

MINUTES

Council Meeting

17 May 2016

Minutes of the Council Meeting of Strathfield Municipal Council held on 17 May 2016, in the Council Chambers, 65 Homebush Road, Strathfield.

COMMENCING: 6.40pm

PRESENT: Mayor Councillor S Ok (Chairman)
Councillor A Soulos
Councillor R Datta
Councillor G Vaccari

Councillor McLucas arrived later in the proceedings

STAFF: A/General Manager
A/Director Corporate Services
A/Director Infrastructure & Development
A/Manager Planning and Development
Chief Financial Officer
Governance Coordinator
Personal Assistant to Director Corporate Services

1. OPENING: The prayer was read.

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

3. PECUNIARY INTEREST/CONFLICT OF INTEREST

Councillor Soulos declared a non-significant non-pecuniary interest in Item 7.1 – DA2016/029 – Shop 24/45-47 The Boulevarde, Strathfield as members of his family own property in the Strathfield Town Centre and he advised that he will vacate the meeting room and not participate in discussion on this matter.

Councillor Soulos also declared a non-significant non-pecuniary interest in Item 7.5 – Draft Controls and Guidelines for Outdoor Dining Areas and Display materials on Council Footpaths as members of his family own property in the Strathfield Town Centre and he advised that he will vacate the meeting room and not participate in discussion on this matter.

Councillor Vaccari declared a non-significant non-pecuniary interest in Closed Session Item 2 – Outstanding Arrears of Former Licensee of Southend Tennis Centre as he and the lawyer for Mr McGee have previously served together as Board Members of a local school.

4. CONFIRMATION OF MINUTES

124/16

RESOLVED: (Vaccari/Soulos)

That the minutes of the Ordinary Council meeting held on 3 May 2016, a copy of which has been furnished to each Councillor, be taken as read and confirmed as a true and correct record of that meeting and that the Chairman and General Manager be authorised to sign such minutes.

For the Motion: Councillors Ok, Datta, Soulos and Vaccari

Against the Motion: Nil

5. APOLOGIES

Apologies were tendered on behalf of Councillors Bott and McLucas for non attendance and Councillor Kokkolis for late attendance.

6. DEFERRED/OUTSTANDING MATTERS AWAITING REPORT

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

A Class 1 Appeal was lodged with the Land and Environment Court on 15 March 2016 relating to Council's deemed refusal of this DA. Council Officers have prepared and lodged a Statement of Facts and Contentions with the Court and a Section 34 conciliation meeting has been set for 28 June 2016. Council will be kept informed of the appeal process.

Noted.

SUSPENSION OF STANDING ORDERS

125/16

RESOLVED: (Vaccari/Soulos)

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

- Planning and Development Matter - Item 2. DA2016/015 – 114 Burlington Road, Homebush

For the Motion: Councillors Ok, Datta, Soulos and Vaccari

Against the Motion: Nil

Item 2. DA2016/015 – 114 Burlington Road, Homebush

Councillor McLucas entered the meeting room at 6.47pm

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

For the Application	Against the Application
Mr Mohammad El Dardiry On behalf of a Group	Mr Trevor Cork On behalf of : Mr David & Mrs Ingrid Bulgeries
Mr Samuel Fallon On behalf of a Group	Mr Michael Chau
	Mr David Bulgeries

126/16

RESOLVED: (Vaccari/McLucas)

That DA2016/015 for the alterations and additions to the existing dwelling, construction of a detached “wudu” (washroom) area, construction of at-grade car parking and use of the building as a place of public worship with an attached sole occupancy unit and ancillary office/meeting rooms at 114 Burlington Road, Homebush be REFUSED for the following reasons:

1. The proposal seeks to remove numerous established trees within the property and a large established Brushbox within the nature strip. The removal of trees within the site and in the nature strip will negatively impact the aesthetic of the streetscape and canopy cover in Bridge Road and is contrary to Clause 5.9 of the Strathfield Local Environmental Plan 2012 which seeks to preserve the amenity of the area through the retention of trees and other vegetation. (*Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979*)
2. Contrary to the Strathfield Stormwater Management Code 1994, the proposed development was not accompanied by a Stormwater Drainage Concept Plan demonstrating the feasibility of the proposed drainage system within the site and connection to Council’s drainage system (*Section 79C(a)(iii) of the Environmental Planning and Assessment Act 1979*).
3. The proposal was accompanied by a waste management plan which is inaccurate and provides insufficient detail regarding the ongoing operation of waste from the site contrary to the provisions of Part H of the Strathfield Consolidated Development Control Plan 2005. (*Section 79C(a)(iii) of the Environmental Planning and Assessment Act 1979*).
4. The proposal provides insufficient parking relative to the likely demand which will be generated by the use of the site. Section 3.9 of Part I of the Strathfield Consolidated DCP requires the provision of at least six (6) parking spaces for the place of public worship whilst Section 3.1 requires an additional two (2) spaces for the permanent resident. The proposal only provides three (3) parking spaces which is a departure of five (5) from the minimum eight (8) required (*Section 79C(a)(iii) of the Environmental Planning and Assessment Act 1979*).
5. The Quantity Surveyor Report fails to include an assessment of the works required in order to convert the building to a Class 9B – Place of Public Assembly in order to satisfy the relevant provisions of the Building Code of Australia. As such, the Capital Investment Value provided for the proposal is inaccurate and is contrary to the provisions of Clause 255 of the Environmental Planning and Assessment Regulation 2000 (*Section 79C(a)(iv) of the Environmental Planning and Assessment Act 1979*).
6. The hours of operation proposed (5am to 10pm) and the lack of detail in the Acoustic report present a further area for conflict between the proposed use of the site and surrounding residential amenity and raise concern in relation to the suitability of the premise (*Section 79C(c) of the Environmental Planning and Assessment Act 1979*).
7. The proposal presents an overdevelopment of the site which would be likely to compromise neighbouring amenity by way of traffic, parking and noise. As such, the proposal is considered contrary to the public interest (*Section 79C(e) of the Environmental Planning and Assessment Act 1979*).
8. The proposed at grade parking area provides insufficient manoeuvring area into the car parking spaces and includes a stopping bay for the proposed shuttle bus which would park in

all three (3) spaces. This arrangement is unacceptable due to the likely impact on public safety and would result in unreasonable additional demand for on-street parking within the locality where parking is already at a premium due to the neighbouring school and parking restrictions along Bridge Road (*Section 79C(a)(e) of the Environmental Planning and Assessment Act 1979*).

9. The Acoustic Report accompanying the proposal fails to provide a true indication of the likely noise generated by the operation of the site as a place of public worship particularly as it does not consider intrusive noise generated by patrons arriving and departing via vehicle including engines starting and car doors slamming, and noise likely to be generated by people congregating and conversing before or after services (*Section 79C(e) of the Environmental Planning and Assessment Act 1979*).
10. The proposal has not demonstrated how the existing dwelling can be converted for use as a sole occupancy unit and a place of public assembly. As a result, it has not been demonstrated that the proposal can comply with the Building Code of Australia and therefore approval would be contrary to the public interest (*Section 79C(e) of the Environmental Planning and Assessment Act 1979*).
11. The proposal fails to address the accessibility requirements of the Building Code of Australia and the Disability (*Access to Premises — Buildings*) *Standards 2010* as the proposal does not provide a primary accessible entry to the site, does not include a disabled toilet and does not provide access to the first floor of the development. By failing to address accessibility through the site, the proposal is contrary to the public interest (*Section 79C(e) of the Environmental Planning and Assessment Act 1979*).

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

Against the Motion: Nil

STANDING ORDERS

127/16

RESOLVED: (Vaccari/McLucas)

That Standing Orders remain suspended to allow consideration of the following matter:

- General Business Item GM3. Draft Operational Plan 2016-17, Budget 2016-17 and Fees and Charges 2016-2017

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

Against the Motion: Nil

GM3. Draft Operational Plan 2016-17, Budget 2016-2017 and Fees and Charges 2016-2017

128/16

RESOLVED: (Vaccari/Datta)

That the draft 2016-2017 Operational Plan including budget and fees and charges be placed on public exhibition for a period of 28 days.

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

Against the Motion: Nil

STANDING ORDERS

Standing Orders were Resumed.

7. PLANNING AND DEVELOPMENT MATTERS

1. DA2016/029 – Shop 24/45-47 The Boulevarde, Strathfield

Councillor Soulos having previously declared a conflict of interest vacated the meeting room and took no part in discussion or voting on this matter.

129/16

RESOLVED: (Vaccari/McLucas)

That DA2016/029 for the fit-out and use of a ground floor commercial tenancy as a food and drink premise (restaurant) at Shop 24/ 45-47 The Boulevarde, Strathfield, be APPROVED subject to the following conditions:

PART B - OTHER CONDITIONS

Plans

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

Site Plan & Ground Floor Plan, received by Council 7 March 2016

Basement Plan, received by Council 7 March 2016

Floor Plan, received by Council 7 March 2016

Shop Front Elevation, received by Council 7 March 2016

Waste Management Plan, received by Council 7 March 2016

Proposed Exhausted System Duct Work Plan, received by Council 7 March 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**, written verification from a suitably qualified professional civil engineer shall be obtained, stating that the building's common ventilation shaft has sufficient capacity to accommodate for the additional discharges generated as a result of the mechanical ventilation system.

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. 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.
8. **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.
9. 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.
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. 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

12. The existing four (4) off-street parking spaces shall be maintained and linemarked in accordance with the approved plans and shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.
13. All vehicles associated with the approved use shall be parked within the parking spaces on the site and not on adjacent footpath, access driveways or landscaped areas.

14. A sign shall be erected in a suitable location on the site advising that parking is available for customers.
15. The off-street car parking spaces together with access driveways shall be available at all times to employees and customers.

Site Operation

16. The hours of operation shall be restricted to 11:30am to 9:30pm Monday to Sunday.
17. The delivery of goods to the premises shall only take place between 8:00am to 6:00pm Monday to Sunday.
18. No advertising flags, banners or the like are to be erected on or attached to the shopfront.
19. No advertising, corporate colours, logos or decal are to be applied or painted or placed within 1 metre of the shopfront windows so as to be visible from outside without the prior written approval of Council.
20. No more than four (4) staff members are to be present upon the site at any time.
21. Should at any time outdoor dining be proposed, a separate Outdoor Dining Permit application shall be submitted to and approved by Council prior to any such use.

Construction Matters

22. 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.**
23. All construction shall be restricted to between 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.

Fire Safety Measures

24. 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.**
25. 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.

Air Quality

26. Any noise generated on the premises from the use at any time shall not have any detrimental effect on the occupants of any adjoining residential dwellings.

27. 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.
28. 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.
29. No odour nuisance, to the public or any adjoining premises, shall be created by the operation of any plant or equipment or any procedures carried out at the premises.
30. No noise nuisance shall be caused through the operation of the business or any plant or equipment at the premises. Noise generated from the premises must not exceed the limits as specified in the NSW Industrial Noise Policy.

Food Shop

31. The fit out, 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/>
32. Food premises registration (for inspection purposes) must be obtained from Council **prior to the issue of an Occupation Certificate and/or use of the premises.**
33. 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.**
34. Grease arrestors and access openings to the sanitary drainage must not be located within any food preparation and/or handling area. Plans and specifications showing details of the grease arrestor shall be submitted to the Principal Certifying Authority and approval obtained **prior to the issue of a Construction Certificate.**
35. Walls in and adjoining food handling areas must be of solid masonry construction (no voids or cavities) and finished as specified in table 3.2 of AS 4674-2004 Design, construction and Fit-out of food premises. Plasterboard walls do not comply.
36. Floors with an epoxy resin finish must comply with AS 3554.
37. Floors shall be:
 - a. appropriate for the area;

- b. able to be effectively cleaned; and
 - c. laid in accordance with the relevant Standards (see AS 3958.1 for ceramic tiles) so that there is no likelihood of pooling water and harbourage of pests.
38. Coving shall be a minimum of 25mm radius at the floor wall joint, this will increase to a minimum of 50mm when splayed at 45 degrees. No "feather edge skirting" is permitted. Where vinyl or similar sheeting is installed and the sheeting is turned up to form a cove, a solid preformed coving fillet shall be used to support the sheeting.
39. Cupboards, cabinets and counter construction must be free of voids, cracks and crevices and designed so they can be easily cleaned and not give harbourage for vermin. They should be fitted a minimum of 150mm above the floor level or situated on a solid plinth a minimum of 75mm in height and meet the same specifications as the floor and be coved.
40. Fixtures, fittings and equipment shall be designed and constructed in accordance with the requirements given in Table 4.3 and 4.4 of AS 4674-2004 Design, construction and fit-out of food premises.
41. The ceiling over all food handling areas (including over the servery and bar) must be non-perforated and finished free of open joints, cracks and crevices. The ceiling shall be finished with a sealant that is of light colour, washable and an impervious material. Drop panel type ceilings are not appropriate for these areas.
42. Hand washbasins must be provided in the food servery/preparation area, preferably installed with hands free taps. A hand wash basin should ideally be located within 5 metres of any food handling and be easily accessible and usable.
43. Hand washbasins must be provided with:
- a. an adequate supply of potable warm running water delivered through a single spout;
 - b. a supply of liquid soap; and
 - c. single use hand towel.
44. The premises shall be provided with equipment for cleaning and sanitizing as specified within Tables 4.1 and 4.2 of AS 4674-2004 Design, construction and fit-out of food premises.
45. Dishwasher and glass washers that are used for sanitizing food contact surfaces and eating and drinking utensils must comply with AS 2945.
46. All service pipes, conducts and electrical wiring shall be either concealed in floors, walls, ceiling or plinths or be fixed on brackets so as to provide at least 25mm clearance between the pipe and the adjacent vertical surface and 100mm between the pipe and the adjacent horizontal surface.
47. All food preparation areas and areas where food is displayed must be suitably protected from the likelihood of contamination.
48. All shelving, cupboards, doors and the like must be impervious and easy to clean on all exposed surfaces and as far as practicable and constructed and installed to prevent vermin harbourage.

49. An exhaust hood is to be provided complying with AS/NZS 1668.1:1998 'Fire and smoke control in multi-compartment buildings' and AS 1668.2-2002 'Ventilation design for indoor air contaminant control (excluding requirements for the health aspects of tobacco smoke exposure)' where any cooking apparatus has:
- a. a total maximum electrical power input exceeding 8 kW; or
 - b. a total gas power input exceeding 29 MJ/h; or
 - c. the total maximum power input to more than one apparatus exceeds 0.5 kW electrical power; or 1.8 LJ gas, per m2 of floor area of the room or enclosure
50. A maximum of (13) tables and (50) chairs shall be permitted to be used in conjunction with the approved use.

Disabled Access

51. 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.**
52. Sanitary facilities for persons with disabilities shall be provided in the building in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

Waste Management

53. 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.

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

Against the Motion: Nil

Councillor Soulos returned to the meeting room at 7.32pm.

3. DA2015/148 – 16-20 Smallwood Avenue, Homebush

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

In Favour of Application
Mr Tony Jreige On behalf of: Urbanlink Pty Ltd (Architects)

130/16

RESOLVED: (Vaccari/McLucas)

That DA2015/148 for the demolition of existing site structures and the construction of a nine (9) storey residential flat building containing (65) units including (26) x 1 bedroom units, (34) x 2 bedroom units and (5) x 3 bedroom units at 16-20 Smallwood Avenue, Homebush, be granted APPROVAL subject to the following conditions:

PART B - OTHER CONDITIONS

Plans

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

Site Plan/ Roof Plan, DWG No. DA-101, Issue C, Prepared by Urbanlink, Received by Council 23 February 2016.

Basement 2, DWG No. DA-102, Issue D, Prepared by Urbanlink, Received by Council 6 May 2016.

Basement 1, DWG No. DA-103, Issue D, Prepared by Urbanlink, Received by Council 6 May 2016.

Ground Floor Plan, DWG No. DA-104, Issue D, Prepared by Urbanlink, Received by Council 6 May 2016.

Level 1-4 Plan, DWG No. DA-106, Issue C, Prepared by Urbanlink, Received by Council 23 February 2016.

Level 5-7 Plan, DWG No. DA-107, Issue C, Prepared by Urbanlink, Received by Council 23 February 2016.

Level 8 Plan, DWG No. DA-108, Issue C, Prepared by Urbanlink, Received by Council 23 February 2016.

Section A-A, DWG No. DA-201, Issue C, Prepared by Urbanlink, Received by Council 23 February 2016.

Section B-B, DWG No. DA-202, Issue D, Prepared by Urbanlink, Received by Council 6 May 2016.

Section C-C, DWG No. DA-204, Issue C, Prepared by Urbanlink, Received by Council 23 February 2016.

South Elevation, DWG No. DA-301, Issue C, Prepared by Urbanlink, Received by Council 23 February 2016.

West Elevation/ Streetscape, DWG No. DA-302, Issue C, Prepared by Urbanlink, Received by Council 23 February 2016.

North Elevation, DWG No. DA-303, Issue C, Prepared by Urbanlink, Received by Council 23 February 2016.

East Elevation, DWG No. DA-304, Issue C, Prepared by Urbanlink, Received by Council 23 February 2016.

BASIX Certificate No.679016M_02, Prepared by AGA Consultants, Received by Council 23 February 2016.

Ground Floor Landscape Plan, DWG No. L/01, Rev B, Prepared by ATC Landscape Architects, Received by Council 23 February 2016.

Level 1-4 Landscape Plan, DWG No. L/02, Rev B, Prepared by ATC Landscape Architects, Received by Council 23 February 2016.

Level 5-7 Landscape Plan, DWG No. L/03, Rev B, Prepared by ATC Landscape Architects, Received by Council 23 February 2016.

Level 8 Landscape Plan, DWG No. L/04, Rev B, Prepared by ATC Landscape Architects, Received by Council 23 February 2016.

Roof Drainage Plan, DWG No. 15MB6840/D01, Issue B, Prepared by United Consulting Engineers, Received by Council 23 February 2016.

Level 8 Drainage Plan, DWG No. 15MB6840/D02, Issue B, Prepared by United Consulting Engineers, Received by Council 23 February 2016.

Level 1-4 Drainage Plan, DWG No. 15MB6840/D04, Issue B, Prepared by United Consulting Engineers, Received by Council 23 February 2016.

Ground Floor Drainage Plan, DWG No. 15MB6840/D05, Issue B, Prepared by United Consulting Engineers, Received by Council 23 February 2016.

Basement 1 Drainage Plan, DWG No. 15MB6840/D06, Issue B, Prepared by United Consulting Engineers, Received by Council 23 February 2016.

Basement 2 Drainage Plan, DWG No. 15MB6840/D07, Issue B, Prepared by United Consulting Engineers, Received by Council 23 February 2016.

Proposed Pipe Long Section, DWG No. 15MB6840/D08, Issue C, Prepared by United Consulting Engineers, Received by Council 9 May 2016.

Drainage Details Sheet 1, DWG No. 15MB6840/D09, Issue B, Prepared by United Consulting Engineers, Received by Council 23 February 2016.

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

4. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

Special Conditions

5. The following privacy measures shall be installed and maintained at all times:
- (a) The windows marked in red with the word 'privacy' on the approved stamped plans shall be either fitted with opaque glazing or highlight windows to a minimum sill height of 1.7m.

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

6. Any fencing forward of the building line shall have a maximum height of 1.2m above natural ground level on the subject site.
7. Full compliance shall be given to the recommendations contained in the endorsed Acoustic Report prepared by Acoustic Noise and Vibration Solutions.
8. Full compliance is to be given to the recommendations contained in the endorsed Preliminary Site Investigation prepared by Benviron.
9. Additional windows shall be provided to Units G05, 105-405, 106-406, 504-705 and 505-705 as marked in red on the approved stamped plans to provide improved cross ventilation.
10. **Prior to the issue of a Construction Certificate**, certification shall be submitted to the Principal Certifying Authority demonstrating that at least 20% of the residential units meet the silver level Universal Design Guide requirements of the Livable Housing Design. In order to meet the requirements, the following must be achieved:
- (a) A safe continuous and step free path of travel from the street entrance and/or parking area to a dwelling entrance that is level.
- (b) Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.
- (c) A toilet on the ground (or entry) level that provides easy access.
- (d) A bathroom that contains a hobless (step-free) shower recess.
- (e) Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date
- (f) A continuous handrail on one side of any stairway where there is a rise of more than one metre.
- (g) Stairways are designed to reduce the likelihood of injury and also enable future adaptation.
11. **Prior to the issue of a Construction Certificate**, amended plans shall be prepared demonstrating ten (10) units as adaptable units in accordance with Australian Standard 4299. The amended plans shall be certified by a suitably qualified Access Specialist.

12. **Prior to the issue of a Construction Certificate**, amended plans shall be prepared demonstrating a total of ten (10) disabled parking spaces in accordance with Australian Standard 2890.6.
13. **Prior to the issue of a Construction Certificate**, a suitably qualified Civil or Traffic Engineer shall certify that the use of the basement ramp for medium-ridged vehicles (MRV) complies with AS2890.2 and will cause no scrapping to the underside of a medium ridged vehicle.
14. **Prior to the issue of a Construction Certificate**, a suitably qualified architect shall certify that each 1 bedroom unit is provided with a minimum internal area of 50m², each 2 bedroom unit is provided with a minimum internal area of 75m² and each 3 bedroom unit is provided with a minimum internal area of 95m². It shall also be certified that the gross floor area does not exceed 4,408m².
15. **Prior to the issue of a Construction Certificate**, an updated acoustic report shall be prepared which considers the 24-hour operation of the adjacent Sydney Markets and potential impacts on sleep distances. The amended acoustic report shall demonstrate the proposal will comply with the requirements of the NSW Environmental Protection Authority Industrial Noise Policy.
16. **Prior to the issue of a Construction Certificate**, amended plans shall be prepared which provide a communal clothes-drying facility in a suitable location behind the building line.

General

17. 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.
18. Development consent shall be obtained from Council prior to the demolition of the existing buildings/structures on the property.
19. 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.

20. 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.
21. **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.
22. Storage of goods or the use of portable clotheslines on balconies visible from a public place is strictly prohibited.
23. 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.
24. 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

25. 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	\$ 55,631.10
Provision of Major Open Space	\$267,747.90
Provision of Local Open Space	\$107,421.30
Provision Roads and traffic Management	\$183,011.00
Administration	\$ 11,398.80

TOTAL	\$625,210.10
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The total amount of the contribution is valid as at the date of determination and is subject to annual indexation. If the contribution is paid after 1st July in any year, the amount of the contribution under this condition shall be indexed in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

The required contribution shall be paid **prior to the issue of a Construction Certificate or as otherwise specified in writing by Council.**

26. A security payment of \$7,508.00 in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council **prior to the issue of a Construction Certificate**. The security payment is GST inclusive and comprises the following:

Refundable tree protection bond	\$3,000.00
Refundable works bond	\$4,000.00

Non-refundable administration fee (\$127/bd)	\$ 508.00
TOTAL	\$7,508.00

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

27. 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

28. A total of 100 off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residents (10 Disabled)	87
Visitors	13
Car wash	<u>1</u>
TOTAL	100

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.

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

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

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29. All vehicles associated with the approved use shall be parked within the parking spaces on the site and not on adjacent footpath, access driveways or landscaped areas.
30. 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.
31. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.
32. All vehicles entering and leaving the site shall be driven in a forward direction only.
33. All driveways shall be separated from landscaped areas by a minimum 150mm high by 150mm wide concrete kerb or similar.
34. The vehicle spaces must not be enclosed with walls or meshed security screens without the prior approval of Council.
35. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
36. 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.
37. 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.**
38. 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)

39. 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.

Drainage/Stormwater

40. Council's Stormwater Management Code requires that an emergency overflow is provided from the On-Site Detention (OSD) tank in case of orifice plate blockage or failure. No emergency overflow has been indicated on the submitted drawings. An emergency overflow pipe or path must be provided to the OSD tank at the top water level. This overflow pipe or path should be connected into the drainage system downstream of the OSD tank, and shall have capacity to convey the full 100 Year ARI flows. Revised details of the On-Site Detention system (incorporating emergency overflow measures) shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
41. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to Council's drainage system located in Smallwood Ave.
42. 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 (subject to the requirements of the above special conditions). 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.**

43. 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.**

44. **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 and Strathfield Council Stormwater Management Code.

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.

45. 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.**

46. 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.

47. All pits shall be constructed in accordance with Australian Standard AS3500.3.
48. All subsoil drainage must be designed to meet the requirements of AS3500;
49. 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.
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50. Any stormwater pits in basement areas, except across driveways that are open to the sky, shall not be grated pits in order to minimise potential for stormwater pollution from potential basement operations.
51. 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 Silt Arrestor Pit. Final details of this system are to be submitted with the Construction Certificate application.
52. Connection to the existing stormwater system is acceptable provided the existing system is evaluated to have the required hydraulic capacity by a qualified professional Civil Engineer, in accordance with Council's Stormwater Management Code. In the case that the existing drainage system is found to be inadequate for the additional load, the existing system shall be upgraded or replaced as necessary to comply with the requirements above.
53. The OSD basin must be graded to drain completely and gradients shall not be less than 1%. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
54. 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.
55. 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.
56. 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.
57. 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.
58. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the:
 - (a) Surface flow path
 - (b) Finished pavement and ground levels
 - (c) Prevent erection of structures or fencing
 - (d) On-site stormwater detention system
 - (e) 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. **Connection to Council's Drainage System**

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59. The connection to Council's street drainage system shall consist of a pipeline across to the street kerb with the pipeline then continuing across Smallwood Avenue to connected Council's piped system.
60. The pipe shall be minimum 375mm in diameter with reinforced concrete spigot and socket with rubber ring joints or equivalent, as approved by Council. A pit shall be constructed at the property boundary, and at the kerb line / connection to Council's pipe.
61. The proposed drainage line connecting to Council's drainage pipe in Smallwood Avenue shall be constructed by the Applicant **prior to the issue of a occupation Certificate.**
62. All tanks, including sediment tank and proprietary cleansing devices shall be inspected quarterly and cleaned as necessary, or as specified by the manufacturer. The accumulated sediment / pollutants should be disposed off site as per standard practice and National guidelines. A record of quarterly maintenance of all devices shall be kept and produced when requested by Council.
63. 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.
64. 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.
- (a) An Operational Management and Maintenance Report is required to be submitted to the Principal Certifying Authority **prior to the issue of a Subdivision 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.
65. Details of the proposed drainage works in Smallwood Avenue to relocate Council's existing lintel inlet pit, create new low point over the proposed lintel inlet pit in the gutter and construct drainage line across the road shall be prepared by a qualified hydraulics engineer and submitted for approval of Manager Infrastructure Planning Prior to the issue of a
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Construction Certificate. A plan and long section for the proposed drainage and road works shall show the location of existing and proposed low point in the gutter, details for reconstruction of the road shoulder and kerb and gutter.

66. Three (3) hard copies of plan and long section for the proposed road works, kerb and gutter and drainage in Smallwood Avenue shall be prepared by a qualified hydraulics/civil engineer and submitted for approval of Council's Manager Infrastructure Planning. Details shall include plan and long section of the proposed 375mm reinforced concrete pipe in Smallwood Avenue, Structural details and surface and invert level of the proposed drainage pits, proposed connection from the On-site Stormwater Detention storage (OSD) to Small wood Avenue and surface and invert level of the OSD.
67. The utility services within the area of effect of the proposed drainage works (i.e. gas, water, sewer, electricity, telephone, etc) shall be physically located and shown on the long section of the proposed drainage line in Small wood Avenue. 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 or RMS.

Public Authority Matters

68. (a) **Prior to the issue of an Occupation Certificate** all existing overhead electricity and telecommunication cabling adjacent to the development site shall be consolidated into a single Aerial Bundle Cable (ABC) at the applicants' expense in accordance with the specifications of AusGrid and the telecommunications supplier; and
- (b) The existing power pole on the Parramatta Road frontage of the site shall be replaced with a Aluminum Fyntrim Multipole Macarthur or similar pole (ie multi-function light poles) with single outreach arm incorporating suitable lighting to the relevant Australian Standard and requirements of RMS.

Landscaping/Tree Matters

69. 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>
13) Pistachia chinensis	8 x 8	Adjoining property	4.68	2.47
18) Tristaniopsis laurina	7 x 7	Road reserve	4.8	2.3
20) Tristaniopsis laurina	7 x 7	Road reserve	3.6	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 AS4970-2009: *Protection of Trees on Development Sites*, Section 4 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.

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

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>
All trees marked for removal		On site
18) <i>Tristanopsis laurina</i>	7 x 7	Road reserve at front
21) <i>Lagerstroemia indica</i>	6 x 8	22 Smallwood Ave
22) <i>Cinnamomum camphora</i>	20 x 20	22 Smallwood Ave

73. All trees permitted to be removed by this consent shall be replaced by species selected from Council's recommended planting list. Replacements shall be a minimum 50 litre container size and shall be maintained until maturity.
74. The following post construction measures are to be carried out on the Tree 13 *Lagerstroemia indica* and Trees 18 and 20 *Tristanopsis laurina*:
- (a) Monitor Trees 13, 18 and 20 for signs of decline for a period of 12 months following construction.
 - (b) If required take corrective action as recommended by Council's Tree Co-ordinator. Such measures shall be certified by a minimum level 5 (AQF 5) Consultant Arborist who is currently a member or eligible for membership to the *Institute of Australian Consulting Arboriculturists (IACA)* or *Arboriculture Australia (AA)*.

75. Consent is given for the removal of the existing Tree 17 *Tristanopsis laurina* (street tree) subject to the following:
- (a) A minimum of one (1) replacement *Tristanopsis laurina* shall be provided within Council's nature strip as near as possible to the development site. (To be determined by Council's Tree co-ordinator)
 - (b) Trees are to conform to the *NATSPEC guide* and *Guide for assessing the quality of and purchasing of landscape trees* by Ross Clarke, 2003.
 - (c) Replacement trees shall be minimum 50 litre container size. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self-supporting. Supplied trees are to have an appropriate stem taper. Roots shall generally grow in an outwards (radial) or downwards direction.
 - (d) All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
 - (e) Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
 - (f) Minimum 75mm depth of organic mulch shall be placed within an area 0.5m radius from the base of the tree.
76. 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).
77. 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.
78. To protect existing trees, masonry fence piers must be setback a minimum 3.0 metre radius from Tree 13 *Lagerstroemia indica* and Trees 18 and 20 *Tristanopsis laurina* and all masonry walling between the piers within this zone must be supported on concrete beams (not strip footings).
79. Manual excavation is required within canopy spread of the 13 *Lagerstroemia indica* and Trees 18 and 20 *Tristanopsis laurina*. Severance of roots greater than 40mm diameter outside of the SRZ but within the TPZ is to be carried out by hand under the supervision of an AQF5 qualified consulting arborist.
80. 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.
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Construction Matters

81. **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.
82. 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**.
83. 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).
84. 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.
85. 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.
86. If the existing ground levels are altered during construction, Council may require a survey plan of the finished ground levels to be prepared and submitted **prior to the issue of an Occupation Certificate** to determine if there have been changes to the pre-development levels and if there are any impacts on adjoining properties as a result.
87. 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.
88. 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.
89. 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.

90. 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.

91. 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.
92. 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**.
93. 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

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

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

Sustainability

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

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

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

Demolition

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

Fire Safety Measures

101. 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**.
102. 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

103. 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.
104. 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.

105. An overhead 'B' type hoarding shall be constructed where material is being hoisted over or across a public way.
106. 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.
107. 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.
108. Permits are required to erect Class 'A' or 'B' type hoardings. If any type hoarding is to occupy a section of Council's property, that section will require a permit for the occupation of Council's property. The applicant, owner, builder or site supervisor must apply for specific permits. The application form is available from Council's Customer Service Department.

Air Quality

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

110. Full compliance shall be given to the recommendations contained in the endorsed acoustic consultant's report.
111. Any noise generated on the premises from the use at any time shall not have any detrimental effect on the occupants of any adjoining residential dwellings.

Subdivision

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

Disabled Access

113. 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.**

Waste Management

114. Submission of a comprehensive Waste Management Plan to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate. Such plan shall address demolition, construction and operation waste arising from the development and shall include:-
- (a) type and likely quantity of waste arising from the demolition and construction activities;
 - (b) storage, disposal and recycling measures for all demolition and construction waste, including specific disposal points and arrangements;
 - (c) provision for a suitable number of 660L litre garbage bins and 240 litre recycling bins for the residential development;
 - (d) storage, disposal, collection and recycling arrangements for all trade and operational waste; and
 - (e) fitout details of any garbage/waste enclosures and storage areas.

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

115. The waste storage room shall be designed to comply with the relevant standards and details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
116. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property as follows:
- (a) Full and free right must be provided to Strathfield Council employees or its authorised contractors to:
 - (i) Enter upon the land and remove any waste products using any vehicle or equipment as necessary;

- (b) The owner of the lot burdened shall be solely responsible for the cost of maintaining in good and sufficient repair at all times the internal roads or access ways used by Strathfield Council for the purpose of exercising its rights as set out in clause (a) above.

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

Integrated Development

117. Compliance with the conditions required by NSW Office of Water by letter dated 5 April 2016 **attached** as Annexure to this consent.

NSW Office of Water

118. 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.
119. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
120. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
- a. any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - b. any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - c. where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
121. 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.
122. DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at

Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

123. The following shall be included in the initial report:
- 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.
 - 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.
 - 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.
 - a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]
124. 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.
125. 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.
126. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
127. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).
128. A copy of a valid consent for the development shall be provided in the initial report.
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129. 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.
130. 13. 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

131. 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.
132. 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.
133. 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.
134. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
135. 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.
136. 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.
137. 20. 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

138. 21. 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.

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

Land Contamination

140. 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.
141. 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.
142. 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.
143. Any soils proposed for removal from the site should initially be classified in accordance with the "waste Classification Guidelines Part 1: Classifying Waste" NSW DECC (2014).
144. A Hazardous Materials Assessment of the buildings should be undertaken prior to demolition being carried out on site.

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

Against the Motion: Nil

Councillor Vaccari vacated the meeting room at 7.35pm.

Councillor Datta vacated the meeting room at 7.35pm and left the meeting without a quorum.

MEETING ADJOURNED

The meeting was adjourned by the Mayor for two (2) minutes.

Councillor Datta returned to the meeting room at 7.37pm.

The meeting resumed at 7.37pm with the following Councillors present:

Councillor Ok

Councillor Datta

Councillor McLucas

Councillor Soulos

4. Housekeeping Planning Proposal

131/16

RESOLVED: (McLucas/Datta)

1. That Council endorse the draft Housekeeping Planning Proposal.
2. That Council submit the Housekeeping Planning Proposal to the Department of Planning and Environment for a Gateway Determination.
3. That Council request the Department of Planning and Environment to issue written authorisation for Council to exercise delegation in accordance with s23 of the Environmental Planning & Assessment Act 1979 to prepare and make the LEP following Gateway determination (and public exhibition).
4. That should a Gateway determination be issued, a further report be presented to Council following the public exhibition period, to demonstrate compliance with the Gateway determination and to provide details of any submissions received in the plan-making process.

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

Against the Motion: Nil

5. Draft Controls and Guidelines for Outdoor Dining Areas and Display Materials on Council Footpaths

It was noted that if Councillor Soulos left the meeting in accordance with his previously declared conflict of interest in the matter the meeting would lack a quorum and the Mayor deferred the matter to later in the meeting.

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

Nil.

9. COUNCILLORS' QUESTIONS TO THE MAYOR

Nil.

10. REPORTS FROM COMMITTEES

Report of Civic Events Advisory Committee Meeting held on 2 December 2015

132/16

RESOLVED: (Datta/McLucas)

That the minutes of the Civic Events Advisory Committee meeting held on 2 December 2015 be noted and the recommendations (if any) be adopted.

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

Against the Motion: Nil

Report of Civic Events Advisory Committee Meeting held on 2 March 2016

133/16

RESOLVED: (McLucas/Datta)

That the minutes of the Civic Events Advisory Committee meeting held on 2 March 2016 be noted and the recommendations (if any) be adopted.

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

Against the Motion: Nil

Report of Bike Track Taskforce Meeting held on 2 February 2016

134/16

RESOLVED: (Datta/McLucas)

That the minutes of the Bike Track Taskforce meeting held on 2 February 2016 be noted and the recommendations (if any) be adopted.

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

Against the Motion: Nil

Report of Anti-Graffiti Taskforce Meeting held on 24 February 2016

135/16

RESOLVED: (McLucas/Soulos)

That the minutes of the Anti-Graffiti Taskforce meeting held on 24 February 2016 be noted and the recommendations (if any) be adopted.

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

Against the Motion: Nil

Report of Anti-Graffiti Taskforce Meeting held on 10 March 2016

136/16

RESOLVED: (McLucas/Soulos)

That the minutes of the Anti-Graffiti Taskforce meeting held on 10 March 2016 be noted and the recommendations (if any) be adopted.

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

Against the Motion: Nil

Report of Youth Engagement Advisory Committee Meeting held on 2 March 2016

137/16

RESOLVED: (McLucas/Soulos)

That the minutes of the Youth Engagement Advisory Committee meeting held on 2 March 2016 be noted and the recommendations (if any) be adopted.

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

Against the Motion: Nil

Report of Audit Committee Meeting held on 11 May 2016

138/16

RESOLVED: (McLucas/Datta)

That the minutes of the Audit Committee meeting held on 11 May 2016 be noted and the recommendations (if any) be adopted.

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

Against the Motion: Nil

11. MOTIONS PURSUANT TO NOTICE

A. Notice of Motion signed by Councillor Bott

1. Amalgamation Legal Action

I MOVE:

That in the event the Land and Environment Court's decision from Woollahra Council's or Strathfield Council's action against amalgamation is unfavourable to Council's interests;

1. Council's lawyers immediately review the judgement and determine any grounds for appeal;
2. The General Manager immediately call an Extraordinary meeting of Council with no more than 3 days' notice; and

3. The meeting consider the legal advice and determine a future course of action.

139/16

RESOLVED: (McLucas/Datta)

That in the event the Land and Environment Court's decision from Woollahra Council's or Strathfield Council's action against amalgamation is unfavourable to Council's interests;

1. Council's lawyers immediately review the judgement and determine any grounds for appeal;
2. The General Manager immediately call an Extraordinary meeting of Council with no more than 3 days' notice; and
3. The meeting consider the legal advice and determine a future course of action.

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

Against the Motion: Nil

12. GENERAL BUSINESS

GM1. Annual Fundraising Dinner and Masquerade Ball for Child Protection Foundation

140/16

RESOLVED: (Datta/Ok)

That Councillors Ok and Datta attend the Fundraising Dinner and Ball and Council purchase tickets for the attendance of the Councillors.

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

Against the Motion: Nil

GM2. Legal Expenditure

141/16

RESOLVED: (McLucas/Datta)

That the report concerning Legal Expenditure be received and noted.

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

Against the Motion: Nil

CS1. Quarterly Budget Review as at 31 March 2016

142/16

RESOLVED: (Ok/McLucas)

1. That the Budget Review Statement as at 31 March 2016 be received and adopted.
2. That unexpended funds as at 30 June 2016 in respect of the Australian Korean Memorial Gardens project be transferred to the appropriate reserve account.

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

Against the Motion: Nil

CS2. Sundry Debt Write Off

143/16

RESOLVED: (McLucas/Datta)

That the debts outlined in the report totalling \$147,567.19 be approved for write off.

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

Against the Motion: Nil

CS3. Proposed Strategy on Identifying Graffiti Offenders in the Strathfield LGA

144/16

RESOLVED: (McLucas/Soulos)

1. That Council implement a financial reward for information leading to a conviction in instances of malicious damage to Council property.
2. That Council allocate \$6000 from the Graffiti Management Account for this purpose.

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

Against the Motion: Nil

CS4. Proposal for Changes to Methodology for Awards of Council Grants and In Kind Support

145/16

RESOLVED: (Datta/McLucas)

1. That Council adopt the methodologies outlined below to better manage its distribution of support and assistance to the Strathfield Community.
2. That Council approve the process to bring to account the real costs of “in kind” allowances for the purpose of transparency and accountability.

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

Against the Motion: Nil

CS5. Identification of Community Access Priorities in the Strathfield LGA

146/16

RESOLVED: (Datta/McLucas)

1. That Council adopt the identified areas to improve Community Access in the Strathfield LGA.
2. That works and initiatives identified are included in Council's future works programs and any necessary representations to other organisations are made.

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

Against the Motion: Nil

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

147/16

RESOLVED: (McLucas/Datta)

1. That pursuant to Clause 241 of the Local Government (General) Regulation 2005 the following matter be dealt with as it is considered to be of great urgency.
2. That this matter be considered in Closed Session as it relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege and on balance, the public interest in preserving confidentiality of legal information provided outweighs the public interest in openness and transparency in council decision-making by discussing the matter in open meeting.

- Outstanding Arrears of Former Licensee of Southend Tennis Centre

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

Against the Motion: Nil

The Chairman ruled that the matter was of great urgency.

14. CLOSED SESSION

148/16

RESOLVED: (McLucas/Datta)

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

1. Recovery Action – Unauthorised Waste Disposal Charges

This matter is being considered in Closed Session as it relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege and on balance, the public interest in preserving confidentiality of legal information provided outweighs the public interest in openness and transparency in council decision-making by discussing the matter in open meeting.

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

Against the Motion: Nil

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

1. Recovery Action – Unauthorised Waste Disposal Charges

149/16

RESOLVED: (McLucas/Datta)

1. That Council note the legal advice.
2. That Council, taking into consideration the legal advice, costs to be incurred and the likelihood of success determine not to proceed with initiating any further recovery action as outlined in the report.

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

Against the Motion: Nil

2. Urgent Business - Outstanding Arrears of Former Licensee of Southend Tennis Centre

150/16

RESOLVED: (McLucas/Datta)

1. That Council note the contents of the report.
2. That Council, taking into consideration the background and circumstances of this matter, determine not to proceed with initiating any further recovery action.
3. That Council accept the “without prejudice” offer of \$20,000 payable over twelve months as full settlement of the outstanding debt and agree to write off the balance outstanding of \$110,759.18.
4. That Council evidence this arrangement in a Deed of Release and authorise the affixing of Council’s seal to the Deed.
5. That Council authorise the General Manager to finalise the terms of the Deed, as may be advised by Council’s Solicitors, with the Deed including the matters outlined in this report.

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

Against the Motion: Nil

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

GENERAL BUSINESS

6. Draft Controls and Guidelines for Outdoor Dining Areas and Display Materials on Council Footpaths

In accordance with his previously declared conflict of interest in the matter Councillor Soulos prepared to leave the meeting room and the attention of the Mayor was drawn to a lack of quorum if Councillor Soulos left. It was agreed by those present not to discuss the matter and no discussion took place.

151/16

RESOLVED: (McLucas/Datta)

That the revised Draft Controls and Guidelines for Outdoor Dining Areas and for Display Material on Council Footpaths be deferred to the next Council Meeting.

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

Against the Motion: Nil

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 8.14PM.

The foregoing Minutes were confirmed at the meeting of the Council of the Municipality of Strathfield held on 7 June 2016.

Chairman _____ General Manager _____