B, prepared by Urbanlink, received by Council 23 November 2016

Section EE, Project No.16-103, Drawing number DA3104 Issue B, prepared by Urbanlink, received by Council 23 November 2016

Proposed Landscape Plan – Cover Sheet, Drawing L/00 prepared by Discount Landscape Plans, received by Council 23 November 2016.

Proposed Landscape Plan – Lower Ground Level, Drawing L/01 prepared by Discount Landscape Plans, received by Council 23 November 2016.

Proposed Landscape Plan – Ground Level, Drawing L/02 prepared by Discount Landscape Plans, received by Council 23 November 2016.

Proposed Landscape Plan – Level 1, Drawing L/03 prepared by Discount Landscape Plans, received by Council 23 November 2016.

Proposed Landscape Plan – Level 5, Drawing L/04 prepared by Discount Landscape Plans, received by Council 23 November 2016.

Proposed Landscape Plan – Level 8, Drawing L/05 prepared by Discount Landscape Plans, received by Council 23 November 2016.

Waste Management Plan prepared by Urbanlink, received by Council 23 November 2016.

Stormwater Plan – General Notes, Drawing No.A6611- Cover, Revision C, prepared by Alpha Engineering & Development, received by Council 20 February 2017.

Sediment & Erosion Control Plan, Drawing No.A6611-SW01, Revision C, prepared by Alpha Engineering & Development, received by Council 20 February 2017.

Basement 2 Drainage Plan, Drawing No.A6611-SW02, Revision C, prepared by Alpha Engineering & Development, received by Council 20 February 2017.

Basement 1 Drainage Plan, Drawing No.A6611-SW03, Revision C, prepared by Alpha Engineering & Development, received by Council 20 February 2017.

Ground Floor Drainage Plan, Drawing No.A6611-SW04, Revision C, prepared by Alpha Engineering & Development, received by Council 20 February 2017.

Level 8 Drainage Plan, Drawing No.A6611-SW05, Revision C, prepared by Alpha Engineering & Development, received by Council 20 February 2017.

Stormwater Section Details Plan, Drawing No.A6611-SW06, Revision C, prepared by Alpha Engineering & Development, received by Council 20 February 2017.

MUSIC Modelling & Catchment Plan Plan, Drawing No.A6611-SW07, Revision C, prepared by Alpha Engineering & Development, received by Council 20 February 2017.

Preliminary Geotechnical Investigation Report, prepared by Ground Technologies, received by Council 23 November 2016.

Traffic and Parking Assessment Report, prepared by Varga traffic Planning Pty Ltd, received by Council 23 November 2016.

Acoustic Report prepared by Renzo Tonin & Associates received by Council 23 November 2016

Phase 1 Preliminary Site Investigation prepared by DLA Environmental DL3469\_S002541 received by Council 23 November 2016

Arboricultural Report prepared by Earthscape Horticultural Services, received by Council 23 November 2016.

BASIX Certificate No.775179M, issued 10 November 2016.

Flood Report prepared by Alpha Engineering & Development, received by Council 14 February 2017.

Access Compliance Report, prepared by Vista Access Architects, received by Council 23 November 2016.

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

### Special Conditions

5. In accordance with the offer made by the applicant (Novati Construction Pty Ltd) dated 30 June 2015 and Drawing No. 2015-01-VPA01 Issue A2, a Voluntary Planning Agreement shall be entered into between the property owner/developer and Strathfield Council for the dedication of 215m<sup>2</sup> of land with a minimum width of 4.9m for the purpose of an extension of Loftus Laneway adjacent to the northern boundary of the site. The agreement shall be pursuant to Section 93F of the Environment Planning and Assessment Act 1979. The Voluntary Planning Agreement shall be finalised **prior to the issue of a Construction Certificate** for above ground works.

6. Full compliance shall be given to the recommendations contained in the endorsed Acoustic Report prepared by Renzo Tonin & Associates prepared 10 November 2016.
7. Full compliance shall be given to the recommendations contained in the endorsed Preliminary Site Investigation Report prepared by DLA Environmental prepared May 2015.
8. **Prior to demolition of the existing structures**, a Hazardous Materials Survey should be conducted and any hazardous material should be removed from the structures and an Asbestos Clearance Certificate provided by a suitably qualified Asbestos Assessor.
9. **Prior to the issue of a Construction Certificate**, amended plans shall be prepared which provide a communal clothes-drying facility in a suitable location behind the front building line.
10. **Prior to the issue of a Construction Certificate**, amended plans shall be prepared demonstrating that unit AG07 is increased by a minimum 1m<sup>2</sup> in size to comply with the minimum 75m<sup>2</sup> size requirements.
11. The proposed kerb inlet pit lintel is in conflict with the proposed vehicular crossing layback. The kerb inlet pit lintel needs to be 1m away from the layback of the vehicular crossing. As such, **prior to issue of a Construction Certificate**, an amended plan prepared by a suitably professional civil/hydraulic engineer shall be submitted to Council demonstrating the following modification:
  - (a) Proposed kerb inlet pit lintel 1m away from the layback of the proposed vehicular crossing.

### General

12. 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.
13. 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.

14. A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior any work (including demolition, excavation and the erection of site fencing/hording). The approved Works Permit and any approved Construction Traffic Management Plan must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed. The permit must be retained on site at all times.
15. **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.
16. 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.

#### Financial Matters

17. 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	\$150,750.75
Provision of Major Open Space	\$685,870.78
Provision of Local Open Space	\$447,197.14
Provision Roads and Traffic Management	\$43,904.42
Administration	\$12,998.87
<b>TOTAL</b>	<b>\$1,340,721.95</b>

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

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

18. A security payment of **\$13,635.00** in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council **prior to the issue of a Construction Certificate**. The security payment is GST inclusive and comprises the following:

Refundable tree protection bond	\$3,000.00
Refundable works bond	\$10,000.00
Non-refundable administration fee (\$127/bd)	\$635.00
<b>TOTAL</b>	<b>\$13,635.00</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) installation and maintenance of sediment control measures for the duration of construction activities;
  - c) 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
  - 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.
19. 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**

20. A total of 76 off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	70 (including 12 disabled spaces)
Visitors	16
<b>TOTAL</b>	<b>(76)</b>

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

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

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

21. 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 systems shall be provided at the entry point to allow the security gates/shutter to be opened remotely by occupants of the building.
22. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.

23. All vehicles entering and leaving the site shall be driven in a forward direction only.
24. Rights-of-carriageway shall be created over the common vehicular access to the lots.
25. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
26. Reconstruct the footpath, kerb and gutter to Council's specifications for the full frontage of the development site at the completion of all building works.
27. Purpose built storage compartment(s) shall be provided to and within each of the resident car parking bays and/or associated dwellings at the following rates:
  - 6m<sup>3</sup> for each one (1) bedroom unit
  - 8m<sup>3</sup> for each two (2) bedroom unit, and
  - 10m<sup>3</sup> for each unit with three (3) bedrooms or more.

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

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

#### **Drainage/Stormwater**

28. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to Council's drainage system in Loftus Lane, Homebush as depicted on the concept plan prepared by Alpha Engineering & Development rev C sheet no. COVER – SW07 drawing no. A6611-COVER – A6611-SW07 dated 16.02.2017.
29. Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans **AND** the requirements of Council's Stormwater Management Code.

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** 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.

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 capacity shall be capable of handling 4 hours of 100yr ARI storm event and the catchment contributing to it shall be limited to the subsoil drainage and the basement access ramp area only. The pipes under the basement shall not be PVC or HDPE. The rising main shall be connected to the Silt Arrestor Pit. Final details of this system are to be submitted with the Construction Certificate application.
38. Grated drains shall be provided along the property boundary and the basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.
39. The OSD basin must be graded to drain completely and gradients shall not be less than 1%. Discharge restriction from the OSD shall be by use of appropriately sized short length of reduced diameter pipe and weir; orifice plate shall not be used and a coefficient of 0.8 shall be used for designing the pipe. Details of the storage system

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

40. 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.
41. 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.
42. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.
43. 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.
44. The proposed development must be designed so that habitable floors are at a minimum of 500mm above the 1 in 100 year flood level and non-habitable floors are no lower than the 1 in 100 year flood level.
45. In accordance with Council's Flood Prone Land Policy where the overland flow path is along the block (from front to rear or rear to front) the building shall be setback at least 3m from the boundary on the low side of the block to allow an overland flow path
46. The crest of the access ramp to the basement car park shall be a minimum of 300m above the 1 in 100 year flood level or at PMF, whichever is greater.
47. The applicant shall comply with the flood recommendations provided in the Overland Flow Impact Report prepared by Alpha Engineering & Development ref: A6611 – Rev A dated 14 February 2017. A certificate from a suitably qualified Engineer shall be submitted to the Certifying Authority stating compliance with these recommendations **prior to the issue of the Occupation Certificate.**
48. 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 **AND**
  - (b) All Water Sensitive Urban Design components

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.

49. The connection to Council's street drainage system shall consist of a pipeline across to the street kerb with the pipeline then continuing under Loftus Lane, Homebush to Council's drainage pipe.
50. The pipe shall be 375mm in diameter with reinforced concrete spigot and socket with rubber ring joints or equivalent, as approved by Council. A pit shall be constructed at the property boundary, at the kerb line and at the connection to Council's drainage pipe.
51. A plan and long section of the proposed drainage line in Loftus Lane, Homebush and structural details of the proposed pits shall be prepared by a suitably qualified hydraulics and structural engineer in accordance with Council's standard requirements and submitted for approval by Council's Manager Infrastructure Planning **prior to issue of a Construction Certificate.**
52. The proposed drainage line connecting to Council's drainage pipe in Loftus Lane, Homebush shall be constructed **prior to the issue of any Occupation Certificate.**
53. A Works Permit shall be obtained 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, driveways, Council's drainage kerb, guttering and roadways.
54. The applicant or any contractors carrying out works in public or Council's controlled lands shall have public liability insurance cover to the value of \$20 million, and shall provide proof of such cover prior to carrying out the works.
55. A Traffic Management Plan shall be submitted for approval to Council's Engineering Works & Services Section, **prior to the commencement of drainage works** in Loftus Lane, Homebush.
56. A bond of \$30,000 in the form of cash or bank cheque shall be lodged with Council by the applicant prior to the commencement of drainage works in Council's controlled land. This bond covers road and drainage works in Loftus Lane, Homebush and will be released upon satisfactory completion of these items.
57. 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 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.
58. The affected areas i.e. roadway, nature strip, footpath, kerb & guttering and driveways shall be reinstated to the satisfaction of Manager Engineering Works & Services at no cost to Council.  
  
A copy of the approved drainage plans shall be collected from Council's Customer Service Centre together with the Works Permit.
59. The sediment tank shall be inspected quarterly and cleaned as necessary. The accumulated sediment should be disposed off site as per standard practice and National guidelines. A record of quarterly maintenance of the sediment tank shall be kept and produced when requested by Council.

60. A detailed design of the Water Sensitive Urban Design (WSUD) components (stormwater treatment measures) shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate** and shall include, but not be limited to:

Batters, levels, underdrains, high flow bypass details, clean out points, filter media details, mulching details, material specification, planting details, inlet scour protection areas, maintenance access ramps and maintenance schedule(s).

The design shall be prepared by a suitably qualified professional engineer experienced in Water Sensitive Urban Design in accordance with the approved plans, conditions of consent, Strathfield Council's Development Control Plan Part N - Water Sensitive Urban Design 2005, Strathfield Council WSUD Reference Guideline and WSUD Technical Design Guidelines for South East Queensland (SEQ Healthy Waterways Partnership) Version 1 June 2006 or subsequent updated versions.

61. All approved stormwater works are required to be carried out in accordance with the conditions of consent, approved construction certificate plans, "Strathfield Council WSUD Reference Guideline" and the Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands (SEQ Healthy Waterways Partnership) Version 1.1 April 2010 or subsequent versions that may be updated.
62. A suitably qualified Engineer is required to inspect and certify the proposed development at the completion of each of the following construction phases (if any):
- (i) Installation of the overflow pit and bulking out/trimming profiling;
  - (ii) Installation of under drainage;
  - (iii) Installation of cleanout points;
  - (iv) Installation of drainage layer;
  - (v) Installation of transition layer;
  - (vi) Installation of filtration media;
  - (vii) Laying of geofabric protection for build-out phase;
  - (viii) Laying of turf temporary protection layer, and
  - (ix) Final planting.
63. An Operational Management and Maintenance Report is required to be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate** outlining the proposed long term operational management and maintenance requirements of the stormwater system on the site.

A schedule or timetable for the proposed regular inspection and monitoring of the devices, maintenance techniques, reporting and record keeping requirements and associated rectification procedure shall be included in the report.

#### **Public Authority Matters**

64. **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 applicant's expense in accordance with the specifications of AusGrid and the telecommunications supplier.

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

65. 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>Structural Root Zone (m)</u>
1) <i>Tristainopsis laurina</i>	4.5/4	Council verge	2.7	1.6
2) <i>Tristainopsis laurina</i>	5/6	Council verge	5.4	2.4
3)				
3) <i>Tristainopsis laurina</i>	5/6	Council verge	3.2	1.9
9) <i>Eleocarpus reticulatus</i>	7/5	Adjoining property	2.5	1.5
10) <i>Hymenosporum flavum</i>	7/5	Adjoining property	2.5	1.3
11a) <i>Hymenosporum flavum</i>	5/4	Adjoining property	2	1.1
11b) <i>Buckinghamia celsissima</i>	5/4	Adjoining property	2.3	1.5
29) <i>Livistona australis</i>	4/4	Adjoining property	3.6	2
30) <i>Livistona australis</i>	10/4	Adjoining property	3.4	1.9
32) <i>Corymbia ficifolia</i>	8/10	Adjoining property	5.3	2.1
34) <i>Melaleuca linearifolia</i>	7/5	40-42 Loftus Crns	3.6	2
35) <i>Leptospermum petersonii</i>	6/4	Adjoining property	2.9	1.8
36) <i>Eucalyptus seiberi</i>	10/8	Adjoining property	4.2	2.1
37) <i>Seratonia siliqua</i>	10/11	40-42 Loftus Crns	5.5	2.1
38) <i>Syzigium australe</i>	5/3	Adjoining property	2.3	1.5
39) <i>Fraxinus raywoodii</i>	13/6	Adjoining property	3.4	1.9
40) <i>Fraxinus raywoodii</i>	8/4	Adjoining property	2.6	1.6
41) <i>Camellia sasanqua</i>	6/5	Adjoining property	2.5	1.5
43) <i>Eleocarpus reticulatus</i>	6/2	Adjoining property	1.5	1.1
45) <i>Jacaranda mimosifolia</i>	5/5	Adjoining property	3.1	1.9
47) <i>Murraya paniculata</i>	5/4	Adjoining property	2.4	1.7
48) <i>Archontophoenix cunninghamii</i>	12/4	Adjoining property	3	1.6
54) <i>Cuppressocyparis leylandii</i>	6/3	Adjoining property	2.2	1.6
55) <i>Acer negundo</i>	6/4	Adjoining property	2	1.4
56) <i>Acer palmatum</i>	5.5/4	Adjoining	2.7	1.6

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

- a) A minimum 1.8m high barrier (Chain wire mesh panels, plywood or wooden paling fence panels: refer to AS4687-*Temporary fencing and hoardings* for fencing requirements) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area. Fence posts and supports should have a diameter greater than 20mm and be located clear of roots. The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.
  - b) Signs identifying the Protection Zone should be installed on the fencing and be visible from within the development site. Lettering should comply with AS4970-2009: *Protection of Trees on Development Sites*.
  - c) No concrete slurry or wash, building materials, builders' rubble, excavation soil or similar shall be placed or stored within the tree protection zone.
  - d) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
  - e) The tree protection zone shall be regularly watered.
  - f) Any major structural roots which are encountered shall be pruned by a qualified Arborist.
  - g) **No excavation or construction shall be carried out** within the stated *Structural Root Zone* distances from the base of the trunk surface
  - h) Only permeable surfaces (e.g. decomposed granite, gravel, turfpave, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.
66. A minimum 600mm deep root deflection barrier shall be provided on both sides of the proposed driveway crossing(s) and footpaths.
  67. All noxious weeds on the site shall be removed and destroyed as per their classification under the *Noxious Weeds Act 1993*.
  68. The following listed trees are permitted to be removed to accommodate the proposed development:

<b>Tree</b>
4) <i>Chamaecyparis</i>

<i>obtusa</i>
20) <i>Dimocarpus longan</i>
22) <i>Plumeria acutifolia</i>
23) <i>Thuja occidentalis</i>
24) <i>Thuja orientalis</i>
26) <i>Jacaranda mimosifolia</i>
44) <i>Agonis flexuosa</i>
46) <i>Melaleuca bracteata</i>
53) <i>Thuja occidentalis</i>
20) <i>Dimocarpus longan</i>
22) <i>Plumeria acutifolia</i>

69. All trees permitted to be removed by this consent shall be replaced by species selected from Council's recommended planting list. Replacements shall be a minimum 25 litre container size and shall be maintained until maturity.
70. The following branch or root pruning works are permitted to accommodate the proposed development:

<b>Tree</b>	<b>Approved Works</b>
32) <i>Corymbia ficifolia</i>	Prune as required in order to provide approximately 2 metres clearance from proposed structures

- (a) All pruning work **must** be undertaken by a minimum level 2 (AQF 2) qualified Arborist who is currently a member or eligible for membership to *Arboriculture Australia* (AA) or the *Tree Contractors Association Australia* (TCAA) and in accordance with AS4373—*Pruning of amenity trees*.
- (b) No climbing spikes/spurs are to be worn.
- (c) Root pruning/root barrier installation must be undertaken by a minimum level 4 (AQF 4) qualified Arborist who is currently a member or eligible for membership to the *Arboriculture Australia* (AA) or *Tree Contractors Association Australia* (TCAA) and in accordance with AS4373—*Pruning of amenity trees*.
71. 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).
72. Tree management on this site is to be conducted in accordance with the recommendations and the content of the Arboricultural Impact Assessment (AIA) report for this site by Andrew Morton from Earthscape Horticultural Services, dated February 2015.
73. Any trees located on adjoining property that will be adversely affected by or require removal as a result of this development may only be removed with the written consent of the tree's owner.

74. Tree protection measures and works within the TPZ of trees to be retained are to be conducted in accordance with section 10 and Appendix 6 of the Earthscape AIA and with section 4 of AS4970-2009 Protection of trees on development sites.
75. Excavations in the vicinity of trees 29, 30,31,32,45 and 48 are to be conducted in accordance with section 9.1.6 of the Earthscape AIA.
76. Tree 4 is to be replaced by a locally indigenous native tree with a mature height exceeding 10 metres and maintained until maturity.

### Construction Matters

77. **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.
78. The proposed development shall comply with the National Construction Code and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**.
79. 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).
80. 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.
81. Certification shall be obtained from a registered surveyor at the following stage(s) of construction confirming that the building has been constructed in accordance with the approved plans including any approved amendments (S.96 approvals) and plans and details required by Council as conditions of development consent:
  - (a) footings excavation prior to placement of concrete;
  - (b) car park/garage level prior to placement of concrete or pavement;
  - (c) ground floor and first floor levels;
  - (d) roof ridge height;
  - (e) all floors of the building, roof eaves and all roof ridges;
  - (f) wall setbacks from property boundaries and street alignment;
  - (g) dimensions and areas of balconies/courtyards;
  - (h) vehicular ramp gradients.

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

82. 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.



83. 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.
84. 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.
85. 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.
86. 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.
87. There are built structures which may be in the zone of influence of the proposed works and excavations on the site. A qualified practicing geotechnical engineer must prepare a Construction Methodology Report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.

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

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

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

88. 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.
89. Certification of the structural adequacy of the sign shall be prepared by a suitably qualified person and submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
90. 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.**
91. 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.
92. All temporary buildings shall be removed from the site at the completion of the development.
93. A certificate from a practising and suitably qualified structural engineer certifying that the existing structure is capable of supporting the new superimposed loads from the proposed development shall be submitted **prior to the issue of a Construction Certificate.**

### **Building Matters**

94. 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**

95. 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.
96. 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**

97. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
98. 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.**
99. 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.**
100. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

### **Works Zone**

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

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

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

### **Construction Traffic Management Plan**

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

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

- a) A description of the demolition, excavation and construction works
- b) A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- c) Any proposed road and/or footpath closures
- d) Proposed site access locations for personnel, deliveries and materials

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

### Fire Safety Measures

- 103. 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.**
- 104. 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

- 105. If 'A' type hoarding is to be erected about the building site, it is to comply with NSW Workcover's requirements; shall have a minimum height of 1.8 m and comply with AS1725-2003 (Galvanized Rail-Less Chain-Wire Security Fences and Gates) or AS 4687-2007 (Temporary Fencing and Hoardings). Inverted trench mesh is not an acceptable 'A' type hoarding and as such does not satisfy AS1725-2003 and as such shall not be installed to the building site.
- 106. An overhead 'B' type hoarding shall be constructed where buildings over 7.5 m in height above the footpath level and within 3.6 m of the street alignment are being erected or demolished or where the outer part of such a building adjoining a public way is being altered. Where the height of the building or the position of the site is such that danger is likely to occur from falling objects, additional safety hoarding shall be provided to the satisfaction of the principal certifying authority and Workcover NSW.
- 107. An overhead 'B' type hoarding shall be constructed where material is being hoisted over or across a public way.
- 108. 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.
109. 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.
110. 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**

111. Full compliance shall be given to the recommendations contained in Section 5 of the endorsed acoustic report prepared by Renzo Tonin & Associates.
112. *An Acoustic Engineer shall certify that any mechanical plant associated with the development complies with the criteria contained with the New South Wales Industrial Noise Policy outlines in the NSW Environmental Protection Authority.*
113. As required by the Protection of the Environment Operations (Noise Control) Regulation 2008, air-conditioning units or heat pump water heaters shall not be audible within a habitable room or any other residential premises before 8am or after 10pm on any Saturday, Sunday or public holiday, or before 7am or after 10pm on any other day.

**Subdivision**

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

**Disabled Access**

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

**Waste Management**

117. 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.
118. 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.**
119. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property as follows:
- (a) Full and free right must be provided to Strathfield Council employees or its authorised contractors to:
    - (i) Enter upon the land and remove any waste products using any vehicle or equipment as necessary;
  - (b) The owner of the lot burdened shall be solely responsible for the cost of maintaining in good and sufficient repair at all times the internal roads or access ways used by Strathfield Council for the purpose of exercising its rights as set out in clause (a) above.

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

**Integrated Development – Sydney Trains**

120. If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the

extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

121. An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
122. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
123. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

124. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
125. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
126. If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.

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

127. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months

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

#### Prior to excavation

132. The following shall be included in the initial report:
- a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
  - b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.



- c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
  - d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [Note that groundwater level measurements should be undertaken on a continuous basis using automatic loggers in monitoring bores.
133. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
134. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
135. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
136. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability determined by slug-testing, pump-testing or other means).
137. A copy of a valid consent for the development shall be provided in the initial report.
138. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
139. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During Excavation

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

Following Excavation

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

## Land Contamination

149. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.
150. 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.

## Resolution:

In consideration of Clause 4.6 of the Strathfield Local Environmental Plan (SLEP) 2012, the consent authority is satisfied that compliance with the development standard contained within Clause 4.3 (Height of Building) of the SLEP 2012 is well founded and there are sufficient environmental planning grounds to justify contravening the development standard.

**This application be approved as a Deferred Commencement Approval, subject to the following conditions contained within Schedule A:**

## **DEFERRED COMMENCEMENT CONDITIONS**

### **SCHEDULE A**

- D1 This consent is not to operate until the Applicant satisfies the Council, within twelve (12) months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

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

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

- D2 A new Landscape Plan prepared by qualified landscape architect or landscape designer to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent is to be submitted to the satisfaction to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

The plan must include the following information:

- ix. Details demonstrating compliance with Part C of SCDCP 2005 in relation to landscaping.
- x. Details of how the communal space areas integrate together to achieve functional and useable communal open space areas.
- xi. Location of all existing and proposed landscape features including materials to be used.
- xii. All trees to be retained, removed or transplanted.
- xiii. Existing and proposed finished ground levels.
- xiv. Top and bottom wall levels for both existing and proposed retaining and free standing.
- xv. A detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantity of each species, pot sizes and the estimated size at maturity.
- xvi. A section of the internal ground level communal open space showing depth of planter boxes and level changes.

Upon written confirmation from Council that the above conditions have been satisfied, the consent shall become operative, subject to the recommended conditions consent contained within the Officer's report.

**For the Decision: Stein, Hobley, Murrell, Bali**

**Against the Decision: Nil**

**\*\*\*\* End Minutes – Report No. 5\*\*\*\***

**TO:** Strathfield Independent Hearing and Assessment Panel – 6 April 2017  
**REPORT:** SIHAP – Report No. 6  
**SUBJECT:** 28 Burlington Road, Homebush - Lot E DP 959794  
**DA NO:** 2016/155

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## SUMMARY

**Proposal:** Infill affordable housing  
**Assessment officer:** LP  
**Date of lodgement:** 17 October 2016  
**Notification period:** 25 October 2016 to 9 November 2016  
**Submissions received:** Twenty-eight (28) including one (1) in support  
**Applicant:** Boutros Touma Pty Ltd  
**Owner:** Boutros Touma Pty Ltd  
**Estimated cost of works:** \$2,500,000  
**Zoning:** R3 Medium Density Residential - SLEP 2012  
**Heritage:** n/a  
**Flood affected:** No  
**Is a Clause 4.6 variation proposed?** Yes - building height  
**Extent of the variation supported?** 14% (1.54m)  
**Peer review of Clause 4.6 variation:** A peer review of the Clause 4.6 variation has been undertaken. The variation is not considered to be well founded.

## RECOMMENDATION

## APPROVAL

### RECOMMENDATION

In consideration of Clause 4.6 of the Strathfield Local Environmental Plan (SLEP) 2012, the consent authority is not satisfied that compliance with the development standard contained within Clause 4.3 (Height of Building) of the SLEP 2012 is unreasonable or unnecessary in the circumstances of the case and that there are insufficient environmental planning grounds to justify contravening the development standard.

That DA2016/155 demolition of existing site structures and construction of an "Infill Affordable Housing" development under the Affordable Rental Housing SEPP comprising a four (4) storey residential flat building containing a total of ten (10) units comprising five (5) x 1 bedroom and five (5) x 2 bedroom units above one (1) level of basement car parking at 28 Burlington Road, Homebush, be **APPROVED** subject to the following conditions:

### CONDITIONS OF CONSENT

#### Plans

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

Site Analysis & Site Plan, DWG No DA02, Issue B, prepared by Designlink, received by Council 10 February 2017

Basement & Ground Floor Plans, Dwg No DA03, Issue B, prepared by Designlink, received by Council 10 February 2017

First & Second Floor Plans, Dwg No DA04, Issue B, prepared by Designlink, received by Council 10 February 2017

Third Floor and Roof Plans, Dwg No DA05, Issue A, prepared by Designlink, received by Council 10 February 2017

Elevations & Streetscape Elevation, Dwg No DA06, Issue B, prepared by Designlink, received by Council 10 February 2017

Sections, Dwg No DA07, Issue A, prepared by Designlink, received by Council 10 February 2017

Schedule of Finishes, prepared by Designlink, received by Council 10 February 2017

Preliminary Site Investigation, Report No 2168/ER-1-1, prepared by Alliance Geotechnical, received by Council 17 October 2016

Construction and Waste Management Plan, received by Council 17 October 2016

BASIX Certificate No 675009M\_03, issued to Gat & Associates

Traffic and Parking Impact Report, Report No A1313493N(1d), prepared by Motion Traffic Engineers Pty Ltd, received by Council 17 October 2016

Landscape Concept Plan, Dwg No 15216DA1, Rev D, prepared by Vision Dynamics, received by Council 17 October 2016

General Notes, Dwg No A5366-Cover, Rev F, prepared by Alpha Engineering and Design, received by Council 17 October 2016

Sediment and Erosion Control Plan, Dwg No A5366-SW01, Rev F, prepared by Alpha Engineering and Design, received by Council 17 October 2016

Basement and Ground Floor Drainage Plan, Dwg No A5366-SW02, Rev F, prepared by Alpha Engineering and Design, received by Council 17 October 2016

Roof Drainage Plan, Dwg No A5366-SW03, Rev F, prepared by Alpha Engineering and Design, received by Council 17 October 2016

Stormwater Sections and Details, Dwg No A5366-SW04, Rev F, prepared by Alpha Engineering and Design, received by Council 17 October 2016

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

### Special Conditions

5. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property stating that units 4, 5, and 6 shall be managed by a Community Housing Provider and used for the purpose of affordable rental housing for a minimum period of ten (10) years from the date of issue of an Occupation Certificate.

The wording of the Instrument shall be submitted to, co-signed and approved by Council prior to lodgement at Land & Property Information NSW. Council must be a signatory to the instrument which cannot be extinguished without the prior consent of Council.

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.**

6. Any fencing forward of the building line shall have a maximum height of 1.2m above natural ground level on the subject site.
7. All side and rear boundary fencing is to have a maximum height of 1.8m as measured for the finished ground level.
8. The height of the building shall be reduced by a minimum of 300mm. Plans are to be amended accordingly prior to the issue of the Construction Certificate.

*Reason: To reduce overshadowing of adjoining neighbours and to achieve closer compliance with height limit.*

9. A sample board detailing all external finishes and materials including roofing, windows and door materials shall be provided to Council for approval, **prior to issue of a Construction Certificate.** All external cladding and trim (including windows and doors) and roofing materials must be of low glare and reflectivity.

### General

10. 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.

11. 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.
12. A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior any work (including demolition, excavation and the erection of site fencing/hording). The approved Works Permit and any approved Construction Traffic Management Plan must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed. The permit must be retained on site at all times.
13. **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.
14. Storage of goods or the use of portable clotheslines on balconies visible from a public place is strictly prohibited.
15. All exhaust and other emissions including noise from the premises shall comply with the provisions of the Protection of the Environment Operations Act 1997 and Regulations.
16. 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

17. 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	\$15,080.57
Provision of Major Open Space	\$78,235.74



Provision of Local Open Space	\$23,514.86
Provision Roads and Traffic Management Administration	\$4,042.32
	\$1,300.36
<b>TOTAL</b>	<b>\$122,173.85</b>

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

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

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

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

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

- (a) road and stormwater drainage works in roadways and public areas;
  - (b) installation and maintenance of sediment control measures for the duration of construction activities;
  - (c) 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
  - (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.
19. 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**

20. A total of nine (9) off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents	8 (including (1) accessible space)
Visitors	<u>1</u>
<b>TOTAL</b>	<b>9</b>

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

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

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

21. **Prior to the issue of any Occupation Certificate**, fixed signage shall be placed within the basement car park of the building adjacent to the lift stating that Council will not issue residential parking permits for owners and residents of the subject site.
22. All vehicles associated with the approved use shall be parked within the parking spaces on the site and not on adjacent footpath, access driveways or landscaped areas.
23. A sign shall be erected in a suitable location on the site advising that parking is available for visitors.
24. The entry point to the basement carpark area shall be fitted with security gates/shutter to control the entry and exit of vehicles to and from the basement. Any security gates/shutter shall be designed in order to ensure it is able to be opened remotely by occupants of the building.
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. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
30. Reconstruct the footpath, kerb and gutter to Council's specifications for the full frontage of the development site at the completion of all building works.
31. Purpose built storage compartment(s) shall be provided to and within each of the resident car parking bays and/or associated dwellings at the following rates:

- 6m<sup>3</sup> for each one (1) bedroom unit
- 8m<sup>3</sup> for each two (2) bedroom unit, and
- 10m<sup>3</sup> for each unit with three (3) bedrooms or more.

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

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

32. All driveway/access ramp grades, access and car parking must comply with the Australian/New Zealand Standard *AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking* in order to ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.
33. The dimensions of car parking bays and aisle widths in the car park are to comply with *Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1-2004* in order to ensure compliance with this consent and Australian Standards relating to manoeuvring, access and parking of vehicles.

#### **Drainage/Stormwater**

34. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to Council's drainage system located in Burlington Road, Homebush via the proposed below ground OSD and the boundary pit in accordance with Council's standard requirements as depicted on the concept plan prepared by **Alpha Engineering and Development rev F drawing no. A5366-Cover – A5366-SW04 dated 11.11.2016.**
35. 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.**

36. On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system. The storage system shall be designed in accordance with the endorsed concept stormwater plans **AND** Council's Stormwater Management Code. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
37. **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.

38. 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.**
39. 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.
40. 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.
41. 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.

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

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

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

43. 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.

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. The proposed basement pump out system capacity shall be capable of handling 4 hours of 100yr ARI storm event and the catchment contributing to it shall be limited to the subsoil drainage and the basement access ramp area only. The pipes under the basement shall not be PVC or HDPE. The rising main shall be connected to the OSD. Final details of this system are to be submitted with the Construction Certificate application.
47. Grated drains shall be provided along the basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.
48. The OSD basin must be graded to drain completely and gradients shall not be less than 1%. Discharge restriction from the OSD shall be by use of appropriately sized short length of reduced diameter pipe and weir; orifice plate shall not be used. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
49. 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.

#### Landscaping/Tree Matters

50. 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) <i>Lophostemn confertus</i> (Brush box)	8x8	Road Reserve	9.6	3.01

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:

- (i) 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.
- (ii) No concrete slurry or wash, building materials, builders' rubble, excavation soil or similar shall be placed or stored within the tree protection zone.
- (iii) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
- (iv) The tree protection zone shall be regularly watered.
- (v) Any major structural roots which are encountered shall be pruned by a qualified Arborist.
- (vi) **No excavation or construction shall be carried out** within the stated Excavation Zone distances from the base of the trunk surface.
- (vii) 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.

51. A minimum 600mm deep root deflection barrier shall be provided on both sides of the proposed driveway crossing(s) and footpaths.
52. All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious Weeds Act.
53. 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).
54. Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m shall be planted along side and rear boundaries to provide privacy screening and shall be maintained at all times. Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.
55. All common and private landscape areas including all planters are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and all relevant Australian Standards.

### Construction Matters

56. **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.
57. 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**.
58. 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).
59. 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.
60. 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.
61. 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.

62. All construction, demolition and excavation work shall be restricted to 7am to 5pm (Eastern Standard Time) on Mondays to Friday (inclusive), 8am to 1pm (Eastern Standard Time) on Saturday and prohibited on Sundays and public holidays.
63. 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.
64. 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.
65. 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.

66. 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.

67. Certification of the structural adequacy of the sign shall be prepared by a suitably qualified person and submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
68. 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**

69. 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.

70. Where building intruder alarms are installed in the building they shall be fitted with an automated "cut-off" timing device and operated as per the Protection of the Environment Operations (Noise Control) Regulation 2008.

### **Sustainability**

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

### **Demolition**

72. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
73. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority **prior to any work commencing on site.**
74. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority **prior to any work commencing on site.**
75. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

### **Works Zone**

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



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

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

### Construction Traffic Management Plan

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

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

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

### Fire Safety Measures

78. 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.**
79. 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**

80. If 'A' type hoarding is to be erected about the building site, it is to comply with NSW Workcover's requirements; shall have a minimum height of 1.8 m and comply with AS1725-2003 (Galvanized Rail-Less Chain-Wire Security Fences and Gates) or AS 4687-2007 (Temporary Fencing and Hoardings). Inverted trench mesh is not an acceptable 'A' type hoarding and as such does not satisfy AS1725-2003 and as such shall not be installed to the building site.
81. An overhead 'B' type hoarding shall be constructed where buildings over 7.5 m in height above the footpath level and within 3.6 m of the street alignment are being erected or demolished or where the outer part of such a building adjoining a public way is being altered. Where the height of the building or the position of the site is such that danger is likely to occur from falling objects, additional safety hoarding shall be provided to the satisfaction of the principal certifying authority and Workcover NSW.
82. An overhead 'B' type hoarding shall be constructed where material is being hoisted over or across a public way.
83. 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.
84. 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.

85. 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.

### Subdivision

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

### Disabled Access

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

### Waste Management

91. 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.

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

#### **Land Contamination**

93. A hazardous materials survey (HAZMAT) is to be completed by a suitably qualified professional for all existing structures upon the site. A copy of such a survey is to be submitted to and approved by the Principal Certifying Authority prior to the commencement of any demolition works.
94. All soil material removed from the site is to be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW DECC and disposed of at a suitably licensed facility. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.

#### **Resolution:**

In consideration of Clause 4.6 of the Strathfield Local Environmental Plan (SLEP) 2012, the consent authority is satisfied that compliance with the development standard contained within Clause 4.3 (Height of Building) of the SLEP 2012 is well founded and that there are sufficient environmental planning grounds to justify contravening the development standard.

**This application be approved subject to the recommended conditions of consent in the report as amended by the panel.**

**For the Decision: Stein, Hobley, Murrell**

**Against the Decision: Bali**

**\*\*\*\* End Minutes – Report No. 6\*\*\*\***