

IDAP REPORT

Property:	350-374 Parramatta Road Homebush West DA 2020/135
Proposal:	Internal alterations and additions to existing industrial warehouse including installation of new skylights (Building A1)
Applicant:	Tallina Pty Limited
Owner:	Tallina Pty Limited
Date of lodgement:	21 July 2020
Notification period:	3 September 2020 to 17 September 2020
Submissions received:	Nil
Assessment officer:	N Doughty
Estimated cost of works:	\$110,000.00
Zoning:	IN1-General Industrial - SLEP 2012
Heritage:	Yes – Local Heritage Item No. I63 ‘Former Ford factory building (brick façade)’
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1: Aerial imagery of the Campus Business Park (outlined in red) and the subject tenancy (outlined in yellow).

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the internal alterations and additions to existing industrial warehouse including installation of new skylights (Building A1).

Site and Locality

The site is identified as 350-374 Parramatta Road, Homebush West and has a legal description of Lot: 1 DP: 1184509 and is commonly known as the Campus Business Park. The site is an irregular shaped parcel of land with a 214m frontage to Parramatta Road and an overall site area of 12.55 hectares. The subject application relates to a tenancy within Building A1 located in the northern corner of the subject site. The other buildings within the industrial complex are currently utilised for a range of industrial and commercial uses including warehousing and distribution centres.

The site contains the Former Ford Factory listed as Heritage Item No. I163 under Schedule 5 of the SLEP 2012 which specifically lists the façade of the building as being of heritage significance.

Strathfield Local Environmental Plan

The site is zoned IN1-General Industrial under the provisions of the Strathfield LEP 2012. The subject tenancy benefits from existing use rights as a commercial office (established under DA2017/116) and therefore the proposal is permissible with Council consent. The proposal satisfies all relevant objectives contained within the LEP.

Development Control Plan

The proposed development generally satisfies the provisions of Strathfield Consolidated DCP 2005 Parts D, H and P. This is discussed in more detail in the body of the report.

Notification

The application was notified in accordance with Council's Community Participation Plan from 3 September 2020 to 17 September 2020 where no submissions were received.

Issues

- Heritage conservation

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2020/135 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for internal alterations and additions to an existing industrial warehouse including installation of new skylights (Building A). The proposed works are confined to the mezzanine level and roof and specifically includes;

- Refurbishment of the existing sanitary facilities;
- Demolition of existing non-load bearing walls;
- Use of the area as a gym for building employees; and
- Installation of two (2) skylights.

The Site and Locality

The subject site is located on the southern side of Parramatta Road west of the intersection of Parramatta Road and Telopea Avenue (Figure 1). The site forms an industrial complex known as 'Campus Business Park' and consists of seven (7) buildings with either basement and/or at grade parking. The site is irregular in shape with a frontage of 214m to Parramatta Road (northern boundary), an average depth of approximately 500m and an overall site area of 12.55 hectares. Vehicle access from Parramatta Road is available from a traffic light intersection located within the centre of the sites northern boundary.

The subject application relates to tenancy A1 located within Building A in the northern corner of the subject site (Figure 2). The other buildings within the industrial complex are currently utilised for a range of industrial and commercial uses including warehousing and distribution centres.

The site contains the Former Ford Factory listed as Heritage Item No. I163 under Schedule 5 of the SLEP 2012 which specifically lists the brick façade of the building as being of heritage significance (Figure 3). The original building is of inter-war style and constructed in 1936 to the same specifications as Ford Factories around the world.

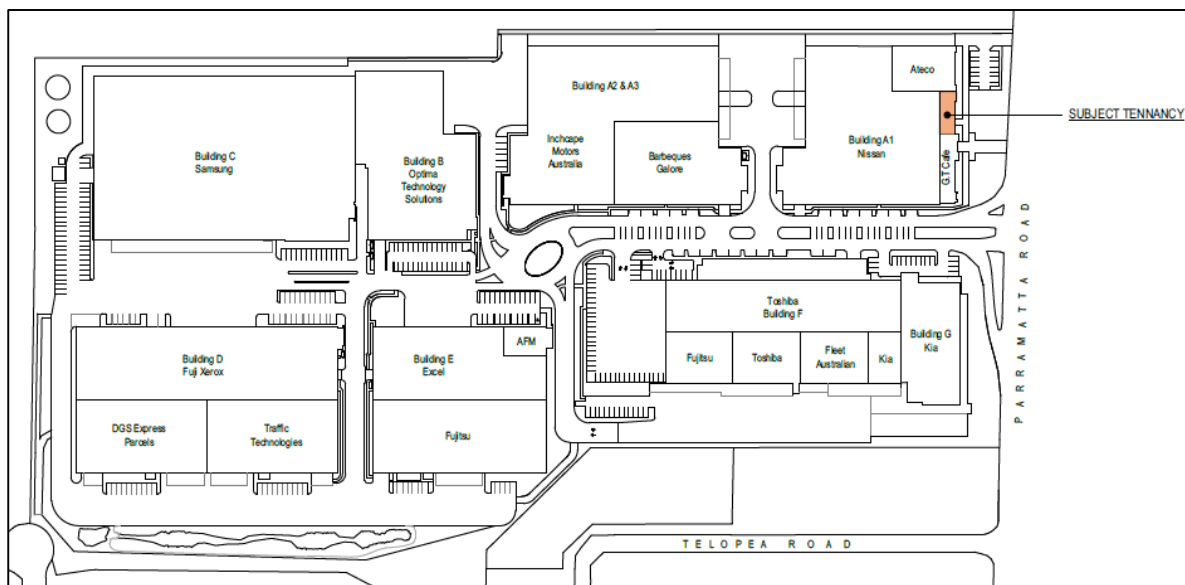


Figure 2: Site plan of Campus Business Park and subject tenancy.



Figure 3: View of former Ford factory building from Parramatta Road.

Background

30 August 1996	Master plan for the staged redevelopment of the subject site into an integrated warehouse, storage and distribution facility approved by the Minister for Urban Affairs and Planning.
10 January 2004	Development Consent No. DA422/9/03 for the construction and use of warehousing and distribution facilities including the demolition of a portion of the main factory building; construction of a warehouse, storage and distribution facility buildings A1, A2/A3 and B comprising 25,606m ² and associated offices; restoration of the existing administration wing for office, café and associated uses; internal fit-out of building B; provision of internal roads, car parking (basement and on-grade) and associated infrastructure to service the warehouse; and landscaping the site was approved by the Minister for Infrastructure and Planning.
27 September 2017	Development Consent No. DA2017/116 for internal alterations and fit-out building 'A' and 'A5' for continued use as a commercial office and separation of tenancy A and A5 was approved by the Strathfield Internal Development Assessment Panel.
21 July 2020	The subject development application was lodged.
20 August 2020	Correspondence was sent to the Applicant requesting amended plans identifying the heritage listed brick façade components and the location of the proposed skylights.
26 August 2020	Amended elevation plans providing additional information on the location of the skylights and the existing brick façade were submitted.
3 September 2020 to	

- 17 September 2020 The subject application was notified in accordance with the requirements of the Strathfield Community Participation Plan. No submissions were received.
- 7 September 2020 Site inspection was undertaken by the Assessment Planner and Council's Heritage Advisor. The inspection identified that the mezzanine level was a dilapidated state, however the original 1930s flooring, skirting board, tiles and bathroom appeared relatively intact.
- 7 September 2020 Correspondence was sent to the Applicant requesting that amended plans be submitted retaining as much original building elements and features as possible.
- 16 September 2020 Amended plans were submitted showing the retention of original flooring, tiles to outer-face of bathroom walls and skirting boards.

Referrals – Internal

Heritage

Council's Heritage Advisor has commented on the proposal as follows:

“Impact on Heritage:

The proposal includes removal of what appears to be original 1930's tiling, doors and toilets from the original bathroom, internal walls and includes installation of a skylight and updates to interior for adaptive re-use are being proposed.

Internal Fabric:

The heritage listing specifies only the “Brick façade” as listed. However, the internal fabric is largely original and as such with minor modifications to the plans and a conservation management plan this fabric could be retained and add to the character of the gym space. However, due to installation of the shower the main impact will be in relation to the BCA upgrades to ensure waterproofing.

It is noted that the applicant may be able to insert a fibreglass shower enclosure which would reduce overall costs and allow for retention of the bathroom tile features.

The original fabric includes:

- *Tiles*
- *Floors*
- *Skirting boards*
- *Toilets*
- *Internal walls between toilets and doors.*
- *Light switches*

As such the proposed development is supported. It is noted that only the façade has been listed so therefore these conditions are recommended in consultation with the developer.

1.1 Heritage Conservation Works (CC8026)

- (a) *Prior to the issue of the Construction Certificate, a schedule of conservation works to be undertaken concurrent with the works is to be submitted to Council's Heritage Advisor for approval.*
- (b) *The schedule is to detail the conservation of fabric identified as having a heritage value including but not limited to the following:*
 - *Flooring*
 - *Tiles*
 - *Skirting boards*
 - *Toilet fittings*
 - *Internal toilet partition*
 - *Internal fittings such as light switches.*
- (c) *The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.*
- (d) *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.*
- (e) *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.*
- (f) *Inspection and approval: The conservation works are to be progressively inspected by, and be implemented to the satisfaction of, Council's Heritage Advisor prior to the issue of the Occupation Certificate or commencement of the use, whichever is the earlier.*

1.1 Reuse of Significant Building Elements (CC8034)

The reuse and retention of significant elements such as light switches, tiles, toilets and toilet partitioning is required. The recycling is to occur on site. Removal and storage of these materials is to be carefully carried out by the workers and a specific stockpile area is to be designated and protected. A detailed plan for execution of the above requirements is to be submitted to and approved by Council's Heritage Advisor, prior to issue of a Construction Certificate.

1.2 Building Works To Comply With BCA – Heritage Buildings Or Buildings Within Conservation Area (CC8021)

Any building works required to ensure compliance with the BCA or new building standards not specified in the submitted/approved plan must not damage existing fabric and building features. If such upgrading works will potentially impact on

existing fabric and features, details of the works must be submitted and approved by Council's Heritage Advisor prior to issue of a Construction Certificate."

Building

Council's Building Surveyor has commented on the proposal as follows:

"The certifier is required to manage the fire safety requirements of the BCA, in this instance, as per the requirements of Clause 144A of the EPA Reg 2000.

If the works are approved the removal of the stair from the mezzanine will require that the current alternative solution report will need to be amended to include mezzanine egress. Refer to A2.2 of ArupFire Macquarie Goodman Management Limited Building A1 350-374 Parramatta Road Homebush Fire Safety Assessment, Appendix A Egress Assessment Issue 3 14 April 2004 and that the Fire Engineering Report is required to be listed on the Fire Safety Schedule."

Section 4.15 Assessment – EP&A Act 1979

The following is an assessment of the application with regard to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

(1) Matters for consideration – general

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provision of:**
- (i) any environmental planning instrument,**

STRATHFIELD LOCAL ENVIRONMENTAL PLAN

The development site is subject to the Strathfield Local Environmental Plan 2012

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned IN1-General Industrial where commercial development is prohibited under the SLEP 2012. Under DA2017/116 it was established that the building benefits from existing use rights as a commercial office in accordance with Clause 4.65 of the *Environmental Planning and Assessment Act 1979*. No building works to the mezzanine level of the tenancy were proposed under DA2017/116. The development application does not seek to alter the approved use of the tenancy for commercial purposes. The proposed works are limited to the upgrading of the mezzanine including sanitary facilities and utilising the area for employee exercise use.

Part 4 – Principal Development Standards

The development application does not seek to alter the floor space ratio or building height of the site.

Part 5 – Miscellaneous Provisions

Heritage Conservation

The subject tenancy is located within a business park containing Local Heritage Item No. I163 being the remnant façade of the former Ford factory listed under Schedule 5 of the SLEP 2012. Clause 5.10 Heritage Conservation of the SLEP 2012 requires consideration to be given to the extent to which the carrying out of the development would affect the heritage significance of the heritage item upon the site. The development application was accompanied by a Statement of Heritage Impact.

Whilst the heritage listing specifies only the “brick façade”, the site inspection identified that the mezzanine level contains building components dating to the original operation of the Ford factory. Consequently, amended plans were requested and submitted retaining some original components such as the flooring, light switches, tiling of the outer bathroom walls and skirting boards. Whilst Council’s Heritage Advisor has raised no objection to the proposal, elements including the toilet fittings and internal toilet partition have been identified as original and recommended to be reused/retained. Due to BCA requirements and that the heritage listing attributed to the brick façade only, it is unreasonable to require that these elements are retained. Accordingly, the elements proposed in the amended plans to be retained are considered appropriate. Conditions of consent requiring a detailed works schedule for Council approval prior to the issue of a Construction Certificate is recommended. During the assessment process additional information was submitted clarifying that the two (2) proposed skylights are not located on the brick façade. It is considered that the proposed works as conditioned, satisfactorily address the provisions of this Clause.



Figure 4: Current state of mezzanine level.



Figure 5: Original timber flooring and skirting boards to be retained.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as Class 5 Acid Sulfate Soils and is located within 500m of Class 2 Acid Sulfate Soils. As the proposed development does not involve earthworks an Acid Sulfate Soils Management Plan was not required.

Earthworks

The proposal does not include any excavation works. The proposed development is considered to satisfy the objectives of this clause.

Flood Planning

The subject site has been identified as being at or below the flood planning level. However, the location of the subject tenancy is not identified as being flood affected. Accordingly, the proposed development is considered to satisfy the objectives of this clause.

Essential Services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development

It is considered that the proposed development satisfies the aims, objectives and development standards, where relevant, of the Strathfield LEP 2012.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND (SEPP 55)

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration. The existing tenancy has been used as a warehouse and ancillary offices since the construction of the business park in 2001. The proposal does not involve any excavation or construction works which could result in any potential for contamination. As such, the requirements under SEPP No. 55 have been met and no further investigations are required.

The objectives outlined within SEPP55 are considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of SLEP 2012 relating to the preservation of trees and vegetation.

The proposed development does not result in the removal or loss of any trees or vegetation subject to the provision of this SEPP.

The aims and objectives outlined within the SEPP are considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The subject site's primary frontage is to Parramatta Road, which is categorised as a classified road. Under Clause 101 of the *SEPP (Infrastructure)* development with frontage to a classified road shall not compromise the effective and ongoing operation and function of the classified road.

The proposed development is contained entirely within the existing building (except for the skylights) and involves no building works or ongoing operations that are likely to impact upon the operation or function of Parramatta Road. The existing vehicular access and on-site parking arrangements within the complex will continue to be utilised. Additionally the area is to be used by the building occupants only and is not considered to represent an intensification of the use of the site. As such, the subject application is considered unlikely to impact upon the operation or function of Parramatta Road.

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

There are no draft planning instruments that are applicable to this site.

(iii) any development control plan,

The proposed development is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

PART D – Industrial Development (SCDCP 2005)

The proposed works are confined to the mezzanine level of a tenancy within the Campus Business Park with approval for use as a commercial office under DA2017/116. The accompanying State of Environmental Effects has stated that the area is to be used as a gym for building employees only. The refurbishment and re-use of the area given the current state of disrepair of the mezzanine level is appropriate provided that it is ancillary to the approved primary use of the tenancy as a commercial office.

To ensure the gym is for employee use only a condition of consent pertaining to this affect has been recommended. As the area is to be used by building employees only, no traffic impacts are anticipated. Accordingly the development application is consistent with the objectives of Part D of the SDCDP 2005, to encourage employee amenity within industrial development and to ensure the orderly development of industrial sites and minimise environmental impact.

PART H – Waste Management (SCDCP 2005)

In accordance with Part H of Strathfield CDCP 2005, a waste management plan was submitted with the application. Compliance with the submitted Waste Management Plan shall be enforced via the conditions of consent.

PART P – Heritage (SCDCP 2005)

The development application proposes internal works and two (2) skylights to Building A1 in the Campus Business Park and comprises of the heritage listed Item 163 'Former Ford factory building (brick façade) in Schedule 5 of the SLEP 2012. The heritage listing of the item only specifies the brick façade as being of heritage significance.

The proposed skylights are located on the roof of Building A1 south of the brick façade and will not be visible from the public domain. The existing mezzanine level comprises of three (3) rooms which are currently in poor condition with original features including the skirting boards, timber floors, wall tiles, light switches, toilet fittings and partitions. During the assessment process amended plans were submitted identifying multiple features to be retained or re-used as part of the proposed works. Overall the proposed development will not adversely impact on the heritage significance of the site.

(iv) Any matters prescribed by the regulations, that apply to the land to which the development application relates,

The requirements of Australian Standard AS2601–1991: *The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development does involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

The proposed works have been considered with respect to the approved use of the subject tenancy and heritage listing of the former Ford Factory. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or result in any negative social or economic impacts on the locality.

(c) the suitability of the site for the development,

The site is located in the Campus Business Park and is considered suitable for the proposed development which relates to the refurbishment and re-use of the mezzanine level within Building A1. There are no environmental constraints affecting the site which makes it unsuitable for the proposed development.

(d) any submissions made in accordance with this Act or the regulations,

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. No submissions were received.

(e) the public interest.

The proposed development is of a scale and character that does not conflict with the public interest.

Local Infrastructure Contributions

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

Strathfield Indirect Section 7.12 Contributions Plan

Section 7.12 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan as follows:

Local Amenity Improvement Levy	\$550.00
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Conclusion

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

Following detailed assessment it is considered that Development Application No. 2020/135 should be approved subject to conditions.

Signed: ND
Planning Officer

Date: 23 September 2020

- I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- I have reviewed the details of this development application and I also certify that Section 7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.

**Signed: LG
Senior Planner**

Date: 23 September 2020

Recommendation

That Development Application No. DA2020/135 for internal alterations and additions to existing industrial warehouse including installation of new skylights (Building A1) at 350-374 Parramatta Road, Homebush West, subject to the following conditions:

REASONS FOR CONDITIONS

The conditions of consent are imposed for the following reasons:

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

Approved Plans & Documentation

1. 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	DA_001	15/07/2020	B	Benett Murada Architects
Floor Plans	DA_100	16/09/2020	B	Benett Murada Architects
Mezzanine Plan	DA_101	16/09/2020	C	Benett Murada Architects
Mezzanine Plans & Section	DA_102	16/09/2020	F	Benett Murada Architects
Roof Plan	DA_103	24/08/2020	B	Benett Murada Architects
Elevations	DA_104	24/08/2020	A	Benett Murada Architects
Waste Management	-	22/09/2020	-	Goodman Property Services Pty Ltd

Plan				
Heritage Impact Statement	-	15/07/2020	-	Artefact

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

2. 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)	\$385.00
Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Security Damage Deposit	\$5,200.00
Administration Fee for Damage Deposit	\$127.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 7.12 Indirect Development Contributions Plan 2017	\$550.00

General Fees

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

Development Contributions

A Section 7.12 contribution has been levied on the subject development pursuant to

the Strathfield Section 94A Indirect Development Contributions Plan.

Indexation

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

Timing of Payment

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

Further Information

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

3. **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.

4. **Heritage Conservation Works**

- (a) Prior to the issue of the Construction Certificate, a schedule of conservation works to be undertaken concurrent with the works is to be submitted to Council's Heritage Advisor for approval.
- (b) The schedule is to detail the conservation of all fabric identified as having a heritage value including but not limited to the following: Flooring, tiles, skirting boards, light switches.
- (c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.
- (d) 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.
- (e) 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.

5. **Reuse of Significant Building Elements**

The reuse and recycling of significant elements such as tiles, skirting board, flooring,

light switches is required. Removal and storage of these materials is to be carefully carried out by the workers and a specific stockpile area is to be designated and protected. A detailed plan for execution of the above requirements is to be submitted to and approved by Council's Heritage Advisor, prior to issue of a Construction Certificate.

6. **Waste Management Plan (WMP)**

The approved 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 and approved by the Certifying Authority prior to the issue of any Construction Certificate.

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

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

7. **Fire Safety Measures**

The certifier is required to manage the fire safety requirements of the BCA, in this instance, as per the requirements of Clause 144A of the Environment Planning and Assessment Regulations 2000.

Prior to the issue of a construction certificate a list of the existing and proposed essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA.

The removal of the stair from the mezzanine will require that the current alternative solution report will need to be amended to include mezzanine egress. Refer to A2.2 of ArupFire Macquarie Goodman Management Limited Building A1 350-374 Parramatta Road Homebush Fire Safety Assessment, Appendix A Egress Assessment Issue 3 14 April 2004 and that the Fire Engineering Report is required to be listed on the Fire Safety Schedule.”

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

8. **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.

9. 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.

10. 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](#).

DURING CONSTRUCTION

11. 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.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

12. Fire Safety Certificate before Occupation or Use

In accordance with Clause 153 of the [Environmental Planning and Assessment Regulation 2000](#), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the [Environmental Planning and Assessment Regulation, 2000](#). In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the Schedule.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

OPERATIONAL CONDITIONS (ON-GOING)

13. Use of Structure

The use of the mezzanine level as a gym shall be solely for the use of the building employees only and not for commercial purposes.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

14. Requirement for a Construction Certificate

Any works including demolition must not commence until a Construction Certificate has been issued.

15. 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.

16. **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.

17. **Notice of Commencement**

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

18. **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](#).

19. **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.

20. **Occupation Certificate**

A person must not commence use of the mezzanine level unless an Occupation Certificate has been issued in relation to that part of the building.

PRESCRIBED CONDITIONS

21. **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.

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.