

IDAP REPORT – SECTION 4.55(1A) MODIFICATION

Property:	DA2016.170.5 3 & 5 Bridge Road Homebush Lot 29 Sec 16 DP 477, Lot 30 Sec 16 DP 477 & Lot 23 DP 9481
Proposal:	Section 4.55(1A) Modification Application seeking approval for reconfiguration of apartment layouts and amendments to glazing on the eastern façade of an approved residential flat building.
Applicant:	Urban Link Architects
Owner:	JM Tsai
Date of lodgement:	7 July 2021
Notification period:	16 July 2021 to 02 August 2021
Submissions received:	Nil
Assessment officer:	P Santos
Estimated cost of works:	\$24,230,000.00 (Same as DA2016/170)
Zoning:	R4-High Density Residential - SLEP 2012
Flood affected:	Yes
RECOMMENDATION OF OFFICER:	APPROVAL



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

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the Section 4.55(1A) Modification Application seeking approval for reconfiguration of apartment layouts and amendments to glazing on the eastern façade of an approved residential flat building.

Site and Locality

The site comprises three allotments legally identified as Lots 29 and 30 Section 16 DP 477 and Lot 23 DP 9481 with the street address of 3-5 Bridge Road, Homebush.

The site has a combined area of 2558.92m² with a frontage of 42.67m to Bridge Road and a depth of 59.9m.

The current streetscape is characterised by a mixture of developments such as vehicle sales or hire premises, residential flat buildings and dwelling houses. Parramatta Road is about 50m away to the north of the site.

Strathfield Local Environmental Plan

The site is zoned R4-High Density Residential under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal continues to satisfy 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 16 July 2021 to 02 August 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 2016/170/5 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the Section 4.55(1A) Modification Application - seeking approval for reconfiguration of apartment layouts and amendments to glazing on the eastern façade of an approved residential flat building. More specifically, the proposal includes:

Ground Level –

- Internal and external alterations (i.e. window schedule) to the following units:
 - G.03,
 - G.04,
 - G.05,
 - G.07, and
 - G.09.
- Additional hydrant to the south of unit G.05.

Levels One to Ten –

- Internal and external alterations (i.e. window schedule) to the following units:
 - Level 1
 - L1.02,
 - L1.05,
 - L1.06, and
 - L1.11.
 - Level 2
 - L2.02,
 - L2.05,
 - L2.06, and
 - L2.11.
 - Level 3
 - L3.02,
 - L3.05, and
 - L3.06.
 - Level 4 to 5
 - L4.01,
 - L4.02,
 - L4.03, and
 - L4.05.
 - L5.01,
 - L5.02,
 - L5.03, and
 - L5.05.
 - Level 6 to 7
 - L6.01,
 - L6.02,
 - L6.03,
 - L6.05,
 - L7.01,
 - L7.02,
 - L7.03, and
 - L7.05
 - Levels 8 to 10
 - L8.01,
 - L8.02,

- L8.03,
- L8.05,
- L9.01,
- L9.02,
- L9.03,
- L9.05,
- L10.01,
- L10.02,
- L10.03, and
- L10.05.
- Additional hydrants to the following levels:
 - Level 1,
 - Level 2, and
 - Level 3.

Approved Floor Plans in DA2016/170/2

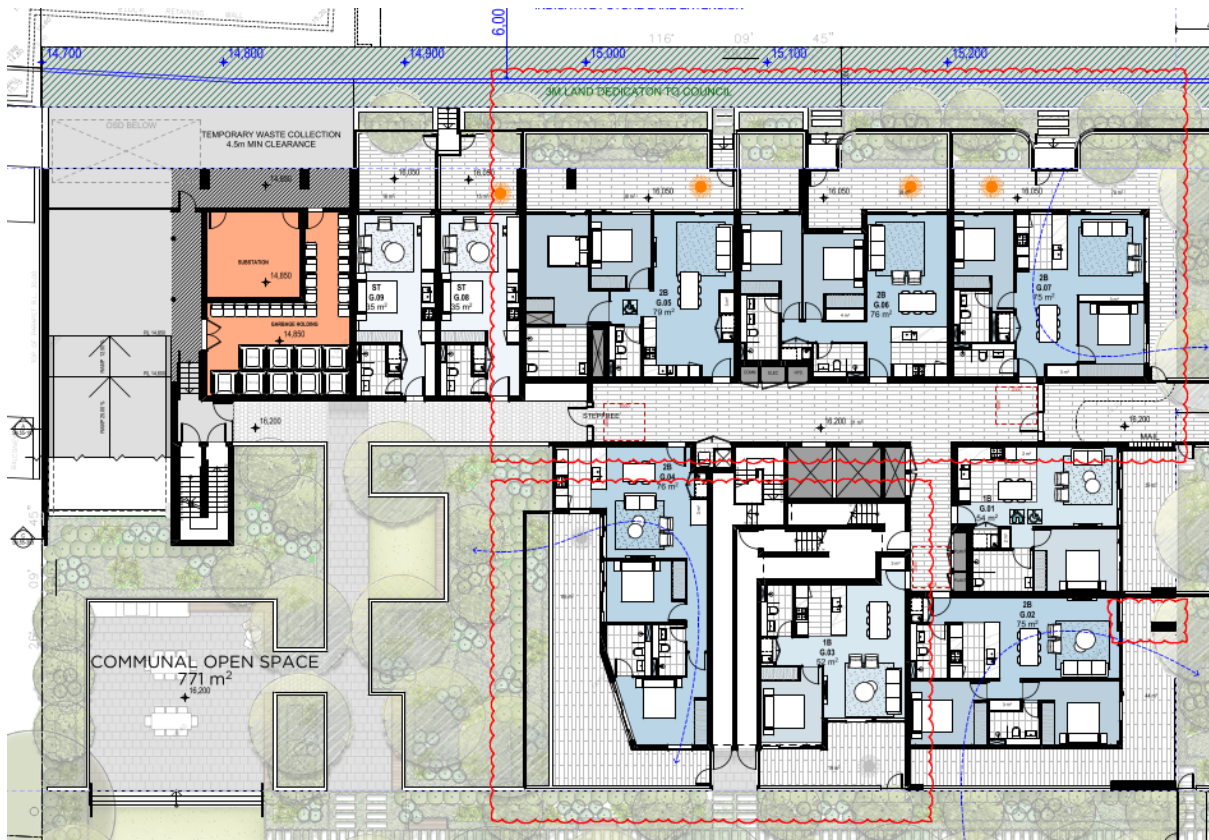


Figure 2. Extract of the approved ground floor in DA2016/170/2.

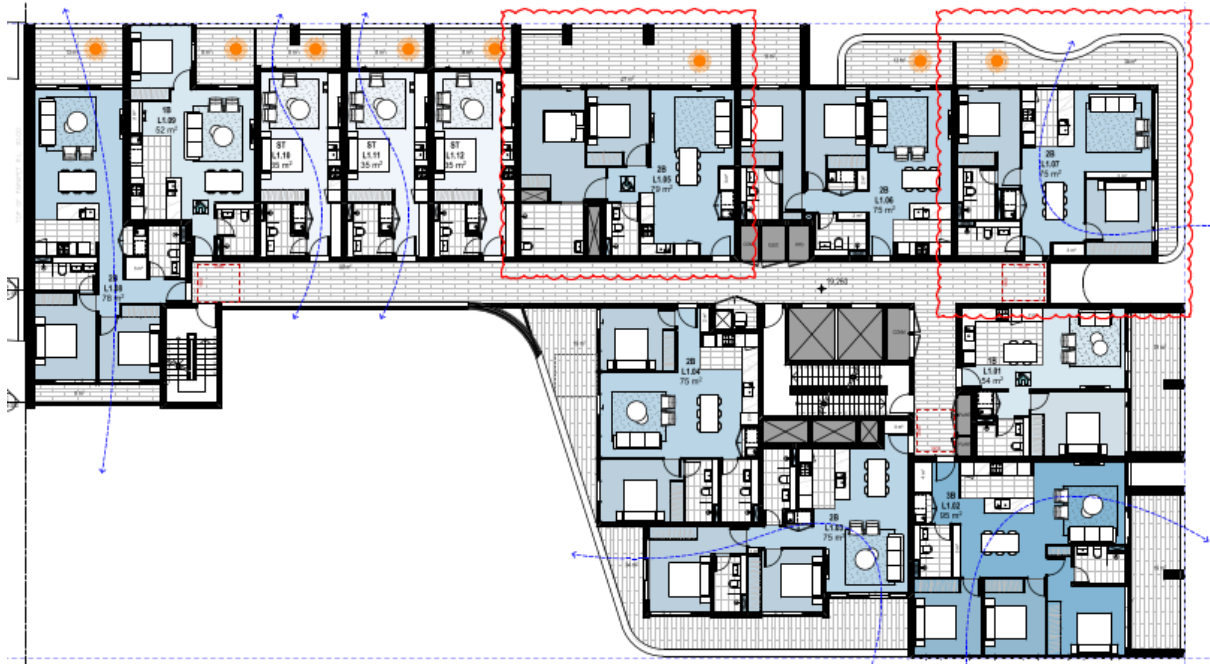


Figure 3. Extract of the approved floor plan of Levels 1-2 in DA2016/170/2.

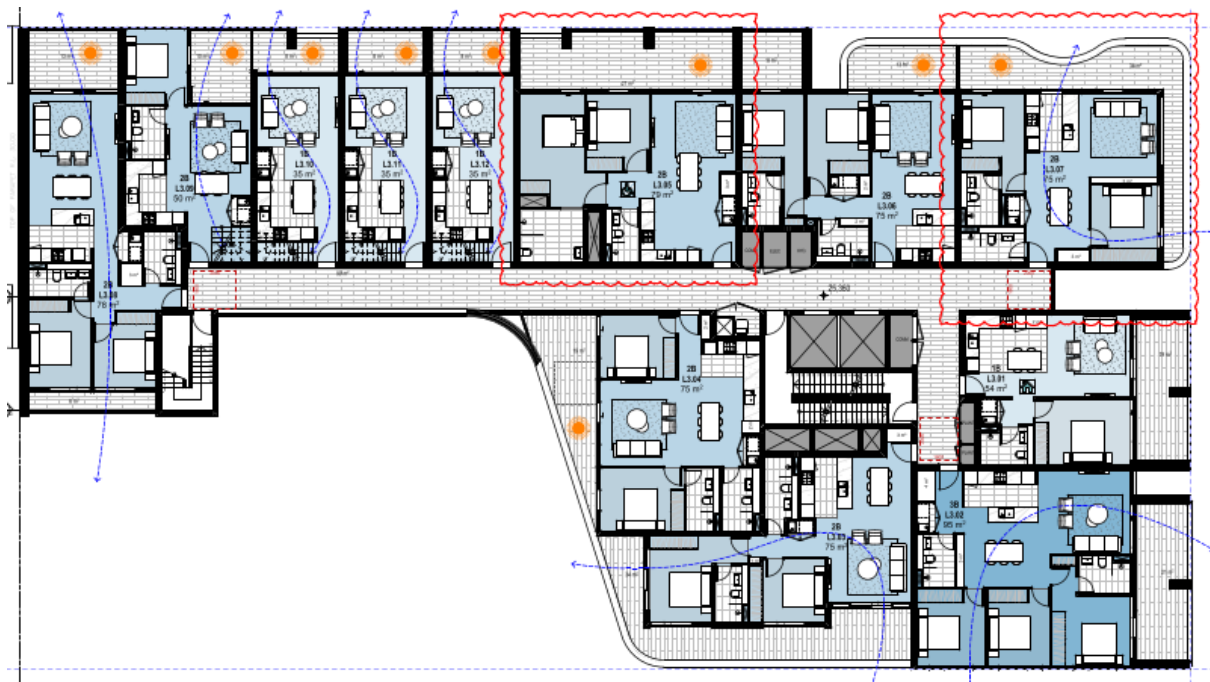


Figure 4. Extract of the approved floor plan of Level 3 in DA2016/170/2.

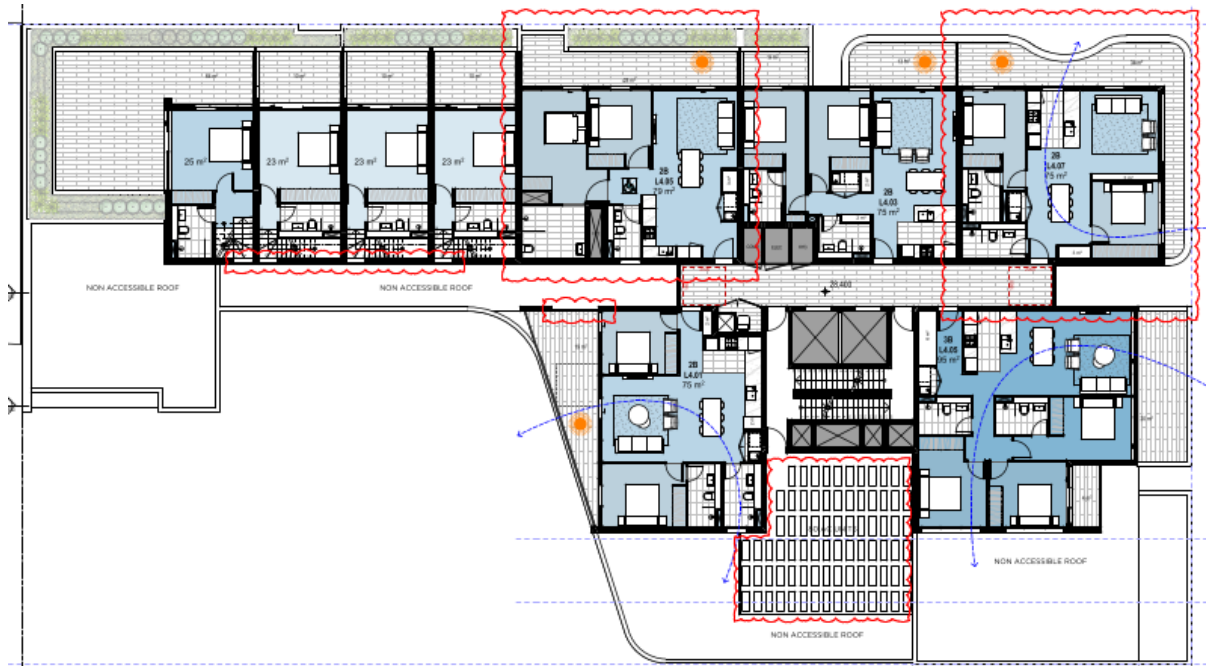


Figure 5. Extract of the approved floor plan of Level 4 in DA2016/170/2.

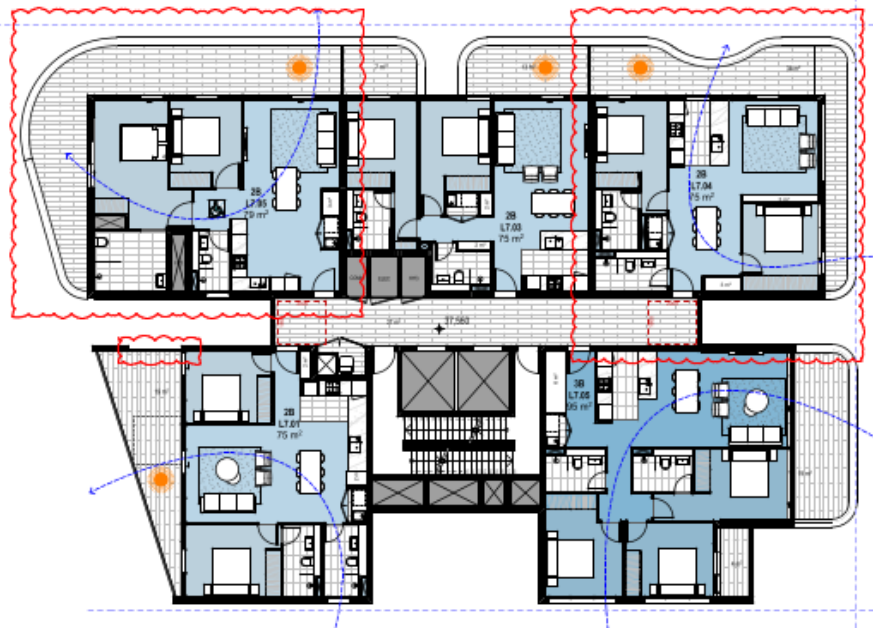


Figure 6. Extract of the approved floor plan of Levels 5-10 in DA2016/170/2.

Proposed Floor Plans in the Subject Application (DA2016/170/5)

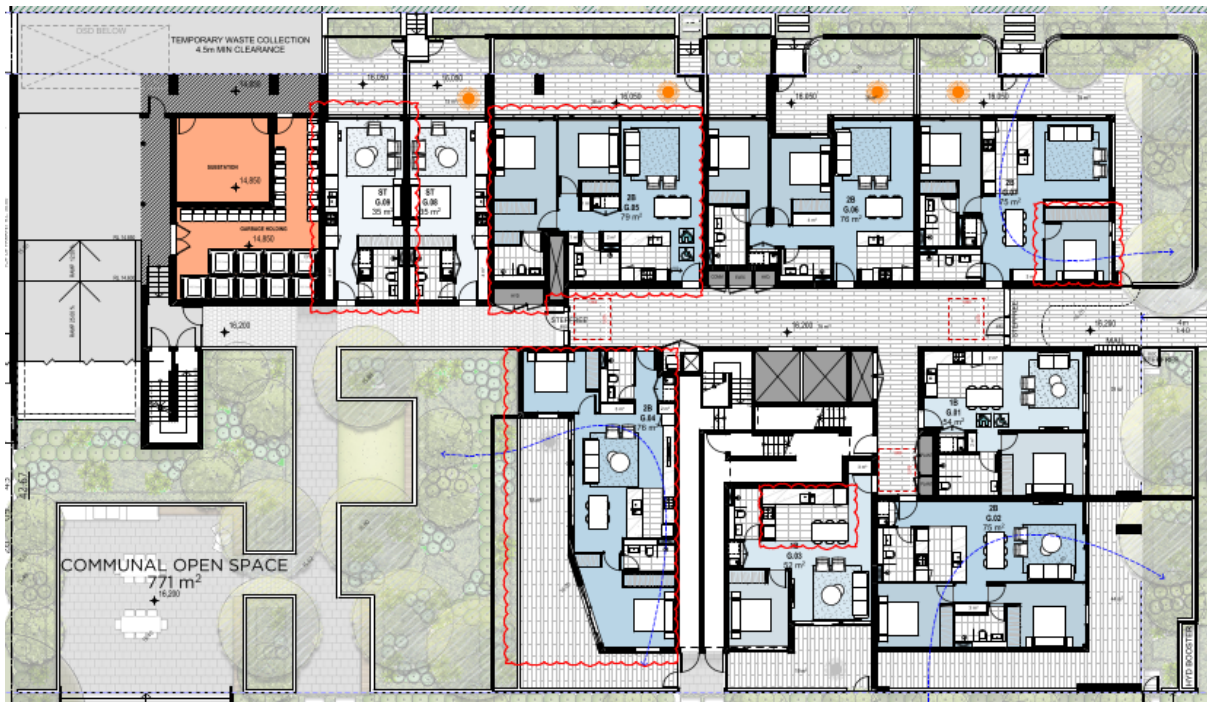


Figure 7. Extract of the proposed ground floor in the current modification application.



Figure 8. Extract of the proposed floor plan of Levels 1-2 in the current modification application.

Architectural floor plan of a building with multiple units and common areas. The plan shows various rooms including bedrooms, bathrooms, and living areas. Units are labeled with numbers and areas (e.g., 25 m², 23 m², 38 m², 14.92 m², 75 m²). The plan also indicates 'NON ACCESSIBLE ROOF' areas and includes a red dashed line outlining a specific section of the building. Blue arrows point to specific units and common areas.

Figure 10. Extract of the proposed floor plan of Level 4 in the current modification application.

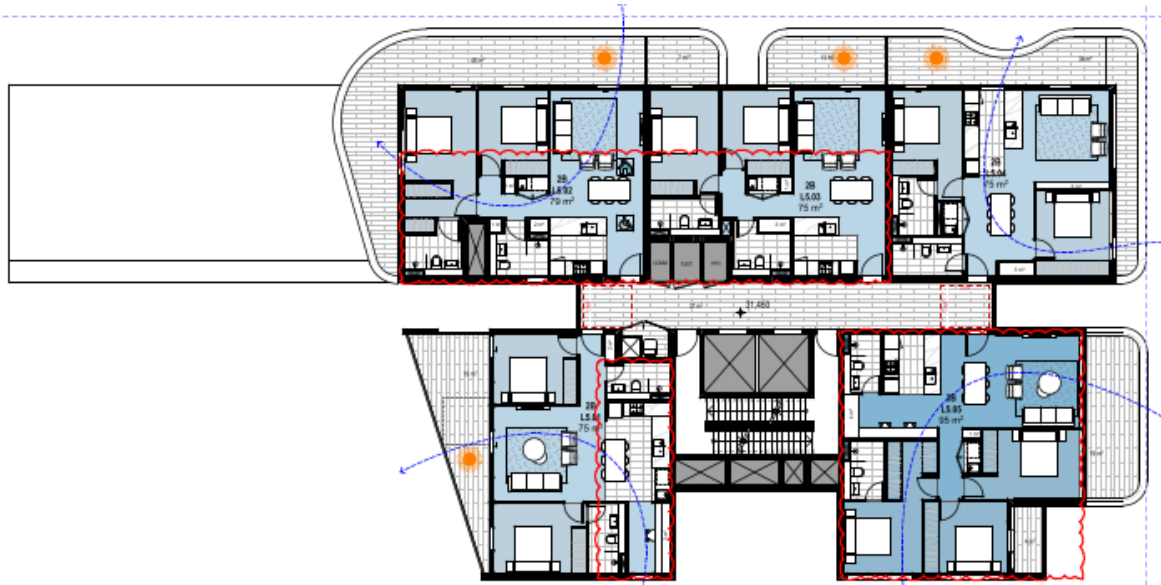


Figure 11. Extract of the proposed floor plan of Level 5 in the current modification application.

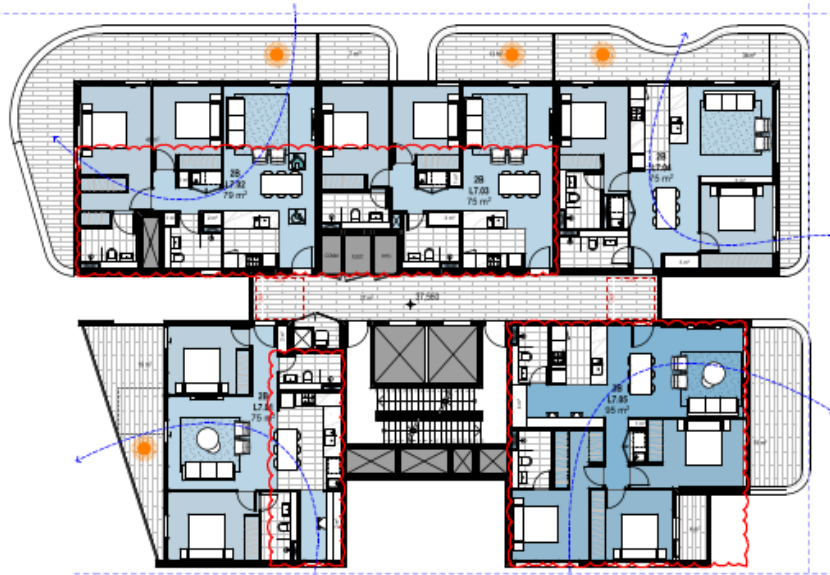


Figure 12. Extract of the proposed floor plan of Levels 6-7 in the current modification application.

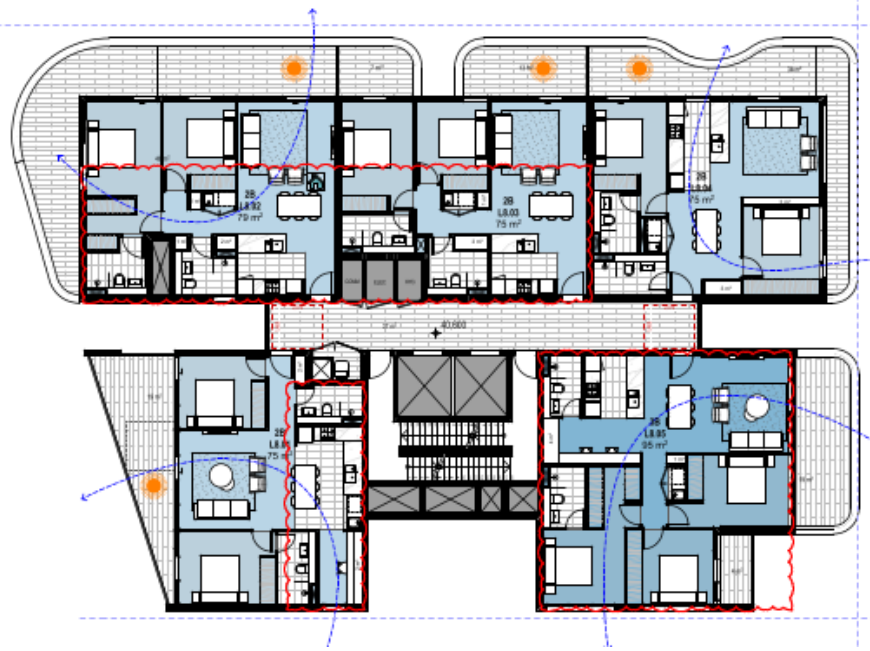


Figure 13. Extract of the proposed floor plan of Levels 8-10 in the current modification application.

The Site and Locality

The site comprises three allotments legally identified as Lots 29 and 30 Section 16 DP 477 and Lot 23 DP 9481 with the street address of 3-5 Bridge Road, Homebush. The property at 3 Bridge Road is currently occupied by a two-storey masonry dwelling, tennis court and detached outbuildings. The property at 5 Bridge Road is currently occupied by a single-storey masonry dwelling house and a detached outbuilding.

The site has a combined area of 2558.92m² with a frontage of 42.67m to Bridge Road and a depth of 59.9m.

The current streetscape is characterised by a mixture of developments such as vehicle sales or hire premises, residential flat buildings and dwelling houses. The vicinity is into transition with new residential flat buildings built or currently being built while there are still some pockets of single-storey dwelling houses along the street. Parramatta Road is about 50m away to the north of the site.



Figure 14. Closer aerial imagery of the subject site (outlined) and its surrounds.

Background

15 June 2017	Sydney Central Planning Panel granted Deferred Commencement Consent DA2016/170 for the demolition of existing structures and construction of a part three (3), part eleven (11) storey residential flat building containing 77 units over three levels of basement parking.
27 November 2019	The deferred commencement conditions which related to the provision of stormwater drainage easements over downstream properties and other stormwater concept design requirements, were satisfied.
04 March 2021	A modification application (DA2016/170/2) to the development consent (DA2016/170) was given consent by the Strathfield Local Planning Panel to increase the maximum building height and FSR, increase the total number of residential units from 77 to 80 units, reduce the number of basement levels and increase the amount of communal open space and deep soil landscaping.
19 April 2021	A modification application (DA2017/170/3) was given consent for the purpose of a minor correction in the Notice of Determination to include Lot 23 DP 9481.
07 July 2021	The subject modification application (DA2017/170/5) was lodged.
16 July 2021	The application was publicly notified until 2 August 2021. Council received no submissions during this period.

It is noted that DA2017/170/4 was submitted through the NSW Planning Portal in May 2021 but was returned.

Section 4.55 of the EP&A Act 1979

The application has been lodged under the provisions of s4.55(1A) of the EPA Act. The application is considered to be of minor environmental impact, is substantially the same development for which consent was originally granted, has been notified in accordance with the provisions of Council's CPP and any submissions made will be considered as part of this assessment. In addition, under the provisions of s4.55 (3), the reasons for the granting on the consent that sought to be modified will be taken into consideration during the detailed assessment of the application.

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 R4 - High Density Residential and the proposal as modified is a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

The nature of the proposal does not warrant an assessment against the principal development standards in the SLEP 2012. For completeness, the gross floor area and building height of the approved residential flat building will not be altered by the proposed development.

Part 5 – Miscellaneous Provisions

Flood Planning

The subject site has been identified as being at or below the flood planning level. The nature of the proposal does not trigger a referral to Council's Engineer or an assessment against the provisions of the clause. The footprint of the approved residential flat building and its units will not be altered by the proposed development.

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 as such an Acid Sulfate Soils Management Plan is not required.

Essential Services

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

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

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005

The proposal will not alter the approved stormwater system in DA2016/170 and as modified. As such, it is considered that the provisions and objectives of the SEPP will continue to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

A BASIX Certificate has been issued for the proposed development as modified and the commitments required by the BASIX Certificate have been satisfied.

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

The nature of the proposal does not trigger an assessment or review of historical records of the site for any potential contamination. For completeness, this matter was assessed and taken into consideration in DA2016/170 and as modified.

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 as modified 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 nature of the proposal does not trigger a referral to the Transport for NSW as per Clause 104 of the SEPP. While the road where the site fronts to (Bridge Road) is connected to a classified road (Parramatta Road) and the site's access is less than 90m from the said high-traffic road, the proposal does not increase the number of dwellings to warrant a consideration by TfNSW.

STATE ENVIRONMENTAL PLANNING POLICY No 65 – Design Quality of Residential Apartment Development ('SEPP 65')

The nature of the proposal does not trigger an assessment against the provisions of SEPP 65. For completeness, the proposed modification to the approved residential flat building is considered of minor nature, not a substantial redevelopment or refurbishment, does not satisfy Clause 4 of the policy rendering it not applicable in this regard.

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

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

(iii) any development control plan,

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

Building Envelope

The proposed development, as modified, continues to satisfy the objectives and controls within the development control.

Privacy

The proposed development, as modified, satisfies the relevant objectives and controls of the SCDCP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised.

Energy Efficiency

The proposed development, as modified, continues to satisfy the energy efficiency rating required for the development of a residential flat building. For completeness, an amended BASIX Certificate has been provided to Council for consideration.

PART H – Waste Management (SCDCP 2005)

A waste management plan was submitted with the original application. The existing plan adequately accommodates the modified development.

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

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

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

The proposed development, as modified, is of a scale and character that is in keeping with 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, as modified, is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.

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

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

(e) the public interest.

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

Local Infrastructure Contributions

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

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

The nature of the proposal does not warrant additional contributions to be paid by the applicant. Contributions was imposed to be paid in the original consent and will continue to apply in this modification application.

Conclusion/Recommendation

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

Pursuant to Section 4.55(1A) of the *Environmental Planning & Assessment Act 1979* and following the detailed assessment of the proposed modifications to Development Consent No. 2016/170 for the reconfiguration of apartment layouts and amendments to glazing on the eastern façade of an approved residential flat building to be approved.

1. The original conditions of consent of Development Consent No. 2016/170 as approved except where amended in DA2016/170/2, DA2016/170/3 and as per below.
2. As part of this Section 4.55(1A) application, the following conditions are to be modified, added or deleted.
 - Amend condition #15 - Approved Plans and Reference Documentation

Signed: 
P Santos
Planner

Date: 10 September 2021

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

Report and recommendations have been peer reviewed and concurred with.


Signed: **M Rivera**
Senior Planner

Date: 13 September 2021

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

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

DEFERRED COMMENCEMENT CONDITIONS

1. Deferred Commencement Approval

This is a Deferred Commencement Consent under Section 80(3) of the Environmental Planning and Assessment (EP&A Act, 1979. This consent does not become operative until the applicant has satisfied the conditions listed under Schedule A below. All conditions shall be satisfactorily resolved within a period of twelve (12) months from the Determination Date that is shown on this consent. Upon compliance with the conditions under **Schedule A** and written confirmation of this from Council, the consent shall become operative from the 'Date of Endorsement' (to be included on the written notice of determination).

(Reason: A deferred commencement consent stipulates conditions that must be satisfied before the consent operates in accordance with Section 80(3) of the EP&A Act 1979)

Schedule A

D1 Stormwater Drainage

The applicant/developer is to submit to Council documentary evidence of the registration of an easement to drain stormwater over the downstream property allowing for connection to Council's Stormwater Drainage Infrastructure located in Smallwood Avenue. In the event that Council's Stormwater Drainage Infrastructure is extended to adjoin the boundary of the subject site by means of the extension of Loftus Lane no such easement is required.

(Reason: To ensure for legal means of stormwater drainage over the downstream site)

D2 Stormwater Design

The applicant/developer is to submit to Council a revised Stormwater Drainage Concept Plan prepared in accordance with the Council's Stormwater Management Code increasing the diameter of the proposed pipe in the Loftus Lane extension to be a minimum 375mm diameter.

(Reason: To ensure for adequate stormwater drainage infrastructure to accommodate for the additional demand generated by the development)

SPECIAL CONDITIONS

2. Consolidation

The site shall be consolidated into one allotment and a plan of consolidation shall be approved by the Council, or lodged with Land & Property Information NSW (with proof of lodgement being furnished to the Council) **prior to issue of Construction Certificate** and shall be registered **prior to the issue of an Occupation Certificate**.

(Reason: to ensure that the proposed development is limited to a single allotment.)

3. Waste Collection

A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property as follows:

- (a) Full and free right must be provided to Strathfield Council employees or its authorised contractors to:
 - (i) Enter upon the land and remove any waste products using any vehicle or equipment as necessary;
- (b) The owner of the lot burdened shall be solely responsible for the cost of maintaining in good and sufficient repair at all times the internal roads or access ways used by Strathfield Council for the purpose of exercising its rights as set out in clause (a) above.

The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority **prior to the issue of an Occupation Certificate**.

(Reason: To ensure for ongoing waste collection)

4. Adaptable unit

(12) adaptable units are to be provided within the development. Detailed plans showing the internal layout of the (12) units pre and post adaptation shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

(Reason: To ensure compliance with DCP 20)

5. **Vehicular access**

*The applicant shall install a convex mirror at the driveway and a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be set back by 1.5 metres from the boundary alignment **Prior to the Issue of any Construction Certificate.***

(Reason: Traffic Management and safety)

MODIFIED: DA2016.170.2 21 January 2021

6. **Storage**

Purpose built storage compartment(s) shall be provided to and within each of the resident car parking bays and/or associated dwellings at the following rates:

- 4 m³ for each studio apartment
- 6m³ for each one (1) bedroom unit
- 8m³ for each two (2) bedroom unit, and
- 10m³ for each unit with three (3) bedrooms or more

In order to deter theft, the security compartments shall be designed in a manner to conceal from view and secure their contents i.e. through the use of dense, solid material and a shroud covered padlock (or similar).

(Reason: To ensure compliance with Apartment Design Guide)

MODIFIED: DA2016.170.2 21 January 2021

7. **Waste Collection**

The basement design is to be amended to accommodate the following:

- *The Ground floor garbage holding room and Basement Level 1 Garbage Room must fit 18 X 1100L bins in total, being 9 (nine) X 1100L General Waste Bins for weekly collection and 9 (nine) X 1100L Recycling Bins for collection every fortnight. Alternatively, the development can have 15 (fifteen) X 660L general waste bins and 15 (fifteen) X 660L recycling bins (30 X 660L bins in total).*
- *Correct size of waste bin rooms and waste collection rooms, according to the proper bin requirements mentioned above must comply with a minimum rate of 2.03m² per 660L bin or 2.7m² per 1100L bin. The layout of the waste and recycling storage room must allow easy unobstructed access to all bins (stacked bin arrangements are not acceptable) and allow the bins to be easily removed for servicing purposes.*

Reason: To ensure proper waste management in accordance with Council policy.

MODIFIED: DA2016.170.2 21 January 2021

8. **Clothes drying facilities**

Screened communal clothes drying facilities receiving a minimum of 3 hours solar access as at 21 June are to be provided in the south western corner of the site. Amended plans including such changes are to be submitted to and approved by Council or an Accredited Certifier **prior to the issue of an Occupation Certificate.**

(Reason: To ensure compliance with DCP 20)

9. **Master Antenna**

A master antenna with internal connection to the each unit is to be provided **Prior to the Issue of any Occupation Certificate.**

(Reason: To ensure compliance with DCP 20)

10. **Overhead powerlines**

Prior to the issue of an Occupation Certificate all existing overhead electricity and telecommunication cabling adjacent to the development site shall be consolidated into a single Aerial Bundle Cable (ABC) at the applicants' expense in accordance with the specifications of AusGrid and the telecommunications supplier.

(Reason: To ensure compliance with DCP 20)

11. **Services**

All services, including downpipes, shall be concealed from view from the public domain.

(Reason: To ensure for a high level of design)

12. **Design Quality Statement**

The Principal Certifying Authority must not issue:

- a) A **Construction Certificate** unless the certifying authority has received a design verification statement from a qualified designer that verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 143A of the Regulations; and
- b) An **Occupation Certificate** to authorise a person to commence occupation or use of the residential flat building unless the certifying authority has received a design verification statement from a qualified designer that verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of SEPP No. 65, in accordance with Clause 154A of the Regulations.

(Reason: To ensure compliance with SEPP 65)

13. **Water NSW**

- a) An authorisation shall be obtained from NSW Office of Water for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified in the authorisation.
- b) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.
- c) Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - i. Any groundwater mounding at the edge of the structure shall be at a level not greater than 10% above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure;
 - ii. Any elevated water table is more than 1.0m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - iii. Where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirements to maintain groundwater flows beneath the structure is not applicable.
- d) Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
- e) Documentation (referred to as a 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report – which will accompany the application for authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completions of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at the Parramatta Office in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

- a) The following shall be included in the initial report:
- i. measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
 - ii. a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
 - iii. details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
 - iv. a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.
- b) The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
- c) Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
- d) Groundwater quality testing generally in accordance with Condition 99, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
- e) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm

their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).

- f) A copy of a valid consent for the development shall be provided in the initial report.
- g) The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called “tailwater”) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
- h) Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

- a) Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
- b) Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
- c) Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
- d) Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
- e) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
- f) The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.

- g) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the DPI Water under appropriate safety procedures.

Following excavation

- a) Following completion of the dewatering operations, the applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include:
- i. detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
 - ii. a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - iii. a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
- b) The completion report is to be assessed by DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

(Reason: Water NSW General Terms of Approval)

14. Noise Impacts

Prior to issue of the construction certificate, the applicant must submit to Council for its approval, an acoustic report prepared by a suitably qualified acoustic consultant demonstrating that the operation of the premises, air conditioning units and plant equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5Db. The source noise level shall be assessed as an LAeq, 15 min in accordance with the NSW Environmental Protection Authority's NSW Industrial Noise Policy.

Council recommends the air conditioning units be relocated to non trafficable areas on the rooftop. This will limit the noise and vibration impact of the air-conditioners to residents of the proposed building and within adjacent buildings.

MODIFIED: DA2016.170.2 21 January 2021

GENERAL CONDITIONS

15. Approved Plans and Reference Documentation

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2016/170:

Drawing No.	Title/Description	Prepared by	Issue Revision Date	/ Date & received by Council
S4.55-002	Site Calculations	Urban Link	B	21 January 2021
S4.55-003	Site Location	Urban Link	B	21 January 2021
S4.55-004	Site Analysis	Urban Link	B	21 January 2021
S4.55-101	Floor Plans Ground Floor	Urban Link	B	21 January 2021
S4.55-102	Floor Plans Level 01-02	Urban Link	B	21 January 2021
S4.55-103	Floor Plans Level 3	Urban Link	B	21 January 2021
S4.55-104	Floor Plans Level 4	Urban Link	B	21 January 2021
S4.55-105	Floor Plans Level 5 – 10	Urban Link	B	21 January 2021
S4.55-106	Floor Plans Level 11	Urban Link	B	21 January 2021
S4.55-107	Floor Plans Roof	Urban Link	B	21 January 2021
S4.55-108	Floor Plans Basement 01	Urban Link	B	21 January 2021
S4.55-109	Floor Plans Basement 02	Urban Link	B	21 January 2021
S4.55-201	Elevations North	Urban Link	B	21 January 2021
S4.55-202	Elevations East	Urban Link	B	21 January 2021
S4.55-203	Elevations South	Urban Link	B	21 January 2021
S4.55-204	Elevations West	Urban Link	B	21 January 2021
S4.55-205	Elevations Bridge Rd Streetscape	Urban Link	B	21 January 2021
S4.55-206	Elevations Laneway Streetscape	Urban Link	B	21 January 2021

S4.55-301	Sections AA	Urban Link	B	21 January 2021
S4.55-302	Sections BB	Urban Link	B	21 January 2021
S4.55-303	Sections CC	Urban Link	B	21 January 2021
S4.55-304	Sections BB	Urban Link	B	21 January 2021
SW100, SW200, SW201, SW202, SW203, SW300, SW301, SW400, SW500	Mixed – Use Development 3-5 Bridge Street, Homebush Stormwater Concept Design			6 October 2020
000	Landscape Coversheet	Site Image	C	21 September 2020
101	Landscape Plan Ground Floor	Site Image	C	21 September 2020
102	Landscape Plan Level 4	Site Image	C	21 September 2020
103	Landscape Plan Level 11	Site Image	C	21 September 2020
000	Landscape Coversheet	Site Image	C	21 September 2020
101	Landscape Plan Ground Floor	Site Image	C	21 September 2020
102	Landscape Plan Level 4	Site Image	C	21 September 2020
103	Landscape Plan Level 11	Site Image	C	21 September 2020
501	Landscape Details	Site Image	C	21 September 2020
S4.55-101	Floor Plans Ground Floor	Urban Link	C	26 May 2021
S4.55-102	Floor Plans Level 01-02	Urban Link	C	26 May 2021
S4.55-103	Floor Plans Level 03	Urban Link	C	26 May 2021
S4.55-104	Floor Plans Level 04	Urban Link	C	26 May 2021

S4.55-105	Floor Plans Level 05	Urban Link	C	26 May 2021
S4.55-106	Floor Plans Level 06-07	Urban Link	C	26 May 2021
S4.55-107	Floor Plans Level 08-10	Urban Link	C	26 May 2021
S4.55-1406	Compliance Adaptable Units	Urban Link	C	26 May 2021
S4.55-202	Elevations East	Urban Link	C	26 May 2021

MODIFIED: ~~DA2016.170.2~~ 21 January 2021

MODIFIED: DA2016.170.5 17 September 2021

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2016/170:

Title/ Description	Prepared By	Issue/ Revision Date	& Date received by Council
Statement of Environmental	JBA Urban Planning Consultants Pty Ltd	November 2016	17 November 2016
BASIX Certificate	Greenworld Architectural Drawings	769404M_02	2 October 2020
Arboricultural Horticultural	Assessment and Management Impact Report Services	23 August 2016	17 November 2016
Amended Waste Management Plan	Dickens Solutions	-	January 2021
Preliminary Site Investigation	Martens Engineering and Consulting	November 2016	30 May 2016
Preliminary Geotechnical Groundwater Assessment	Martens Engineering and Consulting	November 2016	17 November 2016
Traffic and Parking Assessment Report	Varga Traffic Planning Pty Ltd	October 2016	17 November 2016
Acoustic Report	Acoustic Works	1020161 R01D 3-5 Bridge Road Homebush ENV RTN.doc	6 October 2020
Accessibility Compliance Report	Access Link Consulting	Report # 20/098 / 27 May 2021 / Revision B	07 July 2021

BASIX Certificate	Greenworld Architectural Drafting	# 769404M_03 / 28 June 2021	07 July 2021
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In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail. However, the conditions of this consent shall prevail to the extent of any inconsistency.

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

MODIFIED: ~~DA2016.170.2~~ 21 January 2021

MODIFIED: DA2020.170.5 17 September 2021

16. Contamination

Full compliance is to be given to the recommendations of Preliminary Site Investigation Report prepared by Martens Consulting Engineering.

(Reason: To ensure for the suitability of the site for the purposes of the proposed development.)

17. Construction Hours

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

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

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

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

18. Building Height (maximum RL to be complied with)

The height of the building measured to Australian Height Datum (AHD) must not exceed Relative Level (RL) ~~52.30~~ 53.90AHD to the top of the lift overrun structure.

(Reason: To ensure the approved building height is complied with.)

MODIFIED: DA2016.170.2 21 January 2021

19. Demolition (site safety fencing)

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

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

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

(Reasons: Statutory requirement and health and safety.)

20. Landscaping (irrigation of common and private landscape areas)

All common and private landscape areas including all planters are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and satisfy all relevant Australian Standards. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior occupation of the premises.

(Reason: To ensure appropriate landscape maintenance.)

21. Landscaping (trees permitted to be removed)

Site trees are permitted to be removed to accommodate the proposed development in accordance with the recommendations of the approved Aboricultural Assessment and Impact Report prepared by Horticultural Management Services

All trees permitted to be removed by this consent shall be replaced by species selected from Council's Recommended Tree List.

Replacement trees shall be a minimum 50 litre container size. Trees are to conform to the *NATSPEC guide* and *Guide for assessing the quality of and purchasing of landscape trees* by Ross Clarke, 2003. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and selfsupporting; and shall be maintained until maturity.

All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.

Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.

Soil conditioner/fertilizer/moisture retention additive/s are to be applied in accordance with manufacturer's recommendations, and mixed into the backfilling soil after planting tree/s.

A minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.

Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To ensure appropriate planting back onto the site.)

22. Landscaping (tree preservation)

All street trees and trees on private property that are protected under Council's controls, shall be retained except where Council's prior written consent has been obtained. The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree/s unless in conformity with this approval or subsequent approval is prohibited.

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Australian Standard AS4970 – Protection of Trees on Development Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

(Reason: To ensure the protection of trees to be retained on the site.)

23. Lighting

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

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

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

24. Materials (schedule of external materials, finishes and colours)

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

(Reason: To ensure compliance with this consent.)

25. Principal Certifying Authority (PCA) Identification Sign

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

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

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

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

(Reason: Statutory requirement.)

26. Site Management (during demolition and construction works)

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

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

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

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

27. Stormwater Management Plan (certification requirement)

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

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

28. Sydney Water (stamped plans prior to commencement)

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer

Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

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

(Reason: Compliance with Sydney Water requirements.)

29. Utilities and Services (protection of)

Any footings or excavation to be located or undertaken adjacent to Council's stormwater must be designed to address the following requirements:

- all footings and excavation must be located wholly within the site and clear of any easement boundaries;
- all footings and excavation must be located a minimum of 1000mm from the centreline of the pipeline or 500mm from the outside of the pipeline, whichever is the greater distance from the centreline; and
- footings must extend to at least the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock.

If permanent excavation is proposed beneath the overtop of the pipeline, suitable means to protect the excavation and proposed retaining structures from seepage or other water flow from the pipeline and surrounding subsoil, must be provided. The design must be prepared by a qualified practicing Structural/Civil Engineer.

Construction plans must be approved by the appropriate utility's office (e.g. council, Sydney Water Corporation) to demonstrate that the development complies with the utility's requirements.

The applicant must provide written evidence (e.g. compliance certificate, formal advice) of compliance with the requirements of all relevant utility providers (e.g. Water, Energy, Telecommunications, Gas).

(Reason: To ensure protection of Council assets.)

30. Waste (trackable)

Removal of trackable waste (as defined by the NSW Environment Protection Authority) from the site must comply with the Protection of the Environment Operations (Waste) Regulation 2005 for the transportation, treatment and disposal of waste materials. Waste materials must not be disposed on land without permission of the land owner and must with the provisions of the Protection of the Environment and Operations Act 1997.

(Reason: To ensure compliance with legislation.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

31. Access (access for people with disabilities)

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

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

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

32. **BASIX Commitments**

The approved BASIX Certificate shall be submitted to the Principal Certifying Authority with the application for a Construction Certificate.

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Principal Certifying Authority and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 96 of the Environmental Planning and Assessment Act 1979.

All commitments in the BASIX Certificate must be shown on the plans accompanying the Construction Certificate.

(Reason: Statutory compliance.)

33. **Bicycle Storage Provision**

On-site provision for bicycle storage facilities shall be in accordance with the Strathfield Consolidated Development Control Plan 2005. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance with SCDCP 2005 and to encourage sustainable transport options.)

34. **Building Code of Australia (compliance with)**

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

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

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

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

35. Car Parking (compliance with AS/NZS 2890.1:2004)

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

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

36. Commencement of Works (no works until a CC is obtained)

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

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

(Reason: To ensure compliance with statutory provisions.)

37. Construction and Environmental Management Plan

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

- (i) Detailed information on any approvals required from other authorities prior to or during construction.
- (ii) Traffic management, including details of:
 - ingress and egress of vehicles to the site;
 - management of loading and unloading of materials; ☐ the location of heavy vehicle parking off-site; and
 - designated routes for vehicles to the site.
- (iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- (iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
 - the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
 - procedures to prevent run-off of solid material and waste from the site.
- (v) Waste management, including:
 - details of the types and estimated volumes of waste materials that will be generated;
 - procedures for maximising reuse and recycling of construction materials; and
 - details of the off-site disposal or recycling facilities for construction waste.

- (i) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- (ii) A soil and water management plan, which includes:
 - measures to minimise the area of soils exposed at any one time and conserve top soil;
 - identification and protection of proposed stockpile locations;
 - preservation of existing vegetation and revegetation;
 - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
 - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
 - details of sediment and erosion control measures in place before work commences;
 - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
 - details of drainage to protect and drain the site during works.
- (iii) Asbestos management procedures:
 - Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see www.workcover.nsw.gov.au
 - Removal of asbestos by a person who does not hold a Class A or Class

B asbestos removal license is permitted if the asbestos being removed is

10m² or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.

- Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
 - o The Work Health and Safety Act 2011; o The Work Health and Safety Regulation 2011;
 - o How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and o Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
- Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

- The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works.

Notification is to include, at a minimum:

	o	the date and time when asbestos removal works will commence;
	o	the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
	o	the full name and license number of the asbestos removalist/s; and
	o	the telephone number of WorkCover's Hotline 13 10 50
	o	warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
	o	appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.
<i>(Reason: Safety, amenity and protection of public infrastructure and the environment.)</i>		

38. Dilapidation Report (pre-commencement)

Subject to access being granted, a pre-commencement Dilapidation Report is to be undertaken on all adjoining properties, which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out prior to the issue of a Construction Certificate.

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current

Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner. The report shall include a photographic survey of adjoining properties detailing the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other such items.

If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to Council's satisfaction attempts have been made to obtain access and/or advise the affected property owner of the reason for the survey and these attempts have been unsuccessful. Written concurrence must be obtained from Council in such circumstances.

The Report shall cover structural and geotechnical factors likely to arise from the development. A copy of this Report shall be submitted to Council as a record. The

person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

(Reason: To ensure no damage to adjoining properties occurs.)

39. **Driveway Width (multi-unit development)**

The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior the issue of a Construction Certificate.

(Reason: Safety and traffic management.)

40. **Erosion and Sedimentation Control Plan**

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

- Compliance with the approved Soil and Water Management Plan.
- 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).
- All uncontaminated run-off is diverted around cleared or disturbed areas.
- Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways.
- All erosion and sediment controls are fully maintained for the duration of demolition/ development works.
- Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the *Australian Water Quality guidelines for Fresh and Marine Waters*.
- Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

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

(Reason: Environmental protection.)

41. Excavation (affecting adjoining land)

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- (ii) protect and support the adjoining premises from possible damage from the excavation, and
- (iii) where necessary, underpin the adjoining premises to prevent any such damage. (vii)

The condition referred to in subclause (i) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Structural safety.)

42. Excavation (shoring)

Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings and specifications certifying the shoring will be adequate for their intended purpose and must be submitted to the Council/Principal Certifying Authority for approval with the Construction Certificate. The documentation prepared and certified by an appropriately qualified and practicing structural engineer is to show all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements. A copy of this documentation must be provided to the Council for record purposes at the time of Construction Certificate application.

(Reason: To ensure the protection of existing public infrastructure and adjoining properties.)

43. Hoardings

A Hoarding Application for the erection of a Class A (fence type) or Class B (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained.

The relevant application form shall be submitted to Council with a footpath occupancy fee based on the area of footpath to be occupied according to Council's Schedule of Fees and Charges, and the application shall be approved before the commencement of work.

A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy also provided to Council.

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

(Reason: Public safety.)

44. Landscaping (maintenance strategy)

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Principal Certifying Authority with the Construction Certificate application. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival.)

45. Landscaping (on slab)

To ensure the site landscaping thrives, the on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees; and 300mm for grass and ground covers. Adequate drainage provision and a permanent, automatic irrigation system conforming to Sydney Water requirements shall be included. Details demonstrating compliance shall be submitted to the Principal Certifying Authority with the Construction Certificate application.

(Reason: Ensure landscape survival.)

46. Noise and vibration management plan

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

The Plan is to identify amelioration measures to ensure the noise and vibration levels will be compliance with the relevant legislation and Australian Standards. The report that itemises equipment to be used for excavation works. The Plan shall address, but shall not be limited to, the following matters:

- (i) identification of activities carried out and associated noise sources;
- (ii) identification of potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment;
- (iii) determination of appropriate noise and vibration objectives for each identified sensitive receiver;
- (iv) noise and vibration monitoring, reporting and response procedures;
- (v) assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles;

- (vi) description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction;
- (vii) construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency;
- (viii) procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration; and
- (ix) contingency plans to be implemented in the event of non-compliances and/or noise complaints. A register should be kept of complaints received, and the action taken to remediate the issue.

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

47. Planning agreement (section 93F of the EP&A Act)

In accordance with Section 93F(3) of the Environmental Planning and Assessment Act 1979, the Voluntary Planning Agreement offered by the developer in respect of the Development Application, the subject of this consent, for the dedication of a 179m² portion of land with a minimum width of 3m wide adjacent to the northern boundary of the site and to pay for the construction of an extension of Loftus Lane for the purpose of an extension of Loftus Lane must be entered into prior to the issue of a Construction Certificate. The terms of the Voluntary Planning Agreement must, thereafter, be adhered to.

(Reason: To ensure compliance with the terms of the S93F Agreement.)

48. Planning agreement (bank guarantee/bond)

A Bank Guarantee/Bond for the amount agreed by Council to cover the cost of the works involved in the Voluntary Planning Agreement shall be submitted to Council prior to the issue of a Construction Certificate. The Bank Guarantee shall be registered with Council and a stamped copy recording the receipt of the Guarantee by Council shall be produced for the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Fees and charges.)

49. Privacy (obscure glazing in wet areas)

All bathroom, ensuite and toilet windows shall be installed with obscure glazing. Plans shall be notated accordingly and details demonstrating compliance submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Privacy amenity.)

50. DELETED: DA2016.170.2 21 January 2021

51. Section 94 Contribution Payment (direct contributions plan)

In accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 20102030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Provision of Community Facilities	\$61,624.18
Provision of Major Open Space	\$735,341.63
Provision of Local Open Space	\$479,452.81
Provision Roads and traffic Management	\$46,841.39
Administration	\$14,497.07

TOTAL	\$1,437,757.09
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. Contributions shall be indexed at the time of payment in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

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

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

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

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

MODIFIED: DA2016.170.2 21 January 2021

52. Security payment (damage deposit for Council infrastructure)

A security payment of **\$7,254.00** in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council prior to the issue of a Construction Certificate. The security payment is GST inclusive and comprises the following:

Refundable tree protection bond	\$3,000.00
Refundable works bond	\$4,000.00
Non-refundable administration fee (\$127/bond)	\$254.00

TOTAL	\$7,254.00
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The security payment covers the following matters and will be released upon satisfactory completion of these items:

- (i) road and stormwater drainage works in roadways and public areas;
- (ii) installation and maintenance of sediment control measures for the duration of construction activities;

- (iii) tree final inspection to ensure that Council's street trees have been retained, protected or replanted in accordance with conditions of consent and/or Arborists' report for the post final inspection twelve (12) month period; and
- (iv) inspection that no damage has occurred to or building debris/materials have been left on Council land including the footpath, nature strip, kerb and gutter.

Note: The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

(Reason: Protection of Council infrastructure.)

53. Stormwater (rainwater re-use)

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

Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance and amenity.)

54. Stormwater Drainage

The following stormwater precautions are required to be provided on the site:

- (i) Grated drains shall be provided along the basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.
- (ii) Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site.
- (iii) Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.
- (iv) Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.

(Reason: To ensure the site is drained appropriately and does not interfere with the natural flow of flood waters.)

55. Stormwater (silt arrestors and gross pollutant traps)

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

(Reason: Environmental protection.)

56. Traffic (construction traffic management plan)

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

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

- (i) description of the demolition, excavation and construction works;
- (ii) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- (iii) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- (iv) proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- (v) impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- (vi) any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- (vii) proposed hours of construction related activities and vehicular movements to and from the site;
- (viii) current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- (ix) any activities proposed to be located or impact upon Council's road, footways or any public place;
- (x) measures to maintain public safety and convenience;
- (xi) any proposed road and/or footpath closures;
- (xii) turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- (xiii) locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- (xiv) location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- (xv) a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- (xvi) material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- (xvii) on-site parking area for employees, tradespersons and construction vehicles as far as possible;
- (xviii) proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and

- (xix) how it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

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

57. Utilities and Telecommunications (electricity connection)

Provision must be made for connection to future underground distributions mains. This must be achieved by installing:

- (i) an underground service line to a suitable existing street pole; or
- (ii) sheathed underground consumers mains to a customer pole erected near the front property boundary (within 1 metre).

Note: A limit of one (1) pole per site will apply.

Any costs associated with the relocation of the above are at the requestor's expense. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.

Details are to be submitted to the Principal Certifying Authority with the Construction Certificate Application.

(Reason: Environmental amenity.)

58. Utilities and Telecommunications (electricity substation)

Any required electricity substation must be located within the boundaries of the site. Documentary evidence of compliance with the energy authority's requirements, including correspondence from the energy authority is to be provided to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Where an electricity substation is required but no provision has been made to place it within the approved building or its site and no details are provided on the approved development consent plans, a section 96 application is required to be submitted to Council for approval of an appropriate location for the required electricity substation.

(Reason: Access to utility.)

59. Utilities and Telecommunications (telecommunications assets)

Provision must be made for relocation of telecommunications network assets including underground placement of any existing aerial cables and infrastructure. Any costs associated with the relocation of the above are at the requestor's expense. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.

Details are to be submitted to the Principal Certifying Authority with the Construction Certificate application.

(Reason: To ensure suitable relocation of telecommunications infrastructure if required.)

60. Vehicular Crossings (works permit for construction of)

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

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

61. Ventilation Systems (mechanical)

The mechanical ventilation system is to comply with the following:

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

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

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

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

62. Waste (garbage rooms or grease arrestor rooms)

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

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

63. Water Sustainability (water sensitive urban design)

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

(Reason: To promote Water Sensitive Urban Design.)

64. Water Heating Systems (location of)

Water heating systems shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To maintain streetscape character.)

65. Works Permit

A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior any work (including demolition, excavation and the erection of site fencing/hording). The approved Works Permit and any approved Construction Traffic Management Plan must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed. The permit must be retained on site at all times.

(Reason: Council requirement.)

66. Works Within the Road Reserve

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

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

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

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

All civil engineering works adjacent/near/outside 3-5 Bridge Road, Homebush are to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

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

67. Works Zone (approval by Council's traffic committee)

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

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

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

(Reason: Council requirement.)

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS

68. Appointment of a Principal Certifying Authority (PCA)

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

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

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

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement.)

69. **Notice of Commencement**

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

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

(Reason: Statutory requirement.)

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS

70. **Contaminated Land Unexpected Finds**

In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental scientist appointed to further assess the site.

The contaminated land situation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Strathfield Council's Environmental Services Manager.

Note: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.

(Reason: To ensure compliance with statutory requirements.)

71. Fill Material

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

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

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

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

72. Obstruction of Public Way (not permitted during works)

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

(Reason: To maintain public access and safety.)

73. Public Infrastructure and Services

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

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

74. Site Requirements During Demolition and Construction

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

- (i) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- (ii) Demolition must be carried out by a registered demolition contractor.
- (iii) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- (iv) No blasting is to be carried out at any time during construction of the building.
- (v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.

- (vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- (vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- (viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- (x) All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- (xi) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All nonrecyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- (xii) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- (xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- (xiv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- (xv) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- (xvi) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- (xvii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- (xviii) Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

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

75. Survey Report of Approved Levels (during and post construction)

A Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:

- (i) At the completion of the first structural floor level prior to the pouring of concrete indicating the level of that floor and the relationship of the building to the boundaries.
- (ii) At the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials.
- (iii) At the completion of the development.
- (iii) Progress certificates in response to points (1) through to (3) shall be provided to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances is work allowed to proceed until such survey information is submitted to and approved by the Principal Certifying Authority.

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

76. Car Parking (surplus vehicular crossings)

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

(Reason: Maintenance of public infrastructure.)

77. Car Parking

The following car parking and service vehicle requirements apply:-

- (i) 94 car spaces shall be provided on the development site. This shall consist of:
 - 78 residential spaces;
 - 16 visitor spaces;

For the residential component, the allocation of on-site parking shall satisfy the following minimum rates:

- 0.6 spaces per 1 bedroom unit,
 - 0.9 spaces per 2 bedroom unit,
 - 1.4 spaces per 3 bedroom unit,
 - 1 space per 5 units (visitor parking).
- (ii) All car spaces shall be allocated and marked according to this requirement.
 - (iii) If the development is to be strata subdivided, the car park layout must reflect the above allocation and thereafter be regarded as part of the entitlement of that strata lot.
 - (iv) Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.

- (v) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.
- (vi) The parking bays shall be delineated by line marking.
- (vii) Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents of the property or commercial/business/retail premises located within the development. Visitor spaces shall not be allocated as permanent residential parking spaces. Access to visitor parking spaces shall not be restricted without development approval and a sign shall be erected at the vehicular entrance indicating the availability of visitor parking.
- (viii) The following traffic control measures shall be implemented on site:-
 - Signage indicating 'Entry Only' shall be prominently displayed at the entrance to the development.
 - Signage indicating 'Exit Only' shall be prominently displayed at the exit to the development.
 - One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

Details demonstrating compliance with this condition shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure car parking provision in accordance with this consent.)

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78. Engineering Works (certification of)

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

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

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

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

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

(Reason: Asset management.)

79. Occupation of Building

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

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

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

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

(Reason: Statutory requirement.)

80. Stormwater (certification of the constructed drainage system)

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

(Reason: Adequate stormwater management.)

81. Wash Down Areas (appropriate containment bunds)

The wash down area must be appropriately bunded. The effective volume of the bunded area must be 110% of the total volume of the wash-down area. Documentation and plans are to be supplied to certify compliance with this requirement prior to the issue of the Construction Certificate.

A collection sump must be installed within the bunded area and have no access to the stormwater system. The bund floor is to be graded in such a way to direct liquids into the sump.

The applicant must contact Sydney Water (tel.131 110) to discuss the requirements for a Trade Waste Permit before discharging any trade waste into the sewerage system.

(Reason: To prevent water pollution.)

82. Separate Application (for strata subdivision)

This consent does not imply approval to create a separate title, by subdivision or otherwise. Should it be intended to subdivide the approved development into strata title allotments, Council will require the lodgement of a separate development application for consideration.

(Reason: To ensure compliance with the consent.)

CONDITIONS TO BE SATISFIED DURING ONGOING USE OF THE PREMISES

83. Fire Safety (annual statement)

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

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

- (i) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- (ii) Prominently displayed in the building.

(Reason: Fire safety)

84. Noise (compliance with acoustic assessment report)

All recommendations contained in the approved Acoustic Assessment Report prepared by **Acoustic Works** shall be adopted, implemented, and adhered to.

The Principal Certifying Authority (PCA) shall obtain a statement from an appropriately qualified acoustic consultant, certifying that the acoustic mitigation measures outlined in the above stated report **as well as the assessment provided to Council in accordance with Condition 14 of this consent** have been suitably incorporated into the development and that relevant noise criteria have been satisfied prior to the issue of any Occupation Certificate.

Any changes made to the proposal that would alter the acoustic assessment will require a further acoustic assessment and a copy of this further report shall be provided to Council for approval prior to the commencement of works and any recommendations adopted, implemented, and adhered to.

(Reason: Noise control and amenity.)

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85. Pollution (compliance with PEOA 1997 generally)

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

(Reason: Environmental protection.)

86. Visitor Parking Restriction

All visitor parking spaces must not at any time be allocated sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation.

(Reason: Compliance with approved visitor parking provision.)

87. Waste and Recycling (collection hours)

The collection of waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

Garbage and recycling must not be placed on the kerbside for collection more than one hour before the scheduled collection time. Bins and containers are to be removed from the kerbside within one (1) hour of collection and returned to the designated garbage storage area(s).

The garbage and recyclable storage area and bins must be adequate to contain the volume and type of garbage and recyclable matter of the food premises.

All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

88. (Reason: To regulate noise and garbage collection arrangements.)

The finished floor level of the private open spaces for adaptable units is to be no lower than 35mm below the finished floor level of the unit. This will allow a compliant threshold ramp to be constructed in the post-adaptation stage, if required plus circulation space.

(Reason: To comply with Australian Standard AS4299,1995)

89. The tracks of the sliding doors to the private open spaces of adaptable units are to be recessed into the floor slab so as to avoid potential trip hazard.

(Reason: To comply with Australian Standard AS4299,1995)

SIGNED on behalf of
Strathfield Municipal Council



GEOFF BAKER
PUBLIC OFFICER

END CONDITIONS

ADVISORY NOTES

i. 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.

ii. 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.

iii. Lapsing of Consent

This consent will lapse unless the development is physically commenced prior to the date specified in this determination, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.