

IDAP REPORT

Property:	21-25 Roberts Road GREENACRE PLT 28, PLT 29 and PLT 30 in DP 14955 DA2021/40
Proposal:	Additions and alterations to an existing factory unit for change of use to a restaurant/café and associated business identification signage.
Applicant:	Ikleen Services
Owner:	Armada Pty Ltd
Date of lodgement:	4 March 2021
Notification period:	19 March to 2 April 2021
Submissions received:	Nil (0)
Assessment officer:	M Rivera
Estimated cost of works:	\$490,000.00
Zoning:	B7 – Business Park - SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1: Locality Plan showing subject site (outlined in yellow) and surrounding context.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for additions and alterations to an existing factory unit for change of use to a restaurant/café and associated business identification signage.

Site and Locality

The site is identified as No. 21-25 Roberts Road GREENACRE and has a legal description of PLT 28 in DP 14955, PLT 29 in DP 14955 and PLT 30 in DP 14955. The site is a regular shaped corner allotment and is located on the eastern side of Roberts Road and the northern side of Naughton Street, Greenacre.

The proposal sits wholly within an existing premises comprising PLT 29 in DP 14955 and PLT 30 in DP 14955 and it is noted that PLT 28 in DP 14955 is excluded. The site, which comprises the two (2) allotments, has a total width of 25.9m, a maximum depth of 29.25m and an overall site area of 777.8m². The site benefits from vehicular access off Naughton Street.

The locality surrounding the subject site contains a mixture of land uses including industrial and warehouse premises along the eastern side of Roberts Road and northern side of Naughton Street, and a Sydney Water premises and a number of dwelling houses on the western side of Roberts Road.

Strathfield Local Environmental Plan

The site is zoned B7 – Business Park 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 Strathfield Council's Community Participation Plan (CPP) from 19 March to 2 April 2021. No submissions were received during this period.

Issues

- Parking
- Operational hours
- Amenity for outdoor dining patrons

Conclusion

Having regard to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2021/40 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

The subject application is seeking Council approval for additions and alterations to an existing factory unit for change of use to a restaurant/café and associated business identification signage (the 'proposed development').

Specifically, the proposed development involves the following:

Change of use

Change of use of existing factory unit to a restaurant/café (a ***food and drink premises***).

Fit-out

The current layout of the factory unit features a showroom and reception area, staff facilities and office and an expansive warehouse/storage area on the northern side. A new fit-out is proposed to remove these spaces and replace these with areas reflecting the change of use to a café and restaurant.

The new ground floor comprises:

- Pedestrian entry off Naughton Street;
- Indoor and outdoor dining areas;
- Kitchen, cool room, freezer, food preparation and bar areas;
- Reception and hallway;
- Male, female and accessible bathroom facilities;
- Stairwell to access new first floor.

A new first floor is proposed and comprises:

- An administration area, meeting room, manager's office;
- Outdoor terrace accessed off manager's office and facing Roberts Road;
- Bathroom and tea room with kitchen; and
- Open terrace area accessed off tea room facing Naughton Street and Roberts Road intersection.

External works

Current vehicle access via a driveway off Naughton Street will be retained and is proposed to facilitate access into the existing open area. This open area will be converted to feature a loading bay, four (4) car parking spaces – two (2) are disabled (accessible) spaces, pedestrian ramp, water feature and planted walls, water fountains and a pergola over the parking area.

Site Plan, Existing Floor Plan, Proposed Floor Plans, Roof Plan and Elevations are shown in Figures 2 to 10.

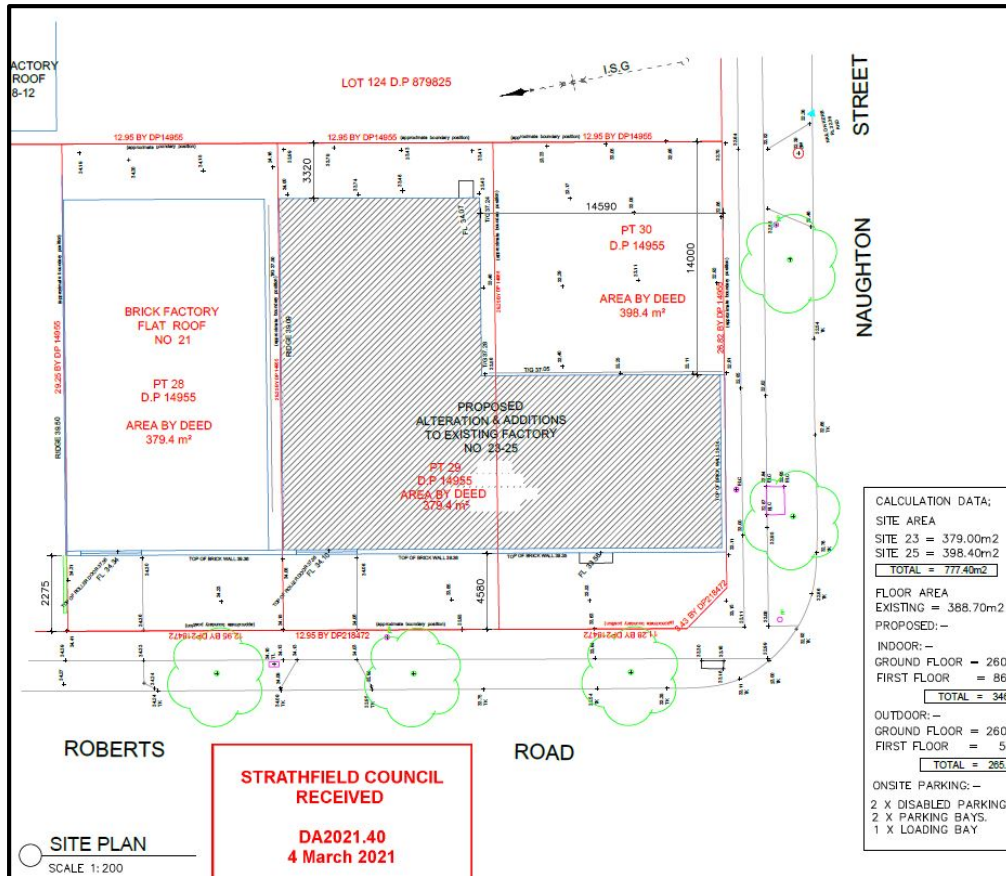


Figure 2: Site Plan.

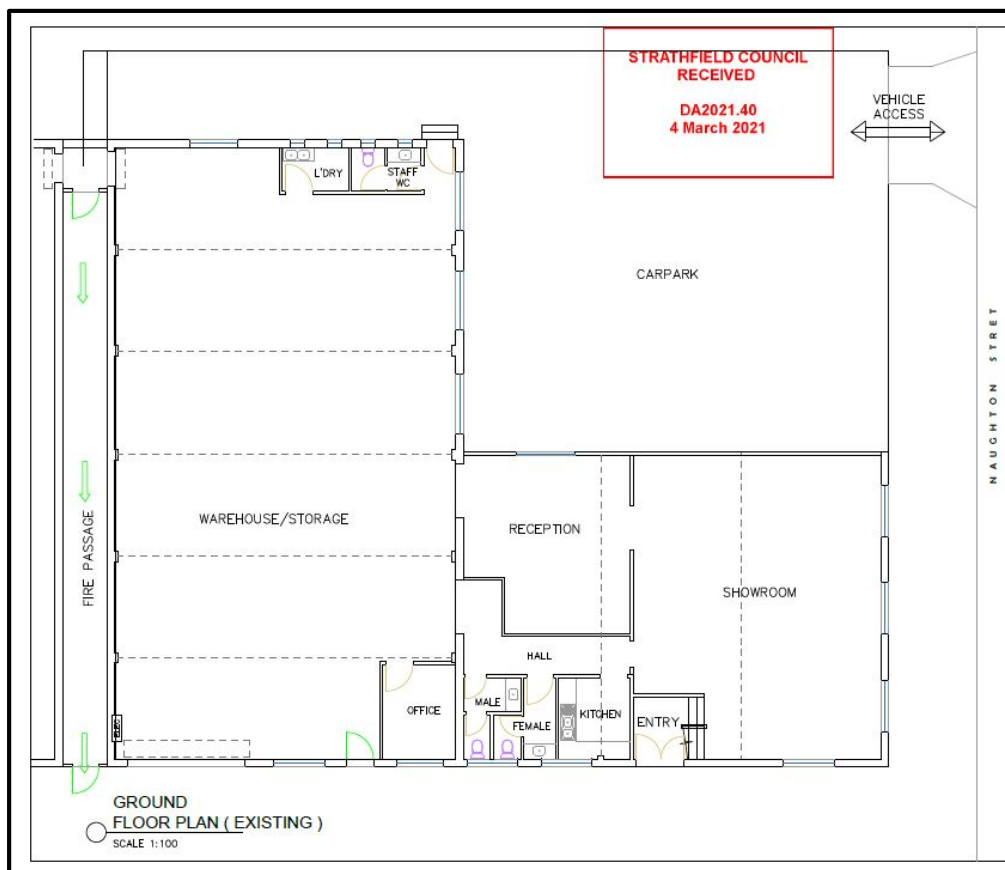


Figure 3: Existing Floor Plan

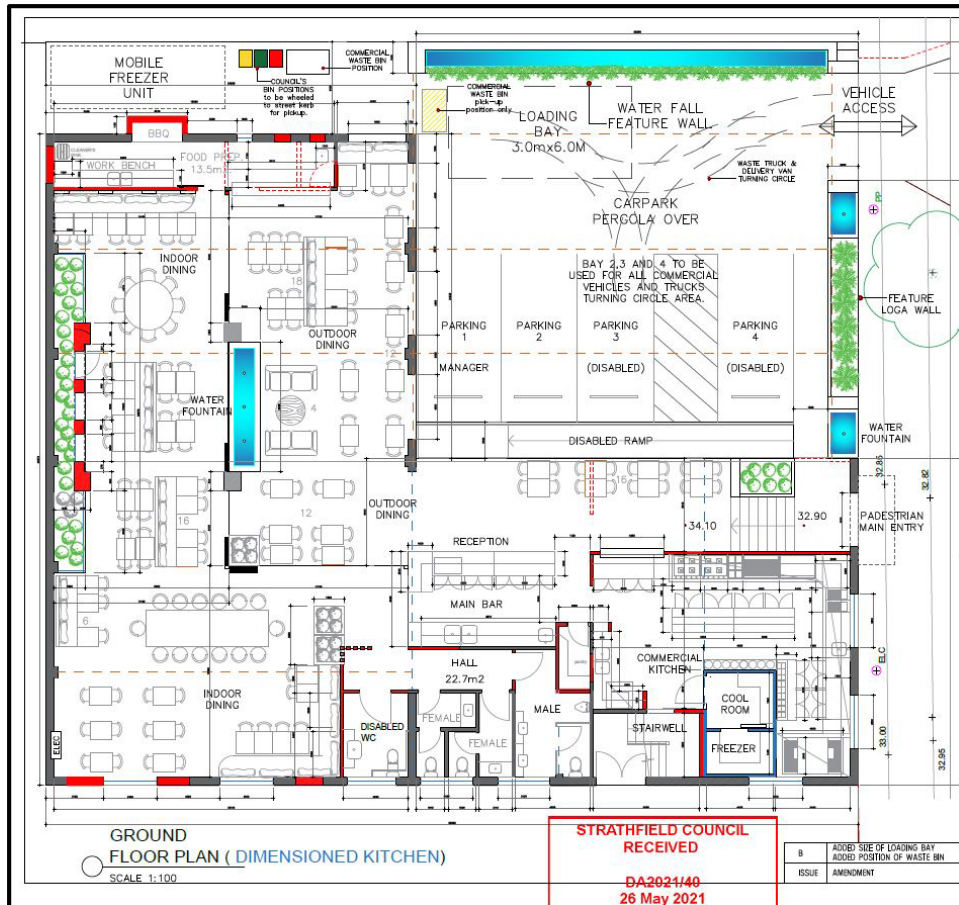


Figure 4: Ground Floor Plan

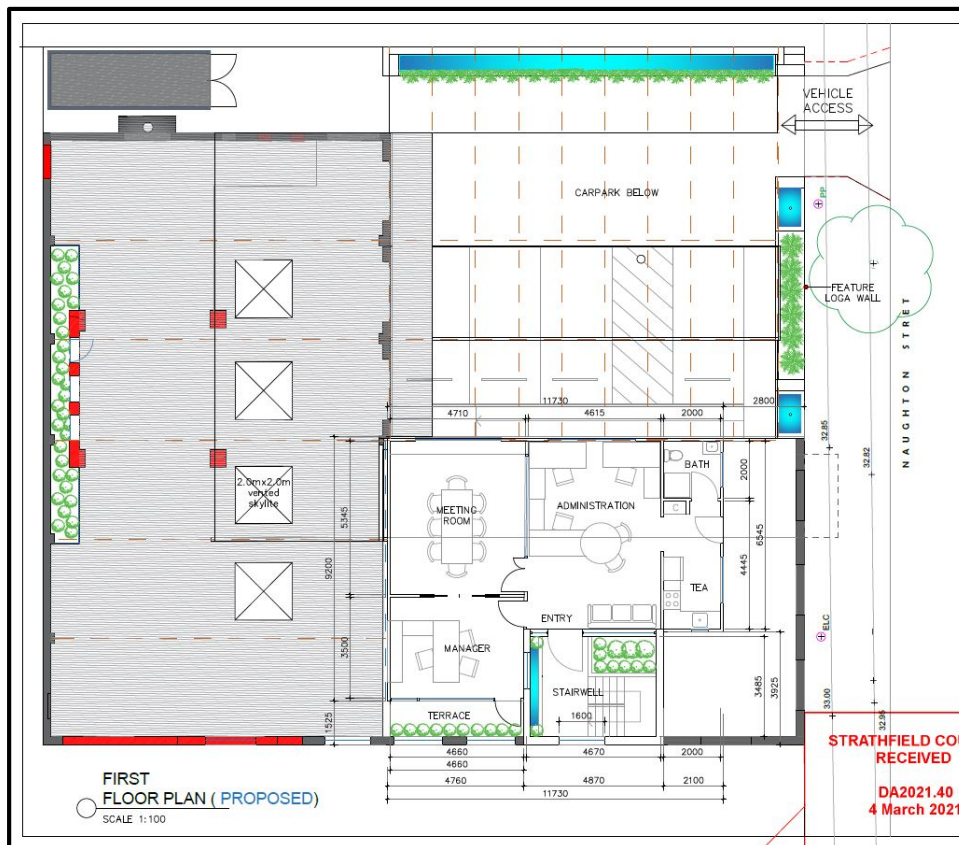


Figure 5: First Floor Plan

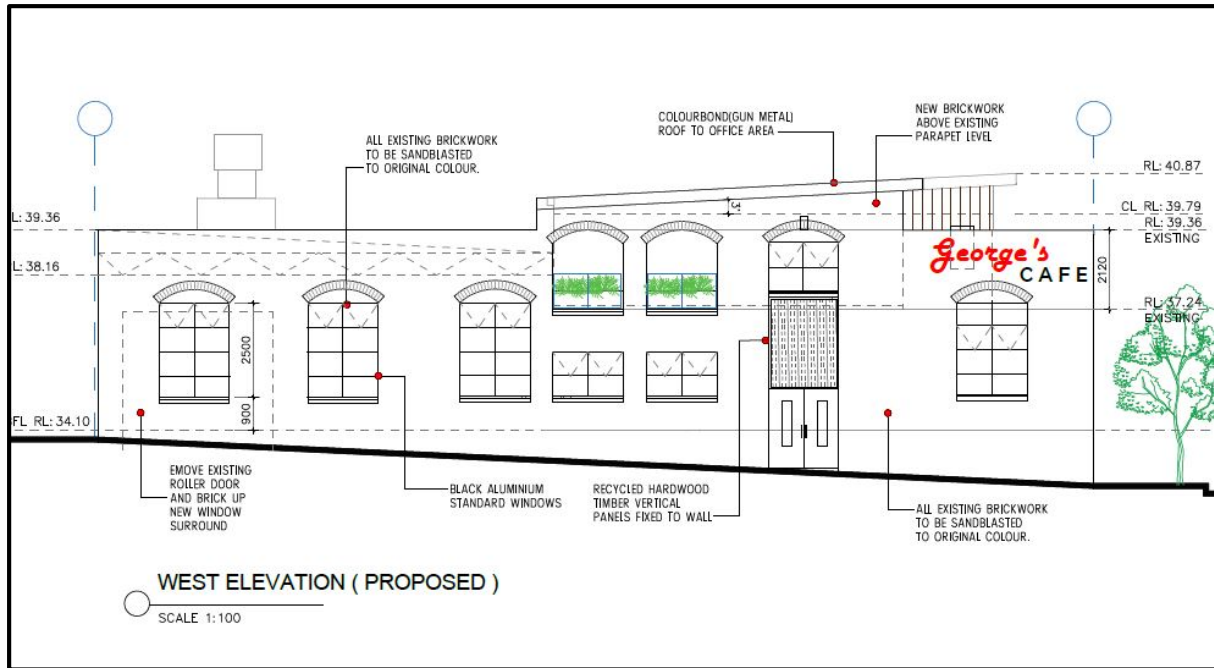


Figure 6: West Elevation

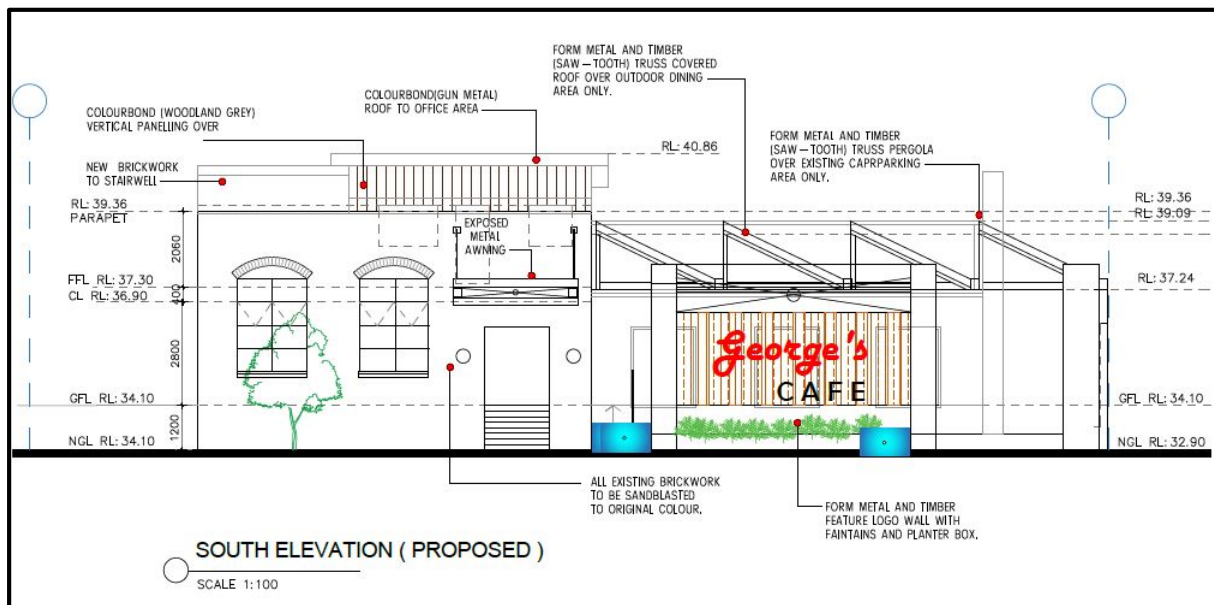


Figure 7: South Elevation

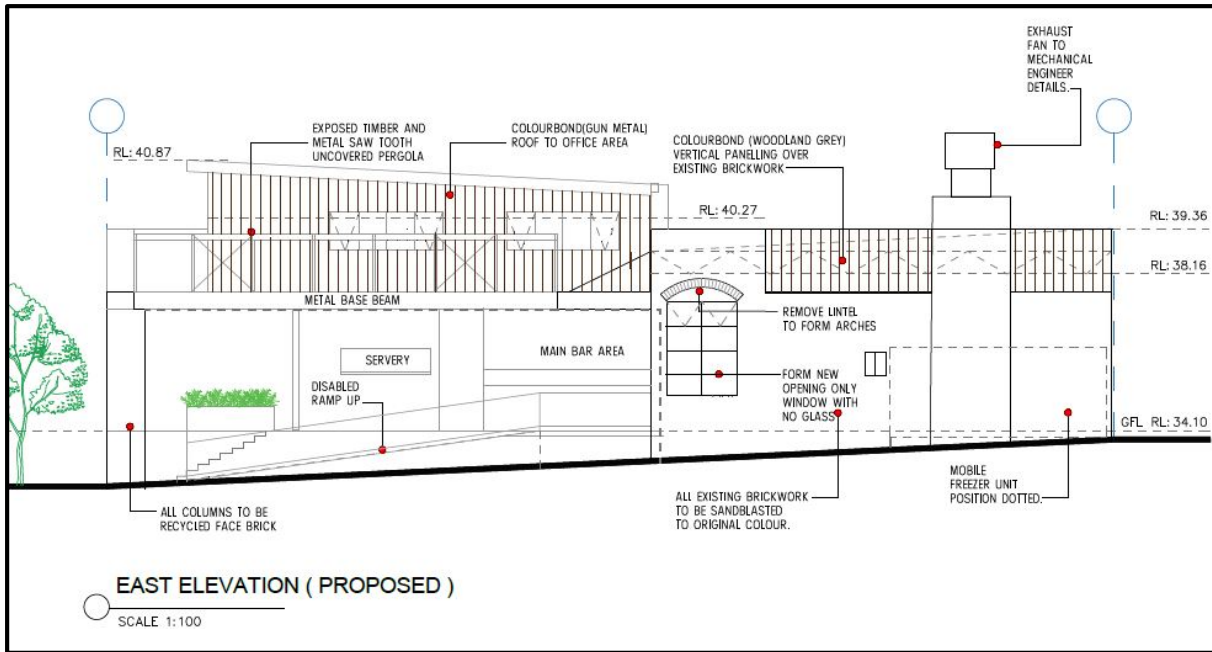


Figure 8: East Elevation

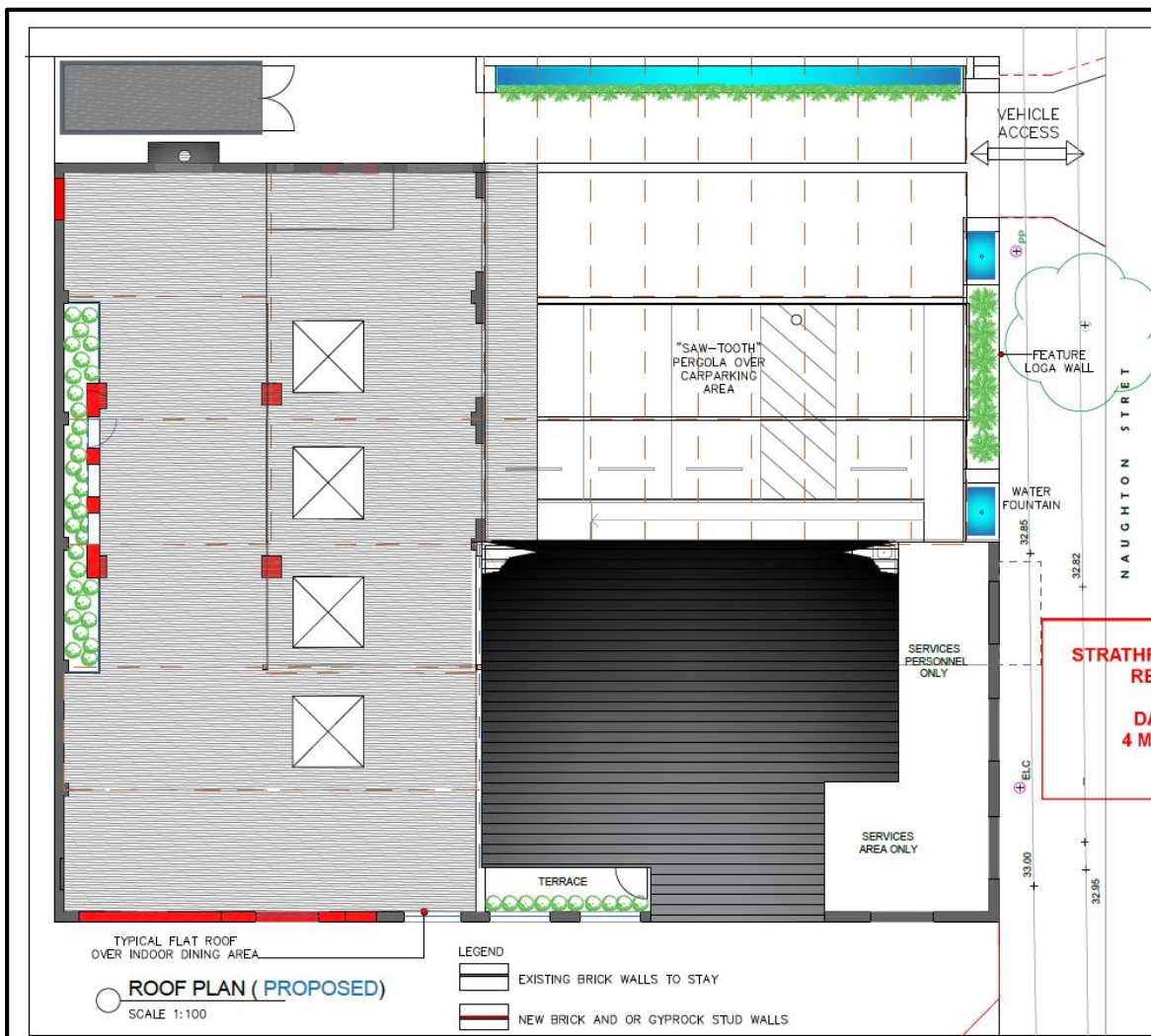


Figure 9: Roof Plan

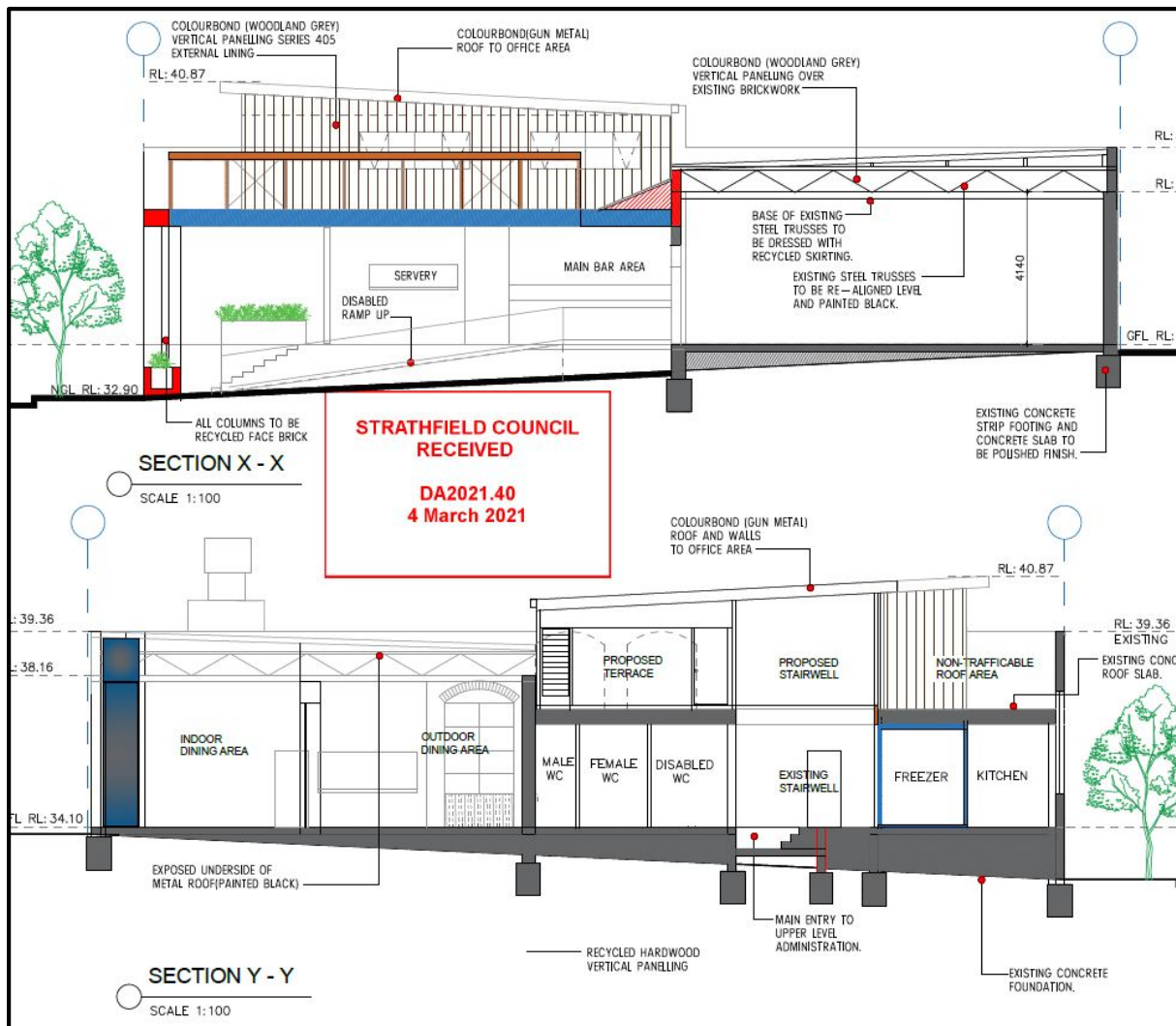


Figure 10: Sections

Signage

Two (2) signs – one (1) wall sign that is attached to the building and facing Roberts Road and one (1) pylon sign attached to a water feature and planted wall that is installed at edge of the southern boundary facing Naughton Street (refer to Figures 6 and 7).

Operations

The operations of the proposed restaurant/café will involve the following:

Hours of operation:

- Hours of operation: 5:00am to 1:00am, seven (7) days a week.

Staff:

- A maximum of ten (10) employees working at any time. The staff will comprise of seven (7) permanent workers and three (3) casual workers.

Patronage:

A maximum of 128 patrons within the premises at any time – comprising 60 patrons seating within the indoor dining area and 68 patrons seated within the outdoor dining area.

Note: the proposed development is not a licensed premises under the NSW *Liquor Act 2007*.

The Site and Locality

The site is legally described as PLT 29 DP 14955 and PLT 30 DP 14955 and is collectively known as No. 21-25 Roberts Road, Greenacre. The site is a regular-shaped corner allotment, located on the eastern side of Roberts Road and the northern side of Naughton Street (refer to Figure 1). It has a total width of 25.9m, a maximum depth of 29.25m and an overall site area of 777.8m². The site currently contains a single storey factory building and an open area at the rear of the building that is used for parking (refer to Figures 11 and 12).

The site is predominantly modified with the only remaining vegetation consisting of damaged grassed turf areas in the front setback of the building that addresses Roberts Road (refer to Figure 11).



Figure 11: Front setback of existing factory building within subject site.

Vehicular access to the site is via an existing driveway off Naughton Street.



Figure 12: Open area and rear view of existing factory building within subject site.

The site is situated at edge of two (2) local government areas (LGA's) – Strathfield LGA and Canterbury-Bankstown LGA, and at the edge of a business park, immediately adjacent to an industrial area and a low density residential zone (refer to Figure 13).

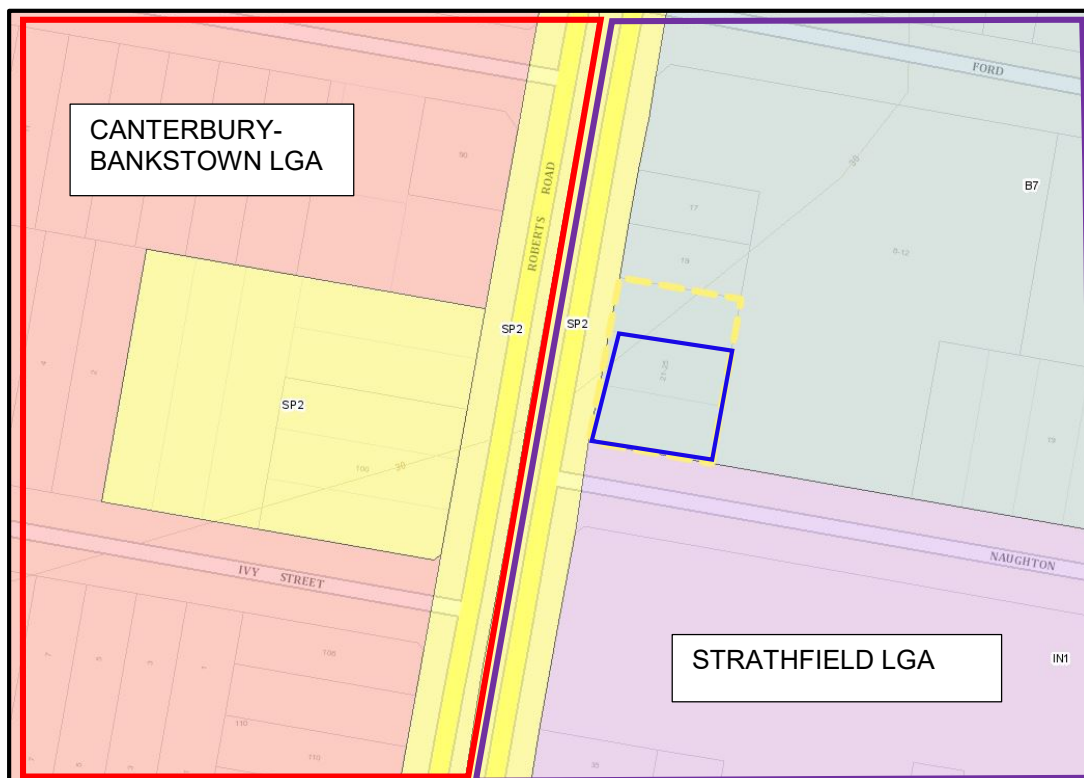


Figure 13: Zoning map with subject site (outlined in blue). Source: ePlanning Spatial Viewer.

Surrounding the site:

- Adjoining the northern boundary: a commercial building used as an air conditioning and mechanical ventilation commercial premises at No. 19 Roberts Road, Greenacre (refer to Figure 14)
- Adjoining eastern boundary: the southern portion of an expansive premises used as a furniture (export/import) premises at No. 8-12 Ford Street, Greenacre (refer to Figure 15);
- Across the road, to the south: self-storage units at No. 27-33 Roberts Road, Greenacre (refer to Figure 16); and
- Across the road, to the west: Sydney Water premises at No. 96-100 Roberts Road, Greenacre and dual occupancy at No. 94 Roberts Road, Greenacre.



Figure 14: North-adjoining neighbour at No. 19 Roberts Road, Greenacre.



Figure 15: East-adjoining neighbour at No. 8-12 Ford Street, Greenacre.



Figure 16: Southern neighbour at No. 27-33 Roberts Road, Greenacre.

Images of the streetscape along Roberts Road and Naughton Street are shown in Figures 17 and 18.



Figure 17: Streetscape along Roberts Road, Greenacre.



Figure 18: Streetscape along Naughton Street, Greenacre.

The site is mostly flat and has a fall of 0.93m to the rear (eastern) boundary.

Background

4 March 2021	The subject application was lodged.
6 May 2021	A Deferral Letter was sent to the applicant to provide further information confirming if the food and drink premises is a licensed premises and to nominate the largest vehicles that would utilise the loading bay.
12 May 2021	Additional information was provided by the applicant.
13 May 2021	A site visit was undertaken by Council's assessment officer.
21 May 2021	Council advised the applicant two (2) issues relating to traffic and waste management are outstanding and require addressing.
26 May 2021	Additional information was provided by the applicant to address the outstanding issues.

Referrals – Internal and External

INTERNAL REFERRALS

Building Surveyor Comments

Council's Building Surveyor reviewed the proposed development with regard to the Building Code of Australia. The following commentary was provided:

The proposed new use and office is considered under BCA Classification as a Class 6 building. The upstairs office is a new addition to the building and therefore is required to comply with the provisions of Part D3 Access for people with a disability.

I strongly suggest that the applicant be encouraged to obtain an access report and the plans be modified to take the access requirements into consideration prior to finalization of the application to avoid possible delays.

A condition will be imposed to provide disabled access for the upstairs office in accordance with the Building Code of Australia for Class 6 buildings.

Environmental Health Officer Comments

Council's Environmental Health Officer provided the following advice with regard to environmental matters in relation to the proposed development:

The development application was assessed with regards to environmental health aspects – Food Act 2003; Food Regulation 2015; Food Standards Code 3.2.3; AS 4674-2004 Construction and fit out of food premises. The proposal is for the conversion of existing tenancy into a café comprising of the following:

- *Kitchen, reception, bathrooms and indoor dining area on ground floor.*
- *Terrace with outdoor dining, juice bar and manager's office on level 1.*
- *Six (6) ground level car parking spaces.*

- Capacity for 128 patrons on ground floor with 68 patrons outdoors and 60 patrons indoors.
- Opening hours of 5am to 1am daily.

Statement of Environmental Effects

The Statement of Environmental Effects states that the proposal will not cause any negative effects. Proposal does not constitute a change of use of the land.

Acoustic Report

No issues around the type of food and drink premises proposed and the surrounding noise receivers due to the site's location on Roberts Road and on the industrial complex side. The carpark is limited to four (4) spaces meaning traffic noise will be minimal.

It is noted that the Acoustic Report recommends deliveries and waste collection occurs between 7am to 6pm weekdays and 8am to 6pm weekends.

Architectural Plans

No indication of external structural changes to the building or land. Only shows kitchen and dining fit-out in internal area of building and change to signage. Kitchen layout appears to comply with AS 4674-2004 Construction and fit out of food premises. No information provided on specific fittings and fixtures.

Recommendation

No objections subject to standard conditions.

Given the above, Council's Environmental Health Officer provided no objections to the proposed development, subject to the imposition of recommended conditions of consent.

Traffic Manager Comments

With regard to the proposed development and in relation to traffic and parking, Council's Traffic Manager provided the following commentary:

The change of use involves converting an existing warehouse to a café. The SCDGP 2005 – Part I, Clause 3.5.2 and 3.8.2 stipulate the following parking requirement:

- 1 space per 40m² GFA for a restaurant.

Based on 350m² GFA, the development generates an on-site parking requirement of nine (9) spaces. The proposal includes four (4) on-site parking spaces, which results in a shortfall of five (5) spaces.

The provided Traffic and Parking Assessment revealed that there is ample on-street parking available in the vicinity. The shortfall of five (5) spaces will likely be accommodated on-street. It is further noted that the peak operating period of the proposed development would occur outside the usual industry business hours. This is a non-residential area where after business hour parking supply is generally ample.

Base on the Guide to Traffic Generating Developments traffic generation rates, the site generates eighteen (18) vehicle trips during the evening peak hours. The development is not anticipated to result in unaccepted impact on the surrounding road network. In particular during the usual industry business hours, the site would likely attract foot traffic from nearby staff and customers rather than vehicular trips.

There is insufficient information to determine the adequacy of the loading bay size and the access. The applicant must nominate the largest vehicles that would utilise the loading bay and demonstrate by swept paths that the vehicle can enter and exit the site in a forward direction.

No objection is raised from a traffic and parking point of view however there is insufficient information to determine the adequacy of the loading bay size and the access. The applicant must nominate the largest vehicles that would utilise the loading bay and demonstrate by swept paths that the vehicle can enter and exit the site in a forward direction.

On 26 May 2021, the applicant provided additional information to confirm that the largest delivery vehicle to utilise the loading/unloading bay is a delivery van such as a Volkswagen People Mover. This information was provided to Council's Traffic Manager who advised:

The additional information letter confirmed that the largest delivery vehicle is intended to be commercial van which can be accommodated in the proposed loading area. The additional information letter also provided details on how loading/unloading is to be safely managed while retaining necessary access to the adjacent car spaces. Overall, the proposal is considered acceptable.

Given the above commentary, Council's Traffic Manager confirmed no objections to the proposed development, subject to the imposition of recommended conditions of consent.

Waste Officer Comments

Council's Waste Officer provided no objections to the proposed development, subject to the imposition of recommended conditions of consent.

EXTERNAL REFERRALS

NSW Police Comments

NSW Police noted that the proposed restaurant/café is not a licensed premises. In the event where the use was approved and a liquor licence was applied for in the future, a modification application would be required to modify the consent to reflect the licenced premises component and this would be subject to Council approval. NSW Police provided no objections to the proposal, subject to the imposition of recommended conditions of consent.

Transport for NSW Comments

Transport for NSW (TfNSW) provided no objections to the proposal, subject to the imposition of recommended conditions of consent.

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 B7 – Business Park and the proposal, defined as a ***food and drink premises***, is a permissible form of development with Council's consent.

Food and drink premises is defined in the SLEP 2012 as *premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—*

- (a) *a restaurant or cafe,*
- (b) *take away food and drink premises,*
- (c) *a pub,*
- (d) *a small bar.*

The proposed development meets the above definition as per above and is therefore permissible with Council's consent in the B7 zone.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	Max. 14m	7.96m	Yes.
4.4 Floor Space Ratio	Max 1.5:1 (1166.7m ²)	0.66:1 (511.2m ²)	Yes.

Part 5 – Miscellaneous Provisions

None of the provisions under Part 5 are triggered by the proposal.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as having Class 5 Acid Sulfate Soils but is not located within 500m of a Class 1, 2 3 or 4 soils. Therefore, Development Consent under the provisions of this section is not required and an Acid Sulfate Soils Management Plan is not required.

Earthworks

The proposal does not include any significant excavation or basement works. Any excavation for footings or levelling of the site is considered to be minor and will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

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 subject land is highly modified and does not contain any significant vegetation. The proposed development does not result in the removal or loss of any trees or vegetation subject to the provision of this SEPP. Accordingly, the aims and objectives outlined within the SEPP are considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY NO. 64 – ADVERTISING AND SIGNAGE

SEPP 64 establishes a number of considerations for development involving the installation of signage. An assessment of the proposed development against the requirements of SEPP 64 is provided below:

Section	Assessment criteria	Required	Proposed	Compliance
1	Character of the Area	Compatible with existing and likely future character of the area.	The proposed signs are compatible with the existing and likely future character of the area. The new wall sign facing Roberts Road will be similar in terms of design, bulk and scale as the existing wall signage for current commercial/retail premises along Roberts Road. The new pylon sign addressing Naughton Street will be of a smaller scale compared to typical pylon and pole signs for commercial/retail premises in the vicinity. The provision of this new sign combined with its unique design, water feature and green wall framing is considered a positive treatment of the secondary street frontage and will formulate assistive wayfinding for the new restaurant/café.	Compliant.
1		Consistent with a particular theme for outdoor advertisement.	The theme of the proposed signage is consistent with the bulk and scale of other business identification signage	Compliant.

Section	Assessment criteria	Required	Proposed	Compliance
			featured along Roberts Road.	
1		Does the proposal: a) Contribute to visual interest? b) Reduce clutter by rationalising and simplifying existing signage? c) Screen unsightliness? d) Protrude above buildings, structures or tree canopies? e) Require ongoing vegetation management?	The proposed signs have a simple design that has considered the surrounding development by utilising sympathetic colours and minimal illumination so as not to distract any motorists or pedestrians using Roberts Road and Naughton Street. The signs do not protrude above the building parapet/roof and do not require vegetation management.	Compliant.
2	Special Areas	Does the proposal detract from the amenity or visual quality of: a) environmentally sensitive areas; b) heritage areas; c) natural or other conservation areas; d) open space; e) waterways; f) rural landscapes; or g) residential areas?	The design and scale of the proposed signs are not obstructive and appropriate to bulk and scale of the building to which they relate. The proposed signs do not adversely impact or detract from the amenity or visual quality of any sensitive areas.	Compliant.
3	Views and Vistas	Does the proposal: a) Obscure or compromise important view? b) Dominate the skyline and reduce the quality of vistas? c) Respect the viewing rights of	The design, size and colours are appropriate with respect to the nature and scale of the proposed food and drink premises and the existing building. The signage will not obscure or compromise any	Compliant.

Section	Assessment criteria	Required	Proposed	Compliance
		other advertisers?	important views nor dominate the skyline. The location of the proposed signs is appropriate and is not considered to impede on future advertisers.	
4	Streetscape, Setting or Landscape	Is the scale, proportion and form appropriate?	<p>The proposed signage identifies the name of the business 'George's Café'. The scale, proportion and form of the proposed signs are appropriate for the streetscape and its commercial setting;</p> <p>The proposed signs integrate with the existing building and do not feature an excessive protrusion.</p>	Compliant.
4		<p>Does the proposal:</p> <ul style="list-style-type: none"> a) Contribute to visual interest? b) Reduce clutter by rationalising and simplifying existing signage? c) Screen unsightliness? d) Protrude above buildings, structures or tree canopies? e) Require ongoing vegetation management? 	<p>The proposed signs have a simple design that has considered the surrounding development by utilising sympathetic colours and minimal illumination so as not to distract any motorists or pedestrians using Roberts Road and Naughton Street.</p> <p>The signs do not protrude above the building parapet/roof and does not require vegetation management.</p>	Compliant.
5	Site and Building	Is the proposal compatible with the scale, proportion and other	The proposed colours and scale of the signage is appropriate for the existing building, the	Compliant.

Section	Assessment criteria	Required	Proposed	Compliance
		characteristics of the site?	commercial/industrial setting of the site and its close proximity to the intersection of Roberts Road and Naughton Street.	
6	Associated Devices and Logos	Have any safety devices, platforms, lighting devices or logos been designed as part of the structure?	Both signs will feature an illuminated logo that distinctly recognises the business name of the food and drink premises. This is considered similar to businesses/retail uses along Roberts Road including McDonalds, Oportos, Subway, Officeworks and Kentucky Fried Chicken – who have illuminated wall and pole/pylon signage.	Compliant.
7	Illuminate	Would illumination: a) Result in unacceptable glare? b) Affect safety for pedestrians, vehicles or aircraft? c) Detract from nearby residence or accommodation?	The proposed signage will be internally illuminated. This illumination is consistent with other under signage along Roberts Road. The proposed illumination will not likely affect pedestrians, vehicles or aircraft nor any nearby residences. The closest neighbouring residences are over 30m away from the site and are across the street (western side of Roberts Road). A vegetated median strip that comprises some informal plantings of shrubs and trees separate the subject	Compliant. Condition of consent can be imposed to minimise light spill. The proposed illumination of the signage will be controlled by a day/night sensor.

Section	Assessment criteria	Required	Proposed	Compliance
			site from these residences.	
8	Safety	Would the proposal: a) Reduce safety for any public road? b) Reduce safety for pedestrians or cyclists? c) Reduce safety, for children by obscuring sight lines from public areas?	The proposed signage will not pose a safety issue to motorists or pedestrians. The design and scale of the proposed signage are such that the functionality of any traffic lights will not be affected.	Compliant.

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 (Roberts 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)	<i>The objectives of this clause are—</i>	
	<i>(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</i> <i>(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i>	Compliant – as confirmed by TfNSW. Compliant.

Clause	Consideration	Proposed
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 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></p>	<p>Noted: this clause applies to proposal.</p>

(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 H – Waste Management (SCDCP 2005)

In accordance with Part H of the SCDCP 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.

Council's Waste Officer confirmed that there is an error in the amended Ground Floor Plan that indicated Council bins to be wheeled to the kerb. This is not appropriate for the proposed food and drink premises use. A condition will be included to delete all references to Council bins – as per Part H, any commercial premises must incorporate collection and disposal of their respective waste through a private contractor.

PART I – Provision of Off-street Parking Facilities (SCDCP 2005)

3.5: Refreshments

3.5 Development Controls		Complies												
.2.	Restaurants													
	<table><tr><th>Location</th><th>Requirement</th></tr><tr><td>Strathfield Town Centre</td><td>No additional requirement</td></tr><tr><td>A Change of use involving a shop to a restaurant</td><td>1 space per 40m² GFA</td></tr><tr><td>B proposed new Building containing a Restaurant</td><td>The above rate may be reduced if there is, in the consent authority's opinion, suitable available parking in the vicinity during the operating hours of the proposed development, availability of public parking and proximity to public transport.</td></tr><tr><td>All other locations</td><td>1 space per 40m² GFA</td></tr><tr><td></td><td>The above rate may be reduced if there is, in the consent authority's opinion, suitable available parking in the vicinity during the operating hours of the proposed development, availability of public parking and proximity to public transport.</td></tr></table>	Location	Requirement	Strathfield Town Centre	No additional requirement	A Change of use involving a shop to a restaurant	1 space per 40m ² GFA	B proposed new Building containing a Restaurant	The above rate may be reduced if there is, in the consent authority's opinion, suitable available parking in the vicinity during the operating hours of the proposed development, availability of public parking and proximity to public transport.	All other locations	1 space per 40m ² GFA		The above rate may be reduced if there is, in the consent authority's opinion, suitable available parking in the vicinity during the operating hours of the proposed development, availability of public parking and proximity to public transport.	No (see below)
	Location	Requirement												
	Strathfield Town Centre	No additional requirement												
	A Change of use involving a shop to a restaurant	1 space per 40m ² GFA												
B proposed new Building containing a Restaurant	The above rate may be reduced if there is, in the consent authority's opinion, suitable available parking in the vicinity during the operating hours of the proposed development, availability of public parking and proximity to public transport.													
All other locations	1 space per 40m ² GFA													
	The above rate may be reduced if there is, in the consent authority's opinion, suitable available parking in the vicinity during the operating hours of the proposed development, availability of public parking and proximity to public transport.													
Driveways														
(a)														
(i)	The recommended driveway type is based on the number of parking spaces being served by the driveway.	Yes – the existing												

**crossover
is retained.**

Selection of Recommended Driveway Types					
Road Frontage Type	Number of Parking Spaces				
	0-25	26-50	51-200	201-300	Over 300
Major	2	3	3	3-4	7
Minor	1	2	3	3	4

Comments: An assessment of the proposal against traffic and parking matters was undertaken by Council's Traffic Manager. Given the proposed use as a restaurant/café, the proposed operational hours and the existing uses surrounding the site as well the current off-street parking available along Naughton Street – it was determined that the reduced parking spaces provided for the proposal was acceptable.

It is noted that there is ample off-street parking along the Naughton Street – particularly along the southern side of this street (refer to Figures 19 and 20). At least 30 spaces are situated along this side. It is assumed that the proposed restaurant/café will be busiest during afternoons to evenings – at periods when the majority of existing industrial and business premises along Naughton Street are not operating.

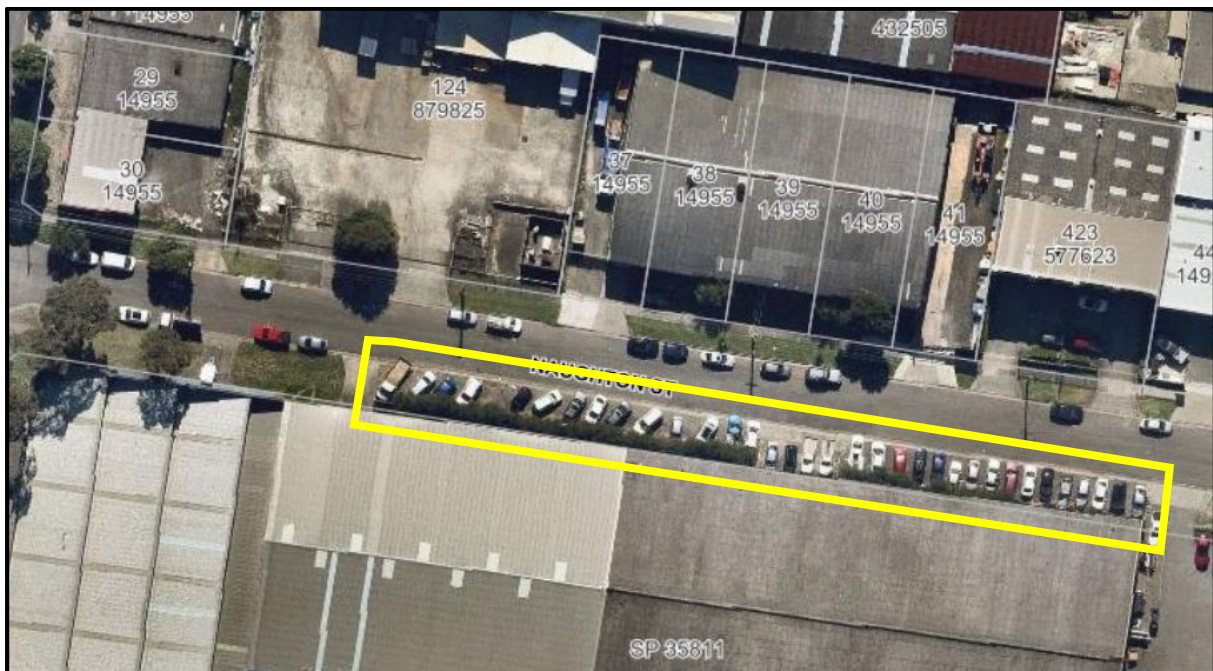


Figure 19: Existing parking along Naughton Street – parking on south side of street outlined in yellow.



Figure 20: Existing parking along southern side of Naughton Street.

PART J – Erection and Display of Advertising Signs and Structures (SCDCP 2005)

Part J of the SCDCP 2005 establishes the following performance criteria for the erection and display of signage.

1: Part A- General

1.3	Objectives	Satisfactory
1.	<i>To encourage signage which complements the dominant urban character of an area, including the built and landscape character</i>	Yes
	<i>To provide guidelines for the display of advertisements and ensure that outdoor advertising:</i>	
	<i>(a) conveys an advertiser's messages and images while complementing and conforming with the visual appearance of the building or structure on which it is displayed and the amenity of the surrounding environment;</i>	
2.	<i>(b) does not adversely affect the area in which it is located in terms of appearance, size, illumination, overshadowing, or loss of amenity;</i>	Yes
	<i>(c) does not lead to visual clutter through the proliferation of signs;</i>	
	<i>(d) is designed and installed to an acceptable level of safety and serviceability; and</i>	
	<i>(e) is designed to have minimal adverse impacts on driver or pedestrian safety</i>	

3.	<i>To implement a plan which enables an assessment of the proposed advertisement to be made.</i>	Yes
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Comments: The proposed signage meets the above objectives.

2.1: Signs in all areas

Special Provisions		Complies
(i)	Table A indicates the types of signage which are permissible without development consent, permissible only with development consent and prohibited within various zones under the SLEP 2012. Schedule 2 – Exempt Development of SLEP 2012 identifies those advertising signs and structures which do not require development consent	Noted.
(ii)	Sign is not prone to deterioration in appearance and is not redundant, unsightly or objectionable	Yes
(iii)	Advertisements, signs and advertising structures are not displayed in a manner which obscures or interferes with road traffic signs	Yes
(iv)	Advertising sign must be displayed in English and can be translated in another language. Translation is accurate and complete. Wording and/or numbers is not greater than the English message.	Yes
(v)	The use of motor vehicles, trailers or shipping containers for advertising is permitted so long as advertising is not the principle purpose.	N/A

The advertisement/ sign is not any of the following:

(a)	Roof sign or wall sign projecting above the roof or wall to which it is affixed;	Yes
(b)	Flashing or moving signs or advertisements;	Yes
(c)	Signs, not defined as a temporary sign, made of canvas, fabric, or any type of airborne sign except a temporary sign;	Yes
(vi)	(d) Fly posters	Yes
(e)	Signs affixed to the surface of a public footway or public roadway	Yes
(f)	Signs which may obscure, obstruct or interfere with any road traffic	Yes
(g)	Signs prohibited under the Tobacco Advertising Prohibition Act 1992	Yes
(h)	Signs other than a business identification sign, directional sign, real estate sign or temporary sign within the R2, R3 and R4 zones.	Yes

Comments: The proposed signage complies with the above controls.

ITEM 6- Flush wall signs

	Development Controls	Complies
(a)	Where it is illuminated, the flush wall sign is not less than 2.6m above the ground	Yes
(b)	The flush wall sign does not extend laterally beyond the wall of the building to which it is attached	Yes
(c)	The flush wall sign does not project above the top of the wall to which it is attached more than - (i) 2.4m; or (ii) 50% of its height, whichever is the lesser	Yes
(d)	Where of a skeleton letter type, the flush wall sign does not have an advertising area greater than 4.6 times the distance (to the nearest whole metre) between the lowest part of the sign and the ground	N/A
(e)	Where not of a skeleton letter type, the flush wall sign does not have an advertising area, in square metres, greater than three times the distance (to the nearest whole metre) between the lowest part of the sign and the ground.	Yes

Comment: The proposed wall sign demonstrates compliance against the above controls.

ITEM 10- Pole or pylon signs

	Development Controls	Complies
(a)	The pole or pylon sign does not project more than 1.2m over any road alignment	Yes
(b)	In cases where it does project over any road alignment, it is not less than 2.6m above the ground where it so projects	N/A
(c)	The pole or pylon sign has a maximum advertising area of 44.6m ² 2.8m by 6.2m = 17.36m²	Yes
(d)	The pole or pylon sign is not more than 15.2m above the ground. 4.6m above ground	Yes

Comment: The proposed pylon sign demonstrates compliance against the above controls.

PART Q – URBAN DESIGN

1.4	Objectives	Satisfactory
1.	<i>To establish built form guidelines that encourage high quality urban design outcomes for all development types.</i>	Yes

2..	<i>To encourage best practice sustainable urban transformation.</i>	Yes
3.	<i>To strengthen the relationship between people, places and buildings.</i>	Yes
4.	<i>To make the public environment safer, attractive and more liveable.</i>	Yes
5.	<i>To create more efficient, sustainable and inspiring places to live that support the social, cultural, economic and environmental well-being of the community.</i>	Yes
6.	<i>To deliver the highest standard of architectural, urban and landscape design.</i>	Yes

1.6	Objectives	Satisfactory
1.	<i>To deliver the highest standard of architectural, urban and landscape design.</i>	Yes

2.11	Objectives	Satisfactory
a.	<i>a. To ensure that development adjacent to the Public Domain complements the landscape character, public use and enjoyment of that land.</i>	Yes
b.	<i>b. To enhance the quality of the Public Domain.</i>	Yes
c.	<i>c. To ensure the Public Domain is attractive, safe, interesting, comfortable, readily understood and easily accessed.</i>	Yes

1) All development applications involving substantial external changes that are visible from or effect public space, or have significant land use implications, must be designed in accordance with this DCP Part Q to ensure a positive contribution to the public environment.

2) Development is to be designed to address elements of the public domain, including the building interface between private and public domains, circulation patterns and access ways, gateways, nodes, edges, landscape features, heritage items, ground floor activity and built form definition to the street.

2.1.2 *3) Public access to the public domain is to be maximised.* **Yes**

4) Development is to be located to provide an outlook to the public domain, without appearing to privatise that space.

5) Development is to provide passive surveillance to the public domain. Where appropriate, ground floor areas abutting public space should be occupied by uses that create active building fronts with pedestrian flow, and contribute to the life of the streets and other public spaces.

6) Continuous lengths of blank walls and fences at the public domain interface are to be avoided.

2.2.1	<i>a. To ensure that all development contributes positively to the street and locality.</i>	Yes
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	<p>b. To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.</p> <p>c. To increase the legibility of streetscapes and urban spaces so that the interrelationship between development and the Public Domain is visually coherent and harmonious.</p> <p>d. To maximise opportunities for buildings to define the Public Domain.</p> <p>e. To encourage attractive street frontages and improve pedestrian amenity.</p>	
2.2.2	<p>1) Building height at the street frontage and building alignment must maintain a compatible scale with adjacent development, whilst having regard to this Plan's height controls; and 2) Buildings and fences must be designed to complement and/or visually improve existing streetscapes. 3) Development must respond and sensitively relate to the broader urban context including topography, block patterns and subdivision, street alignments, landscape, views and vistas and the patterns of development within the area</p> <p>4) Building design and landscaping must be in harmony with the form, mass and proportions of the streetscape. 5) New buildings must recognise and reinforce the elements of facades within the street. Designs must have regard to the horizontal and vertical proportions of building elements which create the visual scene. 6) Building setbacks from the street boundary must be consistent with prevailing setbacks of adjoining and nearby buildings</p> <p>7) Buildings on corner sites must be designed and articulated to address each street frontage and must define corners</p> <p>8) Development adjoining land use zone boundaries must provide a transition in form, height, scale, appearance, materials and setbacks with adjoining development and the Public Domain. 9) Buildings must be constructed of suitably robust and durable materials which contribute to the overall quality of the streetscape. 10) The use of security devices, such as roller shutters or grilles on shopfronts, shall not compromise natural surveillance of streets and public places. Solid roller shutters will not be permitted as security devices on shop fronts (windows and doors). 11) Where side setbacks are an important part of the local streetscape character, these are to be maintained.</p>	Yes
2.3	Siting	
	<p>Development must achieve high quality urban form that is cohesive. The arrangement of buildings affects the Public Domain, amenity of spaces, the quality of space between buildings, visual and acoustic privacy and solar access to private and shared open spaces. Appropriate building separation is required to maximize light, air and outlook. Good site planning can reinforce an area's character, or make an important contribution to the future character of an area undergoing change. Appropriate building configuration and site planning will be informed by the surrounding built environment, street conditions and any vision statements adopted for individual areas.</p>	N/A
2.3.1	Building configuration and site planning essential criteria	
	<p>1) Development must respond to the scale of surrounding buildings and definition of the street networks and public spaces.</p>	Yes

- 2) The distinctive and valued character of the surrounding area, particularly those elements that contribute to a sense of place and identity, must be protected and enhanced.
- 3) Building forms (including heights and massing) are to be arranged to reinforce the future desired structure and character of the area.
- 4) Buildings must address the street, laneway, new through-site link or open space.
- 5) Street edges must be defined with low rise buildings or appropriately scaled podiums to create a pedestrian scale and active frontages at street level.
- 6) Appropriate building separation must be provided to protect privacy and solar access to private property and the Public Domain.
- 7) Building corners on key streets must be emphasised to signify key intersections and enhance Public Domain legibility.
- 8) Possible future development on adjoining sites must be considered as part of any design.

2.5	Building massing and scale	
2.5.1	<p>a. To ensure buildings are compatible in form relative to the spatial characteristics of the local area.</p> <p>b. To ensure building mass and form reinforces, complements and enhances the visual character of the street. c. To ensure the building height and mass preserves and enhances the Public Domain, neighbourhood amenity, and site characteristics. d. To ensure that where changes in building scale, mass and/or height is proposed, it occurs in a manner that is sensitive to amenity issues of surrounding or nearby development.</p>	Yes
2.5.2	<p>1) Buildings must be of a height that responds to the topography and shape of the site.</p> <p>2) Buildings, or their individual elements, must be appropriately scaled to reinforce the surrounding character.</p> <p>3) Building heights are to be reduced and setbacks increased to provided appropriate transitions to heritage buildings and places or sensitive uses such as public recreation areas and schools.</p> <p>4) The proportion and massing of buildings must relate favourably to the form, proportions and massing of existing and proposed building patterns in the street.</p> <p>5) Building height and mass must not result in loss of amenity to adjacent properties, open space or the Public Domain.</p> <p>6) The form and massing of buildings must provide a transition between adjoining land use zones and building types.</p> <p>7) Building form and massing must support individual and communal entries.</p>	Yes
2.6.1	Transition zone essential criteria	
	<p>1) Development proposing to be higher than adjoining development must incorporate gradual stepping up of the built form at its interface with existing low rise development. Where there is a common boundary between areas where a different height limit is specified, one solution may be that the top storey of the development on the land with the higher height limit be stepped back to fit within a plane projected at a 45 degree angle from the floor below the topmost floor.</p>	Yes

	2) Development proposals are to be sensitive and complementary in scale and site location to surrounding properties of identified heritage and/or streetscape value, and which contributes positively to the desired character of the street or area concerned	
2.7	Building frontages to Public Domain	
2.7.1	<p>a. To ensure the appearance of buildings complement and enhance neighbourhood and streetscape character.</p> <p>b. To encourage contemporary designs which integrate with the appearance of the streetscape.</p> <p>c. To provide attractive building facades which establish identity and contribute to the streetscape.</p>	Yes
2.7.2	Essential Criteria	
	<p>1) Building design and architectural style must interpret and respond to the positive character of the locality, including the dominant patterns, textures and compositions of buildings.</p> <p>2) Demonstrated design consideration must be given to the underlying building elements that contribute to the character of the area. Such things include roof shape, pitch and overhangs; entry porches, verandas, balconies and terraces; materials, finishes, fixtures, patterns, fenestrations, colours and detailing; the location and proportion of windows and doors.</p> <p>3) Building facades must be modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture.</p> <p>4) Alterations and additions must be compatible with design elements of the existing building.</p> <p>5) Building frontages and entries must provide a sense of address and visual interest from the street. Stairwells must not be located at the front and in view of the Public Domain.</p> <p>6) Where security grilles/screens, ventilation louvres and car park entry doors are proposed, they must be integrated into facade designs. Solid security shutters will not be permitted.</p> <p>7) New buildings and facades must not result in glare that causes discomfort or threaten the safety of pedestrians or motorists. A Reflectivity Report that analyses the effects of potential glare from the proposed new development on pedestrian and motorists may be required by Council</p> <p>8) Large areas of blank walls are not acceptable. Measures to avoid this may include windows, awnings, sun shading devices, pergolas, or a recognisable increased setback to the upper storey.</p> <p>9) New business and industrial buildings shall be designed so that entry points and client service areas are easily identified from the street and are clearly linked to car parking areas and pedestrian paths.</p> <p>10) Where dwelling houses do not face the street, they are to have recognisable entries and a sense of address as they would if they faced the street.</p> <p>11) For commercial and mixed-use development: – ground floor activities must activate the adjoining Public Domain to create a vibrant streetscape and promote a sense of community. Buildings shall be carefully designed to ensure active frontages contributes to the liveliness, interest, comfort and safety of the street for those who use it;</p>	Yes

	<p><i>and – awnings or colonnades for weather protection and shade must be provided along active frontages.</i></p> <p><i>12) Site services and related enclosures (such as for waste disposal and recycling, mail and deliveries, water and energy metering and emergency services) are to be integrated into the design of the development and not detract from the streetscape.</i></p> <p><i>13) Development must respond to the positive attributes of an area by incorporating dominant patterns, textures and compositions into the built form.</i></p> <p><i>14) Development must provide a sense of address and visual interest from the street through the use of insets and projections that create interest and, where relevant, the appearance of finer grain buildings. Recesses that undermine the safety of the Public Domain are to be avoided.</i></p> <p><i>15) Building materials, finishes and colours must be of a high quality and compatible with those qualities that are dominant in and contribute to the streetscape and locality.</i></p> <p><i>16) The reflectivity of external materials and finishes (including roofs and walls) must be minimal in accordance with industry standards. The use of reflective glass and curtain walling as a facade treatment is not generally favoured by Council. Council may require the lodgement of manufacturer's specifications of certain materials and finishes to demonstrate adequately low levels of glare and reflectivity from external surfaces in certain circumstances.</i></p>	
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2.8 Roof Forms

2.8.1	<p>a. To treat roof spaces and forms as an important element of the overall building appearance.</p> <p>b. To encourage roof forms that provide continuity and consistent character in the streetscape.</p> <p>c. To encourage roof designs that integrate with the building composition and form.</p>	Yes
2.8.2	<p>1) Plant and lift overrun structures must be incorporated into the roof design. Plant equipment, vents or lift over-runs or solar energy and stormwater collectors are to be designed to avoid visibility from the surrounding spaces and buildings.</p> <p>2) The roof is to be designed to provide for rainwater and solar energy collection.</p> <p>3) The proposed roof form shall minimise the appearance of bulk and scale of the building and be treated as an important architectural element in the street, which can reinforce continuity and character.</p> <p>4) Roof forms are to respond to the neighbouring roofs, in particular in terms of scale and pitch. Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings.</p> <p>5) Roofs must be designed to avoid or minimise loss of views from adjacent and nearby properties and public spaces, however, this does not justify a roof form that is inconsistent with the prevailing streetscape character.</p> <p>6) Attics are to be designed to fit within the building envelope with the exception of dormer windows.</p>	Yes

3.1.1	<p>a. To improve pedestrian access and connectivity between housing, open space networks, community facilities, public transport, local activity centres and schools.</p> <p>b. To encourage pedestrian through-site links that are designed to promote safety and amenity.</p>	Yes
3.1.2	<p>1) Pedestrian links must be provided where possible through large development sites to improve connectivity between housing, open space networks, community facilities, public transport, local activity centres and schools. Where Council considers it appropriate to have through site links, it will consider the public benefit that is derived from this in terms of potential loss of development potential.</p> <p>2) Through-site links must be arranged on the site to enable casual surveillance from buildings on the site and from the street or Public Domain. Through-site links are to be landscaped appropriately and include provision for appropriate lighting.</p> <p>3) Public, communal and private areas must be clearly delineated within the site.</p> <p>4) Pedestrian and cycle links must be provided on sites adjacent to waterways to improve accessibility to these natural systems.</p> <p>5) Existing through-site pedestrian links are to be retained by all types of development, except where alternative access can be provided to Council's satisfaction.</p>	Yes
3.2	Building Entries	
3.2.1	<p>a. To create street entrances with a strong identity that provide a transition from the street to residential interiors.</p> <p>b. To ensure car park entries do not detract from the street.</p>	Yes
3.2.2	<p>1) Legible entry/lobby areas accessed from a public street are to be provided to encourage surveillance and activation of the Public Domain, thereby increasing safety.</p> <p>2) Strong visual and physical connections must be provided between the street and lobby spaces. Entries and foyers must be designed to be comfortable, sheltered, safe, convenient and visible at all times of day and night.</p> <p>3) Car park entrances and crossovers are not permitted unless there is no alternative in retail and commercial areas. Entrances must be located off streets that have a predominantly service role, and these streets should be upgraded as necessary to cater for this role.</p> <p>4) Pedestrian access must be incorporated with car park entrances to reduce the visual impact of the car park entrance. Car park entrances must be carefully designed to avoid unattractive or extensive gaps in street frontages.</p> <p>5) New commercial and industrial buildings must be designed so that entry points and client service areas are easily identified from the street and are clearly linked to car parking areas and pedestrian paths.</p> <p>6) Where a dwelling house does not face the street, it must have a recognisable entry and a sense of address.</p>	Yes
3.3	Visual and Acoustic Privacy	
3.3.1	<p>a. To ensure that development does not cause unreasonable overlooking of habitable rooms and principal private open spaces of dwellings.</p>	Yes

	<p>b. To ensure that visual privacy is provided both within a development and between a development and its neighbours.</p> <p>c. To ensure that the siting and design of development minimises the impacts of noise transmission between properties.</p>	
3.3.2	<p>1) New development must ensure adequate visual and acoustic privacy levels for neighbours and residents.</p> <p>2) Development must be located, oriented and designed to maximise visual and acoustic privacy between buildings.</p> <p>3) The internal layout of buildings must be designed to minimise overlooking of living areas, private open spaces and adjoining school yards.</p> <p>4) Building elements such as balconies and decks must be designed to minimise overlooking of living areas, private open spaces of adjoining dwellings and adjoining school yards.</p> <p>5) The windows of dwellings must be located so they do not provide direct and close views into the windows of other dwellings, particularly those of living areas</p> <p>6) Building design elements shall be used to increase visual and acoustic privacy such as recessed balconies and/or vertical fins between adjacent balconies, oblique windows, fencing, vegetation and louvres and pergolas which limit overlooking of lower dwellings, private open space and adjoining school yards</p> <p>7) The internal layout of buildings including windows must be designed so as to reduce the effects of noise transmission. For example, dwellings with common party walls should locate noise generating rooms such as living rooms adjacent the noise generating rooms of other dwellings.</p> <p>8) Appropriate building materials shall be used to provide acoustic privacy.</p> <p>9) Consideration to the relationship between residential and non-residential components of mixed use development with regard to noise attenuation and privacy must be demonstrated in the design of the development.</p>	Yes
3.4	Acoustic amenity and air quality	
3.4.1	<p>a. To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses.</p> <p>b. To ensure that new commercial or industrial development does not unreasonably diminish the amenity of nearby residential uses by noise intrusion.</p> <p>c. To ensure mitigation measures such as building layout and design and building materials are taken into consideration where poor air quality is likely to affect inhabitants.</p>	Yes
3.4.2	<p>1) Where dwellings are proposed within proximity to noise-generating land uses such as major roads and rail corridors; entries, halls, storage rooms, bathrooms and laundries must be located on the noise affected side of each dwelling and should be able to be sealed off by doors from living areas and bedrooms where practicable.</p> <p>2) Where dwellings are proposed within proximity to noise-generating land uses, appropriate materials with acoustic properties shall be incorporated into the development.</p>	Yes

	<p>3) New non-residential development must not adversely affect the amenity of adjacent residential development in terms of noise, odour, poor air quality, hours of operation and/or service deliveries.</p> <p>4) Noise generating developments particularly those adjacent residential developments and residential developments adjacent to noise generating sources such as busy roads and rail corridors, must submit an Acoustic Report prepared by a suitably qualified acoustic consultant with a development application.</p> <p>5) The provisions of State Environmental Planning Policy (Infrastructure) 2007 and Development near Rail Corridors and Busy Roads Interim Guideline must be taken into consideration, to minimise impacts of busy roads and railway corridors on residential and other sensitive development such as schools, child care centres, places of public worship and health services facilities when designing a development proposal.</p> <p>6) For residential development: – internal habitable rooms of dwellings affected by high levels of external noise must be designed to achieve internal noise levels of no greater than 50dBA; – The internal layout of buildings/dwellings shall be designed so as to minimize the impacts of poor air quality on inhabitants.</p>	
3.5	Solar access and cross ventilation	
3.5.1	<p>a. To provide thermal comfort for occupants.</p> <p>b. To ensure that development does not unreasonably diminish sunlight to neighbouring properties and within the development site.</p> <p>c. To ensure that sunlight access is provided to private open space and habitable rooms to improve amenity and energy efficiency.</p> <p>d. To ensure sufficient volumes of fresh air circulate through buildings to create a comfortable indoor environment and to optimize cross ventilation.</p> <p>e. To ensure that sunlight access is provided to the Public Domain.</p>	Yes
3.5.2	<p>1) Development must be designed and sited to minimise the extent of shadows that it casts on: - private and communal open space within the development; - private and communal open space of adjoining dwellings; - significant areas of the Public Domain, such as main streets, open space and plaza areas, main pedestrian links etc; - solar collectors of adjoining development; and - habitable rooms within the development and in adjoining developments. Note: Building setbacks may need to be increased to maximise solar access and to minimise overshadowing from adjoining buildings. Building heights may also need to be stepped to maximise solar access.</p> <p>2) Generally, dwellings within the development site and adjoining properties are to receive a minimum of 3 hours sunlight in habitable rooms and in at least 50% of the private open space between 9am and 3pm on 21 June. Where existing development currently receives less sunlight than this requirement, this should not be unreasonably reduced. In order to demonstrate that this can be achieved, shadow diagrams may be required with the development application.</p>	Yes

- 3) Living areas of dwellings such as kitchens and family rooms shall be located on the northern side of dwellings and service areas such as laundries and bathrooms to the south or west.
- 4) In habitable rooms, head and sill heights of windows must be sufficient to allow sun penetration into rooms.
- 5) Landscaping must provide shade in summer without reducing solar access in winter.
- 6) Buildings must have narrow cross sections, providing dual aspect for dwellings to allow for cross ventilation.
- 7) Buildings must be orientated to benefit from prevailing breezes.
- 8) All rooms must contain an external window to provide direct light and ventilation. Exceptions may be considered for non-habitable rooms where this cannot be achieved practicably and mechanical ventilation can be provided.
- 9) Natural cross ventilation shall be achieved by locating window openings in opposing walls and in line with each other.
- 10) Building elements such as operable louvres and screens, pergolas, blinds etc shall be used to modify environmental conditions where required, such as maximising solar access in winter and sun shading in summer.

Building Design

The proposed development, which involves a significant treatment of the external façade of the building, is considered a notable and welcome improvement to both the current built form and streetscape. External changes consist of new and enlarged black framed windows, sandblasting existing brickwork to the original colour, new brickwork and parapet to form part of the first floor roof, recycled hardwood timber vertical panels, sawtooth truss pergola and new pylon sign framed by water features and plantings. This overall aesthetic is considered a desirable outcome compared to the existing building which features prominent red colouration and blue framed, frosted windows.

The provision of several entry points addressing both Roberts Road and Naughton Street facilitates appropriate wayfinding and accessibility for the proposed restaurant/café.

Operational Hours

The proposed operational hours for the restaurant/café is 5am to 1am, 7 days a week. Whilst these hours are extended compared to the industrial and business premises within the vicinity, these hours will not likely conflict with these premises and will provide an appropriate street activation of the intersection.

It is noted that a number of food and drink premises along Roberts Road have similar operational hours. These include:

- McDonalds – 74 Roberts Road Greenacre North: 24 hours, 7 days a week;
- Hungry Jacks – 9-11 Roberts Road, Greenacre: 6am to 10pm, 7 days a week;
- Subway – 51 Roberts Road, Greenacre: 7am to 10pm, 7 days a week;
- Gloria Jeans – 51 Roberts Road, Greenacre: 24 hours, 7 days a week;
- Kentucky Fried Chicken – 51 Roberts Road, Greenacre: 10am to 11pm, Monday to Thursday, Sunday; 10am to 12am, Friday to Saturday;
- McDonalds – 57-67 Roberts Road, Greenacre: 24 hours, 7 days a week; and
- Oportos – 87-91 Roberts Road, Greenacre: 9am to 11:30pm.

The proposed operational hours demonstrates consistency with other food and drink premises within the locality. It is further noted both Council's Environmental Health Officer and NSW Police have confirmed support of the proposed hours. In light of the above, the operational hours are considered acceptable, subject to conditions to minimise and manage noise, complaints and security.

Amenity for Outdoor Dining Patrons

The ground floor of the proposed restaurant/café is relatively extensive – covering the entire footprint of the existing building. The eastern and southern edges of the building feature outdoor dining areas for 68 patrons. These areas appear to overlook a pedestrian ramp and the carpark – an outcome that is less ideal in terms of amenity. Notwithstanding this a generous amount of indoor dining areas is provided and the provision of new elements such as water features and planted walls and new pergola will create an improved atmosphere for patrons. Further, the proposed parking area is not a substantial element – comprising only four (4) spaces within the site and will not significantly compromise the amenity of outdoor dining patrons. The outdoor dining areas are provided with sufficient solar access, weather protection and ventilation. On balance, the general design of the proposed restaurant/café – with regard to amenity – is considered acceptable.

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

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

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

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

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

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

It is considered that the proposed development is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments. The proposed development introduces a new restaurant/café to the locality that will service local residents, employees of local businesses and visitors to the area. The new use will ensure an appropriate activation of the street and locality and will have a more desirable and improved streetscape and built form/design outcome compared to the existing building.

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

In accordance with the provisions of Council's 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 during notification period.

(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

The proposed development has a value of greater as \$100,000. In order to provide additional public facilities and infrastructure to meet the demand created by development, the proposed development will attract Section 7.12 Indirect Contributions in accordance with the Strathfield Indirect Development Contributions Plan (3 September 2010). This contribution is based on the proposed cost of works for the development and has been calculated at 1% of \$490,000.00 (the estimated cost of development identified in the development application). Therefore, the Section 7.12 Indirect Contributions for the proposed development is **\$4,900.00**

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 SCDP 2005.

Following detailed assessment it is considered that Development Application No. 2021/40 should be approved subject to conditions of consent.



Signed:

**Miguel Rivera
Senior Planner**

Date: 31 May 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:
Gary Choice
Planner

Date: 31 May 2021

REASONS FOR CONDITIONS

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
Locality Plan	1	23/10/20	A	Hakim & Hamzah
Site Plan	3	23/10/20	A	Hakim & Hamzah
Ground Floor Plan (Existing)	4	23/10/20	A	Hakim & Hamzah
Roof Plan (Existing)	5	23/10/20	A	Hakim & Hamzah
Roof Plan (Demolition)	7	23/10/20	A	Hakim & Hamzah
Ground Floor Plan	8	22/05/21	B	Hakim & Hamzah
First Floor Plan	9	23/10/20	A	Hakim & Hamzah
Roof Plan (Proposed)	10	23/10/20	A	Hakim & Hamzah
South Elevation	11	23/10/20	A	Hakim & Hamzah

North Elevation	12	23/10/20	A	Hakim & Hamzah
East Elevation	13	23/10/20	A	Hakim & Hamzah
West Elevation	14	23/10/20	A	Hakim & Hamzah
Section X-X Section Y-Y	14	23/10/20	A	Hakim & Hamzah
Schedule of Finishes	15	23/10/20	A	Hakim & Hamzah
Soil and Water Management Plan	16	23/10/20	A	Hakim & Hamzah
Stormwater Plan	SW-01	27/12/20	A	Transcivic Engineering
Stormwater Details	SW-02	27/12/20	A	Transcivic Engineering
Stormwater Plan	SW-03	27/12/20	A	Transcivic Engineering
Waste Management Plan	-	26/12/20	-	IKleen Services Pty Ltd
Acoustic Report	-	03/12/20	R01D	Acoustic Works
Traffic and Parking Assessment	-	02/12/20	2	Park Transit

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

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. Vehicular Crossing - Minor Development

Constructing a vehicular crossing and/or footpath requires a separate approval under Section 138 of the [Roads Act 1993](#) prior to the commencement of those works.

To apply for approval, complete the *Works Permit Application Form* which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au. Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Civic & Urban Services Section in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with *Works Permit* applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out in accordance with Council's specifications applicable at the time, prior to the issue of an Occupation Certificate.

4. Building – Hoarding Application

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

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

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

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

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

5. Transport for NSW

The following condition must be considered and incorporated into final design of the approved development:

1. All buildings and structures including signage together with any improvements integral to the future use of the site are wholly within the freehold property unlimited in height or depth along the Roberts Road boundary.

Should you have any further inquiries in relation to this matter, please do not hesitate to contact Hans Pilly Mootanah, Land Use Planner, on telephone 8849 2076 or by email at development.sydney@transport.nsw.gov.au.

6. NSW Police

The following conditions are endorsed by NSW Police and must be considered and incorporated into the final design and ongoing operations of the approved development:

CCTV

1) The consent holder must maintain a closed-circuit television system on the premises in accordance with the following requirements:

- a) the system must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),
- b) recordings must be in digital format and at a minimum of 15 frames per second,
- c) any recorded image must specify the time and date of the recorded image,
- d) the system's cameras must cover the following areas:
 - i) all entry and exit points on the premises,
 - ii) the footpath immediately adjacent to the premises,
 - iii) all publicly accessible areas (other than toilets) on the premises.

2) The consent holder must also:

- a) keep all recordings made by the CCTV system for at least 30 days, and
- b) ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector to provide such recordings.

7. TRADING HOURS

The applicants have requested extended trading hours from 5am to 1am. Police want to remind the applicants this must be strictly adhered to. Any trade outside these hours Police will breach the applicant.

Police will not support liquor being sold from 9am in the morning. And liquor could only be sold from 11.00am.

Auburn Police will closely monitor the premises to ensure they comply with their liquor licence conditions.

8. ON SITE SECURITY

Police recommend that there be on site security at the location especially late evening and would recommend the security officer be rostered till close of business.

9. Sydney Water – Tap in™

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

10. 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/	\$1,715.00
Security Damage Deposit	\$8,100.00
Administration Fee for Damage Deposit	\$127.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$4,900.00

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.

11. Required Design Changes

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

Waste Bins	Any references to Council bins and Council pick-up or collection of waste on all approved plans and documents must be deleted.
Access for Persons with Disability	Disabled access must be provided for the first floor of the approved development. This access must comply with the relevant requirements under the Building Code of Australia.

12. 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: \$8,100.00.
- (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.

13. Erosion & Sedimentation Control

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar

- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004.](#)

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

14. Stormwater System

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

15. On Site Detention

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

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

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

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

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

Full details shall accompany the application for the Construction Certificate.

16. Driveway Surface Waters

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

17. Off Street Parking – Compliance with AS2890

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

18. 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)
- v. Sydney Water – trade Waste Section.

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

(b) Litter Control

Ensure that the area of public footpath or public area adjacent to the premises is maintained in a clean and tidy condition. Litter management plan must be included in Waste Management Plan when applicable, indicating all steps being taken to prevent, reduce and collect any litter produced by the site as well as measures to conduct litter collection within a 50m radius from premises entrance or exit.

19. 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.

20. 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](#)

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

21. 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.

22. 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.

23. 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](#).

24. Dial Before You Dig

The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Council’s Engineers for their records.

25. Dilapidation Report on Public Land – Major Development Only

Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site.

The report must include the following:

- i. Photographs showing the existing condition of the road pavement fronting the site,
- ii. Photographs showing the existing condition of the kerb and gutter fronting the site,
- iii. Photographs showing the existing condition of the footpath pavement fronting the site,
- iv. Photographs showing the existing condition of any retaining walls within the footway or road, and
- v. Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- vi. The full name and signature of the structural engineer.
- vii. The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the PCA and a copy provided to the Council.

The Dilapidation Report must be prepared by a professional engineer. The report must be provided to the PCA and a copy provided to the Council.

The report is to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether to refund the damage deposit after the completion of works.

DURING CONSTRUCTION

26. 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.

27. 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.

28. Ground Levels and Retaining Walls

The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

29. Vehicular Crossing - Minor Development

The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the Works Permit Approval issued by Council's Civic & Urban Services and in accordance with Council's Driveway Specifications.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Driveway Specifications.

The work must be completed before the issue of an Occupation Certificate.

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

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

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

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

31. Maintenance Schedule – On-site Stormwater Management

A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

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

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

33. Stormwater Drainage Works – Works As Executed

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

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

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

34. Fire Safety Certificate before Occupation or Use

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

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

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

35. 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.

36. Maximum Number of Seating

A sign must be displayed in a prominent position in the building stating that the maximum number of seating for persons that are permitted in the building and outdoor seating shall not exceed the following number of patrons:

- Maximum 60 patrons in the building (indoor dining areas)
- Maximum 68 patrons in the outdoor dining areas

Total of 128 patrons (maximum)

37. Food Premises – Inspection & Registration

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

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

OPERATIONAL CONDITIONS (ON-GOING)

38. Noise Control

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

39. Hours of Operation

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

- 5am to 1am, Monday to Sunday (including public holidays)

40. 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*.

41. 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.

42. Amenity of the Neighbourhood

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

43. 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.

44. 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)*.

45. 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).

46. Food Premises – Storage of Waste – Used Cooking Oil

Used oil shall be contained in a leak proof container and stored in a covered and bunded area prior to off-site disposal. Copies of receipts for the disposal of used cooking oil shall be kept on-site and made available to Council Officers upon request.

47. 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.

48. Entering & Exiting of Vehicles

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

49. Schedule of Existing Fire Measures to be Maintained

The following statutory safety measures are existing and shall be fully maintained in accordance with the approved standard and inspected annually:

- (a) Access panels, door and hoppers to fire resisting shafts - minimum standard AS 1905.1 - 2015.
- (b) Automatic fail safe devices - minimum standard Part D of BCA.
- (c) Automatic fire detection and alarm systems - minimum standard AS 1670.2015, and AS1670.3 & 4 – 2004
- (d) Automatic fire suppression systems - minimum standard AS 2118.1 – 2006.
- (e) Emergency lighting - minimum standard AS 2293.1 - 2005.
- (f) Emergency lifts - minimum standard AS 1735.1,2,11, 3, 7, 8, 12, 14, 15, and 16 (as currently applicable).
- (g) Emergency warning and intercommunication systems - minimum standard AS 4428.4 – Fire detection, warning, control and intercom systems.
- (h) Exit signs - minimum standard AS 2293.1 - 2005.
- (i) Fire control centres and rooms - minimum standard BCA.
- (j) Fire dampers - minimum standard AS 1682.1 & AS 1682.2 - 2015.
- (k) Fire doors - minimum standard AS 1905.2 - 2005.
- (l) Fire hydrant systems - minimum standard AS 2419.1 -2005.
- (m) Fire seals protecting openings in fire resisting components of the building - minimum standard Part C of BCA.1
- (n) Fire shutters - minimum standard AS 1905.2. - 2005.
- (o) Fire windows - minimum standard AS 1905.1- 2015.
- (p) Hose reel systems - minimum standard AS 2441 - 2005.
- (q) Lightweight construction - minimum standard Part C of BCA.
- (r) Mechanical air handling systems - minimum standard AS 1668.2 - 2012.
- (s) Perimeter vehicle access for emergency vehicles - minimum standard Part C of BCA.1
- (t) Portable fire extinguishers - minimum standard AS 2444 - 2001.
- (u) Safety curtains in proscenium openings - minimum standard Part H of BCA.
- (v) Smoke and heat vents - minimum standard AS 2665. - 2001.
- (w) Smoke dampers - minimum standard AS 1682.1 and 2 - 2015.

- (x) Smoke detectors and heat detectors - minimum standard AS 3786 - 2014 and AS 1670.1 - 2015.
- (y) Smoke doors - minimum standard AS 1905.1 -2015.
- (z) Solid core doors - minimum standard Part C of BCA.
- (aa) Stand-by power systems - Spec. G. 3.8 of BCA and AS 2665. - 2001.
- (bb) Wall wetting sprinkler and drencher systems - minimum standard AS 2118.2. -2010.
- (cc) Warning and operations signs - minimum standard is BCA.1

50. 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.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

51. Requirement for a Construction Certificate

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

52. 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.

53. 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.

54. 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.

55. 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](#).

56. 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.

57. 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

58. 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.

59. 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.

60. 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.

61. 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.

62. Clause 98F – Site Excavation

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

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

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

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

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

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

5. 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.

6. 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.

7. 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).

8. 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.

9. Noise

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

Useful links relating to Noise:

- (a) Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).
- (b) Department of Environment and Conservation NSW, Noise Policy Section web page

(www.environment.nsw.gov.au/noise).

- (c) New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the Protection of the Environment Noise Control Regulation 2000 (www.legislation.nsw.gov.au).
- (d) Australian Acoustical Society—professional society of noise-related professionals ([www.acoustics.asn.au /index.php](http://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).

10. 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)