

IDAP REPORT

Property:	Shop 1, 139-145 Parramatta Road HOMEBUSH Lot 82 SP 99395 DA 2021/117
Proposal:	Internal fit-out and change of use to a food and drink premises with a maximum seating capacity of 20 patrons.
Applicant:	Nora's Kitchen PTY LTD
Owner:	Top Vision c/o De Feng
Date of lodgement:	28 May 2021
Notification period:	03 June 2021 to 17 June 2021
Submissions received:	Nil
Assessment officer:	P Santos
Estimated cost of works:	\$90,000.00
Zoning:	B4-Mixed Use - SLEP 2012
Flood affected:	Yes
RECOMMENDATION OF OFFICER:	APPROVAL

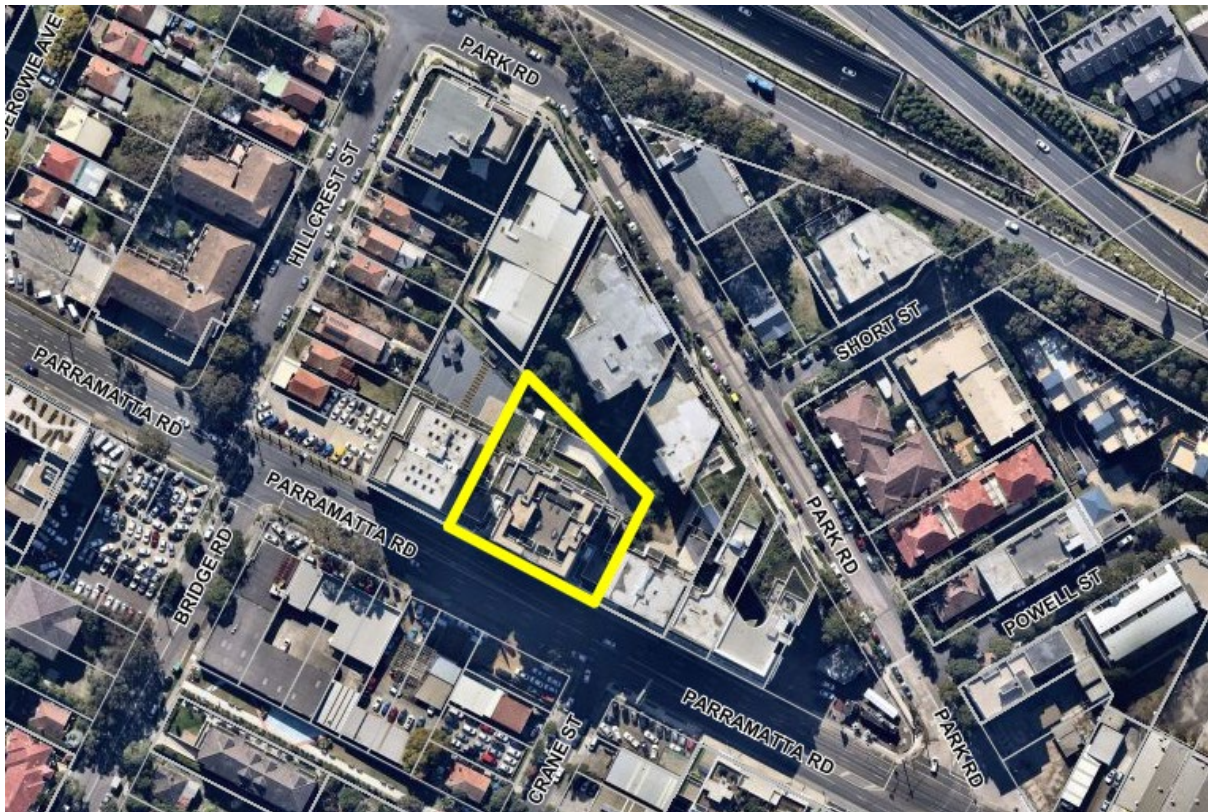


Figure 1. Aerial imagery of the lot where the subject site is (outlined) and the immediate locality.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the internal fit-out and change of use to a food and drink premises with a maximum seating capacity of 20 patrons.

Site and Locality

The subject site is legally described as Lot 82 SP 99395 and commonly known as Shop 1, 139-145 Parramatta Road, Homebush. It is located off the northern side of Parramatta Road, between Park Road and Hillcrest Street.

It is on the ground level of an existing mixed-use building, facing Parramatta Road

Strathfield Local Environmental Plan

The site is zoned B4-Mixed Use under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the LEP.

Development Control Plan

The proposed development generally satisfies the provisions of Strathfield Consolidated DCP 2005. This is discussed in more detail in the body of the report.

Notification

The application was notified in accordance with Council's Community Participation Plan from 03 June 2021 to 17 June 2021, where no submissions were received.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2021/117 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the internal fit-out and change of use to a food and drink premises with a maximum seating capacity of 20 patrons. The details of the proposal are as follows:

Trading name: Dumpling Doll – Chinese Kitchen

Trading hours: Tuesday to Sunday - 11.00 AM to 10.00 PM

Staff number: 3-4 part-time staff, subject to workload

Part of the proposal is internal fit-out to an existing unit that is part of a mixed-use building.

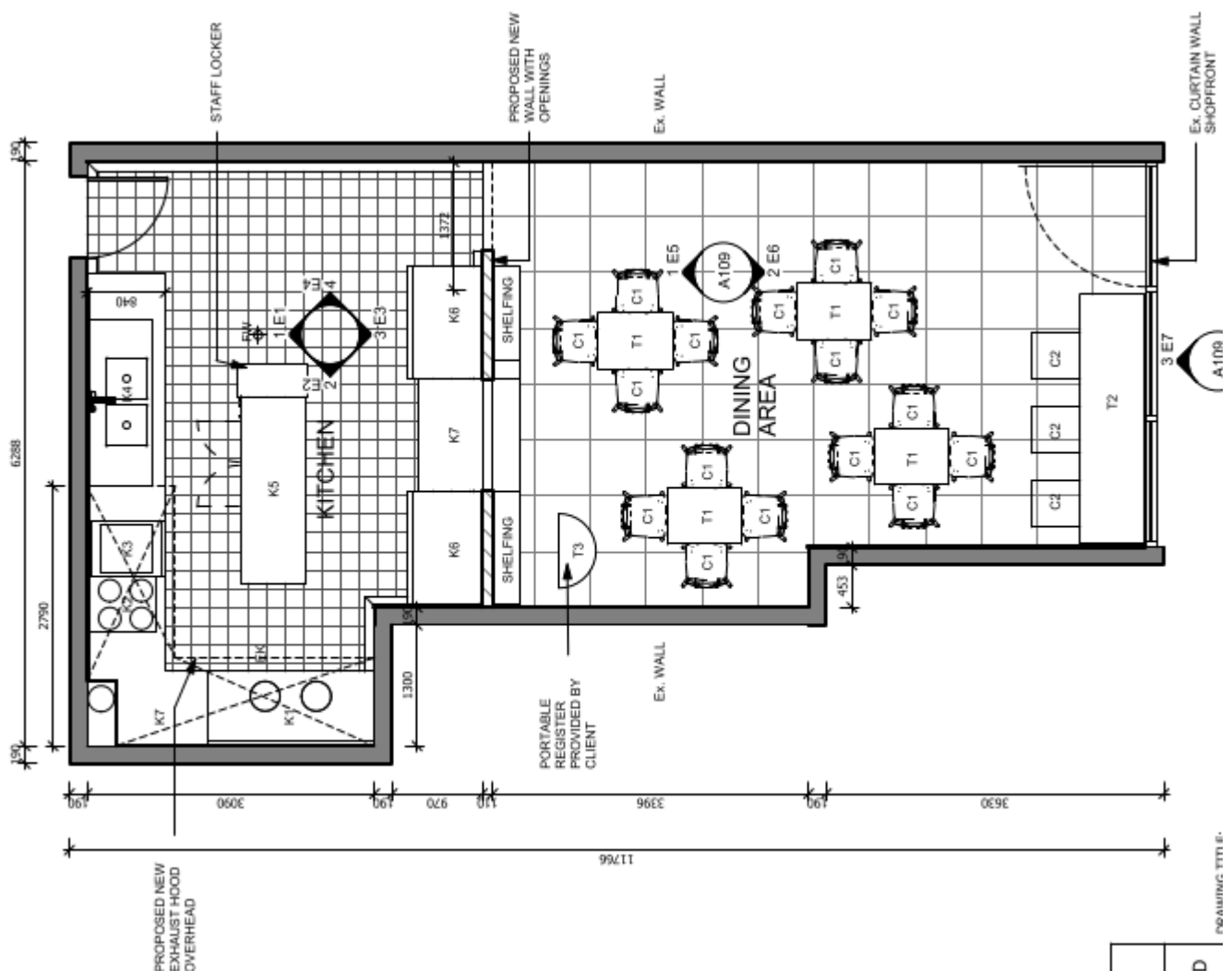


Figure 2. Extract of the proposed floor plan.

The Site and Locality

The subject site is legally described as Lot 82 SP 99395 and commonly known as Shop 1, 139-145 Parramatta Road, Homebush. It is located off the northern side of Parramatta Road,

between Park Road and Hillcrest Street. It is on the ground level of an existing mixed-use building, facing Parramatta Road.



Figure 3. Extract of the submitted reference plan, dated 17/01/2020, issue A.



Figure 4. Front of the mixed-use building where the subject site is located on the ground level (outlined) (source: applicant)



Figure 5. Image of the front of the subject site (outlined) with Parramatta Road to the left.

The current streetscape and immediate vicinity are predominantly characterised by mixed-use buildings, vehicle sales or hire premises and vehicle body repair workshop. The mixed-use buildings have commercial premises on the ground level facing Parramatta Road.



Figure 6. Image of nearby developments, in particular across the Parramatta Road from the site.



Figure 7. Vehicle sales and hire premises directly across Parramatta Road from the subject site.

Background

28 May 2021	The development application was lodged.
03 June 2021	The application was put on public exhibition, until 17 June 2021. Council received no submissions during this period.
30 July 2021	Council's Planner carried out a site visit.
06 August 2021	Additional information request letter was issued via the NSW Planning Portal, raising the following concerns: <ul style="list-style-type: none">• Correct Lot & SP number,• Proposed trading hours, and• Proposed staff number.
09 August 2021	Additional information was provided to Council via the NSW Planning Portal.

Referrals – Internal and External

Waste

The application was referred to Council's Environmental Projects Officer – Waste, who provided the following comment/s:

"...has read the above application and supporting documents, and recommend Waste Management Plan is requested, to be finalised before approval."

To address the above matter, a waste management plan will be required as a condition of consent prior to receipt of a construction certificate. For completeness, this will be required to be provided to Council's Environmental Projects Officer – Waste for approval.

Traffic

The application was referred to Council's Traffic Manager, who offered no objection to the proposal subject to imposition of relevant conditions of consent. Council's Traffic Manager provided the following comments –

"Based on 63m² GFA, the development generates an on-site parking requirement of 1 space (rounded to the nearest whole number). The proposal includes 1 on-site space."

"The delivery for this type of food and drinking premise can be managed by commercial vans which shall be able to utilise the designated car space or available loading bays in the basement. Overall, the proposal is considered acceptable."

Health

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

"It is stated that there is a grease trap and floor waste already located in the building and that connection to both the grease trap and floor waste will occur during construction."

"There is no mention of live music and due to operational activities of the type of food and drink premise, there is no concern regarding noise to nearby receivers, including nearby residential apartments"

“Noise to nearby receivers is not considered to be an issue due to the nature of the business.”

Council’s Environmental Health Officer concluded with recommended conditions of consent to be imposed.

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.

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned B4 - Mixed Use and the proposal is a permissible form of development with Council’s consent.

Part 4 – Principal Development Standards

Floor Space Ratio and Building Height

The nature of the proposal does not trigger an assessment against Clause 4.3 and Clause 4.4 of the SLEP 2012.

Part 5 – Miscellaneous Provisions

Flood Planning

The subject site has been identified as being at or below the flood planning level. However, the nature of the proposed development does not trigger an assessment against Clause 5.21 Flood Planning of the SLEP 2012. For completeness, the proposal is for the use of an existing commercial unit within an existing building that would have received a consent to be constructed and would have discussed and/or received an approval relating to flooding.

Part 6 – Additional Local Provisions

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

Erection or Display of Signage

A consent under this provision of the SLEP 2012 is not required as the proposal and submitted documents do not contain any information relating to signages. As such, it is taken that erection or display of signage does not form part of the proposal.

Additional Provisions for Development in Parramatta Road Corridor

The proposed development satisfies the provisions and objectives of this clause. It is for a use that is permitted within the zone and contributes to different uses within the corridor.

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

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005

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

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

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

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

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The subject site has a frontage to a classified road – Parramatta Road, which renders the provisions of Clause 101 of the SEPP applicable. The nature of the proposal is neither

sensitive to traffic noise or vehicle emission nor will have an impact on the ongoing operation of the classified road. As such, it is considered that the provisions and objectives of the clause are satisfied.

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

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 I – Provision of Off-street Parking

Required Parking Spaces

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 in that it provides the minimum number of required parking spaces and adequate vehicular access provisions. For completeness, the application was referred to Council's Traffic Manager who offered no objection subject to conditions of consent.

PART H – Waste Management (SCDCP 2005)

A condition of consent that requires a Waste Management Plan to be prepared in accordance with Council's Part H of the SCDCP 2005 and be submitted to Council for approval prior to receipt of the Construction Certificate is imposed.

PART Q – Urban Design Controls

Acoustic Amenity

The SCDCP 2005 requires that new non-residential development is not have any adverse amenity impact on to adjacent residential development in terms of noise, odour, hours of operation and/or service deliveries.

The nature of the proposal is considered acceptable in terms of noise generation and is envisaged to not cause a concern to nearby residential units. The trading hours proposed is acceptable given the location of the site. The proposed development satisfies the objectives of the development control and as such, supported in this regard.

- (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 not involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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

The nature of the proposed development is of a character that is in keeping with other developments in the locality. It satisfies the objectives of the relevant development standards whereas it provides variety of land uses within an appropriate area with nil to negligible amenity impact to nearby sensitive developments (i.e. residential accommodation). It contributes to activating the mostly empty shops facing Parramatta Road and provides positive economic outcome to the locality.

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

The nature of the proposal does not involve increase in footprint or intensification of the permitted use on the site. The proposed change of use to a food and drink premises is considered suitable for the site.

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

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

Both Section 7.11 and 7.12 Contributions are not applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 and Indirect Development Contributions Plan.

The proposal does not generate new commercial gross floor area, among other circumstances, which triggers contributions to be paid under Council's Direct Development Contributions Plan. Further, based on the cost of works of \$90,000.00, contributions under the Indirect Development Contributions Plan does not apply as well.

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. 2021/117 should be approved, subject to conditions of consent.

Signed:
P Santos
Planner

Date: 20 August 2021

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position.
- ☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are not applicable to this development.

Report and recommendations have been peer reviewed and concurred with.

Signed:
G Choice
Planner

Date:

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

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

DEVELOPMENT DETAILS

1. Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Reference Plan	-	17/01/2020 – received by Council on 31/05/2021	A	SG
Ground Floor Plan	-	18/04/2021 – received by Council on 31/05/2021	C	SG
Floor Plan Finishes	-	18/04/2021 – received by Council on 31/05/2021	B	SG
Elevations 1	-	21/03/2021 – received by Council on 31/05/2021	B	SG
Elevations 2	-	18/04/2021 – received by Council on 31/05/2021	C	SG

2. Signage

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

SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

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

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

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

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

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

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

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

4. Required Design Changes

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

Sinks and Dishwasher Location	Plans to show additional sinks and dishwasher location to provide for designated hand wash basin and cleaning sink/dishwasher requirements under AS/NZ 4674 construction and fit out food premise requirements.
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5. Waste Management Plan

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

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

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

6. Onsite Waste Collection

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

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

7. Commercial and Industrial Waste

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

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

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

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

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

8. Fees to be Paid

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	\$ 315.00
Security Damage Deposit	\$ 2,700.00
Administration Fee for Damage Deposit	\$ 130.00

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.

9. Damage Deposit – Minor Works

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

- 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: \$2,700.00.
- Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.00.

- (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.

10. Site Management Plan

Minor Development

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

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

DURING CONSTRUCTION

11. Hours of Construction for Demolition and Building Work

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

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

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

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

12. Food Premises – Inspection & Registration

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

- (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)

13. 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.

14. 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).

15. Outdoor Lighting

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

16. Lighting – General Nuisance

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

Flashing, moving or intermittent lights or signs are prohibited.

17. 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.

18. 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.

19. 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)*.

20. 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).

21. Hours of Operation

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

Tuesday to Sunday – 11.00 AM to 10.00 PM

22. (Maximum Patron Capacity)

The hours of operation are approved as follows:

- (a) The maximum patron capacity within the premises shall be limited to 20 persons at any time.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

23. Requirement for a Construction Certificate

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

24. 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

25. 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.

26. 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.

27. 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.

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. 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.