

# **Minutes**

**Of the meeting of the:**

## **Strathfield Local Planning Panel Meeting**

**Held on:**

**Thursday, 4 March 2021**

Commencing at 10.00am 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 4 March 2021.  
The meeting commenced at 10.00am and closed at 12:20pm

The Public Meeting commenced at 10.00am and closed at 10:54am

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

Site inspection time commenced: In their own time

Site inspection time concluded: In their own time

**PRESENT**

The Hon Paul Stein AM QC– Chair

Eric Armstrong- Expert

John Evernden - Expert

David Starr- Community Representative

**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

Rowan Castor- Administration Officer

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

NIL

**TO:** Strathfield Local Planning Panel Meeting - 4 March 2021  
**REPORT:** SLPP – Report No. 5  
**SUBJECT:** DA2016/170/2- 3-5 BRIDGE ROAD HOMEBUSH  
LOT: 29 SEC: 16 DP: 477 & LOT 23 DP: 9481  
**DA NO.** DA2016/170/2

## RECOMMENDATION

Pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, the proposed modification(s) to Development Consent No. DA2016.170 involving increasing the maximum building height and FSR, increasing the total number of residential units from 77 to 80, reducing the number of basement levels and increasing the amount of communal open space and deep soil landscaping at 3-5 Bridge Road, Homebush be **APPROVED**, subject to:

1. The original conditions of consent of Development Application No. DA2016.170 as approved by the Sydney Central Planning Panel for Demolition of existing structures and construction of a part three (3), part eleven (11) storey residential flat building containing (7) units over three (3) levels of basement parking.
2. As modified by this Section 4.55 (1A) Application (DA2016/170/2) as follows:
  - **Condition 5 (Vehicular Access)** is to be amended to address design requirements for the modified access outcome.
  - **Condition 6 (Storage)** is to be amended to include storage requirements for studio apartments (4m<sup>2</sup>).
  - **Condition 7 (Atrium Structure)** is to be deleted and replaced with a new condition relating to the size and design of the waste storage area and waste holding area within the basement.
  - **Condition 14 (Unit 104)** is to be deleted as this condition relates to reconfiguration of the former design and is no longer relevant.
  - **Condition 15 (Approved Plans and Reference Documentation)** be amended to reflect amended plans and supporting documents.
  - **Condition 18 (Building Height)** be amended to reflect the amended design and new maximum Relative Level.
  - **Condition 50 (Privacy)** be deleted considering the revised design which removes the need for the condition.
  - **Condition 51 (Section 94 Contributions)** be amended to reflect the revised figures generated by the additional 3 units proposed under the modified design.
  - **Condition 77 (car parking)** be amended to reflect the revised parking requirements.
  - **New Condition (Noise)** - A new condition be added requiring a revised acoustic assessment that addresses noise generated from air conditioning units submitted to Council prior to issue of a construction certificate. This condition has been included as the new Condition 14.
  - **Condition 84 (Noise)** be amended to reflect the acoustic assessment undertaken for the

modified design and the requirements of the new Prior to CC condition above.

Accordingly, Development Consent No. DA2016.170.2 is approved as follows:

## **DEFERRED COMMENCEMENT CONDITIONS**

### **1. Deferred Commencement Approval**

This is a Deferred Commencement Consent under Section 80(3) of the Environmental Planning and Assessment (EP&A Act, 1979. This consent does not become operative until the applicant has satisfied the conditions listed under Schedule A below. All conditions shall be satisfactorily resolved within a period of twelve (12) months from the Determination Date that is shown on this consent. Upon compliance with the conditions under **Schedule A** and written confirmation of this from Council, the consent shall become operative from the 'Date of Endorsement' (to be included on the written notice of determination).

*(Reason: A deferred commencement consent stipulates conditions that must be satisfied before the consent operates in accordance with Section 80(3) of the EP&A Act 1979)*

#### **Schedule A**

##### **D1 Stormwater Drainage**

The applicant/developer is to submit to Council documentary evidence of the registration of an easement to drain stormwater over the downstream property allowing for connection to Council's Stormwater Drainage Infrastructure located in Smallwood Avenue. In the event that Council's Stormwater Drainage Infrastructure is extended to adjoin the boundary of the subject site by means of the extension of Loftus Lane no such easement is required.

*(Reason: To ensure for legal means of stormwater drainage over the downstream site)*

##### **D2 Stormwater Design**

The applicant/developer is to submit to Council a revised Stormwater Drainage Concept Plan prepared in accordance with the Council's Stormwater Management Code increasing the diameter of the proposed pipe in the Loftus Lane extension to be a minimum 375mm diameter.

*(Reason: To ensure for adequate stormwater drainage infrastructure to accommodate for the additional demand generated by the development)*

## **SPECIAL CONDITIONS**

### **2. Consolidation**

The site shall be consolidated into one allotment and a plan of consolidation shall be approved by the Council, or lodged with Land & Property Information NSW (with proof of lodgement being furnished to the Council) **prior to issue of Construction Certificate** and shall be registered **prior to the issue of an Occupation Certificate**.

*(Reason: to ensure that the proposed development is limited to a single allotment.)*

### 3. Waste Collection

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

- (a) Full and free right must be provided to Strathfield Council employees or its authorised contractors to:
  - (i) Enter upon the land and remove any waste products using any vehicle or equipment as necessary;
- (b) The owner of the lot burdened shall be solely responsible for the cost of maintaining in good and sufficient repair at all times the internal roads or access ways used by Strathfield Council for the purpose of exercising its rights as set out in clause (a) above.

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

*(Reason: To ensure for ongoing waste collection)*

### 4. Adaptable unit

(12) adaptable units are to be provided within the development. Detailed plans showing the internal layout of the (12) units pre and post adaptation shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

*(Reason: To ensure compliance with DCP 20)*

### 5. Vehicular access

~~**Vehicular access to the site is to be restricted to left turn in and left turn out only. Appropriate directional signage is to be installed at vehicular exit and points Prior to the Issue of any Occupation Certificate.**~~

~~*(Reason: Due to the close proximity of the site to traffic signals)*~~

**MODIFIED DA2016.170.2 DATE 21/01/2021**

*The applicant shall install a convex mirror at the driveway and a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be set back by 1.5 metres from the boundary alignment **Prior to the Issue of any Construction Certificate.***

*(Reason: Traffic Management and safety)*

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## 6. Storage

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

- **4 m<sup>3</sup> for each studio apartment**
- 6m<sup>3</sup> for each one (1) bedroom unit
- 8m<sup>3</sup> for each two (2) bedroom unit, and
- 10m<sup>3</sup> for each unit with three (3) bedrooms or more

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

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***(Reason: To ensure compliance with Apartment Design Guide)***

## 7. Atrium Structure

~~***The pedestrian entry upon the site's Loftus Lane frontage is to be finished in the same feature wall tile as shown upon the pedestrian entry from Bridge Road. Amended Plans including such changes are to be submitted to and approved by the Principal Certifying Authority Prior to the issue of a Construction Certificate.***~~

~~***(Reason: To ensure pedestrian entries to the building are clearly identifiable)***~~

**MODIFIED DA2016.170.2 DATE 21/01/2021**

## Waste Collection

The basement design is to be amended to accommodate the following:

- *The Ground floor garbage holding room and Basement Level 1 Garbage Room must fit 18 X 1100L bins in total, being 9 (nine) X 1100L General Waste Bins for weekly collection and 9 (nine) X 1100L Recycling Bins for collection every fortnight. Alternatively, the development can have 15 (fifteen) X 660L general waste bins and 15 (fifteen) X 660L recycling bins (30 X 660L bins in total).*
- *Correct size of waste bin rooms and waste collection rooms, according to the proper bin requirements mentioned above must comply with a minimum rate of 2.03m<sup>2</sup> per 660L bin or 2.7m<sup>2</sup> per 1100L bin. The layout of the waste and recycling storage room must allow easy unobstructed access to all bins (stacked bin arrangements are not acceptable) and allow the bins to be easily removed for servicing purposes.*

***Reason: To ensure proper waste management in accordance with Council policy.***

## 8. Clothes drying facilities

Screened communal clothes drying facilities receiving a minimum of 3 hours solar access as at 21 June are to be provided in the south western corner of the site. Amended plans including such changes are to be submitted to and approved by Council or an Accredited Certifier **prior to the issue of an Occupation Certificate.**

*(Reason: To ensure compliance with DCP 20)*

9. **Master Antenna**

A master antenna with internal connection to the each unit is to be provided **Prior to the Issue of any Occupation Certificate.**

*(Reason: To ensure compliance with DCP 20)*

10. **Overhead powerlines**

**Prior to the issue of an Occupation Certificate** all existing overhead electricity and telecommunication cabling adjacent to the development site shall be consolidated into a single Aerial Bundle Cable (ABC) at the applicants' expense in accordance with the specifications of AusGrid and the telecommunications supplier.

*(Reason: To ensure compliance with DCP 20)*

11. **Services**

All services, including downpipes, shall be concealed from view from the public domain.

*(Reason: To ensure for a high level of design)*

12. **Design Quality Statement**

The Principal Certifying Authority must not issue:

- a) A **Construction Certificate** unless the certifying authority has received a design verification statement from a qualified designer that verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 143A of the Regulations; and
- b) An **Occupation Certificate** to authorise a person to commence occupation or use of the residential flat building unless the certifying authority has received a design verification statement from a qualified designer that verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 154A of the Regulations.

*(Reason: To ensure compliance with SEPP 65)*

13. **Water NSW**

- a) An authorisation shall be obtained from NSW Office of Water for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified in the authorisation.



- b) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.
- c) Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
- i. Any groundwater mounding at the edge of the structure shall be at a level not greater than 10% above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure;
  - ii. Any elevated water table is more than 1.0m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
  - iii. Where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirements to maintain groundwater flows beneath the structure is not applicable.
- d) Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
- e) Documentation (referred to as a 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report – which will accompany the application for authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completions of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at the Parramatta Office in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

### **Prior to excavation**

- a) The following shall be included in the initial report:
- i. measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
  - ii. a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
  - iii. details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric

emplacement of the construction.

- iv. a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.
- b) The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
- c) Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
- d) Groundwater quality testing generally in accordance with Condition 99, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
- e) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).
- f) A copy of a valid consent for the development shall be provided in the initial report.
- g) The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
- h) Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

#### **During excavation**

- a) Engineering measures designed to transfer groundwater around the basement shall

be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.

- b) Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
- c) Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
- d) Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
- e) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
- f) The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
- g) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the DPI Water under appropriate safety procedures.

#### **Following excavation**

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

***(Reason: Water NSW General Terms of Approval)***

14. ~~Unit 104 is to be reconfigured to allow for increased common circulation spaces to~~

~~the northeast and southeast of Unit 104. This could be achieved by the removal/relocation of the bathroom and reconfiguration of the balcony and screening in Unit 104. Such amendments are to improve the level of solar access to the living area of Unit 104 and improve common open space amenity.~~

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**Noise Impacts**

Prior to issue of the construction certificate, the applicant must submit to Council for its approval, an acoustic report prepared by a suitably qualified acoustic consultant demonstrating that the operation of the premises, air conditioning units and plant equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5Db. The source noise level shall be assessed as an LAeq, 15 min in accordance with the NSW Environmental Protection Authority’s NSW Industrial Noise Policy.

Council recommends the air conditioning units be relocated to non trafficable areas on the rooftop. This will limit the noise and vibration impact of the air-conditioners to residents of the proposed building and within adjacent buildings.

**GENERAL CONDITIONS**

**15. Approved Plans and Reference Documentation (Modified)**

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

*Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2016/170:*

<b>Drawing No.</b>	<b>Title/Description</b>	<b>Prepared by</b>	<b>Issue Revision Date</b>	<b>/ Date &amp; received by Council</b>
DA-10	Site/Roof Plan	SWA Group	D	8 February 2017
DA-11	Basement 3 Floor Plan	SWA Group	D	8 February 2017
DA-12	Basement 2 Floor Plan	SWA Group	D	8 February 2017
DA-13	Basement 1 Floor Plan	SWA Group	D	8 February 2017
DA-14	Ground Level Floor Plan	SWA Group	E	30 May 2017
DA-15	Level 1 Floor Plan	SWA Group	D	8 February 2017
DA-16	Level 2 Floor Plan	SWA Group	D	8 February 2017
DA-17	Level 3 Floor Plan	SWA Group	D	8 February 2017
DA-18	Level 4 Floor Plan	SWA Group	D	8 February 2017

	Plan			2017
DA-19	Level 5 Floor SWA Group Plan		D	8 February 2017
DA-20	Level 6-10 Floor SWA Group Plan		D	8 February 2017
DA-21	East Elevation SWA Group		D	8 February 2017
DA-22	North Elevation SWA Group		D	8 February 2017
DA-23	South Elevation SWA Group		D	8 February 2017
DA-24	West Elevation SWA Group		D	8 February 2017
DA-31	Section 1 SWA Group		D	8 February 2017
DA-32	Section 2 SWA Group		D	8 February 2017
DA-33	Section A SWA Group		D	8 February 2017
S4.55-002	Site Calculations	Urban Link	B	21 January 2021
S4.55-003	Site Location	Urban Link	B	21 January 2021
S4.55-004	Site Analysis	Urban Link	B	21 January 2021
S4.55-101	Floor Plans Ground Floor	Urban Link	B	21 January 2021
S4.55-102	Floor Plans Level 01-02	Urban Link	B	21 January 2021
S4.55-103	Floor Plans Level 3	Urban Link	B	21 January 2021
S4.55-104	Floor Plans Level 4	Urban Link	B	21 January 2021
S4.55-105	Floor Plans Level 5 - 10	Urban Link	B	21 January 2021
S4.55-106	Floor Plans Level 11	Urban Link	B	21 January 2021
S4.55-107	Floor Plans Roof	Urban Link	B	21 January 2021
S4.55-108	Floor Plans Basement 01	Urban Link	B	21 January 2021
S4.55-109	Floor Plans Basement 02	Urban Link	B	21 January 2021
S4.55-201	Elevations North	Urban Link	B	21 January 2021
S4.55-202	Elevations East	Urban Link	B	21 January 2021
S4.55-203	Elevations South	Urban Link	B	21 January 2021
S4.55-204	Elevations West	Urban Link	B	21 January 2021

## MINUTES

S4.55-205	Elevations Bridge Rd Streetscape	Urban Link	B	21 January 2021
S4.55-206	Elevations Laneway Streetscape	Urban Link	B	21 January 2021
S4.55-301	Sections AA	Urban Link	B	21 January 2021
S4.55-302	Sections BB	Urban Link	B	21 January 2021
S4.55-303	Sections CC	Urban Link	B	21 January 2021
S4.55-304	Sections BB	Urban Link	B	21 January 2021
<b>DA-34</b>	<b>Section B</b>	<b>SWA Group</b>	<b>D</b>	<b>8 February 2017</b>
<b>CS-01</b>	<b>Proposed Site</b>	<b>AKY</b>	<b>Civil G</b>	<b>8 February 2017</b>
	<b>Drainage to Engineering Smallwood Av.</b>			
<b>CS-02</b>	<b>Stormwater</b>	<b>AKY</b>	<b>Civil B</b>	<b>8 February 2017</b>
	<b>Drainage Plans Engineering and Details</b>			
<b>CS-03</b>	<b>Stormwater</b>	<b>AKY</b>	<b>Civil E</b>	<b>8 February 2017</b>
	<b>Drainage Plans Engineering and Details</b>			
	<b>Ground</b>			
<b>CS-04</b>	<b>Stormwater</b>	<b>AKY</b>	<b>Civil E</b>	<b>8 February 2017</b>
	<b>Drainage Plans Engineering and Details</b>			
	<b>Basement 1</b>			
SW100, SW200, SW201, SW202, SW203, SW300, SW301, SW400, SW500	Mixed – Use Development 3-5 Bridge Street, Homebush Stormwater Concept Design			6 October 2020
<b>L01</b>	<b>Landscape</b>	<b>Michael</b>	<b>Siu A</b>	<b>17 November 2016</b>
	<b>Planting Plan -1</b>	<b>Landscape Architects</b>		
<b>L02</b>	<b>Landscape</b>	<b>Michael</b>	<b>Siu A</b>	<b>17 November 2016</b>
	<b>Detail Notes</b>	<b>Landscape Architects</b>		
000	Landscape Coversheet	Site Image	C	21 September 2020
101	Landscape Plan Ground Floor	Site Image	C	21 September 2020
102	Landscape Plan Level 4	Site Image	C	21 September 2020
103	Landscape Plan Level 11	Site Image	C	21 September 2020

501	Landscape Details	Site Image	C	21 September 2020
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*Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2016/170:*

<b>Title / Description</b>	<b>Prepared by</b>	<b>Issue/Revision Date</b>	<b>&amp; Date received by Council</b>
Statement of Environmental Effects	JBA Urban Planning Consultants Pty Ltd	November 2016	17 November 2016
<del>BASIX Certificate</del>	<del>Building Sustainability Assessments</del>	<del>769404M</del>	<del>17 November 2016</del>
BASIX Certificate	Greenworld Architectural Drawings	769404M_02	2 October 2020
Arboricultural Assessment and Impact Report	Horticultural Management Services	23 August 2016	17 November 2016
<del>Waste Management Plan</del>	<del>Elephants Foot</del>	<del>18 October 2016</del>	<del>17 November 2016</del>
Amended Waste Management Plan	Dickens Solutions	-	January 2021
Preliminary Investigation	Site Martens Engineering Consulting	November 2016	30 May 2016
Preliminary Geotechnical Groundwater Assessment	Martens and Engineering	November 2016	17 November 2016
Traffic and Parking Report	Varga Traffic Planning Pty Ltd	31 October 2016	17 November 2016
Acoustic Assessment	Acoustic Logic	11 July 2016	17 November 2016
Acoustic Report	Acoustic Works	1020161 R01D 3-5 Bridge Road Homebush ENV RTN.doc	6 October 2020

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

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

#### 16. Contamination

Full compliance is to be given to the recommendations of Preliminary Site Investigation Report prepared by Martens Consulting Engineering.

***(Reason: To ensure for the suitability of the site for the purposes of the proposed***

*development.)*

**17. Construction Hours**

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

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

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

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

**18. Building Height (maximum RL to be complied with)**

The height of the building measured to Australian Height Datum (AHD) must not exceed Relative Level (RL) ~~52.30~~ **53.90AHD** to the top of the lift overrun structure.

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

**MODIFIED DA2016.170.2 DATE 21/01/2021**

**19. Demolition (site safety fencing)**

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

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

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

***(Reasons: Statutory requirement and health and safety.)***

**20. Landscaping (irrigation of common and private landscape areas)**

All common and private landscape areas including all planters are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and satisfy all relevant Australian Standards. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior occupation of the premises.

***(Reason: To ensure appropriate landscape maintenance.)***



**21. Landscaping (trees permitted to be removed)**

Site trees are permitted to be removed to accommodate the proposed development in accordance with the recommendations of the approved Arboricultural Assessment and Impact Report prepared by Horticultural Management Services

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

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

All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.

Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.

Soil conditioner/fertilizer/moisture retention additive/s are to be applied in accordance with manufacturer's recommendations, and mixed into the backfilling soil after planting tree/s.

A minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.

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

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

**22. Landscaping (tree preservation)**

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

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

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

**23. Lighting**

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

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

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

**24. Materials (schedule of external materials, finishes and colours)**

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

***(Reason: To ensure compliance with this consent.)***

**25. Principal Certifying Authority (PCA) Identification Sign**

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

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

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

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

***(Reason: Statutory requirement.)***

**26. Site Management (during demolition and construction works)**

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

- i* All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii* Demolition must be carried out by a registered demolition contractor.
- iii* A single entrance is permitted to service the site for demolition and construction.  
The footway and nature strip at the service entrance must be planked out.
- iv* No blasting is to be carried out at any time during construction of the building.
- v* Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi* Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii* Any demolition and excess construction materials are to be recycled wherever practicable.

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

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

#### **27. Stormwater Management Plan (certification requirement)**

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

***(Reason: To ensure appropriate provision is made for the disposal and***

*management of stormwater generated by the development, and to ensure public infrastructure in Council's care and control is not overloaded.)*

**28. Sydney Water (stamped plans prior to commencement)**

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

For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://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.)*

**29. Utilities and Services (protection of)**

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

- all footings and excavation must be located wholly within the site and clear of any easement boundaries;
- 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
- 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.)*

**30. Waste (trackable)**

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

*(Reason: To ensure compliance with legislation.)*

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **31. Access (access for people with disabilities)**

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

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

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

### **32. BASIX Commitments**

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

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

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

**(Reason: Statutory compliance.)**

### **33. Bicycle Storage Provision**

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

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

### **34. Building Code of Australia (compliance with)**

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

In the case of residential building work for which the Home Building Act 1989 requires

there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by the consent commences.

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

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

**35. Car Parking (compliance with AS/NZS 2890.1:2004)**

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

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

**36. 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.)***

**37. Construction and Environmental Management Plan**

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

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

- (v) Waste management, including:
- details of the types and estimated volumes of waste materials that will be generated;
  - procedures for maximising reuse and recycling of construction materials; and
  - details of the off-site disposal or recycling facilities for construction waste.
- (i) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- (ii) A soil and water management plan, which includes:
- measures to minimise the area of soils exposed at any one time and conserve top soil;
  - identification and protection of proposed stockpile locations;
  - preservation of existing vegetation and revegetation;
  - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
  - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
  - details of sediment and erosion control measures in place before work commences;
  - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
  - details of drainage to protect and drain the site during works.
- (iii) Asbestos management procedures:
- Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see [www.workcover.nsw.gov.au](http://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 10m<sup>2</sup> 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.)***

### **38. Dilapidation Report (pre-commencement)**

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

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

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

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



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

**39. Driveway Width (multi-unit development)**

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**

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:

- Compliance with the approved Soil and Water Management Plan.
- 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).
- All uncontaminated run-off is diverted around cleared or disturbed areas.
- 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.
- All erosion and sediment controls are fully maintained for the duration of demolition/ development works.
- Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- 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*.
- 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)**

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:

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

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 (shoring)**

Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings and specifications certifying the shoring will be adequate for their intended purpose and must be submitted to the Council/Principal Certifying Authority for approval with the Construction Certificate. The documentation prepared and certified by an appropriately qualified and practicing structural engineer is to show all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements. A copy of this documentation must be provided to the Council for record purposes at the time of Construction Certificate application.

***(Reason: To ensure the protection of existing public infrastructure and adjoining properties.)***

#### 43. **Hoardings**

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

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

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

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

***(Reason: Public safety.)***

#### 44. **Landscaping (maintenance strategy)**

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

plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

***(Reason: Ensure landscape survival.)***

45. **Landscaping (on slab)**

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. **Noise and vibration management plan**

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

The Plan is to identify amelioration measures to ensure the noise and vibration levels will be compliance with the relevant legislation and Australian Standards. The report that itemises equipment to be used for excavation works. The Plan shall address, but shall not be limited to, the following matters:

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

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

**47. Planning agreement (section 93F of the EP&A Act)**

In accordance with Section 93F(3) of the Environmental Planning and Assessment Act 1979, the Voluntary Planning Agreement offered by the developer in respect of the Development Application, the subject of this consent, for the dedication of a 179m<sup>2</sup> portion of land with a minimum width of 3m wide adjacent to the northern boundary of the site **and to pay for the construction of an extension of Loftus Lane** for the purpose of an extension of Loftus Lane must be entered into prior to the issue of a Construction Certificate. The terms of the Voluntary Planning Agreement must, thereafter, be adhered to.

***(Reason: To ensure compliance with the terms of the S93F Agreement.)***

**48. Planning agreement (bank guarantee/bond)**

A Bank Guarantee/Bond for the amount agreed by Council to cover the cost of the works involved in the Voluntary Planning Agreement shall be submitted to Council prior to the issue of a Construction Certificate. The Bank Guarantee shall be registered with Council and a stamped copy recording the receipt of the Guarantee by Council shall be produced for the Principal Certifying Authority, prior to the issue of a Construction Certificate.

***(Reason: Fees and charges.)***

**49. Privacy (obscure glazing in wet areas)**

All bathroom, ensuite and toilet windows shall be installed with obscure glazing. Plans shall be notated accordingly and details demonstrating compliance submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

***(Reason: Privacy amenity.)***

~~**50. Privacy (measures to be complied with)**~~~~**Prior to the issue of a Construction Certificate, plans are to be amended to include the following privacy measures:**~~

- ~~- (i) the balcony to unit 405 shall be reduced to a maximum area of 10m<sup>2</sup> with a minimum 1m wide planter box provided along the southern boundary of the balcony. The remainder of the proposed balcony is to be provided as nontrafficable roof area.**~~

~~***(Reason: Privacy amenity.)***~~~~**DELETED DA2016.170.2 DATE 21/01/2021**~~**51. Section 94 Contribution Payment (direct contributions plan)**

In accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 20102030, 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	<del>\$146,483.66</del>	<b>\$61,624.18</b>
Provision of Major Open Space	<del>\$666,456.81</del>	<b>\$735,341.63</b>
Provision of Local Open Space	<del>\$434,538.96</del>	<b>\$479,452.81</b>
Provision Roads and traffic Management	<del>\$43,608.86</del>	<b>\$46,841.39</b>
Administration	<del>\$12,630.93</del>	<b>\$14,497.07</b>

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**TOTAL** ~~\$1,303,719.22~~ **\$1,437,757.09**

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.)***

**MODIFIED DA2016.170.2 DATE 21/01/2021**

## 52. Security payment (damage deposit for Council infrastructure)

A security payment of **\$7,254.00** in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council prior to the issue of a Construction Certificate. The security payment is GST inclusive and comprises the following:

Refundable tree protection bond	\$3,000.00
Refundable works bond	\$4,000.00
Non-refundable administration fee (\$127/bond)	\$254.00

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**TOTAL** **\$7,254.00**

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

- (i) road and stormwater drainage works in roadways and public areas;
- (ii) installation and maintenance of sediment control measures for the duration of construction activities;
- (iii) tree final inspection to ensure that Council's street trees have been retained, protected or replanted in accordance with conditions of consent and/or

- Arborists' report for the post final inspection twelve (12) month period; and
- (iv) inspection that no damage has occurred to or building debris/materials have been left on Council land including the footpath, nature strip, kerb and gutter.

Note: The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

***(Reason: Protection of Council infrastructure.)***

**53. Stormwater (rainwater re-use)**

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

***(Reason: Compliance and amenity.)***

**54. Stormwater Drainage**

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.)***

**55. Stormwater (silt arrestors and gross pollutant traps)**

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

***(Reason: Environmental protection.)***

**56. Traffic (construction traffic management plan)**

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

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

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

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

#### **57. Utilities and Telecommunications (electricity connection)**

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

- (i) an underground service line to a suitable existing street pole; or
- (ii) sheathed underground consumers mains to a customer pole erected near the

front property boundary (within 1 metre).

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

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

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

***(Reason: Environmental amenity.)***

**58. Utilities and Telecommunications (electricity substation)**

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.)***

**59. Utilities and Telecommunications (telecommunications assets)**

Provision must be made for relocation of telecommunications network assets including underground placement of any existing aerial cables and infrastructure. Any costs associated with the relocation of the above are at the requestor's expense. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.

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

***(Reason: To ensure suitable relocation of telecommunications infrastructure if required.)***

**60. Vehicular Crossings (works permit for construction of)**

Full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footpath at the entrance(s) and/or exit(s) to the site and designed in accordance with Council's guidelines and specifications. In this regard, a Works Permit is to be obtained (available from Council's Customer Services Centre or downloaded from Council's website), and the appropriate fees and charges paid, prior to the lodgement of a Construction Certificate.

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

**61. Ventilation Systems (mechanical)**



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.)***

**62. Waste (garbage rooms or grease arrestor rooms)**

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

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

**63. Water Sustainability (water sensitive urban design)**

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

***(Reason: To promote Water Sensitive Urban Design.)***

**64. Water Heating Systems (location of)**

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

***(Reason: To maintain streetscape character.)***

**65. Works Permit**

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

***(Reason: Council requirement.)***

**66. Works Within the Road Reserve**

Detailed drawings including long and short sections and specifications of all works within existing roads (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage) shall be submitted to and approved by Council under Section 138 of the Roads Act 1993 and all fees and charges paid, prior to the issue of a Construction Certificate.

Detailed drawings and specifications are to be prepared and certified by an appropriately qualified Civil Engineer.

Upon completion of the works, the Applicant is to provide to Council with electronic copies of 'Work as Executed Plans'. The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor.

The Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works.

All civil engineering works adjacent/near/outside 3-5 Bridge Road, Homebush are to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

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

**67. Works Zone (approval by Council's traffic committee)**

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

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

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

***(Reason: Council requirement.)***

**CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS**

**68. Appointment of a Principal Certifying Authority (PCA)**

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.)***

**69. Notice of Commencement**

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

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

*(Reason: Statutory requirement.)*

## **CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS**

### **70. Contaminated Land Unexpected Finds**

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

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

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

*(Reason: To ensure compliance with statutory requirements.)*

### **71. Fill Material**

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

- (viii) Virgin excavated material (within the meaning of the Protection of the Environment Operations Act 1997), and
- (ix) 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.)*

### **72. Obstruction of Public Way (not permitted during works)**

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.)*

### **73. Public Infrastructure and Services**

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

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

#### 74. 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 nonrecyclable 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.)***

#### 75. Survey Report of Approved Levels (during and post construction)

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

- (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 in form work, or the laying of roofing materials. (iii) At the completion of the development.

(iii) 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.)***

#### 76. Car Parking (surplus vehicular crossings)

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.)***

#### 77. Car Parking

The following car parking and service vehicle requirements apply:-

- (i) **8594** car spaces shall be provided on the development site. This shall consist of:
  - **6978** residential spaces;
  - 16 visitor spaces;

**For the residential component, the allocation of on-site parking shall satisfy the following minimum rates:**

- **0.6 spaces per 1 bedroom unit,**
- **0.9 spaces per 2 bedroom unit,**
- **1.4 spaces per 3 bedroom unit,**
- **1 space per 5 units (visitor parking).**

- (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:-
  - Signage indicating 'Entry Only' shall be prominently displayed at the entrance to the development.
  - Signage indicating 'Exit Only' shall be prominently displayed at the exit to the development.
  - One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

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

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

#### **MODIFIED DA2016.170.2 DATE 21/01/2021**

#### **78. 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.)***

**79. Occupation of Building**

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

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

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

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

***(Reason: Statutory requirement.)***

**80. Stormwater (certification of the constructed drainage system)**

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

***(Reason: Adequate stormwater management.)***

**81. Wash Down Areas (appropriate containment bunds)**

The wash down area must be appropriately bunded. The effective volume of the bunded area must be 110% of the total volume of the wash-down area. Documentation and plans are to be supplied to certify compliance with this requirement prior to the issue of the Construction Certificate.

A collection sump must be installed within the bunded area and have no access to the stormwater system. The bund floor is to be graded in such a way to direct liquids into the sump.

The applicant must contact Sydney Water (tel.131 110) to discuss the requirements for a Trade Waste Permit before discharging any trade waste into the sewerage system.

***(Reason: To prevent water pollution.)***

**82. Separate Application (for strata subdivision)**

This consent does not imply approval to create a separate title, by subdivision or otherwise. Should it be intended to subdivide the approved development into strata title



allotments, Council will require the lodgement of a separate development application for consideration.

*(Reason: To ensure compliance with the consent.)*

## CONDITIONS TO BE SATISFIED DURING ONGOING USE OF THE PREMISES

### 83. Fire Safety (annual statement)

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

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

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

*(Reason: Fire safety)*

### 84. Noise (compliance with acoustic assessment report)

All recommendations contained in the approved Acoustic Assessment Report prepared by ~~Acoustic Logic~~ Acoustic Works 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 **as well as the assessment provided to Council in accordance with Condition 14 of this consent** 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.)*

**MODIFIED DA2016.170.2 DATE 21/01/2021**

### 85. Pollution (compliance with PEOA 1997 generally)

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

*(Reason: Environmental protection.)*

### 86. Visitor Parking Restriction

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.)***

**87. Waste and Recycling (collection hours)**

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

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

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

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

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

88. The finished floor level of the private open spaces for adaptable units is to be no lower than 35mm below the finished floor level of the unit. This will allow a compliant threshold ramp to be constructed in the post-adaptation stage, if required plus circulation space.

**(Reason: To comply with Australian Standard AS4299,1995)**

89. The tracks of the sliding doors to the private open spaces of adaptable units are to be recessed into the floor slab so as to avoid potential trip hazard.

**(Reason: To comply with Australian Standard AS4299,1995)**

**RESOLUTION**

The subject modification application be **APPROVED** in accordance with the recommended conditions attached to the report as amended by the panel.

**FOR:**

The Hon Paul Stein AM QC  
Eric Armstrong  
John Evernden  
David Starr

**AGAINST:** NIL

**REASON:** The panel generally agrees with the planning officer's report. The panel considers that by further relaxing the building height limits it allows for a better environmental outcomes through the provision of a access to additional access to communal space.

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

**TO:** Strathfield Local Planning Panel Meeting - 4 March 2021  
**REPORT:** SLPP – Report No. 6  
**SUBJECT:** DA2020/125 - 84 PARK ROAD, HOMEBUSH  
LOT 8 DP 958679  
**DA NO.** DA2020/125

### 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 not satisfied that the justification for the non-compliance with the development standard contained in Clause 4.3 – Maximum Building Height of the SLEP 2012 is well founded, and that the applicant fails to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard.

That Development Application No. DA2020/125 for the construction of an eight (8) storey mixed use building containing one (1) commercial unit and forty (40) boarding rooms above a single basement level at No. 84 Park Road, Homebush, be **REFUSED** for the following reasons:

1. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to comply with the maximum floor space ratio under Clause 29(1)(c) of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
2. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to comply with the maximum building height provision under Clause 29(2)(a) of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
3. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to comply with the landscaped area provision under Clause 29(2)(b) of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
4. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to comply with the minimum parking provision under Clause 29(2)(e)(iia) of the State Environmental Planning Policy (Affordable Rental Housing) 2009. Further information is required to detail the provision of vehicular access to the development and to confirm the proposed parking spaces are compliant with the relevant Australian standards.
5. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to comply with the local character provision under Clause 30A of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
6. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the aims of the Strathfield Local Environmental Plan 2012 relating to achieving high quality urban form that reflects the existing and desired future character of the locality. The proposal fails demonstrate achieving a high quality urban design as its bulk, scale and overall design are not reflective of the desired future character of the surrounding locality.

7. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the aims of the Strathfield Local Environmental Plan 2012 relating to promoting efficient and spatially appropriate use of land. The proposal represents an overdevelopment of the site and features a design that is excessive in bulk and scale, and is unable to provide an appropriate and equitable balance of building, hardscaped and soft landscaped elements.
8. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives for the maximum building height under Clause 4.3(1)(a) and (b) of the Strathfield Local Environmental Plan 2012. The proposal will also set an undesirable precedent in facilitating and encouraging incompatible built forms that breach the maximum height provision.
9. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives for the maximum floor space ratio under Clauses 4.4(1)(a), (b) and (f) of the Strathfield Local Environmental Plan 2012. The proposal features a design, bulk and scale that is not in keeping with the built form character of the local area and does not maintain consistency with any existing and new residential development within the surrounding locality.
10. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives for additional provisions for development in Parramatta Road Corridor under Clause 6.9(1)(b) of the Strathfield Local Environmental Plan 2012. The proposal fails to encourage appropriate rationalisation of land and facilitate an accessible and activated design outcome without isolating/sterilizing adjoining land parcels.
11. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the additional provisions for development in Parramatta Road Corridor under Clause 6.9(3)(b) of the Strathfield Local Environmental Plan 2012. The proposal fails to facilitate an appropriate vertical and horizontal integration of land uses in the area.
12. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives of Clause 2.1.1 (Public Domain and place making) of Part Q of the Strathfield Consolidated Development Control Plan 2005. The proposal will result in an excessive, harshly presented built form with no deep soil landscaped areas, and features minimal setbacks, articulation, modulation and visual interest. The proposed scheme does not complement the character of the public domain and does not provide a positive contribution to public domain. The proposal will not ensure the local setting and public domain are attractive and interesting.
13. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the guidelines of design guidelines of Clause 2.2.1 (Streetscape) of Part Q of the Strathfield Consolidated Development Control Plan 2005. The design, bulk and scale of the proposal fail to contribute positively to the street and locality. The proposal introduces a new built form that fails to respond to the constraints of the site, and is not a contextually appropriate response to the surrounding locality. The proposal does not facilitate an attractive street frontage as it incorporates a dominant, excessively built form that presents poorly to the streetscape.

14. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objective and essential criteria of Clauses 2.4.1 and 2.4.2 (Building envelope) of Part Q of the Strathfield Consolidated Development Control Plan 2005. The proposal comprises bulk, scale and design that are not compatible with the site conditions, surrounding development and existing/desired future character of the streetscape and locality.
15. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives and essential criteria of Clauses 2.5.1 and 2.5.2 (Building massing and scale) of Part Q of the Strathfield Consolidated Development Control Plan 2005. The proposal introduces a built form with massing and scale that are not compatible with area and does not ensure a complementary building that enhances the visual character of the streetscape is provided.
16. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives and essential criteria of Clauses 2.7.1 and 2.7.2 (Building frontages to Public Domain) of Part Q of the Strathfield Consolidated Development Control Plan 2005. The design of the proposal fails to provide a positive contribution to the streetscape.
17. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives and essential criteria of Clauses 3.9.1 and 3.9.2 (Landscaping) of Part Q of the Strathfield Consolidated Development Control Plan 2005. There are no deep soil landscaped areas provided by the proposal.
18. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objective and essential criteria of Clauses 4.1 (Car parking and vehicular access) of Part Q of the Strathfield Consolidated Development Control Plan 2005. The proposed parking spaces fail to comply with the relevant Australian standards to ensure safe and appropriate parking is provided for the proposal. The provision of the road to access the development including parking areas has not been sufficiently detailed and clarified in the application.
19. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the aims and objectives as per Clause 1.3 of Part 20 of the Strathfield Consolidated Development Control Plan 2005 relating to public domain, streetscape, landscaped open space and building form.
20. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* as it will result in unacceptable adverse impacts in terms of site isolation, limiting development potential of affected allotments, streetscape, visual amenity, and traffic.
21. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* as it fails to demonstrate that the subject site is suitable for the proposed built form.
22. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*. The proposed development is not in the public interest as it fails to meet the key provisions, objectives and development standards under the State Environmental Planning Policy (Affordable

Rental Housing) 2009, Strathfield Local Environmental Plan 2012 and the Strathfield Consolidated Development Control Plan 2005 and will have unacceptable adverse impacts. The proposal fails to adequately address substantive matters raised in public submissions

**RESOLUTION**

The application by the applicant that this matter be deferred be refused.

This application be **REFUSED** for the reasons set out at the conclusion of the planning officer's report.

**FOR:**

The Hon Paul Stein AM QC  
Eric Armstrong  
John Evernden  
David Starr

**AGAINST:** Nil

\*\*\*\* End Minutes - Report No. 6\*\*\*\*

**TO:** Strathfield Local Planning Panel Meeting - 4 March 2021  
**REPORT:** SLPP – Report No. 7  
**SUBJECT:** S8.2 REVIEW- DA2020/61- 2 HYDEBRAE STREET, STRATHFIELD-  
 LOT 40 DP 11424  
**DA NO.** DA2020/61

## RECOMMENDATION

That Development Application No. 2020/61 for a Section 8.2 Review of the Internal Development Assessment Panel's refusal of the the demolition of an existing brick dwelling house and construction of a new two-storey detached dwelling house with in-ground swimming pool and removal of trees at 2 Hydebrae Street, Strathfield by **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 and 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
Finishes Schedule	01	23/03/20	01	Y Square Studio
Site Demolition Plan	DA101	26/11/20	04	Y Square Studio
Waste and Sediment Control Plan	DA103	26/11/20	04	Y Square Studio
Proposed Site Plan	DA201	11/01/21	06	Y Square Studio
GF Plan	DA202	11/01/21	06	Y Square Studio
FF Plan	DA203	11/01/21	06	Y Square Studio
Roof Plan	DA204	11/01/21	06	Y Square Studio
North West Elevation	DA301	26/11/20	04	Y Square Studio
North East Elevation	DA302	26/11/20	04	Y Square Studio
South East Elevation	DA303	26/11/20	04	Y Square Studio



South West Elevation	DA304	11/01/21	06	Y Square Studio
Section	DA305	11/01/21	06	Y Square Studio
Proposed Pool Section	DA307	11/01/21	06	Y Square Studio
Garage Details	DA601	06/12/20	05	Y Square Studio
Proposed Garage Section	DA602	07/12/20	05	Y Square Studio
Stormwater Plan – General Notes	D01	03/12/20	B	SYJ Consulting
Stormwater Management Plan and Roof Drainage Plan and Details	D02	03/12/20	B	SYJ Consulting
Site Erosion and Sediment Control Plan	D03	03/12/20	B	SYJ Consulting
Landscape Plan – Cover Page	SB_2HS_01	09/12/20	C	Studio Botanica
Landscape Plan Heritage Impact Statement	SB_2HS_10	09/12/20	D	Studio Botanica
Arboricultural Impact Assessment	AIA –SBS 11/20	03/11/20	-	Studio Botanica
NAtHERS Certificate	No. 0004667747-02	04/12/20	-	Ian Fry
BASIX Certificate	No. 1087206S_03	05/12/20	-	Frys Energywise

## 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. Vehicular Crossing – Minor Development**

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

To apply for approval, complete the Works Permit Application Form which can be downloaded from Strathfield Council’s Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au). Lodge the application form, together with the associated fees at Council’s Customer Service Centre, during business hours. Refer to Civic & Urban Services Section in Council’s adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out in accordance with Council’s specifications applicable at the time, prior to the issue of an Occupation Certificate.

### **4. 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

### 5. 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 A CONSTRUCTION CERTIFICATE

### 6. 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>	<b>\$ 6,448.00</b>
Security Damage Deposit	<b>\$15,000.00</b>
Tree Bond	<b>\$10,000.00</b>
Administration Fee of Bond Deposit	<b>\$127.00</b>
Administration Fee of Tree Bond	<b>\$127.00</b>
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Indirect (Section 7.12) Contributions	<b>\$18,425.00</b>

### 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**

The Section 7.11 contribution (s94) is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

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).

**7. Required Design Changes**

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

Landscape Plan	The Landscape Plan must be amended to reflect the approved Site Plan and must indicate the additional landscaped areas within this document.
Theatre Room - windows	All windows in the theatre room on the first floor must comprise of privacy treatments in the form of having obscure glazing to 1.6m high (minimum) or a highlight design with a minimum sill height of 1.6m. These privacy treatments must be designed to minimise overlooking on adjacent neighbours.

**8. 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: \$15,000.00.
- (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.

### **9. Utility Relocation**

The applicant must acquire an approval from the energy authority for relocating the existing power pole on Dickson Street. The new driveway is to be no closer than 1.2m from the relocated power pole. All costs associated with relocating the power pole will be borne by the applicant.

Details demonstrating compliance with this condition shall be provided to the Principal Certifying Authority, prior to the issue of any Construction Certificate.

### **10. Tree Bond**

A tree bond of \$10,000.00 (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.

### **11. Tree Protection and Retention**

The existing street tree/s in front of the property shall be retained and protected

Details of the trees to be retained must be included on the Construction Certificate plans.

#### **General Tree Protection Measures**

All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.

The tree protection measures must be undertaken in accordance AS4970 -2009 Protection of trees on development sites.

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).

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.

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.

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.

## **12. 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.

## **13. 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. 1087206S\_03 must be implemented on the plans lodged with the application for the Construction Certificate.

## **14. 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.

#### **15. 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.

#### **16. 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.

#### **17. 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.

#### **18. Swimming Pools – Use and Maintenance**

The following apply to the construction, use and maintenance of swimming pools and spas:

- (a) No ground level may be raised or filled except where shown specifically on the approved plans;
- (b) All pool/spa waste water is to be discharged to the sewer according to the requirements of Sydney Water;
- (c) The swimming pool must not be used for commercial or professional purposes;
- (d) Drain paved areas to the landscaped areas or a suitable lawful drainage system; and
- (e) Arrange any external pool/spa lighting to minimise glare nuisance to adjoining owners.

#### **19. Waste Management Plan**

Prior to the issue of a Construction Certificate, a Waste Management Plan (WMP) must be submitted and it must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005). A WMP will become part of any development consent issued and aims to facilitate better waste management, waste

minimization and resource recovery.

The WMP is an important planning document that will not only be utilised as part of the development application process, but during construction and for the ongoing use of the development. The WMP will continue to apply as a working reference for the life of the development.

At least one copy of the WMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

## **20. Landscape Plan**

A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted prior to the issue of the Construction Certificate. The plan must include:

- (a) Location of existing and proposed structures, services and existing trees;
- (b) Details of earthworks including mounding and retaining walls and planter boxes;
- (c) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.
- (d) Details of planting procedure and maintenance;
- (e) Landscape specification;
- (f) Details of drainage and watering systems;
- (g) Details of garden edging and turf; and
- (h) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.

## **21. Tree Removal/Pruning Prohibited**

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

## **22. Off Street Parking – Compliance with AS2890**

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.6 (parking for people with disabilities) and AS 2890.2 (for commercial vehicle facilities).

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

### **23. Demolition & Asbestos**

The demolition work shall comply with the provisions of Australian Standard S2601:2001 – 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).

#### **24. 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.

#### **25. 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.

#### **26. 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.

#### **27. Registered Surveyors Report - During Development Work**

A report must be submitted to the PCA at each of the following applicable stages of construction:

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.

- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.
- (h) Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

### **28. Utility Arrangements**

Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicants expense.

## **DURING CONSTRUCTION**

### **29. 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.

### **30. 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.

### **31. Ground Levels and Retaining Walls**

The ground levels of the site and outside the footprint of the new dwelling house and approved ancillary structures, 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.

### **32. Swimming Pools – Filling with Water**

The pool/spa shall not be filled until the safety fences have been completed in accordance with the approved plans and specifications and inspected by the PCA.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

### **33. 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.

### **34. Completion of Landscape Works**

At the completion of all works, a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboricultural Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established.

### **35. 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.

### **36. Vehicular Crossing – Minor Development**

The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the Works Permit Approval issued by Council's Civic & Urban Services and in accordance with Council's Driveway Specifications.

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 and in accordance with Council's Driveway Specifications.

The work must be completed before the issue of an Occupation Certificate.

**The applicant is to submit a formal driveway design for Council's approval.**

### **37. 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) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.

- (d) 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.

### **38. 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);
- (a) 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;
  
- (c) Pipe invert levels and surface levels to Australian Height Datum;
- (b) 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.

### **39. Noise Domestic Air conditioner and Heat pump Water Heaters (less than 450mm from boundary)**

Prior to the issue of any Occupation Certificate, a report prepared by a professional acoustic engineer must be submitted to the PCA to certify that the design and construction of the air conditioner / heat pump water heaters shall not produce a sound level exceeding 5 dB(A) above the ambient background level at the closest neighbouring boundary between the hours of 8:00am and 10:00pm on Saturdays, Sundays and Public Holidays and between the hours of 7:00am and 10:00pm on any other day. Outside the specified hours, the sound level output for the running of air conditioner shall not exceed the ambient background noise level.

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

### **40. 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.

### **41. Private Swimming Pools & Spas – Pump Noise**

The swimming pool/spa pump and associated equipment must be located so that the noise emitted does not exceed 5dB(A) above the background level. If this cannot be achieved, a ventilated and sound-proofed enclosure must enclose the pump to achieve the required noise levels.

Swimming pool is to be installed with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

- (a) Before 8 am or after 8 pm on any Sunday or public holiday, or
- (b) Before 7 am or after 8 pm on any other day.

**42. Roof Area not comprising Rear-facing Balconies (First Floor)**

All roof areas not comprising, adjacent to and/or surrounding the rear-facing balconies on the first floor must remain non-trafficable areas in perpetuity.

**43. Greywater System**

In order to conserve and re-use water, Council encourages all developments for new dwellings to incorporate a greywater reuse system. The system can incorporate a greywater diversion device or a domestic greywater treatment system. Any system installed is to ensure that it complies with the Plumbing Code of Australia, maintained at all times and does not result in any adverse amenity impacts on the subject premises and surrounding properties.

**OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979****44. Requirement for a Construction Certificate**

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

**45. 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.

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

**47. 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.

**48. 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.

**49. 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.

**50. 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).

**51. Clause 97A – BASIX Commitments**

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

**52. 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.

**53. 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.

**54. 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.

**55. Clause 98E – Protection & 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.

**56. 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.

**RESOLUTION**

The panel changes the decision to one of **APPROVAL** of this development application subject to the recommended conditions of consent in the report as amended by the panel.

**FOR:**

The Hon Paul Stein AM QC  
Eric Armstrong  
John Evernden  
David Starr

**AGAINST:** Nil

**REASON:** The panel agrees with the Planning Officer report.

\*\*\*\* End Minutes - Report No. 7\*\*\*\*

**TO:** Strathfield Local Planning Panel Meeting - 4 March 2021  
**REPORT:** SLPP – Report No. 8  
**SUBJECT:** S8.2 REVIEW DA2020/52 - 18 BENNETT AVENUE, STRATHFIELD SOUTH LOT 81 DP 12425  
**DA NO.** DA2020/52

## RECOMMENDATION

That Development Application No. 2020/61 for a Section 8.2 Review of the Internal Development Assessment Panel's refusal of the demolition of an existing brick dwelling house and construction of a new two-storey detached dwelling house with in-ground swimming pool and removal of trees at 18 Bennett Avenue, Strathfield South by **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 and 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
Site Plan	S8.2.02	19/01/21	M	Roth Architects
Demolition Plan	S8.2.03	19/01/21	M	Roth Architects
Ground Floor Plan	S8.2.04	19/01/21	M	Roth Architects
First Floor Plan	S8.2.05	19/01/21	M	Roth Architects
Roof Plan	S8.2.02	19/01/21	M	Roth Architects
BASIX Plans	S8.2.07	19/01/21	M	Roth Architects
Street (North) Elevation	S8.2.11	19/01/21	M	Roth Architects
Front (North) Elevation	S8.2.12	19/01/21	M	Roth Architects
Side (East) Elevation	S8.2.13	19/01/21	M	Roth Architects
Side (West) Elevation	S8.2.14	19/01/21	M	Roth Architects
Rear (South) Elevation	S8.2.15	19/01/21	M	Roth Architects



Section AA	S8.2.16	19/01/21	M	Roth Architects
Section BB	S8.2.17	19/01/21	M	Roth Architects
External Finishes	S8.2.21	19/01/21	M	Roth Architects
Schedule				
Waste Management Plan	S8.2.22	19/01/21	M	Roth Architects
Sediment and Erosion Control Plan	S8.2.23	19/01/21	M	Roth Architects
Driveway Crossover Section	S8.2.24	19/01/21	M	Roth Architects
Site Stormwater Drainage Concept Plan	19221 D 010	11/06/20	C	Rise Consulting Engineers Pty Ltd
First Floor and Roof Stormwater Drainage Concept Plan	19221 D 020	11/06/20	C	Rise Consulting Engineers Pty Ltd
Landscape Plan	DA-L101	13/01/21	C	Canvas Landscape Architects
Landscape Typical Details and Plan Schedule	DA-L102	13/01/21	C	Canvas Landscape Architects
Geotechnical Report	AG 19172	26/09/19	0	Ascent Geotechnical Consulting
Arboricultural Impact Assessment Report	AIA –SBS 11/20	02/10/20	-	The Tree MD Pty Ltd
BASIX Certificate	No. 1069277S_03	13/10/20	-	Roth Architects

## 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. Vehicular Crossing – Minor Development

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

To apply for approval, complete the Works Permit Application Form which can be downloaded from Strathfield Council’s Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au). Lodge the application form, together with the associated fees at Council’s Customer Service Centre, during business hours. Refer to Civic & Urban Services Section in Council’s adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out in accordance with Council’s specifications applicable at the time, prior to the issue of an Occupation Certificate.

### 4. 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

### 5. 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 A CONSTRUCTION CERTIFICATE

### 6. 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>	<b>\$ 4,211.00</b>
Security Damage Deposit	<b>\$15,000.00</b>
Administration Fee of Bond Deposit	<b>\$127.00</b>
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Indirect (Section 7.12) Contributions	<b>\$12,034.00</b>

### 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**

The Section 7.11 contribution (s94) is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

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).

## **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: \$15,000.00.
- (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. Utility Relocation**

The applicant must acquire an approval from the energy authority for relocating the existing power pole on Dickson Street. The new driveway is to be no closer than 1.2m from the relocated power pole. All costs associated with relocating the power pole will be borne by the applicant.

Details demonstrating compliance with this condition shall be provided to the Principal Certifying Authority, prior to the issue of any Construction Certificate.

## **9. Tree Protection and Retention**

The existing trees indicated to be retained on the approved plans must be retained and protected.

Details of the trees to be retained must be included on the Construction Certificate plans.

A Tree Management Plan comprising an Arboricultural Method Statement and a Tree Protection Plan must be provided to Council and to the PCA prior to the issue of any Construction Certificate. The Tree Management Plan must feature adequate details on tree protection measures including both inspection and hold points.

All Tree Protection Plans must include information showing the location of the tree protection fencing, ground/root protection works, positioning of scaffolds, locations for material storage, etc., and acts as a pictorial and diagrammatic representation of Arboricultural Method Statement for the site trees and their protection.

Any tree protection signage must comply with *AS4970 -2009, Protection of trees on development sites*.

### **General Tree Protection Measures**

All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.

The tree protection measures must be undertaken in accordance AS4970 -2009 Protection of trees on development sites.

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).

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.

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.

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.

## **10. 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.

## **11. 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. 1069277S\_03 must be implemented on the plans lodged 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. On Site Detention

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

An on-site detention (OSD) facility designed by a professional engineer who specialises in Hydraulic Engineering must be designed, approved and installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- (a) Peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden,
- (b) At Annual Recurrence Intervals of 2 years, 10 years and 100 years.

The OSD Facility shall be designed to meet all legislative safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

“BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms”. **The kerb fronting the property is higher than the footway, so it would not be possible for an overflow down pipe from the onsite tank to be connected to a kerb outlet.**

Full details shall accompany the application for the Construction Certificate.

#### **14. 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.

#### **15. 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.

#### **16. 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.

#### **17. Swimming Pools – Use and Maintenance**

The following apply to the construction, use and maintenance of swimming pools and spas:

- (a) No ground level may be raised or filled except where shown specifically on the approved plans;
- (b) All pool/spa waste water is to be discharged to the sewer according to the requirements of Sydney Water;
- (c) The swimming pool must not be used for commercial or professional purposes;
- (d) Drain paved areas to the landscaped areas or a suitable lawful drainage system;
- and
- (e) Arrange any external pool/spa lighting to minimise glare nuisance to adjoining owners.

#### **18. Waste Management Plan**

Prior to the issue of a Construction Certificate, a Waste Management Plan (WMP) must be submitted and it must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005). A WMP will become part of any development consent issued and aims to facilitate better waste management, waste minimization and resource recovery.

The WMP is an important planning document that will not only be utilised as part of the development application process, but during construction and for the ongoing use of the development. The WMP will continue to apply as a working reference for the life of the development.

At least one copy of the WMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained

on site at all times during construction.

### **19. Landscape Plans**

All landscape works shall be carried out in accordance with the approved landscape plans. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

### **20. Tree Removal/Pruning Prohibited**

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

### **21. Off Street Parking – Compliance with AS2890**

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.6 (parking for people with disabilities) and AS 2890.2 (for commercial vehicle facilities).

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

### **22. Demolition & Asbestos**

The demolition work shall comply with the provisions of Australian Standard S2601:2001 – 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).

### **23. 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.

#### **24. 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.

#### **25. 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.

#### **26. Registered Surveyors Report - During Development Work**

A report must be submitted to the PCA at each of the following applicable stages of construction:

- (b) Set out before commencing excavation.
- (c) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (d) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (e) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (f) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (g) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (h) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.
- (i) Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

**27. Utility Arrangements**

Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicants expense.

**DURING CONSTRUCTION****28. 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.

**29. 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.

**30. Ground Levels and Retaining Walls**

The ground levels of the site and outside the footprint of the new dwelling house and approved ancillary structures, 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.

**31. Swimming Pools – Filling with Water**

The pool/spa shall not filled until the safety fences have been completed in accordance with the approved plans and specifications and inspected by the PCA.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

**32. 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.

**33. Completion of Landscape Works**

At the completion of all works, a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboricultural Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established.

**34. Restriction to User and Positive Covenant for On-Site Detention Facility**

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, water sensitive urban design, surface flow path, finished pavement and ground levels 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 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.

**35. Maintenance Schedule – On-site Stormwater Management**

A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

**36. 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.

**37. Vehicular Crossing – Minor Development**

The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the Works Permit Approval issued by Council's Civic & Urban Services and in accordance with Council's Driveway Specifications.

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 and in accordance with Council's Driveway Specifications.

The work must be completed before the issue of an Occupation Certificate.

**38. 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) The internal driveway construction works, together with the provision for all services

- (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
  - (d) 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.

### **39. 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.

### **40. Noise Domestic Air conditioner and Heat pump Water Heaters (less than 450mm from boundary)**

Prior to the issue of any Occupation Certificate, a report prepared by a professional acoustic engineer must be submitted to the PCA to certify that the design and construction of the air conditioner / heat pump water heaters shall not produce a sound level exceeding 5 dB(A) above the ambient background level at the closest neighbouring boundary between the hours of 8:00am and 10:00pm on Saturdays, Sundays and Public Holidays and between the hours of 7:00am and 10:00pm on any other day. Outside the specified hours, the sound level output for the running of air conditioner shall not exceed the ambient background noise level.

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

### **41. 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.

### **42. Private Swimming Pools & Spas – Pump Noise**

The swimming pool/spa pump and associated equipment must be located so that the noise emitted does not exceed 5dB(A) above the background level. If this cannot be achieved, a ventilated and sound-proofed enclosure must enclose the pump to achieve the required noise levels.

Swimming pool is to be installed with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

- (a) Before 8 am or after 8 pm on any Sunday or public holiday, or
- (b) Before 7 am or after 8 pm on any other day.

#### **43. Roof Area not comprising Rear-facing Balconies (First Floor)**

All roof areas not comprising, adjacent to and/or surrounding the rear-facing balconies on the first floor must remain non-trafficable areas in perpetuity.

#### **44. Greywater System**

In order to conserve and re-use water, Council encourages all developments for new dwellings to incorporate a greywater reuse system. The system can incorporate a greywater diversion device or a domestic greywater treatment system. Any system installed is to ensure that it complies with the Plumbing Code of Australia, maintained at all times and does not result in any adverse amenity impacts on the subject premises and surrounding properties.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

#### **45. Requirement for a Construction Certificate**

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

#### **46. 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.
- (c) If the work is not going to be undertaken by an Owner - Builder, the applicant must:
  - 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
  - Notify the PCA of the details of any such appointment; and
  - 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.

#### **47. 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) The applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

**48. 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.

**49. 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.

**50. 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.

**51. 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).

**52. Clause 97A – BASIX Commitments**

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

**53. 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.

**54. 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.

**55. 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.

#### **56. Clause 98E – Protection & 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.

#### **57. 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.

#### **RESOLUTION**

The panel changes the decision in relation to this development application to one of **APPROVAL** subject to the recommended conditions of consent in the report as amended by the panel.

#### **FOR:**

The Hon Paul Stein AM QC  
Eric Armstrong  
John Evernden  
David Starr

**AGAINST:** Nil

**Reason:** The panel agrees with the Planning Officer report.

\*\*\*\* End Minutes - Report No. 8\*\*\*\*

**TO: Strathfield Local Planning Panel Meeting - 4 March 2021**  
**REPORT: SLPP – Report No. 9**  
**SUBJECT: DA2017/052/05 - HAMPSTEAD ROAD, HOMEBUSH WEST**  
**LOTS 10 TO 14 DP 14766**  
**DA NO. DA2017/052/05**

## **RECOMMENDATION**

Pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, the proposed modification(s) to Development Consent No. DA2017/052/05 for involving minor internal and external alterations to the approved development at Hampstead Road, Homebush West be **APPROVED**, subject to:

1. The original conditions of consent of Development Application No. DA2017/52/1 approved by Strathfield Independent Hearing and Assessment Panel (IHAP) on 4 May 2017 for the construction of a new community hall in Melville Reserve;
2. As modified by Section 4.55(1A) application DA2017/52/2 approved by delegated authority on 23 June 2017 involving an amendment to Condition DAGC007;
3. As modified by Section 4.55(1) application DA2017/52/3 approved by delegated authority on 9 August 2017 involving the deletion of Condition DACC051 which relates to the levying of development contributions;
4. As modified by Section 4.55(1A) application DA2017/52/4 approved by Strathfield Local Planning Panel on 7 June 2018 for minor internal and external modifications to the approved development;
5. As modified by the Section 4.55(1A) modification application DA2017/52/5 as follows:
  - Modification to Condition DAGC001 to reflect the amended plans and reference documentation.
  - Deletion of Conditions DASP001, DASP002, DASP003 and DASP004 given construction has already commenced.

Accordingly, Development Consent No. DA2017/052 is approved as follows:

### **SPECIAL CONDITIONS**

#### **DASP001 Flood Study**

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

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

**DELETED: 4 MARCH 2021                      DA2017/52/5**

#### **DASP002 Crime Prevention**

~~A Crime Prevention Through Environmental Design Report is to be prepared by a suitably qualified person in consultation with NSW Police prior to issue of a construction certificate~~



~~with measures recommended to maximise safety and security and minimise opportunities for crime in the detailed design and operation of development and on the site. The measures recommended in the report are to be implemented in construction certificate drawings.~~

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

**DELETED: 4 MARCH 2021                      DA2017/52/5**

**DASP003 — Sustainable development**

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

~~(Reason: For sustainable development.)~~

**DELETED: 4 MARCH 2021                      DA2017/52/5**

**DASP004 — Aboriginal archaeological heritage**

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

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

**DELETED: 4 MARCH 2021                      DA2017/52/5**

**GENERAL CONDITIONS**

**DAGC001      Approved plans and reference documentation**

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

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

<b><i>Drawing No.</i></b>	<b><i>Title/Description</i></b>	<b><i>Prepared by</i></b>	<b><i>Revision &amp; Date</i></b>	<b><i>Date Received by Council</i></b>
DA0.04	Site Plan	Strathfield Council	Rev.P1 - 03.03.17	03 March 2017
DA0.05	Parking Layout Plan	Strathfield Council	Rev.P1 - 03.03.17	03 March 2017
DA4.14	Landscape Plan	Strathfield Council	Rev.P1 - 03.03.17	03 March 2017
S96-0.05	Stormwater Plan	Strathfield Council	Rev.1 - 03.03.17	14 March 2018
S96-0.06	Sediment and Erosion Plan	Strathfield Council	Rev.1 - 03.03.17	14 March 2018

S96-0.07	Waste Management Plan	Strathfield Council	Rev.1 03.03.17	-	14 March 2018
<del>S96-1.01</del>	<del>Ground Floor Plan</del>	<del>Strathfield Council</del>	<del>Rev.1 03.03.17</del>	<del>-</del>	<del>14 March 2018</del>
<b>S4.55 – 1.07</b>	<b>Ground Floor Plan</b>	<b>Strathfield Council</b>	<b>Rev 1 10.02.21</b>		<b>17 February 2021</b>
<b>MODIFIED DA2017/52/5</b>					
S96-1.02	First Floor Plan	Strathfield Council	Rev.1 03.03.17	-	14 March 2018
S96-1.03	Roof Plan	Strathfield Council	Rev.1 03.03.17	-	14 March 2018
<del>S96-2.01</del>	<del>South West Elevation</del>	<del>Strathfield Council</del>	<del>Rev.1 03.03.17</del>	<del>-</del>	<del>14 March 2018</del>
<b>S4.55 – 2.10</b>	<b>South East &amp; South West Elevation</b>	<b>Strathfield Council</b>	<b>Rev 1 10.02.21</b>		<b>17 February 2021</b>
<b>MODIFIED DA2017/52/5</b>					
<del>S96-2.02</del>	<del>North East and North Elevation</del>	<del>Strathfield Council</del>	<del>Rev.1 03.03.17</del>	<del>-</del>	<del>14 March 2018</del>
<b>S4.55 – 2.11</b>	<b>North East &amp; North West Elevation</b>	<b>Strathfield Council</b>	<b>Rev 1 10.02.21</b>		<b>17 February 2021</b>
<b>MODIFIED DA2017/52/5</b>					
<del>S96-2.03</del>	<del>South East Elevation</del>	<del>Strathfield Council</del>	<del>Rev.1 03.03.17</del>	<del>-</del>	<del>14 March 2018</del>
<b>DELETED DA2017/52/5</b>					
<del>S96-2.04</del>	<del>North West Elevation</del>	<del>Strathfield Council</del>	<del>Rev.1 03.03.17</del>	<del>-</del>	<del>14 March 2018</del>
<b>DELETED DA2017/52/5</b>					
S96-2.05	Streetscape	Strathfield	Rev.1	-	14 March

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

**MODIFIED: 4 MARCH 2021**

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

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

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

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

**DAGC007 Construction hours**

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

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

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

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

**DAGC011 Demolition (site safety fencing)**

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

(Reasons: Statutory requirement and health and safety)

**DAGC018 Landscaping (trees permitted to be removed)**

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

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

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

- i) All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
- ii) Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
- iii) Soil conditioner/fertilizer/moisture retention additive/s are to be applied in accordance with manufacturer's recommendations, and mixed into the backfilling soil after planting tree/s.
- iv) A minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.

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

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

**DAGC019 Landscaping (tree preservation)**

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

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

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

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

**DAGC020 Landscaping (tree pruning permitted)**

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

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

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

**DAGC021 Lighting**

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

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

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

**DAGC022 Materials (external materials and reflectivity)**

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

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

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

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

(Reason: To ensure compliance with this consent)

**DAGC024 Principal certifying authority (PCA) identification sign**

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

- (i) the Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- (ii) the Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person; and

- (iii) the sign must state that unauthorised entry to the work site is prohibited.

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

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

(Reason: Statutory requirement)

**DAGC027 Site management (during demolition and construction works)**

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

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

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

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

**DAGC028 Stormwater management plan (certification requirement)**

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

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

**DAGC029 Sydney water (stamped plans prior to commencement)**

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

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

(Reason: Compliance with Sydney Water requirements)

**DAGC030 Utilities and services (protection)**

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

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

(Reason: To ensure protection of infrastructure assets)

**DAGC031 Waste (trackable)**

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

Reason: To ensure compliance with legislation)

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

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

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

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

**DACC002 Access (disabled toilets)**

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

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

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

**DACC010 Building Code of Australia (compliance with)**

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

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

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

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



and Assessment Regulation 2000)

**DACC012 Car parking (disabled car parking spaces)**

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

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

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

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

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

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

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

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

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

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

(Reason: To ensure compliance with statutory provisions)

**DACC020 Construction and environmental management plan**

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

- (i) Detailed information on any approvals required from other authorities prior to or during construction.
- (ii) Traffic management, including details of:
  - ingress and egress of vehicles to the site;
  - management of loading and unloading of materials;
  - the location of heavy vehicle parking off-site; and
  - designated routes for vehicles to the site.
- (iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.

- 
- (iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
    - the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
    - procedures to prevent run-off of solid material and waste from the site.
  - (v) Waste management, including:
    - details of the types and estimated volumes of waste materials that will be generated;
    - procedures for maximising reuse and recycling of construction materials; and
    - details of the off-site disposal or recycling facilities for construction waste.
  - (i) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
  - (ii) A soil and water management plan, which includes:
    - measures to minimise the area of soils exposed at any one time and conserve top soil;
    - identification and protection of proposed stockpile locations;
    - preservation of existing vegetation and revegetation;
    - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
    - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
    - details of sediment and erosion control measures in place before work commences;
    - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
    - details of drainage to protect and drain the site during works.
  - (iii) Asbestos management procedures:
    - Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see [www.workcover.nsw.gov.au](http://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 10m<sup>2</sup> 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:
      - o The Work Health and Safety Act 2011;
      - o The Work Health and Safety Regulation 2011;
      - o How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
      - o 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:

- o the date and time when asbestos removal works will commence;
- o the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
- o the full name and license number of the asbestos removalist/s; and
- o the telephone number of WorkCover's Hotline 13 10 50
- o 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
- o appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

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

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

(Reason: Traffic safety and management)

**DACC030 Fire safety schedule**

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

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

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

**DACC038 Landscaping (maintenance strategy)**

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

(Reason: Ensure landscape survival)

**DACC042 Noise and vibration management plan**

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

The Plan is to identify amelioration measures to ensure the noise and vibration levels will be compliance with the relevant legislation and Australian Standards. The report that itemises equipment to be used for excavation works. The Plan shall address, but shall not be limited to, the following matters:

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

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

**DACC053 Stormwater (rainwater re-use)**

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

(Reason: Compliance and amenity)

**DACC054 Stormwater (silt arrestors and gross pollutant traps)**

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

**DACC058 Wastewater control**

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

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

(Reason: To ensure suitable disposal of waste water)

### **DACC059Works permit**

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

### **DACC061 Traffic (construction traffic management plan)**

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

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

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

- period; and
- (xix) how it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

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

**DACC062 Utilities and telecommunications (electricity connection)**

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

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

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

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

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

(Reason: Environmental amenity)

**DACC067 Waste management plan**

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

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

(Reason: To ensure appropriate management of waste)

**DACC069 Waste (garbage rooms)**

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

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

**DACC070 Water sustainability (water sensitive urban design)**

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

under Part N of the SDCDP 2005, and be prepared by a suitably qualified professional engineer.

(Reason: To promote Water Sensitive Urban Design)

**DACC072 Water heating systems (location of)**

- i) Any water heating system shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To maintain streetscape character)

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

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

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

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

(Reason: Council requirement)

**Conditions to be satisfied prior to the commencement of works**

**DAPC001 Appointment of a principal certifying authority**

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

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

- unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- (v) The person having the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

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

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

(Reason: Statutory requirement)

#### **DAPC003 Notice of commencement**

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

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

(Reason: Statutory requirement)

#### **Conditions to be satisfied during demolition and building work**

##### **DADW001 Contaminated land unexpected finds**

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

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

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

(Reason: To ensure compliance with statutory requirements)

##### **DADW002 Fill material**



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

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

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

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

#### **DADW007 Public infrastructure and services**

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

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

#### **DADW010 Site requirements during demolition and construction**

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

- (i) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- (ii) Demolition must be carried out by a registered demolition contractor.
- (iii) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- (iv) No blasting is to be carried out at any time during construction of the building.
- (v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
  
- (vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- (vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- (viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- (x) All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- (xi) Section 143 of the Protection of the Environment Operations Act 1997 requires

waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.

- (xii) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- (xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- (xiv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- (xv) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- (xvi) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- (xvii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- (xviii) Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

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

#### **DAOC006      Engineering works (certification of)**

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

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

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

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

(Reason: Asset management)

#### **DAOC007      Fire safety (certification)**

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

Occupation Certificate.

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

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

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

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

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

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

(Reason: Fire safety and statutory requirement)

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

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

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

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

#### **DAOC013 Occupation of building**

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

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

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

have been met.

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

(Reason: Statutory requirement)

**DAOC017 Stormwater (certification of the constructed drainage system)**

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

(Reason: Adequate stormwater management)

**DAOC021 Ventilation system (mechanical)**

Any mechanical ventilation system is to comply with the following:

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

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

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

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

**DAOC022 Ventilation systems (natural)**

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

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

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

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

**Conditions to be satisfied during ongoing use of the premise**

**DAOU005 Deliveries**

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

(Reason: To control noise impacts)

**DAOU006 Fire safety (annual statement)**

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

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

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

(Reason: Fire safety)

**DAOU011 Greywater (treatment systems)**

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

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

Additional requirements:

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

(Reason: Health and amenity)

**DAOU013 Hours of operation**

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

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

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

**DAOU018 Noise (complaints relating to use)**

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

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

(Reason: Noise control and amenity)

**DAOU020      Noise (no amplified music)**

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

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

(Reason: Environmental amenity)

**DAOU022      Noise (signage to patrons exiting the premises)**

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

(Reason: Public interest)

**DAOU025      Pollution (compliance with PEOA 1997 generally)**

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

**DAOU028      Security (management plan)**

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

(Reason: Amenity, health and safety)

**DAOU037      Waste and recycling (collection hours)**

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

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

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

(Reason: To regulate noise and garbage collection arrangements)

**DAOU038 Waste (control of litter)**

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

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

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

(Reason: Disturbance and public interest)

You are reminded that the other conditions and terms of the original consent still apply and must be complied with.

An amended Construction Certificate may also be required, if the modification relates to changes to the building.

**RESOLUTION**

This modification application be **APPROVED** subject to the recommended conditions in the report

**FOR:**

The Hon Paul Stein AM QC  
Eric Armstrong  
John Evernden  
David Starr

**AGAINST:** NIL

**Reasons:** The panel agrees with the Planning Officers report

\*\*\*\* End Minutes - Report No. 9\*\*\*\*