

# **Minutes**

**Of the meeting of the:**

## **Strathfield Local Planning Panel Meeting**

**Held on:**

**Thursday, 3 June 2021**

Commencing at at Town Hall (Supper Room), 65  
Homebush Road, Strathfield

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The meeting of the Strathfield Local Planning Panel Meeting was held in the Town Hall (Supper Room), 65 Homebush Road, Strathfield on Thursday 3 June 2021.

The meeting commenced at 10:02am and closed at 12:42.

The Public Meeting commenced at 10:02am and closed at 11:22am.

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

Site inspection time commenced: Conducted in the Panels own time.

Site inspection time concluded: Conducted in the Panels own time.

### **PRESENT**

The Hon Paul Stein QC AM – Chair

Expert- Paul Vergotis

Expert- Ian Stapleton

Community member- Alexander Ashley-Carrington

### **ALSO PRESENT**

Stephen Clements, Deputy CEO/General Manager Planning, Environment & Urban Services

Kandace Lindeberg, Executive Manager, Landuse Planning & Development

Miguel Rivera- Senior Planner

Sarah Evans, Administration Officer

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

NIL

**TO:** Strathfield Local Planning Panel Meeting - 3 June 2021  
**REPORT:** SLPP – Report No. 17  
**SUBJECT:** DA2020/235 - 55 OXFORD ROAD, STRATHFIELD  
 LOT 1 DP 1251201  
**DA NO.** DA2020/235

## RECOMMENDATION

In consideration of the written request made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012, the consent authority is satisfied that compliance with the development standard contained in Clause 4.3 Maximum Building Height of the SLEP 2012 is well-founded and that there are sufficient environmental planning grounds to justify contravening the development standard.

That Development Application No. DA2020/235 for alterations and additions to an existing dwelling house including internal layout re-configurations, front and rear extensions, window modifications, new façade treatment and replacement of swimming pool fencing at 55 Oxford Road, Strathfield be **APPROVED**, subject to the following conditions:

## REASONS FOR CONDITIONS

The conditions of consent are imposed for the following reasons:

- 1) To ensure compliance with the terms of the relevant Environmental Planning Instrument and/or Building Code of Australia and/or Council's codes, policies and specifications.
- 2) To protect the environment.
- 3) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- 4) It is in the public interest.

## DEVELOPMENT DETAILS

### 1. Approved Plans & Documentation

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Plan – Site/Roof	A 1.00	18/05/21	A4	MOMA Architects
Plan – Lower Ground Level	A 1.01	18/05/21	A4	MOMA Architects
Plan – Ground Level	A 1.02	18/05/21	A4	MOMA Architects
Plan – Level 1	A 1.03	18/05/21	A4	MOMA Architects
Elevation – North	A 2.00	18/05/21	A4	MOMA Architects
Elevation – South	A 2.01	18/05/21	A4	MOMA Architects
Elevation – West	A 2.02	18/05/21	A4	MOMA Architects
Elevation – East	A 2.03	18/05/21	A4	MOMA Architects
Section – Long Section	A 3.00	18/05/21	A4	MOMA Architects
Section – Short Section	A 3.01	18/05/21	A4	MOMA Architects
Schedule of Materials and Finishes	A 6.00	18/05/21	A4	MOMA Architects

Notes and Standard Details	Sheet 1 of 5	08/12/20	A	NITMA Consulting Pty Ltd
Erosion and Sediment Control Plan	Sheet 2 of 5	08/12/20	A	NITMA Consulting Pty Ltd
First Floor Drainage Plan	Sheet 3 of 5	08/12/20	A	NITMA Consulting Pty Ltd
Ground Drainage Plan	Sheet 4 of 5	08/12/20	A	NITMA Consulting Pty Ltd
Lower Ground Drainage Plan	Sheet 5 of 5	08/12/20	A	NITMA Consulting Pty Ltd
Hardscape Plan	LPDA 21 – 224 / 1	02/03/21	A	Conzept Landscape Architects
Landscape Plan	LPDA 21 – 224 / 2	02/03/21	A	Conzept Landscape Architects
Details	LPDA 21 – 224 / 3	02/03/21	A	Conzept Landscape Architects
Specification	LPDA 21 – 224 / 4	02/03/21	A	Conzept Landscape Architects
BASIX Certificate	A397119	08/12/20	-	LC Consulting Engineers
Site Waste Minimisation and Management Plan	-	08/12/20	-	Eric Km

## SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

### 2. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the [Roads Act 1993](#) and/or Section 68 of the [Local Government Act 1993](#) for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;

- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The relevant Application Forms for these activities can be downloaded from Council's website [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au). For further information, please contact Council's Customer Service Centre on (02) 9748 9999.

### 3. Building – Hoarding Application

Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary.

An application for this work under Section 68 of the [Local Government Act 1993](#) and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the [Local Government Act 1993](#) and Section 138 of the [Roads Act 1993](#):

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The 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 (available at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au)) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

## **REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES**

### 4. Sydney Water – Tap in™

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](http://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.

## PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

### 5. Fees to be Paid

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au)).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact council prior to the payment of s7.11 or s7.12 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

A summary of the fees to be paid are listed below:

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	\$1,400.00
Security Damage Deposit	\$8,100.00
Tree Bond	\$3,000.00
Administration Fee for Damage Deposit	\$127.00
Administration Fee for Tree Bond	\$127.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Indirect (Section 7.12) Contributions	\$4,000.00

#### General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

#### Development Contributions

A Section 7.12 contribution has been levied on the subject development pursuant to the Strathfield Section 94A Indirect Development Contributions Plan.

#### Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Development Contributions Plan.

#### Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

Further Information

A copy of the *current Development Contributions Plans* may be inspected at Council's Customer Service Centre at 65 Homebush Road, Strathfield or on Council's website [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).

## 6. Required Design Changes

The following changes are required to be made and shown on the Construction Certificate plans:

Eastern and Western Elevation	The Eastern and Western Elevations are to be amended and annotated to reflect the correct eastern/western aspects of the development.
Front Fencing	Details including top of column and top of fence RL's, heights, specific colours and materials of any new front fencing approved by this consent is to be incorporated in amended architectural plans.  The maximum height of the entire front fence including gates must be 1.5m measured from natural ground level.
Stairwell Window	The entire stairwell window must comprise of frosted glazing to minimise overlooking from this window.
East-facing Windows in Living Room	The east-facing windows in the living room (ground floor) must comprise of frosted glazing to at least 1.6m sill height.
First Floor Balcony	Privacy screens must be installed along the entire eastern and western extent of the first floor balcony. Privacy screens must be 1.6m high, measured from the finished floor level of the balcony.
Ground Floor Balcony	A privacy screen must be installed along the entire western extent of the first floor balcony. This screen must be 1.6m high, measured from the finished floor level of the balcony.
New Trees	The Landscape Plan must be amended to change the species of new trees proposed within the site to at least two (2) different species of trees listed in Strathfield Council's Recommended Tree List that are capable of reaching a mature height of at least 10m.

## 7. Damage Deposit – Minor Works

In order to insure against damage to Council property the following is required:

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$8,100.00.
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$127.00.
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.



#### 8. Tree Bond

A tree bond of \$3,000.00 (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 lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

A request for refund of the Tree Bond must be made in writing.

Tree Bonds may be forfeited if a tree is dead, made dangerous or has been terminally damaged, or will be held until tree/s have fully recovered from the construction damage or were replacement/planted trees have become fully established and are over 6 metres in height.

#### 9. Site Management Plan – Minor Development

A Site Management Plan detailing all weather access control points, sedimentation controls, waste management plans, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.

#### 10. BASIX Commitments

The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for a Construction Certificate.

All measures and commitments as detailed in the BASIX Certificate No. A397119 must be implemented on the plans lodged with the application for the Construction Certificate.

#### 11. Site Management Plan

##### Minor Development

A Site Management Plan detailing all weather access control points, sedimentation controls, waste management plans, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.

#### 12. Erosion & Sedimentation Control

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) 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)
- (c) All clean water run-off is diverted around cleared or exposed areas

- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004](#).

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

#### 13. Stormwater System

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system in accordance with Council stormwater management code and AS/NZS 3500.3: 2015 (as amended), prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

#### 14. Compliance with Swimming Pool Act 1992

The alterations and additions to the dwelling house and/or the construction of the new dwelling house subject of this consent must not generate any non-compliances with the Swimming Pools Act 1992, Swimming Pool Regulation 2018 and the Building Code of Australia. Details of compliance to be illustrated on the plans lodged with the application for the Construction Certificate.

#### 15. Structural Details

Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns & other structural members.

The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the PCA.

#### 16. Engineer's Certificate

A certificate from a professional Engineer specialising in structural engineering certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

#### 17. Tree Removal/Pruning Prohibited

This consent does not approve the removal or pruning (branches or roots) of any trees on the subject property, Council's public footway, public reserves or on neighbouring properties.

## 18. General Tree Protection Measures

- (a) All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- (b) The tree protection measures must be undertaken in accordance *AS4970 -2009 Protection of trees on development sites*.
- (c) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- (d) The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.
- (e) Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- (f) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

## **PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)**

### 19. Demolition & Asbestos

The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015)

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au).

### 20. Demolition Notification Requirements

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition

will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.

- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

#### 21. Demolition Work Involving Asbestos Removal

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the [Work Health and Safety Regulation 2011](#).

#### 22. Dial Before Your Dig

The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Council's Engineers for their records.

### DURING CONSTRUCTION

#### 23. Site Sign – Soil & Erosion Control Measures

Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

#### 24. Hours of Construction for Demolition and Building Work

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Friday and 8:00am to 1:00pm on Saturdays.

No work or ancillary activity is permitted on Sundays, or Public Holidays.

Where the development involves the use of jack hammers/rock breakers and the like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

Note: A penalty infringement notice may be issued for any offence.

## 25. Ground Levels and Retaining Walls

The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.

## **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

### 26. BASIX Certificate

All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.

### 27. Stormwater Certification of the Constructed Drainage Works (Minor)

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.

### 28. Stormwater Drainage Works – Works As Executed

Prior to the issue of the Occupation Certificate, stormwater drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

Council's Engineering Services section must advise in writing that they are satisfied with the Works-As-Executed prior to the issue of an Occupation Certificate.

### 29. Requirements Prior to the Issue of the Occupation Certificate

The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

### 30. Stormwater Drainage Works – Works As Executed

Prior to the issue of the Occupation Certificate, stormwater drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

Council's Engineering Services section must advise in writing that they are satisfied with the Works- As-Executed prior to the issue of an Occupation Certificate.

### **OPERATIONAL CONDIITONS (ON-GOING)**

#### 31. Swimming Pools – Resuscitation Notice

An expired air resuscitation warning notice complying with the [Swimming Pools Act 1992](#) must be affixed in a prominent position adjacent to the pool.

### **OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

#### 32. Requirement for a Construction Certificate

The erection of a building must not commence until a Construction Certificate has been issued.

#### 33. Appointment of a PCA

The erection of a building must not commence until the applicant has:

- (a) appointed a PCA for the building work; and
- (b) If relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the PCA of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

#### 34. Notification of Critical Stage Inspections

No later than two days before the building work commences, the PCA must notify:

- (a) The consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b)

- (b) The applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

35. Notice of Commencement

The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building.

36. Critical Stage Inspections

The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the [Environmental Planning and Assessment Regulation 2000](#).

37. Notice to be Given Prior to Critical Stage Inspections

The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

38. Occupation Certificate

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

## **PRESCRIBED CONDITIONS**

Prescribed conditions are those which are mandated under Division 8A of the [Environmental Planning and Assessment Regulation 2000](#) and given weight by Section 4.17(11) of the Environmental Planning and Assessment Act 1979.

Detailed below is a summary of all the prescribed conditions which apply to development in New South Wales. Please refer to the full details of the prescribed conditions as in force, at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

39. Clause 97A – BASIX Commitments

This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

40. Clause 98 – Building Code of Australia & Home Building Act 1989

Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the [Home Building Act 1989](#) relates, there is a requirement for a contract of insurance to be in force before any work commences.

41. Clause 98A – Erection of Signs

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.

## 42. Clause 98B – Home Building Act 1989

If the development involves residential building work under the [Home Building Act 1989](#), no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the [Home Building Act 1989](#).

## 43. Clause 98E – Protection &amp; Support of Adjoining Premises

If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

## 44. Clause 98E – Site Excavation

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage

**ADVICES**

## 45. Access to NSW Legislations (Acts, Regulations and Planning Instruments)

NSW legislation can be accessed free of charge at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

## 46. Long Service Levy

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.



## 47. Site Safety Fencing

Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au)).

## 48. Register your Swimming Pool

All swimming pools in NSW are required to be registered. Fines apply for pools that are not registered. To register please visit: [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au)

## 49. Noise

Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) published by the Department of Environment and Conservation. Other state government authorities also regulate the Protection of the Environment Operations Act 1997.

Useful links relating to Noise:

a) Community Justice Centres—free mediation service provided by the NSW Government ([www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au)).

b) Department of Environment and Conservation NSW, Noise Policy Section web page ([www.environment.nsw.gov.au/noise](http://www.environment.nsw.gov.au/noise)).

c) New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).

d) Australian Acoustical Society—professional society of noise-related professionals ([www.acoustics.asn.au/index.php](http://www.acoustics.asn.au/index.php)).

e) Association of Australian Acoustical Consultants—professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au)).

f) Department of Gaming and Racing - ([www.dgr.nsw.gov.au](http://www.dgr.nsw.gov.au)).

**RESOLUTION**

This application be approved subject to the recommended conditions in the planning officer's report.

The clause 4.6 variation standard is well founded and that there are sufficient environmental planning grounds to justify contravening of the development standard and that of the public interest is satisfied bearing in mind that the objectives of the zone and objectives of the development standard are satisfied.

**REASON:**

The Panel concurs with the planning officers report.

**FOR:**

Paul Stein QC AM

Paul Vergotis

Ian Stapleton

Alexander Ashely-Carrington

**AGAINST:**

NIL

\*\*\*\* End Minutes - Report No. 17\*\*\*\*

**TO:** Strathfield Local Planning Panel Meeting - 3 June 2021  
**REPORT:** SLPP – Report No. 18  
**SUBJECT:** DA2002/132/5 - 65-67 ROCHESTER STREET, HOMEBUSH - LOT 1 DP 1083569  
**DA NO.** 2002/132/5

## RECOMMENDATION

That Development Application No. 2002/132/5 for modification application to amend condition 43 and facilitate a 24-hour operation of the premises at 65-67 Rochester Street, Homebush (Lot 1 DP 1083569) be **APPROVED**, subject to the following conditions.

## DETAILS OF CONDITIONS

### PART A - PRESCRIBED CONDITIONS

The following are Prescribed Conditions of Development Consent under the Environmental Planning & Assessment Regulation 2000 and MUST be complied with where relevant to the subject proposal.

#### 1. Compliance with Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

#### 2. Residential building work

(1) Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:

(a) in the case of work to be done by a licensee under that Act:

- (i) has been informed in writing of the licensee's name and contractor licence number, and
- (ii) is satisfied that the licensee has complied with the requirement of Part 6 of that Act ie. has Home Building Insurance if the work is over \$12,000.  
(Note: The builder or tradesperson who proposes to carry out the work must obtain the Home Building Insurance from a company specified in the Notes at the end of the consent); OR

(b) in the case of work to be done by any other person:

- (i) has been informed in writing of the person's name and owner-builder permit number, or
- (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than \$12,000

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

(2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that part.

## PART B - OTHER CONDITIONS

### Plans

*The following conditions have been imposed to ensure the development is in accordance with the approved plans and specific requirements of Council.*

- 1 (1) The development shall be completed in accordance with the approved plans dated 9 October 2002, Drawing Nos. DA03, DA04, DA05, DA06, DA07 prior to the building being used or occupied but subject to any variation as required by the conditions detailed herein.
  - (2) A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction/demolition associated with this consent.
  - (3) A separate application must be lodged with the Principal Certifying Authority and be approved if it is proposed to use or occupy all or part of the building prior to the development being completed.
- 2 The premises shall comply generally with the requirements of the Building Code of Australia for a Class 9b building.
- 3 The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued.

### Financial Matters

*The following conditions have been imposed to require payment for identified works or services, to require bonds to ensure compliance with various conditions and to safeguard against damage to Council property.*

- 4 A bond of \$5,000 in the form of cash or bank guarantee shall be lodged with Council **prior to issue of the Construction Certificate.**

This bond covers the following matters listed as conditions of this consent:

- a) connection to Council's stormwater drainage system
  - b) installation and maintenance of sediment control measures for the duration of construction activities
- and will be released upon satisfactory completion of these items.

- 5 A security payment of \$4,094.80 (comprising \$4,000 refundable bond, \$86.20 non-refundable administration fee and \$8.60 GST) against damage or harm to any Council property shall be paid to Council **prior to issue of the Construction Certificate.**

(2) The security payment referred to in (1) is also to ensure there is no building debris/material left on adjoining Council (Community) land and may be used to recover the costs of Council cleaning the land.

- 6 (1) Where Council is requested to carry out the post approval inspections, a fee of \$1,100.00 (comprising \$1,000.00 inspection fee and \$100.00 CST) shall be paid **prior to the carrying out of any of the inspections.**

(2) Any re-inspection which is necessary due to site access not being available, defective work,- or the matter not being ready for inspection will be charged at the rate of \$110.00 (Comprising \$100.00 fee and \$10.00 CST) per re-inspection. Any such additional re-inspection fee will be notified in writing by Council and shall be paid prior to release of the damage deposit. If the additional fee is not paid it will be deducted from the damage

deposit.

- 7 (1) Payment of the Long Service Levy as required by section 109F(1) of the Environmental Planning & Assessment Act 1979 for all building work over \$25,000. **Note: The cost of the building work must be rounded to the nearest \$100.**

(2) The levy of 0.2% of the cost MUST be paid at the Council (or provide evidence of payment direct to the Long Service Payments Corporation) prior to issue of the Construction Certificate.

### **Parking/Traffic Matters**

*The following conditions have been imposed to require compliance with Council's parking requirements and to assist in traffic safety*

- 8 Off-street parking spaces numbered 1 space closest to Abbotsford Road frontage on the plans referred to in Condition one (1) shall be marked for use by Disabled Persons.
- 9 A sign shall be erected which is visible to persons driving along Rochester Street that indicates parking is available for use by patrons of the development.
- 10 At the point of vehicular egress from the site, a sign shall be conspicuously displayed and maintained indicating that no vehicles are to be driven in reverse across the footway and that vehicles must stop before crossing the footpath.
- 11 Materials and finishes for the parking and vehicle access area shall be in accordance with details indicated on the Landscape Plan job number 02-1 18w prepared by Taylor Brammer landscape architects and dated 8.10.2002
- 12 (1) A vehicular access driveway shall be constructed for the development in accordance with Council's standard drawing 500-01 or 500-02. Driveways shall be located a minimum of 1.0m clear of any existing stormwater pits, lintels or poles and 2m clear of any trees with the road reserve. The maximum width of driveways within the road reserve shall be 6m.
- (2) Application for a Works Permit shall be made to Council's Operations Department prior to undertaking the construction of the crossing.
- 13 All vehicular crossings shall be relocated to be at least 1m clear of any poles, pit inlet and 2m clear of any trees within the road reserve.
- 14 All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council. A Works Permit from Council's Operations Department is required prior to undertaking the work.
- 15 A Works Permit shall be obtained from Council's Operations Department 48 hours prior to undertaking any works on public/Council controlled areas. This includes any work on the nature strip, footpaths, driveways, stormwater outlets, Council's drainage, kerb & guttering and roadways. This permit must be on site at all times and produced on request from any Council Officer.
- 16 The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10 million, and shall provide proof of such cover prior to carrying out the works.
- 16A The carpark must display appropriate signs to regulate all 90 degree angle parking spaces so vehicles are to park front to wall only in these spaces.**

**ADDED 03/06/2021: DA2002/132/5**

**Drainage/Stormwater**

*The following conditions have been imposed to ensure drainage is in accordance with Council's Stormwater Management Code and that measures are taken to regulate stormwater flow.*

- 17 Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the Sydney Water channel subject to the requirements of Sydney Water.
- 18 Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the requirements of the Council's Stormwater Management Code and approved **prior to issue of the Construction Certificate**.
- 19 On-site Stormwater Detention storage shall be provided in conjunction with the stormwater disposal. This storage shall be designed in accordance with Council's Stormwater Management Code. Details of the storage shall be submitted and approved **prior to issue of the Construction Certificate**.
- 20 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.
- 21 Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.
- 22 (1) **Prior to occupation/use of the building and release of any security bonds**, written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.  
  
(2) In addition, full works-as-executed plans, prepared and signed by a registered surveyor shall be submitted. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels.
- 23 Habitable floor levels shall be a minimum of RI-11.50 AHD (0.5m free board).
- 24 Garage floor levels shall be at a minimum of RI-11.00 AHD.
- 25 (1) For drainage works
  - b) connecting to Council's stormwater drainage systeminspections will be required:-
  - (i) after the excavation of pipeline trenches
  - (ii) after the laying of all pipes prior to backfilling
  - (iii) after the completion of all pits and connection points

(2) A minimum of 24 hours notice shall be given to Council to obtain an inspection. Inspections may be arranged by telephoning Council's Infrastructure Planning Section on 9748-9938 during office hours. Work is not to proceed until the works or activity covered by the inspection is approved.

- 26 Temporary measures shall be provided and regularly maintained during construction to prevent sediment and polluted waters discharging from the site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted and approved **prior to the issue of the Construction Certificate**.

- 27 (1) A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the on-site stormwater detention system incorporated in the development. The wording of the instrument shall be submitted to, and approved by Council prior to lodgment at the Land Titles Office. The instrument shall be registered **prior to occupation/use of the building** and a registered copy of the document shall be submitted to Council **prior to the release of the drainage bond**.

(2) The positive covenant referred to above is required to prevent future modification or alteration without written consent of Council, and to ensure suitable maintenance

- 28 The boundary fences shall be constructed in materials that allow unobstructed passage of surface stormwater flows. Fencing details shall be submitted and approved **prior to the issue of the Construction Certificate**.

- 29 Any boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground water to the detriment of any other party.

### Public Authority Matters

*The following conditions have been imposed to ensure the requirements of the relevant Public Authorities have been met.*

- 30 Satisfactory arrangements shall be made with the telecommunication carriers for the provision of underground communication services, **prior to the commencement of work**.

- 31 (1) Arrangements shall be made with the relevant authority/carrier for the undergrounding of electricity and telecommunication services located along the Abbotsford Road and Rochester Street frontage of the development site.

(2) Any disturbance to footpaths as a result of the undergrounding of services shall be restored at no cost to Council. A Works Permit from Council's Operations Department is required prior to undertaking the work.

- 32 (1) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website [www.sydneywater.com.au/customer/urban/index](http://www.sydneywater.com.au/customer/urban/index) or telephone 13 20 92.

(2) Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

(3) The Section 73 Certificate must be submitted to the Principal Certifying Authority **prior to release of the linen plan/occupation of the development**.

- 
- 33 (1) A Work Method Statement which includes details of measures to protect public and private property during demolition shall be submitted to WorkCover NSW for approval.
- (2) A copy of the approval of WorkCover shall be submitted to Council **prior to work commencing on the demolition**.

### Landscaping/Tree Matters

*The following conditions have been imposed to ensure landscape of the site and the protection and replacement of trees during construction.*

- 34 The existing Abbotsford Road and Rochester Street 1.8 metre pedestrian pavement minimum widths and existing general alignments are to be maintained and to remain unobstructed. Stair walling and handrails, garden bed and small feature tree planting (x2) beyond the property boundary and within the Abbotsford Road pedestrian pathway are to be deleted from the plans. Details are required **prior to the issue of the Construction Certificate**.
- 35 An additional Brush Box (*Lophostemon confertus*) street tree in 100 litre size container is to be planted approximately 4 metres to the east of the proposed vehicular access driveway within the alignment of the existing grassed verge. A four (4) metre long x approximately 2.4 metre wide (the width available between kerb and existing pedestrian pathway alignment) soft landscape area is to be provided around the base of the tree.
- 36 All paving in the street areas adjoining the site shall be undertaken to match existing paving in the Homebush Village area.
- 37 The proposed pedestrian pavement treatment (to match Homebush Village area) is to be extended along the existing 1.8 metre pedestrian pavement alignment to the Rochester Street frontage.
- 38 A minimum 300mm wide landscaped strip is to be provided to the full length of the southern common boundary adjacent to the carpark. A continuous planting of evergreen climbing/screening plants is required to this landscape strip.
- 39 A planting schedule is to be included on the Landscape Plan indicating plant species, location, quantities and container sizes. All trees are to be indicated as 100 litre size containers. This detail is required **prior to the issue of the Construction Certificate**.
- 40 A fully automated irrigation system is to be specified to all landscape areas including planter areas. This detail is required **prior to the issue of the Construction Certificate**.
- 41 Cross banding should be indicated to the proposed pedestrian pavement as per the existing Homebush Village paving- Banding should tie in with proposed architectural features and tree bays etc and/or at approximately every 4-6 metres. This detail is required **prior to the issue of the Construction Certificate**.

### Site Operation

*The following conditions have been imposed to ensure the operation of the development has minimal impact on the neighbourhood.*

- 42 All loading and unloading of goods, material, equipment and the like shall take place within the site.



- 43 ~~The hours of operation shall be restricted to Library (Monday — Thursday 10am to 8pm, Friday 10am to 6pm, Saturday 9am to 4pm, Sunday 1pm to 5pm).~~

The hours of operation are approved as follows:

- a) The core **staff** hours of operation of the premises shall be limited to the following:
- i. Monday to Thursday: 10.00 AM to 8.00 PM,
  - ii. Friday: 10.00 AM to 6.00 PM,
  - iii. Saturday: 9.00 AM to 4.00 PM, and
  - iv. Sunday: 1.00 PM to 5.00 PM.
- b) Notwithstanding (a) above, the use may operate 24 hours 7 days per week Monday to Sunday. The extended hours of operation may be reviewed by Council at any time **but at least once per year**.
- c) Any review of the extended hours of operation in (b) above by Council will be based on, among other things, the performance of the operator in relation to the compliance with the development consent conditions, any substantiated complaints received and any views expressed during public consultation or from other stakeholders including the Police.
- d) Following a review, Council may allow the use to continue to operate for the hours specified in (b) above, require the use to revert to the core hours of operation specified in (a) above or otherwise modify the condition as considered appropriate.

The purpose of the reviewable condition is to allow ongoing assessment of the hours of operation in relation to neighbourhood amenity, public safety and operational performance and allow management to demonstrate successful practices in relation to the above.

**AMENDED 03/06/2021: DA2002/132/5**

- 44 **Access to the meeting rooms will only be available during the core hours set out in condition 43(a)**

**AMENDED 03/06/2021: DA2002/132/5**

- 45 All persons and organisations making bookings for the Meeting Room shall be advised of the location of the Library carpark and shall be requested to encourage their patrons/members to utilise this area.

- 46 No storage of goods, material, equipment, machinery, refuse, or refuse bins (including industrial waste containers) shall take place in any area external to the building nor shall the same be stored or placed within the road reserve except in accordance with Council's Materials on the Footpath Policy.

- 47 (1) Council approval shall be obtained for:

(a) the erection of any advertising structure attached to the building or building or proposed to be erected on the same land as the building is situated.

"advertising structure" means a structure used or to be used principally for the display of an advertisement.

(b) the painting of any advertisement on the building or on any fence or other structure (not being an advertising structure) on the same land as the building is situated.

"advertisement" means the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of a work.

(2) Notwithstanding (a) above, business identification signs may be displayed, erected or painted within the building and at ground floor level on the front facade of the building without Council approval.

"business identification sign" means an advertisement which in respect of any place or premises to which it is fixed contains all or any of the following:

*a) a reference to the identification or description of the place or premises;*

*b) a reference to the identification or description of person residing or carrying on an occupation at the place or premises;*

*c) particulars of any occupation carried on at the place or premises;*

*d) such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there;*

*e) particulars or notifications required or permitted to be displayed by or under any Act or any Act of Parliament of the Commonwealth;*

*f) particulars relating to the goods, commodities or services dealt with or provided at the place or premises;*

*g) particulars of any activities held or to be held at the place or premises;*

*h) a reference to an affiliation with a trade, professional or other association relevant to the business conducted on the place or premises.*

(3) No advertising structure or advertisements shall be stored or displayed on the public footpath area except in accordance with Council's Materials on Footpath policy.

(4) Any advertisement or advertising structure shall not be illuminated or floodlit without the prior consent of the Council.

8 Any noise emanating from the use at any time shall:-

(a) not have any detrimental effect on the adjoining residential amenity-

(b) generally comply with the criteria in chapters 20 & 21 of the Environmental Noise Control Manual published by the Environment Protection Authority

49 No retail sale of any goods shall take place from the site.

**50 The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises.**

**The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the**

[Environment Operations Act 1997](#) (as amended).

**MODIFIED 03/06/2021: DA2002/132/5**

51 An updated safety and security plan shall be prepared for the site and shall consider all risks to users of the site and adjoining properties and facilities as a result of the new building.

**51A An updated safety and security plan shall be prepared for the site and shall consider all risks to users of the site and adjoining properties and facilities as a result of the new hours of operation.**

**ADDED 03/06/2021: DA2002/132/5**

**51B The lights in the first floor office be turned off during unstaffed hours, with the exception of the hours needed by any cleaners to perform their duty.**

**ADDED 03/06/2021: DA2002/132/5**

**51C The blinds of the southern elevation windows, facing the northern elevation of the southern neighbour, must be put down during the unstaffed hours.**

**ADDED 03/06/2021: DA2002/132/5**

**Construction Matters**

*The following conditions have been imposed in relation to site matters during construction*

52 A certificate and steel details from a structural engineer (see Advice 6 at the end of this consent) to be furnished prior to issue of the Construction Certificate indicating that the size of the footings, reinforcing steel, the floor slab and stairway construction are satisfactory for the proposed building.

53 Certification shall be obtained from a registered surveyor at the following stage(s) of construction to ensure approved levels are achieved.-

(a) footings excavation prior to placement of concrete

(b) ground floor level prior to placement of concrete

(c) car park/garage level prior to placement of concrete or pavement.

54 (1) The existing ground levels shall not be altered except in accordance with the levels shown on any plan approved as part of this consent.

(2) Finished ground surface levels shall match the existing levels at the property boundary.

(3) Any survey plan shall also show the extension of these levels onto adjoining properties.

(4) If the existing ground levels are altered during construction, Council may require a survey plan of the finished ground levels to be prepared and submitted **prior to issue of the Occupation Certificate** to ensure there has been no alteration to the pre-development levels.

55 (1) All construction work and demolition work shall be:

(a) restricted to 7am and 5pm (Eastern Standard Time) and 7am to 7pm (Daylight Saving Time).

(b) restricted to Mondays to Saturdays (inclusive).

(c) prohibited on Sundays and public holidays.

(2) Construction hours may be varied with the written approval of the Director, Technical Services in special circumstances in accordance with the following:-

(a) written request must be made in advance with sufficient time given to consider such request, including notification to adjoining residents if necessary;

(b) the construction hours may only be varied upon receipt of the written approval.

56 (1) Council approval shall be obtained for any construction zone required for the development.

(2) Any such approval may be subject to further conditions including the payment of installation and Council fees.

57 No storage of goods, material, equipment, machinery, refuse, or refuse bins (including industrial waste containers) and the like shall take place on the public footpath or carriageway during construction of the proposed development.

58 (1) The footpath or driveway must not be removed until a Works Permit is obtained from Council's Operations Department.

(2) Council's property, which includes the footpath, driveway and naturestrip, shall be maintained in a safe condition throughout the works.

(3) Council may give notice to perform temporary repairs to Council's property in order to ensure public safety.

59 Under no circumstances shall spoil or building materials be deposited on the Council's footpath or carriageway; such footpath and carriageway are to remain unobstructed at all times.

60 Precautions shall be taken to restrict the transfer of mud and material to Council's roads or public place. Should such debris be transported onto the road, it shall be cleaned forthwith.

61 Noise shall be minimised as far as practicable during works on site and only equipment fitted with approved silencing devices where applicable shall be used.

62 All precautions shall be taken to minimise any dust nuisance arising from the site.

63 The following MUST be inspected by Council staff or other suitably qualified person. **All inspections by Council staff must be arranged by telephoning 97489911 by 4pm on the day before the inspection is required.** Council cannot guarantee inspections arranged after this time:-

(a) Sediment control measures to be inspected at least weekly and/or in conjunction with other inspections listed below to ensure they are maintained during construction.

(b) Any pier holes (if pier holes are required to accommodate components of this structure).

(c) Any foundation material before the placement of any component of this structure.

(d) Trenches and pier holes with reinforcing steel in position but before concrete is poured (if components of this structure).

- (e) When damp proof course and flashings are placed in position.
  - (f) All reinforcement of floors, slabs, columns, beams and stairs (if components of this structure).
  - (g) Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
  - (h) Wet area damp proofing and flashing before covering.
  - (i) Any drainage lines including any agricultural subsoil drainage lines (if these are a component of this project) prior to any covering or filling.
  - (j) The reinforcing steel after it has been placed in position prior to pouring of any concrete.
  - (k) Tree protection - to establish/inspect tree protection measures to be carried out prior to commencement of building works. If practical, works should not commence prior to these tree protection measures are implemented to satisfactory standard.
  - (l) Landscape final - to establish/determine whether site landscaping has been implemented in accordance with approved landscape plans and or conditions. To determine bond period and amount.
  - (m) Tree final - to determine whether trees have been retained, protected or planted in accordance with arborist report and/or conditions of consent to assess trees for continuing safety. To determine bond period and amount. (n) The completion of all work associated with the building.
- (2) A **Compliance Certificate** shall be issued before the building is occupied/used certifying that all inspections were carried out and that all requirements were satisfactory at time of inspection.

64 (1) Any dividing fence between the subject site and an adjoining property shall not be demolished/removed or a new fence erected until written approval has been given by the Director, Technical Services, based on the following:

- (a) There is written agreement from both owners as to the location, style, type and form of dividing fence; or
- (b) The local court has made a determination under the Dividing Fences Act as to what constitutes a "sufficient dividing fence" including any direction as to costs.

(2) Notwithstanding (1) above the replacement of an existing timber paling fence with another timber paling fence of the same height and configuration does not require approval providing the adjoining owner agrees to the replacement fence as required under the Dividing Fences Act.

65 (1) If the work involved in the erection or demolition of a building:

(a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

(b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

(2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- 66 (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited, and
- (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- (2) Any such sign is to be removed when the work has been completed.
- (3) This clause does not apply to:
- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
- 67 (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site
- (2) Each toilet provided:
- (a) must be standard flushing toilet, and
- (b) must be connected:
- (i) to a public sewer, or
- (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or
- (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.
- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- 68 Submit a comprehensive waste management plan for the proposed library development **prior to the issue of the Construction Certificate**. Such plan shall address demolition, construction and operational waste arising from the library after the completion and shall include the following information:
- (a) Type and likely quantity of waste arising from demolition and construction activities;
- (b) Storage, disposal and recycling measures for all demolition and construction waste, including disposal points;
- (c) Provision in the waste storage and recycling area for at least 240 litre garbage bins and 3 x 240 litre recycling bins for the management of all library waste. Note: In this regard, the designated waste storage area shall be under cover and big enough to store at least

the 6 x 240 bins as required;

(d) The system to be used to ensure garbage bin and recycling bins are placed out for collection on the appropriate day(s) and returned to the designated waste storage area after emptying.

- 69 All works undertaken on the site shall comply with the Waste Management Plan approved for the proposed development.
- 70 A suitable soil erosion and sediment control plan covering the demolition and construction phases of the proposed development shall be submitted **prior to the issue of the Construction Certificate or before the commencement of an associated site workst which ever occurs first.**
- 71 All mitigative measures identified in the Soil Erosion and Sediment Control Plan shall be implemented before commencing site works and shall be maintained until the development is completed and the land is stabilised.

### Building Matters

*The following conditions have been imposed to ensure specific aspects of the building are in accordance with Council policy and legislative requirements.*

- 72 Details of all external building materials, including samples of proposed finishes and colours, are to be submitted and approved **prior to the issue of the Construction Certificate.** Materials should be consistent with the schedule of finishes indicated in the Statement of Environmental Effects submitted with the application.
- 73 All timbers shall be in accordance with the sizes detailed in the Standards Association of the Australian Timber Framing Code, Australian Standard 1684 unless a structural engineer's (see Advice 6 at the end of this consent) certificate indicating the suitability of alternative dimensions is submitted.
- 74 0(1) Treatment for the protection of the building from subterranean termites shall be carried out in accordance with AS3660, Part 1, "Protection of Buildings from Subterranean Termites Part 1 : New Buildings".
- (2) Certificates of treatment shall be submitted to Council **prior to occupation of the building** and a notice of treatment in accordance with the standard shall be affixed to the building (BCA clause 1.1, BI .3)
- 75 For the purposes of child safety and energy conservation all new or replacement hot water systems shall include a mixing device/vatve which will deliver hot water to a maximum 50\* C at the outlet of all taps, shower roses and the like in bathrooms, ensuites and similar areas used for personal hygiene.
- 76 (1) For the purpose of water conservation, all
- (a) water closets installed within the building/additions are to have a maximum 6/3 litre dual flush cistern;
- (b) shower heads and taps are to be fitted with reduced water flow devices; and
- (c) shower heads, toilets and aerators on bathrooms and kitchen hand basins and sinks shall be at least AA+ rated water efficient.
- (2) Installation must comply with manufacturer's specifications.

- 77 If the soil conditions require it:
- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
  - (b) adequate provision must be made for drainage.
- 78 (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made•
- (a) must preserve and protect the building from damage, and
  - (b) if necessary, must underpin and support the building in an approved manner, and
  - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2)The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (3) In this clause, allotment of land includes a public road and any other public place.
- 79 The external steps serving the kitchenette shall be replaced with a ramp having a gradient of 1:8. Amended plans shall be submitted to and approved by Council **prior to the issue of a Construction Certificate.**

### **Demolition**

*The following conditions control/regulate demolition associated with the proposal.*

- 80 Demolition shall be carried out in accordance with Australian Standard 2601 1991.
- 81 All demolition material shall be removed from the site within seven (7) days of demolition (unless otherwise stipulated in writing from Council) unless such material is to be re-used in the development on the site and shall be stored in a clear and tidy manner and not within the dripline of any tree.
- 82 Burning off of any demolition material is not permitted.
- 83 Demolition shall not commence until required hoardings are erected.
- 84 Adequate fire precautions shall be taken at all times to prevent the possibility of fire.
- 85 (1) All utility services shall be made safe prior to the commencement of demolition.
- (2) The relevant supply authority/tradesman shall certify that such has been made safe prior to commencement of demolition.
- 86 The site shall be kept vermin free at all times.
- 87 On-site stacking/storage of material shall be carried out at the rear of the property and not within the dripline of any tree.
- 88 Waste containers shall be stored wholly within the property and not on the public footpath,



place or road.

- 89 The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to the Principal Certifying Authority **prior to any work commencing on site.**
- 90 Details demonstrating that excavated and demolished materials will be disposed of at an approved site, as required by Department of Planning Circular DI 3, shall be submitted **prior to any work commencing on site.**

### **Fire Safety Measures**

*The following conditions ensure adequate fire safety measures are included in the building.*

- 91 A schedule of existing and/or proposed essential fire or other safety measures to be installed, and the minimum standard to which these measures must be designed, installed and/or maintained under Part 7B of the Environmental Planning & Assessment Regulation shall be submitted **prior to issue of the Construction Certificate.**

### **Hoardings**

*The following conditions have been imposed to protect the public and adjoining property.*

- 92 (1) overhead protective structure (as set out in the Code of Practice issued by WorkCover NSW) shall be erected along the street frontage to protect the public.
- (2) The overhead protective structure shall be erected before any building work reaches ground level.
- (3) A Works Permit from Council's Operations Department is required prior to erecting any structure over or on Council's footpath.
- 93 (1) No advertisements of any kind shall be affixed to hoardings/ overhead protective structures excepting a board not exceeding 2.4m x 1.8m on which may be shown the architect's/builder's/demolisher's names or any particulars regarding the subject building and notices regarding the existing or future occupancies in the building
- (2) Hoardings/overhead protective structures at ground level shall be covered up to 2 metres above ground level with chain wire, chicken wire or other such material in order to preclude the fixing of posters.
- (3) A sign "Billposters will be Prosecuted" shall be attached or printed on the hoarding/overhead protective structures so it is visible from the street or other adjoining public place.
- (4) A Works Permit from Council's Operations Department is required prior to erecting any structure over or on Council's footpath.
- 94 A permit shall be obtained from Council for the creation of any required construction zone prior to work commencing.

### **Mechanical Ventilation**

*The following conditions ensure there is adequate mechanical ventilation provided for the development.*

- 95 If it is proposed to install a ducted air-conditioning system in the premises, full details of

such proposal shall be submitted to Council for approval prior to any work commencing on the installation of such air-conditioning system.

~~96 As required by the Noise Control Act and Regulations, air-conditioning units shall not be audible in any residential premises between the hours of 10pm and 8am on consecutive days.~~

**DELETED 03/06/2021: DA2002/132/5**

97 The mechanical ventilation/air conditioning/exhaust system shall be maintained in continuous operation at all times the premises are occupied or in use.

98 The air conditioning system shall meet the minimum requirements for fresh air/occupancy as determined from Table 3.1 of ASI 668.

99 All dehumidification condensates or other liquid wastes arising from ventilation equipment plant or equipment shall be conveyed via a closed pipe to the building sewerage service.

**Subdivision**

*The following conditions have been imposed to ensure that the subdivision satisfies the requirements of the relevant legislation and specific Council requirements.*

100 The site shall be consolidated into one allotment (Lots 1 and 2 DP 311277)

Such plan of consolidation shall be either:

(i) approved by the Council, or

(ii) lodged with the Land Titles Office (with proof of lodgement being furnished to the Council)

**prior to issue of the Construction Certificate and shall be registered prior to issue of the Subdivision Certificate.**

**AS AMENDED IN THE CONSENT LETTER TO MODIFY DA0203/132 (now known as DA2002/132) DATED 06 MARCH 2003**

**Disabled Access**

*The following conditions have been imposed to ensure that the development provides for adequate access and facilities for persons with disabilities*

101 Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia Part D3 - "Access for People with Disabilities" AS1428.1 and Disability Discrimination Act.

102 Facilities for disabled persons shall be provided in the building in accordance with Part F2.4 and Table F2.3 of the Building Code of Australia. Details shall be provided with plans submitted with the Construction Certificate.

103 Access for persons with disabilities to and throughout the building shall comply with the Building Code of Australia.

104 The passenger lift shall be an accessible lift and comply with the Building Code of Australia and AS1735.12.

## General

*The following conditions have been imposed to ensure there is minimal impact during construction and that specific Council requirements are met.*

- 105 Details of external lighting proposed in connection with the development shall be submitted and approved by the Council prior to the installation thereof
- 106 The existing ground levels around the building shall not be altered.
- 107 Separate consent shall be obtained for any future commercial café or related commercial kitchen facility in the building.
- 108 Fitout details of the kitchenette shall be submitted to and approved by Council's Environmental Services Section **prior to the issue of a Construction Certificate.**
- 109 Details of the proposal photo-voltaic panels including the methods of fixing the panels to the structure shall be submitted to and accepted by Council **prior to the issue of a Construction Certificate.**

## Lighting

*The following conditions have been imposed to ensure there is minimal impact on to the neighbourhood.*

- 110 To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting.

**ADDED 03/06/2021: DA2002/132/5**

- 111 Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare. Flashing, moving or intermittent lights or signs are prohibited.

**ADDED 03/06/2021: DA2002/132/5**

## Safety and Security

*The following conditions have been imposed to ensure safety and security of the premises, users and adjoining properties.*

- 112 Closed Circuit Televisions (CCTVs) must be installed to ensure coverage of the library's internal areas and the site's perimeter **and including the carpark.**

**ADDED 03/06/2021: DA2002/132/5**

- 113 Random visits during unstaffed hours must be undertaken by Council Rangers to check the library and the carpark on a daily basis.

**ADDED 03/06/2021: DA2002/132/5**

**REVIEW OF DETERMINATION**

Section 82A of the Act allows the applicant/owner to request Council to review the determination of the application. Any such request must be made within twenty-eight (28) days of the Notice of Determination being issued and be accompanied by the required fee.

**RIGHT OF APPEAL**

If you are dissatisfied with this decision, section the Environmental Planning and Assessment Act, 19791 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

**WARNING**

**NO WORK CAN COMMENCE UNTIL YOU HAVE OBTAINED A CONSTRUCTION CERTIFICATE**

**SIGNED** on behalf of the  
Strathfield Municipal Council

  
GEOFF BAKER  
PUBLIC OFFICER

**END CONDITIONS****ADVICE**

The following matters are included as advice as relative to this application:

- 1 (a) Section 95A of the Act provides that the applicant or any other person entitled to act on the consent may apply to the Council, before the consent lapses, for a 1 year extension.  
  
(b) The consent will lapse unless the use or building, engineering or construction work related to the building is physically commenced on the land prior to the consent lapse date shown on page 1 of this consent.
2. In accordance with the Tree Preservation Order applying to the Strathfield Council area, any tree having a height greater than 4.0 metres or a girth greater than 0.5 metres measured at a point 1.0 metres above ground level, is not to be ringbarked, cut down, lopped, injured or wilfully destroyed excepting with the written consent of the Council.
3. Section 125 of the Act provides that any person who contravenes or causes or permits to be contravened the conditions of this consent or the Tree Preservation Order shall be guilty of an offence.
- 4 (a) Section 126 of the Act provides that a person guilty of an offence against this Act shall, for every such offence, be liable to the penalty expressly imposed and if no penalty is so imposed to a penalty not exceeding \$110,000 and to a further daily penalty not exceeding \$110,000

(b) Penalty infringement notices (on-the-spot fines) can also be issued for breaches of the conditions of development consent.

5. The contributions required under s94 of the Act are set out in the Section 94 Contributions Plan which can be viewed at Council's Customer Service Centre, 65 Homebush Road, Strathfield during normal business hours.
6. An application for a Construction Certificate complying with the Building Code of Australia and the Environmental Planning & Assessment Act for the proposed works, shall be submitted to and approved by the Principal Certifying Authority **prior to any commencement of building work associated with this consent.**
7. Your attention is directed to the operation of the Commonwealth Disability Discrimination Act 1992 and the New-South Wales Anti-discrimination Act, which may impose greater obligations on providing access for persons with disabilities other than compliance with the Building Code of Australia. You are advised to seek advice from the Human Rights and Equal Opportunity Commission on (02) 9284-9600 or 1800-021199 in respect of the matter subject of this consent.
8. APPROVED INSURERS for Residential Building work under the Home Building Act 1989 are:

**Home Owners Warranty, a division of HIA Insurance Services Pty Ltd, underwritten by a panel of approved insurers managed by the lead insurer, Royal and Sun Alliance Insurance Australia Limited.**

- job-specific policies
- cover for builders and tradespeople
- cover for owner-builders

Contact number: 1300-363077

PO Box 3077  
Parramatta NSW 2124

**FAI General Insurance Company Limited, Master Home Warranty**

- job specific, Annual Blanket Extra and Annual Blanket policies
  - cover for builders and tradespeople
- To purchase Master Home Warranty by credit card contact 1800-1500.888

For your nearest Master Home Warranty Outlet contact 13 1000

333 Kent Street  
Sydney 1026

**MasterCover, available through Jardine Australian Insurance Brokers Pty Ltd and the Master Builders Association (MBA). Bovill Risk & Insurance Consultants P/L (BRIC) also provides residential building work insurance underwritten by General Insurance Ltd.**

- job-specific, Annual-blanket job-specific, and Annual claims-made policies
- cover for builders and tradespeople

Contact number: 1800-810856

Jardines: L8, 66 Clarence St, Sydney  
2000

Contact number for BRIC (03)9859.7933

BRIC: PO Box 428 East Kew Victoria

3102

**Owner Builder Insurance Services P/L, underwritten by Mercantile Mutual Insurance (Australia) Limited.**

- cover for owner-builders only

Contact number: 1300-655400

*PO Box 77W Parramatta Westfield; or  
Level 2, 20-24 Wentworth St  
Parramatta 2150***Zurich Australian Insurance Limited**

- job-specific certificates when used together with tradesperson's Liability policies
- cover for licensed tradespeople only (not licensed builders involved in home construction or major renovations)

Contact number: 1800-650517

*5 Blue Street  
North Sydney 2060*

9. **BEFORE YOU DIG**, applicants should telephone or fax Sydney One Call Service (SOCS) to ascertain which utility services are underground in the proposed excavation area. Enquiries will be assisted by providing details of:

- street number and street name
- which side of street
- distance from nearest cross street

Confirmation of enquiries will be faxed by SOCS to applicants and to the individual utilities -  
Phone: (02) 9806-0800 Fax: (02) 9806-0777.

**RESOLUTION**

This application be approved subject to the recommended conditions in the planning officer's report and as amended by the Panel.

**REASONS:**

The Panel generally agrees with the planning officers report but has amended conditions to enhance the management of operation and noise.

**FOR:**

Paul Stein QC AM  
Paul Vergotis  
Ian Stapleton  
Alexander Ashley- Carrington

**AGAINST:**

NIL

\*\*\*\* End Minutes - Report No. 18\*\*\*\*