

Minutes

Of the meeting of the:

Strathfield Local Planning Panel Meeting

Held on:

Thursday, 4 November 2021

Commencing at 10:00am onsite at 65 Homebush Road,
Strathfield and via online meeting platform Zoom.

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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 November 2021.

The meeting commenced at 9:50am and closed at 11.48am.

The Public Meeting commenced at 10:16am and closed at 10:38am.

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

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

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

PRESENT

The Hon Paul Stein QC AM – Chair

Brian Kirk – Expert

Paul Vergotis- Expert

Ashwin Garg- 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

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil

TO: Strathfield Local Planning Panel Meeting - 4 November 2021
REPORT: SLPP – Report No. 34
SUBJECT: DA2021.213- 6 HEYDE AVENUE STRATHFIELD- LOT: 3 DP: 1251201
DA NO. DA2021.213

RECOMMENDATION

Following detailed assessment it is considered that Development Application No. 2021/213 should be **APPROVED** subject to the following conditions.

Reasons for Conditions

- (a) 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.
- (b) To protect the environment.
- (c) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (d) It is in the public interest.

DEVELOPMENT DETAILS

1 Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Site Analysis Plan	01	Aug 2021	4	Derek Raithby Architecture
Ground Floor Plan / Lower Ground Floor Plan	02	Oct 2021	6	Derek Raithby Architecture
First Floor / Roof Plan	03	Oct 2021	6	Derek Raithby Architecture
Elevations	04	Oct 2021	6	Derek Raithby Architecture
Sections	05	Oct 2021	6	Derek Raithby Architecture
Site Management Plan	09	Aug 2021	1	Derek Raithby Architecture
Driveway Profile	14	Aug 2021	2	Derek Raithby Architecture
Window and Door Schedule	17	Oct 2021	3	Derek Raithby Architecture
Stormwater Drainage Plan	C-3633-01	11 Aug 2021	1	Pavel Kozarovski
Hardscape Plan	LPDA 22-014/1	10 Aug 2021	E	Conzept Landscape Architects
Landscape Plan	LPDA 22-	10 Aug 2021	E	Conzept Landscape

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Landscape Plan	014/2 LPDA 22-014/3	10 Aug 2021	E	Architects Conzept Landscape Architects
Details	LPDA 22-014/4	10 Aug 2021	E	Conzept Landscape Architects
Specifications	LPDA 22-014/5	10 Aug 2021	E	Conzept Landscape Architects
Flood Assessment Report	-	24 Aug 2021	-	Kozarovski and Partners
Waste Management Plan	-	15 Aug 2021	-	Bonita Ko
BASIX Certificate	Cert No. 1048924S_03	8 Aug 2021	-	Greenview Consulting Pty Ltd

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) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.
- (b) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (c) Establishing a "works zone";
- (d) Placing or storing materials or equipment;
- (e) Placing or storing waste containers or skip bins;
- (f) Stormwater & ancillary to public infrastructure on private land
- (g) Erecting a structure or carrying out work

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

- (h) Pumping water from the site into the public road;
- (i) Constructing a vehicular crossing or footpath;
- (j) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (k) Stormwater & ancillary works in the road reserve; and
- (l) Pumping concrete from a public road;

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the activities commencing.

The relevant Application Forms for these activities can be downloaded from Council's website 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. 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.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

4 Sydney Water – Tap in™

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

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

5 Fees to be Paid

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

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
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GENERAL FEES

Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	\$ 3,850.00
Security Damage Deposit	\$ 15,000.00
Tree Bond	\$ 3,050.00
Administration Fee for Damage Deposit	\$ 130.00
Administration Fee for Tree Bond	\$ 130.00

DEVELOPMENT CONTRIBUTIONS

Strathfield Section 94A Indirect Development Contributions Plan 2017	\$ 11,000.00
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General Fees

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

Development Contributions

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

Indexation

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

Timing of Payment

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

Further Information

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

6 Required Design Changes

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

Plantings within the planter boxes of first floor balcony.

All plantings proposed for the balcony planter boxes must be plant species that reach a mature height of at least 1.6m. The design of planter boxes and landscaping treatments of these planter boxes must minimise overlooking from the balcony and rumpus room area. The planting must be maintained for the life of the development

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: \$130.00
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

8 Tree Bond

A tree bond of \$3,050.00 (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

9 Site Management Plan

Minor Development

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

10 BASIX Commitments

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

All measures and commitments as detailed in the BASIX Certificate No. 1048924S_03 must be implemented on the plans lodged with the application for the Construction Certificate.

11 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.

12 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.

Full details shall accompany the application for the Construction Certificate.

13 Compliance with Flood Study

The development shall be designed to conform to the recommendations and conclusions of the submitted flood assessment report prepared by Kozarovski & Partners dated 14 January 2021.

This shall include, but not be limited to, any recommendations for the following:

- (a) Minimum floor levels
- (b) Protection of the basement from inundation of surface waters

Evidence from professional engineer that specialises in hydraulic engineering that all design requirements have been adhered to shall be submitted with the Construction Certificate application.

14 Pump-Out System Design for Stormwater Disposal

The design of the pump-out system for storm water disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

- (a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding four hour's runoff from a one-hour duration storm of the 1 in 100 year storm;
- (b) The pump system shall be regularly maintained and serviced, every six (6) months; and
- (c) Any drainage disposal to the street gutter from a pump system must have a stilling

sump provided at the property line, connected to the street gutter by a suitable gravity line.

Details and certification of compliance from a professional engineer specialising in civil engineering shall be provided for approval with the Construction Certificate application.

15 Stormwater Drainage Plan Details

Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Management Code.

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 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).

18 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.

19 Tree Removal/Pruning Prohibited

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

20 Tree Protection and Retention

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Prote Zone (metres)
1	Brush Box Lophostemon confertus	– Road reserve, immediately in front of the site and below overhead wires.	4m

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

General Tree Protection Measures

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

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

Specific Street Tree Protection Measures

- (g) A sound protection barrier anchored firmly into the ground 1.8m in height x 2 metres clear of the base of the tree at any one point and that the fence is to extend up to the back of the kerb and to the edge of the footpath.

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)**21 Dial Before Your Dig**

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

DURING CONSTRUCTION**22 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.

23 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.

24 Ground Levels and Retaining Walls

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

25 Obstruction of Road or Footpath

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

26 BASIX Certificate

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

27 Completion of Landscape Works

The approved landscape works have identified that the side setback area between the dwelling and boundary be nominated as landscaped area to ensure compliance with the minimum landscape area requirements. In this regard, this area shall be maintained as landscaped area and can only be used for growing plants, grasses and trees and cannot include any building, structure or hard paving (including rainwater tanks, air-conditioning units of ground mounted hot water systems). (delete if not applicable)

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. (delete if not applicable – only use for dual occ's and above)

28 Minor Development

Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface.

29 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.

30 Works as Executed and Certification of Stormwater Works

Prior to the issue of an Occupation Certificate, the PCA must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards. A works-as-executed drainage plan and certification must be

forwarded to the PCA and Council, from a professional engineer specialising in hydraulic engineering.

This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the PCA.

The works-as-executed drainage plan must be prepared by a professional engineer specialising in hydraulic engineering in conjunction with a Registered Surveyor and must include the following details (as applicable):

- (a) The location of any detention basin/s with finished surface levels;
- (b) Finished site contours at 0.2 metre intervals (if applicable)
- (c) Volume of storage available in any detention areas;
- (d) The location, diameter, gradient and material (i.e. PVC, RC etc.) of all stormwater pipes;
- (e) The orifice size/s (if applicable);
- (f) Details of any infiltration/absorption systems; and (if applicable);
- (g) Details of any pumping systems installed (including wet well volumes) (if applicable).

31 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) Construct any new vehicle crossings required.
- (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- (e) 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.

32 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.

33 Stormwater Drainage Works – Works As Executed

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

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) The structural adequacy of the On-Site Detention system (OSD);

- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

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

OPERATIONAL CONDITIONS (ON-GOING)

34 Maintenance of Landscaping

All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

35 Entering & Exiting of Vehicles

All vehicles shall enter and exit the premises in a forward direction.

36 Greywater System

In order to conserve and re-use water, Council encourages all developments for new dwelling houses 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.

37 Voids

All areas shown as voids on the approved plans must remain voids for the life of the development.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

38 Requirement for a Construction Certificate

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

39 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.

40 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.

41 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.

42 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

43 Clause 97A – BASIX Commitments

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

44 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.

45 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.

46 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.

47 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.

RESOLUTION

This application be **APPROVED** subject to the conditions attached to the Planning Officers report and the deletion of condition 12 and the amendment of Condition 1 and 6.

FOR:

The Hon Paul Stein QC AM – Chair
Brian Kirk – Expert
Paul Vergotis- Expert
Ashwin Garg- Community Representative

AGAINST:

Nil

Reason: The Panel generally agrees with the Planning Officers report and have consequential amendments to the conditions.

**** End Minutes - Report No. 34****

TO: Strathfield Local Planning Panel Meeting - 4 November 2021
REPORT: SLPP – Report No. 35
SUBJECT: DA2021.186- 41 NEWTON ROAD STRATHFIELD- LOT 46 DP 8778
DA NO. 2021.186

RECOMMENDATION

Following detailed assessment it is considered that Development Application No. 2021/186 should be **APPROVED** subject to the following conditions.

The following conditions of consent are imposed for the following reasons:

- (a) 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.
- (b) To protect the environment.
- (c) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (d) It is in the public interest.

DEVELOPMENT DETAILS

1 Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Demolition Plan	2071 – Drawing No. 03	July 2021	1	CHD Design
Site Plan	2071 – Drawing No. 07	September 2021	2	CHD Design
Basement Floor Plan	2071 – Drawing No. 04	September 2021	2	CHD Design
Ground Floor Plan	2071 – Drawing No. 05	September 2021	2	CHD Design
First Floor Plan	2071 – Drawing No. 06	September 2021	2	CHD Design
Front/South and North/Rear Elevation	2071 – Drawing No. 08	September 2021	2	CHD Design
East and West Elevation	2071 – Drawing No. 09	September 2021	2	CHD Design

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Longitudinal Sections	2071 – Drawing No. 10	September 2021	2	CHD Design
Transverse Sections	2071 – Drawing No. 11	September 2021	2	CHD Design
Driveway Ramp Details	2071 – Drawing No. 12	July 2021	1	CHD Design
Schedule of Colours and Finishes	2071 – Drawing No. 13	July 2021	1	CHD Design
Landscape Plans	2071 – Drawing No. 15	September 2021	2	CHD Design
Construction Management and Erosion Sediment Control Plan	2071 – CM-ESP	September 2021	2	CHD Design
Stormwater Plans	Drawing No. 200 Sheet 03 to 08	29 June 2021	A	CSEG
Waste Management Plan	-	16 July 2021	-	CHD Design

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) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.
- (b) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (c) Establishing a "works zone";
- (d) Placing or storing materials or equipment;

- (e) Placing or storing waste containers or skip bins;
- (f) Stormwater & ancillary to public infrastructure on private land
- (g) Erecting a structure or carrying out work

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

- (h) Pumping water from the site into the public road;
- (i) Constructing a vehicular crossing or footpath;
- (j) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (k) Stormwater & ancillary works in the road reserve; and
- (l) Pumping concrete from a public road;

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the activities commencing.

The relevant Application Forms for these activities can be downloaded from Council's website 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. 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.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

4 Sydney Water – Tap in™

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au 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

5 Fees to be Paid

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

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
GENERAL FEES	
Long Service Levy (to Long Service Corporation)	\$ 11,493.00
Or, provide evidence of Payment direct to the Long Service Corporation. See https://longservice.force.com/bci/s/levy-calculator	
Security Damage Deposit	\$ 21,000.00
Administration Fee for Damage Deposit	\$ 130.00
DEVELOPMENT CONTRIBUTIONS	
Indirect (Section 7.12) Contributions	\$ 32,837.78

General Fees

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

Development Contributions

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

Indexation

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

Timing of Payment

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

Further Information

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

6 Required Design Changes

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

Landscape plan	The proposed NSW Christmas Bush in the north eastern corner must be modified to a canopy tree species that can reach a mature height of at least 12m.
Bedroom 1	The window to Bedroom 1 is to be an awning style window fitted with translucent glass to a minimum height of 1.6m from the finished floor level

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: \$21,000.00.
- (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: \$130.00
- (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 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.

9 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. 1218573S must be implemented on the plans lodged with the application for the Construction Certificate.

10 **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.

11 **Pre-Construction Dilapidation Report – Private Land**

A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:

- (a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.

The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the PCA.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain

Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

12 Provision of Engineering Design Detail

(a) Provide design details for the excavation and retention of the basement excavation in accordance with Clause 4 of the Morrow Residential Development Geotechnical Investigation report 41 Newton Road Strathfield, Reference P2180_01rev1.

(b) Submit design certification to the principal certifier that all structural engineering design details have been prepared in accordance with the recommendations of the Geotechnical Investigation report prepared by Morrow Residential Development Geotechnical Investigation report - 41 Newton Road Strathfield, Reference P2180_01rev1.

Note: Geotechnical design input during structural design should include Finite Element Analysis of ground movements for the protection of adjacent structures and properties.

(c) Submit design certification to the principal certifier from an appropriately qualified hydraulic engineer to confirm that adequate drainage has been allowed for around the basement retaining walls, the basement perimeter and below the basement slab.

13 Stormwater System

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

14 Pump-Out System Design for Stormwater Disposal

The design of the pump-out system for storm water disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

(a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding four hour's runoff from a one-hour duration storm of the 1 in 100 year storm;

(b) The pump system shall be regularly maintained and serviced, every six (6) months; and

(c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Details and certification of compliance from a professional engineer specialising in civil engineering shall be provided for approval with the Construction Certificate application.

15 Stormwater Drainage Plan Details

Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Management Code.

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 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 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).

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 the subject property, Council's public footway, public reserves or on neighbouring properties.

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)**21 Demolition & Asbestos**

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

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

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

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

22 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.

23 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](#).

24 Dial Before You 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.

25 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) All new footings/piles are to be inspected by an experienced geotechnical professional before concrete or steel are placed to verify their bearing capacity and the insitu nature of the founding strata.
- (e) Regular inspections are to be conducted by a geotechnical professional of any battered or unsupported excavations, where proposed, to assess excavation conditions and confirm the suitability of the proposed methodology.
- (f) 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.
- (g) 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.
- (h) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (i) 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.

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.

DURING CONSTRUCTION

26 **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.

27 **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.

28 **Ground Levels and Retaining Walls**

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

approved by Council.

29 Construction Management Plan

The owner/applicant is to ensure that the approved Construction Traffic management Plan is to be strictly complied with and kept on site at all times during construction works.

30 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

31 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.

32 Completion of Landscape Works

The approved landscape works have identified that the side setback area between the dwelling and boundary be nominated as landscaped area to ensure compliance with the minimum landscape area requirements. In this regard, this area shall be maintained as landscaped area and can only be used for growing plants, grasses and trees and cannot include any building, structure or hard paving (including rainwater tanks, air-conditioning units of ground mounted hot water systems).

33 Post Construction Dilapidation Report – Private Land

At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the following adjoining premises:

- (a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.

The report is to be prepared at the expense of the applicant and submitted to the PCA prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damaged has occurred to the adjoining premises, the PCA, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the PCA prior to the issue of any Occupation Certificate.

34 Minor Development

Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface.

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 **Stormwater Drainage Works – Works As Executed**

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

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

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

OPERATIONAL CONDITIONS (ON-GOING)

37 **Maintenance of Landscaping**

All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

38 **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.

39 **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.

40 **Internal Courtyard**

The internal courtyard space above must not be enclosed and must stay open and exposed to the elements for so long as the dwelling house is utilised.

41 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 & ASSESSMENT ACT 1979**42 Requirement for a Construction Certificate**

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

43 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.

44 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.

45 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](#).

46 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.

47 **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

48 **Clause 97A – BASIX Commitments**

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

49 **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.

50 **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.

51 **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](#).

RESOLUTION

That this application be **APPROVED** subject to the recommended conditions in the report with Condition 6 amended to add a condition relating to the window in Bedroom 1.

FOR:

The Hon Paul Stein QC AM – Chair
Brian Kirk – Expert
Paul Vergotis – Expert
Ashwin Garg – Community Representative

AGAINST:

Nil

Reasons: The Panel generally agrees with the Planning officers report

**** End Minutes - Report No. 35****

TO: Strathfield Local Planning Panel Meeting - 4 November 2021
REPORT: SLPP – Report No. 36
SUBJECT: DA2018.134.2- 108 BERESFORD ROAD STRATHFIELD LOT: 5 DP: 7674
DA NO. DA2018.134.2

RECOMMENDATION

The application for modification has been assessed having regard to the Heads of Consideration under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979, the provisions of the SLEP 2012 and SCDCP 2005.

Pursuant to Section 4.56 of the *Environmental Planning and Assessment Act 1979* and following detailed assessment of the proposed modifications to Development Consent No. 2018/134 for be **APPROVED**.

1. The proposed modifications does not result in the change to the description of the approved development and is to be maintained.
2. The original conditions of consent of Development Consent No. 2018/134 as approved for the demolition of existing structures and the construction of a child care centre for 58 children with basement level parking for 12 car spaces operating 7am to 6pm, Monday to Friday, be approved except were amended as below.
3. As part of this Section 4.56 Modification Application, the following conditions are to be modified, added or deleted;
 - Modify Condition 1 to reflect modified/amended plans; and
 - Modify Condition 14 to incorporate further detail on the privacy treatments of rear-facing/south-facing windows of indoor playrooms on first floor.

GENERAL CONDITIONS (GC)

1. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

(a) 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 relating to Development Consent No.2018/134:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA02	Ground Floor Plan	Bechara Chan & Associates Pty Ltd	Issue Q 28.04.20	04.05.20
DA03	Basement Plan First Floor Plan	Bechara Chan & Associates Pty Ltd	Issue P 28.04.20	04.05.20
DA04	Roof & Site Plan	Bechara Chan & Associates Pty Ltd	Issue Q 28.04.20	04.05.20

MINUTES

DA05	Elevations	Bechara Chan & Associates Pty Ltd	Issue P 21.04.20	04.05.20
DA06	Section A-A, B-B Front Fence	Bechara Chan & Associates Pty Ltd	Issue O 21.04.20	04.05.20
CC.01	Basement Plan	Bechara Chan & Associates Pty Ltd	Issue F 07.09.2021	14.09.21
CC.02	Ground Floor Plan	Bechara Chan & Associates Pty Ltd	Issue F 07.09.2021	14.09.21
CC.03	First Floor Plan	Bechara Chan & Associates Pty Ltd	Issue F 07.09.2021	14.09.21
CC.04	Roof and Site Plan	Bechara Chan & Associates Pty Ltd	Issue F 07.09.2021	14.09.21
CC.05	Elevations	Bechara Chan & Associates Pty Ltd	Issue F 07.09.2021	14.09.21
CC.06	Section A-A, B-B Front Fence	Bechara Chan & Associates Pty Ltd	Issue F 07.09.2021	14.09.21
DA07	Privacy Sections Section C-C, D-D, E-E	Bechara Chan & Associates Pty Ltd	Issue B 28.04.20	04.05.20
DA09	Driveway Section	Bechara Chan & Associates Pty Ltd	Issue P 28.04.20	04.05.20
001	Landscape Design – Street Frontage	Site Image	Issue I 25.02.20	
002	Landscape Design – Outdoor Play Areas	Site Image	Issue I 25.02.20	
003	Landscape Design – Plant Schedule	Site Image	Issue I 25.02.20	
004	Landscape Design - Details	Site Image	Issue I 25.02.20	
005	Landscape Design – North Elevation	Site Image	Issue I 25.02.20	
006	Landscape Design – South Elevation	Site Image	Issue I 25.02.20	

MINUTES

007	Landscape Design – East & West Elevations	Site Image	Issue I 25.02.20	
A8170	General Notes	Alpha Engineering & Development	Revision F 25.02.20	26.02.20
A8170 – SW01	Sediment and Erosion Control Plan	Alpha Engineering & Development	Revision F 25.02.20	26.02.20
A8170 – SW02	Basement Drainage Plan	Alpha Engineering & Development	Revision F 25.02.20	26.02.20
A8170 – SW03	Ground Floor Drainage Plan	Alpha Engineering & Development	Revision F 25.02.20	26.02.20
A8170 – SW04	First Floor & Roof Drainage Plan	Alpha Engineering & Development	Revision F 25.02.20	26.02.20
A8170 – SW05	Stormwater Sections & Details	Alpha Engineering & Development	Revision F 25.02.20	26.02.20

Reference Documentation relating to Development Consent No.2018/134:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Flood Impact Assessment Report	Alpha Engineering & Development	Revision G 25.02.20	26.02.20
Plan of Management	No author	12.05.20	12.05.20
Preliminary and Detailed Site Investigation	ADE Consulting Group	Version 1F 31.01.20	26.02.20
Stage 1 Preliminary Site Investigation with Limited Soil Sampling	ADE Consulting Group	Version 1F 17.12.19	26.02.20
Supplementary Acoustic Report	Renzo Tonin & Associates	Revision 0 24.02.20	26.02.20
2 nd Supplementary Acoustic Report	Renzo Tonin & Associates	Revision 0 24.02.20	26.02.20
Traffic and Parking Impact Assessment	Transport and Traffic Planning Associates	Issue G Feb 2020	26.02.20
BCA Compliance Report	Modern Building Certifiers	Revision 1 01.05.20	04.05.20
Access Certificate 20-026-L01	Access Link Consulting	30.04.20	04.05.20

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

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

MODIFIED BY DA2018/134/2 DATE: 4 November 2021

2. CHILD CARE CENTRE - APPROVED USE AND NUMBER OF CHILDREN (GC)

This approval is given for the use of the land for the purposes of a Child Care Centre with a maximum number of 58 children under the following distribution:

0 – 2 years – 16 children

2-3 years - 18 children

3 – 6 years - 24 children

A separate approval and/or license will be required from the Department of Community Services for the operation of a child care centre from the subject premises.

(Reason: To ensure the development is consistent with the development for which consent was granted.)

3. CHILD CARE CENTRE – HOURS OF OPERATION (GC)

Day	Hours of Operation
Monday to Friday	7:00am to 6:00pm
Saturday, Sunday and Public Holidays	Closed

The garage door shall remain closed outside of operating hours with the exception that up to two (2) vehicles may enter the between 6:45am and 7:00am to facilitate access by up to two (2) staff members for the purpose of preparing the centre for opening.

4. CHILD CARE CENTRE – NOISE LEVELS (GC)

(a) Child care centres and educational establishments are to be designed to not exceed the following noise levels:

(i) LAeq (15 minutes) noise level from the entire site, including children in the outdoor areas of the site, activities inside the centre, car park, driveways and mechanical plant) must not exceed the background LA90 sound level by more than 5dBA when measured at the boundary of the nearest or most affected residential premises (or if the boundary is more than 30 metres from a residential dwelling, at the most affected point within 30 metres of a residence).

(ii) LAFmax level between 6:45am and 7am from the use of the driveway and carpark must not exceed:

(A) 58dB(A) when measured at the bedroom windows of the nearest or most affected residential premises; and

(B) 63dB(A) when measured at the boundary with the nearest or most affected residential premises.

(Reason: Amenity of neighbouring properties.)

5. Deleted. RISK ASSESSMENT REPORT – IMPLEMENTATION (GC)**6. CONSTRUCTION HOURS (GC)**

- (a) 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.
- (b) No building activities are to be carried out at any time on a Sunday or public holiday.
- (c) 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.)

7. CONSTRUCTION WITHIN BOUNDARIES (GC)

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

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

8. DEMOLITION – GENERALLY (GC)

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

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

9. DEMOLITION - SITE SAFETY FENCING (GC)

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

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

- (a) The following listed trees are permitted to be removed to accommodate the proposed development:
 - (i) One (1) site tree, as shown to be removed as submitted on the approved plans, is permitted to be removed to accommodate the proposed development.
- (b) Any site trees permitted to be removed by this consent shall be replaced (2 trees for each tree removed) by species selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres.
- (c) 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 self-supporting; and shall be maintained until maturity.
- (d) All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
- (e) Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
- (f) 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.
- (g) A minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.
- (h) 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.)

11. ENVIRONMENTAL PROTECTION – TREES (GC)

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

protected as described below;

- i. A Tree Protection (Management) Plan prepared by a AQF Level 5 Arborist is to be available on site at all times prior to the issue of the Constriction Certificate, for all demolition and site works. This Tree Protection (Management) Plan must be shown on the demand of Authorised Council staff.
- ii. Protective perimeter fencing must be consistent with AS 4687, using metal fence posts greater than 20mm diameter and solid or chain wire mesh 2 metres in height supported on concrete pads/feet at 2-2.5 metre spacing. Fencing placement should not be closer than 2.5 metres from the trunk of each protected tree, or at a distance as specified by the approved Tree Protection (Management) Plan and approved by Council's Tree Management Officer. Shade cloth is to be used to prevent entry of dust and contaminated liquids into the root protection area.
- iii. Signs must be placed on the Fencing. These signs must comply with AS1319. The signs must state the purpose of the fencing and the name and contact details of the builder and the appointed AQF Level 5 consultant arborist.
- iv. Root protection is to be provided in the form of mulching to a depth of 50100mm, inside of the fenced tree protection zone.
- v. Ground (Root) Trunk and Branch Protection must comply with the diagram of Figure 4 of AS4970 – 2009. Ground protection within the tree protection zone and drip line should be in the form of heavy steel plates or timber rumble boards over mulch or aggregate. Trunk and branch protection should be to a minimum height of 2 metres and must include measures to protect the tree/s against damage from the movement of trucks, plant equipment and materials at greater heights above ground level.
- vi. Temporary signs, cables, wires must not be attached to, or suspended, on any street tree or protected tree.
- vii. Above ground utilities must not be placed within the canopy of an existing protected tree, or create the future need for clearance pruning.
- viii. Below ground utilities/services must not be located inside the fenced tree protection zone.
- ix. Scaffolding must not be located in the fenced tree protection zone unless authorised by the approved Tree Protection (Management) Plan and Council's Tree Management Officer.
- x. Council must be notified in writing within 24 hours, for all temporary removal of the tree protection fencing ground (root) trunk and branch protection within the root protection area.
- xi. Pruning of a street tree is prohibited without the written consent of Council.

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

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

- (a) 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.

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

13. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

- (a) All of the following are to be satisfied/complied with during demolition, construction and any other site works:
 - i. All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
 - ii. Demolition must be carried out by a registered demolition contractor.
 - iii. A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
 - iv. No blasting is to be carried out at any time during construction of the building.
 - v. Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
 - vi. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
 - vii. Any demolition and excess construction materials are to be recycled wherever practicable.
 - viii. The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
 - ix. All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
 - x. All waste must be contained entirely within the site.
 - xi. A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
 - xii. Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
 - xiii. Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
 - xiv. All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
 - xv. Any materials stored on site must be stored out of view or in such a manner so as

- not to cause unsightliness when viewed from nearby lands or roadways.
- xvi. Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
 - xvii. Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
 - xviii. All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
 - xix. Any work must not prohibit or divert any natural overland flow of water.
 - xx. Toilet facilities for employees must be provided in accordance with WorkCover NSW.

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

13A. The recommendations in the Preliminary and Detailed Site Investigation Report prepared by ADE Consulting Group dated 31 January 2020 approved by Council shall be implemented unless it conflicts with other conditions of this consent.

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

14. ARCHITECTURAL PLANS (CC)

Drawing No. DA.14 and DA.15 of the approved architectural plans (as referred to in condition 1) and the approved landscaping plans Drawing Numbers 001 – 007, Issue I (as referred to in condition 1) are to be amended generally in accordance with approved architectural plans Drawing DA.02 Rev Q dated 28 April 2020 and Drawing DA.03, Rev P, dated 28 April 2020) and submitted to Council for approval prior to the release of a construction certificate for building works as follows:

- (a) The egress pathway located along the western boundary, adjacent to the building must be replaced with an egress pathway that is reduced in length to extend to no further than 1m beyond the ramps located at the rear of the undercover outdoor play area.
- (b) The egress pathway is to be located against the building for the distance between the front elevation and the undercover outdoor play area. A 700mm wide landscape area is to be provided between the western boundary and this part of the egress path. Planting of proposed *Acmena smithii* 'Minor' (detailed in Landscape Plan Revision H dated 03/09/2018) along western boundary egress pathway is to be replaced with *Gardenia augusta* 'Florida', in a minimum 200mm pot size with 700mm spacing (minimum 24 plants).
- (c) The egress pathway is to be located against the boundary for the remaining distance up to 1m beyond the ramps at the rear of the undercover distance up to 1m beyond the ramps at the rear of the undercover outdoor play area, except where it is required to connect to the part of the egress pathway located against the building, and to enable access/egress from the under covered outdoor play area. A 700mm wide landscape area is to be provided between this part of the egress

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pathway and the acoustic barrier adjoining the undercover outdoor play area. This landscaped area must be planted with planting *Ficus pumila*, supplied in 200mm pots and spaced at a minimum of 500mm (minimum 16 plants). *Ficus pumila* are to be located closely to the acoustic barrier to allow for attachment and to enable the growth of climbing vegetation on this part of the acoustic barrier. The remainder of the garden bed is to be planted with *Liriope muscari* 'Isabella' planted at 400mm spacing (minimum 20 plants, minimum pot size 200mm).

- (d) No stepping-stones or other pathway is to be located between southern extent of the egress pathway and the rear boundary. This part of the setback is to be planted with *Acmena smithii* 'Minor' spaced at 1m intervals with a minimum pot size of 45L to allow for screening hedging (minimum 23 plants). No under-planting is to be provided to ensure overland flow paths are maintained. *Acmena smithii* 'Minor' to be positioned 700mm from to the acoustic barrier within the 1.7m wide landscape buffer zone.
- (e) The compacted decomposed granite path to the Eastern boundary setback is to be removed. Proposed planting of *Acmena smithii* 'Minor' quantities (detailed in Landscape Plan Revision H dated 03-09-2018) to be adjusted to reflect a minimum spacing of 1m intervals along the entire eastern boundary in minimum pot size of 45L. *Acmena smithii* 'Minor' to be positioned 700mm from the acoustic barrier within the 1.7m wide landscape buffer zone. Remainder of garden area to be planted with *Myoporum parvifolium* at a rate of 2 plants per square metre (minimum 80 plants in 140mm pot size).
- (f) Planting along rear (southern) boundary quantities to be replaced to match 1m interval spacing in minimum pot size of 45L (minimum 17 plants).
- (g) The plant schedule changes and inclusion summary table for the landscape plan is as follows:

i. Western boundary

Screen planting to acoustic wall						
(v) Botanical name	(vi) Common name	(vii) Pot Size	(viii) Height	(ix) Spread	(x) Spacing (centres)	(xi) Qty (min)
(xii) <i>Acmena</i> (xiii) <i>smithii</i> 'Minor'	(xiv) Lillypilly	(xv) 45L	(xvi) 3.0m	(xvii) 1.5m	(xviii) 1m	(xix) 23
Planting along egress						
(xxiv) Botanical name	(xxv) Common name	(xxvi) Pot Size	(xxvii) Height	(xxviii) Spread	(xxix) Spacing (centres)	(xxx) Qty (min)
(xxxi) <i>Ficus</i>	(xxxiii) Creeping	(xxxv) 200mm	(xxxvi) Climber	(xxxvii) 1m	(xxxviii) 0.5	(xxxix) 16

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(xxxii) <i>pumila</i>	(xxxiv) fig					
(xl) <i>Gardenia</i> (xli) <i>augusta</i> 'Florida'	(xlii) Gardenia	(xliii) 200mm	(xliv) 0.9m	(xlv) 0.7m	(xlvi) 0.7m	(xlvii) 24
(xlviii) <i>Liriope muscari</i> (xlix) 'Isabella'	(l) Liriope	(li) 200mm	(lii) 0.5m	(liii) 0.4m	(liv) 0.4m	(lv) 20
Eastern boundary						
(lvii) Botanical name	(lviii) Common name	(lix) Pot Size	(lx) Height	(lxi) Spread	(lxii) Spacing (centres)	(lxiii) Qty (min)
(lxiv) <i>Acmena smithii</i> (lxv) 'Minor'	(lxvi) Lillypilly	(lxvii) 45L	(lxviii) 3.0m	(lxix) 1.5m	(lxx) 1m	(lxxi) 23
(lxxii) <i>Myoporum parvifolium</i>	(lxxiii) Creeping Boobiala	(lxxiv) 140mm	(lxxv) 0.1m	(lxxvi) 1m	(lxxvii) 2 plants per m ²	(lxxviii) 80
Southern boundary						
(lxxxii) Botanical name	(lxxxiii) Common name	(lxxxiv) Pot Size	(lxxxv) Height	(lxxxvi) Spread	(lxxxvii) Spacing (centres)	(lxxxviii) Qty (min)
(lxxxix) <i>Acmena smithii</i> 'Minor'	(xc) Lillypilly	(xci) 45L	(xcii) 3.0m	(xciii) 1.5m	(xciv) 1m	(xcv) 17

- (h) The privacy treatments/privacy louvres of the rear-facing/south-facing windows must be designed to minimise privacy impacts and overlooking from the indoor playrooms (first floor). These treatments/louvres must comprise of obscured/frosted/translucent glazing from the bottom of the window/s and up to at least a 1.6m sill height or equivalent.

MODIFIED BY DA2018/134/2 DATE: 4 November 2021

14A LIFT OVERRUN TREATMENT

The external finish of the lift overrun shall be clad in stackstone of rustic grey colour or similar as

approved by Council prior to the issue of a Construction Certificate.

15. PLAN OF MANAGEMENT (CC)

- (a) Section 10 of the approved Plan of Management is to be updated by inserting the following paragraph:
"Upon being inducted to the centre, staff are to be trained on how to safely use the stacked parking arrangements. The 3 stacked staff parking spaces located in the south-western corner of the basement are to be occupied first in the morning, and departed last at night to ensure the other 2 staff parking spaces and the visitor spaces can be used efficiently. The staff parked in the 3 stacked parking spaces should not leave their spaces in the peak operation hours of the centre (i.e. 7:30am – 9:30 am and 4:00 pm – 5.30pm)."
- (b) The second paragraph in Section 3 of the approved Plan of Management is to be updated to read:
"Two staff members may arrive between 6:45am and 7am for the purpose of preparing the centre for opening".
- (c) The approved plan of management is to be updated by inserting the following requirement:
'The manager of the centre shall ensure that one teacher is allocated to ensure that one teacher is allocated to ensure that a minimum of three of the seven children permitted in the 'unencumbered outdoor play area' are engaged in passive play activities of the type described in Chapter 9 of the plan of management'

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

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

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

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

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

- (a) 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).
- (b) 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.
- (c) 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.)

18. CAR PARKING - DISABLED CAR PARKING SPACES (CC)

- (a) One (1) 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 2.4m wide x 5.4m long and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such. A shared area 2.4 m wide x 5.4m long shared area should be provided. Bollard shall be placed in this shared area.
- (b) 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.
- (c) 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.)

19. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)

- (a) Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004. Plans to be submitted shall contain the following details:
 - i. Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
 - ii. Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
 - iii. Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
 - iv. Location of verge trees, street furniture and service installations.
 - v. Superimposition of vehicle turning circles for access into parking spaces. Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.
- (b) The certification referred to in 17(a)(vi) above shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate (for the design) and to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the 'as-built works'.

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

20. BASEMENT PARKING EXITS (CC)

There shall be no exit provided from the rear of the basement car parking to ground level.

(Reason: a secondary exit is required to be provided to the basement in order to comply with the requirements of the BCA, however this application is approved on the basis that the applicant will pursue an alternate solution, and will not be providing a secondary exit at the rear of the basement.)

21. CAR PARKING – COMPLIANCE WITH AS 2890.1:2004 (CC)

The car parking facility, including provision for ramps, driveways, headroom clearances and parking spaces are to be designed in accordance with AS 2890.1:2004. The details must be submitted to and approved by Council/Principal Certifier prior to a Construction Certificate being issued.

22. DRIVEWAY (CC)

The access driveway, including provision for ramps and sight lines, is to be designed in accordance with AS 2890.1: 2004. The details must be submitted to and approved by Council/Principal Certifier prior to a Construction Certificate being issued.

23. ACCESSIBLE PARKING – COMPLIANCE WITH AS 2890.6:2009 (CC)

The accessible carparking facility, including provision for headroom clearances, parking spaces and associated Share Zone are to be designed in accordance with AS 2890.6:2009. The details must be submitted to and approved by Council/Principal Certifier prior to a Construction Certificate being issued.

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

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

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

25. BICYCLE PARKING – COMPLIANCE WITH AS 2890.3:2015 (CC)

The bicycle storage facility is to be designed in accordance with AS 2890.3: 2015. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

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

- (a) The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and AS/NZS 2890.1:2004 - Off-Street Car Parking Code.
- (b) Vehicular manoeuvring paths are to be prepared demonstrating that all vehicles can enter or depart the site in a forward direction without encroaching on required car parking spaces.

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

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

- (a) 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.
- (b) Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 4.19 of the EP&A Act 1979. Accordingly, demolition works must not commence until a Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued. ♦

(Reason: To ensure compliance with statutory provisions.)

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

(a) Works Permit

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

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

(b) Standing Plant Permit

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

(c) Skip Bin Permit

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

(d) Temporary Full or Part Road Closure Permit

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

(e) Hoarding/Fencing Permit

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

(f) Work Zone Permit

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

(g) Ground Anchoring Permit

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

(Reason: Council requirement.)

29. LANDSCAPE PLAN (CC)

(a) 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:

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

(b) The plan must reflect the final design of the proposal including configuration and setback of the building and pedestrian access.

(Reason: To maintain consistency with this consent.)

30. SECURITY PAYMENT - DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE (CC)

MINUTES

(a) A security (damage deposit) of **\$18,000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

(c) 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.

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

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

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

(Reason: Protection of Council infrastructure.)

31. FIRE SAFETY UPGRADE - CHANGE OF BUILDING USE (CC)

(a) Council considers pursuant to clause 93 of the Environmental Planning and Assessment Regulation 2000 that it is appropriate to require the existing building to be upgraded to total or partial conformity with the BCA.

(b) The Construction Certificate plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation must detail building upgrade works required by for the approved use.

(c) The Certifying Authority must be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the provisions of the BCA in force at the date of issue of the Construction Certificate.

Note: The Certifying Authority issuing the Construction Certificate has no power to remove the requirement to upgrade the existing building as required by this condition. Where this condition specifies compliance with performance requirements of the BCA, the Certifying Authority (subject to their level of accreditation) may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (deemed to satisfy) provisions of the BCA, these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed under section 82A or amended under section 4.55 of the Act.

(Reason: Fire safety.)

32. FIRE SAFETY SCHEDULE (CC)

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.)

33. STORMWATER SYSTEM (CC)

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.

34. ON SITE DETENTION (CC)

(a) 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.

(b) 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:

(i) 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.

(ii) at Annual Recurrence Intervals of 2 years, 10 years and 100 years.

(iii) The OSD facility shall be designed to meet all legislated 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."

Full details shall accompany the application for the Construction Certificate.

35. TRAFFIC - CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CC)

(a) 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.

(b) 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;

MINUTES

- (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.)

36. TREE BONDS (CC)

(a) 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.

(b) 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.

(c) 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.

(d) A refund of the Tree Bond must be made in writing.

(e) 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.

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

37. BIN ALLOCATION (CC)

(a) The development will require the provision of the following waste and recycling facilities:

- - (i) General Waste – 1 x 660L mobile bins.
 - (ii) Recycling – 4 x 240L mobile bins.

(Reason: To ensure sufficient space and waste collection containers provided.)

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

(a) 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).

(b) 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.

(c) 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.)

ACOUSTIC CONTROLS (CC)

38A. Prior to the issue of a Construction Certificate the development is to be assessed by a

Council approved acoustical engineer (excluding any acoustical consulting Firm previously involved in the DA stage of the development) with certification that the operation of the proposed development will fully satisfy the acoustic criteria specified in Condition 4.

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

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

(a) 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.

(xcvi) 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.

(xcvii) 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.

(b) 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.)

ACOUSTIC CONTROLS (CW)

39A Prior to the issue of an Occupation Certificate the development is to be inspected by a Council approved acoustical engineer (excluding any acoustical consulting Firm previously involved in the DA stage of the development) with confirmation the acoustic barriers and mechanical plant that have been installed are in accordance with the CC documentation prepared in accordance with the relevant Conditions.

40. NOTICE OF COMMENCEMENT (CW)

(a) 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 PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (POC)

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

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

(Reason: Adequate access and egress.)

42. FIRE SAFETY CERTIFICATION (OC)

(a) 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.

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

(i) has been assessed by a properly qualified person; and

(ii) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

(c) 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.

(d) 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.

(e) 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.)

43. ENGINEERING WORKS (CERTIFICATION OF) (OC)

(a) 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 an Accredited Civil/Hydraulic Engineer 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.

(b) 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.

(c) 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.)

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

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

(Reason: Adequate stormwater management.)

45. KITCHEN AND FOOD PREPARATION – REQUIREMENTS (OC)

MINUTES

(a) Prior to the operation of the child care centre a written statement demonstrating compliance with the below measures must be submitted and approved by the Principal Certifying Authority.

(i) Hand wash basin/s, with hot and cold running water mixed through a common spout, liquid hand wash soap and hand drying facilities must be provided in all food preparation areas, and toilets used by food handlers and must be easily accessible. Liquid soap and paper towel dispensers or other hand drying facilities must be located next to and in close proximity the hand wash basin.

(ii) A double bowl sink and a dishwasher must be provided in the food preparation or designated area, (of a capacity to handle the food preparation equipment) in addition to the hand basin.

(iii) A separate and dedicated food preparation sink is to be provided within the food premises (where foods are prepared by immersion in water.)

(iv) A cleaners sink for the purpose of cleaning floor mops and other cleaning equipment must be provided within the premises separate from the food preparation and storage area.

(v) The appliances used to store potentially hazardous food must have a capacity to keep food hotter than 60°C or colder than 5°C and be provided with a thermometer, accurate to 1°C and which can be easily read without opening the appliance.

(vi) All self-service unpackaged ready to eat food must be provided and maintained with protective barriers and have separate serving utensils, in accordance with Standard 3.2.2 of the Food Standards Code under the Food Act 2003.

(vii) Clothing lockers and change rooms for male and female staff must be provided in the premises in a separate location to the food handling and storage areas.

(viii) Adjacent floors, walls, ceilings and other surfaces are able to be easily and effectively sanitised.

(ix) All openings in walls, floors and ceilings, through which service pipes pass, must be vermin proof.

(x) Where fittings are butt-joined together they must be sealed to eliminate any cavities or crevices. Alternatively, a clear space of at least 75mm is to be provided between fittings.

(xi) The following requirements apply to clearances and supports of equipment:

- All stoves, refrigerators, cupboards and similar fittings must have metal legs made of non-corrosive metal or moulded plastic at a minimum height of 150mm above the floor. If placed flush on solid plinths the solid plinth is to be a minimum of 75 mm high.
- All shelving must be fixed 25mm clear of the walls on solid metal brackets.

(Reason: Food safety.)

46. FOOD PREMISES - REGISTRATION REQUIREMENTS (OC)

Prior to the issue of any Occupation certificate, a Registration of Food Premises Form must be completed and submitted to Council, and the appropriate fees paid. The form is available online. In the instance details on the original registration form change, Council is to be notified of the change within seven (7) days of the change occurring.

(Reason: Registration and notification to relevant authorities.)

47. FOOD PREMISES (OC)

Prior to the issue of any Occupation Certificate, the operator must arrange an inspection with Council's Environmental Health Officer to confirm that the works as completed comply with the Food Act 2003, Food Safety Standards and AS 4674 and a professional engineer (mechanical) must certify that the exhaust system complied with AS 1668.2.

48. WORKPLACE TRAVEL PLAN (OC)

To encourage staff to travel by means other than private car and to manage staff parking, a Workplace Travel Plan (also known as a Green Travel Plan) shall be prepared by a suitably qualified person and submitted to Council for approval prior to occupation. This travel plan shall include the provision of a transport access guide and a free opal provided to each employee of the centre who is not provided with an onsite carparking space and funded (proportion of journey-to-work travel fare) by the operator.

49. OCCUPATION OF BUILDING (OC)

(a) 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.

(b) 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.)

CONDITIONS TO BE SATISFIED AFTER OCCUPATION

49A When the centre reaches of 80% occupancy rate the operator shall advise Council, whereby testing will be undertaken to ascertain full compliance with Condition 4.

Testing is to be undertaken by a suitably qualified acoustical engineer or acoustical engineering company, with current membership of a professional association covering the field of acoustic engineering, the members of which association must be required to practice in a manner consistent with a code of ethics and professional conduct.

The acoustic consultant will be engaged by the Applicant with instructions to undertake noise testing and monitoring without prior advice to the operator or the owner of the childcare centre at 108 Beresford Road, Strathfield. The cost of the engagement shall be borne by the operator/owner of the child care centre.

The engaged acoustic engineer will measure the noise emanating from the childcare centre at 108 Beresford Road at locations receiver locations within premises adjacent to the childcare

centre at 108 Beresford Road. Those locations should include, as a minimum, the locations identified as R1H, R1L, R1M, R3A and R4F in Figure 2 within the Supplementary Acoustic Report of Renzo Tonin and Associates dated 24 February 2020, and prepared in relation to the "Beresford Child Care Centre".

Access to the adjacent properties for the purpose of undertaking the required noise measurements will be arranged by Council upon request from the Applicant.

The child care centre management will provide (post testing) records of the number of children in attendance at the centre (including outdoor areas) during the testing period. The engaged acoustic engineer will take account of the number of children using the outdoor play areas for each nominated time period and determine a correction factor to account for full capacity as identified in the Applicant's plan of management and determine the resultant noise levels for 100% capacity.

If as a result of the compliance testing there is non-compliance with Condition 4 then the acoustic engineer will recommend appropriate additional noise control/management measures to achieve acoustic compliance. Following completion of such recommended measures the compliance test will be repeated.

Any costs as a result of re-testing shall also be borne by the operator/owner and carried out within a time frame set by Council.

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

50. PLAN OF MANAGEMENT (OU)

The approved development shall be operated and managed strictly in accordance with the approved plan of management. Any changes to the operations will require separate development consent.

(Reason: Strict compliance with the approved plan of management is required in order to ensure acoustic compliance).

51. DELIVERIES (OU)

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

(Reason: To control noise impacts.)

52. BASEMENT CAR PARK ACCESS (OU)

(a) There is to be no vehicular access to the basement car park prior to 6:45am on any day.

(b) A total of two (2) cars can enter the basement car park between 6:45am and 7:00am on any day.

53. FIRE SAFETY ANNUAL STATEMENT (OU)

(a) 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.

(b) 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.)

54. KITCHEN - ONGOING USE OF (OU)

(a) The ongoing operation and fit out of the premises must be maintained in accordance with the following requirements:

(i) Food Act 2003;

(ii) Food Regulations 2004;

(iii) Australian Standard AS4674-2004: Construction and fit out of food premises;

(iv) Australia and New Zealand Food Standards Code 3.2.3: Food Premises and Equipment; and

(v) Australia and New Zealand Food Standards Code 3.2.2: Food Safety Practices and General Requirements.

(Reason: To ensure compliance with legislation and to protect public health and safety.)

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

(a) The use of the premises shall comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008, Protection of the Environment Operations Act 1997 and the NSW Environment Protection Authority Noise Policy for Industry (2017).

(b) Should substantiated complaints or breaches of noise regulations occur, a suitably qualified acoustic engineer, of a type described in condition 49A, shall be engaged the Applicant to measure noise emanating from the childcare centre building/premises and to recommend appropriate action. The cost of such an appointment shall be borne by the operator/owner of the child care centre, and the costs of any works recommended by the acoustic engineer to rectify the recorded noise exceedances shall also be borne by the operator/owner, and they and carried out within a time frame set by Council.

(Reason: Noise control and amenity.)

56. NOISE - NO AMPLIFIED MUSIC (OU)

(a) 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 receiver boundary.

(b) Speakers must not be installed, and music must not be played in any of the outdoor areas

associated with the premises.

(c) The provision of music inside the centre can only occur with doors and windows closed for the relevant internal space where music is to be provided. The provision of amplification inside the premises is to be subject to a noise limit or similar to ensure the maximum internal Leq noise level of 80 dB(A).

(Reason: Environmental amenity.)

57. WORKPLACE TRAVEL PLAN (OU)

The centre operator shall submit to the Council annually a travel study of staff confirming the staff journey to work mode share which will need to be in accordance with the agreed Workplace Travel Plan.

58. WASTE AND RECYCLING COLLECTION (COMMERCIAL) (OU)

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

(b) 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.

(c) 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.)

PRESCRIBED CONDITIONS

59. BASIX Commitments

(a) The applicant shall comply with the prescribed conditions of development consent under clause 97A of the Environmental Planning and Assessment Regulation 2000.

60. National Construction Code and Home Building Act 1989

(a) The applicant shall comply with the prescribed conditions of development consent under clauses 98, 98A and 98B of the Environmental Planning and Assessment Regulation 2000.

61. Long Service Levy

(a) Payment of the Long Service Levy as required by section 6.8(b) of the Environmental Planning & Assessment Act 1979 and section 34 of the Building and Construction Industry Long Service Payments Act 1986 for all building work over \$25,000. (Note: The cost of the building work must be rounded to the nearest \$100.)

(b) The Long Service Levy shall be paid at Council's Customer Service Centre or evidence of direct payment to the Long Service Payments Corporation shall be provided to Council **prior to the issue of a Construction Certificate.**

62. Shoring and Adequacy of Adjoining Property

MINUTES

(a) Pursuant to Clause 98E and Clause 136H of the Environmental Planning and Assessment Regulation 2000, if a development (subject of a Development Consent or Complying Development Certificate) involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

(b) If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

RESOLUTION

This modification application be APPROVED subject to the recommended conditions attached to the planning officers report with the addition of Condition 14A.

FOR:

The Hon Paul Stein QC AM – Chair
Brian Kirk – Expert
Paul Vergotis- Expert
Ashwin Garg- Community Representative

AGAINST:

Nil

Reason:

The Panel concurs generally with the Planning officers report and has added a condition relating to the new lift overrun.

**** End Minutes - Report No. 36****