

Minutes

Of the meeting of the:

Strathfield Local Planning Panel Meeting

Held on:

Thursday, 6 September 2018

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

TABLE OF CONTENTS

Item	Page No.
SLPP AGENDA ITEMS	
SLPP - Report No. 1 DA2017/186/01 - 5 The Crescent, Strathfield Lot 1 in DP 1021801	4
(Number of Speakers: 2)	
SLPP - Report No. 2 DA2015/127/02 - 19 Florence Street, Strathfield Lot 13 to 15 Sec 2 DP 581 Lot 5 DP 456916.....	6
(Number of Speakers: 3)	
SLPP - Report No. 3 DA2016/195/02 - 10 Homebush Road, Strathfield Lot 10 DP 2461	8
(Number of Speakers: 0)	
SLPP - Report No. 4 DA2018/119 - 10-14 Smallwood Avenue, Homebush Lots 10-12 in DP 9481	36
(Number of Speakers: 0)	

The meeting of the Strathfield Local Planning Panel Meeting was held in the Council Town Hall (Supper Room), 65 Homebush Road, Strathfield on **Thursday 6 September 2018**.

The meeting commenced at 10:00am and closed at **1.05pm**.

The Panel Members conducted site inspections for the purpose of considering items included on the Agenda-

Site inspection time commenced: **8.14am**

Site inspection time concluded: **9.17am**

PRESENT

The Hon Paul Stein QC AM – Chaired the meeting for Items 2, 3 and 4.

Ms Jan Murrell – Expert – Chaired the Meeting for Item 1.

John Evernden – Expert

Geoff Markwell - Community

ALSO PRESENT

Kandace Lindeberg, Principal Development Planner

Louise Mansfield, Senior Planner

Gregory Hansell, Senior Planner

Valentina Gorgioski, Administration Assistant

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil

Note: The Hon Paul Stein QC AM – Chair Absented from the site visit, public meeting and deliberations in relation to Item 1.

TO: Strathfield Local Planning Panel Meeting - 6 September 2018
REPORT: SLPP – Report No. 1
SUBJECT: DA2017/186/01 - 5 THE CRESCENT, STRATHFIELD
LOT 1 IN DP 1021801
DA NO. 2017/186/01

RECOMMENDATION

That Division 8.2 Review of determination of Development Application No. 2017/186 for the operation of Sunday classes from 8:00am to 9:15pm with 200 students at an existing educational establishment at 5 The Crescent, Strathfield be **REFUSED**, for the following reasons:

1. The proposed hours of operation and number of students **on a Sunday** is considered to be unsuitable to the location of the site on its merits (Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*). **The site enjoys existing use rights however the proposal would be unreasonable intensification of the use resulting in adverse environmental impacts on the locality and contrary to the objectives of the residential zone and the Council's Strathfield Consolidated Development Control Plan 2005 Part M.**
2. The proposal is considered unacceptable on its merits in that it fails to provide adequate parking arrangements (Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).
3. The proposal is considered unacceptable on its merits in that it is likely to result in unreasonable adverse amenity impacts on adjacent properties (Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).
4. The proposal is considered unacceptable on its merits in that it is likely to result in unreasonable traffic congestion on the surrounding road network (Sections 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*). **The road access to the college is from The Crescent and this is a narrow cul de sac where there are vehicular and pedestrian conflicts including it is also used for the railway maintenance on weekends as well as accessing the many residential apartment buildings in the street.**
5. The proposal is not in the public interest (Section 4.15 (1) (e) of the *Environmental Planning and Assessment Act 1979*).

RESOLUTION

This application be **REFUSED** for the following reasons:

REASONS:

The panel notes the additional information tabled at the public meeting by the Applicant to address the acoustics issues, however the reasons for Refusal as noted above relate to the over intensification of the site and the conflicts of pedestrian and traffic movements.

As such the S8.2 Review affirms the original decision and refuses the application for the above reasons.

For: J. Murrell, J. Evernden, G. Markwell

Against: Nil

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

TO: Strathfield Local Planning Panel Meeting - 6 September 2018
REPORT: SLPP – Report No. 2
SUBJECT: DA2015/127/02 - 19 FLORENCE STREET, STRATHFIELD
LOT 13 TO 15 SEC 2 DP 581
LOT 5 DP 456916
DA NO. 2015/127/02

RECOMMENDATION

Pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, the proposed modification to Development Consent No. 2015/127/02 to increase the number of children from 99 to 121 at an approved childcare centre at 19 Florence Street, Strathfield be **REFUSED** for the following reasons:

1. The proposed modification does not comply with the relevant car parking provisions as prescribed in Strathfield Consolidated Development Control Plan 2005 and the Child Care Planning Guideline accompanying State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Sections 4.15(1)(a)(i) & 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*). **In addition the application is inconsistent with the Strathfield Consolidated Development Control Plan 2005 Part M.**
2. The proposed modification is likely to result in unreasonable adverse impacts on the amenity of the neighbourhood and operational efficiency of the surrounding road network by reason of increased on-street parking, traffic congestion and noise emissions (Sections 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*). **The situation is exacerbated by the narrowness of Albyn Street and the right turns from Albyn Street into the child care centre.**
3. The information submitted with the proposed modification is inadequate in terms of demonstrating that the existing acoustic amenity of adjacent residents is maintained. **The panel notes that this issue may be resolved by way of condition or amendment to the Plan of Management.**
4. The proposed modification is not considered to be suitable for the site (Section 4.15 (1) (c) of the *Environmental Planning and Assessment Act 1979*).
5. The proposed modification is not considered to be in the public interest (Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act 1979*).

RESOLUTION

This modification application be **REFUSED** for the following reasons:

REASONS:

The panel notes that the applicant asked this matter be deferred to lodge a amended acoustic report. The panel is of the view that the fundamental reason for the refusal of this application relates to traffic and parking issues. Accordingly, the panel is of the view that this application should not be deferred.

For: P. Stein, J. Evernden, J. Murrell, G. Markwell

Against: Nil

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

TO: Strathfield Local Planning Panel Meeting - 6 September 2018
REPORT: SLPP – Report No. 3
SUBJECT: DA2016/195/02 - 10 HOMEBUSH ROAD, STRATHFIELD
 LOT 10 DP 2461
DA NO. DA2016/195/02

RECOMMENDATION

Pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, the proposed modification(s) to Development Consent No. DA2016/195/02 involving modifications to internal configuration of lodger rooms, external changes to window screens, balconies and external finishes to the approved boarding house development at 10 Homebush Road, Strathfield be **APPROVED**, subject to:

1. The original conditions of consent as approved by SIHAP on 4 May 2017 for demolition of existing structures and construction of a boarding house containing (52) lodger rooms over one (1) level of basement parking under the Affordable Rental Housing SEPP 2009.
2. As modified by Section 96(1) modification application Application (DA2016/195/01) as approved by Delegated Approval on 15 February 2018 for the modification of Development Consent.
3. As modified by Section 4.55(2) Application (DA2015/195/02) for internal reconfiguration of units and external changes to window screens, balconies and external finishes to approved boarding house development. Accordingly, the modification consent is as follows:

- Condition 1 be amended as follows:

DAGC001 APPROVED PLANS AND REFERENCE DOCUMENTATION

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2016/195/02:

Drawing No.	Title/Description	Prepared By	Issue/ Revision & Date	Date Received by Council
A1101	Demolition Plan	Ghazi Al Ali Architect	A	22 December 2016
A1200	Basement Plan	Ghazi Al Ali Architect	Project No. 69.15, Rev 'B' dated 11/04/2018	12 April 2018
A1201	Ground Floor Plan	Ghazi Al Ali Architect	Project No. 69.15, Rev 'A' dated 16/01/2018	12 April 2018
A1202	Level 01-03	Ghazi Al Ali Architect	Project No. 69.15, Rev 'A' dated 11/04/2018	12 April 2018
A1203	Level 04	Ghazi Al Ali Architect	Project No. 69.15, Rev 'A' dated 11/04/2018	12 April 2018

MINUTES

A1204	Roof Plan	Ghazi Al Ali Architect	Project No. 69.15, Rev 'A' dated 11/04/2018	12 April 2018
A1500	West & East Elevation Plan	Ghazi Al Ali Architect	Project No. 69.15, dated 11/04/2018	12 April 2018
A1501	North & South Elevation	Ghazi Al Ali Architect	Project No. 69.15, Rev 'A' dated 11/04/2018	12 April 2018
A1601	Material Schedule	Ghazi Al Ali Architect	B	23 March 2017.
A1602	Material Board	Ghazi Al Ali Architect	A	30 March 2017
A1700	Section AA & Section BB Plan	Ghazi Al Ali Architect	Project No. 69.15, Rev 'B' dated 11/04/2018	12 April 2018
101	Stormwater Layout Plan Basement Level Sheet 1 of 2	Australian Consulting Engineers	Project No. 171561, Issue 'A' dated 06/04/2018	12 April 2018
102	Stormwater Layout Plan Basement Level Sheet 2 of 2	Australian Consulting Engineers	Project No. 171561, Issue 'A' dated 06/04/2018	12 April 2018
103	Stormwater Layout Plan Ground Level	Australian Consulting Engineers	Project No. 171561, Issue 'A' dated 06/04/2018	12 April 2018
104	Stormwater Layout Plan Level 1	Australian Consulting Engineers	Project No. 171561, Issue 'A' dated 06/04/2018	12 April 2018
105	Catchment Plan	Australian Consulting Engineers	Project No. 171561, Issue 'A' dated 06/04/2018	12 April 2018
106	On-site Detention Details and Calculation Sheet 1 of 2	Australian Consulting Engineers	Project No. 171561, Issue 'A' dated 06/04/2018	12 April 2018
107	On-site Detention Details and Calculation Sheet 2 of 2	Australian Consulting Engineers	Project No. 171561, Issue 'A' dated 06/04/2018	12 April 2018
108	WSUD Details Sheet	Australian Consulting Engineers	Project No. 171561, Issue 'A' dated 06/04/2018	12 April 2018
109	Miscellaneous Details Sheet	Australian Consulting Engineers	Project No. 171561, Issue 'A' dated 06/04/2018	12 April 2018
110	Sediment & Erosion Control Plan	Australian Consulting Engineers	Project No. 171561, Issue 'A' dated 06/04/2018	12 April 2018
LPDA-16- 469/1	Landscape Plan	Conzept Landscape Architects	A	22 December 2016
A2301	Typical Kitchen Details	Ghazi Al Ali Architect	A	22 December 2016

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2016/195/02:

Title / Description	Prepared By	Issue/ Revision & Date	Date Received by Council
Plan of Management	Nexus Environmental Planning	A	22 December 2016
Acoustic Report	Acoustic Consulting Engineers	A	22 December 2016
Disability Access Report	Access Solutions	A	22 December 2016.
Flood Assessment Report	SGC Engineering	A	17 March 2017
Section J Compliance Report	BCA Innovations	Project No. PRO- 01956-V0W2 Issue v1.0 Dated 10/04/2018	12 April 2018
Geotechnical Investigation Report	Geo-environmental Engineering	A	22 December 2016
Traffic and Parking Assessment Report	Parking & Traffic Consultants	A	22 December 2016
Waste Management Plan	Ghazi Al Ali Architect	A	22 December 2016
BCA Indicative Compliance Report	Building Innovations Australia	A	22 December 2016
Stage 1 Preliminary Environmental Site Investigation Report	Geo-environmental Engineering	A	22 December 2016

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

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

- Condition DACC050 be amended as follows:

DACC050 SECTION 94 CONTRIBUTIONS (DIRECT CONTRIBUTIONS PLAN)

In accordance with the provisions of s94(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:

TOTAL: \$372,285.97

The total amount of the contribution is valid as at the date of determination of the s96 application consent DA2016/195 (being the date of the orders upholding the Land and Environment Court proceeding 2017/00249174) and is subject to quarterly indexation from that date. Contributions shall be indexed at the time of payment and in accordance with clause 2. 14 of the Strathfield Direct Contributions Plan 2010-2030. Contributions must be receipted by Council and submitted to the Accredited Certifier, prior to the issue of any Construction Certificate.

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

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

(Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development)

Accordingly, Development Consent No. DA2016/195/02 is approved as following:

Special Conditions (DASC)

DASP001 UNIT SIZES

Units G03, 108, 109, 405 & 406 are to be increased in size to comply with the minimum 12m² single lodger unit sizes as required by Clause 29 of the Affordable Rental Housing SEPP 2009. Kitchen and laundry facilities shall not be included when calculating room size and may need to be deleted in order to comply with the minimum standards. Amended plans demonstrating compliance with this requirement shall be submitted to and approved by the Principle Certifying Authority **prior to issue of a Construction Certificate.**

(To ensure units comply with the requirements of the Affordable Rental Housing SEPP 2009)

DASP002 STREET TREE REMOVAL & REPLACEMENT

Consent is given for the removal of the existing 1x Lophostemon confertus (Brush Box) located in the nature strip to accommodate the proposed new driveway entrance at 10 Homebush Rd, Strathfield, subject to the following:

- Tree is to be removed (including stump ground), replaced with a specimen selected by Council (species to be confirmed) and maintained for a 12 month establishment phase at the expense of the applicant.
- All tree work must be undertaken by a minimum AQF3 qualified Arborist.
- All tree work must be in accordance with Australian Standard (AS) 4373-pruning of amenity trees.
- It is the responsibility of the applicant to call Dial before you dig to locate any underground services and the applicant is responsible for any damages incurred to these services as a result of works being undertaken.
- Council will be required to inspect the quality of replacement specimen at time of installation. A follow up inspection will be conducted after 12 months to assess the health of the replacement tree.

TREE REPLACEMENT SPECIFICATIONS

- Replacement tree shall be minimum 400 Litre container size.
- Plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, with a large healthy root system with no evidence of root curl, restriction or damage. Tree is to have a single leader and clear straight trunk.
- Tree is 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 tree.

- Specimen must be in accordance with NATSPEC specifications and guidelines.
- Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
- Minimum 75mm depth of organic mulch shall be placed within an area .05m radius from the base of the tree, leaving a 150mm gap around the stem free of mulch.
- Tree must not be planted directly back in the same spot as previous tree that has been removed. If there is no feasible spot to replace tree at the front of 10 Homebush Rd, Strathfield, Council will nominate an alternate location for replanting.

(Reason: To ensure the landscape character of the locality is maintained)

DASP003 JUNCTION PIT

The proposed junction pit in Homebush Road shall be constructed over Council's drainage pipe in Homebush Road with a 600mmx900mm heavy duty solid Gatic asphalt infill solid lid. If it is found that Council's pipe is under the kerb and gutter than the lid over the pit shall be constructed at the front of the gutter.

(Reason: To maintain Council's infrastructure)

DASP004 WATER SENSITIVE URBAN DESIGN

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:

- a. 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).*
- b. 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.*
- c. 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.*
- d. The filter media of the bioretention basin (rain garden) shall comply with the requirements set out in "Strathfield Council WSUD Reference Guideline", "Guidelines for Soil Filter Media in Bioretention Systems" (Facility for Advancing Water Biofiltration) and the minimum hydraulic conductivity approved as part of the Stormwater Quality Management Plan.*
- e. A minimum of eight (8) plants per square metre are required for the rain garden. The rain garden is not to operate until the end of the construction phase.*

(Reason: To achieve compliance with Council's WSUD requirements)

DASP005 SEDIMENT TANK

The sediment tank shall be inspected quarterly and cleaned as necessary. The accumulated sediment should be disposed off site as per standard practice and National guidelines. A record of quarterly maintenance of the sediment tank shall be kept and produced when requested by Council.

(Reason: To comply with National guidelines)

DASP006 OPERATIONAL MANAGEMENT AND MAINTENANCE REPORT

An Operational Management and Maintenance Report is required to be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate** outlining the proposed long term operational management and maintenance requirements of the stormwater system on the site.

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

(Reason: maintain stormwater system on site)

DASP007 STORMWATER DRAINAGE

The following stormwater precautions are required to be provided on the site:

- a. Grated drains shall be provided along the basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.
- b. The OSD basin must be graded to drain completely and gradients shall not be less than 1%. Discharge restriction from the OSD shall be by use of appropriately sized short length of reduced diameter pipe and weir; orifice plate shall not be used and a coefficient of 0.8 shall be used for designing the pipe. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
- c. 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.

General Conditions (DAGC)**DAGC004 BOARDING HOUSE (APPROVED USE)**

This approval is granted for the use of the land for the purposes of a Boarding House comprising a maximum of 52 Boarding Rooms (plus one Manager's Room). This includes six (39) double rooms (maximum 2 persons per room) and eleven (11) single rooms (maximum 1 person per room).

All lodgers shall be required to reside on the premises for a minimum period of three (3) months in accordance with the definition of a Boarding House under the Strathfield Local Environmental Plan 2012.

The approved boarding house must operate within the definition of 'boarding house' under SLEP 2012. The approved boarding house cannot be strata or community title subdivided.

(Reason: To clarify the terms of the approval and to control the maximum number of lodgers living in the premises at any one time)

DAGC005 BUILDING HEIGHT (MAXIMUM RL TO BE COMPLIED WITH)

The height of the building measured to Australian Height Datum (AHD) must not exceed Relative Level (RL) 28.80AHD to the ridge of the lift shaft and 28.20AHD to the remaining roof ridge of the building.

(Reason: To ensure the approved building height is complied with)

DAGC007 CONSTRUCTION HOURS

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Fridays and 8am to 1pm Saturdays.

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

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

(Reason: To maintain amenity to adjoining land owners)

DAGC008 CONSTRUCTION WITHIN BOUNDARIES

The development including but not limited to footings, walls, roof barges and guttering must be constructed wholly within the boundary of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath or adjoining land.

(Reason: Approved works are to be contained wholly within the subject site).

DAGC009 DEMOLITION (GENERALLY)

Alteration and demolition of the existing building is limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is not shown to be altered or demolished.

(Reason: To ensure compliance with the approved development)

DAGC011 DEMOLITION (SITE SAFETY FENCING)

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

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained including:

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory requirement and health and safety)

DAGC016 LANDSCAPING (CANOPY TREES IN FRONT SETBACK)

New development shall provide at least two (2) canopy trees within the front setback adjacent the front boundary (existing trees may be included). New canopy trees shall be at least three (3) metres high at the time of planting and capable of reaching a mature height of 10m.

Species shall be selected from Council's Recommended Tree List (Available from Council's website or from the Customer Service Centre). Compliance with this condition is to be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To ensure the landscape character of the locality is maintained)

DAGC017 LANDSCAPING (IRRIGATION OF COMMON AND PRIVATE LANDSCAPE AREAS)

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 satisfy all relevant Australian Standards. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior occupation of the premises.

(Reason: To ensure appropriate landscape maintenance)

DAGC022 MATERIALS (EXTERNAL MATERIALS AND REFLECTIVITY)

All external materials and finishes including windows and doors and roofing materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority.

(To minimise excessive glare and reflectivity)

DAGC023 MATERIALS (SCHEDULE OF EXTERNAL MATERIALS, FINISHES AND COLOURS)

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

(Reason: To ensure compliance with this consent)

DAGC024 PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN

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

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

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

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

(Reason: Statutory requirement)

DAGC025 PRIVACY (SCREEN PLANTING TO SIDE AND REAR BOUNDARIES)

Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m shall be planted along the side and rear boundaries to provide suitable privacy screening. Screen planting shall be maintained at all times. Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority. Compliance with this condition shall be certified by the Principal Certifying Authority, prior to occupation of the premises.

(Reason: To maintain privacy amenity to neighbouring residences)

DAGC027 SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

- (a) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- (b) Demolition must be carried out by a registered demolition contractor.
- (c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out.
- (d) No blasting is to be carried out at any time during construction of the building.
- (e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (f) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- (g) Any demolition and excess construction materials are to be recycled wherever practicable.
- (h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (i) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- (j) All waste must be contained entirely within the site.
- (k) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- (l) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- (m) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling.
- (n) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- (o) Public footways and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- (p) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead

- to the discharge of materials into the stormwater drainage system.
- (q) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
 - (r) Any work must not prohibit or divert any natural overland flow of water.
 - (s) Toilet facilities for employees must be provided in accordance with WorkCover NSW.
 - (t) Protection pads are to be installed to the kerb and gutter where trucks and vehicles enter the site.

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

DAGC031 WASTE (TRACKABLE)

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

Reason: To ensure compliance with legislation)

Conditions to be satisfied prior to the issue of a Construction Certificate (DACC)

DACC003 CLARIFICATION OF THE DOCUMENTATION

Prior to the issue of the Construction Certificate the plans shall be notated demonstrating the "accessible rooms" required by the Boarding House.

DACC004 ACCESSIBLE ROOMS

The "accessible rooms" in the boarding house are to be fully accessible at occupation stage.

DACC005 SLIDING DOORS TO BATHROOMS IN ACCESSIBLE ROOMS

The sliding dooring to bathrooms in accessible rooms G01 and G02 are to have a clear opening of at least 850mm when the doors are fully opened to comply with AS1428.1 (2009).

DACC006 PRIVATE OPEN SPACE

The terraces for the accessible rooms on the ground floor are to have a clear depth of 1500mm beyond the door seal or threshold ramp, to allow a person who uses a wheelchair to make a 90 degree turn on to the terrace from the room.

(Panel Reason: To ensure the development complies with the relevant Australian Standards.)

DACC001 ACCESS (ACCESS FOR PEOPLE WITH DISABILITIES)

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

demonstrating compliance, and approved by the Principal Certifying Authority

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

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

DACC002 ACCESS (DISABLED TOILETS)

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

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

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

DACC007 BASIX COMMITMENTS

The approved BASIX Certificate shall be submitted to the Principal Certifying Authority with the application for a Construction Certificate.

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Principal Certifying Authority and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 96 of the Environmental Planning and Assessment Act 1979.

All commitments in the BASIX Certificate must be shown on the plans accompanying the Construction Certificate.

(Reason: Statutory compliance)

DACC008 BICYCLE STORAGE PROVISION

On-site provision for bicycle storage facilities shall be in accordance with the Strathfield Consolidated Development Control Plan 2005. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance with SCDCP 2005 and to encourage sustainable transport options)

DACC009 BOARDING HOUSE (CONSTRUCTION OF)

The construction of the boarding house shall comply with all applicable legislation/regulation and standards, including:

- Boarding Houses Act 2012;
- Boarding Houses Regulation 2013;

- Local Government Act 1993; and
- Local Government Regulation 2005.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior to occupation of the premises.

(Reason: To ensure compliance with relevant legislation)

DACC010 BUILDING CODE OF AUSTRALIA (COMPLIANCE WITH)

All architectural drawings, specifications and related documentation shall comply with the Building Code of Australia (BCA). All work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

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

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

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

DACC011 CAR PARKING (BASEMENT CAR PARKING REQUIREMENTS)

Details demonstrating compliance with the following is to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate:

- 1) Minimal internal clearance of the basement is 2.2m in accordance with BCA requirements.
- 2) Driveways shall comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and achieve a maximum gradient of 1:4.
- 3) Basement entries and ramps/driveways within the property are to be no more than 3.5m wide.
- 4) Provision of pump-out systems and stormwater prevention shall be in accordance with Council's Stormwater Management Guide.

(Reason: To ensure suitable development)

DACC013 CAR PARKING (REQUIREMENTS FOR MULTIPLE USE BUILDINGS)

The following car parking and service vehicle requirements apply:-

- (a) 23 car spaces shall be provided on the development site. This shall consist of:
 - (i) 11 residential spaces;
 - (ii) 11 motorcycle spaces; and
 - (iii) 1 car parking spaces for people with mobility impairment, in accordance with AS 2890.1.
- (b) All car spaces shall be allocated and marked according to this requirement.
- (c) If the development is to be strata subdivided, the car park layout must reflect the above allocation and thereafter be regarded as part of the entitlement of that strata lot.
- (d) Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- (e) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.
- (f) The parking bays shall be delineated by line marking.
- (g) Visitor spaces shall be clearly line marked and/or signposted and shall only be used by

persons visiting residents of the property or commercial/business/retail premises located within the development. Visitor spaces shall not be allocated as permanent residential parking spaces. Access to visitor parking spaces shall not be restricted without development approval and a sign shall be erected at the vehicular entrance indicating the availability of visitor parking.

- (h) The following traffic control measures shall be implemented on site:-
- (i) Signage indicating 'Entry Only' shall be prominently displayed at the entrance to the development.
 - (ii) Signage indicating 'Exit Only' shall be prominently displayed at the exit to the development.
 - (iii) One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

Details demonstrating compliance with this condition shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure car parking provision in accordance with this consent)

DACC015 CAR PARKING (VEHICULAR ACCESS RAMPS)

Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004. Plans to be submitted shall contain the following details:

- 1) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- 2) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- 3) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- 4) Location of verge trees, street furniture and service installations.
- 5) Superimposition of vehicle turning circles for access into parking spaces.
- 6) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

The certification referred to in (vi) above shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate (for the design) and to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the 'as-built works'.

(Reason: To ensure adequate vehicular access can be achieved)

DACC016 CAR PARKING (COMPLIANCE WITH AS/NZS 2890.1:2004)

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

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

DACC017 CAR PARKING (VEHICULAR CIRCULATION, AISLE AND RAMP WIDTHS)

The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with

the Roads and Traffic Authority Guidelines and ASNZS 2890.1:2004 - Off-Street Car Parking Code.

Vehicular manoeuvring paths are to be prepared demonstrating that all vehicles can enter or depart the site in a forward direction without encroaching on required car parking spaces.

(Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles)

DACC019 COMMENCEMENT OF WORKS (NO WORKS UNTIL A CC IS OBTAINED)

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

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

(Reason: To ensure compliance with statutory provisions)

DACC020 CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN

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

- 1) Detailed information on any approvals required from other authorities prior to or during construction.
- 2) Traffic management, including details of:
 - (a) ingress and egress of vehicles to the site;
 - (b) management of loading and unloading of materials;
 - (c) the location of heavy vehicle parking off-site; and
 - (d) designated routes for vehicles to the site.
- 3) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- 4) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
 - (a) the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
 - (b) procedures to prevent run-off of solid material and waste from the site.
- 5) Waste management, including:
 - (a) details of the types and estimated volumes of waste materials that will be generated;
 - (b) procedures for maximising reuse and recycling of construction materials; and
 - (c) details of the off-site disposal or recycling facilities for construction waste.
- 6) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- 7) A soil and water management plan, which includes:
 - (a) measures to minimise the area of soils exposed at any one time and conserve top soil;
 - (b) identification and protection of proposed stockpile locations;
 - (c) preservation of existing vegetation and revegetation;
 - (d) measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
 - (e) measures to control surface water flows through the site in a manner that diverts

- clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
- (f) details of sediment and erosion control measures in place before work commences;
 - (g) measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
 - (h) details of drainage to protect and drain the site during works.
- 8) Asbestos management procedures:
- (a) Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see www.workcover.nsw.gov.au
 - (b) Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
 - (c) Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
 - (i) The Work Health and Safety Act 2011;
 - (ii) The Work Health and Safety Regulation 2011;
 - (iii) How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
 - (iv) Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
 - (d) Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
 - (e) The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
 - (i) the date and time when asbestos removal works will commence;
 - (ii) the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
 - (iii) the full name and license number of the asbestos removalist/s; and
 - (iv) the telephone number of WorkCover's Hotline 13 10 50
 - (v) warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
 - (vi) appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

DACC021 DILAPIDATION REPORT (PRE-COMMENCEMENT)

Subject to access being granted, a pre-commencement Dilapidation Report is to be undertaken on all adjoining properties, which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out prior to the issue of a Construction Certificate.

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner. The report shall include a photographic survey of adjoining properties detailing the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other such items.

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

The Report shall cover structural and geotechnical factors likely to arise from the development. A copy of this Report shall be submitted to Council as a record. The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

(Reason: To ensure no damage to adjoining properties occurs)

DACC025 EXCAVATION (AFFECTING ADJOINING LAND)

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- 1) protect and support the adjoining premises from possible damage from the excavation, and
- 2) where necessary, underpin the adjoining premises to prevent any such damage.

The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Structural safety)

DACC030 FIRE SAFETY SCHEDULE

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

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

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

DACC036 HOARDINGS

A Hoarding Application for the erection of a Class A (fence type) or Class B (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained.

The relevant application form shall be submitted to Council with a footpath occupancy fee based on the area of footpath to be occupied according to Council's Schedule of Fees and Charges, and the application shall be approved before the commencement of work.

A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy also provided to Council.

The Policy is to note Council as an interested party. The copy is to be provided to Council, prior to the issue of a Construction Certificate.

(Reason: Public safety)

DACC038 LANDSCAPING (MAINTENANCE STRATEGY)

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

(Reason: Ensure landscape survival)

DACC050 SECTION 94 CONTRIBUTIONS (DIRECT CONTRIBUTIONS PLAN)

In accordance with the provisions of s94(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:

TOTAL: \$372,285.97

The total amount of the contribution is valid as at the date of determination of the s96 application consent DA2016/195 (being the date of the orders upholding the Land and Environment Court proceeding 2017/00249174) and is subject to quarterly indexation from that date. Contributions shall be indexed at the time of payment and in accordance with clause 2. 14 of the Strathfield Direct Contributions Plan 2010-2030. Contributions must be received by Council and submitted to the Accredited Certifier, prior to the issue of any Construction Certificate.

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

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

(Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development)

DACC052 SECURITY PAYMENT (DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE)

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

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

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

- (a) installation and maintenance of sediment control measures for the duration of construction activities;
- (b) 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
- (c) 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.

(Reason: Protection of Council infrastructure)

DACC059 WORKS PERMIT

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

(Reason: Council requirement)

DACC060 WORKS (WITHIN THE ROAD RESERVE)

- (a) Detailed drawings including long and short sections and specifications of all works within existing roads (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage) shall be submitted to and approved by Council under Section 138 of the Roads Act 1993 and all fees and charges paid, prior to the issue of a Construction Certificate.
- (b) Detailed drawings and specifications are to be prepared and certified by an appropriately qualified Civil Engineer.
- (c) Upon completion of the works, the Applicant is to provide to Council with electronic copies of 'Work as Executed Plans'. The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor.
- (d) The Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works.
- (a) All civil engineering works adjacent/near/outside 10 Homebush Road, Strathfield are to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant

shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

(Reason: To ensure compliance of engineering works/Council assets are constructed to acceptable standards for engineering works)

DACC061 TRAFFIC (CONSTRUCTION TRAFFIC MANAGEMENT PLAN)

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

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

- 1) A description of the demolition, excavation and construction works
- 2) A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- 3) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- 4) 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
- 5) Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways.
- 6) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.)
- 7) Proposed hours of construction related activities and vehicular movements to and from the site
- 8) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority)
- 9) Any activities proposed to be located or impact upon Council's road, footways or any public place
- 10) Measures to maintain public safety and convenience
- 11) Any proposed road and/or footpath closures
- 12) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
- 13) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council.
- 14) Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road).
- 15) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
- 16) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- 17) An on-site parking area for employees, tradespersons and construction vehicles as far as possible.
- 18) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
- 19) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

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

DACC066 VENTILATION SYSTEMS (MECHANICAL)

The mechanical ventilation system is to comply with the following:

- (a) The Building Code of Australia;
- (b) Protection of the Environment Operations Act 1997; and
- (c) Australian Standard AS1668-1991.

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

Details demonstrating compliance with the above are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

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

DACC069 WASTE (GARBAGE ROOMS OR GREASE ARRESTOR ROOMS)

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

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

DACC073 WORKS ZONE (APPROVAL BY COUNCIL'S TRAFFIC COMMITTEE)

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

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

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

(Reason: Council requirement)

Conditions to be satisfied prior to the commencement of works (DAPC)**DAPC001 APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY**

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

- 1) A construction certificate for the building work has been issued by:
 - (a) the consent authority; or
 - (b) a Principal Certifying Authority; and
- 2) the person having the benefit of the development consent has:
 - (a) appointed a principal certifying authority for the building work, and

- (b) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- 3) the principal certifying authority has, no later than 2 days before the building work commences:
 - (a) notified the Council of his or her appointment, and
 - (b) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- 4) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (a) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - (b) notified the principal certifying authority of such appointment, and
 - (c) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- 5) the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

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

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

(Reason: Statutory requirement)

DAPC003 NOTICE OF COMMENCEMENT

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

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

(Reason: Statutory requirement)

Conditions to be satisfied during demolition and building works (DADW)

DADW001 CONTAMINATED LAND UNEXPECTED FINDS

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

The contaminated land situation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by

Strathfield Council's Environmental Services Manager.

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

(Reason: To ensure compliance with statutory requirements)

DADW002 FILL MATERIAL

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

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

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

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

DADW007 PUBLIC INFRASTRUCTURE AND SERVICES

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

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

DADW010 SITE REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

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

- 1) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- 2) Demolition must be carried out by a registered demolition contractor.
- 3) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- 4) No blasting is to be carried out at any time during construction of the building.
- 5) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- 6) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- 7) Any demolition and excess construction materials are to be recycled wherever practicable.
- 8) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 9) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 10) All excavated material should be removed from the site in the approved manner and be

- disposed of lawfully to a tip or other authorised disposal area.
- 11) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
 - 12) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
 - 13) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
 - 14) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
 - 15) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
 - 16) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
 - 17) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

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

DADW011 SURVEY REPORT OF APPROVED LEVELS (DURING AND POST CONSTRUCTION)

A Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:-

- 1) At the completion of the first structural floor level prior to the pouring of concrete indicating the level of that floor and the relationship of the building to the boundaries.
- 2) At the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials.
- 3) At the completion of the development.

Progress certificates in response to points (1) through to (3) shall be provided to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances is work allowed to proceed until such survey information is submitted to and approved by the Principal Certifying Authority.

(Reason: To ensure compliance with the approved plans)

Conditions to be satisfied prior to the issue of an Occupation Certificate (DAOC)

DAOC006 ENGINEERING WORKS (CERTIFICATION OF)

Prior to occupation of the premises, a Work As Executed (WAE) Plan of all engineering and/or drainage works is to be submitted to the Principal Certifying Authority. The WAE Plan is to be certified by a suitably Qualified Engineer, with Corporate Membership standing in the Institution of

Engineers Australia and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, demonstrating that:

- 1) the stormwater drainage system; and/or
- 2) the car parking arrangement and area; and/or
- 3) any related footpath crossing works; and/or
- 4) the proposed basement pump and well system; and/or
- 5) the proposed driveway and layback; and/or
- 6) any other civil works

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

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that an Engineer supervise all engineering related works.

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

(Reason: Asset management)

DAOC007 FIRE SAFETY (CERTIFICATION)

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

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

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

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

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

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

- 1) submitted to Strathfield Council;
- 2) submitted to the Commissioner of the New South Wales Fire Brigade; and
- 3) prominently displayed in the building.

(Reason: Fire safety and statutory requirement)

DAOC011 LANDSCAPING (ARBORIST'S FOLLOW UP REPORT OF TREE/S TO BE RETAINED)

As part of the on-going assessment of the tree/s to be retained, the consulting arborist engaged by the applicant is to assess their health and any impacts suffered by them as a result

of the proposed approved development, prior to the issue of an Occupation Certificate. Findings are to be compiled in a detailed report and submitted to the Principle Certifying Authority, which documents the following:

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

(Reason: Ensure survival of trees to be retained)

DAOC013 OCCUPATION OF BUILDING

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

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

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

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

(Reason: Statutory requirement)

DAOC019 STORMWATER (COVENANT AND RESTRICTION AS TO USER FOR STORMWATER CONTROLLED SYSTEMS)

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

- (a) On-site stormwater detention system **AND**
- (b) All Water Sensitive Urban Design components

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

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

(Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard)

DAOC021 VENTILATION SYSTEMS (MECHANICAL)

The mechanical ventilation system is to comply with the following:

- (a) The Building Code of Australia;
- (b) Protection of the Environment Operations Act 1997; and
- (c) Australian Standard AS1668-1991.

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

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

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

Conditions to be satisfied during ongoing use of the premises (DAOU)

DAOU002 BOARDING HOUSE (ONGOING USE OF)

Ongoing operation of the approved use for the purpose of a boarding house shall comply with the following:

- 1) Use of the premises shall remain consistent with the definition of 'boarding house' as defined under Strathfield Local Environmental Plan 2012 as a building that:
 - (a) is wholly or partly let in lodgings, and
 - (b) provides lodgers with a principal place of residence for 3 months or more, and
 - (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
 - (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgersbut does not include backpackers' accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation.
- 2) Subdivision of the approved boarding house under strata or community title is prohibited.
- 3) The use and operation of the boarding house shall comply with all applicable legislation/regulation and standards, including:
 - Boarding Houses Act 2012;
 - Boarding Houses Regulation 2013;
 - Local Government Act 1993; and
 - Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation 2005.
- 4) The maximum number of persons accommodated in a bedroom, or in a cubicle of a dormitory, must not exceed the number determined by allowing a minimum floor area within the bedroom or cubicle in accordance with the relevant provisions under the *Public Health Act 1991* for each person.
- 5) No speakers or music is permitted outdoors or in the communal areas

(Reason: To minimise the impact of the boarding house on surrounding residences)

DAOU006 FIRE SAFETY (ANNUAL STATEMENT)

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

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

1. Forwarded to the Commissioner of the New South Wales Fire Brigade; and
2. Prominently displayed in the building

(Reason: Fire safety)

DAOU018 NOISE (COMPLAINTS RELATING TO USE OR MACHINERY)

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

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

(Reason: Noise control and amenity)

DAOU020 NOISE (NO AMPLIFIED MUSIC)

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

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

(Reason: Environmental amenity)

DAOU025 POLLUTION (COMPLIANCE WITH PEOA 1997 GENERALLY)

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

(Reason: Environmental protection)

DAOU037 WASTE AND RECYCLING (COLLECTION HOURS)

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

Garbage and recycling must not be placed on the kerbside for collection more than one hour before the scheduled collection time. Bins and containers are to be removed from the kerbside within one (1) hour of collection and returned to the designated garbage storage area(s).

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

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

*(Reason: To regulate noise and garbage collection arrangements)*DAOU008 - Flashing lights and lighting nuisance

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

(Reason: Environmental amenity and to mitigate any distraction or disturbance to nearby or adjacent residents, pedestrians or motorists)

(Reason: Environmental protection)

DAOU038 WASTE (CONTROL OF LITTER)

The occupant or person in control of the premises must take all practicable steps to ensure that the area of public footpath or public area adjacent to the premises is maintained in a clean and tidy condition. Where a litter problem arises and the offending material is found to usually include wrappers, containers or the like, and remains of goods or items which it might reasonably be assumed were purchased at the subject premises, the shopkeeper must comply with any direction of Strathfield Council with regard to the regular sweeping, collection and disposal of rubbish.

(Reason: Environmental health)

RESOLUTION

This modification application be **APPROVED** subject to the recommended conditions in the report as amended by the panel.

REASONS:

The panel is in substantial agreement with the officers report but notes that there are a number of references in the access report that are inconsistent with the approved drawing. The panel has sought to ameliorate these discrepancies by appropriate conditions of consent.

For: P. Stein, J. Evernden, J. Murrell, G. Markwell

Against: Nil

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

TO: Strathfield Local Planning Panel Meeting - 6 September 2018
REPORT: SLPP – Report No. 4
SUBJECT: DA2018/119 - 10-14 SMALLWOOD AVENUE, HOMEBUSH
LOTS 10-12 IN DP 9481
DA NO. 2018/119

RECOMMENDATION

That Development Application No. 2018/119 involving construction of an additional one (1) bedroom unit to the ground floor of an approved residential flat development at 10-14 Smallwood Avenue, Homebush be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. WASTE (SC)

The below bin numbers are required in a building of 57 units,

- c. 29 x 240L Recycling Bins
- d. 11 x 660L Garbage Bins required

The bin room will need to be resized accordingly to accommodate the additional unit within the development.

Details demonstrating compliance with the above shall be prepared and submitted to Council and the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.**

(Reason: compliance with Part H of SCDCP 2005)

2. CONCURRENCE WITH PREVIOUS CONSENT (SC)

The proposed development shall be constructed in accordance with **DA2015/174/01** and the conditions approved under the subject application.

(Reason: to ensure consistency with the construction of the development approved on the site).

GENERAL CONDITIONS (GC)

3. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/119:

Ground Floor Plan, Project No. 439, Drawing 405, Revision 201, prepared by Ross Howieson Architects, received by Council 30 April 2018.

North Elevation, Project No. 439, Drawing 304, Revision 201, prepared by Ross Howieson Architects, received by Council 30 April 2018.

Section EE, Project No. 439, Drawing No. 405, Revision 201, prepared by Ross Howieson Architects, received by Council 30 April 2018.

BASIX Certificate No. 687931M_03, issued 26 July 2018, received by Council 27 July 2018.

Landscape Plan, Drawing No. IS0197DA1, Issue C, prepared by Isthmus Pty Ltd, received by Council 30 April 2018.

Landscape Plan, Drawing No. IS0197DA2, Issue C, prepared by Isthmus Pty Ltd, received by Council 30 April 2018.

Landscape Plan, Drawing No. IS0197DA3, Issue C, prepared by Isthmus Pty Ltd, received by Council 30 April 2018.

In the event of any inconsistency, the conditions of this consent shall prevail.

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

4. CONSTRUCTION HOURS (GC)

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Fridays and 8am to 1pm Saturdays.

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

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

(Reason: To maintain amenity to adjoining land owners.)

5. LANDSCAPING - TREE PRESERVATION (GC)

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

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>	<u>Protection Zone (m)</u>	<u>Structural Root Zone (m)</u>
13)Liquidambar styraciflua	16	Rear	9.6	3.2
25)Ligustrum lucidum	10	Adjoining (North)	2.0	2.0
26)Syagrus romanzoffianum	10	Adjoining (North)	2.4	2.0
27) Syagrus romanzoffianum	5	Adjoining (North)	2.0	2.0
23)Grevillea robusta	15	Rear	4.2	2.25

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

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

6. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)

All external materials, finishes and colours are to be consistent with the schedule submitted and approved by Council with development application DA2015/174.

(Reason: To ensure compliance with this consent.)

7. PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)

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

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

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

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

(Reason: Statutory requirement.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (CC)

8. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (CC)

All architectural drawings, specifications and related documentation shall comply with the Building Code of Australia (BCA). All work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

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

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

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

9. CAR PARKING - (CC)

The entire site shall provide a total of 72 off-street parking spaces, hardpaved, linemarked, labelled and drained, which are distributed as follows:

Residents	60 (Including 9 accessible parking spaces)
Visitors	12
<hr/>	
TOTAL	72

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 unit.

Visitor parking spaces shall be provided on the upper most level of basement parking and shall include at least one (1) accessible parking space. .

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

NOTE: This is the total parking rate for the entire site.

10. COMMENCEMENT OF WORKS (NO WORKS UNTIL A CC IS OBTAINED)

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

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

(Reason: To ensure compliance with statutory provisions.)

11. CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (CC)

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

- i) Detailed information on any approvals required from other authorities prior to or during construction.
- ii) Traffic management, including details of:
 - ingress and egress of vehicles to the site;
 - management of loading and unloading of materials;
 - the location of heavy vehicle parking off-site; and
 - designated routes for vehicles to the site.
- iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
 - the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
 - procedures to prevent run-off of solid material and waste from the site.
- v) Waste management, including:
 - details of the types and estimated volumes of waste materials that will be generated;
 - procedures for maximising reuse and recycling of construction materials; and
 - details of the off-site disposal or recycling facilities for construction waste.
- vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- vii) A soil and water management plan, which includes:
 - measures to minimise the area of soils exposed at any one time and conserve top soil;
 - identification and protection of proposed stockpile locations;
 - preservation of existing vegetation and revegetation;
 - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
 - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
 - details of sediment and erosion control measures in place before work commences;
 - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
 - details of drainage to protect and drain the site during works.
- viii) Asbestos management procedures:
 - Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see www.workcover.nsw.gov.au
 - Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.

- Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
 - The Work Health and Safety Act 2011;
 - The Work Health and Safety Regulation 2011;
 - How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
 - Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
- Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
- The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
 - the date and time when asbestos removal works will commence;
 - the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
 - the full name and license number of the asbestos removalist/s; and
 - the telephone number of WorkCover's Hotline 13 10 50
 - warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
 - appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

12. COUNCIL PERMITS – FOR ALL ACTIVITIES ON COUNCIL LAND (CC)

Works Permit

(as per Section 68 of the Local Government Act 1993 and Section 138 and 139 of the Roads Act 1993)

A Works Permit is required for construction of a vehicular crossing (driveway), new stormwater down pipe connection to kerb and gutter, new footpath and/or stormwater connection. A Works Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Standing Plant Permit

This permit must be applied for where it is intended to park a concrete pump, crane or other plant on the roadway or footpath. A Standing Plant Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Skip Bin Permit

This permit must be applied for if you intend to place a skip bin on the roadway or footpath. A Skip Bin Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Temporary Full or Part Road Closure Permit

This permit must be applied for if you require a full or a part road closure to take place to assist in your construction works. Please use the Works Permit Application Form, which is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Hoarding Permit

This permit must be applied for if you intend to erect a Class A (fence type) or Class B (overhead type) hoarding along the street frontage(s). A Hoarding Permit Application Form is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Work Zone Permit

This permit must be applied for if you require permanent parking along the kerbside at the front of the site during construction works. A Work Zone Permit Application Form is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Ground Anchoring Permit

This permit must be applied for, for the installation of ground anchors under Council's footway/road reserve. It does not cover ground anchors under private properties. A separate approval is required to be obtained from Roads and Maritime Services (RMS) if it is proposed to install ground anchors under a State or Classified Regional Road (please refer to the end of this application form for more information).

(Reason: Council requirement)

13. FIRE SAFETY SCHEDULE (CC)

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

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

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

14. SECTION 7.11 CONTRIBUTION PAYMENT - DIRECT CONTRIBUTIONS PLAN (CC)

In accordance with the provisions of Section 7.11 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	\$1,475.34
Provision of Major Open Space	\$6,712.38
Provision of Local Open Space	\$4,376.56
Provision Roads and Traffic Management	\$614.25
<u>Administration</u>	<u>\$127.22</u>
TOTAL	\$13,305.75

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

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

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

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

(Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.)

15. UNIT STORAGE (CC)

Purpose built storage compartment(s) shall be provided to and within each of the resident car parking bays and/or associated dwellings at the following rates:

- 6m³ for each one (1) bedroom unit
- 8m³ for each two (2) bedroom unit, and
- 10m³ for each unit with three (3) bedrooms or more.

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

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

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (CW)

16. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)

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

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of

- the building work.
- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
- appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

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

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

(Reason: Statutory requirement.)

17. NOTICE OF COMMENCEMENT (CW)

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

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

(Reason: Statutory requirement.)

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS (DW)

18. OBSTRUCTION OF PUBLIC WAY NOT PERMITTED DURING WORKS (DW)

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without the prior approval of Council.

(Reason: To maintain public access and safety.)

19. PUBLIC INFRASTRUCTURE AND SERVICES (DW)

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

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

20. SITE REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

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

- i) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- x) All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- xi) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xii) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- xiv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- xv) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- xvi) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- xvii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- xviii) Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

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

21. SURVEY REPORT OF APPROVED LEVELS DURING AND POST CONSTRUCTION (DW)

A Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:

- i) At the completion of the first structural floor level prior to the pouring of concrete indicating the level of that floor and the relationship of the building to the boundaries.
- ii) At the completed height of the building, prior to the placement of concrete form work, or the laying of roofing materials.
- iii) At the completion of the development.

Progress certificates in response to points (1) through to (3) shall be provided to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances is work allowed to proceed until such survey information is submitted to and approved by the Principal Certifying Authority.

(Reason: To ensure compliance with the approved plans.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (OC)**22. FIRE SAFETY CERTIFICATION (OC)**

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

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

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

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

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

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

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

(Reason: Fire safety and statutory requirement.)

23. OCCUPATION OF BUILDING (OC)

A person must not commence occupation or use (or change of use where an existing

building) of the whole or any part of a new building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

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

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

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

(Reason: Statutory requirement.)

24. **POSITIVE COVENANT (OC)**

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.**

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE (SC)

25. **COMMENCEMENT OF SUBDIVISION WORKS - REQUIREMENTS PRIOR TO (SC)**

Subdivision work in accordance with a consent must not commence until:

- i) a Construction Certificate has been issued;
- ii) the person having the benefit of the development consent has appointed the Principal Certifying Authority (PCA);
- iii) the PCA (if not Council) has, no later than two (2) days before the subdivision work commences, notified the Council (or other consent authority where applicable) of the PCA's appointment; and
- iv) the person having the benefit of the consent has given at least two (2) day's notice to the Council of the person's intention to commence the subdivision work.

NB: Crown work certified in accordance with s109R of the Environmental Planning and Assessment Act 1979 is exempted from the above requirements.

(Reason: Statutory requirements.)

26. **SEPARATE APPLICATION FOR STRATA SUBDIVISION (SC)**

This consent does not imply approval to create a separate title, by subdivision or otherwise.

Should it be intended to subdivide the approved development into strata title allotments, Council will require the lodgement of a separate development application for consideration.

(Reason: To ensure compliance with the consent.)

27. SUBDIVISION CERTIFICATE - REQUIREMENTS PRIOR TO THE ISSUE OF (SC)

A Subdivision Certificate allows a person to lodge a plan of subdivision with NSW Land and Property Information (LPI). The plan of subdivision identifies each of the allotments approved under the original consent (if required) or each allotment subject to an exempt boundary adjustment. The plan of subdivision is required to be prepared by a registered surveyor.

All types of subdivision (Torrens, Strata and Community Title) are required to be registered with NSW LPI before a new 'allotment' of a subdivision of land can be created.

The release of a Subdivision Certificate confirms that the Principal Certifying Authority (Council or Accredited Certifier) is satisfied that works are completed in accordance with the applicable Development Consent and that the land is suitable to occupy.

Prior to the issuing of any Subdivision Certificate under section 37A of the Strata Schemes (Freehold Development) Act 1973, and section 66A of the Strata Schemes (Leasehold Development) Act 1986, and in accordance with section 29A of the Strata Schemes (Freehold Development) Regulation 2007 and section 30A of the Strata Schemes (Leasehold Development) Regulation 2007, the PCA is required to be satisfied that:

- i) the floors, external walls and ceilings depicted in the proposed strata plan for the building correspond to those of the building as constructed;
- ii) the floors, external walls and ceilings of the building as constructed correspond to those depicted in the building plans that accompanied the construction certificate for the building; and
- iii) any facilities required by the relevant development consent (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.

As construction of the building nears completion, or after it has been completed, the Principal Certifying Authority must inspect the building and the common property areas around the building, so as to be satisfied, as required by section 66AA of the Act, that the above requirements have been met.

The Principal Certifying Authority shall also be satisfied that:

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

The Subdivision Certificate must not be issued until the Principal Certifying Authority has issued the Final Occupation Certificate in relation to the approved development.

(Reason: Statutory requirements.)

28. SUBDIVISION - LODGEMENT OF FINAL PLAN OF SUBDIVISION (SC)

Once a Subdivision Certificate is issued by the Principal Certifying Authority, the Final Plan of Subdivision must be registered with Land and Property Information. Documentary

evidence that the linen plan has been registered with Land and Property Information must be submitted to Strathfield Council as soon as practicable.

(Reason: Statutory requirement.)

RESOLUTION

The panel finds the 4.6 variation is well founded and this application is **APPROVED** subject to the recommended conditions in the report.

REASONS:

The panel is in agreement with the Planning Officers report. However, the panel notes that there is a discrepancy with the statement of compliance, access to people with ability, prepared by Accessibly Building Solutions dated 15/12/2015 and approved drawings dated 15/03/018 in relation to the identification of Silver Level Liveable Apartments and Adaptable Apartments. The panel notes that the this issue was raised with the applicant's architect at the public meeting.

For: P. Stein, J. Evernden, J. Murrell, G. Markwell

Against: Nil

2018 DISCLOSURE OF PECUNIARY INTEREST RETURNS BY PANEL MEMBERS

The chair tabled the pecuniary interest returns of the following members:

Brian Kirk
John Evernden
Geoff Markwell
Gabrielle Morrish
Robert Joliffe
Alexander Ashley-Carrington
Eric Armstrong
David Starr
Susan Hobley
Vivian Aloin
Paul Stein
Jan Murrell

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