

IDAP REPORT

Property:	4-6 Underwood Road HOMEBUSH DA 2020/146
Proposal:	Change of use to a printing manufacturing facility, alterations and additions to existing structures to form one building, ancillary landscaping.
Applicant:	M Sande
Owner:	Underwood Homebush P/L
Date of lodgement:	13 August 2020
Notification period:	24 August 2020 to 22 September 2020
Submissions received:	Two
Assessment officer:	P Santos
Estimated cost of works:	\$550,000.00
Zoning:	IN1 - General Industrial - SLEP 2012
Flood affected:	Yes
RECOMMENDATION OF OFFICER:	APPROVAL

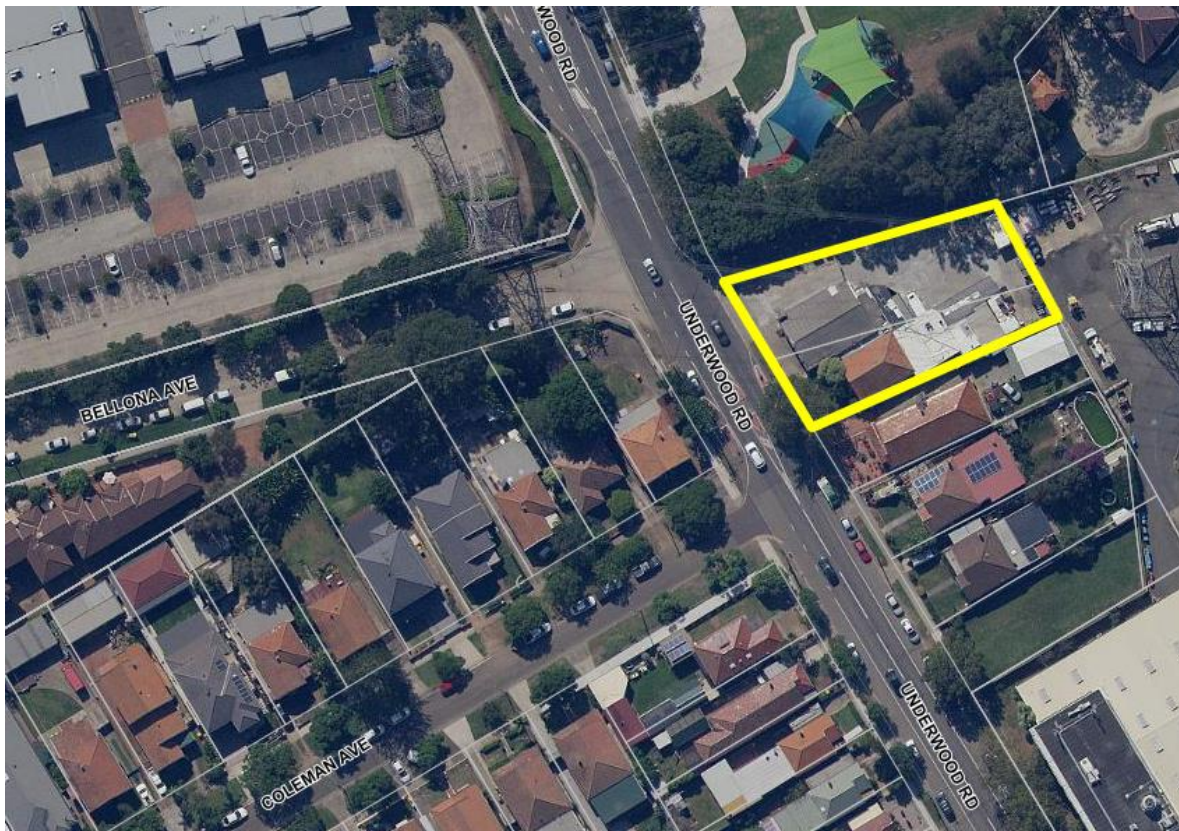


Figure 1. Aerial imagery of the subject site (outlined) and the immediate locality

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the change of use to a printing manufacturing facility, alterations and additions to existing structures to form one building, ancillary landscaping.

Site and Locality

The site is identified as 4-6 Underwood Road HOMEBUSH and has a legal description of Lot 5 DP 9919. The site is an irregular shaped parcel of land and is located on the eastern side of Underwood Road.

The site has a primary frontage width of 29.48m, a depth of 46.7m and an overall site area of 1,280.5m².

The subject site is surrounded by a mixture of industrial and low-density residential developments including the Ausgrid Homebush depot and dwelling houses.

Strathfield Local Environmental Plan

The site is zoned IN1 - General Industrial under the provisions of Strathfield LEP 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 DCP 2005. This is discussed further in the body of the report.

Notification

The application was notified in accordance with Council's Community Participation Plan (CPP) from 24 August 2020 to 22 September 2020, where two submissions were received raising the following concerns:

- Noise Impact;
- Permissibility – Existing Use;
- Parramatta Road Corridor Urban Transformation Strategy ('PRCUTS');
- Building Design and Setback;
- Solar Access – Shadow Diagrams; and
- Acoustic Amenity.

Issues

- Existing use rights;
- Solar access of adjoining dwelling; and
- Side setback.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2020/146 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the alterations and additions to existing buildings including part demolition, reconfiguration of existing car park and change of use across the site.

More specifically, the proposal includes –

Ground floor level:

- Use of the existing butcher's shop as a retail/showroom, ancillary to the proposed printing facility;
- Printing manufacturing facility and warehouse space;

Mezzanine floor level:

- Office;

First floor level:

- Office; and

External works:

- Twelve vehicle parking spaces at the rear; and
- Four 2430mm x 6060mm shipping containers located at the rear as well.

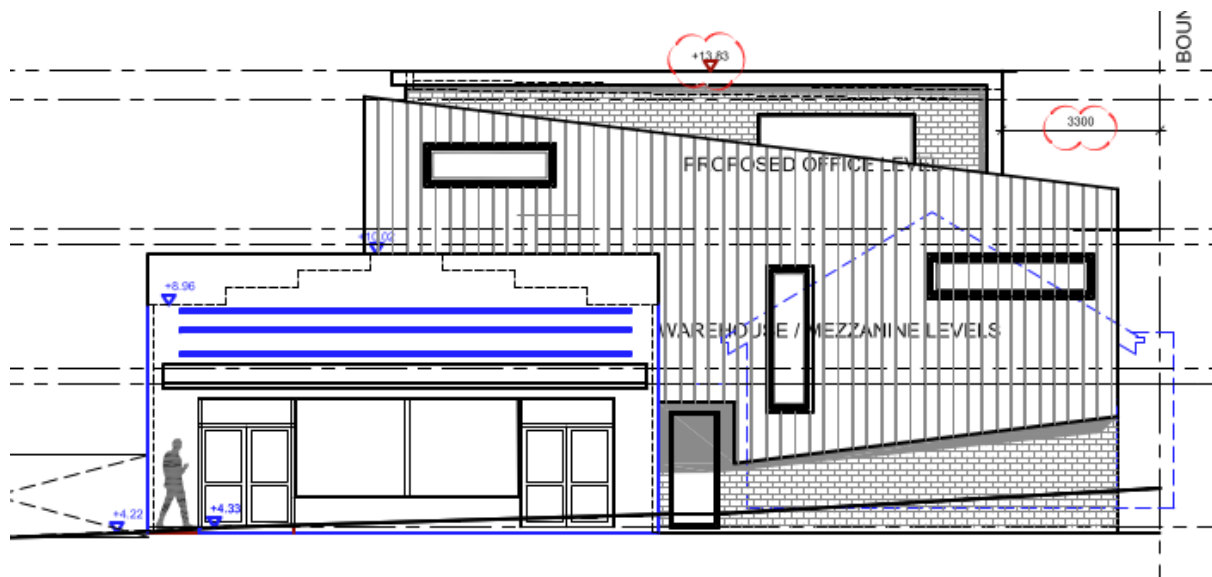


Figure 2. Street elevation of the proposed development (source: iDraft Architects, dated 27/10/2020)

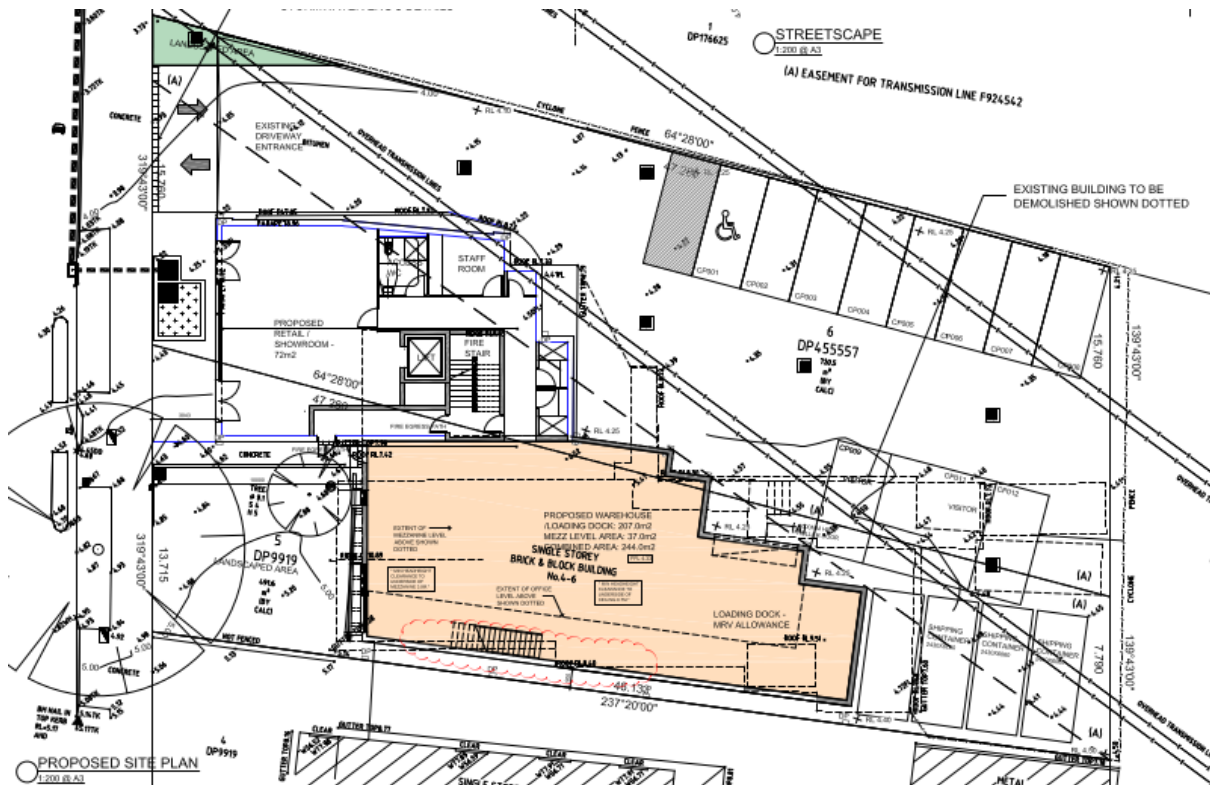


Figure 3. Extract of the site plan (source: iDraft Architects, dated 27/10/2020)

In accordance with the submitted SEE, the printing business is to operate from the subject site and is to provide custom printing services (i.e. business cards, marketing materials, banners and signs and signboard, among others). Majority of the business will be conducted online. However, a small showroom will provide an avenue for the public to be able to inspect products that the business produces. The operational details of the business are as follows –

- Staff – maximum of four staff on the site at any one time;
 - Two design / administration / staff that will serve customers within the showroom); and
 - Two production staff.
- Operating hours –
 - Printing facility – 7.00 AM to 6.00 PM – Monday to Saturday; and
 - Showroom (ancillary industrial retail outlet) – 9.00 AM to 5.00 PM Monday to Friday.

The Site and Locality

The subject site is commonly known as 4-6 Underwood Road, Homebush, and is comprised of two lots. The lots have a legal description of Lot 6 DP 45557 and Lot 5 DP 9919. It is located on the eastern side of Underwood Road between Bellona Avenue and Coleman Avenue.

The site is irregular in shape and has a frontage of 29.48m to the west, rear boundary of 23.55m to the east, side boundary length of 47.28m to the north, and side boundary length of 46.13m to the south and an area of 1,280.5m².

The topography of the site falls to the north by approximately 3%.

The site is currently occupied by a butcher shop and a single-storey building currently used as an ancillary to the butcher shop. Vehicular access is provided to the site via an existing driveway from Underwood Road to an existing open car parking located at the rear of the site.



Figure 4. Existing butcher shop



Figure 5. Existing driveway off Underwood Rd, leading to car parking at the rear



Figure 6. Existing car parking spaces at the rear

The current streetscape of the immediate locality is predominantly characterised by industrial development, public open space and low density residential. Homebush Business Village is located to the north-west of the site; Bressington Park is directly adjacent to the north; Ausgrid

Homebush Depot is situated to the rear; and dwelling houses are located to the south and south-west.

The northern part of site is traversed by an electricity easement from east to west, as shown in Figure 7 below.

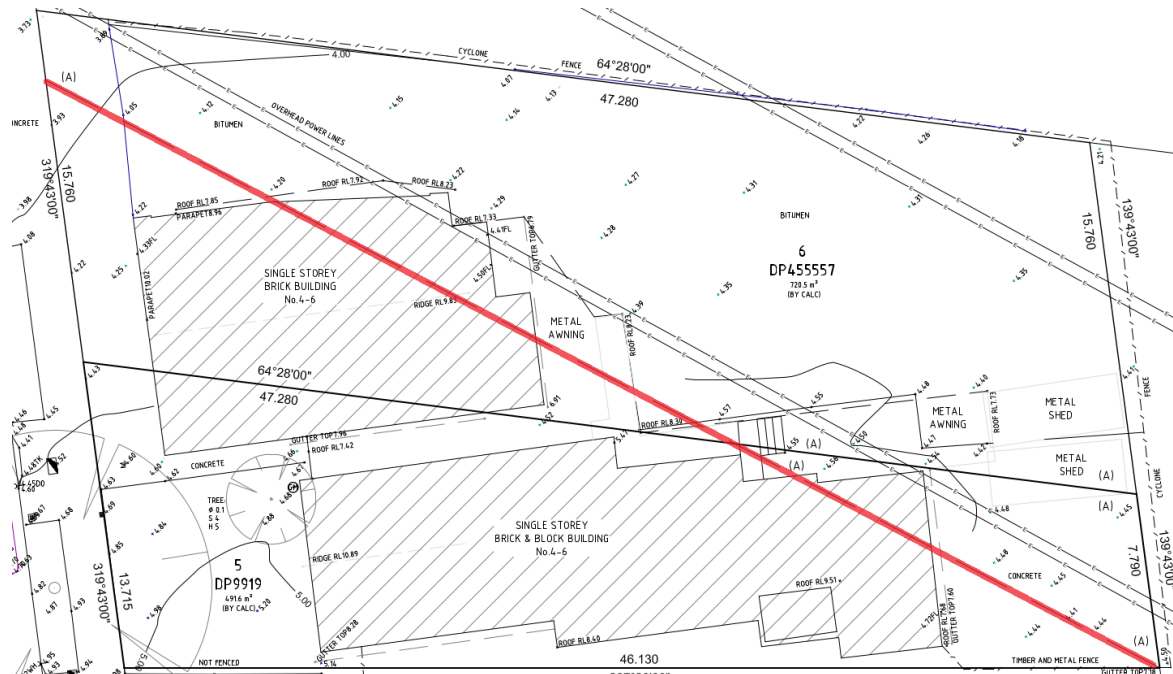


Figure 7. Extract of the survey plan with the easement emphasised with red outline (source: Anthony & Associates Surveying, dated 10/09/2019)



Figure 8. Front of the site



Figure 9. Subject site (left) and the immediate dwelling houses to the south



Figure 10. Dwelling house directly in front of the site, across Underwood Road



Figure 11. Electricity tower, on the neighbouring property, immediately to the east of the site

Background

22 April 2020

A pre-development application meeting occurred between Council and Jak Janssen (Architect, for the applicant). A formal letter of advice was provided, which highlighted the following issues:

- Proof of existing use rights;

- Consideration of the Parramatta Road Corridor Urban Transformation – Planning and Design Guidelines;
- Floor space ratio;
- Building height;
- Site operation;
- Building design;
- Setbacks;
- Acoustic amenity;
- Traffic;
- Stormwater matters;
- On-site waste collection;
- Signage;
- Landscaping;
- Acid sulphate soils; and
- Development within easement for electricity purposes.

14 August 2020	The subject development application was lodged.
24 August 2020	The application was put on neighbour notification, in accordance with the CPP until 22 September 2020.
28 September 2020	Additional information request letter was sent, raising the following concerns: <ul style="list-style-type: none"> • Front setback compliance; • Side setback adjustment; and • Solar access of neighbouring residential property.
14 October 2020	The additional information was provided to Council.
27 October 2020	Further additional information was requested, raising the following matters: <ul style="list-style-type: none"> • Improved solar access to neighbouring property.
28 October 2020	The additional information was provided to Council.

Referrals

External

Ausgrid

Pursuant to Clause 45(2) of the State Environmental Planning Policy (Infrastructure) 2007, the application was referred to Ausgrid for any comments.

Ausgrid has provided conditions to be imposed in the consent in order to control works or activities under or near the transmission lines.

Internal

Stormwater

The application was referred to Council's Development Engineer, who offered no objection to the proposed development, subject to the conditions of consent.

Health

The application was referred to Council's Environmental Health Officer, who provided the following comments:

Recommendations:

"Environmental Services cannot support application until further information is submitted regarding:

- Acid sulphate & contaminated land management;*
- Acoustic noise impacts;*
- Odour controls; and*
- Confirmation regarding the use of the shipping containers use."*

Odour concerns:

"In accordance with the Environmental Protection Authorities (EPA) document 'Environmental action for printing industry' dated November 2006, environmental concerns regarding print material and manufacturing include –

- Air pollution e.g. releasing volatile organic compounds (VOC) into the air,*
- Handling and disposing of hazardous materials e.g. solvent waste, and*
- Waste management e.g. disposal of ink and paper.*

There should be confirmation regarding storage of hazardous materials and control of VOCs in the manufacturing of printed materials."

Noise concerns:

"An acoustic impact assessment on the neighbouring residential areas and properties must be included."

"The development is in close proximity to nearby receivers on Underwood Road, Homebush and Coleman Avenue, Homebush."

"Confirmation is also needed regarding the use of the shipping containers on the site. Will there be any fans, air conditioning or refrigeration units used that will impact on noise. How will these be managed regarding acoustic impacts?"

Acid sulphate management:

"A preliminary assessment to determine whether Acid Sulfate Soils are present and if the proposed works are likely to disturb these soils."

Contaminated land:

"Council requires a detailed site contamination investigation (DSI) for any land that may be impacted by land contamination from any known landfill sites."

The concerns raised above can be resolved / addressed by imposition of relevant conditions. Some are not required to be further investigated, as discussed elsewhere in the body of this report (i.e. Acid Sulfate Soils and Contamination of Land). As such, the proposed development is supportable, subject to the conditions of consent.

Traffic

The application was referred to Council's Traffic Manager, who provided the following comments:

"The proposed total on-site parking of 12 spaces satisfies the above minimum parking requirements."

"As a maximum of four staff is anticipated to be on-site at any one time, it is recommended that staff parking be limited to four, allowing more parking to visitors and customers."

"...the net traffic generation change is not anticipated to generate an unacceptable adverse impact to the surrounding road network."

"No change is required to the existing vehicular access."

"It is noted that a sight line splay cannot be achieved due to the existing building structure and hence additional stop sign and convex mirror are required to improve safety."

The Council's Traffic Manager has also provided conditions to be imposed in the consent, should an approval be recommended by Council. As such, in this regard, the proposed development is supported, subject to the conditions of consent.

Heritage

The application was referred to Council's Heritage Advisor, who provided the following comments:

"...nothing can be built close to the heritage item."

"The proposed carpark is highly unlikely to impact the item as it improves the current use which is for storage."

"The proposed extension and re-development is towards to the front of the property and is unlikely to overshadow or dominate the item."

In accordance with the Heritage Advisor's comments above, the proposal can be supported, subject to the conditions of consent.

Tree

The application was referred to Council's Tree Management Coordinator, who provided the following comments:

"There are no significant trees located on this site"

"The street tree (Platanusx hybrid) shall be protected with an appropriate bond"

In accordance with the Council's Tree Management Coordinator's comments, the application can be supported, subject to the conditions of consent.

Building and Compliance

The application was referred to Council's Senior Building Surveyor / Compliance Officer, who provided the following comment/s:

"That the applicant obtain BCA & Access reports to ascertain compliance with the deemed to satisfy provisions of Volume One, of the National Construction Code to minimise changes to the design and/or performance solution requirements at the construction stage."

In accordance with the comments above, Council's Senior Building Surveyor / Compliance Officer has provided conditions of consent to be imposed, in relation with the proposed works.

Waste

The application was referred to Council's Environmental Projects Officer – Waste, who required conditions to be imposed in the consent in relation with waste management on the site.

Section 4.15 Assessment – EP&A Act 1979

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

(1) Matters for consideration – general

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

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

State Environmental Planning Policy (Infrastructure) 2007

Pursuant to Clause 45 of the Infrastructure SEPP, the application was referred to Ausgrid. As a response, Ausgrid has provided the following conditions for any activities within the electricity easement:

- *"All construction works on or near the easement and/or powerlines must adhere to the Safework NSW - Work Near Overhead Powerlines: Code of Practice, 2006."*
- *"No vehicles, plant or equipment having a height exceeding 4.6 metres are to be brought into the easement site without written approval from Ausgrid."*
- *"Vehicles brought into the easement, with a height less than 4.6m but having an extension capable of extending greater than 4.6m above ground, must not have that extension operated at all whilst within the easement."*
- *"Adequate removable protection must be installed to prevent vehicles inadvertently colliding with the transmission tower. This proposed form of protection must be forwarded to Ausgrid for review and consent."*
- *"No buildings/structures or parts thereof constructed may encroach the easement."*

Further to the above, Ausgrid has provided the following comments:

“Once Ausgrid has been presented with suitable arrangements, whereby the proposed development will not interfere with Ausgrid’s assets, then this objection may be lifted.”

In consideration of the above, the concerns raised by Ausgrid can be dealt with by conditions of consent, requiring the applicant to seek written consent from Ausgrid in order for the above-mentioned conditions to be lifted prior to the issue of Construction Certificate.

Strathfield Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned IN1 - General Industrial and the proposal is a permissible form of development with Council’s consent.

The proposal is for the purpose of a printing manufacturing facility or a general industry, as per the SLEP 2012. The retail component, taking into consideration the whole business on the site, is permitted on the site as an industrial retail outlet. This is further discussed in Section 4.66 Assessment of this report.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	12m	9.3m	Yes
4.4 Floor Space Ratio	1:1 (1,207m ²)	0.46:1 (553m ²)	Yes

Part 5 – Miscellaneous Provisions

Miscellaneous Permissible Uses

Clause 5.4(4) of the SLEP 2012 stipulates that the industrial retail outlet component of the proposal is to have a maximum retail floor area of 25% of the GFA of the industry or 400m², whichever is the lesser.

The proposed printing manufacturing area and its ancillary components have a GFA of 481m². Accordingly, the permitted retail floor area for the industrial retail outlet is 120.25m². The proposed development includes a retail floor area of 72m². As such, the proposed development satisfies the relevant requirements of Clause 5.4 of the SLEP 2012.

Heritage Conservation

The site is located adjacent to a Heritage Item – “I50” Pumping Station, as identified in the SLEP 2012 Schedule 5. Consequently, the application was referred to Council’s Heritage Advisor.

Comments made by the Heritage Advisor is in the Referral section of this report. It has been considered that the proposed works satisfactorily address the provisions of this Clause.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as having Class 2 and 5 Acid Sulfate Soils, as per the SLEP 2012 ASS map.

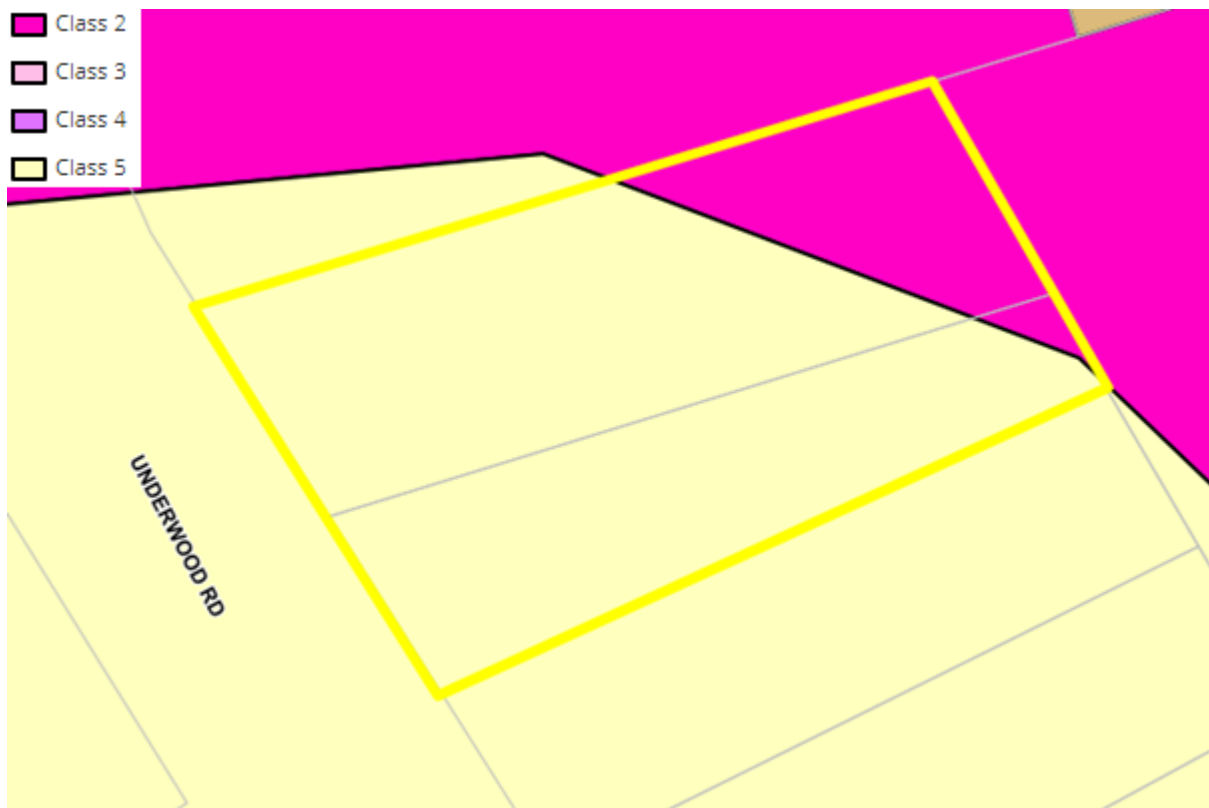


Figure 12. ASS map with the subject site outlined

The proposed works do not involve excavation below the natural ground surface in the area where ASS Class 2 has been identified. Furthermore, no works that involve excavation that is below 5m AHD form part of the proposal. As such, the proposal is supportable and a consent under this provision is not necessary.

Earthworks

The proposal does not include any significant excavation or basement works. Any excavation for footings or levelling of the site is considered to be minor and will not have a 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 application has been reviewed by Council's Engineer who has advised that subject to suitable conditions, the development is considered compatible with the flood hazard of the land. The proposed development is considered to satisfy the objectives of this clause.

Essential Services

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

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

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005

All stormwater from the proposed development can be treated in accordance with Council's Stormwater Management Code and would satisfy the relevant planning principles of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

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

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration.

A review of Council's records for the site give 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 SEPP55 are considered to be satisfied.

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

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

The 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 aims and objectives outlined within the 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

Draft Remediation of Land State Environmental Planning Policy

The draft environmental planning instrument has been considered. No further site investigation is needed.

(iii) any development control plan,

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

PART D – INDUSTRIAL DEVELOPMENT

2.4: Development Adjoining Residential Zones

2.4	Guidelines	Complies
	1 Proposed building must be sympathetic to the height, scale, siting and character of existing adjoining and/or nearby residential development	Yes
	3 Windows facing residential areas must be treated to avoid overlooking	Yes
	4 Goods, plant equipment and other materials are to be stored within the proposed industrial building or suitably screened	Yes
	5 Noise associated with the premises including plant and equipment will be subject to the <i>NSW EPA's Environmental Noise Control Manual and Industrial Noise Policy 2000 and the PEO Act 1997</i>	A condition is imposed
	6 Noise generated from fixed sources or motor vehicles associated with the proposed industrial development must be effectively insulated or otherwise minimised.	A condition is imposed
	9 The development shall not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting and the like.	Yes Parking spaces are located at the rear

2.5: Density, Bulk and Scale

2.5	Guidelines and Requirements	Complies
.1.	Height	
	1 Wall height of more than 10m above natural ground level.	Yes
.2.	Floor Space ratio	
	1 The maximum floor space ratio is 1:1.	Yes
.3.	Office and Showroom Requirements	
	1 All office and showroom activities shall be ancillary to the main industrial activity approved for the site.	Yes

2.6: Setbacks

2.6	Guidelines and Requirements	Complies
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	1	A minimum setback of 10m from the front boundary applies.	Yes
	5	Side and rear boundary setbacks for proposals adjoining non-industrial uses shall be subject to an individual merit based assessment.	Yes

2.7: Building Requirements and Materials

2.7	Guidelines and Requirements		Complies
	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.	Yes
	2	Walls/surfaces that are easily accessible to public places are to be treated to discourage graffiti.	Yes
	4	Long blank walls on street frontages are to be avoided.	Yes
	7	Non-industrial aspects of the development shall face the street.	Yes
	8	Buildings must be designed to:	
		(i) Architecturally express the structure of the building	Yes
		(ii) Visually reinforce entrances, office components and stairwells of units to create rhythm on long facades and a reduction of perceived scale.	Yes
		(iii) Introduce variation in unit design within building groups	Yes
		(iv) Introduce solid surfaces, incorporate horizontal and vertical modulation including windows in appropriate proportions and configurations.	Yes
		(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.	Yes
	9	Development application plans indicate building materials and colours proposed.	Yes

2.9: Parking, Access and Manoeuvring

2.9	Guidelines and Requirements	Complies
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.1.	<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 A condition is imposed
		Provision of spaces:	
	2	(i) Industry: 1 space per 50m2 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 40m2 GFA.	Yes
	3	Car parking areas located in the front setback for easy access.	No
	4	Loading/unloading and parking areas are separated so as not to cause conflict.	N/A
	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)	No

2.9 Guidelines and Requirements **Complies**

.3.	<i>Access and Driveways</i>		
	1	Access to the proposed development is via a non-residential street, unless the proposed development:	
	(iii)	Identifies an appropriate traffic management scheme	Yes
	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.	
.4.	<i>Site Design</i>		
	1	All vehicles are to enter and leave the site in a forward direction	Yes
	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.	Yes
	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.	Yes

	4	All servicing, including waste collection, is carried out wholly within the site with suitable collection points at convenient locations.	Yes
	5	Entrance and exit points and car parking areas are designed in order to ensure safety for pedestrians within and outside the site.	Yes
	6	Vehicular manoeuvring not permitted within any buildings.	Yes
.5.	<i>Unloading and Loading</i>		
	1	All loading and unloading shall take place within the curtilage of the site.	Yes
	4	All loading and unloading facilities screened from the street (refer to section 2.10 for landscaping requirements).	Yes

2.10	Guidelines and Requirements		Complies
.1.	<i>Landscaping</i>		
	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:		
	2	(i) Any existing vegetation to be retained or removed	Yes
		(ii) Deep soil landscape and planter areas	Yes
		(iii) Parking and associated access driveways	Yes
		(iv) Paved and grassed areas	Yes
		(vii) Any outside storage areas	Yes
		(viii) Any open space and any outdoor furniture	Yes
		(ix) Planting scheme including trees, shrubs, grasses and groundcovers	Yes
	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.	Yes
	Setbacks		

	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.	No
	Proposed plantings		
	11	Tree selection is in scale with the proposed development, including built structures and infrastructure.	Yes
	12	All trees are required as minimum 50 litre container size for general tree planting or 100 litre container size for street trees.	Yes A condition is imposed
	Car parks		
	13	One medium size shade tree for every eight car spaces.	No
2.14	Guidelines and Requirements		Complies
.1.	<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.	A condition is imposed to ensure compliance
.2.	<i>Noise</i>		
	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.	A condition is imposed to ensure compliance
	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.	A condition is imposed to ensure compliance

Car Parking and Landscaping

The SCDGP 2005 requires car parking in industrial areas to be located at the front of the site and be suitably landscaped. The proposal does not satisfy this development control.

Note that the site currently contains two single-storey buildings, both situated close to the front boundary. The proposal is for alterations and additions to these buildings and involves only partial demolition. Further, the building that is closest to Underwood Road has a unique built-form character that the proposal intends to retain. As such, the proposed development cannot provide car parking at the front of the site.

Despite the above, the proposal is supported as it will utilise the existing parking area on the site, at the rear behind the proposed building. The proposed parking spaces will have no trees or landscaping. This is due to this part of the site being covered in concrete. Nevertheless, the area will not be visible from the street, the number of proposed parking spaces are supported by Council's Traffic Manager, as such, and the proposal is acceptable.

Landscaping Within Setbacks

The SCDP 2005 requires a minimum of 1.2m of landscaping be provided to all common boundaries forward of the building line. The proposal does not satisfy this development control. In particular, the landscaped area on the north-western corner of the site.

The proposed development will not be able to satisfy this control as it is utilising an existing driveway that is necessary for the proposed development. As such, the proposal is supportable, subject to conditions of consent.

PART H – Waste Management (SCDCP 2005)

In accordance with Part H of Strathfield CDOP 2005, a waste management plan was submitted with the application. The plan details measure for waste during demolition and construction, and the on-going waste generated by the development during its use. It is considered that this plan adequately address Part H and considered satisfactory.

PART P – Heritage (SCDCP 2005)

The site has been identified to be within close proximity to a heritage item. In particular, I50 Pumping Station in Homebush, as per Schedule 5 of the SLEP 2012.

The application was referred to Council's Heritage Advisor for consideration of its potential impact to the nearby heritage item. No objection was offered as a result of the referral. As such, the proposal can be supported, subject to the conditions of consent.

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

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

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

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

The proposed development 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 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 Councils Community Participation Plan, the application was placed on neighbour notification for a period of twenty-one (21) days where adjoining property owners were notified in writing of the proposal and invited to comment. Two submissions were received raising the following concerns:

1. Noise Impact

A concern was raised regarding the potential noise impact the proposed development may have on to the adjoining properties.

In order to ensure that adjoining residential properties will not be adversely impacted by the proposed development's noise, a condition of consent has been imposed requiring the proposed industrial use to be of suitable noise production.

2. Permissibility – Existing Use

A concern was raised regarding the intended use of the development and that the applicant needs to clearly outline the intended use of the development that will satisfy the Existing Use provision under the EP&A Act.

The provided Statement of Environmental Effects has detailed the intended use for the site. Further, it is recognised that the SEE contains information that the application intends to retain the existing use of the retail building, currently a butcher's shop.

In relation with the existing use, please see the discussion in Section 4.66 Assessment of this report.

3. Parramatta Road Corridor Urban Transformation Strategy ('PRCUTS')

A concern was raised that the proposed development is not in line with the vision of the PRCUTS in the Homebush Precinct. While it is appreciated that the application has made reference to the requirements of PRCUTS, its controls, at the time of the DA was lodged with Council and during its assessment, are still not adopted by Council.

4. Building Design and Setback

A concern was raised regarding the proposed building's design. Further, the submission is seeking clarification on the following:

- *"...reports and statements continually refer to the application as a 2-storey structure. This is not the case. It is clearly a 3-storey structure..."*

The proposed development is considered two-storey, as per the definition of storey in the SLEP 2012. A storey does not include a mezzanine level, which the proposed development has.

- *“Our objection is that the design and size of the structure could be better planned to accommodate the few staff and equipment, without causing objectionable issues.”*

While it is not under Council’s jurisdiction to limit the maximum number of staff that can work in an industrial development, Council is of the opinion that the proposed number of staff on the site is acceptable. Further, the design of the building has taken into consideration the adjoining residential dwellings.

The plans were amended to provide the immediately adjoining dwelling sufficient solar access and have decent separation between the ground floor and the southern side setback. Further, the first floor has a greater side setback of 3.3m than the ground floor in order to alleviate any visual privacy concerns and to give way to the adjoining dwelling receiving more sunlight.

- *“It is unclear from the available plans what the setback is for the southern boundary. What is of concern is that mention was made of a less than 500mm setback along the southern boundary. Currently, in what is a converted residence attached to the butcher’s shopfront, the setback is 900mm...”*

Council is of the opinion that the ground floor side setback of 900mm is acceptable. The existing single storey building adjacent to the southern side boundary has a staggered side setback starting from 400mm. The proposal is an improvement to the current setback.

Note that Council’s DCP has no particular numerical requirement for industrial uses and their setback to adjoining residential developments. As such, as previously mentioned, the setback proposed of 900mm is acceptable and perceived as an improvement. The proposal, including the first floor, is envisaged to incur no visual privacy impact onto the nearest adjoining dwelling house.

5. **Solar Access – Shadow Diagrams**

As previously mentioned, the plans had been amended to allow the adjoining dwelling house to receive acceptable sunlight, in accordance with the DCP.

6. **Acoustic Amenity**

A concern was raised regarding the increased noise that will transpire as a result of the proposal. Council acknowledges that the development south of the site is currently used as a dwelling house, despite the area being zoned as industrial. Council respects that an industrial development within the area is imminent as it is the intended use for the site, as per its zoning.

As such, a condition of consent has been imposed to ensure that the site will produce noise that is acceptable and within the regulations, taking into consideration the residential development adjacent to it.

(e) ***the public interest.***

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

Section 4.66 Assessment – EP&A Act 1979

The proposal is seeking to utilise the existing use of the butcher's shop (retail premise) as part of the proposed development as an ancillary to the printing facility, under the provisions of Section 4.66 of the EP&A Act 1979.

A pre-DA meeting happened in April of this year between the applicant and Council. Council advised the applicant, in relation with the existing use, the following:

“Please be aware the onus falls on the owner/applicant of the property to prove that existing use rights apply to the property.”

“Information including but not limited to proving that the use was lawful at the time of commencement and that the use has continued since the prohibition of the use on the subject site is required.”

“This information is to be prepared and submitted to Council as part of any Development Application.”

The proposed SEE and the provided documents contain no information about any proof of the lawful use of the retail premise (butcher's shop), as recommended in the pre-DA meeting. Nevertheless, note that the proposed development is for a printing manufacturing business. Part of the proposal is to have retail and office spaces, ancillary to the use of the business. The retail component is seeking an approval as a continuation of the existing retail premise use, as discussed previously.

The proposed printing manufacturing business is categorised as general industry, which is a development permissible with consent within the zone – IN1 General Industrial. As such, the proposed retail element of the business can be better categorised as industrial retail outlet, rather than a retail premise. The definitions of the two are as per below –

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following —

- (a) (Repealed)
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

industrial retail outlet means a building or place that—

- (a) is used in conjunction with an industry (other than an artisan food and drink industry) or rural industry, and*
- (b) is situated on the land on which the industry or rural industry is located, and*
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,*

but does not include a warehouse or distribution centre.

Taking the definitions above, the proposed retail component of the printing business is better categorised as an industrial retail outlet. This means that should the proposal be approved and acted upon, the existing use of retail premise, will no longer apply and be used.

Local Infrastructure Contributions

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

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

STRATHFIELD DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Provision of Community Facilities	\$0.00
Provision of Major Open Space	\$9,798.16
Provision of Local Open Space	\$2,218.45
Provision Roads and traffic Management	\$12,386.36
Administration	\$590.95
TOTAL	\$24,993.92

Conclusion

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

Following detailed assessment it is considered that Development Application No. 146/2020 should be approved, subject to conditions of consent.

Signed:

P Santos
Development Assessment Planner

Date: 9/11/2020

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- ☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.

Signed:

M Rivera
Development Assessment Planner

Date:

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

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instrument and/or Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To protect the environment.
- (c) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (d) It is in the public interest.

DEVELOPMENT DETAILS

1. Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Site Plan & Streetscape	Drawing # 01 of 08	27/10/2020	C	iDraft Architects
Ground Floor	Drawing # 02 of 08	27/10/2020	C	iDraft Architects
Upper Floor	Drawing # 03 of 08	27/10/2020	C	iDraft Architects
Elevations & Section	Drawing # 04 of 08	27/10/2020	C	iDraft Architects
Shadow Diagram, Site Analysis & Sedimentation Plan	Drawing # 06 of 08	27/10/2020	C	iDraft Architects
Shadow Diagram, Site Analysis & Sedimentation Plan	Drawing # 07 of 08	27/10/2020	C	iDraft Architects
Shadow Diagram, Site Analysis & Sedimentation Plan	Drawing # 08 of 08	27/10/2020	C	iDraft Architects

Colour and Material Scheme	-	21/07/2020	-	iDraft Architects
Landscape Concept Plan	20779 DA 1	29/07/2020	A	Vision Dynamics
Stormwater Concept Plan Ground Level	101	29/07/2020	B	Australian Consulting Engineers
Site Plan	102	29/07/2020	B	Australian Consulting Engineers
WSUD Tank Details, MUSIC Model & Results	103	29/07/2020	B	Australian Consulting Engineers
Level 1 Plan & Miscellaneous Details	104	29/07/2020	B	Australian Consulting Engineers

2. **Signage**

A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is 'exempt development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or any other applicable environmental planning instrument.

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

3. **Section 138 Roads Act 1993 and Section 68 Local Government Act 1993**

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

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

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

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;

- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

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

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

4. **Building – Hoarding Application**

Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an ‘A class’ (fence type) or a ‘B class’ (overhead type) hoarding or ‘C type’ scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary.

An application for this work under Section 68 of the [Local Government Act 1993](#) and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the [Local Government Act 1993](#) and Section 138 of the [Roads Act 1993](#):

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The 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 (available at www.strathfield.nsw.gov.au) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$20 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 a copy provided to

Council. The Policy is to note Council as an interested party.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

5. Sydney Water – Tap in™

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

6. Notice of Requirements for a Section 73 Certificate

A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

7. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be submitted to the PCA prior to the issue of the Occupation/Subdivision Certificate.

8. Electricity Supply

The following conditions apply for any activities within the electricity easement:

- All construction works on or near the easement and/or powerlines must adhere to the Safework NSW - Work Near Overhead Powerlines: Code of Practice, 2006
- No vehicles, plant or equipment having a height exceeding 4.6 metres are to be brought into the easement site without written approval from Ausgrid.
- Vehicles brought into the easement, with a height less than 4.6m but having an extension capable of extending greater than 4.6m above ground, must not have that extension operated at all whilst within the easement.

- Adequate removable protection must be installed to prevent vehicles inadvertently colliding with the transmission tower. This proposed form of protection must be forwarded to Ausgrid for review and consent.
- No buildings/structures or parts thereof constructed may encroach the easement.

A written approval from relevant electricity infrastructure provider must be obtained prior to the issue of a Construction Certificate. For further details, you are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services).

Evidence of the approval is required to be provided to the Certifying Authority prior to the issue of a Construction Certificate.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

9. Fees to be Paid

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

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

Please contact council prior to the payment of s7.11 or s7.12 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation)	\$ 1,925.00
Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Security Damage Deposit	\$ 12,200.00
Tree Bond	\$ 10,000.00
Administration Fee for Damage Deposit	\$ 254.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94 Development Contributions - Roads	\$ 12,386.36

and Traffic Management

Strathfield Section 94 Development Contributions – Local Open Space	\$ 2,218.45
Strathfield Section 94 Development Contributions – Major Open Space	\$ 9,798.16
Strathfield Section 94 Development Contributions – Community Facilities	\$ 0.00
Strathfield Section 94 Development Contributions - Administration	\$ 590.95
TOTAL Section 94 Contributions	\$ 24,993.92

General Fees

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

Development Contributions

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

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

Indexation

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

Timing of Payment

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

Further Information

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

10. Required Design Changes

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

Amendments made in red on approved plans	All changes made in red on the approved plans shall be updated and shown on the Construction Certificate plans.
Window Privacy	The sill height of the window/s on the southern elevation of the first floor are to have a minimum sill height of 1.7m above floor level, or alternatively, the window/s are to be fixed and provided with translucent, obscured, frosted or sandblasted glazing below 1.7m above floor level.
Driveway	In addition to the proposed convex mirror at the driveway, the applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be setback by 1.5m from the building line.
Encroachment of structures	No part of any structure (including footings, gutters and eaves) may encroach or overhang any property boundary.

11. **Damage Deposit – Minor Works**

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

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$12,200.00**.
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: **\$127.00**.
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

12. **Tree Bond**

A tree bond of **\$10,000.00** and an administration fee of **\$127.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

Payment may be accepted in the form of cash, bank guarantee, cheque or credit

card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

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

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

13. **Site Management Plan**

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

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

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

14. **Low Reflectivity Roof**

Roofing materials must be low glare and reflectivity. Details of finished external materials including colours and texture must be provided to the Certifying Authority.

15. **Erosion & Sedimentation Control**

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas

- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004.](#)

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

16. **Stormwater System**

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

17. **On Site Detention**

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

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

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

The OSD facility shall be designed to meet all legislated safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

"BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms."

Full details shall accompany the application for the Construction Certificate.

18. Detailed Stormwater Drainage Design

The submitted stormwater plan has been assessed as a concept plan only. A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis) in accordance with Council's Stormwater Management Code must be submitted with the Construction Certificate application.

19. Driveway Surface Waters

For driveways on private property sloping to the street and greater than 10 metres in length, drainage control devices such as humps or grated surface inlet pits shall be installed at the front boundary in order to control excess stormwater flowing across Council's footpath.

20. Water Sustainability – Water Sensitive Urban Design

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.

21. Stormwater Drainage Plan Details

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

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

22. Waste Manage Plan (WMP)

Prior to the issue of a Construction Certificate, a Waste Management Plan (WMP) must be submitted and it must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005). A WMP will become part of any development consent issued and aims to facilitate better waste management, waste minimization and resource recovery.

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

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

23. **Fire Safety Measures**

Prior to the issue of a construction certificate a list of the existing and proposed essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.

24. **Structural Details**

Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns & other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the PCA.

25. **Commonwealth Disability (Access to Premises) Standard**

The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.

26. **Off Street Parking – Compliance with AS2890**

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.6 (parking for people with disabilities) and AS 2890.2 (for commercial vehicle facilities).

27. **Acoustic Requirements**

Acoustic Report - General Operation of Premises

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

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

28. **Industrial Premises - Air Quality Report**

An air quality report prepared by a professional Engineer specialising in air quality must be submitted with the Construction Certificate application for approval

providing:

- (a) Details of the type of control equipment, if any, that are necessary to prevent an odour nuisance (as defined under [The Protection of the Environment Operations Act 1997](#)) arising from the operation of the premises; and
- (b) Certification that the proposed control equipment will be adequate to prevent an odour nuisance arising from the operation of the premises.

29. Onsite Waste Collection

Development for the purposes of multi-unit housing, residential flat buildings, serviced apartments, boarding houses, mixed use and commercial developments must provide onsite underground or at-grade collection of waste, which must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005).

Waste servicing and collection arrangements should be clearly depicted and annotated on architectural drawings, which should indicate adequate turning circles to allow collection vehicles to enter and exit the site in a forward direction.

30. Commercial and Industrial Waste

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

WMP should also provide written evidence of valid contracts for the regular collection and disposal of waste and recyclables generated on the site. The private waste contractor must confirm the frequency of the waste collections (general waste, recycling and bulky goods), and that the size and location of the storage room is suitable for the frequency of the waste collections.

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

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

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

31. Industrial Waste Material

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

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

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

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

32. **Landscape Plans**

All landscape works shall be carried out in accordance with the approved landscape plans. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

33. **Tree Protection and Retention**

The following trees shall be retained and protected:

Tree Species	Location of Tree
Platanusx hybrid	Street tree (within Council verge) adjoining Underwood Road

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

General Tree Protection Measures

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

must also include the name and contact details of the Project Arborist.

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

34. Demolition & Asbestos

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

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

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

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

35. Demolition Notification Requirements

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

34. Demolition Work Involving Asbestos Removal

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who

carries on a business of such removal work in accordance with a licence under clause 458 of the [Work Health and Safety Regulation 2011](#).

35. Registered Surveyors Report - During Development Work

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

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

Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

DURING CONSTRUCTION

36. Site Sign – Soil & Erosion Control Measures

Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

37. Hours of Construction for Demolition and Building Work

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Friday and 8:00am to 1:00pm on Saturdays. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Where the development involves the use of jack hammers/rock breakers and the

like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

Note: A penalty infringement notice may be issued for any offence.

38. Physical Connection of Stormwater to Site

No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Council's asset in Underwood Road.

39. Tree Removal on Private Land

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

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

40. Completion of Landscape Works

At the completion of all works, a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboricultural Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established.

41. Allocation of Parking Spaces

Parking associated with the development is to be allocated as follows:

- (a) Staff: 4
- (b) Visitors: 8

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

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

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

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

43. Stormwater Certification of the Constructed Drainage Works (Minor)

The constructed stormwater system shall be certified by a suitably qualified person,

in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

44. Requirements Prior to the Issue of the Occupation Certificate

The following shall be completed and or submitted to the PCA (or Council, when specified) prior to the issue of the Occupation Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.
- (d) Council must be provided with all materials storage and recycling licences held by facility.
- (e) Council must be provided with written evidence of Sydney Water approval for oil/water separator unit and installation, as well as authorisation to discharge treated water into the sewer duct control mitigation measures.

45. Stormwater Drainage Works – Works As Executed

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

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

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

46. Acoustic Certification

Prior to the issue of any Occupation Certificate, a suitably qualified acoustic consultant shall certify that the operation of the premises and plant equipment shall not give rise to a sound pressure level at any affected premises that exceeds the acoustic criteria established by the Acoustic Report required by a condition of this consent. The development shall at all times comply with these noise levels post

occupation.

47. Acoustic Compliance – General Operation of Premises

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

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

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

48. Fire Safety Certificate before Occupation or Use

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

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

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

49. Slip Resistance

At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. Proof of compliance must be submitted with the application for the Occupation Certificate for approval.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

Nil

OPERATIONAL CONDITIONS (ON-GOING)

50. Hours of Operation

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

Printing manufacturing facility and ancillary warehouse: Monday to Saturday – 7.00 AM to 6.00

Showroom (industrial retail outlet): Monday to Friday – 9.00 AM to 5.00 PM

51. Maintenance of Landscaping

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

52. Noise Control

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

53. Emergency Spill Response Management Plan

An Emergency Spill Response Management Plan shall be prepared and submitted to Council within three months of the issuing of the Occupation Certificate. The Plan shall include the following:

- (a) List of chemicals and maximum quantities to be stored at the site;
- (b) Identification of potentially hazardous situations;
- (c) Procedure for incident reporting;
- (d) Details of spill stations and signage;
- (e) Containment and clean-up facilities and procedures; and
- (f) The roles of all staff in the Plan and details of staff training.

54. Storage of Hazardous or Toxic Material

To ensure hazardous and toxic materials do not become a threat to the environment they must be stored in a bunded area constructed and maintained in accordance with AS 1940-2004 - The storage and handling of flammable and combustible liquids (as amended) and with SafeWork NSW requirements (contactable on 13 10 50).

55. Outdoor Lighting

To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting.

56. Lighting – General Nuisance

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

Flashing, moving or intermittent lights or signs are prohibited.

57. Amenity of the Neighbourhood

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

58. Entering & Exiting of Vehicles

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

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

59. Appointment of a PCA

The erection of a building must not commence until the applicant has:

- (a) Appointed a PCA for the building work; and
- (b) If relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) Appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) Notify the PCA of the details of any such appointment; and
- (e) Notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

60. Requirement for a Construction Certificate

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

61. Notification of Critical Stage Inspections

No later than two days before the building work commences, the PCA must notify:

- (a) The consent authority and the Council (if not the consent authority) of his

or her appointment; and

- (b) The applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

62. Notice of Commencement

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

63. Occupation Certificate

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

PRESCRIBED CONDITIONS

64. Clause 98 – Building Code of Australia & Home Building Act 1989

Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the [Home Building Act 1989](#) relates, there is a requirement for a contract of insurance to be in force before any work commences.

65. Clause 98A – Erection of Signs

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.

66. Clause 98E – Site Excavation

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

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

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

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage

67. Clause 98E – Protection & Support of Adjoining Premises

If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

ADVISORY NOTES

i. **Review of Determination**

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

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

ii. **Appeal Rights**

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

iii. **Lapsing of Consent**

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

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

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

v. **Long Service Levy**

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

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

vi. **Disability Discrimination Act**

This application has been assessed in accordance with the [Environmental Planning and Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability](#)

[Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

vii. **Site Safety Fencing**

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

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

viii. **Noise**

Council will generally enforce noise related conditions in accordance with the Noise Guide for Local Government (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the Industrial Noise Guidelines (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the [Protection of the Environment Operations Act 1997](#).

Useful links relating to Noise:

- (a) Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).
- (b) Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).
- (c) New South Wales Government Legislation home page for access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2000 (www.legislation.nsw.gov.au).
- (d) Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au/index.php).
- (e) Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au).
- (f) Department of Gaming and Racing - (www.dgr.nsw.gov.au).

ix. **Acoustical Engineer Contacts & Reference Material**

Further information including lists of Acoustic Engineers can be obtained from:

- (a) Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au)

- (b) Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au)
- NSW Industrial Noise Policy – Office of Environment & Heritage (www.environment.nsw.gov.au)