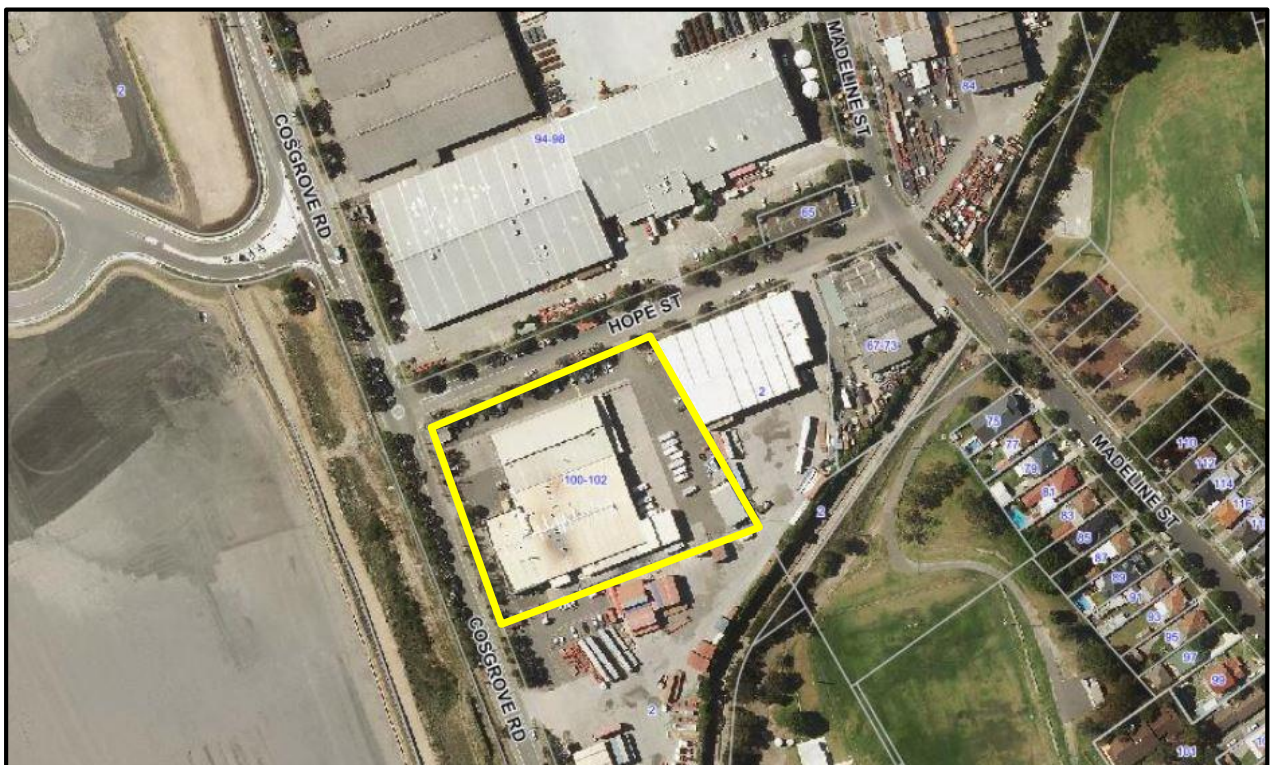


## IDAP REPORT – SECTION 4.55(2) MODIFICATION

<b>Property:</b>	100-102 Cosgrove Road STRATHFIELD SOUTH DA 2019/188/2
<b>Proposal:</b>	Section 4.55(2) Modification Application to modify the approved plans and construction hours and delete Condition 24 and 29.
<b>Applicant:</b>	The Trustee for MAJ Consulting Trust
<b>Owner:</b>	Deane Apparel P/L
<b>Date of lodgement:</b>	13 August 2020
<b>Notification period:</b>	20 August to 3 September 2020
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	M Rivera
<b>Estimated cost of works:</b>	\$1,575,700.00
<b>Zoning:</b>	IN1 – General Industrial – SLEP 2012
<b>Heritage:</b>	Not a heritage item Not within a heritage conservation area
<b>Flood affected:</b>	Yes
<b>Is a Clause 4.6 Variation Proposed:</b>	No
<b>RECOMMENDATION OF OFFICER:</b>	<b>APPROVAL</b>



**Figure 1:** Locality plan. The subject site is outlined in yellow.

## EXECUTIVE SUMMARY

## **Proposal**

Development consent is being sought for the Section 4.55(2) Modification Application to modify the approved plans and construction hours and delete Conditions 24 and 29.

## **Site and Locality**

The site is identified as 100-102 Cosgrove Road, Strathfield South and has a legal description of Lot 1 in DP 778088. The site is a rectangular parcel of land and is located at the corner of Cosgrove Road and Hope Street.

The site is predominantly modified containing a large industrial building and expansive vehicular access and parking areas. It has a 93m wide frontage, a maximum depth of 121.33m and an area of 1.05 hectares (10,500m<sup>2</sup>).

The locality surrounding the subject site contains a mixture of land uses – but is generally characterised by industrial properties including the Enfield Intermodal Logistics Centre, freight, logistic and distribution facilities and warehouse. An open recreational zone (comprising Begnell Field and Cooke Park) and dwelling houses are located further east and south-east of the site.

## **Strathfield Local Environmental Plan**

The site is zoned IN1-General Industrial under the provisions of Strathfield Local Environmental Plan 2012 (SLEP 2012) and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the LEP.

## **Development Control Plan**

The proposed development generally satisfies the provisions of Strathfield Consolidated Development Control Plan 2005 (DCP 2005). 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 (CPP) from 20 August to 3 September. No submissions were received during this period.

## **Issues**

- Compliance with Building Code of Australia
- Vehicular access and parking
- Noise from extended construction hours

## **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2019/188/2 is recommended for approval subject to suitable conditions of consent.

## REPORT IN FULL

### Proposal

The subject application seeks Council approval for the following modifications to the approved development (the 'proposed modification'):

- Delete Condition 24 of the consent. Condition 24 reads:

**24. CAR PARKING - VEHICULAR CROSSING WIDTH AT PROPERTY BOUNDARY (CC)**

Vehicular crossings are to have a maximum width of 3m at the property boundary. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

The vehicular crossing (and all associated excavation works) must not be constructed closer than 2 metres from a retained protected street tree.

(Reason: Compliance with SCDCP 2005.)

- Delete Condition 29 of the consent. Condition 29 reads:

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

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

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

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

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

(Reason: Fire safety.)

- Modify Condition 2 to extend construction hours. The approved construction hours are as follows:
  - Monday to Friday, 7.00am to 5.00pm
  - Saturdays, 8am to 1pm.
  - No work on Sundays or public holidays.



- Where works involve jackhammers/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.

The proposed changes to the construction hours relate to Saturdays only; which are proposed to start at 8.00am and conclude at 5.00pm.

- Correction of Condition 1 relating to Approved Plans and Reference Documentation. The applicant noted some of the architectural plans were omitted from this condition and some of the drawing number references for certain plans were incorrect.
- Minor updates to the Stormwater Management Plan and Soil Erosion Control Plan.
- Changes to the car parking layout and a reduction in the number of approved parking spaces.
- Construction of a new storage shed to be located adjacent to the eastern rear boundary of the site.
- Demolition of existing BBQ area at the north-western corner of the site.
- General minor modifications to the internal fit-out of the approved offices and amenities building.
- Added air conditioning units and their locations to architectural plans as per the Mechanical Engineering Consultant design. This is in response to DA Conditions 40 and 43.

Condition 40 reads:

**40. VENTILATION SYSTEMS – MECHANICAL (CC)**

The mechanical ventilation system is to comply with the following:

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

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

Details demonstrating compliance with the above are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

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

Condition 43 reads:

**43. WATER HEATING SYSTEMS - LOCATION OF (CC)**

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

(Reason: To maintain streetscape character.)

Council officers advised that the construction of the new shed is not considered an appropriate change as it will not result in a development that is substantially the same as approved and should not be included as part of the modification application.

The applicant confirmed on 6 October 2020 that the construction of the shed is to be omitted from the subject application. A condition is recommended as part of the modified consent to ensure the shed is deleted from any approved plans and reference documentation.

The proposed modification does not involve any changes to the operations of the premises including:

- Operational hours;
- Operational processes; and
- Employee/staff numbers.

### **The Site and Locality**

The subject site is legally described as Lot 1 in DP 778088 and is known as No. 100-102 Cosgrove Road, Strathfield South. The site is a corner allotment located on the eastern side of Cosgrove Road and on the southern side of Hope Street. The site is within the IN1– General Industrial zone, pursuant to the provisions of SLEP 2012. The immediate vicinity is characterised by industrial properties. An open recreational zone (comprising Begnell Field and Cooke Park) and dwelling houses are located further east and south-east of the site. The site is generally surrounded by industrial properties on large, expansive allotments, including the Enfield Intermodal Logistics Centre, freight, logistic and distribution facilities and warehouses. The subject site is located within a highly modified and industrial precinct setting; however, a number of street trees are established along Cosgrove Road and Hope Street.

The site is a rectangular shaped allotment with a 93m wide frontage, a maximum depth of 121.33m and an area of 1.05 hectares. The site has a fall of 2.97m from the north-west corner to the south-east corner. The site is predominantly modified and currently contains a large building occupied by AlSCO. This building operates as a commercial laundry facility and comprises:

- North portion: extensive warehouse facility;
- South portion: boiler houses and operational areas; and
- West portion: offices, administrative and staff facilities including bathrooms and break-out spaces.

Other built structures within the site include:

- A pergola above a paved BBQ area used for staff recreation in the north-western corner;
- A pylon sign addressing Cosgrove Road site;
- A detached metal shed in the south-eastern corner;

- An electrical substation in the north-eastern corner; and
- Three (3) metal tanks adjacent to the southern portion of the building.

The subject site benefits from having vehicular access via Cosgrove Road and Hope Street. Currently, light vehicles are able to enter via Cosgrove Road and heavy vehicles (such as delivery trucks) enter via Hope Street. Access via Cosgrove Road is for entering only and all vehicles must exit via the Hope Street crossing. Surrounding the existing building are vehicular access and parking areas comprising 94 car spaces, one (1) disabled space and 19 dedicated truck bays. Perimeter garden beds occur along the northern and western sides that address Cosgrove Road and Hope Street. These garden beds are unmanaged and contain a mixture of low-lying trees, shrubs and groundcovers.

The site also contains two (2) easements – one (1) for drainage and one (1) for the existing electrical substation located in the north-eastern corner of the site.

### **Background**

8 November 2019	Development application (DA2019/188) was lodged.
5 May 2020	Development application (DA2019/188) was approved.
13 August 2020	The subject modification application (DA2019/188/2) was lodged to Council. The application is seeking approval for modifying the approved plans and changing construction hours and deleting Condition 24 and 29.
20 August 2020	The subject application (DA2019/188/2) was notified for fourteen (14) days as per Strathfield Council's Community Participation Plan (CPP) from 20 August to 3 September 2020.
18 September 2020	The applicant was advised via e-mail that further information would be required to consider the proposed deletion of Condition 29. On the same date, the applicant supplied a Fire Safety Statement and Fire Safety Assessment.
21 September 2020	The applicant was advised via the Planning Portal and e-mail correspondence to submit architectural plans of the proposed shed and that this shed may require omission from the proposed modification and be considered under a new development application. On the same date, the applicant provided the architectural plans of the proposed shed.
2 October 2020	The applicant was advised via e-mail that the new shed will require consideration under a new development application and must be deleted from the subject modification application.
6 October 2020	The applicant confirmed that the shed can be omitted from the subject application. The applicant advised that they intend on lodging a new development application for construction of the shed.

## **Referrals – Internal and External**

### **Building Officer**

Council's Building Officer raised no concerns with the proposed modification except for the deletion of Condition 29. They advised that Condition 29 of the consent remains relevant to the approved development. The error in Condition 29 is its reference to a change of use. Notwithstanding that there is no change of use involved – the approved development triggers Clauses 93 and 94 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000). Council's Building Officer affirms that Condition 29 remains applicable.

It is noted that the supplied Fire Assessment Report applies to the whole building, and its relevance relates to compliance with Clauses 93 and 94 of the EP&A Regulation 2000.

A new Fire Safety Certificate, as per the requirements under Clause 171(4) of the *Environmental Planning and Assessment Act 1979*, will need to be submitted prior to Occupation Certificate. The design certificate and drawing provided by the applicant may assist in preparing the new Fire Safety Certificate.

### **Environmental Health Officer**

Council's Environmental Health Officer raised no concerns with the proposed change to the construction hours in light of the development being within a predominantly industrial precinct and away from residential receivers, and the recent amendments to Section 10.17 of the *Environmental Planning and Assessment Act 1979* to which allows for an extension of work hours for development. It is recommended that the extension of hours would only be granted for works that do not involve jackhammers/rock breakers and the like or other heavy machinery.

It is noted that the proposed modification does not involve any changes to the current operational hours of the premises.

### **Stormwater Engineer**

Council's Stormwater Engineer reviewed the amended Stormwater Management Plan and confirmed that the minor update is acceptable and Conditions 36 and 42 can be deleted.

No objections were raised by Council's Stormwater Engineer with regard to the proposed modification, subject to the modified conditions of consent (including the deletion of Conditions 36 and 42).

### **Traffic Engineer**

Council's Traffic Engineer advised the following:

*"The swept paths indicate that existing entry and exit driveways are fully utilised to enable heavy rigid vehicle access. The existing vehicular crossovers shall be retained. Condition 24 which restricts driveway opening to be 3m at property boundary does not allow adequate access. No objection to deleting Condition 24.*

*No objection to the proposed change to condition hours from a traffic perspective given the minimal traffic impact on residential streets."*

No objections were raised by Council's Traffic Engineer with regard to the proposed modification, subject to the modified conditions of consent (including the deletion of Condition 24).

### **Section 4.55 of the EP&A Act 1979**

Section 4.55(2) of the *Environmental Planning and Assessment 1979* states the following:

*"4.55 Modifications of consents – generally*

#### ***(2) Other modifications***

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and*

*(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

*(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

*(c) it has notified the application in accordance with:*

*(i) the regulations, if the regulations so require, or*

*(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

*(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Subsections (1) and (1A) do not apply to such a modification."*

With regard to subclause 'a', Council is satisfied that the proposed modification (as amended to delete the new shed component) will result in development that is substantially the same development for which consent was originally granted. The nature of the proposed modification (as amended) comprises of:

- Deletion/modification of conditions consent;
- Correction of reference plans;
- Changes to construction hours;
- Changes to parking layout and spaces; and
- Demolition of an existing open structure.



In light of the minor nature of the above modifications, the proposal is generally considered to be materially and substantially the same development as approved; sharing near identical physical attributes and generating similar environmental and social impacts.

A concurrence was not required from any Minister, public authority or approval authority and this is reflected in the original consent. Accordingly, subclause 'b' is not relevant to the proposed modification.

With regard to subclauses 'c' and 'd', the application was notified in accordance with Strathfield Council's CPP for a minimum period of fourteen (14) days, from 20 August to 3 September 2020. No submissions were received during this time.

Section 4.55(3) of the *Environmental Planning and Assessment Act 1979* also applies to the subject application and states the following:

*(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

An assessment of the application as modified against the matters referred in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* is contained in this report.

The reasons given by the consent authority for granting consent were as follows:

*"The proposed development will have minimal environmental impacts on both natural and built environments, and social and economic impacts in the locality.*

*The proposed development is considered to be suitable to the site in that it preserves the industrial use of the site and the character of the immediate locality. The subject site does not yield any significant environmental constraints that would prevent development of an existing industrial use. Therefore, the subject site is suitable for the proposed development."*

The development as modified will have minimal environmental and social impacts, retain the industrial use of the site and character of the immediate locality. The proposed modification resolves some matters that required addressing. The proposed removal of the open BBQ area will have minimal effect on amenity and functions of the industrial building as the approved development features new outdoor dining and break-out spaces for workers that have safer and more practical access from and connectivity to the office block. Overall, the proposed modification demonstrates compatibility and suitability with the subject site, and accordingly the reasons for granting approval remain relevant.

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 2012**

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 and the proposal as modified is a permissible form of development with Council's consent.

### **Part 4 – Principal Development Standards**

Applicable SLEP 2012 Clause	Development Standards	Approved Development	Proposed Modification	Compliance/ Comment
<b>4.3</b> Height of Buildings	12m	<8m	Unchanged	Yes and unchanged.
<b>4.4</b> Floor Space Ratio	1:1 10,500m <sup>2</sup>	0.378:1 3,971m <sup>2</sup>	Unchanged	Yes and unchanged.

### **Part 5 – Miscellaneous Provisions**

#### **Heritage Conservation**

The subject site is not listed as a heritage item or located within a heritage conservation area. The site does not adjoin nor is it in close proximity to a heritage item and as such, the provisions of this clause are not applicable.

### **Part 6 – Additional Local Provisions**

#### **Acid Sulfate Soils**

The subject site is identified as having Class 4 and Class 5 Acid Sulfate Soils. As such Development Consent for the proposed works was required under the provisions of this Clause. The application as modified is subject to the provisions of the Acid Sulphate Soils Management Plan and the relevant recommendations of the report/plan which was incorporated into the original consent conditions.

#### **Earthworks**

The proposal modifications do not result in any additional or significant excavation works and will not have any further detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

#### **Flood Planning**

The subject site has been identified as being at or below the flood planning level. The flood affectations of the site in relation to the approved development has been assessed by Council's Stormwater Engineer and the proposed modification does not seek to alter the

finished floor levels of the approved development. Accordingly, the proposed modification is considered to satisfy the objectives of this clause.

### **Essential Services**

The subject site is considered to be adequately serviced for the purposes of the proposed development as modified.

### **State Environmental Planning Policy No 55 – Remediation of Land**

State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) applies to the land and pursuant to Section 4.15 is a relevant consideration.

A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

The objectives outlined within SEPP 55 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 intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

The proposed development as modified does not result in the removal or loss of any additional trees or vegetation that were approved to be removed. Therefore, the aims and objectives outlined within this SEPP are considered to be satisfied.

**(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,***

### **Strathfield Consolidation Development Control Plan 2005 (SCDCP 2005)**

The proposed development, as modified, is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005). The following comments are made with respect to the proposal satisfying the objectives and controls contained within the SCDCP 2005, where applicable to the proposed changes:

### **Part D – Industrial Development (SCDCP 2005)**

An assessment of the proposed development under Part D of SCDCP 2005 is included below:

## 1.2: Objectives of Part D

1.2	Objectives	Satisfactory
A.	To improve the quality of industrial development within the Strathfield Municipality	Yes
B.	To ensure the orderly development of industrial sites to minimise their environmental impact while maximising their functional potential	Yes
C.	To ensure development is consistent with the principles of Ecologically Sustainable Development	Yes
D.	To encourage high quality building design and industrial streetscape aesthetics	Yes
E.	To ensure that new industrial development is of a type, scale, height, bulk and character that is compatible with the streetscape characteristics of the surrounding area	Yes
F.	To promote high quality landscape areas which complement the overall development of the site and which assist in enhancing streetscape quality	Yes
G.	To ensure that development will not unreasonably impact upon the amenity of any residential area in the vicinity;	Yes
H.	To ensure that traffic generated by industrial development does not adversely impact upon local or regional traffic movements	Yes
I.	To ensure that each development has adequate on-site parking and manoeuvring areas for vehicles	Yes
J.	To encourage employee amenity within industrial developments.	Yes

**Comments:** The proposed modification meets the above objectives and retains the original intention of the approved development, which is to improve amenity and functionality of the existing industrial facility. Aside from the removal of the existing open BBQ area, the proposed modification does not involve any alterations to the physical appearance of approved development and therefore, ensures similar compatibility with the streetscape character of the surrounding area.

## 2.1: Site Analysis and Design Principles

2.1	Objectives	Satisfactory
A.	To ensure layout and building design makes best use of the existing characteristics, opportunities and constraints of the site and surrounds to result in a high quality development sensitive to the environment	Yes
B.	To ensure all activities associated with the development do not adversely impact on the environment.	Yes
2.1	Guidelines	Complies
.1.	Development application includes a site drawing demonstrating the following items:	
	Site	



(a)	Survey details, including changes of levels	<b>Yes</b>
(b)	Easements (drainage or service)	<b>Yes</b>
(c)	Existing vegetation and other significant site features	<b>Yes</b>
(d)	Existing buildings or structures	<b>Yes</b>
(e)	Site orientation and solar access	<b>Yes</b>
(f)	Significant noise sources	<b>Yes</b>
(g)	Views	<b>Yes</b>
(h)	Pedestrian and vehicle access	<b>Yes</b>
(i)	Natural drainage	<b>Yes</b>
Surroundings		
(a)	Location, height and use of neighbouring buildings (including location of doors or windows facing the site)	<b>Yes</b>
(b)	Predominant built form and character of locality (including fencing and garden styles)	<b>Yes</b>
(c)	Private open space areas adjacent to site	<b>Yes</b>
(d)	Adjacent public open space	<b>Yes</b>
(e)	Location of major trees on adjacent properties	<b>Yes</b>
(f)	Elements of street frontage (street trees, vehicular cross-overs, bus stops etc)	<b>Yes</b>
(g)	Differences on levels between site and neighbouring properties	<b>Yes</b>
(h)	Significant noise sources, such as railway or roads.	<b>Yes</b>

<b>2.1</b>	<b><i>Design Principles</i></b>	<b><i>Complies</i></b>
	The development is compatible with the predominant height, bulk, scale and character of existing development in the vicinity	<b>Yes</b>

**Comments:** As mentioned above, the proposed modification is near identical to the approved development and demonstrates compatibility with regard to the height, bulk, scale and character of existing development within the vicinity.

## **2.2: Contamination**

<b>2.2</b>	<b><i>Objectives</i></b>	<b><i>Satisfactory</i></b>
<b>A.</b>	<i>To ensure that a site is safe for development or redevelopment.</i>	<b>Yes</b>
<b>2.2</b>	<b><i>Guidelines</i></b>	<b><i>Complies</i></b>

Under State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land, Council cannot consent to the carrying out of any development on land unless:		<b>Yes</b>
1	It has considered whether the land is contaminated	<b>Yes</b>
2	If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation)	<b>Yes</b>
3	If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose	<b>Yes</b>

**Comments:** The subject land is not a registered contaminated land site. The proposed modification does not involve any changes to the current operations or use of the existing facility. Therefore, the subject land is appropriate for the proposal.

## 2.5: Density, Bulk and Scale

<b>2.5</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	<i>To ensure the density, bulk, scale and design of industrial development enhances the streetscape and visual quality of the Strathfield Municipality.</i>	<b>Yes</b>
<b>2.5</b>	<b>Guidelines and Requirements</b>	<b>Complies</b>
<b>.1.</b>	<i>Height</i>	
	1 Wall height of more than 10m above natural ground level.	<b>Yes</b>
<b>.2.</b>	<i>Floor Space ratio</i>	
	1 The maximum floor space ratio is 1:1.	<b>Yes</b>
<b>.3.</b>	<i>Office and Showroom Requirements</i>	
	1 All office and showroom activities shall be ancillary to the main industrial activity approved for the site.	<b>Yes</b>

**Comments:** The proposed modification does not involve any changes to the height and floor space ratio of the approved development. As demonstrated above, the proposal complies with the above controls as well as the maximum height and floor space ratio provisions of the SLEP 2012.

## 2.6: Setbacks

<b>2.6</b>	<b>Objectives</b>	<b>Satisfactory</b>
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<b>A.</b>	<i>To ensure setbacks for industrial buildings provide adequate space for landscaping to soften the built form and enhance the amenity of the streetscape</i>	<b>Yes</b>
<b>B.</b>	<i>To ensure setbacks from watercourses and bushland are adequate to provide protection to those areas and an opportunity for the restoration/establishment of native vegetation</i>	<b>Yes</b>
<b>C.</b>	<i>To reduce the visual and/or acoustic impacts of industrial development on surrounding non-industrial land uses</i>	<b>Yes</b>
<b>D.</b>	<i>To ensure frontage setbacks are consistent with surrounding industrial development</i>	<b>Yes</b>

<b>2.6</b>	<b>Guidelines and Requirements</b>	<b>Complies</b>
	1 A minimum setback of 10m from the front boundary applies.	<b>Yes – 16.2m</b>
	2 On corner lots, a setback of 5m applies to the secondary frontage.	<b>Yes – 11.8m</b>
	3 A minimum 10m setback will be required from watercourses and bushland.	<b>N/A</b>
	4 If nearby existing industrial buildings have setbacks less than the above, a variation on setback requirements may be considered.	<b>N/A</b>
	5 Side and rear boundary setbacks for proposals adjoining non-industrial uses shall be subject to an individual merit based assessment.	<b>N/A</b>
	6 Side and rear boundaries adjoining industrial development may not require a setback; this will depend on the individual situation.	<b>N/A</b>
	7 Setbacks shall not contain any buildings or storage areas but may contain car parking and manoeuvring areas (and landscaping).	<b>Yes</b>
	8 Refer to Section 2.10.6 - 2.10.9 for landscaping requirements within setbacks.	<b>Yes</b>

**Comments:** The proposed modification features identical compliance with the above requirements as the approved development as the setbacks and landscaping treatments remain unchanged.

## **2.7: Building Requirements and Materials**

<b>2.7</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	<i>To ensure that industrial development is of a high standard of design and appearance so as to contribute to the enhancement of the Strathfield Municipality;</i>	<b>Yes</b>
<b>B.</b>	<i>To encourage innovative industrial development within the Strathfield Municipality</i>	<b>Yes</b>

<b>C.</b>	<i>To encourage design and building materials that complement and enhance the surrounding environment.</i>	<b>Yes</b>
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<b>2.7</b>	<b>Guidelines and Requirements</b>	<b>Complies</b>
1	Front walls and walls visible from any public place are faced with brick, stone, concrete, glass (non-reflective) or like materials, but not cement render.	<b>Yes</b>
2	Walls/surfaces that are easily accessible to public places are to be treated to discourage graffiti.	<b>Yes</b>
3	No service plumbing or pipes, other than downpipes for the conveyance of roof water, shall be external to the building where visible from any public place.	<b>Yes</b>
4	Long blank walls on street frontages are to be avoided.	<b>Yes</b>
5	On corner sites, the proposed building shall aim to address both frontages.	<b>Yes</b>
6	Building materials and colours used on facades facing the street shall be compatible with those of adjoining industrial buildings.	<b>Yes</b>
7	Non-industrial aspects of the development shall face the street.	<b>Yes</b>
Buildings must be designed to:		
(i)	Architecturally express the structure of the building	<b>Yes</b>
(ii)	Visually reinforce entrances, office components and stairwells of units to create rhythm on long facades and a reduction of perceived scale.	<b>Yes</b>
(iii)	Introduce variation in unit design within building groups	<b>Yes</b>
8	(iv) Introduce solid surfaces, incorporate horizontal and vertical modulation including windows in appropriate proportions and configurations.	<b>Yes</b>
(v)	Achieve a balance between masonry and vertical walling which contain large areas of glass. Solid surfaces of rendered and painted masonry dominate the overall building facade. Where glazing is used, it is modulated with vertical or horizontal members between the lights of a window to provide visually recognisable patterns, rhythm and texture to the overall design. Such glazing is non-reflective.	<b>Yes</b>
9	Development application plans indicate building materials and colours proposed.	<b>Yes</b>



**Comments:** The proposed modification does not alter the proposed materials, colours and finishes of the approved development and in large part, the approved development will appear identical as the approved development.

It is noted that the air conditioning units have been added on a small central portion of new office block. Metal screening and some plantings have been incorporated into the design to obscure views of this area. This is considered an appropriate design amendment.

The removal of the open BBQ area in the north-western corner is considered an improved outcome as it reduces the number of structures visible to the street corner and provides additional parking for the premises.

## 2.8: Energy Efficiency and Water Conservation

2.8 Objectives		Satisfactory
A.	To orientate buildings so they maximise the use of solar energy to keep buildings cool in summer and warm in winter	Yes
B.	To encourage the use of building materials that assist in achieving energy efficient buildings	Yes
C.	To conserve water and reduce stormwater by the use of rainwater tanks and AAA rated water saving appliances and fittings	Yes
D.	To encourage the use of energy efficient appliances and fittings and where possible the use of renewable energy sources to reduce greenhouse gas emissions	Yes
E.	To encourage the use of recycled building materials where appropriate.	Yes
2.8 Guidelines and Requirements		Complies
1	New buildings are orientated so that they make best use of solar energy to lower heating and cooling costs.	N/A
2	Glazing on north facing facades to maximise solar access in winter and glazing to the west minimised to reduce summer solar access.	Yes
3	Building materials and insulation used to assist in thermal performance and maintain internal comfort levels of the building.	Yes
4	A rainwater tank included in industrial development to be used for landscape watering and other supplies of non-domestic water. The size of the tank(s) required will be based on 10 litres/m <sup>2</sup> of roof area proposed. Automatic landscape irrigation systems shall be connected to and utilise the rainwater tank. A tank or tanks with a total volume of up to 10,000 litres can be installed without consent (Refer to Appendix 3).	Yes
5	Developments are fitted with appliances and plumbing hardware which have a "AAA" Australian Standards Water Conservation Rating and meet the manual of Assessment	Yes

	Procedure for Water Efficient Appliances SAA MP64-1995 which aim to reduce water consumption.	
6	Hot water heaters are greenhouse gas friendly systems that achieve a minimum 3.5 SEDA Hot Water Greenhouse Score.	Yes
7	The use of top star rated energy smart appliances and lighting.	Yes
8	All external lighting and common areas are lit utilising renewable energy resources generated on site. Larger developments (buildings exceeding 4,000m <sup>2</sup> in area) must investigate the viability of utilising renewable energy resources for all lighting on site and a statement included with the development application addressing this requirement for the consideration of Council.	Yes

**Comments:** The proposed modification achieves the above requirements.

## 2.9: Parking, Access and Manoeuvring

2.9.1	Objectives	Satisfactory
A.	To ensure sufficient car parking spaces are provided on-site for employees and visitors;	Yes
B.	To ensure the effective design of car parking areas;	Yes
C.	To encourage the provision of parking areas that will integrate with proposed the building(s) and be suitably landscaped to reduce large expanses of hard paving	Yes
D.	To ensure car parking areas are accessible for persons with a disability and safe for all pedestrians to use	Yes

2.9	Guidelines and Requirements	Complies
	<i>Parking</i>	
1	The design of off-street parking areas meet the requirements of Australian Standard (AS) 2890.1-1993 – Off-street car parking, AS2890.2-1989 – Commercial vehicles and Strathfield Part I - Provision of Off-Street Parking Facilities.	Yes
.1.	Provision of spaces:	
2	Industry: 1 space per 50m <sup>2</sup> GFA where any office component is under 20%. If the office component is greater than 20% that additional area will be assessed at a rate of 1 space per 40m <sup>2</sup> GFA.  (i) <b>Required: 72 car parking spaces</b>	Yes  <b>Approved: 96 spaces</b>  <b>Proposed: 82 spaces</b>

	(ii)	Warehouses: 1 space per 300m <sup>2</sup> GFA	<b>Yes</b>
	(iii)	Delivery and service vehicles associated with a development: 1 space per 800m <sup>2</sup> GFA up to 8,000m <sup>2</sup> GFA plus 1 space per 1,000m <sup>2</sup> GFA thereafter.	<b>Yes</b>
3		Car parking areas located in the front setback for easy access.	<b>Yes</b>
4		Loading/unloading and parking areas are separated so as not to cause conflict.	<b>Yes</b>
5		Car parking areas are suitably landscaped which should include trees for shading. (Refer to Section 2.10.13 and 2.10.14 for landscaping requirements)	<b>Yes</b>
6		No parking shall be located within any proposed buildings (not including underground car parking).	<b>Yes</b>
7		Pedestrian thoroughfares provided to separate vehicular from pedestrian traffic in large parking areas.	<b>Yes</b>

<b>2.9.2</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	To ensure that provision is made for safe vehicular ingress and egress having regard to the nature of vehicles likely to patronise the site;	<b>Yes</b>
<b>B.</b>	To ensure satisfactory on-site manoeuvring for vehicles, including the loading/unloading of goods;	<b>Yes</b>
<b>C.</b>	To minimise potential for congestion or hazard on adjoining roads at points of ingress/egress;	<b>Yes</b>
<b>D.</b>	To ensure that traffic generated by industrial development does not adversely affect local or regional traffic movements	<b>Yes</b>
<b>E.</b>	To ensure that any traffic generated by the development will not impact unreasonably upon the amenity of any residential areas in the vicinity	<b>Yes</b>

<b>2.9</b>	<b>Guidelines and Requirements</b>	<b>Complies</b>
	Access and Driveways	
<b>.3.</b>	Access to the proposed development is via a non-residential street, unless the proposed development:	<b>Yes</b>
1	(i) Has no other alternative access	<b>Yes</b>
	(ii) Demonstrates that consideration has been given to the effect of traffic generated from the site	<b>Yes</b>

	(iii)	Identifies an appropriate traffic management scheme	<b>Yes</b>
	2	The location of driveways is in accordance with AS2890.1-1993 – Off-street car parking, Section 3 – Access driveways to off-street parking areas and queuing areas.	<b>Yes – as per existing</b>
	3	Separate driveways for ingress and egress provided if expected traffic volumes indicate a possible conflict for vehicles using the site.	<b>Yes</b>
	4	Redundant driveways shall be closed off and/or removed and justification provided if more than one access point and one egress point is proposed for a development.	<b>Yes</b>
	5	Driveway areas visible to the street shall have a featured surface.	<b>Yes</b>
<b>.4.</b>	<i>Site Design</i>		
	1	All vehicles are to enter and leave the site in a forward direction	<b>Yes</b>
	2	Driveways and manoeuvring areas are designed so that all vehicles entering and leaving the site can do so with minimum interference to traffic on adjoining roads.	<b>Yes</b>
	3	Where specific service vehicles are proposed to visit the site, the design/layout of a site provides access for loading and unloading of such vehicles.	<b>Yes</b>
	4	All servicing, including waste collection, is carried out wholly within the site with suitable collection points at convenient locations.	<b>Yes</b>
	5	Entrance and exit points and car parking areas are designed in order to ensure safety for pedestrians within and outside the site.	<b>Yes</b>
	6	Vehicular manoeuvring not permitted within any buildings.	<b>Yes</b>
<b>.5.</b>	<i>Unloading and Loading</i>		
	1	All loading and unloading shall take place within the curtilage of the site.	<b>Yes</b>
	2	If loading areas are undercover, no stormwater pits shall be located in the area and all surface drainage shall be diverted away from the area.	<b>Yes</b>
	3	The design considerations for service vehicles set out in Appendix C of Part I - Provision for Off-street Parking Facilities, applies to all loading and unloading facilities.	<b>Yes</b>



	4	All loading and unloading facilities screened from the street (refer to section 2.10 for landscaping requirements).	<b>Yes</b>
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**Comments:** The proposed modification will result in a reduction to the number of car parking spaces from 96 (approved) to 82 (proposed). Council's Traffic Engineer confirmed that the proposal demonstrates compliance with the above requirements and that no objection is raised with regard to the design of vehicular access and the alterations to the parking areas.

## 2.10: Landscaping and Fencing

2.10	Objectives	Satisfactory
<b>A.</b>	To provide landscaping within developments that enhances the surrounding neighbourhood and streetscape aesthetics and character of the Council area;	<b>Yes</b>
<b>B.</b>	To provide landscaping within developments that softens and screens the visual impact of industrial structures, infrastructure, storage areas and large expanses of hard paved surfaces;	<b>Yes</b>
<b>C.</b>	To provide robust and low maintenance landscaping within developments that contributes to biodiversity, sustainability, water efficiency and reduction of airborne pollutants;	<b>Yes</b>
<b>D.</b>	To promote landscape and outdoor amenity within developments particularly for employees in terms of views, aesthetics, microclimate and recreational outdoor areas	<b>Yes</b>
<b>E.</b>	To protect and maintain existing trees including street trees and trees on private land and reserves within the Council area	<b>Yes</b>

2.10	Guidelines and Requirements	Complies
	<i>Landscaping</i>	
	1 All landscaping shall be in accordance with the Strathfield Landscaping Code.	<b>Yes</b>
<b>.1.</b>	A landscape plan prepared by a Landscape Architect has been submitted with all industrial development applications addressing the provisions included in this section and including details of the location of:	<b>Yes</b>
	(i) Any existing vegetation to be retained or removed	<b>Yes</b>
	(ii) Deep soil landscape and planter areas	<b>Yes</b>
	(iii) Parking and associated access driveways	<b>Yes</b>
	(iv) Paved and grassed areas	<b>Yes</b>
	(v) Boundary fencing to adjoining properties	<b>Yes</b>
	(vi) Loading/unloading areas	<b>Yes</b>

	(vii)	Any outside storage areas	<b>Yes</b>
	(viii)	Any open space and any outdoor furniture	<b>Yes</b>
	(ix)	Planting scheme including trees, shrubs, grasses and groundcovers	<b>Yes</b>
	Existing vegetation		
3	All existing street trees are retained. A minimum 2m setback provided from the base of the trunk of any street tree to any driveway including allowance for layback.		<b>Yes</b>
4	All existing trees on site over 4m in height (or with a trunk girth greater than 500mm) are retained.		<b>Yes</b>
5	Adequate excavation and structural free setback zones are provided to all trees to be retained. Tree setbacks determined depending on tree species, age, size, condition, health, location etc.		<b>Yes</b>
	Setbacks		
	A continuous deep soil landscape area of a minimum of 2m in width is required across all street frontages or a minimum area equivalent to the length of all frontages multiplied by 2m.		<b>Yes</b>
	(i)	The planting design for this area creates a continuous tree canopy and coverage of shrubs and/or groundcovers.	<b>Yes</b>
6	(ii)	Where a development has two or more street frontages and the development does not address one of these frontages, the planting design to this frontage creates a continuous dense screen planting using evergreen screening shrubs and trees.	<b>Yes</b>
	(iii)	For sites greater than 4,000m <sup>2</sup> , the minimum width required is 3m and for sites greater than 10,000m <sup>2</sup> , the minimum width is to be 4m.	<b>No – as per existing</b>
7	Continuous deep soil landscape areas of a minimum of 1.2m in width are provided adjacent to all common boundaries forward of the building line. A continuous coverage of evergreen shrubs interspersed with tree planting is provided within this landscape area.		<b>Yes</b>
8	Continuous deep soil landscape buffer zones of a minimum of 2m in width are provided adjacent to any common boundaries shared with public reserves, drainage corridors, transport corridors, residential developments and any other non industrial land uses.		<b>N/A</b>

	(i)	A width greater than 2m may be required for sites over 4,000m <sup>2</sup> or sites with tall structures and/or prominent infrastructure.	<b>Yes</b>
	(ii)	Continuous evergreen screen/buffer planting consisting of shrub and tree planting is provided within these landscape areas to screen tall and bulky structures, create visual privacy and provide an environmental buffer to the common boundaries.	<b>Yes</b>
9		Where a watercourse occurs through or adjacent to the site, a riparian vegetated zone with indigenous local provenance species is provided.	<b>N/A</b>
		Proposed plantings	
10		All plants specified are native Australian plants with a minimum 20% of the quantity producing edible fruit.  Note: For certain sites such as adjacent to remnant bushland and creeks, Council may require that all plants specified are to be indigenous plants of local provenance.	<b>Yes</b>
11		Tree selection is in scale with the proposed development, including built structures and infrastructure.	<b>Yes</b>
12		All trees are required as minimum 50 litre container size for general tree planting or 100 litre container size for street trees.	<b>Yes</b>
		Car parks	
13		One medium size shade tree for every eight car spaces.	<b>Yes – minimum 12 trees</b>
14		Screen planting with evergreen shrubs and trees is provided to screen car parks, vehicular manoeuvring areas, garbage areas, storage areas etc from the street frontage.	<b>Yes</b>
		Design/ Maintenance	
15		All landscape areas shall have permanent edging to assist with maintenance. Concrete kerbs of a minimum 150mm high are used as edging to landscape areas adjoining vehicular areas and car parks. For sites greater than 10,000m <sup>2</sup> , discontinuous 150mm high concrete edging or wheel stops are provided so that rainwater may drain into landscaped areas rather than being directed to the stormwater system.	<b>Yes</b>
16		All landscape areas are mulched with 75mm depth of organic mulch	<b>Yes</b>

17	Fully automated irrigation systems are specified to all landscape areas and connected to the required rainwater tank(s) – see section 2.8.4	<b>Yes</b>
18	Landscaped areas are maintained at all times with any dead vegetation being replaced with a mature specimen of the same species or similar species if the original cannot be purchased.	<b>Yes</b>
	Other	
19	On site stormwater detention systems if required are designed and located so as to maximize the opportunity for deep soil area tree planting to property frontages and screen planting to common boundaries.	<b>Yes</b>
20	The provision of communal outdoor seating and lunch areas. Landscaping used to create attractive areas with adequate summer shade through the use of tree planting and/or pergolas.	<b>Yes</b>

**Comments:** The proposed modification does not involve changes to the approved landscaping treatments and therefore, demonstrates compliance with the above controls.

## 2.11: Signage

<b>2.11</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	<i>To ensure adequate identification of all industrial premises whilst preventing the proliferation of advertising signs or structures</i>	<b>Yes</b>
<b>B.</b>	<i>To encourage signage which complements the character of an area</i>	<b>Yes</b>
<b>2.11</b>	<b>Guidelines and Requirements</b>	<b>Complies</b>
1	To ensure that any signage proposed does not dominate the building(s) or the streetscape, signage is of an appropriate scale and location.	<b>Yes</b>
2	Bright or fluorescent colours is not be accepted other than those associated with logos.	<b>Yes</b>
	Examples of signage types permissible with Council consent in industrial areas include:	
	A-Frame	<b>N/A</b>
4	Business Identification (that is not an as of right sign)	<b>Yes</b>
	Fascia	<b>N/A</b>
	Floodlit	<b>N/A</b>

	Flushwall	N/A
	Painted Wall	N/A
	Projecting Wall	N/A
	Top hamper	N/A
	Any sign on or near a heritage item or conservation area	N/A

**Comments:** The proposed modification does not involve any changes to the approved sign, which complies with the above objectives and controls.

## 2.12: Site Drainage and Water Management

<b>2.12</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	<i>To ensure that potable water use and stormwater quantities are reduced whilst stormwater quality is improved.</i>	<b>Yes</b>

<b>2.12</b>	<b>Guidelines and Requirements</b>	<b>Complies</b>
1	A stormwater drainage concept plan (SDCP) has been submitted demonstrating the feasibility of the proposed drainage system(s) within the site and connection to Council's system. This plan shows the surface flow path treatment, extent of roof and paved areas, any easements required, on site detention (OSD) storages as well as existing and proposed piped systems.	<b>Yes</b>
2	Development proposals that exceed 2,500m <sup>2</sup> of impermeable surface required to submit a comprehensive water cycle strategy.	<b>Yes</b>
3	Excess roof stormwater runoff (after being directed to the rainwater tank(s)) and stormwater runoff from all paved surfaces has been connected to the proposed (OSD) system and then discharged by means of a gravity pipe system to Council's drainage system.	<b>Yes</b>
4	Where gravity disposal of stormwater is not available to Council's street drainage system, an easement in favour of the development site/lot shall be obtained over any downstream properties traversed by the gravity drainage line connecting to Council's drainage system.	<b>Yes</b>
5	A Positive Covenant under Section 88E of the Conveyancing Act 1919 shall be created on the title of the property detailing the: surface flow path, finished pavement and ground levels, prevention of erection of structures or	<b>N/A</b>

	fencing and the OSD system incorporated in the development.	
6	All costs associated with providing any additional capacity of stormwater and drainage services are in accordance with Council's requirements.	<b>Yes</b>
7	In accordance with Council's Stormwater Management Code, temporary measures shall be provided and regularly maintained during construction to prevent sediment and polluted waters discharging from the site.	<b>Yes</b>

**Comments:** The proposed modification complies with the above objectives and controls.

### 2.13: Utilities

<b>2.13</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	<i>To ensure a development is satisfactorily serviced by all utilities.</i>	<b>Yes</b>

<b>2.13</b>	<b>Guidelines and Requirements</b>	<b>Complies</b>
	<i>Water and Sewerage</i>	
	1 Applicants satisfy the requirements of Sydney Water.	<b>Yes</b>
<b>.1.</b>	2 Prior to the release of a construction certificate, a Compliance Certificate under section 73 of the Sydney Water Act 1994 has been obtained from Sydney Water.	<b>Yes</b>
	3 In accordance with the requirements of the Sydney Water Corporation, all buildings and structures are at least 1m from any easement or public sewer main.	<b>Yes</b>
	<i>Electricity and Telecommunications Supply</i>	
	To improve the visual amenity of developing areas, the following is required:	<b>Yes</b>
	1 All electricity and telecommunications supply to the development and throughout the site has been placed underground	<b>Yes</b>
<b>.2.</b>	1 Arrangements made with the relevant electricity supply authority and telecommunications carriers to place all overhead wires which hang in front of the development site between electricity power poles to be placed underground including any supplies required from the opposite side of the public road at the developer's expense.	<b>Yes</b>
	2 Energy Australia may require an area within the site suitable for location and maintenance of a substation kiosk. The	<b>Yes</b>



	location shall meet the requirements of both Energy Australia and the Council and be finalised prior to the issue of the construction Part D Page 198 certificate.	
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**Comments:** The proposed modification complies with the above objectives and controls.

## 2.14: Air, Noise and Water Pollution

<b>2.14</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	<i>To ensure industrial developments do not create a pollution problem by the discharge of an unacceptable level of air, noise and/or water emissions.</i>	<b>Yes</b>

<b>2.14</b>	<b>Guidelines and Requirements</b>	<b>Complies</b>
<b>.1.</b>	<i>General</i>	
	1 The emission of any air impurities including offensive odours, the discharge of any waste into any waters or the emission of noise associated with any development shall not contravene the Protection of the Environment Operations Act 1997.	<b>Yes</b>
<b>.2.</b>	<i>Noise</i>	
	2 The proximity of the proposal to residential areas will influence the type of land use or machinery that will be permissible.	<b>Yes</b>
	3 The proposed building(s) are designed to inhibit the transmission of noise.  Note: Council may require an acoustic report from a suitably qualified acoustic consultant where a proposed development may create excessive noise.	<b>Yes</b>
	4 The use of the premises including plant and equipment will be subject to strict compliance with the NSW Environmental Protection Authority's Environmental Noise Control Manual and the Industrial Noise Policy 2000.	<b>Yes</b>
<b>.3.</b>	<i>Water</i>	
	5 Details of the types, volumes and method of storage of any chemicals to be used on site shall be submitted with any development application.	<b>Yes</b>
	6 Only clean water shall be discharged to the stormwater system.	<b>Yes</b>
	7 Any discharge to Sydney Water's sewer will need their approval and may involve a Trade Waste Agreement.	<b>Yes</b>

8	Internal floors of industrial buildings may need to be graded and drained to the sewer in accordance with Sydney Water's requirements if a significant volume of wastewater is generated by processes or cleaning.	<b>Yes</b>
9	Any wastewater that is generated in this manner is considered as trade waste and may need pre treatment prior to its discharge to the sewer.	<b>Yes</b>

**Comments:** The proposed modification complies with the above objectives and controls. Given the type of industrial development and the nature of works proposed, it is unlikely that any nearby/surrounding residential receivers will be exposed to noise associated with heavy machinery.

## 2.16: Waste Management

2.16	Guidelines and Requirements	Complies
1	Refer to Part H – Waste Management.	<b>Yes</b>

**Comments:** A Waste Management Plan (WMP) was submitted as part of the assessment of the approved development and has been included as part of the consent. This WMP remains applicable to the proposed modification.

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

The provisions of this clause are not relevant to the modification and have been addressed/considered as part of the original development consent.

**(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 development, as modified, is of a scale and character that is in keeping with other developments being constructed in the locality. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

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

It is considered that the proposed development, as modified, is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.

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

In accordance with the provisions of Strathfield Council's CPP, 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 during this period.

**(e) the public interest.**

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

**Local Infrastructure Contributions**

Section 7.13 of the *Environmental Planning and Assessment 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).

The subject modification application does not trigger any changes to the original condition of consent requiring payment of a Section 7.11/Section 7.12 contribution in accordance with Council's Section 94 Contributions Plan.

  
**Signed:**  
**M Rivera**  
**Planner**

**Date: 20 October 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 modified development application and I also certify that Section 7.11/7.12 Contributions are not applicable to this development;

Report and recommendations have been peer reviewed and concurred with.

**Signed:**  
**J Gillies**  
**Senior Planner**

**Date: 20 October 2020**

**Conclusion**

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

Following detailed assessment it is considered that Development Application No. 188/2019/2 should be **approved**.

1. The original conditions of consent of Development Application No. DA2019/188 as approved under Council Delegation on 5 May 2020 for alterations and additions to existing factory building and accommodation of two (2) additional parking spaces and associated business signage.

2. As modified by the Section 4.55(2) application (DA2019/188/02) as follows:
- Modify Condition 1 – Approved Plans and Documentation
  - Add Condition 1A – New Shed
  - Modify Condition 2 – Construction Hours
  - Delete Condition 24 – Car Parking – Vehicular Crossing Width at Property Boundary
  - Modify Condition 29 – Fire Safety Upgrade
  - Delete Condition 36 – Stormwater – Rainwater Re-use
  - Delete Condition 42 – Water Sustainability – Generally

Accordingly, Development Consent No. DA2019/188 is approved as per the following:

### **GENERAL CONDITIONS (GC)**

#### **1. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)**

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/188:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
20170108-A01	Overall Site Plan Showing New Work	MAJCON Consulting Pty Ltd	31 Jul 2020 Rev C	31 Jul 2020
20170108-A02	Existing Laundry Floor Plan Showing Fixed Plant & Fire Escapes	MAJCON Consulting Pty Ltd	31 Jul 2020 Rev C	31 Jul 2020
20170108-A03	Existing Carparking Plan	MAJCON Consulting Pty Ltd	31 Jul 2020 Rev B	31 Jul 2020
20170108-A04	Proposed Carparking Plan	MAJCON Consulting Pty Ltd	31 Jul 2020 Rev C	31 Jul 2020
20170108-A10	Proposed Office Area Demolition and Factory Wall Modifications Existing Plan and Front Elevations	MAJCON Consulting Pty Ltd	31 Jul 2020 Rev C	31 Jul 2020
20170108-A11	Proposed New Offices and Factory Modifications	MAJCON Consulting Pty Ltd	31 Jul 2020 Rev C	31 Jul 2020

	<b>Wall Sections and Details</b>			
<b>20170108-A12</b>	<b>Proposed New Offices and Factory Modifications Wall Sections and Details</b>	<b>MAJCON Consulting Pty Ltd</b>	<b>31 Jul 2020 Rev C</b>	<b>31 Jul 2020</b>
<b>20170108-A13</b>	<b>Proposed Office and Amenities Area Ground Floor Plan</b>	<b>MAJCON Consulting Pty Ltd</b>	<b>31 Jul 2020 Rev C</b>	<b>31 Jul 2020</b>
<b>20170108-A14</b>	<b>Proposed Office and Amenities Area Elevations and Sections</b>	<b>MAJCON Consulting Pty Ltd</b>	<b>31 Jul 2020 Rev C</b>	<b>31 Jul 2020</b>
<b>20170108-A15</b>	<b>Proposed Office and Amenities Area Floor Finishes, Door and Window Schedule</b>	<b>MAJCON Consulting Pty Ltd</b>	<b>31 Jul 2020 Rev C</b>	<b>31 Jul 2020</b>
<b>20170108-A16</b>	<b>Proposed Office and Amenities Area Electrical and Lighting Schedule</b>	<b>MAJCON Consulting Pty Ltd</b>	<b>31 Jul 2020 Rev C</b>	<b>31 Jul 2020</b>
<b>20170108-A17</b>	<b>Proposed Office and Amenities Area Roof Plan</b>	<b>MAJCON Consulting Pty Ltd</b>	<b>31 Jul 2020 Rev C</b>	<b>31 Jul 2020</b>
<b>20170108-A18</b>	<b>Proposed Office and Amenities Area General Set Out and Wall Details</b>	<b>MAJCON Consulting Pty Ltd</b>	<b>31 Jul 2020 Rev C</b>	<b>31 Jul 2020</b>
<b>20170108-S02 Rev A</b>	<b>Floor Plan, Elevations &amp; Sections</b>	<b>MAJCON Consulting Pty Ltd</b>	<b>23 Jan 2020 Rev A</b>	<b>24 Jan 2020</b>
<b>20170108-S03 Rev A</b>	<b>Proposed Office Area Demolition &amp; Factory Wall Modifications,</b>	<b>MAJCON Consulting Pty Ltd</b>	<b>23 Jan 2020 Rev A</b>	<b>24 Jan 2020</b>

	Wall Sections & Details			
A03 Rev A	North Elevation West Elevation	MAJCON Consulting Pty Ltd	23 Jan 2020 Rev A	24 Jan 2020
<b>20170108-SW00</b>	<b>Civil and Stormwater Works General Notes</b>	<b>MAJCON Consulting Pty Ltd</b>	<b>31 Jul 2020 Rev C</b>	<b>31 Jul 2020</b>
<b>20170108-SW01</b>	<b>Proposed Design and Details Stormwater Management Plan</b>	<b>MAJCON Consulting Pty Ltd</b>	<b>3 Aug 2020 Rev E</b>	<b>3 Aug 2020</b>
<b>20170108-SE01</b>	<b>Proposed Sediment and Erosion Control Management Plan and Details</b>	<b>MAJCON Consulting Pty Ltd</b>	<b>31 Jul 2020 Rev C</b>	<b>31 Jul 2020</b>
20170108-SW01 Rev A	Proposed Design & Details Stormwater Management Plan	MAJCON Consulting Pty Ltd	23 Jan 2020 Rev A	24 Jan 2020
LS01	Landscape Site Plan	MAJCON Consulting Pty Ltd	<b>31 Jul 2020</b>	<del>8 Nov 2019</del> <b>31 Jul 2020</b>
LS02	Landscape Planter Details	MAJCON Consulting Pty Ltd	<b>31 Jul 2020</b>	<del>8 Nov 2019</del> <b>31 Jul 2020</b>
LS03	Landscape Specifications	MAJCON Consulting Pty Ltd	<b>31 Jul 2020</b>	<del>8 Nov 2019</del> <b>31 Jul 2020</b>
<b>LS04</b>	<b>Landscape Entry Planters</b>	<b>CALDESIGN</b>	<b>31 Jul 2020</b>	<b>31 Jul 2020</b>
20170108-CP03	Proposed Car Parking Plan, Vehicle Turning Sweep Paths	MAJCON Consulting Pty Ltd	-	8 Nov 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/188:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Acid Sulfate Soils Assessment and Management Plan	Douglas Partners	17 April 2020 Rev 1	17 April 2020
Colour Sample Board	MAJCON Consulting Pty Ltd	-	8 Nov 2019



Waste Management Plan	MAJCON Consulting Pty Ltd	-	8 Nov 2019
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In the event of any inconsistency, the conditions of this consent shall prevail.

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

**(Modified by DA2019/188/02)**

**1A. NEW SHED**

**The proposed new shed adjacent to the eastern rear boundary of the site is to be deleted completely and is not the subject of the modification (DA2019/188/02).**

**Any annotations/references to the construction of a new shed must to be deleted from all approved plans and reference documentation including any architectural plans, stormwater plans and landscape plans.**

**(Added by DA2019/188/02)**

**2. CONSTRUCTION HOURS (GC)**

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Fridays ~~and 8am to 4pm~~ **5.00pm** Saturdays.

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

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

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

**(Modified by DA2019/188/02)**

**3. CONSTRUCTION WITHIN BOUNDARIES (GC)**

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

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

**4. DEMOLITION – GENERALLY (GC)**

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

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

**5. DEMOLITION - SITE SAFETY FENCING (GC)**

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

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

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

(Reasons: Statutory requirement and health and safety.)

**6. LANDSCAPING - IRRIGATION OF COMMON AND PRIVATE LANDSCAPE AREAS (GC)**

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

(Reason: To ensure appropriate landscape maintenance.)

**7. ENVIRONMENTAL PROTECTION – TREE (GC)**

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

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

In this regard the street tree and all protected trees on or adjacent to the site will be protected as described below;

- i. A Tree Protection (Management) Plan prepared by a AQF Level 5 Arborist is to be available on site at all times prior to the issue of the Constriction Certificate, for all demolition and site works. This Tree Protection (Management ) Plan must be shown on the demand of Authorised Council staff.

- ii. Protective perimeter fencing must be consistent with AS 4687, using metal fence posts greater than 20mm diameter and solid or chain wire mesh 2 metres in height supported on concrete pads/feet at 2-2.5 metre spacing. Fencing placement should not be closer than 2.5 metres from the trunk of each protected tree, or at a distance as specified by the approved Tree Protection (Management) Plan and approved by Council's Tree Management Officer. Shade cloth is to be used to prevent entry of dust and contaminated liquids into the root protection area.
- iii. Signs must be placed on the Fencing. These signs must comply with AS1319. The signs must state the purpose of the fencing and the name and contact details of the builder and the appointed AQF Level 5 consultant arborist.
- iv. Root protection is to be provided in the form of mulching to a depth of 50-100mm, inside of the fenced tree protection zone.
- v. Ground (Root) Trunk and Branch Protection must comply with the diagram of Figure 4 of AS4970 – 2009. Ground protection within the tree protection zone and drip line should be in the form of heavy steel plates or timber rumble boards over mulch or aggregate. Trunk and branch protection should be to a minimum height of 2 metres and must include measures to protect the tree/s against damage from the movement of trucks, plant equipment and materials at greater heights above ground level.
- vi. Temporary signs, cables, wires must not be attached to, or suspended, on any street tree or protected tree.
- vii. Above ground utilities must not be placed within the canopy of an existing protected tree, or create the future need for clearance pruning.
- viii. Below ground utilities/services must not be located inside the fenced tree protection zone.
- ix. Scaffolding must not be located in the fenced tree protection zone unless authorised by the approved Tree Protection (Management) Plan and Council's Tree Management Officer
- x. Council must be notified in writing within 24 hours, for all temporary removal of the tree protection fencing ground (root) trunk and branch protection within the root protection area.
- xi. Pruning of a street tree is prohibited without the written consent of Council.

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

#### 8. **MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)**

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

(Reason: To ensure compliance with this consent.)

#### 9. **PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)**

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

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

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

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

(Reason: Statutory requirement.)

## 10. **SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)**

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

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

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

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

#### **11. WASTE – TRACKABLE (GC)**

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

(Reason: To ensure compliance with legislation.)

#### **12. CLASSIFICATION OF WASTE (GC)**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be tested and classified in accordance with the provisions of the protection of the environment operations act 1997 and the NSW EPA waste classification guidelines, part 1: classification of waste (November 2014). Testing is required prior to off-site disposal. In accordance with DECC waste classification guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

Note: attention is drawn to part 4 of the NSW DECC waste classification guidelines (2014) which makes particular reference to the management and disposal of acid & potential acid sulfate soils. The classification of the material is essential to determine where the waste may be legally taken. The protection of the environment operations act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or group a liquid waste advice should be sought from the EPA.

Evidence that the requirements specified above have been satisfied must be provided to the Council and/or Principal Certifying Authority prior to the issue of an

occupation certificate. Where an occupation certificate is not required this evidence must be provided to the satisfaction of Council.

(Reason: To ensure compliance with legislation.)

**13. HAZARDOUS GOODS AND WASTE (GC)**

Dangerous and hazardous goods shall be stored in accordance with NSW WorkCover requirements and AS1940-2004 - The Storage and Handling of Flammable and Combustible Liquids.

Hazardous waste must be contained, managed and disposed of in a responsible manner in accordance with the Protection of Environment and Operations Act 1997, NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.

Material Safety Data Sheets of all hazardous substances used, such as bleaches and nail products must be kept on site and readily available to all staff. Staff must be trained how to safely use and store these chemicals prior to the commencement of work.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

(Reason: Health and safety.)

**14. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)**

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by an Accredited Civil/Hydraulic Engineer and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure public infrastructure in Council's care and control is not overloaded.)

**15. SYDNEY WATER - TAP IN™ (GC)**

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

(Reason: Compliance with Sydney Water requirements.)



**16. UTILITIES AND SERVICES - PROTECTION OF (GC)**

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

- i) all footings and excavation must be located wholly within the site and clear of any easement boundaries;
- ii) all footings and excavation must be located a minimum of 1000mm from the centreline of the pipeline or 500mm from the outside of the pipeline, whichever is the greater distance from the centreline; and
- iii) footings must extend to at least the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock.

If permanent excavation is proposed beneath the obvert of the pipeline, suitable means to protect the excavation and proposed retaining structures from seepage or other water flow from the pipeline and surrounding subsoil, must be provided. The design must be prepared by a qualified practicing Structural/Civil Engineer.

Construction plans must be approved by the appropriate utility's office (e.g. council, Sydney Water Corporation) to demonstrate that the development complies with the utility's requirements.

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

(Reason: To ensure protection of Council assets.)

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

**17. ACCESS - ACCESS FOR PEOPLE WITH DISABILITIES (CC)**

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

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

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

**18. ACCESS - DISABLED TOILETS (CC)**

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

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

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

**19. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (CC)**

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

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

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

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

**20. CAR PARKING - DISABLED CAR PARKING SPACES (CC)**

Any disabled car parking spaces shall be a minimum of 2.4m wide x 5.4m long and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such. A shared area 2.4 m wide x 5.4m long shared area should be provided. Bollard shall be placed in this shared area.

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

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

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

**21. CAR PARKING – PROVISION OF OFF-STREET PARKING (CC)**

The owner and occupier, in compliance with ASS2890 Series, must maintain unimpeded access to off-street parking as follows:

- All day staff parking spaces = 96 spaces;
- Disabled parking spaces = one (1) space; and
- Truck parking bays = 19 spaces.

All car spaces shall be allocated and marked according to this requirement.

Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.

The parking bays shall be delineated by line marking.

The following traffic control measures shall be implemented on site:-

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

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

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

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

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

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

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

The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and AS/NZS 2890.1:2004 - Off-Street Car Parking Code.

Vehicular manoeuvring paths are to be prepared demonstrating that all vehicles can enter or depart the site in a forward direction without encroaching on required car parking spaces.

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

**24. ~~CAR PARKING - VEHICULAR CROSSING WIDTH AT PROPERTY BOUNDARY (CC)~~**

~~Vehicular crossings are to have a maximum width of 3m at the property boundary. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.~~

~~The vehicular crossing (and all associated excavation works) must not be constructed closer than 2 metres from a retained protected street tree.~~

~~(Reason: Compliance with SCDGP 2005.)~~

**(Deleted by DA2019/188/02)**

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

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

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

(Reason: To ensure compliance with statutory provisions.)

**26. CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (CC)**

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

- i) Detailed information on any approvals required from other authorities prior to or during construction.
- ii) Traffic management, including details of:
  - ingress and egress of vehicles to the site;
  - management of loading and unloading of materials;
  - the location of heavy vehicle parking off-site; and
  - designated routes for vehicles to the site.
- iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
  - the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
  - procedures to prevent run-off of solid material and waste from the site.
- v) Waste management, including:
  - details of the types and estimated volumes of waste materials that will be generated;
  - procedures for maximising reuse and recycling of construction materials; and
  - details of the off-site disposal or recycling facilities for construction waste.
- vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- vii) A soil and water management plan, which includes:
  - measures to minimise the area of soils exposed at any one time and conserve top soil;
  - identification and protection of proposed stockpile locations;
  - preservation of existing vegetation and revegetation;
  - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
  - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and

flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;

- details of sediment and erosion control measures in place before work commences;
- measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
- details of drainage to protect and drain the site during works.

viii) Asbestos management procedures:

- Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)
- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m<sup>2</sup> or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
- Before starting work, a work site-specific permit approving each asbestos project must be obtained from WorkCover NSW. A permit will not be granted without a current WorkCover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
  - The Work Health and Safety Act 2011;
  - The Work Health and Safety Regulation 2011;
  - How to Safely Remove Asbestos Code of Practice – WorkCover 2011; and
  - Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
- Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
- The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
  - the date and time when asbestos removal works will commence;
  - the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
  - the full name and license number of the asbestos removalist/s; and
  - the telephone number of WorkCover's Hotline 13 10 50
  - warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
  - appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

## 27. **COUNCIL PERMITS – FOR ALL ACTIVITIES ON COUNCIL LAND (CC)**

### Works Permit

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

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

### Standing Plant Permit

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

### Skip Bin Permit

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

### Temporary Full or Part Road Closure Permit

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

### Hoarding/Fencing Permit

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

### Work Zone Permit

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

### Ground Anchoring Permit

This permit must be applied for, for the installation of ground anchors under Council's footway/road reserve. It does not cover ground anchors under private properties. A separate approval is required to be obtained from Roads and Maritime Services



(RMS) if it is proposed to install ground anchors under a State or Classified Regional Road (please refer to the end of this application form for more information).

(Reason: Council requirement.)

## 28. **EROSION AND SEDIMENTATION CONTROL PLAN (CC)**

An Erosion and Sediment Control Plan is to be prepared where construction or excavation activity requires the disturbance of the soil surface and existing vegetation. Details including drawings and specifications must provide adequate measures for erosion and sediment control to ensure:

- i) Compliance with the approved Soil and Water Management Plan.
- ii) 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).
- iii) All uncontaminated run-off is diverted around cleared or disturbed areas.
- iv) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways.
- v) All erosion and sediment controls are fully maintained for the duration of demolition/ development works.
- vi) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- vii) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- viii) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters.
- ix) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls are to be submitted to the Principal Certifying Authority with the Construction Certificate Application. Under no circumstances are any works to commence, prior to these details being approved by the Principal Certifying Authority and the controls being in place on the site.

(Reason: Environmental protection.)

## 29. **FIRE SAFETY UPGRADE ~~–CHANGE OF BUILDING USE~~ (CC)**

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

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

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

Note: The Certifying Authority issuing the Construction Certificate has no power to remove the requirement to upgrade the existing building as required by this condition.

Where this condition specifies compliance with performance requirements of the BCA, the Certifying Authority (subject to their level of accreditation) may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (deemed to satisfy) provisions of the BCA, these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed under section 82A or amended under section 4.55 of the Act.

(Reason: Fire safety.)

**(Modified by DA2019/188/02)**

**30. FIRE SAFETY SCHEDULE (CC)**

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

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

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

**31. LANDSCAPING - MAINTENANCE STRATEGY (CC)**

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

(Reason: Ensure landscape survival.)

**32. NOISE – VIBRATION (CC)**

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

(Reason: Noise attenuation.)

**33. NOISE – PLANT (CC)**

All works carried out on site during construction/demolition/excavation or earthworks shall comply with the NSW Protection of the Environment Operations Act 1997. Approved and effective silencing measures shall be provided and maintained on all power-operated plant used on site if required.

(Reason: Safety and amenity.)

34. **NOISE – CONSTRUCTION CC)**

All works carried out on site during construction/demolition/excavation/earthworks shall comply with the NSW Protection of the Environment Operations Act 1997, the Department of Environment and Climate Changes “Interim construction noise guideline” and AS 2436-2010 – “Guide to noise and vibration control on construction, demolition and maintenance sites” for the control of construction noise which specifies that:

- Construction period of 4 weeks and under – The L90 Level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- Construction period greater than 4 weeks but not exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary.
- Construction period exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 5 dB(A) at the boundary.

Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Changes “Interim construction noise guideline” and AS 2436-2010 – “Guide to noise and vibration control, demolition and maintenance sites” for the control of construction noise. A further acoustic assessment and report will be required to be provided to Council assessing the premises in working order.

(Reason: Noise attenuation.)

35. **SECTION 7.12 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN) (CC)**

In accordance with the provisions of Section 7.13 of the Environmental Planning and Assessment Act 1979 and the Strathfield Indirect Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Local Amenity Improvement Levy	<b>\$15,757.00</b>
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

Contributions must be receipted by Council and submitted to the Accredited Certifier, prior to the issue of any Construction Certificate.

A copy of this condition is to be presented to Council's Customer Service Centre when paying the contribution so that it can be recalculated.

Note: A copy of Strathfield Council's Section 7.12 Indirect Development Contributions Plan may be downloaded from Council's website.

(Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.)

36. **~~STORMWATER – RAINWATER RE-USE (CC)~~**

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

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

**(Deleted by DA2019/188/02)**

37. **STORMWATER DRAINAGE (CC)**

The following stormwater precautions are required to be provided on the site:

- i) Grated drains shall be provided along the driveway/basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.
- ii) Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site.
- iii) Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties
- iv) Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.

(Reason: To ensure the site is drained appropriately and does not interfere with the natural flow of flood waters.)

38. **STORMWATER - SILT ARRESTORS AND GROSS POLLUTANT TRAPS (CC)**

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

(Reason: Environmental protection.)

39. **TRAFFIC - CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CC)**

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

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

- i) Description of the demolition, excavation and construction works;
- ii) Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;

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

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

#### 40. **VENTILATION SYSTEMS – MECHANICAL (CC)**

The mechanical ventilation system is to comply with the following:

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

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

Details demonstrating compliance with the above are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

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

**41. WATER SUSTAINABILITY - WATER SENSITIVE URBAN DESIGN (CC)**

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

(Reason: To promote Water Sensitive Urban Design.)

**~~42. WATER SUSTAINABILITY – GENERALLY (CC)~~**

~~Water collected in the rainwater tank must comprise roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:~~

- ~~i) toilet flushing;~~
- ~~ii) clothes washing;~~
- ~~iii) garden irrigation;~~
- ~~iv) car washing and similar outdoor uses;~~
- ~~v) filling swimming pools, spa pools and ornamental ponds; and~~
- ~~vi) fire fighting.~~

~~(Reason: To promote sustainable water management practice.)~~

**(Deleted by DA2019/188/02)**

**43. WATER HEATING SYSTEMS - LOCATION OF (CC)**

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

(Reason: To maintain streetscape character.)

**44. MANAGEMENT OF ACID SULPHATE SOILS (CC)**

All recommendations made in the approved Acid Sulfate Soil Assessment and Management Plan, dated 17 April 2020 and prepared by Douglas Partners must be implemented. Any change made to the site that will or is likely to impact the recommendations of the Preliminary Site Investigation will require a further assessment and is to be provided to Council prior to the commencement of works.

(Reason: compliance and Environmental Protection.)

**45. DUST CONTROL (CC)**

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 minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as directed by the Council should it fail to adequately control any dust nuisance.

#### Major Works

The following measures must be implemented (in part or in total) as directed by Council 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 or as directed by Council.

(Reason: Environmental amenity.)

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

#### **46. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)**

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

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

- v) The person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

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

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

(Reason: Statutory requirement.)

#### 47. **NOTICE OF COMMENCEMENT (CW)**

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

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

(Reason: Statutory requirement.)

### **CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS (DBW)**

#### 48. **CONTAMINATED LAND UNEXPECTED FINDS (DW)**

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

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

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

(Reason: To ensure compliance with statutory requirements.)

**49. FILL MATERIAL (DW)**

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

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

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

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

**50. PUBLIC INFRASTRUCTURE AND SERVICES (DW)**

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

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

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (POC)**

**51. DRAINAGE SYSTEM - MAINTENANCE OF EXISTING SYSTEM (OC)**

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

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

(Reason: Maintenance and environment.)

**52. ENGINEERING WORKS (CERTIFICATION OF)**

Prior to occupation of the premises, a Work As Executed (WAE) Plan of all engineering and/or drainage works is to be submitted to the Principal Certifying Authority. The WAE Plan is to be certified by an Accredited Civil/Hydraulic Engineer demonstrating that:

- i) The stormwater drainage system; and/or
- ii) The car parking arrangement and area; and/or
- iii) Any related footpath crossing works; and/or
- iv) The proposed basement pump and well system; and/or

- v) The proposed driveway and layback; and/or
- vi) Any other civil works

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

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that an Engineer supervise all engineering related works.

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

(Reason: Asset management.)

### **53. FIRE SAFETY CERTIFICATION (OC)**

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

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

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

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

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

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

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

(Reason: Fire safety and statutory requirement.)

### **54. OCCUPATION OF BUILDING (OC)**

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

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

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

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

(Reason: Statutory requirement.)

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

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

(Reason: Adequate stormwater management.)

**56. VENTILATION SYSTEMS – MECHANICAL (OC)**

The mechanical ventilation system is to comply with the following:

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

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

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

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

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

**57. LOADING AND UNLOADING - NO OBSTRUCTION OF PUBLIC ROAD OR FOOTWAY (OU)**

All loading and unloading operations including fork lift trucks or other similar loading, lifting and/or carrying appliances used in conjunction with the premises, shall be carried out wholly within the boundaries of the site, at all times. There shall be no obstruction of any public roadway or footway at any time, without the prior

(Reason: Public safety.)

**58. VEHICULAR ACCESS (OU)**

All vehicles must enter and leave the site in a forward direction, at all times.

(Reason: To ensure traffic safety.)

**59. PROVISION OF OFF-STREET PARKING (OU)**

The owner and occupier, in compliance with AS2890 Series, must maintain unimpeded access to off-street parking as follows:

- All day staff parking spaces = 96 spaces;
- Disable parking spaces = one (1) space; and
- Truck parking bays = 19 spaces.

(Reason: To ensure adequate on-site parking is maintained.)

**60. NOISE - REQUIREMENTS FOR INDUSTRIAL PREMISES (OU)**

The use of the premises shall comply with the requirements of the NSW Environment Protection Authority Industrial Noise Policy 2000 and shall not give rise to the transmission of offensive noise as defined in the Protection of the Environment Operation Act 1997 (NSW).

(Reason: Noise control and amenity.)

**61. POLLUTION - COMPLIANCE WITH PEOA 1997 GENERALLY (OU)**

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

(Reason: Environmental protection.)

**62. STAFF RESTRICTION GENERALLY (OU)**

A maximum number of 70 staff are permitted to work on the premises at any one time. Any increase to this number requires a section 4.55 modification application be submitted to Council for approval.

(Reason: Environmental amenity.)

**63. CONTROL OF LITTER (OU)**

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

A litter management plan must be included with all applications, litter management plan must include the below:

- i) All steps being taken to prevent, reduce and collect any litter produced by the site
- ii) Measures such as cleaner to conduct litter collection within a 50m radius to be included.



(Reason: To manage litter throughout the LGA.)

**64. INDUSTRIAL WASTE MATERIALS (OU)**

- i) The applicant shall ensure that industrial waste materials must not be discharged onto the site, or onto neighbouring land or into any road, drain, pipeline or watercourse.
- ii) 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.
- iii) 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.
- iv) 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.
- v) Any overflow or spillage of fuel, oil, solid or liquid chemicals, or the like, must be dealt with in accordance with the requirements for treatment of waste materials as set out in (i) and (ii) of this condition.

(Reason: Manage industrial waste in the LGA.)

**65. PLANT NOISE FROM INDUSTRIAL PREMISES (OU)**

Noise emissions from plant and equipment operating on the site shall be minimised by installing and regularly maintaining efficient silencers, low noise mufflers (residential standard) and by replacing reversing alarms with alternative silent measures, such as flashing lights (subject to occupational health and safety requirements). All reverse alarms fitted to equipment on site are to be of low decibel broadband smart alarms (quacker type).

(Reason: To minimise the noise disturbance during construction and operation of the premise)