

DELEGATED OFFICER REPORT

Property:	5F/1-21 Madeline Street STRATHFIELD SOUTH DA 2021/27
Proposal:	The proposed change of use of an existing cool room of an approved industrial facility to a takeaway food and drink premises.
Applicant:	L Goulimis (Diamond Food Services)
Owner:	T & M Property Investment Pty Ltd
Date of lodgement:	26 February 2021
Notification period:	12- 26 March 2021
Submissions received:	None (0)
Assessment officer:	E Black
Estimated cost of works:	\$50,000.00
Zoning:	IN1-General Industrial - SLEP 2012
Heritage:	No
Flood affected:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Locality Plan: 5F/1-21 Madeline Street Strathfield South

Development Approval

That Council, as the Consent Authority, pursuant to Section 4.16(1)(a) Environmental Planning & Assessment Act 1979, grant consent (subject to conditions) to Development Application No 27/2021 for the change of use of an existing cool room located at 5F/1-21 Madeline Street STRATHFIELD SOUTH to a takeaway food and drink premises. This application does not include signage.

The entire site employs approximately 200 workers as well as other transport workers that deliver and pick up produce within the premises. Currently a mobile food truck is the only access the workers have to hot and cold beverages and food. The application for the Tuck shop is to provide a convenient onsite service for these workers by converting a surplus area currently used for storage and originally a "finishing (packaging)" room.

Report in Full

Proposal

Council has received an application for the proposed change of use of an existing cool room and the attached office space of an approved industrial facility to a takeaway food and drink premises serving pre-packaged and precooked foods. More specifically, the proposal includes the following structural changes:

- Remove one door within the existing refrigerate "finishing" unit (currently used for storage) and block opening with a cool room panel to create a 40.45m² space (6.5 x 5.3m) for the shop.
- Block door opening and install a false wall and door with cool room panelling to convert the adjoining 6m² access/office space (3m x 2m) into a small cool room and corridor.
- Undertake a fitout on the proposed shop space to include preparation areas, grease trap, sink, and cabinets.

Operational and management includes the following:

- Operation hours - 4am-1pm Monday to Friday (within trading hours of complex which operates 24hours 0- 7 days a week)
- Number of Employees: Two (2)
- Number of Deliveries: Two (2) delivery truck per day
- Car parking spaces – 50
- Pre-packaged food only
- Supply of hot and cold drinks
- Existing commercial contractors for waste collection

The Site and Locality

The site is identified as 5F/1-21 Madeline Street BELFIELD and has a legal description of Lot 7 SP48198. It is located on the corner of Cleveland and Madeline Street Strathfield South. The site is part of a larger complex containing seven strata lots (see site plan image 1). The subject area occupies an area of 40.5 m² which is currently an enclosure "disused" room a larger cool room (495m).

The site is occupied by a butcher business and contains both front and rear loading docks, entrances. An existing male and female toilets and cleaning storage located under stairs in front of the proposed shop.

The immediate area is characterised by industrial / commercial buildings.



Image 1: Entry to the site – Known as “Sydney Meat Market”.

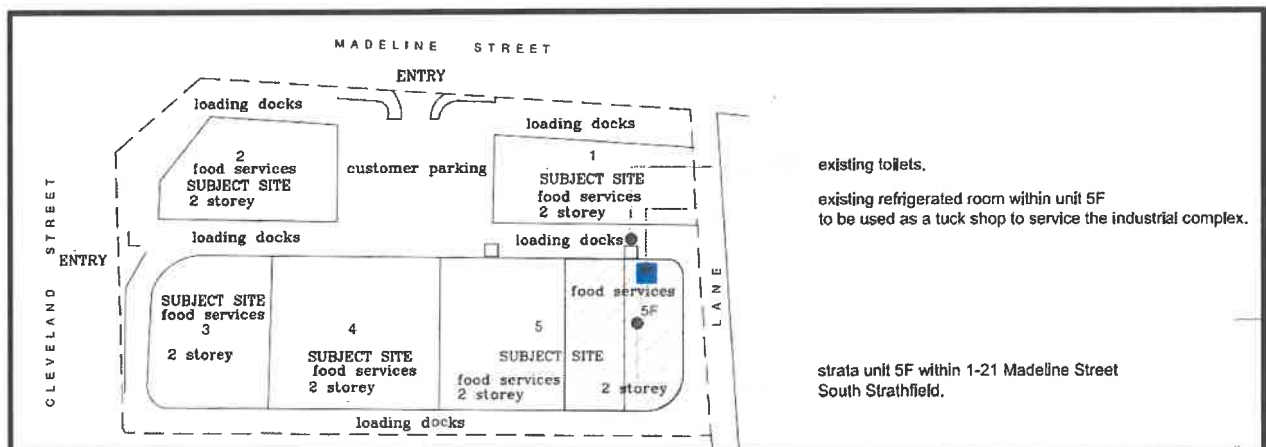


Image 2: Site Map which shows the existing units and the location of the proposed tuck shop

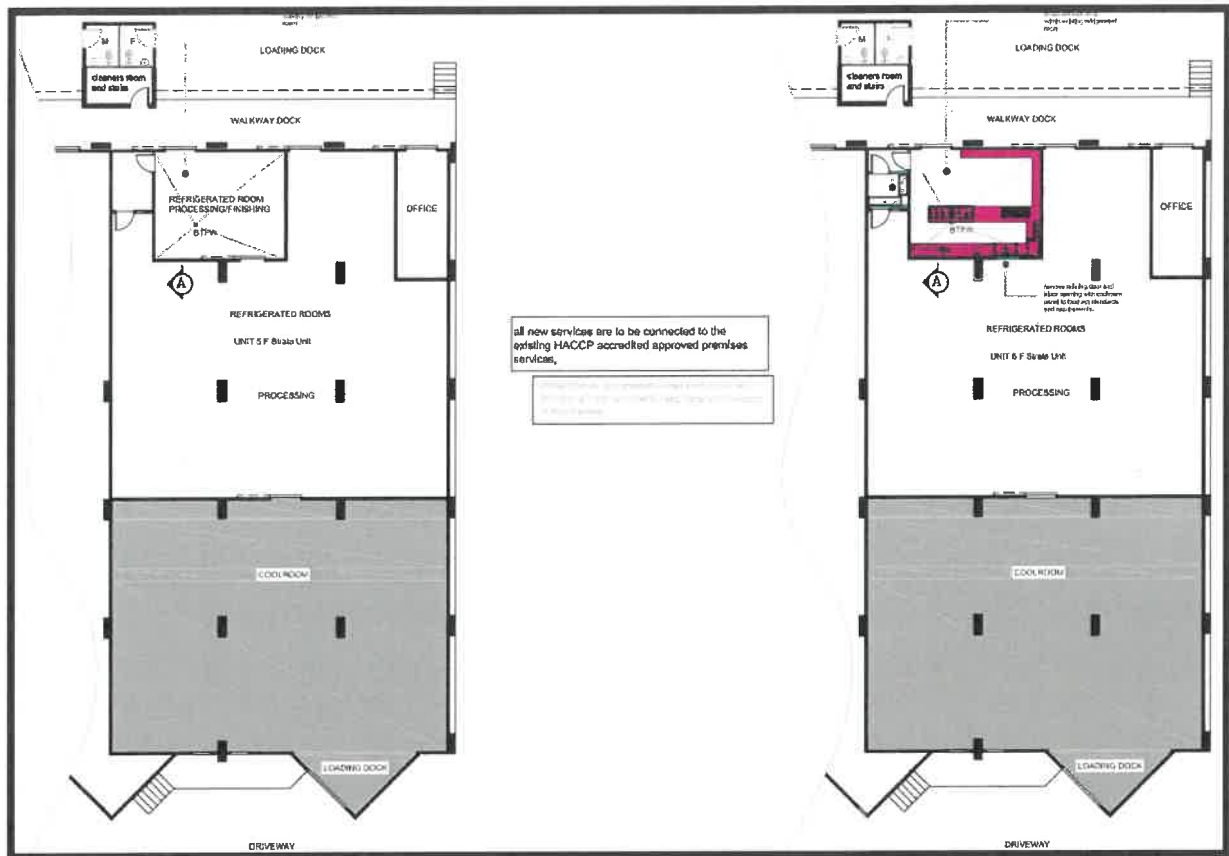


Image 5: Existing and Proposed fit out within the existing tenancy



Image 6: Showing the location via aerial of the proposed location of the Tuck shop



Image 7: Showing location of proposed shop



Image 8: showing current entry into the proposed tuck shop with sliding door to remain.



Proposed location of shop

Image 9: Showing the location of the shop and current access and front delivery dock



Image 10: Showing door to be enclosure and current interior of proposed truck shop.



Image 11: Showing adjoining access/office area to be enclosure and changed into a storeroom.

Background

1-21 Madeline Street is made up of a series of strata units that process and prepare food services for meat and poultry for retail and wholesale distribution. It was approved in 1992 (DA92/45) and it currently operates 24 hours 7 days without incident.

The background is as follows:

- | | |
|----------------------|--|
| 16 -22 February 2021 | <ul style="list-style-type: none"> • Completeness check required further information in relation to: • Confirmation of no signage and other external changes • Floor plans showing the area subject to change • addressing the relevant parts of the DCP parts D and Q. • site plan |
| 26 February 2021 | <ul style="list-style-type: none"> • Development Application for change of use of a part of the building used to process meat products to be changed into a tuck shop lodged |
| 12- 26 March 2021 | <ul style="list-style-type: none"> • The application was notified as per Community Participation Plan (No submissions were received) |
| 7 April 2021 | <ul style="list-style-type: none"> • Council planning officer undertakes site visit. |

Referrals – Internal and External

The application was referred internally for comments on waste, traffic, environmental health and building. The following comments were received.

Traffic: The application was referred internally to the Traffic Officer who provided the following comments:

“Council’s CDGP Part I Clause 3.5.1 stipulate the following parking requirement for drive-in take-away food outlet:

- *12 spaces per 100m of gross floor area; plus 1 space per 5 seats*

No information is available on the GFA or seat number. Nevertheless with the approx. 35 m² area measured based on the floor plan, the development only yields a parking requirement of several spaces.

The site is currently shared by a number of meat wholesale businesses which only open to customers on limited weekdays. The site has ample on-site standard parking and loading facilities to accommodate the additional parking demand. The take away food tuck shop would likely generate foot traffic from nearby staff and customers rather than a significant increase in vehicular trips. The development is not anticipated to result in unaccepted impact on the surrounding road network. “

The Traffic Officer did not object to the proposal subject to conditions of consent.

Environmental Health: The application was referred internally to the Environmental Health Officer who provided the following comments:

The Statement of Environmental Effects states that the proposal is for prepackaged food and beverages. Under this proposal, this food outlet would be considered low risk. However, the approval would need to ensure that it is restricted to the sale of prepackaged food only and that no food preparation occurs.....The definition of ‘package’ as given in the Food Act 2003 is given as: package includes any container or wrapper in or by which food intended for sale is wholly or partly encased, covered, enclosed, contained or packed and, in the case of food carried or sold or intended to be carried or sold in more than one package, includes every such package.

Meaning all food and beverages must arrive at the food business in an enclosed container or wrapper and sold in the same package.

The Environmental Health Officer did not object to the proposal subject to conditions of consent.

Waste: The application was referred internally to the Environmental Health Officer who did not object to the proposal subject to the inclusion of the standard conditions for waste.

Building: The application was referred internally to the Building Officer who did not object to the proposal subject to the inclusion of the standard conditions for fire safety measures, accessibility, building code of Australia and regulatory requirements.

Section 4.15 Assessment

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,**

Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned IN1-General Industrial and the proposal, a take away food and drink premise' a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

There is no change to the Floor Space Ratio or height for the site.

Part 5 – Miscellaneous Provisions

Applicable SLEP 2012 Clause	LEP Provisions	Development Provisions	Compliance/ Comment
5.4 (4) Controls relating to miscellaneous permissible uses	<p>Industrial retail outlets If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed— (a) 25% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or (b) 400 square metres, whichever is the lesser.</p> <p>Artisan food and drink industry exclusion If development for the purposes of an artisan food and drink industry is permitted under this Plan in an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed— (a) 25% of the gross floor area of the industry, or (b) 400 square metres, whichever is the lesser.</p>	<p>Gross Floor Area = 495msq = 123.75m² (25%)</p> <p>Proposed GFA of Shop 34.45m² (7%)</p>	Complies

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

State Environmental Planning Policy (Infrastructure) 2007

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

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

(iii) *any development control plan,*

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

Part D – Industrial - 2.15 Commercial Development in Industrial Zones

Commercial premises and shops in an industrial zone shall demonstrate that they are:

Applicable DCP Controls	Development Proposal	Compliance/ Comment
Ancillary to the approved industry; and/or	The site and use is ancillary to the use of the entire site as a workplace.	Complies
Intended to serve persons occupied or employed in a landuse otherwise permitted in the zone; and/or	The site is intended to serve those that are employed on the site.	Complies
Most suited to the location in an industrial area by virtue of their operation (ie they must not be otherwise more appropriately located in a local commercial centre).	The site is located in an industrial area away from commercial centre. The location is close to where workers currently take their breaks. There is no other access to food apart from a mobile food truck. The hours will service early morning workers.	Complies

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

Not applicable.

(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 will be located within an existing facility and therefore not impact physically on the surrounding environment. The proposed tuck shop is ancillary use for the service of those who work on site. The hours of operation being 4am-1pm Monday to Friday are within the sites approved hours of operation and therefore are highly unlikely to impact on the surrounding area.

Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

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

It is considered that the proposed development is in a suitable location for the site. It is within an area that is easy to access from all areas of the site and is close to toilet facilities. The room of the current unit is also surplus to the use for the business. The hours of operation will remain within the current business hours.

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

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

(e) the public interest.

The proposed development is of a small scale and ancillary to the existing use of the subject site. It does not conflict with the public interest but is likely to be in the best interest of the public as it supports the needs of the 200 workers on site.

Conclusion

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

Following detailed assessment it is considered that Development Application No. 27/2021 should be approved subject to conditions.

Signed:



**E Black
Specialist Planner Heritage**

Date: 13 April 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 development application and I also certify that Section 7.11/7.12 Contributions are not applicable to this development;

Report and recommendations have been peer reviewed and concurred with.

Signed:


Kandace Lindeberg
Executive Manager Landuse Planning

Date: 13 April 2021

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

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

DEVELOPMENT DETAILS

(1) Approved Plans & Documentation

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

Description		Reference No.	Date	Revision	Prepared by
Site Plan		DA01	Feb	C Additional Information	Solid Void
		Issue C	2021		
Floor Plan Existing		DA02	Feb 2021	B Additional Information	Solid Void
Floor Plan Proposed		Issue B			
Elevations Floor Plan Proposed		DA03	Feb 2021	B Additional Information	Solid Void
		Issue B			
Tenancy existing	Plan	DA04	Feb	A Development Application Issue	Solid Void
Tenancy Proposed.	Plan	Issue A	2021		
Statement of Environmental Proposed partial change of Use to a Tuck Shop Takeaway Unit 5 F 1-21 Madeline St South Strathfield NSW		Job PS101	No. 16 Feb 2021	Revision B	
Waste Management Plan					Louis Goulimis Solid Void

(2) Food Premises – Restricted Use (premises that are not cooking)

There shall be no cooking (where heat is applied to food **except for the making of beverages**) permitted in the premises unless a separate development application has been approved by Council for this purpose.

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

(3) Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

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

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

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

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a "works zone";
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.

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

The relevant Application Forms for these activities can be downloaded from Council's website www.strathfield.nsw.gov.au. For further information, please contact Council's Customer

Service Centre on (02) 9748 9999.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

(4) Food Premises

The following information shall be provided and shown on the Construction Certificate Plans:

(a) Plans and Specifications

Details of the construction and fit out of food premises must be submitted to Council's Environmental Health Officer. The plans and specifications must demonstrate compliance with the:

- i. [Food Act 2003](#) (as amended)
- ii. [Food Regulation 2015](#) (as amended)
- iii. Food Standards Code as published by Food Standards Australia
- iv. New Zealand and Australian Standard AS4674:2004 Design, Construction and fit out of food premises (as amended)

Environmental Health Officers' must advise in writing that the plans and specification are considered satisfactory prior to the issue of any Construction Certificate.

(5) Waste Management Plan

A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

WMP should also indicate how waste education will be provided, in order to minimise waste disposal, contamination and to increase recycling. Educational signage is to be installed in waste rooms and commons areas.

[EPA's Better Practice Guide for Waste Management in Multi-unit Dwellings](#) and [Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities](#) should be used to inform design and waste management outcomes in new and existing development.

(6) Onsite Waste Collection

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

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

(7) Commercial and Industrial Waste

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

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

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

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

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

(8) Fire Safety Measures

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

(9) Access for Persons with a Disability

Access for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.

(10) Commonwealth Disability (Access to Premises) Standard

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

(11) Fees to be Paid

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation)	\$ 175
Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	

General Fees

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

Further Information

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

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

(12) Food Premises – Inspection & Registration

Prior to the issue of any Occupation Certificate or occupation or use of any food premises:

- An inspection of the fit out of the Food Premises must be arranged with Council's Environmental Health Officer;
- A satisfactory final inspection must have been undertaken by Council's Environmental Health Officer; and
- The Food Premises must notify and register its business details with Strathfield Council as required under section 100 of the [Food Act 2003](#).

(13) Fire Safety Certificate before Occupation or Use

In accordance with Clause 153 of the [Environmental Planning and Assessment Regulation 2000](#), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the [Environmental Planning and Assessment Regulation, 2000](#). In addition, in

relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

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

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

(14) Slip Resistance

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

OPERATIONAL CONDITIONS (ON-GOING)

(15) Loading & Unloading of Vehicles

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

(16) Entering & Exiting of Vehicles

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

(17) Food Premises – Adequate Waste Receptacles (Restaurants, takeaway/cafe)

Appropriate waste and recycling containers must be provided for waste generation rates of 0.3 to 0.6 square metres per 100 meals, plus up to 0.15 cubic metres of beverage containers per 100 meals. All waste and recycling containers shall be stored in the approved waste storage area that is large enough to store the required number of bins and must be adequately serviced by waste collection vehicles.

(18) Food Premises – Maintenance of Food Premises

The food premises must be maintained in accordance with the [Food Act 2003](#) (as amended), [Food Regulation 2015](#) (as amended); the Food Standards Code as published by Food Standards Australia & New Zealand and Australian Standard AS 4674-2004: *Construction and fit out of food premises* (as amended).

(19) Food Premises – Garbage Odour

A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined under the provision of the [Protection of the Environment Operations Act, 1997](#) (as amended).

(20) Annual Fire Safety Statement

The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:

- (a) Within 12 months after the date on which the fire safety certificate was received.
- (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
- (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the [Environmental Planning and Assessment Regulation 2000](#).
- (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

(21) Hours of Operation

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

4:00 – 13:00 (Monday – Friday)

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

(21) Requirement for a Construction Certificate

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

(22) Appointment of a PCA

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

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

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

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

(23) Notification of Critical Stage Inspections

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

- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

(24) Notice of Commencement

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

(25) Notice to be Given Prior to Critical Stage Inspections

The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

PRESCRIBED CONDITIONS

(26) Clause 98 – Building Code of Australia & Home Building Act 1989

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

(27) Clause 98A – Erection of Signs

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

ADVISORY NOTES

1. Review of Determination

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

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

2. Appeal Rights

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

3. Lapsing of Consent

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

4. Long Service Levy

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

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

5. Disability Discrimination Act

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

6. Site Safety Fencing

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

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