

Minutes

Of the meeting of the:

Strathfield Local Planning Panel Meeting

Held on:

Thursday, 3 February 2022

Commencing at 10:00am via online meeting platform
Zoom

TABLE OF CONTENTS

Item	Page No.
SLPP AGENDA ITEMS	
SLPP - Report No. 1 DA2000.341.2-35 Wentworth Street Greenacre- LOT 51 DP 791101 & LOT 1 DP 191964.....	4
SLPP - Report No. 2 DA2021.229- 15 & 17 Albert Road Strathfield- Lot E & D IN DP 449775.....	26
SLPP - Report No. 3 DA2021.85.2- 201 Parramatta Road Homebush West.....	35
SLPP - Report No. 4 DA2021.278- 102 Burlington Road Strathfield- Lot: 13-15 Sec: 12 DP: 400.....	46

The meeting of the Strathfield Local Planning Panel Meeting was held in the Town Hall (Supper Room), 65 Homebush Road, Strathfield on Thursday 3 February 2022.

The meeting commenced at 10:00am and closed at 3:22pm.

The Public Meeting commenced at 10:00am and closed at 12:15pm.

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
Robert Jolliffe – Community Representative
Lindsay Fletcher- Expert
Heather Warton- Expert

ALSO, PRESENT

Stephen Clements, Deputy CEO/General Manager Planning, Environment & Urban Services
Kandace Lindeberg, Executive Manager, Landuse Planning & Development
Patrick Santos- Planner
Joseph Gillies- Senior Planner
Sarah Evans, Administration Officer
Lily Parker, Administration Officer

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

NIL

TO: Strathfield Local Planning Panel Meeting - 3 February 2022
REPORT: SLPP – Report No. 1
SUBJECT: DA2000.341.2-35 WENTWORTH STREET GREENACRE- LOT 51 DP 791101 & LOT 1 DP 191964
DA NO. 2000.341.2

RECOMMENDATION

That Development Application No. 2000.341.2 for S4.55(2) Modification Application seeks to increase the operational hours for an existing resource recovery facility to 24 hours per day, 7 days per week. The proposal seeks to allow for the receipt of additional dry (non-odorous) wastes from manufacturing and household clean up services within the limits of the current approval at 35 Wentworth Street Greenacre be **APPROVED**, subject to the following conditions:

DETAILS OF CONDITIONS

PART A - PRESCRIBED CONDITIONS

The following are Prescribed Conditions of Development Consent under the Environmental Planning & Assessment Regulation 1994 and **MUST** be complied with where relevant to the subject proposal.

78A Compliance with Building Code of Australia

- (1) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (2) This clause does not apply to the extent to which an exemption is in force under clause 80H or 801 of the Environmental Planning & Assessment Regulation 1994, subject to the terms of any condition or requirement referred to in clause 80H (6) or 801(4) of the Regulation.

788 Change of building use

- (1) A building in respect of which there is a change of building use must comply with the Category 1 fire safety provisions applicable to the proposed new use.

Note: The obligation under this subclause to comply with the Category 1 firesafety provisions may require building work to be carried out even though none is proposed or required in the relevant development consent.

- (2) This clause does not apply to the extent to which an exemption is in force under clause 80H or 801 of the Environmental Planning & Assessment Regulation 1994, subject to the terms of any condition or requirement referred to in clause 80H (6) or 801(4) of the Regulation.

- {3) In this clause, *Category 1 fire safety provision* means the following provisions of the Building Code of Australia, namely, EP1.3, EP1.4, EP1.6, EP2.1, EP2.2 and EP3.2 in Volume One of that Code and P2.3.2 in Volume Two of that Code.

78C Residential building work

- a. Building work that involves residential building work (within the meaning of the Home Building Act 1989), must not be carried out unless the principal certifying authority for the development to which the work relates:
- (a) in the case of work to be done by a licensee under that Act:
- (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licensee has complied with the requirement of Part 6 of that Act i.e., has Home Building Insurance if the work is over \$5,000.
- (Note: The builder or tradesperson who proposes to carry out the work must obtain the Home Building Insurance from a company specified in the Notes at the end of the consent);*
OR
- (b) in the case of work to be done by any other person:
- (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than \$3,000
- a) and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- b. A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part

78D Excavations and backfilling

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

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

78E Retaining walls and drainage

If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage.

78F Support for Neighboring Buildings

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (3) In this clause, allotment of land includes a public road and any other public place.

78G Protection of public places

- (1) If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.
- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to

be hazardous to persons in the public place.

- (4) Any such hoarding, fence or awning is to be removed when the work has been completed.

78H Signs to be erected on building and demolition sites

- (1) A sign must be erected in a prominent position on any work site on which work involved in the rection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited, and
 - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- (2) Any such sign is to be removed when the work has been completed.
- (3) This clause does not apply to:
- (a) building work carried out inside an existing building, or
 - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

78I Toilet facilities

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (2) Each toilet provided:
- (a) must be standard flushing toilet, and
 - (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.
- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- (4) In this clause:
accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the Local Government

(Approvals) Regulation 1993 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 958 of the Regulation.

approved by the council means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.

public sewer has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

sewage management facility has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

PART B OTHER CONDITIONS

Plans and Supporting Documents

*The following conditions have been imposed to ensure the development is in accordance with the approved plans, **supporting documentation listed below**, and specific requirements of Council, **except where marked up on the plans and/or amended by conditions of this consent:***

- (1) The development shall be completed in accordance with the approved plans prior to the building being used or occupied but subject to any variation as required by the conditions detailed herein.

Supporting Documents

Description	Ref. #	Date	Rev.	Prepared by
Traffic Assessment	-	14/07/2021	-	SECA Solution
Noise Impact Assessment	217402.0 027R01V 03	19/11/2021	-	Trinity Consultants Australia
Operations Environmental Management Plan	OEMP-013	July 2021	2	Bingo Industries

- (2) A separate application must be lodged with the Principal Certifying Authority and be approved if it is proposed to use or occupy all or part of the building prior to the development being completed.

- (3) A Construction Certificate must be obtained from the Principal Certifying Authority (Council or a privately accredited person) before commencement of any construction/demolition associated with this consent.

- **AMENDED: DA2000/341/2 3 February 2022**

Requirements of Concurrence, Integrated & Other Government Authorities

1A NSW EPA

Noise Limit Conditions

L6.1 Noise generated at the premises must not exceed the noise limits at the times and locations in the table below.

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{AFmax}
Residences on Roberts Road Greenacre	-	37	37	52
Residences on Blanche Street and Madeline Street Belfield	-	42	42	53
Residences on Drone Street, Sylvanus Street and Wentworth Street Greenacre	-	43	43	53

L6.2 For the purposes of condition L6.1:

- a) Day means the period from 7am to 6pm Monday to Saturday and the period from 7am to 6pm Sunday and public holidays.
- b) Evening means the period from 6pm to 10pm.
- c) Night means the period from 10pm to 7am Monday to Saturday and the period from 10pm to 7am Sunday and public holidays.

L6.3 Noise-enhancing meteorological conditions

- a) The noise limits set out in condition L6.1 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or Stability category E and F with wind speeds up to and including 2m/s at 10m above ground level.

- b) For those meteorological conditions not referred to in condition L6.3(a), the noise limits that apply are the noise limits in condition L6.1 plus 5dB.

- L6.4** For the purposes of condition L6.3:
- a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as NSE EPA Chullora and Lidcombe Stations and/or the nearest Bureau of Meteorology Automatic Weather Station.
 - b) Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):
 - i. Sigma theta.
- L6.5** To assess compliance:
- a) with the $L_{Aeq(15\text{ minutes})}$ or the L_{Amax} noise limits in condition L6.1 and L6.3, the noise measurement equipment must be located:
 - (i) approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises: or where applicable,
 - (ii) in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises: or, where applicable,
 - (iii) in an area within 50 metres of the boundary of a National Park or Nature Reserve at a sight or track used for active or passive recreation,
 - (iv) at any other location identified in condition L6.1
 - b) with the $L_{Aeq(15\text{ minutes})}$ or the L_{Amax} noise limits in condition L6.1 and L6.3, the noise measurement equipment must be located:
 - (i) at the reasonably most affected point at a location where there is no residence at the location; or,
 - (ii) at the reasonably most affected point within an area at a location prescribed by condition L6.5 (a).
- L6.6** A non-compliance of conditions L6.1 and L6.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L6.5 (a) or L6.5 (b).
- NOTE to L6.5 and L6.6:** The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.
- L6.7** For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the *Noise Policy for Industry* (NSW EPA, 2017) should be applied, if appropriate, to the noise measurements by the noise monitoring equipment.
- L6.8** Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.
- L6.9** Where direct measurement of noise from the premises at locations required by L6.1 - L6.6 is not possible, alternative means of demonstrating compliance may be negotiated with the EPA.
- L6.10** No activities shall occur external to the processing building other than vehicle maneuvering to access and leave the site during the evening and night period.

M8 Requirement to Monitor Noise

M8.1 Attended noise monitoring must be undertaken in accordance with Condition L6.5 at the nearest and most affected residential receiver locations and must:

- a) occur within one month of commencement of evening and night-time operation
- b) [decision about any ongoing monitoring can be made after the first assessment based on risk]

Reporting Conditions

R4 Noise Monitoring Report

A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the monitoring required under M8.1. The assessment must be prepared by a competent person and include:

- a) an assessment of compliance with noise limits presented in Condition L6.1 and L6.3; and
- b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition L6.1 and L6.3.

Additions to Definition of Terms of the licence

- Noise Policy for Industry - the document entitled "*Noise Policy for Industry*" published by the NSW Environment Protection Authority in October 2017.
- Noise – ‘sound pressure levels’ for the purposes of conditions L6.1 to L6.8.
 - $L_{Aeq(15\text{ minute})}$ - the value of the A-weighted sound pressure level of a continuous steady sound that, over a 15 minute time interval, has the same mean square sound pressure level as a sound under consideration with a level that varies with time (Australian Standard AS 1055:2018 *Acoustics: description and measurement of environmental noise*).
 - i)
 - L_{AFmax} – the maximum sound pressure level of an event measured with a sound level meter satisfying Australian Standard AS IEC 61672.1-2013 *Electroacoustics - Sound level meters - Part 1: Specifications* set to ‘A’ frequency weighting and fast time weighting.

ii)

ADDED: DA2000/341/2 3 February 2022

Financial Matters

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

2 *A payment of \$8,902 shall be paid towards the provision of traffic management facilities. Such amount shall be paid **prior to issue of the Construction Certificate.**

3 *A bond of \$1,000 in the form of cash or bank guarantee shall be lodged with Council **prior to issue of the Construction Certificate.**

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

- a) creation of the Positive Covenant on the title
- b) installation and maintenance of sediment control measures for the duration of construction activities
- c) construction of the On-Site Detention storage system,

and will be released upon satisfactory completion of these items.

- 4 *(1) Where Council is requested to carry out the post approval inspections, a fee of \$552 based on Council's adopted fee of \$46 per inspection and calculated in accordance with Council's Schedule of Inspections shall be payable **prior to the carrying out of any of the inspections.**

(2) Any additional inspections required over and above those shown on Council's Schedule of Inspections shall be charged at the rate of \$46 per inspection. Any such additional fee will be notified in writing by Council and shall be paid **prior to release of the damage deposit.** If the additional fee is not paid it will be deducted from the damage deposit.

(3) Any re-inspection which is necessary due to defective work, poor workmanship or the matter not being ready for inspection will be charged at the rate of \$46 per re-inspection. Any such additional re-inspection fee will be notified in writing by Council and shall be paid **prior to release of the damage.** If the additional fee is not paid it will be deducted from the damage deposit

(4) Any inspections carried out on or after 1 July 2000 will attract GST even if the inspection fee is paid before 1 July 2000. In this case any GST charges must be paid before an Occupation Certificate is issued and before any bonds/deposits are refunded.

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

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

Parking/Traffic Matters

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

- 6 There shall be provision on site for 20 off street parking spaces of which 11 shall be constructed in accordance with part (2) and the balance of 9 spaces being provided should the need arise.

*(2) Eleven (11) off-street parking spaces for occupier, employee and customer parking shall be provided in accordance with the

approved plans and subspaces shall be hard paved, line marked, signposted, and drained in accordance with Council's Stormwater Management Code.

(3) Construction details of the parking spaces, access thereto and all other external hard paved areas shall be submitted and approved **prior to issue of the Construction Certificate.**

(4) For the purpose of this condition a parking space shall only be used for the parking of motorcycles, sedans, utilities, vans, and similar vehicles up to two (2) tonne capacity.

- 7 The owners of the land shall instruct the Manager of the use that all employee and company vehicles connected with the use shall be parked within the carpark during the approved hours of operation of the premises.**

AMENDED: DA2000/341/2

3 February 2022

- 8 At the point of vehicular egress from the site, a sign shall be conspicuously displayed and maintained indicating that no vehicles are to be driven in reverse across the footway and that vehicles must stop before crossing the footpath.
- 9 All vehicles entering and leaving the site shall be driven generally in a forward direction and the internal roadway shall be suitably marked.
- 10 Employee, company and visitors' vehicles shall be parked in the spaces provided on the site and not on adjacent footpath, access driveways or landscaping areas.
- 11 All car washing, engine degreasing and steam cleaning shall be conducted in the wash bay.
- 12 A road opening permit shall be obtained for all works carried out in public or Council controlled lands. Restoration of landscaping, roads and paths shall be carried out prior to release of the damage deposit.
- 13 The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10 million and shall provide proof of such cover prior to carrying out the works.
- 14 (1) Where works are undertaken on public roads, adequate traffic control and direction to motorists and pedestrians shall be provided.
- (2) Where such measures are not provided, Council may direct in writing that such measures are to be provided.
- (3) Where the measures are not installed/carried out in accordance with Council's requirements, Council may install/provide such measures and recover the costs from any bonds held in relation to the development.

- 15 The areas external to the buildings with the exception of the landscape at areas

shall be paved with a dustless surface detail of which shall be submitted **prior to issue of the Construction Certificate**

Drainage/Stormwater

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

- 16 Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to Council's drainage system located Wentworth Street.
- 17 *Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the requirements of the Council's Stormwater Management Code and approved **prior to issue of the Construction Certificate.**
- 18 *On-site Stormwater Detention storage shall be provided in conjunction with the stormwater disposal. This storage shall be designed in accordance with Council's Stormwater Management Code. Details of the storage shall be submitted and approved **prior to issue of the Construction Certificate.**
- 19 *(1) **Prior to occupation/use of the building and release of any security bonds,** written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.

(2) In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels.
- 20 (1) For drainage works
 - a) connecting to Council's stormwater drainage systeminspections will be required: -
 - (i) after the excavation of pipeline trenches
 - (ii) after the laying of all pipes prior to backfilling
 - (iii) after the completion of all pits and connection points
(2) A minimum of 24 hours' notice shall be given to Council to obtain an inspection. Inspections may be arranged by telephoning Council's Engineering Services Department on 9748-9942 during office hours. Work is not to proceed until the works or activity covered by the inspection is approved.
- 21 A physical barrier (nominally 150mm high and wide) shall be constructed along the site frontage, excepting at vehicular and pedestrian access points, to prevent surface runoff onto the road reserve.
- 22 *Temporary measures shall be provided and regularly maintained during construction to prevent sediment and polluted waters discharging from the

- site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted and approved **prior to the issue of the Construction Certificate.**
- 23 Permanent measures shall be provided and regularly maintained to prevent sediment and polluted waters discharging from the site. Plans showing such measures in accordance with the EPA guidelines and NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted and approved **prior to the issue of the Construction Certificate.**
- 24 Written approvals of the stormwater and sediment control plans from the Environmental Protection Authority is to be submitted to Council **prior to the issue of the Construction Certificate.**
- 25 *(1) A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the on-site stormwater detention system incorporated in the development. The wording of the instrument shall be submitted to and approved by Council prior to lodgment at the Land Titles Office. The instrument shall be registered **prior to occupation/ use of the building.**
- (2) The positive covenant referred to above is required to prevent future modification or alteration without written consent of Council, and to ensure suitable maintenance.
- 26 *(1) The connection to Council's street drainage system shall consist of a pipeline across to the street kerb
- a) with the pipeline then continuing under the kerb and gutter to Council's pipe.
- (2) The pipe shall be 375mm in diameter reinforced concrete spigot and socket with rubber ring joints. A pit shall be constructed at the property boundary, and
- b) at the kerb line.
- (3)
- d) The pipeline and pits shall be constructed at the applicant's expense.
- 27 The public footpath, kerb and gutter along Wentworth Street frontage shall be reconstructed using to the written the requirements of Council's Director Engineering Services.

Public Authority Matters

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

- 28 The disposal of all waste arising from the industry shall be in accordance with the requirements of the Metropolitan Waste Disposal Authority.

- 29 *(1) All areas where oil petroleum and the like may be deposited shall be sealed and drained to an oil arrestor of sufficient size to separate these deposits from collected water prior to discharge.
- (2) The discharge of surface water from the site (including that from within the building) shall be in accordance with the requirements of Sydney Water. Details shall be submitted to the Council **prior to issue of the Construction Certificate.**
- 30 *(1) The approval of Sydney Water shall be obtained prior to any construction work being carried out.
- (2)A copy of the approval shall be supplied to the Council **prior to issue of the Construction Certificate.**
- 31 All waste associated with the use shall be disposed of in accordance with the requirements of the Environmental Protection Authority.
- 32 All car washing shall be conducted in a wash bay connected to the sewer of Sydney Water in accordance with that authority's requirements.
- 33 *A car wash bay shall be installed and connected to the sewers of Sydney Water in accordance with that authority's requirements. Full construction details shall be submitted for approval **prior to issue of the Construction Certificate.**
- 34 *(1) A Work Method Statement which includes details of measures to protect public and private property during demolition shall be submitted to Workcover NSW for approval.
- (2)A copy of the approval of Workcover shall be submitted to Council **prior to work commencing on the demolition.**
- 35 Removal of asbestos cement sheeting shall be in accordance with the requirements of Workcover.

Landscaping/Tree Matters

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

- 36 Landscaping having a minimum area of double the width of the allotment (measured along the street frontage) and having a minimum depth of 2 metres shall be provided along the street frontage except for vehicular driveways and pedestrian ways.
- 37 *(1) Three (3) copies of a landscape plan prepared by a qualified landscape architect in accordance with Council's Landscaping Code shall be submitted to Council and shall be approved **prior to issue of the Construction Certificate.**
- (2) The landscaping of the site shall be implemented and maintained at all times in accordance with the approved plan.

Site Operation

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

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

39 The hours of operation shall be restricted to **24 hours**, Monday to Sunday.

AMENDED: DA2000/341/2 3 February 2022

39A Truck Movements

- (a) Limited to two inward and four outward per hour during the evening – 6pm to 10pm.
- (b) Limited to two inward and four outward per hour during the nighttime – 10pm to 7am.

ADDED: DA2000/341/2 3 February 2022

40 The storage of goods, materials, equipment, machinery, refuse, or refuse bins (including industrial waste containers) shall:

- (a) not take place between the building and the street alignment.
- (b) be carried out in an area specifically designed for that purpose.
- (c) be screened to a minimum height of 2m, so that any such goods, materials, equipment, machinery, refuse, or refuse bins (including industrial waste containers) are not visible from the public street.
- (d) not take place within the road reserve except in accordance with Council's Materials on the Footpath Policy.

41 (1) Council approval shall be obtained for:

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

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

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

"advertisement" means the display of symbols, messages, or other devices for promotional purposes or for conveying information, instructions, directions, or the like, whether the display includes the erection of a structure or the carrying out of a work.

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

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

- a. a reference to the identification or description of the place or premises.
- b. a reference to the identification or

- description of person residing or carrying on an occupation at the place or premises.*
- c. particulars of any occupation carried on at the place or premises.*
 - d. such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there.*
 - e. particulars or notifications required or permitted to be displayed by or under any Act or any Act of Parliament of the Commonwealth.*
 - f. particulars relating to the goods, commodities or services dealt with or provided at the place or premises.*
 - g. particulars of any activities held or to be held at the place or premises.*
 - h. a reference to an affiliation with a trade, professional or other association relevant to the business conducted on the place or premises.*

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

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

42 No flashing lights or flashing animated signs shall be erected.

43 Any noise emanating from the use at any time shall:

- (a) not have any detrimental effect on the adjoining residential amenity.
- (b) generally, comply with the criteria in chapters 20 & 21 of the Environmental Noise Control Manual published by the Environment Protection Authority.

43A Noise Control

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the *Protection of the Environment Operations Act 1997* (as amended).

ADDED: DA2000/341/2 3 February 2022

44 All exhaust and other emissions from the premises shall comply with the provisions of the Clean Air Act and Regulations thereunder.

44B Amenity of the Neighbourhood

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, wastewater, waste products, grit, oil, or other harmful products.

ADDED: DA2000/341/2 3 February 2022

- 45 All maintenance and repair of vehicles shall take place within the building and shall not be permitted in any area external to the building or on the public road system.
- 46 All vehicles awaiting repair shall be kept within the site and shall not be stored or parked on the public street system.
- 47 Waste oil shall be stored in a covered area pending regular removal to a waste oil recycler.
- 48 Sorting of building materials shall be contained within the building located at the rear of the property.
- 49 Deleted 3 February 2022**
- 50 The amount of clean fill to be handled within the property shall be limited to 100,000 tonnes per annum.**
- Modified: DA2000/341/2 3 February 2022**
- 51 All mechanical repair works shall be undertaken undercover at all times.
- 52 All cleaning compounds, lubricants, and other related liquid materials to be used in the proposed workshop use shall be kept undercover and within a suitably sized impervious bund to control accidental leaks, spills, etc should they occur. Details of any such storage and bunding provision shall be submitted and approved before the issue of an Occupation Certificate.
- 53 All activities and practices carried out on the site being in accordance with the procedures detailed in the environmental procedure's manual submitted to Council as required by Condition No.28 of development consent 9899/19. A statement of compliance prepared by a suitably qualified person shall be submitted to Council by the applicant every twelve months to satisfy Council that the environmental procedures is being adhered to
- 54 Any fuel, oil chemicals or other polluting liquids being stored within the workshop and within a bunded area. The bund (wall and floor) shall be constructed of impervious material and shall be of sufficient size to contain 100% of the volume of the largest drum or other contained within it. The wall of the bund shall not be less than 200mm high.
- 55 No materials hazardous to the environment or to human health (including asbestos) being on the site, temporarily or otherwise. Should any such hazardous material be inadvertently placed on the site and be discovered they shall be removed from the site immediately and disposed of in a safe and appropriate manner.

- 55A Household municipal clean-up waste may be delivered, collected, and processed/sorted on the site during only between the hours of 7:00am - 6:00pm**

ADDED: DA2000/341/2 3 February 2022

- 56 No mechanical plant for the breaking or crushing of any materials shall be installed on the site.

Construction Matters

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

- 57 *(1) The production of a certificate from a structural engineer (see Advice 5 at the end of this consent) stating that the existing structure and the supporting soil strata is suitable to support the additional loads proposed to be placed upon it with the following points being addressed and itemised in such certificate:
- (a)The reactive nature of the subsoil in the area.
 - (b)The age of the building.
 - (c)The type, nature, condition, and depth of the existing footing.
 - (d)The type and condition of the supporting external wall structure.
 - (e)The type and condition of the internal wall structure.
 - (f)The type and condition of the existing flooring.
 - (g)Any other matter, which in the opinion of the Engineer, may affect the stability or durability of the building.
- (2)Such certificate shall be submitted **prior to issue of the Construction Certificate**.
- 58 *A certificate and steel details from a structural engineer (see Advice 5 at the end of this consent) to be furnished **prior to issue of the Construction Certificate** indicating that the size of the footings, reinforcing steel, the floor slab and stairway construction are satisfactory for the proposed building.
- 59 Certification shall be obtained from a registered surveyor at the following stage(s) of construction to ensure approved levels are achieved:-
- (a)footings excavation prior to placement of concrete
 - (b)ground floor level prior to placement of concrete
 - (c) car park/garage level prior to placement of concrete or pavement.
- 60 (1) All construction work and demolition work shall be:
- (a)restricted to 7am and 5pm (Eastern Standard Time) and 7am to 7pm (Daylight Saving Time).
 - (b)restricted to Mondays to Saturdays (inclusive).
 - (c)prohibited on Sundays.
- (2)Construction hours may be varied with the written approval of the Director, Planning, Building & Environmental Services in special circumstances in accordance

with the following:-

- (a) written request must be made in advance with sufficient time given to consider such request, including notification to adjoining residents if necessary.
 - (b) the construction hours may only be varied upon receipt of the written approval.
- 61 No storage of goods, material, equipment, machinery, refuse, or refuse bins (including industrial waste containers) and the like shall take place on the public footpath or carriageway during construction of the proposed development.
- 62 Under no circumstances shall spoil or building materials be deposited on the Council's footpath or carriageway; such footpath and carriageway are to remain unobstructed at all times.
- 63 Precautions shall be taken to restrict the transfer of mud and material to Council's roads or public place. Should such debris be transported onto the road, it shall be cleaned forthwith.
- 64 Noise shall be minimised as far as practicable during works on site and only equipment fitted with approved silencing devices where applicable shall be used.
- 65 All precautions shall be taken to minimise any dust nuisance arising from the site.
- 66 *The following **MUST** be inspected by Council staff or other suitably qualified person. All inspections by Council staff must be arranged by telephoning 9748- 9911 by 4pm on the day before the inspection is required. Council cannot guarantee inspections arranged after this time:-
- (a) Sediment control measures to be inspected at least weekly and/or in conjunction with other inspections listed below to ensure they are maintained during construction.
 - (b) Any pier holes (if pier holes are required to accommodate components of this structure).
 - (c) Any foundation material before the placement of any component of this structure.
 - (d) Trenches and pier holes with reinforcing steel in position but before concrete is poured (if components of this structure).
 - (e) When damp proof course and flashings are placed in position.
 - (f) All reinforcement of floors, slabs, columns, beams, and stairs (if components of this structure).
 - (g) Any structural components (i.e., timber framework, structural steelwork, or the like) before fixing any lining or covering.
 - (h) Any drainage lines including any agricultural subsoil drainage lines (if these are a component of this project) prior to any covering or filling.
 - (i) The reinforcing steel after it has been placed in position prior to pouring of any concrete.
 - (j) Landscape final - to establish/determine whether site landscaping has been implemented in accordance with approved landscape plans. To determine bond refund.
 - (k) The completion of all work associated with the building.
 - (l) The completion of all work associated with the demolition.
- (2) A **Compliance Certificate** shall be issued before the building is occupied/used certifying that all inspections were carried out and that all requirements were

satisfactory at time of inspection.

- 67 The concrete block walls constructed for retaining the various recycled materials shall be painted green.
- 68 All asbestos cement sheeting, roofing and pipe lagging waste arising from demolition works shall be handled and disposed of strictly to Workcover requirements.
- 69 The sorting and recycling building (shelter) exceeds the floor area and volume limitation (fire compartment size) provisions of Clause C2.2 of the Building Code of Australia (BCA) and parts of perimeter/external walls of the existing building do not have a fire resistance level required by the Building Code of Australia. In this regard the building must be designed to:
- (a) comply with the Building Code of Australia with specific attention directed to maximum fire compartment size, fire-rating of existing and new external walls to comply with Specification C1.1 of the BCA for the required type of construction; or
 - (b) meet the performance provisions of the BCA and an alternative solution complying with Clause A0.5 of the Building Code of Australia be prepared by a suitably qualified and accredited person and submitted to Council for consideration. Such details to comply with (a) or (b) above must be submitted to and accepted by Council **prior to the issue of the Construction Certificate.**
- 70 Materials and assemblies shall comply with Specification C1.10 of BCA96.
- 71 The external panels of the proposed shelter shall comply with Specification C1.11 of BCA 96 and details/certification being prepared by a practicing structural engineer shall be submitted and noted by Council **prior to the issue of the Construction Certificate.**
- 72 Details of the machinery/equipment layout and proposed means of egress complying with Section D of BCA 96 are to be submitted and noted by Council **prior to the issue of the Construction Certificate**
- 73 The following fire services and equipment shall be provided throughout the buildings and details prepared by suitably qualified persons shall be submitted and noted by Council **prior to the issue of a Construction Certificate:**
- (1) Fire hydrants.
 - (2) Fire hose reels.
 - (3) Portable fire extinguishers.
 - (4) Sprinkler System (occupancy of excessive hazard).
 - (5) Emergency lighting.
 - (6) Illuminated exit signs.
- 74 Details of the proposed sanitary facilities complying with Section F of BCA 96 and to be provided to and approved by Council **prior to the issue of the Construction Certificate.**
- 75 The proposed workshop shall comply with Type C construction in accordance with Table C2.2 of BCA 96 and Specification C1.1.

- 76 A fire wall with an FRL 90/90/90 is to be built between the proposed workshop and existing office to ensure compliance with the fire compartment provisions of C2.2 of the Building Code of Australia.
- 77 Any openings in the wall separating the proposed workshop and existing office are to be protected in accordance with C3.2 of BCA 96.
- 78 At least 2 exits are to be provided in the workshop area and comply with exit travel distances as required by D1.4 of BCA 96.

Building Matters

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

- 79 *Details of all external building materials (including colour and type) are to be submitted and approved by the Director, Planning Building & Environmental Services **prior to issue of the Construction Certificate**. Materials selected should be in harmony with surrounding residential properties and should provide variety and interest within the overall development.
- 80 All timbers shall be in accordance with the sizes detailed in the Standards Association of the Australian Timber Framing Code, Australian Standard 1684 unless a structural engineer's (see Advice 5 at the end of this consent) certificate indicating the suitability of alternative dimensions is submitted.
- 81 A Polythene or Visqueen waterproof membrane shall be laid beneath the concrete floor.
- 82 Any existing grated stormwater drains to be covered by the proposed shelter extension or enclosed in the new workshop shall be converted to covered stormwater pits to prevent access of surface waters.
- 83 Internal drainage in the workshop and the undercover storage and sorting areas shall be directed to the sewer under a Sydney Water Trade Waste Agreement.
- 84 Specific details of the drainage to the wash down area in the new workshop shall be submitted to and approved by Council **prior to the issues of a Construction Certificate**.
- 85 The floor surface in the workshop and the shelter extension shall be graded away from the open sky in order to minimize waste waters escaping the buildings.

Demolition

The following conditions have been imposed to control/regulate demolition associated with the proposal.

- 86 Demolition shall be carried out in accordance with Australian Standard 2601 1991.
- 87 All demolition material shall be removed from the site within seven (7) days of demolition (unless otherwise stipulated in writing from Council) unless such material is to be re-used in the development on the site and shall be stored in a clear and tidy manner and not within the dripline of any tree.
- 88 Burning off of any demolition material is not permitted.

- 89 Adequate fire precautions shall be taken at all times to prevent the possibility of fire.
- 90 (1) All utility services shall be made safe prior to the commencement of demolition.
- (2) The relevant supply authority/tradesman shall certify that such has been made safe prior to commencement of demolition.
- 91 The site shall be kept vermin free at all times.
- 92 On-site stacking/storage of material shall be carried out at the rear of the property and not within the dripline of any tree.
- 93 Where possible consideration shall be given to the recycling of any demolished material for re-use in the proposed building.
- 94 Waste containers shall be stored wholly within the property and not on the public footpath, place, or road.
- 95 *The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to the Principal Certifying Authority **prior to any work commencing on site.**
- 96 *Details demonstrating that excavated and demolished materials will be disposed of at an approved site, as required by Department of Planning Circular D13, shall be submitted **prior to any work commencing on site.**

Disabled Access

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

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

General

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

- 98 *(1) The surrender by the owner of the land of:
- (a) the consent to DA95/129 dated 26.6.96 - use part of the premises for the purpose of a building materials recycling centre.
- (b) DA9899/19 dated 22.9.98 - continue the use of the premises as a building recycling centre and to extend the existing building located at the rear of the site.
- such surrender shall be in accordance with Form 3 of Schedule 5 of the Environmental Planning and Assessment Regulation, 1994.
- (2) Such surrender shall be executed **prior to issue of the Construction Certificate** and a copy forwarded to Council for its records.

- 99. The applicant must comply with the operation's environmental management plan OEMP received by council on the 3 August 2021, including in particular is provisions relating to dust and odour.**

ADDED: 3 February 20022

RESOLUTION

Resolution:

This modification application be approved in accordance the planning officer's draft as amended by the panel.

FOR:

Heather Warton
Lindsay Fletcher
Paul Stein

AGAINST:

Robert Jolliffe

Carried

Reason:

The officer's assessment essentially finds that approval of this modification would be appropriate. The panel notes that the nearest residential premises are a considerable distance from the site.

The majority of the panel is satisfied that the recommended conditions including the modifications by the panel will result in an acceptable environmental impact.

Comments by Mr Jolliffe

The applicants haven't adequately demonstrated any procedural changes to address logistical constraints within the current hours of operation.

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

TO: Strathfield Local Planning Panel Meeting - 3 February 2022
REPORT: SLPP – Report No. 2
SUBJECT: DA2021.229- 15 & 17 ALBERT ROAD STRATHFIELD- LOT E & D IN DP 449775
DA NO. 2021.229

RECOMMENDATION

That Development Application No. 2021.229 for Demolition of existing structures and construction of a five-storey new age boarding house containing 54 boarding rooms including a manager's room, communal rooms, basement car parking and related landscaping at 15-17 Albert Road, Strathfield be **REFUSED**, for the following reasons:

REFUSAL REASONS

Under Section 4.16(1)(b) of the *Environmental Planning and Assessment 1979* (EP&A Act), this consent is **REFUSED** for the following reasons:

1. **The clause 4.6 variation submitted by the applicant relating to the breach of the height development standard is not supported and is rejected by the panel.**

As a consequence the development is prohibited.

ADDED: 3 February 2022

2. Refusal Reason – Environmental Planning Instrument

Pursuant to Section 4.15 (1)(a)(i) of the [Environmental Planning and Assessment Act 1979](#), the proposed development does not comply with the relevant environmental planning instruments in terms of the following:

State Environmental Planning Policy (Affordable Rental Housing) 2009

- (a) Clause 29(2)(a) building height – in that the proposal exceeds the permitted maximum building height in another EPI.
- (b) Clause 29(2)(b) landscaped area – in that the proposal's treatment of the secondary front setback is not compatible with the streetscape in which the building is located (Elva Street).
- (c) Clause 30A character of the local area – in that the proposed development design is not sympathetic of the at-grade deep-soil landscaping, open and landscaped front yard treatment to all frontages, consistent building height character of the area.

Strathfield Local Environmental Plan 2012

- (d) Clause 1.2 Aims of Plan – in that the proposed development does not satisfy the following objectives of the LEP:
 - i. *“To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield.”*

- ii. *“To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development.”*,
 - iii. *“To promote opportunities for social, cultural and community activities.”*.
- (e) Clause 4.3 Height of Buildings – in that the proposed development exceeds the maximum building height permitted on the site of 14m by 1.06m (4th floor) to 1.76m (lift overrun).
- (f) Clause 6.2 Earthworks – in that the proposed development does not satisfy the aim and provisions of the clause due to the excessive amount of excavation proposed, extending the basement to the eastern, northern and western boundaries, next to a residential flat building to the north and a classified road to the east.

2. Refusal Reason - Development Control Plan

Pursuant to Section 4.15 (1)(a)(iii) of the [Environmental Planning and Assessment Act 1979](#), the proposed development does not comply with the following sections of the Strathfield Consolidated Development Control Plan 2005 in terms of the following:

Part Q Urban Design Controls

- (a) Clause 1.4 Objectives – in that the proposed development does not satisfy the following objectives of the plan:
- i. *“To establish built form guidelines that encourage high quality urban design outcomes for all development types.”*
 - ii. *“To encourage best practice sustainable urban transformation.”*
 - iii. *“To strengthen the relationship between people, places and buildings.”*
 - iv. *“To make the public environment safer, attractive and more liveable.”*
 - v. *“To create more efficient, sustainable and inspiring places to live that support the social, cultural, economic and environmental well-being of the community.”*
 - vi. *“To deliver the highest standard of architectural, urban and landscape design.”*
- (b) Clause 2.1 Public Domain and Place Making – in that due to the harsh and defensive design of the development, in particular the treatment to the Elva Street frontage including the high planter boxes, the proposal is considered to not have good urban design that promotes attractiveness, cohesion and lack of integration between the site and the public domain.
- (c) Clause 2.2 Streetscape – in that the reasons provided in (b) above coupled with the proposed building height exceedance, the proposed development is not considered to be compatible with the streetscape.

- (d) Clause 2.4 Building Envelope – in that the proposed development does not satisfy the permitted maximum building height for the site and as such, is not compatible with the site conditions, surrounding development and the existing and desired future character of the streetscape and the locality.
- (e) Clause 2.5 Building Massing and Scale – in that the proposed exceedance to the maximum building height results in a building that does not respond to the existing and proposed building patterns in the street and that it results in further loss of amenity to neighbouring properties (i.e. solar access).
- (f) Clause 2.8 Roof Forms – in that the proposed lift overrun is visible from Elva Street which unnecessarily contributes to the building's bulk and scale.
- (g) Clause 3.2 Building Entries – in that the proposal's building entries, three along Elva Street, two services the ground floor units only and one services all other levels but without internal access to the ground floor units, are not easily discernible and do not positively contribute to the design of the development.
- (h) Clause 3.3 Visual Privacy – in that the proposed development's design causes visual privacy concerns in particular to the western neighbouring properties. Further, the lack of real deep-soil at the northern and western boundaries limits the capacity of the site to grow vegetation/trees that will aid in addressing visual privacy concerns.
- (i) Clause 3.9 Landscaping – in that the proposed deep-soil is inadequate and that the proposed planter boxes is not consistent with the garden character of Strathfield and that the proposed works have not been minimised to protect the site's natural features which could maximise the residential amenity. The proposal's high planter boxes and associated retaining walls along Elva Street result in an incompatible streetscape outcome.
- (j) Clause 3.10 Private and Communal Open Space – in that the proposed development's communal living areas and open spaces are not adequate for the number of occupants of the site. The proposed open space to the north has a direct outlook to the units of the northern neighbour. The proposed two separated living areas with separate communal open spaces do not facilitate opportunities for recreational and social activities of the future residents of the development.

The communal spaces are not designed to have an integral role in the site and is considered to be very detached from the residents' access being at the top-most level. It is not integrated with the deep soil area of the site to have an opportunity of landscaped setting to be enjoyed by the occupants.

Part H Waste Minimisation and Management Plan

- (a) In that the proposal has failed to demonstrate that the site is capable of accommodating an on-site (underground or at-grade) waste collection as required for a boarding house development and that the vehicles associated with waste collection will be able to go in and out of the site in a forward direction.

3. Refusal Reason – Impacts on the Environment

Pursuant to Section 4.15 (1)(b) of the [Environmental Planning and Assessment Act 1979](#), the proposed development is likely to have an adverse impact on the following aspects of the environment:

- (a) Natural environment – in that the proposed development does not have adequate deep-soil on the site and the excavation due to the excessive basement size that is extended to the eastern, northern and western boundaries puts pressure on the stability of the land and the adjoining properties.
- (b) Built environment – in that the proposed development will have adverse impact to the built environment as it will present an undesirable front to Elva Street due to the visible lift overrun and the excessive height proposed will impact future development in the area as it can be taken as an undesirable precedent to contravene a development standard, without adequate planning justification.
- (c) Social environment – in that the proposed development will have an adverse social impact to the residents of the boarding house and to the wider community. The proposed communal living areas and open spaces are considered inadequate for the number of residents that will occupy the development. Further, the open spaces are not integrated with deep-soil zone of the site to positively contribute to the well-being of the occupants.

The development will have an adverse social impact to the community as the proposal does not have adequate planning justification to contravene the building height requirements of Council and as such, keeps the integrity of the development standards/controls intact which are highly regarded by the members of the public.

- (d) Social environment – that the proposed development creates visual privacy concerns due to its design and proposed height overlooking on to neighbouring private open spaces and windows.

4. Refusal Reason – Suitability of Site

Pursuant to Section 4.15 (1)(c) of the [Environmental Planning and Assessment Act 1979](#), the site is not considered suitable for the proposed development for the following reasons:

- (a) The proposed development has a shortfall of parking spaces and this is despite the proposed basement already extended to the three site boundaries.
- (b) Due to the extension of the basement to the boundaries, there is a lack of opportunity for real deep-soil to accommodate adequate trees/vegetation and have their natural growth take place.
- (c) Due to the extension of the basement to the boundaries, the proposed development is forced to have planter boxes surrounding the building to have what is perceived by the submitted documents as adequate depth to hold the vegetation. As a result, these areas with planter boxes within the side and rear setbacks, including the secondary front setback, are not accessible to the occupants of the site.
- (d) Due to the reason specified in (c) above, the secondary front setback facing Elva Street which has 1m to 2m high retaining walls for the planter boxes presents a harsh and defensive interface between the site and the public domain. This presents an unappealing street treatment and discourages positive interaction between the site and the pedestrian.
- (e) Despite the basement extending to the boundaries and the excessive basement size proposed relative to the site, the proposal does not demonstrate compliance with Council's waste management control of having an on-site waste collection, be it underground or at-grade.

5. Refusal Reason – Public Interest

Pursuant to Section 4.15 (1)(e) of the [Environmental Planning and Assessment Act 1979](#), the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.

RESOLUTION

That this application is **refused** for the reasons set out in the attachment in the planner's report as amended by the panel.

FOR:

Paul Stein
Robert Jolliffe
Lindsay Fletcher
Heather Warton

AGAINST:

NIL

REFUSAL REASONS

Under Section 4.16(1)(b) of the *Environmental Planning and Assessment 1979* (EP&A Act), this consent is **REFUSED** for the following reasons:

- 1. The clause 4.6 variation submitted by the applicant relating to the breach of the height development standard is not supported and is rejected by the panel.**

As a consequence the development is prohibited.

ADDED: 3 February 2022

2. Refusal Reason – Environmental Planning Instrument

Pursuant to Section 4.15 (1)(a)(i) of the [Environmental Planning and Assessment Act 1979](#), the proposed development does not comply with the relevant environmental planning instruments in terms of the following:

State Environmental Planning Policy (Affordable Rental Housing) 2009

- Clause 29(2)(a) building height – in that the proposal exceeds the permitted maximum building height in another EPI.
- Clause 29(2)(b) landscaped area – in that the proposal's treatment of the secondary front setback is not compatible with the streetscape in which the building is located (Elva Street).
- Clause 30A character of the local area – in that the proposed development design is not sympathetic of the at-grade deep-soil landscaping, open and landscaped front yard treatment to all frontages, consistent building height character of the area.

Strathfield Local Environmental Plan 2012

- (d) Clause 1.2 Aims of Plan – in that the proposed development does not satisfy the following objectives of the LEP:
 - i. *“To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield.”*,
 - ii. *“To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development.”*,
 - iii. *“To promote opportunities for social, cultural and community activities.”*
- (e) Clause 4.3 Height of Buildings – in that the proposed development exceeds the maximum building height permitted on the site of 14m by 1.06m (4th floor) to 1.76m (lift overrun).
- (f) Clause 6.2 Earthworks – in that the proposed development does not satisfy the aim and provisions of the clause due to the excessive amount of excavation proposed, extending the basement to the eastern, northern and western boundaries, next to a residential flat building to the north and a classified road to the east.

2. Refusal Reason - Development Control Plan

Pursuant to Section 4.15 (1)(a)(iii) of the [Environmental Planning and Assessment Act 1979](#), the proposed development does not comply with the following sections of the Strathfield Consolidated Development Control Plan 2005 in terms of the following:

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- (a) Clause 1.4 Objectives – in that the proposed development does not satisfy the following objectives of the plan:
 - i. *“To establish built form guidelines that encourage high quality urban design outcomes for all development types.”*
 - ii. *“To encourage best practice sustainable urban transformation.”*
 - iii. *“To strengthen the relationship between people, places and buildings.”*
 - iv. *“To make the public environment safer, attractive and more liveable.”*
 - v. *“To create more efficient, sustainable and inspiring places to live that support the social, cultural, economic and environmental well-being of the community.”*
 - vi. *“To deliver the highest standard of architectural, urban and landscape design.”*
- (b) Clause 2.1 Public Domain and Place Making – in that due to the harsh and defensive design of the development, in particular the treatment to the Elva Street frontage including the high planter boxes, the proposal is considered to not have good urban design that promotes attractiveness, cohesion and lack of integration

between the site and the public domain.

- (c) Clause 2.2 Streetscape – in that the reasons provided in (b) above coupled with the proposed building height exceedance, the proposed development is not considered to be compatible with the streetscape.
- (d) Clause 2.4 Building Envelope – in that the proposed development does not satisfy the permitted maximum building height for the site and as such, is not compatible with the site conditions, surrounding development and the existing and desired future character of the streetscape and the locality.
- (e) Clause 2.5 Building Massing and Scale – in that the proposed exceedance to the maximum building height results in a building that does not respond to the existing and proposed building patterns in the street and that it results in further loss of amenity to neighbouring properties (i.e. solar access).
- (f) Clause 2.8 Roof Forms – in that the proposed lift overrun is visible from Elva Street which unnecessarily contributes to the building's bulk and scale.
- (g) Clause 3.2 Building Entries – in that the proposal's building entries, three along Elva Street, two services the ground floor units only and one services all other levels but without internal access to the ground floor units, are not easily discernible and do not positively contribute to the design of the development.
- (h) Clause 3.3 Visual Privacy – in that the proposed development's design causes visual privacy concerns in particular to the western neighbouring properties. Further, the lack of real deep-soil at the northern and western boundaries limits the capacity of the site to grow vegetation/trees that will aid in addressing visual privacy concerns.
- (i) Clause 3.9 Landscaping – in that the proposed deep-soil is inadequate and that the proposed planter boxes is not consistent with the garden character of Strathfield and that the proposed works have not been minimised to protect the site's natural features which could maximise the residential amenity. The proposal's high planter boxes and associated retaining walls along Elva Street result in an incompatible streetscape outcome.
- (j) Clause 3.10 Private and Communal Open Space – in that the proposed development's communal living areas and open spaces are not adequate for the number of occupants of the site. The proposed open space to the north has a direct outlook to the units of the northern neighbour. The proposed two separated living areas with separate communal open spaces do not facilitate opportunities for recreational and social activities of the future residents of the development.

The communal spaces are not designed to have an integral role in the site and is considered to be very detached from the residents' access being at the top-most level. It is not integrated with the deep soil area of the site to have an opportunity of landscaped setting to be enjoyed by the occupants.

Part H Waste Minimisation and Management Plan

- (a) In that the proposal has failed to demonstrate that the site is capable of accommodating an on-site (underground or at-grade) waste collection as required for a boarding house development and that the vehicles associated with waste collection will be able to go in and out of the site in a forward direction.

3. Refusal Reason – Impacts on the Environment

Pursuant to Section 4.15 (1)(b) of the [Environmental Planning and Assessment Act 1979](#), the proposed development is likely to have an adverse impact on the following aspects of the environment:

- (a) Natural environment – in that the proposed development does not have adequate deep-soil on the site and the excavation due to the excessive basement size that is extended to the eastern, northern and western boundaries puts pressure on the stability of the land and the adjoining properties.
- (b) Built environment – in that the proposed development will have adverse impact to the built environment as it will present an undesirable front to Elva Street due to the visible lift overrun and the excessive height proposed will impact future development in the area as it can be taken as an undesirable precedent to contravene a development standard, without adequate planning justification.
- (c) Social environment – in that the proposed development will have an adverse social impact to the residents of the boarding house and to the wider community. The proposed communal living areas and open spaces are considered inadequate for the number of residents that will occupy the development. Further, the open spaces are not integrated with deep-soil zone of the site to positively contribute to the well-being of the occupants.

The development will have an adverse social impact to the community as the proposal does not have adequate planning justification to contravene the building height requirements of Council and as such, keeps the integrity of the development standards/controls intact which are highly regarded by the members of the public.

- (d) Social environment – that the proposed development creates visual privacy concerns due to its design and proposed height overlooking on to neighbouring private open spaces and windows.

4. Refusal Reason – Suitability of Site

Pursuant to Section 4.15 (1)(c) of the [Environmental Planning and Assessment Act 1979](#), the site is not considered suitable for the proposed development for the following reasons:

- (a) The proposed development has a shortfall of parking spaces and this is despite the proposed basement already extended to the three site boundaries.
- (b) Due to the extension of the basement to the boundaries, there is a lack of opportunity for real deep-soil to accommodate adequate trees/vegetation and have their natural growth take place.
- (c) Due to the extension of the basement to the boundaries, the proposed development is forced to have planter boxes surrounding the building to have what is perceived by the submitted documents as adequate depth to hold the vegetation. As a result, these areas with planter boxes within the side and rear setbacks, including the secondary front setback, are not accessible to the occupants of the site.
- (d) Due to the reason specified in (c) above, the secondary front setback facing Elva Street which has 1m to 2m high retaining walls for the planter boxes presents a harsh and defensive interface between the site and the public domain. This presents an unappealing street treatment and discourages positive interaction

between the site and the pedestrian.

- (e) Despite the basement extending to the boundaries and the excessive basement size proposed relative to the site, the proposal does not demonstrate compliance with Council's waste management control of having an on-site waste collection, be it underground or at-grade.

5. Refusal Reason – Public Interest

Pursuant to Section 4.15 (1)(e) of the [Environmental Planning and Assessment Act 1979](#), the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.

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

TO: Strathfield Local Planning Panel Meeting - 3 February 2022
REPORT: SLPP – Report No. 3
SUBJECT: DA2021.85.2- 201 PARRAMATTA ROAD HOMEBUSH WEST
DA NO. DA2021.85.2

RECOMMENDATION

That Development Application No. 2021.85.2 for Section 4.55(2) Modification Application to allow for unlimited truck access during daytime hours between 7am and 6pm and for increasing truck movements to a maximum of sixteen (16) truck movements (entering/exiting) between 6pm and 7am at 201 Parramatta Road Homebush West be **APPROVED**, for the following reasons:

APPROVAL CONDITIONS

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 Plan	DA101	01/04/20 21	A	SBA Architects
Shadow Diagram	DA110	01/04/20 21	A	SBA Architects
Plans – Ground Floor Units 5-8	DA220	01/04/20 21	A	SBA Architects
Elevations Units 5-8	DA303	01/04/20 21	A	SBA Architects
Colour Elevations Units 5-8	DA304	01/04/20 21	A	SBA Architects

SEPRARATE 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. For further information, please contact Council's Customer Service Centre on (02) 9748 9999.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

3 Transport for NSW

1. All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Parramatta Road property boundary.
2. The Traffic Control Signal (TCS) at the intersection of Parramatta Road / Flemington Road / Plaza Road shall be designed to meet TfNSW requirements. The TCS plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.

The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant TfNSW supplements (available on www.rms.nsw.gov.au).

The certified copies of the TCS design and civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of a Construction Certificate

and commencement of road works.

Please send all documentation to development.sydney@transport.nsw.gov.au. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works.

3. Access arrangements on Welfare Street and Flemington Road shall be designed, reviewed and approved by Council.
4. The associated road works on Parramatta Road shall be designed to meet TfNSW requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTRROADS and other Australian Codes of Practice.

The certified copies of the civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works.

Please send all documentation to development.sydney@transport.nsw.gov.au.

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

5. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.
6. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
7. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Parramatta Road.
8. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Parramatta Road during construction activities. A ROL can be obtained through <https://lmyrta.com/oplinc2/pages/security/oplincLogin.jsf>.

Should you have any further inquiries in relation to this matter, please do not hesitate to contact Development Assessment Officer by email at development.sydney@transport.nsw.gov.au

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

4 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).

5 Site Management Plan

Major Development

A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:

- (a) location of protective site fencing;
- (b) location of site storage areas/sheds/equipment;
- (c) location of building materials for construction, e.g. stockpiles
- (d) provisions for public safety;
- (e) dust control measures;
- (f) method used to provide site access location and materials used;
- (g) details of methods of disposal of demolition materials, according to Waste Management Plan and which should be used or recycled wherever practicable;
- (h) method used to provide protective measures for tree preservation;
- (i) provisions for temporary sanitary facilities;
- (j) location and size of waste containers/skip bins, according to the Waste Management Plan and including resource recovery methods;
- (k) details of proposed sediment and erosion control measures;
- (l) method used to provide construction noise and vibration management;
- (m) construction and demolition traffic management details.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

6 Acoustic Requirements

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the [Protection of the Environment Operations Act 1997](#) (as amended) and [Regulations](#).

An Acoustic Report shall be prepared by a suitably qualified acoustic consultant demonstrating that the operation of the premises and plant equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as a LAeq, 15 min in accordance with the NSW Environment Protection Authority's [NSW Industrial Noise Policy](#).

7 Commercial and Industrial Waste

Appropriate waste and recycling containers and facilities will need to be provided according to Waste Management Plan 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 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 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](#)

8 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.

9 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).

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

Fee Type	Fee
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/	\$ 231.95

Security Damage Deposit	\$ 2,700.00
Administration Fee for Damage Deposit	\$ 130.00

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.

10 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: \$2,700.00.
- (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.

11 Waste Management Plan

A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, 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 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.

12 Additional Development Application Fees

In accordance with Regulation 50(1)(c) and the table to Regulation 246 of the Environmental Planning and Assessment Act Council must charge a development application fee based on the estimated cost of works applied for.

The construction costs of the approved development are estimated at \$66,270.00 and the applicable Development Application Fee on this amount would be \$413.88. As a Development Application fee of \$285.00 was paid when lodging the application, the

difference of \$128.88 shall be paid to Council prior to the issue of a Construction Certificate.

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

13 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 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.

DURING CONSTRUCTION

14 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.

15 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.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**16 Acoustic Compliance – General Operation of Premises**

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the [Protection of the Environment Operations Act 1997](#) (as amended) and [Regulations](#).

A suitably qualified person shall certify that the operation of the plant equipment shall not give rise to sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the [NSW Environment Protection Authority's "NSW industrial Noise Policy](#).

Certification must be submitted to the PCA prior to the issue of any Occupation Certificate.

OPERATIONAL CONDITIONS (ON-GOING)**17 Loading & Unloading of Vehicles**

All loading and unloading of vehicles in relation to the use of the premises shall take place wholly within a dedicated loading dock/area.

18 Entering & Exiting of Vehicles

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

19 Maximum Vehicle Size

Small Rigid Vehicle

The maximum size of truck using the proposed driveway off Welfare Road shall be limited to Small Rigid Vehicle as denoted in AS2890.2-2002: Parking Facilities – Off-street commercial vehicle facilities.

20 Amenity of the Neighbourhood

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

21 Special Conditions – Environmental Health Condition

1. Truck movements are limited to **three eight inward and three eight outward truck** movements per hour during night-time hours; 6pm-7am.
2. Applicant is to include a method statement for automatically monitoring and recording the number and type of truck movements into and out of the site.
3. **Within 2 months of commencement of the use, the property owner is to engage a suitably qualified acoustic consultant to ensure that the site operations and truck movements on adjacent roads; both day and night time are not giving rise to offensive noise, ie. Noise generated is 5dB below background. The acoustic consultant is to conduct suitable testing, and provide a report to Council of the findings and methods to reduce offensive noise to acceptable levels. Any such recommendations of the post-occupancy evaluation report are to be implemented by the property owner in order to avoid offensive noise.**
4. **Vehicular access to the site via Welfare street is limited to daylight hours (7am-6pm)**

AMENDED: DA2021/85/2 3 February 2021

22 Hours of Operation

The approved hours of operation shall be restricted to the following:

Units 1 to 4: Monday to Sunday – 24 hours

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

23 Requirement for a Construction Certificate

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

24 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.

25 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.

26 Notice of Commencement

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

27 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](#).

28 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.

29 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

30 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.

31 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.

RESOLUTION

This modification application is **approved** subject to conditions outlined above which are in

accordance with the recommendations of the majority of the panel.

FOR:

Robert Jolliffe
Lindsay Fletcher
Heather Warton

AGAINST:

Paul Stein

Carried**REASONS:**

The majority of the panel notes this locality has been zoned for business purposes for over a decade including the residential properties. The panel is incorporating conditions to ensure that the future operations of the site comply with accepted noise criteria and on that basis considered that 24 hour operations are appropriate in this location.

Reasons for minority. The chair is in agreement with the planning officer's report and believes that the impact of the increased truck movements at night time impose unreasonable impact of the amenity of the adjacent residential area.

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

TO: Strathfield Local Planning Panel Meeting - 3 February 2022
REPORT: SLPP – Report No. 4
SUBJECT: DA2021.278- 102 BURLINGTON ROAD STRATHFIELD- LOT: 13-15 SEC: 12
 DP: 400
DA NO. DA2021.278

RECOMMENDATION

That Development Application No. 2021.278 for Alterations and additions to the existing heritage dwelling (Item 124, “Camden Lodge”) including demolition and restoration works to original heritage fabric including front fence, new two (2) storey addition to the rear with basement, in-ground swimming pool and associated landscaping works and tree removal at 102 Burlington Road Strathfield 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.

WORKS

- 1 **No occupation certificate may be issued until such time as heritage conservation and restoration works to the original dwelling as detailed in the plans and conservation schedule approved by this Consent have been completed.**

The approved works are to be covered by a single Construction Certificate.

ADDED 3 February 2022

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/ Roof Plan	DA101	18 October 2021	A	LiteraTrotta
Demolition Plan	DA110	18 October	A	LiteraTrotta

		2021		
Driveway	DA120	18 October 2021	A	LiteraTrotta
Material Board	DA121	18 October 2021	A	LiteraTrotta
Basement Floor Plan	DA201	18 October 2021	A	LiteraTrotta
Ground Floor Plan	DA202	18 October 2021	A	LiteraTrotta
First Floor Plan	DA203	18 October 2021	A	LiteraTrotta
North & South Elevation Plan	DA301	18 October 2021	A	LiteraTrotta
East & West Elevation Plan	DA302	18 October 2021	A	LiteraTrotta
Front Fence Elevation / Driveway Gate Elevation Plan	DA303	18 October 2021	A	LiteraTrotta
Section AA + BB Plan	DA321	18 October 2021	A	LiteraTrotta
Supplementary Schedule of Conservation Works	J5075	Decemb er 2021		Weir Phillips Heritage and Planning
Landscape Design	Drawings LP01 to LP05 (inclusive) D8521			Dangar Barin Smith
BASIX Certificate No. A428851		13 October		

		2021		
Arboricultural Impact Assessment		29 September 2021		Jacksons Nature Works
Geotechnical Investigation Report	E25324.G03_Revision 1	8 October 2021		eiaustralia
Stormwater Plans	Issue B – Drawing No. 00, 01, 02, 03, 04 and 05.	11 October 2021		ltm design
Heritage Impact Statement + attached Conservation Policy Statement 2016	J5075	October 2021		Weir Phillips Heritage and Planning
Site Waste Minimisation and Management Plan		11 October 2021		Litera Trotta
Conservation Policy Plan	CPS 001, CPS 002, CPS 003, CPS 004 & CPS 005	20 August 2016		Weir Phillips Heritage

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.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

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 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

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).

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) Or, provide evidence of Payment direct to the Long Service Corporation. See https://longservice.force.com/bci/s/levy-calculator	\$ 7,523.00
Security Damage Deposit	\$ 18,000.00
Tree Bond	\$ 20,300.00
Administration Fee for Damage Deposit	\$130.00
Administration Fee for Tree Bond	\$130.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$ 21,496.00

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

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

Indexation

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

Timing of Payment

The contribution must be paid and receipted by Council

- Prior to the release of the Construction Certificate.

Further Information

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

5 Required Design Changes

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

Privacy Screen	<p>A privacy screen shall be provided to the western elevation of the rear southern balcony adjoining the master bedroom and to the eastern elevation of the bedroom 3 and 4 southern balcony.</p> <p>The privacy screens are to be a minimum of 1.8m high from the finished floor level of the balcony and comprise of a material that cannot be seen through, such as translucent glazing. If louvres are to be used, they are to be fixed in a position that does not allow downward viewing of the adjoining properties.</p>
Front fence encroachment	<p>No part of the front fence, including any footings or support work is permitted to encroach on Council's public footway.</p>

6 Damage Deposit – Minor Works

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

- 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: \$18,000.00
- 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
- 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.

7 Tree Bond

A tree bond for the one street tree **T1** and **T2 *Lophostemon confertus*** of **\$20,300** (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.

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.

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.

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. A428851 must be implemented on the plans lodged with the application for the Construction Certificate.

10 **Heritage Conservation Works**

- (a) Prior to the issue of the Construction Certificate, Section 0.44 'Adaptive Re-use + Sympathetic new development' of the Conservation Policy Statement prepared by Mike Macaulay Associated Architects dated 2016) and attached to the Heritage Impact Statement is required to be amended to reflect the approved architectural plans for the development. The revised Policy Statement is to be submitted to Council for record.
- (b) The Conservation Policy Statement, Heritage Impact Statement prepared by Weir Phillips and Supplementary Schedule of Conservation Works are to be read in conjunction with each other. In the event of any inconsistency, the supervising Heritage Consultant shall decide the most appropriate course of action.
- (c) The schedule of conservation works shall include a series of restoration and reconstruction plans via section and elevation plans. The details should incorporate any structural and/or building services design for the building.
- (d) The conservation works schedule shall include a plan for the retention/restoration of the front boundary fence, circular driveway and the garden settings of Camden Lodge. The plan should include a building footprint for future development on Lot 13 Section 12 DP400 that satisfies the provisions of Clause 5.10 of the Strathfield Local Environmental Plan 2012.

- (e) A separate schedule confirming all external materials, colours and finishes of the heritage item including windows, doors and roofing materials is to be prepared and submitted to Council for approval.
- (f) The invoice and paid receipt for the reconstruction of the roof and reinstatement of original doors and windows of the heritage dwelling (as specified in the updated restoration/reconstruction plans) is to be forwarded to Council prior to the issue of an Occupation Certificate.
- (g) All conservation and adaptation works are to be in accordance with the Articles of the [Australian ICOMOS Burra Charter 1999](#). Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
- (h) INSPECTION AND APPROVAL: The conservation works are to be progressively inspected by, and be implemented to the satisfaction of, the consulting Heritage Advisor prior to the issue of the Occupation Certificate or commencement of the use, whichever is the earlier.

11 General Heritage

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (c) The protection measures are to be specified in the construction management plan] All conservation and adaptation works are to be in accordance with the [Articles of the Australian ICOMOS Burra Charter 1999](#).
- (d) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (f) The new windows and doors on the existing building must match the original material, which is timber joinery.
- (g) The face brickwork/stone/tiles must not be rendered, painted or coated.
- (h) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.
- (i) The original roof cladding, of a heritage item is matched like to like.
- (j) No Sandblasting to remove paint from brick or stone should not be undertaken on a heritage item.
- (k) Original driveways and footpath crossings are not to be relocated.
- (l) Original or early garden layouts that contribute to the streetscape or to the significance of the heritage item are to be protected and not be altered.

- (m) Modern technologies should not be higher than the main ridge line of a building that is or is part of a heritage item (or within a heritage conservation area) is to be located so they are not visible from the Public Domain.
- (n) Original fencing styles and materials should be repaired and retained.
- (p) Original door and window joinery visible from the Public Domain is to be conserved where possible in accordance with the submitted Conservation Works Schedule.
- (q) The new western boundary fence forward of the building line shall be constructed of materials and in a style that is sympathetic to the dwelling and western adjoining heritage item.

12 **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.
- (b) 102 Burlington Road, Homebush

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.

13 **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.

14 Stormwater System

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

15 On Site Detention

I. 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.

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

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

The OSD facility shall be designed to meet all 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:

III. "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.

16 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.

17 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.

18 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.

19 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.

20 Engineer's Certificate

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

21 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.

22 Solid Fuel Heaters

Plans and specifications of the solid fuel heater including chimney stack must be submitted with the Construction Certificate for approval that comply with:

- [Protection of the Environment Operations \(Clean Air\) Regulations 2010](#) and
- AS/NZS 2918: 2001: *Domestic solid fuel burning appliances - Installation*.

23 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.

24 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.

25 Compliance with Submitted Arborist Report

The recommendations outlined in the Arborist's Report titled *Arboricultural Impact Assessment Report* prepared by Jacksons Nature Works dated 29 September 2021 must be implemented throughout the relevant stages of construction. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites*.

The trees to be protected are listed in the table below.

Tree No	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Lophostemon confertus	Street tree 102 Burlington road Newton Road	5.4 metres
2	Lophostemon confertus	Street tree 102 Burlington Road	4.2 metres
7	Thuja arborvitae	102 Burlington Road	2.0 metres
8	Cupressus sempervirens x 23	102 Burlington Road	2.0metres
9	Ficus virens	Neighbouring property	6.0 metres
11	Jacaranda mimsoifola	Neighbouring property	6.8 metres

26 Tree Protection and Retention

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Lophostemon confertus	Street tree 102 Burlington road Newton Road	5.4 metres
2	Lophostemon confertus	Street tree 102 Burlington Road	4.2 metres
7	Thuja arborvitae	102 Burlington Road	2.0 metres
8	Cupressus sempervirens x 23	102 Burlington Road	2.0metres
9	Ficus virens	Neighbouring property	6.0 metres
11	Jacaranda mimsoifola	Neighbouring property	6.8 metres

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.
- (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.

Excavation works near tree to be retained

- (h) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.
- (i) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to

protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

- (j) Tree Protection Zone around the trees to be retained are not to have soil level changes or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

Details satisfying this condition shall be shown on the Construction Certificate plans.

27 Tree Removal & Replacement

Tree removal

Permission is granted for the removal of the following trees:

Tree No.	Tree species	Number of trees	Location
3	X Cupressocyparis leylandii	1	102 Burlington Road
4	Ficus macrocarpa var hilli		102 Burlington Road
5	Dead tree	1	102 Burlington Road

General Tree Removal Requirements

All tree removal shall be carried out by a certified Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - Pruning of Amenity Trees and Amenity Tree Industry Code of Practice (Safework NSW, August 1998).

Tree Replacement

All trees permitted to be removed by this consent shall be replaced with 4 tree species selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres.

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.

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

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

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

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

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

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION &

EXCAVATON)**28 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.

29 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.

30 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](#).

31 Use of Heritage Consultant

A heritage consultant experienced in restoring and conserving buildings of significance is to be commissioned to work with the consultant team throughout the design development,

contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Evidence and details of the above commission on the above terms are to be provided to Council's Heritage Advisor prior to commencement of work on site. The heritage consultant must sign off the completed project and submit a final report to Council's Heritage Advisor specifying how the heritage conditions are satisfied prior to the issue of an Occupation Certificate or the commencement of the use, whichever is earlier.

32 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.

33 Registered Surveyors Report - During Development Work

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

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

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

34 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.

35 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.

36 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.

37 Swimming Pools – Filling with Water

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

38 Tree Removal on Private Land

The trees identified as 'to be removed/pruned' on the approved plans or by conditions of this consent shall be removed in accordance with *AS4373 -2007* and the *Amenity Tree Industry Code of Practice* (SafeWork NSW, August 1998).

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

39 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.

40 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).

41 Restriction to User and Positive Covenant for On-Site Detention Facility

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, water sensitive urban design, surface flow path, finished pavement and ground levels

etc.).

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

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

42 Maintenance Schedule – On-site Stormwater Management

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

43 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.

44 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:

- (c) Compliance with conditions of development consent relating to stormwater;
- (d) The structural adequacy of the On-Site Detention system (OSD);
- (e) 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;
- (f) Pipe invert levels and surface levels to Australian Height Datum;
- (g) 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.

45 Solid Fuel Heaters

Prior to the issue of any Occupation Certificate, a Certificate prepared by a professional engineer must be submitted to the PCA to confirm that the installation and design the solid fuel heater meets the following requirements:

- (a) [Office of Environment and Heritage - Selecting, Installing and Operating Domestic Solid Fuel Heaters \(1999\)](#);
- (b) Section G2 of the Building Code of Australia (as amended);
- (c) [Protection of the Environment Operations \(Clean Air\) Regulation 2010](#)

(d) The Manufacturer's specification; and

(e) AS/NZS 2918:2001 Domestic solid fuel burning appliances - Installation

OPERATIONAL CONDITIONS (ON-GOING)

46 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.

47 Swimming Pools – Resuscitation Notice

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

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

48 Requirement for a Construction Certificate

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

49 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.

50 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.

51 Notice of Commencement

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

52 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](#).

53 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.

53A Lot consolidation

Lots 13,14 and 15 Section 12 DP 400 known as 102 Burlington Road shall be consolidated into one title prior to occupation or occupation certificate which ever one comes first

ADDED 3 February 2022

PRESCRIBED CONDITIONS

54 Clause 97A – BASIX Commitments

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

55 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.

56 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.

57 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](#).

58 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.

59 **Clause 98F – Site Excavation**

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations associated with the erection or demolition, or building must be properly guarded and protected to prevent them from being dangerous to life or property. If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods or preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

ADVISORY NOTES

I. Review of Determination

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development, or any application determined by the Sydney East Planning Panel or the Land & Environment Court.

II. Appeal Rights

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

III. Lapsing of Consent

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

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

NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au

V. Long Service Levy

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

The required Long Service Levy payment can be direct to the Long Service Corporation

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

VI. Disability Discrimination Act

This application has been assessed in accordance with the [Environmental Planning and Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

VII. Site Safety Fencing

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

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

VIII. Register your Swimming Pool

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

IX. Solid Fuel Heaters

A copy of the 'Selecting, installing, and operating domestic solid fuel heaters' can be found at: <http://www.environment.nsw.gov.au/resources/woodsmoke/woodguide.pdf>

RESOLUTION

This application be approved subject to the conditions subject to the planner's draft as amended by the panel.

FOR:

Paul Stein
Robert Jolliffe
Lindsay Fletcher
Heather Warton

AGAINST:

NIL

Carried

REASONS:

The panel generally concur with the planning officers report and are of the view that the heritage of the property will be restored and preserved.

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