

# **Minutes**

**Of the meeting of the:**

## **Strathfield Local Planning Panel Meeting**

**Held on:**

**Thursday, 1 April 2021**

Commencing at 10.00am at Town Hall (Supper Room),  
65 Homebush Road, Strathfield

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The meeting of the Strathfield Local Planning Panel Meeting was held in the Town Hall (Supper Room), 65 Homebush Road, Strathfield on Thursday 1 April 2021.  
The meeting commenced at 10.00am and closed at 12.25pm.

The Public Meeting commenced at 10:10am and closed at 11.06am.

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

Site inspection time commenced: In the panels own time

Site inspection time concluded: In the panels own time

**PRESENT**

The Hon Paul Stein QC AM – Chair

Graham Atkins- Expert

Brian Kirk- Expert

David Starr- Community Representative

**ALSO PRESENT**

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

Kandace Lindeberg, Executive Manager, Landuse Planning & Development

Miguel Rivera, Senior Planner

Sarah Evans, Administration Officer

Alexander Andreatta, Administration Officer

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

Graham Atkins- Expert

- DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743

**TO:** Strathfield Local Planning Panel Meeting - 1 April 2021  
**REPORT:** SLPP – Report No. 10  
**SUBJECT:** DA 2020/162 - 14 ROCHESTER STREET, HOMEBUSH - LOT F DP 435796  
**DA NO.** DA2020/162

## RECOMMENDATION

That Development Application No. 2020/162 for demolition of existing structures and construction of a three (3) storey boarding house containing 35 boarding rooms (including managers room) over 2 levels of basement car parking for 18 cars, 7 motorcycles and 7 bicycles at 14 Rochester Street be **REFUSED** for the following reasons:

### 1. Character of the local area

- 1.1 The proposed development is not compatible with the **existing and desired future** character of the local area. As such, the proposal does not comply with Clause 30A of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.
- 1.2 The proposal is contrary to aim (a) under *Clause 1.2(2)* of SLEP 2012 in that the proposed development does not achieve a high-quality urban form that reflects the existing and desired future character of the local area.

### 2. Built form

- 2.1 The building envelope is excessive for the narrow, elongated site and provides for insufficient articulation of the facades. The proposal does not respond to, or sensitively relate to the spatial characteristics of the existing urban environment including block patterns, landscape treatment, and setbacks.
- 2.2 The building height, massing and scale of the proposed development would not provide an appropriate transition to adjacent low density residential development to the south and is contrary to the existing and desired future character of the street and surrounding locality.
- 2.3 The proposed building envelope and basement levels to the side boundaries is a gross overdevelopment of the site.
- 2.4 **The provision of air conditioning condensers within the roof space may increase the height of the roof level and exceed the height of buildings development standard**
- 2.5 The proposal does not satisfy the relevant objectives of the height of buildings (*Clause 4.3*) and floor space ratio (*Clause 4.4*) development standards under SLEP 2012.

### 3. Heritage

- 3.1 The proposed development would have a negative impact on the significance of listed items and heritage conservation areas in the vicinity.
- 3.2 The development presents as a dark brick box with little articulation and built to the width of the suburban lot, three levels of mock Federation style roofs, and various arrangements of different types of modern window styles and verandah openings awkwardly positioned on the façade. The resulting effect is that the development, rather than blend into the streetscape, is likely to appear as an intrusive overdevelopment of the site dominated by roofs, bricks, and odd assortment of windows.

- 3.3 The height and bulk of the southern side of the development would be visible through a view corridor between listed Federation houses at 33 and 35 Abbotsford Road. In this regard, the proposal would have a negative impact on the visual setting of the listed items.
- 3.4 The development incorporates some elements of the Federation style but is not consistent in form. The proposal uses materials such as aluminum roof and brickwork, which are not supported.
- 3.5 The proposal is inconsistent with *Part P - Heritage* of SCDCP 2005, and *Clause 1.2(2)(f)* and *Clause 5.10 – Heritage Conservation* of SLEP 2012.

#### 4. Amenity

- 4.1 The proposal would achieve an unacceptable level of amenity for occupants.
- 4.2 The boarding rooms are located off one long and dark central corridor with no natural air and limited access to light from glass blocks to private balconies.
- 4.3 The provision of a communal laundry at Basement L2 is impractical and would adversely impact upon the amenity of future occupants. The location of clothes drying facilities (*and potential visual impacts*) are not considered.
- 4.4 The development proposes a significant number of rooms that rely entirely on fresh air, light, and outlook from side boundaries.
- 4.5 With the exception of the rooms that face either the street or the rear, all rooms are provided with small high-level windows on the side elevations. The small windows, particularly on the southern side would create dark rooms with minimal outlook, creating poor amenity.
- 4.6 The proposed building envelope extends very deep into the site within minimal building setbacks that would adversely impact the amenity of both the subject development and its immediate neighbours.
- 4.7 The proposed balconies and doors on the Northern façade overlook residential property 12 Rochester Street and impact on their privacy and amenity.**
- 4.8 The proposed location of the driveway with open façade design gives rise to privacy and noise impacts on the adjoining property (12 Rochester Street) from vehicle accesses to the site**
- 4.9 For the reasons above the proposal does not exhibit design excellence. As such, the proposal is contrary to aim (a) under *Clause 1.2(2)* of SLEP 2012.

#### 5. Overshadowing

- 5.1 The elongated building envelope and long orientation of the allotment in an east to west direction would create unacceptable levels of overshadowing to the adjoining property to the south, zoned R2 low density residential and located within the *Abbotsford Road Heritage Conservation Area*.
- 5.2 The adjoining property to the south would be cast in full shadow between 9am and 3pm mid-winter.

## 6. Landscaping

- 6.1 The proposal involves excessive tree removal, insufficient tree replacement, and inadequate deep soil planting and canopy coverage.
- 6.2 The proposed excavation to the side boundaries to accommodate the required on-site car parking precludes the provision of deep soil planting and canopy trees in the side setback area. This is inconsistent with the landscape character of the local area.
- 6.3 The proposed vehicular crossing is unfeasible as it would involve unacceptable encroachment of a significant street tree of high landscape/streetscape value.
- 6.4 Inadequate deep soil planting is provided in the front setback to be considered compatible with the streetscape, contrary to *Clause 29(2)(b)* of the ARH SEPP. Concerns are raised regarding the location of the OSD tank in the front setback and viability of the proposed plantings.

## 7. Public interest

- 7.1 The proposal is not in the public interest as evidenced by the substantial number of objections received.
- 7.2 The proposed development is not compatible with the character of the local area.
- 7.3 The proposed development would result in unacceptable visual impacts on the built environment.

## 8. Suitability of the site

- 8.1 The proposed development is unsuitable to the site (*Refer 'Reasons for Refusal'*). The proposed building envelope and landscape treatment does not accord with the prevailing subdivision pattern characterised by long and narrow allotments.

## 9. Insufficient information

- 9.1 A *Geotechnical Report* has not been submitted with the application to address the proposed excavation for the two basement levels.
- 9.2 *Building Code of Australia* fire separation requirements have not been considered.
- 9.3 Acoustic impacts from mechanical plant and the car park exhaust system have not been addressed.
- 9.4 The location of clothes drying facilities (*and potential visual impacts*) has not been considered.

## **RESOLUTION**

This application be **REFUSED** for the reasons recommended by the officer as amended by the panel.

### **FOR**

Paul Stein  
Graham Atkins  
Brian Kirk  
David Starr

**AGAINST NIL**

\*\*\*\* End Minutes - Report No. 10\*\*\*\*

**TO:** Strathfield Local Planning Panel Meeting - 1 April 2021  
**REPORT:** SLPP – Report No. 11  
**SUBJECT:** DA2005/264/2 - 416-420 LIVERPOOL ROAD, STRATHFIELD SOUTH -  
LOT 100 DP 774567 AND LOT 4 DP 773523  
**DA NO.** DA2005/264/2

## RECOMMENDATION

Pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, the proposed modification(s) to Development Consent No. DA2005/264/2 for involving Section 4.56 Modification Application to modify Condition 5 (maximum student capacity) and increase the number of students from 450 to 500 students at 416-420 Liverpool Road, Strathfield South be **APPROVED**, subject to:

1. The original conditions of consent of Development Application No. (DA2005/264) as approved by the Land and Environment Court on 15 February 2007 for the adaptive re-use of existing buildings for the use of a primary and secondary school.
2. As modified by the Section 4.56 Application (DA2005/264/2) as follows:
  - i) Condition 5 of consent modified to reflect increased number of students.
  - ii) Condition 17 of consent modified to reflect provision of litter management plan as part of waste management plan.

Accordingly, Development Consent No. DA2005/264 is approved as follows:

Modify Condition 5 as follows:

5. The school shall not have more than **450 500** students., ~~consisting of no more than 175 primary school students and 275 high school students.~~

Modify Condition 17 as follows:

17. (1) Suitable seated rubbish bins shall be provided within the school grounds so as to keep the school free of litter and generally clean and tidy.

(2) A comprehensive waste management plan for the placement, storage and collection of waste and recycling bins shall be submitted to Council within three (3) months of the date of this consent **(and any subsequent dates following the approval of any modifications)**. The waste management plan shall address school litter, cardboard and other recyclable materials associated with the school.

**A litter management plan must be included in the waste management plan, indicating all steps being taken to prevent, reduce and collect any litter produced by the site as well as measures such as cleaner to conduct litter collection within a 15m radius from all exits and entries.**

*All other conditions, as endorsed by the Land and Environment Court on 15 February 2007 and included in Annexure A of the Court orders remain unchanged.*

## RESOLUTION

This modification application be approved subject to the recommended conditions of consent in the report.

Reason: The panel agrees with the planning officer report.



**FOR**

Paul Stein  
Graham Atkins  
Brian Kirk  
David Starr

**AGAINST**

**NIL**

\*\*\*\* End Minutes - Report No. 11\*\*\*\*

**TO:** Strathfield Local Planning Panel Meeting - 1 April 2021  
**REPORT:** SLPP – Report No. 12  
**SUBJECT:** DA2021/14 - CHISHOLM STREET, BELFIELD - LOT 1 DP 107494 AND LOT 1 DP 556743  
**DA NO.** DA2021/14

## RECOMMENDATION

That Development Application No. DA2021/14 for demolition of an acoustic wall and hardstand, restoration and reinstatement of Council land (Lot 1 DP 107494) and the installation of an acoustic wall on the boundary between the Council land and Facility land (Lot 1 DP556743) at Chisholm Road, Belfield be **APPROVED**, subject to the following conditions:

## REASONS FOR CONDITIONS

The 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 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/Demolition Plan	CD 1481.1 DA01	13/01/21	A	Cornerstone Design
Ground Floor Plan North Elevation South Elevation Section	CD 1481.2 DA02	13/01/21	A	Cornerstone Design
Plan of Detail and Levels over Lot 1 Existing and Proposed New Site Drainage System	CD 1481.3 DA03	13/01/21	A	Cornerstone Design
Stormwater Treatment and Storage System Process Flow Diagram	Figure 1	10/12/18	A	Richard Hogan & Co.
Noise and Vibration Impact Assessment	Figure 2	12/04/19	F	Victory Engineering
Air Quality Impact Assessment	J200889 RP5	14/01/21	Final	EMM
Traffic Impact Assessment	J200889 RP9	11/01/21	Final	EMM
	J200889 RP10	15/01/21	v2 Final	EMM

Traffic Plan	Management	J200889 RP11	15/01/21	v2 Final	EMM
Waste Plan	Management	-	11/01/21	-	E Roussakis

## SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

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

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

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

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

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

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

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

### 3. Sydney Water – Tap in™

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to ‘Plumbing, building and

developing' section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

## PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

### 4. Fees to be Paid

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

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

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

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

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	\$2,117.00
Security Damage Deposit	\$12,200.00
Administration Fee for Damage Deposit	\$127.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Indirect Contributions	\$6,050.00

### General Fees

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

### Development Contributions

The Section 7.12 contribution is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

A Section 7.12 contribution in the amount of \$6050.00 has been levied on the subject development pursuant to the *Strathfield Indirect Development Contributions Plan (3 September 2010)*.

### Indexation

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

### Timing of Payment

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

### Further Information

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

## **5. Damage Deposit – Major 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 security damage deposit for the cost of making good any damage caused to any Council property as a result of the development: \$12,200.00
- b. Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$127.00
- c. Submit to Council, before the commencement of work, a dilapidation report 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 review the dilapidation report and the Works-As-Executed Drawings (if applicable) and inspect the public works.

The security damage deposit will be refunded in full upon completion of all works (including restoration and rehabilitation works on Council land) where no damage occurs and where Council is satisfied with the completion of works. Alternatively, the damage deposit will be forfeited or partly refunded based on the damage incurred.

## **6. 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.

## 7. 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.

## 8. 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).

## 9. Drainage System – Maintenance of Existing System

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

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

## 10. Contamination Site Assessment (CC8055)

Prior to Council or an accredited certifier issuing a construction certificate, a detailed site investigation and remedial action plan (if required) for the affected Council land (Lot 1 DP 107494) shall be undertaken/completed by a suitably qualified person in accordance with the relevant guidelines approved by the NSW Environment Protection Authority (EPA) and in accordance with the requirements of the *Contaminated Land Management Act 1997 (Assessment)*.

The Assessment shall satisfy the PCA that the Council land will be suitable for the proposed use as public recreation and gardens.

## 11. Acoustic Requirements

### Compliance with submitted Acoustic Report

The Construction Certificate plans shall demonstrate compliance with the Acoustic Report submitted and approved by Council, titled Noise and vibration impact assessment prepared by EMM and dated 14 January 2021.

## 12. Waste Management Plan

A Waste Management Plan (**WMP**) incorporating all requirements in respect of the provision of waste storage ~~facilities~~ **containers**, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works ~~and the designated Waste Management Facility~~ shall be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate.

WMP should also indicate how waste education will be provided, in order to minimise waste disposal, contamination and to increase recycling. Educational signage is to be installed in waste rooms and commons areas.

[EPA's Better Practice Guide for Waste Management in Multi-unit Dwellings](#) and [Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities](#) should be used to inform design and waste management outcomes in new and existing development.

## 13. DELETED 01/04/2021

## 14. Commercial and Industrial Waste

Appropriate waste and recycling containers ~~and facilities~~ will need to be provided according to the approved Waste Management Plan (**WMP**) for all specific end use businesses in accordance with the waste generation rates provided at Part H of *Strathfield Council DCP 2005* – Appendix B.

WMP should also provide written evidence of valid contracts for the regular collection and disposal of waste and recyclables generated by the **demolition and construction activities approved by this consent** on the site. The private waste contractor must confirm the frequency of the waste collections (general waste, recycling and bulky goods), and that the size and location of the ~~storage room is~~ **waste containers are** suitable for the frequency of the waste collections.

The collection of commercial and industrial waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm on weekends and public holidays, to avoid noise disruption to the surrounding area. All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

Waste education must be provided through signs in common areas indicating how to avoid, reduce, reuse and recycle waste.

Note: Refer to the EPA's [Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities](#)

## 15. Industrial Waste Material

Industrial waste materials must not be discharged ~~onto the site or~~ onto neighbouring land or into any road, drain, pipeline or watercourse.

Storage tanks, fuelling areas, product mixing, filling and preparation areas, and the like and wash bays provided for cleaning and maintenance of vehicles, machinery, equipment and the like, must be bunded and all waste water collected and discharged to the sewer in accordance with the requirements of Sydney Water and the EPA.

Documentary evidence of compliance with the Sydney Water's requirements must be submitted to the Principal Certifying Authority, prior to use or occupation of the building/additions. Vehicles, machinery, equipment or the like, must not be washed or steam cleaned or the like, except in areas provided especially for the purpose in accordance with this condition.

Where the approval of Sydney Water, in accordance with the requirements of this condition, is not forthcoming, some other method of treatment and removal of wastes must be installed and/or implemented to the satisfaction the Principal Certifying Authority.

Note: Refer to the EPA's [Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities](#)

## 16. Landscape Plan

Prior to the issue of the Construction Certificate, a Landscape Plan and Planting Schedule, prepared by a qualified Landscape Architect, must be submitted to, and approved by Council. These documents must provide details on the restoration, rehabilitation and revegetation works to be undertaken on Council land (Lot 1 DP 107494).

## PRIOR TO COMMENCEMENT OF WORK

### 17. Demolition & Asbestos

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

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

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



## **18. Demolition Notification Requirements**

The following notification requirements apply to this consent:

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.

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.

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.

## **19. 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**

### **20. 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.

### **21. 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.

## 22. 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.

## 23. Dust Control

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of a minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as required should it fail to adequately control any dust nuisance.

### Major Works

The following measures must be implemented (in part or in total) to control the emission of dust:

- (a) Dust screens must be erected **around the perimeter on the eastern boundary** of the site and be kept in good repair for the duration of the work.
- (b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
- (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- (d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours.

## PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

### 24. 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.

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

Prior to the issue of any 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.

## 26. Site Audit Report and Site Audit Statement

Prior to the issue of any Occupation Certificate, a Site Audit Report and Site Audit Statement are to be submitted to Council. These documents must clearly state that the Council land is suitable for the proposed use of the Council land as public recreation and gardens.

Note: The Applicant must comply with clauses 17 'Guidelines and notices: all remediation work' and clause 18 'Notice of completion of remediation work' under *State Environmental Planning Policy No.55—Remediation of Land*.

Note: Words and expressions used in these conditions have the same meaning as in the *Contaminated Land Management Act 1997*.

## OPERATIONAL CONDITIONS (ON-GOING)

### 27. DELETED 01/04/2021

### 28. Entering & Exiting of Vehicles

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

### 29. DELETED 01/04/2021

### 30. Temporary Acoustic Wall

The Acoustic Wall approved under this consent is required to be demolished and removed within 2 years of the issue of the Construction Certificate.

### 31. Landscape Maintenance

Any landscaping works for the Council land (Lot 1 DP 107494) **as per the approved landscape plan in condition 16**, must be maintained by the Applicant for a minimum period of 12 months after the issue of the Occupation Certificate. The Security Damage Deposit will be returned to the Applicant following an inspection by Council to confirm that the all landscaping works are maintained in accordance with the approved Landscaping Plan. If there are any plants that have died or require replacement, this must be done prior to the return of the Security Damage Deposit. In the event that Council must undertake such works, Council will take the cost of those works out of the Security Damage Deposit.

### 32. Bunding Work Areas

All work areas where spillage is likely to occur shall be bunded. This is to be done by way of speed humps, grading the floor area or by any other appropriate means, to prevent contaminated water entering Council land (Lot 1 DP 107494) and the stormwater system. The bunded area is then to be drained to a sump for collection and appropriate disposal of the liquid.

## RESOLUTION

This application be approved subject to the recommended conditions of consent in the report as

amended by the panel

Reason: The panel generally agrees with the Planning Officer's report and has made some alterations to the recommended conditions of consent

**FOR**

Paul Stein  
Brian Kirk  
David Starr

**AGAINST**

NIL

Mr Graham Atkins disclosed a conflict of interest and did not participate in this matter

\*\*\*\* End Minutes - Report No. 12\*\*\*\*