

IDAP REPORT – SECTION 4.55(2) MODIFICATION

Property:	0 Cosgrove Road STRATHFIELD SOUTH DA 2017/064/04
Proposal:	Section 4.55(1A) modification application of an approved waste transfer station involving alterations to the roof profile, external materials, windows, and an additional roller door and increase to the rainwater tank capacity.
Applicant:	P. Lonergan
Owner:	R. Younan & E. Haddad
Date of lodgement:	18 November 2020
Notification period:	4 December 2020 to 18 December 2020
Submissions received:	Nil
Assessment officer:	N Doughty
Zoning:	IN1-General Industrial - SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



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

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the Section 4.55(1A) modification application of an approved waste transfer station involving alterations to the roof profile, external materials, windows, and an additional roller door and increase to the rainwater tank capacity.

Site and Locality

The site is identified as 0 Cosgrove Road Strathfield South and has a legal description of Lot: 1 DP: 202168. The site is located on the western side of Cosgrove Road and is a triangular shaped allotment with an area of 2,736m².

The site is predominately surrounded by industrial developments to the north, south and east and adjoins a freight railway line to the west.

Strathfield Local Environmental Plan

The site is zoned IN1-General Industrial under the provisions of Strathfield LEP 2012 and the proposal being for the purpose of a waste transfer station is permissible with Council consent under the State Environmental Planning Policy (Infrastructure) 2007. 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 in more detail in the body of the report.

Notification

The application was notified in accordance with Council's Community Participation Plan from 4 December 2020 to 18 December 2020. No submissions were received.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2017/064/04 is recommended for **APPROVAL**, subject to the recommended conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the Section 4.55(1A) modification application involving alterations to an approved Waste Transfer Station. More specifically, the proposal includes;

- Modifications to the roof profile from skillion to gable form;
- Installation of a roller door to access storage area and egress door due to additional fire wall requirement;
- Deletion of three (3) windows on eastern elevation and modify the orientation of the remaining three (3) windows from vertical to horizontal;
- Deletion of three (3) windows on southern elevation and modify the orientation of the remaining three (3) windows from vertical to horizontal;
- Increase the size of the rainwater tank from 32kL to 64kL ;
- Modifications to external materials including the alteration from Dominion wall sheet to Trimdek wall sheet and Kliplik roof sheet to Trimdek roof sheet (no changes to the wall sheet colours).

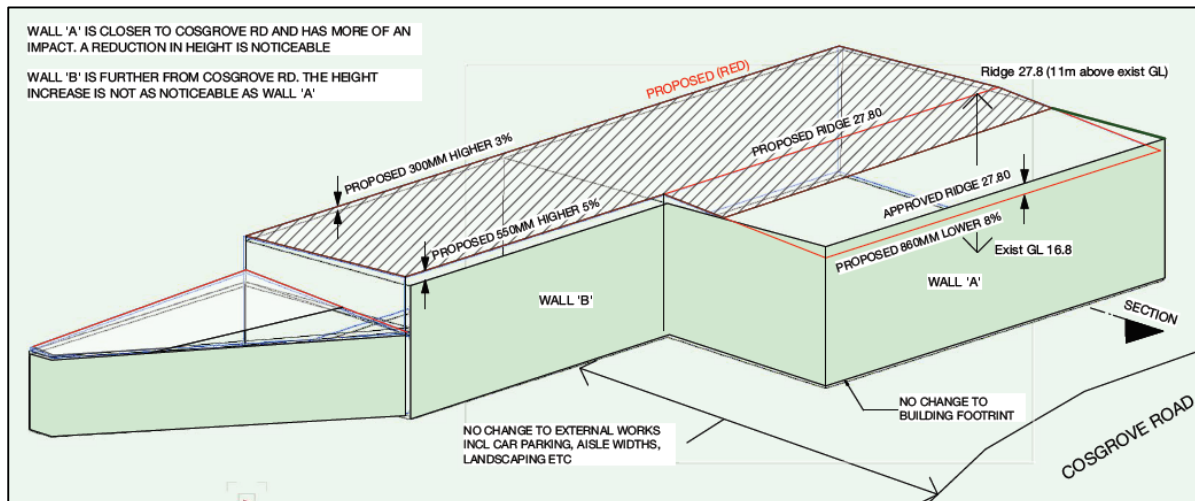


Figure 2: Proposed building envelope.

The Site and Locality

The subject site is legally described as Lot: 1 DP: 202168 and commonly known as 63-65 Cosgrove Road Strathfield South. The site is located on the western side of Cosgrove Road and is a triangular shaped allotment with an area of 2,736m² (Figure 1). The subject land is approximately 450m south of the Hume Highway and 1.5km north of Punchbowl Road.

The site is currently occupied by a bus depot and storage yard (Figure 3). The site is predominately surrounded by industrial developments to the north, south and east and adjoins a freight railway line to the west. It is also traversed overhead by major electricity transmission lines.



Figure 3: View of the subject site from Cosgrove Road.

Background

19 December 2017	Development consent was granted to DA2017/064 for the demolition of existing structures and construction of a waste transfer station processing up to 40,000 tonnes per annum by the Sydney Eastern City Planning Panel.
7 June 2019	Section 4.55(2) modification application (DA2017/064/01) was withdrawn.
14 May 2020	Section 4.55 (2) modification application (DA2017/064/03) involving the reduction of the building footprint and vehicle parking was approved by the Sydney Eastern City Planning Panel.
18 November 2020	The subject modification application (DA2017/064/04) was lodged with Council.
4 December 2020 to 18 December 2020	The application was notified for a period of 14 days and no submissions were received.
7 December 2020	Comments received from Transport for NSW, raising no objection to the modification application.
11 December 2020	Comments received from Council's Traffic Engineer, raising no objection to the proposed modifications.
15 December 2020	Comments received from Council's Stormwater Engineer, raising no objection to the proposed modifications.
15 December 2020	The Assessment Officer undertook a site inspection of the subject site.

16 December 2020	Comments received from Ausgrid, raising no objection to the modification application.
24 December 2020	Comments received from EPA, raising no objection to the modification application.
6 January 2021	Comments received from Council's Environmental Health Officer, raising no objection to the proposed modifications.

Referrals

INTERNAL

Stormwater

Council's Stormwater Engineer raised no objection to the modified proposal.

Traffic

Council's Traffic Engineer raised no objection to the subject application as the proposed modifications do not affect the on-site parking provisions, parking layout or vehicular access.

Environmental Health

Council's Environmental Health Officer and provided the following comments:

"Environmental Services has read the application and supporting documents, and does not have any objections to this modification. The proposed modifications to the DA are minor and is expected to have minimal environmental impact. No new conditions are required."

EXTERNAL

Transport for NSW (TfNSW)

The application was forwarded to Transport for NSW for comment in accordance with Clause 104 of the Infrastructure SEPP 2007. TfNSW has reviewed the submitted application and raised no objection to the application as the modification is unlikely to have a significant impact on the classified road network.

Ausgrid

The application was forwarded to Ausgrid for comment in accordance with Clause 45 of the Infrastructure SEPP 2007. Ausgrid has reviewed the submitted application and raised no objection to the modified development.

Environmental Protection Authority (EPA)

The application was forwarded to the EPA for comment as the original development consent was granted concurrence and General Terms of Approval were issue. The EPA provided the following concluding comments:

"Based on the information provided, the modification will not have an impact on the Licence held by the Licensee for the conduct of scheduled activities at the Premises. In view of this, the EPA has no comment to provide on the proposed modification to the DA and no follow-up consultation with the EPA is required by Council for this matter."

Section 4.55 of the EP&A Act 1979

The application has been lodged under the provisions of S4.55(1A) of the *EPA Act 1979*. The application is considered to be of minor environmental impact and is substantially the same development for which consent was originally granted. In this regards, the proposed alterations relate to the external appearance of the building and BCA requirements. The bulk, scale and external appearance of the modified development will not change in a significant manner, no changes to the nature of the proposal (waste transfer station), the hours of operation, capacity of the facility are proposed and the likely impacts are essentially the same as that of the approved development.

The application has been notified in accordance with the provisions of Council's Community Participation Plan and no submissions were received. An assessment of the modification application against the matters referred to in Section 4.15(1) of the *EP&A Act* is included in this report. The recommendation report of the parent consent has been taken into consideration and the proposal as modified is consistent with the reasons for the approval.

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

The modification application was referred to Ausgrid in accordance with Clause 45 of the Infrastructure SEPP 2007 as an exposed overhead electricity power line traverses the site. Ausgrid has reviewed the submitted application and raised no objection to the modified development.

The proposed development was referred to Transport for NSW in accordance with the requirements of Clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)* as the proposal is classified as traffic generating development given the proposal is for the purpose of a waste transfer station.

Concurrence for the parent application was received from RMS in correspondence dated 19 June 2017. Whilst no modifications are sought in relation to vehicle access or the intensity of the development, the subject application was referred to TfNSW (previously RMS) for comment. Correspondence was received on 7 December 2020 raising no objections to the modified proposal.

Pursuant to Clause 121(2) of the *SEPP*, the application is a permissible use within the IN1 Zone despite being prohibited under the *Strathfield LEP 2012*.

The proposal has been assessed against the relevant provisions of *SEPP Infrastructure 2007* and is considered satisfactory.

State Environmental Planning Policy No. 55 – Remediation of Land

A combined Phase 1 and Phase 2 Environmental Site Assessment prepared by Aecom dated 24 August 2015 was submitted as part of the parent application. The report concluded that no soil contamination was identified and the site is considered to be suitable for on-going commercial/industrial land use. The modification application does not trigger any further investigation. Accordingly, the site is suitable for the proposed development and the objectives outlined within SEPP55 are considered to be satisfied.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

The proposal will not involve any modifications which would cause it to pose potential hazards or adverse impacts to adjoining properties beyond which was previously approved under the parent consent. A Preliminary Hazard Analysis was prepared under the parent application which concluded that subject to appropriate measures in place to deal with storage and disposal of materials, the proposal involves minimal use of hazardous materials on site. Furthermore, the Environmental Protection Authority (EPA) was consulted as a licence is required for this proposed use. The EPA raised no objections to the proposed modification application. The surrounding area is still currently zoned General Industrial and Infrastructure and presently used for the purpose of industry and infrastructure. There are no current plans to change the land use surrounding the proposed development. Accordingly, the provisions of SEPP 33 have been satisfied.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of SLEP 2012 relating to the preservation of trees and vegetation. The proposed development as modified does not result in the removal of any trees other than those approved under the parent consent. Conditions were recommended under the parent consent requiring the protection of street trees surrounding the site.

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 under the Strathfield Local Environmental Plan 2012. Whilst development for the purposes of a waste transfer station is a prohibited use in the IN1 General Industrial zone, the use is permissible in the zone pursuant to Clause 121(2) of the Infrastructure (SEPP) 2007.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	12m	Unchanged	N/A
4.4 Floor Space Ratio	1:1 (2,736m ²)	Unchanged	N/A

Whilst the subject application seeks to alter the roof profile from a skillion to a gable roof form, the maximum building height of 11.5m (RL27.80) complies with the 12m development standard.

Part 5 – Miscellaneous Provisions

There are no relevant provisions under Part 5 of the SLEP 2012 that are applicable to the application.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as having Class 5 Acid Sulfate Soils and is located within 500m of Class 4 soil. However, the application does not involve works that would be below 5 metres Australian Height Datum and the watertable is unlikely to be lowered below 1 metre Australian Height Datum on the adjacent Class 4 land. Therefore, the application does not require an Acid Sulfate Soil Management Plan and the requirements of Clause 6.1 of the SLEP are satisfied.

Earthworks

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

Flood Planning

The proposed site has not been identified within the flood planning levels and as such, the provisions of this Clause are not applicable to the modification as proposed.

Essential Services

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

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

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

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

(iii) *any development control plan,*

The proposed development, as modified, 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, where applicable to the proposed changes;

PART D – INDUSTRIAL DEVELOPMENT

2.5: Density, Bulk and Scale

2.5	Objectives	Satisfactory
A.	To ensure the density, bulk, scale and design of industrial development enhances the streetscape and visual quality of the Strathfield Municipality.	Yes
2.5	Guidelines and Requirements	Complies
.2.	Floor Space ratio	
1	The maximum floor space ratio is 1:1.	Unchanged.

Comments: The proposed modifications to the roof component of the building relates to the roof form style (from skillion to gable) and the approved maximum building height of 11.5m is unchanged. The proposal as modified with a gable roof form achieves an appropriate building envelope and external appearance that is compatible with the existing surrounding industrial developments along Cosgrove Road.

2.7: Building Requirements and Materials

2.7	Objectives	Satisfactory
A.	To ensure that industrial development is of a high standard of design and appearance so as to contribute to the enhancement of the Strathfield Municipality;	Yes
B.	To encourage innovative industrial development within the Strathfield Municipality	Yes
C.	To encourage design and building materials that complement and enhance the surrounding environment.	Yes
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
4	Long blank walls on street frontages are to be avoided.	Yes
6	Building materials and colours used on facades facing the street shall be compatible with those of adjoining industrial buildings.	Yes
	Buildings must be designed to:	
8	(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

	(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

Comments: The proposed modifications involve a revised schedule of external materials from Klip-lok profile roof sheets to Trimdek profile roof sheets and from Lysaght Dominion wall cladding to Lysaght Trimdek wall cladding. No changes to the approved colours ('Cottage Green' and 'Ssurfmist') are proposed. The modified external finishes are considered appropriate to the industrial nature of the streetscape with an array of external finishes (cladding, colorbond, exposed facebrick)

2.8: Energy Efficiency and Water Conservation

2.8	Objectives	Satisfactory
A.	To orientate buildings so they maximise the use of solar energy to keep buildings cool in summer and warm in winter	N/A
B.	To encourage the use of building materials that assist in achieving energy efficient buildings	Yes
C.	To conserve water and reduce stormwater by the use of rainwater tanks and AAA rated water saving appliances and fittings	Yes
D.	To encourage the use of energy efficient appliances and fittings and where possible the use of renewable energy sources to reduce greenhouse gas emissions	Yes
E.	To encourage the use of recycled building materials where appropriate.	N/A

2.8	Guidelines and Requirements	Complies
4	A rainwater tank included in industrial development to be used for landscape watering and other supplies of non-domestic water. The size of the tank(s) required will be based on 10 litres/m ² of roof area proposed. Automatic landscape irrigation systems shall be connected to and utilise the rainwater tank. A tank or tanks with a total volume of up to 10,000 litres can be installed without consent (Refer to Appendix 3).	Yes

Comments: The modification application seeks to replace the approved 32kL rainwater tank to 64kL. The rainwater tank will provide water for toilet flushing and the irrigation of the landscaped areas. An amended Stormwater Drainage Plan accompanied the application and

was referred to Council's Stormwater Engineer whom raised no objections to the modified design.

2.12: Site Drainage and Water Management

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

2.12 Guidelines and Requirements		Complies
1	A stormwater drainage concept plan (SDCP) has been submitted demonstrating the feasibility of the proposed drainage system(s) within the site and connection to Council's system. This plan shows the surface flow path treatment, extent of roof and paved areas, any easements required, on site detention (OSD) storages as well as existing and proposed piped systems.	Yes

Comments: An amended Stormwater Drainage Plan accompanied the application and was referred to Council's Stormwater Engineer whom raised no objections to the modified design.

PART H – Waste Management (SCDCP 2005)

An Operational Waste Management Plan which details the ongoing management of the waste transfer station was approved under the parent consent. Conditions of consent were imposed under the parent consent to ensure full compliance with the document. The modification application does not trigger any changes to the approved document.

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

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

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

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

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

It is considered that the proposed development, as modified, is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relation 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 fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. No submissions were received.

(e) the public interest.

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

Local Infrastructure Contributions

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

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

Strathfield Direct Contributions Plan

This Section 4.55(1A) application does not result in any changes to the payment of Section 7.11 Contributions which were levied under the parent consent.

Conclusion

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

Following detailed assessment it is considered that Development Application No. 2017/064/04 should be **APPROVED**, subject to the recommended conditions.

- The original conditions of consent of Development Application No. DA2017/064 as approved by the Sydney Eastern Planning Panel on 19 December 2017;
- As modified by the Section 4.55(1A) application DA2017/064/03 approved by the Sydney Eastern Planning Panel on 30 April 2020;
- As modified by the Section 4.55(1A) application DA2017/064/04 as follows:
 - Modification of Condition No. 4 and 10 to reflect the amended plans.

Signed: N. Doughty
Planning Officer

Date: 11 January 2021

☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;

- ☒ I have reviewed the details of this modified development application and I also certify that Section 7.11 Contributions are not applicable to this development;

Report and recommendations have been peer reviewed and concurred with.

Signed: J. Gillies
Senior Planner

Date: 11 January 2021

SPECIAL CONDITIONS (SC)

1. NSW ENVIRONMENTAL PROTECTION AUTHORITY – GENERAL TERMS OF APPROVAL (SC)

Administrative conditions

Note: Mandatory conditions for all general terms of approval

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- The development application no. 2017/062 submitted to Strathfield Council on 15 May 2017; and
- Any environmental impact statement Environmental Impact Statement Resource Transfer Station at 63-65 Cosgrove Road South Strathfield and associated appendices relating to the development.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L2. Waste

L2.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L2.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

L2.3 The maximum amount of waste received at the Premises must not exceed 40,000 tonnes per year.

L3. Hours of operation

L3.1 Activities at the premises may only be carried out between 7am - 10pm Monday to Sunday.

L3.2 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L3.1 if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L3.3 The hours of operation specified in conditions L3.1 and L3.2 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

L3. Noise Limits

L3.1 The project must be designed, built and operated in accordance with the Environmental Impact Statement and Proposed Waste Transfer & Recovery Facility- Noise & Air Quality Impact Assessment, dated April 2017.

L4. Odour

L4.1 No condition of the licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted.

Operating conditions

01. Dust

01.2 Activities occurring at the premises must be carried out in a manner that will minimise the generation of dust.

01.3 The premises must be maintained in a condition which prevents the emission of dust from the premises.

01.4 The licensee must ensure that no material, including sediment or oil, is tracked from the premises.

01.5 Trucks entering and leaving the premises that are carrying loads must be covered at all times except during loading and unloading.

02. Process and Management

02.1 All activities must be carried out in a suitably enclosed shed and a concrete hardstand.

02.2 Each type of waste stored on site for recovery/recycling must be stockpiled separately.

02.3 Sampling and validation of waste must be undertaken in accordance with the conditions specified in the Environmental Protection Licence

03. Emergency response

03.1 The licensee must prepare, maintain and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises.

NOTE: The licensee must develop their PIRMP in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations Act 1997 (the POEO Act) and the POEO Regulations.

Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

- In a legible form, or in a form that can readily be reduced to a legible form;
- Kept for at least 4 years after the monitoring or event to which they relate took place; and
- Produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

- The time(s) at which the sample was collected;
- The point at which the sample was taken; and
- The name of the person who collected the sample.

Reporting conditions

Note: Mandatory condition to be used on all general terms of approvals

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees

(administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

Attachment- Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

(To be used on licences with ancillary activities)

This licence applies to all other activities carried on at the premises, including:

- Truck and other vehicle parking

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner. This includes:

- a. The processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. The treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a. Must be maintained in a proper and efficient condition; and
- b. Must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- The date and time of the complaint;
- The method by which the complaint was made;
- Any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- The nature of the complaint;

- The action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- If no action was taken by the licensee, the reasons why no action was taken. The record of a complaint must be kept for at least 4 years after the complaint was made. The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

Where this licence is transferred from the licensee to a new licensee,

- a. The transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and

- b. The new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on -

- a. In relation to the surrender of a licence- the date when notice in writing of approval of the surrender is given; or
- b. In relation to the revocation of the licence - the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. The assessable pollutants for which the actual load could not be calculated; and
- b. The relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. Where this licence applies to premises, an event has occurred at the premises; or
- b. Where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a. The cause, time and duration of the event;
- b. The type, volume and concentration of every pollutant discharged as a result of the event;
- c. The name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d. The name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. Action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. Details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. Any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant.

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies. The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

(Reason: Ensure compliance with NSW EPA requirements)

2. SIGHT DISTANCE (SC)

Sight distances from the proposed vehicular crossings to vehicles on Cosgrove Road are to be in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 – Sight Distance and AS 2890. Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists, and general traffic.

(Reason: Safety)

3. E-WASTE (SC)

As per the EPA's recommendation, no E-Waste is to be permitted to be treated on site. Accordingly all required documents are to remove the reference of E-Waste material.

(Reason: to satisfy EPA requirements)

4. PLAN OF MANAGEMENT FOR DUST MITIGATION (SC)

The applicant is to provide a Plan of Management for Dust Mitigation, incorporating control measures contained within the Noise and Air Quality Impact Assessment Report No 16271 Version D and dated November 2019. The Plan of Management must clearly specify:

- The environmental measurements (such as wind speed and how to gauge wind speed), and the environmental and operational conditions that trigger implementation of dust mitigation.
- A daily log must be kept documenting dust mitigation measures implemented and the triggers for implementation. The log must be kept daily for every day of operations and include "nil measures" if no measures implemented on any day.
- An up to date copy of the log must be kept at site and immediately made available for inspection upon request to any member of Council or the NSW EPA authorised under the Protection of the Environment Operations Act 1997
- Management is to undertake a documented monthly review of the daily logs to identify the operational practices leading to the need for dust mitigation. The review must identify and document solutions to the operational practices.
- Management must implement any feasible solution identified in the monthly review.

(Reason: Pollution Control)

MODIFIED: DA2017/064/03 – 30 APRIL 2020

5. **ILLEGAL DUMPING AND LITTER CONTROL (SC)**

The applicant or person taking up this is responsible for ensuring Cosgrove Road around the development (from Cleveland Street to Liverpool Road) is clean and free of litter and illegal dumps, and must:

- Undertake daily patrols of the area surrounding Cosgrove Road from Cleveland Street to Liverpool Road to identify litter, garbage and illegal dumps.
- Remove and legally dispose of litter, garbage and illegal dumps.
- Maintain a log of patrols, including date, time, person conducting patrol the litter, garbage and illegal dumps identified (including "nil identified") and the corrective actions taken to remove litter, garbage and illegal dumps.
- The logs of patrols must be kept on site and immediately made available for inspection upon request to any member of Council or the NSW EPA authorized under the Protection of the Environment Operations Act 1997

(Reason: Pollution Control)

MODIFIED: DA2017/064/03 – 30 APRIL 2020

6. **DELETION OF CARSPACE ADJOINING GARBAGE ROOM (SC)**

The car space immediately adjoining the garbage room and internal stairwell to the south-east of the site shall be deleted and reinstated with deep soil zone. Details demonstrating compliance with this requirement shall be prepared and submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.

(Reason: Reduce hardstand surfaces in front setback of site)

MODIFIED: DA2017/064/03 – 30 APRIL 2020

GENERAL CONDITIONS (GC)

4. **APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)**

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Application No. 2017/064:

Drawing No.	Title/Description	Prepared by	Issue / Revision	Date
-	Waste Management Plan	Younan		26.04.2017
100	Site Plan	Cracknell & Lonergan Architects	Issue B dated 14 April 2020 Dated 14 September 2020	Received by Council 14 April 2020 Received by Council 18 November 2020

103	Ground Floor Plan	Cracknell & Lonergan Architects	Issue B dated 14 April 2020 Dated 14 September 2020	Received by Council 14 April 2020 Received by Council 18 November 2020
107	First Floor Plan	Cracknell & Lonergan Architects	Issue B dated 14 April 2020 Dated 14 September 2020	Received by Council 14 April 2020 Received by Council 18 November 2020
110	Roof Plan	Cracknell & Lonergan Architects	Issue B dated 14 April 2020 Dated 14 September 2020	Received by Council 14 April 2020 Received by Council 18 November 2020
201	Elevations	Cracknell & Lonergan Architects	Issue B dated 14 April 2020 Dated 14 September 2020	Received by Council 14 April 2020 Received by Council 18 November 2020
301	Section Plan	Cracknell & Lonergan Architects	Issue B dated 14 April 2020 Dated 14 September 2020	Received by Council 14 April 2020 Received by Council 18 November 2020
110	Roof Plan	Cracknell & Lonergan Architects	Issue B dated 14 April 2020 Dated 14 September 2020	Received by Council 14 April 2020 Received by Council 18 November 2020
L 100	Landscape Plan	A Total Concept Landscape Architects	Issue B	Received by Council 15 November 2019
C201	Stormwater Plan - General Arrangement Plan	C&M Consulting Engineers	Revision 04	Received by Council 31 March 2020
C501	Onsite Stormwater Site Detention System	C&M Consulting Engineers	Revision 01	Received by Council 31 March 2020

C601	Catchment Plan	C&M Consulting Engineers	Revision 02	Received by Council 31 March 2020
C701	Sediment and Erosion Control Plan	C&M Consulting Engineers	Revision 03	Received by Council 31 March 2020

MODIFIED: DA2017/064/04

15 JANUARY 2021

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Application No. 2017/064:

Title / Description	Prepared by	Issue/Revision	Date
Environmental Impact Statement	Ingham Planning	-	May 2017
Detail Survey	Cedar Surveying Services Pty Ltd		30 May 2016
Phase 1 and 2 Environmental Site Assessment	Aecom	-	24 August 2015
Traffic and Parking Assessment	Traffix	Dated 7 November 2019	Received by Council 15 November 2019
Arborist Assessment	Urban Tree Care		1 February 2017
Preliminary Hazard Analysis (PHA)	Ingham Planning	-	No date
Secretary's Environmental Assessment Requirements (SEAR) 1103	NSW Planning & Environment		9 November 2016
Comments to Public submissions	Ingham Planning		29 August 2017
Landscape Maintenance Strategy	A Total Concept Landscape Architects	2019-09-16	Received by Council 15 November 2019
Stormwater Management Plan	C&M Consulting Engineers	Revision B	Received by Council 31 March 2020
Noise and Air Quality Impact Assessment	Wilkinson Murray	Revision D dated November 2019	Received by Council 15 November 2019
BCA Assessment Report	BCA Logic	Rev R3	Dated 24 February 2020

In the event of any inconsistency, the conditions of this consent shall prevail.

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

MODIFIED: DA2017/064/04

15 JANUARY 2021

5. CONSTRUCTION HOURS (GC)

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Fridays and 8am to 1pm Saturdays.

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

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

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

6. CONSTRUCTION WITHIN BOUNDARIES (GC)

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

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

7. DEMOLITION – GENERALLY (GC)

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

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

8. DEMOLITION - SITE SAFETY FENCING (GC)

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

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

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

(Reasons: Statutory requirement and health and safety.)

9. **LANDSCAPING – CANOPY TREES IN FRONT SETBACK (GC)**

New development shall provide at least two (2) canopy trees within the front setback adjacent the front boundary (existing trees may be included). Ground covers should be planted in lieu of grass, to compliment the grevilleas. New canopy trees shall be at least three (3) metres high at the time of planting and capable of reaching a mature height of 10m.

Species shall be selected from Council's Recommended Tree List (Available from Council's website or from the Customer Service Centre). Compliance with this condition is to be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To ensure the landscape character of the locality is maintained.)

10. **LANDSCAPING - TREES PERMITTED TO BE REMOVED (GC)**

The development consent only permits the removal of trees numbered 1, 2, 3 and 4 as identified within the ~~Ground Floor Plan Issue A dated 4 October 2019 prepared by Cracknell & Lonergan Architects.~~ **Arborist Assessment Report prepared by Urban Tree Care dated 1 February 2017.**

(Reason: To ensure appropriate tree removal.)

MODIFIED: DA2017/064/04 15 JANUARY 2021

11. **MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULED (GC)**

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

(Reason: To ensure compliance with this consent.)

12. **LIGHTING (GC)**

Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external signage associated with the development, without the prior approval of Council.

(Reason: To protect the amenity of surrounding development and protect public safety.)

13. **PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)**

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

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

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

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

(Reason: Statutory requirement.)

14. **SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS) (GC)**

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

- a) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- b) Demolition must be carried out by a registered demolition contractor.
- c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out.
- d) No blasting is to be carried out at any time during construction of the building.
- e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- f) Adjoining owner property rights and the need for owner's permission must be observed at all times (where required under real property law), including the entering onto land for the purpose of undertaking works.
- g) Any demolition and excess construction materials are to be recycled wherever practicable.
- h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- i) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including offensive odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- j) All waste must be contained entirely within the site.
- k) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- l) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- m) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling.

- n) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- o) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- p) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- q) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- r) Any work must not prohibit or divert any natural overland flow of water, other than is necessitated as a consequence of the approved construction works.
- s) Toilet facilities for employees must be provided in accordance with WorkCover NSW.
- t) Protection pads are to be installed to the kerb and gutter where trucks and vehicles enter the site.

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

15. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by a practicing Chartered Professional Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

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

16. SYDNEY WATER - STAMPED PLANS PRIOR TO COMMENCEMENT (GC)

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

For Quick Check agent details please refer to the web site www.sydneywater.com.au (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92. The consent authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has stamped the plans before the commencement of work.

(Reason: Compliance with Sydney Water requirements.)

17. WASTE – TRACKABLE (GC)

Removal of trackable waste (as defined by the NSW Environment Protection Authority) from the site must comply with the Protection of the Environment Operations (Waste) Regulation 2014 for the transportation, treatment and disposal of waste materials. Waste materials must not be disposed on land without permission of the land owner and must with the provisions of the Protection of the Environment and Operations Act 1997.

(Reason: To ensure compliance with legislation.)

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

18. ACCESS - ACCESS FOR PEOPLE WITH DISABILITIES (CC)

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

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

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

19. ACCESS – DISABLED TOILETS (CC)

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

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

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

20. ARBORIST REPORT – INITIAL (CC)

The applicant must engage a suitably qualified and experienced arborist (Australian Qualification Framework Level 5 or above) to assess the impact of the proposed works and determine best practices (e.g. minimise compaction, soil build up and or excavation within the Tree Protection Zone) to ensure the longevity of the trees to be retained. The arborist is to prepare and submit, to the satisfaction of the Principal Certifying Authority, a report prior to the issue of a Construction Certificate, documenting the measures to be employed and certifying that they have been implemented.

(Reason: Qualified assessment of impact of proposed works on trees to be retained on the site.)

21. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (CC)

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

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

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

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

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

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

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

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

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

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

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

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

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

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 81A(2) of the EP&A Act 1979. Accordingly, demolition works must not commence until a Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions.)

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

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

- a) Detailed information on any approvals required from other authorities prior to or during construction.
- b) Traffic management, including details of:
 - ingress and egress of vehicles to the site;
 - management of loading and unloading of materials;
 - the location of heavy vehicle parking off-site; and
 - designated routes for vehicles to the site.
- c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- d) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
 - the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
 - procedures to prevent run-off of solid material and waste from the site.
- e) Waste management, including:
 - details of the types and estimated volumes of waste materials that will be generated;
 - procedures for maximising reuse and recycling of construction materials; and
 - details of the off-site disposal or recycling facilities for construction waste.
- f) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- g) A soil and water management plan, which includes:
 - measures to minimise the area of soils exposed at any one time and conserve top soil;
 - identification and protection of proposed stockpile locations;
 - preservation of existing vegetation and revegetation;
 - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
 - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
 - details of sediment and erosion control measures in place before work commences;
 - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
 - details of drainage to protect and drain the site during works.
- h) Asbestos management procedures:
 - Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see www.workcover.nsw.gov.au
 - Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos

materials must only be removed by a person who holds a current Class A asbestos license.

- Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
 - ☐ The Work Health and Safety Act 2011;
 - ☐ The Work Health and Safety Regulation 2011;
 - ☐ How to Safely Remove Asbestos Code of Practice – WorkCover 2011; and
 - ☐ Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
- Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
- The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
 - ☐ the date and time when asbestos removal works will commence;
 - ☐ the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
 - ☐ the full name and license number of the asbestos removalist/s; and
 - ☐ the telephone number of WorkCover's Hotline 13 10 50
 - ☐ warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
 - ☐ appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

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

a) Works Permit

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

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

b) Standing Plant Permit

This permit must be applied for where it is intended to park a concrete pump, crane or other plant on the roadway or footpath. A Standing Plant Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are

located on Council's website. Please note a Road Closure Permit is not required for standing plant.

c) Skip Bin Permit

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

d) Temporary Full or Part Road Closure Permit

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

e) Hoarding Permit

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

f) Work Zone Permit

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

g) Ground Anchoring Permit

This permit must be applied for, for the installation of ground anchors under Council's footway/road reserve. It does not cover ground anchors under private properties. A separate approval is required to be obtained from Roads and Maritime Services (RMS) if it is proposed to install ground anchors under a State or Classified Regional Road (please refer to the end of this application form for more information).

(Reason: Council requirement)

27. **EROSION AND SEDIMENTATION CONTROL PLAN (CC)**

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

- a) Compliance with the approved Soil and Water Management 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 uncontaminated run-off is diverted around cleared or disturbed areas.
- d) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways.
- e) All erosion and sediment controls are fully maintained for the duration of demolition/ development works.
- f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.

- h) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters.
- i) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

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

(Reason: Environmental protection.)

28. FIRE SAFETY SCHEDULE (CC)

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

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

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

29. HAZARDOUS GOODS AND WASTE (CC)

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

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

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

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

(Reason: Health and safety.)

30. LANDSCAPING - MAINTENANCE STRATEGY (CC)

To ensure the survival of landscaping following completion of works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Principal Certifying Authority with the

Construction Certificate application. The strategy is to address maintenance issues such as, but not limited to; plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival.)

31. NOISE AND VIBRATION MANAGEMENT PLAN (CC)

Prior to the issue of a Construction Certificate, a Noise and Vibration Management Plan is to be prepared by a suitably qualified person addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to Council or the Principal Certifying Authority.

The Plan is to identify amelioration measures to ensure the noise and vibration levels will be in compliance with:

- a) Construction noise management levels established using the Interim Construction Noise Guideline (DECC, 2009);
- b) Vibration criteria established using the assessing vibration: Technical guideline (DEC, 2006) (for human exposure); and
- c) The vibration limits set out in the German Standard DIN 4150-3: Structural Vibration- effects of vibration on structures (for structural damage)

The report that itemises equipment to be used for excavation works. The Plan shall address, but shall not be limited to, the following matters:

- i) identification of activities carried out and associated noise sources;
- ii) identification of potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment;
- iii) determination of appropriate noise and vibration objectives for each identified sensitive receiver;
- iv) noise and vibration monitoring, reporting and response procedures;
- v) assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles;
- vi) description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction;
- vii) construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency;
- viii) procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration; and
- ix) contingency plans to be implemented in the event of non-compliances and/or noise complaints. A register should be kept of complaints received, and the action taken to remediate the issue.

(Reason: To protect acoustic amenity of surrounding properties and the public.)

32. SECTION 94 CONTRIBUTION PAYMENT - DIRECT CONTRIBUTIONS PLAN (CC)

In accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Provision of Community Facilities	\$0.00
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Provision of Major Open Space	\$72,253.72
Provision of Local Open Space	\$16,359.33
Provision Roads and traffic Management	\$0.00
Administration	\$1,363.28
TOTAL	\$89,976.33

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. Contributions shall be indexed at the time of payment in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

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

Please present a copy of this condition when paying the contribution at the Customer Service Centre so that it can be recalculated.

Note: A copy of Strathfield Council's Section 94 Direct Development Contributions Plan may be downloaded from Council's website.

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

33. PUBLIC RISK INSURANCE (CC)

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 with a copy also provided to Council.

The Policy is to note Council as an interested party. The copy is to be provided to Council, prior to the issue of a Construction Certificate.

34. SECURITY PAYMENT - DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE (CC)

A security (damage deposit) of **\$12,200.00** (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 Council property 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. All building work must be carried out in accordance with the Building Code of Australia.

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.

Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record,

submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

The damage deposit shall be refunded upon completion of all works upon receipt of a Final Occupation Certificate stage and inspection by Council.

(Reason: Protection of Council infrastructure.)

35. **STORMWATER - RAINWATER RE-USE (CC)**

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

(Reason: Compliance and amenity.)

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

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

(Reason: Environmental protection.)

37. **WORKS WITHIN THE ROAD RESERVE (CC)**

Detailed drawings including long and short sections and specifications of all works within existing roads (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage) shall be submitted to and approved by Council under Section 138 of the Roads Act 1993 and all fees and charges paid, prior to the issue of a Construction Certificate.

Detailed drawings and specifications are to be prepared and certified by an appropriately qualified Civil Engineer.

Upon completion of the works, the Applicant is to provide to Council with electronic copies of 'Work as Executed Plans'. The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor.

The Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works.

All civil engineering works adjacent/near/outside 63-65 Cosgrove Road, Strathfield are to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

(Reason: To ensure compliance of engineering works/Council assets are constructed to acceptable standards for engineering works.)

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

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

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

- a) description of the demolition, excavation and construction works;
- b) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d) proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- e) impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- f) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- g) proposed hours of construction related activities and vehicular movements to and from the site;
- h) current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- i) any activities proposed to be located or impact upon Council's road, footways or any public place;
- j) measures to maintain public safety and convenience;
- k) any proposed road and/or footpath closures;
- l) turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- m) locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- n) location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- o) a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- p) material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- q) on-site parking area for employees, tradespersons and construction vehicles as far as possible;
- r) proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- s) how it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

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

39. **TREE BONDS (CC)**

A tree bond of **\$10,000.00** (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.

(Reason: To ensure the protection of trees to be retained on Council's Road Reserve.)

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40. VEHICULAR CROSSINGS - WORKS PERMIT FOR CONSTRUCTION OF (CC)

Full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footpath at the entrance(s) and/or exit(s) to the site and designed in accordance with Council's guidelines and specifications. In this regard, a Works Permit is to be obtained (available from Council's Customer Services Centre or downloaded from Council's website), and the appropriate fees and charges paid, prior to the lodgement of a Construction Certificate.

(Reason: To ensure appropriate access to the site can be achieved.)

41. VENTILATION SYSTEMS – MECHANICAL (CC)

The mechanical ventilation system is to comply with the following:

- a) The Building Code of Australia;
- b) Protection of the Environment Operations Act 1997; and
- c) Australian Standard AS1668-1991.

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

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

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

42. WASTE –WASTE STORAGE ROOMS (CC)

Bulk waste storage and waste storage rooms must be constructed of solid material: cement rendered and steel trowelled to a smooth even surface. The door to the waste room is to be designed and constructed to ensure the room is vermin proof and can be opened from the inside at all times. The waste room is to be ventilated to the external air by natural ventilation or an approved air handling exhaust system.

(Reason: To keep garbage rooms in a clean and sanitary condition to protect public health.)

43. WASTEWATER CONTROL (CC)

The applicant shall contact Sydney Water, to determine the requirements for the disposal of wastewater and liquid trade waste (including grease traps or grease arrestors). The applicant must provide a copy of the Authority to connect to the sewer system prior to the issue of a Construction Certificate.

There is to be no discharge of wastewater to the stormwater system.

(Reason: To ensure suitable disposal of waste water.)

44. WATER SUSTAINABILITY - WATER SENSITIVE URBAN DESIGN (CC)

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

(Reason: To promote Water Sensitive Urban Design.)

45. WATER SUSTAINABILITY – GENERALLY (CC)

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

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

(Reason: To promote sustainable water management practice.)

46. WORKS ZONE - APPROVAL BY COUNCIL'S TRAFFIC COMMITTEE (CC)

An application for a 'Works Zone' must be submitted to and approved by the Strathfield Council Traffic Committee prior to the commencement of any site work (including demolition).

The suitability of the proposed length and duration of the Works Zone is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Strathfield Council Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

(Reason: Council requirement.)

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (CW)

47. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)

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

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

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

(Reason: Statutory requirement.)

48. NOTICE OF COMMENCEMENT (CW)

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

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

(Reason: Statutory requirement.)

49. **TREE PROTECTION MEASURES (CW)**

Tree protection measures must be erected around Tree 5, Tree 6 and Tree 7 prior to works in accordance with AS 4970-2009 Protection of trees on development sites.

(Reason: Tree protection.)

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CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS (DW)

50. **FILL MATERIAL (DW)**

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

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

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

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

51. **OBSTRUCTION OF PUBLIC WAY NOT PERMITTED DURING WORKS (DW)**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without the prior approval of Council.

(Reason: To maintain public access and safety.)

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

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

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

53. **WORKS NEAR TREES (DW)**

All required tree protection measures are to be maintained in good condition for the duration of the construction period in accordance with AS 4970-2009 Protection of trees on development sites.

(Reason: Tree Protection.)

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

54. CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)

All surplus vehicular crossings and/or kerb laybacks must be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council. The nature strip is to be restored and the footpath area reinstated. All of the above are to be restored to the satisfaction of Council's Engineer and at full cost to the applicant, prior to the issue of any Occupation Certificate.

(Reason: Maintenance of public infrastructure.)

55. DRAINAGE SYSTEM - MAINTENANCE OF EXISTING SYSTEM (OC)

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

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

(Reason: Maintenance and environment.)

56. ENGINEERING WORKS (CERTIFICATION OF) (OC)

Prior to occupation of the premises, a Work As Executed (WAE) Plan of all engineering and/or drainage works is to be submitted to the Principal Certifying Authority. The WAE Plan is to be certified by a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers Australia and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, demonstrating that:

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

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

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

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

(Reason: Asset management.)

57. **LANDSCAPING - ARBORIST'S FOLLOW UP REPORT OF TREE/S TO BE RETAINED (OC)**

As part of the on-going assessment of the tree/s to be retained, the consulting arborist engaged by the applicant is to assess their health and any impacts suffered by them as a result of the proposed approved development, prior to the issue of an Occupation Certificate. Findings are to be compiled in a detailed report and submitted to the Principle Certifying Authority, which documents the following:

- a) Methods of excavation or construction used to carry out the works;
- b) Any damage sustained by the tree/s as a result of the works;
- c) Any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage; and
- d) Any future or on-going remedial work required to be carried out to ensure the long term retention of the tree/s.

(Reason: To ensure the survival of trees to be retained.)

58. **OCCUPATION OF BUILDING (OC)**

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

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

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

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

(Reason: Statutory requirement.)

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

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

(Reason: Adequate stormwater management.)

60. **STORMWATER – COVENANT AND RESTRICTION AS TO USER FOR STORMWATER CONTROLLED SYSTEMS (OC)**

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility on-site detention.

61. VENTILATION SYSTEMS – MECHANICAL (OC)

The mechanical ventilation system is to comply with the following:

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

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

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

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

62. VENTILATION SYSTEMS – NATURAL (OC)

The natural ventilation system shall be designed, constructed and installed in accordance with the provisions of:

- i) The Building Code of Australia; and
- ii) Protection of the Environment Operations Act 1997.

Details demonstrating compliance with this condition shall be submitted to the Principal Certifying Authority, prior to issue of the Occupation Certificate.

(Reason: To ensure any natural ventilation systems comply with the relevant regulations/standards.)

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

63. FIRE SAFETY ANNUAL STATEMENT (OU)

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation (as amended) the owner of the building shall provide to Council an Annual Fire Safety Statement from an appropriately qualified person certifying the essential fire safety measures in the building. The Annual Fire Safety Statement shall be submitted within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:

- a) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- b) Prominently displayed in the building. (Reason: Fire safety)

64. HOURS OF OPERATION (OU)

The hours of operation of the approved 'waste transfer station' must not exceed the following, without the prior approval of Council:

Days	Approved hours of operation
Mon-Friday	7am-10pm
Saturday	7am-10pm
Sunday and public holidays	7am-10pm

The premises must not open for business on Sundays or Public Holidays.

This condition does not apply in respect of refrigeration equipment/or machinery used for the preparation of or cooking of baked goods, unless they create a nuisance or were not part of the original consent.

(Reason: Ensure industry operates between approved hours.)

65. CARPARKING (OU)

Any employee vehicles must be required to park on site at all times.

(Reason: To reduce off site car parking.)

66. NOISE – REQUIREMENTS FOR INDUSTRIAL (OU)

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

(Reason: Noise control and amenity.)

67. POLLUTION – COMPLIANCE WITH PEOA 1997 GENERALLY (OU)

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

(Reason: Environmental protection.)

68. STAFF RESTRICTION GENERALLY (OU)

A maximum number of 8 staff are permitted to work on the premises at any one time. Any increase to this number requires a section 4.55 modification application be submitted to Council for approval.

(Reason: Environmental amenity.)

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69. VEHICULAR ACCESS (OU)

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

(Reason: To ensure traffic safety.)

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

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

All day staff parking spaces 11

Disabled parking spaces 1

(Reason: This condition has been imposed to ensure adequate on-site parking is maintained.)

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