

Minutes

Of the meeting of the:

Strathfield Local Planning Panel Meeting

Held on:

Thursday, 5 September 2019

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

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(Number of Speakers: 0) (Not including the Applicant)

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(Number of Speakers: 0) (Not including the Applicant)

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(Number of Speakers: 0) (Not including the Applicant)

SLPP - Report No. 4

DA2018/171 - 14 Marlborough Road, Homebush West
 Lot 10 Section 1 DP 82760

(Number of Speakers: 0) (Not including the Applicant)

The Chair tabled the pecuniary Interest disclosures of Panel Members.

The meeting of the Strathfield Local Planning Panel Meeting was held in the Town Hall (Supper Room), 65 Homebush Road, Strathfield on Thursday 5 September 2019.
The meeting commenced at 10:00am and closed at 12:13pm.

The Public Meeting commenced at 10:00am and closed at 11:12am.

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

Site inspection time commenced: 8:10am

Site inspection time concluded: 9:47am

PRESENT

The Hon Paul Stein QC AM – Chair

Paul Vergotis- Expert

Sue Hobley- Expert

Alexander Ashley-Carrington- Community

ALSO PRESENT

Kandace Lindeberg, Executive Manager, Statutory Planning & Development

Rachel Gardner, Senior Development Assessment Planner

Lily Parker, Administration Assistant

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil

TO: Strathfield Local Planning Panel Meeting - 5 September 2019
REPORT: SLPP – Report No. 1
SUBJECT: DA2019/064 - 12 TERRY STREET EAST STRATHFIELD SOUTH
LOT 2 & 3 DP 207560
DA NO. DA2019/064

RECOMMENDATION

In consideration of the applicant's written request to vary the *minimum subdivision lot size* development standard under Clause 4.1 of the SLEP 2012, the Strathfield Local Planning Panel, exercising the functions of Council as consent authority, is not satisfied that the matters required to be addressed under Clause 4.6(4) of the SLEP 2012 have been demonstrated, and that consent may be granted to Development Application No. 2019/064.

AND

That the Strathfield Local Planning Panel, exercising the functions of Council as consent authority, **REFUSE** Development Application No. 2019/064 for demolition of existing structures and construction of a pair of semi-detached dwellings and boundary adjustment on land at 12 Terry Street East, Strathfield South, for the following reasons:

1. Breach of minimum subdivision lot size development standard and objectives – Clause 4.1: Minimum subdivision lot size (SLEP 2012)

The proposal should be refused because it contravenes the *minimum subdivision lot size* development standard under Clause 4.1(3) of SLEP2012, and does not satisfy Objectives (a) and (b) under Clause 4.1(1) of SLEP 2012, as follows:

Clause 4.1(1):

- **Objective (a):** To promote consistent subdivision and development patterns that reflect and reinforce the prevailing subdivision pattern of the area.
- **Objective (b):** To ensure a variety of lot sizes are maintained of sufficient size and shape to accommodate a variety of development types.

2. Inconsistency with objectives of the floor space ratio development standard – Clause 4.4: Floor space ratio

The proposal is inconsistent with objectives (a), (b), and (c) of the floor space ratio development standard, as follows:

Clause 4.4(1):

- **Objective (a)** – To promote consistent subdivision and development patterns that reflect and reinforce the prevailing subdivision pattern of the area.
- **Objective (b)** – To ensure a variety of lot sizes are maintained of sufficient size and shape to accommodate a variety of development types.

3. Inconsistency with Objects of EP&A Act, 1979 – Clause 1.3: Objects of Act

The proposed development should be refused because it is inconsistent with Objects (c) and

(g) under Clause 1.3 of the Act, as follows:

Clause 1.3:

- **Object (c):** *To promote the orderly and economic use and development of land.*
- **Object (g):** *To promote good design and amenity of the built environment.*

4. Inconsistency with aims of Strathfield Local Environmental Plan 2012 – Clause 1.2: Aims of plan (SLEP 2012)

The proposed development including boundary adjustment does not accord with development planned for the site by virtue of the minimum subdivision lot size development standard (Clause 4.1 of SLEP 2012) and minimum subdivision lot width requirement for residential development (Clause 3.1 of Part R of SCDCP 2005). In this regard, the proposal is inconsistent with the desired future character of the neighbourhood. In addition, the proposal is inconsistent with the prevailing subdivision pattern and character of development fronting Therry Street East.

As such, the proposal is contrary to Aims (a) and (b) under Clause 1.2 of SLEP 2012, as follows:

Clause 1.2(2):

- **Objective (a):** *To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield.*
- **Objective (b):** *To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development.*

5. Inconsistent with purpose of SCDCP 2205 – Clause 1.4: Purpose of Plan

The proposed development should be refused because it is contrary to the following listed purposes under Clause 1.4 of the SCDCP 2005:

- *'Promote development that protects and enhances the natural and built environment;*
- *Encourage high quality development that contributes to the existing desired future character of the area...; and*
- *Protect and enhance the public domain to improve the liveability of the Strathfield LGA.'*

The proposed built form does not seek to maximise landscaping and minimize amenity impacts to surrounding development in terms of privacy, visual intrusion and overshadowing.

The proposal would not contribute to the desired future character of the area by virtue of non-compliance with the prescribed minimum subdivision lot size under SLEP 2012 (Clause 4.1), and required lot width for subdivided residential land (Clause 3.1 under Part R of SCDCP 2005).

The cumulative bulk and scale of the pair of semi-detached dwellings would have a detrimental impact on the streetscape and public domain, and would be inconsistent with the prevailing streetscape character.

6. Inconsistency with SCDCP 2005 – Part R: Subdivision

The proposed boundary adjustment should be refused because it does not reflect the prevailing subdivision pattern of lots fronting the same street, in terms of lot width and area.

The proposal is contrary to the following provisions contained in *Part R: Subdivision* of SCDCP 2005:

Part 2: General**Clause 2.1: Objectives**

- **Objectives (a), (b), (c), and (e).**

Clause 2.2: Controls

- **2.2.1: Minimum lot size**
 - o **Controls 1 and 3.**
- **2.2.2: General controls**
 - o **Controls 1, 2, 3, 4, and 5.**

Part 3: Residential**Clause 3.1: Controls**

- o **Controls 1, 2 and 3.**

7. The proposed development would give rise to unacceptable environmental impacts - Section 4.15(1)(b) of the EP&A Act, 1979.

The proposed development should be refused because it would have a detrimental impact on the surrounding natural and built environments.

The proposed development is inconsistent with the prevailing subdivision pattern and would have a detrimental impact on the streetscape character. In particular, inadequate side setbacks, unsympathetic roof form, **tree loss**, insufficient landscaping within the front setback, and visually dominant garages and associated driveways would dominate the buildings presentation to the public domain.

In addition, the proposed side setbacks do not seek to maximise landscaping and minimise amenity impacts to adjoining development in terms of privacy, visual intrusion, and overshadowing.

8. The proposed development is unsuitable to the site – Section 4.15(1)(c) of the EP&A Act, 1979.

The proposed development should be refused because it is unsuitable to the site. The proposed lot sizes of 297.49m² (Lot 2) and 297.37m² (Lot 3) do not meet the minimum subdivision lot size of 560m² (*Clause 4.1[3] of SLEP 2012*). In addition, the proposed lot width of 6.1m for each lot, does not achieve the minimum lot width requirement of 15.24m for subdivision in residential zones and compatibility with the existing subdivision pattern (*Control 2, Clause 3.1, Part R: Subdivision of SCDCP 2005*). In this regard, the proposed boundary adjustment in order to facilitate development of the proposed semi-detached dwellings is considered to be unsuitable to the site

9. The proposal development is not in the public interest - Section 4.15(1)(e) of the EP&A Act, 1979.

The proposal should be refused because it is not in the public interest.

With regard to the wider public interest, approval of the variation sought to the minimum subdivision lot size development standard in order to facilitate the construction of a pair of semi-detached dwellings, would create an undesirable precedent for the area.

With regard to the sectionalized public interest, the impacts associated with the proposal, mainly inconsistency with the prevailing subdivision pattern and non-compliance with the minimum lot width requirement for residential subdivision, would have a detrimental impact on the character of the streetscape.

RESOLUTION

This application be refused for the above reasons.

FOR: Paul Stein, Paul Vergotis, Sue Hoble, Alexander Ashley-Carrington

AGAINST: Nil

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

TO: Strathfield Local Planning Panel Meeting - 5 September 2019
REPORT: SLPP – Report No. 2
SUBJECT: DA2019/054 - 27 DAVIDSON STREET, GREENACRE & LIVERPOOL ROAD,
STRATHFIELD SOUTH
LOT 2 DP 1009549 & PART LOT 1 DP 883526
DA NO. DA2019/054

RECOMMENDATION

That Development Application No. DA2019/054 to extend the existing landscape supply business partly onto adjoining vacant land owned by RailCorp at 27 Davidson Street, Greenacre (Lot 2 DP 1009549) and Liverpool Road, Strathfield South (Part Lot 1 DP 883529) be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. SEALED AREA AND SPRINKLER SYSTEM (SC)

The newly acquired area for the business operation expansion must be sealed to reduce dust nuisances. A water sprinkler dust suppression system for this area must be installed to reduce dust nuisances to neighbouring properties. Council shall be provided with dust control mitigation measures prior to the issue of an Occupation Certificate.

(Reason: To minimise the impact of the use on surrounding residences.)

2. TRUCK MOVEMENTS (SC)

The total number of movement in and out of premises for light duty vehicles and utilities shall be limited to no more than 43 movements per day.

The total number of movements in and out of the premises for trucks (5 tonnes tare weight and over) shall be limited to no more than 8 movements per day.

(Reason: To control noise impacts.)

3. TO BE DELETED

4. TO BE DELETED

5. PLAN OF MANAGEMENT (SC)

Prior to the issue of a Construction Certificate, the applicant must submit, for Council approval, a Plan of Management for the Operation of the site. The Plan of Management must detail how operation of the premises controls noise pollution, dust and air pollution, water pollution and sediment control generated through the operation of the business.

(Reason: To minimise the impact of the use on surrounding residences.)

6. STORAGE OF SEDIMENT MATERIALS (SC)

Stockpiles of sediment materials must only be stored within storage bays in such a manner that they do not become air born or a source of dust or air pollution.

(Reason: Dust Control measures.)

7. TRAFFIC MANAGEMENT PLAN (SC)

A Traffic Management Plan (TMP) must be submitted to and approved by Council prior to the issue of a Construction Certificate. The business is required to operate in accordance with the approved TMP. A copy of TMP approved by Councils' officer must be maintained at site at all times.

(Reason: To mitigate traffic impacts on the surrounding area during the construction period and ongoing use of the site.)

8. VEHICLE PATHWAYS BEYOND THE SITE (SC)

Heavy vehicles relating to this development must not pass the entry or the driveway of the site. All entry and exit arrangements are to be confined within the boundaries of the development.

(Reason: Safety and traffic management.)

9. ADDITIONAL PARKING SPACES ON SITE (SC)

Five (5) additional parking spaces shall be provided onsite. A total of 18 car parking spaces must be accommodated on site. The design of off-street parking areas is to be guided by and meet the requirements of Australian Standard (AS) 2890.1-1993 – Off-street car parking, AS2890.2-1989 – Commercial vehicles and Strathfield Part I - Provision of Off-Street Parking Facilities.

(Reason: To ensure sufficient car parking spaces are provided on-site for employees and visitors.)

10. RAILCORP LAND (SC)

Further approval from RailCorp's agent Sydney Trains is to be obtained prior to commencement of works on RailCorp land.

(Reason: Compliance with RailCorp requirements.)

11. ACTIVITIES WITHIN THE AUSGRID ELECTRICITY EASEMENT (SC)

The applicant must follow the following procedures as stated by Ausgrid:

- i. All construction works on or near the easement and/or powerlines must adhere to the Safework NSW – Work Near Overhead Powerlines: Code of Practice, 2006
- ii. Ausgrid is not responsible for the reinstatement of any finished surface within the easement site.
- iii. Ausgrid requires 24 hour access along the easement for plant and personnel. For the purpose of exercising its rights under the easement, Ausgrid may cut fences and/or walls and install gates in them. Where the easements on a site do not provide practical access to all of Ausgrid's infrastructure, a suitable right of access at least 5m wide must be provided to each asset.
- iv. Access driveways shall withstand the weight of a heavy rigid truck when fully laden weighing 30 tonne.
- v. Access gates, minimum 4.5 metres wide, may be required in all fences crossing the transmission line easement.
- vi. No vehicles, plant or equipment having a height exceeding 4.6 metres are to be brought into the easement site without written approval from Ausgrid.

- vii. Vehicles brought into the easement, with a height less than 4.6m but having an extension capable of extending greater than 4.6m above ground, must not have that extension operated at all whilst within the easement.
- viii. Adequate removable protection must be installed to prevent vehicles inadvertently colliding with the transmission tower. This proposed form of protection must be forwarded to Ausgrid for review and consent.
- ix. All metal work within the easement site including metallic fencing, are to be locally earthed by a qualified electrician via a 50 sq. mm stranded copper, insulated earthwire bonded to a copper-clad earthstake driven at least 1.6 metres into the ground.
- x. No obstruction of any type shall be placed within 10 metres of any part of a transmission line structure except where installed to protect transmission structure from vehicle impacts when Ausgrid has approved such structures.
- xi. Care must be taken to prevent any damage to underground metalwork which can extend up to 15 metres away from the transmission line structure.
- xii. The storage of non-flammable materials is allowable provided access is maintained along the easement and subject to height limitations of 2.5 metres if climbable or 4.6 metres if not climbable. Lifting of materials within the easement area must consider the clearance requirements given in Safework NSW Code of Practice.
- xiii. The flying of kites, model aircraft etc. is not permitted within the easement site.
- xiv. Trees, shrubs, or plants which have a mature height of greater than 3.0m, or climbable portions greater than 2.5m above ground, are not permitted within the easement. The planting of other vegetation is to ensure Ausgrid's access and maintenance requirements are maintained.

(Reason: Safety and protection of Ausgrid's infrastructure.)

GENERAL CONDITIONS (GC)

12. 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. 2019/054:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
01	Site Overview	Broadcrest Engineering and Environmental Consultants	Revision 1 29/11/18	12 April 2019
02	Proposed extension	Broadcrest Engineering and Environmental Consultants	Revision 1 29/11/18	12 April 2019
03	Column Design	Broadcrest Engineering and Environmental Consultants	Revision 1 29/11/18	12 April 2019
04	Acoustic Wall Design	Broadcrest Engineering and Environmental Consultants	Revision 1 29/11/18	12 April 2019
05	Slab Type A & B	Broadcrest	Revision 1	12 April 2019

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		Engineering and Environmental Consultants	29/11/18	
06	Slab Type C & Hardstand Design	Broadcrest Engineering and Environmental Consultants	Revision 1 29/11/18	12 April 2019
07	Block Wall Design	Broadcrest Engineering and Environmental Consultants	Revision 1 29/11/18	12 April 2019
Sheet No. 1 of 9	Stormwater Management Notes	Broadcrest Engineering and Environmental Consultants	Revision 2 27/08/18	12 April 2019
Sheet No. 2 of 9	Stormwater Management Plan	Broadcrest Engineering and Environmental Consultants	Revision 2 27/08/18	12 April 2019
Sheet No. 3 of 9	Schedules	Broadcrest Engineering and Environmental Consultants	Revision 2 27/08/18	12 April 2019
Sheet No. 4 of 9	Long Sections	Broadcrest Engineering and Environmental Consultants	Revision 2 27/08/18	12 April 2019
Sheet No. 5 of 9	Tank Detail	Broadcrest Engineering and Environmental Consultants	Revision 2 27/08/18	12 April 2019
Sheet No. 6 of 9	General Details	Broadcrest Engineering and Environmental Consultants	Revision 2 27/08/18	12 April 2019
Sheet No. 7 of 9	Quality Treatment Notes (1)	Broadcrest Engineering and Environmental Consultants	Revision 2 27/08/18	12 April 2019
Sheet No. 8 of 9	Quality Treatment Notes (2)	Broadcrest Engineering and Environmental Consultants	Revision 2 27/08/18	12 April 2019
Sheet No. 9 of 9	Maintenance Schedule	Broadcrest Engineering and Environmental Consultants	Revision 2 27/08/18	12 April 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/054:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Stormwater quantity and quality	Broadcrest Engineering and	Revision 1 & 28 August 2018	12 April 2019

management – Design summary	Environmental Consultants		
Flora and Fauna Assessment	Narla Environmental	Final v1 & September 2018	12 April 2019
Acoustical Report	Kiokas Acoustics Pty Ltd	Revision 3 & 21 August 2019	21 August 2019
Waste Management Plan	Harvest Scientific Services	Revision 3 & 26 June 2019	26 June 2019

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.)

12A. AMENDED ACOUSTIC BARRIER DESIGN (GC)

Prior to the issue of a Construction Certificate, an amended acoustic barrier design plan shall be submitted to the Council for approval indicating additional acoustic walling that is continuous with the existing acoustic barrier. Such a barrier shall be designed in consultation with a AQF Level 5 Arborist to ensure the existing trees located along the northern boundary of the site are not adversely impacted due to the design or construction of the acoustic barrier.

(Reason: Preservation of existing vegetation and protect the amenity of residential neighbours)

13. 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.)

14. CONSTRUCTION WITHIN BOUNDARIES (GC)

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.)

15. ENVIRONMENTAL PROTECTION – TREE (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.

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Section 4, Tree protection measures, and Appendix C Tree Protection Zone Sign, of Australian Standard AS4970 - 2009, Protection of Trees on

Development Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

In this regard the street tree and all protected trees on or adjacent to the site will be protected as described below;

- i. A Tree Protection (Management) Plan prepared by a AQF Level 5 Arborist is to be available on site at all times prior to the issue of the Constriction Certificate, for all demolition and site works. This Tree Protection (Management) Plan must be shown on the demand of Authorised Council staff.
- ii. Protective perimeter fencing must be consistent with AS 4687, using metal fence posts greater than 20mm diameter and solid or chain wire mesh 2 metres in height supported on concrete pads/feet at 2-2.5 metre spacing. Fencing placement should not be closer than 2.5 metres from the trunk of each protected tree, or at a distance as specified by the approved Tree Protection (Management) Plan and approved by Council's Tree Management Officer. Shade cloth is to be used to prevent entry of dust and contaminated liquids into the root protection area.
- iii. Signs must be placed on the Fencing. These signs must comply with AS1319. The signs must state the purpose of the fencing and the name and contact details of the builder and the appointed AQF Level 5 consultant arborist.
- iv. Root protection is to be provided in the form of mulching to a depth of 50-100mm, inside of the fenced tree protection zone.
- v. Ground (Root) Trunk and Branch Protection must comply with the diagram of Figure 4 of AS4970 – 2009. Ground protection within the tree protection zone and drip line should be in the form of heavy steel plates or timber rumble boards over mulch or aggregate. Trunk and branch protection should be to a minimum height of 2 metres and must include measures to protect the tree/s against damage from the movement of trucks, plant equipment and materials at greater heights above ground level.
- vi. Temporary signs, cables, wires must not be attached to, or suspended, on any street tree or protected tree.
- vii. Above ground utilities must not be placed within the canopy of an existing protected tree, or create the future need for clearance pruning.
- viii. Below ground utilities/services must not be located inside the fenced tree protection zone.
- ix. Scaffolding must not be located in the fenced tree protection zone unless authorised by the approved Tree Protection (Management) Plan and Council's Tree Management Officer
- x. Council must be notified in writing within 24 hours, for all temporary removal of the tree protection fencing ground (root) trunk and branch protection within the root protection area.
- xi. Pruning of a street tree is prohibited without the written consent of Council.

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

16. LIGHTING (GC)

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

No flashing, moving or intermittent lighting, visible from any public place may be installed on

the premises or external signage associated with the development, without the prior approval of Council.

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

17. **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.)

18. **SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)**

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
- xi) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
- xii) 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.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
 - xiv) 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.
 - xv) 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.
 - xvi) Public footways, include nature strips 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.
 - xvii) 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.
 - xviii) 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.
 - xix) Any work must not prohibit or divert any natural overland flow of water.
 - xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

(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.)

19. **STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)**

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by a practicing Chartered Professional Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure public infrastructure in Council's care and control is not overloaded.)

20. **SYDNEY WATER - TAP IN™ (GC)**

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

(Reason: Compliance with Sydney Water requirements.)

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

21. 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.)

22. CAR PARKING - COMPLIANCE WITH AS/NZS 2890.1:2004 (CC)

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.)

23. 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 4.19 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.)

24. 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/Fencing Permit

This permit must be applied for if you intend to erect a Class A (fence type) or Class B (overhead type) hoarding/fencing 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.)

25. **EROSION AND SEDIMENTATION CONTROL PLAN (CC)**

An Erosion and Sediment Control Plan is to be prepared where construction or excavation activity requires the disturbance of the soil surface and existing vegetation. Details including drawings and specifications must provide adequate measures for erosion and sediment control to ensure:

- i) Compliance with the approved Soil and Water Management Plan.
- ii) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval).
- iii) All uncontaminated run-off is diverted around cleared or disturbed areas.
- iv) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways.
- v) All erosion and sediment controls are fully maintained for the duration of demolition/development works.
- vi) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.

- vii) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- viii) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters.
- ix) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls are to be submitted to the Principal Certifying Authority with the Construction Certificate Application. Under no circumstances are any works to commence, prior to these details being approved by the Principal Certifying Authority and the controls being in place on the site.

(Reason: Environmental protection.)

26. NOISE – VIBRATION (CC)

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

(Reason: Noise attenuation.)

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

In accordance with the provisions of Section 7.13 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	\$ -
Provision of Major Open Space	\$ 216,667.42
Provision of Local Open Space	\$ 49,056.77
Provision Roads and Traffic Management	\$ -
Administration	\$ 4,088.06
TOTAL	\$ 269,812.25

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 7.11 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.)

28. TRAFFIC - CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CC)

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

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

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

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

29. SPECIALISED WASTE EQUIPMENT (CC)

Details of any specialised waste disposal equipment to be used in the development i.e. compactors (carousel and linear), bin tugs, chutes, crushers, bunding, oil water separators (coalescing plate separators), etc. to be provided to Council for approval.

(Reason: To ensure compliance with legislation.)

30. WASTE MANAGEMENT PLAN

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

The WMP must identify the types of waste that will be generated, all proposals to re-use, recycle or dispose of the waste and designs of the waste storage and collection areas. The WMP is to be submitted to council for comment prior to approval by the Principal Certifying Authority, approval must be provided prior to the issuing of the Construction Certificate.

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

(Reason: To ensure appropriate management of waste.)

31. WATER SUSTAINABILITY - WATER SENSITIVE URBAN DESIGN (CC)

Details of the Water Sensitive Urban Design (WSUD) components (stormwater treatment measures) shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. Details shall demonstrate compliance with the water conservation and stormwater quality targets set out under Sections 3.1 and 3.2 respectively under Part N of the SCDCP 2005, and be prepared by a suitably qualified professional engineer.

(Reason: To promote Water Sensitive Urban Design.)

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

32. 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.)

33. 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 (DBW)

34. 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.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (POC)

35. ENGINEERING WORKS (CERTIFICATION OF)

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

- i) the stormwater drainage system; and/or
- ii) the car parking arrangement and area; and/or
- iii) any related footpath crossing works; and/or
- iv) the proposed basement pump and well system; and/or
- v) the proposed driveway and layback; and/or
- vi) 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.)

36. **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.)

37. **STORMWATER - CERTIFICATION OF THE CONSTRUCTED DRAINAGE SYSTEM (OC)**

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

(Reason: Adequate stormwater management.)

38. **STORMWATER - COVENANT AND RESTRICTION AS TO USER FOR STORMWATER CONTROLLED SYSTEMS (OC)**

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, etc).

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register

an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88E and/or the 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

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

CONDITIONS TO BE SATISFIED DURING ONGOING USE OF THE PREMISES (OU)

39. HOURS OF OPERATION AND DELIVERY TIMES (OU)

The extended area shall operate in accordance with development consent DA9900/156/03. In the event of an inconsistency, the conditions contained in the consent prevail.

(Reason: To control noise impacts.)

40. NOISE - COMPLAINTS RELATING TO USE OR MACHINERY (OU)

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.)

41. NOISE - COMPLIANCE WITH ACOUSTIC ASSESSMENT REPORT (OU)

All recommendations contained in the approved Acoustic Assessment Report by Koikas Acoustics dated 21 August 2019 shall be adopted, implemented, and adhered to.

The Principal Certifying Authority (PCA) shall obtain a statement from an appropriately qualified acoustic consultant, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied prior to the issue of any Occupation Certificate.

Any changes made to the proposal that would alter the acoustic assessment will require a further acoustic assessment and a copy of this further report shall be provided to Council for approval prior to the commencement of works and any recommendations adopted, implemented, and adhered to.

(Reason: Noise control and amenity.)

42. NOISE - REQUIREMENTS FOR INDUSTRIAL PREMISES (OU)

The use of the premises shall comply with the requirements of the NSW Environment Protection Authority Industrial Noise Policy 2000 and shall not give rise to the transmission of offensive noise as defined in the Protection of the Environment Operation Act 1997

(NSW).

(Reason: Noise control and amenity.)

43. POLLUTION - COMPLIANCE WITH PEOA 1997 GENERALLY (OU)

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.)

44. WASTE AND RECYCLING COLLECTION (COMMERCIAL AND INDUSTRIAL) (OU)

- i) The collection of commercial and industrial waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm on weekends and public holidays, to avoid noise disruption to the surrounding area.
- ii) Commercial and industrial garbage and recycling must be collected on site unless expressly agreed to in OC.
- iii) Where consent is given for commercial and industrial garbage and recycling to be placed kerbside for collection bins must not be placed on the kerbside 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).
- iv) 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.
- v) All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.
- vi) Recycling options must be provided for all commercially recyclable waste products including but not limited to paper, cardboard, oil, food waste, plastics, metals, chemicals etc.

(Reason: To regulate noise and garbage collection arrangements.)

45. INDUSTRIAL WASTE MATERIALS (OU)

- i) The applicant shall ensure that industrial waste materials must not be discharged onto the site, or onto neighbouring land or into any road, drain, pipeline or watercourse.
- ii) Storage tanks, fuelling areas, product mixing, filling and preparation areas, and the like and wash bays provided for cleaning and maintenance of vehicles, machinery, equipment and the like, must be bunded and all waste water collected and discharged to the sewer in accordance with the requirements of Sydney Water and the EPA.
- iii) Documentary evidence of compliance with the Sydney Water's requirements must be submitted to the Principal Certifying Authority, prior to use or occupation of the building/additions. Vehicles, machinery, equipment or the like, must not be washed or steam cleaned or the like, except in areas provided especially for the purpose in accordance with this condition.
- iv) Where the approval of Sydney Water, in accordance with the requirements of this condition, is not forthcoming, some other method of treatment and removal of wastes must be installed and/or implemented to the satisfaction the Principal Certifying Authority.
- v) Any overflow or spillage of fuel, oil, solid or liquid chemicals, or the like, must be dealt with in accordance with the requirements for treatment of waste materials as set out in (i) and (ii) of this condition.

(Reason: Manage industrial waste in the LGA.)

46. **PLANT NOISE FROM INDUSTRIAL PREMISES (OU)**

Noise emissions from plant and equipment operating on the site shall be minimised by installing and regularly maintaining efficient silencers, low noise mufflers (residential standard) and by replacing reversing alarms with alternative silent measures, such as flashing lights (subject to occupational health and safety requirements). All reverse alarms fitted to equipment on site are to be of low decibel broadband smart alarms (quacker type).

(Reason: To minimise the noise disturbance during construction and operation of the premise)

RESOLUTION

That this application be **APPROVED** subject to the recommended condition in the report as amended by the Panel.

REASONS:

The panel is in general agreement with the Planning Officer's report and has made amendments to some of the conditions in order control noise and dust emitting from the site and neighbourhood amenity.

FOR: Paul Stein, Paul Vergotis, Sue Hopley, Alexander Ashley-Carrington

AGAINST: Nil

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

TO: Strathfield Local Planning Panel Meeting - 5 September 2019
REPORT: SLPP – Report No. 3
SUBJECT: DA2018/152 - 11, 13, 15 & 17 SMALLWOOD AVENUE, HOMEBUSH
LOTS A, B, C DP 169298 & LOT 3 DP 312801
DA NO. DA2018/152

RECOMMENDATION

That Development Application No. 2018/152 for Demolition of existing dwellings and construction of a 5-7 storey residential flat building comprising 52 residential units over two (2) levels of basement parking at 11, 13, 15 & 17 Smallwood Avenue, Homebush be **APPROVED**, subject to:

- The receipt of Water NSW's General Terms of Approval;
- The inclusion of Water NSW's General Terms of Approval in the conditions of consent; and
- the following conditions:

SPECIAL CONDITIONS (SC)

1. ROOF OVER COMMON OPEN SPACE LEVEL 06

The roof over the common open space on Level 06 is to be deleted. Amended plans 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 remove unnecessary bulk to the building and to improve the quality of this common open space by increasing access to sunlight and daylight.)

2. ACCESS REPORT

An amended Accessibility Report is to be prepared which reflects the amended approved development and is to demonstrate that the development is capable of comply with the applicable BCA accessibility requirements. The amended Accessibility Report is to be submitted to, and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

A copy of the approved Accessibility Report is to be submitted to the Council prior to the issue of the Construction Certificate.

(Reason: To ensure that the development is accessible.)

3. ACOUSTIC REPORT

The Acoustic Report is to be amended as follows:

- Inclusion of background readings taken at a location that is similar to the proposed location that is not impacted by noise from the motorway; OR demonstration that the noise from the motorway did not impact on the unattended noise readings.
- Inclusion of the weather monitoring observations, in 15 minute averages for the monitoring period. Note, daily weather observations averaged at 1 minute intervals is available for purchase from the Bureau of Meteorology.
- Omission of all noise measurements that have been impacted by noise influencing weather.

- Attended measurements of the noise originating from Sydney Markets must be undertaken at times when the background noise from traffic will not impact readings.
- Project specific noise criteria to be reassessed if there are any changes to the input data.

The recommendations of the amended Acoustic Report are to be incorporated in the design of the development to ensure compliance with Noise Policy for Industry 2017, AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors.

The amended Acoustic Report is to be submitted to, and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate. A copy of the approved Acoustic Report is to be submitted to the Council prior to the issue of the Construction Certificate.

(Reason: To ensure adequate acoustic attenuation from nearby noise sources including Parramatta Road and Sydney Markets and to improve the acoustic amenity for future occupiers.)

4. ACID SULFATE SOILS

The following document is to be submitted to, and approved by the Principal Certifying Authority prior to any works commencing on the site:

- The submitted Preliminary Acid Sulfate Soils Investigation Report ('PASSIR') is to be revised to adequately demonstrate that acid sulfate soils or preliminary acid sulfate soils are not present on the site; or
- In the instance that acid sulfate soils are present on the site, an Acid Sulfate Soils Management Plan is to be prepared in accordance with the Acid Sulfate Soils Manual.

The development is to be constructed entirely in accordance with the recommendations of the Preliminary Acid Sulfate Soils Investigation Report or Acid Sulfate Soils Management Plan that is approved by the Principal Certifying Authority.

(Reason: To ensure that the development does not disturb, expose or drain acid sulfate soils and cause environmental damage.)

5. BULK WASTE STORAGE AREA (SC)

The basements levels are to be redesigned to accommodate a bulky waste store that is a minimum 20.8m² in size.

Amended plans demonstrating this as well as amended waste management plan reflecting this shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

(Reason: To achieve compliance with Council's Waste Management requirements and to maintain a good streetscape appearance.)

6. WASTE BINS (SC)

The proposal shall achieve compliance with the following minimum bin rates:

- 26 x 240L general waste bins or 10 x 660L; and
- 26 x 240L recycling bins or 10 x 660L

Amended plans demonstrating this as well as amended waste management plan reflecting this shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

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

7. FLOODING AND OVERLAND FLOW (SC)

The subject site is in the 1% AEP overland extent and a crest of 300mm to the basement access ramp is required. Amended plans 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 mitigate flood risk and associated damage.)

GENERAL CONDITIONS (GC)

8. 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. 2018/152:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA0001	Cover	Urban Link	C	1 August 2019
DA2000	Floor Plans Basement 02	Urban Link	A 9 August 2018	1 August 2019
DA2001	Floor Plans Basement 01	Urban Link	B 18 June 2019	1 August 2019
DA2002	Floor Plans Ground Floor Plan	Urban Link	B 18 June 2019	1 August 2019
DA2003	Floor Plans Level 01	Urban Link	B 18 June 2019	1 August 2019
DA2004	Floor Plans Level 02	Urban Link	B 18 June 2019	1 August 2019
DA2005	Floor Plans Level 03	Urban Link	B 18 June 2019	1 August 2019
DA2006	Floor Plans Level 04	Urban Link	B 18 June 2019	1 August 2019
DA2007	Floor Plans Level 05	Urban Link	C 1 August 2019	1 August 2019
DA2008	Floor Plans Level 06	Urban Link	C 1 August 2019	1 August 2019
DA2009	Floor Plans Roof Plan	Urban Link	C 1 August 2019	1 August 2019
DA3001	Elevations	Urban Link	C	1 August 2019

MINUTES

	East & West Elevation		1 August 2019	
DA3002	Elevations North & South Elevation	Urban Link	C 1 August 2019	1 August 2019
DA4001	Sections Section AA & CC	Urban Link	C 1 August 2019	1 August 2019
DA4002	Sections Section BB & DD	Urban Link	B 20 May 2019	1 August 2019
A8372-Cover	General Notes	Alpha Engineering & Development	C 8 July 2019	1 August 2019
A8372-SW01	Sediment and Erosion Control Plan	Alpha Engineering & Development	C 8 July 2019	1 August 2019
A8372-SW02	Basement 2 Drainage Plan	Alpha Engineering & Development	C 8 July 2019	1 August 2019
A8372-SW03	Basement 1 Drainage Plan	Alpha Engineering & Development	C 8 July 2019	1 August 2019
A8372-SW04	Ground Floor Drainage Plan	Alpha Engineering & Development	C 8 July 2019	1 August 2019
A8372-SW05	Stormwater Sections and Details	Alpha Engineering & Development	C 8 July 2019	1 August 2019
LS00	Existing Trees	Melissa Wilson	B 26 October 2018	29 October 2018
LS01	Landscape Plan Ground Floor	Melissa Wilson	B 26 October 2018	29 October 2018
LS02	Landscape Plan Level 5	Melissa Wilson	B 26 October 2018	29 October 2018

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/152:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Design Verification Statement	Urban Link	17 June 2019	1 August 2019
Preliminary Site Investigation	GCA	E1938-1 31 July 2019	1 August 2019
BASIX Certificate No. 968829M_02	Building & Energy Consultants Australia	11 July 2019	1 August 2019
Acoustic Report	Acoustic Works	R01D 16 July 2019	1 August 2019
Statement of Environmental Effects Addendum	Planning Ingenuity	14 August 2019	15 August 2019
Arboricultural Assessment Report	Tree and Landscape Consultants	17 th October 2018	29 October 2018

Geotechnical Desk Top Study	STS GeoEnvironmental Pty Ltd	22238/1114D October 2018	29 October 2018
Waste Management Plan	Urban Link	-	29 October 2018
Traffic and Parking Assessment Report	Varga Traffic Planning Pty Ltd	18630 29 October 2018	29 October 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.)

9. BUILDING HEIGHT - MAXIMUM RL TO BE COMPLIED WITH (GC)

The height of the building measured to Australian Height Datum (AHD) must not exceed Relative Level (RL) 33.65m (AHD) to the roof ridge of the lift overrun of the building.

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

10. 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.)

11. CONSTRUCTION WITHIN BOUNDARIES (GC)

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.)

12. DEMOLITION – GENERALLY (GC)

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.)

13. DEMOLITION - SITE SAFETY FENCING (GC)

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.)

14. LANDSCAPING - IRRIGATION OF COMMON AND PRIVATE LANDSCAPE AREAS (GC)

All common and private landscape areas including all planters of new multi-unit, commercial, mixed-use and industrial development 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.)

15. LANDSCAPING - TREES PERMITTED TO BE REMOVED (GC)

The following listed trees are permitted to be removed to accommodate the proposed development:

<u>Tree No.</u>	<u>Tree</u>	<u>Height (m)/ Spread (m)</u>	<u>Location</u>
2	<i>Chamaecyparis obtusa</i> Cypress	2.5/ 1 x 1	Front Yard
3	<i>Chamaecyparis obtusa</i> Cypress	2.5/ 1 x 1	Front Yard
4	<i>Chamaecyparis obtusa</i> Cypress	2.5/ 1 x 1	Front Yard
5	<i>Chamaecyparis obtusa</i> Cypress	2.5/ 1 x 1	Front Yard
6	<i>Chamaecyparis obtusa</i> Cypress	2.5/ 1 x 1	Front Yard
11	<i>Liquidamber straciflua</i> Liquidamber	18/ 9 x 9	Centrally
12	<i>Celtis australis</i> Nettle Tree	12/ 7.7	Rear Yard
13	<i>Mangifera indica</i> Mangoe	5/ 2 x 2	Rear Yard
14	<i>Mangifera indica</i> Mangoe	5/ 2 x 2	Rear Yard
15	<i>Olea sp.</i> Olive	3/ 3 x 3	Rear Yard
16	<i>Corymbia citriodora</i> Lemon Scented Gum	17/ 12 x 12	Rear Yard
17	<i>Mangifera indica</i>	5/	Rear Yard

	Mangoe	5 x 5	
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(Reason: To reasonably accommodate the proposed development.)

16. ENVIRONMENTAL PROTECTION – TREE (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.

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Section 4, Tree protection measures, and Appendix C Tree Protection Zone Sign, of Australian Standard AS4970 - 2009, Protection of Trees on Development Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

The trees to be protected on the subject site and the street trees are as follows:

<u>Tree No.</u>	<u>Tree</u>	<u>Height (m)/ Spread (m)</u>	<u>Location</u>
1	<i>Corymbia citriodora</i> Lemon Scented Gum	18/ 15 x 15	Front Yard (adjacent to Smallwood Avenue frontage)
7	<i>Tristaniopsis laurina</i> Watergum	3/ 2 x 2	
8	<i>Tristaniopsis laurina</i>	3/ 2 x 2	Street Tree
9	Watergum	3/ 2 x 2	Street Tree
10	<i>Tristaniopsis laurina</i>	3/ 2 x 2	Street Tree

In this regard the street tree and all protected trees on or adjacent to the site will be protected as described below;

- i. A Tree Protection (Management) Plan prepared by a AQF Level 5 Arborist is to be available on site at all times prior to the issue of the Constriction Certificate, for all demolition and site works. This Tree Protection (Management) Plan must be shown on the demand of Authorised Council staff.
- ii. Protective perimeter fencing must be consistent with AS 4687, using metal fence posts greater than 20mm diameter and solid or chain wire mesh 2 metres in height supported on concrete pads/feet at 2-2.5 metre spacing. Fencing placement should not be closer than 2.5 metres from the trunk of each protected tree, or at a distance as specified by the approved Tree Protection (Management) Plan and approved by Council’s Tree Management Officer. Shade cloth is to be used to prevent entry of dust and contaminated liquids into the root protection area.
- iii. Signs must be placed on the Fencing. These signs must comply with AS1319. The signs must state the purpose of the fencing and the name and contact details of the builder and the appointed AQF Level 5 consultant arborist.
- iv. Root protection is to be provided in the form of mulching to a depth of 50-100mm, inside of the fenced tree protection zone.
- v. Ground (Root) Trunk and Branch Protection must comply with the diagram

- of Figure 4 of AS4970 – 2009. Ground protection within the tree protection zone and drip line should be in the form of heavy steel plates or timber rumble boards over mulch or aggregate. Trunk and branch protection should be to a minimum height of 2 metres and must include measures to protect the tree/s against damage from the movement of trucks, plant equipment and materials at greater heights above ground level.
- vi. Temporary signs, cables, wires must not be attached to, or suspended, on any street tree or protected tree.
 - vii. Above ground utilities must not be placed within the canopy of an existing protected tree, or create the future need for clearance pruning.
 - viii. Below ground utilities/services must not be located inside the fenced tree protection zone.
 - ix. Scaffolding must not be located in the fenced tree protection zone unless authorised by the approved Tree Protection (Management) Plan and Council's Tree Management Officer
 - x. Council must be notified in writing within 24 hours, for all temporary removal of the tree protection fencing ground (root) trunk and branch protection within the root protection area.
 - xi. Pruning of a street tree is prohibited without the written consent of Council.

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

17. LIGHTING (GC)

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

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

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

18. 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 the development application.

(Reason: To ensure compliance with this consent.)

19. 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.)

20. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

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

- xx) Protection pads are to be installed to the kerb and gutter where trucks and vehicles enter the site.

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

21. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by a practicing Chartered Professional Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure public infrastructure in Council's care and control is not overloaded.)

22. SYDNEY WATER - STAMPED PLANS PRIOR TO COMMENCEMENT (GC)

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

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

(Reason: Compliance with Sydney Water requirements.)

23. UTILITIES AND SERVICES - PROTECTION OF (GC)

Any footings or excavation to be located or undertaken adjacent to Council's stormwater must be designed to address the following requirements:

- i) all footings and excavation must be located wholly within the site and clear of any easement boundaries;
- ii) all footings and excavation must be located a minimum of 1000mm from the centreline of the pipeline or 500mm from the outside of the pipeline, whichever is the greater distance from the centreline; and
- iii) footings must extend to at least the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock.

If permanent excavation is proposed beneath the obvert of the pipeline, suitable means to protect the excavation and proposed retaining structures from seepage or other water flow from the pipeline and surrounding subsoil, must be provided. The design must be prepared by a qualified practicing Structural/Civil Engineer.

Construction plans must be approved by the appropriate utility's office (e.g. council, Sydney Water Corporation) to demonstrate that the development complies with the utility's requirements.

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

(Reason: To ensure protection of Council assets.)

24. DRYING FACILITIES

Outdoor drying facilities are to be provided which are located behind the front building line, is adequately screened from the public domain and the common open space areas.

Amended plans 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 provide adequate outdoor drying facilities, to reduce energy consumption and improve the amenity of units by providing alternative spaces for drying).

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

25. ACCESS - ACCESS FOR PEOPLE WITH DISABILITIES (CC)

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

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

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

26. ARBORIST REPORT – INITIAL (CC)

The applicant must engage a suitably qualified and experienced arborist (Australian Qualification Framework Level 5 or above) to assess the impact of the proposed works and determine best practices (e.g. minimise compaction, soil build up and or excavation within the Primary Root Zone*) to ensure the longevity of the trees to be retained. The arborist is to prepare and submit, to the satisfaction of the Principal Certifying Authority, a report prior to the issue of a Construction Certificate, documenting the measures to be employed and certifying that they have been implemented.

- i) *Primary root zone = 10 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk).

(Reason: Qualified assessment of impact of proposed works on trees to be retained on the site.)

27. BASIX COMMITMENTS (CC)

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 4.55 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.)

28. BICYCLE STORAGE PROVISION (CC)

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.)

29. 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.)

30. CAR PARKING - BASEMENT CAR PARKING REQUIREMENTS (CC)

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

- i) Minimal internal clearance of the basement is 2.2m in accordance with BCA requirements.
- ii) 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.
- iii) Basement entries and ramps/driveways within the property are to be no more than 3.5m wide.
- iv) Provision of pump-out systems and stormwater prevention shall be in accordance with Council's Stormwater Management Guide.

(Reason: To ensure suitable development.)

31. CAR PARKING - REQUIREMENTS FOR MULTIPLE USE BUILDINGS (CC)

The following minimum car parking and service vehicle requirements apply:-

-
- i) 58 car spaces shall be provided on the development site which include a minimum 8 accessible spaces. This shall consist of:
 - 47 residential spaces
 - 11 visitor spaces
 - ii) All car spaces shall be allocated and marked according to this requirement.
 - iii) 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.
 - iv) Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
 - v) 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.
 - vi) The parking bays shall be delineated by line marking.
 - vii) 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.
 - viii) The following traffic control measures shall be implemented on site:-
 - Warning lights are to be installed on the ramp to indicate that a truck is entering/leaving the site

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.)

32. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)

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

- i) 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.
- ii) 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.
- iii) 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.
- iv) Location of verge trees, street furniture and service installations.
- v) Superimposition of vehicle turning circles for access into parking spaces.
- vi) 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.)

33. CAR PARKING - COMPLIANCE WITH AS/NZS 2890.1:2004 (CC)

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.)

34. CAR PARKING - VEHICULAR CIRCULATION, AISLE AND RAMP WIDTHS (CC)

The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and AS/NZS 2890.1:2004 - Off-Street Car Parking Code.

Vehicular maneuvering 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 maneuvering, access and parking of vehicles.)

35. 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.)

36. 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.)

37. 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)

38. DILAPIDATION REPORT - PRE-COMMENCEMENT (CC)

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.)

39. DRIVEWAY WIDTH - MULTI-UNIT DEVELOPMENT (CC)

The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior the issue of a Construction Certificate.

(Reason: Safety and traffic management.)

40. EROSION AND SEDIMENTATION CONTROL PLAN (CC)

An Erosion and Sediment Control Plan is to be prepared where construction or excavation activity requires the disturbance of the soil surface and existing vegetation. Details including drawings and specifications must provide adequate measures for erosion and sediment control to ensure:

- i) Compliance with the approved Soil and Water Management Plan.
- ii) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval).
- iii) All uncontaminated run-off is diverted around cleared or disturbed areas.
- iv) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways.
- v) All erosion and sediment controls are fully maintained for the duration of demolition/development works.
- vi) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- vii) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- viii) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters.
- ix) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls are to be submitted to the Principal Certifying Authority with the Construction Certificate Application. Under no circumstances are any works to commence, prior to these details being approved by the Principal Certifying Authority and the controls being in place on the site.

(Reason: Environmental protection.)

41. EXCAVATION - AFFECTING ADJOINING LAND (CC)

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:

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

The condition referred to in subclause (i) 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.)

42. EXCAVATION – DEWATERING (CC)

Any de-watering from the excavation or construction site must comply with the Protection of the Environment Operations Act 1997 and the following:

- i) Ground water or other water to be pumped from the site into Council's stormwater system must be sampled and analysed by a NATA accredited laboratory or Council for compliance with ANZECC Water Quality Guidelines.
- ii) If tested by NATA accredited laboratory, the certificate of analysis issued by the laboratory must be forwarded to Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the

- commencement of de-watering activities.
- iii) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
 - iv) It is the responsibility of the applicant to ensure during de-watering activities, the capacity of the stormwater system is not exceeded, there are no issues associated with erosion or scouring due to the volume of water pumped; and turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.

(Reason: To ensure compliance with legislation and to protect the surrounding natural environment.)

43. LANDSCAPING - LANDSCAPE PLAN REQUIRED (CC)

An amended landscape plan reflecting the amended approved development, prepared by a qualified landscape architect or landscape consultant to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent is to be submitted to the satisfaction of the Principal Certifying Authority with the Construction Certificate application.

The plan must include all landscaped areas and must provide the following information:

- i) details demonstrating compliance with SCDP 2005 in relation to landscaping requirements;
- ii) location of all existing and proposed landscape features including materials to be used;
- iii) all trees to be retained, removed or transplanted;
- iv) existing and proposed finished ground levels;
- v) top and bottom wall levels for both existing and proposed retaining and free standing walls; and
- vi) a detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity. A minimum of 25% of species shall be locally sourced indigenous species. Species shall be predominantly selected from Council's Recommended Tree List.

Consideration within the design should be given to:

- The provision of a variety of different functional spaces (such as play areas, communal gardens, barbeque) within the communal outdoor spaces to provide for a range of activities suited to the demographic of the occupants.
- The provision of a covered area within the communal open space.
- The scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

(Reason: Landscape quality.)

44. LANDSCAPING - MAINTENANCE STRATEGY (CC)

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.)

45. LANDSCAPING ON SLAB (CC)

To ensure the site landscaping thrives, the on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees; and 300mm for grass and ground covers. Adequate drainage provision and a permanent, automatic irrigation system conforming to Sydney Water requirements shall be included. Details demonstrating compliance shall be submitted to the Principal Certifying Authority with the Construction Certificate application.

(Reason: Ensure landscape survival.)

46. 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	\$102,977.45
Provision of Major Open Space	\$468,516.57
Provision of Local Open Space	\$305,479.22
Provision Roads and traffic Management Administration	\$27,107.18
	\$8,879.49
TOTAL	\$912,959.91

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.)

**47. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (CC)
SECURITY PAYMENT - DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE (CC)**

A security (damage deposit) of **\$33,000** (calculated in accordance with Council’s adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council’s property damaged during the course of this development. All building work must be carried out in accordance with the Building Code of Australia.

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgment of a bank

guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

The damage deposit shall be refunded upon completion of all works upon receipt of a Final Occupation Certificate stage and inspection by Council.

(Reason: Protection of Council infrastructure.)

48. STORMWATER DRAINAGE (CC)

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

- i) Grated drains shall be provided along the basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.
- ii) Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site.
- iii) Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties
- iv) Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.

(Reason: To ensure the site is drained appropriately and does not interfere with the natural flow of flood waters.)

49. TRAFFIC - CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CC)

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

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

- i) description of the demolition, excavation and construction works;
- ii) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- iii) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- iv) proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- v) impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- vi) any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- vii) proposed hours of construction related activities and vehicular movements to and

- from the site;
- viii) current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
 - ix) any activities proposed to be located or impact upon Council's road, footways or any public place;
 - x) measures to maintain public safety and convenience;
 - xi) any proposed road and/or footpath closures;
 - xii) turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
 - xiii) locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
 - xiv) location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
 - xv) a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - xvi) material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
 - xvii) on-site parking area for employees, tradespersons and construction vehicles as far as possible;
 - xviii) proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
 - xix) how it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

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

50. TREE BONDS (CC)

A tree bond of **\$26,400.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to existing trees to be retained on Council's road reserve, during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development.

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgment of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

(Reason: To ensure the protection of trees to be retained on Council's Road Reserve.)

51. UTILITIES AND TELECOMMUNICATIONS - ELECTRICITY SUBSTATION (CC)

Any required electricity substation must be located within the boundaries of the site. Documentary evidence of compliance with the energy authority's requirements, including correspondence from the energy authority is to be provided to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Where an electricity substation is required but no provision has been made to place it within the approved building or its site and no details are provided on the approved development consent plans, a section 96 application is required to be submitted to Council for approval of an appropriate location for the required electricity substation.

(Reason: Access to utility.)

52. VEHICULAR CROSSINGS – MAJOR DEVELOPMENT

The following vehicular crossing and road frontage works will be required to facilitate access to and from the proposed development site:

- a) Construct a 1.5-metre-wide concrete footpath for the full length of the frontage of the site along Smallwood Avenue and Hudson Street (northern-end – side frontage) and full width concrete paving between the new kerb and gutter and boundary in Hudson Street across the rear of the subject site, in accordance with Council's specifications applying at the time construction approval is sought.
- b) A six (6) metre wide heavy duty concrete driveway shall be constructed off the northern end of Hudson Street (side frontage) in accordance with Council's specifications for driveways applying at the time construction approval is sought.
- c) The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.
- d) Construct a new 150mm high concrete kerb with 450mm wide gutter for the full frontage(s) of the site along Smallwood Avenue and both frontages of Hudson Street, in accordance with Council's Specifications for kerb and guttering applying at the time construction approval is sought.
- e) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant. The work shall be carried out in accordance with Council's specification, applying at the time construction approval is sought.
- f) The installation of turf as required along the Smallwood and Hudson Street (northern end – side boundary) and any other associated bitumen/asphalt works as required.

Constructing a vehicular crossing and/or footpath requires separate approval under Section 138 of the Roads Act 1993, prior to the commencement of those works.

(Reason: To ensure appropriate access to the site can be achieved.)

53. VENTILATION SYSTEMS – MECHANICAL (CC)

The mechanical ventilation system is to comply with the following:

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

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

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.)

54. WASTE MANAGEMENT PLAN (CC)

A revised Waste Management Plan (WMP) is to be provided in accordance with Part H of

Strathfield Consolidated Development Control Plan 2005. All requirements of the approved Waste Management Plan must be implemented during demolition, construction and on-going use of the premises.

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

(Reason: To ensure appropriate management of waste.)

55. WORKS ZONE - APPROVAL BY COUNCIL'S TRAFFIC COMMITTEE (CC)

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 (CW)

56. 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.)

57. 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)

58. CONTAMINATED LAND UNEXPECTED FINDS (DW)

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.)

59. FILL MATERIAL (DW)

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.)

60. 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.)

61. 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.)

62. 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.)

63. 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)

64. CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)

All surplus vehicular crossings and/or kerb laybacks must be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council. The nature strip is to be restored and the footpath area reinstated. All of the above are to be restored to the satisfaction of Council's Engineer and at full cost to the applicant, prior to the issue of any Occupation Certificate.

(Reason: Maintenance of public infrastructure.)

65. CAR PARKING - VISITOR CAR PARKING SIGNAGE (OC)

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Signage shall also be erected above the visitor parking itself. Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: Adequate access and egress.)

66. DRAINAGE SYSTEM - MAINTENANCE OF EXISTING SYSTEM (OC)

Where elements of the existing drainage system are to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed from the system.

A certificate shall be provided by a suitably qualified person (a registered plumber or a person of equivalent or greater experience or qualification) to the satisfaction of the Principal Certifying Authority, prior to the issue of any Occupation Certificate to confirm that the system is in good working order and adequate to accept additional flows having regard to any relevant standards and/or Sydney Water requirements.

(Reason: Maintenance and environment.)

67. ENGINEERING WORKS (CERTIFICATION OF)

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

- i) the stormwater drainage system; and/or
- ii) the car parking arrangement and area; and/or
- iii) any related footpath crossing works; and/or
- iv) the proposed basement pump and well system; and/or
- v) the proposed driveway and layback; and/or
- vi) 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.)

68. 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.

A 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.)

69. LANDSCAPING - ARBORIST'S FOLLOW UP REPORT OF TREE/S TO BE RETAINED (OC)

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

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

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

70. LANDSCAPING – CERTIFICATION OF COMPLETED LANDSCAPEING AND TREE PLANTING (OC)

Prior to the issue of the Occupation Certificate an AQF Level 5 Landscape Designer, or Landscape Architect, is to certify that all landscape works and tree planting has been carried out in accordance with the approved landscape design and conditions of development consent. Additionally, the certification is to include a statement that all plants are healthy and that the landscaped areas are well maintained, safe and free of biosecurity issues (pests, diseases and weeds).

(Reason: Tree preservation and environmental amenity.)

71. 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.)

72. RAINWATER TANKS (OC)

Rainwater tanks must be installed on residential properties by a suitably qualified and licensed plumber and in accordance with the following:

- i) Australian/New Zealand Standard AS/NZS 3500:2003;
- ii) NSW Code of Practice Plumbing and Drainage, 2006 produced by Committee on Uniformity of Plumbing and Drainage Regulations in NSW (CUPDR); and
- iii) Council's rainwater tank policy.

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

(Reason: To protect public health and amenity.)

73. STORMWATER - CERTIFICATION OF THE CONSTRUCTED DRAINAGE SYSTEM (OC)

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

(Reason: Adequate stormwater management.)

74. STORMWATER - COVENANT AND RESTRICTION AS TO USER FOR STORMWATER CONTROLLED SYSTEMS (OC)

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility on-site detention.

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

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

75. VENTILATION SYSTEMS – MECHANICAL (OC)

The mechanical ventilation system is to comply with the following:

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

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

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

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

76. SUBDIVISION - EVIDENCE OF CONSOLIDATION (OC)

The existing allotments shall be consolidated into a single lot. Evidence that the plan of consolidation has been registered as a deposited plan with the Land and Property Information Office must be submitted to Council, prior to occupation of the site.

(Reason: Proper management of land.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (POC)

77. CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)

All surplus vehicular crossings and/or kerb laybacks must be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council. The nature strip is to be restored and the footpath area reinstated. All of the above are to be restored to the satisfaction of Council's Engineer and at full cost to the applicant, prior to the issue of any Occupation Certificate.

(Reason: Maintenance of public infrastructure.)

78. CAR PARKING - VISITOR CAR PARKING SIGNAGE (OC)

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Signage shall also be erected above the visitor parking itself. Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: Adequate access and egress.)

79. ENGINEERING WORKS (CERTIFICATION OF)

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

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

have been constructed in accordance with the approved plans, conditions of consent 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.)

80. SYDNEY WATER - SECTION 73 CERTIFICATE (OC)

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained before the issue of the Subdivision Certificate. An application must be made through an authorised Water Servicing Coordinator (refer www.sydneywater.com.au).

Following receipt of the application a 'Notice of Requirements' will be issued detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Water Servicing Coordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Sydney Water written advice that you have obtained the Notice of Requirements must be submitted to the Principal Certifying Authority

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to release of the Subdivision Certificate /any occupation of the premises.

(Reason: To comply with the statutory requirements of Sydney Water.)

81. UTILITIES - ELECTRICITY SUBSTATION DEDICATION AS ROAD AND/OR EASEMENT FOR ACCESS (OC)

Where an electricity substation is provided on the site adjoining the road boundary, the area within which the electricity substation is located must be dedicated as public road, free of cost to Council. The size and location of the electricity substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors shall not intrude onto any public road (footway or road pavement).

Where access to the electricity substation is required from a public place and across the site, an easement for access across the site from the public place must be created upon the final plan of subdivision burdening the subject site and benefiting the Crown in right of New South Wales and any Statutory Corporation requiring access to the electricity substation.

The above details must be included on the final plan of subdivision, prior to the release of the Subdivision Certificate.

(Reason: Formalisation of access to utility.)

CONDITIONS TO BE SATISFIED DURING ONGOING USE OF THE PREMISES (OU)

82. FIRE SAFETY ANNUAL STATEMENT (OU)

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

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

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

(Reason: Fire safety)

83. NOISE - COMPLIANCE WITH ACOUSTIC ASSESSMENT REPORT (OU)

All recommendations contained in the approved Acoustic Assessment Report required by Condition 3 of this consent shall be adopted, implemented, and adhered to.

The Principal Certifying Authority (PCA) shall obtain a statement from an appropriately qualified acoustic consultant, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied prior to the issue of any Occupation Certificate.

Any changes made to the proposal that would alter the acoustic assessment will require a further acoustic assessment and a copy of this further report shall be provided to Council for approval prior to the commencement of works and any recommendations adopted, implemented, and adhered to.

(Reason: Noise control and amenity.)

84. VISITOR PARKING RESTRICTION (OU)

All visitor parking spaces must not at any time be allocated sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation.

(Reason: Compliance with approved visitor parking provision.)

85. MAINTENANCE AND PROTECTION OF LANDSCAPING AND SOFT LANDSCAPED AREAS (OU)

The applicant and property owner/s are to maintain and enhance the completed landscape works in all private and strata areas, in accordance with the approved landscape design and conditions of development (inclusive of the maintenance and protection of all retained and planted trees).

In this regard the applicant is to provide an annual statement to Council, on or by the 1 July of each calendar year, for the first 5 years after the issue of the occupation certificate, from an AQF Level 5 Landscape Designer or Landscape Architect certifying that;

- All plants (including planted and retained trees) are in a healthy safe condition.
- The turf areas are well maintained.
- The landscaped area is free of all notifiable weeds, pests and diseases as detailed in the NSW Biosecurity Act 2015.
- The landscaped area is free of hazards.
- The mulched areas are well maintained.
- The irrigation systems, sub soil drainage and lighting systems are in a good condition and operating according to both design and manufacturers specifications.
- That all missing plants have been replaced and are establishing well.

This annual statement shall also include reports and information from relevant expert consultants, in support of the statements made and as evidence of proof, in the annual statement.

(Reason: To protect landscape amenity and community environmental values).

RESOLUTION

That this matter be **DEFERRED** to await the determination by Water NSW of the De-watering Licensing approval and the issue of any General Terms of Approval. Following the receipt of this information the panel (as constituted of the 5 September 2019) will determine the application electronically, unless the chair determines that another public meeting is required.

REASONS:

The Panel is in general agreement with the Planning officers report and is unable to deal with the matter in the absence of the GTAs from Water NSW. However the Panel may be able to determine this matter electronically when a final response is received from Water NSW.

FOR: Paul Stein, Paul Vergotis, Sue Hobley, Alexander Ashley-Carrington

AGAINST: Nil

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

TO: Strathfield Local Planning Panel Meeting - 5 September 2019
REPORT: SLPP – Report No. 4
SUBJECT: DA2018/171 - 14 MARLBOROUGH ROAD, HOMEBUSH WEST
LOT 10 SECTION 1 DP 827
DA NO. DA2018/171

RECOMMENDATION

That Development Application No. 2018/171 for the demolition of the existing dwelling and construction of a four (4) storey boarding house, two levels of basement and 54 double lodger rooms at 14 Marlborough Road, Homebush West be **REFUSED**, for the following reasons:

- 1) The application provided insufficient information to demonstrate that pursuant to SEPP 55 Remediation of Land the land is suitable for the proposed development.
(Sections 4.15 (1)(a)(i) & (b) of the Environmental Planning and Assessment Act 1979)
- 2) The application provided insufficient information to satisfactorily address Clause 6.1 Acid Sulfate Soils of the SLEP 2012.
(Sections 4.15 (1)(a)(i) & (b) of the Environmental Planning and Assessment Act 1979).
- 3) The application provided insufficient information to demonstrate that excavation of the site will not have an adverse impact on the environment including soil stability and drainage patterns.
(Sections 4.15 (1)(a)(i) & (b) of the Environmental Planning and Assessment Act 1979).
- 4) The proposal does not comply with the minimum parking requirement detailed by the Affordable Housing SEPP 2009 and does not demonstrate that the car stackers comply with the relevant Australian Standards.
(Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979).
- 5) The proposal does not provide a Manager's Room as required by the Affordable Housing SEPP 2009.
(Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979).
- 6) The proposal is **inconsistent** with the subdivision pattern determined in the Strathfield Development Control Plan No. 20.
(Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979).
- 7) The proposal will result in the isolation of No. 14 Marlborough Road. Inadequate information was provided to satisfy the requirements of the relevant Planning Principle.
- 8) The proposal fails to satisfy the objectives of Clause 1.2 (2) (a) of the Strathfield Local Environmental Plan 2012 as the proposed development is an overdevelopment of the site and inconsistent with the existing and desired future character of Marlborough Road.
(Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979).

- 9) The proposal is inconsistent with Clause 30A of the ARH SEPP, as the design of the development is incompatible with the character of the local area given its building envelope and interface with the public domain.

(Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979).

- 10) The proposed side setbacks do not provide adequate privacy and amenity for the neighbours and future occupants given the location of windows orientated to the side boundaries.

(Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979).

- 11) The site is unsuitable for the proposed development, being an overdevelopment of the site resulting in adverse residential impacts.

(Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979).

- 12) Pursuant to the provisions of Sections 4.15(1)(d) & (e) of the *Environmental Planning and Assessment Act 1979*, it is considered that the proposed development would not be in the public interest.

(Sections 4.15 (1)(d) & (e) of the Environmental Planning and Assessment Act 1979)

RESOLUTION

The application for **DEFERRAL** for this matter is not agreed by the Panel. The Application is **REFUSED** for the reasons referred to in the report as amended by the Panel.

FOR: Paul Stein, Paul Vergotis, Sue Hopley, Alexander Ashley-Carrington

AGAINST: Nil

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