

Minutes

Of the meeting of the:

Strathfield Local Planning Panel Meeting

Held on:

Thursday, 7 June 2018

Commencing at 10:00am at Council Town Hall (Supper Room), 65 Homebush Road, Strathfield

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The meeting of the Strathfield Local Planning Panel Meeting was held in the Council Town Hall (Supper Room), 65 Homebush Road, Strathfield on Thursday 7 June 2018. The meeting commenced at 10:00am.

PRESENT

The Hon Paul Stein QC AM – Chair
David Logan- Expert
Eric Armstrong- Expert
Dr Renata Bali- Community

ALSO PRESENT

Stephen Clements, Director Infrastructure, Development and Environment
Kandace Lindeberg, Principal Development Planner
Louise Mansfield, Senior Planner
Lily Lam, Administration Assistant

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

The chair declared a conflict of interest in relation to DA2017/136/01- 14 Dunlop Street, Strathfield South review application since he sat on the original decision under review. He did not participate in the site inspection, public meeting and adjudication.

TO: Strathfield Local Planning Panel Meeting - 7 June 2018
REPORT: SLPP – Report No. 1
**SUBJECT: DA2015/120/02 - 2-4 MINTARO AVENUE, STRATHFIELD
LOT 1 IN DP 954705 & LOT 1 IN DP 105600**

DA NO. DA2015/120/02

RECOMMENDATION

Pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, the proposed modifications to Development Consent No. 2015/120 to modify the dimensions of the balconies of units 1.02 and 2.02 at 2-4 Mintaro Avenue, Strathfield be **APPROVED**, subject to:

1. The original conditions of consent of Development Application No. 2015/120 as approved by IHAP on 6 April 2017 for the demolition of existing site structures and the construction of a part five (5), part three (3) storey residential flat building comprising of (16) units above two (2) levels of basement parking.
2. As modified by the Section 96(1) application (DA2015/120/01) as approved under delegated authority on 18 May 2017 to correct a misdescription on the Notice of Determination of the approved development.
3. As modified by the Section 4.55(1A) application (DA2015/120/02) to modify the dimensions of the balconies of units 1.02 and 2.02 involving:
 - Modification of Special Condition No. 5;
 - Modification of Condition No. 11; and
 - Amendment of Condition No. 77.

Accordingly, Development Consent No. 2015/120 is approved as following:

Development Description:

Demolition of existing site structures and the construction of a part five (5), part three (3) storey residential flat building comprising of (18) units above two (2) levels of basement parking.

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 Plans Level 1, Drawing CC-104, Issue E, prepared by Urban Link, received by Council 22 May 2018.

General Floor Plans Level 2, Drawing CC-105, issue E, prepared by Urban Link, received by Council 22 May 2018.

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.

Elevations North (Mintaro Avenue) & East, Drawing CC-201, Issue B, prepared by Urban Link, 22 February 2018.

Elevations South & West, Drawing CC-202, Issue B, prepared by Urban Link, received by Council 22 February 2018.

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 of Unit 2.02 towards the front boundary to provide a minimum 6m setback to the western boundary. The

balcony in Unit 2.02 shall be a minimum of 2m in depth and 10m² in area. 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	\$ 32,655.64
Provision of Major Open Space	\$148,573.38
Provision of Local Open Space	\$ 32,694.75
Provision of Roads and Traffic Management	\$ 4,328.70
Administration	\$ 2,815.81
TOTAL	\$221,068.28

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
TOTAL	34

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 40m² 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:
 - 6m³ for each one (1) bedroom unit
 - 8m³ for each two (2) bedroom unit, and
 - 10m³ 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 and pay for the use of the public footpath in accordance with Council's adopted fees and charges. 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:
- iii)
 - (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.

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

The Section 4.55(1A) application to modify the consent is **APPROVED** subject to the recommended conditions in the report as amended by the panel.

REASONS:

The panel accepts the Planning Officer's report and notes that this application is essentially to correct a numerical error in special condition 5 regarding the minimum balcony depth in Unit 2.02. The panel is satisfied with the reconfiguration of the balcony which does not appear to have adverse amenity impacts.

For: P.Stein, D.Logan, E.Armstrong, Dr R.Bali

Against: Nil

**** End Minutes - Report No. 1****

TO: Strathfield Local Planning Panel Meeting - 7 June 2018
REPORT: SLPP – Report No. 2
SUBJECT: DA2016/017/01 - 27-35 PUNCHBOWL ROAD, BELFIELD
LOT 10 IN DP 592982
DA NO. DA2016/017/01

RECOMMENDATION

Pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, the proposed modification(s) to Development Consent No. 2016/017 involving a revised design of the northernmost building (Building F, previously Building E) including provision of additional units and redesign of basement parking at 27-35 Punchbowl Road, Belfield be **APPROVED**, subject to:

1. The original conditions of consent Application (DA2016/017) as approved by Sydney Central Planning Panel on 15 June 2017 for demolition and construction of a 4-7 storey mixed use building comprised of 5 retail suites and (111) apartments, with basement parking for 221 cars.
2. As modified by the Section 4.55(2) application (DA2016/017/1) involving:
 - Amendment to Condition No.1;
 - Amendment to Condition No.8;
 - Amendment to Condition No.15; and
 - Amendment to Condition No.18

Accordingly, Development Consent No.2016/017/1 is approved as following:

Condition No.1

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 any variation as required by conditions of this consent:

Existing/Demolition Plan, Drawing No. A-180, Rev G, prepared by Olsson & Associates Architects, dated 26/4/17.

Basement 2, Drawing No. A-2B2-A, Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.

Basement 1, Drawing No. A-2B1-A , Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.

Lower Ground Level, Drawing No. A-201-A , Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.

Ground Level, Drawing No. A-202-A , Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.

Upper Ground Level, Drawing No. A-203-A , Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.

Level 2, Drawing No. A-204-A, Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.

Level 3, Drawing No. A-205-A, Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.

Level 4, Drawing No. A-206-A, Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.

Level 5, Drawing No. A-207-A, Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.

Level 6, Drawing No. A-208-A, Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.

Roof Plan, Drawing No. A-209, Rev 3, prepared by Olsson & Associates Architects, dated 28/2/2018, received by Council 7 March 2018.

Adaptable Apartments, Drawing No. A-250, Rev 3, prepared by Olsson & Associates Architects, dated 28/2/2018, received by Council 7 March 2018.

N-S Elevations, Drawing No. A-301-A , Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.

E-W Elevations, Drawing No. A-302-A, Rev 4, prepared by Olsson & Associates Architects, dated 15/5/2018, received by Council 17 May 2018.

Privacy Screens, Drawing No. A-310, Rev 3, prepared by Olsson & Associates Architects, dated 28/2/2018, received by Council 7 March 2018.

Sections I, Drawing No. A-401 , Rev 3, prepared by Olsson & Associates Architects, dated 28/2/2018, received by Council 7 March 2018.

Sections II, Drawing No. A-402, Rev 3, prepared by Olsson & Associates Architects, dated 28/2/2018, received by Council 7 March 2018.

Materials & Finishes, Drawing No. A-501 , Rev 3, prepared by Olsson & Associates Architects, dated 28/2/2018, received by Council 7 March 2018.

Landscape Plan LA-01, Issue 4, prepared by Jila, dated 17/11/2017, received by Council 7 March 2018.

Landscape Plan LA-02, Issue 4, prepared by Jila, dated 17/11/2017, received by Council 7 March 2018.

Drainage Plans, Revision B, Drawing Nos, H-01 - H-14, Sheets 1/14 - 14/14, prepared by Green Arrow, dated 26.4.2017

Geotechnical Investigation Report prepared by J K Geotechnics, dated 15 January 2016.

Phase 2 Environmental Site Assessment, prepared by Environmental Investigation Services, dated 5 February 2016.

Acoustic Report prepared by Acouras Consultancy, dated 17.11 .2015

Access Compliance Report, prepared by Vista Access Architects, received 7 March 2018.

Waste Management Plan prepared by Elephants Foot Recycling Solutions, dated 13/9/2016.

BASIX Certificate No.678913M_04 issued 28 February 2018, received by Council 7 March 2018.

BCA Report prepared by Design Right Consulting, received by Council 7 March 2018

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.

Contamination

5. A Remediation Action Plan (RAP) shall be prepared to outline remedial measures for the site as recommended in Section 10 of the Phase 2 Environmental Site Assessment report prepared by Environmental Investigation Services, dated 5 February 2016. The RAP shall include remediation of the lead contamination at BH9 and removal of the UST and associated fuel infrastructure.
6. A Validation Assessment (VA) report shall be prepared on completion of the remediation as recommended in Section 10 of the Phase 2 Environmental Site Assessment report prepared by Environmental Investigation Services, dated 5 February 2016. The VA shall include additional groundwater monitoring following removal of the USTs. A copy of the RAP and VA shall be provided to Council prior to the commencement of any works on the site, other than those required to complete the remediation works.
7. A Hazardous Materials Assessment (Hazmat) as recommended in Section 10 of the Phase 2 Environmental Site Assessment report prepared by Environmental Investigation Services, dated 5 February 2016 shall be prepared for the existing buildings prior to the commencement of demolition work. A copy of the Hazmat shall be provided to Council.

Special Conditions

8. Prior to the issue of a Construction Certificate, amended architectural plans shall be prepared and submitted to the Principal Certifying Authority including the following changes:
 - a. The acoustic report prepared by Acouras Consultancy dated 17 November 2015 shall be updated to address the approved plans and the recommended measures of the report to address traffic noise shall be incorporated into the plans.
 - b. An updated Waste Management Plan which includes:
 - Provision of waste storage *room* /s capable of holding the following:
 - i. (21) x 660L bins for residential general waste;
 - ii. (58) x 240L bins for residential recycling waste;
 - A minimum of 68m² residential bin collection room.

- The bulk storage room shall have an area of 44m² and be conveniently located for access to the loading dock.
 - c. A roller door with a minimum width of (1 .5 m) is to be provided to the waste storage room and the bulky waste room.
 - d. A room for provision of individual water meters is to be located at or near ground level.
 - e. A minimum (23) units throughout the development shall achieve the Liveable Housing Guideline's silver level universal design features.
 - f. Unit E502 shall be increased by an additional 3m² in floor space so as to achieve compliance with the minimum 95m² floor space required as per the ADG.
9. **Prior to the issue of a Construction Certificate**, amended landscape plans and details shall be prepared and submitted to the Principal Certifying Authority showing the following changes:
- (a) A 10-12m maturity height tree shall be planted adjoining the western boundary opposite Apartment E1 01 ; "(Minimum 1 OOI)"
 - (b) An additional 15-20m and 10-12m maturity height tree shall be planted adjoining the western boundary, within the deep soil zone in the nature play area (may replace existing proposed tree); "(Minimum 100l),,
 - (c) 4 x 8-10m maturity height trees shall be planted adjoining the eastern boundary between the residential waste collection room and Apartment E104. Where necessary the hard landscaped areas are to be reduced in size and mounding/raised planter boxes provided to ensure suitable soil area to support the trees; "(Minimum 1 OOI)"
 - (d) An additional 10-12m maturity height tree shall be planted adjoining the western boundary, opposite lobby 4 (to the west of the proposed lemon Scented Gum); "(Minimum 100l)"
 - (e) The proposed Australian Tree Ferns to the north of Retail Suite 1 in the deep soil area are to be replaced with trees to reach a minimum maturity height of 10m, with a narrow growth habit;
 - (f) Details are to be provided showing how the retail terraces and shared child play area are to be secured such that the general public cannot enter the remainder of the communal open space of the development. The security measures are not to prevent access by residents of the development (key operated);
 - (g) The access proposed from Commercial Suite 3 to the communal open space (northern facade) is to be removed and the area between the two smaller retail terraces (to Suites 1 and 2) and the apartment building is to become communal open space accessible only to residents of the development;
 - (h) A second child play area shall be provided at the north-western corner of the site which is accessible only by residents of the development;
 - (i) Additional casual seating is to be provided throughout the communal open space areas affording opportunities in the sun and dappled shade;
 - (J) Planter boxes (minimum 1m wide) shall be provided to separate paved areas within the communal open space area and adjoining private areas of open space; and
 - (k) BBQ areas are to be provided, with a minimum of 1 BBQ, access to a tap and table and seating for at least 8 persons under a shelter in the following locations:
 - north-west corner of site;
 - north-east corner of site, and
 - to the east of the retail terraces.
 - (l) Details shall be provided of soil profiles and structural design for planting on slabs, irrigation systems and drainage.
 - (m) A minimum of 6 native street trees shall be planted along the Punchbowl Road frontage to reach a maturity height of 15 metres

(minimum 200L). Street trees shall not be planted between, or within 3 metres of, the driveways and shall not be planted in the area of land to be dedicated for road widening. The trees shall be chosen from Council's recommended tree list.

- 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(1 A) 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. 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

- 15. 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	\$249,194.18
Provision of Major Open Space	\$1,119,824.00

Provision of Local Open Space	\$261,996.66
Provision Roads and Traffic Management	\$42,926.50
Administration	\$22,644.81
TOTAL	\$1,768,586.15

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.

Contributions must be received by Council and submitted to the Accredited Certifier, prior to the issue of any Construction Certificate.

Please present a copy of this condition when paying the contribution at the Customer Service Centre so that it can be recalculated.

Note: A copy of Strathfield Council's Section 94 Direct Development Contributions Plan may be downloaded from Council's website.

16. A security payment of \$22,254.00 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 street tree protection bond	\$ 2,000.00
Refundable works bond	\$20,000.00
Non-refundable administration fee (\$127/bd)	\$ 254.00
TOTAL	\$22,254.00

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.

17. 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

18. A total of (225) off-street parking spaces, hard paved, line-marked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents 176
Visitors 23

Retail/commercial 26

TOTAL 225

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.

19. 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.
20. A sign shall be erected in a suitable location on the site advising that parking is available for visitors.
21. 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.
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. All driveways shall be separated from landscaped areas by a minimum 150mm high by 150mm wide concrete kerb or similar.
25. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.
26. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
27. 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.
28. Purpose built storage compartment(s) shall be provided to and within each of the resident car parking bays and/or associated dwellings at the following rates:
 - o 6m³ for each one (1) bedroom unit
 - o 8m³ for each two (2) bedroom unit, and
 - o 10m³ 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.**

29. 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.

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 approved CTMP must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed.

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
- OJ 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. The Stormwater Concept Plans do not show a clear connection of the rising main from basement pump well 1 to the OSD tank 1. 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) Connection of rising main from basement pump well 1 to the OSD tank 1.

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 Storm water 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.

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. 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.

35. 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.
36. 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.

37. All pits shall be constructed in accordance with Australian Standard AS3500.3.
38. All subsoil drainage must be designed to meet the requirements of AS3500.
39. The proposed basement pump out system capacity shall be capable of handling 4 hours of 1 OOyr 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.

40. Grated drains shall be provided along the basement entry at the vehicular crossing(s) and the terraces on the lower ground floor and are to connect to the internal drainage system.
41. 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 co-efficient of 0.8 shall be used for design of 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.
42. All surface inlet drains upstream of the on-site detention basin must be designed so that there is no overflow before the storage is full.
43. 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.
44. 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.
45. A Positive Covenant under Section 8BE 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.

46. 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.
47. 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.
48. 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.

49. 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.
50. 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.
51. 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.
52. The utility services within the area of effect of the proposed drainage works (i.e. gas, water, sewer, electricity, telephone, etc) shall be physically located prior to the commencement of drainage works in Loftus Lane. The relevant authority's written consent for excavation adjacent to their services shall be obtained. Any adjustments required shall be at no cost to Council.
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. 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.
56. The affected areas i.e. roadway, nature strip, footpath, kerb & guttering and driveways shall be reinstated to the satisfaction of Manager Infrastructure Planning at no cost to Council.

Public Authority Matters

- 57. 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

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

Tree	Location	Protection zone (m)	Excavation zone (m)
Group of 4 Trees noted for retention	5 x 5	Punchbowl Road frontage	4.8
Trees on adjoining properties	-	-	-

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.

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

- 60. All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious Weeds Act.

- 61. The following listed trees are permitted to be removed to accommodate the proposed development however, any of the trees listed below that are located on adjoining properties must only be removed after consent from the tree's owner has been sought and obtained in writing:

Tree	Height/Spread (m)	Location
3. Eucalyptus saligna	10 x 8	Punchbowl Road frontage
4. Eucalyptus sp.	8 x 5	Eastern Elevation

62. 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).
63. 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.
64. 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.
65. To protect existing trees, masonry fence piers must be setback a minimum 3.0 metre radius from the retained trees on the Punchbowl Rd frontage and all masonry walling between the piers within this zone must be supported on concrete beams (not strip footings).
66. Manual excavation and manual sawing of all roots is required within canopy spread of the retained trees on the Punchbowl Rd frontage.
67. A minimum level 5 (AQF5) Consultant Arborist who is currently a member or is eligible for membership to the *Institute of Australian Consulting Arboriculturists (IACA)* or *Arboriculture Australia (AA)* is to be contracted by the applicant to undertake/monitor pruning of the required branches of the retained trees on the Punchbowl Rd frontage.
68. Prior to the issue of an occupation certificate the applicant shall submit and have approved by the Principal Certifying Authority (PCA) a detailed landscape implementation plan certifying that landscaping has been provided accordance with the landscape plan prepared by Jane Irwin Landscape Architect (Drawing No. LA-01, Rev 3) 19/4/17, as amended by conditions of this consent and the Landscape provisions contained within section 10.0 of Part A of the Strathfield Council Development Control Plan.

Construction Matters

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

72. If the soil conditions require it retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.
73. The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.
74. 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.
75. 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.
76. 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.
77. 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.

78. 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.

79. 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

80. 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.
81. 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

82. 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

83. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
84. 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.
85. 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.
86. 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

87. 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.
88. 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

89. 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 AS 1725-2003 and as such shall not be installed to the building site.

90. 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.
91. An overhead 'B' type hoarding shall be constructed where material is being hoisted over or across a public way.
92. 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.
- U) 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.
93. 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.
94. 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 and pay the appropriate hoarding fees as adopted by Council's Fees and Charges schedule. The application form is available from Council's Customer Service Department.

Air Quality

95. As required by the Protection of the Environment Operations (Noise Control) Regulation 200S, air-conditioning units or heat pump water heaters shall not be audible in the habitable rooms of any other residential premises before 5am or after 10pm on any Saturday, Sunday or public holiday, or before 7am or after 10pm on any other day.
96. 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

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

Disabled Access

98. The Access Compliance Report, prepared by Vista Access Architects shall be updated to address the approved plans, as amended by the conditions of this consent, and the required accessibility design features are to be included in the Construction Certificate plans.
99. 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.
100. Accessible car parking spaces 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.
101. 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 Liveable 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

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

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

103. Prior to the issue of any Occupation Certificate waste identification and educational signage is to be installed within or adjacent to the waste storage room in accordance with the requirements Part H "Waste Minimisation and Management" of the Strathfield Consolidated Development Control Plan 2005.
104. 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

105. 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.

Geotechnical

106. The recommended additional geotechnical investigation work recommended in Section 4 of the Geotechnical Investigation Report prepared by J K Geotechnics, dated 15 January 2016 shall be undertaken prior to the commencement of the excavation works approved by this consent. The construction recommendations contained in Section 4 of the Geotechnical Investigation Report prepared by J K Geotechnics, dated 15 January 2016 shall be carried out during construction of the project.

Finish of Driveway Opening

107. The walls of the driveway opening are to be finished in the material identified as MCC1 (matching the ground floor front facade material) as shown on the approved materials and finishes schedule.

Operable Conditions

108. The retail and commercial suites shall operate only between the hours of 9am and 5.30pm Monday to Friday and 9am-4pm Saturdays, except with separate approval. No approval is granted for use of the external retail/commercial courtyards, which require separate development consent for use. No approval is granted for the use of the retail/commercial suites as cafes/restaurants and such use would require separate development consent.

Integrated Development**Roads and Maritime Service**

109. Roads and Maritime has previously vested a strip of land as road along the Punchbowl Road frontage of the subject property as shown by grey colour on the attached Aerial - "X".

A strip of land along the Punchbowl Road frontage of the subject property is affected in by a Road Widening Order under Section 25 of the Roads Act 1993 as published in Government Gazette 100 of 30-08-1957 as shown by pink colour on the attached Aerial- "X" and DP447679.

Therefore all new buildings or structures together with any improvements integral to the future use of the site are to be erected clear of the land acquired or reserved for road widening unlimited in height or depth. No substantial trees or trees with the potential to be substantial trees are to be planted in the area acquired or reserved for road widening for road.

110. The construction of the new left in and left out kerb and gutter crossing including the raised median within the property boundary on Punchbowl Road shall be in accordance Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798).

Detailed design plans of the proposed kerb and gutter crossings are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works. A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

111. All vehicles are to enter and exit the site in a forward direction.
112. All vehicles are to be wholly contained on site before being required to stop.

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

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

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.
Telephone 8849 2114
Fax 8849 2766

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

114. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to: Suppiah.Thillai@rms.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax:88492766.

115. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Punchbowl Road.
116. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Punchbowl Road during construction activities.

NSW Office of Water

General

117. 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.
118. 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.
119. 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.

120. 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.
121. OPI Water requires 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 to OPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

122. 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. [OPI Water prefers that groundwater level measurements should be undertaken on a continuous basis using automatic loggers in monitoring bores.]
123. 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.
124. 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.

125. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
126. 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).
127. A copy of a valid consent for the development shall be provided in the initial report.
128. 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.
129. 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

130. 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.
131. 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.
132. Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
133. 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/so 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.

134. 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.
135. 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.
136. Access to groundwater management works used in the activity is to be provided to permit inspection when required by **DPI** Water under appropriate safety procedures.

Following excavation

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

RESOLUTION

That this S4.55(2) modification application be **APPROVED** subject to the recommended conditions of consent in the report.

REASONS:

The Panel concurs with the planning officer's report in particular the panel has considered the need to increase the floor space area of Unit E502 to comply with the ADG. The panel believes that this is desirable and amended architectural plans should be submitted for approval prior to the issue of a construction certificate as per condition 8. The amendments sought do not have any particular adverse amenity impacts on the neighbours.

For: P.Stein, D.Logan, E.Armstrong, Dr R.Bali

Against: Nil

**** End Minutes - Report No. 2****

TO: Strathfield Local Planning Panel Meeting - 7 June 2018
REPORT: SLPP – Report No. 3
SUBJECT: DA2017/052/03 - MELVILLE COMMUNITY HALL
MELVILLE RESERVE HAMPSTEAD ROAD, HOMEBUSH WEST
LOT 8 - 14 AND PART LOT 7 IN DP 14766
DA NO. DA2017/052/03

RECOMMENDATION

Pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, the proposed modification(s) to Development Consent No. 2017/052 involving the modification application involving minor internal and external modifications to approved community hall development at Melville Reserve, Hampstead Road, Homebush West be **APPROVED**, subject to:

1. The original conditions of consent Application (DA2017/052) as approved by SIHAP on 4 May 2017 for a new Community hall in Melville Reserve.
 2. As modified by the Section 96(1A) Application (DA2017/052/01) as approved by Council on 23 June 2017 for Amendment of Condition DAG007 – Construction Hours
 3. As modified by the Section 96(1) Application (DA2017/052/02) as approved by Council on 9 August 2017 for Deletion of DACC051 – S94 Contributions.
- Amendment to Condition DAGC001
 - Amendment to Condition DAGC018
 - Amendment to Condition DAGC019

Accordingly, Development Consent No.2017/052/03 is approved as following:

SPECIAL CONDITIONS

DASP001 Flood Study

A flood study is to be prepared prior to issue of a construction certificate to ensure appropriate floor levels and building design / construction methods for flood protection are provided in the proposed development in accordance with Council's flood prone land policy and NSW Floodplain Development Manual, and taking into account the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

(Reason: To protect life and property from flood hazard.)

DASP002 Crime Prevention

A Crime Prevention Through Environmental Design Report is to be prepared by a suitably qualified person in consultation with NSW Police prior to issue of a construction certificate with measures recommended to maximise safety and security and minimise opportunities for crime in the detailed design and operation of development and on the site. The measures recommended in the report are to be implemented in construction certificate drawings.

(Reason: For safety and security in the development and on the site.)

DASP003 Sustainable development

A Sustainable Development Report is to be prepared by a suitably qualified person prior to issue of a construction certificate with measures recommended for energy efficiency, water conservation, waste management, and sustainable building materials in the detailed design and operation of the development. The measures recommended in the report are to be implemented in construction certificate drawings.

(Reason: For sustainable development.)

DASP004 Aboriginal archaeological heritage

In accordance with the National Parks and Wildlife Act 1974, if any Aboriginal objects are unearthed during construction all work must cease immediately and the NSW Office of Environment and heritage must be contacted for advice before any works re-commence. No Aboriginal objects may be harmed unless an Aboriginal Heritage Impact Permit has been issued.

(Reason: To conserve any Aboriginal archaeological objects on site.)

GENERAL CONDITIONS

DAGC001 Approved plans and reference documentation

The development, except where modified by a condition(s) of consent, is to be carried out in accordance with the following plans and reference documentation:

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2017/052: these would need to be updated?

<i>Drawing No.</i>	<i>Title/Description</i>	<i>Prepared by</i>	<i>Revision Date</i>	<i>&</i>	<i>Date Received by Council</i>
DA0.04	Site Plan	Strathfield Council	Rev.P1 03.03.17	-	03 March 2017
DA0.05	Parking Layout Plan	Strathfield Council	Rev.P1 03.03.17	-	03 March 2017
DA4.14	Landscape Plan	Strathfield Council	Rev.P1 03.03.17	-	03 March 2017
S96-0.05	Stormwater Plan	Strathfield Council	Rev.1 03.03.17	-	14 March 2018
S96-0.06	Sediment and Erosion Plan	Strathfield Council	Rev.1 03.03.17	-	14 March 2018
S96-0.07	Waste Management Plan	Strathfield Council	Rev.1 03.03.17	-	14 March 2018
S96-1.01	Ground Floor Plan	Strathfield Council	Rev.1 03.03.17	-	14 March 2018
S96-1.02	First Floor Plan	Strathfield Council	Rev.1 03.03.17	-	14 March 2018
S96-1.03	Roof Plan	Strathfield Council	Rev.1 03.03.17	-	14 March 2018
S96-2.01	South West Elevation	Strathfield Council	Rev.1 03.03.17	-	14 March 2018
S96-2.02	North East and North Elevation	Strathfield Council	Rev.1 03.03.17	-	14 March 2018
S96-2.03	South East Elevation	Strathfield Council	Rev.1 03.03.17	-	14 March 2018
S96-2.04	North West Elevation	Strathfield	Rev.1	-	14 March

		Council	03.03.17	2018
S96-2.05	Streetscape Elevation	Strathfield Council	Rev.1 03.03.17	- 14 March 2018
S96-3.01	Section A-A	Strathfield Council	Rev.1 03.03.17	- 14 March 2018
S96-4.01	Material Sample Board	Strathfield Council	Rev.1 03.03.17	- 14 March 2018
S96-5.01	Notification Plan	Strathfield Council	Rev.1 03.03.17	- 14 March 2018

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No.2017/052:

<i>Title / Description</i>	<i>Prepared by</i>	<i>Date</i>
Statement of Environmental Effects	Strathfield Council	March 2018
Traffic Engineering Report	Strathfield Council	February 2018
Arboricultural Review	Strathfield Council – Tree Management Officer	February 2018

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail. However, the conditions of this consent shall prevail to the extent of any inconsistency.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

DAGC007 Construction hours

With the exception of the 24th and 25th of June 2017, when works may be undertaken between 7.00am and 5:00pm on both days, no construction or any other work related activities shall be carried out on the site outside the hours of 7:00am to 5:00pm Mondays to Fridays and 8am to 1pm Saturdays.

No building activities are to be carried out at any time on a Sunday or public holiday.

Where the development involves the use of jackhammers/ rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only.

(Reason: To maintain amenity to adjoining land owners and minimise potential conflict with adjoining land use)

DAGC011 Demolition (site safety fencing)

Site fencing is to be erected to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site, prior to any demolition works occurring and maintained for the duration of the demolition works.

(Reasons: Statutory requirement and health and safety)

DAGC018 Landscaping (trees permitted to be removed)

The trees numbered 14 to 26, 36, 40, 41, 48, 49 and 59 in the Tree Assessment Report dated February 2018, prepared by Strathfield Council's Tree Management Officer submitted with the Development Application are permitted to be removed to accommodate the

proposed development.

All trees permitted to be removed by this consent shall be replaced by species selected from Council's Recommended Tree List.

Replacement trees shall be a minimum 50 litre container size and at least four trees shall be a minimum 500 litre container size. Trees are to conform to the *NATSPEC guide* and *Guide for assessing the quality of and purchasing of landscape trees* by Ross Clarke, 2003. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self-supporting; and shall be maintained until maturity.

- i) 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.
- ii) Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
- iii) Soil conditioner/fertilizer/moisture retention additive/s are to be applied in accordance with manufacturer's recommendations, and mixed into the backfilling soil after planting tree/s.
- iv) A minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.

Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To ensure appropriate planting back onto the site)

DAGC019 Landscaping (tree preservation)

All street trees and trees on private property that are protected under Council's controls, shall be retained except where Council's prior written consent has been obtained. The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree/s unless in conformity with this approval or subsequent approval is prohibited.

All trees retained on-site shall be protected from adverse impacts of development by the establishment of Tree Protection Zones which will be fenced using 1.8 metre temporary site fencing or trunk and branch armouring as is appropriate for the situation; fencing is to be installed prior to the commencement of any works and maintained for the duration of the project.

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Australian Standard AS4970 – Protection of Trees on Development Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

(Reason: To ensure the protection of trees to be retained on the site)

DAGC020 Landscaping (tree pruning permitted)

Pruning of the trees numbered 37,38, 39 and 42 in the Tree Assessment Report dated 07.04.2017 prepared by Strathfield Council's Tree Management Officer submitted with the Development Application is permitted.

No more than 10% of the entire crown is to be removed as part of this approval. The pruning shall not give the crown an unbalanced appearance. All pruning work must be undertaken by a minimum level 2 (AQF 3) qualified Arborist who is currently a member or eligible for membership to *Arboriculture Australia* (AA) or the *Tree Contractors Association Australia* (TCAA), in accordance with AS4373—*Pruning of Amenity Trees*.

(Reason: To ensure tree preservation and pruning is undertaken in accordance with AS4373:2007 – Pruning of amenity trees)

DAGC021 Lighting

Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external signage associated with the development, without the prior approval of Council.

(Reason: To protect the amenity of surrounding development and protect public safety)

DAGC022 Materials (external materials and reflectivity)

All external materials, colours and finishes including windows and doors and roofing materials must be of high quality and compatible with those of the surrounding streetscape and locality. All external materials and colours shall be of low glare and reflectivity. Details demonstrating compliance with this condition, shall be provided to the Principal Certifying Authority, prior to the issue of any Construction Certificate.

(Reason: To ensure a positive contribution to the streetscape and to minimise excessive glare and reflectivity)

DAGC023 Materials (schedule of external materials, finishes and colours)

The external materials, finishes and colours are to be consistent with the schedule submitted and approved by Council with the development application.

(Reason: To ensure compliance with this consent)

DAGC024 Principal certifying authority (PCA) identification sign

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- (i) the Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- (ii) the Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person; and
- (iii) the sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(Reason: Statutory requirement)

DAGC027 Site management (during demolition and construction works)

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- (i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- (ii) Demolition must be carried out by a registered demolition contractor.
- (iii) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out.
- (iv) No blasting is to be carried out at any time during construction of the building.
- (v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- (vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- (viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- (x) All waste must be contained entirely within the site.
- (xi) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- (xii) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- (xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling.
- (xiv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- (xv) Public footways and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- (xvi) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- (xvii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- (xviii) Any work must not prohibit or divert any natural overland flow of water.
- (xix) Toilet facilities for employees must be provided in accordance with WorkCover NSW.
- (xx) Protection pads are to be installed to the kerb and gutter where trucks and vehicles

enter the site.

(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area)

DAGC028 Stormwater management plan (certification requirement)

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 Principal Certifying Authority 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.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure public infrastructure is not overloaded)

DAGC029 Sydney water (stamped plans prior to commencement)

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

For Quick Check agent details please refer to the web site www.sydneywater.com.au (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92. The consent authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has stamped the plans before the commencement of work.

(Reason: Compliance with Sydney Water requirements)

DAGC030 Utilities and services (protection)

Construction plans must be approved by the appropriate utility's office Sydney Water Corporation to demonstrate that the development complies with the utility's requirements.

The applicant must provide written evidence (e.g. compliance certificate, formal advice) of compliance with the requirements of all relevant utility providers (e.g. Water, Energy, Telecommunications, Gas)

(Reason: To ensure protection of infrastructure assets)

DAGC031 Waste (trackable)

Removal of trackable waste (as defined by the NSW Environment Protection Authority) from the site must comply with the Protection of the Environment Operations (Waste) Regulation 2005 for the transportation, treatment and disposal of waste materials. Waste materials must not be disposed on land without permission of the land owner and must with the provisions of the Protection of the Environment and Operations Act 1997.

Reason: To ensure compliance with legislation)

Conditions to be satisfied prior to the issue of a Construction certificate**DACC001 Access (access for people with disabilities)**

Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*. Plans shall be notated demonstrating compliance and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To provide equitable access for people(s) with disabilities in accordance with the relevant legislation and Australian Standards)

DACC002 Access (disabled toilets)

Plans and details of the disabled toilet/s complying with the relevant Australian Standards, the Building Code of Australia, and with regard to the *Disability Discrimination Act 1992*. Plans shall be notated demonstrating compliance and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To provide equitable access for people(s) with disabilities in accordance with the relevant legislation and Australian Standards)

DACC010 Building Code of Australia (compliance with)

All architectural drawings, specifications and related documentation shall 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, such a contract of insurance is to be in force before any building work authorised to be carried out by the consent commences.

Details demonstrating compliance with this condition are to be submitted to the Principle Certifying Authority, prior to issue of the Construction Certificate.

(Reason: This is a 'prescribed' condition under clause 98(1) of the Environmental Planning and Assessment Regulation 2000)

DACC012 Car parking (disabled car parking spaces)

Two (2) of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons. These spaces shall be a minimum of 3.2m wide x 5.5m long and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such.

Car parking for people with disabilities shall be provided in accordance with the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*. Prior to the issue of a Construction Certificate, the plans shall be notated to demonstrate compliance.

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

(Reason: To ensure adequate parking for persons with a disability)

DACC016 Car parking (compliance with AS/NZS 2890.1:2004)

Car parking dimensions must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure compliance with Australian Standards relating to parking of vehicles)

DACC019 Commencement of works (no works until a CC is obtained)

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued by either Strathfield Council or a Principal Certifying Authority.

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 81A(2) of the EP&A Act 1979. Accordingly, demolition works must not commence until a Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions)

DACC020 Construction and environmental management plan

The applicant must prepare and submit a Construction and Environmental Management Plan (CEMP) to the Principal Certifying Authority, including:

- (i) Detailed information on any approvals required from other authorities prior to or during construction.
- (ii) Traffic management, including details of:
 - ingress and egress of vehicles to the site;
 - management of loading and unloading of materials;
 - the location of heavy vehicle parking off-site; and
 - designated routes for vehicles to the site.
- (iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- (iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
 - the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
 - procedures to prevent run-off of solid material and waste from the site.
- (v) Waste management, including:
 - details of the types and estimated volumes of waste materials that will be generated;
 - procedures for maximising reuse and recycling of construction materials; and

- details of the off-site disposal or recycling facilities for construction waste.
- (i) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- (ii) A soil and water management plan, which includes:
 - measures to minimise the area of soils exposed at any one time and conserve top soil;
 - identification and protection of proposed stockpile locations;
 - preservation of existing vegetation and revegetation;
 - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
 - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
 - details of sediment and erosion control measures in place before work commences;
 - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
 - details of drainage to protect and drain the site during works.
- (iii) Asbestos management procedures:
 - Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see www.workcover.nsw.gov.au
 - Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
 - Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
 - The Work Health and Safety Act 2011;
 - The Work Health and Safety Regulation 2011;
 - How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
 - Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
 - Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
 - The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
 - the date and time when asbestos removal works will commence;
 - the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
 - the full name and license number of the asbestos removalist/s; and
 - the telephone number of WorkCover's Hotline 13 10 50
 - warning signs informing all people nearby that asbestos removal work is

taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and

- appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

(Reason: Safety, amenity and protection of public infrastructure and the environment)

DACC023 Driveway design (speed hump and stop sign on exit)

The applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be set back by 1.5 metres from the boundary alignment. The devices shall be designed and constructed in accordance with the provision of all relevant Australian Standards. The building plans shall indicate compliance with this requirement, prior to the issue of a Construction Certificate.

(Reason: Traffic safety and management)

DACC030 Fire safety schedule

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) which should be implemented in the building premises must be submitted with the Construction Certificate application, in accordance with Part 9 of Clause 168 of the Environmental Planning and Assessment Regulation 2000.

Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

(Reason: Compliance with the Environmental Planning and Assessment Act 1979)

DACC038 Landscaping (maintenance strategy)

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Principal Certifying Authority with the Construction Certificate application. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival)

DACC042 Noise and vibration management plan

Prior to the issue of a Construction Certificate, a Noise and Vibration Management Plan is to be prepared by a suitably qualified person addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to Council or the Principal Certifying Authority.

The Plan is to identify amelioration measures to ensure the noise and vibration levels will be compliance with the relevant legislation and Australian Standards. The report that

itemises equipment to be used for excavation works. The Plan shall address, but shall not be limited to, the following matters:

- (i) identification of activities carried out and associated noise sources;
- (ii) identification of potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment;
- (iii) determination of appropriate noise and vibration objectives for each identified sensitive receiver;
- (iv) noise and vibration monitoring, reporting and response procedures;
- (v) assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles;
- (vi) description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction;
- (vii) construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency;
- (viii) procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration; and
- (ix) contingency plans to be implemented in the event of non-compliances and/or noise complaints. A register should be kept of complaints received, and the action taken to remediate the issue.

(Reason: To protect acoustic amenity of surrounding properties and the public)

DACC053 Stormwater (rainwater re-use)

A rainwater re-use system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Policy and/or specification of the management of stormwater, whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance and amenity)

DACC054 Stormwater (silt arrestors and gross pollutant traps)

Silt and gross pollutant traps shall be fitted in all new stormwater pits and designed in accordance with Council's specification for the management of stormwater. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

DACC058 Wastewater control

The applicant shall contact Sydney Water, to determine the requirements for the disposal of wastewater. The applicant must provide a copy of the Authority to connect to the sewer system prior to the issue of a Construction Certificate.

There is to be no discharge of wastewater to the stormwater system.

(Reason: To ensure suitable disposal of waste water)

DACC059 Works permit

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.

DACC061 Traffic (construction traffic management plan)

A Construction Traffic Management Plan (CTMP) is to be prepared by an appropriately qualified Traffic Management Consultant and submitted to and approved by Council's Engineering Section, prior to the commencement of any works including demolition.

The following matters should be addressed in the CTMP (where applicable):

- (i) description of the demolition, excavation and construction works;
- (ii) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- (iii) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- (iv) 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;
- (v) impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- (vi) any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- (vii) proposed hours of construction related activities and vehicular movements to and from the site;
- (viii) current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- (ix) any activities proposed to be located or impact upon Council's road, footways or any public place;
- (x) measures to maintain public safety and convenience;
- (xi) any proposed road and/or footpath closures;
- (xii) turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- (xiii) locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- (xiv) location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- (xv) a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- (xvi) material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- (xvii) on-site parking area for employees, tradespersons and construction vehicles as far as possible;
- (xviii) proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- (xix) how it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

(Reason: To mitigate traffic impacts on the surrounding area during the construction period)

DACC062 Utilities and telecommunications (electricity connection)

Provision must be made for connection to future underground distributions mains. This must be achieved by installing:

- (i) an underground service line to a suitable existing street pole; or
- (ii) sheathed underground consumers mains to a customer pole erected near the front property boundary (within 1 metre).

Note: A limit of one (1) pole per site will apply.

Any costs associated with the relocation of the above are at the requestor's expense. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.

Details are to be submitted to the Principal Certifying Authority with the Construction Certificate Application.

(Reason: Environmental amenity)

DACC067 Waste management plan

A Waste Management Plan (WMP) is to be provided in accordance with Part H of Strathfield Consolidated Development Control Plan 2005. All requirements of the approved Waste Management Plan must be implemented during demolition, construction and on-going use of the premises.

The WMP must identify the types of waste that will be generated and all proposals to re-use, recycle or dispose of the waste. The WMP is to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate.

(Reason: To ensure appropriate management of waste)

DACC069 Waste (garbage rooms)

Garbage rooms must be constructed of solid material: cement rendered and steel trowelled to a smooth even surface. The door to the garbage room is to be designed and constructed to ensure the room is vermin proof and can be opened from the inside at all times. The garbage room is to be ventilated to the external air by natural ventilation or an approved air handling exhaust system.

(Reason: To keep garbage rooms in a clean and sanitary condition to protect public health)

DACC070 Water sustainability (water sensitive urban design)

Details 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. Details shall demonstrate compliance with the water conservation and stormwater quality targets set out under Sections 3.1 and 3.2 respectively under Part N of the SCDCP 2005, and be prepared by a suitably qualified professional engineer.

(Reason: To promote Water Sensitive Urban Design)

DACC072 Water heating systems (location of)

- i) Any water heating system 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.

(Reason: To maintain streetscape character)

DACC073 Works zone (approval by Council's traffic committee)

- ii) 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.

(Reason: Council requirement)

Conditions to be satisfied prior to the commencement of works

DAPC001 Appointment of a principal certifying authority

No work shall commence in connection with this Development Consent until:

- (i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- (ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- (iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- (iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- (v) The person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement)

DAPC003 Notice of commencement

No work shall commence until the following details are submitted to Council:

- (i) a Notice of Commencement (form will be attached with issue of a Construction Certificate or available from our website) within two (2) days of the date on which it is proposed to commence works associated with the Development Consent;
- (ii) details of the appointment of a Principal Certifying Authority (either Council or another Principal Certifying Authority); and
- (iii) details of the name, address and licence details of the Builder.

(Reason: Statutory requirement)

Conditions to be satisfied during demolition and building work

DADW001 Contaminated land unexpected finds

In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental scientist appointed to further assess the site.

The contaminated land situation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Strathfield Council's Environmental Services Manager.

Note: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.

(Reason: To ensure compliance with statutory requirements)

DADW002 Fill material

The only waste derived material which may be received at the development site is:

- (i) Virgin excavated material (within the meaning of the Protection of the Environment Operations Act 1997), and
- (ii) any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any (b)-type material received at the development site must be accompanied by documentation certifying by an appropriately qualified environmental consultant the materials compliance with the exemption conditions; and this documentation must be provided to the Principal Certifying Authority on request.

(Reason: To ensure imported fill is of an acceptable standard for environmental protection purposes)

DADW007 Public infrastructure and services

The applicant must comply with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc.) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

(Reason: To maintain public infrastructure and/or services)

DADW010 Site requirements during demolition and construction

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- (i) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- (ii) Demolition must be carried out by a registered demolition contractor.
- (iii) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- (iv) No blasting is to be carried out at any time during construction of the building.
- (v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- (vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- (viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- (x) All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- (xi) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- (xii) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- (xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- (xiv) Any materials stored on site must be stored out of view or in such a manner so as

- not to cause unsightliness when viewed from nearby lands or roadways.
- (xv) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
 - (xvi) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
 - (xvii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
 - (xviii) Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area)

DAOC006 Engineering works (certification of)

Prior to occupation of the premises, a Work As Executed (WAE) Plan of all engineering and/or drainage works is to be submitted to the Principal Certifying Authority. The WAE Plan is to be certified by a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers Australia and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, demonstrating that:

- (i) the stormwater drainage system; and/or
- (ii) the car parking arrangement and area; and/or
- (iii) any related footpath crossing works; and/or
- (iv) the proposed driveway and layback; and/or
- (v) any other civil works

have been constructed in accordance with the approved plans and any relevant Standards and Council policies/specifications.

Where Council is not the Principal Certifying Authority, an electronic copy of the above documents is to be provided to Council, prior to the issue of any Occupation Certificate.

(Reason: Asset management)

DAOC007 Fire safety (certification)

A fire safety certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment Regulation 2000, prior to the issue of any Occupation Certificate.

An fire safety certificate is a certificate issued by the owner of a building to the effect that each essential fire safety measure specified in the current fire safety schedule for the part of the building to which the certificate relates:

- (i) has been assessed by a properly qualified person; and
- (ii) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.
- iii)

An interim fire safety certificate must be provided before an interim occupation certificate can be used for a building under Clause 153(2) of the *Environmental Planning & Assessment Regulation 2000*.

A final fire safety certificate must be provided before an interim occupation certificate can be used for a building under Clause 153(1) of the *Environmental Planning & Assessment Regulation 2000*.

A copy of the fire safety certificate and fire safety schedule shall be:

- (i) submitted to Strathfield Council;
- (ii) submitted to the Commissioner of the New South Wales Fire Brigade; and
- (iii) prominently displayed in the building.

(Reason: Fire safety and statutory requirement)

DAOC011 Landscaping (Arborist's follow up report of tree/s to be retained)

As part of the on-going assessment of the tree/s to be retained, the consulting arborist engaged by the applicant is to assess their health and any impacts suffered by them as a result of the proposed approved development, prior to the issue of an Occupation Certificate. Findings are to be compiled in a detailed report and submitted to the Principle Certifying Authority, which documents the following:

- (i) methods of excavation or construction used to carry out the works;
- (ii) any damage sustained by the tree/s as a result of the works;
- (iii) any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage; and
- (iv) any future or on-going remedial work required to be carried out to ensure the long term retention of the tree/s.

(Reason: To ensure the survival of trees to be retained)

DAOC013 Occupation of building

A person must not commence occupation or use (*or change of use where an existing building*) of the whole or any part of a new building (within the meaning of section 109H (4) of the *Act*) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- (i) all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- (ii) any preconditions to the issue of the certificate required by a development consent have been met.

Note: New building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement)

DAOC017 Stormwater (certification of the constructed drainage system)

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

(Reason: Adequate stormwater management)

DAOC021 Ventilation system (mechanical)

Any mechanical ventilation system is to comply with the following:

- (i) The Building Code of Australia;
- (ii) Protection of the Environment Operations Act 1997; and
- (iii) Australian Standard AS1668-1991.

In addition, odour control measures, such as activated carbon or catalytic oxidisers, must be used to treat ventilation gases prior to discharge. The method of odour control must be designed by a suitably qualified mechanical ventilation engineer.

At the completion of the installation of the mechanical exhaust ventilation system, a certificate from a practising mechanical engineer shall be submitted to the Principal Certifying Authority, prior to issue of the Occupation Certificate demonstrating compliance with the above.

(Reason: To ensure the mechanical exhaust ventilation system complies with the relevant requirements/standards)

DAOC022 Ventilation systems (natural)

Any natural ventilation system shall be designed, constructed and installed in accordance with the provisions of:

- (i) The Building Code of Australia; and
- (ii) Protection of the Environment Operations Act 1997.

Details demonstrating compliance with this condition shall be submitted to the Principal Certifying Authority, prior to issue of the Occupation Certificate.

(Reason: To ensure any natural ventilation systems comply with the relevant regulations/standards)

Conditions to be satisfied during ongoing use of the premise

DAOU005 Deliveries

All deliveries must not occur before 7.00am or after 8.00pm weekdays and before 8.00am or after 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

(Reason: To control noise impacts)

DAOU006 Fire safety (annual statement)

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation (as amended) the owner of the building shall provide to Council an Annual Fire Safety Statement from an appropriately qualified person certifying the essential fire safety measures in the building. The Annual Fire Safety Statement shall be submitted within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:

- (i) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- (ii) Prominently displayed in the building.

(Reason: Fire safety)

DAOU011 Greywater (treatment systems)

Greywater must not be stored on the property unless within an approved greywater treatment system. Any greywater treatment system and associated reuse distribution system must:

- (i) comply with the Local Government (General) Regulation 2005 and Local Government Act 1993;
- (ii) comply with the NSW Code of Practice: Plumbing and Drainage 3rd Edition 2006;
- (iii) be accredited by the NSW Department of Health;
- (iv) installed by a licensed plumber; and
- (v) installed to prevent the incidence of cross-connection, overflow and backflow.

Additional requirements:

- (i) Sydney Water shall be notified in writing by the installing plumber that the system is in place. Written notification shall be in the form of 'as completed plans' (e.g. an amended sewer service diagram) or other documentation as required by Sydney Water;
- (ii) where the GTS is connected to internal fixtures for toilet flushing and washing machine use, a back-up water supply is required to ensure a constant water supply to all fixtures should the GTS fail; and
- (iii) Greywater must be contained within the property and not allowed to migrate onto neighbouring properties.

(Reason: Health and amenity)

DAOU013 Hours of operation

The hours of operation of the premises must (ie. Hours open for business) must not exceed the following, without the prior approval of Council:

<i>Days</i>	<i>Approved hours of operation</i>
Monday to Sunday (including public holidays)	7am – 10pm

(Reason: To ensure the business operates between the approved hours)

DAOU018 Noise (complaints relating to use)

The use of the premises shall comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008.

Should substantiated complaints or breaches of noise regulations occur, a suitably qualified acoustic consultant shall be engaged by Council to measure noise emanating from the building/premises and to recommend appropriate action. The cost of such an appointment shall be borne by the operator/owner and any works recommended by the acoustic consultant shall also be borne by the operator/owner and carried out within a time frame set by Council.

(Reason: Noise control and amenity)

DAOU020 Noise (no amplified music)

Music and other amplified sound played on the premises shall not give rise to offensive noise as defined under the provisions of the *Protection of the Environment Operations Act 1997*. The sound level output shall not exceed 5 dB(A) above the ambient background level at the received boundary.

Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(Reason: Environmental amenity)

DAOU022 Noise (signage to patrons exiting the premises)

A clearly visible sign shall be permanently erected immediately adjacent to the entry/exit doors indicating that patrons are to leave in an orderly fashion and shall leave the vicinity of the premises in a manner that does not disturb the quiet and good order of the neighbourhood.

(Reason: Public interest)

DAOU025 Pollution (compliance with PEOA 1997 generally)

The activities carried out on site shall not constitute a nuisance in relation to noise, air or water pollution as specified under the *Protection of the Environment Operations Act 1997*.

DAOU028 Security (management plan)

Management must ensure the implementation of a Security Management Plan which specifies security patrol, surveillance and other security and response methods and security management of the public domain within and surrounding the site.

(Reason: Amenity, health and safety)

DAOU037 Waste and recycling (collection hours)

The collection of waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

The garbage and recyclable storage area and bins must be adequate to contain the volume and type of garbage and recyclable matter of the premises.

All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

(Reason: To regulate noise and garbage collection arrangements)

DAOU038 Waste (control of litter)

The occupant or person in control of the premises must take all practicable steps to ensure that the public area adjacent to the premises is maintained in a clean and tidy condition.

DAOU041 Waste (restricted times for bottle, can or garbage disposal)

No bottle, can or garbage disposal shall take place between the hours of 8.00pm and 7.00am daily.

(Reason: Disturbance and public interest)

RESOLUTION

The panel resolves that this Section 4.55(1A) application to modify the consent be approved subject to the recommended conditions in the report as amended by the panel.

REASONS:

The Panel is of the opinion that 21 trees recommended for removal should remain. They form part of a continuous vegetated corridor affording habitat for fauna. The Panel is of the view that, with the retention of the trees, sufficient parking will remain for the uses in the community hall as well as the existing childcare centre. The Panel considers the other proposed changes to the building to be acceptable and in the public interest.

For: P.Stein, D.Logan, E.Armstrong, Dr R.Bali

Against: Nil

**** End Minutes - Report No. 3****

TO: Strathfield Local Planning Panel Meeting - 7 June 2018
REPORT: SLPP – Report No. 4
SUBJECT: S8.2- DA2017/136/01 - 14 DUNLOP STREET, STRATHFIELD SOUTH
LOT 10 IN DP 29223
DA NO. DA2017/136/01

RECOMMENDATION

That Development Application S8.2 review No. DA2017/136/01 for the use of the site as a warehouse/distribution centre at 14 Dunlop Street, Strathfield be **REFUSED**, subject to the following reasons:

1. In accordance with *Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979*, the proposal fails to satisfy the objectives of Clause 2.9 Parking, Access and Manoeuvring of the Part D of Strathfield Consolidated Development Control Plan 2005 with respect to vehicle parking, access and manoeuvring.
2. In accordance with *Section 4.15(1)(b)&(c) of the Environmental Planning and Assessment Act 1979*, the proposed hours of operation and access to the site through residential streets are considered to generate noise likely to affect residential areas.
3. Pursuant to the provisions of *Section 4.15(1)(d)(e) of the Environmental Planning and Assessment Act 1979*, it is considered that the proposed development would not be in the public interest.

RESOLUTION

The panel supports the recommendation in the report and agrees to the **REFUSAL** of the application.

REASONS:

1. In accordance with *Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979*, the proposal fails to satisfy the objectives of Clause 2.9 Parking, Access and Manoeuvring of the Part D of Strathfield Consolidated Development Control Plan 2005 with respect to vehicle parking, access and manoeuvring.
2. In accordance with *Section 4.15(1)(b)&(c) of the Environmental Planning and Assessment Act 1979*, the proposed hours of operation and access to the site through residential streets are considered to generate noise likely to affect residential areas.
3. Pursuant to the provisions of *Section 4.15(1)(d)(e) of the Environmental Planning and Assessment Act 1979*, it is considered that the proposed development would not be in the public interest.
4. **The Panel noted during inspection of the site that a number of large rental vans were parked in the street which was an indication that there was insufficient onsite parking available for the current scale intensity of the use.**

For: D.Logan, E.Armstrong, Dr R.Bali

The chair absented himself from this matter pursuant to his declaration of non-pecuniary conflict of

interest.

Against: Nil

**** End Minutes - Report No. 4****

TO: Strathfield Local Planning Panel Meeting - 7 June 2018
REPORT: SLPP – Report No. 5
SUBJECT: DA2015/167/02 - 4 ROCHESTER STREET, HOMEBUSH
LOT A DP104002
DA NO. DA2015/167/02

RECOMMENDATION

Pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, the proposed modification(s) to Development Consent No. 2015/167/2 for involving Section 4.55(1A) modification application to extend hours of operation to allow trading from 7am – 10:30pm Monday to Sunday. at 4 Rochester Street, Homebush be **APPROVED**, subject to:

1. The original conditions of consent Application (DA2015/167) as approved by Council on 19 April 2016 for Fit-out and use of an existing premise as a ground floor restaurant with one (1) x 1 bedroom shop top housing unit.
2. As modified by the Section 4.55(1A) Application (DA2015/167/01) as approved by Council on 17 October 2016 for the addition of a wood fire oven
3. As modified by the Section 4.55(1A) application (DA2015/167/02) involving:
 - Amendment to Condition No.19 and 20.

Accordingly, Development Consent No.2015/167/02 is approved as following:

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 and First Floor Plan Project Number 150820 Drawing DA.02 prepared by BC&A Associates, dated 1 March 2016.

Existing and Demolition Plans Plan Project Number 150820 Drawing DA.03 prepared by BC&A Associates, dated 1 March 2016.

Proposed Elevations and Sections Project Number 150820 Drawing DA.04 prepared by BC&A Associates, dated 1 March 2016.

Noise Impact Assessment prepared by Acoustic Logic, dated 1 March 2016.

Parking Assessment prepared by APEX Engineers, dated 1 March 2016.

Stormwater Plans Cover Page Drawing A6449- SW01 prepared by Alpha Engineering & Development, dated 1 March 2016.

Ground Floor, First Floor & Roof Drainage Plan Drawing A6449 SW02 prepared by Alpha Engineering & Development, dated 1 March 2016.

Stormwater Section Details Drawing A6449 prepared by Alpha Engineering & Development, dated 1 March 2016.

Waste Management Plan prepared by BC&A Associates dated 21 December 2015.

Specification, Legend and Schedules, Drawing M-01, Rev C prepared by Nick Przita & Associates, received by Council 1 December 2016.

Kitchen Equipment Layout at Floor Level, Drawing M-02, Rev C prepared by Nick Przita & Associates, received by Council 1 December 2016.

Ventilation Equipment Layout at RCP Level, Drawing M-03, Rev C prepared by Nick Przita & Associates, received by Council 1 December 2016.

Ventilation Equipment Layout at Roof Level, Drawing M-04, Rev C prepared by Nick Przita & Associates, received by Council 1 December 2016.

Section A-A, Drawing M-05, Rev C prepared by Nick Przita & Associates, received by Council 1 December 2016.

Section B-B, Hoods Manufacturing Details and Typical Details, Drawing M-06, Rev C prepared by Nick Przita & Associates, received by Council 1 December 2016.

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

Special Conditions

5. **Prior to the issue of a Construction Certificate** amended plans shall be prepared and submitted to the Principal Certifying Authority increasing the size of the waste collection room to at least 7m² so that it can accommodate three (3) x 660L waste bins, four (4) x 240L recycling bins and manoeuvring space in accordance with the waste generation rates required by Council.

The waste storage and collection area must be located within the building with an air lock door to the restaurant and must not be located within the garage.

The waste storage room shall be suitably ventilated, bunded with an impervious, sealed floor and provided with hot and cold water.

6. **The Plan of Management for the Restaurant, including the outdoor eating area, must be submitted to the Council for approval. The Plan of Management submitted by Urbano and received by Council on the 1 May 2018 shall be amended to be consistent with the conditions of consent, in particular conditions 19 and 20. The amended Plan of Management shall be submitted to the Council for approval prior to the extended hours commencing. The amended Plan of Management shall include, but not limited to, the following:**
 - (a) The hours of operation of the premise including the hours of use of the approved outdoor dining area and use of interior restaurant space in keeping with the hours of operation specified in this consent;
 - (b) Allocation of one (1) on-site loading bay;
 - (c) Schedule of regular deliveries for the restaurant to minimise demand for on-street parking;
 - (d) Details of the arrangements for storage, volumes and management of waste and recyclable materials;

- (e) Details of the arrangements made with Council or a commercial contractor for the regular collection of waste from the waste storage room;
- (f) Management of noise generated by the restaurant and approved outdoor eating areas to protect the amenity of nearby residential properties;
- (g) Methods and timing for cleaning of outdoor eating areas; and
- (h) Details of any licensing conditions for the restaurant.

NOTE: The Plan of Management must be signed by the owners of the site and any subsequent new tenant.

7. The fitout (including a wood fired pizza oven), use and operation of the premises including all preparation and food storage areas shall comply with the Australian/New Zealand Food Safety Standards Code and relevant standards. Details shall be submitted to the Principal Certifying Authority and approval obtained **prior to the issue of a Construction Certificate.**

Note: Copies of the Code are available from the Food Standards Australia New Zealand website at <http://www.foodstandards.gov.au/>

8. Plans and specifications showing details of all mechanical ventilation systems shall be submitted to the Principal Certifying Authority and approval obtained **prior to the issue of a Construction Certificate.**
9. Access to the interior of the restaurant for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
10. DELETED
11. The restaurant is to have a maximum capacity for (70) people inclusive of patrons for both indoor and outdoor seating areas and staff.
12. All existing street trees are to be retained with no furniture or other fittings such as lighting or signs permitted to be fixed to trees or planter beds.

General

13. 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.
14. **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.
15. 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

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.

17. In accordance with the provisions of Section 94A(1) of the Environmental Planning and Assessment Act 1979 and the Strathfield Indirect 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:
- (i)
 - (ii) Local Amenity Improvement Levy **\$3,000.00**
 - (iii) The total amount of the contribution is valid as at the date of determination and is subject to annual indexation. If the contribution is paid after 1st July in any year, the amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.
 - (iv) The required contribution shall be paid **prior to the issue of a Construction Certificate**.
18. A security payment of **\$4,127.00** in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council **prior to the issue of a Construction Certificate**. The security payment is GST inclusive and comprises the following:
- (v)
 - (vi) Refundable works bond **\$4,000.00**
 - (vii) Non-refundable administration fee (\$127/bd) **\$127.00**
-
- (viii) **TOTAL** **\$4,127.00**

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

- (a) 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.

Site Operation

19. The use and operation of the restaurant shall be limited to the following hours:
- (a) 7:00am – 10:30pm Monday to Sunday*
 - (b) Employees are permitted to be present within the site from 6:30am to 10:30pm, Monday to Sunday.
- *The outdoor areas adjacent to the site shall not be used after 9:30pm, Sunday to Wednesday in order to minimise acoustic impacts on neighbouring residents.
20. The delivery and despatch of goods, material and the like to and from the premises shall only take place between 7am and 6pm and in accordance with a Plan of Management endorsed by the site owner and the tenants living in the dwelling above.
21. *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.*

22. Any noise generated on the premises from the use of the outdoor eating area shall not have a detrimental effect on the occupants of any adjoining residential dwellings. The activities of staff and patrons using the outdoor eating area shall not generate excessive noise. In this regard there shall be no amplified music, public address system or the like and the cleaning and packing away of furniture and other items from the outdoor eating area shall be completed before the closing time of the restaurant.
23. 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.
24. In the event of Council receiving complaints regarding air pollution or odour from the premises, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour emanating from the premises. Such measures are to be installed at no cost to Council and may require further development consent from Council.
25. Any proposed lighting of the outdoor eating area shall be designed, located or shielded to ensure the amenity of the surrounding area is not adversely affected by light overspill. Details of the lighting of the outdoor eating area shall be submitted and approved by the Principal Certifying Authority **prior to the installation** thereof.
26. No flashing lights or flashing animated signs shall be erected on the property.
27. No advertising flags, banners or the like are to be erected on or attached to the shopfront or the outdoor dining area.
28. To minimise the generation of waste all food and drinks served in the outdoor eating area must be contained in re-usable (not disposable) cutlery, crockery and drink ware.
29. All furniture and other items associated with the outdoor eating area are to be stored internal to the building outside the approved hours of operation.

Construction Matters

30. 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**.
31. 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.
32. A certificate from a practising and suitably qualified structural engineer certifying that the existing awning structure is capable of supporting the new superimposed loads from the proposed new awnings shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**.
33. 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.

Fire Safety Measures

34. 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 restaurant premises and specified in the fire safety schedule. The final fire safety certificate shall be provided prior to the issue of an Occupation Certificate.
35. 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.
36. Details of the mechanical ventilation system, detailing compliance with the relevant requirements of Clause F4.12 of the Building Code of Australia and Australian Standard AS 1668 Part 1 and 2 are to be submitted to the Principal Certifying Authority for approval, prior to the issue of a Construction Certificate.
37. At the completion of the installation of the mechanical ventilation system, a certificate from a practising mechanical engineer shall be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate indicating compliance with Australian Standard AS 1668.
38. The ongoing use of the premises must not give rise to 'offensive noise' as defined under the provisions of the *Protection of the Environment Operations Act 1997*.

RESOLUTION

That this S4.55(1A) application to modify the development consent be **APPROVED** subject to the recommended conditions of consent as amended by the panel.

REASONS:

The majority of the panel concur with the Planning Officer's report. Whilst acknowledging that parking is a difficult issue in this small shopping centre, they do not believe that it will add in any significant way to the existing parking problem. On balance the modification application is reasonable and should be approved. In the longer term it will be necessary for Council and the businesses in the centre to address the parking issues.

Dr Bali is of the view that the parking issues are a cumulative impact in the Homebush area that will be further exacerbated given the extended opening hours proposed in this amendment.

For: P.Stein, D.Logan, E.Armstrong

Against: Dr R.Bali

**** End Minutes - Report No. 5****