

IDAP REPORT

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| Property: | 250-318 Parramatta Road Homebush PLT: 10 DP: 1055460 DA2020/247 |
| Proposal: | Alterations and additions to the existing Tigers Sydney Markets Club including enclosure of existing outdoor terrace, signage and rooftop plant. |
| Applicant: | Ashfield Leagues Club |
| Owner: | Sydney Markets Limited |
| Date of lodgement: | 12 January 2021 |
| Notification period: | 1 to 15 February 2021 |
| Submissions received: | Nil |
| Assessment officer: | M Rivera |
| Estimated cost of works: | \$811,500.00 |
| Zoning: | SP1 – Special Activities – Sydney Wholesale and Retail Markets and Distribution Centre – SLEP 2012 |
| Heritage: | No |
| Flood affected: | Yes |
| Is a Clause 4.6 Variation Proposed: | No |
| RECOMMENDATION OF OFFICER: | APPROVAL |



Figure 1. Locality Plan. The subject site is outlined in yellow and the proposed works are situated in the building outlined in red.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the alterations and additions to the existing Tigers Sydney Markets Club including enclosure of existing outdoor terrace, signage and rooftop plant.

Site and Locality

The site is identified as 250-318 Parramatta Road, Homebush and has a legal description of PLT: 10 DP: 1055460. The site is an expansive and irregular shaped parcel of land that is bounded by Parramatta Road on the northern side, Centenary Drive on the western side, Hudson Street on the eastern side, and the western railway line on the southern side.

The site has a total area of 41.7 hectares, a maximum length of 962m and a 650m wide frontage.

The locality surrounding the subject site contains various land uses – from commercial buildings, mixed use and residential flat buildings along Parramatta Road, and dwelling houses to the north and east of the site. The Sydney Markets Precinct, Parramatta Road, the Western Motorway, and the western railway line are dominant features in the immediate vicinity.

Strathfield Local Environmental Plan

The site is zoned SP1 – Special Activities under the provisions of Strathfield Local Environmental Plan 2012 (SLEP 2012) and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the SLEP 2012.

Development Control Plan

The proposed development generally satisfies the provisions of Strathfield Consolidated Development Control Plan 2005 (SCDCP 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 1 to 15 February 2021. No submissions were received during this period.

Issues

- Permissibility

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2020/247 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the alterations and additions to the existing Tigers Sydney Markets Club that comprises:

- Internal alterations to refurbish existing facilities including male/female/accessable bathrooms;
- Enclosure of an existing balcony to extend the existing gaming area;
- Changes to the external façade;
- Installation of three (3) LED signs; and
- Rooftop plant and access to facilitate a new air conditioner for the extended gaming area.

The intention of the proposed development is to upgrade the existing club and provide improved facilities for customers and facilitate appropriate social distancing in response to the Covid-19 pandemic. The proposed development does not involve changes to the operations of the club including the number of employees, the number of customers (as approved), the operational hours or the total number of poker machines within the club.

The proposed signage comprises:

- Two (2) LED panel business identification flush wall signs, measuring 3650mm in length by 1344mm in height; and
- One (1) LED panel business identification flush wall sign, measuring 5950mm in length by 1344mm in height.

It is proposed that the signs will wrap around the proposed external louvres and roof of the enclosed balcony at the southern elevation of the existing building. The LED signs will transition every 10 seconds on a loop of the Tigers Sydney Markets Club business information.

The proposed rooftop plant for a new air conditioning unit will be screened by galvanised metal slats and will be sited on the rooftop to minimise visibility from the pedestrian streetscape. An access platform with hand rails is also proposed for maintenance of the rooftop plant.

Demolition Plans, Floor Plans and Elevations of the proposed development are shown in Figures 2 to 7.

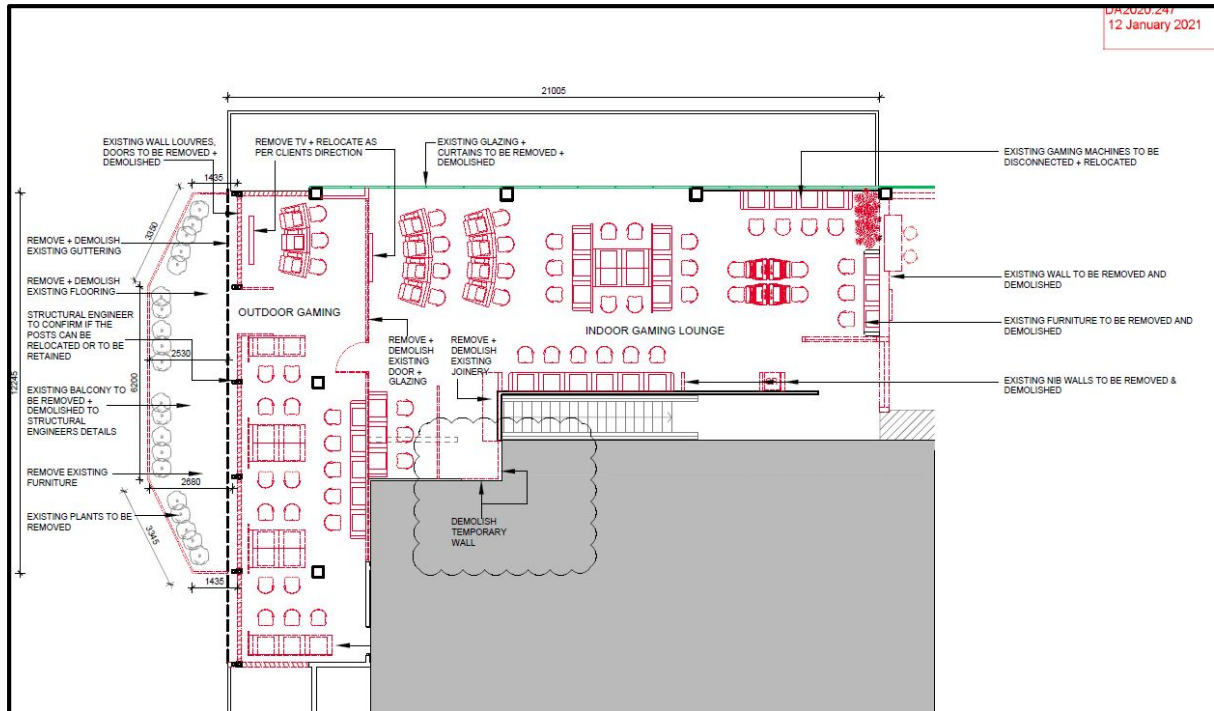


Figure 2. Demolition Plan – gaming area

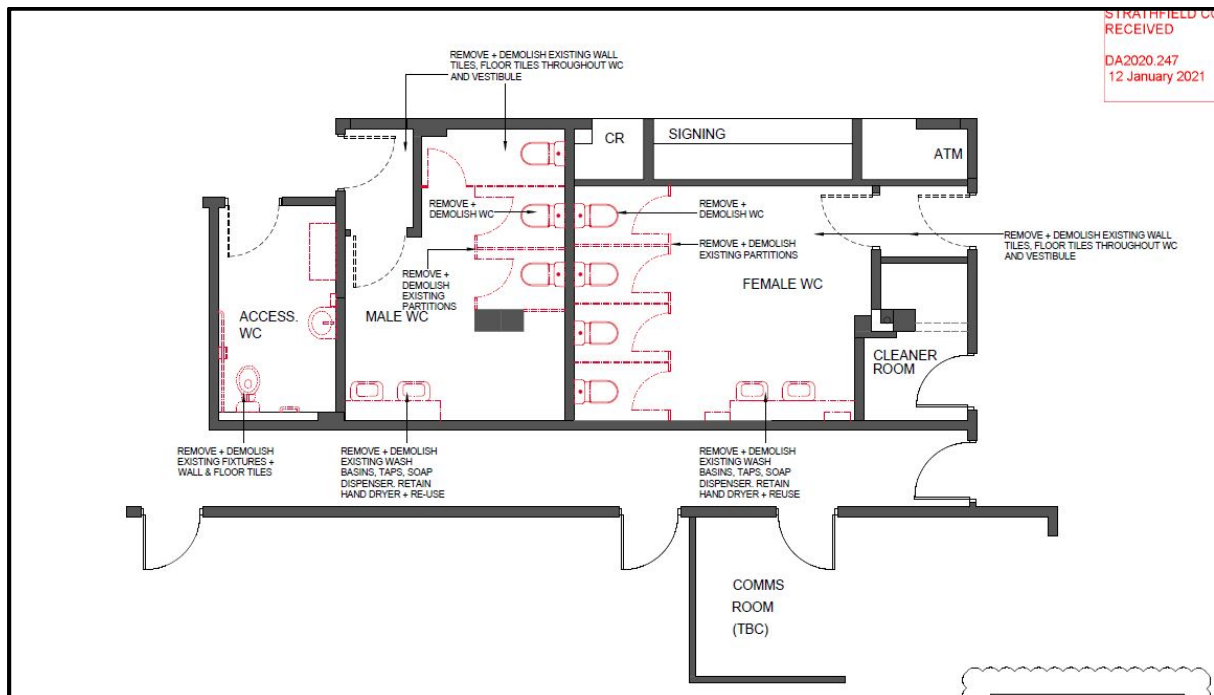


Figure 3. Demolition Plan – bathrooms

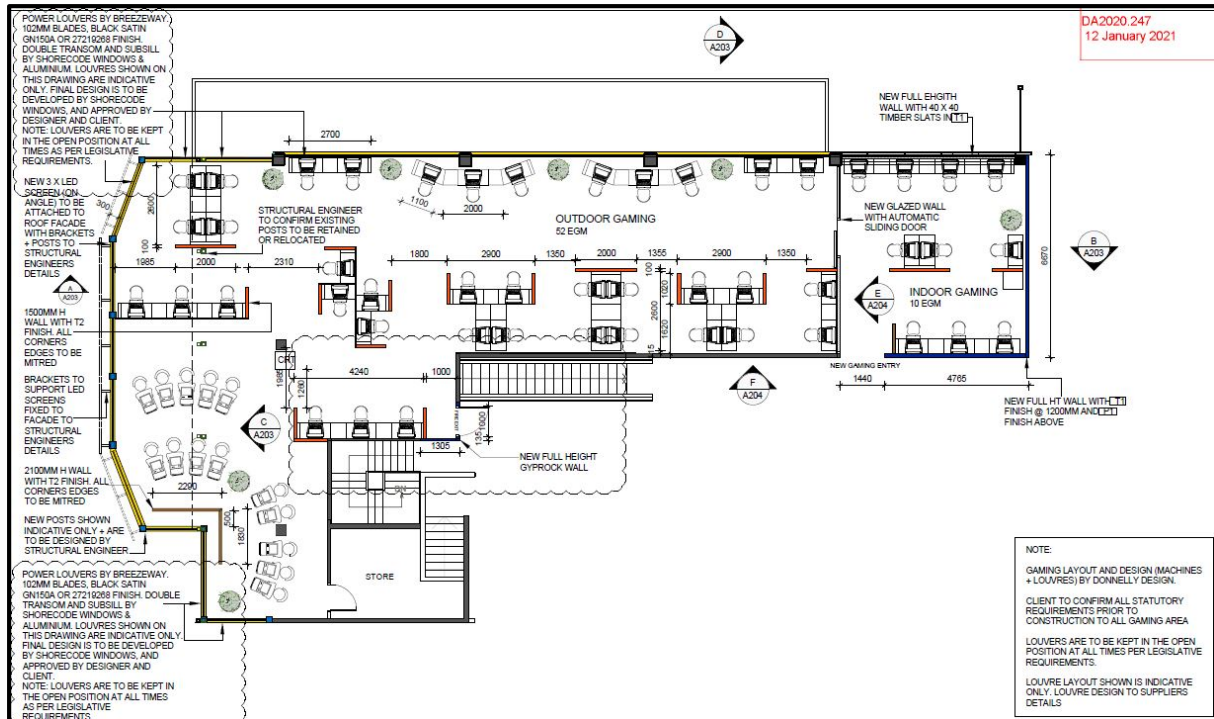


Figure 4. Proposed Floor Plan – gaming area

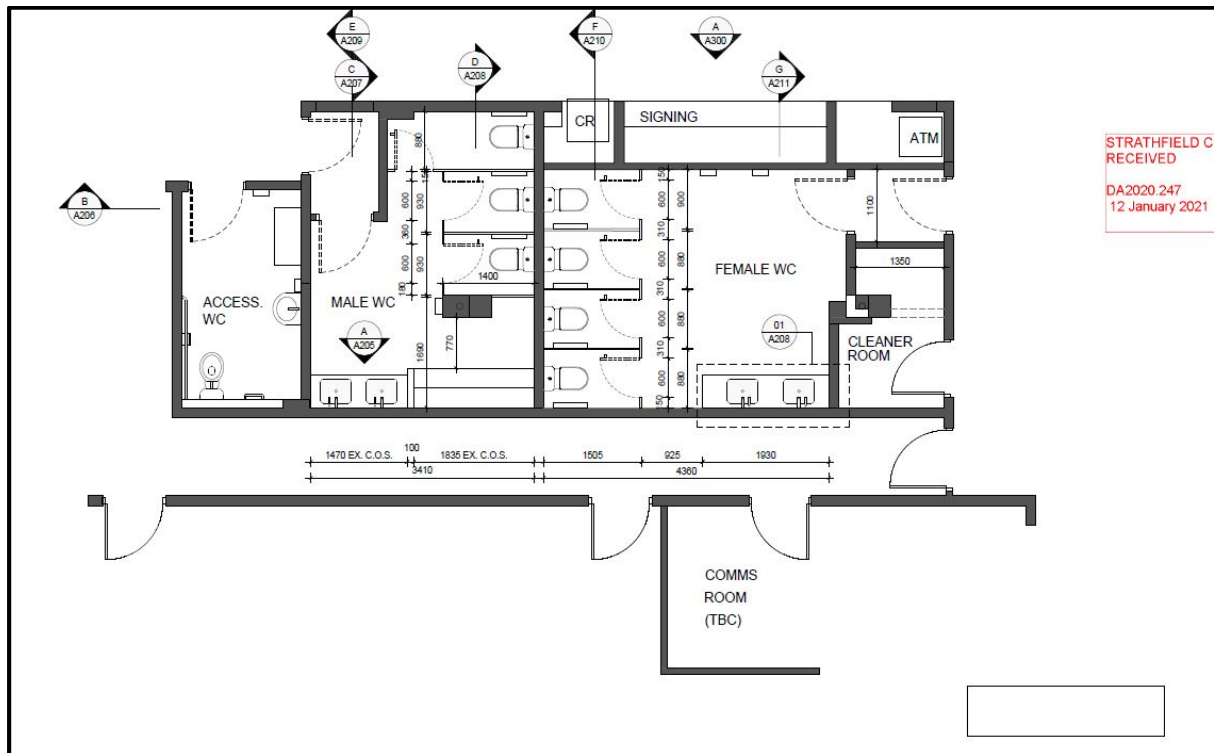


Figure 5. Proposed Floor Plan – bathrooms

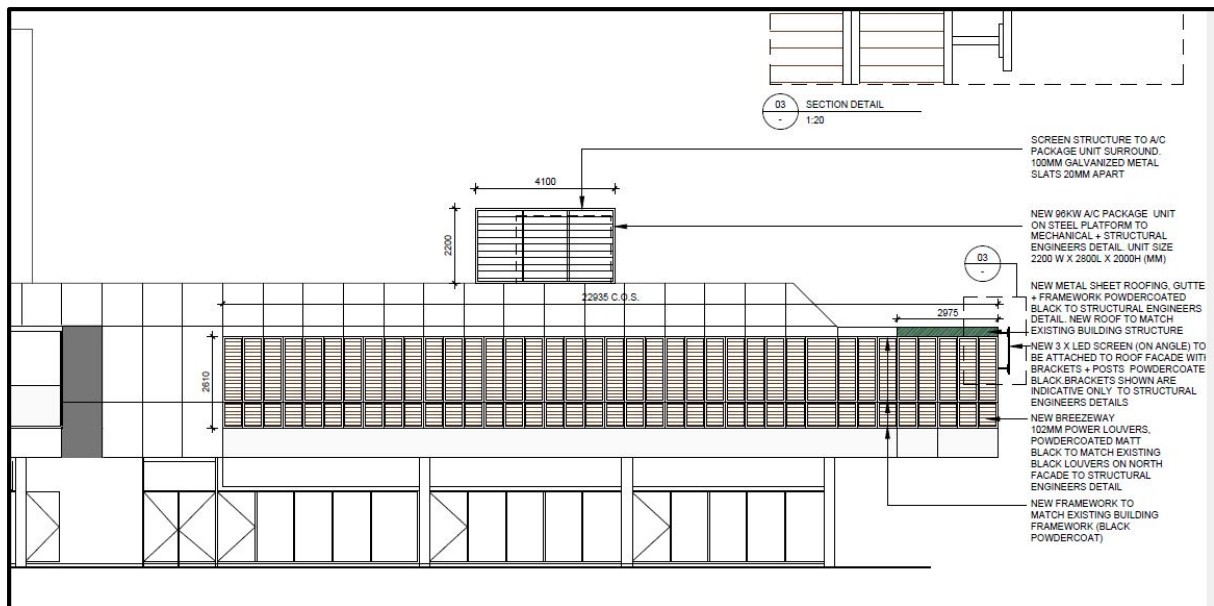


Figure 6. Western Elevation – showing external changes

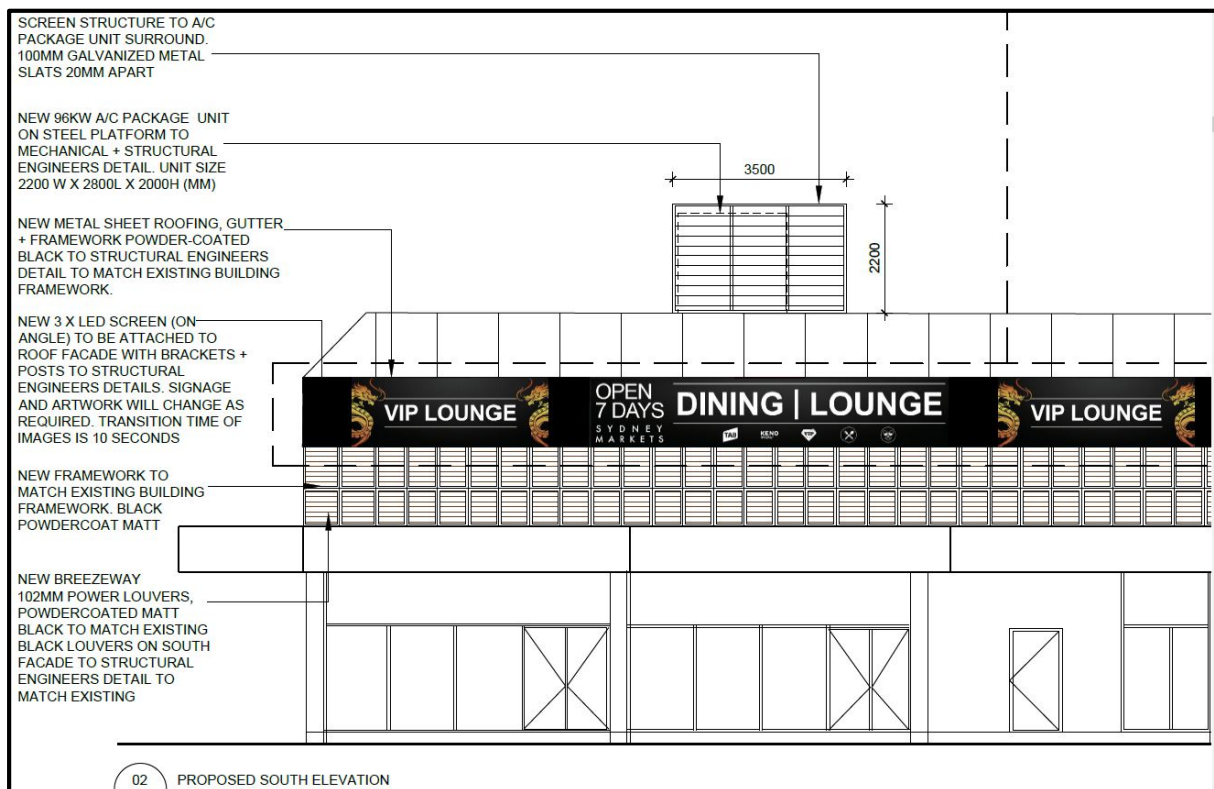


Figure 7. Southern Elevation – showing external changes and proposed signage

A comparison of the existing façade and the proposed façade for the southern and western elevations of the Tigers Sydney Markets Club building are illustrated in Figures 7 and 8.

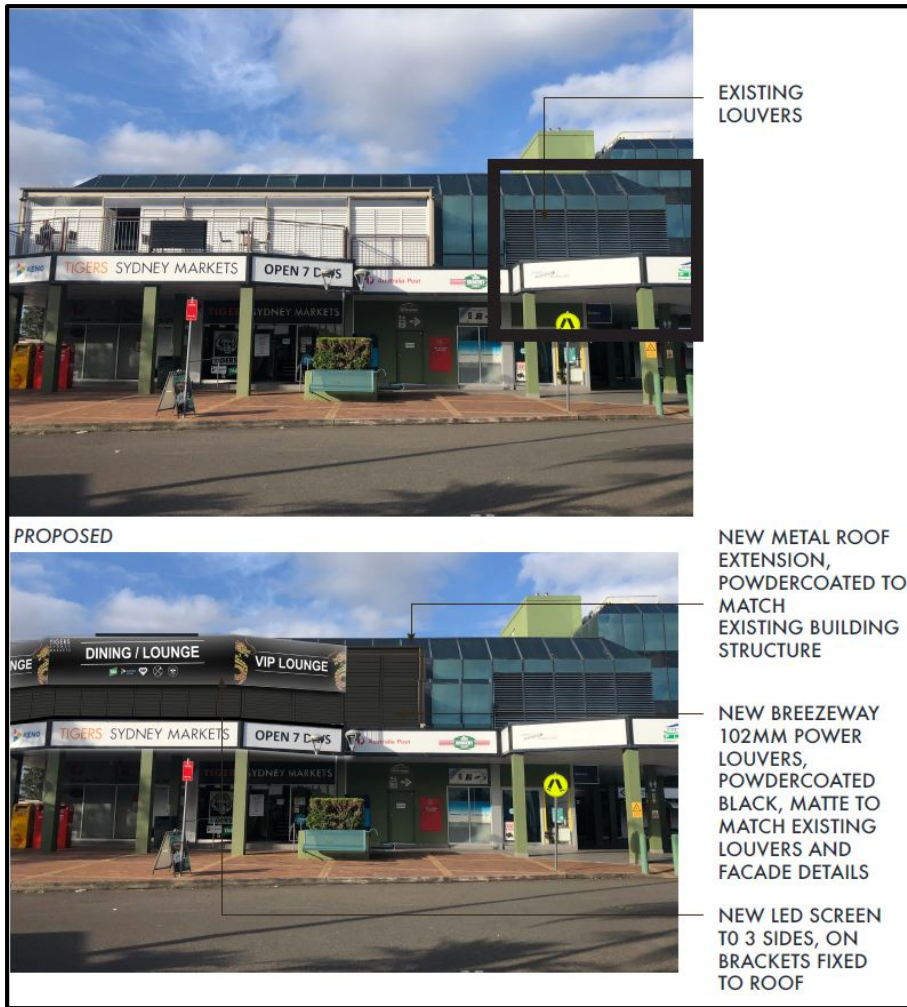


Figure 7. Existing and Proposed Façades – Southern Elevation

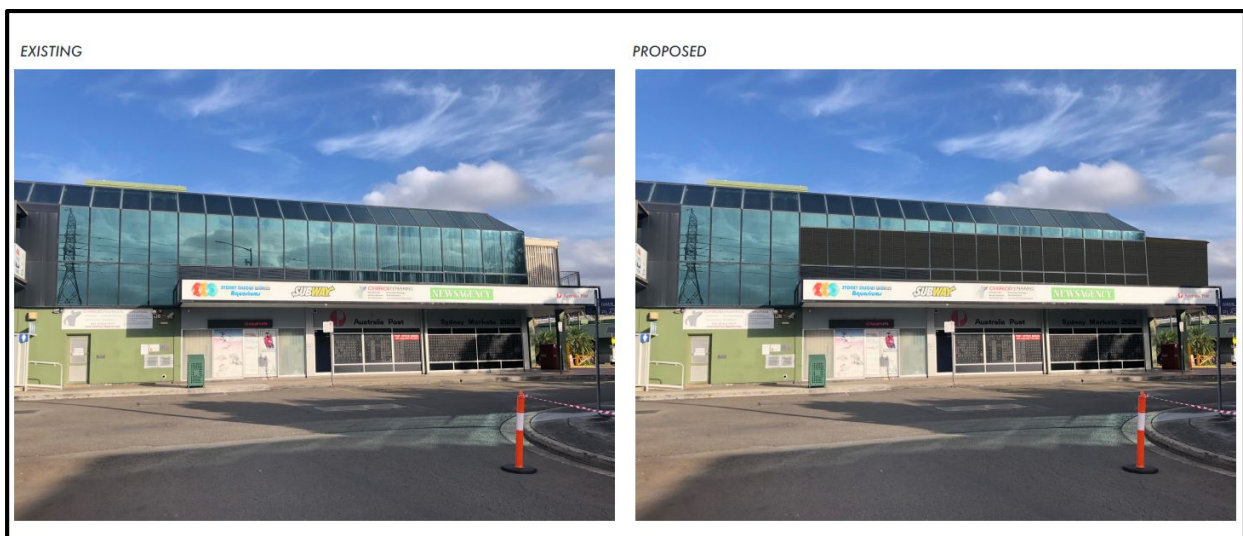


Figure 8. Existing and Proposed Façades – Western Elevation

The Site and Locality

The subject site is legally described as PLT 10 DP 1055460 and is known as No. 250-318 Parramatta Road, Homebush West. It is an irregular shaped allotment containing an expansive commercial precinct known as Sydney Markets. Sydney Markets is a commercial

enterprise that specialises in the wholesale and public retailing of produce (fruits and vegetables), flowers, clothes, giftware and souvenirs. The site contains several buildings that comprise of the Produce, Growers and Fresh Food Markets, Flowers Market, Swap and Sell Market, Motor Market and the Sydney Markets Plaza. The Sydney Market Plaza is immediately adjacent to Parramatta Road and features a number of commercial tenancies including a café, several banks (ANZ, Commonwealth Bank, Bank of Queensland, Westpac), Subway, Australia Post, a pharmacy and a medical centre. The proposed signage is associated with Sydney Market Plaza and replaces the current signage that directly face Parramatta Road. The site is bounded by Parramatta Road on the northern side, Centenary Drive on the western side, Hudson Street on the eastern side, and the western railway line on the southern side.

The site has a total area of 41.7 hectares, a maximum length of 962m and a 650m frontage.

The site adjoins a large vacant allotment, other commercial buildings and a hotel (Wentworth Hotel) to the north and the western railway line and Flemington train station to the south. The surrounding locality is characterised by the Sydney Markets precinct, other commercial buildings, Parramatta Road and the Western Motorway, and the western railway line. The closest residential properties are dwelling houses along Welfare Street, over 60m north of the site.

Background

12 January 2021 The subject application was lodged.

31 March 2021 A site visit was undertaken by Council's assessment officer.

Referrals – Internal

Building Surveyor Comments

Accordingly, Council's Building Surveyor offered no objections to the proposal subject to the imposition of conditions.

Environmental Health Officer Comments

Accordingly, Council's Environmental Health Officer provided the following advice:

"I have reviewed the above application for Environmental Health impacts, especially with regards to noise and light illumination which are most likely to cause concern.

The application involves enclosing a louvered gaming balcony and installation of an illuminated sign with no change to the hours of operation or other expansion of operations.

The proposed development is located on the south side of the building, which faces in towards the site and the market sheds which are in operation 24 hours a day. The nearest sensitive receivers are located to the north, on the other side of the building and the other side of Parramatta Road. Council has received no noise complaints regarding this hotel from these receivers.

Enclosure of the balcony will reduce noise emitted from the gaming area, and as the DA does not intensify the use, noise from the premises will be reduced.

The illuminated sign is located where it is visible from within the markets site. As such, it is not anticipated to cause noise pollution to an adjoining site. However, given the multiple users and

uses within the site, the signage should comply with the Australian Standard AS/NZS 4282:2019 for control of the obtrusive effects of outdoor lighting.”

Council’s Environmental Health Officer confirmed no objections to the proposal subject to the imposition of conditions.

Traffic Manager Comments

Council’s Traffic Manager provided the following commentary:

“It is noted that the Statement of Environmental Effects stated that the proposal seeks to provide a minor increase of 14m² of additional floor space through the enclosure of an existing balcony which currently already forms part of the useable area of the club.

The SCDGP 2005 – Part I Clause 3.5.3 stipulates the following parking requirement for clubs: 26.4 spaces per 100m² of public or licensed floor area (bar, lounge, dining plus games).

The 14m² yields a parking requirement of four (4) spaces. No increase in on-site parking would result in a shortfall of 4 spaces.

I also note that the SEE states that the proposal is to provide improved social distancing measures in response to the pandemic which would not increase in the maximum patronage number or the total number of poker machines.

Overall, I’m satisfied that no additional parking is proposed given the minor parking shortfall and the comparable patronage number.”

Council’s Traffic Manager raised no objections to the proposal.

Waste Officer Comments

Accordingly, Council’s Waste Officer offered no objections to the proposed development, subject to the imposition of conditions.

Referrals – External

Transport for NSW (TfNSW)

The application was referred to TfNSW as the site adjoins Parramatta Road. TfNSW provided the following commentary:

“TfNSW has reviewed the submission and notes all works pertain wholly within the site with the inclusion of business identification signage. As such, TfNSW raises no objections to the proposed development.”

Section 4.15 Assessment – EP&A Act 1979

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

(1) Matters for consideration – general

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

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

Strathfield Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned SP1 – Special Activities – Sydney Wholesale and Retail Markets and Distribution Centre and the proposal is a permissible form of development with Council's consent (refer to Permissibility section below).

Permissibility

The applicant provided detailed discussion in the Statement of Environmental Effects (SEE), which was submitted as part of the development application for the proposal. The following are excerpts from the SEE:

“The subject site is located within a SP1 Special Activities zone. The only development that is permissible in the zone is the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose. The Land Zoning Map marks the subject site as being for purposes associated with ‘Sydney Wholesale and Retail Markets and Distribution Centre’.”

‘Sydney Wholesale and Retail Markets and Distribution Centre’ is not a land use in itself, but a development which contains multiple land uses, including club premises, retail premises, food and drink premises, business premises, office premises, warehouse and distribution centre, veterinary hospital, and hotel (Markets Hotel). All of these uses are legitimately incorporated into the use described on the Land Zoning Map. A similar rationale applies to the permissibility of the existing Tigers Sydney Markets Club. The land use is defined as a ‘registered club’, which is not explicitly permitted within the zone, but is permitted by virtue of its association with the Sydney Wholesale and Retail Markets and Distribution Centre.

However, given the use is not explicitly, for completeness, this SEE establishes that if the use were prohibited, it would benefit from existing use rights. The existing building on site was constructed and in operation prior to the commencement of SLEP 2012. Prior to the commencement of SLEP 2012, the use was permitted with consent.

This is described within the Strathfield Council Planning Committee Report for DA 2007/318, which was approved by Council for:

“Proposed alterations and additions to Commercial/Retail premises, Sydney Market Plaza, for smoking terraces at Level 3 and internal fit out and upgrades. Extension to trading hours and increased occupancy”.

The Committee Report identified that the use for a “club development” was permitted in the Special Use 5(c) zone under the Strathfield Planning Scheme Ordinance, 1969, as well as being permitted within the Special Use 5(d) zone under the Draft Strathfield Local Environmental Plan 2003, which was a matter for consideration at the time.

In consideration of the above, existing use rights provisions apply to the 'registered club' pursuant to Section 4.67 of the EP&A Act.

The proposed alterations to the existing 'registered club' may be carried out pursuant to the provisions within subclause (1)(a). It is noted that the proposed development would not result in any unacceptable enlargement or intensification of the existing club noting the minor increase in gross floor area is associated with the enclosure of the existing balcony which already forms part of the useable area within the club."

The discussion above has been reviewed and it is considered satisfactory with regard to addressing the utilisation of the existing use rights provision under the *Environmental Planning and Assessment Act 1979* and the permissibility matter that relates to the proposed development.

Part 4 – Principal Development Standards

None of the provisions under Part 4 are triggered by the proposed development. It is noted that there are no numerical standards that apply to the proposal.

Part 5 – Miscellaneous Provisions

None of the provisions under Part 5 are triggered by the proposed development.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as having Class 5 and Class 3 – Acid Sulfate Soils. Given that the proposed development involves no excavation and ground disturbance works, Development Consent under the provisions of this section is not required and as such an Acid Sulfate Soils Management Plan is not required.

Earthworks

The proposal does not include any excavation or ground disturbance works – the works relate to the first floor and external façade of the existing building. As such the proposed development will not likely result in detrimental impacts on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Flood Planning

The subject site has been identified as being at or below the flood planning level; however, the proposed development does not involve any changes to the current floor levels and will result in the same land use as approved and in existence. The development is considered compatible with the flood hazard of the land, will not result in significant adverse effects on flood behaviour or environment and is not likely to result in unsustainable social and economic loss. The proposed development is considered to satisfy the objectives of this clause.

Essential Services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater

drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development.

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

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

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

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

The objectives outlined within SEPP 55 are considered to be satisfied.

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

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

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

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

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

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The subject application was referred to Transport for NSW (TfNSW) as it involves development with frontage to a classified road (Parramatta Road). Accordingly, Clause 101 of the State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) is triggered. The objectives of this clause are:

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

Comments provided by TfNSW are mentioned above and conditions can be imposed in accordance with these. As such, subject to the imposition of these conditions, the proposal has demonstrated alignment with the above objectives under Clause 101.

An assessment of the proposal against Clauses 101, 102 and 104 under SEPP Infrastructure is summarised below.

| Clause | Consideration | Proposed |
|--------|---|---|
| 101(1) | <p><i>The objectives of this clause are—</i></p> <p><i>(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</i></p> <p><i>(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i></p> | <p>Compliant – as confirmed by TfNSW.</p> <p>Compliant.</p> |
| 101(2) | <p><i>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</i></p> <p><i>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i></p> <p><i>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i></p> <p><i>(i) the design of the vehicular access to the land, or</i></p> <p><i>(ii) the emission of smoke or dust from the development, or</i></p> <p><i>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land,</i></p> | <p>Compliant.</p> <p>Compliant.</p> <p>Compliant.</p> <p>Compliant.</p> <p>Compliant.</p> |
| 101(2) | <p><i>the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located</i></p> | <p>Noted: this clause applies to proposal.</p> |

| Clause | Consideration | Proposed |
|--------|---|----------|
| | <i>and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i> | |

- (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 (SCDCP 2005). The following comments are made with respect to the proposal satisfying the objectives and controls contained within the SCDCP 2005.

DCP 20 – Parramatta Road Corridor (SCDCP 2005)

DCP 20 – Parramatta Road Corridor is of relevance to the assessment of an application for any development within the Parramatta Road Corridor Area and as such applies to the subject application. An assessment of the proposed development against the relevant controls under DCP 20 are contained below:

| Section | Development Control | Required | Proposed | Compliance |
|------------|---------------------------|--|--|-----------------------------|
| 2.6 | Façade Composition | Entrance should be distinguishable in the façade. | Existing entrance for the club remains unchanged. | Yes. |
| | | Facades should maintain a human scale to the street by incorporating appropriate architectural features. | The development is visible within the site – not from public domain. The architectural treatments of the new proposal will not be highly visible; however, the overall façade and presentation are similar to the existing façade of the club. | Yes. |
| | | Materials and finishes should blend together with min. 30% to incorporate face brickwork. | See above. The development is not highly visible from Parramatta Road and involves modifications to the existing Sydney Markets building which comprises the club. | No but acceptable on merit. |

| Section | Development Control | Required | Proposed | Compliance |
|-------------|------------------------------------|--|--|------------|
| | | Consider the use of glass in facades on northern and western elevations in terms of glare impacts. | Most of the existing glazing is retained. | Yes. |
| 2.8 | Visual and Acoustic Privacy | Visual privacy to be provided by separation or screening. | Orientated away from private properties. | Yes. |
| | | Main living areas oriented to the street or rear garden to prevent overlooking. | Orientated away from private properties. | Yes. |
| | | Acoustic privacy must be considered in relation to proposal and surrounding environment. | Acoustic report submitted. | Yes. |
| | | Buildings designed and sited to minimise transmission of noise to adjoining developments. | Acceptable as confirmed by Council's Environmental Health Officer. | Yes. |
| 2.12 | Disabled Access | One main entrance barrier free and accessible. | Existing accessible access to the club remains unchanged. | Yes. |

PART H – Waste Management (SCDCP 2005)

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

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

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

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

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

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

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

It is considered that the proposed development is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments. It is noted that the proposed development involves modifications to the Tigers Sydney Markets Club. It does not involve changes to the operations of this premises and accordingly, any aspects relating to operations such as patronage, employees, vehicular parking and operational waste management, are not substantially considered in the assessment of the proposal.

The proposal will provide additional and updated facilities for the Tigers Sydney Markets Club – which will improve the functionality and amenity of the premises. Accordingly, it is demonstrated that the site is suitable for the proposed development.

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

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

(e) *the public interest.*

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

Local Infrastructure Contributions

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

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

STRATHFIELD INDIRECT CONTRIBUTIONS PLAN

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

| | |
|--------------------------------|------------|
| Local Amenity Improvement Levy | \$8,115.00 |
|--------------------------------|------------|

Conclusion

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

Following detailed assessment it is considered that Development Application No. 2020/247 should be approved subject to conditions of consent.



Signed:

**Miguel Rivera
Senior Planner**

Date: 28 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 applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.

Signed:

**D Strbac
Planner**

Date: 28 April 2021

REASONS FOR CONDITIONS

The consent notice must specify the reasons for the imposition of conditions. This will be provided as the following generic reasons within the consent notice:

These conditions 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 |
|---------------------------------------|---------------|----------|----------|-----------------------------|
| Overall Site Plan Detail Site Plan | D954_01 | 11/12/20 | A | Creative Planning Solutions |
| Existing Roof Plan | A001 | 15/12/20 | 03 | West's Ashfield |
| New Proposed Roof Plan | A002 | 15/12/20 | 03 | West's Ashfield |
| North Elevation | A003 | 15/12/20 | 03 | West's Ashfield |
| South Elevation | A004 | 15/12/20 | 03 | West's Ashfield |
| Sports Lounge Demolition Plan | A101 | 15/12/20 | 03 | West's Ashfield |
| Sports Lounge Furniture Plan | A102 | 15/12/20 | 03 | West's Ashfield |
| Sports Lounge Setout & Finishes Plan | A103 | 15/12/20 | 03 | West's Ashfield |
| Sports Lounge Floor Finishes Plan | A104 | 15/12/20 | 03 | West's Ashfield |
| Sports Lounge Floor Junction Detail | A104.1 | 15/12/20 | 03 | West's Ashfield |
| Sports Lounge Reflected Ceiling Plan | A105 | 15/12/20 | 03 | West's Ashfield |
| Sports Lounge Power & Data Plan | A106 | 15/12/20 | 03 | West's Ashfield |
| Gaming Area Demolition Plan | A107 | 15/12/20 | 03 | West's Ashfield |
| Gaming Area Setout Plan | A108 | 15/12/20 | 03 | West's Ashfield |
| Gaming Area Roofing Plan | A109 | 15/12/20 | 03 | West's Ashfield |
| Gaming Area Reflected Ceiling Plan | A110 | 15/12/20 | 03 | West's Ashfield |
| Gaming Area Power & Data Plan | A111 | 15/12/20 | 03 | West's Ashfield |
| Gaming Area Finishes Plan | A112 | 15/12/20 | 03 | West's Ashfield |
| WC Demolition Plan | A113 | 15/12/20 | 03 | West's Ashfield |
| WC Fixture Plan | A114 | 15/12/20 | 03 | West's Ashfield |
| WC Setout Plan | A115 | 15/12/20 | 03 | West's Ashfield |
| WC Wall Finishes Plan | A116 | 15/12/20 | 03 | West's Ashfield |
| WC Floor Finishes Plan | A117 | 15/12/20 | 03 | West's Ashfield |
| Sports Lounge - Elevations | A200 | 15/12/20 | 03 | West's Ashfield |

| | | | | |
|--|------|----------|----|-----------------------------|
| Sports Lounge - Elevations | A201 | 15/12/20 | 03 | West's Ashfield |
| Sports Lounge – Elevations Section Detail | A201 | 15/12/20 | 03 | West's Ashfield |
| Sports Lounge – Elevations Plan Detail | A202 | 15/12/20 | 03 | West's Ashfield |
| Gaming Area Elevations | A203 | 15/12/20 | 03 | West's Ashfield |
| Gaming Area Elevations | A204 | 15/12/20 | 03 | West's Ashfield |
| WC Elevation A | A205 | 15/12/20 | 03 | West's Ashfield |
| WC Elevation B | A206 | 15/12/20 | 03 | West's Ashfield |
| WC Elevation C | A207 | 15/12/20 | 03 | West's Ashfield |
| WC Elevation D | A208 | 15/12/20 | 03 | West's Ashfield |
| WC Elevation E | A209 | 15/12/20 | 03 | West's Ashfield |
| WC Elevation F | A210 | 15/12/20 | 03 | West's Ashfield |
| WC Elevation G | A211 | 15/12/20 | 03 | West's Ashfield |
| Female WC Vanity Detail | A212 | 15/12/20 | 03 | West's Ashfield |
| Signing Desk Detail | A300 | 15/12/20 | 03 | West's Ashfield |
| Waste Management Plan | - | Dec 2020 | - | Creating Planning Solutions |

2. **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.

3. **Building – Hoarding Application**

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

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

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

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available at www.strathfield.nsw.gov.au) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

4. **Fees to be Paid**

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

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

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

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

| Fee Type | Fee |
|---|--------------|
| GENERAL FEES | |
| Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/ | \$ 2,840.00 |
| Security Damage Deposit | \$ 12,200.00 |
| Administration Fee for Damage Deposit | \$ 127.00 |
| DEVELOPMENT CONTRIBUTIONS | |
| Strathfield Section 94A Indirect Development Contributions Plan 2017 | \$ 8,115.00 |

General Fees

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

Development Contributions

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

Indexation

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

Timing of Payment

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

Further Information

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

5. Required Design Changes

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

| | |
|---|---|
| Correct annotations with regard to references to North, South, East, West | All architectural drawings including elevations must be amended to provide correct references and annotations to directions North, South, East, West. |
|---|---|

6. **Damage Deposit – Minor Works**

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

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

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

7. **Site Management Plan**

Minor Development

A Site Management Plan detailing all weather access control points, sedimentation controls, waste management plans, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.

8. **Waste Management Plan**

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

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.

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

9. Demolition & Asbestos

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

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

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

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

10. Demolition Notification Requirements

The following notification requirements apply to this consent:

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

11. Demolition Work Involving Asbestos Removal

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the [Work Health and Safety Regulation 2011](#).

DURING CONSTRUCTION

12. Site Sign – Soil & Erosion Control Measures

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

13. Hours of Construction for Demolition and Building Work

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

Where the development involves the use of jack hammers/rock breakers and the like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

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

PRIOR TO OCCUPATION CERTIFICATE

14. Drainage System – Maintenance of Existing System

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.

OPERATIONAL (ON-GOING)

15. Outdoor Lighting

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

16. Lighting – General Nuisance

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

Flashing, moving or intermittent lights or signs are prohibited.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

17. Requirement for a Construction Certificate

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

18. 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.

19. 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.

20. 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.

21. Critical Stage Inspections

The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the [Environmental Planning and Assessment Regulation 2000](#).

22. 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.

23. Occupation Certificate

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

PRESCRIBED CONDITIONS

24. 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.

25. 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.

26. Clause 98B – Home Building Act 1989

If the development involves residential building work under the [Home Building Act 1989](#), no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the [Home Building Act 1989](#).

27. Clause 98C - Entertainment Venues

Schedule 3A of the [Environmental Planning and Assessment Regulation 2000](#) outlines the prescribed conditions which apply to Entertainment Venues.

28. Clause 98D – Erection of Sign for Maximum Number of Persons

This prescribed condition applies to entertainment venues, function centres, pubs, registered clubs and restaurants. This condition requires the erection of a sign which states the maximum number of persons (as specified in the consent) that are permitted in the building.

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

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

ADVISORY NOTES

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

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

II. **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.

III. **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.

IV. **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).

V. **Food Premises**

Information on Australian Standards can be obtained from www.standards.com.au Guidelines and Food Safety Standards may be obtained by contacting the Food Standards Australia New Zealand Authority at foodstandards.gov.au or the NSW Food Authority on 1300 552 406, email: contact@foodauthority.nsw.gov.au or by visiting the website www.foodauthority.nsw.gov.au

Notification of Food Business under Section 100 of the [Food Act 2003](#) requires the proprietor of a food business to give written notice, in the approved form, before conducting a food business. Penalties apply for failure to comply.

VI. **Noise**

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

Useful links relating to Noise:

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

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

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

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